

January 16, 2024

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 1-2023-047-NOPV – RESPONSE TO NOTICE OF PROBABLE
VIOATION AND PROPOSED COMPLIANCE ORDER**

Mr. Burrough,

In response to the above-referenced Notice of Probable Violation and Proposed Compliance Order (Notice) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on December 04, 2023, TC Energy, on behalf of ANR Pipeline Company, (ANR), respectfully requests an informal meeting pursuant to 49 U.S.C. § 60117(b)(1)(B) to discuss Item 1 and Item 2 of the Notice and resolve its concerns. 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.

To preserve its rights, TC Energy is also submitting 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**

_____)
In the Matter of)

ANR Pipeline Company,)

Respondent.)
_____)

CPF No. 1-2023-047-NOPV

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

I. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), TC Energy, on behalf of ANR Pipeline Company (ANR), respectfully requests an in-person hearing to discuss the Notice of Probable Violation and Proposed Compliance Order (Notice) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on December 04, 2023, in the above-captioned proceeding.

II. Preliminary Statement of Issues

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

1. Whether, given the facts and circumstances alleged in Item 1 of the Notice, PHMSA can meet its burden of showing that ANR failed to place and maintain as close as practical pipeline markers in accordance with § 192.707.
2. Whether the proposed compliance order is appropriate or should be modified or withdrawn.

TC Energy respectfully contests the allegation of violation contained in Item 2 of the Notice and intends to raise the following issues at the informal hearing.

1. Whether, given the facts and circumstances alleged in Item 2 of the Notice, PHMSA can meet its burden of showing that ANR failed to test and inspect relief devices.
2. Whether, given the facts and circumstances alleged in Item 2 of the Notice, PHMSA can meet its burden of showing that the requirements in §§ 192.731, 192.739 and 192.743 apply to each of the safety relief devices at its compressor stations.

3. Whether the proposed compliance order is appropriate or should be modified or withdrawn.

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,



Counsel for TC Energy
Shareholder
Babst Calland
505 9th Street, NW, Suite 602
Washington, DC 20004
kcoyle@babstcalland.com
Office 202-853-3460
Cell 202-774-7159