U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

April 14, 2026

VIA ELECTRONIC MAIL TO: rob.johnson@wbienergy.com

Mr. Rob Johnson
President
WBI Energy Transmission, Inc.
1250 W. Century Avenue
Bismarck, ND 58503

Re: CPF No. 5-2025-039-NOPV

Dear Mr. Johnson:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and specifies actions that need to be taken by WBI Energy Transmission, Inc. to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 CFR § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Enclosure

cc: Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA
Marc Dempewolf, VP of Operations, WBI Energy Transmission, Inc., marc.dempewolf@wbienergy.com
Brian McDanold, DOT Compliance Primary, WBI Energy Transmission, Inc., brian.mcdanold@wbienergy.com
Kent Kahl, Compliance and Pipeline Integrity Manager, WBI Energy Transmission, Inc., kent.kahl@wbienergy.com

Shilo Lensegrav, Engeering Supervisor, WBI Energy Transmission, Inc.,
shilo.lensegrav@wbienergy.com

CONFIRMATION OF RECEIPT REQUESTED

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590

In the Matter of	)	
WBI Energy Transmission, Inc.,	)	**CPF No. 5-2025-039-NOPV**
Respondent.	)	

FINAL ORDER

From June 17 through June 31 and July 8 through July 12, 2024, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an inspection of the control room management procedures of WBI Energy Transmission, Inc. (WBI or Respondent) in Bismarck, North Dakota.

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated December 8, 2025, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 CFR § 190.207, the Notice proposed finding that WBI violated 49 CFR § 192.631(a)(2) and proposed ordering Respondent to take certain measures to correct the alleged violation. The Notice also included an additional four warning items pursuant to 49 CFR § 190.205 advising Respondent to correct certain probable violations or face possible future enforcement action.

WBI responded to the Notice by letter dated January 7, 2026 (Response). WBI contested the allegation and offered additional information in response to the Notice. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

The Notice alleged that Respondent violated 49 CFR Part 192, as follows:

Item 1: The Notice alleged that Respondent violated 49 CFR § 192.631(a)(2), which states:

> **§ 192.631 Control room management**
> **(a) General.**
> **(1) . . . .**

> **(2) The procedures required by this section must be integrated, as appropriate, with operating and emergency procedures required by §§ 192.605 and 192.615. An operator must develop the procedures no later than August 1, 2011, and must implement the procedures according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) must be implemented no later than August 1, 2012, except that any training required by another paragraph of this section must be implemented no later than the deadline for that paragraph.**

The Notice alleged that Respondent violated 49 CFR § 192.631(a)(2) by failing to develop and implement procedures required by section 192.631(e). Specifically, the Notice alleged that WBI failed to develop and implement a procedure to monitor the content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not to exceed 15 months, to assure controllers have sufficient time to analyze and react to incoming alarms as required by section 192.631 (e)(5).

The Notice stated that WBI provided three documents to PHMSA's inspector relevant to the allegation in Item 1. First, WBI provided its Gas Control Manual, Section 2, Alarm Management Plan (AMP), dated December 12, 2023 (Original AMP). The Notice alleged that the Original AMP failed to include a procedure satisfying the requirements of section 192.631(e)(5). Second, WBI provided a newer version of its AMP, dated November 25, 2024 (Revised AMP). The Notice alleged that the Revised AMP also failed to include a procedure satisfying the requirements of section 192.631(e)(5). Lastly, the Notice stated that WBI provided records regarding a Controllers Time Work Study (Study). The Notice alleged that the Study could not be comprehensively evaluated in the absence of a developed and implemented procedure.

In its Response, WBI contested the allegation of violation for Item 1 for two reasons. First, WBI stated that Section 1.7 of its Original AMP contained a procedure for conducting a workload assessment as required by section 192.631(e)(5). Second, WBI stated that, based on recommendations made by PHMSA during the inspection, WBI included in its Revised AMP an updated workload assessment procedure, as well as a controller activity survey spreadsheet, and that it provided both to PHMSA on November 27, 2024.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), the Director agreed that Section 1.7 of the Revised AMP included a workload assessment procedure, but stated that the procedure provided failed to satisfy the requirements of section 192.631(e)(5) for four reasons. First, the Director stated that the procedure failed to provide a comprehensive methodology for identifying all tasks and work activities performed by controllers and lacked a defined process for periodic review and update of the task inventory. Second, the Director stated that the procedure used employee estimations of time spent on each task, rather than a more reliable method such as system records or logs, and that the procedure failed to include tasks like alarm monitoring and response. Third, the Director stated that the procedure failed to establish a threshold for implementing corrective actions in the event WBI determined that controllers do not have sufficient time to analyze and respond to alarms. Lastly, the Director stated that the Controller Activity Survey provided with Section 1.7 included tasks not identified in the procedure, suggesting that the procedure and supporting documentation are not aligned.

The adequacy of the procedures in the Original AMP controls in determining whether WBI violated section 192.631(a)(2) as alleged in the Notice (though the procedures in the Revised AMP are relevant in determining whether WBI has satisfied the requirements of the Proposed Compliance Order as discussed in more detail below).[1]

Section 1.7 of the Original AMP states that WBI will annually, but at intervals not exceeding 15 months, review controller time spent in activities other than system monitoring, and monitor controller response time to incoming alarms. However, Section 1.7 does not describe how this monitoring will be used to ensure that controllers have sufficient time to analyze and react to incoming alarms, only that the content and volume activities will be remedied "if necessary." The only specific corrective action described in Section 1.7 is that personnel interviews will be used to identify performance issues related to analyzing and reacting to incoming alarms. Section 192.631(e)(5) requires a proactive approach to addressing workload management based on annual reviews, not a reactive response only when performance issues arise. Accordingly, after considering all the evidence, I find that Respondent violated 49 CFR § 192.631(a)(2) by failing to develop and implement procedures required by section 192.631(e)(5).

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 for the violation of 49 CFR § 192.631(a)(2). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The proposed compliance order included with the Notice would require Respondent to (A) submit to the Director for review and approval an updated procedure for compliance with section 192.631(e)(5); and (B) after approval by the Director, conduct the assessment included in the procedure and submit documentation of such to the Director.

Respondent did not provide a specific response to the proposed compliance order. Yet the Director requested in a recommendation for final action that the proposed compliance order be

[1] Post-inspection corrective action generally does not warrant withdrawing the violation or reducing to a warning. See *In the Matter of Oasis Midstream Partners, LP*, 2020 WL 6870720, at *3 (Oasis's actions in addressing these training deficiencies are welcomed by PHMSA, but such after-the-fact conduct does not provide a basis to absolve Oasis of its acknowledged violations, nor does it warrant reducing the violation to something less). However, post-inspection corrective action generally does warrant consideration in determining whether a Respondent has satisfied the proposed requirements in a compliance order. *In the Matter of EQT Production Company*, 2025 WL 4038036, at *4.

modified to focus on specific inadequacies raised in the recommendation, while retaining the proposed compliance order for Respondent to conduct the assessment specified in its procedures within 90 days of the issuance of a Final Order.

Modification of the proposed compliance order is not necessary. WBI has, in fact, made certain modifications to the relevant portions of its Revised AMP, and that updated procedure has now been submitted to the Director, in accordance with Paragraph A of the proposed compliance order. The various other concerns with the Revised AMP may be raised by the Director in the course of the review and approval process as already included in the proposed compliance order. Therefore, I decline to modify the proposed compliance order as it appeared with the Notice.

Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 CFR § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. In regard to Item 1 of the Notice pertaining to failure to develop and implement a procedure for monitoring the content and volume of general activity being directed to and required of each controller that will assure controllers have sufficient time to analyze and react to incoming alarms, WBI Energy Transmission Inc., must develop and implement a procedure and submit for review and approval by PHMSA within 90 days of receipt of the Final Order.

2. In regard to Item 1 of the Notice pertaining to developing and implementing the procedure referenced in paragraph 1, above, after PHMSA has reviewed and approved the submitted procedure, WBI Energy Transmission Inc., must conduct the assessment by following the procedure within 90 days of receipt of the Final Order, and submit documentation of this assessment to the Director for review.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by Respondent and demonstrating good cause for an extension.

PHMSA requests that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. It is requested that these costs be reported in two categories: (1) total cost associated with preparation/revision of plans, procedures, studies and analyses; and (2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

Failure to comply with this Order may result in the administrative assessment of civil penalties exceeding $200,000, as adjusted for inflation (*see* 49 CFR § 190.223 for adjusted amounts), for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 2, 3, 4 and 5, the Notice alleged probable violations of Part 192, but identified them as warning items pursuant to section 190.205. The warnings were for:

> 49 CFR § 192.631(c)(1) **(Item 2)** ─ Respondent's alleged failure to follow its written procedure when changes were made to the SCADA system and displays to verify implementation of sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165, as required;
>
> 49 CFR § 192.631(e)(2) **(Item 3)** ─ Respondent's alleged failure to identify at least once each calendar month points affecting safety that had been taken off scan in the SCADA host, had alarms inhibited, generated false alarms, or that had forced or manual values for periods of time exceeding that required for associated maintenance or operating activities, as required;
>
> 49 CFR § 192.631(h)(1) **(Item 4)** ─ Respondent's alleged failure to provide training to each controller to respond to abnormal operating conditions likely to occur simultaneously or in sequence, as required; and
>
> 49 CFR § 192.631(h)(2) **(Item 5)** ─ Respondent's alleged failure to provide training for each controller with the use of a computerized simulator or non-computerized (tabletop) method for training controllers to recognize abnormal operating conditions, as required.

If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 CFR § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, S.E., East Building, 2nd Floor, Washington, D.C. 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. The written petition must be received no later than 20 days after receipt of the Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 CFR § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon service in accordance with 49 CFR § 190.5.

______________________________	________________________
Linda Daugherty Acting Associate Administrator for Pipeline Safety	Date Issued