

Hearing and ADR by Hearing Commissioner Summary

April 1, 2018 to March 31, 2019

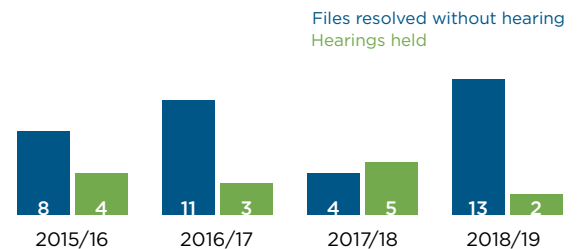
Hearings play an important role in helping us fulfil our mandate to make sure Alberta's hydrocarbon resources are developed in a manner that is safe for both the public and the environment. Hearings are presided over by our hearing commissioners and are formal, court-like, public proceedings that give those concerned about a project an opportunity to present and test evidence on the issues related to a project. Our hearing commissioners also use alternative dispute resolution (ADR), which was introduced to the adjudicative process in 2013 with the passing of the Responsible Energy Development Act (REDA). The act lays out legislative requirements that guide us in hearing and addressing concerns about the development of Alberta's hydrocarbon energy resources.

Every year, we review and make decisions on thousands of energy development applications for oil and gas wells, pipelines, sour gas processing plants, and major oil sands and coal projects. This fiscal year, the AER received 44,476 applications. Albertans concerned about any of these applications can have their concerns heard by submitting a statement of concern to us. Concerns that cannot be resolved during our application review process may need to be resolved in other ways. We refer such files to our hearing commissioners who then work to resolve the concerns, either through a hearing or by way of some other process, such as ADR.

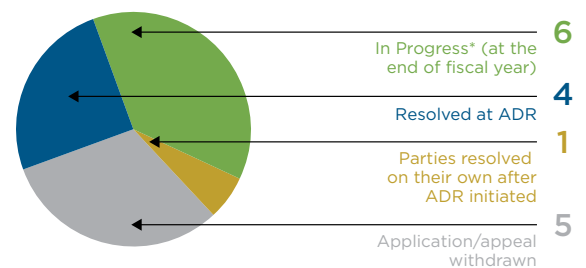
Hearing Commissioners

Our hearing commissioners act as independent decision-makers on the applications and regulatory appeals the AER refers them. They are appointed by the Government of Alberta and report to the chief hearing commissioner. When making decisions, our hearing commissioners interpret and apply legislation within REDA or other acts or any regulations the AER administers. Their decisions are only subject to review by the Court of Appeal of Alberta.

Overview of Hearings 2015-19 (fiscal year ending March 31)



ADR by Hearing Commissioner Files 2018/19 (fiscal year ending March 31)



Hearing Type	2017/18 Fiscal	2018/19 Fiscal
Total hearings held	5	2
Mining (oil sands and coal)	1	2
Oil and gas (including pipelines)	3	0
In situ	1	0
Regulatory appeals	0	0
Corporate compliance	0	0

Application Type	2017/18	2018/19
Total	43 987	44 476
In situ oil sands	3209	3096
Mining (oil sands and coal)	367	558
Oil and gas	20799	19721
Pipeline	17363	17373
Corporate compliance	2200	3687
Law	49	41

We have six full-time and four part-time hearing commissioners. Together, our hearing commissioners have significant experience in various fields: engineering, geology, environmental science, law, economics, and mediation. Each hearing commissioner must follow and demonstrate a commitment to the values and guiding principles within our *Hearing Commissioner Code of Conduct*, which is based on the core values of respect, fairness, integrity, and responsibility. Read more about each of the hearing commissioners on our website, www.aer.ca under Providing Information > About the AER > Governance.

Hearing and Dispute Resolution

Hearing commissioners have access to a range of adjudicative and mediation processes to help them resolve disputes—from mediation, settlement conferences, and binding dispute resolution to hearings that may be held orally, written, or electronically. Hearings can be held before a panel of one or more hearing commissioners.

The number of hearings held has decreased since our hearing commissioners have been able to use ADR. Under the *AER Rules of Practice*, ADR would be conducted by a hearing commissioner if a notice of hearing has been issued and no other ADR is underway, if a regulatory appeal has been granted, or if a request has been made by the parties.

Year in Review

On April 1, 2018, we had eleven active hearing files. Sixteen new files were referred to the chief hearing commissioner to have a panel assigned during the fiscal year and thirteen files were resolved through hearing

commissioner-facilitated ADR or because the parties reached an agreement on their own or the applicant withdrew the application. By the end of the fiscal year, fourteen hearing files were active, with six hearing commissioner-led ADRs.

We also held two hearings this fiscal year. One hearing was about an application from Teck Resources Limited for a new oil sands mine. A joint federal and provincial panel heard evidence on this application over a four-week period. The hearing involved four days of oral testimony in the fly-in community of Fort Chipewyan. The remainder of the hearing was held in Fort McMurray. A video and audio webcast of the hearing was available for those who were unable to attend the hearing in person. A decision on the application is pending. The other hearing was about an application to expand Syncrude Canada Limited’s Mildred Lake oil sands mine and processing plant. The panel heard evidence on the application in Fort McMurray over a two-week period. Final argument was held in Calgary and a decision on the application is pending

Where to Get More Information

Learn more about AER hearings in the *EnerFAQs Having Your Say at an AER Hearing* and *Manual 003: The Hearing Process for the Alberta Energy Regulator* or by contacting the AER Customer Contact Centre at [inquiries@aer.ca](mailto:inquiries@ aer.ca).

2018/19 Hearings Held

Company	Application No.	Hearing Date(s)	Location	Decision Report
Teck Resources Limited	1709793	Sept 25 - Dec 12, 2018	Fort McMurray, AB	Pending
Syncrude Canada Limited	1820856	Jan 22 - March 27, 2019	Fort McMurray, AB	Pending