

May 24, 2022

VIA ELECTRONIC MAIL TO: colin.gruending@enbridge.com

Mr. Colin K. Gruending
Executive Vice President and President, Liquid Pipelines
Enbridge Inc.
200, Fifth Avenue Place
425 - 1st Street SW
Calgary, Alberta, Canada T2P 3L8

Re: CPF No. 3-2022-016-NOPV

Dear Mr. Gruending:

Enclosed please find the Final Order issued in the above-referenced case to your subsidiary Enbridge Energy, Limited Partnership. It makes a finding of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Central Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt 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: Mr. Gregory Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA
Mr. Michael Koby, Vice President, US Operations, Enbridge Inc.,
michael.koby@enbridge.com
Mr. David Stafford, Manager, US Pipeline Compliance, Enbridge Inc.,
david.stafford@enbridge.com

CONFIRMATION OF 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

**Enbridge Energy, Limited Partnership,
a subsidiary of Enbridge Inc.,**

Respondent.

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CPF No. 3-2022-016-NOPV

FINAL ORDER

On January 7, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Enbridge Energy, Limited Partnership (Respondent), an operating subsidiary of Enbridge Inc.¹ The Notice proposed finding that Respondent had violated a pipeline safety regulation in 49 C.F.R. Part 195. The Notice also proposed certain measures to correct the violation. Respondent did not contest the allegation of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find 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. § 195.446(c)(3) **(Item 2)** — Respondent failed to test and verify their internal communication plan to provide adequate means for manual operation of the pipeline safely, at least once each calendar year, but at intervals not to exceed 15 months.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

Compliance Actions

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

¹ US SEC Form 10-K, Enbridge Inc., available at <https://www.enbridge.com/investment-center/reports-and-sec-filings/sec-filings/sec-filing-details?docId=264778> (last accessed May 6, 2022).

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 the 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 1, the Notice alleged a probable violation of 49 C.F.R. § 195.446(c)(2), 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.

May 24, 2022

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued