

March 8, 2019

Mr. Luke A. Litteken
President and Chief Executive Officer
WestGas InterState, Inc.
1800 Larimer Street, Suite 1100
Denver, CO 80202

Re: CPF No. 5-2017-1012

Dear Mr. Litteken:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and finds that WestGas Interstate, Inc., has completed the actions specified in the Notice to comply with the pipeline safety regulations. Therefore, this case is now closed. Service of the Final Order by certified mail is effective upon the date of mailing 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

Enclosure

cc: Director, Western Region, Office of Pipeline Safety, PHMSA
Mr. Ben Fowke, President and Chief Executive Officer, Xcel Energy, Inc., 414 Nicollet
Mall, Minneapolis, MN 55401

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

)		
In the Matter of)		
)		
WestGas InterState, Inc.,)		
a subsidiary of Xcel Energy, Inc.,)		CPF No. 5-2017-1012
)		
Respondent.)		
)		

FINAL ORDER

On February 14, March 27 through 28, and May 16, 2017, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of WestGas InterState, Inc. (WestGas or Respondent), a wholly-owned subsidiary of Xcel Energy, Inc., in northern Colorado and southern Wyoming. WestGas operates 11 miles of interstate pipeline connecting the public service company of Colorado Chalk Bluffs with the Black Hills Utility Holdings delivery system in Cheyenne, Wyoming.¹ According to WestGas, the interstate pipeline facilities that are the subject of this Final Order are operated by personnel from Public Service Company of Colorado.²

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated October 12, 2017, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that WestGas had committed two violations of 49 C.F.R. Part 192 and proposed ordering Respondent to take certain measures to correct the alleged violations.

WestGas, via its parent company, responded to the Notice by letter dated November 6, 2017 (Response). The company did not contest the allegations of violation and agreed to complete the proposed compliance actions. WestGas submitted a supplemental response on January 9, 2018, documenting its efforts to be responsive to the compliance order. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

In its Response, WestGas did not contest the allegations in the Notice that it violated 49 C.F.R. Part 192, as follows:

¹ See <http://www1.xcelenergy.com/webebb/html/wgis.asp>. (Current as of September 14, 2018).

² Response, at 1.

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.705(b), which states:

§ 192.705 Transmission lines: Patrolling.

(a) ...

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Maximum interval between patrols		
Class location of line	At highway and railroad crossings	At all other places
1, 2	7½ months; but at least twice each calendar year	15 months; but at least once each calendar year
3	4½ months; but at least four times each calendar year	7½ months; but at least twice each calendar year
4	4½ months; but at least twice each calendar year	4½ months; but at least four times each calendar year.

The Notice alleged that Respondent violated 49 C.F.R. § 192.705(b) by failing to patrol its pipeline in Class 3 locations every 7½ months, but at least twice a year. Specifically, the Notice alleged that WestGas provided inspection records for August and November 2015, as well as June and December 2016, but could not provide any inspection records to demonstrate that patrolling took place at 7½ month intervals prior to August 2015 on its Class 3 locations.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.705(b) by failing to patrol its pipeline in Class 3 locations every 7½ months, but at least twice a year.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 192.706(a), which states:

§ 192.706 Transmission lines: Leakage surveys.

Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with § 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted –

(a) In Class 3 locations, at intervals not exceeding 7½ months, but at least twice each calendar year; and

(b) In Class 4 locations, at intervals not exceeding 4½ months, but at least four times each calendar year.

The Notice alleged that Respondent violated 49 C.F.R. § 192.706(a) by failing to conduct leakage surveys in 2015 on its pipeline that transports gas in conformity with § 192.625 without an odor or odorant in its Class 3 location at intervals not exceeding 7½ months, but at least twice each calendar year. Specifically, the Notice alleged that during the PHMSA inspection, a

WestGas representative provided the PHMSA inspector with leakage-survey records for August and December 2015, as well as June and December 2016, but could not produce leak surveys for the same line (which transports gas without an odorant) within 7½ months prior to August 2015.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.706(a) by failing to conduct leakage surveys in 2015 on its pipeline that transports gas in conformity with § 192.625 without an odor or odorant in its Class 3 location, at intervals not exceeding 7½ months, but at least twice each calendar year.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1 and 2 in the Notice for violations of 49 C.F.R. §§ 192.705(b) and 192.706(a), respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Director indicates that Respondent has taken the following actions specified in the proposed compliance order:

1. With respect to the violation of § 192.705(b) (**Item 1**), Respondent has transitioned to a new SAP resource-planning software that includes tracking and reporting of compliance activities on WestGas' natural gas transmission pipeline. In addition, WestGas completed its 2017 compliance inspection using its old work management system (to try and remediate any problems before 2018) and has decided to patrol its entire pipeline twice per year as a policy.
2. With respect to the violation of § 192.706(a) (**Item 2**), Respondent has transitioned to a new SAP resource planning software that includes tracking and reporting of compliance activities on WestGas' natural gas transmission pipeline. In addition, WestGas completed its 2017 compliance inspection using its old work management system (to try and remediate any problems before 2018) and has decided to patrol its entire pipeline twice per year as a policy.

Accordingly, I find that compliance has been achieved with respect to these violations. Therefore, the compliance terms proposed in the Notice are not included in this Order.

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

March 8, 2019

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued