

The Subject Storage Well is a Federally Regulated Interstate Storage Well Not Subject to COGCC Jurisdiction.

CIG operates *interstate* pipelines and natural gas storage facilities and wells in Colorado, including the Subject Well, all of which are federally-regulated by the Federal Energy Regulatory Commission (“FERC”) and the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (“PHMSA”). The federal Natural Gas Act (“NGA”) and the Pipeline Safety Act (“PSA”) preempt state regulation of these interstate natural gas pipelines and storage facilities.¹ [T11] The PSA, in particular, states that a “State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation.” 49 U.S.C. § 60104(c). A state’s attempt to regulate interstate natural gas storage “violate[s] the Supremacy Clause [of the U.S. Constitution],” and is “pre-empted by the NGA and the PSA and ha[s] no force or effect on . . . interstate natural gas pipeline[s], storage facilities and transportation . . .” *Colo. Interstate Gas Co. v. Wright*, 707 F. Supp 2d 1169, 1189–90 (D. Kan. 2010); *see also Northern Nat. Gas Co. v. Munns*, 254 F. Supp. 2d 1103, 1110 (S.D. Iowa 2003). State pipeline regulators may apply to PHMSA to participate in an interstate agent agreement for the oversight and inspection of storage well facilities in their respective states.