



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

APR 14 2004

Mr. Dwayne Burton
Vice President, Operations
Kinder Morgan, Inc.
500 Dallas Street, Suite 1000
Houston, Texas 77002

Re: CPF No. 3-2003-1012

Dear Mr. Burton:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and assesses a civil penalty for those violations. I acknowledge receipt of, and accept your check numbered 515649 dated February 2, 2004 for \$5,000 as payment in full of the civil penalty assessed in the Final Order. This case is now closed and no further enforcement action is contemplated with respect to the matters in this case. 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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

)
In the Matter of)

)
Kinder Morgan, Inc.,)

)
Respondent)
_____)

CPF No. 3-2003-1012

FINAL ORDER

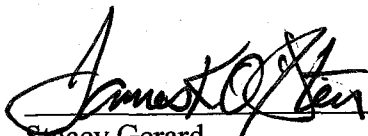
On December 23, 2003, in accordance with 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued to Respondent a Notice of Probable Violation and Proposed Civil Penalty (Notice). The Notice proposed assessing a civil penalty of \$5,000 for certain alleged violations of 49 C.F.R. Part 192. Respondent responded to the Notice by letter dated January 28, 2004 (Response). Respondent offered information to explain the allegations, but did not contest payment of the proposed civil penalty. Respondent submitted a check in the amount of the proposed civil penalty (\$5,000), waiving further right to respond, and authorizing the entry of this Final Order.

Pursuant to § 190.209(a)(1) and 49 U.S.C. § 60122, I find that Respondent violated the following sections of 49 C.F.R. Part 192 as described more completely in the Notice:

49 C.F.R. § 192.751 – failing to take steps to minimize the accidental ignition of gas in an area where the presence of gas constituted a fire hazard; and

49 C.F.R. § 192.605(a) – failing to ensure that contractor personnel followed Respondent's written procedures for the transferring of production water.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. I assess Respondent a total civil penalty of \$5,000, already paid by Respondent.



Stacey Gerard
Associate Administrator
for Pipeline Safety

APR 14 2004

Date Issued