

PUBLIC SUBMISSION

As of: 2/3/15 5:36 PM
Received: February 02, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gz9-dbrt
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0007

Comment from Dennis Roller, State of North Dakota

Submitter Information

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General Comment

The definition of contract under 1206.20 states: "any oral or written agreement" but proposed new regulation section 1206.104(g)(1) states companies "must make all contracts, contract revisions, or amendments in writing and all parties to the contract must sign the contract, contract revisions, or amendments". The definition and the proposed new regulation seem to conflict.

PUBLIC SUBMISSION

As of: 2/3/15 5:38 PM
Received: February 02, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gz9-b472
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0008

Comment from Dennis Roller, State of North Dakota

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General Comment

Under the proposed new regulation 1206.101(c)(2)(i) there should be a sentence at the end of that section that says "If you fail to make the election required under this paragraph, you may not make a retroactive election and ONRR may decide your value under 1206.105." My wording is from the proposed section 1206.101(c)(1). Since both section (c)(1) and (c)(2)(i) require that the company elect to use either 1206.101(a) or 1206.102 to value their production, then both sections should be consistent if an election is not made.

PUBLIC SUBMISSION

As of: 2/3/15 5:39 PM
Received: February 03, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gzs-qp8t
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0009

Comment from Dennis Roller, State of North Dakota

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General Comment

The first paragraph of section 1206.102 states: "This section explains how to value oil that you may not value under 1206.101 or that you elect under 1206.101(c)(1) to value under this section...". In addition to 1206.101(c)(1), a company may elect under 1206.101(c)(2)(i) to use this section to value their oil. So it appears that section 1206.101(c)(2)(i) needs to be added. Thus it would say something like: "This section explains how to value oil that you may not value under 1206.101 or that you elect under 1206.101(c)(1) or 1206.101(c)(2)(i) to value under this section..."

PUBLIC SUBMISSION

As of: 2/3/15 5:39 PM
Received: February 03, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gzs-m2g5
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0010

Comment from Dennis Roller, State of North Dakota

Submitter Information

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General Comment

The first paragraph of section 1206.102(b) states: "...that you cannot value under 1206.101 or that you elect under 1206.101(c)(1) to value under this section." Section 1206.101(c)(2)(i), needs to be added in addition to 1206.101(c)(1) as a company can also elect to value their oil under this section from 1206.101(c)(2)(i).

PUBLIC SUBMISSION

As of: 2/3/15 5:40 PM
Received: February 03, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gzv-sjcs
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0011

Comment from Dennis Roller, State of North Dakota

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General Comment

1206.104(2) states: " If ONRR directs you to use a different royalty value, you must either pay any additional royalties due, plus late payment interest calculated under 1218.54 and 1218.102 of this chapter) or report a credit for, or request a refund of, any overpaid royalties." I'm concerned/confused about the words "directs" and "must". It would seem that ONRR could send an issue with a direction to pay the additional royalties, and if the company disagreed with the issue and/or provided additional documentation that showed the issue was incorrect and didn't pay they would be in violation of this regulation. Whereas currently if a company disagrees with an issue, ONRR then must issue an order to collect and the order is still appealable. This proposed regulation because of the word must only gives a company two alternatives if directed to pay additional royalties or recoup a refund. Those alternatives are 1) pay or 2) recoup the refund. I'm really unclear as to the intent of this proposed regulation. Also, the section is entitled: "How will ONRR determine if my royalty payments are correct?", and this section doesn't address how ONRR determines they are correct, rather it solely addresses what happens if ONRR determines them to be incorrect.

PUBLIC SUBMISSION

As of: 2/3/15 5:41 PM
Received: February 03, 2015
Status: Posted
Posted: February 03, 2015
Tracking No. 1jz-8gzv-tzyg
Comments Due: March 09, 2015
Submission Type: Web

Docket: ONRR-2012-0004

Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform RIN 1012-AA13

Comment On: ONRR-2012-0004-0001

Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform

Document: ONRR-2012-0004-0012

Comment from Dennis Roller, State of North Dakota

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General Comment

1206.105(e) states: "Costs of transportation or processing if ONRR determines they are applicable; or". Why is processing included here in the oil regulations? Processing as per the definitions (1206.20) only entails gas. There is an oil transportation allowance regulation, but there is no oil processing allowance regulation.