

Andrew Licata
Heart Mobile Village
7000 East Highway 40
Kansas City, Missouri 64129

Re: CPF No. 3097

Dear Mr. Licata :

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It withdraws the allegation of violations. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

This case is now closed. No further enforcement action is contemplated with respect to the matters involved in this case. Thank you for your cooperation in our joint effort to ensure pipeline safety.

Sincerely,

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Jeremiah D. Finnegan
1209 Penntower Building
3100 Broadway
Kansas City, Missouri 64111

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590

_____)	
In the Matter of)	
)	
Heart Mobile Village)	CPF No. 3097
)	
Respondent.)	
_____)	

FINAL ORDER

On April 12, 1988, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Kansas City, Missouri. As a result of the inspection, the Director, Central Region, OPS, issued to Respondent, by letter dated May 22, 1989, a Notice of Probable Violation and Proposed Compliance Order. Discussions between OPS and Respondent resulted in a Consent Agreement between the two parties which was issued on January 9, 1991.

On March 26, 1991, OPS issued to Respondent a Notice of Probable Violation of Consent Order and Proposed Assessment of Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §§ 192.455, 192.457, 192.467 and 192.11 and proposed assessing a civil penalty of \$1,500 for the alleged violations.

Respondent responded to the Notice by letter dated April 18, 1991 (Response). Respondent did not contest the allegations of violations, however, it requested that the penalty be rescinded because it was in negotiations with Missouri Gas Energy to replace the propane-air system with natural gas service. Respondent has not requested a hearing and therefore, has waived its right to one.

WITHDRAWAL

The Notice alleged that Respondent had failed to comply with the terms of the Consent Order regarding various sections 49 C.F.R. Part 192, and proposed assessing a civil penalty of \$1500 for the alleged violations.

In August 1995, Missouri Gas Energy began operation of providing natural gas service to Respondent's customers. The propane-air system, for which the Notice was issued, was then abandoned. Based on this development, the size of the operator, the cost to Respondent in having new distribution piping installed by Missouri Gas Energy, and the fact that the issues of the Consent Order no longer exist, the allegation of violations is withdrawn.

Under 49 C.F.R. § 190.215, Respondent has a right to petition for reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The filing of the petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.

Stacey Gerard
Associate Administrator
for Pipeline Safety

Date Issued