

January 28, 2021

**VIA ELECTRONIC MAIL TO: stanley\_chapman\_iii@tcenergy.com**

Mr. Stanley G. Chapman III  
Executive NP & President U.S. Pipelines  
ANR Pipeline Company  
700 Louisiana Street, Suite 700  
Houston, Texas 77002

**Re: CPF No. 4-2020-1010**

Dear Mr. Chapman:

Enclosed please find the Final Order issued in the above-referenced case to TC Energy's subsidiary, ANR Pipeline Company. It makes one finding of violation, assesses a civil penalty of \$36,200, and specifies actions that need to be taken to comply with the pipeline safety regulations. When the civil penalty has been paid and the terms of the compliance order completed, as determined by the Director, Southwest Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Ms. Mary McDaniel, Director, Southwest Region, Office of Pipeline Safety, PHMSA  
Mr. Lee Romack, Director, U.S. Regulatory Compliance, TC Energy Corporation,  
lee\_romack@tcenergy.com  
Mr. Francois Poirier, President, TC Energy Corporation, francois\_poirier@tcenergy.com

**CONFIRMATION OF RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

	)	
<b>In the Matter of</b>	)	
	)	
<b>ANR Pipeline Company,</b>	)	<b>CPF No. 4-2020-1010</b>
<b>a subsidiary of TC Energy Corporation,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**FINAL ORDER**

On November 16, 2020, pursuant to 49 C.F.R. § 190.207, the Director, Southwest Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to ANR Pipeline Company (Respondent), a subsidiary of TC Energy Corporation. The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192. The Notice also proposed certain measures to correct the violation. Respondent did not contest the allegations of violation, the proposed civil penalty, or the corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find that Respondent violated the pipeline safety regulation listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 192.616 (**Item 1**) — Respondent failed to implement the American Petroleum Institute’s (API) Recommended Practice (RP) 1162 in the company’s Public Awareness Program (PAP): specifically, with respect to the implementation of two recommendations regarding the company’s System Wide Risk Assessment data plan, and an internal audit process for communication related to the company’s PAP effectiveness reviews and communication best practices. In addition, the company failed to complete a timely PAP effectiveness review, and conducted a 2018 PAP effectiveness study that contained numerous errors and mistakes.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, I assess Respondent a total civil penalty of **\$36,200**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed

instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169. The Financial Operations Division telephone number is (405) 954-8845.

Failure to pay the \$36,200 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

### **COMPLIANCE ORDER**

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

### **WARNING ITEM**

With respect to Item 2, the Notice alleged probable violations of 49 C.F.R. § 192.727, but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

January 28, 2021

---

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

---

Date Issued