

COGCC 1st Quarter 2020 HB 14-1356 Report

Operator	Operator #	NOAV Nos.	NOAV Date	Violations in Order	Penalty (Total)	Penalty Imposed on Defunct and/or Non-Responsive Operator (Y/N)	Penalty (Suspended)	Penalty Days	Daily Penalty	Aggravating Factors	Mitigating Factors	Pattern of Violation (Y/N)	Gross Negligence or Knowing & Willful misconduct (Y/N)	AOC or OFV	Other Rationale	Docket No.	Order No. (1V)	Final Order Date
Noble Energy Inc.	100322	401733265	8/14/2018	303.b	\$43,337	N	0	423	\$102	N	2	N	N	AOC	Duration Matrix; Settlement Inducement	190600392	710	2/19/2020
KCPI LLC	10455	401597129	4/17/2018	1003.d.; 1004.a.	\$147,980	Y	0	2,054	\$72	N	N	N	N	OFV	Commission Hearing; Duration Matrix; Policy Table Values; Statutory Maximum	190600497	706	2/13/2020
Cinnamon Creek Oil & Gas Inc.	17210	401945489	2/28/2019	912.b; 912.c	\$200,070	N	0	748	\$267	N	N	N	N	AOC	Duration Matrix; Suspended Penalty; Inability to Pay	190900533	713	2/13/2020
Herman L Loeb LLC	51065	401939604; 401939607; 401939608	2/14/2019	210.b; 912.b	\$143,100	N	0	20	\$7,155	N	N	N	N	AOC	Duration Matrix; Settlement Inducement; Consolidation of Violations	190900532	708	2/26/2020
Highpoint Operating Corporation, fka Bill Barrett Corporation	10071	401562889; 401562901	3/07/2018; 3/03/2018	1004.a	\$110,430	N	0	790	\$140	N	N	N	N	AOC	Duration Matrix; Settlement Inducement	191200691	714	2/26/2020
Dakota Exploration LLC	10354	401411478; 401509601	09/25/2017; 02/09/2018	309; 326.b; 522.f; 605.a; 1102.d; 34-60-121, C.R.S.	\$593,631	Y	0	3592	\$165	1, 4	N	N	Y	OFV	Duration Matrix; Consolidation of Violations; Inability to Pay; Financial Assurance Foreclosure; Commission Hearing	190400266	712	4/3/2020

Total Penalties Assessed \$1,238,548

A. Aggravating Factors

1. The violator acted with gross negligence or knowing and willful misconduct.
2. The violation resulted in significant waste of oil and gas resources.
3. The violation had a significant negative impact on correlative rights of other parties.
4. The violator was recalcitrant or uncooperative with the Commission or other agencies in correcting or responding to the violation.
5. The violator falsified reports or records.
6. The violator benefited economically from the violation, in which case the amount of such benefit shall be taken into consideration.
7. The violator has engaged in a pattern of violations.
8. The violation led to death or serious injury.

B. Mitigating Factors

1. The violator self-reported the violation.
2. The violator demonstrated prompt, effective and prudent response to the violation, including assistance to any impacted parties.
3. The cause of the violation was outside of the violator's reasonable control and responsibility, or is customarily considered to be force majeure.
4. The violator made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation
5. The cost of correcting the violation reduced or eliminated any economic benefit to the violator, excluding circumstances in which increased costs stemmed from non-compliance.
6. The violator has demonstrated a history of compliance with the Act, and Commission rules, orders, and permits.