

DEC 30 2010

Mr. James M. Collingsworth
President
Dixie Pipeline Company
1100 Louisiana Street
Houston, Texas 77002-5227

RE: CPF No. 2-2010-5005

Dear Mr. Collingsworth:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$78,700. This is to acknowledge receipt of payment of the full penalty amount, by wire transfer, dated August 25, 2010. This enforcement action is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Wayne T. Lemoi, Director, PHMSA, OPS Southern Region

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

)	
In the Matter of)	
)	
DIXIE PIPELINE COMPANY,)	CPF No. 2-2010-5005
)	
Respondent.)	
)	

FINAL ORDER

Pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an investigation of an accident involving the pipeline system operated by Dixie Pipeline Company (Dixie or Respondent) in Clarke County, Mississippi. Dixie Pipeline Company is a subsidiary of Enterprise Products Operating, LLC. Dixie operates approximately 1,300 miles of pipeline transporting propane to customers in the southeastern United States.

The investigation arose out of a propane pipeline explosion in Clarke County, Mississippi, that resulted in the damage of 10 properties along County Road 621, seven injuries and two fatalities.

As a result of the investigation, the Director, Southern Region, OPS (Director), issued to Respondent, by letter dated August 2, 2010, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Dixie had violated 49 C.F.R. §190.203(e), and proposed assessing a civil penalty of \$78,700 for the alleged violation.

Dixie responded to the Notice by email dated September 2, 2010 (Response). The company did not contest the allegation of violation and paid the proposed civil penalty of \$78,700, as provided in 49 C.F.R. § 190.227. Payment of the penalty serves to close the case with prejudice to Respondent.

FINDING OF VIOLATION

In its Response, Dixie did not contest the allegation in the Notice that it violated 49 C.F.R. Part 190, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 190.203(e), which states in relevant part:

§ 190.203 Inspections and investigations.

(a) ...

(e) If a representative of the DOT investigates an incident involving a pipeline facility, OPS may request that the operator make available to the representative all records and information that pertain to the incident in any way, including integrity management plans and test results, and that the operator afford all reasonable assistance in the investigation.

The Notice alleged that Respondent violated 49 C.F.R. § 190.203(e) by failing to make available to PHMSA all records and information pertaining to the Dixie pipeline accident on November 1, 2007, and by failing to afford PHMSA representatives all reasonable assistance in its investigation of the accident. Specifically, the Notice alleged that Dixie failed to notify PHMSA in a timely manner that 10 properties along the pipeline that were damaged by the accident did not receive the Public Awareness Program (PAP) brochures Respondent was supposed to have mailed in May 2007. The Notice further alleged that Respondent failed to notify PHMSA in a timely manner that Dixie provided incorrect information regarding its PAP to PHMSA representatives at the scene of the accident. Dixie did not relay this information to PHMSA until January 22, 2009, more than 14 months after it first learned of the problem.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 190.203(e) by failing to make available to PHMSA representatives all records and information pertaining in any way to the November 1, 2007 accident and by failing to afford all reasonable assistance in the agency's investigation.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued