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October 5, 2016

FILE NO: 56989.000030

**VIA E-MAIL AND FED EX OVERNIGHT DELIVERY**

Attention: Mr. Chris Hoidal  
Director, Western Region  
Pipeline and Hazardous Materials Safety Administration  
Western Region Office  
12300 W. Dakota Ave., Suite 110  
Lakewood, CO 80228

**RE: Notice of Probable Violation and Proposed Civil Penalty, CPF No. 5-2016-6005  
Response and Request for Hearing, Request for Documents, and Preliminary  
Statement of Issues**

Dear Mr. Hoidal:

On behalf of Colorado Interstate Gas Company, L.L.C. ("CIG" or "the Company"), a subsidiary of Kinder Morgan, we respectfully submit the attached Request for Hearing, Request for Documents, and Preliminary Statement of Issues, pursuant to 49 C.F.R. §§ 190.208 and 190.211. CIG received the above referenced Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order ("NOPV" or "Notice") on September 6, 2016.

The Notice alleges that CIG committed probable violations of the pipeline safety regulations and proposes a civil penalty of \$198,000. CIG respectfully contests the amount of the proposed civil penalty for the reasons outlined in the above referenced attachments.

CIG takes its pipeline safety obligations seriously and welcomes the opportunity to resolve these issues in lieu of a hearing. Please do not hesitate to contact me at 404-888-4047 or Jessica Toll at 303-914-7630 if you have any questions.

Respectfully submitted,

  
Catherine D. Little

Enclosures

cc: Jessica Toll, Kinder Morgan

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PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
WASHINGTON, D.C. 20590

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<b>In the Matter of</b>	§	
	§	
<b>Colorado Interstate Gas Company, L.L.C.</b>	§	<b>CPF 5-2016-6005</b>
	§	
<b>Respondent.</b>	§	

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**REQUEST FOR HEARING, REQUEST FOR DOCUMENTS, AND  
PRELIMINARY STATEMENT OF ISSUES**

**I. Request for Hearing**

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), Colorado Interstate Gas Company, L.L.C. (“CIG”) respectfully requests an in-person hearing on the proposed civil penalty contained in the Notice of Probable Violation and Proposed Civil Penalty (“Notice”) received by CIG on September 6, 2016 in the above-referenced case. This Request for Hearing is timely under 49 C.F.R. §190.208. CIG will be represented by counsel at the hearing.

**II. Request for Documents**

In order to ensure a full and fair hearing, CIG respectfully requests the following:

1. Pursuant to 49 C.F.R. § 190.208(c), CIG requests that the Office of Pipeline Safety (“OPS”) provide a copy of its violation report and any accompanying evidence in this matter, including the supporting documentation reviewed by the Compliance Officer in developing the recommended civil penalty.
2. Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7), and 5 U.S.C. § 552(a)(2)(C), CIG requests copies of the following materials related to the proposed civil penalty in this case:
  - a. Copies of any penalty calculation worksheets or work papers for the specific penalty proposed in this case.
  - b. Copies of any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures or any other documents that OPS staff rely on to develop a proposed civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225.
  - c. Copies of any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures or any other documents that the Presiding Official or Associate Administrator rely on

to determine a final civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225.

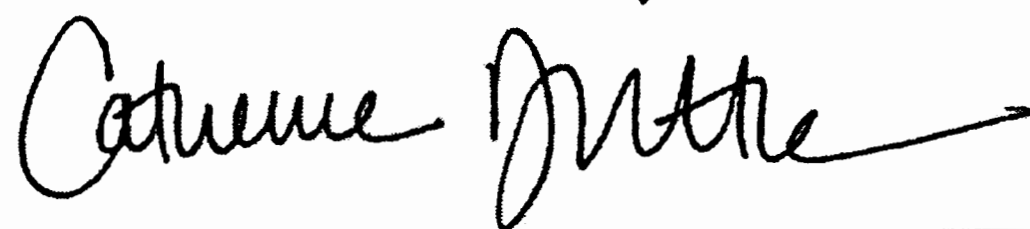
### **III. Preliminary Statement of Issues**

CIG respectfully contests the proposed civil penalty of \$198,000 and intends to raise the following issues at a hearing:

1. Whether the record supports the proposed civil penalty in this case and whether it should be withdrawn.
2. Whether certain alleged violations are duplicative and the civil penalty should be reduced accordingly.
3. Whether the penalty is consistent with penalty considerations factors in 49 C.F.R. § 190.225, the Pipeline Safety Act, and precedent.
4. Whether OPS's method of developing, proposing, and assessing administrative civil penalties is consistent with applicable laws and regulations.

At the hearing in this case, CIG intends to present evidence and engage with OPS in discussion on these issues. CIG reserves the right to supplement this Statement of Issues at or before hearing. CIG also reserves the right to respond to any new factual assertions or arguments introduced by OPS during the proceedings in this case.

Respectfully submitted this 5<sup>th</sup> day of October, 2016.



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