



Northern Natural Gas Company
1111 South 103rd Street
Omaha, NE 68124-1000
(402) 398-7000

February 29, 2024

Gregory Ochs – Director
PHMSA – Central Region
901 Locust Street, Suite 480
Kansas City, MO 64106

Re: CPF No. 3-2024-011-NOPV

Dear Mr. Ochs,

I am writing on behalf of Northern Natural Gas Company (Northern) regarding the Notice of Probable Violation and Proposed Compliance Order (Notice) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on February 6, 2024, in the above-captioned proceeding.

Please be advised that Northern has retained Babst Calland (Babst) to serve as legal counsel for the company in this proceeding. Babst has prepared a response to the Notice that is attached for your review.

Northern shares PHMSA's commitment to pipeline safety and looks forward to working with your office to resolve this matter.

Sincerely,

Thomas Correll

Vice President

Pipeline Safety and Risk

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

_____)
In the Matter of)

)
Northern Natural Gas Company,)

CPF No. 3-2024-011-NOPV

)
Respondent.)
_____)

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

I. Request for Informal Meeting

Pursuant to 49 U.S.C. § 60117(b)(1)(B), Northern Natural Gas Company respectfully requests an informal meeting with the Office of Pipeline Safety (OPS) to discuss the Notice of Probable Violation and Proposed Compliance Order (Notice) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on February 6, 2024, in the above-captioned proceeding. Northern Natural Gas Company is optimistic that an informal meeting will allow the parties to appropriately address the issues raised in the Notice.

II. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(b)(4) and 190.211(b), Northern Natural Gas Company respectfully requests a hearing in response to the allegation of violation in Item 1 of the Notice and the terms of the proposed compliance order.

III. Preliminary Statement of Issues

Northern Natural Gas Company intends to raise the following issues at the informal hearing:

1. Whether, given the facts and circumstances alleged in Item 1 of the Notice, OPS can meet its burden of proof showing that the Northern Natural Gas Company failed to comply with the class location requirements in 49 C.F.R. § 192.5(c).
2. Whether PHMSA provided due process and fair notice in issuing the alleged violation.

3. Whether the terms of the proposed compliance order are appropriate or should be modified or withdrawn.

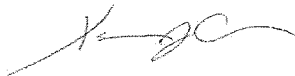
Northern Natural Gas Company reserves the right to revise and supplement the Preliminary Statement of Issues, if necessary, based on any new information or argument provided by OPS in this matter. Northern Natural Gas Company will be represented by counsel at the hearing.

IV. 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), Northern Natural Gas Company respectfully requests that OPS include in the case file all PHMSA records pertinent to the matters of fact and law asserted in the Notice, including any and all statements of policy, staff manuals, instructions, training materials, enforcement guidance, interpretation letters, and other documents concerning the requirements in 49 C.F.R. § 192.5(c).

Northern Natural Gas Company respectfully requests that OPS release these agency records at the earliest possible date, but not to exceed 10 days prior to the hearing, so that Northern Natural Gas Company 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). Northern Natural Gas Company reserves the right to ask the Presiding Official to compel the production of any PHMSA records that OPS fails to release pursuant to the authority provided in 49 C.F.R. §§ 190.7 and 190.212(c)(2), (c)(3) and (c)(7).

Respectfully submitted,



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