

**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. 3-2024-066-NOPV
)	
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 § 190.208(b)(4) and § 190.211, Gulf South Pipeline Company, LLC (Gulf South) and Texas Gas Transmission, LLC (Texas Gas) submit a Request for Hearing and Preliminary Statement of Issues regarding the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (Notice) issued on August 22, 2024.

The Notice contains two alleged violations. Item 1 of the Notice involves the identification of a Class 3 location only on the Gulf South system.¹ Gulf South does not contest Item 1 and the proposed civil penalty. Item 2 of the Notice alleges violations on the systems of both Gulf South and Texas Gas. The companies contest Item 2 and the proposed compliance order and in a concurrently filed written response, Gulf South and Texas Gas request that the alleged violation in Item 2 and the proposed compliance order be withdrawn.

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 2 of the Notice.

As permitted under 49 U.S.C. § 60117(b)(1),² Texas Gas and Gulf South request that PHMSA convene an informal meeting regarding Item 2 so that the parties can discuss the alleged violation and the proposed compliance order. Texas Gas and Gulf South also request that the presiding official delay scheduling a hearing to allow the parties sufficient time to meet to resolve the contested allegation.

¹ Notice at 1-2. Gulf South and Texas Gas are wholly owned operating subsidiaries of Boardwalk Pipelines, L.P. Gulf South's Operator Identification Number (OPID) is 31728 and Texas Gas's OPID is 19270. Gulf South and Texas Gas operate their pipeline systems pursuant 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.

² 49 U.S.C. § 60117(b)(1) (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 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.

Preliminary Statement of Issues

Item 2: § 192.605(a) Procedural manual for operations, maintenance, and emergencies.

Whether OPS failed to satisfy its burden of proving that the six road crossings listed in Item 2 of the Notice are moderate consequence areas (MCA) as defined in § 192.3.

Whether OPS has failed to satisfy its burden of proving that Gulf South and Texas Gas did not complete their initial MCA analyses for their baseline assessment plans in accordance with IMP procedures.

Whether OPS has failed to satisfy its burden of proving that Gulf South and Texas Gas did not comply with the requirement of § 192.605(a) to follow plans and procedures.

Whether the proposed compliance order 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

September 12, 2024