

Mr. H.D. Church  
Senior Vice President  
Texas Eastern Transmission Corporation  
5400 Westheimer Court  
Houston, TX 77251-1642

Re: CPF No. 15102:

Dear Mr. Church:

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

Sincerely,

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Gwendolyn M. Hill  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Jon L. Benjamin  
LeBoeuf, Lamb, Greene & MacRae, L.L.P.  
One Embarcadero Center  
San Francisco, CA 94111

Paul Biancardi  
Senior Counsel  
Environmental, Health & Safety  
Duke Energy Corporation  
5400 Westheimer Ct.  
Houston, TX 77251-1642

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
WASHINGTON, DC

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In the Matter of )  
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 )  
Texas Eastern Transmission Corporation, ) CPF No. 15102  
 )  
Respondent. )  
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**CONSENT ORDER**

By letter dated May 23, 1995, the Office of Pipeline Safety (OPS), Research and Special Programs Administration (RSPA), U.S. Department of Transportation, issued to Texas Eastern Transmission Corporation (TETCO) a Notice of Probable Violation, Proposed Civil Penalty and Notice of Amendment (Notice) in this case.

In accordance with 49 C.F.R. § 190.207, the Notice alleged, inter alia, that TETCO had violated 49 C.F.R. § 192.13(c) for failing to follow its one-call procedures and pipeline right-of-way patrolling procedures and § 192.739 for exceeding the prescribed interval for inspecting and testing three of its pressure limiting and regulating stations, proposed a \$105,500 civil penalty for these alleged violations and proposed that TETCO amend certain of its procedures.

TETCO disputed the legal and factual bases of the allegations in the Notice. In response to the Notice, and without conceding any violation, TETCO voluntarily amended, to OPS's satisfaction, TETCO's operation and maintenance plans and procedures to enhance the quality of its rights-of-way patrols;

By the attached Agreement that settles all of the allegations of the Notice, TETCO and OPS have agreed to the issuance of this Consent Order, which provides for TETCO to conduct three pipeline safety projects.

Accordingly, I hereby incorporate the terms of the attached Agreement and issue this Consent Order.

Failure to comply with this Consent Order may result in the assessment of civil penalties of up to \$25,000 per violation per day, or in the referral of the case for judicial enforcement. The terms and conditions of this Consent Order are effective upon receipt.

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Richard B. Felder  
Associate Administrator for  
Pipeline Safety

Date Issued: \_\_\_\_\_