



July 17, 2008

VIA EMAIL AND FACSIMILE AT 858-571-6972

John Robertus
Executive Officer
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court
Suite 100
San Diego, California 92123-4353

**Re: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2008-0046
WAIVER OF 90-DAY HEARING REQUIREMENT**

Dear Mr. Robertus:

The purpose of this letter is to provide the Regional Water Quality Control Board, San Diego Region, ("Regional Board") with SFPP, L.P.'s, waiver of the ninety (90) day hearing requirement set forth in Water Code section 13323(b) for Administrative Civil Liability Complaint No. R9-2008-0046 ("ACL"). SFPP, L.P., is an operating partnership of Kinder Morgan Energy Partners, L.P. ("Kinder Morgan"). Kinder Morgan believes that waiving the ninety (90) day hearing requirement will encourage Regional Board staff and Kinder Morgan representatives to work together to resolve outstanding issues related to the ACL by alleviating temporal constraints associated with the currently scheduled August 13, 2008 hearing date.

Further, we request that the hearing be postponed to allow a reasonable period of time to continue settlement discussions between Kinder Morgan and Regional Board staff in hopes of reaching an appropriate resolution. As explained in our letter dated June 27, 2008, Kinder Morgan has proposed that a resolution in this matter include a mechanism that will address past and prospective issues relating to the nitrogen values in the effluent through the time period necessary to complete the planned treatment system installation. In this regard, we proposed and had initial discussions with Regional Board staff yesterday (July 16, 2008) that included pairing resolution of the ACL and the issuance of a Time Schedule Order. This could benefit all parties. However, even with continued prompt attention to this on both sides, it will require additional time to work through the various procedural and substantive issues. Therefore, we are requesting an extension of time for the hearing date.

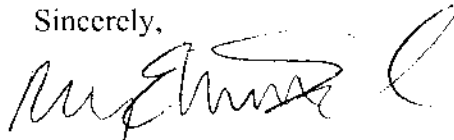
Mr. John Robertus

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By waiving the requirement that a public hearing be held within ninety (90) days of issuance of the ACL, Kinder Morgan is not expressly or impliedly waiving its right to a public hearing on the ACL (as currently drafted or in any subsequent revised format) should the ACL continue to be contested by Kinder Morgan.

If you have any questions, please do not hesitate to contact me at 303-914-4634.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy E. Van Burgel", with a large, stylized flourish extending to the right.

Nancy E. Van Burgel
Assistant General Counsel
Kinder Morgan Energy Partners, LP

cc: Mark Alpert - RWQCB
Jorge León, Esq. Senior Counsel - RWQCB