

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

**In the Matter of**

**Alyeska Pipeline Service Company,**

**Respondent.**

**CPF No. 5-2025-010-NOPV  
and CPF No. 5-2025-013 NOA**

**REQUEST FOR INFORMAL CONFERENCE AND HEARING, PRELIMINARY  
STATEMENT OF ISSUES AND REQUEST FOR DOCUMENTS**

**I. Request for Informal Conference**

Pursuant to 49 U.S.C. § 60117(b)(1)(B)(i)-(ii), Alyeska Pipeline Service Company (Alyeska) respectfully requests an informal conference to discuss the alleged probable violations and proposed compliance order in the above-referenced Notice of Probable Violation (NOPV), and the alleged apparent inadequacies in the above-referenced Notice of Amendment (NOA). Alyeska is hopeful that through further discussions the allegations set forth in the NOPV and NOA can be resolved without a hearing.

**II. Request for Hearing**

Pursuant to 49 C.F.R. §§ 190.208(a)(4), 190.208(b)(4), and 190.211(b), Alyeska respectfully requests an in-person hearing at PHMSA's Western Region office to discuss the alleged probable violations and proposed compliance order in the NOPV, and the alleged inadequacies in the NOA. If a hearing is held, Alyeska will be represented by counsel at the hearing.

**III. Preliminary Statement of Issues**

Alyeska respectfully contests the allegations and proposed compliance order in the

NOPV, as well as the alleged apparent inadequacies in the NOA. At the hearing, Alyeska intends to raise the following issues:

Notice of Probable Violation

**Item 1 – 49 C.F.R. § 195.64(c)(1)(ii)**

Alyeska does not contest the allegation in Item 1.

**Item 2 – 49 C.F.R. § 195.262(a)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether the proposed compliance order is appropriate and should be withdrawn.

**Item 3 – 49 C.F.R. § 195.420(a)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.

**Item 4 – 49 C.F.R. § 195.428(a)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation has occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether PHMSA's interpretation and application of 195.428(a) is reasonable or otherwise in excess of statutory jurisdiction and authority.

**Item 5 – 49 C.F.R. § 195.432(b)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.

- B. Whether PHMSA has met its burden of proof that a probable violation has occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether the proposed compliance order is appropriate and should be withdrawn.

**Item 6 – 49 C.F.R. § 195.446(j)(2)**

Alyeska does not contest the allegation in Item 6.

**Item 7 – 49 C.F.R. § 195.452(c)(1)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether the proposed compliance order is appropriate or should be withdrawn.

**Item 8 – 49 C.F.R. § 195.452(g)(4)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether the proposed compliance order is appropriate or should be withdrawn.

**Item 9 – 49 C.F.R. § 195.442(a)(i)(4)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.
- D. Whether the proposed compliance order is appropriate and should be withdrawn.

**Item 10 – 49 C.F.R. § 195.571**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.

- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.

**Item 11 – 49 C.F.R. § 195.573(e)**

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the alleged probable violation is consistent with the regulations.

Notice of Amendment

**Item 1 – 49 C.F.R. § 195.402(c)(3)**

- A. Whether the allegation of apparent inadequacies is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that the alleged apparent inadequacies exist.
- C. Whether the alleged apparent inadequacies are consistent with the regulations.
- D. Whether PHMSA’s interpretation and application of 195.428(a) is reasonable or otherwise in excess of statutory jurisdiction and authority.
- E. Whether PHMSA’s assertion of jurisdiction over the gas blanketing systems at the Valdez Marine Terminal and Pump Station No. 1 is consistent with the Pipeline Safety Act and Part 195.
- F. Whether the Notice of Amendment is appropriate and should be withdrawn.

Alyeska reserves the right to supplement this Preliminary Statement of Issues in response to any additional information or arguments from PHMSA.

**IV. Request for Documents**

Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3), and (c)(7) and to ensure a full and fair hearing,<sup>1</sup> Alyeska respectfully requests that PHMSA provide copies of the following documents

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<sup>1</sup> See Gregory D. Cote, Acting General Counsel, US Dept. of Transportation, “Memorandum to Secretarial Officers and Heads of Operating Administrations,” March 11, 2025 (available at <https://www.transportation.gov/sites/dot.gov/files/2025-03/Procedural%20Requirements%20for%20DOT%20Enforcement%20Actions.Cote%20Memo.Signed.03-11-2025.pdf>) at p. 4, 7:

as soon as possible but no later than 10 business days prior to the informal conference:

1. Any and all notes, documents, or electronic records not otherwise included in the casefile pertaining to the April and August 2024 inspections in this case.
2. Any and all notes, memoranda, guidance or other materials supporting PHMSA's position concerning each of the alleged probable violations in the NOPV and the alleged inadequacies in the NOA.
3. Any and all notes, memoranda, guidance, and other materials supporting PHMSA's assertion of jurisdiction over the gas blanketing systems at the Valdez Marine Terminal and Pump Station No. 1.

These materials are "pertinent to the matters of fact and law" asserted and must therefore be provided pursuant to 49 U.S.C. § 60117(b)(1)(C).<sup>2</sup>

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The Department should, where feasible, foster greater private-sector cooperation in enforcement, promote information sharing with the private sector, and establish predictable outcomes for private conduct ... The employees and contractors of DOT responsible for inspections and other investigative functions must not use [its investigative] authorities as a game of 'gotcha' with regulated entities and should follow existing statutes and regulations ... [T]o the maximum extent consistent with protecting the integrity of the investigation, the representatives of DOT should promptly disclose to the affected parties the reasons for the investigative review and any compliance issues identified or findings made in the course of review ... For informal hearings, the record shall include the information that the agency considered "at the time it reached the decision" and its contemporaneous findings.

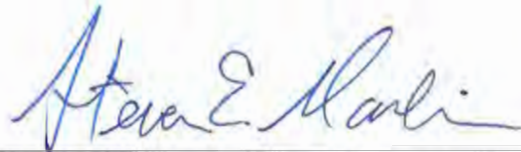
<sup>2</sup> Memorandum from Chief Counsel, PHMSA to Acting Associate Administrator for Pipeline Safety, PHMSA, "Revised Procedures for Determining the Contents of the Case File in Pipeline Safety Enforcement Proceedings", May 29, 2025 at p. 5-6:

PHC is advising OPS to consider Congress' directive 'that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted.' PHC is further advising OPS to consider the provisions in the DOT Enforcement Memo, including the applicability of the *Brady* rule's affirmative disclosure framework for materially exculpatory evidence as well as the directive to voluntarily share worksheets, manuals, charts, or other appropriate materials about the calculation of a civil penalty. PHC is advising OPS to consider the other procedural protections afforded to the respondent in developing its revised procedures. The availability of Agency records affects the respondent's due process rights at various stages of an enforcement proceeding, including in deciding whether to request an informal hearing before a Presiding Official, and, if so, to introduce additional materials prior to a hearing, and to call and present testimony from witnesses during a hearing. The availability of agency records also affects whether the respondent can effectively 'examine the evidence and witnesses presented by' OPS.

Respectfully submitted this 25<sup>th</sup> day of July  
2025.

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