

Via Email

September 19, 2019

AltaGas Ltd.

Beaumont Church LLP

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Attention: Mackenzie Sailer Attention: Daniel A. Hawkwood

Dear Sir/Madam:

**RE: Request for Regulatory Appeal by 825830 Alberta Ltd. and Donald Gano
AltaGas Ltd.
Application No.: 1913609; Licence No.: F51073 (the Licence)
Location: 10-34-033-04W5M
Requests for Regulatory Appeal No.: 1916658 and 1916660**

The Alberta Energy Regulator (AER) has considered the request of 825830 Alberta Ltd. and Donald Gano (collectively the Landowners) under section 38 of the *Responsible Energy Development Act* (REDA) for a regulatory appeal of the AER's decision to approve Application No. 1913609 and issue Licence No. F51073 (the Decision). The AER has reviewed the Adjacent Landowners' submissions and the submissions made by AltaGas Ltd.

For the reasons that follow, the AER has decided that the Landowners are eligible to request a regulatory appeal in this matter. Therefore, the request for a regulatory appeal is granted.

The applicable provision of REDA in regard to regulatory appeals, section 38, states:

38(1) An eligible person may request a regulatory appeal of an appealable decision by filing a request for regulatory appeal with the Regulator in accordance with the rules. [emphasis added]

The term “eligible person” is defined in section 36(b)(ii) of REDA to include:

a person who is directly and adversely affected by a decision [made under an energy resource enactment]...

Thus section 38(10) creates a two-part test for a regulatory appeal. First, the appeal requester must be an “eligible person” and the requested appeal must be of an “appealable decision”.

Reasons for Decision

The term “appealable decision” is defined in section 36 of REDA. Specifically relevant to this regulatory appeal request is section 36(a)(iv). The decision to issue the Licences is an appealable

decision as the decision was made under the *Oil and Gas Conservation Act*, an energy resource enactment, without a hearing.

In order for the Landowners to be eligible to appeal the decision to issue the Licence, they must demonstrate they are persons directly and adversely affected by the AER's decision to issue the Licence.

The AER is satisfied that the Landowners have demonstrated they are directly and adversely affected by the issuance of the Licence. The information provided by 852830 Alberta Ltd., an entity in which Mr. Gano is a shareholder, indicates that the property owned by it may have a reduced value because of the development associated with the Licence. Further, there will be a significant increase in the traffic in close proximity to Mr. Gano's personal property as a result of issuance of the licence.

It is the opinion of the AER that the requested appeal has some merit and notes that the issues raised by the Landowners have not yet been considered in a hearing, regulatory appeal or review.

For the above reasons the request for regulatory appeal is granted.

Sincerely,

<original signed by>

Sean Sexton
Vice President, Law Branch

<original signed by>

R.G. Keeler, P.Eng., P.Ged.
Senior Advisor, Authorizations

<original signed by>

Tom Byrnes, P.Eng.
Senior Advisor, Strategic Management