

COLORADO OIL AND GAS CONSERVATION COMMISSION (COGCC)

TRADE SECRET CLAIM OF ENTITLEMENT FORM 41 FILING

Introduction:

Pursuant to Rule 205A(2)(B), If the vendor, service provider, or operator claim that the specific identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical is/are claimed to be a trade secret, the operator of the well must so indicate on the chemical disclosure registry form and, as applicable, the vendor, service provider, or operator shall submit to the Director a Form 41 claim of entitlement to have the specific identity of a chemical, the concentration of a chemical, or both withheld as a trade secret.

And, Rule 205A(2)(C), At the time of claiming that a hydraulic fracturing chemical, concentration, or both is entitled to trade secret protection, a vendor, service provider or operator shall file with the commission claim of entitlement, Form 41, containing contact information. Such contact information shall include the claimant's name, authorized representative, mailing address, and phone number with respect to trade secret claims. If such contact information changes, the claimant shall immediately submit a new Form 41 to the Commission with updated information.

Submission of a Form 41 requires completion and submission of both a Form 1 and a Form 1A. Filing of a Form 1, Registration for Oil and Gas Operations, applies to any entity conducting any business relating to oil and gas operations. Therefore, each vendor submitting a Form 41 will be issued a OGCC Operator Number. The OGCC operator number is a tracking number specific to that entity, and does not imply that the entity is operating wells – only that they, or there products, are used in operations in the State of Colorado in some form or fashion related to the oil and gas industry.

Instructions for completing the Form 1 and Form 1 A are below. Instructions for the Form 41 are listed last.

**REGISTRATION FOR OIL AND GAS OPERATIONS
FORM 1 INSTRUCTIONS**

Introduction:

Oil & Gas related operators, service providers, and vendors are required to register with the COGCC. All producers, operators, transporters, refiners, gasoline or other extraction plant operators, service providers or vendors claiming trade secret entitlement, and initial purchasers who are conducting oil and gas operations or related operations, are required to file a Registration For Oil And Gas Operations, Form 1.

If that registered operator undergoes any changes in the registration information for corporate or regional offices; i.e., company/individual name, address, telephone, fax numbers, contacts, operations, etc., such changes are required to be made to the COGCC and therefore must be submitted on a new Registration For Oil And Gas Operations, Form 1 indicating a Change in Information.

Step-by-Step instructions for completing a Form 1 are as follows:

Section 1: FORM 1
Rev 6/99

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 (303) 894-2100 Fax: (303) 894-2109

FOR OGCC USE ONLY

REGISTRATION FOR OIL AND GAS OPERATIONS

Each company conducting oil-and-gas-related operations is required to submit a Form 1. Submit a separate registration for each regional/field office which will be an active reporter. A new registration is required to document change of address or addition/deletion of types of operations.

Corporate Office **Regional/Field Office** **OGCC Operator Number (if you have one):**

<input type="checkbox"/> New <input type="checkbox"/> Change in Information <input type="checkbox"/> Delete	<input type="checkbox"/> New <input type="checkbox"/> Change in Information <input type="checkbox"/> Delete	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>
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Indicate whether the form is being submitted for the **Corporate Office** or for a **Regional/Field Office**. In order to file for a Regional/Field Office the corporate office must already be registered.

Indicate whether the form is being submitted to add a **New** corporate or regional/field office, **Change in Information** for a previously registered corporate or regional/field office, or is to **Delete** a previously registered corporate or regional/field office.

If the form is being submitted for anything other than a **New** corporate office then you should have already been issued an **OGCC Operator Number**, please include the number if you have one. If the form is being submitted for a **New** corporate office you will be assigned a unique OGCC Operator Number. This operator number is required on all COGCC reporting.

Change in Information can be in an address, phone number, contact name, emergency contact information or in the corporate operations information. If the notice is for a company name change it could result in the issuance of a new operator number unless it is an insignificant change.

Section 2:

Corporate Office information should be whichever office is submitting forms/documents and receiving notifications. Addresses, telephone numbers, contacts, and emergency contacts are required to be kept current and updated with the COGCC.

Corporate Office

Name of Company:			
Address:			
City:	State:	Zip:	Country (if not U.S.):
Phone No:	Fax No:		
Contact Name(s):			
Emergency Contact Name(s):			
Emergency Phone Number(s):			

Section 3:

OGCC Operator Number Suffix:

OGCC Operator Number Suffix – A suffix designation (**A, B, C, etc., etc.**) will be assigned for any regional or field office(s) listed on the Registration For Oil And Gas Operations, Form 1. This suffix may be used in conjunction with the operator number to identify where the report(s) originates and where any correspondence pertaining to the report should be sent. The operator number suffix is assigned by the COGCC.

Section 4:

Regional/Field Office(s) (if any) – Addresses, telephone numbers, contacts, and emergency contacts are required to be kept current and updated. Submit a separate Form 1 for each additional Regional/Field Office.

Regional/Field Office (if any)

Name of Company:		
Address:		
City:	State:	Zip:
Phone No:	Fax No:	
Contact Name(s):		
Emergency Contact Name(s):		
Emergency Phone Number(s):		

Section 5:

Corporate Operations –

Service Provider – Vendors

A box for “Vendors” of chemical products used in hydraulic fracturing has been added to the Form 1.

Write A to Add or D to Delete in the box to indicate if you are adding or deleting this entity as a vendor.

The OGCC requires that this information be kept current. Please send a Form 1 if your operations change at any point.

Financial assurance is NOT required for service providers or vendors.

General Mailing – The COGCC mails out hearing notices monthly to those operators that have requested to be added to the mailing. Please call the COGCC for additional information on being added to this mailing.

Section 6:

Signature Section – Registration for Oil and Gas Operations, Form 1 must be signed and dated which will include Printed Name and Title of Person.

Print Name: _____

Signature: _____ Title: _____ Date: _____

Submit this form along with all required documentation to:

Colorado Oil & Gas Conservation Commission (or COGCC)
ATTN: FINANCIAL ASSURANCE DEPARTMENT
1120 Lincoln Street, Suite 801
Denver, CO 80203

Contact numbers are: Main Office: 303-894-2100 Fax: 303-894-2109

Financial Assurance Supervisor: Sharon Schoepflin, extension 5109, Sharon.Schoepflin@state.co.us
Financial Assurance Analyst: Martha Ramos, extension 5123, Martha.Ramos@state.co.us

CORPORATE OPERATIONS

Write A to Add or D to Delete operations from your OGCC record. Indicate all that apply.

- Operator
- Producer
- Gatherer
- Transporter
- Levy Payor
- Injection Well Oper.
- Pit Operator
- Driller
- Seismic Operator
- Financial Assurance Provider
- Downstream Gas Facility
- Insurance Agent
- Domestic Well Operator
- Vendor

General Mailing

Hearing notices are mailed monthly. Please call OGCC for information.

DESIGNATION OF AGENT FORM 1A INSTRUCTIONS

Introduction:

Any party/person(s) may be designated to act as an agent of a registered entity, provided the entity has filed a Designation of Agent, Form 1A bestowing that authority unto that party/person(s). Designated party/person(s) have signature authority on COGCC required forms, reports or logs, and will be a point of contact for any discrepancies on submitted documents or logs. The designation remains in effect until written notice is provided by the entity to terminate the authority of that designated agent or representative. It is the responsibility of the entity to maintain their agent/contact lists by submitting any deletions of designated agents or changes in designated agent's information, including changes to their company name, address, telephone, or fax numbers on a new Designation of Agent, Form 1A.

Step-by-Step instructions for completing a Form 1A are as follows:

Section 1:

Agent Information section designates agents other than employees of the registered entity -

This section **does not** need to be completed for authorizing employees of the Authorizing entity.

This section is used in cases where the registered entity chooses to assign signature authority to entity other than itself, when submitting or receiving forms and notices.

Complete this section when authorizing persons who are employed by an "Agent" Company. (An outside entity.)

<div style="border: 1px solid black; padding: 2px; display: inline-block;"> FORM 1A Rev 12/04 </div>	State of Colorado Oil and Gas Conservation Commission 1120 Lincoln Street, Suite 801, Denver, Colorado 80203 (303)894-2100 Fax: (303)894-2109	FOR OGCC USE ONLY
DESIGNATION OF AGENT		
Any party acting as an agent of an owner(s) of the lease or well shall have a valid Form 1A on file with the Commission. Individual access to online form submission will not be activated until this form is received, via mail or fax, at the address above. This designation shall remain in effect until written notice is provided by the owner to terminate the agent or representative. Approved persons to submit documents as employees of the company should be listed on Form 1A, no agent information required.		

Agent Company Name: _____			
Address: _____	City: _____	State: _____	Zip: _____
A Principle Agent serves as the representative of the operator, to accept and be served with notices from the Oil and Gas Conservation Commission, or from other persons authorized under the Oil and Gas Conservation Act of the State of Colorado. Furthermore, the Principle Agent agrees to immediately report in writing, all changes of address of the agent, and any termination of the agent's authority, and in the latter case, the designation of a new agent or agents shall be immediately made.			
Name of Principal Agent: _____	Signature of Principal Agent: _____	Title of Principal Agent: _____	Action: <input type="checkbox"/> Add <input type="checkbox"/> Modify <input type="checkbox"/> Delete
Phone: _____	Fax: _____	Email: _____	

Section 2:

Designates Agent or Representative's of the registering entity -

As indicated on the form, the below listed names are authorized to sign on behalf of the registering entity. Printed name (Representatives) and signature are required for all authorized signers. Use this section to designate employees of the registering entity.

The below listed individuals are designated as representatives, authorized to sign and submit forms on behalf of the operator:

Print Name	Signature	Title	Action : <input type="checkbox"/> Add <input type="checkbox"/> Modify <input type="checkbox"/> Delete
Phone	Email	Forms Authorized to Submit (ALL or Form #s)	
Print Name	Signature	Title	Action : <input type="checkbox"/> Add <input type="checkbox"/> Modify <input type="checkbox"/> Delete
Phone	Email	Forms Authorized to Submit (ALL or Form #s)	
Print Name	Signature	Title	Action : <input type="checkbox"/> Add <input type="checkbox"/> Modify <input type="checkbox"/> Delete
Phone	Email	Forms Authorized to Submit (ALL or Form #s)	

Section 3:

Registered Operator(Entity)Authorization -

Authorizing Company: Fill in full name of registering entity (same as company shown on Registration for Oil and Gas Operations, Form 1).

OGCC Operator Number: Enter here from front of Registration for Oil and Gas Operations, Form 1. If Operator Number has not been assigned, leave blank.

Approval Date: This is the effective date of designation.

Authorizing Individual's Printed Name, Signature and Title of the Officer: Provide printed name of the officer of registering, authorizing company, that individual's signature is required along with the individual's title.

Pursuant to the Rules and Regulations, and Rules of Practice and Procedure of the Oil and Gas Conservation Commission of the State of Colorado, the below-signed producer, operator, transporter, refiner, gasoline or other extraction plant operator, or initial purchaser who is conducting oil and gas operations in the State of Colorado, does hereby designate the above-listed Agent Company and/or representative(s) as authorized to sign on behalf of the operator.

Authorizing Company Name:		OGCC Operator Number:	Approval Date:
Print Authorizing Name:		Authorizing Signature:	Authorizing Title (must be an officer):

**TRADE SECRET CLAIM OF ENTITLEMENT
Form 41 Instructions**

Section 1:

Identification and Contact Information for the Entity Asserting Trade Secret Claim -

Enter the OGCC Operator Number, or leave it blank if not yet assigned. OGCC staff will enter after processing of Form 1 and Form 1A.

Complete the company name fields and contact information. The contact will be the person the COGCC Director will contact if/when necessary, as related to trade secret claim.

FORM
41
Rev
12/11

State of Colorado
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801, Denver, Colorado 80205 Phone: (303) 894-2100 Fax: (303) 894-2109



OGCC RECEPTION
Receive Date:
Document Number:

TRADE SECRET CLAIM OF ENTITLEMENT

If a chemical used in the hydraulic fracturing treatment of a well is entitled to trade secret protection, the operator must still provide information on its chemical family to FracFocus. The supplier, service company or operator, as applicable, must also provide the identity of a trade secret chemical to a health professional that satisfies certain conditions (immediate disclosure is required in medical emergencies). At the time of claiming that a chemical, concentration, or both is a trade secret, the vendor, service company or operator must file a Form 41 with the Commission to provide accurate contact information. If the contact information changes for the party maintaining trade secret protection they must immediately submit a new Form 41 with the current information.

Entity Asserting Trade Secret Claim

OGCC Operator Number:	Contact Person:
Company Name:	Phone:
Address:	Fax:
City: State: Zip:	Email:

Section 2:

Classification of Entity Asserting Trade Secret Claim -

Indicate if you are an operator, a vendor, a service provider, or other type of entity. If "other" is selected please specify in detail the type of entity filing for trade secret entitlement.

Classification of Entity Asserting Trade Secret Claim

- Operator Vendor Service Provider
 Other - Specify in detail:

Claim of Entitlement to Trade Secret Protection -

Rule 205A requires disclosure of all chemicals intentionally added to base fluid as part of hydraulic fracturing treatment, as well as maximum concentrations and (if applicable) CAS numbers for those chemicals, except in those situations where the specific identity or concentration of a chemical are permitted to be withheld as a trade secret. For purposes of Rule 205A, the term "trade secret" is defined in the COGCC Series 100 Definitions (Nov. 2011 version).

Select what aspect(s) of the chemical qualifies as a trade secret and provide the Chemical Identifier.

Claim of Entitlement to Trade Secret Protection

Rule 205A requires disclosure of all chemicals intentionally added to base fluid as part of a hydraulic fracturing treatment, as well as the maximum concentrations and (if applicable) CAS numbers for those chemicals, except in those limited situations where the specific identity or concentration of a chemical are permitted to be withheld as a trade secret. For purposes of Rule 205A, the term "trade secret" is defined in the COGCC Series 100 Definitions (Nov. 2011 version).

The Entity identified above claims that the identity or maximum concentration, or both, of the following chemical qualifies as a trade secret:

Chemical Identifier:

You may use a descriptive label, such as "Company TS1," for a chemical identifier in lieu of identifying the chemical. This chemical identifier may be used to reference the chemical in subsequent disclosures filed with the Chemical Disclosure Registry.

Check all the affirmations below and attach specific information supporting and/or affirming each statement. Specific information pertaining to each affirmation is required to be added to the form or as an attachment to this form. See examples that follow.

In order to claim that information is entitled to protection as a trade secret, you must check all the affirmations below and submit specific information regarding each of the following (can be attached on separate pages).

1. The entity holding the trade secret information has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a state or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures, or disclosure has otherwise been limited such that the information is not readily available to competitors.
2. The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.
3. Disclosure of the information is likely to cause harm to the competitive position of the entity holding the trade secret information.
4. The information is not readily discoverable through reverse engineering.

The additional details required for the above affirmations need not be lengthy, and may fit into the form itself. The additional details may be short and plain statements made in good faith. Examples for each are included for your convenience.

Example for affirmation number 1: "Operator/Vender/Service Provider XYZ Company discloses the information at issue only on a need to know basis or when compelled by legal process in all countries and states or provinces of operation. Operator/Vendor/Service Provider XYZ Company obtains confidentiality agreements to protect the secrecy of the information at issue."

Example for affirmation number 2: "The information is not required to be disclosed, or otherwise made available, to the public."

Example for affirmation number 3: "Operator/Vender/Service Provider XYZ Company has developed the information at issue at significant expense and it provides a competitive advantage to Operator/Vender/Service Provider XYZ Company. Operator/Vender/Service Provider XYZ Company's customer's choose Operator/Vender/Service Provider XYZ Company because of the superior performance of its products and the secret identity of the information at issue gives Operator/Vender/Service Provider XYZ Company an opportunity to obtain an advantage over competitors who do not know or use it."

Example for affirmation number 4: "Operator/Vender/Service Provider XYZ Company believes that the information at issue cannot be acquired or duplicated by its competitors without great difficulty."

The affirmations can be attached on separate pages if the specific additional information does not fit within the form itself. Each chemical identified requires a separate Form 41 and separate affirmations. If using an attachment please include the chemical identifier as submitted on the attachment(s).

A designated agent, identified on the Form 1A, needs to sign the Form 41 for submission. The designated agent must be an authorized agent of the entity making the assertion. If the individual signing the Form 41 is the same individual executing the Form 1, a Form 1A will not be required.

This form must be signed by an authorized agent of the entity making assertion.

I certify under penalty of perjury that this report has been examined by me and to the best of my knowledge is true, correct and complete.			
Print Name:	<input type="text"/>	Email:	<input type="text"/>
Signature:	<input type="text"/>	Title:	<input type="text"/>
		Date:	<input type="text"/>