

COGCC 2nd Quarter 2021 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
Berry Petroleum Company LLC	10091	402502012	10/1/2020	324A.a; 1101.b; 1102.i	\$61,560	N	\$15,000	71	\$867	N	N	N	N	AOC	Duration Matrix; Settlement Discount	210100003	755	6/3/2021
Caerus Piceance LLC	10456	401733750	8/15/2018	603.f; 1002.b; 1002.f	\$208,260	N	N	247	\$843	N	N	N	N	AOC	Duration Matrix; Settlement Discount	200700199	754	6/29/2021
Foundation Energy Management LLC	10112	402287459	1/16/2020	201.b	\$43,500	N	\$26,100	70	\$621	N	N	N	N	AOC	Duration Matrix	201000257	752	5/17/2021

Total Penalties Assessed \$313,320

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.