

From: [Daniel Silverman](#)
To: [Deborah Bracey - DNR](#); [Ryan Sullivan](#)
Cc: [Heidi Kaczor](#); [Justin Garrett](#); [Ann Feldman](#); [Jordan Lukasik](#); [Jay Knutson](#)
Subject: Re: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640
Date: Tuesday, May 2, 2023 8:43:41 AM

D90 Energy LLC accepts the COA. Please let me know if you need anything further from us.

Thank you all
Daniel

From: Deborah Bracey - DNR <deborah.bracey@state.co.us>
Date: Friday, April 28, 2023 at 12:09 PM
To: Ryan Sullivan <ryan@fulcrumef.com>
Cc: Daniel Silverman <dsilverman@d90energy.com>, Heidi Kaczor <heidi.kaczor@fulcrumeo.com>, Justin Garrett <jgarrett@ascentgeomatrics.com>, Ann Feldman <afeldman@ascentgeomatrics.com>, Jordan Lukasik <jlukasik@ascentgeomatrics.com>, Jay Knutson <jknutson@ascentgeomatrics.com>
Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Hi Ryan,

D90 needs to submit their acceptance of the COA. I will do a final review once the COA is received. I believe that is all the file is lacking.

Have a nice weekend.
Deb

From: Ryan Sullivan <ryan@fulcrumef.com>
Sent: Thursday, April 27, 2023 5:53 PM
To: Deborah Bracey - DNR <deborah.bracey@state.co.us>
Cc: Daniel Silverman <dsilverman@d90energy.com>; Heidi Kaczor <heidi.kaczor@fulcrumeo.com>; Justin Garrett <jgarrett@ascentgeomatrics.com>; Ann Feldman <afeldman@ascentgeomatrics.com>; Jordan Lukasik <jlukasik@ascentgeomatrics.com>; Jay Knutson <jknutson@ascentgeomatrics.com>
Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Good Evening Deb (+ FEO/D90/Ascent),

Attached is a revised Incidents Transferred List with duplicates removed. Also attached is the fully executed Seller Retains Responsibility Attestation.

Please let us know if there is anything additional you may need.

Thanks,

Ryan

From: Deborah Bracey - DNR <deborah.bracey@state.co.us>
Sent: Monday, April 24, 2023 5:48 PM
To: Ryan Sullivan <ryan@fulcrumef.com>
Cc: Daniel Silverman <dsilverman@d90energy.com>
Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Hi Ryan,

Is it correct to assume that the Incidents Proposed for Transfer is the Incidents transferred list? Also, there are quite a few duplicates on that list. Please remove the duplicates and resubmit the list. D90 still needs to accept the COAs. I have not received an email from them accepting the COAs. Finally if D90 is retaining the responsibility for the NOAVs, they will need to submit a Seller Retains Responsibility Attestation.

Have a nice evening.
Deb

From: Ryan Sullivan <ryan@fulcrumef.com>
Sent: Monday, April 24, 2023 5:30 PM
To: Deborah Bracey - DNR <deborah.bracey@state.co.us>
Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Thanks, Deb and sorry for the hassle. I forwarded them direct from Ascent and wondered if they got their wires crossed. I am attaching revised files with file names that include the Intent and Subsequent Doc numbers.

Also attaching a Related Incidents – Not Transferred spreadsheet for the two NOAVs, saved with similar file names.

Let me know if you need any additional documentation.

Thanks,

Ryan

From: Deborah Bracey - DNR <deborah.bracey@state.co.us>
Sent: Monday, April 24, 2023 4:51 PM

To: Ryan Sullivan <ryan@fulcrumef.com>

Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Ryan,

The document numbers on the attachments do not match the Intent or the Subsequent document numbers. Were the attachments to resolve Issue #1?

Deb

From: Ryan Sullivan <ryan@fulcrumef.com>

Sent: Monday, April 24, 2023 2:06 PM

To: Deborah Bracey - DNR <deborah.bracey@state.co.us>; Daniel Silverman <dsilverman@d90energy.com>

Subject: RE: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Good Afternoon Deb,

I hope you had a great weekend. As follow up to your email below, attached are corrected spreadsheets for the Wells and Facilities Lists.

Related to Issue #2, a few notes on the NOAVs:

- NOAV #403197216 – Production Reporting
 - I believe this matter is currently in the settlement phase between D90 and COGCC per communications between D90 and the COGCC via D90's counsel Davis Graham & Stubbs.
 - As such, I believe this NOAV should stay with D90 since it is close to being resolved.
- NOAV #403258393 – Missing 2021 Bradenhead Tests
 - Formal response to this NOAV was filed in February 2023 via D90's counsel Davis Graham & Stubbs, but I do not currently know the status of COGCC's response
 - Because the response was filed under D90 as the operator, is it better to keep it under D90?
 - Lastly, FEO also received what appeared to be a duplicate NOAV for the missing 2021 Bradenhead Tests. FEO submitted a response to the NOAV separate from D90.

If D90 were to retain these two NOAVs for the aforementioned reasons, would that create an issue with paperwork that has already been filed?

Thanks,

Ryan

From: Deborah Bracey - DNR <deborah.bracey@state.co.us>

Sent: Friday, April 14, 2023 5:10 PM

To: Daniel Silverman <dsilverman@d90energy.com>; Ryan Sullivan <ryan@fulcrumef.com>

Subject: Form 9 Transfer - D90 Energy LLC #403181458 to Fulcrum Energy Operating #403192640

Good afternoon Daniel and Ryan,

I have reviewed the above captioned Form 9 transfer and have noted the following issues.

Issue 1: Both the Wells and Facilities Transferred and Incidents Transferred Lists indicate that the current operator is Fulcrum Energy Operating. Since these items have not transferred in our database, the current operator should be listed as D90 Energy LLC or the current operator in the database should it be a legacy operator.

Solution 1: Please correct both spreadsheets and resubmit by emailing the revised spreadsheets to me.

Issue 2: There are two Unaccounted for Related Incidents that will need to be accounted for before the transfer can proceed.

NOAV #403197216

NOAV #403258393

Solution 2: Both the Intent and Subsequent attestations indicate that D90 Energy LLC is not retaining the responsibility for any incidents. As a result, both NOAVs will need to be added to the Incidents Transferred list.

Assuming the other Form 9 requirements are met, all Form 9s shall now be passed with the following two COAs:

The Buying Operator must file a *Form 3, Financial Assurance Plan*, within 10 business days of Form 9 approval. Per Rule 702, Buyer will then provide any required additional financial assurance as soon as practicable but no later than 90 days from the Commission's approval of the *Form 3, Financial Assurance Plan*.

The Selling Operator must file a *Form 3, Financial Assurance Plan* within 10 business days of Form 9 approval. Per Rule 702, Seller will then provide any required additional financial assurance as soon as practicable but no later than 90 days from the Commission's approval of the *Form 3, Financial Assurance Plan*.

I have received acceptance of the COAs from Ryan Sullivan of Fulcrum Energy Operating. I will just need the emailed acceptance from D90 Energy LLC.

When resubmitting the Form 3, please use the following comment.

This Form 3 Document #____ is submitted as a result of an approved Form 9 Transfer of Operatorship and it replaces Form 3 document # _____.

Please let me know if you have any questions.

Have a nice weekend.

Deb