



RE: Docket No. 230800265 - Piceance Creek Ranch - Confidential Document Question

1 message

Joel Johnston <jjohnston@hallestill.com>

Thu, Nov 16, 2023 at 11:52 AM

To: "Cuthbertson - DNR, Scott" <scott.cuthbertson@state.co.us>, "Thomas - DNR, Elias" <elias.thomas@state.co.us>

Cc: Beth Massie <bmassie@hallestill.com>, Corinna Lyon - DNR <corinna.lyon@state.co.us>

Scott,

Thank you for the info. If you could please kick the Form 3 to draft status, I will upload the confidential and the redacted versions of the financial statements today. Thank you very much,

Joel

From: Cuthbertson - DNR, Scott <scott.cuthbertson@state.co.us>

Sent: Thursday, November 16, 2023 8:08 AM

To: Thomas - DNR, Elias <elias.thomas@state.co.us>

Cc: Joel Johnston <jjohnston@hallestill.com>; Beth Massie <bmassie@hallestill.com>; Corinna Lyon - DNR <corinna.lyon@state.co.us>

Subject: Re: Docket No. 230800265 - Piceance Creek Ranch - Confidential Document Question

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Hit Send prematurely.

If you want to submit the documents via the Form 3 confidential document process, please let me know and I will push that Form back to Draft. Once you've augmented the information, you can resubmit.

Scott C. Cuthbertson, P.E.

Deputy Director Operations



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Commission
Department of Natural Resources

On Thu, Nov 16, 2023 at 8:07 AM Cuthbertson - DNR, Scott <scott.cuthbertson@state.co.us> wrote:

As you know, the submission of Confidential Information is addressed under Rule 223.a, which requires prior approval of the Director. For the Financial Assurance Process, we have pre-approved a number of document types that can be attached as Confidential to the Form 3 provided there is a corollary Redacted document also submitted. Those document types are shown in the list below, designated with the word "CONFIDENTIAL" at the end of the attachment name:

ASSET RETIREMENT PLANNING
ASSET RETIREMENT PLANNING - CONFIDENTIAL
ASSET RETIREMENT PLANNING - REDACTED
AUDITED FINANCIAL STATEMENTS
AUDITED FINANCIAL STATEMENTS - CONFIDENTIAL
AUDITED FINANCIAL STATEMENTS - REDACTED
CERTIFICATION OF FINANCIAL CAPABILITY
DIRECTOR APPROVED CONFIDENTIAL DOCUMENT - CONFIDENTIAL
DIRECTOR APPROVED CONFIDENTIAL DOCUMENT - REDACTED
NOTICE OF DECISION/COMMISSION ORDER
OPTION 5 FACTORS
OPTION 5 JUSTIFICATION
SUPPORTING EVIDENCE FOR DEMONSTRATED COSTS
SUPPORTING EVIDENCE FOR DEMONSTRATED COSTS - CONFIDENTIAL
SUPPORTING EVIDENCE FOR DEMONSTRATED COSTS - REDACTED

I would assume the "Audited Financial Statements - Confidential" could work for this. I also assume that providing the information as an attachment to the Form 3, which is the subject of the hearing, satisfies the need to submit it to the Hearings docket; but, I am not an attorney, so you will have to be the arbiter of that.

Scott C. Cuthbertson, P.E.

Deputy Director Operations



On Wed, Nov 15, 2023 at 1:29 PM Thomas - DNR, Elias <elias.thomas@state.co.us> wrote:

Hi Joel,

I've copied Scott Cuthbertson and Corinna Lyon, they should be able to assist further with how to submit confidential information in relation to this FA docket.

Best,

Elias J. Thomas, Esq.
Hearings Manager
My pronouns: he/him/his



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1120 Lincoln Street, Suite 801, Denver, CO 80203
elias.thomas@state.co.us | <https://link.edgepilot.com/s/04339b61/Bvh-QgbWtECrXg2MOJzEpQ?u=http://www.colorado.gov/ecmc>

On Wed, Nov 15, 2023 at 1:18 PM Joel Johnston <jjohnston@hallestill.com> wrote:

Thank you; this is very helpful. I have not spoken with anyone on staff regarding the financial statement. Who would be the best person for us to speak with? Thank you,

Joel

From: Thomas - DNR, Elias <elias.thomas@state.co.us>

Sent: Wednesday, November 15, 2023 12:57 PM

To: Joel Johnston <jjohnston@hallestill.com>

Cc: Beth Massie <bmassie@hallestill.com>

Subject: Re: Docket No. 230800265 - Piceance Creek Ranch - Confidential Document Question

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Hello Joel,

Currently the confidential designation in our eFiling system is not functional, and so I would advise against uploading the statement into eFiling at all because everything in there is public record. With regards to confidential information in financial assurance hearings, generally we have allowed for that information to be presented to the Commission during an executive session in lieu of filing it. Have you spoken with anyone on Commission staff regarding the statement?

To answer your second question, you only need to send the notice of hearing and application to interested parties such as Rio Blanco. Any confidential financial information does not need to be sent as part of that package.

Sincerely,

Elias J. Thomas, Esq.

Hearings Manager

My pronouns: he/him/his



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On Wed, Nov 15, 2023 at 12:23 PM Joel Johnston <jjohnston@hallestill.com> wrote:

Hello Elias,

We have received an updated Financial Statement from our client that we will be uploading into the Financial Assurance docket as a Confidential document. I have two (or so) questions for you:

1. While there is not any specific information our client would like redacted individually (such as bank account info, SSN, etc.), their preference is NOT to have their balance sheet publicly available so as to maintain confidentiality about their financial standing. We are in the process of uploading the statement with a "Confidential" designation, but do we also need to redact all of the numbers in the Statement and upload a redacted version?
2. With respect to serving Rio Blanco County commissioners, are we required to provide the Unredacted statement to them, as well?

Thank you for your assistance (as always). Have a nice day,

Joel

Joel Johnston
Shareholder

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Bio

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