



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

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

SEP 16 2002

Mr. Denis O'Brien
Vice President, Operations
PECO Energy Company
2301 Market Street
Philadelphia, PA 19101

Re: CPF No. 1-2002-0005

Dear Mr. O'Brien:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$5,000. The penalty payment terms are set forth in the Final Order. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

I acknowledge receipt of, and accept, your wire transfer in the amount of \$5,000, as payment in full of the civil penalty assessed against PECO Energy Company in the Final Order. This case is now closed and no further enforcement action is contemplated with respect to the matters involved in the 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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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RECEIVED
PIPELINE SAFETY
OFFICE OF PIPELINE SAFETY

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

In the Matter of)
)
PECO Energy Company,)
)
Respondent.)
_____)

CPF No. 1-2002-0005

FINAL ORDER

On March 11, 2002, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) initiated an investigation of Respondent's report of an incident involving its pipeline system. As a result of the investigation, the Director, Eastern Region, OPS, issued to Respondent, by letter dated May 23, 2002, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 191.5 and proposed assessing a civil penalty of \$5,000 for the alleged violation.


Respondent responded to the Notice by letter dated June 14, 2002 (Response). Respondent did not contest the allegations of violation but provided information concerning the corrective actions it has taken. Respondent also made a wire transfer in the amount of the proposed civil penalty (\$5,000), waiving further right to respond, and authorizing entry of this Final Order.

FINDINGS OF VIOLATION

Respondent did not contest the alleged violation in the Notice. Accordingly, I find that Respondent violated the following section of 49 C.F.R. Part 191, as more fully described in the Notice:

49 C.F.R. § 191.5(a) -- failing to give telephonic notice of an incident at the earliest practical moment following discovery of the incident, as defined by Section 191.3.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. I assess a penalty of \$5,000, already paid by Respondent, for violation of 49 C.F.R. § 191.5.



Stacey Gerard
Associate Administrator
for Pipeline Safety

SEP 16 2002

Date Issued