

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION)	
On Its Own Motion)	
)	
vs.)	
)	Docket No. 12-0624
The Peoples Gas Light and Coke Company)	
)	
Citation for alleged violations of federal rules)	
incorporated by the Illinois Commerce)	
Commission regarding general requirements.)	
)	

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 Safety and Reliability 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, The Peoples Gas Light and Coke Company

("Peoples") 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. Peoples 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. For the sole purpose of the Commission's determining the level of civil penalty or an appropriate remedial action in any future Commission proceeding in which the Commission Staff has alleged that Peoples failed to follow its horizontal directional drilling procedures in violation of 49 CFR § 192.13(c), Peoples shall not contest Commission Staff's characterization of any such alleged future violation as a repeat violation; and
- c. The Stipulation shall not be construed as an acknowledgement or admission of wrongdoing or liability on People's part, but that provision shall not be construed as inconsistent with People's agreement described above.

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 Peoples 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.

This concludes my Verified Statement.

