



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

FEB 16 2006

Mr. Jefferson C. Burke  
President & General Manager  
Kentucky-West Virginia Gas  
748 North Lake Drive  
Prestonsburg, KY 41653

RE: CPF No. 2-2005-1009

Dear Mr. Burke:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$23,400. I acknowledge receipt of, and accept Kentucky-West's payment dated August 29, 2005 in the amount of \$23,400 as payment in full of the civil penalty assessed in the Final Order. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Ms. Linda Daugherty, Director, OPS Southern Region

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

**In the Matter of** )

**KENTUCKY-WEST PIPELINE** )  
An Equitable Resources Company )

**Respondent.** )

CPF No. 2-2005-1009

**FINAL ORDER**

During April 18-20, 2005, pursuant to 49 U.S.C. § 60117, representatives of the Office of Pipeline Safety (OPS), Southern Region, conducted an on-site pipeline safety inspection of Respondent's Kentucky-West pipeline system. As a result of the inspection, the Director, Southern Region, OPS, issued to Respondent, by letter dated August 1, 2005, 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 committed a violation of 49 C.F.R. § 192.603(b) and proposed assessing a civil penalty of \$23,400 for the alleged violation.

Respondent responded to the Notice by letter dated August 26, 2005 (Response). Respondent did not contest the allegation of violation but offered an explanation. Respondent did not request a hearing, and therefore has waived its right to one.

**FINDINGS OF VIOLATION**

***Uncontested***

Respondent did not contest the alleged violation of 49 C.F.R. § 192.603(b) in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part 192, as more fully described in the Notice:

49 C.F.R. §192.603(b) – failure to maintain records to demonstrate inspection and testing of relief devices for compressor stations and proper maintenance of its compressor stations emergency shut down devices (ESD), as required by §192.731(a-c). The records were missing several annual inspection reports. The records reviewed from the year 2002 through 2005 indicated that several compressor station ESDs did not work when activated and need replacement of defective equipment.

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

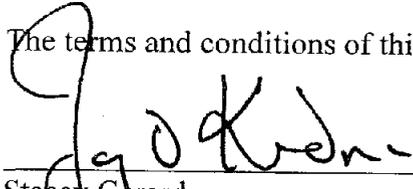
ASSESSMENT OF PENALTY

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.

The Notice proposed a civil penalty of \$23,400 for Item 1. Respondent did not contest the violation or the civil penalty. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$23,400, already paid by the Respondent.

The terms and conditions of this Final Order are effective on receipt.

  
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Stacey Gerard  
Associate Administrator  
for Pipeline Safety

FEB 16 2008

\_\_\_\_\_  
Date Issued

for