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Amendments to ONRR's Service of Official Correspondence -- RIN 1012-AA14

Comment On: ONRR-2013-0001-0001

Amendments to Service of Official Correspondence

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Comment from Bradford Berge,

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General Comment

ONRR – 2013 – 0001
ADVERSE COMMENT

On behalf of Payor/reporter BOPCO, L.P. (Payor 18036) Holland & Hart LLP states the following, in opposition to the proposed final rule RIN 1012-AA14: ONRR's Service of Official Correspondence under Docket No. ONRR – 2013 – 0001. This rule change should be reconsidered for the following reasons:

- Under paragraph (4) to 30 CFR 1218.540(a) allowing to ONRR to serve official correspondence using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery is otherwise documented (emphasis added) is too vague to ensure proper notification of important information such as "Dear Reporter" letters.
- ONRR mentions using the ONRR-4444 as a source for this electronic address, but the rule does not appear to require its use as the sole source of contact; therefore ONRR could use unknown alternative sources, again leading to dissemination of information to incorrect addresses.
- Although ONRR references the use of ONRR-4444 there does not appear to be any means for a payor/reporter to adequately check or verify the current contact information in the ONRR system in order to determine the accuracy of such information as it relates to each correspondence type indicated on the form ONRR-4444.
- Form ONRR-4444 does not indicate what "correspondence types" must be checked in order to receive "Dear Reporter" letters at the appropriate address.
- This change in methodology of official notification provides for a unilateral, passive confirmation of receipt where the ONRR assumes that notice has been given without any active verification of receipt by the payor/reporter. This could have devastating and expensive repercussions to the payor/reporter as the Enforcement Division threatens penalties of up to \$25,000 per day, per violation. With penalties of that magnitude there should be effort required of ONRR to ensure actual communication with the payor/reporter.