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Certified Mail

Office of Pipeline Safety  
Pipeline and Hazardous Materials Administration  
Karen Butler- Central Region  
901 Locust St., Room 462  
Kansas City, MO 64106

Dear Ms. Butler:

Very respectfully, I am submitting this letter to your office in regards to our formal request for information pursuant to the Freedom of Information Act (FOIA). We are seeking information about a pipeline in our area of the state.

About a month ago, on Tuesday, September 4, 2007, I contacted Leonard Steiner at the Kansas City branch of the Office of Pipeline Safety/Pipeline and Hazardous Materials Administration (OPS) via telephone seeking information about a pipeline located in Central Illinois, several miles west of the town of Clinton, in De Witt County. He was very helpful and answered my basic questions promptly. I informed Mr. Steiner that I was seeking information and annual reports regarding a pipeline in Central Illinois located in De Witt County. I told him I represented a local landowner and we were trying to determine whether a pipeline had been properly maintained on his property, including the filing of annual reports with the Office of Pipeline Safety. We are seeking this information because my client is now opposing a pipeline project being proposed by a company known as Enbridge. After another phone call to Mr. Steiner, he referred me to you. When we last spoke on the phone, I tried to verbally explain to you exactly what my client was seeking. I apologize if I did not fully explain what it is that I need. Since we last spoke, I have learned you were at the meeting in Bloomington-Normal several months ago regarding the proposed Enbridge pipeline so I assume you are vaguely familiar with the Enbridge proposal.

Very respectfully, I represent Carlisle Kelly and his wife DeAnna as their attorney. The Kelly's have a pipeline on their property that has come up out of the ground and they seek specific information about the owners and/or operators of said pipeline. As you know, Enbridge is proposing a project through Central Illinois, including through my client's property. Among other things, Enbridge alleges it holds an easement allowing it to build another pipeline across my client's property, regardless of his refusal to consent to their project. The Kelly's now have one pipeline across their property that has come up out of the ground and is causing them a large amount of trouble. They do not want another problem. We filed a lawsuit with the Circuit Court of DeWitt County requesting a judge to rule on the issue whether Enbridge holds a valid easement, as it claims. Enbridge has transferred the case to federal court, which brings to my mind the old adage, "I guess they want to make a federal case out of this matter."

I have included copies of the De Witt County plat book showing the property owned by my clients. Additionally, the Kelly's wish to file an official complaint with the Office of Pipeline Safety and all regulatory agencies who might have authority over the pipeline in question. They request an investigation into this matter based on safety concerns and environmental hazards. My clients seek to have all state and federal regulations and statutes enforced against the owner's or operators of the pipeline, whoever that might be. (See Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Public Law 109-468 and 49 U.S.C. 601) If violations are discovered, my client seeks to have the Office of Pipeline Safety investigate fully and act accordingly. It is my understanding that if the pipeline on the Kelly's property has not been officially abandoned, then federal laws and regulations require annual reports to be filed with the Pipeline and Hazardous Materials Administration, Office of Pipeline Safety. If this is not the case, please let me know. State regulations suggest that before a pipeline can be deactivated or taken out of commission, the operators of said pipeline must receive authority from the Illinois Commerce Commission. I have been unable to find any evidence that the ICC granted authority to deactivate this pipeline, yet it appears to be presenting many safety and environmental issues. I believe federal regulations also require regular visual inspections, along with documentation that those inspections have occurred. Additionally, I believe cathodic protection record requirements might also come into play here. It is difficult for me to believe the regulations allow a company to simply walk away from a pipeline and have it rot away in the ground, as would appear to be the case here.

I respectfully seek any and all information regarding the pipeline in question that traverses the property of my clients. It is not clear to me who actually owns the pipeline in question. I am told that for many years there were signs on the property indicating it was an oil pipeline. Then sometime last year unknown individuals added new signs indicating a "gas pipeline" is located on the property in question. I have no idea who put these gas pipeline signs up or whether a gas pipeline does in fact traverse the property. I understand the Illinois Commerce Commission, Pipeline Safety Division has jurisdiction over gas pipelines in the state. I have included copies of photos of the signs located on the property as well.

I respectfully request copies of the annual reports, 49 CFR § 195.50, maps and records of the company that owns, operates, maintains or is otherwise responsible for this pipeline. If any previous companies operated this line, I request annual reports from those companies as well. I also seek any documents or materials regarding any safety inspections, cathodic protection records 49 CFR § 195.563 and virtually any and all records held in the files of the Office of Pipeline Safety or related agencies regarding this pipeline. See 49 CFR §§ 195.404, 195.507, 195.581, 195.589. Part of the problem involves our lack of knowledge as to who actually is responsible for this pipeline. We seek information as to whether this is an inactive pipeline or if it has been abandoned. If it has not technically been abandoned, then we request to receive copies of any annual reports that exist on the pipeline. I have been told that prior operators inspected the pipeline many years ago with small remote video or camera devices and found corrosion and breaks in the line. It is unclear whether actual pipeline inspections gauges ("pigs") were utilized or if some other inspection devices were used. If maintenance inspections are required for this pipeline, we request copies of the records. It is my understanding federal regulations require a minimum depth of cover for pipelines. See 49 CFR §§ 192.327, 192.5, 192.325, 195.210, 195.248, 195.250. The pipeline has risen out of the ground and it is now dripping a material or substance from the pipe after each rain. We are

unsure if this presents any environmental hazards although we have no expertise in this venue. We request that this also be checked out.

I have included pictures of this pipeline for your review. If you need additional information or require more information from me to respond to this request, please notify me immediately. I have been told by other landowners living many miles south of Clinton, Illinois that the pipeline is in disrepair in their region as well. Last evening one lady mentioned the pipeline on her property had been "cut in two" by prior operators and simply covered with earthen soil. Admittedly, I am not an expert in the field of pipeline environmental issues, but if this is true it seems there could be a potential environmental issue with this practice as well. We are in the process of trying to determine whether there is a need for soil borings and chemical analysis of some of the questionable areas. These types of decisions are obviously far beyond my limited scope of knowledge. As naïve as I might be, it is difficult for me to envision a set of circumstances where it would ever be appropriate to allow an abandoned or non-functional pipeline to leach substances into valuable tributaries such as Salt Creek near Clinton, Illinois.

Per your recent phone call to my office, you have indicated some of the various operators of this pipeline have been Texaco Cities Pipeline Co., Williams Pipeline Company, Magellan Midstream Partners, Mid-Continent Producers and Enbridge.

As I recently explained to you on the phone, we are in need of this information very promptly. I apologize for being somewhat insistent about receiving this information. I clearly understand your office is very busy and probably understaffed, with too much work to do and not enough funding to adequately perform the day-to-day tasks. Nevertheless, very respectfully, I need this information very soon. If there are specific forms or additional paperwork that require my signature, please let me know and I will prepare it promptly. If there is a cost for my request, please let me know the amount and I will forward payment promptly as well.

Thank you.

Sincerely,



Thomas J. Pliura

- Cc Ivan Huntoon, Director, Central region, Office of Pipeline Safety  
Leonard Steiner, Kansas City Office  
Darin Burk, Illinois Commerce Commission, Pipeline Safety Division  
Stacey Gerard, Chief Safety Officer, PHMSA  
Douglas P. Scott, Director, Illinois EPA  
Complaint Center, Illinois Department of Natural Resources  
Jack Darkin, Director, Illinois Sierra Club  
Colleen Sarna, Conservation, Midwest Sierra Club  
Sam Flood, Acting Director, Department of Natural Resources  
Lisa Madigan, Illinois Attorney General  
Pat Quinn, Lt. Governor, Illinois  
U.S. Senator Dick Durbin



Exhibit 3A  
Close-up of exposed pipeline  
Near 800E/1400N  
Wapella Township, DeWitt County