

§ 218.307

electricity for the area where your lease is located to establish the specific methodology to determine the amount of the credit; and

(b) The maximum credit you may take under this section is equal to the portion of the royalty revenue that MMS would have paid to the State or county that is a party to the contract had you paid royalty in money on all of the electricity you delivered to the State or county based on the wholesale value of the electricity. You must pay in money any royalty amount that is not offset by the credit allowed under this section, calculated based on the wholesale value of the electricity.

(c) The electricity the State or county government receives from you satisfies the Secretary's payment obligation to the State or county under 30 U.S.C. 191 or 30 U.S.C. 1019.

[72 FR 24468, May 2, 2007]

§ 218.307 How do I pay royalties due for my existing leases that qualify for near-term production incentives under BLM regulations?

If you qualify for a production incentive under BLM regulations at 43 CFR subpart 3212, your royalty due on the production BLM determines to be qualified for a production incentive under 43 CFR 3212.23 and 3212.24 is 50 percent of the amount of the total royalty that would otherwise be due under 30 CFR part 206, subpart H.

[72 FR 24468, May 2, 2007]

Subpart G—Indian Lands [Reserved]

Subpart H—Service of Official Correspondence

SOURCE: 71 FR 51751, Aug. 31, 2006, unless otherwise noted.

§ 218.500 What is the purpose of this subpart?

This subpart contains instructions for designating a specific addressee of record for service of official correspondence using Form MMS-4444, Addressee of Record Designation for Service of Official Correspondence.

30 CFR Ch. II (7-1-10 Edition)

§ 218.520 What definitions apply to this subpart?

Address of record is the address to which official correspondence is served.

Addressee of record for service of official correspondence is the person or position to whom official correspondence is served, as specified on Form MMS-4444, or in the absence of such a form, as established in § 218.540(b)(2). The addressee of record in a part 290, subpart B, appeal will be the person or representative making the appeal.

Official correspondence is all correspondence from MMS or our delegates, served on companies related to matters such as: forms reporting, audit and compliance, enforcement notices, rental courtesy notices, and invoices.

§ 218.540 How does MMS serve official correspondence?

MMS will serve all Notices of Non-compliance or Civil Penalty following the procedures in part 241. We will serve all other documents following the procedures in this section.

(a) *Method of service.* MMS will serve all official correspondence to the addressee of record by one of the following methods:

(1) U.S. Postal Service mail;

(2) Personal delivery made pursuant to the law of the State in which the service is effected; or

(3) Private mailing service (e.g., United Parcel Service, or Federal Express), with signature and date upon delivery, acknowledging the addressee of record's receipt of the official correspondence document.

(b) *Selection of addressee of record information.* (1) We will address official correspondence to the party shown on the most recently received Form MMS-4444 for the type of correspondence at issue. The company or reporting entity is responsible for notifying MMS of any name or address changes on Form MMS-4444. The addressee of record in a part 290, subpart B, appeal will be the person or representative making the appeal.

(2) If we do not receive addressee of record information from you on Form MMS-4444, we may use the individual name and address, position title, or department name and address in our database, based on previous formal or

informal communications or correspondence for the type of official correspondence at issue. Alternately, we may obtain contact information from public records and send correspondence to:

- (i) The registered agent;
- (ii) Any corporate officer; or
- (iii) The addressee of record shown in the files of any State Secretary; Corporate Commission; Federal or state agency that keeps official records of business entities or corporations; or other appropriate public records for individuals, business entities, or corporations.

(c) *Dates of service.* Except as provided in paragraph (d) of this section, MMS considers official correspondence as served on the date that it is received at the address of record. A receipt, signed and dated by any person at that address, is evidence of service and of the date of service. If official correspondence is served in more than one manner and the dates differ, the date of the earliest service is used.^[smc1]

(d) *Constructive service.* If we cannot make delivery to the addressee of record after making a reasonable effort, we deem official correspondence as constructively served 7 days after the date that we mail the document. This provision covers situations such as those where no delivery occurs because:

- (1) The addressee of record has moved without filing a forwarding address;
- (2) The forwarding order has expired;
- (3) Delivery was expressly refused; or
- (4) The document was unclaimed and the attempt to deliver is substantiated by either:
 - (i) The U.S. Postal Service;
 - (ii) A private mailing service, as described in this section; or
 - (iii) The person who attempted to make delivery using some other method of service.

§ 218.560 How do I submit Form MMS-4444?

A copy of Form MMS-4444 and instructions may be obtained from MMS. It will also be posted on the MMS Web site. Submit the completed, signed form to the address designated on the Form MMS-4444 instructions.

§ 218.580 When do I submit Form MMS-4444?

Initially, you must submit MMS Form-4444 by November 29, 2006, and subsequently, within 2 weeks of any change of your address.

PART 219—DISTRIBUTION AND DISBURSEMENT OF ROYALTIES, RENTALS, AND BONUSES

Subpart A—General Provision [Reserved]

Subpart B—Oil and Gas, General [Reserved]

Subpart C—Oil and Gas, Onshore

Sec.

- 219.100 Timing of payment to States.
- 219.101 Receipts subject to an interest charge.
- 219.102 Method of payment.
- 219.103 Payments to Indian accounts.
- 219.104 Explanation of payments to States and Indian tribes.
- 219.105 Definitions.

Subpart D—Oil and Gas, Offshore

- 219.410 What does this subpart contain?
- 219.411 What definitions apply to this subpart?
- 219.412 How will the qualified OCS revenues be divided?
- 219.413 How will the coastal political subdivisions of Gulf producing States share in the qualified OCS revenues?
- 219.414 How will MMS determine each Gulf producing State's share of the qualified OCS revenues?
- 219.415 How will bonus and royalty credits affect revenues allocated to Gulf producing States?
- 219.416 How will the qualified OCS revenues be allocated to coastal political subdivisions within the Gulf producing States?
- 219.417 How will MMS disburse qualified OCS revenues to the coastal political subdivisions if, during any fiscal year, there are no applicable leased tracts in the 181 Area in the Eastern Gulf of Mexico Planning Area?
- 219.418 When will funds be disbursed to Gulf producing States and eligible coastal political subdivisions?

AUTHORITY: Section 104, Pub. L. 97-451, 96 Stat. 2451 (30 U.S.C. 1714), Pub. L. 109-432, Div C, Title I, 120 Stat. 3000.

SOURCE: 49 FR 37347, Sept. 21, 1984, unless otherwise noted.