

support of a request for a determination. The jurisdictional agency may require additional support as it deems appropriate, and may more specifically identify the documents indicated as the minimum required.

(c) Each applicant must pay the fee prescribed in §381.401 of this chapter. The applicant will be billed annually by the Commission for each jurisdictional agency determination received by the Commission. The applicant must submit the fee, or petition for waiver pursuant to §381.106 of this chapter, within 30 days following the billing date.

**§270.302 Occluded natural gas produced from coal seams.**

A person seeking a determination that natural gas is occluded natural gas produced from coal seams must file an application with the jurisdictional agency which contains the following items:

- (a) FERC Form No. 121;
- (b) All well completion reports.
- (c) A radioactivity, electric or other log which will define the coal seams.
- (d) Evidence to establish that the natural gas was produced from a coal seam;
- (e) A statement by the applicant, under oath, that gas is produced from a coal seam through:
  - (1)(i) A well the surface drilling of which began after December 31, 1979, but before January 1, 1993;
  - (ii) A recompletion commenced after January 1, 1993, in a well the surface drilling of which began after December 31, 1979, but before January 1, 1993; or
  - (iii) A recompletion that was commenced after December 31, 1979 but before January 1, 1993, where such gas could not have been produced from any completion location in existence in the well bore before January 1, 1980; and

(2) The applicant has no knowledge of any information not described in the application which is inconsistent with his conclusion.

**§270.303 Natural gas produced from Devonian shale.**

A person seeking a determination that natural gas is produced from Devonian shale shall file an application

with the jurisdictional agency which contains the following items:

- (a) FERC Form No. 121;
- (b) All well completion reports;
- (c) A gamma ray log with superimposed indications of the shale base line and the gamma ray index of 0.7 over the Devonian age stratigraphic section designated pursuant to §270.101(b)(8);
- (d) A reference to a standard stratigraphic chart or text establishing that the producing interval is a shale of Devonian age; and
- (e) A sworn statement:
  - (1) Calculating the percentage of footage of the producing interval which is not Devonian shale as indicated by a Gamma ray index of less than 0.7;
  - (2) Demonstrating that the percentage of potentially disqualifying non-shale footage for the stratigraphic section selected is equal to or less than 5 percent of the Devonian stratigraphic age interval designated pursuant to §270.101(b)(7);
  - (3) Attesting that the natural gas is being produced from Devonian shale through:
    - (i) A well the surface drilling of which began after December 31, 1979, but before January 1, 1993;
    - (ii) A recompletion commenced after January 1, 1993, in a well the surface drilling of which began after December 31, 1979, but before January 1, 1993; or
    - (iii) A recompletion that was commenced after December 31, 1979 but before January 1, 1993, where such gas could not have been produced from any completion location in existence in the well bore before January 1, 1980; and
  - (4) Attesting that the applicant has no knowledge of any information not described in the application which is inconsistent with his conclusion.

**§270.304 Tight formation gas.**

A person seeking a determination that natural gas is tight formation gas must file with the jurisdictional agency an application which contains the following items:

- (a) FERC Form No. 121;
- (b) All well completion reports;
- (c) A map that identifies the surface location of the well and the completion location in the well in the designated