

August 25, 2023

Mr. Robert Burrough  
Director, Eastern Region  
Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration  
840 Bear Tavern Road, Suite 300  
West Trenton, NJ 08628

**RE: CPF 1-2023-043-NOPV – RESPONSE TO NOTICE OF PROBABLE VIOLATION AND PROPOSED CIVIL PENALTY**

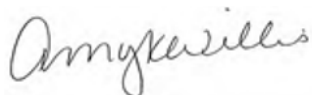
Mr. Burrough,

In response to the above-referenced Notice of Probable Violation and Proposed Civil Penalty (Notice) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on July 28, 2023, TC Energy on behalf of Columbia Gas Transmission, LLC (Columbia) respectfully requests an informal meeting, pursuant to 49 U.S.C. 60117(b)(1)(B), to discuss the allegation of Item 1 of the issued Notice and resolve its concerns. TC Energy is not contesting Item 2 of the issued NOPV. TC Energy is optimistic that an informal meeting will allow the parties to appropriately address the issues raised by the Eastern Region in the Notice.

In order to preserve its rights, TC Energy also submits a Request for Hearing pursuant to 49 C.F.R. § 190.211 and as required provides our Preliminary Statement of Issues. TC Energy hopes that a hearing will be unnecessary and that the parties can resolve this matter informally. TC Energy respectfully requests that PHMSA refrain from scheduling a hearing to provide the parties with sufficient time to attempt to informally resolve this Notice.

Please feel free to contact myself with any questions.

Respectfully,

A handwritten signature in dark ink, appearing to read "Amy Willis", written in a cursive style.

Amy Willis  
Director, US Regulatory Compliance  
US Natural Gas

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION**

OFFICE OF PIPELINE SAFETY

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**In the Matter of**

**Columbia Gas Transmission, LLC,**

**Respondent.**

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**CPF No. 1-2023-043-NOPV**

**REQUEST FOR HEARING AND PRELIMINARY STATEMENT  
OF ISSUES IN RESPONSE TO NOTICE OF PROBABLE  
VIOLATION AND PROPOSED CIVIL PENALTY**

**I. Request for Hearing**

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), TC Energy, on behalf of Columbia Gas Transmission, LLC (TCO), respectfully requests an in-person hearing to discuss the alleged violation and proposed civil penalty contained in the above-referenced Notice of Probable Violation and Proposed Civil Penalty (Notice) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on July 28, 2023.

**II. Preliminary Statement of Issues**

TC Energy respectfully contests the allegation of violation and proposed civil penalty contained in Item 1 of the Notice and intends to raise the following issues at the informal hearing.

1. Whether TCO violated Special Permit PHMSA-2008-0331 Condition 20 as alleged in the Notice, including:
  - a. Whether the requirements in Condition 20 apply to the alleged anomaly; and
  - b. Whether TCO failed to follow the requirements of Condition 20 regarding response time following the performance of an inline inspection tool run in a special permit inspection area.

2. Whether the record supports the amount of the Proposed Civil Penalty and the calculation is otherwise appropriate and consistent with law.

TC Energy reserves the right to revise and supplement this Statement of Issues, if necessary, based on any new information or argument provided by PHMSA in this matter. TC Energy will be represented by counsel at the hearing.

### **III. Request for Agency Records**

Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3), and (c)(7), Section 108(a)(2) (amending 49 U.S.C. § 60117(b)(1)(C)) of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2020, and the affirmative disclosure requirements of 5 U.S.C. § 552(a)(2)(C), TC Energy respectfully requests that PHMSA include in the case file all agency records pertinent to the matters of fact and law asserted in the Notice. TC Energy respectfully requests that PHMSA release these agency records at the earliest possible date, but not to exceed 10 days prior to the hearing, so that TC Energy has a full “opportunity to offer facts, statements, explanations, documents, testimony or other evidence that is relevant and material to the issues under consideration[,]” and to fully and fairly “examine the evidence and witnesses presented by the other party” at the hearing, in accordance with 49 C.F.R. § 190.211(d)-(e). TC Energy reserves the right to ask the Presiding Official to compel the production of any agency records that PHMSA fails to release pursuant to the authority provided in 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7).

Respectfully submitted,



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