STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION On Its Own Motion vs. AMEREN ILLINOIS COMPANY d/b/a Ameren Illinois Citation for alleged violations of federal rules incorporated by the Illinois Commerce Commission.	)))))))))))	Docket No. 12-0636

VERIFIED STATEMENT OF DARIN BURK

My name is Darin Burk. I am employed by the Illinois Commerce Commission ("Commission or ICC") as Manager of the Pipeline Safety Program of the Energy Division. In my current position, I oversee the day-to-day operations of the Pipeline Safety Program which performs audits and inspections in accordance with the Guidelines for State Programs issued by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("PHMSA"). The audits and inspections are conducted to ensure that jurisdictional Illinois natural gas system operators are meeting the minimum federal safety standards as prescribed by 49 CFR Sections 191.23, 192, 193, 199 and by the Illinois Gas Pipeline Safety Act (220 ILCS 20).

The purpose of this Verified Statement is recommend that the Commission adopt the Stipulation into which the respondent, Ameren Illinois Company (Ameren) and the

Staff have entered. This Stipulation will, if adopted and approved by the Commission, resolve all contested issues in this proceeding.

The terms of the Stipulation are as follows:

a. Ameren will agree to pay $100,000.00 in lieu of any penalty ordered by the Commission after notice and hearing, consistent with Section 7 of the Pipeline Safety Act (220 ILCS 20/7), and payment shall be made within 30 days of a Commission Order approving this Stipulation;

b. Ameren will hire one full time equivalent ("FTE") to perform duties including the following:

    i. Conduct a full review of all Ameren training and operator qualification programs associated with emergency response including but not limited to: inside leak investigation, outside leak investigation and emergency procedures;

    ii. Modify as appropriate all training and operator qualification programs associated with the tasks described above as necessary;

    iii. Conduct 250 onsite quality assessments, spread throughout the Ameren Illinois operating centers, of emergency responders performing tasks associated with leak investigation at intervals not exceeding 3 calendar years;

    iv. Perform annual mock emergency training throughout the Ameren Illinois operating centers.

    v. The FTE required to fulfill the above described items shall be hired within 120 days of Commission approval of this Stipulation, and if the hiring is delayed for any reason, the Company will notify Staff.

If the Commission does not enter an Order approving this stipulation, the parties agree that the stipulation shall become void.

I recommend that the Commission adopt and approve Stipulation the Staff and Ameren have entered.

Section 7(b) of the Gas Pipeline Safety Act states, in relevant part, that:

> Any civil penalty [under this Act] may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the Commission shall consider the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation.

I am advised by counsel that this provision authorizes the Commission to resolve proceedings such as this one in a manner consistent with the Stipulation the Staff and Ameren have entered.

Ameren is a relatively large entity, and the violation alleged is of significant gravity. However, the $100,000 payment in lieu of a Commission-imposed penalty, constituting 25% of the maximum amount the Commission might impose based upon the cited violations, is a large sum, likely to deter future violations of the Act, and constitutes a fair, just and reasonable sanction. Further, it is my opinion that Ameren, by agreeing to hire a FTE to review and modify the company's training procedures, demonstrates good faith in attempting to achieve compliance. It is calculated to materially improve Ameren's training and operator qualification programs, leading to improved regulatory compliance and improved safety for Ameren's customers and employees.

This concludes my Verified Statement.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

State of Illinois)
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County of Sangamon)

VERIFICATION

The undersigned, under oath, deposes and states that he is competent to testify and that, if called upon to testify in the above captioned proceeding, he would testify as follows:

1. My name is Darin Burk. I am employed by Illinois Commerce Commission.

2. The attached Verified Statement was prepared by me or at my direction.

3. All statements set forth in the attached Verified Statement are true and accurate as of the date hereof. I have no corrections or changes to make to the attached Verified Statement.

Further affiant sayeth not.

Darin R. Burk
Darin Burk

Subscribed and Sworn before me
this 30th day of April, 2013

Mary Ellen Ruffner
Notary Public

OFFICIAL SEAL
MARY ELLEN RUFFNER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/08/17