

## RÉSUMÉ OF JOHN M. BERGHAMMER

Vice President  
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### 1983 to Date:

Mr. Berghammer has rendered professional natural gas consulting services on behalf of a wide-range of producer, mineral owner, pipeline, local distribution company and end-user industry clientele since 1983. Primary concentrations include wellhead & plant processing revenue audits & analyses; gas purchase and processing agreement matters including interpretation, negotiation, drafting & administration; oil & gas pricing research and analysis; public records & regulatory research & analysis; and, gas supply & marketing services. This experience includes expert testimony involving matters before state and federal courts. Particular matters include (\* denotes client):

Apache Corporation v. Dynege Midstream Services, et al.\* - various gas processing audit issues.

Bartie, et al. v. Williams Exploration Company\*, et al. - involving royalty claims for gas liquids.

BP\* v. Luxor, - contract market out provision.

Champlin, et al. v. Aquila Southwest\*, et al. - involving contract price and market value.

Chase-Mann Petroleum v. El Paso Hydrocarbons\*, et al. - involving plant processing and profitability.

Chevron\* v. State of Louisiana - reconciliation of crude oil price audit issues.

Chevron (CUSA)\* v. State of New Mexico Department of Taxation – severance tax commensurate price study.

Citation Oil & Gas Corp. v. Riata Energy, Inc.\* - analysis of well payout information.

Corbello v. Shell\*, et al. - involving plant processing revenue and profitability.

Elf v. Enron & Texaco\* - involving gas balance agreement and accounting.

Followwill, et al. v. Cabot Oil & Gas\* - royalty payment issues relating to the Wyoming Royalty Payment Act.

Forest Oil Corporation v. Columbia Gas Transmission\* - take or pay deficiencies.

Hamman, et al.\* v. Shell, et al. - various royalty payment issues.

J.B. Hanks Co., Inc. v. Shore Oil Company\* - royalty accounting issues.

Harmony Exploration v. Aquila Southwest\* - residue gas & processing revenue issues.

Howell, et al. v. Texaco, Inc. et al.\* - royalty payment issues for processed gas.

Humphrey Oil Company v. Mesa\*, et al. - contract price & processing revenue issues.

John W. Hunter v. Devon Energy Corporation\* - arbitration involving gas sales by the operator.

Incline Energy v. Conoco Inc.\* - gas contract price & processing revenue issues.

Julie Morris v. CMS\* - royalty owner claim for underpayment per Wyoming Royalty Payment Act.

MacFarlane Company & Montgomery Exploration Co.\* v. Arkla - take or pay deficiencies.

Mannering, et al. v. ExxonMobil\* - class certification proceeding involving the marketability of gas.

Maxus Exploration v. Natural Gas Clearinghouse\*, et al. - gas processing revenues.

Meyer Oil, et al. v. Texaco, et al.\* - gas processing profitability and pricing issues.

Moffett & Brewster, et al.\* v. Arco & NICOR - gas contract settlements & cessation of production issues.

Norcon Power Partners, L.P.\* v. Niagra Mohawk Power Corporation - oil & gas market testimony.

Oklahoma Tax Commission v. Texaco, Spectrum \*- prevailing price study for gas processing plant.

Perry Gas Companies, Inc., v. Astaris LLC\* - bankruptcy proceeding involving gas future contracts.

Ross, et al. v. Shell Western Exploration and Production\* - involving royalty sales proceeds.

Ricks Exploration v. Dynegey\* (successor to Mesa) - contract price & processing revenue issues.

Roberts v. Chesapeake\* - mineral lease pricing provision.

Sacket v. Magic Circle, et al.\* - royalty class certification proceeding.

Sea Robin Pipeline Company v. Amoco, et al.\* - plant allocation, processing operations and resale prices.

Shell Offshore Inc.\*, v. The State of Louisiana, et al. - various gas sales audit issues.

Shockey, et al. v. Chevron, et al.\* - class certification proceeding involving gas processing plants.

Southland Royalty Co.\* v. Gas Company of New Mexico - contract price, quantity and ratable take.

Southland Royalty Co.\* v. Clajon Gas Co, et al. - take or pay deficiencies.

Switzer v. Apache – royalty payments for residue and gas liquids.

SPR Energy Corp.\* v. Valero Transmission Co. - involving contract price provision.

Tennessee Gas Pipeline v. Conoco, et al.\* - processing at the Grand Chenier Gas Plant.

Terra Energy (CMS)\* v. White Pine – Michigan city-gate price research.

Texaco\* v. Lainelife - royalty payments for residue gas and gas liquids.

Unimin Corporation\* v. Natural Gas Clearinghouse - end-user gas purchase contract issues.

Wagner, et al. v. Chevron U.S.A. Production Company\* - Wyoming class certification proceeding.

Whitten, et al. v. Texaco, Inc.\* - royalty valuation relating to the sale of a gas processing plant.

### **1988-1989:**

Prior to his employment with **Willis, Graves & Associates, Inc.** Mr. Berghammer was a Principal of *Planmetrics, Inc.* of Chicago, Illinois serving as Vice President - Operations of the EnerPro division. Planmetrics, established in 1969, provides specialized software, management and financial consulting services to electric and gas utility companies. Mr. Berghammer had direct management responsibility for the majority of the engagements involving the firm's natural gas practice services. This responsibility included the design and supervision of revenue analysis and research engagements, the design and implementation of gas transaction accounting systems, and the development and implementation of other client services.

In addition to management responsibility for gas producer services, Mr. Berghammer also participated in a variety of consulting projects servicing local distribution company (LDC) and end-user clients. These projects include the projection of interstate pipeline transportation and commodity tariffs on behalf of a northeastern LDC, assisting a marketing affiliate company in formulating and deploying a gas supply strategy with southwest and gulf coast suppliers, the analysis of gas technology as a means to increase demand and balance load factors for a combination utility company, and the negotiation of long term supply and transportation arrangements for cogeneration facilities. Mr. Berghammer has performed analyses of gas markets, supply basins, reserves and storage fields.

### **1983-1987:**

Prior to his employment with Planmetrics, Inc. Mr. Berghammer served as an Associate & Senior Consultant with *EnerPro, Inc.* and was responsible for completing specific project assignments relating to the firm's services in connection with the first sale of gas. During this tenure Mr. Berghammer gained a broad range of industry experience serving in a variety of capacities on behalf of numerous gas producers. Particular concentrations in the areas of applied analysis, gas market analysis and software system design are described below:

Conducted the audit of wellhead and plant processing payment transactions involving thousands of producing properties and the review of sales contracts, operating agreements, division orders and mineral leases primarily with respect to pricing, gas measurement, and allocation provisions.

Assisted producers in regulatory matters including compliance under the *Natural Gas Policy Act of 1978*, and FERC Orders 93, 94, 380, 399 436/500, 451 and 490.

Completed price research utilizing a variety of public data sources and performed survey research work to fulfill contract price redetermination and gas marketing requirements.

Developed programs used to disseminate price data for use in company publications.

Designed and developed computer software to audit gas payment transactions, manage mineral royalty income, simulate & project gas processing and other gas revenue allocations, perform contract administration functions, and, maintain Texas severance tax marketing deductions.

### **Publications and Seminar Presentations**

Mr. Berghammer's education and professional work has included publications and seminar presentations:

**Security of Federal Computer Systems**; The University of Texas at Austin, 1983.

**Natural Gas Producer Prices**; monthly periodical reporting natural gas prices and contract activity, Federal Programs Advisory Service, 1984-1987.

**Natural Gas Marketwire**; daily wire service reporting natural gas spot market prices and contract activity, Belvoir Publications, 1987-1988.

**Take or Pay Case Study**; seminar presentation for the "Natural Gas Audit Briefing" conference sponsored by Executive Enterprises, 1988.

**Audit Tools and Research Sources**; seminar presentation for the "Natural Gas Audit Briefing" conference sponsored by Executive Enterprises, 1988.

**Targeting Properties For Audit**; seminar presentation for the "Natural Gas Revenue Accounting" conference sponsored by Executive Enterprises, 1987.

### **Education and Memberships**

Mr. Berghammer received a B.A. degree magna cum laude with mathematics concentration from St. Mary's University in 1981. Mr. Berghammer earned his M.P.A. degree from the Lyndon B. Johnson School of Public Affairs, at the University of Texas, Austin in 1983. Mr. Berghammer is a member of the Delta Epsilon Sigma Honor Society and is listed in *Who's Who in the South and Southwest* (23rd Edition).