

CONTACT

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PRACTICE AREAS

Litigation & Administrative
Proceedings
Pipeline & LNG
Pipeline Safety

EDUCATION

The Catholic University of
America, Columbus School of
Law
University of Michigan

BAR AND COURT ADMISSIONS

District of Columbia Bar
Virginia State Bar

SUSAN A. OLENCHUK

PARTNER



Professional Background

Susan Olenchuk counsels clients in the oil and gas industry on pipeline safety matters before PHMSA's Office of Pipeline Safety, and on rate, tariff, certificate, compliance and enforcement matters before FERC. She also represents clients in federal appellate proceedings. She melds her knowledge and experience in these areas to collaborate with clients to resolve challenges in achieving their safety, legal and business objectives.

Pipeline Safety Regulatory and Strategic Counseling

Susan provides regulatory, policy, and strategic counseling to operators of gas and hazardous liquid pipelines and LNG facilities on day-to-day applications of complex regulatory requirements. For example, clients seek Susan's counsel when they need assistance understanding how particular regulations apply to unanticipated or complex circumstances, understanding the scope and application of new regulations, determining whether facilities are subject to PHMSA's regulation, and managing potential non-compliance situations. Susan also counsels clients in rulemaking proceedings and on other policy initiatives, helping clients prepare written comments and advising on legislative initiatives.

Susan defends operators in enforcement proceedings before PHMSA and state regulatory agencies. A recent success involved the withdrawal of an NOPV that had been filed against a gas pipeline client. She also helped negotiate the settlement of an enforcement proceeding, including the withdrawal of a proposed civil penalty in exchange for supplemental safety projects. Susan also represents clients before federal courts and provides guidance following incidents.

FERC Compliance Counseling

Susan counsels on rate, tariff, certificate, compliance and rulemaking proceedings affecting natural gas pipelines. In particular, pipeline safety policies and initiatives can affect a pipeline's approach to a rate, tariff, or abandonment issue. Susan also advises on corporate compliance matters under FERC's affiliate Standards of Conduct and undue preference requirements under the Natural Gas Act. For example, FERC's policy regarding communications between pipelines and electric transmission providers may affect how a company uses shared employees across multiple business units or affiliates. Susan also counsels on jurisdictional and other issues under Section 311 of the Natural Gas Policy Act. Susan assists clients in evaluating internal processes and procedures and in developing workable and effective compliance plans and training materials that reflect best practices, conform with regulatory guidance and mandates, and achieve corporate objectives. Susan also represents clients before the federal courts of appeal in petition for review proceedings.

Representative Experience

Representative PHMSA Experience:

- Counseling operators on compliance and interpretive questions relating to the application of PHMSA's regulations and policies to real-life operational circumstances and business planning.
- Assisting operators in validating MAOP and MOP and in interpreting these regulations in a range of nuanced operational circumstances.
- Assisting trade association in drafting comments on a significant rulemaking that could have far-

reaching impacts for operators of gas transmission and gathering pipelines; Assisting with outreach to FERC on potential impacts of proposed regulations on pipelines.

- Advising operators of liquids pipelines and gas distribution, transmission and gathering pipelines on PHMSA jurisdictional and regulatory classifications.
- Representing and advising operators in enforcement proceedings before PHMSA and state regulatory agencies. Recent success involved PHMSA's withdrawal of an NOPV filed against a gas pipeline and successfully representing a crude oil pipeline in a PHMSA civil penalty case resulting in settlement and elimination of the civil penalty in exchange for an agreement to perform supplemental safety projects.
- Conducting on-site, pre-audit reviews of compliance procedures and documents for liquid and gas pipelines preparing for PHMSA inspections, including integrated inspections.
- Helping pipelines prepare and update written compliance procedures.
- Advising operators on pipeline safety compliance issues in connection with the acquisition and sale of assets.
- Assisting pipeline in obtaining special permits.
- Providing training and CLE seminars to in-house legal staff and management regarding PHMSA jurisdiction, programs, and processes.
- Assisting with post-incident response.

Representative FERC Experience:

- Advising natural gas pipelines and customers in rate, tariff, certificate, and rulemaking proceedings.
- Assisting interstate gas pipelines with pipeline FERC rate and abandonment implications of pipeline safety regulatory developments.
- Counseling natural gas pipelines and LDCs on implementation and compliance issues arising under FERC's affiliate Standards of Conduct and undue preference policies.
- Counseling pipelines on jurisdictional issues associated with natural gas transportation and storage services provided under Section 311 of the NGPA.

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2014-2018

Articles and Presentations

- Panel Moderator, "The Future of Safety Regulation of Underground Natural Gas Storage Facilities" - 16th Annual Platts Gas Storage Outlook Conference, Houston TX, 01/08/2018
- Presenter, "Pipeline Safety Issues" - S&P Global Market Intelligence, Washington DC, 12/15/2016
- Instructor, "FERC Ratemaking Under the Natural Gas Act" - The Basics of FERC Ratemaking for Interstate Pipelines, New Mexico State University, Albuquerque NM, 10/10/2016
- Presenter, "Pipeline Safety Act and the Impact of Proposed Regulations and New Legislation" - AGA 2016 Legal Forum, Asheville NC, 07/10/2016
- Panelist, "Known Knowns and Known Unknowns: Sifting Through Regulatory Changes in the Gas Pipeline Industry" - Energy Bar Association Annual Conference, Energy Bar Association, Washington DC, 06/07/2016
- Moderator, "PHMSA Regulatory Agenda" - 2016 API Pipeline Conference, American Petroleum Institute, Carlsbad CA, 04/05/2016
- Instructor, FERC Ratemaking under the Natural Gas Act - The Basics of Natural Gas Pipeline Ratemaking Course, New Mexico State University - Center for Public Utilities, Albuquerque NM, 10/11/2015

- Panelist, "Pipeline Safety: Understanding Federal and State Regulatory Programs which affect Midstream Pipeline Operations" - Shale Insight 2015, Marcellus Shale Coalition, Philadelphia PA, 09/16/2015
- Speaker, "Preparing Your Pipelines for IVP" - 6th Annual Pipe Tech Americas Summit, San Antonio TX, 04/22/2015
- Instructor, FERC Ratemaking under the Natural Gas Act - The Basics of Natural Gas Pipeline Ratemaking Course, New Mexico State University - Center for Public Utilities, Albuquerque NM, 10/12/2014
- Speaker, "What is Natural Gas?" "Historical Perspective and Industry Overview," and "Legal Overview: Key Statutes" - EBA's Natural Gas Primer: An Introduction to FERC Regulation of the Natural Gas Industry, Energy Bar Association, Chicago IL, 05/19/2014
- "Update on Federal Pipeline Safety Initiatives" - Pipeline Safety Seminar, Marcellus Shale Coalition, Canonsburg PA, 02/25/2014
- Speaker - Association of Oil Pipelines 2013 Annual Business Conference, Newport Beach CA, 09/17/2013
- Speaker, "The Changing Dynamic of the Relationship Between PHMSA and its State Partners" - AGA Legal Forum 2013, American Gas Association, Newport RI, 07/14/2013
- "New Priorities and Compliance Expectations in Pipeline Safety" - AGA Legal Forum 2011, American Gas Association, Santa Fe NM, 07/17/2011
- Pipeline Records Verification: Compliance Questions for Operators, Pipeline and Gas Journal, Vol. 239 Issue 9, 09/01/2012
- The Potential Impact of New Pipeline Safety Laws on PHMSA's Regulatory Initiatives, Pipeline and Gas Journal, Vol. 239 Issue 4, 04/01/2012
- The National Transportation Safety Board's Report on San Bruno: Implications for Pipeline Safety, Pipeline & Gas Journal, Vol. 238 Issue 11, 11/01/2011
- Pipeline Safety: Attorneys Ready for the Challenge, Pipeline & Gas Journal, Vol. 238 Issue 8, 08/01/2011
- Hydro Licensing and the Endangered Species Act: Implications of FERC's Current Approach, Hydro Review
Recipient of the Author's Award as the No.1 ranked article by readers, Vol. 26 Issue 3, 06/01/2007
- Report of the Judicial Review Committee, Energy Law Journal, Vol. 27 Issue 1, 06/01/2006
- The Pipeline Safety Improvement Act of 2002, Energy Law Journal, co-authored with Theresa I. Zolet, Vol. 24 Issue 1, 02/01/2003

Alerts

- Court Ruling on Post-Spill Access to Records Highlights Importance of Corporate Safety Culture, 08/15/2017
- PHMSA Issues Long-Awaited Proposed Hazardous Liquid Pipeline Rule, 10/06/2015
- Policy Outlook for 2015, 02/20/2015
- White House Releases Climate Action Plan to Reduce Methane Emissions, 03/31/2014
- OUTLOOK 2014: KEY POLICY DEVELOPMENTS, 01/23/2014