

FOIA # 2000-027-FOIA Received  
02-00 1/18/00 RMP/FOIA  
Diana Anton...

**GARDERE & WYNNE, L.P.**

ATTORNEYS AND COUNSELORS

200 ONEOK PLAZA  
100 WEST FIFTH STREET  
TULSA, OKLAHOMA 74105-4240  
918-699-2900  
TELECOPIER 918-699-2929

WRITER'S DIRECT DIAL NUMBER

DALLAS TRANSMISSION TOWER  
1601 ELM STREET  
DALLAS, TEXAS 75201-4761  
214-999-3000  
HOUSTON  
1000 LOUISIANA, SUITE 1400  
HOUSTON, TEXAS 77002-5007  
713-276-5500  
MEXICO CITY  
RIO PANUCO NO. 7  
COL. CHAUHTEMOC  
06500 MEXICO, D.F.  
011 (525) 546 8030

January 14, 2000

*via Facsimile and Certified Mail, Return Receipt Requested*

**FOIA Officer**  
Minerals Management Service  
U.S. Department of Interior  
MS 2200  
381 Eldon Street  
Herndon, VA 20170-4817  
Telephone: 703-787-1258  
Fax: 703-787-1207  
Attn: John Livornese

**Departmental FOIA Officer**  
U.S. Department of Interior  
MS-5312, MIB  
1849 C Street, NW  
Washington, DC 20240  
Telephone: 202/208-5424  
Fax: 202/501-2360  
Attn: Roy Francis

**RMP FOIA Officer**  
Royalty Management Program  
Minerals Management Service  
PO Box 25165, Mail Stop 3006  
Denver, CO 80225-0165  
Paper Fax: (303) 231-3781  
E-Fax: (303) 445-8761  
E-mail: rmpfoia@mms.gov  
Attn: Ms. Laurita Summerton

**OIG FOIA Officer**  
Office of Inspector General  
U.S. Department of the Interior  
MS-5341, MIB  
1849 C Street, NW  
Washington, DC 20240  
202/208-4356  
Fax: 202/219-1944  
Attn: Laurie Larson-Jackson

**Re: Freedom of Information (FOIA) Request relating to the  
Department of Interior, Minerals Management Service  
Further Notice of Proposed Rulemaking on Establishing Oil  
Value for Royalty Due on Federal Leases (64 Fed. Reg. 73819)  
published December 30, 1999**

Dear Madames and Sir:

January 14, 2000

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Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Department's regulations, 43 C.F.R. Part 2, we hereby request a copy of the documents identified below. The scope of this request is intended to include documents located at all DOI offices, including all DOI regional, district and local offices. For purposes of this request, the term "document" also includes, but is not limited to, any writing, report, letter, manual, note, electronic data, memorandum, guide, guidance, instruction, text, correspondence, communication, computer data, drawings, graphs, charts, photographs and any other data compilations from which the requested information can be obtained.

The term "document" also includes, but is not limited to, the following:

- (1) The identified document(s) and all drafts of the document(s);
- (2) The so-called "surname copy" of the document(s), which reflects which officials subordinate to the signer cleared the document(s) for his or her signature;
- (3) Briefing papers and notes (including electronic notes and e-mail) of any meetings or other discussions regarding the substance of the document(s);
- (4) Memoranda, including legal memoranda prepared on the issues discussed in the document(s); and
- (5) Other documents received from or sent to (1) local, city, state, tribal or other federal governmental agencies (2) the DOI Office of the Inspector General and (3) Members or Committees of Congress.

We request the above information for the following documents and materials:

- (1) The MMS Further Notice of Proposed Rulemaking on Establishing Oil Value for Royalty Due on Federal Leases (hereinafter "MMS Notice" published December 30, 1999 (64 F.R. 73819) states:

*"In fact...advice from MMS consultants (Innovation & Information Consultants, Inc.; Micronomics, Inc.; Reed Consulting Group; and Summit Resource Management, Inc.) found that: (1) sales prices are often above posted prices and are linked, in some form, to market prices, such as spot or futures prices, or represent premia over posted prices; (2) major producers have few truly outright sales; (3) most major producers use buy/sell exchanges; (4) there are regional differences in the domestic crude oil market, particularly on the West Coast and in the Rocky Mountain Region, owing to differences in market concentration and availability of transportation options, and (5) posted prices have become a progressively less reliable indicator of the market value of crude oil since the late 1980s."*

With respect to MMS' findings and assumptions as stated above as well as the advice and findings of the above named and any other MMS consultant, please provide:

- (a) All advice, reports, analyses, work products, memoranda, correspondence and other documents provided to or received by the Department of Interior or the Minerals Management Service by any person or organization retained by the DOI or MMS as a consultant, including but not limited to the above named consultants related or relevant to oil royalties or the MMS proposed oil valuation rule;
  - (b) All reports, analyses, memoranda, work products, correspondence and other documents provided by the Department of Interior or the Minerals Management Service to any person or organization retained by the DOI or MMS as a consultant, including but not limited to the above named consultants related or relevant to oil royalties or the MMS proposed oil valuation rule,
  - (c) Any and all reports, analyses, work products, memoranda, correspondence, and other documents which support or refute the findings or analyses of the above named MMS consultants or any other consultant. Please provide all DOI and MMS critiques, reviews and analyses or peer review of any consultant's work, and any and all other peer reviews of any consultant's advice, findings, work products or analysis; and
  - (d) Any of the documents enumerated in (a) through (c) above provided or sent to the DOI or MMS from any other DOI or MMS consultant related or relevant to oil royalties or the MMS proposed oil valuation rule, but not specifically named in the preamble of the Notice.
- 2(a) All documents related to the retention of any of the consultants named in the MMS Notice, or any other MMS consultant related or relevant to this notice or oil valuation, (including any referrals, solicitations, quotations, requests for quotations, bids, invitations for bids, proposed contracts, executed agreements, fee agreements, or like documents);
- (b) All documents describing the scope of any requested consulting services including all forms necessary to procure advice or services from each consultant;

January 14, 2000

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- (c) All documents related to the payment by the DOI or MMS for the services of the above mentioned consultants, including bills, remittance advice, invoices, or other payment documents, or any other documents indicating or evidencing the amount paid to each of the above mentioned consultants;
  - (d) Any of the documents enumerated in (a) through (c) above provided or sent to the DOI or MMS from any other DOI or MMS consultant not specifically named in the preamble of the Notice.
- (3) All other documents relevant or related to the above stated findings including documents evidencing DOI's or MMS' review, adoption, or rejection of MMS' consultant's analysis or findings.

We are willing to pay as a commercial entity for all reasonable costs associated with this FOIA Request up to and including \$500.00. If the costs associated with this FOIA request exceed this stated amount, we request that you contact us prior to commencement of any further work.

Should you determine that any of the requested information is exempt from disclosure, please delete such allegedly exempt portions and identify in your response the nature of the deleted information and the reason for the deletion. This consent is intended to facilitate your prompt response and in no way waives our entitlement to complete documents. In the event that we are denied any document or any portion of any requested document, please identify each document with particularity and specify the statutory basis for the denial of each document or portion withheld and the names and titles of the persons responsible for the denial.

We ask that your response be directed to the undersigned. We look forward to hearing from you within twenty (20) working days pursuant to Section (a)(6)(A)(i) of the Act. It is important that the documents requested be timely provided as it is essential to review the requested information prior to responding to the MMS Notice and proposed rulemaking on which comments are currently due January 31, 2000.

Thank you for your attention to this matter. Please call if you have any questions.

Sincerely,

  
Patricia Dunmire Bragg

**GARDERE & WYNNE, L.L.P.**

ATTORNEYS AND COUNSELORS

200 ONEOK PLAZA  
100 WEST FIFTH STREET  
TULSA, OKLAHOMA 74103-4240

918-699-2900  
TELECOPIER 918-699-2929

WRITER'S DIRECT DIAL NUMBER  
918-699-2920

DALLAS  
5900 TRANSGIVING TOWER  
1801 ELM STREET  
DALLAS, TEXAS 75201-4761  
214-999-3000  
HOUSTON  
1000 LOUISIANA, SUITE 3400  
HOUSTON, TEXAS 77002-5007  
713-276-5500  
MEXICO CITY  
RIO PANUECO NO. 7  
COL. GUANAJUATO  
06500 MEXICO, D.F.  
011 (525) 546-8050

January 25, 2000

*via facsimile (303) 231-3781 and  
electronic mail tracey.fay@mms.gov*

RMP FOIA Officer  
Royalty Management Program  
Minerals Management Service  
P.O. Box 25165, Mail Stop 3006  
Denver, CO 80225-0165  
Attn: Tracey Fay

Re: Freedom of Information (FOIA) Request dated January 14, 2000

This will confirm our conversation this date in which I advised that we are willing to pay fees of approximately \$1000.00 for the above FOIA request. During our conversation, you advised that, due to workload and backlog, the information requested will not be provided by MMS during the normal 20 day period and that the estimated time for providing the information will be mid-February.

I appreciate your calling. Please call if you have any further questions.

Sincerely,

*Patricia Bragg*  
Patricia Dummire Bragg

**GARDERE & WYNNE, L.L.P.**

ATTORNEYS AND COUNSELORS

200 ONEOK PLAZA

100 WEST FIFTH STREET

TULSA, OKLAHOMA 74105-4240

918 699 2900

TELECOPIER 918-699-2929

WESTERN DIRECT DIAL NUMBER

918-699-2920

DALLAS

3000 FRANKLIN TOWER

1601 LEM STREET

DALLAS, TEXAS 75201-4761

214-999-5000

HOUSTON

1000 LOUISIANA, SUITE 3600

HOUSTON, TEXAS 77002-6607

713-276-5500

MEXICO CITY

RIO PANDURO NO. 7

CALLE CONDUMOC

06500 MEXICO, D.F.

011 (525) 546-8090

*via electronic-mail david.guzy@mms.gov  
and facsimile (303) 231-3385*

January 26, 2000

Mr. David Guzy  
Department of the Interior  
P.O. Box 25165  
MS 3101  
Denver, CO 80225-0165

Re: Further Supplementary Rule Proposal - Establishing Oil Value for Royalty Due on  
Federal Leases, 64 Fed. Reg. 73820, dated December 30, 1999

Dear David:

Thank you for meeting with me last week in Denver and confirming that the information contained on the MMS website [www.mms.gov](http://www.mms.gov) (which includes the Federal Register notices, notices of the workshops, comments and other public information) and information submitted by MMS to and the clearances received by MMS from OMB constitutes the administrative record for the oil valuation rule.

When the rule was first proposed on January 24, 1997 (62 Fed. Reg. 3742), we asked for and received the data, spreadsheets and underlying analysis used by MMS in calculating the economic impact of the proposed rule. This underlying data was helpful, indeed essential, to understanding MMS' analysis. I would appreciate you providing the same data for the new MMS calculations of \$67.5 million contained in the December 30, 1999 proposal.

Thank you for your assistance in these matters. Please call if I can answer any questions.

Sincerely,



Patricia Dummire Bragg

mailed copy rec'd 2-2-2000

**GARDERE & WYNNE, L.L.P.**

ATTORNEYS AND COUNSELORS

200 ONEOK PLAZA  
100 WEST FIFTH STREET  
TULSA, OKLAHOMA 74103-4240

918-699-2900  
TELECOPIER 918-699-2929

WRITER'S DIRECT DIAL NUMBER  
918-699-2906

DALLAS  
3000 THUNDERBOLT TOWER  
1601 ELM STREET  
DALLAS, TEXAS 75201-4761  
214-999-3000  
HOUSTON  
1000 LOUISIANA, SUITE 3400  
HOUSTON, TEXAS 77002-5007  
713-276-5500  
MEXICO CITY  
RIO PANUGO NO. 7  
COL. CUAUHTEMOC  
06500 MEXICO, D.F.  
011 (525) 546 8030

January 28, 2000

*via facsimile and  
certified mail, return receipt requested*

RMP FOIA Officer  
Royalty Management Program  
Minerals Management Service  
PO Box 25165, Mail Stop 3006  
Denver, CO 80225-0165  
Paper Fax: (303) 231-3781  
E-Fax: (303) 445-8761  
E-mail: rmpfoia@mms.gov  
Attn: Ms. Laurita Summerton

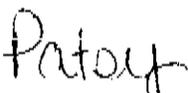
Re: Freedom of Information (FOIA) Request

Dear Laurita:

Pursuant to your voice-mail of today, I am requesting that you append the information I requested in my recent letter to David Guzy to the existing January 14, 2000 Freedom of Information Act request pending in your office. We ask that your response be directed to the undersigned.

We look forward to receipt of these materials. Thank you for your prompt attention to this matter. Please call if you have any questions.

Sincerely,

  
Patricia Dunmire Bragg