

§ 1218.540

30 CFR Ch. XII (7–1–11 Edition)

served, as specified on Form MMS–4444, or in the absence of such a form, as established in §1218.540(b)(2). The addressee of record in a part 1290, appeal will be the person or representative making the appeal.

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

§ 1218.540 How does ONRR serve official correspondence?

ONRR will serve all Notices of Non-compliance or Civil Penalty following the procedures in part 1241. We will serve all other documents following the procedures in this section.

(a) *Method of service.* ONRR 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 ONRR of any name or address changes on Form MMS–4444. The addressee of record in a part 1290, 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, ONRR 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.

§ 1218.560 How do I submit Form MMS–4444?

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

§ 1218.580 When do I submit Form MMS–4444?

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