

William H. Stallings

Chief, Transportation, Energy and Agriculture Section, Antitrust Division

US Department of Justice

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RE: Civil Action No. 12-cv-00395-RPM Gunnison Energy and SG Interests Antitrust Proposed Settlement.

I want to begin by thanking the Justice Department for pursuing this anti-trust violation. I understand that this action marks the first time the Department of Justice has challenged an anticompetitive bidding agreement for mineral rights leases. As a taxpayer and user of public lands that are also leased for oil and gas drilling, I appreciate the fact that the Department of Justice has acted vigilantly in this case, but I would also like to encourage the Justice Department to set aside the settlement for now and properly investigate the activities of Gunnison Energy (GEC) and SG Interests with regards to collusion and activities that violate the Sherman anti-trust law. I encourage the Justice Department to do a more active and thorough investigation of other leases purchased by these two companies, as well as the activities of the Bureau of Land Management's Uncompahgre Field Office in Montrose, Colorado, associated with these leases.

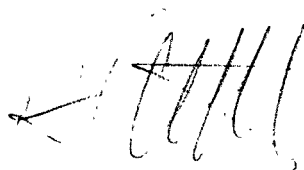
With regards to the proposed settlement, I believe it is insufficient. Both SG Interest and GEC show no contrition with regards to their activities and the reason for the proposed settlement. As reported in the Delta County Independent, (<http://www.deltacountyindependent.com/news/delta-area/25891-federal-antitrust-lawsuit-settled.htm>) GEC and SG Interests chalk up the settlement as a means to avoid legal costs associated with the investigation. In other words, neither company is indicating that they understand the law has been broken and that those laws will be followed in the future. This suggests that the laws that guide bidding on mineral leases will continue to be flaunted by the company and taxpayers will continue to bear the brunt of this arrogance when competitive bidding for oil and gas leases is thwarted by industry.

In addition, I believe that since these leases are in an area that had proven gas reserves ownership should be revoked so that the competitive bidding process can be honored at a future date and the Federal Government receive the proceeds from competitive pricing.

The fairness of the proposed consequences for GEC and SG Interests collusion on bidding is questionable. As you are aware, in December 2008, Tim DeChristopher bid on leases in Utah as an act of civil disobedience to protest leasing of areas he believed worthy of protection and to draw attention to the connection between fossil fuels and global climate change. Across the region, editorials in newspapers and the lauded the two-year federal prison sentence as appropriate and necessary to uphold the rule of law and to maintain the integrity of the federal lease auction, which, according to the Desert News “cannot be made into a farce without consequences.” (<http://www.deseretnews.com/article/700166707/Tough-consequences.html>).

I urge the Justice Department to consider the consequences of DeChristopher's actions and the actions of those leading GEC and SG Interests operations. After sentencing, DeChristopher famously explained his actions by saying, "This is what love looks like." The court in his case seems to have replied, "This is what prison looks like." The corporations GEC and SG Interests have clearly shown us what theft looks like, but in comparison to the sentence received by DeChristopher, the court has only returned a slap on the wrist. GEC and SG Interests and those involved deserve similar punishment for actions that ultimately disrupted competitive bidding at BLM mineral lease auctions.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Greg Aitkenhead', with a stylized flourish at the end.

Greg Aitkenhead