



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 22, 2012

Mr. Robert Checketts
Vice President
Operations, IT and Engineering
Kern River Gas Transmission Company
2755 E. Cottonwood Pkwy., Ste. 300
Salt Lake City, UT 84121

CPF 5-2012-1006W

Dear Mr. Checketts:

On April 12-14, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Kern River Gas Transmission Company's (Kern River) Operator Qualification procedures and records at your Salt Lake City, Utah office.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation is:

1. **§192.807 Recordkeeping.**
Each operator shall maintain records that demonstrate compliance with this subpart.
 - (a) **Qualification records shall include:**
 - (1) **Identification of qualified individual(s);**
 - (2) **Identification of the covered tasks the individual is qualified to perform;**
 - (3) **Date(s) of current qualification; and**
 - (4) **Qualification method(s).**
 - (b) **Records supporting an individual's current qualification shall be maintained**

while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

Kern River's OQ records were incomplete. One employee was suspended, subsequently re-evaluated and re-qualified. At the time of the inspection, Kern River could not produce records to verify the date and reason for the suspension of the individual. Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Prior qualifications shall be maintained for five years.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item identified in this letter. Failure to do so will result in Kern River being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 5-2012-1006W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,



Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 J. Haddow (#128585)