

or other application for judicial review pending, and the deadline for filing such notice of appeal or other application for judicial review has passed.

- (h) “BPXA” means “BP Exploration (Alaska), Inc. and any affiliate, parent company, wholly or partially owned subsidiary, and all owners, including but not limited to, officers, directors, and partners of the foregoing.”
- (i) “Investigation” means the Bureau’s investigation relating to whether BPXA, in license applications filed with the Commission subsequent to its conviction for violating 42 U.S.C. § 9603(a), responded in the negative to questions inquiring whether BPXA had ever been convicted of a felony, in violation of Section 1.17 of the Commission’s Rules, 47 C.F.R. § 1.17.
- (j) “Parties” means the Bureau and BPXA.

I. BACKGROUND

3. BPXA, a subsidiary of BP p.l.c., maintains oil exploration, production, and gathering operations in Alaska, principally in the area referred to generally as the “North Slope.” BPXA is the licensee of various FCC wireless authorizations, all of which BPXA uses for internal communications incidental to its petroleum exploration, production, and gathering activities. BPXA states that such radio communications are essential to protect the health and safety of its employees, and to promote environmental integrity.

4. On September 23, 1999, BPXA pled guilty in the United States District Court for the District of Alaska to one count of knowingly failing to notify the appropriate agency of the United States of a release of a hazardous substance, in violation of The Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603(a). In January 2007, BPXA voluntarily disclosed to the Commission that, in the intervening years following such guilty plea, it filed a number of license applications with the Commission in which it responded in the negative to questions inquiring whether BPXA had ever been convicted of a felony in state or federal court. The Enforcement Bureau immediately commenced the Investigation of BPXA’s representations to the Commission.

5. The Parties acknowledge that any forfeiture proceeding that might result from the referenced investigation would be time consuming and require substantial expenditure of public and private resources. In order to conserve such resources, to resolve the referenced investigation, and to promote compliance by BPXA with Section 1.17 of the Commission’s Rules, the Parties hereby enter into this Consent Decree, in consideration of the mutual commitments made herein.

II. AGREEMENT

6. The Parties agree that the provisions of this Consent Decree shall be subject to approval by the Bureau by incorporation of such provisions by reference in an Adopting Order, which shall resolve and terminate the Investigation.

7. The Parties agree that this Consent Decree shall become effective on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission, and any violation of the terms of this Consent Decree shall constitute a violation of a Commission order, entitling the Commission, or the Bureau pursuant to delegated authority, to exercise any rights and remedies attendant to the enforcement of a Commission order.

8. BPXA acknowledges that the Commission has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

9. BPXA acknowledges that in various license applications that it filed with the Commission since December 9, 1999, it responded in the negative to questions inquiring whether it had ever been convicted of a felony in state or federal court. BPXA acknowledges that Section 1.17 of the Commission's rules, 47 C.F.R. § 1.17, requires truthful and accurate statements to the Commission, and, that in such applications, BPXA did not respond truthfully or accurately, given its prior felony guilty plea.

10. The Bureau acknowledges that BPXA voluntarily revealed its conduct to the Commission, and has properly requested modification or amendment to pending applications, pertaining to mobile radio station authorizations. The Bureau further acknowledges that BPXA has cooperated with the Bureau in connection with its Investigation.

11. In consideration of the terms and conditions set forth herein, the Bureau agrees to terminate the Investigation. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against BPXA concerning the matters that were the subject of the Investigation or with respect to the basic qualifications of BPXA to be a Commission licensee.

12. BPXA agrees that it will develop and implement a comprehensive Compliance Plan within 60 days of the Effective Date for the purpose of ensuring its compliance with 47 C.F.R. § 1.17, and further, to keep such Compliance Plan in effect for at least two years thereafter. The Compliance Plan shall include, at a minimum, the following components:

- (a) Leadership and Management Commitment. BPXA will designate a Single Point of Accountability ("SPA") for its license applications. The SPA will be responsible for ensuring accuracy in the preparation and filing of license applications on behalf of BPXA with the Commission. The SPA will report to and be under the supervision of an officer of BPXA and will regularly keep the officer apprised of all matters of a material nature relating to the Compliance Plan.
- (b) Employee Ownership. Only the SPA, and those employees and contractors who are authorized by the SPA, will be permitted to prepare FCC license applications. The SPA, employees, and contractors will receive specialized training, as further described below. Only the SPA, or BPXA employees authorized by the SPA, may execute FCC license applications.
- (c) Training. All current and future employees who are authorized to prepare FCC license applications will be provided with training that describes the Commission's rules regarding truthful statements and the obligation to maintain the accuracy and completeness of any application, as well as the resources that must be used in order to assure accuracy and completeness. All current and future employees who may come into contact with FCC licensing procedures, but who are not expected to prepare FCC license applications, will be provided with general awareness training that is designed to ensure that license applications are directed to the SPA or other authorized employees who have received the specific training. Both types of training will include instructions directing the employees to promptly report all possible or suspected instances of non-compliance with 47 C.F.R. § 1.17 to the SPA. Both types

of training will include an admonition as to the individual consequences of intentional non-compliance, which may result in disciplinary action, as well as the channels for reporting non-compliance, which include a toll-free, anonymous hotline. Records of all training will be maintained.

- (d) Risk Assessment and Change Management. The SPA and BPXA's business leaders will be responsible for monitoring and responding to changes in the business that may impact this Compliance Plan. Examples of such changes could include, but are not limited to, the resignation or redeployment of employees who have received specialized training in license applications, the acquisition of new businesses that results in the need to transfer licenses, or changes in the Commission's regulations.
- (e) Reports of Non-Compliance to the Commission. Any and all instances of non-compliance with 47 C.F.R. § 1.17 coming to the attention of the SPA will be reported in writing by the SPA to the Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, within 30 calendar days, and all documents relating thereto will be retained by the SPA and provided to the Commission upon request.
- (f) Continuous Improvement. The SPA and business leaders will annually assess the Compliance Plan to confirm (a) that the Compliance Plan is being used by those employees and contractors whose actions may impact the company's compliance with Commission rules and regulations; and (b) that the Compliance Plan is effective in ensuring accuracy and completeness in license applications that are prepared and filed with the Commission. Any shortcomings in the Compliance Plan detected through these annual assessments will promptly be addressed.

13. Within five business days after the Adopting Order becomes a Final Order, BPXA agrees that it shall make a voluntary contribution to the United States Treasury in the amount of \$50,000. The payment shall be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment shall include NAL/Acct. No. 200732080027 and BPXA's FRN No. 0003477551. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 9116229.

14. One year after the Adopting Order becomes a Final Order, BPXA shall submit an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations therein, verifying that BPXA has complied with the terms of this Consent Decree. The declaration shall be submitted to Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The declaration or affidavit must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

15. BPXA agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition, modification or deletion.

16. The Parties agree that if BPXA, the Bureau, the Commission, or the United States acting on the Commission’s behalf, brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, none shall contest the validity of this Consent Decree or the Adopting Order, and BPXA shall waive any statutory right to a trial *de novo*.

17. The Parties agree that this Consent Decree and BPXA’s voluntary contribution are for settlement purposes only and do not constitute an admission, denial, adverse finding, adverse final action, adverse adjudication on the merits, or waiver of legal rights except as otherwise expressly set forth herein.

18. The Parties agree that if any provision of this Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which BPXA does not expressly consent), such provision will be superseded by such Commission rule or order.

19. BPXA agrees that the terms and conditions of this Consent Decree shall be binding on its successors and assigns.

20. The Parties agree that in the event that this Consent Decree is rendered invalid in any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

21. BPXA agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

22. BPXA and the Bureau each represents and warrants to the other that it has full power and authority to enter into this Consent Decree.

23. This Consent Decree may be executed in counterparts.

**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU**

By: _____
Kris Anne Monteith, Chief

Date: _____

BP EXPLORATION (ALASKA) INC.

By: _____
James Wilk, Vice President and
Chief of Staff

Date: _____