



ENERGY

**Application for Waiver of Crude Oil Penalty
Petroleum Marketing Regulation, s. 6(10)**

Alberta Petroleum
Marketing Commission
300, 801 – 6th Avenue SW
Calgary, Alberta
Canada T2P 3W2

Fax 403/297-5468
OilPenAppeals.Energy@gov.ab.ca
http://energy.gov.ab.ca

Complete one Application per Penalty Statement (see attached Instructions)

Name of Reporting Company		Business Associate ID
Applicant's Name	Authorized Officer	Telephone Number
Application Date	Email Address	
Penalty Statement Date	Reporting Deadline Date	Date TAOC/ PL Split Record was Submitted

Section 1: This Application requests waiver of the following penalty:

Penalty type	Please check appropriate box	Delivery Month(s) (i.e. YYYYMM)	The reports were not furnished by the reporting deadline by reason of: (please check the applicable box) and the reports were all furnished within a reasonable time after the deadline.
<input type="checkbox"/> Late Report	<input type="checkbox"/> All Facilities <input type="checkbox"/> Specific Facility(s) – Complete Section 2		<input type="checkbox"/> Circumstances beyond our control <input type="checkbox"/> Circumstances that we could not have reasonably foreseen
<input type="checkbox"/> Failure to Amend	<input type="checkbox"/> All Facilities <input type="checkbox"/> Specific Facility(s) – Complete Section 2		<input type="checkbox"/> Circumstances beyond our control <input type="checkbox"/> Circumstances that we could not have reasonably foreseen

Section 2: Specific Facility Details

Provide a complete listing of the specific facilities to which the Application relates: (if space is insufficient, additional sheets should be attached).

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

Section 3: Statement of Circumstances (see attached Instructions)

Provide a complete statement of circumstances upon which the Application is based; see attached instructions for the applicable requirements; if space is insufficient, attach additional sheets.

Please note:

- additional documentation may be submitted with this Application
- the Commission may, but is not obligated to, require the Applicant to submit additional information or evidence or respond to specific questions

Section 4: Certification

I, _____, holding the office of _____ with the Applicant, by my signature below or by my personally e-mailing this Application, 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 Application are true and accurate and are not misleading in any respect.

Signature

SEE ATTACHED INSTRUCTIONS FOR ADDRESS AND E-FILING INFORMATION

INSTRUCTIONS - APPLICATIONS FOR WAIVER OF PENALTY
section 6(10), Petroleum Marketing Regulation (the "Regulation")

Address Information:

- An Application for Waiver of Penalty may be delivered in person or by mail or by fax transmission or by e-mail.
- A confirmation of receipt will be sent out by e-mail; however, the Alberta Petroleum Marketing Commission (the “Commission”) does not undertake to send such confirmation immediately upon or within a specific number of days following receipt of an Application.
- An Application for Waiver of Penalty delivered by mail or in person should be addressed to:
Alberta Petroleum Marketing Commission
c/o Alberta Energy
Attention: Manager, Deliveries & Reconciliation
3rd Floor, AMEC Place
801 - 6th Avenue S.W.
Calgary, Alberta T2P 3W2
- An Application may be faxed to the Commission at (403) 297-5468.
- An Application may be e-mailed to the Commission at: OilPenAppeals.Energy@gov.ab.ca

Requirements for Waiver:

- Only a penalty under section 6 for failure to report within the prescribed time period (i.e. late submission) can be the subject of an Application under section 6(10) of the Regulation for a waiver of the penalty.
- The Commission can only grant a waiver under section 6(10) of the Regulation if the Applicant establishes that:
 - the failure to report by the deadline date was due to circumstances beyond the Applicant’s control or that the Applicant could not reasonably have foreseen; and
 - in the circumstances, the late report was filed within a reasonable time after it was due.
- The Application (including any supporting documentation filed with it) must establish that both of the above conditions are met.
- The Commission may, but it is not obligated to, request the Applicant to supply additional information. Applicants are therefore advised to submit all pertinent information with their Applications.
- If the Commission is satisfied that both of the above conditions are met, the Commission expects that it will generally grant the requested waiver unless there are other circumstances that in the Commission’s assessment constitute reason to decline the waiver. Please note, however, that waivers of penalty are always in the discretion of the Commission.
- The Commission requests that Applications be delivered to the Commission no later than 30 days after the date of the monthly statement to which the penalty applies; the Commission may consider failing to file an application within that 30 day period as a circumstance constituting reason to decline a waiver.
- The following are examples of circumstances that the Commission would be likely to regard as being beyond the Applicant’s control or that the Applicant could not reasonably have foreseen:
 - fire, flood or similar event
 - issues involving difficulties with the Petroleum Registry of Alberta (in which case the Applicant should supply a HEAT ticket # in verification) or at the interface between Alberta Energy and the Petroleum Registry of Alberta
 - operator system failure (in which case operators are encouraged to notify the Commission prior to the reporting deadline of the particulars of the operator system failure)

Multiple Penalties:

- A separate Application should be submitted for each Penalty Statement.

- An Application may apply to more than one delivery month only if the circumstances are the same for all months.

Appeal:

- A decision by the Commission to decline an Application for waiver of a penalty can be appealed to the Minister of Energy; see section 10 of the Regulation.
- A Notice of Appeal under section 10 must be filed within one month from the date the Commission gives notice of its decision to decline an Application for waiver of a penalty.