

U.S. DEPARTMENT OF TRANSPORTATION
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THE TECHNICAL HAZARDOUS LIQUID PIPELINE
SAFETY STANDARDS COMMITTEE (THLPSSC)
AND THE
TECHNICAL PIPELINE SAFETY
STANDARDS COMMITTEE
(TPSSC)
+ + + + +

JOINT MEETING

+ + + + +
TUESDAY
AUGUST 2, 2011

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The Committees met in the Ernest Hemingway Salon in the Westin Arlington Gateway, 801 North Glebe Road, Arlington, Virginia, at 9:00 a.m., Colette D. Honorable, Acting Chair, presiding.

THLPSSC MEMBERS PRESENT

JOHN S. BRESLAND, U.S. Chemical Safety and
Hazard Investigations Board
LARRY J. DAVIED, Magellan Midstream Partners,
L.P.
C. TODD DENTON, NuStar Energy, LP

DENISE M. HAMSHER, Enbridge (USA) Pipeline
RICHARD B. KUPREWICZ, Accufacts Incorporated
CRAIG O. PIERSON, Marathon Ashland Pipe Line
LLC
LARRY M. SHELTON, Sunoco Logistic
MASSOUD TAHAMTANI, Virginia State Corporation
Commission

CARL M. WEIMER, Pipeline Safety Trust

TPSSC MEMBERS PRESENT

DENISE M. BEACH, National Fire Protection
Association

MICHAEL BELLMAN, City of Richmond Department
of Public Utilities

J. ANDREW DRAKE, Spectra Energy

RICHARD E. FEIGEL, Hartford Steam Boiler

SUSAN L. FLECK, National Grid

THE HONORABLE COLETTE D. HONORABLE, Arkansas
Public Service Commission

DANIEL B. MARTIN, Tennessee Gas Pipeline
Company (El Paso)

RICHARD F. PEVARSKI, Virginia Utility
Protection Services, LLC

PAUL S. ROTHMAN, The Port Authority of New
York and New Jersey

DONALD J. STURSMA, Iowa Utilities Board

RICHARD H. WORSINGER, City of Rocky Mount

JEFF C. WRIGHT, Federal Energy Regulatory
Commission

DEPARTMENT STAFF PRESENT

TIMOTHY BUTTERS, Deputy Administrator, PHMSA

TEWEBE ASABE, Transportation Specialist,
PHMSA

LINDA DAUGHERTY, Deputy Associate
Administrator for Policy and Programs,

PHMSA

JOHN A. GALE, Director of Regulations, PHMSA

JEFF GILLIAM, Director of Engineering and
Research, PHMSA

CHERYL WHETSEL, Technical Advisory Committee
Manager

LARRY WHITE, Senior Counsel, PHMSA

JEFFREY D. WIESE, Associate Administrator for
Pipeline Safety, PHMSA

ALSO PRESENT

PHIL BENNETT, American Gas Association

RYAN ENDEAN, Professional Engineers in

California Government

MARTIN MACEY, Suremark Worldwide

PAT SONTI, EMS Global

C-O-N-T-E-N-T-S

Call to Order 9

Deputy Administrator Tim Butters. 10

Meeting Objectives. 14

Agenda Item I: Presentation Draft Report to
America 30

Committee Comments on Presentation of Draft
Report. 71

Public Comments on Presentation
of Report 116

Agenda Item 2: Update on
Reauthorization 150

Agenda Item 3: Regulatory Update. 183

Agenda Item 4: PHMSA's Research
Program 205

Agenda Item 5: Seam Welds and Risk
Assessment. 211

Agenda Item 6: Open Roundtable. 254

1 P-R-O-C-E-E-D-I-N-G-S

2 9:03 a.m.

3 MR. WIESE: Okay, good morning,
4 everyone. I have a few informal comments
5 before we get going and I turn this over to
6 the, to the Chair, the Honorable Ms.
7 Honorable. Sorry; I can't help but use that
8 every time I see you. I bet everybody uses
9 that by now.

10 So just a couple of quick remarks.
11 I want to welcome you to a joint meeting of
12 the PHMSA Technical Advisory Committees. My
13 thanks to all the members for taking time out
14 of your day. I know everybody is busy, so I
15 do appreciate you coming in.

16 This is a fairly interesting
17 meeting. You know, we don't have votes today,
18 and our primary purpose in getting together is
19 to look over, get your reaction to the draft
20 report to America that the, that a
21 subcommittee of this group has put together.
22 We'll spend plenty of time on that. And we'll

1 get a few update briefings a little bit later
2 in the day on things.

3 Our deputy administrator, Tim
4 Butters should be here a couple of minutes.
5 But before he gets here, I've got a couple of
6 just housekeeping details if you'll allow me.
7 I want to, obviously, being a safety official,
8 remind you that in the event of any fire
9 emergency, there are exits, one at the -- go
10 out these doors -- one at the end of the hall
11 that would be the preferred route for anybody
12 here. If, for some reason, that's blocked,
13 you'd go down, turn right at the corner, and
14 it will follow out down the stairs. And there
15 are fire exits over there. We had four days
16 of meetings here last week, so we're pretty
17 familiar with the hotel.

18 The comfort moment is to just down
19 to this corner and to the right, you'll find
20 the restrooms. The other part of the comfort
21 moment that you need to know about is that
22 there's a Starbucks almost directly below us.

1 Those of us who survive on things like
2 Starbucks -- I see a lot of heads nodding --
3 right below us.

4 And also, Cheryl's been, Cheryl
5 Whetsel's been kind enough to put together a
6 list, or get it from the hotel, of places to
7 eat lunch. That's out on the table here. You
8 can ask a number of us.

9 We have, as I said, spent four
10 days here last week on a couple of meetings.
11 We had a seam workshop, we had a risk
12 assessment records workshop, and then we had
13 an international regulators workshop, which
14 was quite interesting. Happy to, to brief you
15 on any of that stuff.

16 Last kind of couple administrative
17 comments -- one is I'd just remind people that
18 once we begin, we'll be recording, and so it's
19 a formal meeting. I would ask a couple of
20 things in that regard. One, as a general
21 reminder, you know, and I've done mine, try to
22 go to vibrate or something so we don't have

1 cell phones going off left and right.

2 And also when you speak -- I'm
3 reminding committee members as well as the
4 public -- you know, when, when there is an
5 opportunity for public comment, please state
6 your name and your affiliation. I think, for
7 the committee members, all you need to do is
8 state your name. We know who you are; we know
9 where you live.

10 Mr. Butters is coming in.

11 The other thing I wanted to say is
12 there is a meeting, a record of the meeting.
13 The number that Cheryl has given me is
14 PHMSA-2011-0127.

15 That's the docket number, Cheryl?

16 MS. WHETSEL: Yes.

17 MR. WIESE: Yes, the docket number
18 for that. We will be posting -- by the way,
19 we're trying to go a little more digital. We
20 will be posting most of these presentations.
21 So, for the public's benefit, you know, once
22 upon a time, we would print out reams and

1 reams of paper and put them out there. I
2 decided that's not really a prudent use of
3 resources, so these things are all made
4 available electronic. There's a record of the
5 meeting you can go through at your desire at
6 that docket number. And there's also a
7 webpage dedicated to the advisory committees
8 on PHMSA's website that you can get to and get
9 to these things.

10 At any rate, with that, I think
11 that that's the bulk of the administrative
12 announcements.

13 MS. DAUGHERTY: I have one, one
14 item.

15 MR. WIESE: You might want to use
16 your mic then.

17 MS. DAUGHERTY: We have, we have
18 on the slides, we have an incorrect number on
19 the slides, so we'll change that before we
20 make those public.

21 MR. WIESE: So, repeating that,
22 it's 2011 and 0127. Kim is on the fly. Very

1 good.

2 Okay, I think what we've done most
3 of the introductory things we need to do.
4 Would you mind throwing up the agenda real
5 quick, Kim? We have a copy of it right here,
6 but for everyone to -- and the public can see
7 it as well.

8 I think with that, I will call
9 this meeting together. I'll be coming back in
10 a few minutes and talk to you a little bit
11 more about what our objectives are today, but
12 like to welcome Colette Honorable, my friend
13 and subcommittee member, who has agreed to
14 chair today's meeting.

15 Thank you, Colette.

16 MS. HONORABLE: Thank you, Jeff,
17 and as always, we appreciate the role that the
18 Department of Transportation, and particularly
19 PHMSA, plays in ensuring that we're all
20 working together with the same goal. And it
21 really is an honor to chair today's meeting.
22 Thank you.

1 And, I've really enjoyed working
2 with the subcommittee as well. I'd like to
3 thank all of the members of both PACs, and
4 especially the subcommittee. We've all worked
5 very hard to try to bring a draft to you that
6 we hope that you will be pleased with.

7 And with that, we will now hear
8 from our PHMSA deputy administrator, Tim
9 Butters.

10 MR. BUTTERS: Good morning. First
11 off, thank you very much for your
12 participation on this technical advisory
13 committee. The work you folks are doing is
14 critical to advancing the pipeline safety
15 initiative that we're all here to advance. I
16 bring greetings from my boss Cynthia
17 Quarterman as well as the Secretary of
18 Transportation.

19 I'm only going to take a couple of
20 minutes. I was mentioning to Linda, the
21 agenda says I have to talk for 45 minutes, or,
22 a half-hour. I don't think I'm going to do

1 that.

2 You know, it's, this is not news
3 to anybody in this room about the pipeline
4 safety issues that are facing our country.
5 It's got the attention of not only the
6 Secretary but well up into the White House and
7 Congress. So our work is cut out for us.
8 There's a number of challenges, as we all
9 know, that we need to overcome, whether it's
10 the aging infrastructure, the pipe that
11 predates the regulation, the obviously
12 economic challenges that we're facing to try
13 to get the necessary financial resources to
14 get the job done.

15 The public sort of -- I don't want
16 to say apathy -- but their comfort level of
17 expectation of delivering energy and maybe not
18 really understanding how critical the pipeline
19 infrastructure is to do that, and you know,
20 the political environment where we need
21 Congress to really take definitive action to
22 get this moving.

1 We are doing our part, as the
2 regulator, to move forward regulations and
3 rules to increase safety. The expectation of
4 your organizations and your companies to also
5 roll up your sleeves, I think, is evident by
6 your presence here, but we're going to
7 continue to need to put the full-court press
8 to get this done. It's going to be a heavy
9 lift for all of us.

10 But I think the public safety, the
11 importance of the energy and making sure that
12 we have confidence in the safety of the system
13 out there -- because the challenges, as we
14 look forward in terms of the growth of natural
15 gas and the changing dynamics out there is
16 going to make the work that we're doing even
17 more critical.

18 So I want to just, again, thank
19 you for your participation in this committee.
20 The work that you're doing with this national
21 report is going to be very important. We've
22 got a lot of other things as part of this

1 action plan that we've got planned for the
2 next year or so. I know Jeff and Linda have
3 laid that out for you.

4 You know, as an emergency
5 responder by background, we've got a challenge
6 with that group as well. The risks that
7 pipelines pose in certain communities because
8 of their age are something that really isn't
9 on the radar screen of the emergency
10 responder, and we've got to do some work to
11 get their attention and get them engaged as
12 well.

13 So I'll be hanging around for a
14 little but because I'd like to hear some of
15 the deliberations and some of the discussions.
16 But again, thanks again for being here.

17 MS. HONORABLE: Thank you, Mr.
18 Butters. And, on behalf of NARUC, I'd like to
19 thank PHMSA. You all have made yourselves
20 available throughout this year. We've invited
21 them to a number of our regional meetings as
22 well as our last summer meeting, and your

1 presence has been very important as we make
2 all regulators aware of the importance of this
3 effort, right now particularly. So thank you
4 all.

5 We'll now hear from Jeff Wiese
6 regarding our meeting objectives.

7 MR. WIESE: Okay, great. Thank
8 you, Colette, and thank you, Tim. You know,
9 I should say -- a couple of moments of levity
10 -- I assure you you're not fair game, but
11 obviously, good deeds get punished.

12 Tim was a member, and he didn't
13 mention to you -- most of you know that; the
14 public may not know -- Tim was a member of the
15 Liquids Committee and apparently did such a
16 bad job that we promoted him into the Deputy
17 Administrator, where he's really going to pay
18 a price for some of those earlier votes.

19 But I want to thank Tim and
20 welcome him here. I know Tim's been very
21 actively engaged and appreciate that he has
22 been doing a bit of traveling for us, and we

1 have been really spending a lot of time
2 engaging with most of our stakeholder
3 audiences. I've used the joke before in other
4 meetings if you'll allow me; if you've been
5 there, forgive me. When I mentioned to
6 Cynthia when we first came is we were hoping
7 to give her a lot of visibility and a lot of
8 great opportunities. She's certainly gotten
9 that, and she thanks me for it all the time.

10 One of the ones which I know Tim
11 can appreciate it is, you know, giving her the
12 opportunity to go to the White House three
13 times now. In fact, Tim and Cynthia just got
14 to go to the White House again, was it last
15 week. I think it was?

16 MR. BUTTERS: Yes, but I wouldn't
17 categorize it as "got to go" to the White
18 House.

19 MR. WIESE: It wasn't an
20 opportunity. Okay, well, at any rate, we're
21 hoping to give them better opportunities in
22 the future.

1 But the reason I make that joke is
2 to say that what Tim said is absolutely true.
3 If you have not -- and I know that we all
4 orbit in different worlds, and sometimes the
5 world in Washington is a little strange -- but
6 I will tell you that pipeline safety has the
7 attention of everyone at this point. You
8 know, whether it's the White House, clearly
9 the Secretary -- I've spent more time with
10 this Secretary than I've spent with any prior
11 Secretary. So he's definitely engaged.

12 The Hill's engaged. We just spent
13 two hours yesterday afternoon. I've got two
14 more hours coming up later this week. I know
15 a lot of people in this room are engaged with
16 the Hill. You know, I know that states are
17 very actively engaged not just in the
18 day-to-day business that we do all the time
19 but NARUC, as Colette said, has built up a
20 pipeline safety task force at a Commissioner
21 level, which I'm very thankful for. I think
22 that was a crucial step that they took.

1 They've been talking about this
2 throughout all their regional and national
3 meetings. The industry is just as busy. You
4 know, I know there's a lot going on, and
5 hopefully we'll have some time, you know, to
6 talk about a lot of those things, and
7 certainly going forward, we will.

8 Our primary purpose today in
9 getting together, maybe if we can -- we can
10 jump into this a little bit, if you will, Kim
11 -- maybe the next one; just one more in.
12 There you go. The substantive one. Okay.
13 Very good.

14 So the primary purpose of getting
15 together today is to talk about an exercise --
16 thank you -- that you're all familiar with.
17 We asked -- I should back up one step. The
18 committee asked us some time ago, before some
19 of this current hullabaloo about getting more
20 engaged, you know, not just voting on rules.
21 The primary purpose of the committee -- you
22 can go back to the statutes and read those --

1 is to advise us on our regulatory initiatives.

2 But I think we made a commitment a
3 number of years ago about trying to draw and
4 use the abilities of this committee to advise
5 us on policy matters as well as regulatory
6 matters, and I'm thankful. And I think that
7 has been happening, by the way, but here is a
8 way of substantively engaging the committee.

9 Now, it's really hard to write a
10 report with six people, not to mention all of
11 our staff. So I know that you know that we
12 couldn't have written it with 30. So I
13 appreciate and beg your indulgence for the
14 idea of setting up a subcommittee to do this.
15 I'm very thankful that these people who I just
16 called upon personally -- you know, I didn't
17 really have the time to go through ballots and
18 ballots about finding people -- I picked
19 people that I knew were engaged in different
20 things, and I appreciate very much their
21 willingness to step forward. Today they're
22 going to report back to you on what they've

1 done.

2 But really, we're here to talk
3 about an action that the Secretary of
4 Transportation commissioned. He wanted to
5 have, given everything that we've seen in
6 pipeline safety and the importance of energy
7 pipelines in America and its economy and
8 people's basic well-being that he wanted the
9 public to have a better sense of assurance of
10 what's going on. You know, what kinds of
11 actions are being taken? What is the record?
12 If you believe that the media -- no offense to
13 our friends in the media -- but if you live on
14 the media, you would believe that things were
15 going to hell in a hurry.

16 I think there are problems we need
17 to work on. I think we know what those
18 problems are, and we have a plan to do that.
19 But I would also say we've got a pretty strong
20 safety record if you look at the details, and
21 we're going to come back to that in our
22 presentations.

1 Nonetheless, the Secretary felt
2 that the public needed the facts and they
3 wanted to have some sense of assurance that
4 people were engaged in taking care of these
5 issues. So he asked us to put together this
6 Report to America as part of his broader call
7 to action of all parties. So, just quickly
8 reviewing for the public's benefit, we did
9 hold a pipeline safety forum the Secretary
10 hosted on April 18th at DOT, in which he
11 formally asked for the engagement of a lot of
12 parties, talked about the challenges that we
13 have, and spun up an action plan.

14 Tim mentioned earlier, Tim and
15 Linda and I and a number of other people,
16 including Alan Mayberry, sit and review this
17 almost on a weekly basis. What actions are we
18 taking to move it forward? So I'll go through
19 a couple of those. The primary purpose,
20 though, in being here is to talk about the
21 Report to America. If you'll allow me, I've
22 got three quick slides and then we'll get down

1 to the business at hand.

2 This is not everything we're
3 doing. These were really supplemental efforts
4 that we spun up as part of this action plan to
5 address the Secretary's request. And last
6 week, as I mentioned, we were here four days.

7 The first three things on that
8 list -- we concluded last week. It was a very
9 important meeting and it was very well
10 attended. I think there were somewhere on the
11 order of 200 people on the Internet and
12 another 250 to 300 people here, in which we
13 were talking about crucial issues about risk
14 assessments and records, the adequacy of the
15 underlying records. I think that was a very
16 important workshop. If you're at all
17 interested in the topic, again, for the
18 members or the public, there's a webcast of
19 that that's on our website. You can get to it
20 for 30 days. All the presentations are up on
21 our website. You can take a look at it. I
22 think it was a very good workshop, and I

1 appreciate everyone who was involved in coming
2 to that.

3 The day before, we held a meeting
4 on pipeline seams and all of, a new project
5 that we have kicked off to kind of
6 fundamentally put together a catalog, if you
7 will, of pipeline seam types, vintages,
8 susceptibilities, the capabilities of
9 technology to detect and characterize those
10 susceptibilities, et cetera.

11 And then the two days prior to
12 that was a very interesting meeting. When
13 invited in the National Energy Board of
14 Canada, we had the Alberta Energy Resources
15 Conservation Board, and then the Mexican
16 Committee for the Regulation of Energy here
17 meeting for two days. It's always interesting
18 to me, as I get together those people, the
19 common challenges that we have.

20 You know, thankfully, in this
21 country, we don't have some of the challenges
22 that Mexico is faced with, some of its

1 pipelines. But I will tell you that there's
2 a lot in common between all of our regulatory
3 groups, and with the number of trans-boundary
4 pipelines delivering energy from and to these
5 different countries, I think it's crucial that
6 we have those kinds of relationships. So
7 those are done.

8 We also, and also the industry,
9 and, I think, NARUC, have been conducting
10 surveys of various means of funding pipeline
11 safety initiatives. Tim raised that point
12 earlier. I think there's that work that will
13 be ongoing in that area for a while, but our
14 survey is complete.

15 I guess the way I'd say this is we
16 offer technical assistance to the Hill who
17 were interested in the idea of a national
18 infrastructure bank, and that concept has gone
19 forward really for distribution companies and,
20 I think, primarily municipals. Although the
21 Hill is working that legislation on the Senate
22 side, that idea is going forward -- how do we

1 help people get done some of the work that we
2 think needs to be done?

3 And then re-authorization language
4 -- the administration put forward its
5 priorities last year, and most of the bills
6 that you see now reflect those in some part
7 and then are adding on to that. I will say,
8 while we say "done" because I'm trying to get
9 it off of my to-do agenda, we continue meeting
10 with the Hill, and I expect that will
11 continue. We'll come back and talk about that
12 a little bit more.

13 Mid-term, the purpose of why we're
14 here today is to talk about the report the
15 Secretary commissioned from us. As Tim
16 alluded earlier today, and I think we agree
17 and have agreed for years about the need to
18 engage emergency responders, so if it's your
19 first time hearing it -- we do plan to host an
20 emergency responder/first responder forum this
21 fall which we'll be inviting everyone to
22 attend. But really our focus is with

1 emergency responders, about making sure they
2 know what's currently available to them and
3 what more they need. That's one audience who
4 I think we would all agree we need to serve
5 well.

6 There's a lot of great stuff. If
7 you hadn't heard, we did get Pipeline
8 Emergencies 2.0 out now on the website.
9 That's freely available to you, sponsored by
10 ourselves and the National Association of
11 State Fire Marshals but with the participation
12 of many of the parties here. We've also been
13 doing a lot with training classes at our
14 Oklahoma facility, talking with the states
15 about state enforcement matters. So that's
16 active and ongoing longer-term. And there's
17 more to it than this, I would say. These are
18 just a few of the things.

19 We will have technical workshops
20 we're planning probably first quarter next
21 calendar year on both hazardous liquid leak
22 detection technology, as well as valves.

1 Originally, this was focused on natural gas
2 transmission on the valving question. But
3 I'll be honest with you, based on what I'm
4 hearing from the Hill when I'm talking with
5 them, it's going to include excess
6 flow-restricting devices as well. People on
7 the Hill are asking, basically, cover them
8 all. So I half-anticipate a mandate in that
9 area.

10 Last but not least, I would say
11 that one of my boss's favorite campaigns,
12 which the American Gas Association has agreed
13 to work with us on, is just trying to get
14 greater awareness to the public about the
15 dangers of vehicular damage to meter sets. I
16 think anybody in the gas distribution business
17 knows that that's a fairly significant risk
18 and something that you'll be hearing more
19 about from ourselves and AGA and probably APG
20 as well.

21 Then I'm going to introduce Linda
22 Daugherty who, with the Chair's permission,

1 will take over and kind of introduce this
2 project. As I earlier mentioned to you, we
3 used our prerogative the Secretary gave us to
4 commission a subcommittee of this group to
5 build this. We wanted to ensure some balance,
6 and I will tell you that I think that worked
7 very well.

8 Really, our first shot, to be
9 honest with you, even when we're trying, some
10 people feel it is not balanced. So I think,
11 through active dialogue with the subcommittee,
12 we were able to kind of work out a lot of that
13 tone control issue. So I appreciate the
14 dialog of the subcommittee on that. It's our
15 goal to deliver balanced material, and your
16 feedback's very helpful on that.

17 We did have a member from the
18 industry sector, the public sector, and the
19 government sector from both committees on
20 this. We did solicit a ton of input and got
21 a fair amount of input. The TAC itself, the
22 subcommittee held a public meeting out in

1 Dulles at the Marriott out there, I believe it
2 was, in which we basically convened just to
3 hear from the public. We spent about a half
4 a day in public testimony with different
5 people wanting points that they wanted us to
6 consider, or the subcommittee to consider.

7 The subcommittee has been meeting
8 a lot and they're not listed on here, but you
9 know, a special thanks to the subcommittee,
10 because I know it's difficult. We tried to do
11 as much of it as we could remotely, but we
12 also felt it was imperative to get together
13 several times and talk.

14 So I'm going to stop my part of
15 this and introduce Linda by saying, really,
16 the last thing here, and it's really for
17 everyone's consumption. Whether it's the
18 advisory committee or public, I want to be
19 very clear on something. We think it's very
20 smart business to use the advisory committee
21 in the way that we've done here, but I must
22 tell you that this is the Secretary's report,

1 and I think everybody who's worked with us
2 long enough understands that, so I'm not
3 trying to take away his prerogative. We're
4 trying to help and deliver a product. But I
5 will say the Secretary and the Administrator
6 have prerogatives once we're done.

7 So I don't want you to feel that
8 people would be disrespectful of what's been
9 done; I think they're very thankful. I just
10 want to say it is their report, and in the
11 end, it could change after we're done with it.
12 But my guess is that 99 percent of it survives
13 because it's very solid work by the
14 subcommittee.

15 So with that, if you'll allow me,
16 I will -- most of you know Linda Daugherty by
17 now. Linda Daugherty is my deputy for
18 national policy and programs. Linda's also
19 been one of the driving forces behind the
20 subcommittee. So, with that, I'll turn it
21 over to her.

22 MS. DAUGHERTY: Thanks, Jeff.

1 You know, a lot of work has gone
2 into getting the report to the stage at which
3 you saw it. We mailed it out to all last
4 Friday. There are a couple of things that I
5 wanted to emphasize. Jeff said this is the
6 Secretary's report. I would also mention,
7 this is a draft report. We aren't done. And
8 as much as we tried to keep it neutral, to
9 have all sectors represented and balanced,
10 there may be things in the end run that may
11 not be the way a certain sector would have
12 liked it to be written. We're trying our best
13 to keep neutral, just present facts, to watch
14 the tone.

15 This slide right here is just to
16 let everyone know that, you know what? We
17 know that the report at this stage is not
18 perfect, and not everyone is perfectly happy
19 with it. I mean, hopefully they will be at
20 the end. But there may be things when you
21 read it that you said, oh, I wouldn't have
22 said it that way, or, I think that this is too

1 strong in this area. We're trying to balance
2 out some of those things. But we believe that
3 the final report needs to, as much as
4 possible, neutrally represent the state of the
5 pipeline infrastructure to represent the
6 various sectors and input in things that are
7 important.

8 What we're going to ask for you
9 today is to give us your general impressions.
10 Hopefully, you've had a chance to look through
11 at least the initial part of the report, which
12 I think was about 37 pages, somewhere around
13 there; maybe 27 pages if you didn't get a
14 chance to read the appendices. That is the
15 main content. That is the focal point of the
16 report to convey the message. We are looking
17 for not so much grammatical edits or the way
18 we said it, but tone; general impressions.
19 And did we miss a key message? Is there
20 something really critical that we did not
21 include?

22 Our deadline is August 15, so we

1 and PHMSA have to inject this report into a
2 review stage, do our internal reviews, which
3 means it will circulate throughout PHMSA and
4 then it will go into the Secretarial review
5 process. So, as Jeff mentioned, we don't
6 really know what we will be coming out with at
7 the end.

8 Another point, Jeff just reminded
9 me, is the report is written for the public.
10 It's for their consumption, and we realize
11 that in its current stage, it may be a little
12 too technical. It may be a little high-level.
13 So we have some folks that are going to be
14 reviewing it and perhaps rewriting it to make
15 it more user-friendly or, as I think someone
16 said, more accessible to the general public.

17 Okay, so what we're going to do
18 today, we've ask the members the subcommittee,
19 who I'll introduce in just a moment, to talk
20 to you about different sections or chapters of
21 the report. Their responsibility is to give
22 you the context and the intent of the chapter.

1 I'll give you a little disclaimer here. When
2 they talk about a chapter, it doesn't mean
3 that everything in that chapter, they fully
4 support and think is worded correctly. So, if
5 there's a particular issue that you didn't
6 like, don't gang up on the guy that spoke on
7 it, please, because they're representing the
8 report as a whole and on behalf of the
9 subcommittee.

10 Also, later on, we will have a
11 chance to get your comments. We're asking
12 folks to hold their comments until the end of
13 the reporting out period. And Jeff will take
14 the mic back at the end after we complete --
15 the last speaker on the subsection will be
16 Colette, and then Colette can hand it back to
17 Jeff if that's okay. And then Jeff will
18 moderate the comment period with the committee
19 as a whole, and then also the public.

20 Okay, so who's on the
21 subcommittee? Sue Fleck and -- represented
22 industry; Colette Honorable represented one of

1 the regulatory positions; Rick Pevarski with
2 another representative of the public; Craig
3 Pierson representing the liquid industry;
4 Massoud, another regulator; and Carl Weimer
5 representing the public. So we tried to have
6 two from industry, two from the public, and
7 two regulators.

8 Now I have to tell you, as Jeff
9 said, writing a report with 30 people would be
10 impossible. It was also a challenge to write
11 it with six plus the PHMSA people, but these
12 folks did a fantastic job. They provided
13 reasonable, great input, and they told us when
14 we were off target. So, again, I also want to
15 add my thanks to the subcommittee group.

16 With that, what I will do is I
17 will hand it off to Carl. You can see up here
18 who will speak. Carl is going to speak to
19 this slide, and I'd ask each of the
20 subcommittee members to hand off to the
21 following presenter.

22 Where is Carl? Right there.

1 MR. WEIMER: Good morning. I
2 missed the little committee meeting yesterday
3 when they were supposed to tell me what I was
4 supposed to say now, so I'm going to wing it
5 a little bit. But I know I'm speaking for the
6 whole committee.

7 MS. HONORABLE: That means you
8 have 20 extra slides.

9 MR. WEIMER: Twenty extra slides?
10 Well, good. If everybody wants me to speak
11 for all of their issues, I'd be glad to do
12 that.

13 I've actually got the easy part
14 because I'm just going to talk about kind of
15 the introductory message and the short stuff,
16 and the fellow subcommittee members will talk
17 more in depth about the rest the report.

18 You know, I want to thank the
19 PHMSA folks and the people from Cyclo, too,
20 who actually helped the committee put this
21 together. The committee certainly didn't
22 draft anything that you're seeing here. The

1 folks from Cycla did a wonderful job of taking
2 a whole bunch of information and kind of
3 dumping it into a draft report and then
4 letting us kind of cut and paste and chop to
5 try to get it down to a more workable level.

6 So kind of the basic structure, as
7 you'll see, is we came up with some
8 introductory items to kind of, in one page or
9 less, get the idea of what we're trying to
10 cover to the public and then five main
11 chapters that talk about the need for
12 pipelines, the stakeholders that are involved
13 with pipelines, the safety and environmental
14 record. And then we get into the challenges
15 and the initiatives that are happening now and
16 then other ideas that have been floated that
17 need to be worked on in the future. Other
18 subcommittee members are going to talk about
19 those.

20 The appendices are pretty
21 self-explanatory. When we first got the
22 report, it was way too long, and I think the

1 subcommittee agreed that it needed to be
2 shorter if we really expected the general
3 public to read the darn thing. So we took a
4 lot of what we think is really pertinent
5 information and put it into appendices so the
6 people who are interested in those things can
7 search out and read more about. Those things
8 are talking about, you know, how do pipeline
9 safety initiatives get funded through funding
10 mechanisms, and how do new pipelines get
11 sited, and a whole range of things which are
12 listed there.

13 We thought all these were
14 important, but if we mixed them all into the
15 report, all of a sudden, the report was going
16 to be 75 pages instead of 25 pages. And most
17 people's eyes would have glazed over, and they
18 would have given up. So we put those in into
19 appendices.

20 The first two things right off the
21 bat is an introductory letter from the
22 Secretary, and I suspect he might tweak it a

1 little bit. But really, we are trying to set
2 the tone with the introductory letter of why
3 he's releasing this report. It was basically,
4 over the last 18 months, there's been a series
5 of tragedies and spills that have caught the
6 attention of the American public and certainly
7 the media, more so certainly than I've seen in
8 the last 10 or 12 years, maybe more so than
9 ever.

10 It's caught everybody by surprise.
11 It caught him by surprise, so he put together
12 this forum and now this report to try to let
13 the American public know what it is that's
14 going on with pipelines and whether there is
15 a problem and what we're already doing to
16 address that. So that's kind of the very
17 first page we will be a letter from the
18 Secretary.

19 Following that is just a very
20 short executive summary which goes through
21 five chapters and addresses what they're all
22 about, you know, short little paragraphs

1 saying what the rest of the subcommittee
2 members are going to describe to you.

3 And I think that's the end of all
4 I have to say. I'm passing it on to Craig.

5 MR. PIERSON: Thank you. I'd like
6 to echo the comment that Carl made about the
7 preparation, the discussions that we've had,
8 and the comments that we've made. They've
9 been accommodated as best they can in the time
10 frame, and I've been remarkably pleased with
11 how that's happened. I have full expectation
12 that that's how it's going to continue.

13 The first section of the report is
14 basically to set the stage. Speaking to the
15 point that probably the majority of Americans
16 don't perhaps appreciate the role of pipelines
17 in their lives. It makes the point that
18 they're fundamental to our lives as they move
19 energy from supply to demand, typically over
20 great distances.

21 There's a few more bullets. The
22 first one introduces and sketches the

1 industry. There's a map that you'll see that,
2 the message is that there are many, many
3 thousands of miles of pipelines stretching
4 across the United States. And it introduces
5 that there's three major segments to the
6 industry, gas transmission, hazardous liquids
7 transmission, and gas distribution. It
8 discusses that the materials that pipelines
9 transport are integral to our daily lives and
10 that the use of pipelines is increasing, not
11 decreasing.

12 It speaks to the large number of
13 operators and the diversity of operators from
14 each of those major industry segments.

15 It also speaks to landowners. The
16 pipelines are near us. Pipeline companies
17 don't typically own the property on which
18 pipelines are sited; landowners own them. And
19 it makes that clear.

20 It also discusses that as supplies
21 change, as demands change, the energy
22 infrastructure is going to change. There's

1 the need for different commodities to be
2 transported. The origins and destinations are
3 going to constantly be in flux, and the
4 industry needs to accommodate that.

5 I'm going to pass it on to Rick.

6 MR. PEVARSKI: Thank you, Craig.

7 In Section 2 is the roles of key
8 stakeholders. The first thing we had to do
9 was to identify who the stakeholders are. We
10 looked at the pipeline operators, regulators,
11 state and local officials, people living and
12 working near the pipelines, the siting
13 agencies, getting the permits to do the work
14 that you need to do, developers, excavators,
15 8-1-1 centers, 9-1-1 centers, and then
16 certainly, the general public who's reading
17 this.

18 When you go into Appendix 9 of the
19 report, you'll have a brief discussion of each
20 of the different entities with the links to
21 websites. So if the reader wants further
22 information on anything, it's available. But

1 within the chapter itself, it's pretty brief.
2 There are summaries of each of the stakeholder
3 groups.

4 Some of the major messages that
5 came out of this chapter -- improving pipeline
6 safety sometimes requires significant
7 expenditures. In addition to trying to meet
8 just the regulatory requirements, the pipeline
9 operators have other costs that will involve -
10 - with efforts involved with risk assessment,
11 management of pipeline assets, replacing and
12 repairing pipelines, applying new technologies
13 to better control their operations, and
14 understanding the fitness for service.

15 Another message is that the
16 pipeline operators charge for the
17 transportation services via rates, and there's
18 an explanation of the rate process within that
19 chapter. Expenditures are often difficult for
20 pipeline operators to recover in a competitive
21 and financially regulated environment. A
22 discussion on that piece of -- sometimes you

1 can't get rate relief for the costs that can
2 be involved with safety.

3 There's a couple of tables in
4 Chapter 2. First, identifying some of the
5 different stakeholders, you can see the
6 pipeline operators, and we list who those are;
7 federal government agencies; local and state
8 government; emergency responders, fire
9 departments, trying to make sure we cover
10 everything; rate regulators; FERC; state
11 public utility commissions; representatives of
12 public interests; pipeline safety trusts;
13 Common Ground Alliance with 8-1-1; Natural
14 Resource Defense Council; and certainly, the
15 8-1-1 and the 9-1-1 organizations,

16 You have safety regulators -- OPS;
17 state pipeline safety regulators; the National
18 Association of Pipeline Safety Reps; the US
19 Coast Guard. And going into trade
20 associations -- AGA, Association of Oil
21 Pipelines, American Public Gas Association,
22 American Petroleum Institute, Interstate

1 Natural Gas, and Natural Propane Association.

2 In this part of the chapter, we
3 also look at what's their responsibilities,
4 each of the stakeholder groups. I won't go
5 through each of these, but you can read that
6 in the report. But I think one key piece that
7 we did add in it is seeing how the reader of
8 this report is the general public. We wanted
9 to ensure that there was something in this
10 report that they take away. What do they
11 bring back of their own responsibility --
12 certainly, to call 8-1-1 before you dig, call
13 9-1-1 in case of a gas leak or emergency,
14 evacuate building if necessary, advocate in
15 safety rate cases, and understand the risks.
16 I think that was a key piece in this report.

17 With that, I'll turn it over to
18 Massoud.

19 MR. TAHAMTANI: Section 3 talks
20 about safety and environmental records of
21 pipelines. It briefly talks about how we're
22 doing with respect to performance and presents

1 a number of charts and graphs to illustrate
2 the performance to the general public.

3 It does note that, while there's
4 clearly room for continued improvement, that
5 pipeline safety has generally improved over
6 the last 20 or so years, but that we must do
7 everything we know how to prevent the recent
8 serious accidents.

9 The subsections under this try to
10 amplify the message and again notes that
11 trends are, in general, good, although slow
12 and erratic, but it's a downward trend. And
13 it talks about the comparative risks between
14 pipelines and other modes of transportation.

15 It does note that, for natural
16 gas, there is really no other alternative to
17 pipelines, but for moving petroleum products,
18 there are a number of other modes. According
19 to the AOPL data for 2008, approximately 71
20 percent of the petroleum products have been
21 moved by the pipelines, the remaining by other
22 transportation modes such as railroads and

1 tanker trucks.

2 The report does note that it's
3 difficult to compare the environmental and
4 safety records of these modes. One of their
5 major differences is the reporting criteria
6 between the various modes.

7 The report presents a couple of
8 charts in terms of the spills records for
9 liquid lines, and it does note that spills per
10 1,000 miles generally has a downward trend.

11 As far as the number of barrels
12 released per 1,000 miles, in the recent year,
13 there is an upward trend. Are you moving the
14 thing? I'm trying to figure out --

15 (Laughter.)

16 MS. HONORABLE: Massoud -- he's
17 helping you, Massoud. He's assisting you.

18 MR. TAHAMTANI: Stop moving the
19 thing.

20 Anyway, the other subsection in
21 this section talks about factors affecting
22 pipeline safety. It does present a number of

1 pie charts that show the significant causes of
2 pipeline accidents for hazardous liquid
3 transmission lines and distribution systems.
4 It presents a summary of how old our pipeline
5 infrastructure is. And finally, if age is a
6 factor in the safety.

7 It does note that there are some
8 early, vintage pipelines that have shown a
9 higher failure rate, but it does note that
10 it's believed that those failures are caused
11 by operation, maintenance, manufacturing, and
12 construction related issues and not so much
13 the age. It does note the standards under
14 which these older pipelines were built, the
15 standards and techniques that were acceptable
16 at the time and that are not used today.

17 Finally, it talks about how safe
18 are the oil pipelines, and it talks about some
19 interrelated factors involving these pipelines
20 and in the evaluation of the safety for these
21 pipelines, again, such as design, operator
22 knowledge of these pipelines, the physical

1 condition of these pipelines, and the
2 integrity management programs that these
3 pipelines use to stay safe.

4 Now we can move if you're ready to
5 move on. But I'll do it.

6 Here's a couple of graphs that
7 show, for example, as was mentioned earlier,
8 that that the US population is obviously
9 growing, energy consumption is growing.
10 Pipeline mileage is increasing. At the same
11 time, as I mentioned, the safety record is
12 improving. Now these are based on serious
13 accidents involving death and injury although,
14 again, erratic but a slow downward trend.

15 The next graph here basically
16 presents the number of serious accidents since
17 1986, and once again, it attempts to show that
18 there is a downward trend in those accidents.

19 So, with that, I'll pass it on to
20 Sue.

21 MS. FLECK: Okay, the fourth
22 section is about challenges and ongoing

1 initiatives, and within this section, there
2 are several major messages that we tried to
3 bring out. The first is that improving
4 pipeline safety requires industries and
5 regulators to focus energy and resources on
6 understanding and managing a set of known
7 risks.

8 To drive accidents and safety
9 impacts to zero, pipeline and regulators have
10 to address a broad variety of factors that
11 impact this, and lessons learned from
12 operating experience across the industry are
13 one of the best sources of information to
14 improve on safety performance. Subcommittees
15 like this, where we can collaborate and talk
16 with each other, is just one example of how we
17 can bring those best practices together and
18 start that discussion.

19 Additional messages are that many
20 recognize key safety issues are already being
21 addressed through established programs, such
22 as integrity management, regulations, and also

1 high-risk pipe replacement programs. It has
2 to be noted, and we did talk about this a
3 little bit farther on, that some of these
4 initiatives haven't really had a chance to
5 mature yet, so we need to give time for the
6 benefits to be fully realized.

7 Another major messages is that
8 programmatic improvements and accelerated part
9 replacement actions may be required to
10 meaningfully improve pipeline safety. In
11 other words, we may need to do even more
12 acceleration on some of these replacement
13 programs and those kinds of things than are
14 already in place.

15 The last major message is, much is
16 currently being done to improve pipeline
17 safety and many new programs and requirements
18 are not yet mature, so benefits have not yet
19 been realized. As I said, one of those is
20 control room management, and the distribution
21 integrity management rules really haven't had
22 enough time to fully mature or even barely

1 mature. Some of them are so new, they're just
2 getting going. So, a lot more to follow on
3 those.

4 The major subsections -- there's
5 really only two. The first is, what is
6 integrity management? Integrity management,
7 as most of you know, is all about
8 understanding your risks and developing plans
9 to mitigate those risks. The second major
10 subsection is, safety is expected to improve
11 as existing initiatives mature. Again, we
12 just haven't had the regs in place long enough
13 to see all of the benefits.

14 Much of the data that is
15 associated with section 4 is in Appendix 10.
16 In Appendix 10, there's -- actually, let me
17 slip to the next slide. I don't know if
18 that's too much of an eye chart for those of
19 you in the back of the room, but I'll go
20 through, I'll try to give each of you a little
21 bit of a flavor for each one of these.

22 So the first part of it is

1 controlling threats by managing pipeline
2 integrity. This is really about discussing
3 what are the challenges and initiatives in
4 managing integrity, understanding the aging
5 infrastructure, managing the pipeline
6 integrity, improving on human reliability,
7 illuminating excavation damage, and managing
8 grandfathered assets. And grandfathered
9 assets of those pipes or installed pre-code.

10 The next section is managing
11 safety through compliance with regulation,
12 recognizing and dealing with our technology
13 limitations, recognizing and managing the
14 challenges of new construction, improving
15 public awareness, and minimizing the
16 consequences of incidents that do occur.

17 The next section is managing
18 safety beyond compliance with regulation.
19 Here, we make the overall focus on improvement
20 in performance. We learned from our
21 experience and identify additional areas for
22 improvement. We develop and share best

1 practices across the industry and improve and
2 maintain a positive safety culture.

3 The next section is managing the
4 business while ensuring safety. This focuses
5 a little more in on using your limited
6 resources as effectively as possible.
7 Retaining expertise while losing experienced
8 people -- this is all about the aging industry
9 and regulatory workforce. How do we continue
10 to move the ball forward while the people with
11 all the history and experience continue to
12 retire and move on.

13 And then, also, a section here on
14 pipeline safety research and development, to
15 try to bridge those technology limitations
16 that we're all familiar with.

17 And the last section in this
18 appendix is all about managing the regulatory
19 process -- choosing the best regulatory
20 approach and the best regulations, ensuring
21 that an adequate number of qualified
22 inspectors are in the field, and making sure

1 that that enforcement is adequate and is
2 providing value.

3 And I will pass on to Colette.

4 MS. HONORABLE: Thank you, Sue.

5 You've heard about the bulk of
6 this report, the importance of explaining to
7 the general public why we have pipelines, who
8 are the key stakeholders, and what are their
9 roles, what are the challenges and the ongoing
10 initiatives.

11 This section will focus on ideas
12 for new initiatives with a couple of major
13 themes. And as we collectively -- and I think
14 it's very important that we all embrace this
15 goal of driving accidents and injuries to zero
16 -- as we strive to get to that point, we
17 really must all focus together on continued
18 improvement of our regulations, oversight,
19 management practices, safety, technology, and
20 vigilance both by operators and other key
21 stakeholders.

22 So the key is that is there is

1 something in this effort for all of us moving
2 forward, and this is really an effort to make
3 this document live. We don't want this to be
4 published and sit on a shelf. What is it that
5 we, as stakeholders, can all take away from
6 this effort and how we move incidents to zero
7 in the future?

8 On that point, there's certainly a
9 number of important roles for all of us to
10 play in improving pipeline safety, with a
11 particular emphasis on private and public
12 partnerships playing an increasingly important
13 role. And so the purpose of this section is,
14 first of all, to describe potentially
15 promising ideas for your consideration. It
16 might be something you'd seek to implement at
17 some point -- by "you", I mean your
18 stakeholder section -- to identify which
19 stakeholder groups should take the lead and in
20 considering the merits in determining how to
21 proceed. We'll talk more about this when we
22 look at the stakeholder matrix. It might help

1 clarify which stakeholder group might be in
2 the best position to take on a particular new
3 initiative.

4 And finally, to ask each
5 stakeholder group to commit to report back on
6 the decisions, plans, and actions to address
7 the most promising ideas one year after this
8 report is issued -- again, this will be a
9 concerted effort, a collective effort. To see
10 the recent incidents, certainly, it's been a
11 challenge for us all. But more importantly,
12 this is an opportunity to see this as an
13 opportunity to do what we do better and to
14 improve the work that we do for the public.

15 Some of the candidate new
16 initiatives focus on different elements if you
17 will. The first one here is overall safety
18 improvement initiatives. There are four
19 listed in the report.

20 The first is fitness for service,
21 which we have heard quite a bit about and, as
22 a regulator, I must say I've learned quite a

1 bit about -- that's very important for all of
2 us going forward.

3 Safety, strategic planning, which
4 will be significant in our effort to plan for
5 the future;

6 Joint industry-regulator data
7 evaluation -- this is another element that I
8 think that we've recognized through this
9 process, the importance of, the importance for
10 industry, for regulators, for other key
11 stakeholder groups, even the public, to ensure
12 that the data that we have is complete and
13 accurate.

14 And finally, broadening the reach
15 of operator-led safety initiatives. We know
16 that that is certainly key, as these are the
17 people with the boots on the ground, to ensure
18 safety of the people doing the work and the
19 people that we serve.

20 The next new initiative included
21 in the report includes the ability to monitor
22 the effectiveness of and strength in recent

1 regulatory and other initiatives. So it's
2 important for us to evaluate our work
3 continually, first, by evaluating the
4 effectiveness of key regulations,
5 strengthening excavation damage prevention and
6 programs -- we know, again, throughout this
7 process, the importance of education in this
8 area and making sure that excavation is done
9 well and properly; to be able to act on new
10 legislative authority -- certainly, for
11 regulators and others, that will be
12 significant; and considering the need for
13 expanded regulation -- where can we improve?

14 Another area for a new initiative
15 would include increasing the effectiveness of
16 lessons learned processes. How can we learn
17 from what's happened? Andy spoke about this
18 recently. How can we learn from not only the
19 good experiences of others, or best practices,
20 but times when there were unfortunate
21 incidents that occurred as we continue to
22 expand incident-cause analysis and

1 communication of implications; i.e., how can
2 we learn from those experiences? And also,
3 evaluating what more can be done with
4 information sharing? How can we learn from
5 one another? Because, there certainly are
6 some very good initiatives and good areas
7 where we can certainly benefit from the
8 experience of others in the various
9 stakeholder communities.

10 And also, strengthening public
11 communication -- certainly, this report will
12 be key in this area as the Secretary speaks
13 directly to the general public. But also,
14 what can each key stakeholder group do to
15 strengthen its communications about the work
16 that we all do? Therefore, we can certainly
17 expand upon our existing information-sharing
18 processes.

19 A couple of others to mention for
20 your edification, one would be to continue and
21 expand R&D and demonstration. This can be a
22 controversial area because the question

1 becomes, how is it paid for? But we've
2 certainly recognized the value and importance
3 in the pipeline safety arena to do what we're
4 doing better. How do we harness new and
5 better technologies, pipe, and so on? And so
6 this is significant in order for us to move to
7 a better tomorrow.

8 And also, evaluating the
9 effectiveness of the agency and interagency
10 regulatory oversight -- this one speaks to me
11 in particular, learning how I work with PHMSA
12 better. How do our pipeline safety staff with
13 NAPSR work with PHMSA better? And so this one
14 on evaluating the effectiveness of agency and
15 interagency regulatory oversight requires us
16 to re-evaluate the effectiveness of our
17 enforcement practices and strengthening
18 relationships among regulators. This is
19 significant in order for all of us to be able
20 to carry out this very important work.

21 And last but not least,
22 identifying means to strengthen people

1 resources -- this is been a common message
2 throughout this journey, I think, in assisting
3 the Secretary in preparing this report. In
4 order to undertake this work and in order to
5 do it well, we need great people. We need
6 trained people. We need experienced people.
7 And so this new initiative would focus solely
8 on our human capital and how we go about
9 ensuring strong pipeline staff and managers at
10 all levels.

11 I mentioned this matrix earlier.
12 This is an example of an idea assignment
13 matrix, where each improvement idea or
14 candidate new initiative is listed on the
15 left. You can find this in the draft report.
16 And then throughout, you will note the major
17 stakeholder groups, the Office of Pipeline
18 Safety with PHMSA, state safety regulators, or
19 NPASR, state rate regulators, or NARUC,
20 operators, technical advisory committees. So,
21 for each new initiative, there would be a
22 suggestion for your stakeholder group to

1 consider where you may play a role, and where
2 you could have the greatest impact going
3 forward.

4 I'll turn it over to Jeff.

5 MR. WIESE: Thank you very much,
6 Colette, and thank you to the members of the
7 subcommittee. We appreciate very much your,
8 not only -- I mean, I think most of you would
9 agree with what you had to say there. By the
10 time we were through discussing all these
11 slides, we'd kind of come to a consensus.

12 For the purposes of the public and
13 the rest of the Technical Advisory Committee,
14 I'd like to say I think that was done under
15 some remarkably tight deadlines, you know, a
16 lot of work going into these things. But we
17 made a commitment to the Secretary which we
18 intend to keep.

19 I preface that by saying the
20 pacing going forward is pretty fast. So we
21 will be asking for comments from the Advisory
22 Committee but, as Linda said earlier, we're

1 really looking for broad comments. We're not
2 looking for edits. The look of this document
3 will change a lot by the time the Secretary
4 issues it. We've brought a couple of
5 communications pros on board about layout and
6 design and all that. So don't obsess too much
7 and how it looks now because it is a bit dense
8 now, I think, for a public audience.

9 I did want to underscore again,
10 remember, in making your comments -- because
11 I found that difficult myself -- the focus is
12 probably not you. You're very well informed
13 relative to the normal public, so I would ask
14 you, as you think about this and as you offer
15 comments, keep in mind who the target audience
16 is. It's the general public, not you, because
17 I think, frankly, coming from my point of
18 view, I would like to add lots of things. But
19 we could get lost in the weeds.

20 The question is really what does
21 the public need to know at least to get up to
22 speed and being willing to engage at that

1 point. So I think our general sense was they
2 needed a broad presentation that would take it
3 to, why should you pay attention to this,
4 through to, what's going on, and, what other
5 things are we reevaluating? So, hopefully,
6 the structure resonates with you.

7 We'll take a break in just a
8 minute and we'll come back and I'll ask for
9 comments from the committee. At that time,
10 you know, when the committee has finished,
11 we'll open the floor to comments from the
12 public.

13 I want to make clear, I'm not
14 really asking for anything from the public at
15 this point. We're rather done with that
16 process. But I want to open it up for any
17 comments people want to make. We're not
18 looking for the public to send anything in at
19 this point. Most of our work is done.

20 I would say that Colette touched
21 on a couple of things I feel fairly strongly
22 on, I'm pretty sure that the Secretary will

1 feel strongly about, and that was the notion
2 of, everyone has a stake, everyone needs to
3 commit, and I think we're looking for visible
4 commitments. We're not looking to, rah rah,
5 pipeline safety is good for America. What are
6 you going to do about it? What steps are you
7 and your audience, your stakeholder group,
8 willing to commit to?

9 And then, kind of an important
10 issue -- and I appreciate your covering that
11 -- was we intend to report back in a year.
12 Most of us are busy. We have day jobs. We're
13 crushed as it is. We can't allow things to
14 slip to the back burner. But I think it's
15 pretty important to have some form of a
16 commitment and follow-on process. So I'm
17 interested in your ideas on how to do that as
18 well. We can certainly do it through the
19 Advisory Committee, and maybe that's
20 appropriate since this is something that we're
21 advising the Secretary on. But I welcome your
22 ideas on how to do that, particularly

1 follow-through.

2 I'm happy to host on our website
3 the commitments people are making as well as
4 tying into the stakeholder audience. Any
5 ideas you have in that regard would be
6 welcome.

7 And then really my last couple of
8 comments, one is that we'll put together
9 shared presentation because I found that
10 useful in other exercises. If you're going to
11 be out talking to other audiences and you want
12 to cover this subject, I think it would be
13 helpful to have clear communication and
14 consistent communication, so we can put
15 together a shared presentation that anyone can
16 use.

17 As Linda said, and then I'll
18 adjourn for a break -- let's take 20 minutes.
19 We'll come back at 10:30. We're a ahead of
20 schedule, but that's okay, we've got plenty of
21 time. And if I let you a little bit early
22 tonight, that's going to be okay too. People

1 have been working pretty hard.

2 I told you it's a pretty
3 aggressive timeline. We're seeking to take
4 everything you give us and finish our work by
5 the end of this week. That's pretty
6 aggressive. And then we're going to be
7 turning it over to the format pros, who will
8 have a week before we turn it back into the
9 PHMSA and DOT concurrence and endorsement.

10 I wanted to, if I could -- just
11 one special thanks actually to Carl because
12 Carl said something, I think, in our first
13 meeting after we looked at the first draft
14 that at first disturbed me. But then, the
15 more he said it, the more I fundamentally
16 realized what he said was true. I think most
17 of subcommittee felt that way. There was not
18 enough to mention of why are we doing a
19 report. You know, what's the point? Why are
20 we here? Why are we even bothering to talk
21 about that? And if you're wanting to capture
22 the attention of the public -- I mean I agreed

1 entirely.

2 And so Carl took it upon himself,
3 actually, to draft the letter from the
4 Secretary. I think we largely took it with
5 minor comment. I think I had one comment on
6 the letter. So I wanted to give a special
7 thanks to Carl because I think that did change
8 tone, and I think it was important for
9 everybody to get that concept up front. And
10 also, it saved us the drafting of the letter.

11 So we want to thank you for that.

12 With that, we'll take a 20-minute
13 break and get back at 10:30.

14 Thank you very much. Thank you,
15 Colette.

16 (Whereupon, the above-entitled
17 matter went off the record at 10:08 a.m. and
18 resumed at 10:33 a.m.)

19 MR. WIESE: Welcome back,
20 everyone. Thank you. And do you know how
21 well-behaved the Advisory Committee is? When
22 we hold a workshop anywhere else and you tell

1 them 10:30, it's going to be 11 o'clock before
2 you get back together again. And I'm nowhere
3 near as good at running meetings as Massoud
4 is, by the way. He is like clockwork. Again,
5 my thanks to all of you.

6 Our purpose of the next part of
7 the meeting is really just to hear from the
8 Advisory Committee, and when you've had an
9 opportunity to comment, then I'll give the
10 public an opportunity to comment for the
11 record as well.

12 But I did want to say several
13 advisory committee members approached me and
14 said, geez, I don't know if I should say
15 anything like this. And I said, yes, that's
16 why you're here. Don't ever hesitate. We
17 don't try to censor; we don't try to tell you
18 what to say. You're here to offer and render
19 your advice. And I want you to rest assured
20 that we will thoughtfully consider everything
21 that you have to say.

22 We, of course, appreciate help.

1 When you have something you think needs to be
2 fixed, if you can offer help quickly to get it
3 to us because we're going to finish by Friday,
4 that would be welcome.

5 But please don't hesitate. The
6 whole point of that is -- the reason I closed
7 the way did right before break in saying,
8 think about it as though you're a member of
9 the public, is because those are the way we'll
10 have to edit things. And there were some
11 other comments that I hope the members will
12 offer here.

13 But with the Chair's permission --
14 and I will turn it back to the Chair --

15 I apologize for that breach of
16 protocol.

17 MS. HONORABLE: That's quite all
18 right.

19 MS. WIESE: And she's always very
20 kind.

21 So, with that, I'll turn it back
22 to the Chair.

1 Thank you.

2 MS. HONORABLE: Thank you.

3 Members of the Joint TAC
4 Committees, we'd like to ask for you, if you
5 would like to make a comment, we'll recognize
6 you. And if you would please identify
7 yourself before speaking, we'd appreciate that
8 because we're making a record.

9 And the floor is now open to you.
10 We'd like to hear from you, any comments that
11 you have.

12 Yes?

13 DR. FEIGEL: Gene Feigel.

14 MS. HONORABLE: I'm sorry; I
15 didn't --

16 DR. FEIGEL: Gene Feigel.

17 MS. HONORABLE: Thank you.

18 DR. FEIGEL: I have a three
19 comments. The first one has to do with the
20 fourth paragraph on the first page. Since
21 this is, in effect, the executive summary, I
22 think it's extremely important that this be

1 well framed because many people don't get
2 beyond the first two pages. We're all guilty
3 of that.

4 The second to the last line says,
5 "are we operating our pipelines as safely as
6 possible?" I think that should be revised to
7 say, "as safely as reasonably achievable."
8 There's an implication with "safely as
9 possible" that there's no cost-benefit
10 consideration at all, that we will spend
11 infinite amounts of money, if you take it
12 literally, to make our system safe. We all
13 know that's realistically not going to happen,
14 so I think we should very clearly say
15 something to the effect, "as reasonably
16 achievable."

17 The second comment has to do with
18 the stakeholders. I think there's one set of
19 stakeholders that is prominently absent, and
20 that's what I'll loosely call the financial
21 community. There's no mention of rating
22 agencies, debt and equity, financing issuers,

1 insurers. We're absolutely silent on that,
2 and that group, taken collectively, could have
3 a substantial impact on the whole scene we're
4 dealing with here.

5 The final one is my favorite
6 subject, and that's around page 20 and
7 following. That has to do with the
8 statistics. I'll use the chart, I think it
9 is, on page 20, the one on the right, the
10 barrels spilled per thousand pipeline miles.

11 It's extremely misleading to drive
12 a linear trend line through very volatile
13 data. The data is what the data is. I mean,
14 we can divide the number of barrels by the
15 number of miles or vice versa, and those are
16 so-called facts. But if there's an
17 implication that we're trending this kind of
18 severity -- and to a lesser extent, you've got
19 the same problem on page 19 with the frequency
20 -- there needs some brief discussion of the
21 uncertainties of these figures.

22 If the point is to educate the

1 public, if the target is the public, whatever
2 that means, and not inform people like are in
3 this room, then we need to have some brief
4 discussion of the volatility of these figures
5 and what that could mean in terms of the
6 uncertainty and the confidence intervals
7 around them.

8 I am not suggesting to make
9 excuses on either side of the argument. That
10 simply is what it is. And if we present
11 numbers like this as sort of absolutes to a
12 largely statistically and reliability
13 engineering-uninformed public, we can be very
14 misleading.

15 Thank you.

16 MS. HONORABLE: Thank you, Gene.
17 Jeff? If you'll use your tent cards, that
18 would be helpful in identifying who would like
19 to speak.

20 MR. WRIGHT: Thank you. Jeff
21 Wright, Federal Energy Regulatory Commission.

22 I did go through the report, and

1 in my catch-can lifestyle with all the other
2 stuff I have to do, I think it's a good
3 overview to the public, and I think some of
4 what was discussed earlier, maybe some
5 simplification, some redundancies need to be
6 removed, I think maybe more moving material to
7 appendices would make the front part of the
8 report more hard-hitting, more to the point,
9 and more understandable to the public.

10 I still want to compliment the
11 committee on what they've done. I think it's
12 a very great job from my perspective, reading
13 it and going through it, also from my
14 perspective in working at FERC. You know, I'm
15 one of those people that bugged Jeff at the
16 break.

17 There's some stuff on FERC rates
18 that needs to be changed, altered, whatever.
19 There's some things that are wrong or just
20 slightly misleading that I want to make sure
21 are correct, at least from my perspective on
22 gas rates, and making sure people know that

1 gas pipelines are not common carriers, they're
2 contract carriers, that kind of thing, how
3 FERC rate-making works, et cetera.

4 So I'd like to close on that so
5 other people would have comments.

6 MS. HONORABLE: Thank you.

7 And as a reminder, we would
8 welcome any of you, including FERC, if you
9 have recommendations that you would like to
10 submit by August 5th, we would appreciate it.
11 We want to make sure we get it right.

12 I'm just going to go down the
13 line.

14 Daniel.

15 MR. MARTIN: Thank you. Dan
16 Martin. A couple of things -- first, like
17 Jeff, I'd like to recognize the work that the
18 subcommittee and Cycla did in pulling this
19 information together in a short time frame.
20 I thought you did a very good job in doing
21 that.

22 As I read through it, as I got

1 past Chapter 5 or at the end of Chapter 5,
2 before I went into the appendix, I felt that
3 some conclusions or next steps were missing
4 and that it really should be brought out as
5 to, from this report to the public, what are
6 the conclusions, and where we do go from here?

7 Colette, I heard you mention that
8 there would be a report back in the year.
9 Maybe I didn't see that in the report, or
10 maybe it was understood. But working on the
11 subcommittee, it wasn't plain to me that that
12 was what we would be doing, we the various
13 stakeholders, and I think that's very
14 important for the public to know.

15 And then, also, what would be the
16 venue to use to have that report back? I
17 would suggest that this joint committee would
18 be an appropriate place to periodically report
19 back on the progress that's being made and,
20 again, to follow up.

21 So those are just a couple of
22 comments that I had.

1 MS. HONORABLE: Thank you.

2 Richard?

3 MR. WORSINGER: Thank you. Rich
4 Worsinger, Rocky Mount.

5 Again, let me echo the sentiments
6 of the other members. The subcommittee did an
7 outstanding job putting this together in the
8 short time frame they did, and hats off to
9 you.

10 A couple of comments -- I don't
11 want to word-smith. I know we don't have time
12 for that. We will be submitting comments
13 either through myself or APGA.

14 Jeff, as you're aware, there's a
15 distinct difference between investor-owned
16 utilities and municipals, and I don't think
17 that was captured in here, so we'll be adding
18 some stuff for that area, difference between
19 a return to shareholders as opposed to return
20 to citizens.

21 AGA has a lot of what they've done
22 in Appendix 10. We'll be submitting the

1 similar type initiatives that APGA has done.

2 I think it'll help bolster that section.

3 And as mentioned about rates, same
4 thing -- municipals' oversight is by local
5 elected boards. That's the rate-approving
6 body, not utility commissions. So we'll be
7 submitting some stuff to clarify that because
8 I think it is important since, although more
9 citizens, more customers receive the gas
10 through investor-owns, there are more systems
11 out there that are municipally owned.

12 Thank you.

13 MS. HONORABLE: Thank you.

14 Please proceed.

15 MR. ROTHMAN: Bill Rothman of the
16 Port Authority of New York and New Jersey.
17 I'd like to echo the sentiments that the
18 report is very thorough. But I was
19 disappointed in not seeing one thing, and I
20 admit that I only had a day to read the
21 report.

22 In the section on trade

1 associations representing the public safety,
2 I did not see NACE. I think their
3 contribution to representing safety in terms
4 of corrosion control should be recognized.

5 Further to that, I also think that a
6 description and explanation of corrosion
7 control as a technology that's available to
8 prevent the corrosion that's indicated in the
9 report should be brought out. I think there
10 should be a section explaining what corrosion
11 control is, how it prevents the corrosion that
12 causes accidents, and that that technology is
13 available and, if utilized and maintained
14 properly, can reduce these accidents
15 dramatically.

16 MS. HONORABLE: Craig -- oh, I'm
17 sorry; forgive me -- please proceed.

18 MS. HAMSHER: Denise Hamsher from
19 Enbridge.

20 Just to build, I think, on Dr.
21 Feigel's comment about stakeholders, you know,
22 you run the risk of always stepping on some

1 toes. I would recommend, therefore, there's
2 some categories. For instance, I think on the
3 public, it's just kind of "the public" where
4 there really are sectors of the public -- the
5 affected public, which is a definition of art
6 in 1162, local officials, the general public
7 -- but also businesses. Contractors,
8 investors, and finance are extremely
9 important. So I think if we can expand on
10 that and really reflect some of the
11 differences in public, it doesn't just throw
12 them in a category.

13 The other one is I think it's very
14 important to note that we have a host of
15 environmental regulators. Actually, for new
16 pipelines, EPA has a limited permitting
17 authority. They have, certainly, a review
18 authority by US Corps of Engineers, Fish and
19 Wildlife -- there is a host of environmental
20 review. Again, to avoid stepping on toes, I
21 would just put federal and state environmental
22 regulators in a category.

1 OSHA, I think, is an important
2 federal agency both for HAZWOPER for liquid
3 and for normal worker safety.

4 Second to last, pipelines,
5 particularly new pipelines and existing,
6 affect Native American tribes. And because,
7 depending on the permitting, they are actually
8 a sovereign nation to give permitting, I'll
9 leave it to you on what category, but I think
10 they're a very important stakeholder that, for
11 a lot of reasons, should be added.

12 Finally, state and local -- we
13 talk a lot about FERC in siting for natural
14 gas pipelines. Liquids are sited by a
15 plethora of state and federal. And so,
16 oftentimes -- not always -- states have public
17 utility commissions that actually have siting
18 authority. So I think that's an important
19 point because those of us that are looking to
20 replacement are often subjected to those long
21 approval processes.

22 Thanks.

1 MS. HONORABLE: Thank you, Denise.
2 Craig?

3 MR. PIERSON: Craig Pierson,
4 hazardous liquids industry.

5 A couple of points. There's some
6 discussion that focuses on alternatives to
7 hazardous liquid pipelines. And we would like
8 to submit perhaps a more compelling way of
9 describing that through how many trucks, how
10 many railcars. There's a table that's hard to
11 follow. I think we can make that point in a
12 more compelling way, and we'll be glad to
13 submit some words to that effect.

14 Also, we have submitted some words
15 that describe, similar to some of the comments
16 that have already made, the liquids industry
17 and how we interface with FERC and how our
18 rates are determined. It's more in a
19 competitive fashion with other alternatives.
20 I think we'd be well served to keep the three
21 industry segments and their rate making
22 separate. And we'll be glad to submit some

1 words that I think can be included, be brief,
2 and help explain that in a better way from the
3 liquids perspective.

4 MS. HONORABLE: Thank you.

5 Is that Larry? I'm trying to read
6 down there. Please proceed.

7 MR. DAVID: Thank you. This is
8 Larry David.

9 I reiterate the item on
10 stakeholders. I mean, the subject of this
11 being safety, worker safety and a lot of the
12 cultural issues that go with that compels us
13 to make sure we give reference to OSHA and
14 programs herein. That's a very important part
15 of setting the foundation stage for what we do
16 on all of our programs, so, very much a
17 thumbs-up support for that.

18 With the intent of educating the
19 public, I think another item that's very
20 important that I didn't see listed was the
21 expanded regulations dealing with low-stress
22 pipelines, you know, certainly responsive to

1 some of the events that have occurred in the
2 liquid industry, that I think that that also
3 ought to be noted as something that is very
4 powerful that's been implemented. It's early
5 in the stages of seeing the results of that,
6 but I think it's important to give some
7 reference to that, of painting the portrait of
8 what we're doing today.

9 From a risk management aspect on
10 the consequences, I think we also ought to
11 consider expanding what's being done with leak
12 detection. There's a reference in leak
13 detection, so, after an event has occurred,
14 the consequence side of minimizing the impact
15 is very important part of what we do.

16 There's references to the
17 technology gaps and issues ahead of us on leak
18 detection, but I think we can expand more of
19 the things that are done in conjunction with
20 prompt recognition, reporting, and various
21 entities coming together after an event has
22 occurred, so the swiftness, the promptness.

1 It isn't just a technology issue. But I think
2 we can give some more on leak detection and
3 the emergency response that go hand in hand
4 with that. Again, you're trying to educate
5 the public on things we're doing out there
6 today from a risk management-consequences
7 perspective.

8 MS. HONORABLE: Thank you.

9 The next speaker, please proceed.
10 That's Andy.

11 MR. DRAKE: This is Andy Drake. I
12 had really two comments. I think one of them
13 has been discussed a little bit earlier. I
14 think it revolves around -- maybe I'm just a
15 little unclear about the purpose of the
16 report.

17 If its purpose is to inform, it
18 does a very good job of that. It's sort of
19 like a giant status report. I think it's an
20 opportunity, though, to build confidence,
21 which is really the crux of the issue.
22 There's a confidence issue in the nation about

1 the status and the direction of pipeline
2 safety. We do a good job talking about the
3 status of the pipeline safety, but I think
4 what's missing is how do you build confidence
5 in a path forward?

6 Jeff, you talked about, it's an
7 iterative process forward -- but I think,
8 something more in the report that's a little
9 more tangible about that plan or how is that
10 plan going to be manifested, developed,
11 vetted, executed. It just doesn't -- there's
12 nothing there. It's just missing, and it's
13 obvious in its absence.

14 Even if it's not definitive, it
15 needs to be there so that people gain
16 confidence that there will be one, there's a
17 process for this to happen in, and the way
18 that it will be communicated and transparent
19 and evolved. And I think that would really
20 help anchor people that somebody's in charge
21 here and there's a plan to go forward with
22 this that will be accessible and

1 participative.

2 The other thing that I appreciated
3 in the report was -- I think it was on page 28
4 -- was the reference to the TAC. Again, this
5 is a very good confidence-building opportunity
6 to talk about more, maybe even a little bit
7 more explicitly, the role of the TAC. The
8 reason I think it's a good opportunity is
9 because this group is formal. It's balanced,
10 with all the different stakeholders. It's
11 very transparent. Those are good confidence
12 builders to the public.

13 Nobody has power over the other
14 group. It's a place where we all come
15 together and talk about issues and vet them
16 out. And, of course, you reserve the right to
17 digest this; I mean, that's your role. But
18 there's a way to get balanced input in from
19 people, and this group is a good way to do
20 that, and I appreciate the fact that the
21 subcommittee put that in here.

22 I think it's actually an

1 opportunity to expand that a little bit
2 because I think it's a good anchoring point to
3 build that confidence. This is well-tied
4 together, and it gives us an opportunity to
5 really vet things out in a balanced approach.

6 So I hope that helps a little bit,
7 but just in the interest of providing an
8 opportunity to build some confidence around
9 where we're going is really the nature of
10 those comments.

11 MS. HONORABLE: thank you, Andy.

12 The next speaker.

13 MR. SHELTON; Larry Shelton,
14 industry rep on the Liquids Committee.

15 As I read through this from the
16 perspective of a member of the public who is
17 the intended audience for this, one thing that
18 struck me was that it seemed as though the
19 concept of fitness for service was a new
20 concept for pipelines, when in fact it's maybe
21 a new name for an old concept for pipelines.

22 There's maybe a misperception that

1 integrity management is pigging and thinking,
2 but in fact, it's much more than that. Even
3 the integrity management rule requires the
4 integration of data. We bring subject matter
5 experts together, we look very closely at what
6 we know about the pipelines and make decisions
7 about its serviceability into the future.

8 When you look at Appendix 3 and
9 the whole discussion of fitness for purpose,
10 it exactly describes integrity management
11 programs. And when you look in Section 4 and
12 Appendix 10, we see that even there, it says
13 that integrity management programs accomplish
14 those.

15 I think the fact that our
16 integrity management programs have been
17 effective as fitness-for-service programs can
18 be seen in PPTS data that indicates that,
19 since the 2002, for pipelines constructed
20 before 1950, the rate for incidents from
21 time-dependent causes has gone down 83
22 percent, clearly indicating the effectiveness

1 of integrity management programs as
2 fitness-for-service programs.

3 MS. HONORABLE: Thank you.

4 Next speaker.

5 MR. DENTON: Todd Denton, New Star
6 Energy.

7 One comment on Section 5 on
8 increasing the effectiveness of
9 lessons-learned process, under that
10 subheading, the report states OPS needs to
11 identify means to evaluate operator
12 responsiveness to bulletins and consider
13 publishing those responsiveness results. I
14 think the bulletins serve a very good purpose.
15 They're informative. The operators take them
16 very seriously. I think that there's
17 typically a lot of discussion that happens
18 between operators, PHMSA, other stakeholders
19 even in advance of those bulletins.

20 So, two concerns. One would be
21 evaluating the responsiveness to those
22 bulletins, how that would be done, the

1 subjective nature of that, and then,
2 obviously, posting the results of that survey.

3 And then, second, to the point of
4 the target audience being part of the general
5 public, this tends to imply that perhaps
6 there's a problem with operator responsiveness
7 to those bulletins, and I don't necessarily
8 think that's the case.

9 That's my comment.

10 MS. HONORABLE: Thank you.

11 We'll circle back, and we'll go
12 around again if some of you were moved to
13 thought, or maybe you needed a few more
14 minutes to collect your thoughts, those who
15 haven't spoken before.

16 I think I see Michael's tent card
17 up.

18 MR. BELMAN: Mike Belman, City of
19 Richmond. I'd like to tag onto the Mr.
20 Shelton's fitness-for- --

21 MS. HONORABLE: I'm sorry; would
22 you speak up just a little?

1 MR. BELMAN: I'd like to tag onto
2 Mr. Shelton's fitness-for-service issues. You
3 have it in two places in the document. You
4 have it in the roles and responsibilities of
5 the operator and you have it in the new ideas,
6 and I think you just need to decide which one
7 are you going to present it in and put them
8 together. I don't think it belongs in both.

9 And then, on the advisory
10 bulletins, I have to agree on that comment.
11 You know, as an operator, I don't have a
12 chance to comment on an advisory bulletin. I
13 don't have an opportunity, really, to see a
14 cost-benefit analysis on an advisory bulletin.
15 The TAC doesn't get together and agree on
16 whether there's a technical feasibility to the
17 things that come out in advisory bulletins.
18 And to then have us held accountable to an
19 advisory bulletin and have that tracked, I
20 think, would be inappropriate.

21 The final thing that I did not see
22 in the document is under the public's role to

1 mitigate risk. It says that they're required
2 to understand risk, but we've issued advisory
3 bulletins on things such as cleaning the snow
4 off your regulator, and so there are some
5 roles there that the public themselves have in
6 also protecting pipeline safety, and I didn't
7 see that in the document.

8 MS. HONORABLE: Thank you.

9 Please proceed, at the end of the
10 table. Don, is it?

11 MR. STURSMA: Don Stursma,
12 government representative on the Gas
13 Committee, and I guess --

14 MS. HONORABLE: Don, could you
15 speak up, please? Thank you.

16 MR. STURSMA: Don Stursma,
17 government rep on the Gas Committee.

18 I'd first of all like to thank the
19 members of the subcommittee for, obviously,
20 all the hard work they've put into this in a
21 very short time frame. And unfortunately, the
22 product that we've got so far is not really

1 ready for prime time. I think it needs a lot
2 of work and massaging, some of which can be
3 done.

4 None of us have had a whole lot of
5 chance to go through this in any level of
6 detail, and my thought processes are slow
7 enough that sometimes it takes me a while to
8 decide exactly what I think. But I do see we
9 have an opportunity for comments. It's an
10 awful short period for comment, and I presume
11 somewhere, we're going to get some
12 instructions on, how do you comment, because
13 I will have to take all the chicken tracks
14 I've got all over the document that I've
15 received and try to convert them into
16 something coherent.

17 But, a few points on this. I
18 think some of the comments I've heard so far
19 are right on things with comments I would make
20 -- the role of the state siting of pipelines,
21 the role of the state regulatory and
22 especially the rate-making process, which is

1 the authority to both punish and incentivize,
2 isn't really getting much shrift.

3 Damage prevention, generally, I
4 think, in the main document is getting awfully
5 short shrift, and I think, with all the effort
6 that PHMSA has put into damage prevention
7 issues in the last few years, and then to see
8 a document like this where it's barely
9 mentioned, at least in the main body of the
10 report, that really surprised me.

11 There's a number of issues that I
12 thought were well developed in the appendix
13 that I don't see in the main document. I
14 think maybe, as was suggested, some of the
15 tabular information might be better off in the
16 appendices and some of the points made in the
17 appendices should be moved into the main
18 document.

19 Of course, the comments on
20 advisory bulletins is well taken. I have some
21 major issues with some of advisory bulletins
22 that have been issued recently. And the idea

1 of doing more work through advisory bulletins
2 kind of raises my hackles a little bit. If
3 it's going to head that way, I would like to
4 see some sort of vetting outside of PHMSA
5 itself of what those advisory bulletins are
6 going to say before they go public.

7 And also -- again, these are sort
8 of rambling comments -- the report does
9 contain some unsupported statements and
10 conclusions. I'll use as an example the table
11 on page 31, where it says that there's a need
12 to strengthen excavation benefits and programs
13 at the state level. That may or may not be a
14 good statement, but I don't see any support
15 for it in the document itself, no rationale
16 for why that particular phrase is in there.

17 So, like I said, I think the
18 report needs some work. I will not besiege
19 the committee was going through my chicken
20 tracks in the document or some of my other
21 comments, but I do look forward to the
22 opportunity to file written comments on this.

1 MS. HONORABLE: Thank you, Don,
2 and all of those are well received.

3 Are there any other comments? I'd
4 like to get the subcommittee an opportunity if
5 you have any remarks, and certainly we
6 appreciate your feedback. We've worked really
7 hard. We realize it still needs some work
8 also.

9 I see a placard down there. We'll
10 come back to you, Carl, as a member of the
11 subcommittee. Thank you.

12 We've worked really hard, but
13 we're also committed to continuing this work
14 to make sure it's representative of the
15 collective effort. And we realize, too, that
16 no one single stakeholder group would embrace
17 it 100 percent. The main point is that it
18 reflects the collective efforts and the
19 collective future work to go forward. So I
20 guess the fact that no one's 100-percent
21 pleased might be a good thing.

22 So with that -- is it Richard?

1 MR. KUPREWICZ: Rick Kuprewicz. I
2 had a few comments here.

3 First of all, Carl, you wrote the
4 executive summary? I just want to be sure.

5 (Laughter.)

6 MR. WEIMER: No, I didn't --

7 MR. KUPREWICZ: I thought you knew
8 better?

9 I'm just teasing you; that's for
10 the record.

11 A couple issues here. As a
12 representative of the public, and I've
13 interacted with many public groups, local
14 governments, citizens, tragic victims or
15 families of them, I've got to conclude,
16 despite all the effort here -- I understand
17 there's a lot of forces here. This is not
18 meant to be criticism of the effort that
19 everybody's putting in. But I believe this is
20 a document that the Secretary has asked for --
21 my conclusion is that the current draft, and
22 it is a draft, is that, from a public

1 perspective, this report as currently
2 configured is not credible and instills no
3 confidence from the public.

4 A couple observations to back that
5 up -- I would recommend that you probably
6 start with the executive summary. I have
7 studied it. It's not perfect, but it's a long
8 ways from, apparently, the very first draft.
9 Again, you're trying to do a lot of effort
10 with a lot of people here. One of the
11 abilities of this Technical Advisory Committee
12 is the ability to be frank and honest with a
13 lot of players to try to get to a workable
14 product.

15 It contains many errors of fact
16 that will be uncovered, and we don't want
17 place anybody in that area, so we need to
18 really focus on that. I would suggest that
19 maybe you start with the Executive Committee,
20 and then add the flow the body of the
21 document. Follow the executive summary so
22 that they can follow that flow. That's what

1 the public is going to be doing.

2 And, yes, the public isn't going
3 to read a 33-, 40-page document.
4 Unfortunately, in today's sound-bite society,
5 they look at the first couple pages. So you
6 want to really make your point in the
7 executive summary, make sure that's accurate,
8 and back it up with your body and your
9 appendices.

10 A couple of observations --
11 specifically the error of fact that I don't
12 place anybody in the position of. I've had
13 several reporters try to get a hold of me to
14 get access to this draft, and I've told them,
15 as part of the committee members, it's a draft
16 and I'm not giving it to you at all. I mean,
17 it's still a work in progress. There's a lot
18 work here. But they're just eager as all hell
19 to get this, and the answer is, well, in due
20 time.

21 One of the issues or observations,
22 and I'm more privy to information than most

1 players in this room, related to the
2 Allentown, the Marshall, Michigan, the Salt
3 Lake City, the San Bruno, and now the
4 Yellowstone, than many players in this room,
5 I think it's probably fair to conclude that
6 none of those are related to third-party
7 damage. Right?

8 So that conclusion or statement
9 that tries to portray that the last year and
10 a half, the questions the public are going to
11 raise, that this is a third-party issue, is
12 going to cause a major loss of credibility,
13 and you folks in this room don't deserve that.
14 So that's something you need to think about
15 it. I believe the Transportation Secretary is
16 an honorable man, and I don't want place him
17 in a position where he's not credible and
18 instills no confidence in the public.

19 The issue related to integrity
20 management -- the theme that this process is
21 still developing -- well, let me be real clear
22 here. As one of the players involved, as are

1 many of you in this room, with the development
2 of the integrity management first for liquid
3 and then for gas over 10 years ago, folks,
4 from the public perspective, you've had 10
5 years to get this right. Many of you -- I
6 have been privy to a lot of very sensitive
7 information, and I'd advise you to save your
8 subpoenas because I destroy ultrasensitive
9 information. All right? So you can subpoena
10 me, but you ain't going to get it. I don't
11 have it.

12 It would clearly indicate that
13 integrity management is a well-written rule
14 and many of you are implementing it. I can
15 tell you that many pipeline operators who have
16 given me ultrasensitive information have
17 embraced that regulatory concept and have
18 saved many lives.

19 So, to imply that the rule is
20 still developing, I'm sorry, causes a lot of
21 credibility and it discredits the many fine
22 efforts of operators, both liquid and gas, who

1 are ahead of this curve. So, be sensitive to
2 that issue. Can we make improvements on that?
3 Yes. But, from my understanding of this, the
4 basics of gas and liquid integrity management
5 are well founded. We can tweak them. But to
6 try to portray to the public that we're still
7 developing these is going to cause a major
8 loss of credibility.

9 Related to that, a very sensitive
10 issue that's come up, and it's even
11 embarrassing -- it's death by a thousand cuts
12 -- every day there's a new piece of
13 information coming out related to San Bruno.
14 You can't seem to find important records? I
15 think there's a long track record in the
16 regulations about the requirement to maintain
17 certain records. Okay there's somewhere in
18 this report documents or there's an indication
19 that you don't need to maintain records. Good
20 luck. Please don't try that for a legal
21 defense. You might want to look at the
22 wording of that issue because I think it's

1 technically factually in error -- loss of
2 credibility.

3 Related to stakeholders, yes, we
4 all have stakeholders. But let me explain
5 from the public purpose perspective, the guy
6 living next to your transmission or
7 distribution pipelines, you be the operator;
8 you be the primary responsible individual.
9 That's in the regulations. You can hire a
10 bunch of attorneys and try to get the judge
11 and jury to come up with that, but I think
12 that's pretty clear.

13 I have talked to a lot operators
14 who believe that as well, that they have the
15 primary responsibility. Now does that mean
16 that they can prevent all incidences? No.
17 But they sure can take a very proactive -- if
18 you issue a document that doesn't make that
19 real clear and that we're in this somehow
20 together, you're going to lose credibility
21 here.

22 Lastly, fitness for service --

1 from a public perspective, I think some
2 comments here earlier are relevant. If you
3 live by a pipeline, you are assuming that that
4 pipeline operator is operating and it's fit
5 for service. I mean, is that a new piece of
6 data here? No. And I think many of you, the
7 vast majority of you -- so I'd be careful
8 about that concept and applying that.

9 Anyway, that's my brief
10 recommendations here.

11 MS. HONORABLE: Thank you very
12 much. And again, we invite you, if you're
13 able to, to please submit any written comments
14 that you'd like for the record. That would be
15 very helpful. We want to get it right.

16 Thank you very much.

17 MR. KUPREWICZ: I've just got to
18 comment that my next two days after I leave
19 here are with the CPUC, and I mean, we can
20 only spread everybody so far, so it's not like
21 I'm not trying -- I really support what you're
22 doing here, but don't feel bad if you got an

1 August 5th deadline and you don't hear from
2 me.

3 MS. HONORABLE: We understand. We
4 hear you that it's a tight timeline.

5 At the end of the table -- use
6 your tent cards please -- Don.

7 MR. STURSMA: I just wanted to
8 follow up probably at great risk on something
9 that both Andy and Mr. Kuprewicz touched on.
10 And that is, what is the purpose of this
11 document? Is it a status report or is it
12 strategic document? If it's intended to be a
13 strategic document, I don't see any coherent
14 path forward or next steps or goals and
15 objectives or anything like that. There's
16 bits and pieces in there that I think are
17 headed that direction, but I sure would like
18 to see a coherent central section that goes
19 right to that point.

20 MR. WIESE: Gene, if you'll allow
21 me, since a number of people have touched on
22 that, I should dispense with that. This is

1 not intended as a strategic document, so let's
2 not think that it is. Otherwise, you're going
3 to be coming at this comment from the wrong
4 place. There's a hell of a lot of work that
5 we're doing that's not contained within this
6 report. It's not intended as that, and I
7 don't think we've ever tried to portray it is
8 that.

9 This is intended to be a status
10 report. The Secretary clearly said there's an
11 issue in the public domain, and he wants to
12 inform the public on what's going on. Now, we
13 can't, in the space of 25 pages, tell the
14 public everything that's going on nor lay out
15 a strategic plan. I'm not saying those things
16 aren't helpful, Don, but I just want to be
17 clear for both Andy and you that this is not
18 intended to be a strategic document nor is the
19 goal to build confidence.

20 I personally believe that people
21 should be confident, but that's not the
22 purpose of the document. The document is to

1 report to people on what's going on. We've
2 all heard these things. You know, there's a
3 lot of media attention on them. What is going
4 on? What's the situation?

5 But I just want to be clear, the
6 goal is not to artificially build a sense of
7 assurance that everything's okay. I think
8 there's plenty that needs to be done by all
9 parties, including ourselves, but be clear
10 about the fact that it's not all about what
11 OPS can do. Everybody here has some role in
12 that, and I think that's part of what it's
13 trying to bring.

14 Sorry. I didn't want to go on a
15 tangent.

16 MS. HONORABLE: Thanks.

17 Gene.

18 MR. FEIGEL: At risk of niggling
19 on this, I want to expand on the point Paul
20 made.

21 I think you ought to recast the
22 section on the trade associations, not to

1 exclude what they're doing, obviously, but the
2 two principal construction codes in the
3 pipeline industry are produced by a
4 professional society.

5 I'm not interested in a laundry
6 list of everybody who does good things.
7 That's not the point. I think there needs to
8 be a little more discussion about the roles,
9 in a sentence or two, how they operate. And
10 I think frankly, we should say something to
11 dispel the misperception amongst a lot of the
12 public that these are closed -- there's an
13 allusion to that - that these are closed
14 industry associations, that there is no way
15 for the public to participate in. The role of
16 ANSI at least allows the public to comment on
17 standards even produced by trade associations,
18 and the standards produced by professional
19 societies welcome members of the public,
20 presuming they have some technical
21 qualification.

22 Those are factual statements that,

1 if we're trying to inform the public, I think
2 it's certainly useful to spend a couple of
3 sentences, you know, describing that.

4 MS. HONORABLE: Thank you.

5 Any others of the joint TAC
6 committees before we hear from any
7 subcommittee members who'd like to speak?

8 Carl.

9 MR. WEIMER: Thanks.

10 Like I said earlier, we've come a
11 long ways in the last months trying to get
12 this report out. We formed a small subgroup
13 of affected public to try to look at this
14 report, and what I heard back from them is
15 they still don't feel it's ready for prime
16 time because it's not clearly defined. It
17 doesn't address the issues in ways that the
18 public supports and understands.

19 Some examples of that, and I think
20 Denise touched on one, public is not very well
21 defined in here. It's kind of a catch-all.
22 We need to talk about affected public. We

1 need to talk about land owners that have a
2 pipeline on their property. We need to talk
3 about local government officials, all those
4 little subcategories better. So I think that
5 needs to be dealt with.

6 We got quite a bit of pushback
7 when we talk about the need for shared
8 responsibilities and sharing responsibilities.
9 For the most part, I think everybody agrees
10 with that. But when you tell a landowner
11 who's got a pipeline on their property all of
12 a sudden, who didn't want it there to begin
13 with, that now they somehow have a
14 responsibility for that pipeline, it kind of
15 backfires, that type of message. So we have
16 to be careful how we talk about shared
17 responsibilities for people who didn't want
18 that responsibility to begin with.

19 It also says in here a few places
20 that the public is responsible to respond to
21 incidents. Well, we have to say what that
22 means because we don't want the public

1 grabbing their fire extinguisher and running
2 towards an incident.

3 We think the report is still too
4 long in many places. The feedback we got was
5 that the section about the need for pipelines
6 and the stakeholders, a lot of that is
7 superficial -- I mean superfluous and is not
8 needed from the public standpoint. We know
9 it's nice to list anybody that has anything to
10 do with pipelines, but that's kind of filler,
11 and the public doesn't really care, if they're
12 just trying to figure out why pipelines have
13 failed in the last 18 months and what's being
14 done about that, or whether those are just
15 anomalies.

16 We talked about three major
17 systems of pipeline in this report, and we
18 seem to be missing a whole major system that's
19 developing and that a lot of people are
20 concerned about, and that's gathering lines.
21 You look at Texas, Pennsylvania, New York;
22 gathering lines is what's on the tip of

1 people's tongues, and it doesn't fit into any
2 of these three systems that we're talking
3 about. So where does that fit into this?

4 No clear action agenda at the end
5 -- we've heard that a little bit from other
6 people. I think Gene brought up a good point
7 that a lot of the stakeholders are running
8 around talking about how to get to zero, and
9 zero is the goal, but then we have this
10 cost-benefit thing in here that, well, is zero
11 the goal within the cost-benefit, or is zero
12 the goal? And that's kind of danced around in
13 the report.

14 A lot of comments back that the
15 tone is still defensive in places. It starts
16 off really well, but as you get to the end, it
17 gets more defensive again, and there's
18 multiple comments toward the end of it that
19 talk about the danger of pursuing too many
20 initiatives and we could spread ourselves too
21 thin. That's a message you have to be very
22 careful with if you're saying that to the

1 public because that's not what they want to
2 hear.

3 And then the last couple things.
4 Statistics -- most of the statistics and
5 graphs shown in this use serious incidents,
6 which is a small subset of all incidents. If
7 you look at significant incidents, the graphs
8 look different in some places. If you look at
9 natural gas transmission lines over 20 years,
10 significant incidents, the graph is actually
11 going up. Those graphs are all online now, so
12 the public looks at that. So, if you're only
13 showing serious going down in every case and
14 they look online and see a graph going the
15 other direction, they're going to start
16 questioning the report right off the bat.

17 And then there's been some
18 fascinating -- and I learned a lot about
19 fitness for service just in the subcommittee
20 group -- but, you know, the use of advisory
21 bulletins, fitness for services. There's a
22 lot of people around the table that are really

1 interested in that. That's all lost on the
2 public. So let's not try to get into those
3 deep discussions in this report, because the
4 public's not going to follow that. That's
5 maybe another meeting for this group.

6 Finally, the last comment is we've
7 all had this, the subcommittee's had it for a
8 month now in different forms. The whole
9 committee has had it since last Friday. We're
10 going to ask for public comment, and most of
11 the public I see in the audience is industry
12 that I suppose has got it. This document --
13 you know, it's a public meeting today, but the
14 document's not public. It's not on the
15 committee's website. It's not posted
16 anywhere. So if we're going to make it
17 available to some people to comment on, we
18 should have made it available to everybody to
19 comment on.

20 MS. HONORABLE: Thank you very
21 much, Carl.

22 Are there any other subcommittee

1 members that have any comments?

2 (No response.)

3 MS. HONORABLE: I would offer just
4 a few, not as Chair today but as a member of
5 the subcommittee.

6 We're very, very grateful for the,
7 the very constructive and beneficial comments
8 that we've heard from our TAC committee
9 members, and we're certainly interested in
10 hearing from the public.

11 We struggled -- I think Andy
12 touched on it a bit -- about, as a
13 subcommittee, what are we recommending as the
14 purpose of this report? Certainly, it is the
15 Secretary's report. We have to accept that.
16 For me, it's not a report from regulators.
17 You know, it's the Secretary's report. We
18 struggled with the importance of educating the
19 public, of providing a status report. We
20 talked about, shouldn't it be to make people
21 feel better about this?

22 And Carl, who is our conscience,

1 said, wait a minute, there have been some very
2 real and serious incidents that have occurred.
3 Lives have been lost. We should not try to
4 paint a rosy picture -- I'm putting words into
5 Carl's mouth -- but to make this a current
6 status document versus we're doing a great
7 job. We think we're doing a good job; how can
8 we do a better job?

9 So the other thing we struggled
10 with, at first, we included so much in the
11 main portion of the report, and there was
12 little in the appendix, now we have quite a
13 bit in the appendices, and as we heard today,
14 maybe we need to look at moving some of that
15 back into the bulk of the report. We also
16 struggled with making it something that people
17 would actually read. Do you want a 75-page
18 report? Many people probably won't read the
19 whole report. We wanted to make it something
20 that the public would welcome, would read and
21 consume.

22 We also struggled with the charts

1 and graphs. Believe it or not, we actually
2 pulled some. We thought that there were lots
3 of ways that people can learn, some by
4 reading, some visually.

5 And so, leading to the last point
6 that I wanted to make, we are very sensitive
7 to using accurate and complete data. The
8 subcommittee knows, and I've even harped on
9 this more than once or twice, so we appreciate
10 the point that you raised in particular
11 because we want to make sure that we're using
12 good data.

13 We know that you all are the
14 experts, and again, we invite you -- to the
15 extent that you have time and you're not at
16 the CPUC; that's very important work -- that
17 you do take an opportunity to submit comments.

18 And if there's nothing further,
19 we'd like to now turn it over to the public.

20 We'd like to ask you to approach
21 the microphone and to identify yourself, who
22 you're with, and we'd like to ask you to keep

1 your comments to no more than five minutes if
2 you don't mind, so that we can give everybody
3 an opportunity to speak.

4 MR. SONTI: I'll make it much
5 shorter than that. My name is Pat Sonti from
6 EMS Houston.

7 I have some very constructive
8 critiques, since you all have done so much
9 hard work. It's very important to remember
10 that, if the target audience is the public,
11 keep in mind, the media and the environmental
12 groups are going to try to get their hands in
13 this and try to politicize and spin this.

14 So, with that, a couple words of
15 caution -- repetitive, underlying, sound-bite
16 focus on key messaging and a continual theme.
17 What that does is -- you know, that's how the
18 media works, and that's where we've got to
19 counter.

20 The other is in your rollout
21 process, it's very, very important to keep it
22 simple, straightforward, and very, very basic.

1 And the idea here is creating the right
2 awareness and disseminating the right
3 information because, at the end of the day,
4 all your hard work that you're doing is really
5 being countered by people who can -- the print
6 media, the environmental groups, and some of
7 those people who don't have the right
8 interests. So I think the credibility has to
9 be leveraged by some of these type of media
10 tactics.

11 Thank you.

12 MS. HONORABLE: Thank you.

13 MR. BENNETT: I'm Phil Bennett
14 with the American Gas Association. Just very
15 brief comments.

16 I want to commend the committee
17 for putting together a report for the public.
18 It is a difficult task to try to describe the
19 nation's infrastructure in 25 pages, and this
20 is a 2.3 million miles of pipeline for the
21 entire nation, and I think you really did a
22 good job.

1 In general, I know Jeff talked
2 about this being a status report, and we do
3 need a status report. We've had some
4 incidents over the years, and we've had more
5 media attention than I think we've ever had in
6 this industry, and there have been a lot of
7 misconceptions put out in the media because
8 the reports were done very quickly. That's
9 just the way the media works today.

10 Your report really should talk
11 about this infrastructure does work. It works
12 24 hours a day, 365 days a year. But you also
13 should say it is not perfect. There will be
14 failures. If you have hurricanes and floods,
15 as we have had recently, the pipeline
16 infrastructure will not withstand all these
17 forces. And you have to say to the public
18 that you have an infrastructure that works,
19 but it is not perfect; you just have to have
20 the ongoing efforts to make it better.

21 As was mentioned, you would like
22 to put some strategic information in there.

1 One of the things that I think your report is
2 saying is that you have bodies, actually 50
3 commissions, that are working strategically,
4 so you won't have a very simple task to put
5 one paragraph and put a strategic report. And
6 you leave it to PHMSA, the state commissions,
7 to look at replacement projects, and also the
8 operators and the other stakeholders to put
9 forth strategic plans separately from your
10 report.

11 And lastly, as I said, the
12 infrastructure is not perfect. Records will
13 not be perfect. If you didn't have records
14 pre-1970, you can't magically make records
15 become perfect today. That is just the nature
16 of the infrastructure. That is the nature of
17 records. When you have deeds to homes, you
18 buy deed insurance because records are not
19 perfect.

20 But I think you really did a good
21 job putting together a report in a very short
22 period of time.

1 MS. HONORABLE: Thank you.

2 MR. MACEY: Good afternoon.

3 Martin Macey, CEO, Suremark Worldwide. We are
4 underground utility protection, locating, and
5 characterization technology providers.

6 I would also like to compliment
7 every person and entity that, well intended,
8 is trying to put this report together.

9 As I've sat here listening to the
10 variety of concerns expressed and commentary
11 on how this report should come out, I think
12 that, if it's a public information forum and
13 not a strategic forum, then maybe we ought to
14 look at a couple of additional possibilities
15 moving forward.

16 I think the media has covered well
17 the stories of 2010, the incidents, the
18 fatality issues, the cost issues related to
19 pipeline safety and other underground
20 infrastructure concerns. So the public is
21 inherently aware that there's a problem.

22 I think a brand-new report from

1 the Department of Transportation would do well
2 to reinforce the realities in the facts the
3 public is already aware of, with some greater
4 detail. But I think there's going to be a
5 need for serious exposure. The realities that
6 the public will be very, very attentive to are
7 that, why do these multibillion-dollar
8 companies who are providing vital services to
9 us continue to be able to circumvent the
10 solution space? They don't understand why it
11 goes on and on and on and on, and we have good
12 efforts being put towards it informationally
13 but there's a key factor being left out, and
14 that's, what is the call to action?

15 Coming off of the April 18th
16 meeting, the pipeline safety forum, A Call to
17 Action, the public will be looking for what
18 that call to action is. So I think, if this
19 report is a report to America on the actual
20 conditions and concerns before this commission
21 and these committees is the next thing they'll
22 be looking for, as some of you have indicated,

1 what going to be the action that we take?

2 So, generically through this
3 report, it might be good to say that these
4 committees are looking for the appropriate
5 actions to be taken by all stakeholders to
6 develop additional actions in response to
7 these factual release concerns. And if
8 there's going to be no specific detail for
9 solution space or action in this report,
10 that's fine, but a suggestion might be that
11 the committee call for an eventual call to
12 action being provided or requested of the
13 public, that all interested stakeholders, any
14 interested party or whatever, respond to this
15 report, and then the committee will then
16 assemble an additional report, a response of
17 the public to take further actions.

18 I think some credibility issues
19 came in comment here and what the public would
20 view as credible and non-credible. That's a
21 concern that I have too. I represent 40 years
22 of construction. I'm the guy who does the

1 work. I'm the guy who tries to follow all the
2 regulations, all the best practices, and I end
3 up doing the scope of work whether it's a DOT
4 project, a military project, a Davis-Bacon
5 spec project; it makes no difference.

6 At the end of the day, I have got
7 to operate on a timeline and specs and
8 standards. I have to show up and protect the
9 public and protect the employees and have the
10 service work at the end of the day. I don't
11 want anything to go wrong. But you know, I
12 have the ultimate responsibility and liability
13 factors. I have to determine what it is I'm
14 following and what my call to action on a
15 project is. And so, I think, as you do this
16 report -- I'm really excited to see this
17 report. I love knowing what facts are.

18 MS. HONORABLE: Mr. Macey, please
19 note the time.

20 MR. MACEY: So -- okay.

21 Just some comments on that. In
22 this report, if you can't be strategic, then

1 there needs to be another opportunity for
2 strategy and a call to action specific.

3 Thank you.

4 MS. HONORABLE: Thank you.

5 Any other comments?

6 MR. ENDEAN: Ryan Endean From the
7 Professional Engineers in California
8 Government. We represent 13,000 state
9 engineers in California, including the
10 pipeline safety inspectors at the California
11 Public Utilities Commission.

12 We're very encouraged to see the
13 reference to the adequate staffing levels
14 necessary as we proceed forward, as well as
15 the need for people resources. We've been a
16 big proponent of that need to further involve
17 the public component in pipeline safety,
18 especially in the construction and in the
19 inspection process.

20 We also, again, continue to push
21 for an increased focus on training. With the
22 cash-strapped nature of many states, including

1 California, training has become an
2 afterthought, and it's very critical that the
3 funding is there for that training for these
4 inspectors.

5 Just one more quick comment on the
6 staffing adequacies. We recently were able to
7 secure several new positions in our state
8 budget and get a new risk assessment unit,
9 which is huge, by talking to one of our
10 engineers at the PUC. He did mention that
11 that's great; more bodies is good. But as
12 more focus is put on integrity management, as
13 more focus is put on inspection, we're going
14 to need even more people. So I just wanted to
15 point that out.

16 I thank you all for your work on
17 the report. Thank you.

18 MS. HONORABLE: Thank you.

19 Any others?

20 (No response.)

21 MS. HONORABLE: Not everyone at
22 once.

1 (No response.)

2 MS. HONORABLE: Going once --

3 (No response.)

4 MS. HONORABLE: Seeing no others
5 to come at this time, we are particularly
6 pleased and grateful for the comments and
7 interest of the public. If I might speak on
8 behalf of the joint TAC committees, we very
9 much have appreciated your input from the very
10 beginning.

11 Many of you commented at the
12 initial meeting of the subcommittee, and we
13 were grateful for your presence and your
14 thoughts then, and we're also grateful for
15 them now. We hope that you've been able to
16 see that we did take those into consideration.

17 We also invite you to consider
18 filing written comments as well. The deadline
19 is August 5th, and I wanted to ask either Jeff
20 or Linda to explain one of the -- I think Don
21 requested further direction about how we might
22 file our comments. I think it would be good

1 to provide that direction at this time.

2 MR. WIESE: Sure.

3 Well, okay, as the responsible
4 parties for pulling all this together, I will
5 say, to directly answer your question, we're
6 done by August 5th. It goes into clearance.
7 I really don't have the latitude to say, well,
8 let's take another month. So, forgive me, but
9 I'm going to have to use some executive
10 privilege here and say, with August 5th as our
11 cut-off, and we have to turn around and report
12 in one week and move it into clearance in
13 order to meet the externally imposed
14 deadlines, there's only so much flexibility I
15 have.

16 So we've invited, particularly
17 from the Technical Advisory Committee, your
18 specific comments, you know, particularly
19 helpful when you offer advice on how to
20 address them. Generic comments are hard to
21 deal with.

22 I will say that it's also -- and I

1 know you know this, so forgive me for saying
2 it -- it's very difficult to write by
3 committee. We try to please as many parties
4 as we can and try to the address tonal issues
5 and balance issues. I mean, it is our goal --
6 we have no desire to write is stilted
7 document. It is a challenge when you're
8 trying to balance all these competing points
9 of view.

10 There's a certain defensiveness on
11 our own part that we have to watch for. We
12 work on this daily, every day, and we're
13 working hard. I'm very proud of our people.
14 They work hard. A lot of these people work
15 weekends. You know, any time there's a
16 pipeline accident, you need to think about our
17 employees and state employees out in the
18 field, as well as the operator who, I agree
19 entirely, bear the responsibility. They're
20 there, nights, weekends, and all that. So
21 we'll try to back off our defensiveness on our
22 stuff. I think the industry needs to back off

1 its defensiveness. Of course they're doing
2 good work and they're working hard and they're
3 investing in it, but there's more that needs
4 to be done.

5 So, as to your comment, anything
6 you have that's specific, get it to us by the
7 5th. Otherwise, we're not be able to use it
8 in this edition. I would say that you know
9 how to send them to myself and to Linda by
10 now. I think that's the way it would happen.

11 Just a couple of quick comments if
12 you'll allow, I wanted to specifically address
13 a comment that Carl made about sharing of
14 documents.

15 Carl, it wasn't our intent -- and
16 neither did I or anyone in our group -- send
17 them out beyond the subcommittees. So,
18 really, we didn't, not to be the fact that
19 they couldn't have offered stuff. It just
20 couldn't manage that. There's no secrets.
21 We've told all of you that there were no
22 secrets; share them with your constituents.

1 So, I just wanted to be clear. I
2 know you didn't mean that. I just want to
3 make sure the public understands, there was no
4 intent to hide anything. We told the
5 subcommittee to feel free to share it with
6 their constituencies, but we needed to channel
7 the inputs and not take 500 inputs at one
8 time.

9 I heard loud and clear the need to
10 report back, and I agree entirely. I'm trying
11 to figure out how to balance the current
12 challenge, which is to get kind of a status
13 report out of the country that said, you've
14 been hearing a lot about pipeline safety;
15 what's going on? Give them some basic
16 context. And then, also the comments we've
17 heard from the public as well as from the
18 committee about, what does a call to action
19 mean? What's going to happen strategically?
20 How are we going to get on top of all this?
21 Beyond what we've been able to do in the
22 report, I'm open to suggestions about how we

1 do that.

2 And I do agree with a couple of
3 comments. I don't remember if it was Larry or
4 somebody who said this is a great forum for
5 it. You know, really, I'm perfectly fine. I
6 don't want to do a stilted forum where I'm
7 only dealing with one stakeholder. This is
8 probably the right group to work with. So I
9 will be glad to take your suggestions and will
10 take them to heart, you know, about how we do
11 follow-up things.

12 A couple of comments and I heard
13 loudly from the public is about we have to be
14 more specific. Then again, we're balancing
15 that with a need to communicate with other
16 people who are less involved, who know
17 nothing. I mean, honestly, if I talk my
18 mother, to this day, she asks me, well, what
19 is it you do again? How does this matter to
20 me? And I told her that tell her I feel like
21 I'm meaningfully employed.

22 But at any rate --

1 (Off mic comment.)

2 MR. STURSMA: Thank you. Thank
3 you. I've got to explain it to her someday.

4 At any rate, there's a lot of
5 balancing going on here. I just want to call
6 that to people's attention. I know you know
7 that, and people see any report as an
8 opportunity to get something in. So I wanted
9 to largely close that on saying that I'm very
10 grateful to the subcommittee because they've
11 been wrestling with this for longer.

12 I realize rest of you are kind of
13 hit cold with it and you have to react very
14 quickly, but take some solace in the fact that
15 that's why I'm telling you it's the
16 Secretary's report. You don't have to take
17 personal responsibility for the report. It's
18 his. So we do appreciate your thoughts and
19 your ideas. We do understand the need to
20 communicate more. It's not an endgame; this
21 is a status report, here's what going on. So
22 I think we have opportunities to do that

1 working together.

2 I guess my final comment on it is
3 there's so much that we have done over the
4 past dozen years -- that I'm personally aware
5 of because I've been involved in it the whole
6 time -- and so I think we have come a long
7 way. I agree with Rick in many ways. A lot
8 of this has matured and we should take some
9 credit for the fact that it is fundamentally
10 sound.

11 But I also know that we have a
12 continuing need to learn and adapt, and there
13 are some challenges -- as Phil pointed out,
14 you know, with records, pre-code -- it's going
15 to be hard in there. But I am heartened that
16 on every accident I have seen, I have seen a
17 scramble by both regulators and the industry
18 to learn and try to prevent that from
19 happening. So a lot of the efforts that we
20 take, we should recognize are an effort to
21 learn. This is continuous improvement.

22 Rick's right. I think we've come

1 a long ways up that curve, but there's further
2 room to grow. I personally take issue with
3 the thought that we should never have zero as
4 our goal. I know economics are a concern, and
5 yes, we do have to recognize that there's a
6 limit. But we're also working, frankly, with
7 FERC and with NARUC and others trying to
8 expand that boundary so that more can be done
9 in an economically achievable way.

10 I think consumers someday need to
11 understand, they pay, and are they willing to
12 pay more? I think that that's an interesting
13 question. There's fair questions. I know
14 Carl's debated with this about shareholders.
15 Who's benefitting? Corporate, shareholders,
16 public? So it's a good debate. It will
17 continue ad infinitum. I think this is the
18 right forum to have it in.

19 So I'll just close with that by
20 saying that I very much appreciate your
21 comments and take them all seriously. We will
22 do our best to reflect those in what we move

1 forward, but let us not consider this to be
2 the endgame. There's more that needs to be
3 done. And I'd like to find, specifically,
4 ways to follow up on comments that said we
5 need more specifics from everybody. It's not
6 just about what OPS is going to do or NARUC is
7 going to do or what the trust is going to do,
8 or anything, we need to find a way to capture
9 those.

10 A lot of sectors have started
11 writing in and saying here's some actions that
12 we're taking. We want to find a way on our
13 website to be able to capture those, I think
14 by stakeholder audience. So, if somebody
15 comes in from public and says, I want to know
16 what those rascals are doing in that
17 community, at least they'll have something
18 there that they can reference.

19 So, I guess with that, I would ask
20 -- really, it is the Secretary's report, as I
21 said -- but I'd like to have a sense from the
22 committee, do you feel like were on the track

1 for what I've tried to describe to you? I'm
2 not looking for a vote of the committee here.
3 I don't think I could get that. It's too fast
4 of a pace and too many competing views of what
5 it should be. But I need a general sense from
6 the committee that you think we're headed in
7 the right direction.

8 Gene?

9 DR. FEIGEL: Without getting into
10 any editorializing, I think you are. I think,
11 frankly, you need to steel yourself against
12 the temptation to, either in this or in the
13 future for that matter, characterizing what we
14 need to as another great leap forward.

15 And I don't mean this to be
16 demeaning at all, but I think it is time to
17 have an adult conversation not only in this
18 regulatory regime but a lot of others with
19 public, in that what we are doing is
20 incremental, many times very technical and
21 very boring, but that's what needs to be done,
22 not a lot of hand-waving in the air to address

1 press releases.

2 It's very easy to fall in to the
3 trap, to try and be responsive to the latest
4 headline, obviously, the latest legitimate
5 concern when there's been an accident or
6 wherever. You know, I'm four-square behind
7 that. But there is a huge context around this
8 that I think we need to stand firmly behind,
9 and not, in effect, in the long term, delude
10 the public about what is both possible and
11 needed.

12 MR. STURSMA: Thank you.

13 Massoud.

14 MR. TAHAMTANI: I think you're on
15 the right track. Clearly, this support should
16 be at least 700 pages.

17 (Laughter.)

18 MR. STURSMA: Okay. We'll get to
19 work on that.

20 MR. TAHAMTANI: -- with another
21 300 pages of pictures. And being on the
22 subcommittee, we were challenged with some of

1 the issues that the committee and the public
2 brought forth today, and those that were --
3 besides me -- I know that we comment on some
4 of these kinds of things.

5 This is a very challenging project
6 for you, Jeff, for PHMSA. You're trying to
7 cover a very complicated and vast industry
8 with years of history and tell the public --
9 which I never thought the public in this
10 country was that dumb or shortsighted. We're
11 not giving them credit that they are going to
12 read this report, and we all say it has to be
13 only two pages, and it has to be said in
14 layman language.

15 If the public is interested, and
16 I'm having a tough time -- is the public, Carl
17 and this other guy over here or is the public
18 the average neighbor? They understand, if
19 they're concerned about an issue, they will
20 get on the web and find out exactly who's
21 responsible. Ever since we've had these
22 accidents in the recent year, we're getting

1 calls from the average public; what are you
2 doing to protect me? And I've got to show
3 them the data and my inspections and
4 everything else that my commission does, that
5 we're doing our best to protect them.

6 I made presentations before the
7 lawmakers because they said, what are you
8 doing to make sure this doesn't happen in
9 Virginia? They all understood what we were
10 doing.

11 It's easy to sit here and throw
12 stones at Jeff and say, well, you didn't do
13 exactly this; this doesn't say that; it's not
14 credible. But I can tell you that this was a
15 tough thing to do. If I were doing this, I
16 would not limit my to any pages. I would
17 simply put it out there and say, here, if you
18 don't want to read it, don't, but if you're
19 interested, read the whole thing.

20 So you're on the right track.

21 MR. STURSMA: Thanks, Massoud.

22 Any other comments from the

1 committee? I see -- Andy's down there. He
2 had is up before, Larry.

3 MR. DRAKE: This is Andy Drake.

4 I would agree with Massoud, I
5 think. You've got quite a challenge here. I
6 think the report does a good job trying to
7 capture the complexities of the issues with
8 which we're faced and the things that we've
9 been going through. It gives a good update on
10 our status of performance and the issues that
11 affect that. I think it does a good job
12 trying to touch on who all the stakeholders
13 are. There's room to improve that, I think,
14 but I think it does show the complexity and
15 the different roles that are weighing in here.

16 I do appreciate your comment
17 about, it is intended to be a status report.
18 But I do hope that you will consider some
19 opportunity to add something into it to help
20 build some confidence that there is a venue to
21 go forward, that there is a plan. I do think
22 that will be a logical question. The

1 Secretary, of course, reserves the right to
2 boot that at any time. But as a person in the
3 public, I think that that would help at least
4 provide some certainty and clarity that there
5 is a venue and a way that this will continue
6 to evolve and grow explicitly.

7 MS. HONORABLE: Thank you.

8 Next speaker. I think it's Larry.

9 MR. DAVID: Thank you. Yes, Larry
10 David.

11 I think we're on the right track,
12 less so, the comment or the statement about
13 this report than it is about what we're doing
14 collectively here. I suspect there's not a
15 person in this room that doesn't think we have
16 room for improvement inside this room and
17 outside. And keeping issues in front of us is
18 a way of continuing that quest of eliminating
19 incidents.

20 The challenge we have, and it's no
21 different in any part of our lives, is what do
22 we work on next, and with what importance?

1 The reality is, events, as they occur, end up
2 washing away, minimizing a lot of the
3 activities it took to get to this point. We
4 can spend a lot of time talking about the
5 improvements that have been made over time and
6 they're well validated. We still have
7 incidents. That's why we're not content with
8 where we are today.

9 So, as those events come up, we
10 absolutely have to be responsive to the
11 reactions. We have to understand the
12 sentiment. There is emotion with this with
13 the public, and there's also a lot of emotion
14 -- that I think somewhat isn't talked about
15 much -- with us that live this. It is
16 personal. It's what we do for a living -- we
17 do have to tell, Jeff, our moms what we do --
18 and so it's personal on a lot of levels. I
19 think we're on the right track.

20 You do have to keep bringing these
21 issues up, and the collectiveness of what are
22 we going to work on next is very, very

1 important. Oftentimes, it feels like we get
2 into beating the dog, beating ourselves with
3 how bad we are. We do have room to go and
4 we're committed to continuing to help with
5 that.

6 MS. HONORABLE: Thank you.

7 MR. KUPREWICZ: Just a couple
8 brief observation. First of all, the hard
9 part is --

10 MS. HONORABLE: I'm sorry; say
11 your name for the record.

12 MR. KUPREWICZ: Oh, Rick
13 Kuprewicz. I apologize.

14 MS. HONORABLE: Thanks, Rick.

15 MR. KUPREWICZ: The hard part is
16 getting this into a concise document quickly.
17 You'd best know what the Secretary's intent
18 was when he did that, so you need to get that
19 written well.

20 I would advise all parties to be
21 careful of spin. I don't care what side
22 you're on, when that starts coming across, if

1 you're not sure of your facts, take them out.
2 They can criticize you for not being complete,
3 but they sure as hell can't criticize you and
4 get away with it, for intentionally
5 misleading, and I don't think that's your
6 intent.

7 The other side is, as a
8 representative of the public, is I really want
9 PHMSA to be focusing on issues. I understand
10 the importance of the Secretary asking you for
11 a report development, given a lot of things
12 that are going on. But I also understated you
13 need to get this behind you and focus on
14 issues that are -- there's a lot on your plate
15 and there's always more demand than you have
16 resources.

17 So I am concerned, as a
18 representative of the public, that this
19 doesn't become a distraction to you folks, and
20 so you need to get this done.

21 MS. HONORABLE: Thank you.

22 Are there any other comments?

1 (No response.)

2 MS. HONORABLE: If there are no
3 other comments, let me say on behalf of PHMSA
4 how much we greatly appreciate the time that
5 you've taken to review the report very
6 quickly, to provide your comments, and for
7 your commitment if you're able to provide
8 additional specific comments by August 5th to
9 either Jeff or Linda, we'd greatly appreciate
10 it.

11 We want to get it right. We want
12 the facts to be correct. We want to continue
13 to be challenged so that we can give our
14 continued work our very best effort, no matter
15 which stakeholder group we represent.

16 And again, we'd like to thank the
17 public. Thank you, all of you, for your
18 presence and for your commitment and passion
19 in this area.

20 Now we'll take a break for lunch,
21 and we'll return at 1:30. If there's nothing
22 further, we'll adjourn until 1:30 -- or recess

1 until 1:30.

2 (Whereupon, the above-entitled
3 matter went off the record at 11:53 a.m. and
4 resumed at 1:33 p.m.)

5 MS. HONORABLE: Good afternoon. I
6 trust that you all had an enjoyable lunch and
7 not so enjoyable that you won't be alert this
8 afternoon as you were so engaged this morning.

9 As you can see from the agenda, we
10 have a number of updates for you, and so I'll
11 turn it over to Jeff and Larry White for an
12 update on reauthorization.

13 Jeff.

14 MR. WIESE: Great. Thank you very
15 much.

16 As Colette mentioned, this
17 afternoon is really just a series of updates
18 on a number of different topics. We needed to
19 have the meeting this morning. Thank you very
20 much again. My apologies if I'm too defensive
21 in my retort, but I appreciate your
22 indulgences and your advice and counsel, so

1 thanks.

2 This afternoon, since we had you
3 here, we wanted to try to take advantage of
4 giving you some updates. Happy to talk about
5 any of these topics as they come up. We
6 probably have more time on our agenda slated
7 for some of these things than we're going to
8 need, but if you -- I realize that, unlike me,
9 many of you don't do this as your day job.
10 You have a day job. Some of you do.

11 But I'm just trying to extend a
12 branch toward you to say if you want to know
13 more or you want to talk about it, you want to
14 ask questions. On some of these things like
15 the first one this morning -- I'd like to
16 introduce, if you haven't met him before,
17 Larry White. Larry is a member, a senior
18 counsel over at PHMSA. Larry's had the great
19 joy of working with us for many years now in
20 a variety of different capacities. So I'm
21 pleased to have him join me.

22 But Larry also has the distinction

1 of -- is this the second or third of
2 reauthorizations? Second. Okay, so he's been
3 through it before. Some of these issues are
4 the same that we see in different rounds.

5 What we thought we'd do is I would
6 set up the discussion a little bit, have a
7 couple of slides, and then I'd have Larry kind
8 of review the primary features of the two
9 bills that have been put down, and then we'd
10 just open it up for any comment. You know,
11 these are congressional bills, so all we can
12 do is comment on that and what's going on on
13 the Hill.

14 The one thing which Larry closes
15 on in his slide set was showing us that the --
16 one of the major committees on the Hill, the
17 committee of jurisdiction, is the House
18 Transportation and Infrastructure Committee.
19 They have been really sidetracked with the FAA
20 reauthorization and surface transportation,
21 but yesterday, I spent two hours with them, so
22 they're tuning up. I have two more hours with

1 them later this week. They're tuning up, and
2 they'll be dropping legislation they have.

3 Last time I knew, they had planned
4 to do a markup in September. If they do a
5 markup in September, we'll have three bills
6 out. And the full Senate is poised to act on
7 the Senate bill. So I think we'll finally get
8 motion. I'm optimistic that we'll get
9 reauthorization done by this fall. I'm
10 hopeful.

11 So, at any rate, with no further
12 ado, just really quickly, this is my third, so
13 when I first came here, we were doing the
14 Pipeline Safety Improvement Act. I think we
15 had just completed a reauthorization when I
16 came over. We then went into the Pipes Act,
17 which I told the Hill yesterday, I said, I
18 love that, the Pipes Act, can't you just reuse
19 that? You know, the PSIA and then the other
20 one that the Commerce Committee is doing now
21 just don't roll off the tongue.

22 But that authorization did end

1 last fiscal year. Our authorities are
2 extended through appropriations; it's not a
3 big deal. But we can't do new things not
4 authorized that the Hill is talking about. We
5 really shouldn't be taking on many of the
6 initiatives that they're talking about until
7 they become mandates, not to mention that our
8 load is fairly full at this point.

9 But I will say that, for the last
10 bullet here, I've said elsewhere, I think
11 legislative uncertainty and regulatory
12 uncertainty are driven in part by the public
13 uncertainty, and that's in part what we were
14 talking about this morning. You know, the
15 report is to go back to people about
16 uncertainty. But we continue having a whole
17 series of accidents. Not a lot in common
18 between some of these things -- I mean, I
19 think you can draw some parallels, but not a
20 lot.

21 At any rate, the foundation has
22 been shaken a little bit. I guess what I

1 would do with that -- would turn it over to
2 Larry.

3 MR. WHITE: Thanks, Jeff.

4 Just to give an overview of where
5 we're at in the legislative process, and as
6 Jeff said, there are activities going on with
7 our committees of jurisdiction on the Hill,
8 some of which -- you know, we're not privy to
9 everything that's going on.

10 But what we do know, the first
11 thing that happened is, last September, the
12 DOT put together its own legislative proposal,
13 and that proposal was intended to sort of
14 build on the things that had been being done
15 successfully over the last several years. It
16 had two or three themes. Strengthening
17 enforcement was a big theme, and increasing
18 the maximum civil penalties available for
19 major consequence violations. Closing the
20 remaining regulatory gaps -- I think that's
21 been a long-term effort to gradually capture
22 more and more of the unregulated mileage. And

1 then, finally, to enhance PHMSA's data
2 collection and use that in ways just to make
3 sure that we're allocating our enforcement
4 resources properly. That proposal went to the
5 Hill in September 2010.

6 In the intervening months, as Jeff
7 mentioned, there have been some high-profile
8 incidents; San Bruno in particular, and
9 recently, Yellowstone. The first significant
10 activity actually took place on the Senate
11 side, and that was a bill known as S.275.
12 That bill has actually been voted out of the
13 full Senate Commerce Committee. It's known as
14 the Pipeline Transportation Safety Improvement
15 Act of 2011. Some of you may hear this
16 referred to as the Lautenberg Bill.

17 This bill basically took the DOT
18 proposal I mentioned a minute ago, from last
19 September, as the core of it and then it
20 layered on several more sections, a few of
21 which I've highlighted on this slide that I
22 thought were the more significant ones in

1 terms of the types of rulemaking mandates that
2 -- you know, some of them are two stages, the
3 first stage being a study and the second stage
4 being a rulemaking mandate. But many of
5 these, I think, in my experience, the way that
6 they would be looked at by OMB, for example,
7 would be designated significant rules.

8 I just plucked a few of these to
9 give you a flavor of this bill. By the way,
10 these bills are available on the websites of
11 these committees. So, if you want to go and
12 get a full copy of this bill, you can, and
13 just read these sections for yourself.

14 But Section 4 of the Lautenberg
15 Bill has a provision on offshore hazardous
16 liquid gathering lines that basically would
17 set up a rulemaking mandate for PHMSA to
18 subject those lines to the same regulations as
19 other hazardous liquid pipelines.

20 Section 5 deals with automatic and
21 remote shutoff valves. As I read that
22 section, it would apply to both the gas and

1 liquid side.

2 Section 6 on excess flow valves,
3 some of you will recall that the rulemaking
4 was done with respect to gas distribution
5 systems and service lines. And this would
6 capture the multiunit side of things.

7 Section 8, there's a section on
8 public education. I think PHMSA -- this is
9 been an ongoing effort, that PHMSA has taken
10 dramatic strides on in terms of building up
11 websites, transparency websites, our
12 enforcement materials, and other kinds of
13 regulatory materials. One of the things
14 that's -- so this goes a little further in
15 that effort and also talks about the OPA spill
16 response plans and making information about
17 those publicly available.

18 Leak detection systems is another
19 area. A study on the diluted bitumen and what
20 potential effects that can have. And then
21 MAOP -- I think I heard a little discussion
22 this morning about that issue and what could

1 be involved in verifying that on some of the
2 grandfathered lines.

3 This next slide goes to the House
4 of Representatives side. This is the bill
5 that the House Energy and Commerce Committee
6 took up. It's known as -- I call it PICPA,
7 the Pipeline Infrastructure and Community
8 Protection Act of 2011. This bill is similar
9 to the Senate bill in the sense that it took
10 our proposal from last September and built on
11 it. It's actually very similar to the Senate
12 bill in many ways, although it adds one or two
13 additional things that are not in the Senate
14 bill.

15 One is there's a provision on our
16 administrative enforcement process, and some
17 of you know that recently we issued a Federal
18 Register notice about three weeks ago in which
19 we describe some recent efforts we've made in
20 our in-house administrative enforcement
21 process and to try to get a little better
22 separation of functions between the personnel

1 who are involved in preparing an
2 administrative enforcement case and then the
3 personnel who are involved with adjudicating
4 and doing the fact-findings and writing up the
5 decisions in those cases. We've done it, so
6 you could argue that section's actually no
7 longer necessary at this point but it's in
8 that bill.

9 DR. FEIGEL: Do you have a bill
10 number?

11 MR. WHITE: It actually hasn't
12 been assigned a bill number, but it is on the
13 committee's website in the form of a draft
14 bill.

15 And the last one, I think, was
16 after Yellowstone, there was a section added
17 about the depth of cover on river crossings.

18 As Jeff mentioned, the committee
19 that that typically is in the lead on these
20 things, the House T&I Committee, has not yet
21 produced a draft bill that we're aware of, but
22 we think they're currently engaged in that

1 process, so we expect to see something from
2 them soon.

3 This last slide just talks about a
4 few issues that these bills will bring to the
5 surface and some of the things that we look at
6 when we analyze these bills. The first point
7 there is whether -- you know, we mentioned a
8 minute ago about strengthening enforcement and
9 about civil penalty caps being raised --
10 because they haven't been raised in 10 years
11 -- being raised for violations that are there
12 major consequence violations, where deaths,
13 serious injuries, serious environmental
14 consequences occur.

15 One of the things where there's a
16 difference in some of these bills is whether
17 violations that occur in an HCA should be
18 eligible for that second-tier, higher level
19 penalty cap.

20 A second point there, there is
21 damage prevention provision in some of the
22 bills that basically prohibits, not

1 immediately but eventually, would prohibit
2 states receiving damage prevention grants if
3 the state has exemptions for groups within
4 that state from using one call.

5 A third one -- I think there's
6 some differences in some of the bills about
7 whether automatic and remote shutoff valves
8 would be required for new construction or
9 whether there's any rationale for applying
10 them to at least some existing pipelines as
11 well.

12 The fourth there is whether PHMSA
13 should be required to prepare, maintain, and
14 post these detailed spill response plan
15 summaries. I think historically we've let the
16 operator maintain those plans, and PHMSA, when
17 we go out and do inspections, they make those
18 plans available to us. But I don't know that
19 we necessarily maintain a lot of databases of
20 plans like that, so that would be some
21 additional costs and burdens there.

22 The next one about the design

1 review cost recovery authority -- this is an
2 effort to help PHMSA make sure that our
3 oversight of new construction can be
4 accomplished fully and without robbing from
5 our resources to do inspections of existing
6 pipelines. One of the ways that is seen as a
7 vehicle for that is to give PHMSA the
8 authority to have the operator who's proposing
9 the project, for PHMSA to recover the costs
10 that we incur in doing design reviews,
11 environmental reviews, engineering reviews,
12 and all those things that are asked of the
13 regulator when plans for a major new pipeline
14 project are developed. Some of the bills have
15 a threshold for using that cost recovery
16 authority that's pretty high.

17 The last point there is on the
18 MAOP verification requirements. I think
19 there's differences in some of the bills about
20 what should be kicked forward into rulemaking,
21 and if they're going to require a rulemaking
22 mandate, let the rulemaking process really

1 flesh out what those requirements should be
2 and what the triggers for them should be,
3 and/or to what extent Congress is going to
4 dictate right in the statute what some of
5 those things should be.

6 A lot of these questions will
7 depend on the exact language that we finally
8 end up with. As Jeff mentioned, there's going
9 to be three bills, so a lot of these questions
10 will depend on the exact language, the precise
11 language that that these bills end up with.

12 That's all I have.

13 MR. WIESE: Just like a couple of
14 closing comments, and then I'll turn back to
15 Colette just for this session -- I'll remind
16 you, what we're presenting to you are actions
17 that the Hill is taking. We're not here
18 really to -- the administration, to the extent
19 that it's taken a position, it's already out
20 there. It's on the website. They did it last
21 September. I don't think you'll see another
22 thing from the Department. I think we will

1 just be talking with the committees as they
2 proceed. So comments that you want to offer,
3 we welcome them, but realize, the ball is
4 really up on the Hill right now.

5 The only other thing I should tell
6 you, and of course, it sounds like so much
7 whining -- but I would in my position -- many
8 of these things, as Larry told you, are going
9 to require studies and all of our studies we
10 conduct publicly. That means workshops,
11 studies. They're fairly expensive. These
12 things are not trivial undertakings.

13 The second thing is that many of
14 them require rulemaking. As Larry pointed
15 out, almost all of these rules will be deemed
16 significant. When they're deemed significant,
17 I keep telling these people on the Hill,
18 there's no way to pass a significant
19 rulemaking in one year. And if you look at
20 what these bills say, they say do the rule in
21 one year. I say, well, we're late before we
22 ever start. Honestly, the reviews can take a

1 full year. I mean, after we're done with
2 everything, all the workshops we're going to
3 do, all the analysis, writing the rule,
4 getting it out, those reviews can take a year.

5 So I just wanted you to know that
6 there's a substantial amount of work in the
7 bills we've seen up there. So it had been my
8 hope that we would get into this
9 reauthorization a little bit lighter than what
10 we've hit the past couple, but I'm not sure
11 we're going to come out that end. So I think
12 those are really what we had to relay to you.

13 I'll turn it back to Colette.

14 MS. HONORABLE: Thank you, Jeff.
15 Thank you, Larry. Also, I'd like to take a
16 moment for comments or questions from the
17 committees, and then I would also allow just
18 a few moments for any public comment.

19 So we'll begin at the end, Don.
20 Please identify yourself.

21 And everyone, everyone, to please
22 turn on your microphone. Thank you.

1 MR. STURSMA: Don Stursma, Gas
2 Committee, government member.

3 Most of the comments that we see
4 relative to these legislative initiatives have
5 to do with San Bruno and now Yellowstone. And
6 I understand there's one provision in there
7 that had to do with the Michigan oil spill.
8 We've had a couple of incidents in
9 Pennsylvania also, which maybe at any other
10 time would have gotten more attention. But
11 again, the Michigan and the Pennsylvanians
12 don't seem to be having much impact
13 politically.

14 I'd like a comment on that,
15 whether my perception is incorrect, whether
16 there are things in those bills that derive
17 from those incidents as well.

18 MR. WIESE: Okay, well, having
19 lived through Michigan, I can tell you it had
20 quite a bit of political impact. We spent a
21 lot of time with a lot of people, including
22 the Hill, and I think you'll see bits of that

1 in some of these other discussions.

2 You know, believe it or not, none
3 of these -- well, I guess couple of them --
4 you could probably peg to specific incidents.
5 Carl could comment on it too. There was a
6 heck of a lot of reaction to both of those
7 tragic incidents. In both cases, one is
8 environmentally tragic; the other tragic from
9 a human consequence standpoint. So I think
10 the Hill, as it always does, will react to
11 those types of confidence, Don.

12 So, yes, I understand your point.
13 Some of these things you could peg to a couple
14 of specific things, but I think the whole
15 uncertainty started prior to any of those
16 failures really -- I've said this to somebody
17 before -- with Deepwater Horizon, even though
18 there was no connection and no pipeline
19 involved, and it went downhill from that.

20 MS. HONORABLE: Thank you.

21 We'll take the gentleman next to
22 Don.

1 John.

2 MR. BRESLIN: Yes. Thank you.

3 John Breslin, Chemical Safety Board.

4 Jeff, when I see all of the
5 additional requirements that I'll be putting
6 on you, it looks like it'll require extra
7 resources as well. Do you anticipate getting
8 more money from Congress in today's world of
9 reduced --

10 MR. WIESE: As Massoud told me,
11 I'm supposed to say I'm only looking for money
12 for the states.

13 No, you know, the expectations,
14 resource matches to expectations, are always
15 a question. All I can say in my position is
16 to say that the president's budget in '12 does
17 ask for an increase, and these bills ask for
18 fairly small increases.

19 I personally agree with Massoud's
20 take that a lot of the issues, there are
21 issues at the state level and the federal
22 level, so it's not just about adding to PHMSA

1 in any way, shape, and form. We saw that in
2 some of the earlier presentations, and Ryan
3 from California made those points. We do need
4 to look at resources at the state and federal
5 level.

6 I appreciate that thought, but
7 we're, of course, constrained in pretty much
8 what we can say on that.

9 Thank you, John.

10 MS. HAMSHER: Denise Hamsher,
11 Enbridge.

12 Don, I think in response to your
13 question, I think there are a few provisions
14 that are probably directly attributed to the
15 initial reaction and speculation about causes
16 and all that, and I think that's to be
17 expected. When things go wrong and we have a
18 bad incident, we ought to get, particularly,
19 regulatory scrutiny.

20 But that said, I would continue
21 cautioning, and I'm sure you do the same to
22 Congress, but you don't control that, that we

1 don't jump the gun and look at causes before
2 we've had an investigation and actual findings
3 and really miss the very important and hard
4 work at making sure that we pay attention to
5 the root cause so we prevent them.

6 The one thing I would ask, and
7 it's mostly because I've been spending my life
8 with big construction projects, there is some
9 language in the reauthorization bill about
10 looking at new projects. A couple points --
11 one, I don't know what threshold and what
12 rationale is their threshold. It started out
13 to be extra review when you were looking at
14 special permits. It's becoming more and more
15 an added fee for any construction.

16 Some of these projects, depending
17 on that threshold that ends up, are competing
18 against other modes of transportation that
19 don't have that fee. In many ways, you can
20 have a 75-mile pipeline that's competing on
21 the liquids side against a unit train. So, I
22 think, just be careful.

1 Most important -- I asked this of
2 PHMSA -- there's some wording in there to
3 suggest that we send you construction plans
4 and specifications and maps, if you read that
5 wording, I'm not sure you have a building big
6 enough. I mean, if you look at that, does
7 that mean very specification for every valve,
8 all the testing, and all that? Plus, it's the
9 specifications and construction
10 preconstruction.

11 As you know, the as-built and
12 construction continues to change, so I think
13 if we're looking at making sure you understand
14 the scope of the project so you're prepared
15 and willing to investigate, fair enough. But
16 I really don't think you want boxes of
17 construction plans and specs for that. So I
18 would urge you to look at that because I think
19 it's as much a burden on PHMSA as would be the
20 operator.

21 MR. WIESE: Forgive me -- just one
22 quick comment, of course, and that's why I

1 prefaced this discussion by saying these were
2 Hill bills. I don't know that the
3 administration bill requested all of that, and
4 so I'm sympathetic to your point in that --
5 well, the only comment I'll give you is to say
6 that we historically see the value of having
7 evergreen plans ready for inspection. I think
8 maybe that needs to be stepped up, the level
9 of field inspection.

10 But there's an argument to be made
11 for transparency on some things, and I think
12 the discussion really is about how detailed
13 are the discussions. Even when we get to
14 emergency response plans, I've never met an
15 emergency responder to date who wants a
16 three-ring binder from an operator. But they
17 do want to know who's the operator, what kind
18 of resources do you have, what can I expect
19 from you in an incident, how are we going to
20 communicate in an incident command structure,
21 you know, how to play ball? You know, those
22 kinds of questions that I think you can

1 probably get more out of a drill than you can
2 ever get out of a three-ring binder. So I'm
3 sympathetic to your point, is what I'm trying
4 to say, but a lot of that language is not
5 coming from us.

6 And then, onto the construction
7 side, which the audience may not know although
8 I know the companies know, user fees are not
9 paid by any company until they introduce
10 product into the pipe. That was why the
11 administration's initial bill said "major
12 construction." I don't think anybody's
13 talking about 10-, 20-mile lines here.

14 What we're talking about, there
15 have been some huge pipelines that take
16 multiple years to work out. We're spending an
17 incredible amount of time, as are the states,
18 conducting oversight in a non user-fee funded
19 area, and I think that's really what the
20 administration's bill intended to achieve.

21 MS. HONORABLE: Thank you.

22 Richard?

1 DR. FEIGEL: Gene Feigel.

2 I don't think any of us are na[<]ve
3 about what happens when something and it gets
4 to the Hill. Having said that, I continue to
5 be very nervous about embedding very technical
6 requirements and statutes. I think everybody
7 in this room probably is in some fashion tuned
8 in to that there. They become practically
9 impossible to change, and they become
10 self-defeating because they were encountered
11 at advanced technology and all those things.

12 Having said that, at the last
13 meeting, Jeff, we got into a discussion about
14 looking at what the Health and Safety
15 Executive in the UK does in terms of this sort
16 of overarching safety case approach. The
17 reason I raise this in this context is that I
18 would like to see us a little bit more
19 proactive maybe in a broader sense to try to
20 put something in place that maybe could
21 forestall some of this continually reactive
22 statutory action if we had something in place

1 that might respond to that.

2 Now you're never going to be able
3 to respond to somebody's itch about this thing
4 in my district entirely. I understand. It
5 doesn't seem to me that we've maybe been as
6 proactive as we could be about sort of a
7 longer and a larger view and approach that
8 could be an alternative to that kind of stuff.

9 MS. HONORABLE: Andy?

10 MR. DRAKE: This is Andy Drake.

11 Jeff, you mentioned that you
12 didn't see major projects being these 20-mile
13 projects. Just from your administrations --
14 I mean, we heard billions as the threshold at
15 one point. What do you see as the threshold
16 for major? I'm just curious.

17 MR. WIESE: I think the answer to
18 that one was that we -- let me just say I
19 cannot purport to speak for the administration
20 on that one. So if you're asking me for a
21 personal reaction, four billion isn't it. If
22 you say four billion, we're not going to catch

1 anything, so let's not bother; let's stop
2 wasting time in holding that out as some sort
3 of a way of fixing a problem.

4 The other numbers that we've heard
5 debated have been 500 million and then a
6 billion. And then we tried to use some FERC
7 data to calculate how many projects we thought
8 it would pick up. Larry may remember. I
9 think it was something like, at a billion. It
10 was maybe five or six. Of course, it all
11 depends on the demand and what's going on in
12 some years, Andy, you wouldn't pick up
13 anything. And frankly, we're not seeking to
14 make any money. In fact, we would set up --
15 well, we might want to, but even if -- we
16 wouldn't. We would set up a separate account
17 for each project. Money would be deposited
18 and anything left over would go back to the
19 operator. So it was strictly meant to carry
20 the surge capacity, and the surge capacity was
21 being driven by some of these large projects.

22 I don't know that I have a perfect

1 answer for you. Four billion isn't it, and
2 that's what the Senate bill says. Whether it
3 needs to be below that is open for debate, I
4 guess.

5 MS. HONORABLE: Any other comments
6 from the committee?

7 Jeff.

8 MR. WRIGHT: Just one brief
9 question out of curiosity. Looking at the
10 first sub-bullet about higher civil penalties,
11 do you think that is contemplating an enhanced
12 enforcement activity or growth in enforcement
13 activity?

14 MR. WIESE: As we add resources
15 for oversight, there probably would be a
16 corresponding number of them. It would just
17 be, really, I think the theory underlying that
18 is to add an additional layer of deterrence.
19 That's it. The theory would be potential
20 violations, if they're serious, they would
21 draw a significant penalty. That really
22 corresponds on the HCAs. The question as

1 Larry put it out there is a higher standard of
2 care is expected in high-consequence area, or
3 events that cost people their lives, or
4 multiple injuries, everyone needs to take more
5 seriously.

6 MR. WRIGHT: So a higher level of
7 penalties --

8 MR. WIESE: Yes -- I'm sorry. I
9 misunderstood.

10 MR. WRIGHT: No, no. That's fine.

11 MR. WIESE: Ours is currently
12 \$100,000 a day, up to \$1 million for a related
13 series. This would go two hundred and fifty
14 per violation up to \$2.5 million, so two and
15 a half times the current authority.

16 MR. WRIGHT: Per violation per
17 day?

18 MR. WIESE: Well, up to the cap of
19 two point five, right.

20 MR. WRIGHT: You know, we have
21 that authority, \$1 million per violation per
22 day, so --

1 MR. WIESE: See? I mean, FERC has
2 infinitely more authority than we have
3 already. We'll team up on this.

4 MS. HONORABLE: Thank you, Jeff.
5 Is that Rick? Is that your card
6 up?

7 MR. KUPREWICZ: Just a couple
8 observations. We've been calling process
9 safety management, over the last decade or so,
10 many different names and I would advise you
11 that the foundational principles of integrity
12 management are process safety-oriented, the
13 whole process, and many operators are
14 implementing them. Recent failures have
15 clearly indicated, and tragedies have
16 indicated, that some companies are finding
17 creative loopholes in the regulations and we
18 need to address those issues.

19 The thing that drove the integrity
20 management was a near loss of one of the
21 larger cities in the state of Washington and
22 the loss of 12 people that were in the

1 100-percent mortality zone from a gas pipeline
2 rupture. And certain issues came about there.

3 So, clearly, incidents have
4 occurred recently in last year and a half.
5 I've pointed out that there's areas of
6 improvement. Do we throw the entire
7 regulation out? No, because many of you have
8 embraced those concepts, so we need to look at
9 those positives and address issues like, all
10 of a sudden, everybody can't figure out or
11 some people can't figure out how they got to
12 MAOP or whatever they want to call it. So
13 those are issues that are kind of coming as a
14 surprise. But I don't think the majority of
15 people in this room would have difficulty with
16 a lot of that.

17 So I just want to, really as a
18 public representative, really stress the
19 importance of understanding what the current
20 regulations say about integrity management
21 both for gas and liquid and be real careful
22 about being able a little too creative with a

1 room full of attorneys, to find out ways to
2 violate the regulatory intent.

3 MS. HONORABLE: Now, now. I
4 didn't know we were talking about lawyers.

5 (Laughter.)

6 MR. HONORABLE: I've heard worse,
7 quite frankly.

8 If there aren't any other
9 comments, I would offer a couple on behalf of
10 NARUC, I guess from a regulatory standpoint.
11 I think that we would embrace the Senate bill
12 version. I think there are a couple of places
13 in the staff bill that gave us some concern.
14 One would be regarding the exemption language
15 and the differences there from the Senate
16 bill. The other was regarding the maintenance
17 effort portion, I think, where it references
18 the Secretary's ability to grant the waiver.
19 The original language was "shall," and I think
20 in the staff version it's changed to "may."
21 We would be concerned about that. If we want
22 to strengthen the regulator's ability to

1 ensure safety, we have to have the tools to do
2 that. So I just wanted to mention that.

3 I want to turn now to the public
4 and see if anyone has any comments on this
5 section, and if it's all right with everyone
6 -- I think we're ahead of schedule -- we'd
7 like to hear from the Committee. But also,
8 those in the public who may have some level of
9 expertise or some burnings thoughts on your
10 heart that you want to share.

11 Seeing none, I thank you, Larry
12 and Jeff, and we will now proceed to a
13 regulatory update from John Gale.

14 John.

15 MR. GALE: Thank you, Colette.

16 John Gale, Director of Standards and
17 Rulemaking.

18 I keep telling Jeff, I keep joking
19 with him that if these bills pass or one
20 version of these bills pass, then I will be
21 putting in my resignation in about 24 hours
22 after these bills pass. You can imagine,

1 these bills will have a dramatic impact on our
2 office. It'll have a dramatic impact on the
3 dates that I'm going to estimate for you today
4 and what this presentation will look like a
5 couple months after those bills pass.

6 Following up on something Jeff
7 said earlier regarding the length of time
8 rules can take, one of the things he mentions
9 is there's an additional year of review for
10 all significant rules, and what he's referring
11 to is all of our rules have to go through the
12 Office of the Secretary, through a managerial,
13 hierarchical structure. We report through the
14 Office of the Secretary.

15 Also, the Secretary reports
16 through the Office of Management and Budget.
17 So, when we're done with the rule, or even
18 when we're at the final rule stage after we've
19 met with you, we have to go through those
20 reviews. And at OST, our average time is
21 about three months; at OMB, our average time
22 is three months. So each rule has at least

1 two stages, and that's one year of time that
2 we literally have no control over.

3 I talked recently with somebody in
4 the Office of the Secretary about how long
5 would you recommend? I'm sure you've had
6 conversations with the Hill. How long is your
7 average turnaround time for a significant
8 rule? And they said three years. We did a
9 survey of our significant rules over the last
10 five to six years. Guess what? Our average
11 time was about 30 to 36 months. Our
12 non-significant rules are in 20 to 24 months.
13 I'm throwing out some of them. So you see
14 there's a laundry list of action items in
15 there that are going to have a dramatic impact
16 on our office.

17 That being said, here's the good
18 news. I was going to report real quick --
19 Cam, if you could go to my first slide -- on
20 some of the actions that we've finalized since
21 we last met. As many of you know, we finalize
22 our Low Stress II final rule. The final

1 published on May 5th, and that was one of the
2 rulemakings that was highlighted to me as one
3 of the most important items for my office, and
4 I thought it was a very good accomplishment to
5 finally close that out and to be able to move
6 on to some other things.

7 The next rule to just quickly
8 mention was control room management, which of
9 course you all voted on just last March and
10 approved. We were able to publish that final
11 rule June 16th. Now the thing that I wanted
12 to point out there was, in your vote, you
13 actually recommended that we move some of the
14 dates to August 1st. This is a good example
15 of how those other reviews get involved as we
16 went through that rulemaking process -- and
17 also because of time because we were
18 approaching only about 45 to 60 days at the
19 time, from August 1st. It was recommended
20 that we move that date up to October 1st of
21 2011. So, based on that recommendation, we did
22 not adopt the August 1st date and adopted

1 October 1st.

2 There's two rulemakings that are
3 occupying most of the time in my office right
4 now. I refer to them as the liquid ANPRM and
5 the gas ANPRM. We've already accomplished and
6 published a liquid APNRM, and it's dealing
7 with any issues related to safety of hazardous
8 liquid pipelines. We're dealing with the
9 scope of Part 195, definition of
10 high-consequence areas -- should we revise the
11 definition of high-consequence areas -- issues
12 related to leak detection, valve spacing,
13 repair criteria in non-HCA areas, and stress
14 corrosion cracking.

15 We've already received comments on
16 this. The comment period ended on February
17 18th. We received 25 to 30 comments on this,
18 but some of them are very substantial. We
19 reported a little bit more thoroughly on this
20 rulemaking back an the last March meeting, but
21 right now, we are in the throes of developing
22 a notice of proposed rulemaking on this.

1 We've briefed management several times on what
2 our actions are going to be. We're hoping to
3 publish this rulemaking by March of 2012.
4 That's publish it, not actually get it through
5 PHMSA.

6 We're not necessarily going to
7 propose something on all those actions we've
8 done in terms of regulatory changes but we
9 will be trying to address all the comments
10 that were raised and let the public know and
11 let the industry know what our plan of action
12 is in each of those areas because sometimes
13 maybe, for a given problem, a regulatory
14 change is not the only solution. We can go
15 forward with a workshop or get additional
16 information. Maybe we need to do more study
17 before we move forward.

18 So, just in general, what we're
19 trying to do is develop our notice. We've
20 identified many of the issues that have been
21 raised by the commenters, and we're hoping to
22 get that out by March.

1 The sister to the liquid ANPRM is
2 our gas ANPRM and we're in the middle of
3 trying to get that published right now. You
4 can actually see, if you went to the website
5 for the Office of Management and Budget, this
6 rulemaking currently is at OMB. Being an
7 ANPRM, it's a little different in terms of the
8 review cycle that OMB has on this. They
9 technically only have 10 business days to
10 review it and give us a thumbs up or a thumbs
11 down on it, so we're in process right now of
12 getting that through OMB. Hopefully, as soon
13 as it gets through them, you'll hopefully be
14 seeing this relatively soon.

15 In this one, we're looking at
16 issues related to integrity management issues
17 and non-integrity management issues. Again,
18 we're looking at the definition of a
19 high-consequence area -- you know, should it
20 be changed? Should it be revised? Should it
21 be expanded?

22 We're looking at the repair

1 criteria for integrity management. We're
2 looking at some additional things like
3 additional restrictions on the use of specific
4 pipeline assessment methods. So it's a good
5 laundry list of different items related in the
6 integrity management arena.

7 We're also looking at areas
8 outside of integrity management as well. Just
9 like we are in liquids, we're looking at
10 valves, corrosion control for steel pipelines,
11 we're looking at gathering lines, and we're
12 also looking at underground gas storage
13 facilities. So really, these two rulemakings
14 cover a broad gamut of issues related to the
15 safety of both gas and liquid, and hopefully,
16 as we move forward with these things, we can
17 really drastically increase the safety
18 associated with these pipeline segments.

19 One of the bigger roles that we
20 also have ongoing right now is the enforcement
21 of excavation damage prevention laws. When
22 PIPES Act was passed back in 2006, it added a

1 requirement into our statute that reads as
2 follows -- and this is a little bit different
3 than normal. Normally, when you get a statute
4 passed, what you're going to see is language
5 that will say something like, the Secretary of
6 Transportation shall issue regulations doing
7 XYZ, improving control room management safety,
8 address issues related to integrity management
9 for distribution systems.

10 This was different. This actually
11 specifically mandated certain excavation
12 damage prevention requirements into the law
13 without any secretarial action. It
14 specifically said, a person engaged in
15 demolition, excavation, et cetera, may not
16 engage unless you use the one-call system, if
17 applicable. If you're engaged in excavation
18 and do that activity in disregard of the
19 location or information over the markings
20 established. And if you cause damage to the
21 pipeline, you may not endanger the life or
22 cause serious harm to or damage the property,

1 and you may not fail to properly report the
2 damage. So this is different. It was
3 actually a mandated requirement.

4 There is one caveat to this. We
5 can't enforce it unless we determine that a
6 state's excavation damage law is inadequate.
7 So what our rule is about is this aspect of
8 it, not the actual standard but the excavation
9 under the state adequacy, because we can't
10 enforce that standard unless deem the state to
11 be inadequate. So we are initiating, have
12 initiated, a rule -- I think we've briefed you
13 guys a couple times on this issue -- to try to
14 identify what that standard's going to be.

15 We've published an ANPRM to try to
16 meet that objective of 601.4(f) of the current
17 statute. The comment period for this rule
18 ended back in 2009. We're in the throes right
19 now of getting this rule approved through our
20 approval process, and we're really hoping to
21 get this out before by this winter of 2011.
22 It's a very challenging rule. It's a very

1 difficult rule in terms of cost-benefit
2 analysis. So hopefully, we'll get that rule
3 through real soon.

4 Another rule we're working on is
5 related to excess flow valves. As many of you
6 all remember, it was under DIMP. We added
7 excess flow valves for single-family
8 residences. However, we still have a
9 recommendation from the National
10 Transportation Safety Board to add excess-flow
11 valve requirements to all residences, all
12 multifamily residences. We're taking the tack
13 with that action, is to do it with an advanced
14 notice of proposed rulemaking to get cost
15 data. We want to know because it covers so
16 many different varieties of situations.

17 We want to get an idea of the
18 number of valves, types of valves, the cost of
19 the installation before we move forward to the
20 step of actually proposing any action. So, in
21 addition to the rule, we may even be doing a
22 census of the industry to get additional data

1 so that, before we take any action, we have
2 good cost-benefit data to justify what action
3 we end up taking.

4 We continue to move along with a
5 rulemaking we've entitled "miscellaneous
6 rules" rulemaking. We had a lot of older
7 recommendations from groups like NAPSRS, GPTC,
8 et cetera, even some related to NTSB that,
9 though themselves did not justify moving
10 forward with a given rule, we kind of combined
11 them together. We got 15 to 16 different
12 items. Some of the issues have been
13 identified by our own inspectors themselves,
14 corrections that needed to be made.

15 A couple of things we've got going
16 in that rule is a NAPSRS recommendation on the
17 responsibility to conduct the inspections,
18 adding requirements actually into the
19 regulations on the National Pipeline Mapping
20 System, and to deal with a recommendation from
21 NTSB on the transportation of pipe in section
22 192.65.

1 We're not to meet that date
2 though. I'm pretty sure of that. Actually,
3 we're hoping to do that in the summer of 2011.
4 It's an issue of, you know, sometimes with
5 your different priorities. And just like I
6 said before, if that statute passes, many of
7 these dates will change, especially for those
8 that have a lower priority ranking such as
9 something like this.

10 Some of the actions we have kind
11 of simmering, but we're continuing to move on
12 them but maybe not at the top of the list, one
13 of them is related to plastic pipe. We have
14 a number of petitions from industry. We have
15 a petition to adopt requirements for PA-12.
16 We have a petition from AGA on the design
17 factor to raise it to 0.4, and also to adopt
18 the ASTM Standard D2513.

19 We also have a lot of staff
20 recommendations related to plastic pipe that
21 we're are also trying to integrate into that
22 rule. Hopefully, it's going to start to get

1 a little bit of action real soon as long as
2 other priorities don't get in its way. AI
3 promised Richard Sanders that we'll get
4 something out before he dare to retire on us.
5 So, hopefully, we can get it out before
6 December of this year.

7 We are also starting to kind of
8 turn up our next standards updates rule.
9 We're in the throes right now of identifying
10 those standards of, you know, a new addition
11 has been adopted. Right now, we're also
12 trying to get recommendations from our
13 committee members on what standards we should
14 or should not adopt or any reasons why.

15 We also will be reviewing all
16 those standards to determine adequacy for
17 adopting into the regulations hopefully, after
18 we identify all the standards, we'll then
19 start the process of rolling those all
20 together into a rulemaking action.

21 So, hopefully, maybe sometime next
22 year, maybe early to mid-next year, we'll

1 start to be able to move on that, but no exact
2 time frame as of yet has been has been
3 established.

4 That's it, Ms. Colette.

5 MS. HONORABLE: Well, John, that's
6 plenty, isn't it?

7 MR. GALE: Yes, it is.

8 MS. HONORABLE: We appreciate your
9 work and the work of your staff.

10 MR. GALE: I promise not to retire
11 too early.

12 MS. HONORABLE: I was going to say
13 that's the other part. You have to stick
14 around as well. Right? There are lots of
15 dates and I'm looking forward to hearing about
16 how it proceeds.

17 I'd like to ask if any committee
18 members have questions or comments of John.

19 (No response.)

20 MS. HONORABLE: Then I'll turn to
21 our public.

22 Any comments from the public?

1 Yes. Please identify yourself.

2 MR. MACEY: Yes, Martin Macey,
3 Suremark Worldwide. Just one quick comment
4 with regard to the penalties, civil penalty
5 potentials related to excavation damage.

6 While we have a great deal of
7 respect for the one-call notification services
8 and the excellent work that they do, for those
9 of us who do perform the work in the field,
10 after we have exercised those one-call
11 options, we are frequently just left paint on
12 deck or on dirt, and still, the great mystery
13 of the underground remains.

14 And so those of us who are on the
15 receiving end of civil penalties, while trying
16 to do the appropriate due diligence and show
17 forth of reasonable care, I discovered that
18 sometimes civil penalties are impugned upon us
19 unfairly. At the end of the day, we are
20 trying to make a profit and perform the scope
21 of work. We want to do no harm, but we're the
22 guys who are dealt with the mystery of the

1 underground and what is actually going to be
2 there versus what marks are on deck.

3 So, in the state of Utah, we asked
4 our legislature under House Joint Resolution
5 033, Legislative Session 2010, to consider
6 adding to that rule of civil penalty
7 potentials that utility operators, pipeline
8 companies, municipalities, and so forth show
9 an appropriate due diligence and effort of
10 reasonable care to identify existing
11 technologies that may add to that solution if
12 any there are.

13 If they have shown forth the
14 diligence on identifying potential
15 technologies that can assist that solution of
16 digging in the underground things that might
17 be marking, things that may be GPS/GIS
18 related, any technology, not one specific but
19 any open technology, that expands the
20 opportunity of discovery locating, and
21 protection, that they are required to be aware
22 of it, to have tested it, and attempted to

1 determine whether or not it provides an added
2 solution, if they've done that, then they're
3 further protected against the excavation
4 damage civil penalties by having demonstrated
5 additional appropriate due diligence. That
6 might be something to consider throwing into
7 the consideration of a national standard on
8 civil penalty issues.

9 The assessment of existing,
10 upcoming, newly released technologies --
11 that's one of our concerns. If excavation
12 damage is such a big deal, why do we stop at
13 one call? We need to go beyond one call,
14 which is excellent, and then we need to
15 addendumize it with any reasonable, sensible,
16 cost-effective additional technologies that
17 may be available.

18 Thank you.

19 MS. HONORABLE: Thank you, Mr.
20 Macey.

21 Are there any other comments?

22 Very good -- Rick?

1 MR. PEVARSKI: Rick Pevarski. I'd
2 just like to make a quick response to that.

3 The Common Ground Alliance, a
4 technology committee, is creating a technology
5 matrix with all of the available technologies
6 that are out there, and that's something you
7 can certainly look at.

8 MS. HONORABLE: Thank you.

9 DR. FEIGEL: Gene Feigel. I've
10 got kind of an off-the-wall technical question
11 about the national mapping stuff. Is that
12 geocoded or, you know, the bend points? How
13 is that done? There's a reason I'm asking
14 that question.

15 MR. TIESE: Well, the quick
16 answer to that one is it's not -- the accuracy
17 level was built according to standards that
18 were in place in the year 2002, if I recall
19 correctly. The Congress gave everyone six
20 months to comply with the submission. Okay,
21 so the only thing that could be done at that
22 point in time was to use the existing

1 standards we had developed in a consensus
2 before GPS had evolved. So, really, what this
3 one will do will really tighten up the
4 accuracy levels a lot and it will get closer
5 to what you're asking for.

6 DR. FEIGEL: Yes, the underlying
7 question, and maybe this isn't the place to
8 get into this in much detail, but I'll go
9 ahead and ask the question anyway just to
10 float it.

11 The geocoding algorithms are all
12 algorithms. I mean, God didn't point at this
13 pipeline and say, this is the last-long where
14 you are. Somebody's algorithm did that. So
15 there's inherent inaccuracies depending on
16 what geocoding software you're using, and the
17 magnitude of those inaccuracies can get fairly
18 substantial at times.

19 It just occurred to me when John
20 was talking about the national mapping thing
21 again that, you know, even with the best
22 intentions, we may have built in inaccuracies

1 here because, at least in so far as I'm aware,
2 there is no national standard that any
3 geocoding software has to comply to, to meet
4 somebody's test.

5 MR. WIESE: Well, the good news is
6 we'll all have the opportunity to debate that
7 one in some detail as that one comes forward.
8 But, yes, accuracy levels have improved
9 substantially. If you've looked any of our
10 maps, they've always said, should not be used
11 for the purposes of navigation or otherwise.

12 The NPMS, the way it was designed,
13 it was fit for purpose, I think they would
14 say. You know, it was really designed
15 generally speaking. Where are things going?
16 How are they connecting?

17 We'll get into that in a lot of
18 detail as we move forward with that rulemaking
19 because we've made substantial improvements to
20 the NPMS over the years. It's far more
21 capable now of taking whatever accuracy level
22 we throw at it and a lot more of the attribute

1 data that it doesn't have right now. So we
2 get into that, I suppose.

3 If you'll allow, just one last
4 comment and we can then maybe transition,
5 because it was a good segue, the discussion
6 about technology. I think we all share that
7 view that we've got to drive technology
8 forward. Actually, we've collaborated in lots
9 of ways. I wish we had time to get into
10 because it's something, actually, I do care
11 about a lot.

12 But I will say that one of the
13 criteria in the rule that you will see, of
14 course, is the discussion about due process.
15 There has to be due process involved here. I
16 mean, you can't just go out and basically
17 penalize people without giving them an
18 opportunity to be heard. So I think that due
19 process isn't always successful, but it does
20 tend to weed out the more frivolous cases.

21 So -- with your permission?

22 MS. HONORABLE: Please proceed.

1 MR. WIESE: Perhaps we can use
2 that comment as a good segue to talk about the
3 next topic, and that's the PHMSA research
4 program.

5 I asked to put this on the agenda
6 because I know that I've talked to several of
7 you, and you had been asking me questions
8 about research. And I thought that as an
9 advisory committee, you deserve to hear it
10 from me, I guess is what I have to say.

11 Maybe, I don't know -- what -- six
12 to eight weeks ago or more, there was a series
13 of articles that came out from a particular
14 reporter, and the reporter's angle was that
15 the research that we were sponsoring was too
16 closely tied to the industry and that the
17 reason that the industry was tying to the
18 research was that they were wanting to
19 influence the regulatory requirements. I
20 think that's it in a nutshell.

21 So there was some fallout from
22 that. I just want to tell you what it is. I

1 can't really debate it too much. It is my job
2 to carry these things out. The Secretary, we
3 met with him personally, and he was very
4 concerned about that issue. What I have to
5 say about Secretary LaHood is I've known him
6 for quite a bit and I've always found him to
7 be a well-intended individual.

8 My sense of the Secretary is that
9 he believes it's crucial that the research
10 program have credibility, and he believes that
11 we need to create a distance between ourselves
12 and the industry in the research environment
13 particularly to the extent that it affects
14 standards. So, while I'll be quick to add
15 that much of our research of course goes to
16 technology and not standards, it's the
17 Secretary's prerogative pure and simple. So
18 he asked us to come up with an implementation
19 plan.

20 Where we are right now is roughly
21 half the projects that we had under way are
22 70-percent or more complete. The Secretary

1 didn't believe that there was much be achieved
2 from terminating projects like that. Then
3 there were two other categories. One was a
4 category that really the Secretary and his
5 folks felt should be stopped, they should be
6 canceled. So all the vendors have been
7 notified, so I'm not saying anything that's
8 not public. The vendors have been notified on
9 those. Those cancellations are in process.
10 It hasn't fully played out, but I want to say
11 that they've been notified.

12 The other category are a series of
13 projects that we felt were so crucial that we
14 were prepared to take them over, fully fund
15 them, and those projects' sponsors have also
16 been notified. Now, I'll be honest with you,
17 that negotiation will go on for little while,
18 and I'll use it as a segue to talk about the
19 next subject when we get there because the
20 project that Jeff is here to talk about, Jeff
21 Gilliam, relates directly.

22 So, a number of these projects, we

1 are negotiating to fully fund them. Now
2 that's sort of retroactive. The prospective
3 part of this is -- I really think that the
4 Secretary's primary objective in a prospective
5 sense was to ensure the independence of the
6 selection process and the review process. So
7 he's asked government to play a stronger role
8 in selecting the projects and in reviewing the
9 ones that are under way.

10 So I do want to save that many of
11 you have been part of our periodic, usually
12 every two years, R&D forums. I envision those
13 continuing. I will tell you that I think the
14 next will be delayed a little bit because
15 we're going to be taking over some of these
16 other projects, so financially, we wouldn't be
17 capable of doing that. I think those are
18 crucial forums in which we get together,
19 exchange information, do gap analysis; you
20 know, what projects are already being funded?
21 Since we're not the only game in town on R&D,
22 we need to know who else is funding what

1 before we identify where does new money need
2 to be applied.

3 So I think that's it in a
4 nutshell. There's not much for me to debate
5 here. I know what I need to carry out, and
6 we're doing it. The end goal, the Secretary
7 believes, will be a more credible pipeline
8 safety research program.

9 My concluding comment on this, and
10 then with some reluctance, I would open it to
11 comment, is to say that anyone who's in this
12 room who's talked to me over the past couple
13 years knows that I feel strongly about
14 pipeline safety research. I believe that we
15 collectively are doing an inadequate job, and
16 I've felt that from the beginning. So I hope
17 that we can use this as an opportunity to
18 figure out, how do we do more?

19 It connects to the comment we just
20 had. We know that technology can play a very
21 bright role in helping us achieve the goals
22 that we want to achieve. We've got to find a

1 way to fund it and I think that debate will be
2 very actively undertaken. I've already gotten
3 calls from several committees on the Hill who
4 want to talk about this. So I think we'll
5 hear more about research as I goes forward,
6 but in a nutshell, that's what I know, and I
7 just thought you deserve to hear it because
8 we're not putting out press releases. The
9 whole routine is just the way it's going to
10 be.

11 That's it.

12 MS. HONORABLE: Thank you, Jeff.

13 Are there any questions or
14 comments from the Committee?

15 (No response.)

16 MS. HONORABLE: Are there any
17 comments from the public?

18 (No response.)

19 MS. HONORABLE: Very good.

20 I think that -- thank you, Jeff,
21 for that update.

22 MR. WIESE: Yes.

1 MS. HONORABLE: We'll be with you
2 in spirit as you move forward.

3 MR. WIESE: Okay. Thank you.

4 MS. HONORABLE: And I think that
5 I'm going to use the chairs prerogative, now
6 that I have the microphone, to allow a short
7 break. So why don't we come back at 10 until
8 three. Thank you.

9 (Whereupon, the above-entitled
10 matter went off the record at 2:35 p.m. and
11 resumed at 2:55 p.m.)

12 MS. HONORABLE: We are ready to
13 start again with our next agenda item. As you
14 can see on your agendas, we will now take up
15 agenda item 5, seam welds and risk assessment
16 with Jeff Gilliam.

17 Thank you, Jeff, and welcome.

18 MR. GILLIAM: Thank you. I want
19 to just walk through this slowly. Hopefully,
20 I won't grown on here too long. I know some
21 people have already heard this. But
22 basically, this is from our workshops in July.

1 We had the seam welds on July 20th and the
2 risk assessment on July 21st.

3 We had over 250 attendees in
4 person, and on the second day we had about an
5 additional 330 online, so about 560 on the
6 second day, and 250 on the first day. A few
7 folks decided to not hang around for the
8 second day. But I thought that was pretty
9 good attendance, considering that workshop was
10 put together pretty fast. We had a lot of
11 industry participation, and we were happy with
12 that.

13 The different seam welds that we
14 try to look at and consider, we had the DSAW,
15 the lap-welded, spiral-welded pipe, or SAW,
16 and ERW pipe. The biggest problem we've seen
17 I guess over the years really was with the low
18 frequency is what we tried to focus on early
19 on, but what you'll see is the data supports
20 something a little different from that now.

21 On this next slide, you'll see
22 examples of the SAW, the ERW seam failures,

1 and many of the recent seam failures have been
2 in the submerged arc weld type seam as well as
3 the low-frequency and high-frequency RW.

4 The presentations from the
5 different panels -- there were three working
6 groups. They will be providing further data
7 once we collect all that. Just so you know,
8 those were just a couple of weeks ago, so we
9 don't have all that data in hand yet, but we
10 will be collecting that and analyzing that
11 further.

12 I can go through the working
13 groups a little bit. Working Group 1 was to
14 identify gaps in risk assessments. Terry Boss
15 headed that up, and we were supposed to find
16 out the gaps in data that impact the risk of
17 seam weld challenges. Its key charge as well
18 as how do you know you do not have remaining
19 threats from seam welds in your system? And,
20 do recommended practices that are relevant
21 exist or need development?

22 Working Group 2 talked about

1 identifying gaps in technology. That was led
2 by Mark Piazza. That was to look at, what
3 technologies are available for detecting and
4 characterizing seam weld threats? What is the
5 effectiveness and limitations of current
6 in-line inspection crack tools? What
7 suggested improvements can be made to in-line
8 inspection guidance tables API 1160, NACE
9 0102, and of course, ASME B31-ES.

10 Working Group 3 was headed up by
11 Kent Muhlbauer and his charge was, how do you
12 know which assessment is the correct one to
13 use? What are the pros and cons of available
14 assessment methods? And, how can hydrostatic
15 testing procedures, including spike tests, in
16 API 1110 or 192.195 be improved to eliminate
17 potentially small or growing small flaws
18 before they grow enough to fail in service?
19 Basically, also, how can we improve modeling
20 approaches to better predict failure pressures
21 when using ASME B31G, API 579, and NG 18 for
22 mitigating selective seam corrosion pressure

1 cycle-induced fatigue?

2 Those are some key issues that
3 we're trying to ferret out from those working
4 groups. And just understand that there is
5 pros and cons in every assessment technology,
6 and we want to make sure that we can identify,
7 hopefully, a suite of tools that the industry
8 can use to address that.

9 The next slide talks a little bit
10 about, really, the seam weld integrity issues,
11 again, are always being identified. Pipe that
12 is not fit for service needs to be identified
13 and removed from service, and we wonder if
14 companies are truly doing that. And the
15 grandfather clause, of course, we've got to
16 consider, is that still appropriate?

17 This all relates back to some
18 advisory notices actually that was published
19 in '88 and '89. Even as early as that time
20 frame, the Agency had identified that seam
21 welds and seam weld defects were a safety
22 concern. There were several suggestions in

1 those advisory notices that included
2 hydrostatic testing in line to 125-percent of
3 MAOP/MOP, avoid increasing long-standing
4 operating pressure of previous grandfathered
5 lines, ensure effectiveness of cathodic
6 protection, and consider the use of CIS or
7 close-interval, survey. And, in the event of
8 the ERW seam failure, companies should conduct
9 metallurgical examinations to verify the
10 failure mechanism. Now that's a laundry list
11 of things that I know several in the industry
12 has done, and we would encourage them to
13 continue to do so.

14 The next slide talks about pipe
15 seam accident experience. This is from the
16 PHMSA data because only starting in 2002 did
17 we actually require operators to report this
18 to the Agency. So we used the data that was
19 actually reported by operators to identify the
20 failures attributed to seams and the failure
21 rate. And if you do some analysis on that,
22 you'll see that the rate is approximately six

1 per year in gas and about nine per year in
2 liquid, or a total of around 15 total, 12 to
3 15 on average, which is still a pretty
4 substantial failure mechanism, even though it
5 appears low on some of the charts from an
6 overall perspective.

7 But keep the mindset that when you
8 look at the failure mechanisms from the
9 PHMSA's website, seam welds is really a very
10 thin slice having to do with manufacturing
11 material defects, and we've sliced that out
12 particularly in that fashion because that
13 failure mechanism has been highlighted even
14 since the late '80s by the Agency, knowing
15 that it generally can fail in a catastrophic
16 manner.

17 The next slide talks about the
18 past accident history in more detail. This
19 really is not, I can't say this is complete
20 data because this data was based on a report
21 that the Agency commissioned and 89; it's
22 89-1. And these numbers were actually from

1 solicitations from calling up operators and
2 them self-reporting. So these numbers
3 potentially could be low. But if you do the
4 math, again you come out that similar nine per
5 year on the liquid side and approximately six
6 per year on the gas.

7 So -- yes, sir?

8 MS. HONORABLE: Just a moment.

9 Please use your mic and identify
10 yourself for the record. Thank you.

11 MR. WORSINGER: Rich Worsinger.

12 Could you go back a slide please?

13 Yes. You're saying an average of
14 six, and it was a maximum of six. The average
15 was like three per year for gas.

16 I don't mean to nitpick, but if
17 you're going to keep bringing that point up,
18 I have to.

19 MR. GILLIAM: That's fine. That's
20 fine. Yes, I may be thinking that last slide
21 versus here. So those are the totals right
22 there, so, whatever the total is per year.

1 Maybe the total was nine per year that I was
2 thinking on average.

3 Does that make you feel a little
4 better?

5 Anyway, to go forward to the next
6 slide, this is where I got those, the true
7 averages, I guess, that I was alluding to
8 earlier. But the point is that since even
9 '68, though the industry has been averaging X
10 number of failures by this failure mechanism
11 -- and I think it's well known in the
12 industry; it's not anything that anyone
13 doesn't understand fully -- but our concerns
14 lie in where grandfathered pipe is located in
15 ACAs, and it hasn't experienced a previous
16 Hydro test and may have some latent defects
17 that have not been discovered and could become
18 unstable due to outside mechanisms or what I
19 would consider interactive threats.

20 It's real crucial that companies
21 understand that things, even though we wish
22 they were all stable and consistent, they not

1 always are. I'll use Texas as an example.
2 You've got to realize Texas gumbo, through
3 this drought, is drying out. It's going to
4 create a lot of external forces potentially on
5 the pipe coating, or I know it's very common
6 for it to tear off the coating from the pipe,
7 and it could be adding additional stresses
8 where previous manufacturing defects but now,
9 in the future, may become unstable. That
10 could be happening throughout the South
11 because of these droughts. That's why we want
12 to keep that in mind.

13 The special thing I wanted to note
14 here as well was the special requirements for
15 low-frequency RW and lap-welded pipe are
16 addressed as part of 192-917(e)(3) and (e)(4).
17 But the operators are required to prioritize
18 those segments as high-risk segments and
19 should be assessed. The key there is the
20 operator has to understand where that pipe is
21 located in ACAs. Some operators are failing
22 to identify and utilize all data and

1 understand where they have these potential
2 defects. That's where we want to get into the
3 better data for the data integration.

4 For integrity management, this
5 slide highlights present seam stability
6 assurance practices that operators must
7 follow. The effectiveness of these measures
8 is now in doubt in a lot of recent incidents.
9 The concept of not needing to perform
10 integrity assessments for stable threats may
11 be theoretically valid, but successfully
12 assuring that stable threats do not become
13 unstable may be beyond the current state of
14 art, and that alludes to some of the things I
15 spoke to earlier. But just because you assume
16 it was stable and it has been stable for
17 number of years, perhaps some things are
18 taking place that's causing it to become
19 unstable and now may be the time when you need
20 to look back and realize that grandfathered
21 pipe was done at a time when the industry had
22 relatively new facilities in the ground, only

1 most of them 20 to 30 years old or less, and
2 now we're approaching 60-plus on some of these
3 facilities. We may want to address that for
4 HCAs.

5 The next slide, as this one here
6 shows -- the thing I wanted to point out, and
7 it was surprising even to myself, DSAW has a
8 quite a large percent here in the failure
9 mechanism. And when you combine the three in
10 red, they make up the total of about 75
11 percent of total seam failures according to
12 the data that's been reported to PHMSA during
13 this time frame that operators were actually
14 required to report that. So we're not talking
15 about old data. We're talking about 2002
16 again, to 2010, which is very important.

17 The next slide, the thing I want
18 to highlight here, is PHMSA is reviewing
19 takeaway points from the workshop and will
20 develop a regulatory and research strategy
21 based upon input from the workshop. The
22 workshop, as far as seam welds go, of course,

1 is mainly to address the NTSB recommendation.
2 But we're trying to make sure that we have a
3 scope broad enough where we consider all seam
4 types and make sure that we have a full
5 understanding of what this threat and the risk
6 is associated with it.

7 The seam integrity process is
8 being used to detect present and future seam
9 issues and needs additional rigor, such as the
10 items listed here. A key one, I think, to
11 point out is a better analysis of interacting
12 threats that could destabilize a marginally
13 stable seam. I think the industry, in my
14 experience, is still struggling with how to
15 work through interacting threats and how to
16 properly address those. I'm not sure a full
17 understanding of that is yet being implemented
18 in integrity management programs.

19 The next thing is the second
20 workshop, day 2, on Thursday, July 21st. We
21 talked about the risk assessment process. We
22 had four panels. The first one talked about

1 the regulatory perspective. We had the NED
2 from Canada and PHMSA both presented there.
3 The key there from the NED was they actually
4 had targets for their risk in Canada, which
5 currently PHMSA doesn't support to be in code
6 in the US. I think that's always open to
7 debate, but until we get some further data and
8 understanding of that, I would say probably
9 not.

10 The pipeline operator perspective
11 on risk assessments was also presented in the
12 second panel. Integrity management has helped
13 operators improve on their procedures. Data
14 integration is very labor-intensive. Now,
15 this is from the operator's perspective, and
16 I agree with that; data integration is very
17 labor-intensive. Industry needs to better
18 share lessons learned, which I've been hearing
19 that now for quite some time. Industry
20 requested that PHMSA address its concerns
21 about risk assessments through guidance rather
22 than rulemaking. That may be dictated by

1 Congress and not the Agency, unfortunately.

2 How should record-keeping gaps
3 influence risk assessments? Risk assessment
4 results are highly uncertain -- this is the
5 third panel now -- if key data is missing or
6 suspect. That comes back to the seam types
7 that I alluded to earlier. Key data gap
8 should prompt a high-priority response to
9 obtain or recreate data, conduct high-priority
10 assessments, implement strong preventive and
11 mitigative measures.

12 And the last panel was identifying
13 interactive threats and understanding options.
14 And this is where we got to, there doesn't
15 appear to still be a wide understanding of
16 interactive threats within industry, and
17 current risk model techniques are ineffective
18 to analyze the risks due to interacting
19 threats.

20 Why we made the first statement
21 was because several participants asked for a
22 definition of "interacting threats." And the

1 second comment is really based on,
2 participants requesting that PHMSA develop
3 guidance on how to incorporate features into
4 risk models that could evaluate interactive
5 threats, which tells me that perhaps they're
6 not doing so.

7 The next slide, we're talking
8 about the integrity management rule
9 retrospective, or the underlying need for
10 flexible regulations. I think PHMSA agrees
11 that IMP rules were a response to the need for
12 accurate pipeline-specific risk assessments
13 and a balanced approach to managing pipeline
14 integrity. One size does not fit all, so the
15 IMP rule addressed the underlying need for
16 flexible regulations that would promote
17 enhanced operator systems and processes for
18 conducting pipeline-specific risk assessments
19 and would identify actionable responses to
20 those risks in order to prevent and mitigate
21 those threats that are specific to each
22 pipeline.

1 Recent events -- you guys have all
2 seen these slides, I think -- what this is, is
3 recent events illustrate that there's been an
4 uptick in the serious incidents as far as
5 involving fatalities and injuries, and that is
6 why I think there's an increased focus around
7 pipeline safety today.

8 Interacting threats -- this comes
9 back to the chart I talked about before. You
10 can see that pipe seams were sliced out of
11 this overall chunk. And you can do the same
12 with excavation. You could do the same with
13 corrosion. You could say, well, it was due to
14 inadequate CP. Well, it was due to
15 historically inadequate CP. Well, it was due
16 to shielding due to inadequate backfill, due
17 to rocks, et cetera, or poor-performing
18 coatings? I can slice that piece of pie a lot
19 of different ways.

20 The point I'm trying to make is,
21 don't lose sight that seams appear to be
22 insignificant. It's because you can slice the

1 pie into many little thin slices and make
2 something in this type of slide look
3 insignificant when, in reality, when you
4 associate it to specific incidents over the
5 past 10 years, it's probably very important.

6 The next slide talks about the
7 integrity management rule overall -- however,
8 successful implementation of the integrity
9 management rule depends on the operator to put
10 forth serious efforts to identify and address
11 risk. IMP is not effective -- I repeat, not
12 effective -- if operators treat flexible IMP
13 processes as minimum compliance requirements
14 and do not step up to develop investigative,
15 objective, data-driven, analytical processes
16 to learn about previously unrecognized threats
17 and to make the important decisions necessary
18 to prevent and mitigate risk.

19 PHMSA's risk assessment concerns
20 -- we've identified the following specific
21 concerns with the current state of pipeline
22 industry risk assessment processes and

1 performance:

2 Weakness of simple, relative risk
3 models for many important needs. Records
4 availability and quality of data appears to be
5 poor in some cases, and data integration is
6 really not more than data aggregation.
7 Interacting threats, generally not addressed.
8 Vintage and legacy pipe concerns -- you know,
9 an example is the seams.

10 Connection to real decision-making
11 beyond ranking segments for assessment
12 scheduling. And general uncertainties. What
13 are the uncertainties? Integrity-related
14 decisions often ignore the uncertainties of
15 data, information, and analysis results.
16 Uncertainties should be accounted for within
17 the risk analysis process. It should be
18 accounted for in other integrity-related
19 decision-making, such as excavation repair
20 decisions and evaluation of preventive and
21 mitigative measures. Examples of some of
22 these uncertainties are: Index models make

1 heavy use of subject matter expert opinion and
2 establish risk scores based on subjective
3 data; allied tool accuracy and reliability are
4 not appropriately accounted for always;
5 threats are hard to detect and are often
6 ignored; hydrostatic pressure tests are not
7 perfect and only provide a moment-in-time
8 assurance of pipe integrity; and direct
9 assessment techniques rely heavily on inferred
10 results based on minimal excavation and direct
11 examination.

12 Industry should upgrade how it
13 addresses these and other uncertainties both
14 within the risk analysis process and in
15 establishing a structured objective approach
16 to evaluating the need for preventive and
17 mitigative measures.

18 Data gaps -- the panel that was to
19 address this, the Data Gaps Panel will address
20 the process to validate data, practices to
21 deal with missing, incomplete, unverified,
22 unvalidated or poor-quality data, nature and

1 urgency of response to data gaps, and
2 appropriate approaches for risk-based
3 decision-making upon uncertainty.

4 Interactive Threat Panel addresses
5 predictive modeling for interactive threats,
6 how to effectively discover interacting
7 threats through integrity assessments, improve
8 risk analysis approaches to assure that risks
9 posed by interacting threats are identified,
10 prevented, and mitigated. What interactive
11 threats are not being addressed by commonly
12 employed integrity assessment methods?
13 (Example, ILI and the ECDA.) And what
14 interacting threats cannot be addressed by
15 integrity assessment with current technology?

16 Challenges to success -- some key
17 challenges to success include data validation
18 efforts and the way industry responds to
19 missing and suspect data to deploy more
20 sophisticated risk analysis methods capable of
21 analyzing interactive threats, the way it uses
22 risk assessment to make integrity-related

1 decisions, including business decisions, and
2 to seriously consider preventive and
3 mitigative measures to reduce risk and to
4 upgrade the processes it uses to execute a
5 risk-based approach to managing pipeline
6 integrity.

7 So, in summary, we feel like an
8 important aspect of this opportunity is to
9 improve data validation in the response to
10 missing and suspect data.

11 The challenge to industry is to
12 change the way it views risk assessment and to
13 not treat it as a minimal compliance
14 requirement.

15 Data validation efforts and the
16 way industry responds to missing and suspect
17 data to deploy more sophisticated risk
18 analysis methods capable of analyzing
19 interactive threats -- the way it uses risk
20 assessments, again, to make integrity
21 management decisions, to select and implement
22 serious preventive and mitigative measures to

1 reduce risk, and to upgrade the processes it
2 uses to execute risk-based approach, again
3 managing pipeline integrity.

4 So, with that, again -- with your
5 spitballs if you must.

6 MS. HONORABLE: Thank you, Jeff.
7 We appreciate your presentation.

8 I'd like to open it up to the
9 committee first. Gene?

10 DR. FEIGEL: Gene Feigel. Jeff,
11 what's PHMSA's general position on the
12 benefits of the in situ hydro tests on
13 installed pipe? I mean, there's a lot of
14 nuances, but just kind of give me the general,
15 overall -- what are you trying to accomplish?

16 MR. GILLIAM: You're saying with
17 hydrostatic test in general or with a spot
18 test or?

19 DR. FEIGEL: No. I don't care
20 about the extent of it. I mean on that
21 section of pipe, in situ installed pipe that
22 you want to hydro test, what's the benefit

1 you're looking for?

2 MR. GILLIAM: The benefit we're
3 looking for there is to find material defects
4 and potentially latent construction defects
5 that was missed during construction because
6 someone didn't follow the QA/QC process or for
7 whatever reason, defects were left in the
8 system. That's why you want to conduct
9 hydrostatic tests, to have a proof test before
10 it goes into operation to remove those types
11 of defects.

12 DR. FEIGEL: Well, I don't have a
13 lot of experience, frankly, in the pipeline
14 construction industry. I've got a lot of
15 experience in the pressure vessel industry.
16 I mean, a pipe's a pressure vessel, a long
17 one.

18 The underlying theory, and there's
19 always some debate, is that the benefit was a
20 warm pre-stressing of subcritical cracks, then
21 you blunt the crack. You know, I mean, in the
22 worst case, the layman says, yes, well, if

1 it's bad, you'll blow it up. Well, that's
2 pretty unlikely.

3 So let's go through this one more
4 time. Would you subscribe to what I just
5 said, that essentially you're blunting
6 subcritical cracks, or what?

7 MR. GILLIAM: How I would answer
8 that is our experience over the past five
9 years with the new pipelines built with the
10 state-of-the-art steel has failed during
11 pre-operational hydro tests, and that is the
12 stuff that were trying to eliminate.

13 As far as growing cracks that's
14 inside the line, historically, it is true that
15 you can grow subcritical cracks to near
16 critical. The idea is perhaps to convince
17 industry to institute spike testing where you
18 can blunt the tip of that crack for a number
19 of years and hopefully find that through
20 increased technology availability and
21 hopefully improvements so that we can find
22 those before those would grow to failure in

1 future.

2 The potential is that there's
3 cracks always in the system, and hydrostatic
4 tests will give you confidence for a number of
5 years, I feel, but not -- it's no guarantee
6 forever in the future.

7 DR. FEIGEL: Another question. On
8 the analysis of what you're calling
9 interactive effects, or interacting effects,
10 I guess, is your term of art, again, I haven't
11 been involved in the in-depth technical
12 discussions, but I get the feeling that we're
13 looking to drive out the good in the search
14 for the perfect.

15 I mean, there are ways of modeling
16 those kind of phenomena, you know, time-step
17 crack propagation and fatigue analysis, that
18 aren't -- I mean, this is not leading-edge
19 nuclear science here. That's pretty
20 well-established practice. Now will that tell
21 me I've got a bad piece of pipe in my backyard
22 this afternoon? Of course not, but it'll give

1 you be a parameter around the kind of failures
2 you can expect with the postulated defects
3 you've got that is going to at least give you
4 some comfort bounds.

5 Are we doing that kind of stuff?

6 MR. GILLIAM: Well, I think maybe
7 you missed the point. I want to make sure
8 that we're focused in on what the objective
9 is.

10 The objective is to identify areas
11 where no hydrostatic test has ever been
12 performed previously and there may be
13 defective materials in those areas that never
14 was discovered during a pre-operational hydro
15 test or pre-commissioning hydro test. Those
16 are the areas where we want to conduct hydro
17 tests.

18 We don't want to conduct it in
19 areas where there's already undergone hydro
20 tests in the past but in these areas where it
21 has not. And I think -- I won't name
22 specific instances, but there's some recent

1 failures that would give you the indication
2 that those poor materials would have been
3 discovered during the pre-conditioning hydro
4 test. And that may -- may -- have alleviated
5 that failure mechanism in the future.

6 DR. FEIGEL: Well, I'm off the
7 hydro test subject per se. Are we
8 characterizing the probabilities of these
9 interacting failures in the kind of systems
10 that you're concerned about, at least as a
11 first approximation of what's likely to
12 happen?

13 We all agree that originally
14 untested and old pipe is in some respects
15 could be suspect, but if we can't
16 characterize, at least make a first
17 approximation of quantifying what that means,
18 you know, then you've got kind of a
19 black-and-white. You know, either you say woe
20 is us, and we go around and around. Or, at
21 the other limit, you go out and hydro test
22 everything. Now neither one of those is a

1 very practical solution in most cases.

2 So what I'm asking for, going back
3 to my original comment about -- let's not the
4 search for the perfect drive out the good --
5 are we at least doing kind of a parametric
6 modeling of what might really happen here?
7 And, at least as a first --

8 MR. GILLIAM: No, that's a good
9 question. That's a valid question. What I
10 would recommend to you there is, certainly, I
11 don't think I'm setting any policy for the
12 Agency. That's a question, really, that Mr.
13 Wiese needs to answer.

14 From a technical perspective, I am
15 very much, I would think, in a positive manner
16 for hydro tests in areas where it hasn't
17 previously been hydrostatically tested, I
18 think we need to understand what that really
19 is. Is that hundreds of miles? Is it two
20 miles? Is it 2,000, 200,000? I don't think
21 it's 200,000. I don't think it's as many as
22 some people make it out to be. But I don't

1 think we can make a decision on that until we
2 understand how big or how voluminous the issue
3 is.

4 DR. FEIGEL: Well, I'm not talking
5 about the extent of it. I'm trying to do the
6 engineering characterizing of it, and then,
7 you know, we can figure out whether that's on
8 20 miles or 20,000 miles. Those are two
9 somewhat different issues.

10 MR. GILLIAM: Well, what I would
11 say is we would wait until we have accident
12 investigation information for us base some
13 type of decision basis, and maybe future
14 studies on in order to determine what the need
15 is.

16 MS. HONORABLE: I'll go to Andy
17 next.

18 MR. DRAKE: I think that's a
19 really relevant discussion, and one that I
20 know you're struggling with. The way I hear
21 it is a conversation that I think is similar
22 to one we had a couple weeks ago, and that

1 was, have we got any information on the
2 failures we've had that would help us to
3 characterize the bad guys so that we're not
4 hunting for everybody? And that, we focus our
5 energies.

6 You know, the term, stable, has
7 got a lot of qualifications around it, and
8 we'd like to know, is that term with all those
9 qualifications valid, or are the failures that
10 we're having violating some of those condition
11 states? Because, if they're violating those
12 condition states, then it's easier to
13 fingerprint the bad guy and then you
14 characterize it and you focus your energies.

15 I don't mean to speak for you, Dr.
16 Feigel, but that's what I kind of hear, is
17 this very similar conversation with different
18 kind of words. But I don't disagree with your
19 premise. I think that's very important, that
20 there is a need, when the consequences rise
21 up, for us to have belts and suspenders,
22 backup systems. The pipe was tested in the

1 mill, but what if? So we do more after, just
2 in case somebody made a mistake.

3 But it would also be good to go
4 back and validate that stable-condition state
5 criteria and see what of that is not holding
6 up or what's causing those breakouts because
7 it would help us elsewhere, where you're not
8 in high consequences. You may not be able to
9 justify or focus that much energy on such a
10 broad scale to have belts and suspenders
11 everywhere.

12 I think that I hear you actually
13 kind of agreeing a little bit. But in the
14 context of the conversation we had the other
15 week, I do think it would be helpful if we
16 could explicitly look at that as a group and
17 break the data down where we've had these
18 failures. I mean, the failure that was
19 recently somewhere out on the West Coast near
20 a big city, that --

21 DR. FEIGEL: Washington.

22 MR. DRAKE: -- no, another state.

1 But I think that there's a lot
2 that we're finding out about that -- and the
3 condition states around stable, almost all of
4 them, were violated. It wasn't pipe. It
5 wasn't tested. It wasn't in a stable
6 environment. Okay, well, that helps
7 characterize the bad guys a little bit.

8 I don't know what the plans are to
9 do that, but I think it would be helpful to us
10 -- and I don't think industry right now, at
11 least INGAA -- is not opposing -- as a matter
12 of fact, our docket filing basically supports
13 hydro testing materials that haven't been
14 hydro tested in the HCAs, or doing some sort
15 of proof testing.

16 So I don't know that we're
17 arguing, but it would help us go forward more
18 constructively.

19 MS. HONORABLE: Rick.

20 MR. PEVARSKI: Yes, I just want to
21 make a couple observations here. First of
22 all, hydro testing is a bona fide assessment

1 method codified in federal regulation. End of
2 subject. You guys have looked at this. It
3 has strengths and weaknesses. Apply the right
4 method right for the right tool.

5 The other thing, it's easy to
6 criticize certain state regulation
7 organizations like CPUC. I highly recommend
8 to those people who are wondering about the
9 benefits or the risks of pressure reversals
10 and whatever related to real pipe in the field
11 to go to the CPUC website. And somewhere in
12 there, you'll find an excellent symposium that
13 was presented by renowned experts in the field
14 who I have a lot of credibility with, in terms
15 of understanding. I don't have to agree with
16 them all the time, but I do respect them.

17 That symposium will give you
18 excellent background on the benefits and
19 strengths and take care of this bugaboo about
20 pressure reversals. Now, there's a lot of
21 qualifiers on that, and I think industry is
22 well capable of understanding that. So

1 there's a good place where people can start.

2 As far as the other issues related
3 to San Bruno, more information is going to
4 come out about that related interactive
5 issues.¶ That's not a surprise. And I concur.
6 We are not here to make sure industry goes
7 nuts on doing things. Assess your risk and
8 whether or not you have the information. I
9 mean, not having hydro test records, not
10 having MAOP records, not having pressure -- I
11 mean, this is not good. Again, what can I
12 say? So let's put that all in perspective.

13 The other thing one of the real
14 couple by that probably hasn't come out is the
15 predominance of seam failures exhibit
16 themselves -- not all of them, but the
17 predominance -- exhibit themselves as
18 ruptures. Ruptures can put thousands of tons
19 into your neighborhood.¶ This isn't a pressure
20 vessel in a refinery. So I want to encourage
21 the excellent work that I'm hearing here.

22 I couldn't make your symposium

1 because I had to be in a room with a thousand
2 attorneys. That's a little overreaction. My
3 first reaction was, don't you guys ever sleep?
4 And so they're very angry. And so they're
5 very angry. And so --

6 (Off mic comment.)

7 MR. PEVARSKI: Well, that might
8 be, but after two or three days, you get a
9 little tired.

10 So I just want to encourage that I
11 think you're on the right track here. It
12 appears, from the public perspective, that
13 there are people trying to get a handle on
14 this and not all the facts are out there yet.
15 And I'm going to defer to the NTSB to come up
16 with the final root cause here. That's their
17 job.

18 Thank you.

19 MS. HONORABLE: Thank you, Rick.

20 Jeff.

21 MR. WIESE: Just a quick comment,
22 not so much in response to any of those

1 individual ones, but just to underscore a
2 couple of points and why we brought this back
3 before you. If I can -- and I've heard these
4 themes said by others here -- I think we have
5 a very solid regulatory foundation.¶ I think
6 integrity management gives us really what we
7 need.

8 The question is, can we do better
9 within the individual elements of integrity
10 management? I don't think there's anyone here
11 who doubts that we can do better really.

12 So the question is now, having
13 gone through this 10-year learning curve, you
14 know, and the gas guys will be out of their
15 baseline in another year. Then having gone
16 through that, what are we learning and how do
17 we improve that? How do we make it better?

18 You know, the whole question of
19 interactive threats and records, I think, is
20 very relevant and it's something we should be
21 talking about.¶ That's why we hosted these
22 workshops.

1 The question of, what level of
2 conservatism should you apply in your
3 preventive and mitigative actions if you have
4 deficiencies in your record, I think, is very
5 relevant and we need to talk about it because
6 there are challenges, by the way, for the
7 public's benefit -- I know most people here
8 know -- in just pressure-testing the whole
9 transmission system. I know INGAA's making
10 good progress there.

11 It's going to take some time.
12 There are challenges the public may not
13 understand. There are challenges to pigging.
14 There are alternative challenges out, but
15 we're making progress. Right? Through the
16 R&D effort, we've generated a tool that's now
17 at work on the West Coast in some of those
18 areas, you know, starting to look for other
19 issues.

20 So, at any rate, not to beat
21 anything to death. It's more to say the
22 workshops were held for a couple of purposes. p

1 One was to inform a research project which is
2 underway now. We'll have a lot more
3 opportunity to comment on that and see what's
4 happening there. It is in part to respond to
5 the NTSB recommendation from Carmichael,
6 Mississippi dealing with the low frequency ERW
7 pipe, as Jeff pointed out. We've been working
8 that issue for quite a while, but it's time to
9 really home in on it. But we wanted to go
10 wider than just low-frequency ERW, so we've
11 expanded the scope. And I think that
12 information will benefit everybody in their
13 integrity management programs.

14 The other workshop was just to
15 find opportunities for us to improve risk
16 assessment and to begin a very legitimate
17 debate about records and records adequacy,
18 since that underpins the risk assessment.

19 So, at any rate, I think these
20 were great workshops. They were very well
21 attended. I commend them, the records from
22 them, to you. Those are on our website.

1 Should you really have spare time on your
2 hands, you can watch the webcast from the risk
3 assessment and records one. But, at any rate,
4 a very helpful debate.

5 Thank you.

6 MS. HONORABLE: Gene.

7 DR. FEIGEL: Gene Feigel. Let me
8 ask a very specific question. Is PHMSA
9 looking at the maternal sourcing issue? Now,
10 this won't do anything for what's in the
11 ground, but there's ample evidence that with
12 worldwide sourcing -- and I'm not pointing
13 fingers at any particular country or companies
14 -- but that there are all sorts of quality
15 issues from manufacturing, from not complying
16 with the basic standard that a piece of pipe
17 is supposed to comply with. That's not an
18 engineering issue. That's a QA and oversight
19 issue.

20 Are you guys, collectively,
21 industry and PHMSA, looking at that?

22 MR. WIESE: I think I'll swing at

1 that one.

2 The answer, in short, is yes. But
3 you put your finger on one of the things.
4 Quality control really is the issue. There is
5 a substantial body of work that we have
6 undertaken outside of the regulatory
7 environment, really, to try to get a handle
8 both on source issues but on the broader
9 issues of quality control and moving forward
10 into new construction. I think some pretty
11 hard lessons were learned.

12 But I want to make clear, and I
13 believe this in my heart, that they were
14 limited instances. This was not pervasive
15 problem. But we saw limited instances that
16 clearly required attention. I don't think
17 anyone doubted that. I will commend the
18 industry for it.

19 To your point, Gene, I mean, we
20 wrote a letter to all the trade associations
21 basically saying, what comfort we and the
22 operators have in some of your specs if your

1 spec pipe is coming out and exhibiting this
2 kind of behavior? So I think we ratcheted up
3 attention on these materials issues, and we've
4 really done a lot of work.

5 There's not many operators now who
6 are going to buy much pipe who haven't really
7 changed their procurement practices. But
8 there may be additional work that's needed on
9 quality control as it relates to new
10 construction and that whole cycle.

11 MS. HONORABLE: Thank you.

12 Are there any other questions?

13 Comments from the committee?

14 (No response.)

15 MS. HONORABLE: Any from the
16 public? Any comments from the public?

17 Phil.

18 MR. BENNETT: Phil Bennett with
19 the American Gas Association. Excellent
20 discussion, and I think Jeff Gilliam talked
21 about the need for the exchange of information
22 between operators and industry, and the

1 workshop was a good setting for that.

2 I did want to let the Advisory
3 Committee know that the national trade
4 associations just sent a letter to Secretary
5 LaHood yesterday announcing that they've set
6 up a study to analyze ways that industry could
7 better share information between operators and
8 look at how other industries are sharing
9 information and getting the safety exchange
10 and developing a model to improve pipeline
11 safety in that manner. The study should be
12 complete in February 2012, and that was one of
13 the, I think, initiatives that PHMSA and other
14 parties talked about, exchanging data. So
15 we're well on our way to working towards that
16 effort.

17 MS. HONORABLE: Thank you for that
18 information, Phil.

19 Are there any other comments from
20 the public?

21 (No response.)

22 MS. HONORABLE: Seeing none, thank

1 you, Jeff, for that presentation, and thank
2 you, Committee, for the good dialog. Very
3 educational.

4 I'll turn it over now to Jeff for
5 our last agenda item for our open roundtable.

6 MR. WIESE: So, at 20 until four,
7 I always know that people's desire to engage
8 in a roundtable of issues -- maybe if you'll
9 let me, I'll morph this a little bit to be
10 both a thank-you for coming in -- we really
11 needed your help this morning and very much
12 appreciate that help, particularly the
13 subcommittee. I want to reiterate my thanks
14 to the subcommittee members. But I appreciate
15 your attention, and really, some of the active
16 dialogue.

17 I really wouldn't mind getting
18 into a few of these issues in a little more
19 detail, but it was our intent this afternoon
20 to just kind of skim the surface of some
21 things happening. Hopefully, we can hear more
22 about some of these initiatives that are being

1 spun up on information exchange in our next
2 full meeting. So it will be more than what
3 turns out to be a one-day meeting next time,
4 and we'll have more substance. So maybe we'll
5 collaborate off-line a little bit about topics
6 that we would like to get out in public debate
7 and discussion at the next meeting,

8 So, with that, I guess I would
9 offer up, with your indulgence, just any
10 roundtable, any comments or questions from the
11 members that we haven't touched on.

12 MS. HONORABLE: Craig.

13 MR. PIERSON: I think the
14 subcommittee was thanked more than we deserve,
15 compared to what Paul and Linda and others put
16 into the report. I think they deserve the
17 greatest thanks.

18 In our discussion -- this is a
19 separate question -- in some of our
20 discussions, I've noticed that OPS is used as
21 the label for your department. Are we to
22 start making a change? We've got PHMSA-fied,

1 and now do we need to make a change?

2 MR. WIESE: They're both
3 technically correct. PHMSA is our agency, and
4 we're the Office of Pipeline Safety within
5 PHMSA.

6 If you really want to be specific
7 about us, you can use it. Either are
8 acceptable. I mean, we are PHMSA but, you
9 know, we've been OPS for a long time; some
10 people know us better by that.

11 So I appreciate your comment, but
12 I'd say either are acceptable.

13 MR. PIERSON: What do you prefer?
14 No, I can't say.

15 MR. WIESE: Either are acceptable.
16 Thank you, though, Craig.

17 What's the right answer to that
18 one? I should say PHMSA; right?

19 MS. HONORABLE: Yes, he's good.
20 He's good, isn't he? Kind of slippery there.

21 Any other roundtable matters?

22 Denise.

1 MS. HAMSHER: Denise Hamsher from
2 Enbridge.

3 I want to emphasize that there was
4 just some reference to the new construction
5 pipe quality standards. Those are on a few
6 projects and have not been across the board.
7 So, being an operator who's put in a few
8 thousand miles of pipeline and haven't had
9 that issue, there's always issues of welder
10 quals and butt welds and all that kind of
11 stuff when you go in. That's why you have a
12 thorough inspection and checking and testing
13 program.

14 But, you know, it isn't across the
15 board for new construction.

16 MS. HONORABLE: Thank you.

17 Anyone else?

18 (No response.)

19 MS. HONORABLE: Well, seeing none,
20 thank you, PHMSA and the Office of Pipeline
21 Safety, for preparing for this meeting today.
22 It was very informative, educational, we were

1 challenged at times, and I, too, would like to
2 echo Craig's remarks. We really owe the
3 thanks to you all for your hard work. We
4 recognize that you're under a very tight
5 deadline to produce this report for the
6 Secretary and the Administrator's review, and
7 we appreciate the opportunity to participate,
8 but we think the accolades should go to you
9 all, very much so.

10 Thank you for the opportunity to
11 chair today. Thank you all for your presence
12 and for your commitment to this very important
13 work.

14 And with that, I'll turn it over
15 to Jeff.

16 MR. WIESE: Great.

17 She's so gracious. This is why I
18 always ask her to be the chair. She'll end on
19 a high note.

20 So we're going to formally adjourn
21 now. I would like to formally adjourn now.
22 I would like to take just about a 10-minute

1 break and really just need a matter of
2 business for the advisory committee members if
3 you could come back in 10 minutes. And then
4 I promise not to keep you 10 more minutes.
5 And then we'll let everybody go.

6 (Whereupon, the meeting adjourned
7 at 3:43 p.m.)

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| A | | | | |
|--|---|--|--|---|
| abilities 18:4 100:11 | accomplishment 186:4 | 171:2 192:8 | adequate 53:21 54:1 128:13 | 100:11 115:20 131:17 205:9 |
| ability 57:21 100:12 182:18,22 | account 177:16 | ad 138:17 | adjourn 66:18 149:22 258:20,21 | 215:18 216:1 253:2 259:2 |
| able 27:12 58:9 60:19 106:13 | accountable 93:18 | adapt 137:12 | adjourned 259:6 | advocate 44:14 |
| 125:9 129:6 | accounted 229:16 229:18 230:4 | add 34:15 44:7 63:18 100:20 | adjudicating 160:3 | affect 82:6 144:11 |
| 130:15 133:7 | Accufacts 1:21 | 144:19 178:14,18 | administration 24:4 164:18 173:3 | affiliation 7:6 |
| 134:21 139:13 | accuracy 201:16 202:4 203:8,21 | 193:10 199:11 | 176:19 | afternoon 16:13 124:2 150:5,8,17 |
| 149:7 176:2 | 230:3 | 206:14 | administrations 176:13 | 151:2 236:22 254:19 |
| 181:22 186:5,10 | accurate 57:13 101:7 119:7 | added 82:11 160:16 171:15 | administration's 174:11,20 | afterthought 129:2 |
| 197:1 242:8 | 226:12 | 190:22 193:6 | administrative 6:16 8:11 159:16 | AGA 26:19 43:20 78:21 195:16 |
| about 247:21 | achievable 72:7,16 138:9 | 200:1 | 159:20 160:2 | age 13:8 47:5,13 |
| above-entitled 68:16 150:2 211:9 | achieve 174:20 209:21,22 | addendumize 200:15 | administrator 2:13 2:15,20 3:3 5:3 | agencies 41:13 43:7 72:22 |
| absence 87:13 | achieved 207:1 | adding 24:7 78:17 169:22 194:18 | 10:8 14:17 29:5 | agency 60:9,14 82:2 215:20 |
| absent 72:19 | act 58:9 153:6,14 153:16,18 156:15 | 199:6 220:7 | Administrator's 258:6 | 216:18 217:14,21 225:1 239:12 256:3 |
| absolutely 16:2 73:1 146:10 | 159:8 190:22 | addition 42:7 193:21 196:10 | admit 79:20 | agenda 3:5,10,13 3:15,18,22 9:4 |
| absolutes 74:11 | Acting 1:15 | additional 49:19 52:21 124:14 | ado 153:12 | 10:21 24:9 114:4 150:9 151:6 205:5 211:13,15 254:5 |
| ACAs 219:15 220:21 | action 11:21 13:1 19:3 20:7,13 21:4 | 126:6,16 149:8 | adopt 186:22 195:15,17 196:14 | agendas 211:14 |
| accelerated 50:8 | 114:4 125:14,17 | 159:13 162:21 | adopted 186:22 196:11 | aggregation 229:6 |
| acceleration 50:12 | 125:18 126:1,9,12 | 169:5 178:18 | adopting 196:17 | aggressive 67:3,6 |
| accept 117:15 | 127:14 128:2 | 184:9 188:15 | adult 140:17 | aging 11:10 52:4 53:8 |
| acceptable 47:15 256:8,12,15 | 134:18 175:22 | 190:2,3 193:22 | advance 10:15 91:19 | ago 17:18 18:3 103:3 156:18 |
| access 101:14 | 185:14 188:11 | 200:5,16 212:5 | advanced 175:11 193:13 | 159:18 161:8 205:12 213:8 240:22 |
| accessible 32:16 87:22 | 191:13 193:13,20 | 220:7 223:9 252:8 | advancing 10:14 | agree 24:16 25:4 62:9 93:10,15 132:18 134:10 |
| accident 132:16 137:16 141:5 | 194:1,2 196:1,20 | address 21:5 38:16 49:10 56:6 111:17 | advantage 151:3 | 135:2 137:7 144:4 169:19 224:16 238:13 244:15 |
| 216:15 217:18 | actionable 226:19 | 131:20 132:4 | advice 69:19 131:19 150:22 | 205:12 213:8 240:22 |
| 240:11 | actions 19:11 20:17 50:9 56:6 126:5,6 | 133:12 140:22 | advise 18:1,4 103:7 147:20 180:10 | agreed 9:13 24:17 26:12 37:1 67:22 |
| accidents 45:8 47:2 48:13,16,18 49:8 | 126:17 139:11 | 180:18 181:9 | advising 65:21 | agreeing 242:13 |
| 54:15 80:12,14 | 164:16 185:20 | 188:9 191:8 215:8 | advisory 2:18 4:12 8:7 10:12 28:18 | agrees 112:9 |
| 142:22 154:17 | 188:2,7 195:10 | 222:3 223:1,16 | 28:20 61:20 62:13 | |
| accolades 258:8 | 248:3 | 224:20 228:10 | 62:21 65:19 68:21 | |
| accommodate 41:4 | active 25:16 27:11 254:15 | 230:19,19 | 69:8,13 93:9,12 | |
| accommodated 39:9 | actively 14:21 16:17 210:2 | addressed 49:21 220:16 226:15 | 93:14,17,19 94:2 | |
| accomplish 90:13 233:15 | activities 146:3 155:6 | 229:7 231:11,14 | 96:20,21 97:1,5 | |
| accomplished 163:4 187:5 | activity 156:10 178:12,13 191:18 | addresses 38:21 230:13 231:4 | | |
| | actual 125:19 | adds 159:12 | | |
| | | adequacies 129:6 | | |
| | | adequacy 21:14 192:9 196:16 | | |
| | | 249:17 | | |

| | | | | |
|--------------------------|--------------------------|---------------------------|---------------------------|----------------------------|
| 226:10 | amplify 45:10 | API 214:8,16,21 | 231:2,8 | Ashland 1:21 |
| ahead 66:19 85:17 | analysis 58:22 | APNRM 187:6 | approaching | asked 17:17,18 |
| 104:1 183:6 202:9 | 93:14 166:3 193:2 | apologies 150:20 | 186:18 222:2 | 20:5,11 99:20 |
| AI 196:2 | 208:19 216:21 | apologize 70:15 | appropriate 65:20 | 163:12 172:1 |
| ain't 103:10 | 223:11 229:15,17 | 147:13 | 77:18 126:4 | 199:3 205:5 |
| air 140:22 | 230:14 231:8,20 | apparently 14:15 | 198:16 199:9 | 206:18 208:7 |
| al 246:14 | 232:18 236:8,17 | 100:8 | 200:5 215:16 | 225:21 |
| Alan 20:16 | analytical 228:15 | appear 225:15 | 231:2 | asking 26:7 33:11 |
| Alberta 22:14 | analyze 161:6 | 227:21 | appropriately | 62:21 64:14 |
| alert 150:7 | 225:18 253:6 | appears 217:5 | 230:4 | 148:10 176:20 |
| algorithm 202:14 | analyzing 213:10 | 229:4 246:12 | appropriations | 201:13 202:5 |
| algorithms 202:11 | 231:21 232:18 | appendices 31:14 | 154:2 | 205:7 239:2 |
| 202:12 | anchor 87:20 | 36:20 37:5,19 | approval 82:21 | asks 135:18 |
| Allentown 102:2 | anchoring 89:2 | 75:7 96:16,17 | 192:20 | ASME 214:9,21 |
| alleviated 238:4 | ANDREW 2:4 | 101:9 118:13 | approved 186:10 | aspect 85:9 192:7 |
| Alliance 43:13 | Andy 58:17 86:10 | appendix 41:18 | 192:19 | 232:8 |
| 201:3 | 86:11 89:11 107:9 | 51:15,16 53:18 | approximately | assemble 126:16 |
| allied 230:3 | 108:17 117:11 | 77:2 78:22 90:8 | 45:19 216:22 | Assess 245:7 |
| allocating 156:3 | 144:3 176:9,10 | 90:12 96:12 | 218:5 | assessed 220:19 |
| allow 5:6 15:4 | 177:12 240:16 | 118:12 | approximation | assessment 3:19 |
| 20:21 29:15 65:13 | Andy's 144:1 | applicable 191:17 | 238:11,17 | 6:12 42:10 129:8 |
| 107:20 133:12 | and/or 164:3 | applied 209:2 | April 20:10 125:15 | 190:4 200:9 |
| 166:17 204:3 | angle 205:14 | apply 157:22 244:3 | arc 213:2 | 211:15 212:2 |
| 211:6 | angry 246:4,5 | 248:2 | area 23:13 26:9 | 214:12,14 215:5 |
| allows 110:16 | announcements | applying 42:12 | 31:1 58:8,14 | 223:21 225:3 |
| alluded 24:16 | 8:12 | 106:8 162:9 | 59:12,22 78:18 | 228:19,22 229:11 |
| 225:7 | announcing 253:5 | appreciate 4:15 | 100:17 149:19 | 230:9 231:12,15 |
| alludes 221:14 | anomalies 113:15 | 9:17 14:21 15:11 | 158:19 174:19 | 231:22 232:12 |
| alluding 219:7 | ANPRM 187:4,5 | 18:13,20 22:1 | 179:2 189:19 | 243:22 249:16,18 |
| allusion 110:13 | 189:1,2,7 192:15 | 27:13 39:16 62:7 | areas 52:21 59:6 | 250:3 |
| altered 75:18 | ANSI 110:16 | 65:10 69:22 71:7 | 181:5 187:10,11 | assessments 21:14 |
| alternative 45:16 | answer 101:19 | 76:10 88:20 98:6 | 187:13 188:12 | 213:14 221:10 |
| 176:8 248:14 | 131:5 176:17 | 119:9 136:18 | 190:7 237:10,13 | 224:11,21 225:3 |
| alternatives 83:6 | 178:1 201:16 | 138:20 144:16 | 237:16,19,20 | 225:10 226:12,18 |
| 83:19 | 235:7 239:13 | 149:4,9 150:21 | 239:16 248:18 | 231:7 232:20 |
| America 3:6 4:20 | 251:2 256:17 | 170:6 197:8 233:7 | arena 60:3 190:6 | assets 42:11 52:8,9 |
| 19:7 20:6,21 65:5 | anticipate 169:7 | 254:12,14 256:11 | argue 160:6 | assigned 160:12 |
| 125:19 | anybody 5:11 11:3 | 258:7 | arguing 243:17 | assignment 61:12 |
| American 2:23 | 26:16 100:17 | appreciated 88:2 | argument 74:9 | assist 199:15 |
| 26:12 38:6,13 | 101:12 113:9 | 130:9 | 173:10 | assistance 23:16 |
| 43:21,22 82:6 | anybody's 174:12 | approach 53:20 | Arkansas 2:5 | assisting 46:17 |
| 121:14 252:19 | anyway 46:20 | 89:5 119:20 | Arlington 1:14,14 | 61:2 |
| Americans 39:15 | 106:9 202:9 219:5 | 175:16 176:7 | art 81:5 221:14 | associate 2:15,20 |
| amount 27:21 | AOPL 45:19 | 226:13 230:15 | 236:10 | 228:4 |
| 166:6 174:17 | apathy 11:16 | 232:5 233:2 | articles 205:13 | associated 51:15 |
| amounts 72:11 | APG 26:19 | approached 69:13 | artificially 109:6 | 190:18 223:6 |
| ample 250:11 | APGA 78:13 79:1 | approaches 214:20 | ASABE 2:14 | Association 2:2,23 |

| | | | | |
|---|---|---|---|--|
| 25:10 26:12 43:18 43:20,21 44:1 121:14 252:19 associations 43:20 80:1 109:22 110:14,17 251:20 253:4 assume 221:15 assuming 106:3 assurance 19:9 20:3 109:7 221:6 230:8 assure 14:10 231:8 assured 69:19 assuring 221:12 ASTM 195:18 as-built 172:11 attempted 199:22 attempts 48:17 attend 24:22 attendance 212:9 attended 21:10 attended.p 249:21 attendees 212:3 attention 11:5 13:11 16:7 38:6 64:3 67:22 109:3 122:5 136:6 167:10 171:4 252:3 254:15 attention.p 251:16 attentive 125:6 attorneys 105:10 182:1 246:2 attribute 203:22 attributed 170:14 216:20 audience 25:3 63:8 63:15 65:7 66:4 89:17 92:4 116:11 120:10 139:14 174:7 audiences 15:3 66:11 August 1:11 31:22 76:10 107:1 130:19 131:6,10 | 149:8 186:14,19 186:22 authorities 154:1 authority 2:9 58:10 79:16 81:17,18 82:18 96:1 163:1 163:8,16 179:15 179:21 180:2 authorization 153:22 authorized 154:4 automatic 157:20 162:7 availability 229:4 235:20 available 8:4 13:20 25:2,9 41:22 80:7 80:13 116:17,18 155:18 157:10 158:17 162:18 200:17 201:5 214:3,13 average 142:18 143:1 184:20,21 185:7,10 217:3 218:13,14 219:2 averages 219:7 averaging 219:9 avoid 81:20 216:3 aware 14:2 78:14 124:21 125:3 137:4 160:21 199:21 203:1 awareness 26:14 52:15 121:2 awful 95:10 awfully 96:4 a.m 1:15 4:2 68:17 68:18 150:3 | 67:8 68:13,19 69:2 70:14,21 77:8,16,19 92:11 98:10 100:4 101:8 111:14 114:14 118:15 132:21,22 134:10 154:15 164:14 166:13 177:18 187:20 190:22 192:18 211:7 215:17 218:12 221:20 225:6 227:9 239:2 242:4 247:2 259:3 backfill 227:16 backfires 112:15 background 13:5 244:18 backup 241:22 backyard 236:21 bad 14:16 106:22 147:3 170:18 235:1 236:21 241:3,13 243:7 balance 27:5 31:1 132:5,8 134:11 balanced 27:10,15 30:9 88:9,18 89:5 226:13 balancing 135:14 136:5 ball 53:10 165:3 173:21 ballots 18:17,18 bank 23:18 barely 50:22 96:8 barrels 46:11 73:10 73:14 base 240:12 based 26:3 48:12 186:21 217:20 222:21 226:1 230:2,10 baseline 247:15 basic 19:8 36:6 120:22 134:15 250:16 | basically 26:7 28:2 38:3 39:14 48:15 156:17 157:16 161:22 204:16 211:22 214:19 243:12 251:21 basics 104:4 basis 20:17 240:13 bat 37:21 115:16 BEACH 2:1 bear 132:19 beat 248:20 beating 147:2,2 becoming 171:14 beg 18:13 beginning 130:10 209:16 behalf 13:18 33:8 130:8 149:3 182:9 behavior 252:2 believe 19:12,14 28:1 31:2 99:19 102:15 105:14 108:20 119:1 168:2 207:1 209:14 251:13 believed 47:10 believes 206:9,10 209:7 BELLMAN 2:2 Belman 92:18,18 93:1 belongs 93:8 belts 241:21 242:10 bend 201:12 beneficial 117:7 benefit 7:21 20:8 59:7 233:22 234:2 234:19 248:7 249:12 benefits 50:6,18 51:13 97:12 233:12 244:9,18 benefitting 138:15 Bennett 2:23 121:13,13 252:18 252:18 | besiege 97:18 best 30:12 39:9 49:13,17 52:22 53:19,20 56:2 58:19 127:2 138:22 143:5 147:17 149:14 202:21 bet 4:8 better 15:21 19:9 42:13 56:13 60:4 60:5,7,12,13 84:2 96:15 99:8 112:4 117:21 118:8 122:20 159:21 214:20 219:4 221:3 223:11 224:17 247:8,11 247:17 253:7 256:10 beyond 52:18 72:2 133:17 134:21 200:13 221:13 229:11 big 128:16 154:3 155:17 171:8 172:5 200:12 240:2 242:20 bigger 190:19 biggest 212:16 bill 79:15 153:7 156:11,12,16,17 157:9,12,15 159:4 159:8,9,12,14 160:8,9,12,14,21 171:9 173:3 174:11,20 178:2 182:11,13,16 billion 176:21,22 177:6,9 178:1 billions 176:14 bills 24:5 152:9,11 153:5 157:10 161:4,6,16,22 162:6 163:14,19 164:9,11 165:20 166:7 167:16 |
|---|---|---|---|--|

| | | | | |
|----------------------------|----------------------------|----------------------------|----------------------------|---------------------------|
| CEO 124:3 | 256:1 | 178:10 198:4,15 | 68:15 77:7 150:16 | 80:21 91:7 92:9 |
| certain 13:7 30:11 | changed 75:18 | 198:18 199:6 | 164:15 166:13 | 93:10,12 95:10,12 |
| 104:17 132:10 | 182:20 189:20 | 200:4,8 | 183:15 197:4 | 106:18 108:3 |
| 181:2 191:11 | 252:7 | clarify 56:1 79:7 | collaborate 49:15 | 110:16 116:6,10 |
| 244:6 | changes 188:8 | clarity 145:4 | 255:5 | 116:17,19 126:19 |
| certainly 15:8 17:7 | changing 12:15 | classes 25:13 | collaborated 204:8 | 129:5 133:5,13 |
| 35:21 38:6,7 | channel 134:6 | clause 215:15 | collect 92:14 213:7 | 136:1 137:2 142:3 |
| 41:16 43:14 44:12 | chapter 32:22 33:2 | cleaning 94:3 | collecting 213:10 | 144:16 145:12 |
| 55:8 56:10 57:16 | 33:3 42:1,5,19 | clear 28:19 40:19 | collection 156:2 | 152:10,12 166:18 |
| 58:10 59:5,7,11 | 43:4 44:2 77:1,1 | 64:13 66:13 | collective 56:9 | 167:14 168:5 |
| 59:16 60:2 65:18 | chapters 32:20 | 102:21 105:12,19 | 98:15,18,19 | 172:22 173:5 |
| 81:17 84:22 98:5 | 36:11 38:21 | 108:17 109:5,9 | collectively 54:13 | 187:16 192:17 |
| 111:2 117:9,14 | characterization | 114:4 134:1,9 | 73:2 145:14 | 198:3 204:4 205:2 |
| 201:7 239:10 | 124:5 | 251:12 | 209:15 250:20 | 209:9,11,19 226:1 |
| certainty 145:4 | characterize 22:9 | clearance 131:6,12 | collectiveness | 239:3 246:6,21 |
| cetera 22:10 76:3 | 238:16 241:3,14 | clearly 16:8 45:4 | 146:21 | 249:3 256:11 |
| 191:15 194:8 | 243:7 | 72:14 90:22 | combine 222:9 | commentary |
| 227:17 | characterizing | 103:12 108:10 | combined 194:10 | 124:10 |
| chair 1:15 4:6 9:14 | 140:13 214:4 | 111:16 141:15 | come 19:21 24:11 | commented 130:11 |
| 9:21 70:14,22 | 238:8 240:6 | 180:15 181:3 | 62:11 64:8 66:19 | commenters |
| 117:4 258:11,18 | charge 42:16 87:20 | 251:16 | 88:14 93:17 98:10 | 188:21 |
| chairs 211:5 | 213:17 214:11 | clockwork 69:4 | 104:10 105:11 | comments 3:7,9 4:4 |
| Chair's 26:22 | chart 51:18 73:8 | close 76:4 136:9 | 111:10 124:11 | 6:17 33:11,12 |
| 70:13 | 227:9 | 138:19 186:5 | 130:5 137:6,22 | 39:8 62:21 63:1 |
| challenge 13:5 | charts 45:1 46:8 | closed 70:6 110:12 | 146:9 151:5 | 63:10,15 64:9,11 |
| 34:10 56:11 132:7 | 47:1 118:22 217:5 | 110:13 | 166:11 206:18 | 64:17 66:8 70:11 |
| 134:12 144:5 | checking 257:12 | closely 90:5 205:16 | 211:7 218:4 245:4 | 71:10,19 76:5 |
| 145:20 232:11 | Chemical 1:17 | closer 202:4 | 245:14 246:15 | 77:22 78:10,12 |
| challenged 141:22 | 169:3 | closes 152:14 | 259:3 | 83:15 86:12 89:10 |
| 149:13 258:1 | Cheryl 2:18 6:4 | close-interval | comes 139:15 | 95:9,18,19 96:19 |
| challenges 11:8,12 | 7:13,15 | 216:7 | 203:7 225:6 227:8 | 97:8,21,22 98:3 |
| 12:13 20:12 22:19 | Cheryl's 6:4 | closing 155:19 | comfort 5:18,20 | 99:2 106:2,13 |
| 22:21 36:14 48:22 | chicken 95:13 | 164:14 | 11:16 237:4 | 114:14,18 117:1,7 |
| 52:3,14 54:9 | 97:19 | Coast 43:19 242:19 | 251:21 | 119:17 120:1 |
| 137:13 213:17 | choosing 53:19 | 248:17 | coming 4:15 7:10 | 121:15 127:21 |
| 231:16,17 248:6 | chop 36:4 | coating 220:5,6 | 9:9 16:14 22:1 | 128:5 130:6,18,22 |
| 248:12,13,14 | chunk 227:11 | coatings 227:18 | 32:6 63:17 85:21 | 131:18,20 133:11 |
| challenging 142:5 | circle 92:11 | code 224:5 | 104:13 108:3 | 134:16 135:3,12 |
| 192:22 | circulate 32:3 | codes 110:2 | 125:15 147:22 | 138:21 139:4 |
| chance 31:10,14 | circumvent 125:9 | codified 244:1 | 174:5 181:13 | 143:22 148:22 |
| 33:11 50:4 93:12 | CIS 216:6 | coherent 95:16 | 252:1 254:10 | 149:3,6,8 164:14 |
| 95:5 | cities 180:21 | 107:13,18 | command 173:20 | 165:2 166:16 |
| change 8:19 29:11 | citizens 78:20 79:9 | cold 136:13 | commend 121:16 | 167:3 178:5 182:9 |
| 40:21,21,22 63:3 | 99:14 | Colette 1:15 2:5 | 249:21 251:17 | 183:4 187:15,17 |
| 68:7 172:12 175:9 | city 2:2,10 92:18 | 9:12,15 14:8 | comment 7:5 33:18 | 188:9 197:18,22 |
| 188:14 195:7 | 102:3 242:20 | 16:19 33:16,16,22 | 39:6 68:5,5 69:9 | 200:21 210:14,17 |
| 232:12 255:22 | civil 155:18 161:9 | 54:3 62:6 64:20 | 69:10 71:5 72:17 | 252:13,16 253:19 |

| | | | | |
|--|--|---|--|---|
| 255:10 Commerce 153:20 156:13 159:5 commission 1:23 2:6,12 27:4 74:21 125:20 128:11 143:4 commissioned 19:4 24:15 217:21 Commissioner 16:20 commissions 43:11 79:6 82:17 123:3 123:6 commit 56:5 65:3,8 commitment 18:2 62:17 65:16 149:7 149:18 258:12 commitments 65:4 66:3 committed 98:13 147:4 committee 1:4,5 2:18 3:7 7:3,7 10:13 12:19 14:15 17:18,21 18:4,8 22:16 28:18,20 33:18 35:2,6,20 35:21 62:13,22 64:9,10 65:19 68:21 69:8,13 75:11 77:17 89:14 94:13,17 97:19 100:11,19 101:15 116:9 117:8 121:16 126:11,15 131:17 132:3 134:18 139:22 140:2,6 142:1 144:1 152:17,18 153:20 156:13 159:5 160:18,20 167:2 178:6 183:7 196:13 197:17 201:4 205:9 210:14 233:9 252:13 253:3 | 254:2 259:2 committees 1:13 4:12 8:7 27:19 61:20 71:4 111:6 125:21 126:4 130:8 152:16 155:7 157:11 165:1 166:17 210:3 committee's 116:15 160:13 commodities 41:1 common 22:19 23:2 43:13 61:1 76:1 154:17 201:3 220:5 commonly 231:11 communicate 135:15 136:20 173:20 communicated 87:18 communication 59:1,11 66:13,14 communications 59:15 63:5 communities 13:7 59:9 community 72:21 139:17 159:7 companies 12:4 23:19 40:16 125:8 174:8 180:16 199:8 215:14 216:8 219:20 250:13 company 2:7 174:9 comparative 45:13 compare 46:3 compared 255:15 compelling 83:8,12 compels 84:12 competing 132:8 140:4 171:17,20 competitive 42:20 83:19 complete 23:14 | 33:14 57:12 119:7 148:2 206:22 217:19 253:12 completed 153:15 complexities 144:7 complexity 144:14 compliance 52:11 52:18 228:13 232:13 complicated 142:7 compliment 75:10 124:6 comply 201:20 203:3 250:17 complying 250:15 component 128:17 concept 23:18 68:9 89:19,20,21 103:17 106:8 221:9 concepts 181:8 concern 126:21 138:4 141:5 182:13 215:22 concerned 113:20 142:19 148:17 182:21 206:4 238:10 concerns 91:20 124:10,20 125:20 126:7 200:11 219:13 224:20 228:19,21 229:8 concerted 56:9 concise 147:16 conclude 99:15 102:5 concluded 21:8 concluding 209:9 conclusion 99:21 102:8 conclusions 77:3,6 97:10 concur 245:5 concurrence 67:9 condition 48:1 241:10,12 243:3 | conditions 125:20 conduct 165:10 194:17 216:8 225:9 234:8 237:16,18 conducting 23:9 174:18 226:18 confidence 12:12 74:6 86:20,22 87:4,16 88:11 89:3,8 100:3 102:18 108:19 144:20 168:11 236:4 confidence-build... 88:5 confident 108:21 configured 100:2 Congress 11:7,21 164:3 169:8 170:22 201:19 225:1 congressional 152:11 conjunction 85:19 connecting 203:16 connection 168:18 229:10 connects 209:19 cons 214:13 215:5 conscience 117:22 consensus 62:11 202:1 consequence 85:14 155:19 161:12 168:9 consequences 52:16 85:10 161:14 241:20 242:8 Conservation 22:15 conservatism 248:2 consider 28:6,6 62:1 69:20 85:11 91:12 130:17 139:1 144:18 | 199:5 200:6 212:14 215:16 216:6 219:19 223:3 232:2 consideration 55:15 72:10 130:16 200:7 considering 55:20 58:12 212:9 consistent 66:14 219:22 constantly 41:3 constituencies 134:6 constituents 133:22 constrained 170:7 constructed 90:19 construction 47:12 52:14 110:2 126:22 128:18 162:8 163:3 171:8 171:15 172:3,9,12 172:17 174:6,12 234:4,5,14 251:10 252:10 257:4,15 constructive 117:7 120:7 constructively 243:18 consume 118:21 consumers 138:10 consumption 28:17 32:10 48:9 contain 97:9 contained 108:5 contains 100:15 contemplating 178:11 content 31:15 146:7 context 32:22 134:16 141:7 175:17 242:14 continual 120:16 continually 58:3 175:21 continue 12:7 24:9 |
|--|--|---|--|---|

| | | | | |
|---|---|--|--|---|
| 24:11 39:12 53:9 53:11 58:21 59:20 125:9 128:20 138:17 145:5 149:12 154:16 170:20 175:4 194:4 216:13 continued 45:4 54:17 149:14 continues 172:12 continuing 98:13 137:12 145:18 147:4 195:11 208:13 continuous 137:21 contract 76:2 Contractors 81:7 contribution 80:3 control 27:13 42:13 50:20 80:4,7,11 170:22 185:2 186:8 190:10 191:7 251:4,9 252:9 controlling 52:1 controversial 59:22 convened 28:2 conversation 140:17 240:21 241:17 242:14 conversations 185:6 convert 95:15 convey 31:16 convince 235:16 copy 9:5 157:12 core 156:19 corner 5:13,19 Corporate 138:15 Corporation 1:23 Corps 81:18 correct 75:21 149:12 214:12 256:3 corrections 194:14 correctly 33:4 201:19 | corresponding 178:16 corresponds 178:22 corrosion 80:4,6,8 80:10,11 187:14 190:10 214:22 227:13 cost 124:18 163:1 163:15 179:3 193:14,18 costs 42:9 43:1 162:21 163:9 cost-benefit 72:9 93:14 114:10,11 193:1 194:2 cost-effective 200:16 Council 43:14 counsel 2:19 150:22 151:18 counter 120:19 countered 121:5 countries 23:5 country 11:4 22:21 134:13 142:10 250:13 couple 4:10 5:4,5 6:10,16,19 10:19 14:9 20:19 30:4 43:3 46:7 48:6 54:12 59:19 63:4 64:21 66:7 76:16 77:21 78:10 83:5 99:11 100:4 101:5 101:10 111:2 115:3 120:14 124:14 133:11 135:2,12 147:7 152:7 164:13 166:10 167:8 168:3,13 171:10 180:7 182:9,12 184:5 192:13 194:15 209:12 213:8 240:22 243:21 245:14 | 247:2 248:22 course 69:22 88:16 96:19 133:1 145:1 165:6 170:7 172:22 177:10 186:9 204:14 206:15 214:9 215:15 222:22 236:22 cover 26:7 36:10 43:9 66:12 142:7 160:17 190:14 covered 124:16 covering 65:10 covers 193:15 CP 227:14,15 CPUC 106:19 119:16 244:11 CPUC.p 244:7 crack 214:6 234:21 235:18 236:17 cracking 187:14 cracks 234:20 235:6,13,15 236:3 Craig 1:21 34:2 39:4 41:6 80:16 83:2,3 255:12 256:16 Craig's 258:2 create 206:11 220:4 creating 121:1 201:4 creative 180:17 181:22 credibility 102:12 103:21 104:8 105:2,20 121:8 126:18 206:10 244:14 credible 100:2 102:17 126:20 143:14 209:7 credit 137:9 142:11 criteria 46:5 187:13 190:1 204:13 242:5 | critical 10:14 11:18 12:17 31:20 129:2 235:16 criticism 99:18 criticize 148:2,3 244:6 critiques 120:8 crossings 160:17 crucial 16:22 21:13 23:5 206:9 207:13 208:18 219:20 crushed 65:13 crux 86:21 cultural 84:12 culture 53:2 curiosity 178:9 curious 176:16 current 17:19 32:11 99:21 118:5 134:11 179:15 181:19 192:16 214:5 221:13 225:17 228:21 231:15 currently 25:2 50:16 100:1 160:22 179:11 189:6 224:5 curve 104:1 138:1 247:13 customers 79:9 cut 11:7 36:4 cuts 104:11 cut-off 131:11 Cycla 35:19 36:1 76:18 cycle 189:8 252:10 cycle-induced 215:1 Cynthia 10:16 15:6 15:13 C-O-N-T-E-N-T-S 3:1 <hr/> D <hr/> D 1:15 2:5,20 daily 40:9 132:12 | damage 26:15 52:7 58:5 96:3,6 102:7 161:21 162:2 190:21 191:12,20 191:22 192:2,6 198:5 200:4,12 Dan 76:15 danced 114:12 danger 114:19 dangers 26:15 Daniel 2:6 76:14 dare 196:4 darn 37:3 data 45:19 51:14 57:6,12 73:13,13 73:13 90:4,18 106:6 119:7,12 143:3 156:1 177:7 193:15,22 194:2 204:1 212:19 213:6,9,16 216:16 216:18 217:20,20 220:22 221:3,3 222:12,15 224:7 224:13,16 225:5,7 225:9 229:4,5,6 229:15 230:3,18 230:19,20,22 231:1,17,19 232:9 232:10,15,17 242:17 databases 162:19 data-driven 228:15 data.p 253:14 date 173:15 186:20 186:22 195:1 dates 184:3 186:14 195:7 197:15 Daugherty 2:15 8:13,17 26:22 29:16,17,22 David 84:7,8 145:9 145:10 DAVIED 1:18 Davis-Bacon 127:4 day 4:14 5:2 22:3 28:4 65:12 79:20 |
|---|---|--|--|---|

| | | | | |
|---|--|---|--|--|
| 104:12 121:3 122:12 127:6,10 132:12 135:18 151:9,10 179:12 179:17,22 198:19 212:4,6,6,8 223:20 days 5:15 6:10 21:6 21:20 22:11,17 106:18 122:12 186:18 189:9 246:8 day-to-day 16:18 deadline 31:22 107:1 130:18 258:5 deadlines 62:15 131:14 deal 131:21 154:3 194:20 198:6 200:12 230:21 dealing 52:12 73:4 84:21 135:7 187:6 187:8 249:6 deals 157:20 dealt 112:5 198:22 death 48:13 104:11 248:21 deaths 161:12 debate 138:16 178:3 203:6 206:1 209:4 210:1 224:7 234:19 249:17 250:4 255:6 debated 138:14 177:5 debt 72:22 decade 180:9 December 196:6 decide 93:6 95:8 decided 8:2 212:7 decision 240:1,13 decisions 56:6 90:6 160:5 228:17 229:14,20 232:1,1 232:21 decision-making | 229:10,19 231:3 deck 198:12 199:2 decreasing 40:11 dedicated 8:7 deed 123:18 deeds 14:11 123:17 deem 192:10 deemed 165:15,16 deep 116:3 Deepwater 168:17 defective 237:13 defects 215:21 217:11 219:16 220:8 221:2 234:3 234:4,7,11 237:2 defense 43:14 104:21 defensive 114:15 114:17 150:20 defensiveness 132:10,21 133:1 defer 246:15 deficiencies 248:4 defined 111:16,21 definitely 16:11 definition 81:5 187:9,11 189:18 225:22 definitive 11:21 87:14 delayed 208:14 deliberations 13:15 deliver 27:15 29:4 delivering 11:17 23:4 delude 141:9 demand 39:19 148:15 177:11 demands 40:21 demeaning 140:16 demolition 191:15 demonstrated 200:4 demonstration 59:21 Denise 1:20 2:1 80:18 83:1 111:20 | 170:10 256:22 257:1 dense 63:7 Denton 1:19 91:5,5 department 1:1 2:2 2:13 9:18 125:1 164:22 255:21 departments 43:9 depend 164:7,10 depending 82:7 171:16 202:15 depends 177:11 228:9 deploy 231:19 232:17 deposited 177:17 depth 35:17 160:17 deputy 2:13,15 3:3 5:3 10:8 14:16 29:17 derive 167:16 describe 39:2 55:14 83:15 121:18 140:1 159:19 describes 90:10 describing 83:9 111:3 description 80:6 deserve 102:13 205:9 210:7 255:14,16 design 47:21 63:6 162:22 163:10 195:16 designated 157:7 designed 203:12,14 desire 8:5 132:6 254:7 despite 99:16 destabilize 223:12 destinations 41:2 destroy 103:8 detail 95:6 125:4 126:8 202:8 203:7 203:18 217:18 254:19 detailed 162:14 | 173:12 details 5:6 19:20 detect 22:9 223:8 230:5 detecting 214:3 detection 25:22 85:12,13,18 86:2 158:18 187:12 determine 127:13 192:5 196:16 200:1 240:14 determined 83:18 determining 55:20 deterrence 178:18 develop 52:22 126:6 188:19 222:20 226:2 228:14 developed 87:10 96:12 163:14 202:1 developers 41:14 developing 51:8 102:21 103:20 104:7 113:19 187:21 253:10 development 53:14 103:1 148:11 213:21 devices 26:6 dialog 27:14 254:2 dialogue 27:11 254:16 dictate 164:4 dictated 224:22 difference 78:15,18 127:5 161:16 differences 46:5 81:11 162:6 163:19 182:15 different 16:4 18:19 23:5 28:4 32:20 41:1,20 43:5 56:16 88:10 115:8 116:8 144:15 145:21 150:18 151:20 | 152:4 180:10 189:7 190:5 191:2 191:10 192:2 193:16 194:11 195:5 212:13,20 213:5 227:19 240:9 241:17 difficult 28:10 42:19 46:3 63:11 121:18 132:2 193:1 difficulty 181:15 dig 44:12 digest 88:17 digging 199:16 digital 7:19 diligence 198:16 199:9,14 200:5 diluted 158:19 DIMP 193:6 direct 230:8,10 direction 87:1 107:17 115:15 130:21 131:1 140:7 directly 5:22 59:13 131:5 170:14 207:21 Director 2:17,17 183:16 dirt 198:12 disagree 241:18 disappointed 79:19 disclaimer 33:1 discover 231:6 discovered 198:17 219:17 237:14 238:3 discovery 199:20 discredits 103:21 discussed 75:4 86:13 discusses 40:8,20 discussing 52:2 62:10 discussion 41:19 42:22 49:18 73:20 |
|---|--|---|--|--|

| | | | | |
|--|--|--|--|---|
| 74:4 83:6 90:9 91:17 110:8 152:6 158:21 173:1,12 175:13 204:5,14 240:19 252:20 255:7,18 discussions 13:15 39:7 116:3 168:1 173:13 236:12 255:20 dispel 110:11 dispense 107:22 disregard 191:18 disrespectful 29:8 disseminating 121:2 distance 206:11 distances 39:20 distinct 78:15 distinction 151:22 distraction 148:19 distribution 23:19 26:16 40:7 47:3 50:20 105:7 158:4 191:9 district 176:4 disturbed 67:14 diversity 40:13 divide 73:14 docket 7:15,17 8:6 243:12 document 55:3 63:2 93:3,22 94:7 95:14 96:4,8,13 96:18 97:15,20 99:20 100:21 101:3 105:18 107:11,12,13 108:1,18,22,22 116:12 118:6 132:7 147:16 documents 104:18 133:14 document's 116:14 dog 147:2 doing 10:13 12:1 12:16,20 14:22 | 21:3 25:13 38:15 44:22 57:18 60:4 67:18 76:20 77:12 85:8 86:5 97:1 101:1 106:22 108:5 110:1 118:6 118:7 121:4 127:3 133:1 139:16 140:19 143:2,5,8 143:10,15 145:13 153:13,20 160:4 163:10 191:6 193:21 208:17 209:6,15 215:14 226:6 237:5 239:5 243:14 245:7 domain 108:11 Don 94:10,11,14,16 98:1 107:6 108:16 130:20 166:19 167:1 168:11,22 170:12 DONALD 2:10 doors 5:10 DOT 20:10 67:9 127:3 155:12 156:17 doubt 221:8 doubted 251:17 doubts 247:11 downhill 168:19 downward 45:12 46:10 48:14,18 dozen 137:4 Dr 71:13,16,18 80:20 140:9 160:9 175:1 201:9 202:6 233:10,19 234:12 236:7 238:6 240:4 241:15 242:21 250:7 draft 3:5,7 4:19 10:5 30:7 35:22 36:3 61:15 67:13 68:3 99:21,22 100:8 101:14,15 160:13,21 | drafting 68:10 Drake 2:4 86:11,11 144:3,3 176:10,10 240:18 242:22 dramatic 158:10 184:1,2 185:15 dramatically 80:15 drastically 190:17 draw 18:3 154:19 178:21 drill 174:1 drive 49:8 73:11 204:7 236:13 239:4 driven 154:12 177:21 driving 29:19 54:15 dropping 153:2 drought 220:3 droughts 220:11 drove 180:19 drying 220:3 DSAW 212:14 222:7 due 101:19 198:16 199:9 200:5 204:14,15,18 219:18 225:18 227:13,14,15,16 227:16 Dulles 28:1 dumb 142:10 dumping 36:3 dynamics 12:15 D2513 195:18 | early 47:8 66:21 85:4 196:22 197:11 212:18 215:19 easier 241:12 easy 35:13 141:2 143:11 244:5 eat 6:7 ECDA 231:13 echo 39:6 78:5 79:17 258:2 economic 11:12 economically 138:9 economics 138:4 economy 19:7 edification 59:20 edit 70:10 edition 133:8 editorializing 140:10 edits 31:17 63:2 educate 73:22 86:4 educating 84:18 117:18 education 58:7 158:8 educational 254:3 257:22 effect 71:21 72:15 83:13 141:9 effective 90:17 228:11,12 effectively 53:6 231:6 effectiveness 57:22 58:4,15 60:9,14 60:16 90:22 91:8 214:5 216:5 221:7 effects 158:20 236:9,9 effort 14:3 55:1,2,6 56:9,9 57:4 96:5 98:15 99:16,18 100:9 137:20 149:14 155:21 158:9,15 163:2 182:17 199:9 | 248:16 253:16 efforts 21:3 42:10 98:18 103:22 122:20 125:12 137:19 159:19 228:10 231:18 232:15 eight 205:12 either 74:9 78:13 130:19 140:12 149:9 238:19 256:7,12,15 EI 2:7 elected 79:5 electronic 8:4 element 57:7 elements 56:16 247:9 eligible 161:18 eliminate 214:16 235:12 eliminating 145:18 embarrassing 104:11 embedding 175:5 embrace 54:14 98:16 182:11 embraced 103:17 181:8 Emergencies 25:8 emergency 5:9 13:4,9 24:18,20 25:1 43:8 44:13 86:3 173:14,15 emotion 146:12,13 emphasis 55:11 emphasize 30:5 257:3 employed 135:21 231:12 employees 127:9 132:17,17 EMS 2:25 120:6 Enbridge 1:20 80:19 170:11 257:2 encountered |
|--|--|--|--|---|

| | | | | |
|----------------------------|-----------------------------|----------------------------|---------------------------|---------------------------|
| 175:10 | enjoyable 150:6,7 | 226:4 | 198:5 200:3,11 | 173:18 237:2 |
| encourage 216:12 | enjoyed 10:1 | evaluating 58:3 | 227:12 229:19 | expectation 11:17 |
| 245:20 246:10 | ensure 27:5 44:9 | 59:3 60:8,14 | 230:10 | 12:3 39:11 |
| encouraged 128:12 | 57:11,17 183:1 | 91:21 230:16 | excavators 41:14 | expectations |
| endanger 191:21 | 208:5 216:5 | evaluation 47:20 | excellent 198:8 | 169:13,14 |
| Endean 2:23 128:6 | ensuring 9:19 53:4 | 57:7 229:20 | 200:14 244:12,18 | expected 37:2 |
| 128:6 | 53:20 61:9 | event 5:8 85:13,21 | 245:21 252:19 | 51:10 170:17 |
| ended 187:16 | entire 121:21 181:6 | 216:7 | excess 26:5 158:2 | 179:2 |
| 192:18 | entirely 68:1 | events 85:1 146:1,9 | 193:5,7 | expenditures 42:7 |
| endgame 136:20 | 132:19 134:10 | 179:3 227:1,3 | excess-flow 193:10 | 42:19 |
| 139:2 | 176:4 | eventual 126:11 | exchange 208:19 | expensive 165:11 |
| endorsement 67:9 | entities 41:20 85:21 | eventually 162:1 | 252:21 253:9 | experience 49:12 |
| ends 171:17 | entitled 194:5 | evergreen 173:7 | 255:1 | 52:21 53:11 59:8 |
| energies 241:5,14 | entity 124:7 | everybody 4:8,14 | exchanging 253:14 | 157:5 216:15 |
| energy 1:19 2:4,11 | environment 11:20 | 29:1 35:10 38:10 | excited 127:16 | 223:14 234:13,15 |
| 11:17 12:11 19:6 | 42:21 206:12 | 68:9 106:20 | exclude 110:1 | 235:8 |
| 22:13,14,16 23:4 | 243:6 251:7 | 109:11 110:6 | excuses 74:9 | experienced 53:7 |
| 39:19 40:21 48:9 | environmental | 112:9 116:18 | execute 232:4 | 61:6 219:15 |
| 49:5 74:21 91:6 | 36:13 44:20 46:3 | 120:2 139:5 175:6 | 233:2 | experiences 58:19 |
| 159:5 242:9 | 81:15,19,21 | 181:10 241:4 | executed 87:11 | 59:2 |
| enforce 192:5,10 | 120:11 121:6 | 249:12 259:5 | executive 38:20 | expert 230:1 |
| enforcement 25:15 | 161:13 163:11 | everybody's 99:19 | 71:21 99:4 100:6 | expertise 53:7 |
| 54:1 60:17 155:17 | environmentally | everyone's 28:17 | 100:19,21 101:7 | 183:9 |
| 156:3 158:12 | 168:8 | everything's 109:7 | 131:9 175:15 | experts 90:5 |
| 159:16,20 160:2 | envision 208:12 | evidence 250:11 | exemption 182:14 | 119:14 244:13 |
| 161:8 178:12,12 | EPA 81:16 | evident 12:5 | exemptions 162:3 | explain 84:2 105:4 |
| 190:20 | equity 72:22 | evolve 145:6 | exercise 17:15 | 130:20 136:3 |
| engage 24:18 63:22 | Ernest 1:13 | evolved 87:19 | exercised 198:10 | explaining 54:6 |
| 191:16 254:7 | erratic 45:12 48:14 | 202:2 | exercises 66:10 | 80:10 |
| engaged 13:11 | error 101:11 105:1 | exact 164:7,10 | exhibit 245:15,17 | explanation 42:18 |
| 14:21 16:11,12,15 | errors 100:15 | 197:1 | exhibiting 252:1 | 80:6 |
| 16:17 17:20 18:19 | ERW 212:16,22 | exactly 90:10 95:8 | exist 213:21 | explicitly 88:7 |
| 20:4 150:8 160:22 | 216:8 249:6,10 | 142:20 143:13 | existing 51:11 | 145:6 242:16 |
| 191:14,17 | especially 10:4 | examination | 59:17 82:5 162:10 | exposure 125:5 |
| engagement 20:11 | 95:22 128:18 | 230:11 | 163:5 199:10 | expressed 124:10 |
| engaging 15:2 18:8 | 195:7 | examinations | 200:9 201:22 | extend 151:11 |
| engineering 2:17 | essentially 235:5 | 216:9 | exits 5:9,15 | extended 154:2 |
| 163:11 240:6 | establish 230:2 | example 48:7 49:16 | expand 58:22 | extent 73:18 |
| 250:18 | established 49:21 | 61:12 97:10 157:6 | 59:17,21 81:9 | 119:15 164:3,18 |
| engineering-unin... | 191:20 197:3 | 186:14 220:1 | 85:18 89:1 109:19 | 206:13 233:20 |
| 74:13 | establishing 230:15 | 229:9 231:13 | 138:8 | 240:5 |
| engineers 2:23 | estimate 184:3 | examples 111:19 | expanded 58:13 | external 220:4 |
| 81:18 128:7,9 | et 22:10 76:3 | 212:22 229:21 | 84:21 189:21 | externally 131:13 |
| 129:10 | 191:15 194:8 | excavation 52:7 | 249:11 | extinguisher 113:1 |
| enhance 156:1 | 227:17 | 58:5,8 97:12 | expanding 85:11 | extra 35:8,9 169:6 |
| enhanced 178:11 | evacuate 44:14 | 190:21 191:11,15 | expands 199:19 | 171:13 |
| 226:17 | evaluate 58:2 91:11 | 191:17 192:6,8 | expect 24:10 161:1 | extremely 71:22 |

| | | | | |
|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|
| 73:11 81:8 | 241:2,9 242:18 | 64:21 65:1 106:22 | finally 47:5,17 56:4 | 225:20 233:9 |
| eye 51:18 | 245:15 | 111:15 117:21 | 57:14 82:12 116:6 | 238:11,16 239:7 |
| eyes 37:17 | fair 14:10 27:21 | 134:5 135:20 | 153:7 156:1 164:7 | 243:21 246:3 |
| F | 102:5 138:13 | 139:22 209:13 | 186:5 | fiscal 154:1 |
| F 2:8 | 172:15 | 219:3 232:7 236:5 | finance 81:8 | Fish 81:18 |
| FAA 152:19 | fairly 4:16 26:17 | feeling 236:12 | financial 11:13 | fit 106:4 114:1,3 |
| faced 22:22 144:8 | 64:21 154:8 | feels 147:1 | 72:20 | 203:13 215:12 |
| facilities 190:13 | 165:11 169:18 | fees 174:8 | financially 42:21 | 226:14 |
| 221:22 222:3 | 202:17 | Feigel 2:4 71:13,13 | 208:16 | fitness 42:14 56:20 |
| facility 25:14 | fall 24:21 141:2 | 71:16,16,18 | financing 72:22 | 89:19 90:9 105:22 |
| facing 11:4,12 | 153:9 | 109:18 140:9 | find 5:19 61:15 | 115:19,21 |
| fact 15:13 88:20 | fallout 205:21 | 160:9 175:1,1 | 104:14 139:3,8,12 | fitness-for 92:20 |
| 89:20 90:2,15 | familiar 5:17 17:16 | 201:9,9 202:6 | 142:20 182:1 | fitness-for-service |
| 98:20 100:15 | 53:16 | 233:10,10,19 | 209:22 213:15 | 90:17 91:2 93:2 |
| 101:11 109:10 | families 99:15 | 234:12 236:7 | 234:3 235:19,21 | five 36:10 38:21 |
| 133:18 136:14 | fantastic 34:12 | 238:6 240:4 | 244:12 249:15 | 120:1 177:10 |
| 137:9 177:14 | far 46:11 94:22 | 241:16 242:21 | finding 18:18 | 179:19 185:10 |
| 243:12 | 95:18 106:20 | 250:7,7 | 180:16 243:2 | 235:8 |
| factor 47:6 125:13 | 203:1,20 222:22 | Feigel's 80:21 | findings 171:2 | fixed 70:2 |
| 195:17 | 227:4 235:13 | fellow 35:16 | fine 103:21 126:10 | fixing 177:3 |
| factors 46:21 47:19 | 245:2 | felt 20:1 28:12 | 135:5 179:10 | flavor 51:21 157:9 |
| 49:10 127:13 | farther 50:3 | 67:17 77:2 207:5 | 218:19,20 | flaws 214:17 |
| facts 20:2 30:13 | fascinating 115:18 | 207:13 209:16 | finger 251:3 | Fleck 2:5 33:21 |
| 73:16 125:2 | fashion 83:19 | FERC 43:10 75:14 | fingerprint 241:13 | 48:21 |
| 127:17 148:1 | 175:7 217:12 | 75:17 76:3,8 | fingers 250:13 | flesh 164:1 |
| 149:12 246:14 | fast 62:20 140:3 | 82:13 83:17 138:7 | finish 67:4 70:3 | flexibility 131:14 |
| factual 110:22 | 212:10 | 177:6 180:1 | finished 64:10 | flexible 226:10,16 |
| 126:7 | fatalities 227:5 | ferret 215:3 | fire 2:1 5:8,15 | 228:12 |
| factually 105:1 | fatality 124:18 | fide 243:22 | 25:11 43:8 113:1 | float 202:10 |
| fact-findings 160:4 | fatigue 215:1 | field 53:22 132:18 | firmly 141:8 | floated 36:16 |
| fail 192:1 214:18 | 236:17 | 173:9 198:9 | first 10:10 15:6 | floods 122:14 |
| 217:15 | favorite 26:11 73:5 | 244:10,13 | 21:7 24:19 25:20 | floor 64:11 71:9 |
| failed 113:13 | feasibility 93:16 | fifty 179:13 | 27:8 36:21 37:20 | flow 100:20,22 |
| 235:10 | features 152:8 | figure 46:14 113:12 | 38:17 39:13,22 | 158:2 193:5,7 |
| failing 220:21 | 226:3 | 134:11 181:10,11 | 41:8 43:4 49:3 | flow-restricting |
| failure 47:9 214:20 | February 187:16 | 209:18 240:7 | 51:5,22 55:14 | 26:6 |
| 216:8,10,20 217:4 | 253:12 | figures 73:21 74:4 | 56:17,20 58:3 | flux 41:3 |
| 217:8,13 219:10 | federal 2:11 43:7 | file 97:22 130:22 | 67:12,13,14 71:19 | fly 8:22 |
| 222:8 235:22 | 74:21 81:21 82:2 | filing 130:18 | 71:20 72:2 76:16 | focal 31:15 |
| 238:5 242:18 | 82:15 159:17 | 243:12 | 94:18 99:3 100:8 | focus 24:22 49:5 |
| failures 47:10 | 169:21 170:4 | filler 113:10 | 101:5 103:2 | 52:19 54:11,17 |
| 122:14 168:16 | 244:1 | final 31:3 73:5 | 118:10 147:8 | 56:16 61:7 63:11 |
| 180:14 212:22 | fee 171:15,19 | 93:21 137:2 | 151:15 153:13 | 100:18 120:16 |
| 213:1 216:20 | feedback 98:6 | 184:18 185:22,22 | 155:10 156:9 | 128:21 129:12,13 |
| 219:10 222:11 | 113:4 | 186:10 246:16 | 157:3 161:6 | 148:13 212:18 |
| 237:1 238:1,9 | feedback's 27:16 | finalize 185:21 | 178:10 185:19 | 227:6 241:4,14 |
| | feel 27:10 29:7 | finalized 185:20 | 212:6 223:22 | 242:9 |

| | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|
| focused 26:1 237:8 | 23:19,22 24:4 | front 68:9 75:7 | 231:1 | 147:16 166:4 |
| focuses 53:4 83:6 | 53:10 55:2 57:2 | 145:17 | gas 2:6,23 12:15 | 169:7 189:12 |
| focusing 148:9 | 62:3,20 87:5,7,21 | full 39:11 153:6 | 26:1,12,16 40:6,7 | 192:19 253:9 |
| folks 10:13 32:13 | 97:21 98:19 | 154:8 156:13 | 43:21 44:1,13 | 254:17 |
| 33:12 34:12 35:19 | 107:14 124:15 | 157:12 166:1 | 45:16 75:22 76:1 | giant 86:19 |
| 36:1 102:13 103:3 | 128:14 139:1 | 182:1 223:4,16 | 79:9 82:14 94:12 | Gilliam 2:17 |
| 148:19 207:5 | 140:14 144:21 | 255:2 | 94:17 103:3,22 | 207:21 211:16,18 |
| 212:7 | 163:20 188:15,17 | fully 33:3 50:6,22 | 104:4 115:9 | 218:19 233:16 |
| follow 5:14 51:2 | 190:16 193:19 | 163:4 207:10,14 | 121:14 157:22 | 234:2 235:7 237:6 |
| 77:20 83:11 | 194:10 197:15 | 208:1 219:13 | 158:4 167:1 181:1 | 239:8 240:10 |
| 100:21,22 107:8 | 203:7,18 204:8 | full-court 12:7 | 181:21 187:5 | 252:20 |
| 116:4 127:1 139:4 | 210:5 211:2 219:5 | functions 159:22 | 189:2 190:12,15 | give 15:7,21 31:9 |
| 221:7 234:6 | 243:17 251:9 | fund 207:14 208:1 | 217:1 218:6,15 | 32:21 33:1 50:5 |
| following 34:21 | found 63:11 66:9 | 210:1 | 247:14 252:19 | 51:20 67:4 68:6 |
| 38:19 73:7 127:14 | 206:6 | fundamental 39:18 | Gateway 1:14 | 69:9 82:8 84:13 |
| 184:6 228:20 | foundation 84:15 | fundamentally | gathering 113:20 | 85:6 86:2 120:2 |
| follows 191:2 | 154:21 | 22:6 67:15 137:9 | 113:22 157:16 | 134:15 149:13 |
| follow-on 65:16 | foundational | funded 37:9 174:18 | 190:11 | 155:4 157:9 163:7 |
| follow-through | 180:11 | 208:20 | geez 69:14 | 173:5 189:10 |
| 66:1 | foundation.p 247:5 | funding 23:10 37:9 | Gene 71:13,16 | 233:14 236:4,22 |
| follow-up 135:11 | founded 104:5 | 129:3 208:22 | 74:16 107:20 | 237:3 238:1 |
| force 16:20 | four 5:15 6:9 21:6 | further 41:21 80:5 | 109:17 114:6 | 244:17 |
| forces 29:19 99:17 | 56:18 176:21,22 | 119:18 126:17 | 140:8 175:1 201:9 | given 7:13 19:5 |
| 122:17 220:4 | 178:1 223:22 | 128:16 130:21 | 233:9,10 250:6,7 | 37:18 103:16 |
| forestall 175:21 | 254:6 | 138:1 149:22 | 251:19 | 148:11 188:13 |
| forever 236:6 | fourth 48:21 71:20 | 153:11 158:14 | general 6:20 31:9 | 194:10 |
| forgive 15:5 80:17 | 162:12 | 200:3 213:6,11 | 31:18 32:16 37:2 | gives 89:4 144:9 |
| 131:8 132:1 | four-square 141:6 | 224:7 | 41:16 44:8 45:2 | 247:6 |
| 172:21 | frame 39:10 76:19 | future 15:22 36:17 | 45:11 54:7 59:13 | giving 15:11 |
| form 65:15 160:13 | 78:8 94:21 197:2 | 55:7 57:5 90:7 | 63:16 64:1 81:6 | 101:16 142:11 |
| 170:1 253:19 | 215:20 222:13 | 98:19 140:13 | 92:4 122:1 140:5 | 151:4 204:17 |
| formal 6:19 88:9 | framed 72:1 | 220:9 223:8 236:1 | 188:18 229:12 | glad 35:11 83:12,22 |
| formally 20:11 | frank 100:12 | 236:6 238:5 | 233:11,14,17 | 135:9 |
| 258:20,21 | frankly 63:17 | 240:13 | generally 45:5 | glazed 37:17 |
| format 67:7 | 110:10 138:6 | <hr/> G <hr/> | 46:10 96:3 203:15 | Glebe 1:14 |
| formed 111:12 | 140:11 177:13 | gain 87:15 | 217:15 229:7 | Global 2:25 |
| forms 116:8 | 182:7 234:13 | Gale 2:17 183:13 | generated 248:16 | go 5:9,13 6:22 7:19 |
| forth 123:9 142:2 | free 134:5 | 183:15,16 197:7 | Generic 131:20 | 8:5 15:12,14,17 |
| 198:17 199:8,13 | freely 25:9 | 197:10 | generically 126:2 | 17:12,22 18:17 |
| 228:10 | frequency 73:19 | game 14:10 208:21 | gentleman 168:21 | 20:18 32:4 41:18 |
| forum 20:9 24:20 | 212:18 249:6 | gamut 190:14 | geocoded 201:12 | 44:4 51:19 61:8 |
| 38:12 124:12,13 | frequently 198:11 | gang 33:6 | geocoding 202:11 | 74:22 76:12 77:6 |
| 125:16 135:4,6 | Friday 30:4 70:3 | gap 208:19 225:7 | 202:16 203:3 | 84:12 86:3 87:21 |
| 138:18 | 116:9 | gaps 85:17 155:20 | getting 4:18 17:9 | 92:11 95:5 97:6 |
| forums 208:12,18 | friend 9:12 | 213:14,16 214:1 | 17:14,19 30:2 | 98:19 109:14 |
| forward 12:2,14 | friends 19:13 | 225:2 230:18,19 | 41:13 51:2 96:2,4 | 127:11 144:21 |
| 17:7 18:21 20:18 | frivolous 204:20 | | 140:9 142:22 | 147:3 154:15 |

| | | | | |
|--|---|--|--|--|
| 157:11 162:17 170:17 177:18 179:13 184:11,19 185:19 188:14 200:13 202:8 204:16 207:17 213:12 218:12 219:5 222:22 235:3 238:20,21 240:16 242:3 243:17 244:11 249:9 257:11 258:8 259:5 goal 9:20 27:15 54:15 108:19 109:6 114:9,11,12 132:5 138:4 209:6 goals 107:14 209:21 God 202:12 goes 38:20 107:18 125:11 131:6 158:14 159:3 206:15 210:5 234:10 245:6 going 4:5 7:1 10:19 10:22 12:6,8,16 12:21 14:17 17:4 17:7 18:22 19:10 19:15,21 23:22 26:5,21 28:14 31:8 32:13,17 34:18 35:4,14 36:18 37:15 38:14 39:2,12 40:22 41:3,5 43:19 51:2 57:2 62:2,16,20 64:4 65:6 66:10 66:22 67:6 69:1 70:3 72:13 75:13 76:12 87:10 89:9 93:7 95:11 97:3,6 97:19 101:1,2 102:10,12 103:10 104:7 105:20 108:2,12,14 109:1 109:3 115:11,13 | 115:14,15 116:4 116:10,16 120:12 125:4 126:1,8 129:13 130:2 131:9 134:15,19 134:20 136:5,21 137:14 139:6,7,7 142:11 144:9 146:22 148:12 151:7 152:12 155:6,9 163:21 164:3,8 165:8 166:2,11 173:19 176:2,22 177:11 184:3 185:15,18 188:2,6 191:4 192:14 194:15 195:22 197:12 199:1 203:15 208:15 210:9 211:5 218:17 220:3 237:3 239:2 245:3 246:15 248:11 252:6 258:20 good 4:3 9:1 10:10 14:11 17:13 21:22 35:1,10 45:11 58:19 59:6,6 65:5 69:3 75:2 76:20 86:18 87:2 88:5,8 88:11,19 89:2 91:14 97:14 98:21 104:19 110:6 114:6 118:7 119:12 121:22 123:20 124:2 125:11 126:3 129:11 130:22 133:2 138:16 144:6,9,11 150:5 185:17 186:4,14 190:4 194:2 200:22 203:5 204:5 205:2 210:19 212:9 236:13 239:4,8 | 242:3 245:1,11 248:10 253:1 254:2 256:19,20 gotten 15:8 167:10 210:2 government 2:24 27:19 43:7,8 94:12,17 112:3 128:8 167:2 208:7 governments 99:14 GPS 202:2 GPS/GIS 199:17 GPTC 194:7 grabbing 113:1 gracious 258:17 gradually 155:21 grammatical 31:17 grandfather 215:15 grandfathered 52:8,8 159:2 216:4 219:14 221:20 grant 182:18 grants 162:2 graph 48:15 115:10 115:14 graphs 45:1 48:6 115:5,7,11 119:1 grateful 117:6 130:6,13,14 136:10 great 14:7 15:8 25:6 34:13 39:20 61:5 75:12 107:8 118:6 129:11 135:4 140:14 150:14 151:18 198:6,12 249:20 258:16 greater 26:14 125:3 greatest 62:2 255:17 greatly 149:4,9 greetings 10:16 Grid 2:5 | ground 43:13 57:17 201:3 221:22 250:11 group 4:21 13:6 27:4 34:15 56:1,5 59:14 61:22 65:7 73:2 88:9,14,19 98:16 115:20 116:5 133:16 135:8 149:15 213:13,22 214:10 242:16 groups 23:3 42:3 44:4 55:19 57:11 61:17 99:13 120:12 121:6 162:3 194:7 213:6 213:13 215:4 grow 138:2 145:6 214:18 235:15,22 growing 48:9,9 214:17 235:13 grown 211:20 growth 12:14 178:12 guarantee 236:5 Guard 43:19 guess 23:15 29:12 94:13 98:20 137:2 139:19 154:22 168:3 178:4 182:10 185:10 205:10 212:17 219:7 236:10 255:8 guidance 214:8 224:21 226:3 guilty 72:2 gumbo 220:2 gun 171:1 guy 33:6 105:5 126:22 127:1 142:17 241:13 guys 192:13 198:22 227:1 241:3 243:7 244:2 246:3 247:14 250:20 | H H 2:10 hackles 97:2 half 28:3 102:10 179:15 181:4 206:21 half-anticipate 26:8 half-hour 10:22 hall 5:10 Hamsher 1:20 80:18,18 170:10 170:10 257:1,1 hand 21:1 33:16 34:17,20 86:3,3 213:9 handle 246:13 251:7 hands 120:12 250:2 hand-waving 140:22 hang 212:7 hanging 13:13 happen 72:13 87:17 133:10 134:19 143:8 238:12 239:6 happened 39:11 58:17 155:11 happening 18:7 36:15 137:19 220:10 249:4 happening.p 254:21 happens 91:17 175:3 happy 6:14 30:18 66:2 151:4 212:11 hard 10:5 18:9 67:1 83:10 94:20 98:7 98:12 120:9 121:4 131:20 132:13,14 133:2 137:15 147:8,15 171:3 230:5 251:11 258:3 hard-hitting 75:8 |
|--|---|--|--|--|

| | | | | |
|------------------------------|----------------------------|----------------------------|-------------------------|----------------------------|
| harm 191:22 198:21 | heavy 12:8 230:1 | 220:18 | 168:20 174:21 | hundred 179:13 |
| harness 60:4 | heck 168:6 | Hill 16:16 23:16,21 | 176:9 178:5 180:4 | hundreds 239:19 |
| harped 119:8 | held 22:3 27:22 | 24:10 26:4,7 | 182:3,6 197:5,8 | hunting 241:4 |
| Hartford 2:4 | 93:18 248:22 | 152:13,16 153:17 | 197:12,20 200:19 | hurricanes 122:14 |
| hats 78:8 | hell 19:15 101:18 | 154:4 155:7 156:5 | 201:8 204:22 | hurry 19:15 |
| Hazard 1:18 | 108:4 148:3 | 164:17 165:4,17 | 210:12,16,19 | hydro 219:16 |
| hazardous 1:3 | help 4:7 24:1 29:4 | 167:22 168:10 | 211:1,4,12 218:8 | 233:12,22 235:11 |
| 25:21 40:6 47:2 | 55:22 69:22 70:2 | 173:2 175:4 185:6 | 233:6 240:16 | 237:14,15,16,19 |
| 83:4,7 157:15,19 | 79:2 84:2 87:20 | 210:3 | 243:19 246:19 | 238:3,7,21 239:16 |
| 187:7 | 144:19 145:3 | Hill's 16:12 | 250:6 252:11,15 | 243:13,14,22 |
| HAZWOPER 82:2 | 147:4 163:2 241:2 | hire 105:9 | 253:17,22 255:12 | 245:9 |
| HCA 161:17 | 242:7 243:17 | historically 162:15 | 256:19 257:16,19 | hydrostatic 214:14 |
| HCAs 178:22 | 254:11,12 | 173:6 227:15 | hope 10:6 70:11 | 216:2 230:6 |
| 222:4 243:14 | helped 35:20 | 235:14 | 89:6 130:15 | 233:17 234:9 |
| head 97:3 | 224:12 | history 53:11 142:8 | 144:18 166:8 | 236:3 237:11 |
| headed 107:17 | helpful 27:16 66:13 | 217:18 | 209:16 | hydrostatically |
| 140:6 213:15 | 74:18 106:15 | hit 136:13 166:10 | hopeful 153:10 | 239:17 |
| 214:10 | 108:16 131:19 | hold 20:9 33:12 | hopefully 17:5 | |
| headline 141:4 | 242:15 243:9 | 68:22 101:13 | 30:19 31:10 64:5 | <hr/> I <hr/> |
| heads 6:2 | 250:4 | holding 177:2 | 189:12,13 190:15 | idea 18:14 23:17,22 |
| Health 175:14 | helping 46:17 | 242:5 | 193:2 195:22 | 36:9 61:12,13 |
| hear 10:7 13:14 | 209:21 | home 249:9 | 196:5,17,21 | 96:22 121:1 |
| 14:5 28:3 69:7 | helps 89:6 243:6 | homes 123:17 | 211:19 215:7 | 193:17 235:16 |
| 71:10 107:1,4 | Hemingway 1:14 | honest 26:3 27:9 | 235:19,21 254:21 | ideas 36:16 54:11 |
| 111:6 115:2 | hesitate 69:16 70:5 | 100:12 207:16 | hoping 15:6,21 | 55:15 56:7 65:17 |
| 156:15 183:7 | hide 134:4 | honestly 135:17 | 188:2,21 192:20 | 65:22 66:5 93:5 |
| 205:9 210:5,7 | hierarchical | 165:22 | 195:3 | 136:19 |
| 240:20 241:16 | 184:13 | honor 9:21 | Horizon 168:17 | identified 188:20 |
| 242:12 254:21 | high 163:16 242:8 | honorable 1:15 2:5 | host 24:19 66:2 | 194:13 215:11,12 |
| heard 25:7 54:5 | 258:19 | 2:5 4:6,7 9:12,16 | 81:14,19 | 215:20 228:20 |
| 56:21 77:7 95:18 | higher 47:9 161:18 | 13:17 33:22 35:7 | hosted 20:10 | 231:9 |
| 109:2 111:14 | 178:10 179:1,6 | 46:16 54:4 70:17 | 247:21 | identify 41:9 52:21 |
| 114:5 117:8 | highlight 222:18 | 71:2,14,17 74:16 | hotel 5:17 6:6 | 55:18 71:6 91:11 |
| 118:13 134:9,17 | highlighted 156:21 | 76:6 78:1 79:13 | hours 16:13,14 | 119:21 166:20 |
| 135:12 158:21 | 186:2 217:13 | 80:16 83:1 84:4 | 122:12 152:21,22 | 192:14 196:18 |
| 176:14 177:4 | highlights 221:5 | 86:8 89:11 91:3 | 183:21 | 198:1 199:10 |
| 182:6 204:18 | highly 225:4 244:7 | 92:10,21 94:8,14 | House 11:6 15:12 | 209:1 213:14 |
| 211:21 247:3 | high-consequence | 98:1 102:16 | 15:14,18 16:8 | 215:6 216:19 |
| hearing 24:19 26:4 | 179:2 187:10,11 | 106:11 107:3 | 152:17 159:3,5 | 218:9 220:22 |
| 26:18 117:10 | 189:19 | 109:16 111:4 | 160:20 199:4 | 226:19 228:10 |
| 134:14 197:15 | high-frequency | 116:20 117:3 | housekeeping 5:6 | 237:10 |
| 224:18 245:21 | 213:3 | 121:12 124:1 | Houston 120:6 | identifying 43:4 |
| heart 135:10 | high-level 32:12 | 127:18 128:4 | huge 129:9 141:7 | 60:22 74:18 196:9 |
| 183:10 251:13 | high-priority 225:8 | 129:18,21 130:2,4 | 174:15 | 199:14 214:1 |
| heartened 137:15 | 225:9 | 145:7 147:6,10,14 | hullabaloo 17:19 | 225:12 |
| heavily 230:9 | high-profile 156:7 | 148:21 149:2 | human 52:6 61:8 | ignore 229:14 |
| | high-risk 50:1 | 150:5 166:14 | 168:9 | ignored 230:6 |

| | | | | |
|--|--|---|---|--|
| <p>II 185:22 ILI 231:13 illuminating 52:7 illustrate 45:1 227:3 imagine 183:22 immediately 162:1 IMP 226:11,15 228:11,12 impact 49:11 62:2 73:3 85:14 167:12 167:20 184:1,2 185:15 213:16 impacts 49:9 imperative 28:12 implement 55:16 225:10 232:21 implementation 206:18 228:8 implemented 85:4 223:17 implementing 103:14 180:14 implication 72:8 73:17 implications 59:1 imply 92:5 103:19 importance 12:11 14:2 19:6 54:6 57:9,9 58:7 60:2 117:18 145:22 148:10 181:19 important 12:21 14:1 21:9,16 31:7 37:14 54:14 55:9 55:12 57:1 58:2 60:20 65:9,15 68:8 71:22 77:14 79:8 81:9,14 82:1 82:10,18 84:14,20 85:6,15 104:14 119:16 120:9,21 147:1 171:3 172:1 186:3 222:16 228:5,17 229:3 232:8 241:19 258:12</p> | <p>importantly 56:11 imposed 131:13 impossible 34:10 175:9 impressions 31:9 31:18 improve 49:14 50:10,16 51:10 53:1 56:14 58:13 144:13 214:19 224:13 231:7 232:9 247:17 249:15 253:10 improved 45:5 203:8 214:16 improvement 45:4 52:19,22 54:18 56:18 61:13 137:21 145:16 153:14 156:14 181:6 improvements 50:8 104:2 146:5 203:19 214:7 235:21 improving 42:5 48:12 49:3 52:6 52:14 55:10 191:7 impugned 198:18 inaccuracies 202:15,17,22 inadequate 192:6 192:11 209:15 227:14,15,16 inappropriate 93:20 incentivize 96:1 incidences 105:16 incident 113:2 170:18 173:19,20 incidents 52:16 55:6 56:10 58:21 90:20 112:21 115:5,6,7,10 118:2 122:4 124:17 145:19 146:7 156:8 167:8</p> | <p>167:17 168:4,7 181:3 221:8 227:4 228:4 incident-cause 58:22 include 26:5 31:21 58:15 231:17 included 57:20 84:1 118:10 216:1 includes 57:21 including 20:16 76:8 109:9 128:9 128:22 167:21 214:15 232:1 incomplete 230:21 incorporate 226:3 Incorporated 1:21 incorrect 8:18 167:15 increase 12:3 169:17 190:17 increased 128:21 227:6 235:20 increases 169:18 increasing 40:10 48:10 58:15 91:8 155:17 216:3 increasingly 55:12 incredible 174:17 incremental 140:20 incur 163:10 independence 208:5 Index 229:22 indicate 103:12 indicated 80:8 125:22 180:15,16 indicates 90:18 indicating 90:22 indication 104:18 238:1 individual 105:8 206:7 247:1,9 indulgence 18:13 255:9 indulgences 150:22 industries 49:4</p> | <p>253:8 industry 17:3 23:8 27:18 33:22 34:3 34:6 40:1,6,14 41:4 49:12 53:1,8 57:10 83:4,16,21 85:2 89:14 110:3 110:14 116:11 122:6 132:22 137:17 142:7 188:11 193:22 195:14 205:16,17 206:12 212:11 215:7 216:11 219:9,12 221:21 223:13 224:17,19 225:16 228:22 230:12 231:18 232:11,16 234:14 234:15 235:17 243:10 244:21 245:6 250:21 251:18 252:22 253:6 industry-regulator 57:6 ineffective 225:17 inferred 230:9 infinite 72:11 infinitely 180:2 infinitum 138:17 influence 205:19 225:3 inform 74:2 86:17 108:12 111:1 249:1 informal 4:4 information 36:2 37:5 41:22 49:13 59:4 76:19 96:15 101:22 103:7,9,16 104:13 121:3 122:22 124:12 158:16 188:16 191:19 208:19 229:15 240:12 241:1 245:3,8</p> | <p>249:12 252:21 253:7,9,18 255:1 informationally 125:12 information-shar... 59:17 informative 91:15 257:22 informed 63:12 infrastructure 11:10,19 23:18 31:5 40:22 47:5 52:5 121:19 122:11,16,18 123:12,16 124:20 152:18 159:7 INGAA 243:11 INGAA's 248:9 inherent 202:15 inherently 124:21 initial 31:11 130:12 170:15 174:11 initiated 192:12 initiating 192:11 initiative 10:15 56:3 57:20 58:14 61:7,14,21 initiatives 18:1 23:11 36:15 37:9 49:1 50:4 51:11 52:3 54:10,12 56:16,18 57:15 58:1 59:6 79:1 114:20 154:6 167:4 253:13 254:22 inject 32:1 injuries 54:15 161:13 179:4 227:5 injury 48:13 input 27:20,21 31:6 34:13 88:18 130:9 222:21 inputs 134:7,7 inside 145:16 235:14</p> |
|--|--|---|---|--|

| | | | | |
|--|--|--|---|--|
| insignificant 227:22 228:3 | intended 89:17 107:12 108:1,6,9 | 40:4 | issuers 72:22 | 146:17 149:9 |
| inspection 128:19 129:13 173:7,9 214:6,8 257:12 | 108:18 124:7 144:17 155:13 174:20 | introductory 9:3 35:15 36:8 37:21 38:2 | issues 11:4 20:5 21:13 35:11 47:12 49:20 63:4 84:12 85:17 88:15 93:2 96:7,11,21 99:11 101:21 111:17 124:18,18 126:18 132:4,5 142:1 144:7,10 145:17 146:21 148:9,14 152:3 161:4 169:20,21 180:18 181:2,9,13 187:7 187:11 188:20 189:16,16,17 190:14 191:8 194:12 200:8 215:2,10 223:9 240:9 245:2 248:19 250:15 251:8,9 252:3 254:8,18 257:9 | 150:11,13 155:3,6 156:6 160:18 164:8 166:14 169:4 175:13 176:11 178:7 180:4 183:12,18 184:6 207:20,20 210:12,20 211:16 211:17 233:6,10 246:20 249:7 252:20 254:1,4 258:15 |
| inspections 143:3 162:17 163:5 194:17 | intent 32:22 84:18 133:15 134:4 147:17 148:6 182:2 254:19 | investigate 172:15 | issues.p 245:5 | JEFFREY 2:20 |
| inspectors 53:22 128:10 129:4 194:13 | intentionally 148:4 | investigation 171:2 240:12 | itch 176:3 | Jersey 2:9 79:16 |
| installation 193:19 | intentions 202:22 | Investigations 1:18 | item 3:5,10,13,15 3:18,22 8:14 84:9 84:19 211:13,15 254:5 | job 11:14 14:16 34:12 36:1 75:12 76:20 78:7 86:18 87:2 118:7,7,8 121:22 123:21 144:6,11 151:9,10 206:1 209:15 246:17 |
| installed 52:9 233:13,21 | interacted 99:13 | investigative 228:14 | items 36:8 185:14 186:3 190:5 194:12 223:10 | jobs 65:12 |
| instance 81:2 | interacting 223:11 223:15 225:18,22 227:8 229:7 231:6 231:9,14 236:9 238:9 | investors 81:8 | iterative 87:7 | John 1:17 2:17 169:1,3 170:9 183:13,14,16 197:5,18 202:19 |
| instances 237:22 251:14,15 | interagency 60:9 60:15 | investor-owned 78:15 | it'll 79:2 169:6 184:2 236:22 | join 151:21 |
| instills 100:2 102:18 | interactive 219:19 225:13,16 226:4 231:4,5,10,21 232:19 236:9 245:4 247:19 | investor-owns 79:10 | i.e 59:1 | joint 1:8 4:11 57:6 71:3 77:17 111:5 130:8 199:4 |
| institute 43:22 235:17 | interest 89:7 130:7 | invite 106:12 119:14 130:17 | J | joke 15:3 16:1 |
| instructions 95:12 | interested 21:17 23:17 37:6 65:17 110:5 116:1 117:9 126:13,14 142:15 143:19 | invited 13:20 22:13 131:16 | J 1:18 2:4,10 | joking 183:18 |
| insurance 123:18 | interesting 4:16 6:14 22:12,17 138:12 | inviting 24:21 | Jeff 2:11,17 9:16 13:2 14:5 29:22 30:5 32:5,8 33:13 33:17,17 34:8 62:4 74:17,20 75:15 76:17 78:14 87:6 122:1 130:19 142:6 143:12 | journey 61:2 |
| insurers 73:1 | interagency 60:9 60:15 | involve 42:9 128:16 | | joy 151:19 |
| integral 40:9 | interest 89:7 130:7 | involved 22:1 36:12 42:10 43:2 102:22 135:16 137:5 159:1 160:1 160:3 168:19 186:15 204:15 236:11 | | judge 105:10 |
| integrate 195:21 | interested 21:17 23:17 37:6 65:17 110:5 116:1 117:9 126:13,14 142:15 143:19 | involving 47:19 48:13 227:5 | | July 211:22 212:1,2 223:20 |
| integration 90:4 221:3 224:14,16 229:5 | interest 89:7 130:7 | in-depth 236:11 | | jump 17:10 171:1 |
| integrity 48:2 49:22 50:21 51:6 51:6 52:2,4,6 90:1 90:3,10,13,16 91:1 102:19 103:2 103:13 104:4 129:12 180:11,19 181:20 189:16 190:1,6,8 191:8 215:10 221:4,10 223:7,18 224:12 226:8,14 228:7,8 230:8 231:7,12,15 232:6,20 233:3 247:6,9 249:13 | interested 21:17 23:17 37:6 65:17 110:5 116:1 117:9 126:13,14 142:15 143:19 | in-house 159:20 | | June 186:11 |
| integrity-related 229:13,18 231:22 | interests 43:12 121:8 | in-line 214:6,7 | | jurisdiction 152:17 155:7 |
| intend 62:18 65:11 | interface 83:17 | Iowa 2:10 | | jury 105:11 |
| | internal 32:2 | issue 27:13 33:5 65:10 86:1,21,22 102:11,19 104:2 104:10,22 105:18 108:11 138:2 142:19 158:22 191:6 192:13 195:4 206:4 240:2 249:8 250:9,18,19 251:4 257:9 | | justify 194:2,9 242:9 |
| | international 6:13 | issued 56:8 94:2 96:22 159:17 | | |

| | | | | | |
|---|--|--|---|--|--|
| K | | | | | |
| keep 30:8,13 62:18 63:15 83:20 119:22 120:11,21 146:20 165:17 183:18,18 217:7 218:17 220:12 259:4 | 14:8,13,14,20 15:10,11 16:3,8 16:14,16,16 17:4 17:4,5,20 18:11 18:11,16 19:10,17 22:20 25:2 28:9 28:10 29:16 30:1 30:16,16,17 32:6 35:5,18 37:8 38:13,22 45:7 51:7,17 57:15 58:6 62:15 63:21 64:10 67:19 68:20 69:14 72:13 75:14 75:22 77:14 78:11 80:21 84:22 90:6 93:11 109:2 111:3 113:8 115:20 116:13 117:17 119:13 120:17 122:1 127:11 131:18 132:1,1,15 133:8 134:2 135:5 135:10,16 136:6,6 137:11,14 138:4 138:13 139:15 141:6 142:3 147:17 151:12 152:10 153:19 154:14 155:8,10 157:2 159:17 161:7 162:18 166:5 168:2 169:13 171:11 172:11 173:2,17 173:21,21 174:7,8 174:8 177:22 179:20 182:4 185:21 188:10,11 189:19 193:15 195:4 196:10 201:12 202:21 203:14 205:6,11 208:20,22 209:5 209:20 210:6 211:20 213:7,18 214:12 216:11 | 220:5 229:8 234:21 236:16 238:18,19 240:7 240:20 241:6,8 243:8,16 247:14 247:18 248:7,8,9 248:18 253:3 254:7 256:9,10 257:14 | knowing 127:17 217:14 | 180:21 | 52:20 56:22 58:16 115:18 224:18 251:11 |
| keeping 145:17 | | knowledge 47:22 | Larry's 151:18 | learning 60:11 247:13,16 | |
| Kent 214:11 | | known 49:6 156:11 156:13 159:6 206:5 219:11 | lastly 105:22 123:11 | leave 82:9 106:18 123:6 | |
| key 31:19 41:7 44:6 44:16 49:20 54:8 54:20,22 57:10,16 58:4 59:12,14 120:16 125:13 213:17 215:2 220:19 223:10 224:3 225:5,7 231:16 | | knows 26:17 119:8 209:13 | last-long 202:13 | led 214:1 | |
| kicked 22:5 163:20 | | Kuprewicz 1:21 99:1,1,7 106:17 107:9 147:7,12,13 147:15 180:7 | late 165:21 217:14 | left 7:1 61:15 125:13 177:18 198:11 234:7 | |
| Kim 8:22 9:5 17:10 | | | latent 219:16 234:4 | legacy 229:8 | |
| kind 6:5,16 22:5 27:1,12 35:14 36:2,4,6,8 38:16 62:11 65:9 70:20 73:17 76:2 81:3 97:2 111:21 112:14 113:10 114:12 134:12 136:12 152:7 173:17 176:8 181:13 194:10 195:10 196:7 201:10 233:14 236:16 237:1,5 238:9,18 239:5 241:16,18 242:13 252:2 254:20 256:20 257:10 | | L | latest 141:3,4 | legislation 23:21 153:2 | |
| kinds 19:10 23:6 50:13 142:4 158:12 173:22 | | L 2:5 | latitude 131:7 | legislative 58:10 154:11 155:5,12 167:4 199:5 | |
| knew 18:19 99:7 153:3 | | label 255:21 | Laughter 46:15 99:5 141:17 182:5 | legislature 199:4 | |
| know 4:14,17 5:21 6:21 7:4,8,8,21 11:2,9,19 13:2,4 | | labor-intensive 224:14,17 | laundry 110:5 185:14 190:5 216:10 | legitimate 141:4 249:16 | |
| | | LaHood 206:5 253:5 | law 191:12 192:6 | length 184:7 | |
| | | laid 13:3 | lawmakers 143:7 | lesser 73:18 | |
| | | Lake 102:3 | laws 190:21 | lessons 49:11 58:16 224:18 251:11 | |
| | | land 112:1 | lawyers 182:4 | lessons-learned 91:9 | |
| | | landowner 112:10 | lay 108:14 | letter 37:21 38:2,17 68:3,6,10 251:20 253:4 | |
| | | landowners 40:15 40:18 | layer 178:18 | letting 36:4 | |
| | | language 24:3 142:14 164:7,10 164:11 171:9 174:4 182:14,19 191:4 | layered 156:20 | let's 66:18 108:1 116:2 131:8 177:1 177:1 235:3 239:3 245:12 | |
| | | lap-welded 212:15 220:15 | layman 142:14 234:22 | level 11:16 16:21 36:5 95:5 97:13 161:18 169:21,22 170:5 173:8 179:6 183:8 201:17 203:21 248:1 | |
| | | large 40:12 177:21 222:8 | layout 63:5 | levels 61:10 128:13 146:18 202:4 203:8 | |
| | | largely 68:4 74:12 136:9 | lead 55:19 160:19 | leveraged 121:9 | |
| | | larger 176:7 | leading 119:5 | levity 14:9 | |
| | | | leading-edge 236:18 | liability 127:12 | |
| | | | leak 25:21 44:13 85:11,12,17 86:2 158:18 187:12 | | |
| | | | leap 140:14 | | |
| | | | learn 58:16,18 59:2 59:4 119:3 137:12 137:18,21 228:16 | | |
| | | | learned 49:11 | | |

| | | | | |
|-----------------------------|-----------------------------|---------------------------|-----------------------------|---------------------------|
| lie 219:14 | 223:10 | 104:15 111:11 | 105:1 180:20,22 | luck 104:20 |
| life 171:7 191:21 | listening 124:9 | 113:4 137:6 138:1 | lost 63:19 116:1 | lunch 6:7 149:20 |
| lifestyle 75:1 | literally 72:12 | 141:9 185:4,6 | 118:3 | 150:6 |
| lift 12:9 | 185:2 | 196:1 211:20 | lot 6:2 12:22 15:1,7 | L.P 1:19 |
| lighter 166:9 | little 5:1 7:19 9:10 | 234:16 256:9 | 15:7 16:15 17:4,6 | |
| liked 30:12 | 13:14 16:5 17:10 | longer 136:11 | 20:11 23:2 25:6 | M |
| limit 138:6 143:16 | 24:12 32:11,12 | 160:7 176:7 | 25:13 27:12 28:8 | M 1:20,22,24 2:1 |
| 238:21 | 33:1 35:2,5 38:1 | longer-term 25:16 | 30:1 37:4 51:2 | Macey 2:25 124:2,3 |
| limitations 52:13 | 38:22 50:3 51:20 | long-standing | 62:16 63:3 78:21 | 127:18,20 198:2,2 |
| 53:15 214:5 | 53:5 66:21 86:13 | 216:3 | 82:11,13 84:11 | 200:20 |
| limited 53:5 81:16 | 86:15 87:8 88:6 | long-term 155:21 | 91:17 95:1,4 | Magellan 1:18 |
| 251:14,15 | 89:1,6 92:22 97:2 | look 4:19 12:14 | 99:17 100:9,10,13 | magically 123:14 |
| Linda 2:15 10:20 | 110:8 112:4 114:5 | 19:20 21:21 31:10 | 101:17 103:6,20 | magnitude 202:17 |
| 13:2 20:15 26:21 | 118:12 152:6 | 44:3 55:22 63:2 | 105:13 108:4 | mailed 30:3 |
| 28:15 29:16,17 | 154:22 158:14,21 | 90:5,8,11 97:21 | 109:3 110:11 | main 31:15 36:10 |
| 62:22 66:17 | 159:21 166:9 | 101:5 104:21 | 113:6,19 114:7,14 | 96:4,9,13,17 |
| 130:20 133:9 | 175:18 181:22 | 111:13 113:21 | 115:18,22 122:6 | 98:17 118:11 |
| 149:9 255:15 | 187:19 189:7 | 115:7,8,8,14 | 132:14 134:14 | maintain 53:2 |
| Linda's 29:18 | 191:2 196:1 | 118:14 123:7 | 136:4 137:7,19 | 104:16,19 162:13 |
| line 1:21 72:4 73:12 | 207:17 208:14 | 124:14 161:5 | 139:10 140:18,22 | 162:16,19 |
| 76:13 216:2 | 212:20 213:13 | 165:19 170:4 | 146:2,4,13,18 | maintained 80:13 |
| 235:14 | 215:9 219:3 228:1 | 171:1 172:6,18 | 148:11,14 154:17 | maintenance 47:11 |
| linear 73:12 | 242:13 243:7 | 181:8 184:4 201:7 | 154:20 162:19 | 182:16 |
| lines 46:9 47:3 | 246:2,9 254:9,18 | 212:14 214:2 | 164:6,9 167:21,21 | major 40:5,14 42:4 |
| 113:20,22 115:9 | 255:5 | 217:8 221:20 | 168:6 169:20 | 46:5 49:2 50:7,15 |
| 157:16,18 158:5 | live 7:9 19:13 55:3 | 228:2 242:16 | 174:4 181:16 | 51:4,9 54:12 |
| 159:2 174:13 | 106:3 146:15 | 248:18 253:8 | 194:6 195:19 | 61:16 96:21 |
| 190:11 216:5 | lived 167:19 | looked 41:10 67:13 | 202:4 203:17,22 | 102:12 104:7 |
| links 41:20 | lives 39:17,18 40:9 | 157:6 203:9 244:2 | 204:11 212:10 | 113:16,18 152:16 |
| liquid 1:3 25:21 | 103:18 118:3 | looking 31:16 63:1 | 220:4 221:8 | 155:19 161:12 |
| 34:3 46:9 47:2 | 145:21 179:3 | 63:2 64:18 65:3,4 | 227:18 233:13 | 163:13 174:11 |
| 82:2 83:7 85:2 | living 41:11 105:6 | 82:19 125:17,22 | 234:13,14 241:7 | 176:12,16 |
| 103:2,22 104:4 | 146:16 | 126:4 140:2 | 243:1 244:14,20 | majority 39:15 |
| 157:16,19 158:1 | LLC 1:22 2:8 | 169:11 171:10,13 | 249:2 252:4 | 106:7 181:14 |
| 181:21 187:4,6,8 | load 154:8 | 172:13 175:14 | lots 63:18 119:2 | making 12:11 25:1 |
| 189:1 190:15 | local 41:11 43:7 | 178:9 189:15,18 | 197:14 204:8 | 53:22 58:8 63:10 |
| 217:2 218:5 | 79:4 81:6 82:12 | 189:22 190:2,7,9 | loud 134:9 | 66:3 71:8 75:22 |
| liquids 14:15 40:6 | 99:13 112:3 | 190:11,12 197:15 | loudly 135:13 | 83:21 118:16 |
| 82:14 83:4,16 | located 219:14 | 234:1,3 236:13 | love 127:17 153:18 | 158:16 171:4 |
| 84:3 89:14 171:21 | 220:21 | 250:9,21 | low 185:22 212:17 | 172:13 248:9,15 |
| 190:9 | locating 124:4 | looks 63:7 115:12 | 217:5 218:3 249:6 | 255:22 |
| list 6:6 21:8 43:6 | 199:20 | 169:6 | lower 195:8 | man 102:16 |
| 110:6 113:9 | location 191:19 | loopholes 180:17 | low-frequency | manage 133:20 |
| 185:14 190:5 | logical 144:22 | loosely 72:20 | 213:3 220:15 | management 42:11 |
| 195:12 216:10 | Logistic 1:22 | lose 105:20 227:21 | 249:10 | 48:2 49:22 50:20 |
| listed 28:8 37:12 | long 29:2 36:22 | losing 53:7 | low-stress 84:21 | 50:21 51:6,6 |
| 56:19 61:14 84:20 | 51:12 82:20 100:7 | loss 102:12 104:8 | LP 1:19 | 54:19 85:9 90:1,3 |

| | | | | |
|--|--|--|--|--|
| 90:10,13,16 91:1 102:20 103:2,13 104:4 129:12 180:9,12,20 181:20 184:16 186:8 188:1 189:5 189:16,17 190:1,6 190:8 191:7,8 221:4 223:18 224:12 226:8 228:7,9 232:21 247:6,10 249:13 management-con... 86:6 Manager 2:19 managerial 184:12 managers 61:9 managing 49:6 52:1,4,5,7,10,13 52:17 53:3,18 226:13 232:5 233:3 mandate 26:8 157:4,17 163:22 mandated 191:11 192:3 mandates 154:7 157:1 manifested 87:10 manner 217:16 239:15 253:11 manufacturing 47:11 217:10 220:8 250:15 MAOP 158:21 163:18 181:12 245:10 MAOP/MOP 216:3 map 40:1 mapping 194:19 201:11 202:20 maps 172:4 203:10 Marathon 1:21 March 186:9 187:20 188:3,22 marginally 223:12 | Mark 214:2 marking 199:17 markings 191:19 marks 199:2 markup 153:4,5 Marriott 28:1 Marshall 102:2 Marshals 25:11 Martin 2:6,25 76:15,16 124:3 198:2 massaging 95:2 Massoud 1:23 34:4 44:18 46:16,17 69:3 141:13 143:21 144:4 169:10 Massoud's 169:19 matches 169:14 material 27:15 75:6 217:11 234:3 materials 40:8 158:12,13 237:13 238:2 243:13 252:3 maternal 250:9 math 218:4 matrix 55:22 61:11 61:13 201:5 matter 68:17 90:4 135:19 140:13 149:14 150:3 211:10 230:1 243:11 259:1 matters 18:5,6 25:15 256:21 mature 50:5,18,22 51:1,11 matured 137:8 maximum 155:18 218:14 Mayberry 20:16 mean 30:19 33:2 55:17 62:8 67:22 73:13 74:5 84:10 88:17 101:16 105:15 106:5,19 | 113:7 132:5 134:2 134:19 135:17 140:15 154:18 166:1 172:6,7 176:14 180:1 202:12 204:16 218:16 233:13,20 234:16,21 236:15 236:18 241:15 242:18 245:9,11 251:19 256:8 meaningfully 50:10 135:21 means 23:10 32:3 35:7 60:22 74:2 91:11 112:22 165:10 238:17 meant 99:18 177:19 measures 221:7 225:11 229:21 230:17 232:3,22 mechanism 216:10 217:4,13 219:10 222:9 238:5 mechanisms 37:10 217:8 219:18 media 19:12,13,14 38:7 109:3 120:11 120:18 121:6,9 122:5,7,9 124:16 meet 42:7 131:13 192:16 195:1 203:3 meeting 1:8 3:4 4:11,17 6:19 7:12 7:12 8:5 9:9,14,21 13:22 14:6 21:9 22:3,12,17 24:9 27:22 28:7 35:2 67:13 69:7 116:5 116:13 125:16 130:12 150:19 175:13 187:20 255:2,3,7 257:21 259:6 meetings 5:16 6:10 | 13:21 15:4 17:3 69:3 member 9:13 14:12 14:14 27:17 70:8 89:16 98:10 117:4 151:17 167:2 members 1:17 2:1 4:13 7:3,7 10:3 21:18 32:18 34:20 35:16 36:18 39:2 62:6 69:13 70:11 71:3 78:6 94:19 101:15 110:19 111:7 117:1,9 196:13 197:18 254:14 255:11 259:2 mention 14:13 18:10 30:6 59:19 67:18 72:21 77:7 129:10 154:7 183:2 186:8 mentioned 15:5 20:14 21:6 27:2 32:5 48:7,11 61:11 79:3 96:9 122:21 150:16 156:7,18 160:18 161:7 164:8 176:11 mentioning 10:20 mentions 184:8 merits 55:20 message 31:16,19 35:15 40:2 42:15 45:10 50:15 61:1 112:15 114:21 messages 42:4 49:2 49:19 50:7 messaging 120:16 met 1:13 151:16 173:14 184:19 185:21 206:3 metallurgical 216:9 meter 26:15 method 244:1,4 | methods 190:4 214:14 231:12,20 232:18 Mexican 22:15 Mexico 22:22 mic 8:16 33:14 136:1 218:9 246:6 MICHAEL 2:2 Michael's 92:16 Michigan 102:2 167:7,11,19 microphone 119:21 166:22 211:6 middle 189:2 Midstream 1:18 mid-next 196:22 Mid-term 24:13 Mike 92:18 mileage 48:10 155:22 miles 40:3 46:10,12 73:10,15 121:20 239:19,20 240:8,8 257:8 military 127:4 mill 242:1 million 121:20 177:5 179:12,14 179:21 mind 9:4 63:15 120:2,11 220:12 254:17 mindset 217:7 mine 6:21 minimal 230:10 232:13 minimizing 52:15 85:14 146:2 minimum 228:13 minor 68:5 minute 64:8 118:1 156:18 161:8 minutes 5:4 9:10 10:20,21 66:18 92:14 120:1 259:3 259:4 miscellaneous |
|--|--|--|--|--|

| | | | | |
|---------------------------|----------------------------|---------------------------|---------------------------|----------------------------|
| 194:5 | month 116:8 131:8 | NACE 80:2 214:8 | 102:14 104:19 | nervous 175:5 |
| misconceptions | months 38:4 | name 7:6,8 89:21 | 111:22 112:1,2,7 | neutral 30:8,13 |
| 122:7 | 111:11 113:13 | 120:5 147:11 | 113:5 118:14 | neutrally 31:4 |
| misleading 73:11 | 156:6 184:5,21,22 | 237:21 | 122:3 125:5 | never 138:3 142:9 |
| 74:14 75:20 148:5 | 185:11,12 201:20 | names 180:10 | 128:15,16 129:14 | 173:14 176:2 |
| misperception | morning 4:3 10:10 | NAPSR 60:13 | 132:16 134:9 | 237:13 |
| 89:22 110:11 | 35:1 150:8,19 | 194:7,16 | 135:15 136:19 | new 2:9,9 22:4 |
| missed 35:2 234:5 | 151:15 154:14 | NARUC 13:18 | 137:12 138:10 | 37:10 42:12 50:17 |
| 237:7 | 158:22 254:11 | 16:19 23:9 61:19 | 139:5,8 140:5,11 | 51:1 52:14 54:12 |
| missing 77:3 87:4 | morph 254:9 | 138:7 139:6 | 140:14 141:8 | 56:2,15 57:20 |
| 87:12 113:18 | mortality 181:1 | 182:10 | 147:18 148:13,20 | 58:9,14 60:4 61:7 |
| 225:5 230:21 | mother 135:18 | nation 82:8 86:22 | 151:8 170:3 | 61:14,21 79:16,16 |
| 231:19 232:10,16 | motion 153:8 | 121:21 | 180:18 181:8 | 81:15 82:5 89:19 |
| Mississippi 249:6 | Mount 2:10 78:4 | national 2:1,5 | 188:16 200:13,14 | 89:21 91:5 93:5 |
| mistake 242:2 | mouth 118:5 | 12:20 17:2 22:13 | 206:11 208:22 | 104:12 106:5 |
| misunderstood | move 12:2 20:18 | 23:17 25:10 29:18 | 209:1,5 213:21 | 113:21 129:7,8 |
| 179:9 | 39:18 48:4,5 | 43:17 193:9 | 221:19 226:9,11 | 154:3 162:8 163:3 |
| mitigate 51:9 94:1 | 53:10,12 55:6 | 194:19 200:7 | 226:15 230:16 | 163:13 171:10 |
| 226:20 228:18 | 60:6 131:12 | 201:11 202:20 | 239:18 240:14 | 196:10 209:1 |
| mitigated 231:10 | 138:22 186:5,13 | 203:2 253:3 | 241:20 247:7 | 221:22 235:9 |
| mitigating 214:22 | 186:20 188:17 | nation's 121:19 | 248:5 252:21 | 251:10 252:9 |
| mitigative 225:11 | 190:16 193:19 | Native 82:6 | 256:1 259:1 | 257:4,15 |
| 229:21 230:17 | 194:4 195:11 | natural 12:14 26:1 | needed 20:2 37:1 | newly 200:10 |
| 232:3,22 248:3 | 197:1 203:18 | 43:13 44:1,1 | 64:2 92:13 113:8 | news 11:2 185:18 |
| mixed 37:14 | 211:2 | 45:15 82:13 115:9 | 134:6 141:11 | 203:5 |
| model 225:17 | moved 45:21 92:12 | nature 89:9 92:1 | 150:18 194:14 | NG 214:21 |
| 253:10 | 96:17 | 123:15,16 128:22 | 252:8 254:11 | nice 113:9 |
| modeling 214:19 | moving 11:22 | 230:22 | needing 221:9 | niggling 109:18 |
| 231:5 236:15 | 45:17 46:13,18 | navigation 203:11 | needs 24:2 31:3 | nights 132:20 |
| 239:6 | 55:1 75:6 118:14 | na<ve 175:2 | 41:4 65:2 70:1 | nine 217:1 218:4 |
| models 226:4 229:3 | 124:15 194:9 | near 40:16 41:12 | 73:20 75:18 87:15 | 219:1 |
| 229:22 | 251:9 | 69:3 180:20 | 91:10 95:1 97:18 | nitpick 218:16 |
| moderate 33:18 | Muhlbauer 214:11 | 235:15 242:19 | 98:7 109:8 110:7 | nodding 6:2 |
| modes 45:14,18,22 | multibillion-dollar | necessarily 92:7 | 112:5 128:1 | non 174:18 |
| 46:4,6 171:18 | 125:7 | 162:19 188:6 | 132:22 133:3 | non-credible |
| moment 5:18,21 | multifamily 193:12 | necessary 11:13 | 139:2 140:21 | 126:20 |
| 32:19 166:16 | multiple 114:18 | 44:14 128:14 | 173:8 178:3 179:4 | non-HCA 187:13 |
| 218:8 | 174:16 179:4 | 160:7 228:17 | 215:12 223:9 | non-integrity |
| moments 14:9 | multiunit 158:6 | NED 224:1,3 | 224:17 229:3 | 189:17 |
| 166:18 | municipalities | need 5:21 7:7 9:3 | 239:13 | non-significant |
| moment-in-time | 199:8 | 11:9,20 12:7 | negotiating 208:1 | 185:12 |
| 230:7 | municipally 79:11 | 19:16 24:17 25:3 | negotiation 207:17 | normal 63:13 82:3 |
| moms 146:17 | municipals 23:20 | 25:4 36:11,17 | neighbor 142:18 | 191:3 |
| money 72:11 169:8 | 78:16 79:4 | 41:1,14 50:5,11 | neighborhood.p | Normally 191:3 |
| 169:11 177:14,17 | mystery 198:12,22 | 58:12 61:5,5,6 | 245:19 | North 1:14 |
| 209:1 | | 63:21 74:3 75:5 | neither 133:16 | note 45:3,15 46:2,9 |
| monitor 57:21 | | 93:6 97:11 100:17 | 238:22 | 47:7,9,13 61:16 |
| | N | | | |

220:13 258:19
noted 50:2 85:3
notes 45:10
notice 159:18
 187:22 188:19
 193:14
noticed 255:20
notices 215:18
 216:1
notification 198:7
notified 207:7,8,11
 207:16
notion 65:1
now.p 249:2
NPASR 61:19
NPMS 203:12,20
NTSB 194:8,21
 223:1 246:15
 249:5
nuances 233:14
nuclear 236:19
number 6:8 7:13
 7:15,17 8:6,18
 11:8 13:21 18:3
 20:15 23:3 40:12
 45:1,18 46:11,22
 48:16 53:21 55:9
 73:14,15 96:11
 107:21 150:10,18
 160:10,12 178:16
 193:18 195:14
 207:22 219:10
 221:17 235:18
 236:4
numbers 74:11
 177:4 217:22
 218:2
NuStar 1:19
nuts 245:7
nutshell 205:20
 209:4 210:6

O

O 1:21
objective 192:16
 208:4 228:15
 230:15 237:8,10

objectives 3:4 9:11
 14:6 107:15
observation 147:8
observations 100:4
 101:10,21 180:8
 243:21
obsess 63:6
obtain 225:9
obvious 87:13
obviously 5:7 11:11
 14:11 48:8 92:2
 94:19 110:1 141:4
occupying 187:3
occur 52:16 146:1
 161:14,17
occurred 58:21
 85:1,13,22 118:2
 181:4 202:19
October 186:20
 187:1
offense 19:12
offer 23:16 63:14
 69:18 70:2,12
 117:3 131:19
 165:2 182:9 255:9
offered 133:19
office 61:17 184:2
 184:12,14,16
 185:4,16 186:3
 187:3 189:5 256:4
 257:20
official 5:7
officials 41:11 81:6
 112:3
offshore 157:15
off-line 255:5
off-the-wall 201:10
oftentimes 82:16
 147:1
oh 30:21 80:16
 147:12
oil 43:20 47:18
 167:7
okay 4:3 9:2 14:7
 15:20 17:12 32:17
 33:17,20 48:21
 66:20,22 104:17

109:7 127:20
 131:3 141:18
 152:2 167:18
 201:20 211:3
 243:6
Oklahoma 25:14
old 47:4 89:21
 222:1,15 238:14
older 47:14 194:6
OMB 157:6 184:21
 189:6,8,12
once 6:18 7:21 29:6
 48:17 119:9
 129:22 130:2
 213:7
ones 15:10 156:22
 208:9 247:1
one's 98:20
one-call 191:16
 198:7,10
one-day 255:3
ongoing 23:13
 25:16 48:22 54:9
 122:20 158:9
 190:20
online 115:11,14
 212:5
OPA 158:15
open 3:22 64:11,16
 71:9 134:22
 152:10 178:3
 199:19 209:10
 224:6 233:8 254:5
operate 110:9
 127:7
operating 49:12
 72:5 106:4 216:4
operation 47:11
 234:10
operations 42:13
operator 47:21
 91:11 92:6 93:5
 93:11 105:7 106:4
 132:18 162:16
 163:8 172:20
 173:16,17 177:19
 220:20 224:10

226:17 228:9
 257:7
operators 40:13,13
 41:10 42:9,16,20
 43:6 54:20 61:20
 91:15,18 103:15
 103:22 105:13
 123:8 180:13
 199:7 216:17,19
 218:1 220:17,21
 221:6 222:13
 224:13 228:12
 251:22 252:5,22
 253:7
operator's 224:15
operator-led 57:15
opinion 230:1
opportunities 15:8
 15:21 136:22
 249:15
opportunity 7:5
 15:12,20 56:12,13
 69:9,10 86:20
 88:5,8 89:1,4,8
 93:13 95:9 97:22
 98:4 119:17 120:3
 128:1 136:8
 144:19 199:20
 203:6 204:18
 209:17 232:8
 249:3 258:7,10
opposed 78:19
opposing 243:11
OPS 43:16 91:10
 109:11 139:6
 255:20 256:9
optimistic 153:8
options 198:11
 225:13
orbit 16:4
order 3:2 21:11
 60:6,19 61:4,4
 131:13 226:20
 240:14
organizations 12:4
 43:15 244:7
original 182:19

239:3
originally 26:1
 238:13
origins 41:2
OSHA 82:1 84:13
OST 184:20
ought 85:3,10
 109:21 124:13
 170:18
outside 97:4 145:17
 190:8 219:18
 251:6
outstanding 78:7
overall 52:19 56:17
 217:6 227:11
 228:7 233:15
overarching
 175:16
overcome 11:9
overreaction.p
 246:2
oversight 54:18
 60:10,15 79:4
 163:3 174:18
 178:15 250:18
overview 75:3
 155:4
owe 258:2
owned 79:11
owners 112:1
o'clock 69:1

P

pace 140:4
pacing 62:20
PACs 10:3
page 36:8 38:17
 71:20 73:6,9,19
 88:3 97:11
pages 31:12,13
 37:16,16 72:2
 101:5 108:13
 121:19 141:16,21
 142:13 143:16
paid 60:1 174:9
paint 118:4 198:11
painting 85:7

| | | | | |
|---|---|---|---|--|
| panel 224:12 225:5 225:12 230:18,19 231:4 | partnerships 55:12 | 112:17 113:19 | personal 136:17 146:16,18 176:21 | PHMSA's 3:15 8:8 156:1 217:9 228:19 233:11 |
| panels 213:5 223:22 | party 126:14 | 114:6 115:22 | personally 18:16 108:20 137:4 138:2 169:19 206:3 | PHMSA-fied 255:22 |
| paper 8:1 | Paso 2:7 | 116:17 117:20 | personnel 159:22 160:3 | PHMSA-2011-01... 7:14 |
| paragraph 71:20 123:5 | pass 41:5 48:19 54:3 165:18 183:19,20,22 184:5 | 118:16,18 119:3 121:5,7 128:15 129:14 132:13,14 135:16 136:7 154:15 165:17 167:21 179:3 180:22 181:11,15 204:17 211:21 239:22 244:8 245:1 246:13 248:7 256:10 | perspective 75:12 75:14,21 84:3 86:7 89:16 100:1 103:4 105:5 106:1 217:6 224:1,10,15 239:14 245:12 246:12 | phones 7:1 |
| paragraphs 38:22 | passed 190:22 191:4 | 154:15 165:17 167:21 179:3 180:22 181:11,15 204:17 211:21 239:22 244:8 245:1 246:13 248:7 256:10 | petroleum 43:22 45:17,20 | physical 47:22 |
| parallels 154:19 | passes 195:6 | people's 19:8 37:17 114:1 136:6 254:7 | pertinent 37:4 | Piazza 214:2 |
| parameter 237:1 | passing 39:4 | percent 29:12 45:20 90:22 98:17 222:8,11 | pervasive 251:14 | pick 177:8,12 |
| parametric 239:5 | passion 149:18 | perception 167:15 | petition 195:15,16 | picked 18:18 |
| part 5:20 12:1,22 20:6 21:4 24:6 28:14 31:11 35:13 44:2 50:8 51:22 69:6 75:7 84:14 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | paste 36:4 | perfect 30:18 100:7 122:13,19 123:12 123:13,15,19 177:22 230:7 236:14 239:4 | petitions 195:14 | PICPA 159:6 |
| part 5:20 12:1,22 20:6 21:4 24:6 28:14 31:11 35:13 44:2 50:8 51:22 69:6 75:7 84:14 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | Pat 2:25 120:5 | perfectly 30:18 135:5 | petroleum 43:22 45:17,20 | picture 118:4 |
| part 20:6 21:4 24:6 28:14 31:11 35:13 44:2 50:8 51:22 69:6 75:7 84:14 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | path 87:5 107:14 | perform 198:9,20 221:9 | Pevarski 2:8 34:1 41:6 201:1,1 243:20 246:7 | pictures 141:21 |
| part 28:14 31:11 35:13 44:2 50:8 51:22 69:6 75:7 84:14 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | Paul 2:9 109:19 255:15 | performance 44:22 45:2 49:14 52:20 144:10 229:1 | phenomena 236:16 | pie 47:1 227:18 228:1 |
| part 69:6 75:7 84:14 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | pay 14:17 64:3 138:11,12 171:4 | performed 237:12 | Phil 2:23 121:13 137:13 252:17,18 253:18 | piece 42:22 44:6,16 104:12 106:5 227:18 236:21 250:16 |
| part 85:15 92:4 101:15 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | PA-12 195:15 | period 33:13,18 95:10 123:22 187:16 192:17 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | pieces 107:16 |
| part 109:12 112:9 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | PA-12 195:15 | periodic 208:11 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | Pierson 1:21 34:3 39:5 83:3,3 255:13 256:13 |
| part 132:11 145:21 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | peg 168:4,13 | periodically 77:18 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | pigging 90:1 248:13 |
| part 147:9,15 154:12 154:13 187:9 197:13 208:3,11 220:16 249:4 | penalize 204:17 | permission 26:22 70:13 204:21 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | pipe 1:21 11:10 50:1 60:5 174:10 194:21 195:13,20 212:15,16 215:11 216:14 219:14 220:5,6,15,20 221:21 227:10 229:8 230:8 233:13,21,21 236:21 238:14 241:22 243:4 244:10 249:7 250:16 252:1,6 257:5 |
| part 154:13 187:9 197:13 208:3,11 220:16 249:4 | penalties 155:18 178:10 179:7 198:4,15,18 200:4 | permits 41:13 171:14 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | pipeline 1:3,5,20 1:24 2:6,21 10:14 11:3,18 16:6,20 19:6 20:9 22:4,7 23:10 25:7 31:5 |
| part 154:13 187:9 197:13 208:3,11 220:16 249:4 | penalty 161:9,19 178:21 198:4 199:6 200:8 | permitting 81:16 82:7,8 | PHMSA 2:13,14,16 2:17,18,19,21 4:12 9:19 10:8 13:19 32:1,3 34:11 35:19 60:11 60:13 61:18 67:9 91:18 96:6 97:4 123:6 142:6 148:9 149:3 151:18 157:17 158:8,9 162:12,16 163:2,7 163:9 169:22 172:2,19 188:5 205:3 216:16 222:12,18 224:2,5 224:20 226:2,10 250:8,21 253:13 256:3,5,8,18 257:20 | |
| part 197:13 208:3,11 220:16 249:4 | Pennsylvania 113:21 167:9 | person 124:7 145:2 145:15 191:14 212:4 | | |
| part 220:16 249:4 | Pennsylvanians 167:11 | | | |
| participants 225:21 226:2 | people 6:17 16:15 18:10,15,18,19 20:4,15 21:11,12 22:18 24:1 26:6 27:10 28:5 29:8 34:9,11 35:19 37:6 41:11 53:8 53:10 57:17,18,19 60:22 61:5,6,6 64:17 66:3,22 72:1 74:2 75:15 75:22 76:5 87:15 87:20 88:19 100:10 107:21 108:20 109:1 | | | |
| participate 110:15 258:7 | penalty 161:9,19 178:21 198:4 199:6 200:8 | | | |
| participation 10:12 12:19 25:11 212:11 | Pennsylvania 113:21 167:9 | | | |
| participative 88:1 | Pennsylvanians 167:11 | | | |
| particular 33:5 55:11 56:2 60:11 97:16 119:10 156:8 205:13 250:13 | people 6:17 16:15 18:10,15,18,19 20:4,15 21:11,12 22:18 24:1 26:6 27:10 28:5 29:8 34:9,11 35:19 37:6 41:11 53:8 53:10 57:17,18,19 60:22 61:5,6,6 64:17 66:3,22 72:1 74:2 75:15 75:22 76:5 87:15 87:20 88:19 100:10 107:21 108:20 109:1 | | | |
| particularly 9:18 14:3 65:22 82:5 130:5 131:16,18 170:18 206:13 217:12 254:12 | penalty 161:9,19 178:21 198:4 199:6 200:8 | | | |
| parties 20:7,12 25:12 109:9 131:4 132:3 147:20 253:14 | Pennsylvania 113:21 167:9 | | | |
| Partners 1:18 | Pennsylvanians 167:11 | | | |

| | | | | |
|--|---|--|--|---|
| 37:8 40:16 41:10 42:5,8,11,16,20 43:6,12,17,18 45:5 46:22 47:2,4 48:10 49:4,9 50:10,16 52:1,5 53:14 55:10 60:3 60:12 61:9,17 65:5 73:10 87:1,3 94:6 103:15 106:3 106:4 110:3 112:2 112:11,14 113:17 121:20 122:15 124:19 125:16 128:10,17 132:16 134:14 153:14 156:14 159:7 163:13 168:18 171:20 181:1 190:4,18 191:21 194:19 199:7 202:13 209:7,14 224:10 226:13,22 227:7 228:21 232:5 233:3 234:13 253:10 256:4 257:8,20 | 153:18 190:22 pipe's 234:16 placard 98:9 place 50:14 51:12 77:18 88:14 100:17 101:12 102:16 108:4 156:10 175:20,22 201:18 202:7 221:18 245:1 places 6:6 93:3 112:19 113:4 114:15 115:8 182:12 plain 77:11 plan 13:1 19:18 20:13 21:4 24:19 57:4 87:9,10,21 108:15 144:21 162:14 188:11 206:19 planned 13:1 153:3 planning 25:20 57:3 plans 51:8 56:6 123:9 158:16 162:16,18,20 163:13 172:3,17 173:7,14 243:8 plastic 195:13,20 plate 148:14 play 55:10 62:1 173:21 208:7 209:20 played 207:10 players 100:13 102:1,4,22 playing 55:12 plays 9:19 please 7:5 33:7 70:5 71:6 79:14 80:17 84:6 86:9 94:9,15 104:20 106:13 107:6 127:18 132:3 166:20,21 198:1 204:22 218:9,12 | pleased 10:6 39:10 98:21 130:6 151:21 plenty 4:22 66:20 109:8 197:6 plethora 82:15 plucked 157:8 plus 34:11 172:8 point 16:7 23:11 31:15 32:8 39:15 39:17 54:16 55:8 55:17 63:17 64:1 64:15,19 67:19 70:6 73:22 75:8 82:19 83:11 89:2 92:3 98:17 101:6 107:19 109:19 110:7 114:6 119:5 119:10 129:15 146:3 154:8 160:7 161:6,20 163:17 168:12 173:4 174:3 176:15 179:19 186:12 201:22 202:12 218:17 219:8 222:6 223:11 227:20 237:7 251:19 pointed 137:13 165:14 181:5 249:7 pointing 250:12 points 28:5 83:5 95:17 96:16 132:8 170:3 171:10 201:12 222:19 247:2 poised 153:6 policy 2:15 18:5 29:18 239:11 political 11:20 167:20 politically 167:13 politicize 120:13 poor 229:5 238:2 poor-performing | 227:17 poor-quality 230:22 population 48:8 Port 2:9 79:16 portion 118:11 182:17 portrait 85:7 portray 102:9 104:6 108:7 pose 13:7 posed 231:9 position 56:2 101:12 102:17 164:19 165:7 169:15 233:11 positions 34:1 129:7 positive 53:2 239:15 positives 181:9 possibilities 124:14 possible 31:4 53:6 72:6,9 141:10 post 162:14 posted 116:15 posting 7:18,20 92:2 postulated 237:2 potential 158:20 178:19 199:14 221:1 236:2 potentially 55:14 214:17 218:3 220:4 234:4 potentials 198:5 199:7 power 88:13 powerful 85:4 PPTS 90:18 practical 239:1 practically 175:8 practice 236:20 practices 49:17 53:1 54:19 58:19 60:17 127:2 213:20 221:6 | 230:20 252:7 precise 164:10 preconstruction 172:10 predates 11:11 predict 214:20 predictive 231:5 predominance 245:15,17 preface 62:19 prefaced 173:1 prefer 256:13 preferred 5:11 premise 241:19 preparation 39:7 prepare 162:13 prepared 172:14 207:14 preparing 61:3 160:1 257:21 prerogative 27:3 29:3 206:17 211:5 prerogatives 29:6 presence 12:6 14:1 130:13 149:18 258:11 present 1:17 2:1,13 2:22 30:13 46:22 74:10 93:7 221:5 223:8 presentation 3:5,7 3:9 64:2 66:9,15 184:4 233:7 254:1 presentations 7:20 19:22 21:20 143:6 170:2 213:4 presented 224:2,11 244:13 presenter 34:21 presenting 164:16 presents 44:22 46:7 47:4 48:16 president's 169:16 presiding 1:15 press 12:7 141:1 210:8 pressure 214:22 |
|--|---|--|--|---|

| | | | | |
|---------------------------|----------------------------|---------------------------|---------------------------|-----------------------------|
| 216:4 230:6 | 17:14,21 20:19 | 128:19 155:5 | projects 123:7 | provide 131:1 |
| 234:15,16 244:9 | 105:8,15 152:8 | 159:16,21 161:1 | 171:8,10,16 | 145:4 149:6,7 |
| 244:20 245:10,19 | 208:4 | 163:22 180:8,12 | 176:12,13 177:7 | 230:7 |
| pressures 214:20 | prime 95:1 111:15 | 180:13 186:16 | 177:21 206:21 | provided 34:12 |
| pressure-testing | principal 110:2 | 189:11 192:20 | 207:2,13,15,22 | 126:12 |
| 248:8 | principles 180:11 | 196:19 204:14,15 | 208:8,16,20 257:6 | providers 124:5 |
| presume 95:10 | print 7:22 121:5 | 204:19 207:9 | prominently 72:19 | provides 200:1 |
| presuming 110:20 | prior 16:10 22:11 | 208:6,6 223:7,21 | promise 197:10 | providing 54:2 |
| pretty 5:16 19:19 | 168:15 | 229:17 230:14,20 | 259:4 | 89:7 117:19 125:8 |
| 36:20 42:1 62:20 | priorities 24:5 | 234:6 | promised 196:3 | 213:6 |
| 64:22 65:15 67:1 | 195:5 196:2 | processes 58:16 | promising 55:15 | provision 157:15 |
| 67:2,5 105:12 | prioritize 220:17 | 59:18 82:21 95:6 | 56:7 | 159:15 161:21 |
| 163:16 170:7 | priority 195:8 | 226:17 228:13,15 | promote 226:16 | 167:6 |
| 195:2 212:8,10 | private 55:11 | 228:22 232:4 | promoted 14:16 | provisions 170:13 |
| 217:3 235:2 | privilege 131:10 | 233:1 | prompt 85:20 | prudent 8:2 |
| 236:19 251:10 | privy 101:22 103:6 | procurement 252:7 | 225:8 | PSIA 153:19 |
| prevent 45:7 80:8 | 155:8 | produce 258:5 | promptness 85:22 | pubic 188:10 |
| 105:16 137:18 | proactive 105:17 | produced 110:3,17 | proof 234:9 243:15 | public 2:3,6 3:9 7:4 |
| 171:5 226:20 | 175:19 176:6 | 110:18 160:21 | propagation | 7:5 8:20 9:6 |
| 228:18 | probabilities 238:8 | product 29:4 94:22 | 236:17 | 11:15 12:10 14:14 |
| prevented 231:10 | probably 25:20 | 100:14 174:10 | Propane 44:1 | 19:9 20:2 21:18 |
| prevention 58:5 | 26:19 39:15 63:12 | products 45:17,20 | properly 58:9 | 26:14 27:18,22 |
| 96:3,6 161:21 | 100:5 102:5 107:8 | professional 2:23 | 80:14 156:4 192:1 | 28:3,4,18 32:9,16 |
| 162:2 190:21 | 118:18 135:8 | 110:4,18 128:7 | 223:16 | 33:19 34:2,5,6 |
| 191:12 | 151:6 168:4 | profit 198:20 | property 40:17 | 36:10 37:3 38:6 |
| preventive 225:10 | 170:14 174:1 | program 3:16 | 112:2,11 191:22 | 38:13 41:16 43:11 |
| 229:20 230:16 | 175:7 178:15 | 205:4 206:10 | proponent 128:16 | 43:12,21 44:8 |
| 232:2,22 248:3 | 224:8 228:5 | 209:8 257:13 | proposal 155:12,13 | 45:2 52:15 54:7 |
| prevents 80:11 | 245:14 | programmatic | 156:4,18 159:10 | 55:11 56:14 57:11 |
| previous 216:4 | problem 38:15 | 50:8 | propose 188:7 | 59:10,13 62:12 |
| 219:15 220:8 | 73:19 92:6 124:21 | programs 2:15 | proposed 187:22 | 63:8,13,16,21 |
| previously 228:16 | 177:3 188:13 | 29:18 48:2 49:21 | 193:14 | 64:12,14,18 67:22 |
| 237:12 239:17 | 212:16 251:15 | 50:1,13,17 58:6 | proposing 163:8 | 69:10 70:9 74:1,1 |
| pre-code 52:9 | problems 19:16,18 | 84:14,16 90:11,13 | 193:20 | 74:13 75:3,9 77:5 |
| 137:14 | procedures 214:15 | 90:16,17 91:1,2 | pros 63:5 67:7 | 77:14 80:1 81:3,3 |
| pre-commissioni... | 224:13 | 97:12 223:18 | 214:13 215:5 | 81:4,5,6,11 82:16 |
| 237:15 | proceed 55:21 | 249:13 | prospective 208:2 | 84:19 86:5 88:12 |
| pre-conditioning | 79:14 80:17 84:6 | progress 77:19 | 208:4 | 89:16 92:5 94:5 |
| 238:3 | 86:9 94:9 128:14 | 101:17 248:10 | protect 127:8,9 | 97:6 99:12,13,22 |
| pre-operational | 165:2 183:12 | progress.p 248:15 | 143:2,5 | 100:3 101:1,2 |
| 235:11 237:14 | 204:22 | prohibit 162:1 | protected 200:3 | 102:10,18 103:4 |
| pre-stressing | proceeds 197:16 | prohibits 161:22 | protecting 94:6 | 104:6 105:5 106:1 |
| 234:20 | process 32:5 42:18 | project 22:4 27:2 | protection 2:1,8 | 108:11,12,14 |
| pre-1970 123:14 | 53:19 57:9 58:7 | 127:4,4,5,15 | 124:4 159:8 | 110:12,15,16,19 |
| price 14:18 | 64:16 65:16 87:7 | 142:5 163:9,14 | 199:21 216:6 | 111:1,13,18,20,22 |
| primarily 23:20 | 87:17 91:9 95:22 | 172:14 177:17 | protocol 70:16 | 112:20,22 113:8 |
| primary 4:18 17:8 | 102:20 120:21 | 207:20 249:1 | proud 132:13 | 113:11 115:1,12 |

| | | | | |
|---|--|--|---|---|
| 116:2,10,11,13,14 117:10,19 118:20 119:19 120:10 121:17 122:17 124:12,20 125:3,6 125:17 126:13,17 126:19 127:9 128:11,17 130:7 134:3,17 135:13 138:16 139:15 140:19 141:10 142:1,8,9,15,16 142:17 143:1 145:3 146:13 148:8,18 149:17 154:12 158:8 166:18 181:18 183:3,8 197:21,22 207:8 210:17 246:12 248:12 252:16,16 253:20 255:6 publicly 158:17 165:10 public's 7:21 20:8 93:22 116:4 248:7 publish 186:10 188:3,4 published 55:4 186:1 187:6 189:3 192:15 215:18 publishing 91:13 PUC 129:10 pulled 119:2 pulling 76:18 131:4 punish 96:1 punished 14:11 pure 206:17 purport 176:19 purpose 4:18 17:8 17:14,21 20:19 24:13 55:13 69:6 86:15,17 90:9 91:14 105:5 107:10 108:22 117:14 203:13 purposes 62:12 | 203:11 purposes 248:22 pursuing 114:19 push 128:20 pushback 112:6 put 4:21 6:5 8:1 12:7 20:5 22:6 24:4 35:20 37:5 37:18 38:11 66:8 66:14 81:21 88:21 93:7 94:20 96:6 122:7,22 123:4,5 123:8 124:8 125:12 129:12,13 143:17 152:9 155:12 175:20 179:1 205:5 212:10 228:9 245:12,18 251:3 255:15 257:7 putting 78:7 99:19 118:4 121:17 123:21 169:5 183:21 210:8 P-R-O-C-E-E-D-... 4:1 p.m 150:4 211:10 211:11 259:7 <hr/> Q <hr/> QA 250:18 QA/QC 234:6 qualification 110:21 qualifications 241:7,9 qualified 53:21 qualifiers 244:21 quality 229:4 250:14 251:4,9 252:9 257:5 quals 257:10 quantifying 238:17 quarter 25:20 Quarterman 10:17 quest 145:18 question 26:2 | 59:22 63:20 131:5 138:13 144:22 169:15 170:13 178:9,22 201:10 201:14 202:7,9 236:7 239:9,12 247:8,12,18 248:1 250:8 255:19 questioning 115:16 questions 102:10 138:13 151:14 164:6,9 166:16 173:22 197:18 205:7 210:13 252:12 255:10 quick 4:10 9:5 20:22 129:5 133:11 172:22 185:18 198:3 201:2,15 206:14 246:21 quickly 20:7 70:2 122:8 136:14 147:16 149:6 153:12 186:7 quite 6:14 56:21,22 70:17 112:6 118:12 144:5 167:20 182:7 206:6 222:8 224:19 249:8 <hr/> R <hr/> radar 13:9 rah 65:4,4 railcars 83:10 railroads 45:22 raise 102:11 175:17 195:17 raised 23:11 119:10 161:9,10 161:11 188:10,21 raises 97:2 rambling 97:8 range 37:11 ranking 195:8 229:11 | rascals 139:16 ratcheted 252:2 rate 8:10 15:20 42:18 43:1,10 44:15 47:9 61:19 83:21 90:20 135:22 136:4 153:11 154:21 216:21,22 248:20 249:19 250:3 rates 42:17 75:17 75:22 79:3 83:18 rate-approving 79:5 rate-making 76:3 95:22 rating 72:21 rationale 97:15 162:9 171:12 reach 57:14 react 136:13 168:10 reaction 4:19 168:6 170:15 176:21 246:3 reactions 146:11 reactive 175:21 read 17:22 30:21 31:14 37:3,7 44:5 76:22 79:20 84:5 89:15 101:3 118:17,18,20 142:12 143:18,19 157:13,21 172:4 reader 41:21 44:7 reading 41:16 75:12 119:4 reads 191:1 ready 48:4 95:1 111:15 173:7 211:12 real 9:4 102:21 105:19 118:2 181:21 185:18 193:3 196:1 219:20 229:10 244:10 245:13 | realistically 72:13 realities 125:2,5 reality 146:1 228:3 realize 32:10 98:7 98:15 136:12 151:8 165:3 220:2 221:20 realized 50:6,19 67:16 really 8:2 9:21 10:1 11:18,21 13:8 14:17 15:1 18:9 18:17 19:2 21:3 23:19 24:22 27:8 28:15,16 31:20 32:6 37:2,4 38:1 45:16 50:4,21 51:5 52:2 54:17 55:2 63:1,20 64:14 66:7 69:7 77:4 81:4,10 86:12,21 87:19 89:5,9 93:13 94:22 96:2,10 98:6,12 100:18 101:6 106:21 113:11 114:16 115:22 121:4,21 122:10 123:20 127:16 131:7 133:18 135:5 139:20 148:8 150:17 152:19 153:12 154:5 163:22 164:18 165:4 166:12 168:16 171:3 172:16 173:12 174:19 178:17,21 181:17,18 190:13 190:17 192:20 202:2,3 203:14 206:1 207:4 208:3 212:17 215:10 217:9,19 226:1 229:6 239:6,12,18 240:19 247:6,11 |
|---|--|--|---|---|

| | | | | |
|--|--|--|--|---|
| 249:9 250:1 251:4 251:7 252:4,6 254:10,15,17 256:6 258:2 259:1 reams 7:22 8:1 reason 5:12 16:1 70:6 88:8 175:17 201:13 205:17 234:7 reasonable 34:13 198:17 199:10 200:15 reasonably 72:7,15 reasons 82:11 196:14 reauthorization 3:11 150:12 152:20 153:9,15 166:9 171:9 reauthorizations 152:2 recall 158:3 201:18 recast 109:21 receive 79:9 received 95:15 98:2 187:15,17 receiving 162:2 198:15 recess 149:22 recognition 85:20 recognize 49:20 71:5 76:17 137:20 138:5 258:4 recognized 57:8 60:2 80:4 recognizing 52:12 52:13 recommend 81:1 100:5 185:5 239:10 244:7 recommendation 186:21 193:9 194:16,20 223:1 249:5 recommendations 76:9 106:10 194:7 195:20 196:12 | recommended 186:13,19 213:20 recommending 117:13 record 7:12 8:4 19:11,20 36:14 48:11 68:17 69:11 71:8 99:10 104:15 106:14 147:11 150:3 211:10 218:10 248:4 recording 6:18 records 6:12 21:14 21:15 44:20 46:4 46:8 104:14,17,19 123:12,13,14,17 123:18 137:14 229:3 245:9,10 247:19 249:17,17 249:21 250:3 record-keeping 225:2 recover 42:20 163:9 recovery 163:1,15 recreate 225:9 red 222:10 reduce 80:14 232:3 233:1 reduced 169:9 redundancies 75:5 reevaluating 64:5 refer 187:4 reference 84:13 85:7,12 88:4 128:13 139:18 257:4 references 85:16 182:17 referred 156:16 referring 184:10 refinery 245:20 reflect 24:6 81:10 138:22 reflects 98:18 regard 6:20 66:5 198:4 | regarding 14:6 182:14,16 184:7 regime 140:18 regional 13:21 17:2 Register 159:18 regs 51:12 regulated 42:21 regulation 11:11 22:16 52:11,18 58:13 181:7 244:1 244:6 regulations 2:17 12:2 49:22 53:20 54:18 58:4 84:21 104:16 105:9 127:2 157:18 180:17 181:20 191:6 194:19 196:17 226:10,16 regulator 12:2 34:4 56:22 94:4 163:13 regulators 6:13 14:2 34:7 41:10 43:10,16,17 49:5 49:9 57:10 58:11 60:18 61:18,19 81:15,22 117:16 137:17 regulatory 2:11 3:13 18:1,5 23:2 34:1 42:8 53:9,18 53:19 58:1 60:10 60:15 74:21 95:21 103:17 140:18 154:11 155:20 158:13 170:19 182:2,10 183:13 188:8,13 205:19 222:20 224:1 247:5 251:6 regulator's 182:22 reinforce 125:2 reiterate 84:9 254:13 related 47:12 102:1 102:6,19 104:9,13 105:3 124:18 | 179:12 187:7,12 189:16 190:5,14 191:8 193:5 194:8 195:13,20 198:5 199:18 244:10 245:2,4 relates 207:21 215:17 252:9 relationships 23:6 60:18 relative 63:13 167:4 229:2 relatively 189:14 221:22 relay 166:12 release 126:7 released 46:12 200:10 releases 141:1 210:8 releasing 38:3 relevant 106:2 213:20 240:19 247:20 248:5 reliability 52:6 74:12 230:3 relief 43:1 reluctance 209:10 rely 230:9 remaining 45:21 155:20 213:18 remains 198:13 remarkably 39:10 62:15 remarks 4:10 98:5 258:2 remember 63:10 120:9 135:3 177:8 193:6 remind 5:8 6:17 164:15 reminded 32:8 reminder 6:21 76:7 reminding 7:3 remote 157:21 162:7 remotely 28:11 | remove 234:10 removed 75:6 215:13 render 69:18 renowned 244:13 rep 89:14 94:17 repair 187:13 189:22 229:19 repairing 42:12 repeat 228:11 repeating 8:21 repetitive 120:15 replacement 50:1,9 50:12 82:20 123:7 replacing 42:11 report 3:5,8,9 4:20 12:21 18:10,22 20:6,21 24:14 28:22 29:10 30:2 30:6,7,17 31:3,11 31:16 32:1,9,21 33:8 34:9 35:17 36:3,22 37:15,15 38:3,12 39:13 41:19 44:6,8,10 44:16 46:2,7 54:6 56:5,8,19 57:21 59:11 61:3,15 65:11 67:19 74:22 75:8 77:5,8,9,16 77:18 79:18,21 80:9 86:16,19 87:8 88:3 91:10 96:10 97:8,18 100:1 104:18 107:11 108:6,10 109:1 111:12,14 113:3,17 114:13 115:16 116:3 117:14,15,16,17 117:19 118:11,15 118:18,19 121:17 122:2,3,10 123:1 123:5,10,21 124:8 124:11,22 125:19 125:19 126:3,9,15 126:16 127:16,17 |
|--|--|--|--|---|

| | | | | |
|----------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|
| 127:22 129:17 | 192:3 232:14 | 129:20 130:1,3 | 152:8 163:1 | 197:14 204:1 |
| 131:11 134:10,13 | requirements 42:8 | 149:1 158:16 | 171:13 184:9 | 206:20 218:21 |
| 134:22 136:7,16 | 50:17 163:18 | 162:14 170:12 | 189:8,10 208:6 | 243:10 244:3,4,4 |
| 136:17,21 139:20 | 164:1 169:5 175:6 | 173:14 197:19 | 258:6 | 246:11 248:15 |
| 142:12 144:6,17 | 191:12 193:11 | 201:2 210:15,18 | reviewing 20:8 | 256:17,18 |
| 145:13 148:11 | 194:18 195:15 | 225:8 226:11 | 32:14 196:15 | rigor 223:9 |
| 149:5 154:15 | 205:19 220:14 | 231:1 232:9 | 208:8 222:18 | rise 241:20 |
| 184:13 185:18 | 228:13 | 246:22 252:14 | reviews 32:2 | risk 3:18 6:11 |
| 192:1 216:17 | requires 42:6 49:4 | 253:21 257:18 | 163:10,11,11 | 21:13 26:17 42:10 |
| 217:20 222:14 | 60:15 90:3 | responses 226:19 | 165:22 166:4 | 80:22 85:9 86:6 |
| 255:16 258:5 | research 2:18 3:15 | responsibilities | 184:20 186:15 | 94:1,2 107:8 |
| reported 187:19 | 53:14 205:3,8,15 | 44:3 93:4 112:8,8 | revise 187:10 | 109:18 129:8 |
| 216:19 222:12 | 205:18 206:9,12 | 112:17 | revised 72:6 189:20 | 211:15 212:2 |
| reporter 205:14 | 206:15 209:8,14 | responsibility | revolves 86:14 | 213:14,16 223:5 |
| reporters 101:13 | 210:5 222:20 | 32:21 44:11 | rewriting 32:14 | 223:21 224:4,11 |
| reporter's 205:14 | 249:1 | 105:15 112:14,18 | re-authorization | 224:21 225:3,3,17 |
| reporting 33:13 | reserve 88:16 | 127:12 132:19 | 24:3 | 226:4,12,18 |
| 46:5 85:20 | reserves 145:1 | 136:17 194:17 | re-evaluate 60:16 | 228:11,18,19,22 |
| reports 122:8 | residences 193:8 | responsible 105:8 | Rich 78:3 218:11 | 229:2,17 230:2,14 |
| 184:15 | 193:11,12 | 112:20 131:3 | Richard 1:21 2:4,8 | 231:8,20,22 232:3 |
| represent 31:4,5 | resignation 183:21 | 142:21 | 2:10 78:2 98:22 | 232:12,17,19 |
| 126:21 128:8 | Resolution 199:4 | responsive 84:22 | 174:22 196:3 | 233:1 245:7 |
| 149:15 | resonates 64:6 | 141:3 146:10 | Richmond 2:2 | 249:15,18 250:2 |
| representative 34:2 | resource 43:14 | responsiveness | 92:19 | risks 13:6 44:15 |
| 94:12 98:14 99:12 | 169:14 | 91:12,13,21 92:6 | Rick 34:1 41:5 99:1 | 45:13 49:7 51:8,9 |
| 148:8,18 181:18 | resources 8:3 11:13 | rest 35:17 39:1 | 137:7 147:12,14 | 225:18 226:20 |
| representatives | 22:14 49:5 53:6 | 62:13 69:19 | 180:5 200:22 | 231:8 244:9 |
| 43:11 159:4 | 61:1 128:15 | 136:12 | 201:1 243:19 | risk-based 231:2 |
| represented 30:9 | 148:16 156:4 | restrictions 190:3 | 246:19 | 232:5 233:2 |
| 33:21,22 | 163:5 169:7 170:4 | restrooms 5:20 | Rick's 137:22 | river 160:17 |
| representing 33:7 | 173:18 178:14 | results 85:5 91:13 | right 5:13,19 6:3 | Road 1:14 |
| 34:3,5 80:1,3 | respect 44:22 158:4 | 92:2 225:4 229:15 | 7:1 9:5 14:3 | robbing 163:4 |
| Reps 43:18 | 198:7 244:16 | 230:10 | 30:15 34:22 37:20 | rocks 227:17 |
| request 21:5 | respects 238:14 | resumed 68:18 | 70:7,18 73:9 | Rocky 2:10 78:4 |
| requested 126:12 | respond 112:20 | 150:4 211:11 | 76:11 88:16 95:19 | role 9:17 39:16 |
| 130:21 173:3 | 126:14 176:1,3 | Retaining 53:7 | 102:7 103:5,9 | 55:13 62:1 88:7 |
| 224:20 | 249:4 | retire 53:12 196:4 | 106:15 107:19 | 88:17 93:22 95:20 |
| requesting 226:2 | responder 13:5,10 | 197:10 | 115:16 121:1,2,7 | 95:21 109:11 |
| require 163:21 | 24:20 173:15 | retort 150:21 | 135:8 137:22 | 110:15 208:7 |
| 165:9,14 169:6 | responders 24:18 | retroactive 208:2 | 138:18 140:7 | 209:21 |
| 216:17 | 25:1 43:8 | retrospective 226:9 | 141:15 143:20 | roles 41:7 54:9 55:9 |
| required 50:9 94:1 | responder/first | return 78:19,19 | 145:1,11 146:19 | 93:4 94:5 110:8 |
| 162:8,13 199:21 | 24:20 | 149:21 | 149:11 164:4 | 144:15 190:19 |
| 220:17 222:14 | responds 231:18 | reuse 153:18 | 165:4 179:19 | roll 12:5 153:21 |
| 251:16 | 232:16 | reversals 244:9,20 | 183:5 187:3,21 | rolling 196:19 |
| requirement | response 86:3 | review 20:16 32:2,4 | 189:3,11 190:20 | rollout 120:20 |
| 104:16 191:1 | 117:2 126:6,16 | 81:17,20 149:5 | 192:18 196:9,11 | room 11:3 16:15 |

| | | | | |
|---|--|--|--|---|
| 45:4 50:20 51:19 74:3 102:1,4,13 103:1 138:2 144:13 145:15,16 145:16 147:3 175:7 181:15 182:1 186:8 191:7 209:12 246:1 root 171:5 246:16 rosy 118:4 Rothman 2:9 79:15 79:15 roughly 206:20 rounds 152:4 roundtable 3:22 254:5,8 255:10 256:21 route 5:11 routine 210:9 rule 90:3 103:13,19 165:20 166:3 184:17,18,22 185:8,22 186:7,11 192:7,12,17,19,22 193:1,2,4,21 194:10,16 195:22 196:8 199:6 204:13 226:8,15 228:7,9 rulemaking 157:1 157:4,17 158:3 163:20,21,22 165:14,19 183:17 186:16 187:20,22 188:3 189:6 193:14 194:5,6 196:20 203:18 224:22 rulemakings 186:2 187:2 190:13 rules 12:3 17:20 50:21 157:7 165:15 184:8,10 184:11 185:9,12 194:6 226:11 run 30:10 80:22 running 69:3 113:1 | 114:7 rupture 181:2 ruptures 245:18,18 RW 213:3 220:15 Ryan 2:23 128:6 170:2 R&D 59:21 208:12 208:21 248:16 <hr/> S S 1:17 2:9 safe 47:17 48:3 72:12 safely 72:5,7,8 safety 1:4,5,17,24 2:21 5:7 10:14 11:4 12:3,10,12 16:6,20 19:6,20 20:9 23:11 36:13 37:9 42:6 43:2,12 43:16,17,18 44:15 44:20 45:5 46:4 46:22 47:6,20 48:11 49:4,8,14 49:20 50:10,17 51:10 52:11,18 53:2,4,14 54:19 55:10 56:17 57:3 57:15,18 60:3,12 61:18,18 65:5 80:1,3 82:3 84:11 84:11 87:2,3 94:6 124:19 125:16 128:10,17 134:14 153:14 156:14 169:3 175:14,16 180:9 183:1 187:7 190:15,17 191:7 193:10 209:8,14 215:21 227:7 253:9,11 256:4 257:21 safety-oriented 180:12 Salon 1:14 Salt 102:2 San 102:3 104:13 | 156:8 167:5 245:3 Sanders 196:3 sat 124:9 save 103:7 208:10 saved 68:10 103:18 saw 30:3 170:1 212:15,22 251:15 saying 28:15 39:1 62:19 70:7 108:15 114:22 123:2 132:1 136:9 138:20 139:11 173:1 207:7 218:13 233:16 251:21 says 10:21 72:4 90:12 94:1 97:11 112:19 139:15 178:2 234:22 scale 242:10 scene 73:3 schedule 66:20 183:6 scheduling 229:12 science 236:19 scope 127:3 172:14 187:9 198:20 223:3 249:11 scores 230:2 scramble 137:17 screen 13:9 scrutiny 170:19 se 238:7 seam 3:18 6:11 22:7 211:15 212:1 212:13,22 213:1,2 213:17,19 214:4 215:10,20,21 216:8,15 217:9 221:5 222:11,22 223:3,7,8,13 225:6 245:15 seams 22:4 216:20 227:10,21 229:9 search 37:7 236:13 239:4 second 51:9 72:4 | 72:17 82:4 92:3 152:1,2 157:3 161:20 165:13 212:4,6,8 223:19 224:12 226:1 second-tier 161:18 secretarial 32:4 191:13 Secretary 10:17 11:6 16:9,10,11 19:3 20:1,9 24:15 27:3 29:5 37:22 38:18 59:12 61:3 62:17 63:3 64:22 65:21 68:4 99:20 102:15 108:10 145:1 148:10 184:12,14,15 185:4 191:5 206:2 206:5,8,22 207:4 209:6 253:4 258:6 Secretary's 21:5 28:22 30:6 117:15 117:17 136:16 139:20 147:17 182:18 206:17 208:4 secrets 133:20,22 section 39:13 41:7 44:19 46:21 48:22 49:1 51:15 52:10 52:17 53:3,13,17 54:11 55:13,18 79:2,22 80:10 90:11 91:7 107:18 109:22 113:5 157:14,20,22 158:2,7,7 160:16 183:5 194:21 233:21 sections 32:20 156:20 157:13 section's 160:6 sector 27:18,18,19 30:11 sectors 30:9 31:6 81:4 139:10 | secure 129:7 see 4:8 6:2 9:6 24:6 34:17 36:7 40:1 43:5 51:13 56:9 56:12 77:9 80:2 84:20 90:12 92:16 93:13,21 94:7 95:8 96:7,13 97:4 97:14 98:9 107:13 107:18 115:14 116:11 127:16 128:12 130:16 136:7 144:1 150:9 152:4 161:1 164:21 167:3,22 169:4 173:6 175:18 176:12,15 180:1 183:4 185:13 189:4 191:4 204:13 211:14 212:19,21 216:22 227:10 242:5 249:3 seeing 35:22 44:7 79:19 85:5 130:4 183:11 189:14 253:22 257:19 seek 55:16 seeking 67:3 177:13 seen 19:5 38:7 90:18 137:16,16 163:6 166:7 212:16 227:2 segments 40:5,14 83:21 190:18 220:18,18 229:11 segue 204:5 205:2 207:18 select 232:21 selecting 208:8 selection 208:6 selective 214:22 self-defeating 175:10 self-explanatory 36:21 |
|---|--|--|--|---|

| | | | | |
|--|--|---|--|---|
| self-reporting 218:2 | 56:20 89:19 105:22 106:5 115:19 127:10 158:5 214:18 215:12,13 | show 47:1 48:7,17 127:8 143:2 144:14 198:16 199:8 | 82:17 95:20 situ 233:12,21 situation 109:4 situations 193:16 | solely 61:7 solicit 27:20 solicitations 218:1 solid 29:13 247:5 solution 125:10 126:9 188:14 199:11,15 200:2 239:1 |
| Senate 23:21 153:6 153:7 156:10,13 159:9,11,13 178:2 182:11,15 | serviceability 90:7 services 2:8 42:17 115:21 125:8 198:7 | showing 115:13 152:15 shown 47:8 115:5 199:13 | six 18:10 34:11 177:10 185:10 201:19 205:11 216:22 218:5,14 218:14 | somebody 135:4 139:14 168:16 185:3 242:2 somebody's 87:20 176:3 202:14 203:4 |
| send 64:18 133:9 133:16 172:3 | session 164:15 199:5 | shows 222:6 shrift 96:2,5 shutoff 157:21 162:7 | size 226:14 sketches 39:22 skim 254:20 slated 151:6 sleep 246:3 sleeves 12:5 slice 217:10 227:18 227:22 | someday 136:3 138:10 somewhat 146:14 240:9 |
| senior 2:19 151:17 | set 38:1 39:14 49:6 72:18 152:6,15 157:17 177:14,16 253:5 | side 23:22 74:9 85:14 147:21 148:7 156:11 158:1,6 159:4 171:21 174:7 218:5 | skimed 217:11 227:10 slices 228:1 slide 30:15 34:19 51:17 152:15 156:21 159:3 161:3 185:19 212:21 215:9 216:14 217:17 218:12,20 219:6 221:5 222:5,17 226:7 228:2,6 | soon 161:2 189:12 189:14 193:3 196:1 |
| sense 19:9 20:3 64:1 109:6 139:21 140:5 159:9 175:19 206:8 208:5 | setting 18:14 84:15 239:11 253:1 | sidetracked 152:19 sight 227:21 significant 26:17 42:6 47:1 57:4 58:12 60:6,19 115:7,10 156:9,22 157:7 165:16,16 165:18 178:21 184:10 185:7,9 | slides 8:18,19 20:22 35:8,9 62:11 152:7 227:2 slightly 75:20 slip 51:17 65:14 slippery 256:20 slow 45:11 48:14 95:6 slowly 211:19 small 111:12 115:6 169:18 214:17,17 | Sonti 2:25 120:4,5 sort 11:15 74:11 86:18 97:4,7 155:13 175:15 176:6 177:2 208:2 243:14 |
| sensible 200:15 sensitive 103:6 104:1,9 119:6 | sets 26:15 severity 73:18 shaken 154:22 shape 170:1 share 52:22 133:22 134:5 183:10 204:6 224:18 253:7 | silent 73:1 similar 79:1 83:15 159:8,11 218:4 240:21 241:17 simmering 195:11 simple 120:22 123:4 206:17 229:2 simplification 75:5 simply 74:10 143:17 | sorted 217:11 227:10 slides 30:15 34:19 51:17 152:15 156:21 159:3 161:3 185:19 212:21 215:9 216:14 217:17 218:12,20 219:6 221:5 222:5,17 226:7 228:2,6 slides 8:18,19 20:22 35:8,9 62:11 152:7 227:2 slightly 75:20 slip 51:17 65:14 slippery 256:20 slow 45:11 48:14 95:6 slowly 211:19 small 111:12 115:6 169:18 214:17,17 smart 28:20 snow 94:3 societies 110:19 society 101:4 110:4 software 202:16 203:3 solace 136:14 | sort 11:15 74:11 86:18 97:4,7 155:13 175:15 176:6 177:2 208:2 243:14 sorts 250:14 sound 137:10 sounds 165:6 sound-bite 101:4 120:15 source 251:8 sources 49:13 sourcing 250:9,12 South 220:10 sovereign 82:8 so-called 73:16 space 108:13 125:10 126:9 spacing 187:12 |
| sensor 69:17 sent 253:4 sentence 110:9 sentences 111:3 sentiment 146:12 sentiments 78:5 79:17 separate 83:22 177:16 255:19 separately 123:9 separation 159:22 September 153:4,5 155:11 156:5,19 159:10 164:21 series 38:4 150:17 154:17 179:13 205:12 207:12 serious 45:8 48:12 48:16 115:5,13 118:2 125:5 161:13,13 178:20 191:22 227:4 228:10 232:22 seriously 91:16 138:21 179:5 232:2 serve 25:4 57:19 91:14 served 83:20 service 2:6 42:14 | shareholders 78:19 138:14,15 sharing 59:4 112:8 133:13 253:8 shelf 55:4 Shelton 1:22 89:13 89:13 Shelton's 92:20 93:2 She'll 258:18 shielding 227:16 short 35:15 38:20 38:22 76:19 78:8 94:21 95:10 96:5 123:21 211:6 251:2 shorter 37:2 120:5 shortsighted 142:10 shot 27:8 | show 47:1 48:7,17 127:8 143:2 144:14 198:16 199:8 showing 115:13 152:15 shown 47:8 115:5 199:13 shows 222:6 shrift 96:2,5 shutoff 157:21 162:7 side 23:22 74:9 85:14 147:21 148:7 156:11 158:1,6 159:4 171:21 174:7 218:5 sidetracked 152:19 sight 227:21 significant 26:17 42:6 47:1 57:4 58:12 60:6,19 115:7,10 156:9,22 157:7 165:16,16 165:18 178:21 184:10 185:7,9 silent 73:1 similar 79:1 83:15 159:8,11 218:4 240:21 241:17 simmering 195:11 simple 120:22 123:4 206:17 229:2 simplification 75:5 simply 74:10 143:17 single 98:16 single-family 193:7 sir 218:7 sister 189:1 sit 20:16 55:4 143:11 sited 37:11 40:18 82:14 siting 41:12 82:13 | slices 228:1 slide 30:15 34:19 51:17 152:15 156:21 159:3 161:3 185:19 212:21 215:9 216:14 217:17 218:12,20 219:6 221:5 222:5,17 226:7 228:2,6 slides 8:18,19 20:22 35:8,9 62:11 152:7 227:2 slightly 75:20 slip 51:17 65:14 slippery 256:20 slow 45:11 48:14 95:6 slowly 211:19 small 111:12 115:6 169:18 214:17,17 smart 28:20 snow 94:3 societies 110:19 society 101:4 110:4 software 202:16 203:3 solace 136:14 | solely 61:7 solicit 27:20 solicitations 218:1 solid 29:13 247:5 solution 125:10 126:9 188:14 199:11,15 200:2 239:1 somebody 135:4 139:14 168:16 185:3 242:2 somebody's 87:20 176:3 202:14 203:4 someday 136:3 138:10 somewhat 146:14 240:9 Sonti 2:25 120:4,5 soon 161:2 189:12 189:14 193:3 196:1 sophisticated 231:20 232:17 sorry 4:7 71:14 80:17 92:21 103:20 109:14 147:10 179:8 sort 11:15 74:11 86:18 97:4,7 155:13 175:15 176:6 177:2 208:2 243:14 sorts 250:14 sound 137:10 sounds 165:6 sound-bite 101:4 120:15 source 251:8 sources 49:13 sourcing 250:9,12 South 220:10 sovereign 82:8 so-called 73:16 space 108:13 125:10 126:9 spacing 187:12 |

| | | | | |
|----------------------------|---------------------------|---------------------------|----------------------------|----------------------------|
| spare 250:1 | 167:7 | stakeholders 36:12 | 221:13 228:21 | storage 190:12 |
| speak 7:2 34:18,18 | spilled 73:10 | 41:8,9 43:5 54:8 | 242:4,22 244:6 | stories 124:17 |
| 35:10 74:19 92:22 | spills 38:5 46:8,9 | 54:21 55:5 72:18 | statement 97:14 | straightforward |
| 94:15 111:7 120:3 | spin 120:13 147:21 | 72:19 77:13 80:21 | 102:8 145:12 | 120:22 |
| 130:7 176:19 | spiral-welded | 84:10 88:10 91:18 | 225:20 | strange 16:5 |
| 241:15 | 212:15 | 105:3,4 113:6 | statements 97:9 | strategic 57:3 |
| speaker 33:15 86:9 | spirit 211:2 | 114:7 123:8 126:5 | 110:22 | 107:12,13 108:1 |
| 89:12 91:4 145:8 | spitballs 233:5 | 126:13 144:12 | states 16:16 25:14 | 108:15,18 122:22 |
| speaking 35:5 | spoke 33:6 58:17 | stand 141:8 | 40:4 82:16 91:10 | 123:5,9 124:13 |
| 39:14 71:7 203:15 | 221:15 | standard 179:1 | 128:22 162:2 | 127:22 |
| speaks 40:12,15 | spoken 92:15 | 192:8,10 195:18 | 169:12 174:17 | strategically 123:3 |
| 59:12 60:10 | sponsored 25:9 | 200:7 203:2 | 241:11,12 243:3 | 134:19 |
| spec 127:5 252:1 | sponsoring 205:15 | 250:16 | state's 192:6 | strategy 128:2 |
| special 28:9 67:11 | sponsors 207:15 | standards 1:4,5 | state-of-the-art | 222:20 |
| 68:6 171:14 | spot 233:17 | 47:13,15 110:17 | 235:10 | strength 57:22 |
| 220:13,14 | spread 106:20 | 110:18 127:8 | statistically 74:12 | strengthen 59:15 |
| Specialist 2:14 | 114:20 | 183:16 196:8,10 | statistics 73:8 | 60:22 97:12 |
| specific 126:8 | spun 20:13 21:4 | 196:13,16,18 | 115:4,4 | 182:22 |
| 128:2 131:18 | 255:1 | 201:17 202:1 | status 86:19 87:1,3 | strengthening 58:5 |
| 133:6 135:14 | stability 221:5 | 206:14,16 257:5 | 107:11 108:9 | 59:10 60:17 |
| 149:8 168:4,14 | stable 219:22 | standard's 192:14 | 117:19 118:6 | 155:16 161:8 |
| 190:3 199:18 | 221:10,12,16,16 | standpoint 113:8 | 122:2,3 134:12 | strengths 244:3,19 |
| 226:21 228:4,20 | 223:13 241:6 | 168:9 182:10 | 136:21 144:10,17 | stress 181:18 |
| 237:22 250:8 | 243:3,5 | Star 91:5 | statute 164:4 191:1 | 185:22 187:13 |
| 256:6 | stable-condition | Starbucks 5:22 6:2 | 191:3 192:17 | stresses 220:7 |
| specifically 101:11 | 242:4 | start 49:18 100:6 | 195:6 | stretching 40:3 |
| 133:12 139:3 | staff 2:13 18:11 | 100:19 115:15 | statutes 17:22 | strictly 177:19 |
| 191:11,14 | 60:12 61:9 182:13 | 165:22 195:22 | 175:6 | strides 158:10 |
| specification 172:7 | 182:20 195:19 | 196:19 197:1 | statutory 175:22 | strive 54:16 |
| specifications | 197:9 | 211:13 245:1 | stay 48:3 | strong 19:19 31:1 |
| 172:4,9 | staffing 128:13 | 255:22 | Steam 2:4 | 61:9 225:10 |
| specifics 139:5 | 129:6 | started 139:10 | steel 140:11 190:10 | stronger 208:7 |
| specs 127:7 172:17 | stage 30:2,17 32:2 | 168:15 171:12 | 235:10 | strongly 64:21 65:1 |
| 251:22 | 32:11 39:14 84:15 | starting 196:7 | step 16:22 17:17 | 209:13 |
| Spectra 2:4 | 157:3,3 184:18 | 216:16 248:18 | 18:21 193:20 | struck 89:18 |
| speculation 170:15 | stages 85:5 157:2 | starts 114:15 | 228:14 | structure 36:6 64:6 |
| speed 63:22 | 185:1 | 147:22 | stepped 173:8 | 173:20 184:13 |
| spend 4:22 72:10 | stairs 5:14 | state 1:23 7:5,8 | stepping 80:22 | structured 230:15 |
| 111:2 146:4 | stake 65:2 | 25:11,15 31:4 | 81:20 | struggled 117:11 |
| spending 15:1 | stakeholder 15:2 | 41:11 43:7,10,17 | steps 65:6 77:3 | 117:18 118:9,16 |
| 171:7 174:16 | 42:2 44:4 55:18 | 61:18,19 81:21 | 107:14 | 118:22 |
| spent 6:9 16:9,10 | 55:19,22 56:1,5 | 82:12,15 95:20,21 | stick 197:13 | struggling 223:14 |
| 16:12 28:3 152:21 | 57:11 59:9,14 | 97:13 123:6 128:8 | stilted 132:6 135:6 | 240:20 |
| 167:20 | 61:17,22 65:7 | 129:7 132:17 | stones 143:12 | studied 100:7 |
| spike 214:15 | 66:4 82:10 98:16 | 162:3,4 169:21 | stop 28:14 46:18 | studies 165:9,9,11 |
| 235:17 | 135:7 139:14 | 170:4 180:21 | 177:1 200:12 | 240:14 |
| spill 158:15 162:14 | 149:15 | 192:9,10 199:3 | stopped 207:5 | study 157:3 158:19 |

| | | | | |
|---|---|---|---|---|
| 188:16 253:6,11 stuff 6:15 25:6 35:15 75:2,17 78:18 79:7 132:22 133:19 176:8 201:11 235:12 237:5 257:11 Stursma 2:10 94:11,11,16,16 107:7 136:2 141:12,18 143:21 167:1,1 subcategories 112:4 subcommittee 4:21 9:13 10:2,4 18:14 27:4,11,14,22 28:6,7,9 29:14,20 32:18 33:9,21 34:15,20 35:16 36:18 37:1 39:1 62:7 67:17 76:18 77:11 78:6 88:21 94:19 98:4,11 111:7 115:19 116:22 117:5,13 119:8 130:12 134:5 136:10 141:22 254:13,14 255:14 subcommittees 49:14 133:17 subcommittee's 116:7 subcritical 234:20 235:6,15 subgroup 111:12 subheading 91:10 subject 66:12 73:6 84:10 90:4 157:18 207:19 230:1 238:7 244:2 subjected 82:20 subjective 92:1 230:2 submerged 213:2 submission 201:20 | submit 76:10 83:8 83:13,22 106:13 119:17 submitted 83:14 submitting 78:12 78:22 79:7 subpoena 103:9 subpoenas 103:8 subscribe 235:4 subsection 33:15 46:20 51:10 subsections 45:9 51:4 subset 115:6 substance 255:4 substantial 73:3 166:6 187:18 202:18 203:19 217:4 251:5 substantially 203:9 substantive 17:12 substantively 18:8 sub-bullet 178:10 success 231:16,17 successful 204:19 228:8 successfully 155:15 221:11 sudden 37:15 112:12 181:10 Sue 33:21 48:20 54:4 suggest 77:17 100:18 172:3 suggested 96:14 214:7 suggesting 74:8 suggestion 61:22 126:10 suggestions 134:22 135:9 215:22 suite 215:7 summaries 42:2 162:15 summary 38:20 47:4 71:21 99:4 100:6,21 101:7 | 232:7 summer 13:22 195:3 Sunoco 1:22 superficial 113:7 superfluous 113:7 supplemental 21:3 supplies 40:20 supply 39:19 support 33:4 84:17 97:14 106:21 141:15 224:5 supports 111:18 212:19 243:12 suppose 116:12 204:2 supposed 35:3,4 169:11 213:15 250:17 sure 12:11 25:1 43:9 53:22 58:8 64:22 75:20,22 76:11 84:13 98:14 99:4 101:7 105:17 107:17 119:11 131:2 134:3 143:8 148:1,3 156:3 163:2 166:10 170:21 171:4 172:5,13 185:5 195:2 215:6 223:2 223:4,16 237:7 245:6 Suremark 2:25 124:3 198:3 surface 152:20 161:5 254:20 surge 177:20,20 surprise 38:10,11 181:14 245:5 surprised 96:10 surprising 222:7 survey 23:14 92:2 185:9 216:7 surveys 23:10 survive 6:1 survives 29:12 | SUSAN 2:5 susceptibilities 22:8,10 suspect 37:22 145:14 225:6 231:19 232:10,16 238:15 suspenders 241:21 242:10 swiftness 85:22 swing 250:22 sympathetic 173:4 174:3 symposium 244:12 244:17 245:22 system 12:12 72:12 113:18 191:16 194:20 213:19 234:8 236:3 248:9 systems 47:3 79:10 113:17 114:2 158:5,18 191:9 226:17 238:9 241:22 S.275 156:11 <hr/> T <hr/> table 6:7 83:10 94:10 97:10 107:5 115:22 tables 43:3 214:8 tabular 96:15 TAC 27:21 71:3 88:4,7 93:15 111:5 117:8 130:8 tack 193:12 tactics 121:10 tag 92:19 93:1 TAHAMTANI 1:23 44:19 46:18 141:14,20 take 10:19 11:21 21:21 27:1 29:3 33:13 44:10 55:5 55:19 56:2 64:2,7 66:18 67:3 68:12 72:11 91:15 95:13 | 105:17 119:17 126:1,17 130:16 131:8 134:7 135:9 135:10 136:14,16 137:8,20 138:2,21 148:1 149:20 151:3 165:22 166:4,15 168:21 169:20 174:15 179:4 184:8 194:1 207:14 211:14 244:19 248:11 258:22 takeaway 222:19 taken 19:11 73:2 96:20 126:5 149:5 158:9 164:19 takes 95:7 talk 9:10 10:21 17:6,15 19:2 20:20 24:11,14 28:13 32:19 33:2 35:14,16 36:11,18 49:15 50:2 55:21 67:20 82:13 88:6 88:15 111:22 112:1,2,7,16 114:19 122:10 135:17 151:4,13 205:2 207:18,20 210:4 248:5 talked 20:12 87:6 105:13 113:16 117:20 122:1 146:14 185:3 205:6 209:12 213:22 223:21,22 227:9 252:20 253:14 talking 17:1 21:13 25:14 26:4 37:8 66:11 87:2 114:2 114:8 129:9 146:4 154:4,6,14 165:1 174:13,14 182:4 202:20 222:14,15 226:7 240:4 |
|---|---|---|---|---|

| | | | | |
|-----------------------------|---------------------------|--------------------------|---------------------------|-----------------------------|
| 247:21 | 112:10 135:20 | 39:5 41:6 54:4 | 221:11 | 221:14,17 245:7 |
| talks 44:19,21 | 142:8 143:14 | 62:5,6 68:11,14 | theory 178:17,19 | 251:3 254:21 |
| 45:13 46:21 47:17 | 146:17 165:5 | 68:14,20 71:1,2 | 234:18 | think 7:6 8:10 9:2,8 |
| 47:18 158:15 | 167:19 205:22 | 71:17 74:15,16,20 | thin 114:21 217:10 | 10:22 12:5,10 |
| 161:3 215:9 | 208:13 236:20 | 76:6,15 78:1,3 | 228:1 | 15:15 16:21 18:2 |
| 216:14 217:17 | telling 136:15 | 79:12,13 83:1 | thing 7:11 28:16 | 18:6 19:16,17 |
| 228:6 | 165:17 183:18 | 84:4,7 86:8 89:11 | 37:3 41:8 46:14 | 21:10,15,22 23:5 |
| tangent 109:15 | tells 226:5 | 91:3 92:10 94:8 | 46:19 76:2 79:4 | 23:9,12,20 24:2 |
| tangible 87:9 | temptation 140:12 | 94:15,18 98:1,11 | 79:19 88:2 89:17 | 24:16 25:4 26:16 |
| tanker 46:1 | tend 204:20 | 106:11,16 111:4 | 93:21 98:21 | 27:6,10 28:19 |
| target 34:14 63:15 | tends 92:5 | 116:20 121:11,12 | 114:10 118:9 | 29:1,9 30:22 |
| 74:1 92:4 120:10 | Tennessee 2:6 | 124:1 128:3,4 | 125:21 143:15,19 | 31:12 32:15 33:4 |
| targets 224:4 | tent 74:17 92:16 | 129:16,17,18 | 152:14 155:11 | 36:22 37:4 39:3 |
| task 16:20 121:18 | 107:6 | 136:2,2 141:12 | 164:22 165:5,13 | 44:6,16 54:13 |
| 123:4 | term 141:9 236:10 | 145:7,9 147:6 | 171:6 176:3 | 57:8 61:2 62:8,14 |
| team 180:3 | 241:6,8 | 148:21 149:16,17 | 180:19 186:11 | 63:8,14,17 64:1 |
| tear 220:6 | terminating 207:2 | 150:14,19 166:14 | 201:21 202:20 | 65:3,14 66:12 |
| teasing 99:9 | terms 12:14 46:8 | 166:15,22 168:20 | 220:13 222:6,17 | 67:12,16 68:4,5,7 |
| technical 1:3,5 2:18 | 74:5 80:3 157:1 | 169:2 170:9 | 223:19 244:5 | 68:8 70:1,8 71:22 |
| 4:12 10:12 23:16 | 158:10 175:15 | 174:21 180:4 | 245:13 | 72:6,14,18 73:8 |
| 25:19 32:12 61:20 | 188:8 189:7 193:1 | 183:11,15 200:18 | things 5:2 6:1,20 | 75:2,3,6,11 77:13 |
| 62:13 93:16 | 244:14 | 200:19 201:8 | 8:3,9 9:3 12:22 | 78:16 79:2,8 80:2 |
| 100:11 110:20 | Terry 213:14 | 210:12,20 211:3,8 | 17:6 18:20 19:14 | 80:5,9,20 81:2,9 |
| 131:17 140:20 | test 203:4 219:16 | 211:17,18 218:10 | 21:7 25:18 30:4 | 81:13 82:1,9,18 |
| 175:5 201:10 | 233:17,18,22 | 233:6 246:18,19 | 30:10,20 31:2,6 | 83:11,20 84:1,19 |
| 236:11 239:14 | 234:9 237:11,15 | 250:5 252:11 | 37:6,7,11,20 | 85:2,6,10,18 86:1 |
| technically 105:1 | 237:15 238:4,7,21 | 253:17,22 254:1 | 50:13 62:16 63:18 | 86:12,14,19 87:3 |
| 189:9 256:3 | 245:9 | 256:16 257:16,20 | 64:5,21 65:13 | 87:7,19 88:3,8,22 |
| techniques 47:15 | tested 199:22 | 258:10,11 | 70:10 75:19 76:16 | 89:2 90:15 91:14 |
| 225:17 230:9 | 239:17 241:22 | thanked 255:14 | 85:19 86:5 89:5 | 91:16 92:8,16 |
| technologies 42:12 | 243:5,14 | thankful 16:21 | 93:17 94:3 95:19 | 93:6,8,20 95:1,8 |
| 60:5 199:11,15 | testimony 28:4 | 18:6,15 29:9 | 108:15 109:2 | 95:18 96:4,5,14 |
| 200:10,16 201:5 | testing 172:8 | thankfully 22:20 | 110:6 115:3 123:1 | 97:17 102:5,14 |
| 214:3 | 214:15 216:2 | thanks 4:13 13:16 | 135:11 142:4 | 104:15,22 105:11 |
| technology 22:9 | 235:17 243:13,15 | 15:9 28:9 29:22 | 144:8 148:11 | 106:1,6 107:16 |
| 25:22 52:12 53:15 | 243:22 257:12 | 34:15 67:11 68:7 | 151:7,14 154:3,18 | 108:2,7 109:7,12 |
| 54:19 80:7,12 | tests 214:15 230:6 | 69:5 82:22 109:16 | 155:14 158:6,13 | 109:21 110:7,10 |
| 85:17 86:1 124:5 | 233:12 234:9 | 111:9 143:21 | 159:13 160:20 | 111:1,19 112:4,9 |
| 175:11 199:18,19 | 235:11 236:4 | 147:14 151:1 | 161:5,15 163:12 | 113:3 114:6 |
| 201:4,4 204:6,7 | 237:17,20 239:16 | 155:3 254:13 | 164:5 165:8,12 | 117:11 118:7 |
| 206:16 209:20 | TEWEBE 2:14 | 255:17 258:3 | 167:16 168:13,14 | 121:8,21 122:5 |
| 214:1 215:5 | Texas 113:21 220:1 | thank-you 254:10 | 170:17 173:11 | 123:1,20 124:11 |
| 231:15 235:20 | 220:2 | theme 102:20 | 175:11 184:8 | 124:16,22 125:4 |
| tell 16:6 23:1 27:6 | thank 9:15,16,22 | 120:16 155:17 | 186:6 190:2,16 | 125:18 126:18 |
| 28:22 34:8 35:3 | 10:3,11 12:18 | themes 54:13 | 194:15 199:16,17 | 127:15 130:20,22 |
| 68:22 69:17 | 13:17,19 14:3,7,8 | 155:16 247:4 | 203:15 206:2 | 132:16,22 133:10 |
| 103:15 108:13 | 14:19 17:16 35:18 | theoretically | 216:11 219:21 | 136:22 137:6,22 |

| | | | | |
|---------------------------|----------------------------|----------------------------|----------------------------|---------------------------|
| 138:10,12,17 | thorough 79:18 | 181:6 203:22 | 179:15 188:1 | 218:22 219:1 |
| 139:13 140:3,6,10 | 257:12 | throwing 9:4 | 192:13 202:18 | 222:10,11 |
| 140:10,16 141:8 | thoroughly 187:19 | 185:13 200:6 | 258:1 | totals 218:21 |
| 141:14 144:5,6,11 | thought 37:13 | thumbs 189:10,10 | time-dependent | touch 144:12 |
| 144:13,14,21 | 76:20 92:13 95:6 | thumbs-up 84:17 | 90:21 | touched 64:20 |
| 145:3,8,11,15 | 96:12 99:7 119:2 | Thursday 223:20 | time-step 236:16 | 107:9,21 111:20 |
| 146:14,19 148:5 | 138:3 142:9 152:5 | tied 205:16 | TIMOTHY 2:13 | 117:12 255:11 |
| 153:7,14 154:10 | 156:22 170:6 | TIESE 201:15 | Tim's 14:20 | tough 142:16 |
| 154:19 155:20 | 177:7 186:4 205:8 | tight 62:15 107:4 | tip 113:22 235:18 | 143:15 |
| 157:5 158:8,21 | 210:7 212:8 | 258:4 | tired 246:9 | town 208:21 |
| 160:15,22 162:5 | thoughtfully 69:20 | tighten 202:3 | today 4:17 9:11 | to-do 24:9 |
| 162:15 163:18 | thoughts 92:14 | Tim 3:3 5:3 10:8 | 17:8,15 18:21 | TPSSC 1:6 2:1 |
| 164:21,22 166:11 | 130:14 136:18 | 14:8,12,14,19 | 24:14,16 31:9 | track 104:15 |
| 167:22 168:9,14 | 183:9 | 15:10,13 16:2 | 32:18 47:16 85:8 | 139:22 141:15 |
| 170:12,13,16 | thousand 73:10 | 20:14,14 23:11 | 86:6 116:13 117:4 | 143:20 145:11 |
| 171:22 172:12,16 | 104:11 246:1 | 24:15 | 118:13 122:9 | 146:19 246:11 |
| 172:18 173:7,11 | 257:8 | time 4:8,13,22 7:22 | 123:15 142:2 | tracked 93:19 |
| 173:22 174:12,19 | thousands 40:3 | 15:1,9 16:9,18 | 146:8 184:3 227:7 | tracks 95:13 97:20 |
| 175:2,6 176:17 | 245:18 | 17:5,18 18:17 | 257:21 258:11 | trade 43:19 79:22 |
| 177:9 178:11,17 | threat 223:5 231:4 | 24:19 39:9 47:16 | today's 9:14,21 | 109:22 110:17 |
| 181:14 182:11,12 | threats 52:1 213:19 | 48:11 50:5,22 | 101:4 169:8 | 251:20 253:3 |
| 182:17,19 183:6 | 214:4 219:19 | 62:10 63:3 64:9 | Todd 1:19 91:5 | tragedies 38:5 |
| 192:12 203:13 | 221:10,12 223:12 | 66:21 76:19 78:8 | toes 81:1,20 | 180:15 |
| 204:6,18 205:20 | 223:15 225:13,16 | 78:11 94:21 95:1 | told 34:13 67:2 | tragic 99:14 168:7 |
| 208:3,13,17 209:3 | 225:19,22 226:5 | 101:20 111:16 | 101:14 133:21 | 168:8,8 |
| 210:1,4,20 211:4 | 226:21 227:8 | 119:15 123:22 | 134:4 135:20 | train 171:21 |
| 219:11 223:10,13 | 228:16 229:7 | 127:19 130:5 | 153:17 165:8 | trained 61:6 |
| 224:6 226:10 | 230:5 231:5,7,9 | 131:1 132:15 | 169:10 | training 25:13 |
| 227:2,6 237:6,21 | 231:11,14,21 | 134:8 137:6 | tomorrow 60:7 | 128:21 129:1,3 |
| 239:11,15,18,20 | 232:19 247:19 | 140:16 142:16 | ton 27:20 | transition 204:4 |
| 239:21 240:1,18 | three 15:12 20:22 | 145:2 146:4,5 | tonal 132:4 | transmission 26:2 |
| 240:21 241:19 | 21:7 40:5 71:18 | 149:4 151:6 153:3 | tone 27:13 30:14 | 40:6,7 47:3 105:6 |
| 242:12,15 243:1,9 | 83:20 113:16 | 167:10,21 174:17 | 31:18 38:2 68:8 | 115:9 248:9 |
| 243:10 244:21 | 114:2 153:5 | 177:2 184:7,20,21 | 114:15 | transparency |
| 246:11 247:4,5,10 | 155:16 159:18 | 185:1,7,11 186:17 | tongue 153:21 | 158:11 173:11 |
| 247:19 248:4 | 164:9 184:21,22 | 186:19 187:3 | tongues 114:1 | transparent 87:18 |
| 249:11,19 250:22 | 185:8 211:8 213:5 | 197:2 201:22 | tonight 66:22 | 88:11 |
| 251:10,16 252:2 | 218:15 222:9 | 204:9 215:19 | tons 245:18 | transport 40:9 |
| 252:20 253:13 | 246:8 | 221:19,21 222:13 | tool 230:3 244:4 | transportation 1:1 |
| 255:13,16 258:8 | three-ring 173:16 | 224:19 235:4 | 248:16 | 2:14 9:18 10:18 |
| thinking 90:1 | 174:2 | 244:16 248:11 | tools 183:1 214:6 | 19:4 42:17 45:14 |
| 218:20 219:2 | threshold 163:15 | 249:8 250:1 255:3 | 215:7 | 45:22 102:15 |
| third 152:1 153:12 | 171:11,12,17 | 256:9 | top 134:20 195:12 | 125:1 152:18,20 |
| 162:5 225:5 | 176:14,15 | timeline 67:3 107:4 | topic 21:17 205:3 | 156:14 171:18 |
| third-party 102:6 | throes 187:21 | 127:7 | topics 150:18 151:5 | 191:6 193:10 |
| 102:11 | 192:18 196:9 | times 15:13 28:13 | 255:5 | 194:21 |
| THLPSSC 1:4,17 | throw 81:11 143:11 | 58:20 140:20 | total 217:2,2 | transported 41:2 |

| | | | | |
|---|---|---|--|--|
| trans-boundary 23:3 | 138:7 142:6 144:6 144:12 151:11 | 234:10 | 181:19 223:5,17 224:8 225:13,15 244:15,22 | 115:5,20 131:9 133:7 156:2 177:6 190:3 191:16 201:22 205:1 207:18 209:17 211:5 214:13 215:8 216:6 218:9 220:1 230:1 256:7 |
| trap 141:3 | 174:3 188:9,19 189:3 195:21 | typically 39:19 40:17 91:17 160:19 | understands 29:2 111:18 134:3 | useful 66:10 111:2 user 174:8 user-fee 174:18 user-friendly 32:15 uses 4:8 231:21 232:4,19 233:2 usually 208:11 |
| traveling 14:22 | 196:12 198:15,20 215:3 223:2 227:20 233:15 235:12 240:5 246:13 | T&I 160:20 | understated 148:12 understood 77:10 143:9 | Utah 199:3 utilities 2:3,10 78:16 128:11 utility 2:8 43:11 79:6 82:17 124:4 199:7 |
| treat 228:12 232:13 | TUESDAY 1:10 | <hr/> U <hr/> | undertake 61:4 undertaken 210:2 251:6 | utilize 220:22 utilized 80:13 U.S 1:1,17 |
| trend 45:12 46:10 46:13 48:14,18 73:12 | tuned 175:7 tuning 152:22 153:1 | UK 175:15 | undertakings 165:12 | <hr/> V <hr/> |
| trending 73:17 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | ultimate 127:12 | underway 249:2 unfairly 198:19 unfortunate 58:20 unfortunately 94:21 101:4 225:1 unit 129:8 171:21 United 40:4 unrecognized 228:16 | valid 221:11 239:9 241:9 validate 230:20 242:4 validated 146:6 validation 231:17 232:9,15 value 54:2 60:2 173:6 valve 172:7 187:12 193:11 valves 25:22 157:21 158:2 162:7 190:10 193:5,7,18,18 valving 26:2 varieties 193:16 variety 49:10 124:10 151:20 various 23:10 31:6 46:6 59:8 77:12 |
| trends 45:11 | turnaround 185:7 turning 67:7 turns 255:3 tweak 37:22 104:5 Twenty 35:9 twice 119:9 two 16:13,13 22:11 22:17 34:6,6,7 37:20 51:5 72:2 86:12 91:20 93:3 106:18 110:2,9 142:13 152:8,21 152:22 155:16 157:2 159:12 179:13,14,19 185:1 187:2 190:13 207:3 208:12 239:19 240:8 246:8 | ultrasensitive 103:8,16 uncertain 225:4 uncertainties 73:21 229:12,13,14,16 229:22 230:13 uncertainty 74:6 154:11,12,13,16 168:15 231:3 unclear 86:15 uncovered 100:16 undergone 237:19 underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | valid 221:11 239:9 241:9 validate 230:20 242:4 validated 146:6 validation 231:17 232:9,15 value 54:2 60:2 173:6 valve 172:7 187:12 193:11 valves 25:22 157:21 158:2 162:7 190:10 193:5,7,18,18 valving 26:2 varieties 193:16 variety 49:10 124:10 151:20 various 23:10 31:6 46:6 59:8 77:12 |
| tried 28:10 30:8 34:5 49:2 108:7 140:1 177:6 212:18 | try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| tries 102:9 127:1 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| triggers 164:2 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| trivial 165:12 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| trucks 46:1 83:9 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| true 16:2 67:16 219:6 235:14 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try 6:21 10:5 11:12 36:5 38:12 45:9 51:20 53:15 69:17 69:17 95:15 100:13 101:13 104:6,20 105:10 111:13 116:2 118:3 120:12,13 121:18 132:3,4,21 137:18 141:3 151:3 159:21 175:19 192:13,15 212:14 251:7 |
| truly 215:14 | turn 4:5 5:13 29:20 44:17 62:4 67:8 70:14,21 119:19 131:11 150:11 155:1 164:14 166:13,22 183:3 196:8 197:20 254:4 258:14 | underground 124:4,19 190:12 198:13 199:1,16 underlying 21:15 120:15 178:17 202:6 226:9,15 234:18 underpins 249:18 underscore 63:9 247:1 understand 44:15 94:2 99:16 107:3 125:10 136:19 138:11 142:18 146:11 148:9 167:6 168:12 172:13 176:4 215:4 219:13,21 220:20 221:1 239:18 240:2 248:13 understandable 75:9 understanding 11:18 42:14 49:6 51:8 52:4 104:3 | unrecognition 228:16 unregulated 155:22 unstable 219:18 220:9 221:13,19 unsupported 97:9 untested 238:14 unvalidated 230:22 unverified 230:21 upcoming 200:10 update 3:10,13 5:1 144:9 150:12 183:13 210:21 updates 150:10,17 151:4 196:8 upgrade 230:12 232:4 233:1 uptick 227:4 upward 46:13 urge 172:18 urgency 231:1 USA 1:20 use 4:7 8:2,15 18:4 28:20 40:10 48:3 66:16 73:8 74:17 77:16 97:10 107:5 | tries 102:9 127:1 triggers 164:2 trivial 165:12 trucks 46:1 83:9 true 16:2 67:16 219:6 235:14 truly 215:14 trust 1:24 139:7 150:6 trusts 43:12 try |

| | | | | |
|----------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| 85:20 | voted 156:12 186:9 | 30:5 44:8 67:10 | weaknesses 244:3 | well-tied 89:3 |
| vast 106:7 142:7 | votes 4:17 14:18 | 68:6 107:7 118:19 | web 142:20 | well-written |
| vehicle 163:7 | voting 17:20 | 119:6 129:14 | webcast 21:18 | 103:13 |
| vehicular 26:15 | | 130:19 133:12 | 250:2 | went 68:17 77:2 |
| vendors 207:6,8 | W | 134:1 136:8 151:3 | webpage 8:7 | 150:3 153:16 |
| venue 77:16 144:20 | wait 118:1 240:11 | 166:5 183:2 | website 8:8 21:19 | 156:4 168:19 |
| 145:5 | waiver 182:18 | 186:11 220:13 | 21:21 25:8 66:2 | 186:16 189:4 |
| verification 163:18 | walk 211:19 | 222:6 249:9 | 116:15 139:13 | 211:10 |
| verify 216:9 | want 4:11 5:7 8:15 | wanting 28:5 67:21 | 160:13 164:20 | West 242:19 |
| verifying 159:1 | 11:15 12:18 14:19 | 205:18 | 189:4 217:9 | 248:17 |
| versa 73:15 | 28:18 29:7,10 | wants 35:10 41:21 | 244:11 249:22 | Westin 1:14 |
| version 182:12,20 | 34:14 35:18 55:3 | 108:11 173:15 | websites 41:21 | we'll 4:22,22 6:18 |
| 183:20 | 63:9 64:13,16,17 | warm 234:20 | 157:10 158:11,11 | 8:19 14:5 17:5 |
| versus 118:6 199:2 | 66:11 68:11 69:12 | washing 146:2 | weed 204:20 | 20:22 24:11,21 |
| 218:21 | 69:19 75:10,20 | Washington 16:5 | weeds 63:19 | 55:21 64:7,8,11 |
| vessel 234:15,16 | 76:11 78:11 99:4 | 180:21 242:21 | week 5:16 6:10 | 66:8,19 68:12 |
| 245:20 | 100:16 101:6 | wasn't 15:19 77:11 | 15:15 16:14 21:6 | 70:9 71:5 78:17 |
| vet 88:15 89:5 | 102:16 104:21 | 133:15 243:4,5,5 | 21:8 67:5,8 | 78:22 79:6 83:12 |
| vetted 87:11 | 106:15 108:16 | wasting 177:2 | 131:12 153:1 | 83:22 92:11,11 |
| vetting 97:4 | 109:5,14,19 | watch 30:13 132:11 | 242:15 | 98:9 132:21 |
| vibrate 6:22 | 112:12,17,22 | 250:2 | weekends 132:15 | 141:18 149:20,21 |
| vice 73:15 | 115:1 118:17 | way 7:18 18:7,8 | 132:20 | 149:22 153:5,7,8 |
| victims 99:14 | 119:11 121:16 | 23:15 28:21 30:11 | weekly 20:17 | 166:19 168:21 |
| view 63:18 126:20 | 127:11 134:2 | 30:22 31:17 36:22 | weeks 159:18 | 180:3 193:2 196:3 |
| 132:9 176:7 204:7 | 135:6 136:5 | 67:17 69:4 70:7,9 | 205:12 213:8 | 196:18,22 203:6 |
| views 140:4 232:12 | 139:12,15 143:18 | 83:8,12 84:2 | 240:22 | 203:17 210:4 |
| vigilance 54:20 | 148:8 149:11,11 | 87:17 88:18,19 | weighing 144:15 | 211:1 249:2 255:4 |
| vintage 47:8 229:8 | 149:12 151:12,13 | 97:3 110:14 122:9 | Weimer 1:24 34:4 | 255:4 259:5 |
| vintages 22:7 | 151:13 157:11 | 133:10 137:7 | 35:1,9 99:6 111:9 | we're 5:16 7:19 |
| violate 182:2 | 165:2 172:16 | 138:9 139:8,12 | welcome 4:11 9:12 | 9:19 10:15 11:12 |
| violated 243:4 | 173:17 177:15 | 145:5,18 157:5,9 | 14:20 65:21 66:6 | 12:6,16 15:20 |
| violating 241:10,11 | 181:12,17 182:21 | 165:18 170:1 | 68:19 70:4 76:8 | 19:2,21 21:2 |
| violation 179:14,16 | 183:3,10 193:15 | 177:3 196:2 | 110:19 118:20 | 24:13 25:20 27:9 |
| 179:21 | 193:17 198:21 | 203:12 206:21 | 165:3 211:17 | 29:3,6,11 30:12 |
| violations 155:19 | 205:22 207:10 | 208:9 210:1,9 | weld 213:2,17 | 31:1,8 32:17 |
| 161:11,12,17 | 208:10 209:22 | 231:18,21 232:12 | 214:4 215:10,21 | 33:11 36:9 38:15 |
| 178:20 | 210:4 211:18 | 232:16,19 240:20 | welder 257:9 | 44:21 53:16 60:3 |
| Virginia 1:15,23 | 215:6 220:11 | 248:6 253:15 | welds 3:18 211:15 | 62:22 63:1 64:15 |
| 2:8 143:9 | 221:2 222:3,17 | ways 100:8 111:11 | 212:1,13 213:19 | 64:17 65:3,4,12 |
| visibility 15:7 | 233:22 234:8 | 111:17 119:3 | 215:21 217:9 | 65:20 66:19 67:3 |
| visible 65:3 | 237:7,16,18 | 137:7 138:1 139:4 | 222:22 257:10 | 67:6 70:3 71:8 |
| visually 119:4 | 243:20 245:20 | 156:2 159:12 | well-behaved 68:21 | 72:2 73:1,3,17 |
| vital 125:8 | 246:10 251:12 | 163:6 171:19 | well-being 19:8 | 85:8 86:5 89:9 |
| volatile 73:12 | 253:2 254:13 | 182:1 204:9 | well-established | 95:11 98:13 104:6 |
| volatility 74:4 | 256:6 257:3 | 227:19 236:15 | 236:20 | 105:19 108:5 |
| voluminous 240:2 | wanted 7:11 19:4,8 | 253:6 | well-intended | 111:1 114:2 116:9 |
| vote 140:2 186:12 | 20:3 27:5 28:5 | Weakness 229:2 | 206:7 | 116:16 117:6,9 |

| | | | | |
|--|--|---|---|--|
| 118:6,7 119:11 128:12 129:13 130:14 131:5 132:12 133:7 135:14 138:6 139:12 140:6 142:10,22 143:5 144:8 145:11,13 146:7,19 147:4 151:7 155:5,8 156:3 160:21 164:16,17 165:21 166:1,2,11 170:7 172:13 174:14,16 176:22 177:13 183:6 184:17,18 187:8 188:2,6,18 188:21 189:2,11 189:15,18,22 190:1,7,9,11,11 192:18,20 193:4 193:12 195:1,3,11 195:21 196:9,11 198:21 208:15,21 209:6 210:8 215:3 222:2,14,15 223:2 226:7 234:2 236:12 237:8 241:3,10 243:2,16 248:15 253:15 256:4 258:20 we've 9:2 10:4 12:21 13:1,5,10 13:20 19:5,19 25:12 28:21 32:18 39:7,8 57:8 60:1 63:4 66:20 94:2 94:22 98:6,12 108:7 109:1 111:10 114:5 116:6 117:8 120:18 122:3,4,5 128:15 131:16 133:21 134:16,21 137:22 142:21 144:8 159:19 160:5 162:15 | 166:7,10 167:8 171:2 176:5 177:4 180:8 184:18 185:20 187:5,15 188:1,7,19 192:12 192:15 194:5,15 203:19 204:7,8 209:22 212:16 215:15 217:11 228:20 241:2 242:17 248:16 249:7,10 252:3 255:22 256:9 WHETSEL 2:18 7:16 Whetsel's 6:5 whining 165:7 White 2:19 11:6 15:12,14,17 16:8 150:11 151:17 155:3 160:11 wide 225:15 wider 249:10 Wiese 2:20 4:3 7:17 8:15,21 14:5,7 15:19 62:5 68:19 70:19 107:20 131:2 150:14 164:13 167:18 169:10 172:21 176:17 178:14 179:8,11,18 180:1 203:5 205:1 210:22 211:3 239:13 246:21 250:22 254:6 256:2,15 258:16 Wildlife 81:19 willing 63:22 65:8 138:11 172:15 willingness 18:21 wing 35:4 winter 192:21 wish 204:9 219:21 withstand 122:16 woe 238:19 wonder 215:13 | wonderful 36:1 wondering 244:8 worded 33:4 wording 104:22 172:2,5 words 50:11 83:13 83:14 84:1 118:4 120:14 241:18 word-smith 78:11 work 10:13 11:7 12:16,20 13:10 19:17 23:12 24:1 26:13 27:12 29:13 30:1 41:13 56:14 57:18 58:2 59:15 60:11,13,20 61:4 62:16 64:19 67:4 76:17 94:20 95:2 97:1,18 98:7,13 98:19 101:17,18 108:4 119:16 120:9 121:4 122:11 127:1,3,10 129:16 132:12,14 132:14 133:2 135:8 141:19 145:22 146:22 149:14 166:6 171:4 174:16 197:9,9 198:8,9 198:21 223:15 245:21 248:17 251:5 252:4,8 258:3,13 workable 36:5 100:13 worked 10:4 27:6 29:1 36:17 98:6 98:12 worker 82:3 84:11 workforce 53:9 working 9:20 10:1 23:21 41:12 67:1 75:14 77:10 123:3 132:13 133:2 137:1 138:6 151:19 193:4 | 213:5,12,13,22 214:10 215:3 249:7 253:15 works 76:3 120:18 122:9,11,18 workshop 6:11,12 6:13 21:16,22 68:22 188:15 212:9 222:19,21 222:22 223:20 249:14 253:1 workshops 25:19 165:10 166:2 211:22 247:22 248:22 249:20 world 16:5 169:8 worlds 16:4 worldwide 2:25 124:3 198:3 250:12 worse 182:6 Worsinger 2:10 78:3,4 218:11,11 worst 234:22 wouldn't 15:16 30:21 177:12,16 208:16 254:17 wrestling 136:11 Wright 2:11 74:20 74:21 178:8 179:6 179:10,16,20 write 18:9 34:10 132:2,6 writing 34:9 139:11 160:4 166:3 written 18:12 30:12 32:9 97:22 106:13 130:18 147:19 wrong 75:19 108:3 127:11 170:17 wrote 99:3 251:20 | <hr/> Y <hr/> year 13:2,20 24:5 25:21 46:12 56:7 65:11 77:8 102:9 122:12 142:22 154:1 165:19,21 166:1,4 181:4 184:9 185:1 196:6 196:22,22 201:18 217:1,1 218:5,6 218:15,22 219:1 247:15 years 18:3 24:17 38:8 45:6 96:7 103:3,5 115:9 122:4 126:21 137:4 142:8 151:19 155:15 161:10 174:16 177:12 185:8,10 203:20 208:12 209:13 212:17 221:17 222:1 228:5 235:9,19 236:5 Yellowstone 102:4 156:9 160:16 167:5 yesterday 16:13 35:2 152:21 153:17 253:5 York 2:9 79:16 113:21 you.p 249:22 <hr/> Z <hr/> zero 49:9 54:15 55:6 114:8,9,10 114:11 138:3 zone 181:1 <hr/> \$ <hr/> \$1 179:12,21 \$100,000 179:12 \$2.5 179:14 <hr/> 0 <hr/> |
|--|--|---|---|--|

| | | | |
|----------------------------|---------------------------|---------------------------|--------------------------|
| 0.4 195:17 | 187:17 | 185:12 | 7 |
| 0102 214:9 | 183 3:13 | 25 37:16 108:13 | 70-percent 206:22 |
| 0127 8:22 | 19 73:19 | 121:19 187:17 | 700 141:16 |
| 033 199:5 | 192-917(e)(3) | 250 21:12 212:3,6 | 71 3:8 45:19 |
| | 220:16 | 254 3:22 | 75 37:16 222:10 |
| <hr/> 1 <hr/> | 192.195 214:16 | 27 31:13 | 75-mile 171:20 |
| 1 213:13 | 192.65 194:22 | 28 88:3 | 75-page 118:17 |
| 1st 186:14,19,20,22 | 195 187:9 | | <hr/> 8 <hr/> |
| 187:1 | 1950 90:20 | <hr/> 3 <hr/> | 8 158:7 |
| 1,000 46:10,12 | 1986 48:17 | 3 3:13 44:19 90:8 | 8-1-1 41:15 43:13 |
| 1:30 149:21,22 | | 214:10 | 43:15 44:12 |
| 150:1 | <hr/> 2 <hr/> | 3:43 259:7 | 80s 217:14 |
| 1:33 150:4 | 2 1:11 3:10 41:7 | 30 3:6 18:12 21:20 | 801 1:14 |
| 10 3:3 38:8 51:15 | 43:4 213:22 | 34:9 185:11 | 83 90:21 |
| 51:16 78:22 90:12 | 223:20 | 187:17 222:1 | 88 215:19 |
| 103:3,4 161:10 | 2,000 239:20 | 300 21:12 141:21 | 89 215:19 217:21 |
| 174:13 189:9 | 2.0 25:8 | 31 97:11 | 89-1 217:22 |
| 211:7 228:5 259:3 | 2.3 121:20 | 33 101:3 | |
| 259:4 | 2:35 211:10 | 330 212:5 | <hr/> 9 <hr/> |
| 10-minute 258:22 | 2:55 211:11 | 36 185:11 | 9 3:2 41:18 |
| 10-year 247:13 | 20 35:8 45:6 66:18 | 365 122:12 | 9-1-1 41:15 43:15 |
| 10:08 68:17 | 73:6,9 115:9 | 37 31:12 | 44:13 |
| 10:30 66:19 68:13 | 185:12 222:1 | | 9:00 1:15 |
| 69:1 | 240:8 254:6 | <hr/> 4 <hr/> | 9:03 4:2 |
| 10:33 68:18 | 20th 212:1 | 4 3:15 51:15 90:11 | 99 29:12 |
| 100 98:17 | 20,000 240:8 | 157:14 220:16 | |
| 100-percent 98:20 | 20-mile 174:13 | 40 126:21 | |
| 181:1 | 176:12 | 40-page 101:3 | |
| 11 69:1 | 20-minute 68:12 | 45 10:21 186:18 | |
| 11:53 150:3 | 200 21:11 | | |
| 1110 214:16 | 200,000 239:20,21 | <hr/> 5 <hr/> | |
| 116 3:9 | 2002 90:19 201:18 | 5 3:18 77:1,1 91:7 | |
| 1160 214:8 | 216:16 222:15 | 157:20 211:15 | |
| 1162 81:6 | 2006 190:22 | 5th 76:10 107:1 | |
| 12 38:8 169:16 | 2008 45:19 | 130:19 131:6,10 | |
| 180:22 217:2 | 2009 192:18 | 133:7 149:8 186:1 | |
| 125-percent 216:2 | 2010 124:17 156:5 | 50 123:2 | |
| 13,000 128:8 | 199:5 222:16 | 500 134:7 177:5 | |
| 14 3:4 | 2011 1:11 8:22 | 560 212:5 | |
| 15 31:22 194:11 | 156:15 159:8 | 579 214:21 | |
| 217:2,3 | 186:21 192:21 | | |
| 150 3:11 | 195:3 | <hr/> 6 <hr/> | |
| 16 194:11 | 2012 188:3 253:12 | 6 3:22 158:2 | |
| 16th 186:11 | 205 3:16 | 60 186:18 | |
| 18 38:4 113:13 | 21st 212:2 223:20 | 60-plus 222:2 | |
| 214:21 | 211 3:19 | 601.4(f) 192:16 | |
| 18th 20:10 125:15 | 24 122:12 183:21 | 68 219:9 | |

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In the matter of: THLPSSC and TPSSC Joint Meeting

Before: US DOT

Date: 08-02-11

Place: Arlington, VA

was duly recorded and accurately transcribed under
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Court Reporter

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