

417	<p style="text-align: center;">THE ALBERTA ENERGY REGULATOR PROCEEDING ID NO. 436</p> <p>IN THE MATTER OF the Regulatory Appeal by Obsidian Energy Ltd. of the Alberta Energy Regulator's decision to issue an Environmental Protection Order to Obsidian Energy Ltd., pursuant to Sections 113 and 24 of the Environmental Protection and Enhancement Act On March 23, 2023 (Regulatory Appeal 1943624)</p> <hr/> <p style="text-align: center;">AER PROCEEDING VOLUME 6</p> <hr/> <p style="text-align: center;">Calgary, Alberta November 29, 2024</p>	418
419	<p>1 Proceedings taken at the Govier Hall, Calgary, 2 Alberta 3 4 November 29, 2024 Afternoon Session 5 6 A. Bolton The Chair 7 B. Zaitlin Hearing Commissioner 8 T. Stock Hearing Commissioner 9 10 B. Kapel Holden AER Counsel 11 O. Chijioke AER Counsel 12 A. Huxley AER Counsel 13 (Via Videocast) 14 A. Lung AER Staff 15 A. Stanislavski AER Staff 16 M. Rahimabadi AER Staff 17 18 P. Fitzpatrick For Regulatory Compliance 19 Branch 20 J. Allison For Regulatory Compliance 21 Branch 22 A. Hall For Regulatory Compliance 23 Branch 24 25 D.P. Langen For Obsidian Energy Ltd. 26 A. Barrington For Obsidian Energy Ltd.</p>	420

1	TABLE OF CONTENTS	
2		
3	Description	Page
4		
5	November 29, 2024 Afternoon Session	419
6	Discussion	420
7	Certificate of Transcript	424
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		

1 A. Porco, CSR(A) Official Court Reporter  
2  
3 (PROCEEDINGS COMMENCED AT 3:10 PM)  
4 Discussion  
5 THE CHAIR: Okay. I think we're  
6 back in the public session.  
7 Mr. Langen, do you want to speak to that  
8 matter now?  
9 D. LANGEN: I do, yes. Thank  
10 you, sir.  
11 So, obviously, Mr. Chair and Commissioners,  
12 you're aware of our series of letters leading  
13 up to the oral hearing and our strong  
14 objections to the ability of CLM who does not  
15 bear the onus to put new evidence in in  
16 response to submissions that were in the reply  
17 evidence of Obsidian. We've now seen that  
18 through aid -- it was an aid to cross, but then  
19 my friend used it to put new evidence in,  
20 Exhibit 97, confidential. We've had about  
21 20 minutes of that material. As I indicated in  
22 my exhibit -- Exhibit 89, our letter to you,  
23 we're clearly prejudiced because of that new  
24 evidence in response.  
25 And so we had indicated that if that  
26 occurred, we would want some time to confer

421

1 with our expert team to determine whether or  
 2 not we were going to sit a reply panel specific  
 3 to that evidence, let alone anything we extract  
 4 that we can't anticipate in cross-examination.  
 5 So I just raise this now. I will confer  
 6 with the independent experts as well as  
 7 Obsidian through the weekend, assess what this  
 8 information entails and whether or not we want  
 9 to reply to it.  
 10 With that, I did exchange emails with  
 11 Mr. Lung in respect of getting the transcripts  
 12 from today. I believe we'll be getting them  
 13 tomorrow morning, which will assist greatly in  
 14 our ability to assess the new evidence we just  
 15 heard from Mr. Galloway.  
 16 THE CHAIR: Okay. Thank you.  
 17 Mr. Fitzpatrick, anything you want to add?  
 18 P. FITZPATRICK: Oh, yes. Just --  
 19 just briefly. The -- the schedule, of course,  
 20 does contemplate reply evidence, and if my  
 21 friend and his client do feel that there's been  
 22 some -- some prejudice to them, we certainly  
 23 would have no objection to them leading  
 24 response evidence to the testimony that  
 25 Mr. Galloway has given.  
 26 THE CHAIR: Okay. Thank you,



423

1 what we'll do.  
 2 THE CHAIR: Okay. Yeah. I  
 3 think we -- I think we will 'cause we're, I  
 4 think, about a half a day ahead, so, you know,  
 5 presumably even if you need more time,  
 6 hopefully that it will accommodate that. We'll  
 7 see on Monday how things play out.  
 8 So, with that, we will adjourn until Monday  
 9 morning at 9 AM. Thank you, everybody.  
 10 (WITNESSES STAND DOWN)  
 11 \_\_\_\_\_  
 12 PROCEEDINGS ADJOURNED UNTIL 9:00 AM,  
 13 DECEMBER 2, 2024  
 14 \_\_\_\_\_  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26

422

1 Mr. Fitzpatrick.  
 2 So, Mr. Langen, you would propose to deal  
 3 with this as a preliminary matter on Monday?  
 4 D. LANGEN: That's my intention.  
 5 Obviously, if they need more time, then I'll --  
 6 I'll let you know, but that's my intention  
 7 currently.  
 8 THE CHAIR: Okay. Thank you.  
 9 So it is 12 minutes after 3. We've  
 10 completed the direct evidence of CLM, so we're  
 11 ahead of schedule. So I would propose that we  
 12 adjourn for the day and resume on Monday  
 13 morning at 9 AM, and that would be the start of  
 14 cross of CLM, subject to any preliminary  
 15 motions or matters that Mr. Langen brings.  
 16 Does that make sense? People okay with that  
 17 approach?  
 18 Okay. Yeah. Okay. I'm just going to go  
 19 on that, seeing a bit of nodding, not too much  
 20 from Langen but ...  
 21 D. LANGEN: We're in  
 22 your -- we're in your hands, Mr. Chair.  
 23 Recognizing as well I'd indicated in those  
 24 letters that our length of cross-examination  
 25 may increase given what we heard, so we're in  
 26 your hands. If you want to adjourn, that's

424

1 CERTIFICATE OF TRANSCRIPT:  
 2  
 3 We, A. Porco and K. Di Rocco, certify that  
 4 the foregoing pages are a complete and accurate  
 5 transcript of the proceedings taken down by us  
 6 in shorthand and transcribed from our shorthand  
 7 notes to the best of our skill and ability.  
 8 Dated at the City of Calgary, Province of  
 9 Alberta, this 30th day of November 2024.  
 10  
 11   
 12 \_\_\_\_\_  
 13 A. Porco, CSR(A)  
 14 Official Court Reporter  
 15 Commissioner for Oaths Appointee No. 0734405  
 16 ASRA Membership No. 185  
 17  
 18   
 19 \_\_\_\_\_  
 20 K. Di Rocco, CSR(A)  
 21 Official Court Reporter  
 22 Commissioner for Oaths Appointee No. 0728318  
 23 ASRA Membership No. 57  
 24  
 25  
 26