



November 19, 2008

SENT TO COMPLIANCE REGISTRY

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Via Federal Express

Chris Hoidal, P.E.  
 Director, Western Region  
 PHMSA Pipeline Safety  
 Western Region Office  
 12300 W. Dakota Ave., Suite 110  
 Lakewood, CO 80228

**RE: Notice of Probable Violation  
 CPF 5-2008-5042**

This letter is written in response to the above referenced Notice of Probable Violation (NOPV) and proposed Civil Penalty letter dated October 15, 2008 and received by Kinder Morgan on October 21, 2008. This NOPV was written as a result of the inspection conducted by the Pipeline and Hazardous Materials Administration (PHMSA) of Kinder Morgan's SFPP, LP LS-13 between the CA-NV State line and Sparks, Nevada, and LS-55 between Sparks and Fallon, Nevada during the period of May 12-16, 2008.

The NOPV alleges that Kinder Morgan violated 49 CFR Part 195.505 (b) and (c) because Kinder Morgan did not use qualified personnel to conduct a key covered task, ROW Inspection. The pilot of Kinder Morgan's Contractor, KCSI Aerial Patrol, Inc Mr. Roderick Shannon's OQ qualification for this covered task expired on December 31, 2007; however he continued performing the inspections until May 12, 2008.

Kinder Morgan acknowledges that Mr. Shannon continued performing ROW inspections after his OQ qualification expired and have paid the proposed civil penalty of \$35,000. A copy of the wire transfer is attached.

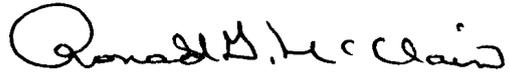
As noted in your letter, Mr. Shannon was re-qualified shortly after the inspection. In addition, Kinder Morgan has reviewed the OQ qualification status of the other pilots performing aerial surveillance for Kinder Morgan to ensure that their OQ qualifications are still valid. Kinder Morgan has also reviewed the process for contractor's personnel, such as aerial patrol pilots who perform covered task for Kinder Morgan on an on-going basis to ensure that they maintain the applicable OQ qualifications.

Kinder Morgan is committed to operating our pipelines safely and in compliance with all applicable regulations. We trust that our response in the matter is

Chris Hoidal, P.E.  
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satisfactory. If not please contact Edward A "Buzz" Fant at 713.369.9454 or me at 713.369.9152.

Sincerely,

A handwritten signature in black ink that reads "Ronald B. McClain". The signature is written in a cursive style with a large initial "R" and "M".

Ron McClain  
Vice President, Operations and Engineering  
Product Pipelines  
Kinder Morgan Energy Partners, LP

Attachment