



File OF-Surv-AMP-2014-004
11 December 2014

Messrs. Michael and Daryl Siemer
Directors
DR Four Beat Energy Corporation
17401 SE CR 475
Summerfield, FL 34491
Email: catsiemer@aol.com

Mr. Robert Steedman
AMP Officer
National Energy Board
517 - 10 Avenue S.W.
Calgary, AB T2R 0A8

Dear Messrs. Siemer and Steedman:

**DR Four Beat Energy Corporation (DR Four Beat)
Request to Review AMP-004-2014**

The Administrative Monetary Penalty (AMP) Officer issued Notice of Violation AMP-004-2014 (the NOV) in the amount of \$100,000 to DR Four Beat on 5 August 2014 for non-compliance with Order SG-D081-01-2013. On 10 September 2014, the National Energy Board (Board) received DR Four Beat's Request for Review of the NOV.

The Board issued a letter on 15 September 2014 setting out the process through which the review would be considered. The Board notes that DR Four Beat provided no further submissions after its 10 September 2014 letter. The Board has received the materials included in the AMP Officer's Disclosure Package, as well as the AMP Officer's submission of 30 September 2014.

The Board conducts reviews pursuant to section 147 of the *National Energy Board Act*. For the reasons that follow, the Board has determined that DR Four Beat committed the violation and that the amount of the penalty was determined in accordance with the *Administrative Monetary Penalties Regulations (National Energy Board)* (AMP Regulations).

Violation

Conditions 3 and 4 of Order SG-D081-01-2013 state:

3. Maintain the Pipeline in a deactivated mode as required pursuant to *CSA Z662 section 10.15.1* for the deactivation of piping.
4. On or before 15 May 2013, file an Emergency Procedures Manual.

The fact that these two conditions were not complied with as of 5 August 2014 is not disputed.

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Penalty

DR Four Beat made no submissions relating to the calculation of the penalty, but did state that it would not be able to pay the penalty. The mitigating and aggravating factors that can be considered in calculating a penalty are set out in section 4 of the AMP Regulations. The financial situation of a company is not one of these factors. Accordingly, the Board finds that the AMP Officer determined the amount of the penalty in accordance with the AMP Regulations.

Pursuant to section 147(4) of the *National Energy Board Act*, DR Four Beat is liable to the penalty as set out in the NOV.

Yours truly,

Sheri Young
Secretary of the Board

cc: Steve Minotakis, Chief Financial Officer, DR Four Beat
Email: steveminotakis@yahoo.com