



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 17 2006

Mr. Eugene J. Voiland
President and CEO
Aera Energy LLC
10000 Ming Avenue
Bakersfield, CA 9311

Re: CPF No. 5-2004-1013

Dear Mr. Voiland:

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 finds that Aera Energy LLC has completed the actions specified in the Notice required to comply with the pipeline safety regulations. This case is now closed. Your receipt of the Final Order constitutes service under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Frank Cummings
Manager, Environmental, Safety & Health
Aera Energy LLC

Mark K. Poe
Environment, Health & Safety Advisor
Aera Energy LLC

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590**

_____)
In the Matter of)

Aera Energy LLC,)

Respondent)
_____)

CPF No. 5-2004-1013

FINAL ORDER

On July 29, 2003,¹ pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Pipeline Safety conducted an on-site pipeline safety inspection of the Aera Energy LLC (Respondent) pipeline facilities and records in Huntington Beach, California.

As a result of the inspection, the Director, Western Region, PHMSA, issued to Respondent, by letter dated March 26, 2004, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated sections of 49 C.F.R. Part 192 and proposed that Respondent take certain measures to correct the alleged violation.

Respondent responded to the Notice by letter dated April 27, 2004 (Response). Respondent did not contest with the allegation of violation and submitted information concerning the corrective actions it has taken including copies of revised sections of its operations and maintenance procedures manual. Respondent did not request a hearing, and therefore has waived its right to one.

FINDING OF VIOLATION

Respondent did not contest the violation alleged in the notice. Accordingly, I find that Respondent violated the following sections of 49 C.F.R. Part 192 as more fully described in the Notice:

- 1) 49 C.F.R. § 192.605—failing to have in its written manual for operations, maintenance, and emergencies the following procedures:

¹ The March 26, 2004 Notice of Proposed Violation and Proposed Compliance Order states that the on-site pipeline safety inspection occurred on July 29, 2003; however, the Respondent's April 27, 2004 Response states that the inspection occurred on April 29, 2003.

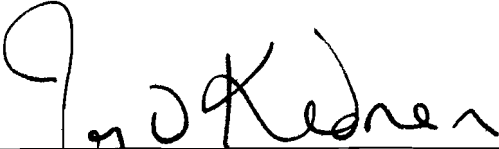
- 1a) 49 C.F.R. § 192.281—procedures for conducting plastic pipe joining;
- 1b) 49 C.F.R. § 192.283—procedures for qualifying plastic pipe joining methods;
- 1c) 49 C.F.R. § 192.285—procedures for qualifying personnel to make plastic pipe joints;
and
- 1d) 49 C.F.R. § 192.287—procedures for inspecting and evaluating plastic pipe joints.

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

COMPLIANCE ORDER

The Notice proposed a Compliance Order for violation of the regulations listed above. Under 49 U.S.C. 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under Chapter 601. Respondent stated in its Response that, since the inspection, it has amended its procedures for the plastic pipelines, and included copies of the pertinent section of its operations and maintenance manual. The Regional Director has reviewed the revised manual sections and has determined that the revisions addressed the proposed compliance actions. Accordingly, since compliance has been achieved with respect to this violation, the compliance terms are not included in this Order.

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



Stacey Gerard
Associate Administrator
for Pipeline Safety

MAY 17 2006

Date Issued