



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

03-25-05 A11:57 RCVD

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

MAR 21 2005

Mr. Jerry Milhorn
Vice President of Operations
Kinder Morgan Energy Partners, L.P.
500 Dallas Street, Suite 1000
Houston, Texas 77002-7002

Re: CPF No. 5-2004-5028

Dear Mr. Milhorn:

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. I acknowledge receipt of and accept your wire transfer submitted February 2, 2005 for \$25,000 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: Chris Hoidal, Region Director
Western Region, OPS

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)
)
Kinder Morgan Energy Partners, L.P.)
)
Respondent.)
)

CPF No. 5-2004-5028

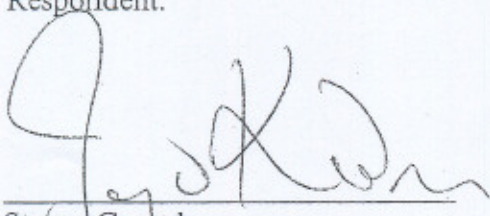
FINAL ORDER

On December 29, 2004, in accordance with 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued to Respondent a Notice of Probable Violation and Proposed Civil Penalty (Notice). The Notice proposed finding that Respondent had committed a violation of 49 C.F.R. Part 195 and proposed assessing a civil penalty of \$25,000 for the alleged violation. Respondent responded to the Notice by letter dated February 2, 2005. Respondent did not contest the allegation of violation and provided information concerning the corrective action it has taken. Respondent submitted a wire transfer in the amount of the proposed civil penalty (\$25,000), waiving further right to respond, and authorizing entry of this Final Order.

Pursuant to § 190.209(a)(1) and 49 U.S.C. § 60122, I find that Respondent violated the following section of 49 C.F.R. Part 195, as more fully described in the Notice:

49 C.F.R. § 195.422(a) - failing to use an isolation device approved for the type of hot work being performed, resulting in the failure of an air bag and injury to an employee.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. I assess Respondent a civil penalty of \$25,000, already paid by Respondent.

for


Stacey Gerard
Associate Administrator
for Pipeline Safety

MAR 21 2005

Date Issued