



Department of Energy

Washington, DC 20585

ESCALATION DRAFT

DATE

<CONTACT NAME>

<COMPANY NAME>

<COMPANY ADDRESS>

Dear <CONTACT NAME>,

Your company has not filed its report with the U.S. Energy Information Administration (EIA) for Form EIA-8A, "Annual Survey of Coal Stocks and Coal Exports" for the following period: January – December <reporting year>. Your reports for <company name> was due to EIA by April 1st of the year following the reporting year and is now considered late.

Response to this survey is **mandatory** under Section 13(b) of the Federal Energy Administration Act of 1974 (FEAA) (Public Law 93-275) as amended (codified at 15 U.S.C. 772). Title 18 USC 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction. Your company has a mandatory obligation to report and your participation is required in the future unless your company closes, ceases to hold coal stocks greater than 10,000 short tons of coal, or no longer operates within the export market. EIA estimates that the average reporting burden for this survey is approximately one hour per response.

The timely submission of Form EIA-8A by those required to report is **mandatory** under Section 13(b) of the Federal Energy Administration Act of 1974 (FEAA) (Public Law 93-275), as amended (codified at 15 U.S.C. 772). Failure to respond may result in a penalty of not more than \$2,750 per day for each civil violation, or a fine of not more than \$5,000 per day for each criminal violation. The government may bring a civil action to prohibit reporting violations, which may result in a temporary restraining order or a preliminary or permanent injunction without bond. In such civil action, the court may also issue mandatory injunctions commanding any person to comply with these reporting requirements.

EIA has a legal mandate to carry out a central, comprehensive, and unified energy data and information program. All persons owning or operating facilities or business premises who are engaged in any phase of energy supply shall make available to the Administrator such information and periodic reports. By law the EIA Administrator has the authority to conduct mandatory information collections and obtain the information by issuing subpoenas, conducting physical inspections or by other means identified in 15 U.S.C. 779.

EIA needs you to report the requested information on Form EIA-8A no later than **April 25, 2023**. If you continue to refuse to file your report, EIA will request further action to compel the production of all information, documents, reports, records, and accounts needed to complete the

reporting requirements for your company. If you have questions, you can contact eia4usa@eia.gov, or 855-EIA-4USA (855-342-4872).

Sincerely,

Rachelle Reeder
Director, Office of Survey Operations
U.S. Energy Information Administration
U.S. Department of Energy