

August 16, 2024

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8701 S. Gessner, Suite 630
Houston, Texas 77074

RE: *Re: Florida Gas Transmission Company, LLC, a subsidiary of Energy Transfer LP v. United States Department of Transportation; Pipeline and Hazardous Materials Safety Administration; Office of Pipeline Safety—Petition for Review filed with the United States Court of Appeals for the Fifth Circuit*

Dear Sirs and Madams:

The enclosed Petition for Review was today electronically filed with the
United States Court of Appeals for the Fifth Circuit.

Sincerely,

/s/ Dana Livingston

Dana Livingston
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*Counsel for Petitioner Florida Gas
Transmission, LLC, a subsidiary of Energy
Transfer LP*

**United States Court of Appeals
for the Fifth Circuit**

FLORIDA GAS TRANSMISSION COMPANY, LLC, A SUBSIDIARY OF
ENERGY TRANSFER LP,

Petitioner,

versus

UNITED STATES DEPARTMENT OF TRANSPORTATION; PIPELINE AND
HAZARDOUS MATERIALS SAFETY ADMINISTRATION; OFFICE OF
PIPELINE SAFETY,

Respondents.

On Petition for Review of an
Order of the Department of Transportation
Agency No. 4-2022-032-NOPV

PETITION FOR REVIEW

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*Counsel for Petitioner Florida Gas Transmission Company, LLC,
a subsidiary of Energy Transfer LP*

PETITION FOR REVIEW

Under Federal Rule of Appellate Procedure 15, Florida Gas Transmission Company, LLC, a subsidiary of Energy Transfer LP (“FGT”), hereby petitions the Court for review of the Final Order issued May 21, 2024 of the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety. The Final Order constitutes final agency action.

1. This petition is timely. 49 U.S.C. § 60119(a)(1) (“The petition must be filed not later than 89 days after the regulation is prescribed or order is issued.”).

2. Venue is proper in this Court under 49 U.S.C. § 60119(a)(1):

[A] person adversely affected by . . . an order issued under this chapter may apply for review of the . . . order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person . . . has its principal place of business.

FGT is a person within the meaning of section 60119(a)(1). *See* 49 U.S.C. § 60101(a)(17) (incorporating definition of “person” within the meaning of 1 U.S.C. § 1 to include “corporations, companies, associations, firms, partnerships, . . . and joint stock companies, as well as individuals”). FGT’s principal place of business—in Texas—lies within this Circuit. 49 U.S.C. § 60119(a)(1).¹

¹ FGT is owned by Citrus Corporation, a joint venture between Energy Transfer LP and Kinder Morgan, Inc. *See* Exhibit A n.1 (citing Energy Transfer LP website, Tab: “Natural Gas,” *available at* <https://www.energytransfer.com/natural-gas>). Like

3. A Certificate of Interested Persons is attached in accordance with Fifth Circuit Rule 28.2.1.

4. Pursuant to Fifth Circuit Rule 15.1(b), a copy of the agency's Final Order is attached as Exhibit A.

Petitioner prays that this Court hold unlawful, vacate, enjoin, and set aside the Final Order, and provide such additional relief as may be appropriate.

FGT, Energy Transfer LP's principal place of business is in Texas. The same is true of Kinder Morgan, Inc.

Dated: August 16, 2024

Respectfully submitted,

s/ Dana Livingston

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*Counsel for Petitioner Florida Gas
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Transfer LP*

FLORIDA GAS TRANSMISSION COMPANY, LLC, A SUBSIDIARY OF
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Petitioner,

versus

UNITED STATES DEPARTMENT OF TRANSPORTATION; PIPELINE AND
HAZARDOUS MATERIALS SAFETY ADMINISTRATION; OFFICE OF
PIPELINE SAFETY,

Respondents.

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may exercise possible disqualification or recusal.

Petitioner:	Florida Gas Transmission Company, LLC, a subsidiary of Energy Transfer LP
Counsel for Petitioner:	Dana Livingston dlivingston@cokinoslaw.com COKINOS YOUNG, P.C. 900 S. Capital of Texas Hwy. Suite 425 Austin, TX 78746 Telephone: (512) 482-9304 Facsimile: (512) 610-1184

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Other Interested Persons:	<p>FGT is owned by Citrus Corporation—a joint venture between Energy Transfer LP and Kinder Morgan, Inc.</p>
Respondents:	<p>U.S. Department of Transportation</p>
	<p>Pipeline and Hazardous Materials Safety Administration</p>
	<p>Office of Pipeline Safety</p>

s/ Dana Livingston
Dana Livingston
Attorney of Record for Petitioner Florida Gas
Transmission Company, LLC, a subsidiary of
Energy Transfer LP

CERTIFICATE OF FILING AND SERVICE

I certify that this Petition for Review was filed with the Court via the Court's electronic filing system on August 16, 2024. A copy of this Petition was also sent to Respondent by First-Class U.S. mail, addressed to:

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