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April 3, 2006

Mr. Brian Thomas
51 South Main Street
Winchester, KY 40391-2601

Re: Herb Stanley

Dear Mr. Thomas:

Your client, Herb Stanley, has requested a written opinion from my Staff regarding the pipelines located on his properties in Winchester, Clark County, Kentucky.

Staff from the Commission's engineering division inspected Mr. Stanley's property on September 13, 2005, and a copy of its inspection report is enclosed with this letter. Staff from the Commission's legal division provides its opinion herein.

Staff understands the facts to be as follows: Mr. Stanley has expressed concerns regarding certain natural gas pipelines located on two farms he owns in Clark County, Kentucky. He asserts that Columbia Gas Transmission Company ("TCO") owns a pipeline that crosses two creeks on his Mountain View Farm and that TCO has failed to properly maintain the pipeline. He states that at one location TCO inappropriately created a dam in the creek by covering the pipe with rock and cages rather than digging and placing the pipe below the creek bed. He states that at a second location TCO mixed sacrete on site, placed it over an exposed pipe and then covered it with creek rock. He asserts that by doing so TCO inappropriately altered the creek and killed the grass around it. Mr. Stanley also complains of a pipeline owned by Columbia Gas of Kentucky ("CKY") located on his Hideaway Farm. He maintains that when CKY replaced approximately 400 feet of the pipe, it failed to bury the pipe at the proper depth.

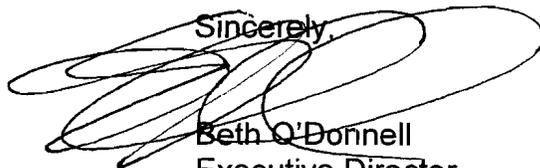
The primary responsibility for prescribing and enforcing pipeline safety regulations is vested in the federal government. However, pursuant to 49 U.S.C.A. § 60105(a), a state may assume responsibility for the regulation, inspection, and enforcement of safety standards for intrastate pipelines. Kentucky, by and through the Kentucky Public Service Commission, has assumed responsibility for intrastate pipelines located in Kentucky. The Commission is not authorized to regulate, inspect, and enforce safety standards for interstate pipelines.

The TCO pipeline located on Mr. Stanley's Mountain View Farm is an interstate pipeline. As such, it is outside the Commission's jurisdiction. Therefore, if Mr. Stanley wishes to pursue his complaint regarding this TCO line, he should file a complaint, in writing, with the Pipeline and Hazardous Materials Safety Administration's Office of Pipeline Safety, Attn. Ms. Linda Daugherty, Director, Office of Pipeline Safety - Southern Region, 233 Peachtree Street NE, Suite 602, Atlanta, GA 30303.

The CKY pipeline located on Mr. Stanley's Hideaway Farm is an intrastate pipeline that is within the jurisdiction of this Commission. However, it is Staff's understanding that the original CKY pipeline was placed in service prior to the effective date of the depth requirements set forth in 49 CFR 192 and that the new section of pipeline meets the depth requirements set forth in 49 CFR 192. Therefore, the pipeline does not appear to be in violation of the depth requirements set forth in the pipeline safety standards.

This letter represents Commission Staff's interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding upon the Commission should the issues herein be formally presented to the Commission for resolution. Should Mr. Stanley wish to present this matter to the Commission for formal resolution, his complaint should be presented in writing. A formal complaint form is enclosed for his convenience.

Questions concerning this opinion should be directed to Anita Mitchell, staff attorney, at (502) 564-3940.

Sincerely,

Beth O'Donnell
Executive Director

Enclosure