



NOTICE TO OPERATORS STATEWIDE
FILING AND SERVICE REQUIREMENTS

Document Control:

Created Date:	May 1, 2020
Work Unit:	Hearings

This Notice to Operators provides guidance to operators and legal counsel on:

1. Serving notices and other documents as required by Commission Rules
2. Electronic signatures on documents and applications filed with the Hearings Unit
3. Enforcement priorities

1. Serving notices and other documents as required by Commission Rules

With the issuance of [Executive Order D 2020 017](#), which requires Coloradans to stay at home except for Necessary Travel and to perform Necessary Activities¹, the COGCC recognizes the difficulty for some operators and legal counsel to readily meet the notice and other requirements associated with the Commission’s hearings process. The requirement to serve persons with notice of Commission hearings and other documents is set forth in the Oil and Gas Conservation Act. The Act requires that all notices be either mailed or personally served. § 34-60-108(4), C.R.S. While the Commission does not have the authority to waive this statutory provision, the Commission will accept proof of electronic service from an operator so long as the operator obtains a written waiver of this statutory provision from the person being served.

For all notices that Commission staff must serve on operators, staff will serve the notice electronically so long as the operator agrees in writing to waive the mail or personal service requirement.

2. Electronic signatures on documents and applications filed with the Hearings Unit

For any document, application or form filed with the Hearings Unit that requires a physical signature, the Hearings Unit will accept electronic signatures. This should reduce the need for non-essential personnel to travel to offices to print and finalize documents.

¹ “Necessary Activities” are defined in the Colorado Department of Public Health and Environment’s [Fourth Updated Public Health Order 20-24 Implementing Stay At Home Requirements](#).

With respect to notarized documents, only Commission Rule 507.a.(2) requires notarization of the certificate of publication of Hearings' applications. No other Commission rule requires that a hearings' application or supporting document be notarized. The Governor, through [Executive Order D 2020 019](#), suspended the in-person appearance requirement for notarization due to COVID-19. On March 30, the [Colorado Secretary of State adopted rules](#) to allow for the suspension of the in-person appearance requirement for notarizing documents. With [Executive Order D 2020 019](#) and the [Secretary of States rules](#), operators should be able to comply with Rule 507.a.(2)'s notary requirement. If for some reason an operator is unable to comply, the operator may request a variance to Rule 507.a.(2), and the Director will evaluate whether the variance should be granted.

3. Enforcement priorities

COGCC continues to enforce on failures to comply with Commission rules. Ensuring the protection of public health, safety, welfare and the environment remains paramount in staff's initiation of enforcement. As set forth in Commission Rule 522.a. and in the COGCC's Enforcement Guidance and Penalty Policy, the Director has discretion whether to pursue enforcement. The Director will continue to evaluate all circumstances and the weight of the evidence when determining whether to pursue enforcement. The COGCC recognizes there may exist circumstances that necessitate prioritizing an enforcement matter which directly threatens public health, safety, welfare and the environment over other enforcement matters. Such consideration will be made on a case-by-case basis. Finally, it is important to note that the COGCC will continue issuing Notice of Alleged Violations (NOAVs) for all violations that staff determines sufficient evidence exists to prove a violation. However, as explained here, the nature of the violation may require it be prioritized for prosecution over other pending NOAVs.