

**Before the
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety
Washington, D.C.**

_____))
In the Matter of)

East Tennessee Natural Gas, LLC,)

Respondent.)
_____)

CPF No. 4-2025-039-NOPV

Petition for Reconsideration of Final Order

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety (PHMSA or the Agency) issued a Final Order to East Tennessee Natural Gas, LLC (ETNG or the Company) on November 24, 2025, in connection with a Notice of Probable Violation (Notice or NOPV) and Proposed Compliance Order issued to ETNG on July 3, 2025. The Final Order finds that ETNG violated 49 C.F.R. § 193.2441(c) for failing to maintain continuous attendance in its Kingsport Liquefied Natural Gas (LNG) facility control center during limited, periodic roving patrols of the facility, declines to conclude that ETNG’s corrective actions implemented after the inspection satisfy the Proposed Compliance Order, and imposes a Compliance Order that requires ETNG to “develop and implement an operations procedure requiring personnel to be in continuous attendance” within 45 days. As provided by 49 C.F.R. § 190.243, ETNG timely files this Petition for Reconsideration of the Final Order to the Associate Administrator.¹

ETNG prioritizes pipeline safety and is committed to collaborating with the Agency to promote the safe operation of ETNG’s LNG facility in compliance with 49 C.F.R. Part 193 requirements, as demonstrated by its implementation of an innovative mobile solution with identical software and functionality as the facility’s desktop system to address PHMSA’s concerns communicated during the inspection and in advance of issuance of the NOPV. With this Petition for Reconsideration, ETNG respectfully requests that PHMSA reconsider the Final Order in light of procedural errors as well as associated due process and policy concerns raised by (1) the Region’s failure to provide ETNG with a copy of its Region Recommendation dated September 5, 2025 until after the Final Order was issued in late November 2025 and (2) the Agency’s failure in the Final Order to determine whether the technology employed by ETNG comports with 49 C.F.R. § 193.2441 and satisfies the Compliance Order. Based on the information provided with this Petition, ETNG requests that PHMSA determine that the Compliance Order has been satisfied by ETNG, or, alternatively, modify the Compliance Order to expressly allow for the use of mobile

¹ Section 190.243 provides that a Respondent may file a Petition for Reconsideration of a Final Order within 20 days of receipt, which given receipt of the Final Order on November 24, 2025, falls on Sunday, December 14th, 2025. PHMSA has clarified by direct final rule that any filing due on a holiday or weekend “will be deferred until the following business day,” which in this case is Monday, December 15, 2025. See PHMSA, *Direct Final Rule: Rationalize Calculation of Regulatory Filing and Compliance Deadlines*, 90 Fed. Reg. 28044 (Jul. 1, 2025).

technology or specifically a mobile human machine interface (HMI) device to comply with the continuous attendance requirement at 49 C.F.R. § 193.2441.²

Given that this Petition focuses solely on the method already employed by ETNG to satisfy the Compliance Order, and there is no impact to pipeline safety, ETNG has concurrently filed a Request for Stay of the Compliance Order during the pendency of the Agency’s consideration of this Petition for Reconsideration. Because ETNG believes that the issues identified in this Petition are capable of resolution through further engagement with PHMSA – which if successful, could moot the need for this Petition for Reconsideration – ETNG respectfully requests that the Agency hold review of this Petition in abeyance to preserve its legal right to challenge the Compliance Order until ETNG can obtain further clarity from the Agency.

I. Procedural and Regulatory Background

The Final Order and underlying NOPV are based on a three-day inspection of ETNG’s LNG facility located in Kingsport, Tennessee that occurred from June 4 to June 6, 2024. ETNG’s Kingsport LNG control center is staffed 24 hours a day, 7 days a week. During certain limited, non-business hours (including weekends and between 4 pm - 8 am on weekdays), ETNG staffs its control center with at least a single operator who conducts brief periodic patrols of the facility for security purposes and/or to perform routine rounds and readings. Notably, during times when LNG is vaporizing, ETNG typically ensures that at least two operators are onsite at all times, even during non-business hours.³ PHMSA alleged that ETNG was in violation of 49 C.F.R. § 193.2441(c) due to the short patrols undertaken during the limited circumstances in which a single operator staffed the facility by failing to “have personnel in continuous attendance in its control center or alternate control center while any of the components under its control were in operation.”

A. Section 193.2441(c) Continuous Attendance Requirement

The underlying regulation at 49 C.F.R. § 193.2441(c) is among the Part 193 regulations that PHMSA is currently in the process of updating, having been established in 1980 and which remains unchanged in its current state:⁴

Each control center must have personnel in continuous attendance while any of the components under its control are in operation, unless the control is being performed from another control center which has personnel in continuous attendance.

² In the event that the Associate Administrator does not believe that it can resolve this Petition based on the information provided, ETNG alternatively requests that this matter be remanded back to PHMSA’s Southwest Region to consider the information contained herein.

³ When ETNG expects that the vaporization process will be run during non-business hours, ETNG typically staffs a second operator at the facility to ensure safety.

⁴ See PHMSA, Advance Notice of Proposed Rulemaking: *Amendments to Liquefied Natural Gas Facilities*, 85 Fed. Reg. 18949, 18950 (May 5, 2025); Department of Transportation, Materials Transportation Bureau, Final Rule: *Liquefied Natural Gas Facilities; New Federal Safety Standards*, 45 Fed. Reg. 9184 (Feb. 11, 1980).

PHMSA’s rulemaking acknowledges that the Part 193 regulations “have not kept pace with technological innovation and best practices in the LNG industry[.]”⁵ In the 45 years since promulgation of this requirement, PHMSA has issued a single interpretation in 2020⁶ and three enforcement actions in the past several years (i.e., a 2024 Warning Letter, a 2024 Notice of Amendment, and a 2023 NOPV where the allegation was associated with a reportable incident).⁷ This enforcement and guidance recognize that a control center under Part 193 can be remotely controlled by a secondary control center location with personnel in attendance in that location so long as the secondary location maintains full monitoring, control, and operational capabilities, and further that short intermittent breaks by control center operators are permitted. PHMSA has never addressed, however, whether a mobile technological solution that provides identical and complete monitoring, control, and operational capabilities from within the LNG facility, like a mobile HMI device, can be used to comply with 49 C.F.R. § 193.2441.

B. ETNG Post Inspection Mobile HMI Solution to Ensure Continuous Attendance

In keeping with its commitment to pipeline safety and to respond to the concerns raised during the inspection, ETNG worked to identify and implement a mobile technological solution, which was deployed on June 12, 2025, to remotely provide the exact same monitoring and control capabilities of the Kingsport LNG facility as the desktop HMI located in the control center during limited short operational patrols occurring outside of normal business hours. The mobile HMI device equips the on-duty control center operator with the ability to remotely perform actions that are identical to those that would be performed on the desktop HMI inside the control center during the short patrols on facility grounds, most notably including the following: (1) continuous monitoring of the facility, (2) control of the facility, and (3) the ability to immediately respond to operational issues, alarms, abnormal operating conditions (AOCs), or emergencies that may arise during the operator’s brief absence from the control center. *See* Attachment A, Control Center Desktop and Mobile HMI Device Comparison (demonstrating that the control center desktop HMI and the mobile HMI device utilize the same software and have identical functional capabilities). Because they utilize the exact same software, the control center desktop HMI and mobile HMI device differ only in the interface: one is accessed on a desktop computer and one is accessed on a tablet. The mobile HMI device is also connected to a specific encrypted network that is designed to enhance

⁵ PHMSA, Advance Notice of Proposed Rulemaking: *Amendments to Liquefied Natural Gas Facilities*, 85 Fed. Reg. 18949, 18950 (May 5, 2025).

⁶ PHMSA Interpretation Letter to B. Keener (Tennessee Public Utility Commission) from J. Gale (PHMSA), PI-20-0012 (Jul. 8, 2020) (confirming that remote monitoring of an LNG facility is permissible so long as the secondary control center “has control of any operating components with uninterrupted attendance of the [secondary] control center”).

⁷ *See, e.g., In re: Eagle LNG Partners*, Notice of Amendment, CPF No. 4-2024-041 (Aug. 28, 2024) (finding broadly (and without further explanation) that an operator’s procedures “failed to explicitly require continuous attendance in the control center”); *In re: Chesapeake Utilities Corp.*, Warning Letter, CPF No. 4-2024-050 (Oct. 22, 2024) (finding that an operator’s use of a secondary location to monitor a control center was inadequate because the secondary location only had “monitoring and automatic shutdown capability” but did not have the ability to remotely actuate the control system). The lone NOPV was issued after the rupture of an 8-inch main, which caused significant supply disruptions to businesses and residences. *In re: Interior Gas Utility*, Notice of Probable Violation, CPF No. 4-2023-006 (May 8, 2023) (finding that the failure of an operator to maintain personnel in continuous attendance in its control center contributed to a reportable incident after the operator failed to notice low temperature alarms in its control center that required an emergency shutdown).

communication and responses during emergencies by ensuring that emergency communications are prioritized over other users on the network. *See* Attachment B, AT&T FirstNet: Summary of Early Benefits; Attachment C, AT&T FirstNet: Executive Summary and Presentation.

To maintain security at the Kingsport facility, ETNG implemented controls designed to secure the mobile HMI device, with geofencing limitations and security protocols for accessing the device.⁸ ETNG also provided training to its qualified operators at the Kingsport facility related to: the operational capabilities of the mobile HMI device; best practices for using the mobile HMI device to monitor and control the facility; and safety and security protocols associated with using the device during limited patrolling.⁹

C. PHMSA NOPV, ETNG Response, Region Recommendation, and Final Order

The NOPV was issued to ETNG on July 3, 2025, prompting ETNG to proactively meet with the Southwest Region on July 25, 2025, to discuss the measures ETNG had employed and to seek further clarity for the resolution of these issues. With input from the Region, ETNG subsequently filed a response to the NOPV on July 31, 2025, providing additional information regarding the mobile HMI device and seeking clarity regarding whether ETNG’s use of the mobile HMI device satisfies “continuous attendance” of the LNG control center during necessary operational patrols of the facility.¹⁰ At no point did the Southwest Region request additional information, whether informally or through a written request for information. Months later, the Southwest Region instead filed a Region Recommendation on or after September 5, 2025, which was not provided to ETNG despite a procedural requirement and ongoing practice for doing so.

In reliance on the Region Recommendation, PHMSA issued a Final Order to ETNG on November 24, 2025, finding that ETNG violated § 193.2441(c) and finalizing the proposed compliance order as originally issued, requiring ETNG to “develop and implement an operations procedure requiring personnel to be in continuous attendance in its Kingsport LNG facility Control Room in accordance with § 193.2441(c) within 45 days of receipt of the Final Order.” PHMSA declined to determine whether the use of the mobile HMI device satisfied compliance with 49 C.F.R. § 193.2441 and the proposed compliance order, recognizing only that it “may be sufficient,” because “as noted by the Director in his Recommendation” the Response did not include: (1) a “description of how the device will be used when immediate intervention is required due to sudden changes in operating conditions or potential failures of components during operations,” (2) “[u]pdated procedures demonstrating the use of the HMI device in operations monitoring,” and (3) “the training of control room operators to use the devices.” PHMSA did not provide ETNG with the Region Recommendation until December 4, 2025, in response to ETNG’s request for the filing following its receipt and review of the Final Order.

⁸ *See* Sec. IV(B) below.

⁹ *See* Sec. IV(C) below.

¹⁰ In its response, ETNG also requested that PHMSA recognize that the most current edition of a well-established industry standard issued by the National Fire Protection Association, *Standard for Production, Storage and Handling of Liquefied Natural Gas* (referred to as “NFPA 59A-2023”), which is currently under consideration by PHMSA for potential adoption and incorporation by reference as part of PHMSA’s effort to update its LNG regulations at Part 193, allows for brief absences from the control center to complete necessary patrolling. ETNG further requested that PHMSA reduce the NOPV to a Warning Letter or a Notice of Amendment consistent with prior enforcement issued for similar violations as well as in light of ETNG’s implementation of the mobile HMI device.

II. Standard of Review

PHMSA regulations at 49 C.F.R. § 190.243 require that a Petition for Reconsideration contains a brief statement of the complaint and an explanation as to why the order should be reconsidered.¹¹ Where the Respondent requests the consideration of additional facts or arguments, it must submit the reasons why they were not presented prior to issuance of the Final Order.¹² The Associate Administrator may grant or deny, in whole or in part, any Petition for Reconsideration without further proceedings, but additional information, data, and comment may be requested by the Associate Administrator as deemed appropriate.¹³ PHMSA has further opined in Decisions on Petitions for Reconsideration that the right to petition the Associate Administrator for reconsideration of a Final Order is not an appeal or an opportunity to seek a de novo review of the record.¹⁴ Rather PHMSA has asserted that, “it is a venue for presenting the Associate Administrator with information that was not previously available or requesting that any errors in the final order be corrected.”¹⁵

As detailed herein, ETNG requests that the Final Order be reconsidered because of the clear error by the PHMSA Region in failing to provide ETNG with the Region Recommendation, which deprived ETNG of the opportunity to fully respond to the allegations, including the opportunity to provide relevant information for the record. The Final Order relied upon the absence of this information in declining to opine on the sufficiency of the remedial action and in issuing the Compliance Order as proposed. ETNG was not aware of the Region’s arguments prior to issuance of the Final Order, including that additional information would be necessary for the Region to consider its response to the NOPV or for PHMSA in issuing a Final Order. Further, ETNG would have provided this clarifying information to the Agency had it been requested or in response to the Region Recommendation had it been timely provided to ETNG and provided an opportunity to respond. As such, ETNG is providing this information with this Petition for Reconsideration so that it can be considered and to preserve its right to challenge a potential determination that the mobile HMI device is not sufficient.

¹¹ 49 C.F.R. § 190.243.

¹² *Id.* Despite this regulatory requirement – and in contrast to the justification provided by ETNG below – PHMSA has with frequency agreed to consider new information and arguments even where the operator neglected to provide any explanation for why they were not presented prior to the issuance of the Final Order. *See, e.g., In re: Amerigas Propane, Decision on Reconsideration*, CPF No. 5-2023-029-NOPV (Aug. 19, 2024) (withdrawing a Final Order Item and associated civil penalty “[d]espite having provided no explanation for having failed to provide these records prior to issuance of the Final Order, based on [] newly submitted records”).

¹³ 49 C.F.R. § 190.243.

¹⁴ There is no statutory or regulatory standard of review for a Petition for Reconsideration beyond the specifications in 49 C.F.R. § 190.243. PHMSA has asserted further limitations in Decisions on Petitions for Reconsideration. *See, e.g., In re: Express Holdings (USA), LLC, Decision on Reconsideration*, CPF No. 3-2020-5005 (Jul. 26, 2021) (explaining that “it is a venue for presenting the Associate Administrator with information that was not previously available or requesting that any errors in the Final Order be corrected. Requests for consideration of additional facts or arguments must be supported by a statement of reasons as to why those facts or arguments were not presented prior to the issuance of the Final Order. Repetitious information or arguments will not be considered.”).

¹⁵ *Id.*

III. The Compliance Order Should be Reconsidered Based on Clear Errors by the Agency.

A. The Southwest Region Failed to Provide ETNG an Opportunity to Respond to the Region Recommendation, Upon Which the Final Order Relied.

PHMSA procedural guidelines require that PHMSA provide a Respondent with the Region Recommendation “[i]n all cases where prepared.”¹⁶ Consistent with these guidelines, PHMSA’s established practice is to provide the Region Recommendation where an operator challenges all or portions of the NOPV, which ETNG did in its response to the NOPV. Further, the Pipeline Safety Act mandates that operators are provided with the Region Recommendation and have the opportunity to respond to it.¹⁷ ETNG was not aware that a Region Recommendation had been prepared until receipt of the Final Order which expressly relies upon the Region Recommendation in specifying the information that would have allowed the Agency to determine whether ETNG satisfied the Compliance Order and the regulations.

Pursuant to the United States Constitution and the Administrative Procedure Act, parties subject to agency enforcement are entitled to due process.¹⁸ “The core of due process is the right to notice and a meaningful opportunity to be heard.”¹⁹ As recognized by the Department of Transportation Acting General Counsel, “due process” includes “procedural rights and protections afforded by the Government to affected parties to provide for a fair process in the enforcement of legal obligations, including in connection with agency actions . . . requiring a party to take corrective action . . .”²⁰ In this instance, ETNG was not provided with the Region Recommendation or the opportunity to address significant issues raised therein related to the Agency’s determination with respect to the Compliance Order or ETNG’s use of the mobile HMI device. The failure by the Agency to comply with its own statutory mandate, enforcement guidance, and standard practices, deprived ETNG of its due process rights and a meaningful opportunity to be heard.²¹

¹⁶ See *PHMSA Administrative Enforcement Guidelines*, Section 4 Administrative Enforcement Processes (Sept. 17, 2025), available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2025-09/Section%20%20Administrative%20Enforcement%20Processes%20%289%2017%202025%29.pdf> (“In all cases where prepared, the Region Recommendation is sent to the Operator by the Region Attorney or Region Paralegal.”).

¹⁷ 49 U.S.C. § 60117(b)(1)(C) (requiring that the “case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted”); *id.* at § 60117(b)(1)(D) (PHMSA shall “allow the respondent to reply to each post-hearing submission of the agency”).

¹⁸ U.S. CONST. amend V, cl. 3; 5 U.S.C. § 706(2)(b) (allowing a court to “hold unlawful and set aside agency action, findings and conclusions found to be . . . contrary to [a] constitutional right”).

¹⁹ *LaChance v. Erickson*, 522 U.S. 262, 266 (1998) (citing *Cleveland Bd. of Ed. v. Loudermill*, 470 U.S. 532, 542 (1985)).

²⁰ Cote, Gregory (DOT Acting General Counsel), *Memorandum: Procedural Requirements for DOT Enforcement Actions* (Mar. 11, 2025).

²¹ The Region Recommendation also suggests that ETNG did not address how use of the mobile HMI device satisfies compliance with 49 C.F.R. § 193.2507, which states that “monitoring must be accomplished by watching or listening from an attended control center . . .” The Region’s assertion is not relevant to the NOPV or Final Order, which does not find that ETNG violated the requirements at 49 C.F.R. § 193.2507. Furthermore, ETNG was never provided with an opportunity to respond to the Region’s assertion. ETNG maintains, as set forth in this Petition, that the mobile HMI device provides a control center operator with the same monitoring and control capabilities as physical attendance in the control center.

B. The Final Order Erred by Failing to Address the Material Issue of Whether the Mobile HMI Device Is Sufficient for Purposes of Complying with 49 C.F.R. § 193.2441(c).

Pursuant to 49 C.F.R. § 190.213, a Final Order must include “a statement of findings and determinations on all material issues[.]” PHMSA’s Final Order failed to respond to a material issue plainly before the Agency: whether a mobile HMI device is sufficient for purposes of complying with 49 C.F.R. § 193.2441(c) and satisfies the Compliance Order. Without this determination, the requirements at 49 C.F.R. § 193.2441(c) and the Compliance Order issued to ETNG remain unclear and fail to articulate the procedural changes that are required by ETNG. This could allow the Region to require procedural changes that do not comport with the plain language of the regulation, rulemaking history, enforcement precedent, associated regulatory guidance, and policy objectives: namely to require continuous *physical* attendance without accounting for significant technological advances that can be utilized to promote pipeline safety to meet the plain language and intent of 49 C.F.R. § 193.2441(c).

IV. ETNG’s Mobile HMI Device Satisfies 49 C.F.R. § 193.2441(c) and the Proposed Compliance Order.

When initially adopted, the original LNG regulations, including 49 C.F.R. § 193.2441, were designed to focus on “the consequences of accidents and the steps that may be taken to safeguard against them.”²² To achieve this goal, the proposed standards sought to prescribe actions needed to “(1) minimize or prevent the occurrence of accidents . . . and (2) the potentially damaging effects of accidents” including by requiring a number of “redundant or back-up measures for extra protection.”²³ As it relates to the continuous attendance requirement at 49 C.F.R. § 193.2441, PHMSA’s predecessor agency explained that it was established as a “redundant means of communicating . . . hazardous condition warnings.”²⁴

Reflecting the significant technological advances that have occurred in the last 45 years, ETNG’s mobile HMI device provides a technological solution that plainly meets the text and intent of 49 C.F.R. § 193.2441(c). The control center mobile HMI device provides continuous attendance remotely with the ability to monitor, communicate, and control the facility in normal operations and to address identified conditions to minimize or prevent the occurrences of accidents and the damaging effects of any accidents that may occur. The mobile HMI device is identical in software and functionality to the control center facility desktop HMI. *See* Attachment A, Control Center Desktop and Mobile HMI Device Comparison. In addition to the clear absence of an express requirement for physical attendance in 49 C.F.R. § 193.2441(c), the regulation expressly allows for remote monitoring to satisfy continuous attendance where personnel are located in another control center with control over the applicable assets.²⁵ Prior PHMSA Warning Letter and NOA

²² Department of Transportation, Materials Transportation Bureau, Notice of Proposed Rulemaking: *LNG Facilities; Federal Safety Standards*, 44 Fed. Reg. 8142, 8142 (Feb. 8, 1979).

²³ *Id.* at 8142.

²⁴ *Id.* at 8162.

²⁵ This has also been further confirmed in interpretive guidance supporting the use of remote monitoring via another control center. PHMSA Interpretation Letter to B. Keener (Tennessee Public Utility Commission) from J. Gale (PHMSA), PI-20-0012 (Jul. 8, 2020). PHMSA also acknowledged in this interpretation that 49 C.F.R. § 193.2441(c)

enforcement actions associated with 49 C.F.R. § 193.2441(c) further confirm that remote monitoring is permissible so long as the remote capabilities allow for full monitoring, control, and response capabilities.²⁶

The allowance for remote monitoring is likewise consistent with allowances in the control room management context under 49 C.F.R. Parts 192 and 195, which permit remote monitoring by a qualified operator through a laptop or other device.²⁷ Moreover, a well-established industry standard, NFPA 59A (which is currently under consideration by PHMSA in its rulemaking effort to update outdated LNG regulations at Part 193), recognizes that although “operations monitoring shall be conducted continuously” from a control center, “operating personnel shall be permitted to leave the control room to perform scheduled field inspections or to address activities in the field related to the plant’s operation.”²⁸ ETNG’s implementation of the mobile HMI device provides a technological solution that permits an operator to conduct necessary patrols while also maintaining continuous attendance and control over the LNG facility.

A. The Control Center Mobile HMI Device Mirrors the Capabilities Associated with the Facility Desktop HMI, Including Immediate Intervention to Sudden Changes in Operating Conditions or Potential Failures During Operations.

The control center mobile HMI device is a proven technological solution that can be used to enhance safety. As employed by ETNG, the mobile HMI device provides the on-duty control center operator with full monitoring and control capabilities of the facility, including the ability to monitor, communicate, respond to all alarms, AOCs, and emergencies, and shut down the system. The mobile HMI device provides the same response indications and options as those available to an operator operating the control center desktop HMI when immediate intervention is needed due to sudden changes in operating conditions or failure of components. *See* Attachment A, Control Center Desktop and Mobile HMI Device Comparison. In short, the control center mobile HMI device capabilities to monitor, control, and respond to conditions related to the LNG facility are the same as operating the facility physically from the desktop HMI.

B. ETNG’s LNG Procedures and Guidance Account for the Use and Implementation of HMI in Operations Monitoring.

ETNG maintains comprehensive procedures related to the operation of its Kingsport LNG facility in compliance with Part 193 requirements. *See* Attachment D, Liquefied Natural Gas Operations Manual – Introduction (listing the applicable procedures that govern operations of ETNG’s facility). These procedures articulate the requirements for the use and implementation of control center HMI software. Because the mobile HMI device employs the exact same software and

does not require constant physical attendance in an LNG control room by recognizing that operators are permitted to take short intermittent breaks while monitoring control center activities.

²⁶ *Supra* note 7.

²⁷ PHMSA expressly sanctioned remote monitoring solutions nearly identical to the mobile HMI device in the control room management context under 49 C.F.R. Parts 192 and 195. *See, e.g., In re: Vantage Pipeline (Pembina)*, Notice of Amendment, CPF 3-2024-003-NOA (2024) (utilizing a laptop to monitor the pipeline remotely during evacuation); *In re: Boardwalk*, Notice of Amendment, CPF No. 3-2023-013-NOA (2023) (inadequate procedures describing the process of allowing remote monitoring during evacuation).

²⁸ NFPA 59A at Sec. 18.6 (Monitoring Operations), p. 53 (2023).

functionality as the desktop HMI, these procedures did not require updating to specify any difference between the desktop HMI and the mobile HMI device. *See* Attachment A, Control Center Desktop and Mobile HMI Device Comparison. For example, ETNG's Liquefied Natural Gas Operations Manual – Shutdowns and Alarms Procedure, dictates how to respond to alarms and includes which alarms will be indicated on HMI. *See* Attachment E. These alarms and the appropriate operator response set forth by ETNG's procedures will be the same regardless of whether the operator is utilizing the facility desktop HMI or the mobile HMI device.

During early development and piloting of the mobile HMI device (around February 6 to June 10, 2025), ETNG developed a HMI Best Practices Guide. *See* Attachment F, HMI Laptop Best Practices. In June and July, this document was expanded and refined into more comprehensive guidelines specific to the use of the mobile HMI device interface at the Kingsport facility by qualified personnel and operators for the express purpose of satisfying 49 C.F.R. § 193.2441. *See* Attachment G, Liquefied Natural Gas Operations Manual, Mobile HMI User Guide.²⁹ Because control of the facility, monitoring, process adjustments, and AOC response from the mobile HMI solution are exactly the same as those implemented from the desktop HMI, ETNG determined that these HMI guidelines – in addition to ETNG's comprehensive procedures that are in compliance with Part 193 requirements and provide for the use of HMI technology generally – are sufficient.

C. ETNG Control Center Operators Are Trained on HMI Functions and ETNG Performed Additional Training Specific to the Mobile HMI Device.

ETNG employs comprehensive training for LNG operators, which address the following (among other areas): (1) emergency shutdown procedures and equipment; (2) LNG plant operations, including instrumentation and controls; (3) LNG plant control systems; and (4) technology. *See* Attachment H, LNG Operations Manual Checklist – Operator Training and Onboarding Form. During their training, station operators are evaluated based on detailed criteria, including the use of operational equipment such as HMI technology. *See* Attachment I, Station Operator II Evaluation Criteria Reference.

In addition to this training, ETNG provided training tailored to the use and operation of the control center mobile HMI device onsite at the Kingsport facility on February 6-7, 2025, led by a mobile HMI subject matter expert. The training included but was not limited to review of the following:

1. How to use and operate the device;
2. How to log on/log off the device;
3. Mobile HMI best practices;
4. Safety and security of the device including password management, prohibited actions, and lost/stolen device response; and
5. Who to contact for device issues or if device is lost/stolen.

²⁹ While the guidelines were immediately implemented by ETNG and put in line for publishing in July, they were not formally published until October 2025.

D. The Mobile HMI Device Meets Policy Objectives to Encourage Technological Innovation and Eliminate Application of Regulations That Impose Outsized Compliance Burdens.

In addition to meeting the plain language of 49 C.F.R. § 193.2441 and providing continuous control of the facility during periodic patrols, ETNG’s deployment of a mobile HMI device is consistent with current PHMSA policy goals to utilize technological innovations and avoid outdated applications of regulations that impose outsized compliance burdens with no added safety benefits. The Trump Administration is heavily focused on using technology to ease regulatory burdens that may impact “American innovation and energy production,”³⁰ and relieving regulatory burdens on LNG facility development and operations has been a priority of the Administration. Relatedly, DOT Secretary Sean Duffy has emphasized that PHMSA’s core mission is “improving safety” and that “PHMSA regulations should be used to ensure the safe transportation of energy products – not as a tool to drive fossil fuels out of business.”³¹

Specific to the Part 193 regulations, PHMSA has recognized that “the sophistication of technology and operating practices within LNG facilities regulated by PHMSA have . . . evolved at a breakneck pace.”³² “In recognition of these developments, Congress, the Government Accountability Office (GAO), and industry stakeholders have repeatedly called on PHMSA to update its part 193 regulations to better align with current technologies, operational best practices, and lessons learned.”³³ Consistent with its efforts to improve its regulation of LNG facilities at Part 193, PHMSA has expressly sought feedback on ways to eliminate “outsized compliance burdens . . . [that] limit technological innovation.”³⁴

In this instance, it is unclear how ETNG can establish compliance with the Compliance Order as set forth by the Final Order. To the extent that ETNG will be required to hire personnel to ensure constant physical attendance at the Kingsport LNG facility control center desktop HMI, this effort will require the expenditure of significant resources from ETNG, including costs associated with hiring additional personnel and conducting extensive training to qualify the additional personnel consistent with regulatory requirements and ETNG standards. Expressly recognizing that the control center mobile HMI device – which provides identical operational monitoring and control as the facility desktop HMI– can be used to achieve compliance with 49 C.F.R. § 193.2441 is

³⁰ See, e.g., EO 14154, “Unleashing Prosperity Through Deregulation” (Jan. 21, 2025) (directs federal agencies to “identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources” and “develop and begin implementing action plans to suspend, revise, or rescind all agency actions identified as unduly burdensome”); EO 14156 “Declaring a National Energy Emergency” (Jan. 20, 2025) (promotes the expansion of the U.S. energy infrastructure); EO 14270, “Deregulatory Initiative Zero-Based Regulatory Budgeting to Unleash American Energy” (Apr. 9, 2025) (requires the rescission of any outdated regulations that may impede American innovation and energy production); EO 14007, “President’s Council of Advisors on Science and Technology” (Jan. 23, 2025) (seeks to provide recommendations for the President on “technology, and innovation” and matters affecting policy concerning, among other things, the energy and the economy).

³¹ PHMSA, *USDOT Introduces Data-Drive Enforcement Priorities to Strengthen Pipeline Safety* (Jul. 22, 2025).

³² PHMSA, Advance Notice of Proposed Rulemaking: *Amendments to Liquefied Natural Gas Facilities*, 90 Fed. Reg. 18949, 18949 (May 5, 2025).

³³ *Id.*

³⁴ PHMSA, Advance Notice of Proposed Rulemaking: *Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency*, 90 Fed. Reg. 18949, 18950 (Jun. 4, 2025).

consistent with PHMSA's goal of recognizing technological advancements that promote pipeline safety as well as eliminate unnecessary compliance burdens.

V. Request for Relief

For all of the reasons set forth above, and for other reasons as justice may require, ETNG respectfully requests that PHMSA reconsider the Compliance Order requirement in light of ETNG's implementation of the mobile HMI device. In the alternative, ETNG requests that PHMSA modify the Compliance Order to expressly allow for the use of alternative technology or to recognize that the mobile HMI device satisfies compliance with the continuous attendance requirement at 49 C.F.R. § 193.2441. In the event that the Associate Administrator does not believe that it can resolve this Petition based on the information provided, ETNG alternatively requests that this matter be remanded back to PHMSA's Southwest Region to consider the information contained herein. In filing this Petition for Reconsideration, ETNG preserves the right to challenge a determination by the Southwest Region that a mobile device is not sufficient to satisfy the Compliance Order.

ETNG appreciates PHMSA's consideration of this Petition for Reconsideration and the requests included herein. ETNG believes that these issues can be resolved through additional coordination with PHMSA which would moot the need for this Petition for Reconsideration. For this reason, ETNG respectfully requests that PHMSA hold this Petition in abeyance to preserve ETNG's rights on appeal while allowing for further consideration by the Agency of the remedial action implemented and the terms of Compliance Order by the Agency. ETNG remains hopeful that these issues can be resolved and looks forward to further coordinating with the Agency to advance the implementation of innovative technology that can be used to improve the operational safety of LNG facilities.

Respectfully submitted,



Annie M. Cook
Catherine D. Little
Mandi Moroz
Bracewell LLP
2001 M St NW, Suite 900
Washington, DC
(202) 828-5800
Annie.Cook@Bracewell.com
Counsel for ETNG

Jill Holley
Associate General Counsel Environment and
Pipeline Safety Law
Enbridge
915 North Eldridge Parkway, Suite 1100
Houston, TX 77079

Date: December 15, 2025