



**Notice of Appeal - Crude Oil Penalty  
Petroleum Marketing Regulation, s. 10**

Oil Development  
Oil Development Business Unit  
Operations

Alberta Petroleum  
Marketing Commission  
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Canada T2P 3W2

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OilPenAppeals.Energy@gov.ab.ca  
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Complete one Notice of Appeal per Penalty Statement (see attached Instructions)

Name of Reporting Company		Business Associate ID
Name of Appellant	Authorized Signature	Telephone Number
Date	Email Address	
Penalty Statement Date	Reporting Deadline Date	Date TAOC/ PL Split Record was Submitted

**Section 1:** This Appeal is in respect of the following:

Penalty type	Please check appropriate box	Delivery Month(s) (i.e. YYYYMM)
<input type="checkbox"/> Denial of Waiver	<input type="checkbox"/> All Facilities <input type="checkbox"/> Specific Facility(s) – Complete Section 2	
<input type="checkbox"/> Inaccurate Reporting	<input type="checkbox"/> All Facilities <input type="checkbox"/> Specific Facility(s) – Complete Section 2	
<input type="checkbox"/> Over/Under > 1.0 m <sup>3</sup>	<input type="checkbox"/> All Facilities <input type="checkbox"/> Specific Facility(s) – Complete Section 2	

**Section 2:** Specific Facility Details

Provide a complete listing of the specific facilities to which this appeal relates: (if space is insufficient, attach additional sheets).

Penalty Type	Delivering Facility (i.e. AB BT 1234567)	Delivery Month (i.e. YYYYMM)	Penalty Reference #

**Section 3:** Statement of Grounds for Appeal (see attached Instructions)

Provide a complete statement of circumstances upon which the appeal is based: (if space is insufficient, attach additional sheets).

Please note:

- additional documentary evidence may be submitted with this Notice of Appeal
- the Minister may, but is not obligated to, require the Appellant to submit additional information or evidence or respond to specific questions

#### Section 4: Certification

I, \_\_\_\_\_, holding the office of \_\_\_\_\_ with the Appellant, by my signature below or by my personally e-mailing this Notice of Appeal, certify to the best of my knowledge and based on due investigation and due diligence on my part, that the facts and circumstances set out in this Notice of Appeal are true and accurate and are not misleading in any respect.

\_\_\_\_\_  
Signature

**SEE ATTACHED INSTRUCTIONS FOR ADDRESS AND E-FILING INFORMATION**

**INSTRUCTIONS FOR NOTICES OF APPEAL**  
*section 10, Petroleum Marketing Regulation (the “Regulation”)*

### *What You Can Appeal:*

- You can use a Notice of Appeal under section 10 to appeal from:
  - a penalty under section 6 of the Regulation for late reporting, but only if you have first applied under section 6(1) for a waiver of the penalty and the Alberta Petroleum Marketing Commission has denied the waiver application;
  - a penalty under section 7 of the Regulation for inaccurate reporting;
  - a penalty under section 8 of the Regulation for underdelivery or overdelivery.

### *Alternatives to Appeal:*

- **You may have alternatives other than filing a Notice of Appeal:**
  - the Commission may reconsider a penalty imposed under section 7 of the Regulation on the basis of new evidence; see below under *DOE Initiated Reversals*;
  - the Commission may adjust a penalty imposed under section 8 of the Regulation if the penalty was imposed in error (other than an error on your part); see below under *DOE Initiated Reversals*.
- **You may be able to prevent Over/Under penalties from being issued on your statement;** see below under *Informal Review Period*.

### *Address Information:*

- A Notice of Appeal may be delivered in person or by mail or by fax transmission or by e-mail; the onus is on the Appellant to establish delivery within the applicable time limit (see below).
- A confirmation of receipt will be sent out by e-mail; however, neither the Alberta Petroleum Marketing Commission (the “Commission”) nor Alberta Energy undertake to send such confirmation immediately upon or within a specific number of days following receipt of a Notice of Appeal.
- Notices of Appeal delivered by mail or in person should be addressed to:

Alberta Petroleum Marketing Commission  
c/o Alberta Energy  
Attention: Manager, Deliveries & Reconciliation  
3<sup>rd</sup> Floor, AMEC Place  
801 - 6<sup>th</sup> Avenue S.W.  
Calgary, Alberta T2P 3W2
- Notices of Appeal may be faxed to the Commission at (403) 297-5468.
- Notices of Appeal may be e-mailed to the Commission at: [OilPenAppeals.Energy@gov.ab.ca](mailto:OilPenAppeals.Energy@gov.ab.ca).

### *Grounds for Appeal:*

- The Appellant should include in the Notice of Appeal or submit with the Notice of Appeal information and evidence establishing that:
  - in the case of a penalty under section 6 (failure to report) of the Regulation, the Commission erred in failing to waive the penalty;
  - in the case of a penalty under section 7 (inaccurate reporting) or section 8 (underdeliveries and overdeliveries) of the Regulation, either:
    - the Commission erred in assessing the penalty; or
    - the circumstances that gave rise to the penalty were not avoidable by the Appellant, for example:
      - royalty data element changes (e.g., vintage, density);
      - production information change (new volumetric data);
      - Crown percentage change;
      - EOR well not included in unit and/or scheme; or
      - administrative actions by the Commission or Alberta Energy.

- The Minister may, but is not obligated, to request additional information; Appellants are advised to submit with their Notices of Appeal all pertinent information.

*Appeals for Multiple Penalties:*

- A separate Notice of Appeal should be filed for each Penalty Statement.
- A Notice of Appeal may apply to more than one delivery month only if the circumstances are the same for all months.

*Limitation Period:*

- A Notice of Appeal must be filed within the time specified in s. 10(2) of the Regulation:
  - **two months** after the date of the monthly statement that includes the penalty; or
  - **one month** after the date of a refusal by the Commission to waive a penalty under section 6 of the Regulation.

*Informal Review Period:*

- In practical terms, there will be an informal review period of approximately three weeks, from the issue date of the Preliminary Late/Non-Receipt/Inaccurate Report at month-end to approximately the 20<sup>th</sup> day of the following month when the Monthly Financial Statement is issued. The onus is on operators to contact their analyst during this period to review potential penalties and seek to resolve them.

*DOE Initiated Reversals:*

- A “DOE Initiated Reversal” is a manual reversal of over/under delivery penalties that will take place if the Commission after the fact becomes aware of:
  - in relation to a penalty under section 7 for inaccurate reporting, new evidence that, had it been known to the Commission, would have resulted in no penalty being imposed; or
  - in relation to a penalty under section 8 for underdelivery or overdelivery, an error in imposing the penalty occurred (provided the error was not caused by the operator).
- Please note: DOE initiated reversals do not apply for any penalties charged for automatic monthly reporting errors (Late/Failure-to-Amend).