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April 1, 2013

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AOGCC

Alaska Oil and Gas Conservation Commission
333 W. 7th Avenue, Suite 100
Anchorage, AK 99501

Re: Public Comment Concerning Changes to Title 20, Chapter 25 of the AAC
With Regard to Hydraulic Fracturing

Dear Commissioners:

ConocoPhillips Alaska, Inc. (ConocoPhillips) welcomes the opportunity to submit the following comments on the Alaska Oil and Gas Conservation Commission's proposed regulations on hydraulic fracturing.

ConocoPhillips is Alaska's largest oil and gas producer, with significant ownership interests in the Kuparuk and Alpine fields, which ConocoPhillips operates, and Prudhoe Bay, all on the North Slope. In Southcentral Alaska, ConocoPhillips operates the Tyonek platform in North Cook Inlet and the Beluga River natural gas field. The history of ConocoPhillips' heritage companies in Alaska predates Alaska statehood. Today, ConocoPhillips is a significant employer in Alaska with approximately 1,000 employees, and a significant contributor to the state's economy. ConocoPhillips and the Alaska Oil and Gas Conservation Commission (AOGCC) have a common interest in promoting responsible oil and gas development while ensuring Alaska's natural environment is well protected.

As the AOGCC is aware, oil and gas operators have been stimulating wells with hydraulic fracturing methods in Alaska and other states for approximately fifty years. During this time, thousands of hydraulic fracturing jobs have been permitted and performed in Alaska in compliance with the AOGCC's strict regulations on well design and drilling practices.

The practice of hydraulic fracturing has been important to the development of resources for the benefit of both ConocoPhillips and the State of Alaska. Most wells in the Kuparuk field and its satellite developments, for example have been hydraulically fractured. Much of the oil produced from those wells likely would not have been developed if the industry lacked confidence that it could successfully receive permit approval for hydraulic fracturing.

ConocoPhillips is not aware of any instance in Alaska in which hydraulic fracturing has been associated with an environmental or other incident. Yet, we understand that the rapid pace of “unconventional” oil and gas development in the Lower 48 has brought concerns associated with hydraulic fracturing to national attention. We support a transparent public process to ensure that Alaska has the right standards in place.

As explained in detail below, ConocoPhillips supports the proposed regulations in part, and opposes them in part. We see some of the proposed regulations as an appropriate and balanced exercise of AOGCC regulatory oversight, particularly to address potential public concerns about the potential practice of hydraulically fracturing “unconventional” gas wells at shallow depths. However, we believe existing regulations have proven to be adequate for conventional oil and gas wells in Alaska, and we oppose some of the specific proposed changes that would impose significant new burdens on the production-enhancing practice of hydraulic fracturing without any corresponding environmental protection or other benefits.

Background on AOGCC Protection of Freshwater Aquifers

It is important to consider the proposed changes against the background of existing AOGCC regulations on the design, permitting, construction, operation, and closure of oil and gas wells. These existing regulations protect against the possibility of an oil or gas well contaminating a freshwater aquifer.

Current AOGCC regulations require a permit to drill, which requires the submittal of a casing and cementing program to the AOGCC for review.¹ The casing and cementing program must meet rigorous standards, and must be designed to “prevent migration of fluids from one stratum to another” and “prevent contamination of freshwater[.]”² Other aspects of the existing regulations that protect against the possibility of freshwater contamination include the following:

- AOGCC review of initial well design,
- AOGCC approval of a permit to drill,
- required integrity standards for cementing surface and production casing,
- required formation leak off testing, and
- required mechanical integrity testing of wells.

Oil and gas operators, working in compliance with these and other regulatory requirements, have hydraulically fractured wells in Alaska, with all necessary approvals from the AOGCC, while protecting freshwater aquifers. Thus, we see no need for major changes to the regulations specifically to address hydraulic fracturing, although we do see some areas where minor regulatory improvements could serve the common interests of all Alaska stakeholders. ConocoPhillips’ detailed comments on the specific proposals for regulatory changes are set forth below.

¹ See 20 AAC 25.005; .030.

² 20 AAC 25.030(a)(3), (7).

Proposed Changes to 20 AAC 20.005, Permit to Drill

The AOGCC proposes an amendment to 20 AAC 20.005 to require that the proposed drilling program submitted with an application for a permit to drill specifically indicates when fracturing is proposed. This proposal also requires an applicant to fill out a new form on hydraulic fracturing. As we interpret this proposal, it would not prohibit an operator from submitting an Application for Sundry Approval (Form 10-403) later in a well's life to get approval for hydraulic fracturing even though fracturing was not planned when the well was initially permitted. Based on this interpretation, ConocoPhillips does not object to this proposed amendment to 20 AAC 20.005.

Proposed Changes to 20 AAC 20.280, Workover Operations

The AOGCC proposes an amendment to 20 AAC 20.280 to add a new subsection requiring an application for Sundry Approvals when a well is proposed to be stimulated by hydraulic fracturing. As with the preceding proposal, we interpret this amendment not to prohibit an operator from seeking approval for hydraulic fracturing when fracturing was not planned at the time of an initial application for Sundry approval. Based on this understanding, ConocoPhillips does not object to this proposed addition to 20 AAC 20.280.

Proposed New Regulation: 20 AAC 25.283. Hydraulic Fracturing.

The AOGCC proposes to adopt a new section of the regulations in 20 AAC Chapter 25, specifically addressing hydraulic fracturing. ConocoPhillips does not object to the idea of having a regulation to specifically address hydraulic fracturing, although we do have concerns with some of the details in the proposed regulation. Our concerns are set forth in detail below.

Proposed Section 283(a).

Section 283(a), as proposed, would require operators to submit new information in connection with an application for approval for hydraulic fracturing.

Paragraph (1) would require an affidavit showing that landowners and others have been provided a complete copy of the application. We recognize that an affidavit is required in some other AOGCC regulations, although in our view a declaration or statement from the operator confirming notice to landowners, rather than an affidavit, would be sufficient. In any case, this regulation should require that the operator provide landowners and others only a copy of the AOGCC form used to seek approval of hydraulic fracturing, not all the supporting information submitted with the form. The notice requirement should be limited to landowners, surface owners, and operators who have an interest on record in the DNR recorders' office. Otherwise, operators cannot know for sure that they have complied with the regulation.

Paragraph (1), along with paragraphs (2) – (5) and (11) should be limited in scope to hydraulic fracturing that is proposed to occur at shallow depths. We address this issue in more detail in a separate comment below.

Paragraphs (2) and (3) would require submittal of a plat showing the well location and identifying water wells and freshwater aquifers within a ¼ mile radius of the wellbore trajectory. The only known source of information on water well locations is the Department of Natural Resource's Well Log Tracking System, but the information on this system appears to be incomplete and does not contain wells that are not registered. Unlike in other states, where government agencies have mapped out freshwater aquifers, there is no known source of information on freshwater aquifer locations throughout Alaska. Thus, this paragraph would impose on operators a duty to collect and submit information that is not reasonably available. Also, the information, even if it were available, would not serve any clear purpose. There is no engineering reason to drill or fracture wells any differently when water wells or freshwater aquifers are within ¼ mile of the wellbore trajectory. In either case, well integrity standards and fluid migration protections are the same. In other words, oil and gas well design, construction and hydraulic fracturing is done in a manner sufficient to protect against the possibility of contaminating freshwater whether or not freshwater is known to be near the oil or gas well. These paragraphs, as proposed, would impose difficult compliance burdens on operators and would not serve any clear purpose. ConocoPhillips recommends rejection of these paragraphs in the final rule. Alternatively, ConocoPhillips requests that this section be limited in scope to hydraulic fracturing that is proposed to occur at shallow depths.

Paragraph (4) would require an operator to specify whether the well is covered by a freshwater aquifer exemption under 20 AAC 25.440. This is not a burdensome requirement, but it appears to serve little or no value for purposes of hydraulic fracturing. This requirement seems better suited to a disposal well than to hydraulic fracturing. Most hydraulic fracturing in Alaska occurs in conventional wells deeper than 2500 feet below the surface, and there is no engineering or scientific reason to suspect that fracturing at such depths could result in contamination of a freshwater aquifer. ConocoPhillips recommends that this requirement be deleted or, in the alternative, limited to applications where hydraulic fracturing is proposed to occur at shallow depths.

Paragraph (5) would require sampling of water wells. This regulation is not expressly limited to wells that are a source of drinking water, and it could potentially be interpreted to apply to source water wells used in industrial or other applications. The proposed regulation is not expressly limited to wells in any particular proximity to the proposed hydraulic fracture well. But even if the regulation were clarified to apply only to drinking water wells within ¼ miles of the wellbore trajectory of the well to be fractured, ConocoPhillips recommends rejection of this proposed requirement. The protective measures already in place ensure that hydraulic fracturing does not pose a threat to freshwater resources in Alaska. To comply with this proposed rule, operators would have to rely on nearby landowners for information about whether drinking water wells exist within ¼ mile of the well at issue, and then secure cooperation from the well owners for testing. This would impose a significant burden on operators that does not appear to be justified by any potential public or private benefit. Data collection for freshwater wells would be better accomplished through voluntary programs with the involvement of public entities. ConocoPhillips recognizes that the American Petroleum Institute (API) is working on a recommended practice for hydraulic fracturing that that may include a water sampling component. If that recommended practice is adopted by API, it may present a balanced sampling practice that could be incorporated by reference by the API. Under present circumstances,

however, ConocoPhillips recommends rejection of this paragraph in the final rule. Alternatively ConocoPhillips requests the section be limited to applications where hydraulic fracturing is proposed to occur at shallow depths.

Paragraphs (6) and (7) would require the submittal of casing and cementing information. This information is already required by existing AOGCC regulations, such as 20 AAC 25.030, so this information would have already been submitted to the AOGCC independent from an application to hydraulically fracture the well. As proposed, however, this paragraph could potentially be construed to require a cement bond log, which is not necessarily required by current regulations. A cement bond log is not the only way to confirm well integrity. Operators hydraulically pressure test the surface casing string and confirm that the cement has properly returned to surface. Cement that is observed to have circulated to the surface during the surface casing primary cement operation provides clear, direct evidence that sufficient cement bond is present to protect freshwater. Since a cement bond log can be obtained only after the cement surrounding the surface casing string has attained sufficient compressive strength, requiring a cement bond log for all hydraulic fracturing would result in unnecessary delays and cost increases, without environmental benefit, while the rig and crew wait for the cement to adequately cure, and as operators wait for the AOGCC to interpret and approve cement bond logs prior to continuing normal drilling operations. Even if the regulation is clarified not to require a cement bond log in all circumstances, this regulation appears to be redundant of the requirements of 20 AAC 25.030 and therefore unnecessary. ConocoPhillips recommends rejection of this paragraph in the final rule.

Paragraph (8) would require pressure test information and plans. This reflects a standard operating practice of ConocoPhillips for all pre-fracturing work to ensure mechanical integrity. ConocoPhillips performs leak-off tests after drilling out the surface and intermediate casing shoes. We would submit this information to the AOGCC in compliance with the proposed regulation. We recognize that the provision of this kind of information to the AOGCC serves a legitimate oversight purpose and we have no objection to this paragraph.

Paragraph (9) would require pressure ratings and schematics. This, too, reflects standard operating practice of ConocoPhillips to ensure well integrity. ConocoPhillips has no objection to providing this information to the AOGCC on request, but we see no need to impose on operators the burden of providing this information for every hydraulic fracturing operation. We ask that the AOGCC modify this proposed paragraph to require that operators provide this information on request, but not as a matter of course for every application to fracture a well.

Paragraph (10) would require data for the fracturing zone and confining zones. ConocoPhillips does not object to a requirement to submit data for the fracturing zones and confining zones in connection with a hydraulic fracturing application. We acknowledge this as an appropriate way for the AOGC to exercise its oversight responsibilities. The quality and quantity of data on fracturing and confining zones, however, will vary from well to well. Fracture gradient information, for example, could be of various types and ranges. The regulation should expressly require only information that is known or reasonably available, and should not require the submission of confidential geological or geophysical information if it cannot be maintained as

confidential by the AOGCC. ConocoPhillips recommends that this paragraph be modified to require only known or reasonably available information that is not confidential.

Paragraph (11) would require the geologic name and depth of freshwater aquifers. Unlike in other states, there is no collection of freshwater aquifer mapping in Alaska. In light of the measures taken to ensure well integrity and protect against the migration of fluids from one stratum to another, it would be unreasonable to require oil and gas operators to undertake the work necessary to identify and map aquifers. The requirement should not apply if an aquifer exemption applies to the area of the proposed hydraulic fracture. ConocoPhillips recommends that this paragraph be modified to require only information that is known or reasonably available. In the alternative, ConocoPhillips requests the section be limited to applications where hydraulic fracturing is proposed to occur at shallow depths.

Paragraph (12) would require the submittal of information about wells in the area, including a report on the mechanical condition of such wells. To better define the wells within the scope of this regulation, ConocoPhillips recommends the AOGCC follow the practice used in some other jurisdictions and use the defined term “area of review.” This term should be defined as the area within ¼ mile of the wellbore trajectory within the interval for which hydraulic fracturing is planned. This same defined term could be used for convenience and clarity in other portions of the proposed regulations. ConocoPhillips also recommends that the requirements of paragraph 12 be expressly limited to recognize that wells within the area of review might not be owned and operated by the operator proposing the hydraulic fracture. In that case, information available to the operator may be limited. The requirement to submit information on wells in the area of review should be limited to information known to the operator submitting the application. ConocoPhillips recommends that this paragraph be modified to reflect these improvements.

Paragraph (13) would require the submittal of information on faults and fractures. In some cases, seismic-derived fault maps may be available, but operators will have concerns with respect to confidentiality of such information. Additionally, a fault map would not indicate whether the faults would or would not interfere with containment of fluids. In contrast to fault maps, fracture data is relatively rare. ConocoPhillips recommends that paragraph 13 be expressly limited to information known to the operator, specify by example the type of information that would satisfy this requirement, and not require the submittal of confidential information if confidentiality cannot be protected by the AOGCC. ConocoPhillips further recommends that the AOGCC not require for all hydraulic fracturing applications the level of detail on faults and fractures that might be required in a special case where shallow fracturing is proposed to occur in a highly faulted area. The AOGCC can and should reserve the right to ask for additional information about faults or fractures in special cases based on particular facts. In most cases, detailed information would be unnecessary and should not be required. Finally, ConocoPhillips recommends that this paragraph be limited in scope to the “area of review” discussed in comments to paragraph (12), and also discussed in comments on the definitions, below.

ConocoPhillips has no comments on proposed paragraphs (14) and (15).

As mentioned above, paragraphs (1) – (5) and (11) should apply only to hydraulic fracturing that is proposed to occur at shallow depths. The concern about potential migration issues associated with hydraulic fracturing appears to be related to “unconventional” wells, which are shallower and lack the sealing interval that typically defines a conventional oil or gas well. A properly designed and implemented hydraulic fracture poses no significant threat to freshwater aquifers, but we recognize a potential public concern with fracturing at shallower depths in unconventional wells. Measures taken to address that concern, however, should not unnecessarily burden the hydraulic fracturing of deeper, conventional wells. Most hydraulic fracturing in Alaska occurs below 2,500 feet, and in fact 2,500 represent the maximum depth at which surface casing is typically set. Therefore, ConocoPhillips recommends the adoption of a 2,500 true vertical depth threshold, below which a proposed hydraulic fracture is exempt from paragraphs (1) – (5) and (11) unless the AOGCC specifically requires the information for a particular well.

Proposed Section 283(b).

Proposed subsection (b) would impose a pressure testing standard of 110 percent of maximum anticipated surface treating pressure. ConocoPhillips has no objection to this proposal.

Proposed Section 283(c).

Proposed subsection (c) would impose standards to apply when fracturing through a fracturing string. ConocoPhillips has no objection to this proposal.

Proposed Section 283(d).

Proposed subsection (d) would impose requirements for a pressure relief valve and a remotely controlled shut-in device. ConocoPhillips has no objection to this proposal.

Proposed Section 283(e).

Proposed subsection (e) states in its entirety: “The placement of all hydraulic fracturing fluids shall be confined to the approved formations during hydraulic fracturing.” This proposal is unclear. ConocoPhillips suggests that a clearer standard could be worded as follows: “When hydraulically fracturing a well, operators shall act consistent with good oilfield engineering practices to prevent hydraulic fracturing fluids from migrating outside the formation approved for hydraulic fracturing.” ConocoPhillips recommends the subsection be modified to use this language instead of the proposed language.

Proposed Section 283(f).

Proposed subsection (f) would impose requirements including pressure monitoring requirements and pressure limits. When the outer annulus valve is open to atmosphere, pressure in the outer annulus cannot be monitored. ConocoPhillips recommends that this subsection be modified to clarify the intent, and avoid a potential inconsistency in the regulations on the requirements for open valves and pressure monitoring.

Proposed Section 283(g).

Proposed subsection (g) would impose annulus pressure monitoring requirements, and require reporting of a pressure increase over 500 psig. It is not unusual for annulus pressure to increase during hydraulic fracturing treatments. A monitored rise in pressure is not a cause for concern if

the well has been designed and pressure tested for the service. To ensure well integrity, the entire well system is pressure tested before the hydraulic fracturing process begins. We see no technical justification for the arbitrary limit of 500 psi to trigger a notification requirement to AOGCC. It is standard practice for personnel at the site to continually monitor fluid injection rates and annulus pressures throughout the hydraulic fracturing process. Hydraulic fracturing operations are immediately shut down in the event of unexpected pressure responses. The outer annulus occasionally builds pressure due to thermal expansion and may build 500 psi above the initial outer annulus, but still stays within the well operating guidelines with respect to outer annulus pressures. If the outer annulus pressures approach the well operating guideline maximums, it is bled down. We refer the AOGCC to the Section 10.4.2 of the API Guidance Document “Hydraulic Fracturing Operations – Well Construction and Integrity Guidelines” (October, 2009) for a good discussion of pressure monitoring. ConocoPhillips recommends rejection of the 500 psi threshold in the final regulation.

Proposed Section 283(h).

Proposed subsection (h) would require the reporting of specified information within 30 days of hydraulic fracturing operations. Paragraph (1) would require a description of the treated interval and the depth of perforations. This information is already required and submitted on the Application for Sundry Approvals. It would be redundant to include it here. Paragraph (2) would require information on the amount and types of materials pumped during each treatment. ConocoPhillips recommends a different approach for disclosure of materials used in hydraulic fracturing. We propose that the AOGCC follow the practice used in other states such as Colorado and North Dakota, which require submittal of information to the Chemical Disclosure Registry internet web site known as “FracFocus.org” developed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission. ConocoPhillips in fact already voluntarily discloses the materials used on every hydraulic fracture to FracFocus. This clearinghouse approach promotes consistency, transparency, and efficiency.

ConocoPhillips proposes that the Section 283(h) be rewritten to require submission of the following information to the Chemical Disclosure Registry (FracFocus) within 60 days (not 30 days) after the cessation of hydraulic fracturing operations:

- (1) The hydraulic fracturing date.
- (2) The state in which the well is located.
- (3) The well API number.
- (4) The well operator’s name.
- (5) The well name and number.
- (6) The location of the well, submitted as a non-projected, latitude and longitude, in the General Coordinate System (GCS) NAD83 or NAD27.
- (7) The true vertical depth of the well (maximum depth).
- (8) The total volume of carrier fluid used during hydraulic fracturing.
- (9) The name of the productive horizon hydraulically fractured.
- (10) A complete list of the trade names, Chemical Abstracts Service (CAS) numbers, and maximum concentration, in percent by mass, of each chemical added to the hydraulic fracturing fluid. (Where the CAS number does not exist for a chemical, the operator may provide another unique identifier where available.)

- (11) The trade name, supplier, and a brief description of the intended purpose of each additive contained in the hydraulic fracturing fluid.

With this information submitted to the Chemical Disclosure Registry, there is no need to submit duplicate information directly to the AOGCC, although it may be prudent for the regulation to require submittal to AOGCC if the Chemical Disclosure Registry is unable to accept and make publicly available any of the information listed above.

Proposed subsection (i).

Proposed subsection (i) would require duplicate submission of information to the Chemical Disclosure Registry. This requirement is subsumed in ConocoPhillips' recommendation for subsection (h).

Proposed Changes to 20 AAC 25.990, on Definitions

ConocoPhillips recommends that the AOGCC define the term "Area of Review" to mean the area within ¼ mile of the wellbore trajectory within the interval for which hydraulic fracturing is planned. This term would be used as discussed above in comments on proposed Section .283(a)(12) and (13).

Other Issues

Exploration Wells.

Exploration wells are sometimes hydraulically fractured, but for many exploration wells the operator lacks the detailed information that is available for production wells. Information on formation tops, faults, fracture, and aquifers often is unavailable for exploration wells. The AOGCC regulations should expressly recognize that operators are only required to provide information that is reasonably available, so for exploration and possibly other types of wells, the AOGCC will not require the submittal of information that is not reasonably available to the operator.

Pool Rules.

The AOGCC should ensure that nothing in the regulations creates confusion about the interpretation and application of existing pool rules or other commission orders. A specific pool rule should clearly supersede a more general regulation. The hydraulic fracturing regulations should specify that they apply only to the extent they are not superseded by an existing or later-adopted pool rule.

Confidentiality.

The regulations as proposed would require the submittal of confidential information that should not be made available to the public, including commercial competitors. ConocoPhillips recommends that the AOGCC adopt a regulation that clearly maintains the confidentiality of such information.

Conclusion

ConocoPhillips appreciates the extra time that the AOGCC allowed for the submission of comments on the proposed hydraulic fracturing regulations. Because of the significance of the proposed regulations, the extent of ConocoPhillips's comments, and the extent of comments that we expect the AOGCC will receive from others, we request the opportunity to submit a second round of comments on a revised proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Wheatall" with a flourish at the end, followed by the initials "FOR" in a smaller, less distinct script.

Michael Wheatall
Manager
Drilling & Wells Alaska

MW:sb

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AOGCC

 ConocoPhillips

AOGCC Proposed Hydraulic Fracturing Regulations

ConocoPhillips Alaska Comments

Shon Robinson
CPA Wells Manager

April 4, 2013

ConocoPhillips in Alaska

- 50 years in Alaska
- Largest oil producer
- Major employer
- Key Commitments
 - Personal Safety
 - Process Safety
 - Environmental Protection



Operating Principles

In addition to state and federal regulations and industry standards, ConocoPhillips has our own company operating principles that we strictly adhere to:

- **Assure Well Integrity**
- **Protect Groundwater**
- **Promote Disclosure**
- **Conserve Freshwater**
- **Limit Land Footprint**
- **Engage Communities**



- **Conventional wells**
 - Depth
 - Adequate Barriers
 - History of success
- **Hydraulic fracturing at COP-operated fields**
 - Cook Inlet
 - Kuparuk
 - Alpine

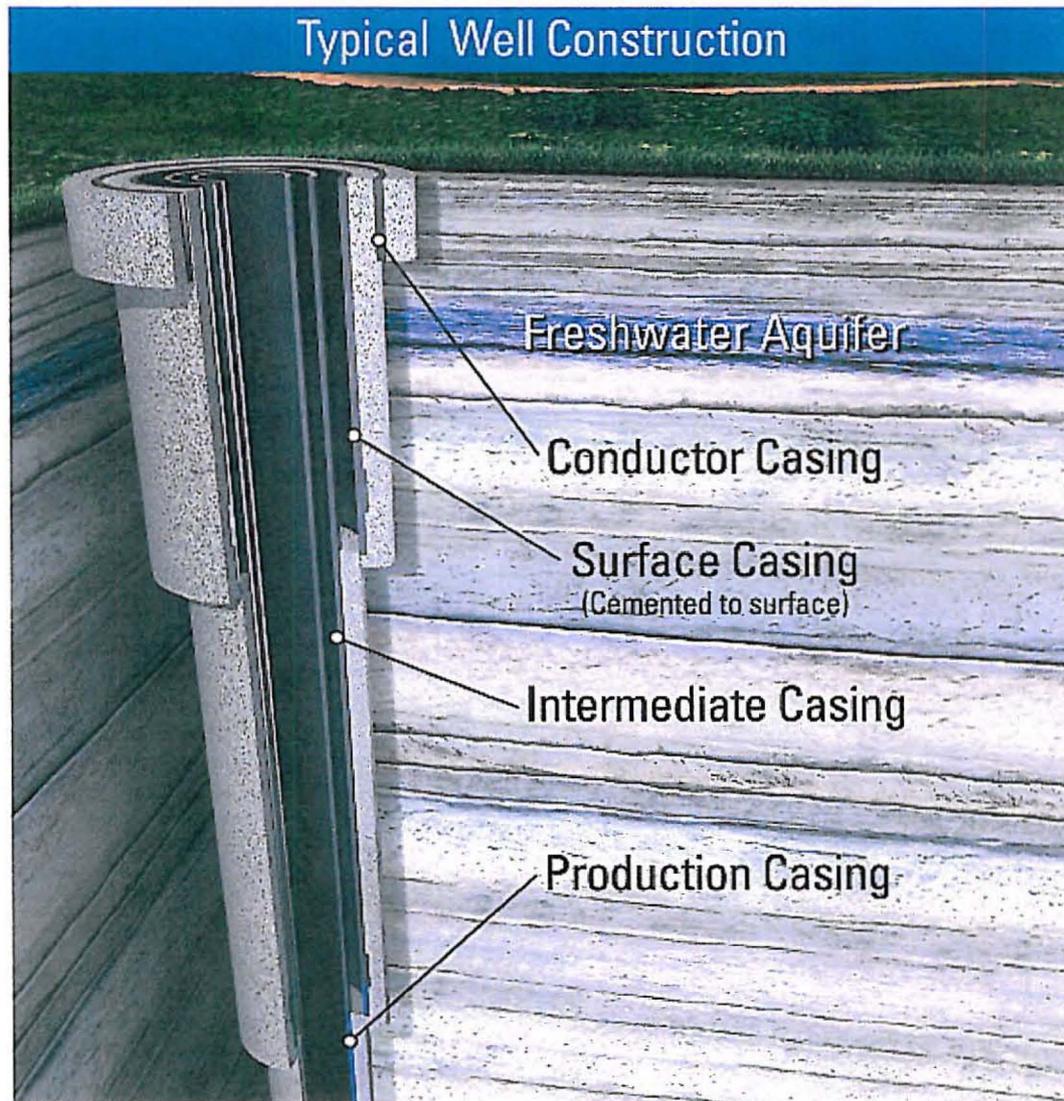


Current Protective Measures

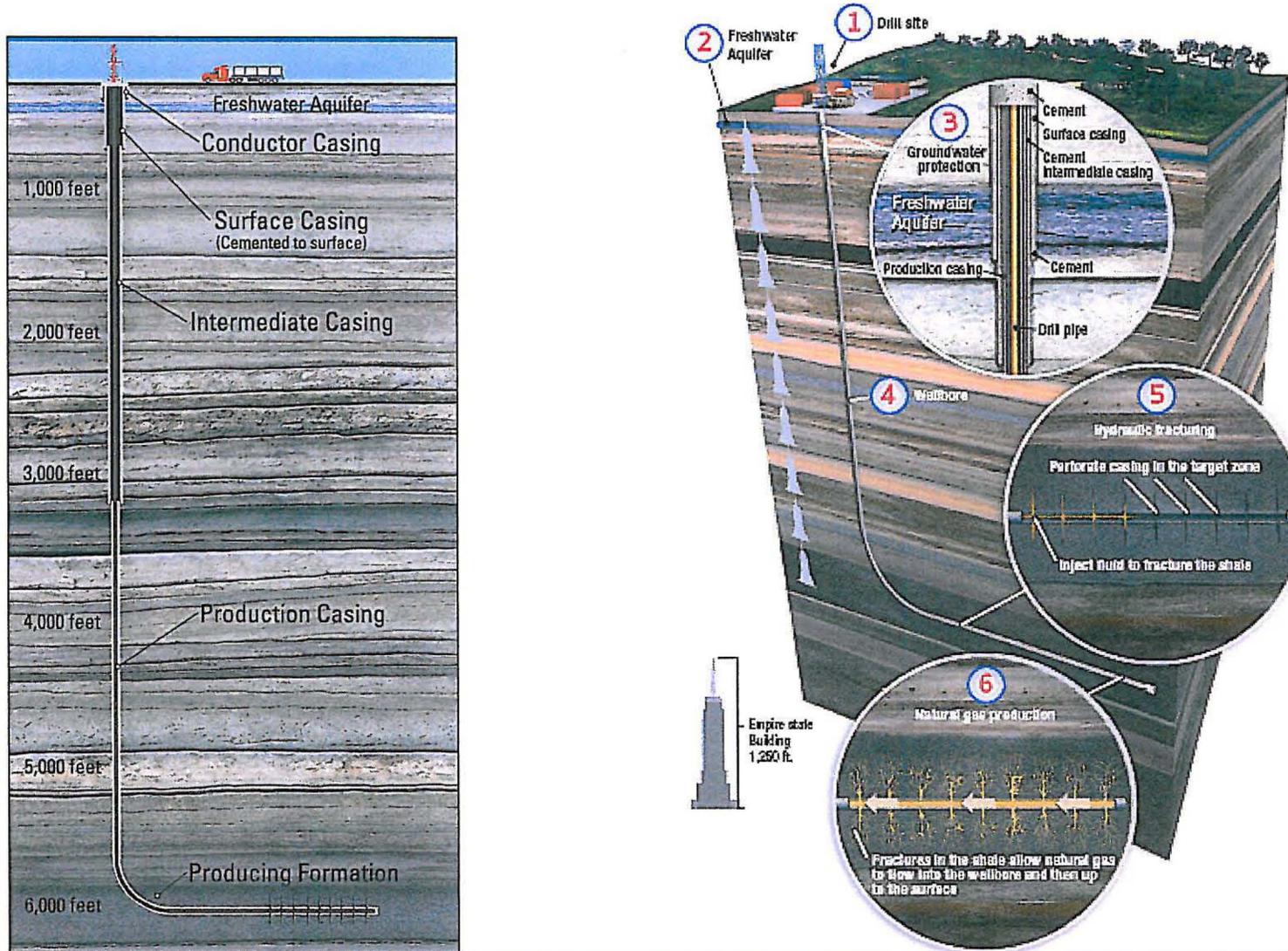
- Well design standards
- Well construction standards
- AOGCC Regulatory Oversight
- Well Integrity
- Operating Practices
- Other Measures



Well Construction



Impermeable Geologic Barriers



Well Operations Overview

[ConocoPhillips Well Operations Video](#)

Comments on Proposed Regulations

- ConocoPhillips submitted written comments
- Partly supportive. For example:
 - Submittal of information on plan
 - Chemical disclosure to FracFocus
- Partly opposed. For example:
 - Aquifer identification
 - 500 psi pressure increase threshold
- Clarifications. For example:
 - Open valves and pressure monitoring
 - Cement bond logs
- Related issues. For example:
 - Limit scope of regulations to shallow depths
 - Sparse information for exploration wells



Promote Disclosure

- ConocoPhillips supports disclosure of fracturing chemicals while protecting proprietary information
- Voluntarily participates in GWPC and IOGCC's website, FracFocus.org
 - National registry providing a broad range of public information including:
 - Additives used in hydraulic fracturing on a well-by-well basis
 - Educational information on groundwater protection and hydraulic fracturing
 - State oil and natural gas regulations
- Arkansas, Colorado, Texas and Wyoming require disclosure of chemicals used in fracturing fluids
- Several other states have pending rulemakings or bills that would also require public disclosure

ConocoPhillips discloses hydraulic fracturing additives on FracFocus.org

Conclusion

- **Hydraulic fracturing at present**
 - **Good regulations currently in place**
 - **Good industry practices**
 - **History of increased production**
 - **History of freshwater protection**
- **The future**
 - **Some addition regulations appropriate**
 - **Avoid unduly inhibiting hydraulic fracturing in conventional wells**
- **Regulatory clarity is important**
- **Additional round of comments is necessary**

