

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

|                                  |   |                        |
|----------------------------------|---|------------------------|
| In the Matter of                 | ) |                        |
|                                  | ) |                        |
|                                  | ) |                        |
| Gulf South Pipeline Company, LLC | ) |                        |
| and Texas Gas Transmission, LLC, | ) | CPF No. 3-2024-064-NOA |
|                                  | ) |                        |
| Respondents.                     | ) |                        |
|                                  | ) |                        |

**Request for Hearing, Preliminary Statement of Issues  
and Request for Informal Meeting of  
Gulf South Pipeline Company, LLC and  
Texas Gas Transmission, LLC**

Pursuant to § 190.206(a) and § 190.211,<sup>1</sup> Gulf South Pipeline Company, LLC (Gulf South) and Texas Gas Transmission, LLC (Texas Gas)<sup>2</sup> submit a Request for Hearing and Preliminary Statement of Issues regarding the Notice of Amendment (NOA) issued on August 15, 2024. On September 4, 2024, PHMSA extended the deadline to October 15, 2024, for submitting a written response.

The NOA contains eleven items. Gulf South and Texas Gas request a hearing on Item 1, Item 2, and Item 3, and in a concurrently submitted written response, are contesting these three items and requesting that they be withdrawn. Gulf South and Texas Gas do not contest Item 4 through Item 11.

Gulf South and Texas Gas are committed to public safety and operating their pipeline facilities in accordance with PHMSA's regulations. The companies take allegations of non-compliance seriously and look forward to resolving the violation alleged in Item 1, Item 2, and Item 3 of the NOA.

As permitted under 49 U.S.C. § 60117(b)(1)(B),<sup>3</sup> Texas Gas and Gulf South request that PHMSA convene an informal meeting regarding Item 1, Item 2, and Item 3 so that the parties can discuss the NOA's allegations regarding Boardwalk procedures. Texas Gas and Gulf South also

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<sup>1</sup> 49 C.F.R. §§ 190.206(a) and 190.211 (2023).

<sup>2</sup> Gulf South and Texas Gas are wholly owned operating subsidiaries of Boardwalk Pipelines, L.P. (Boardwalk). Although the NOA refers to "BW Pipelines," Gulf South and Texas Gas operate separate pipeline systems and have different operator identification numbers (OPID). Gulf South's OPID is 31728 and Texas Gas's OPID is 19270. The two companies operate their pipeline systems pursuant to procedures that are maintained by Boardwalk on behalf of multiple Boardwalk-owned pipelines. Boardwalk does not operate any pipeline facility and does not have an OPID.

<sup>3</sup> 49 U.S.C. § 60117(b)(1)(B) (2018), as amended by The Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020, Pub. L. No. 116-260, div. R, title I, § 108(a)(2), 134 Stat. 2221, 2223 (Dec. 27, 2020).

request that the presiding official delay scheduling a hearing to allow the parties sufficient time to discuss the contested items.

### **Request for Hearing**

Gulf South and Texas Gas request that PHMSA convene an in-person hearing. Gulf South and Texas Gas will be represented by legal counsel at the hearing and they intend to raise the issues identified below in the Preliminary Statement of Issues.

Gulf South and Texas Gas reserve the right to revise this Preliminary Statement of Issues at or before the hearing based on any additional information that may be provided during this proceeding, including the informal meeting. In particular, Gulf South and Texas Gas note that on August 26, 2024, they requested the case file for this enforcement proceeding and were provided only its own procedures. Under the Pipeline Safety Act, the case file includes “all agency records pertinent to the matters of fact and law asserted.”<sup>4</sup> On September 20, 2024, Gulf South and Texas Gas specifically requested the notes associated with the NOA’s allegations. Such notes constitute part of the “agency record.” To date, PHMSA has not responded to the companies’ request. Gulf South and Texas Gas reserve the right to supplement this Preliminary Statement of Issues to address any additional issues raised by the requested materials after PHMSA provides them.

### **Preliminary Statement of Issues**

#### ***Item 1 § 192.113 Longitudinal joint factor (E) for steel pipe.***

Whether PHMSA failed to satisfy its burden of proving the allegation that the Boardwalk TVC Guideline does not provide adequate guidance for selecting a longitudinal joint factor in accordance with § 192.113 in circumstances where Gulf South and Texas Gas can ascertain with certainty that the seam type of a segment of pipe has a longitudinal joint factor of not less than 1.00 under § 192.113.

Whether PHMSA failed to satisfy its burden of proving the allegation that the Boardwalk TVC Guideline is inadequate to assure safe operation of a pipeline facility in circumstances where Gulf South and Texas Gas can ascertain with certainty that the seam type of a segment of pipe has a longitudinal joint factor of not less than 1.00 under § 192.113.

Whether PHMSA failed to satisfy its burden of proving that the Boardwalk TVC Guideline must be amended to assure safe operation of a pipeline facility and whether requiring such amendments is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

#### ***Item 2 § 192.607 Verification of Pipeline Material Properties and Attributes: Onshore steel transmission pipelines***

Whether PHMSA failed to satisfy its burden of proving that the Boardwalk written Integrity Management Plan’s (IM Plan) provision addressing the opportunistic acquisition

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<sup>4</sup> 49 U.S.C. § 60117(b)(1)(C).

of pipe material and attribute information does not provide adequate guidance for implementing § 192.607(c).

Whether PHMSA failed to satisfy its burden of proving that the Boardwalk IM Plan's provision addressing the opportunistic acquisition of pipe material and attribute information is inadequate to assure safe operation of a pipeline facility.

Whether PHMSA failed to satisfy its burden of proving that the Boardwalk IM Plan must be amended to assure safe operation of a pipeline facility and whether requiring such amendments is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

***Item 3 § 192.607 Verification of Pipeline Material Properties and Attributes: Onshore steel transmission pipelines***

Whether PHMSA failed to satisfy its burden of proving that Boardwalk's IM Plan is inadequate to assure safe operation of a pipeline facility when § 192.607(e) does not require that a pipeline implement a sampling program.

Whether PHMSA failed to satisfy its burden of proving that the Boardwalk IM Plan must be revised to assure safe operation of a pipeline facility and that requiring a sampling program under § 192.607(e) is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony G. Rizk", with a stylized flourish at the end.

Tony G. Rizk, P.E.  
VP, Technical Services  
Boardwalk Pipelines

October 15, 2024