



US Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St S W  
Washington D C 20590

AUG - 8 2003

Mr. Richard Lonn  
Chief Engineer / Director  
Regulatory Compliance  
Atlanta Gas Light Company  
P.O. Box 4569  
Atlanta, GA 30302

Re: CPF No. 2-2003-0001

Dear Mr. Lonn:

Enclosed is a Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation of pipeline safety standards. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. §190.5.

I acknowledge receipt of, and accept the wire transfer dated February 5, 2003, in the amount of \$10,000 as payment in full of the civil penalty. This case is now closed and no further enforcement action is contemplated with the respect to the matters involved in this case. Thank you for your cooperation in our joint effort to ensure pipeline safety.

Sincerely,

for

Gwendolyn M. Hill  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590

In the Matter of

Atlanta Gas Light Company

Respondent

CPF No. 2-2002-5006

**FINAL ORDER**

On January 8, 2003, pursuant to Chapter 601 of 49 United States Code, a representative of the Office of Pipeline Safety (OPS) initiated an investigation of Respondent's report of an incident involving its pipeline system. As a result of the investigation, the Director, Southern Region, OPS, issued to Respondent, by letter dated January 8, 2003, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. §190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 191.5 and proposed assessing a civil penalty of \$10,000 for the alleged violation.

**FINDING OF VIOLATION**

Respondent responded by letter dated February 4, 2003, but did not contest the alleged violation of 49 C.F.R. Part 191 in the Notice. Accordingly, I find that Respondent violated the following section of Part 191, as more fully described in the Notice:

49 C.F.R. §191.5 – failure to give telephonic notice to the National Response Center (NRC), at the earliest practicable moment following the incident which occurred on November 29, 2002, at 8:05 p.m. in Brunswick, GA. Respondent did not notify the NRC until 10:22 p.m. on December 1, 2002. The incident resulted in the loss of service to approximately 3,654 customers on St. Simons and Sea Island, GA.

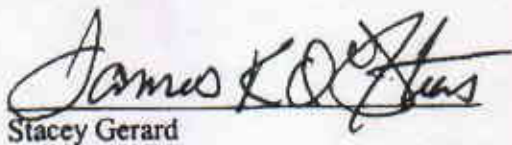
This finding of violation will be considered as a prior offense in any subsequent enforcement action taken against Respondent.

### ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require.

Accordingly, having reviewed the record and considered the assessment criteria, I assess a civil penalty of \$10,000, already paid by Respondent. The terms and conditions of this Final Order are effective upon receipt.



Stacey Gerard

Associate Administrator  
for Pipeline Safety

AUG - 8 2003

Date Issued