

THE ALBERTA ENERGY REGULATOR

PROCEEDINGS ID NO. 417

IN THE MATTER OF the Regulatory Appeal by Michael  
Judd of the AER's decision to approve  
Application No. 31097955 and issue  
Pipeline Licence No. 62559 to  
Pieridae Alberta Production Ltd.  
on August 16, 2021  
(Regulatory Appeal 1935549)

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AER PROCEEDING

VOLUME 1

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Calgary, Alberta  
November 19, 2024

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1 Proceedings taken at Govier Hall, Calgary,  
2 Alberta

3

4 November 19, 2024

Morning Session

5

6 C.L.F. Chiasson

Hearing Commissioner

7

H. Robinson

Hearing Commissioner

8

S.F. Mackenzie

Hearing Commissioner

9

10 B. Kapel Holden

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E. Arruda

AER Staff

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A. Stanislavski

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For Pieridae Alberta

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T. Myers

Production Ltd.

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T. Machell

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M. Sawyer

Representative for

26

Michael Judd

1 A. Vidal, CSR(A), RPR, RMR Official Court Reporter  
2 R.M. Johanson, CSR(A) Official Court Reporter

3

4 (PROCEEDINGS COMMENCED AT 9:29 AM)

5 Opening Remarks

6 THE CHAIR: Okay. Thank you,  
7 everyone. Please be seated.

8 Mr. Sawyer, we're glad to see you made it  
9 here safely. So welcome.

10 M. SAWYER: Madam Chairman and  
11 Panel Members and the rest of the people  
12 gathered here, my apologies. I -- I didn't  
13 anticipate the traffic would be as bad as it  
14 was, and I just couldn't get here any faster.  
15 I'm sorry.

16 THE CHAIR: Yeah. No. Thank  
17 you. We appreciate that. Winter seems to have  
18 landed on all of us a little unexpectedly.  
19 Mr. Sawyer, if you don't mind just turning off  
20 the mic there. Thank you.

21 So good morning all and welcome to Govier  
22 Hall. Thank you for attending to participate  
23 in and observe this hearing. My name is Cindy  
24 Chiasson, and I'm the hearing commissioner  
25 chairing this hearing. The other panel members  
26 are, on my right, Harold Robinson and, on my

1 left, Shona Mackenzie. So we ask that the  
2 parties refer to us as Commissioner Chiasson,  
3 Commissioner Robinson, and Commissioner  
4 Mackenzie. And we prefer that you refrain from  
5 using the term "Madam Chair".

6 My colleagues and I respectfully  
7 acknowledge that we are holding this proceeding  
8 on the traditional territories of people of the  
9 Treaty 7 Region in southern Alberta, which  
10 includes the Siksika, Piikani, and Kainai  
11 Nations of the Blackfoot Confederacy; the  
12 Tsuut'ina Nation and the Stoney Nakoda Nation,  
13 which includes the Chiniki, Bearspaw, and  
14 Wesley First Nations. Mohkinstsis, also known  
15 as the city of Calgary, is also home to  
16 Métis Nation of Alberta Region 3.

17 I'd like to introduce the AER staff who are  
18 assisting the Panel in this proceeding; so  
19 please identify yourself when I read your  
20 names, although we have a number of our folks  
21 at the back. I'm not going to expect you to  
22 jump up and down and wave. Just recognize that  
23 we do have some staff assisting us in the back.

24 So Barbara Kapel Holden, Dayo Ogunyemi, and  
25 Oluchi Chijioke, all legal counsel from the law  
26 branch.

1           Elaine Arruda, who is our hearing  
2           coordinator for this proceeding; AER staff  
3           assisting the Panel: Hua Deng, Kathy  
4           Sherriffs, John McIver, Laurie Wilson-Temple,  
5           Anita Lewis, Rod Drummond, Brian Zelt, and  
6           Agnes Wajda-Plytta.

7           Additional staff for the hearing may change  
8           throughout the week. This morning we have  
9           Nerissa Hymers here with us from hearing  
10          services, and we have Miriam Rezazadeh  
11          assisting us with our tech.

12          So the Hearing Panel and all AER staff in  
13          the hearing room are wearing name tags, whether  
14          they are assisting with this proceeding or  
15          observing. If you have questions about this  
16          proceeding, please approach the staff  
17          supporting the hearing; so our counsel,  
18          Ms. Arruda, or our other hearing services staff  
19          for assistance.

20          Communications with the Hearing Panel must  
21          be on the record. Therefore, please don't  
22          speak to the panel members unless it's part of  
23          the hearing. We're not trying to be  
24          unfriendly, but to be fair and transparent to  
25          the hearing parties, all communication with us  
26          must be on the record. We appreciate



1 everyone's understanding and respect of this  
2 request.

3 In addition to AER staff, we have court  
4 reporters to transcribe the proceeding. So we  
5 ask the hearing parties to speak slowly and not  
6 to interrupt for the court reporters' benefit.  
7 We also ask the hearing parties and their  
8 witness panels to turn off their microphones  
9 when they finish speaking as our system can  
10 only have four microphones open at one time;  
11 otherwise, you may find that you're muted when  
12 you don't expect to be.

13 A video cast of this hearing is being  
14 live-streamed through a link on the AER's  
15 website. We do not keep a record of the video  
16 cast, and the video cast is not an official  
17 transcript. The court reporters will prepare  
18 the only official transcript of this hearing.  
19 So as part of that, everyone who is in this  
20 hearing room should be aware that because the  
21 hearing is being video cast that you may, even  
22 if you are sitting in the audience watching,  
23 that you may appear on the video cast. If you  
24 have concerns about that, please approach our  
25 staff to discuss it.

26 So, Ms. Arruda, please tell us the safety

1 procedures as well as the particulars of this  
2 proceeding and the publication of the notice of  
3 hearing.

4 E. ARRUDA: Thank you,  
5 Commissioner Chiasson. In case there is a  
6 building alarm, listen for directions, and if  
7 asked to evacuate, turn left as you exit Govier  
8 Hall and proceed down the stairs. The muster  
9 point will be in the lobby of Eau Claire Tower  
10 which is directly west of us. On this floor  
11 the fire phone is located on the wall adjacent  
12 to the elevators.

13 An AER employee will be present to assist  
14 anyone who requires support to evacuate should  
15 there be a need to do so.

16 In the event of a medical emergency, call  
17 911, and then alert an AER employee who will  
18 notify building security. A defibrillator kit  
19 is located next to the sink in the foyer area  
20 of Govier Hall. Also, Ms. Wheaton and I are  
21 first aiders. For all other emergencies,  
22 please alert AER staff.

23 Please note that Govier Hall is the only  
24 AER room on the third floor. All the other  
25 conference rooms are private and not for our  
26 use unless a room has been booked for you.

1           The subject of today's proceeding is  
2           Regulatory Appeal 1935549. On September 12th,  
3           2021, the AER received a request for regulatory  
4           appeal from Michael Judd under Section 38 of  
5           the Responsible Energy Development Act of the  
6           AER's decision to approve Application Number  
7           31097955 and issue Pipeline Licence Number  
8           62559 to Pieridae Alberta Production Limited on  
9           August 16th, 2021.

10           The AER granted the request for regulatory  
11           appeal on January 19th, 2022. The purpose of  
12           this hearing is to determine whether the AER  
13           should confirm, vary, suspend, or revoke its  
14           decision to approve Application 31097955 and  
15           issue Licence 62559.

16           The notice of hearing and notice of  
17           scheduling of hearing are Exhibits 3.01 and  
18           192.1, respectively, and they were distributed  
19           directly to all parties.

20           I would like to remind participants that  
21           materials filed in this proceeding have been  
22           marked as exhibits prior to the hearing. The  
23           most up-to-date version of the exhibit list can  
24           be found in the SharePoint folder for  
25           Proceeding 417.

26           Thank you.

1 THE CHAIR: Thank you,  
2 Ms. Arruda.

3 We will now register the hearing  
4 participants.

5 Please speak clearly and not too quickly  
6 into the microphone so the court reporters can  
7 hear you and for the video cast. State your  
8 name for the record, spell your surname for the  
9 court reporter, and confirm the party you are  
10 representing. Then mute your microphone when  
11 you are finished, please.

12 So who is representing the regulatory  
13 appeal requestor, Michael Judd?

14 M. SAWYER: Good morning, Panel  
15 Members. My name is Michael Sawyer. The  
16 surname is spelled S-A-W-Y-E-R. I am  
17 representing Michael Judd. I am not a lawyer  
18 just for the record.

19 THE CHAIR: Thank you,  
20 Mr. Sawyer.

21 Who is representing the licence holder,  
22 Pieridae Alberta Production Limited, who we'll  
23 refer to in this proceeding as Pieridae?

24 D. NAFFIN: Good morning, Panel  
25 Members. Daron Naffin from Bennett Jones LLP.  
26 Naffin is spelled N-A-F-F-I-N. With me is my

1 co-counsel, Mr. Tim Myers. That's 'M' --  
2 M-Y-E-R-S, and assisting Mr. Myers and I will  
3 be Mr. Thomas Machell also of Bennett Jones,  
4 and Machell is spelled M-A-C-H-E-L-L. Thank  
5 you.

6 THE CHAIR: Thank you,  
7 Mr. Naffin.

8 Who is representing the AER's Regulatory  
9 Applications Branch who we'll refer to in this  
10 proceeding as "regulatory applications"?

11 D. BREZINA: Good morning,  
12 Commissioner Chiasson. It's Danielle Brezina.  
13 That's B-R-E-Z-I-N-A, and my co-counsel is  
14 Krista Gibson. That's G-I-B-S-O-N.

15 THE CHAIR: So, Ms. Brezina,  
16 before you step away, regulatory applications  
17 previously indicated that it would be providing  
18 a witness panel for cross-examination by  
19 Mr. Judd but otherwise not actively  
20 participating in the hearing. Given the recent  
21 counsel change, has there been any change  
22 regarding regulatory applications' intended  
23 hearing participation?

24 D. BREZINA: Thank you for the  
25 question. We may make a bit of a final  
26 argument depending on what evidence and

1 argument is made.

2 THE CHAIR: All right. And  
3 would you like to reserve the ability to  
4 potentially ask questions of either of the two  
5 witness panels?

6 D. BREZINA: That would be great.

7 THE CHAIR: All right. We will  
8 check in with you at those points, then.

9 D. BREZINA: Thank you.

10 THE CHAIR: Thank you,  
11 Ms. Brezina.

12 So to our knowledge, that is all the  
13 hearing parties. If there's anyone else who  
14 wants to speak today, please come forward now.

15 All right. Seeing no -- I always feel like  
16 this is like in a wedding where they say if  
17 anyone has any objections to raise. So thank  
18 you. We've got our folks. So thank you. We  
19 will move on from there.

20 So let me just make sure I'm at the right  
21 page. Okay. So as Ms. Arruda stated, this  
22 hearing is a regulatory appeal by Mr. Judd of  
23 the Alberta Energy Regulator's decision by  
24 regulatory applications to issue Licence 62559  
25 to Pieridae Alberta Production Limited.  
26 Licence 62559 permits Pieridae to construct and

1        operate a .64 kilometre pipeline carrying sour  
2        natural gas with a maximum hydrogen sulphide  
3        content of 32 percent near Beaver Mines,  
4        Alberta.

5                As the Hearing Panel, it is our  
6        responsibility to decide whether to confirm,  
7        vary, suspend, or revoke Licence 62559.  
8        Mr. Judd bears the burden of proof in this  
9        hearing as the requestor of the regulatory  
10       appeal. On March 14th, 2023, we established  
11       the following issues for this hearing: the  
12       determination of the emergency planning zone  
13       for the pipelines, including methodology used  
14       and the application of AER modelling  
15       requirements; emergency preparedness and  
16       proposed public protection measures; the  
17       construction and operation of the pipeline,  
18       including the design and monitoring of the  
19       pipeline and the pipeline integrity management  
20       program; and the potential effects of the  
21       pipeline on the environment.

22                At that time we also excluded four issues  
23        from this hearing.

24                Liability: Legal uncertainty on the  
25        allocation of liability in the case of an H2S  
26        release event as well as abandonment,

1 reclamation, and other cleanup costs.

2 Directive 067 information: Disclosure of  
3 information received by the AER under  
4 Directives 067 and 088 in relation to the  
5 application for the pipeline and the AER's  
6 evaluation of that information.

7 Pieridae's financial capability:  
8 Pieridae's financial capacity to safely and  
9 responsibly manage the proposed pipeline and  
10 the associated infrastructure or to address the  
11 current -- sorry -- let me just -- or to  
12 address the current and future abandonment and  
13 reclamation liabilities associated with the  
14 Foothills assets and their other assets.

15 And Shell Pieridae sale agreement: Consent  
16 from Shell to construct and operate the  
17 pipeline.

18 We remind the parties that all evidence  
19 must be directed to the four hearing issues we  
20 established and must not address the four  
21 issues that we excluded from the hearing.

22 I will now explain the procedures for this  
23 hearing. The Panel expects that all hearing  
24 participants and observers will be respectful  
25 and civil throughout this proceeding.

26 Actually, before I go further, do we have



1 Mr. Judd's witnesses on the line? Okay. So  
2 they're able to hear this. Okay. Thank you.

3 According to Section 21 of the Alberta  
4 Energy Regulator Rules of Practice, all  
5 witnesses must give evidence under oath or  
6 affirmation. The court reporters will provide  
7 for this when witnesses come forward to give  
8 evidence.

9 We will not be qualifying expert witnesses  
10 in this hearing. It will be open to each party  
11 to argue what weight we should give a witness's  
12 evidence based on that witness's qualifications  
13 or other relevant factors. And in relation to  
14 that, I would advise all parties -- we thank  
15 you for providing your witnesses' CVs. The  
16 panel has reviewed the CVs; so please do not  
17 feel it necessary to go through your witnesses'  
18 backgrounds in detail. If there are things  
19 that you wish to highlight for us, please do  
20 so, but we do not need you to have you review  
21 their CVs in detail.

22 During this hearing exhibits will be  
23 referred to and displayed on the screens in  
24 this room. To assist all participants, we ask  
25 counsel and witnesses to identify each document  
26 they refer to by its exhibit number then the

1 relevant PDF page number within the document  
2 and the paragraph or line number, if  
3 applicable. Please pause after giving an  
4 exhibit number to give our staff time to find  
5 the relevant exhibit and then confirm with them  
6 that the exhibit you requested is what's being  
7 displayed.

8 We remind the parties that the Hearing  
9 Panel has read all materials on the public  
10 record. It is unnecessary to repeat portions  
11 of those materials in your direct evidence.

12 We will be following the order of  
13 presentation set out in the AER Rules of  
14 Practice. So, first, we will ask that Mr. Judd  
15 and his witness panel come forward and present  
16 their direct evidence. Mr. Judd has been  
17 allocated this morning to present his panel's  
18 direct evidence, and we may need to make  
19 adjustments to that. We'll discuss that.

20 After giving evidence Mr. Judd's witnesses  
21 will be available for cross-examination by  
22 Pieridae and possible questioning by Regulatory  
23 Applications and for questions by the Panel and  
24 our counsel. Mr. Judd may then redirect his  
25 witness panel. And our plan going into this  
26 was to wrap up Day 1 of the hearing just past

1 4 PM, and, again, we will see how that flows.

2 During the first day of this hearing,  
3 Mr. Judd's witnesses will be participating  
4 virtually. So we remind Mr. Judd's witnesses  
5 that they must not speak to anyone off camera  
6 during their testimony and cross-examination.  
7 If they do so, they must identify that person  
8 or persons to the hearing. During breaks we  
9 ask you that you mute your audio, for those who  
10 are on virtually, if it isn't already muted.  
11 As I mentioned previously, if you want to have  
12 a hearing exhibit shown on the screen as you're  
13 speaking, ask for the document by its exhibit  
14 number and the specific PDF page number. And I  
15 will warn people that things on the screen may  
16 appear smaller because we will have -- we will  
17 have camera shots of the witnesses as well as  
18 any exhibits that will be up there. So we just  
19 ask for your patience.

20 It's possible that technical issues may  
21 occur. If so, we ask for everyone's patience  
22 as we resolve the issues. For our virtual  
23 participants, you have received instructions  
24 about what to do if you have become  
25 disconnected. If you are disconnected, you  
26 should first try to reconnect using the link

1           that hearing services has provided.  If that  
2           doesn't work, please text or otherwise contact  
3           Mr. Sawyer so he can advise us of the problem.  
4           We will pause the hearing as soon as we're  
5           aware that you disconnected.

6           If your video freezes or we have audio  
7           difficulties, you may be asked to repeat parts  
8           of what you said before the video froze and  
9           your audio -- or your audio difficulties  
10          started.  So, please, for anyone in the room,  
11          let me know if you notice that someone's video  
12          is frozen and causing problems.

13          So after today on Wednesday, Pieridae will  
14          provide direct evidence followed by Mr. Judd's  
15          cross-examination, potential questions from  
16          regulatory applications, and any questions from  
17          the Panel and our counsel.  Pieridae may then  
18          redirect, and we anticipate wrapping up Day 2  
19          of the hearing around -- again, around 4 PM or  
20          a bit earlier.

21          On Thursday, Regulatory Applications'  
22          witness panel will be available for  
23          cross-examination by Mr. Judd followed by any  
24          questions from the Panel and our counsel.  
25          Mr. Judd may then present reply evidence, if  
26          any, and we plan to conclude Day 3 of the

1 hearing roughly at 2:30 PM.

2 So we remind all the parties and their  
3 witnesses that once witness panels are being  
4 cross-examined, none of those witnesses can  
5 communicate with their counsel or  
6 representative during a break or otherwise  
7 during the hearing until cross-examination has  
8 been completed. The exception to this is if  
9 communication is needed in relation to an  
10 undertaking given by a witness as provided for  
11 by Section 24.4 of the AER Rules of Practice.

12 On Friday morning we will hear closing  
13 argument first from Mr. Judd, then from  
14 Pieridae, and if Regulatory Applications is  
15 going to provide closing argument, we would  
16 hear them after Pieridae. And then Mr. Judd  
17 may provide any further closing argument in  
18 reply. Just tying in with that, we will check  
19 with Regulatory Applications before we close on  
20 Thursday as to their intentions there.

21 Our plan is to conclude the hearing around  
22 1:40, 1:45 on Friday. After the hearing has  
23 concluded, we expect to issue the hearing  
24 decision within 90 days.

25 We request the parties remain in the  
26 hearing room throughout the proceedings to

1 maintain procedural fairness and in  
2 consideration of those giving their  
3 presentations. Should any party require a  
4 break during the proceedings, please let me or  
5 our hearing services staff know.

6 We ask that everyone present -- so not just  
7 the parties; anyone who is here in the room --  
8 please ensure that your electronic devices,  
9 including telephones and computers, are set to  
10 silent mode throughout the hearing. If you  
11 must take or make a call and cannot do so at a  
12 break, please step out of Govier Hall to do so.  
13 Recording of this hearing is not permitted.

14 Are there any questions about this  
15 hearing's procedures? No. Okay. Thank you.

16 Do the parties have any preliminary matters  
17 they wish to raise? No. All right.

18 Then, Mr. Sawyer, we'll ask you to proceed  
19 with direct evidence. We will have the court  
20 reporter swear or affirm the witnesses on the  
21 record.

22 So, Mr. Sawyer, the schedule right now that  
23 we've got would anticipate us having a break at  
24 10:30, and we do have some room to move there.  
25 We need to make sure we take breaks so that the  
26 court reporters can have a pause. Would it

1 work for you if I check in with you around that  
2 time, and if we need to -- if we need to -- if  
3 it's convenient for you to break, fine. If  
4 not, we can continue a little further. Will  
5 that work for you?

6 M. SAWYER: So if I understand  
7 your question, Madam Chairman, you'd like to  
8 bump the break farther out?

9 THE CHAIR: Well, I'm just  
10 asking what would suit. We could take the  
11 break at 10:30. We could run it a bit later if  
12 need be. But we -- we will need to take a  
13 break at some point for the court reporters, if  
14 nothing else. The noon -- hour break is firm.  
15 We don't have a lot of flex time on that.

16 M. SAWYER: I leave it to your  
17 judgment, Madam Chairperson. I would advise  
18 the Panel, you know, without an allocated --  
19 pardon me -- two hours and 40 minutes for our  
20 direct, I suspect we're going to use less than  
21 that.

22 THE CHAIR: All right.

23 M. SAWYER: So -- but in terms of the  
24 break, I'll leave it to your discretion.

25 THE CHAIR: All right. You know  
26 what? Mr. Sawyer, what we'll plan to do is

1 I'll keep an eye on the clock and check in with  
2 you around 10:30 and see if it's convenient for  
3 you to break. If you need another few minutes,  
4 we'll continue with that, and we'll break when  
5 it's going to fit. We don't want to break up  
6 the flow, for example, of something coming from  
7 any of your witnesses. So thank you for that.

8 All right. So let's proceed with having  
9 the reporter swear in or affirm your witnesses.

10 THE COURT REPORTER: Good morning. I'm  
11 one of the court reporters today. Before  
12 giving evidence you must swear an oath or  
13 affirm an oath. Which do you wish to do today,  
14 please?

15 D. NAFFIN: My apologies, Mr. --  
16 oops. I'm sorry. I thought it was on. The  
17 green. My apologies.

18 Will we have an opportunity to see the  
19 witnesses when they're presenting their direct  
20 evidence, or ...

21 E. ARRUDA: Yes. They have --  
22 they're there to help.

23 THE CHAIR: Here.

24 D. NAFFIN: Okay.

25 THE CHAIR: We have them there.

26 D. NAFFIN: That would be



1           wonderful.

2           THE CHAIR:                               Yeah.

3           D. NAFFIN:                                Thank you.   Sorry,

4           Mr. Sawyer.

5           MICHAEL JUDD, DAVID MAYHOOD, EOIN FINN,

6           Affirmed

7           Direct Evidence of the Michael Judd Witnesses

8           THE CHAIR:                               Thank you.

9                       Please proceed, Mr. Sawyer.

10        Q    M. SAWYER:                        Good morning,  
11            gentlemen.  We're going to start with Mr. Judd,  
12            then we'll move to Mr. Mayhood and then finally  
13            to Dr. Finn.

14                       Are you ready to go, Mr. Judd?  You're on  
15            mute.

16        A    M. JUDD:                                Yes, I'm ready.

17        Q    M. SAWYER:                        Okay.  I'll have you  
18            tell us briefly your name and where you live to  
19            start out with, please.

20        A    My name is Michael Judd.  I live in the  
21            Foothills of the Rockies, NE 06-06-02W5M, and  
22            I've been there since about 1975.

23        Q    And could you tell us briefly, sir, the -- the  
24            subject pipeline is located approximately how  
25            far from your house?

26        A    The subject pipeline is approximately a little

1 more than a kilometre straight across the  
2 valley from my house. It's probably about  
3 2 kilometres via the road system to get there.

4 Q Okay. Now, sir, can I -- I'll let you just  
5 tell us in your own words why you've asked for  
6 this regulatory appeal and what your concerns  
7 are about the subject pipeline.

8 A Okay. Well, first off, good morning, everyone.  
9 Good morning, Panel Members and ladies and  
10 gentlemen. This is not the first time I've  
11 intervened at an AER hearing. And, in fact,  
12 the first time I intervened was on the Shell  
13 Carbondale pipeline in 1995, a steel pipeline  
14 that's about 30 kilometres in length and  
15 designed to carry sour gas with a maximum H<sub>2</sub>S  
16 content of about 32 percent from wells that are  
17 located near me and around me in the upper  
18 Carbondale River region of southwest Alberta  
19 and taking that gas out to the Waterton gas  
20 plant. That pipeline, the Carbondale pipeline,  
21 is approximately 200 metres from where I live.

22 On December the 18th of 1995, the  
23 Carbondale pipeline, after only two months of  
24 service, failed at a location about 200 metres  
25 from my house. The failure was just discovered  
26 by a Shell employee that noticed some

1           discolouration on the snow as he was walking  
2           by. The leak wasn't discovered by any of  
3           the -- the shutout -- shutdown systems, SCADA,  
4           or the ESVs. The pipeline was only shut down  
5           after the Shell employee contacted the control  
6           centre, and we don't know how long it had been  
7           leaking prior to that.

8           It was determined that the leak was the  
9           result of internal corrosion, and that had  
10          resulted in a pinhole about the size of  
11          3 millimetres, a small -- just a small hole.

12          The employee came by my house to notify us  
13          that it -- that the pipeline was leaking, and I  
14          asked what we should do about it. I said,  
15          Should we evacuate? He said, I would if I were  
16          you. So we did, and we were gone for the day  
17          until the pipeline was shut down.

18          The next time there was an occurrence on  
19          that pipeline was in 1997 when it was  
20          discovered by one of my neighbours, a local  
21          rancher, who noticed the smell of sour gas and  
22          saw a dead cow on the pipeline, approximately  
23          5 kilometres upstream from Junction J, which is  
24          just down the -- just a short distance down the  
25          hill from where I live. Again, this leak was  
26          not discovered by Shell 's emergency shutoff

1 system, SCADA, or ESVs. It was subsequently  
2 determined that this leak was also the result  
3 of internal corrosion and yet again another  
4 pinhole leak about 3 millimeters in size.

5 After these leaks Shell installed high  
6 density polypropylene liners with the idea that  
7 that would solve the problem that the gas  
8 wouldn't actually be in contact with the pipe  
9 and -- and resumed operations.

10 19th of November 2007, early in the morning  
11 about the time the school bus would've normally  
12 been going by there, 8:56 in the morning, the  
13 Shell SCADA system indicated the pipeline  
14 failure on Screwdriver Creek. The ESVs were  
15 activated and the pipeline was shut down. I  
16 have to say this was not a pinhole leak. This  
17 one blew mud and dirt in the air and blew it  
18 approximately, I would say, a hundred metres  
19 into the creek. It was a major blowout.

20 The breach was determined to be the result  
21 of internal corrosion that resulted in a  
22 300-millimetre split in the pipeline about -- a  
23 split about a foot long. And this was the same  
24 pipeline that had the high-density liner in it.  
25 Again, I was evacuated from my house and for a  
26 whole day until everything was shut down and

1           that they were sure there was no gas in the  
2           area.

3           The next day, my niece came to cut a  
4           Christmas tree at my place and discovered one  
5           of my horses in the final stages of life, and  
6           it died shortly; so I got the vet out to  
7           examine it, and what the results were was that  
8           it could've been from Selenium shortage, or it  
9           could've been from the result of sour gas  
10          poisoning. I had an opportunity to look at the  
11          lungs on the horse, and they had large blisters  
12          on them. That was one of two horses that I  
13          lost. I didn't find the next one for quite a  
14          while afterwards.

15          Sometime in November 2007, shortly after  
16          that -- the pipeline -- this pipeline failure  
17          had been repaired, I was driving down the road  
18          past the place that the failure had occurred  
19          and suddenly got an extremely strong whiff of  
20          gas. I held my breath. I put the pedal to the  
21          metal, and I drove as fast as I could, and I  
22          didn't breathe again until I had driven about  
23          5 or 6 kilometres down the road to the main  
24          highway, and when I did, I was scared to take  
25          the next breath. That's how intense that was.  
26          And so I notified them, and what they found out

1           was that their -- their fix on the pipeline had  
2           failed, and it was determined that a cap that  
3           Shell had replaced had failed and that was the  
4           cause of that.

5           So, yes, I do have some concerns about the  
6           potential that H2S has to permanently alter or  
7           kill you, and I realize that I have always  
8           realized it, and I realize that some of my  
9           neighbours are maybe less aware of it than I  
10          am.

11          There's another thing I'd like to talk to  
12          you about, and that's the dramatic weather  
13          events that we get in this country. I live at  
14          the end of a road. My own egress of the valley  
15          is to go downwind for most of this pipeline and  
16          most of the wells that are up -- upwind from  
17          me, and there are a few incidents that I can  
18          remember. The timing might be a little fuzzy  
19          on exact dates, but I think it was about 2006  
20          in June. I had 4 feet of snow at my place.  
21          The road was closed for four solid days. They  
22          had to bring a bulldozer. The MD brought a  
23          bulldozer up to my gate and bulldozed a narrow  
24          trail. I still couldn't get out because my  
25          truck was about 150 yards from the -- the  
26          plowed road. Over a hundred power poles were

1 broken off; the power was out for days. And  
2 the pine trees, the forest was shattered by  
3 that snowstorm.

4 Now, that's one event that, you know, might  
5 be unusual, but imagine if one of these  
6 pipeline failures occurred during something  
7 like that. There's not a hope in hell that  
8 Pieridae or any company even with more  
9 resources would be able to get there in any  
10 timely manner to deal with it.

11 In 1995 we had extreme flooding event that  
12 took out the Screwdriver Creek road, a culvert  
13 8 feet in diameter. The -- the water washed  
14 over and took the road out, and it also took  
15 out the culvert just at the bottom of the hill  
16 from me. So, literally, I was not moving, and  
17 nor was anybody else for several days.

18 So getting around to this pipeline, I  
19 realized that all of these events are in the  
20 historical record and are not things that  
21 happened while Pieridae was even an operator or  
22 involved or even known in this country. And  
23 Shell, who is one of the biggest oil companies  
24 in the world, as I'm sure you all know, with  
25 280 billion dollars' worth of -- worth on the  
26 world stock exchange, and at least they had

1           capability to deal with the kind of events that  
2           I'm talking about even though they weren't  
3           always that timely.

4           But my question is this -- and I have --  
5           you know, I've been around for a while now --  
6           is a small company that has limited resources  
7           going to be able to deal with big problems?  
8           So, yes, this is why I'm concerned about the --  
9           the potential things that could happen by  
10          approving this pipeline.

11          I've been in the Foothills all my life. I  
12          love the eastern slopes. I love the fact that  
13          we still have a little bit of wild country  
14          left. The oil companies have had a profound  
15          impact on it. There are roads everywhere.  
16          There are gas wells. Three sulphur plants that  
17          are leaking sulfolane into the groundwater.  
18          There is -- it's had a major effect on the  
19          wildlife, which I made my -- a big part of my  
20          living on. And, also, it's had a huge impact  
21          on the wilderness, which I also made my living  
22          on.

23          So I'm not looking forward to any more oil  
24          and gas development, period. And I don't think  
25          that a small company that's taking over from a  
26          huge oil company is going to have anywhere near



1           the financial capability to deal with the  
2           hundreds of orphan wells, the hundreds of miles  
3           of pipeline, the hundreds of miles of road that  
4           the Royal Dutch Shell corporation gave us, and  
5           the regulatory board knows full well that we  
6           have thousands of orphan gas wells already  
7           along the eastern slopes and elsewhere. We  
8           don't need anymore. We need a lot of money to  
9           be put into a fund to make sure that Alberta  
10          taxpayers don't end up with having to deal with  
11          reclaiming this vast -- one of three vast sour  
12          gas pipelines.

13                 So I'm asking the Board to not grant the  
14          licence for this pipeline. Thank you very  
15          much.

16        Q     Mr. Judd, Mike Sawyer here. Is there anything  
17               else you would like to add before you end your  
18               direct testimony?

19        A     Not that I can think of.

20        Q     Okay. Thank you very much, Mr. Judd.

21                 Mr. Mayhood, you're up next.

22        A     D. MAYHOOD:                 Hello, everyone. You  
23               have my CV. A couple of points that might be  
24               relevant to bring up here are that I own a BSc  
25               honours in zoology and a masters in Limnology,  
26               which is the ecology of inland waters. From

1 1991 to the present, I've been president and a  
2 senior consultant with FWR, Freshwater Research  
3 Limited, my company.

4 Previous work history is on my CV. Since  
5 1986, approximately, I focused especially on  
6 conservation biology of native Alberta fishes,  
7 especially those on the eastern slopes.

8 So I wrote a report entitled "Potential  
9 Effects on Fishes of Pieridae's  
10 Proposed Waterton 61 Pipeline". We have  
11 Mr. Judd, and I believe which Mr. Sawyer  
12 submitted in evidence.

13 I don't have a great deal to add to that  
14 work. I'm here to defend it and to advise the  
15 panel on the importance particularly of dealing  
16 with a protected species adequately, the bull  
17 trout, which is threatened and designated as  
18 such under the Species at Risk Act and is  
19 supposedly protected under that Act. Now I'm  
20 here to defend the work and answer any  
21 questions you may have.

22 First of all, I'd like to congratulate  
23 Pieridae on a successful horizontal directional  
24 drilling, which I understand from a monitoring  
25 report by Northern Resource it was. Not  
26 everything goes so well. And not -- I'd like

1           to note that deals with -- that deals with the  
2           immediate effects of construction, effects of  
3           -- ongoing effects of operation, service, and  
4           maintenance. Restoration, ultimately, and  
5           abandonment remain to be seen.

6           I was going to summarize my report and then  
7           take questions, but I soon realized that I  
8           simply would be repeating what is already  
9           available to the Panel, and so instead I'd like  
10          to tell you three short stories that might help  
11          people understand why many of my, perhaps,  
12          seemingly small objections to Pieridae's  
13          environmental reports might actually be highly  
14          relevant.

15          First, I'll talk about a situation in my  
16          experience where, on removing muskeg overburden  
17          at the Alberta oil sands, a very conventional  
18          operation resulted in a catastrophic failure,  
19          pointing out that even during routine  
20          operations, things can go wildly wrong very  
21          quickly with catastrophic consequences.

22          So in nineteen -- I think it was '79, I was  
23          working on the oil sands proposed project at  
24          the time, and they were stripping muskeg off  
25          the -- the mining area, and a cab driver, a  
26          loan cab driver, got a little bit too close to

1 the Muskeg Lake, effectively punched a hole in  
2 it, and was immediately inundated by lake water  
3 and narrowly escaped with his life.

4 But from the environmental point --  
5 standpoint, that lake emptied over a few hours  
6 down a tiny creek into the Muskeg River,  
7 flowing several kilometres downstream to the  
8 Athabasca River and ended up heading towards  
9 Lake Athabasca; so the -- by the time we  
10 arrived on that scene to deal with the  
11 consequences, we flew over -- over the Muskeg  
12 River and the Athabasca, and this plume of  
13 debris and mud extended all the way down from  
14 the -- the accident site as far down as we  
15 could see on the Athabasca River along the  
16 right bank.

17 All of that mud and debris has an effect on  
18 the ecology of the -- particularly the Muskeg  
19 River and also anywhere you can see suspended  
20 solids on the way down the Athabasca River.

21 This was a very -- should've been a very  
22 minor, at most, problem of a cab driver getting  
23 too close to a water body and resulted in a  
24 major -- effectively a spill. The reason I  
25 bring this up is, again, that I feel that  
26 Pieridae's environmental work does not take

1           sufficiently seriously the consequences of even  
2           small failures such as sour point, and this is  
3           a particular problem when you have an at-risk  
4           species downstream that could be effectively  
5           wiped out by -- by a failure like that.

6           So the second thing I wanted to explain is  
7           a story about -- from northwestern Alberta on  
8           how horizontal direct drill -- or directed  
9           drilling underwater bodies such as in the  
10          watercourses is a great improvement over  
11          open-cut pipelines, stream crossings. I  
12          monitored about seven of those southwest of  
13          Grande Prairie in about 1981, and I'll just  
14          tell you about one which was a little creek  
15          called Hammer Creek about this size. In the  
16          headwaters of this tiny creek you have just  
17          crossed in the headwaters of Screwdriver Creek  
18          that -- that little tributary they  
19          directionally drilled under.

20          What happened at Muskeg Creek and  
21          everywhere else in the other -- the other  
22          south -- six crossings in that area was they  
23          simply dug a trench across the creek and --  
24          deep enough to install a weighted U-shaped pipe  
25          as part of the pipeline and then refilled it,  
26          backfilled it with the material that they had

1 removed from the -- the stream bed and the  
2 riparian area.

3 So the effect of that was to initially  
4 drain the creek dry. The water flowed back  
5 from downstream into the hole, and it flowed,  
6 of course, from upstream into the hole,  
7 effectively drawing several hundred metres at  
8 least of this tiny creek which was a rearing  
9 area for -- an overwintering rearing area for  
10 Arctic grayling.

11 But that wasn't the worst of it. The ice  
12 collapsed all the way for many, many hundreds  
13 of metres upstream and downstream especially.  
14 And then when they backfilled, the water  
15 squirted out of the course of the -- it was  
16 displayed out of the -- the trench and the hole  
17 and was ejected back upstream to overflow the  
18 ice and downstream, again overflowing the ice  
19 and coating the entire area with a thick debris  
20 of primarily mud.

21 At this time these -- these fish would've  
22 been overwintering both upstream and  
23 downstream, and there's an extremely high  
24 probability that they would be killed,  
25 affecting the population that they supported.

26 The point here is that horizontal direct

1 drilling is definitely a much better approach  
2 where it can be used, but there's an important  
3 caveat, and that is that if you do not have the  
4 geotechnical environment to drill through, you  
5 can then end up injecting directly drilling  
6 mud, which is very, very fine suspended --  
7 suspended particles. You could end up directly  
8 injecting that into the stream itself, and it  
9 will be carried for tens, if not hundreds of  
10 kilometres.

11 This is relevant in -- in the current case  
12 and -- and what's the reason why I was  
13 concerned about Pieridae's drilling plans was  
14 because initially there was no -- there was no  
15 geotechnical report to support their claim that  
16 this would all go beautifully according to  
17 plan, slick as snot on a doorknob, and there  
18 would be no problem with -- or any effect on  
19 the creek itself. That would be true if the  
20 geotechnical conditions were correct, were  
21 right for it, and, as it turned out, apparently  
22 they were. But that was -- their claims were  
23 unsupported by evidence at the time.

24 And my third story is much more recent, and  
25 it deals with open-cut stream crossing that was  
26 done rather than horizontal directional

1 drilling under a little creek in the general  
2 area called Rock Creek, a tributary to  
3 Crowsnest River just, I think, a year ago and  
4 how the planned protections, which appeared to  
5 be very sensible and well-planned, didn't work,  
6 again, with catastrophic consequences, and  
7 that's because Rock Creek held a tiny  
8 population of remnant westslope cutthroat trout  
9 that were the pure native kind, and they're  
10 protected, again, under the Species At Risk  
11 Act.

12 In my view, that -- that crossing of  
13 another tributary of that tiny little creek  
14 should never had been contemplated because it  
15 had a very high probability of destroying this  
16 population. And, in fact, when they were doing  
17 their -- their open-cut crossing, it rained.  
18 It rained for about a day, a day and a half,  
19 and all of the water in this gulch that they  
20 were crossing with an open-cut naturally flowed  
21 into the stream and caused pollution by total  
22 suspended solids all the way down the stream  
23 way past the -- the designated critical  
24 habitat, over a waterfall, and downstream for  
25 many kilometres to the point that a resident  
26 that we know who lives a few kilometres



1           downstream from this site -- and have always  
2           had trout just basically at his doorstep in the  
3           creek flowing past, he hasn't seen trout in  
4           there since, and all he's got is a big mud  
5           bank.

6           I can't say for sure that that -- that  
7           those fish were wiped out, but despite the  
8           careful planning and the supposed protections  
9           for that creek, I can say based on some  
10          sampling we did that -- and given the length of  
11          time that it persisted, the TSS levels in there  
12          were capable of causing something in the order  
13          of 20 to 40 percent mortality in the fish that  
14          lived in that creek. And, again, this is a  
15          supposedly highly protected creek.

16          In my view, regulators and enforcement  
17          simply do not give anywhere near adequate  
18          credence to the problems associated with  
19          industrial development generally and  
20          pipeline -- pipelining specifically to  
21          protection of bull trout and cutthroat trout on  
22          the eastern slopes and more generally just  
23          at-risk species.

24          So I guess to wind it up, a key point I  
25          wanted to make here in the -- and in the report  
26          is given the inherent environmental dangers of

1 contract -- constructing and operating natural  
2 gas wells, pipelines, another infrastructure  
3 affecting the habitat of irreplaceable species,  
4 these facilities pose unacceptable risks and  
5 should not be built. Environmental assessments  
6 and protection plans such as Pieridae's in this  
7 case do not and cannot adequately protect these  
8 species with a high enough degree of certainty.  
9 And I have spent some time outlining the very  
10 strong, in my view, legal protections under the  
11 Species at Risk Act and the extremely severe  
12 penalties that could face even principal  
13 officers of the company, and I believe they  
14 should've been drawn to the attention of -- of  
15 Pieridae's people, and they weren't.

16 In fact, there was very little in that  
17 report -- actually, a single mention at the  
18 back -- that at-risk bull trout existed in the  
19 creek and that they needed special protection  
20 and that they needed to -- to take special --  
21 special concern to protect them from their  
22 work.

23 I think -- I think I'll just leave it at  
24 that.

25 Q Thank you, Mr. Mayhood. If there's nothing  
26 else that you'd like to add, we'll call up

1 Dr. Finn, please.

2 T. MYERS: Commissioner  
3 Chiasson, just before we proceed with Dr. Finn,  
4 in advance of the hearing, we had raised  
5 concerns with both the focus in Mr. Judd's  
6 evidence on the financial capability issue as  
7 well as the admissibility of Dr. Finn's  
8 evidence. We were instructed to raise those  
9 concerns at the hearing as opposed to in, I  
10 guess, correspondence in advance of the  
11 hearing.

12 So I think we have laid that all out fairly  
13 clearly in our November 12th letter. I'm in  
14 your hands. I'm happy to proceed with those  
15 submissions, but I struggle to see what  
16 Dr. Finn could possibly speak to events within  
17 the scope of this hearing based on the contents  
18 of the report he had filed in advance of the  
19 hearing.

20 THE CHAIR: What I'd suggest,  
21 Mr. Myers, is for the purpose of the record, if  
22 you'd kindly outline the substance of  
23 Pieridae's objections, then, and then we'll  
24 give Mr. Sawyer an opportunity to speak to  
25 that.

26 T. MYERS: Absolutely. And

1           thank you for that opportunity.

2           Submissions by T. Myers

3           T. MYERS:                               So as I mentioned,  
4           we had raised the issue with -- with Mr. Judd's  
5           focus on what we've considered to be  
6           out-of-scope issues in advance of the hearing.  
7           That was in our November 12th letter marked as  
8           Exhibit 217.1. We were then directed by the  
9           Panel to raise these matters at the hearing in  
10          Exhibit 219.1.

11                 So as you noted at the outset,  
12          Commissioner Chiasson, with reference to the  
13          Panel's scoping decision which was rendered  
14          some 20 months ago, this issue of Pieridae's  
15          financial capability, which is the focus of  
16          Dr. Finn's evidence and, I anticipate, the  
17          focus of his testimony -- if it's not the focus  
18          of his testimony, we have another issue.  
19          But -- but that's already been determined to be  
20          outside the scope of the hearing.

21                 In his submissions regarding issues and  
22          process that were filed in February of 2023,  
23          that's Exhibit 75.01, Mr. Judd proposed to  
24          include the following issue in the hearing, and  
25          you, Commissioner Chiasson, went over that this  
26          morning. But it was Pieridae's financial

1 capacity to safely and responsibly manage the  
2 proposed pipeline and the associated  
3 infrastructure or to address current and future  
4 abandonment and reclamation liabilities  
5 associated with the Foothills assets and their  
6 other assets.

7 The Panel went on to reject that proposal  
8 and scoping decision and excluded the financial  
9 capability issue from the scope of this  
10 regulatory appeal. Subsequent to that, in  
11 Judd v. Alberta Energy Regulator, the Alberta  
12 Court of Appeal confirmed the Panel's authority  
13 to limit the scope of issues to be considered  
14 in this regulatory appeal, and it endorsed your  
15 scoping decision, and you can see that in  
16 paragraph 21 of the Court of Appeal's decision.

17 Despite the clear findings of the Panel and  
18 the Alberta Court of Appeal and various  
19 reminders from the Panel the submissions in  
20 evidence are to focus on the four issues that  
21 are actually within the scope of this hearing,  
22 Mr. Judd has continued to focus almost  
23 exclusively on the financial capability issue  
24 in various written submissions and information  
25 requests that he has filed on the record of  
26 this proceeding.

1           Most recently, Mr. Judd has gone so far as  
2           to say that he intends to reargue the relevance  
3           of this issue at the hearing in both his  
4           supplemental submission, which is  
5           Exhibit 193.1, and his reply submission, which  
6           is Exhibit 214.1, and we started to hear a  
7           little bit of that in Mr. Judd's testimony this  
8           morning as well.

9           In our respectful submission, there is no  
10          opportunity for Mr. Judd or for Mr. Sawyer or  
11          for Dr. Finn to raise these issues at the  
12          hearing nor to reargue the relevance of the  
13          financial capability issue, an argument that  
14          would constitute a collateral attack on the  
15          scoping decision which, again, was issued  
16          nearly two years ago and has since been  
17          endorsed by the Court of Appeal.

18          In our letter on November 12th, we  
19          reference Section 9.2(4) of the AER's Rules.  
20          After scrolling a bit further, I recognize that  
21          the more applicable reference would've been to  
22          Section 31(4) of the Rules, which is nearly  
23          identical, but it states: (as read)

24                 Where the regulator determines that a  
25                 matter will not be included in the  
26                 hearing of a regulatory appeal [which,

1           again, you have already done], no  
2           representations may be made on the  
3           matter in the submissions or at the  
4           hearing.

5           So in our submission, it's not appropriate for  
6           Mr. Sawyer or the witnesses to continue to  
7           pursue these issues at the hearing in defiance  
8           of the clear findings of the Panel and the  
9           scoping decision and in direct contravention of  
10          the AER's Rules of Practice. In our respectful  
11          view, to allow them to do so would result in  
12          both prejudice and unfairness to Pieridae given  
13          that all along it has abided by the scoping  
14          decision and has only filed evidence in  
15          relation to the issues that the Panel  
16          determined were within the scope of this  
17          hearing.

18                 I expect what you'll hear from -- from  
19          Mr. Sawyer in response to these comments is  
20          that there's a distinction between the issue  
21          that was scoped out in the scoping decision and  
22          what they're seeking to address now with  
23          respect to Pieridae's financial capacity. When  
24          you look at the articulation of that issue in  
25          his submissions from February 2023, I think  
26          you'll see that it's very clear that there is

1 no such distinction. It's the exact same  
2 issue, and it was expressly scoped out of  
3 the -- of the hearing.

4 All of those submissions that I have just  
5 provided, they apply equally to Dr. Finn's  
6 written evidence and any associated testimony  
7 that he would be permitted to provide in  
8 relation to that evidence. It relates  
9 exclusively to this financial capability issue.  
10 Through that evidence I would suggest that  
11 Mr. Judd is trying to do indirectly what he has  
12 told the AER and what his counsel has told the  
13 Alberta Court of Appeal he would not do  
14 directly which is challenge Pieridae's  
15 eligibility to hold AER licences.

16 While Pieridae does not consider that  
17 Dr. Finn has prepared an accurate, reliable, or  
18 complete licensee capability assessment, I  
19 would note that in its June 2024 ruling on  
20 Mr. Judd's amended motion, which is  
21 Exhibit 154.01, the Panel stated as follows --  
22 and I quote: (as read)

23 The AER uses information about an  
24 operator's financial status and  
25 ability as a key element of  
26 determining licence eligibility. The



1 Court acknowledged that we had decided  
2 the regulatory appeal would proceed on  
3 the assumption that Pieridae was  
4 eligible to hold a licence and noted  
5 that the appellant confirmed during  
6 oral argument that he does not intend  
7 to revisit Pieridae's eligibility to  
8 hold a pipeline licence in the  
9 regulatory appeal.

10 So that finding was made in the context of the  
11 panel declining to make any order related to  
12 the amended motion's reference to information  
13 about AER's assessment of Pieridae's financial  
14 capability to meet its regulatory and liability  
15 obligations. The Panel specifically ruled that  
16 Mr. Judd has not convinced us that disclosure  
17 of information about Pieridae's financial  
18 status and any AER assessment of Pieridae's  
19 financial capability to meet its regulatory  
20 obligations is sufficiently relevant and  
21 material to outweigh the fact that we excluded  
22 those issues in the scoping decision. As such,  
23 we will not direct any disclosure related to  
24 details regarding Pieridae's financial  
25 information.

26 Just to -- to summarize and wrap things up,

1           again, I would suggest that what Mr. Judd and  
2           Dr. Finn are attempting to do through  
3           Dr. Finn's evidence is circumvent the Panel's  
4           ruling on Mr. Judd's amended motion and, again,  
5           undermine the scoping decision as it relates to  
6           the financial capability issue, and, in my  
7           respectful submission, that should not be  
8           permitted. And for these reasons, I would  
9           submit that Dr. Finn's evidence is not  
10          admissible, it's not appropriately before the  
11          Panel in this hearing, and that he should not  
12          be permitted to provide any testimony in  
13          respect of that evidence.

14          THE CHAIR:                               Okay. Thank you,  
15          Mr. Myers.

16                 Mr. Sawyer.

17          M. SAWYER:                               Madam Chairman, I  
18          note that it's 10:30. If we took a break now,  
19          which would give me time to reflect a little  
20          bit on Mr. Myers' comments -- I'm prepared to  
21          go ahead right now, but I thought it might be  
22          appropriate to have a break.

23          THE CHAIR:                               Well, I would share  
24          with you, Mr. Sawyer, that I did have a  
25          different perspective of the break in terms of  
26          the -- of that -- to hear your position, but

1           then we could use the break for the Panel to  
2           reflect on the objection and, ideally, make a  
3           determination.

4           M. SAWYER:                               I understand. I am  
5           prepared to go ahead.

6           THE CHAIR:                               Okay. Thank you.  
7           Please do.

8           Submissions by M. Sawyer

9           M. SAWYER:                               So Mr. Myers has, on  
10          the face of it, raised a compelling argument,  
11          and -- and we acknowledge that there is a  
12          relationship between the somewhat contorted  
13          process that we came up with the -- the  
14          scoping. And what I mean by that is that, you  
15          know, we had some scoping information from the  
16          original Panel which carried over to this Panel  
17          which then was subject to an Alberta Court of  
18          Appeal decision, and I think it's pretty clear  
19          that Mr. Myers has -- has selectively quoted  
20          from the Alberta Court of Appeal decision to --  
21          to bolster his case.

22                 But when we look at the -- Mr. Judd's  
23          position is this -- is that when we look at  
24          the -- the four elements of the scoping  
25          decision, that the last three of those scoping  
26          decisions, you know, they -- the ability to --

1 to prepare for, manage, and effectively deal  
2 with emergencies on their pipeline, their  
3 ability to operate that pipeline safely and  
4 within its regulatory obligations, and the  
5 potential impact of that pipeline on the  
6 environment, if -- if -- if a company doesn't  
7 have the resources -- and when I mean  
8 "resources", I mean the human resources, the  
9 experiential resources and the financial  
10 resources -- to do the job properly, then  
11 raising those matters in the context of those  
12 specific scoping decisions is highly relevant.

13 And what I would say to Mr. Myers'  
14 proposition that -- that Dr. Finn not be  
15 allowed is let's hear the evidence, and at the  
16 end of the hearing, it'll be up to the Panel to  
17 decide what information it hears is relevant or  
18 isn't relevant.

19 And I want to put this into context of --  
20 of a slightly different issue, but it's one  
21 that's going to come up, and that's the  
22 relevance of the receiving pipeline, the  
23 existing Shell pipeline that -- that, you know,  
24 we've been going back and forth on and our  
25 learned friends have said, That's not relevant.  
26 And it's -- my understanding right now is, as

1       we stand here today, that the board -- or the  
2       Panel has not made any decision on the  
3       relevance of that. But clearly that  
4       pipeline -- if we just look at the narrow  
5       interpretation of the scoping decisions, that  
6       pipeline is not relevant, and yet there's some  
7       seemingly strong arguments to be made that that  
8       is relevant information because it relates to  
9       all three -- you know, the scoping decision  
10      (b), (c), and (d).

11               So I would say it's too early in this  
12      process to make that determination. We feel  
13      that the information -- and just to be clear,  
14      this is not a collateral attack on the scoping  
15      decisions. We accept -- we don't necessarily  
16      like the board -- the Panel's decision, but we  
17      accept and respect it. And so this is not an  
18      effort to get you to change the scope. This is  
19      not an effort to argue that Pieridae should not  
20      be entitled to hold licences for its broader  
21      operation. That's not our intention.

22               Our intention is to look at the issues that  
23      are defined in the scope and, amongst other  
24      things, ask ourselves, Is Pieridae capable of  
25      properly managing public safety with respect to  
26      its emergency response planning and its

1 capacity to do that? And that's for us to  
2 demonstrate it in testimony and for Pieridae to  
3 respond to. Is Pieridae capable of operating  
4 its pipeline within the existing regulatory  
5 constraints safely? Again, it's for us to  
6 demonstrate and for them.

7 So I would say first of all we're not --  
8 we're not doing what Mr. Myers has suggested.  
9 We're trying to stay right within the lane of  
10 the scoping decisions, and I would say to the  
11 Panel, Let's hear the evidence. Throughout the  
12 hearing the Panel can decide what's relevant  
13 and what's not after you've heard the argument.  
14 That's my submission, Madam Chairman.

15 THE CHAIR: Thank you,  
16 Mr. Sawyer.

17 Actually, Mr. Myers, before you come up, I  
18 just wanted to check with Ms. Brezina. Does  
19 Regulatory Applications have any submissions  
20 they would wish to provide?

21 D. BREZINA: We do not. Thank  
22 you.

23 THE CHAIR: Thank you.

24 Mr. Myers, just to --

25 T. MYERS: Thank --

26 THE CHAIR: What we're looking

1 to hear from you is just any wrap-up in  
2 relation to what Mr. Sawyer was saying.

3 T. MYERS: Thanks for that, and  
4 I will be very brief.

5 THE CHAIR: Thank you.

6 Submissions by T. Myers (Reply)

7 T. MYERS: And just in response  
8 to the -- the last comment that Mr. Sawyer  
9 made, Let's hear the evidence and then you can  
10 decide what's relevant, you've already done  
11 that. You did that in March 2023 when you  
12 issued the scoping decision. Mr. Sawyer says  
13 that the financial information that Dr. Finn is  
14 about to speak to is relevant to the four  
15 hearing issues in terms of the ability to  
16 safely construct and operate, deal with  
17 emergencies, and whatnot. Again, that was the  
18 exact issue that was scoped out in the scoping  
19 decision. You can go back and look at what was  
20 submitted as the issue and what you put in  
21 your -- your scoping decision and, indeed, what  
22 you reiterated this morning. So I'll leave it  
23 at that. I think otherwise our -- our  
24 submissions are clear.

25 THE CHAIR: Okay. Thank you.

26 Mr. Sawyer, I don't want to get into a

1 ping-pong match here, but go ahead.

2 Submissions by M. Sawyer (Reply)

3 M. SAWYER: Just a very quick  
4 point. It may seem like a little bit of an  
5 abstract concept, but -- but our position is  
6 that Dr. Finn's evidence is not about financial  
7 information. It was the Panel who -- who  
8 released, under its interpretation of the  
9 direction from the Court, released the redacted  
10 LCA to Judd. What we've done is taken that  
11 redacted LCA, the fact that the manual on how  
12 to do an LCA is public information and that  
13 Pieridae's financial information is also public  
14 information, and had Dr. Finn prepare an LCA.  
15 When you look at Dr. Finn's submission, there's  
16 nowhere in there that talks about his financial  
17 capability. It's talking about which risk  
18 category he's in.

19 So I think that the final thing I want to  
20 add to this is that we're not actually going  
21 after their financial information. And we  
22 think, actually, in a lot of ways, it's kind of  
23 irrelevant, this whole confidentiality question  
24 because all that information's already public.

25 So we're not -- we don't want you to  
26 abstract take on it, but we're looking at those



1 ordinal categories as not being financial  
2 information. It's information about Pieridae's  
3 capacity and risk associated with their  
4 operations.

5 Discussion

6 THE CHAIR: Okay. Thank you,  
7 Mr. Sawyer.

8 So one point before we break just for  
9 clarity, Mr. Sawyer in his comments suggested  
10 that there was scoping carried over from the  
11 Panel that was appointed previous to this  
12 Panel. I want to make it clear on the record  
13 that that was not the case, that there was no  
14 scoping decision or direction from the previous  
15 Panel that was carried on to this record and  
16 does not show on this record.

17 Counsel, is there anything that you wanted  
18 to add on this point?

19 B. KAPEL HOLDEN: I can, and I just  
20 wanted to point out that Exhibit 66.01 is a  
21 letter that I wrote on behalf of the Panel of  
22 hearing commissioners. It's dated  
23 November 21st, 2022, where it states that:

24 (as read)

25 On November 2nd, 2022, the previous  
26 Panel of hearing commissioners

1           presiding over Proceeding 417 recused  
2           itself due to the diminished  
3           appearance of the Panel's impartiality  
4           and the apprehension of bias.

5           Further on in the letter, on the second page, I  
6           note: (as read)

7           As the previous Panel's  
8           determination -- [sorry. I note] In  
9           this instance, the decisions of the  
10          previous Panel are void.

11          Thank you.

12          THE CHAIR:                    Thank you, Ms. Kapel  
13          Holden. We will look to break -- take our  
14          morning break now for 15 minutes. So we will  
15          look to be back at essentially 10:55.

16          (ADJOURNMENT)

17          Ruling

18          THE CHAIR:                    Please be seated.

19                 So thank you all for your patience. We  
20                 went a touch over, but these are challenging  
21                 matters that we're considering.

22                 So the Panel, having heard all the comments  
23                 and giving thought to it, has decided that we  
24                 will not grant Pieridae's objection. We feel  
25                 that it is important for us to be able to give  
26                 Mr. Judd and his team the space and the

1 opportunity to make his case.

2 We note that the excluded issue that  
3 Pieridae referred to in relation to financial  
4 capability speaks to Pieridae's financial  
5 capacity to safely and responsibly manage the  
6 proposed pipeline and associated  
7 infrastructure, and we would note that the  
8 hearing issues also include determination of  
9 the emergency planning zone, emergency  
10 preparedness and public protection, and  
11 potential environmental effects which we feel  
12 goes broader than simply managing the pipeline.

13 We also note that as a panel, we need to  
14 take into consideration in ultimately making  
15 this decision on this hearing Section 15 of the  
16 regulatory -- the Responsible Energy and  
17 Development Act and Section 3 of the REDA  
18 General Regulation, which requires us to take  
19 into account economic, social, and  
20 environmental factors related to this pipeline.

21 So we will allow Dr. Finn to testify with  
22 respect to the materials that were provided on  
23 the record, and we remind Mr. Sawyer and  
24 Dr. Finn that the Panel expects the focus to be  
25 on the four hearing issues and how that  
26 material relates to those four hearing issues.

1           The Panel will hear the evidence and read  
2           it accordingly in our decision-making, and we  
3           note as with usual hearing practice, Pieridae  
4           will be able to raise objections as they see  
5           fit. They will have the opportunity to examine  
6           Dr. Finn's evidence and testimony in  
7           cross-examination, and, as well, it will be  
8           open to all parties to make submissions to us  
9           on the weight that they feel that we should put  
10          on all the evidence that's before us in their  
11          final argument.

12           So that being said, let's proceed.

13          M. SAWYER:                            Just quickly. Thank  
14          you for that, Madam Chairman, and I will  
15          undertake to keep us focused on the issues that  
16          are relevant here.

17          THE CHAIR:                            Thank you,  
18          Mr. Sawyer.

19          Direct Evidence of the Michael Judd Witnesses

20          A    E. FINN:                            Ms. Chiasson, is it  
21          my turn to speak?

22          THE CHAIR:                            Yes. I think we  
23          just need to get you up on the screen,  
24          Dr. Finn, and then we'll get Mr. Sawyer to give  
25          you whatever direction he might.

26          M. SAWYER:                            Madam Chair, shall I

1 proceed?

2 THE CHAIR: Yes. Yes. Please  
3 do, Mr. Sawyer.

4 Q M. SAWYER: Dr. Finn, good  
5 morning to you. You covered your background  
6 and your CV, so I'll just get you to very  
7 briefly mention some of the highlights and then  
8 go into what your findings were.

9 A E. FINN: Thank you,  
10 Mr. Sawyer.

11 My name is Eoin Finn, E-O-I-N F-I-N-N, and  
12 I'm presenting this information at the request  
13 of Mr. Sawyer.

14 I briefly -- in my bio the highlights are  
15 that I -- I have several degrees starting with  
16 a bachelor of science in chemistry and  
17 mathematics from the National University of  
18 Ireland followed by a PhD in physical chemistry  
19 from McMaster University in 1973, and that --  
20 and followed again in 1976 by a masters of  
21 business administration also from McMaster  
22 in -- specializing in the area of international  
23 business.

24 My career from there eventually wound up  
25 with my retirement as a full partner in the  
26 accounting/consulting firm of KPMG. I

1 developed my career there, and -- and this  
2 was after 30 years or so of business  
3 experience, a lot of which had to do with the  
4 culmination in my CV of scientific and -- and  
5 business information.

6 So I was a management consultant there for  
7 many, many years and have dealt with many, many  
8 clients, some of which are energy companies  
9 and some of which were in Alberta -- I'll list  
10 a couple -- a few -- in the energy field what  
11 -- what includes EPCOR, Ontario Hydro, Hydro  
12 One and SaskEnergy, SaskPower, the real estate  
13 boards of Edmonton and Calgary and the City of  
14 Red Deer. Anyhow. On a variety of  
15 assignments.

16 So I have a fairly well-rounded business  
17 experience to go with a -- a deep technical  
18 background mostly to do with atmospheres and  
19 comets and stars.

20 Mr. Sawyer requested that I perform a life  
21 cycle analysis, LCA, per the AER Manual 012 for  
22 Pieridae Energy. At that point I knew a little  
23 about Pieridae Energy, mainly through its  
24 efforts to construct and L&G facility in Bear  
25 Head, Nova Scotia, so ...

26 But what I did was to -- to go at -- at the

1 measures, the ratios that are available through  
2 Pieridae's public information. Because it's a  
3 public company, it -- it publishes its  
4 quarterly and annual reports on the web, and I  
5 note in the AER's methodology, it says they --  
6 the LCA method is used to assist in regulatory  
7 decisions affecting licencees. The purpose and  
8 application measures are described in the  
9 manual 012 published in April '24. (as read)

10 The manual introduces a holistic  
11 assessment of the licencee's  
12 capabilities and performance across  
13 the energy development life cycle  
14 which will be supported by the  
15 licencee capability assessment, LCA.

16 It also introduces the licencee  
17 management program which determines  
18 how licencees will be managed  
19 throughout the energy development life  
20 cycle.

21 I performed the assessments based on Pieridae's  
22 public information, and this is the audited  
23 financial statements published on the web and  
24 using AER's licencee assessment methodologies  
25 outlined in the manual. The results are shown  
26 in the attached Figure 1 on the -- I do not

1           have the exhibit number, but it's the letter  
2           from the AER to Mr. Sawchuck -- sorry --  
3           Mr. Sawyer on November 6th. And that -- that  
4           analysis shows that Pieridae's financial  
5           condition is -- is, according to AER's own  
6           methodology, high-risk -- high-risk investment.

7           Four of the five ratios, which are ratios  
8           commonly used by interested parties such as  
9           investors and investment managers can be  
10          readily calculated from published financial  
11          data, and I used Pieridae's audited financial  
12          data from fiscal years '21, '22, '23, and  
13          the -- at the time I did it, for completeness,  
14          the most recent six-month financial data  
15          published by Pieridae.

16          I note here that AER describes the current  
17          ratio, the current assets over current  
18          liabilities, as a means to measure whether a  
19          company can pay their obligations as they come  
20          due. And this is -- I would postulate that it  
21          is extremely relevant in being able to perform  
22          any of the four items included in the scoping  
23          definition. This would include emergency  
24          planning zones, emergency preparedness, and  
25          proposed public protection measures, not at all  
26          a cheap [phonetic] item, the construction



1 operations of pipeline including design and  
2 monitoring of the pipeline, and the pipeline  
3 integrity management program.

4 As you're aware, probably aware, that this  
5 matter was highlighted for us BC residents in  
6 2008 when the major pipeline from the northeast  
7 carried the gas to keep our homes warm and cook  
8 our food failed, and it took several months to  
9 get it back to operating condition. So I have  
10 some firsthand experience in that.

11 And the -- last but not least, the  
12 potential effects of the pipeline on the  
13 environment, which is an equally tricky matter  
14 and one which I gather has become an issue  
15 in -- in Alberta as to whether there is a  
16 significant underfunding of -- of the effects  
17 on the environment and the unfunded -- unfunded  
18 liability that goes with it.

19 Okay. So the evidence in -- in Exhibit --  
20 Attachment 1 shows that in four of the five  
21 measures, Pieridae is a high-risk venture and  
22 should give some pause to investors and  
23 therefore starve it of -- of funds to be able  
24 to perform these functions.

25 So there's some external evidence as well.  
26 The -- I looked at the fact that their major

1       secured creditor, Third Eye Capital, is loaning  
2       money to Pieridae, \$50 million of it at an  
3       18 percent rate which does not indicate that at  
4       least their diet considers this a low-risk  
5       proposition.

6               The OTC, this is over-the-counter market,  
7       on the shares capital -- the shares are  
8       currently trading at about 16 cents US. A year  
9       ago, they traded for a dollar -- or 40 cents  
10       and in 2022 for a dollar forty; so the trend is  
11       not hopeful.

12               The recent private placement of a hundred  
13       million shares attracted mainly the Alberta  
14       Investment Management company, already a  
15       significant investor in Pieridae, for most of  
16       the -- the 10 million share offering. So a  
17       hundred million share offering, and to the tune  
18       of about \$30 million.

19               And last but not least, the -- the gas  
20       price in Alberta of -- this is the major source  
21       of revenue for Pieridae. The gas price is  
22       currently showing at about 64 cents, which is a  
23       pretty unprofitable level and does not bode  
24       well for the future of the company who already  
25       has 25 percent of its production capability  
26       shut-in because it's just not profitable to --

1           losing.

2           So, in conclusion, four of the five  
3           measures constituting 70 percent of the  
4           parameter waiting in -- in AER's methodology  
5           showed Pieridae to be a high-risk investment.  
6           And the fifth, which is net profit over  
7           revenue, includes losses by the company two of  
8           the past four years, years that have been  
9           pretty kind to oil and gas companies subsequent  
10          to the Russian invasion of Ukraine in  
11          February '22.

12          These results, which, in summary, indicate  
13          a high-risk subject, would give most  
14          prospective investors and shareholders,  
15          providing the necessary capital to perform  
16          these functions that are in scope some pause,  
17          and it may also cause AER to limit the transfer  
18          of production of assets under associate  
19          remediation liabilities into the company.

20          Thank you. That is my evidence.

21        Q    Thank you, Dr. Finn. Any final statements  
22            before we move on? It's not a trick question.

23        A    No.

24        Q    Okay.

25            M. SAWYER:                            Then on that, Madam  
26            Chair, our -- Mr. Judd's direct evidence is

1 completed.

2 THE CHAIR: Thank you,  
3 Mr. Sawyer.

4 Mr. Naffin, Mr. Myers, are you prepared to  
5 proceed with cross-examination, or would you  
6 like a short break?

7 T. MYERS: Thank you,  
8 Commissioner Chiasson. We're prepared to  
9 proceed.

10 THE CHAIR: All right. I will  
11 flag for you that we're currently scheduled to  
12 break for lunch at 12:15. I will check in with  
13 you ahead of that to see how -- how it fits.

14 T. MYERS: I think we'll be  
15 able to fit it in well before --

16 THE CHAIR: All right.

17 T. MYERS: -- the break.

18 THE CHAIR: Thank you.

19 Please proceed, Mr. Myers.

20 T. Myers Cross-examines the Michael Judd  
21 Witnesses

22 Q T. MYERS: Good morning,  
23 Dr. Finn. My name is Tim Myers. I'm one of  
24 the lawyers for Pieridae.

25 So in his evidence, sir, Mr. Judd has  
26 suggested that you were, and I quote, "deeply

1 familiar" with reading and interpreting  
2 corporate financial statements to, say, conduct  
3 an LCA or a licensee capability assessment.

4 Are you familiar with that evidence, sir?

5 A Yes.

6 Q And, sir, you're not an employee of the Alberta  
7 Energy Regulator, are you?

8 A Not at all.

9 Q And in your expansive consulting career, you  
10 never consulted for the AER, did you?

11 A No.

12 Q And, sir, have you ever conducted an LCA under  
13 AER Manual 23 prior to this proceeding?

14 A No.

15 Q And, sir, you don't purport to have undertaken  
16 a complete LCA in this proceeding, do you?

17 A No. I indicated in the report that -- that the  
18 LCA is only one measure that AER considers  
19 when -- when assessing the value of a -- of an  
20 applicant.

21 Q Right. And you have only undertaken an  
22 assessment of what you consider to be  
23 Pieridae's level of financial stress; correct?

24 A Yeah. That's within my competence.

25 Q Right. And I think you understand that the  
26 level of financial distress is one of six

1 factors the AER uses to identify the risks  
2 posed by a licensee; right?

3 A Correct.

4 Q And, sir, at paragraph 81 of Mr. Judd's  
5 supplemental submission, which is  
6 Exhibit 193.1, he suggests that your LCA  
7 analysis of Pieridae also found a high level of  
8 liability magnitude. Are you familiar with  
9 that evidence, sir?

10 A No.

11 Q Would you like me to pull it up?

12 A I -- I'm not -- capable or competent to -- to  
13 judge from the -- as I said, the -- the sources  
14 that I have are the financial statements --  
15 what the level of financial liability is or  
16 should be for Pieridae.

17 Q So why in his evidence would Mr. Judd have  
18 summarized your conclusions that way? Was it  
19 because he had prepared that summary prior to  
20 you preparing the report that you prepared?

21 A I don't know the answer to that, sir.

22 Q Okay. And just to confirm, sir, you don't come  
23 to any conclusions with respect to nor do you  
24 even reference liability magnitude anywhere in  
25 your LCA that's attached as Exhibit 1 to  
26 Mr. Judd's reply submission; right?

1 A No. Mr. Judd may know more than I do on this  
2 subject. So I looked at the -- the liabilities  
3 expressed in the financial reports of Pieridae,  
4 and at the level -- I must admit that the  
5 complication that, in this case, the asset is  
6 licenced by Shell but owned by Pieridae is a  
7 confusing topic which I'm not competent to --  
8 to know some.

9 Q So it's your understanding, sir, that the  
10 subject pipeline is licenced by Shell?

11 A Not the subject, but the -- the pipeline in  
12 connection to.

13 Q Okay. But you're aware that the subject  
14 pipeline is licenced by Pieridae. That's why  
15 Pieridae is the party to this regulatory  
16 appeal?

17 A Correct.

18 Q Okay. So if we look at your CV, sir, it  
19 indicates that you're currently the research  
20 director of My Sea to Sky and the chair of the  
21 North Shore branch of Force of Nature Alliance,  
22 both of which are described as environmental  
23 non-governmental organizations; is that  
24 correct?

25 A Correct.

26 Q And I'm not sure if Mr. Sawyer provided it to

1           you, but I -- I provided him with an excerpt  
2           from the My Sea to Sky website that indicates  
3           that you're a co-founder of the organization;  
4           is that right?

5    A    Correct.

6    Q    And it also indicates that in 2018 you stepped  
7           into the role of board chair of that  
8           organization; right?

9    A    That is correct.

10   Q    And one of the primary objectives of the  
11          organization, at least as it's outlined on its  
12          website, was to try and stop the Woodfibre LNG  
13          project; correct?

14   A    Correct. In Howe Sound.

15   Q    Right. And --

16   A    It had nothing to do with Alberta or Pieridae.

17   Q    Right. That's fine, sir.

18                 And as part of that campaign, the  
19                 organization also opposed a Fortis BC natural  
20                 gas pipeline that will serve the LNG facility;  
21                 correct?

22   A    Correct.

23   Q    So I might ask the hearing coordinator to pull  
24          up the second document that I provided to  
25          Mr. Sawyer which is labelled as "Aid to  
26          Cross 2", and it's a press release from your



1 organization called "Citizens Tell Woodfibre  
2 LNG No Fracking Way". Did you have a chance to  
3 take a look at that before the hearing today,  
4 sir?

5 A Yes.

6 T. MYERS: And -- sorry. It  
7 would be Pieridae's Aid to Cross Number 2, not  
8 Mr. Judd's. I do have hard copies if they  
9 would be helpful for anybody, but -- oh. There  
10 we go. If we just go to the second page.

11 Q T. MYERS: Can you see the  
12 highlighted language on the second page there,  
13 Dr. Finn?

14 A I can, yes.

15 Q And here you're quoted as saying: (as read)

16 We've been fighting to stop Woodfibre  
17 LNG and the Fortis BC pipeline for  
18 over eight years. We have  
19 successfully delayed these projects  
20 since 2015, and we're not giving up.  
21 We will stop Woodfibre LNG. We will  
22 stop Fortis BC. We are fighting for  
23 the future of our grandchildren.

24 Do you see that quote there on the page, sir?

25 A I do.

26 Q And, sir, would it be fair to say that the

1 organization that you co-founded considered  
2 delays to those projects as triumphs of the  
3 organization?

4 A Temporarily. They both are proceeding  
5 currently.

6 Q Right. And near the end of the press release,  
7 you indicate your call on the BC government to  
8 immediately stop all new fossil fuel  
9 infrastructure like Woodfibre LNG and Fortis  
10 BC's Eagle Mountain to Woodfibre gas pipeline.  
11 Do you see that at the bottom of the -- of the  
12 article, sir?

13 THE CHAIR: I think we may need  
14 it scrolled -- scroll down.

15 A E. FINN: If -- you need to  
16 scroll it a bit so I can see it.

17 T. MYERS: It's just above the  
18 heading "For Media Inquiries".

19 THE CHAIR: Thank you.

20 A E. FINN: I might add that I  
21 was not board chair when this was published,  
22 so ...

23 Q T. MYERS: Right. But you're  
24 quoted in the article. Right, sir?

25 A And the above quote, but this is not a quote  
26 from me.

1 Q Right. But you were still affiliated with the  
2 organization, and you are still --

3 A I'm the research director, yes.

4 Q Right. So, sir, my final question is I take it  
5 you're also opposed to the development of  
6 fossil fuel infrastructure in Alberta, such as  
7 the subject pipeline. Would that be fair?

8 A I have never made any statement to that effect,  
9 no.

10 Q So notwithstanding the organization that you  
11 co-founded and that you're the research chair  
12 of seems to take that, you in this article,  
13 that's not your view here today?

14 A The -- My Sea to Sky is an organization  
15 whose -- whose strategic plan is published, and  
16 it says we are there to defend and protect the  
17 ecology of Howe Sound, a very limited  
18 geographical area close to Vancouver, and --  
19 and that's what it sets out to do. And --

20 Q So you're supportive of fossil fuel  
21 development -- or the infrastructure for fossil  
22 fuel development in Alberta, then?

23 A No, I'm not. The -- my -- you may recall that  
24 I have a science background and understand the  
25 chemistry and physics and -- of climate change  
26 at a much deeper level than most citizens, and

1 I do follow the UN reports and the reports by  
2 the Energy Information Agency suggesting  
3 that -- that this business of climate change is  
4 rather serious, and we should, as they  
5 recommended, stop the development of fossil  
6 fuel infrastructure and get it back to the  
7 level that -- that -- where most of it is used  
8 for -- for non-climate-related uses such as  
9 petrochemicals and pharmaceuticals,  
10 hydrocultural fertilizers, et cetera, and --  
11 and -- but not burn it.

12 So -- so, yeah, I have a long-founded and a  
13 pretty deep understanding of how the -- the  
14 importance of -- of limiting fossil fuels to --  
15 and their -- particularly their climate-related  
16 effects.

17 So, yeah, I describe myself as -- as kind  
18 of an accidental activist, but I -- I have  
19 spent a lot of my time in -- in the Howe Sound  
20 area. I have a summer home there, and I have  
21 three children who have all expressed to me  
22 their undying need for me to use my experience  
23 and -- and my spare time to make sure that  
24 their legacy from me is not a ruined  
25 atmosphere, a dead ocean, and a mountain of  
26 debt. So that's my motivation and has been for

1 a long time.

2 So I am -- as eloquently as I may, I  
3 expressed to governments that -- that they  
4 should follow the rule of the -- the United  
5 Nations agreement, particularly the Paris --  
6 agreement, and cut the emissions from oil and  
7 gas activities as quickly as is possible.

8 So I think that's a reasonable attitude for  
9 an informed citizen to take, and -- but I have  
10 not expressed anything to the Alberta  
11 government over -- because I am a BC citizen.  
12 But you will understand that -- that I  
13 understand that Canada in Paris in 2015 signed  
14 on to an international agreement, and it's  
15 trying its best to -- to adhere to those and --  
16 with some encouragement from me. So -- thank  
17 you.

18 Q So despite your background in -- in the  
19 environment and climate change research and  
20 whatnot, that's not the subject of any of your  
21 written evidence in this proceeding; correct,  
22 sir?

23 A No. Not at all.

24 Q Thank you very much for your time. Those are  
25 all the questions I've got for you.

26 I wonder if we might mark the exhibit

1           that's on the screen or the -- the aid to cross  
2           that's on the screen as the next exhibit.

3           B. KAPEL HOLDEN:                   Commissioner  
4           Chiasson, the next exhibit would be 222.1.

5           THE CHAIR:                        Thank you, Ms. Kapel  
6           Holden.

7                   EXHIBIT 222.1 - 2024-11-19  
8                   Pieridae-Judd-ATC 2 - Finn  
9                   ("Citizens-Tell-Woodfibre-LNG-No-  
10                  Fracking-Way" article)

11          T. MYERS:                        Thank you. I'll  
12          turn it over to Mr. Naffin now.

13          THE CHAIR:                       Okay. Thank you,  
14          Mr. Myers.

15          D. NAFFIN:                       Hearing Commissioner  
16          Chiasson, sorry. My apologies. I'm so used to  
17          Madam Chair for many, many years.

18          THE CHAIR:                       That -- I understand  
19          that old habits die hard, and I am forcing that  
20          to some extent on parties. So I -- I'm mostly  
21          flexible.

22          D. NAFFIN:                       It's perfectly fine.  
23          Just appreciate if I'm stumbling --

24          THE CHAIR:                       I appreciate the  
25          effort, yes.

26          D. NAFFIN:                       -- on occasion, it's

1           because I'm prepared to come out with that. So  
2           in any event --

3           THE CHAIR:                               Okay. I appreciate  
4           the effort.

5           D. NAFFIN:                               -- Hearing  
6           Commissioner Chiasson, we have no questions for  
7           Mr. Judd or Mr. Mayhood, so that concludes our  
8           cross-examination on Mr. Judd's witness panel.  
9           Thank you.

10          THE CHAIR:                             Thank you,  
11          Mr. Naffin.

12                 Ms. Brezina, does Regulatory Applications  
13                 have any questions that they wish to put to  
14                 Mr. Judd's panel?

15          D. BREZINA:                           Yes, we do. And  
16                 thank you for the opportunity.

17          THE CHAIR:                             All right. Please  
18                 proceed.

19          D. BREZINA:                           I have just a few  
20                 questions for Mr. Judd.

21          D. Brezina Cross-examines the Michael Judd  
22                 Witnesses

23          Q     D. BREZINA:                     Mr. Judd, you raised  
24                 concerns with the number of orphan wells and  
25                 orphan development in Alberta, and you  
26                 indicated that you are asking the AER to not

1 grant the licence for this pipeline. I have a  
2 few follow-up questions.

3 Are you aware that the licence has been  
4 issued for this pipeline?

5 A M. JUDD: Yes, I am now.

6 Q Okay. Great. And I'm not -- not here to be  
7 difficult at all. I just wanted to clarify a  
8 few things for the record.

9 And are you aware that the pipeline has  
10 been constructed?

11 A Sadly, yes, I am aware of that. And I -- I'd  
12 like to comment on that. I -- I realize that  
13 this hearing had been called, and Pieridae went  
14 ahead and built the pipeline before hearing  
15 what your board has to determine about it,  
16 which to me seems like some kind of an act of  
17 overconfidence that there will be -- that this  
18 application will be approved. I am perplexed  
19 by that kind of -- what appears to me as kind  
20 of arrogance in front of our regulatory board.

21 Q Okay. And can you confirm that you would not  
22 want this pipeline to become orphaned?

23 A I can definitely confirm that, and, of course,  
24 I don't know if orphaned is something that is  
25 related to pipelines, but assuming that the  
26 wells would not be producing, the pipeline



1 would be orphaned as well.

2 Q Okay. I just have one final comment. And by  
3 "orphaned", I meant -- well, I can speak to  
4 that in final --

5 A Abandoned? You mean abandoned?

6 Q Sorry. No. Meaning there would be no -- no  
7 company responsible for it.

8 A That's definitely one of my concerns.

9 Q Okay. Just one final comment or question. So  
10 can you confirm that you would want Pieridae to  
11 be responsible for the pipeline that it built  
12 rather than the orphan fund or taxpayers?

13 A I have to ponder this a little bit, if you  
14 don't mind.

15 Q Absolutely.

16 A I know that Shell -- Royal Dutch Shell is  
17 divesting itself of all of its polluting assets  
18 all over the world, including here in Canada,  
19 with the idea that they will be a green company  
20 by twenty twenty -- 2030 and not emitting  
21 carbon per the government schedule. And what  
22 they're doing is they're divesting these  
23 interests off to smaller and smaller companies  
24 and getting out of the liabilities for the  
25 millions and millions of dollars of assets that  
26 they have developed on the eastern slopes here

1           for 50 years or more, and Pieridae is -- we  
2           all -- we can all see it is a much smaller  
3           company.

4           And the history of these things goes like  
5           this: First, a huge oil company buys,  
6           develops, gets all kinds of government grants  
7           to do things, and then they -- when -- when the  
8           production levels reach a certain point, they  
9           sell them off to a medium-sized company. The  
10          medium-sized company uses the wells for a while  
11          until production gets to be smaller and  
12          smaller, and then they sell it to a smaller  
13          company. And somewhere along the line, people  
14          decide, This is not making money anymore.  
15          We're going to just declare bankruptcy, get out  
16          of this while we can.

17          I don't know. And part of the reason that  
18          we're interested in what Pieridae's real  
19          financial capabilities are, which I'm not even  
20          clear about at this point, is, Is this going to  
21          be something that Pieridae will do, just pull  
22          the pin and leave us, the taxpayers, with all  
23          the billions of dollars of environmental  
24          cleanups that the Royal Dutch Shell corporation  
25          initiated?

26          And so I guess the answer to your question

1 is, yes, I am concerned about it.

2 Q Thank you, Mr. Judd. Those are all my  
3 questions.

4 THE CHAIR: Thank you,  
5 Ms. Brezina.

6 D. BREZINA: Sorry. I do have a  
7 few questions for Mr. Finn.

8 THE CHAIR: Oh. Thank you. No.  
9 Sorry.

10 D. BREZINA: Yes.

11 THE CHAIR: I misunderstood. My  
12 apologies.

13 Q D. BREZINA: Mr. Finn, I just  
14 wanted to clarify. What factors as described  
15 in the LCA methodology did you assess as part  
16 of your assessment?

17 A E. FINN: Okay. The factors  
18 set out in -- in AER's LCA methodology, one was  
19 the net profit over revenues, and two was the  
20 current ratio, which is the ratio current to  
21 assets to current liabilities. Number three  
22 was the debt to equity ratio.

23 Q Oh, excuse me for interrupting. The factors as  
24 described in Manual 23 is what I'm referring  
25 to, one being financial capability, and there  
26 are others. But -- but there are much

1 broader factors --

2 A Than I just evaluated the -- the financial  
3 capabilities.

4 Q Okay. And just to confirm, what data sources  
5 did you use other than Pieridae's publicly  
6 available financial statements?

7 A None except for where I looked at the share  
8 price history and the published information  
9 about their financing, particularly with  
10 Third Eye Capital, and the -- the evidence  
11 given by Pieridae and its briefing -- investor  
12 briefing after publishing the Q3 results for  
13 2024 where they reference the share placements  
14 and their successful completion of that,  
15 particularly from the big investment from  
16 April.

17 So -- so with that -- that was the limit  
18 of -- of what I did.

19 Q Thank you.

20 And did you rely on the AER Manual 23 to do  
21 this assessment?

22 A The -- the manual that -- that I had access to  
23 was the, oh, 02.

24 Q Were you aware that that relates to geothermal  
25 and mineral development?

26 A No.

1 Q Those are all my questions. Thank you.

2 A Thank you.

3 THE CHAIR: Thank you,

4 Ms. Brezina.

5 So the Panel and staff will have questions,  
6 but we will take a short break, about five  
7 minutes, and return with those questions for  
8 Mr. Judd's panel.

9 (ADJOURNMENT)

10 THE CHAIR: Please be seated.

11 Thank you all for your patience.

12 So we do have some questions. We'll have  
13 Ms. Kapel Holden lead off.

14 B. KAPEL HOLDEN: Thank you,

15 Commissioner Chiasson. My first question is  
16 for Mr. Judd.

17 B. Kapel Holden Cross-examines the Michael Judd  
18 Witnesses

19 Q B. KAPEL HOLDEN: Mr. Judd, just a  
20 clarification question. There's been numerous  
21 documentary evidence that's been filed in this  
22 proceeding through your representative,  
23 Mr. Sawyer, and those documents have been  
24 marked as exhibits. Can you confirm this  
25 evidence was prepared by you or under your  
26 direction or control?

1 I believe you're still on mute.

2 COMMISSIONER ROBINSON: You're muted, Mike.

3 Q B. KAPEL HOLDEN: Sorry. We still  
4 can't hear you. We think you're on mute.

5 B. KAPEL HOLDEN: Commissioner  
6 Chiasson, I think we're having some technical  
7 difficulties for Mr. Judd because it looks like  
8 he's --

9 THE CHAIR: Okay.

10 B. KAPEL HOLDEN: I can't hear him,  
11 and I don't think anyone else can.

12 THE CHAIR: Okay. So we're not  
13 hearing you at all, Mr. Judd. I realize that  
14 you're there at the library of Pincher Creek.  
15 Is there someone -- if we take a short break,  
16 is there someone you can ask for assistance  
17 there just to check on the -- on the technology  
18 there? And we'll get -- we'll check on the  
19 technology from our end as well.

20 Okay. We're hearing that from our end it  
21 seems to be fine. So perhaps, Mr. Judd --  
22 actually, let's get you to try signing out and  
23 signing back in and see if that will work.

24 A M. JUDD: Hello.

25 THE CHAIR: Oh, we have you now.  
26 Lovely. Thank you.

1           So, Ms. Kapel Holden, maybe if we just  
2           refresh the question again.

3    Q    B. KAPEL HOLDEN:                Yes.  I'll repeat my  
4           question, Mr. Judd, for you so you have it.  
5           Just to clarify, there's been documentary  
6           evidence filed in this proceeding through your  
7           representative, Mr. Sawyer.  Those documents  
8           have been marked as exhibits -- they've been  
9           premarked as exhibits.  Can you confirm that  
10          this -- these exhibits, which are your  
11          evidence, were prepared by you or under your  
12          direction or control?

13   A    M. JUDD:                        Yes.  They were prepared  
14          under my direction.

15   Q    Great.

16                And do you adopt the contents of this  
17                documentary evidence as your evidence in this  
18                proceeding?

19   A    Yes.

20   Q    Okay.  Thank you very much.

21                That's all my questions for you, Mr. Judd.

22   B. KAPEL HOLDEN:                I do have a couple  
23           of questions for Dr. Finn, and I'll ask that  
24           Exhibit 214.1, page 11, be brought up, please.  
25           Thank you.

26   Q    B. KAPEL HOLDEN:                So, Dr. Finn, this

1 is your letter, "LCA Risk Assessment for  
2 Pieridae Energy", and it's dated November 6th,  
3 2024: (as read)

4 This hearing is in relation to a  
5 regulatory appeal of a pipeline  
6 licence that's been issued to  
7 Alberta -- or to Pieridae Alberta  
8 Production Limited.

9 Your evidence here in your first paragraph  
10 states that you were requested -- as requested,  
11 you did an LCA analysis with respect to  
12 Pieridae Energy Limited; is that correct?

13 A Correct, yeah.

14 Q Okay. And so just to confirm, your LCA is for  
15 Pieridae Energy and not for Pieridae Alberta  
16 Production Limited; correct?

17 A Correct. The financial reports that are -- I  
18 used were all labelled as being from Pieridae  
19 Energy Limited.

20 Q Okay. Thank you.

21 Just moving on to the discussion about  
22 Manual 23. I'm a little bit confused as to  
23 what version of Manual 23 you used to prepare  
24 your LCA for Pieridae Energy. Can you explain  
25 which -- which version.

26 A I wouldn't know that, but Mr. Sawyer would.



1 Q Okay. Thank you.

2 I -- I note that one of the exhibits that  
3 were filed -- and I don't recall the number --  
4 it did have the 2022 version of Manual 23, and  
5 in the most recent exhibits that came in, I  
6 think it was one of the last exhibits that was  
7 received, and that was marked yesterday. It  
8 appears that regulatory applications group,  
9 when they did the LCA for Pieridae Alberta  
10 Production Limited, noted that it had used the  
11 2024 Manual 23. Are you familiar with any of  
12 that correspondence that just recently came in?

13 A No.

14 Q No. Okay.

15 Thank you very much. Those are all my  
16 questions for the Panel.

17 A Thank you.

18 THE CHAIR: So thank you.

19 The Panel, we have one question for  
20 Mr. Judd. So tying in with that, can we get  
21 brought up Exhibit 124.02 and go to PDF 34, I  
22 believe. Thank you. Could you scroll down a  
23 little bit more so we could see more of  
24 paragraph B. Thank you.

25 The Panel Questions the Michael Judd Witnesses

26 THE CHAIR: So, Mr. Judd, it didn't

1           come out in your oral testimony today, but it  
2           was clear in the written submissions that were  
3           filed on your behalf that you are -- that you  
4           do have concerns about the effectiveness or  
5           not, we'll say, of sheltering in place in  
6           relation to if there were -- if there were an  
7           emergency in relation to this pipeline.

8           And so my question -- the question that we  
9           have is -- because we have a range of options  
10          in relation to this licence and your evidence  
11          had indicated you -- your position is revoke  
12          the licence; however, if we were not to revoke  
13          or suspend the licence, we have the ability to  
14          vary it. Is there something that you would be  
15          looking at or that you would feel would address  
16          your concerns in relation to sheltering in  
17          place? And so part of why I asked to have this  
18          document brought up, which is one of the IR  
19          responses -- the information request responses  
20          by Pieridae, to information requests that  
21          Mr. Sawyer had filed was that paragraph B here  
22          lists out in terms of Pieridae saying what  
23          their -- what their procedures would be in  
24          relation to people located within the -- within  
25          the EPZ, and I'm wondering if something like  
26          that or if there are other things that you

1       would be looking for other than the -- other  
2       than shelter in place in an emergency.

3     A    If your question is am I confident that shelter  
4       in place is a good option, I have to say this:  
5       There -- Shell has spent some money on trying  
6       to improve the -- the -- the flow of air into  
7       my log house, which I -- which I appreciate, by  
8       the way. It helped considerably. But I don't  
9       know if anybody -- any of you live in a log  
10       building. Every fall when it's -- the weather  
11       starts to turn outside, I have lots of flies  
12       that get into my house from outside. I see  
13       them on the sunny days out there. As soon as  
14       my house is warm and it's cold outside, they're  
15       inside.

16                Now, that doesn't seem like it might be  
17       relevant, but the point for me is this: If a  
18       fly can get into my house, there's definitely a  
19       place that air is getting into my house. And  
20       the number of flies that get into my house  
21       suggests that there's a lot of places that air  
22       are getting into my house. So I -- I also know  
23       that if the air is getting into my house, so  
24       would sour gas be getting in in spite of me  
25       taping my doors and windows and all of the  
26       other precautionary things that are described

1 in sheltering in place.

2 So I have to say my confidence in that idea  
3 is pretty low. What's the alternative? The  
4 alternative for me, assuming that we're talking  
5 about the pipeline that is being built or has  
6 been built, is that I would have to drive down  
7 my road directly into line with that pipeline  
8 and then go down the valley, which is the  
9 prevailing wind direction for about 5 or  
10 6 kilometres to get out of there. So as far as  
11 I can see, unless somebody came along with a  
12 helicopter immediately and plucked me out of  
13 there, I can't see that I have very good  
14 options if there is some kind of an emergency  
15 like that.

16 THE CHAIR: Thank you, Mr. Judd.  
17 I appreciate your answer. Just a moment.

18 Okay. Thank you. Those are all the  
19 questions from the staff and the Panel.

20 (WITNESSES STAND DOWN)

21 THE CHAIR: So what we are going  
22 to do now is break for the hour for our lunch  
23 break, so we'll return back at 1:15, at which  
24 time there is -- there will be the opportunity  
25 for Mr. Sawyer for any redirect of -- any  
26 redirect of your witness panel. And just to be

1 clear, redirect is focused on anything that  
2 came up through the cross-examination.

3 So we will do that, and then our  
4 understanding is if that is -- once we are done  
5 with that, that we will be done for the day,  
6 that Pieridae will be starting off tomorrow  
7 with their direct evidence, and we will proceed  
8 with tomorrow as we had planned. So the  
9 anticipation is that we would -- we would  
10 adjourn for the day after -- after any redirect  
11 from -- from Mr. Sawyer to the witness panel.

12 So we will break -- we will break now.

13 Ms. Arruda, is the room secure, or should  
14 people be taking their things?

15 All right. So the room is not secure, so  
16 we would encourage you, if you're not going to  
17 be around the room or in close proximity, that  
18 you are taking your belongings with you, and we  
19 will be back at 1:15. Thank you.

20

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21 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

22

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1 Proceedings taken at Govier Hall, Calgary,  
2 Alberta

3

4 November 19, 2024 Afternoon Session

5

6 C.L.F. Chiasson Hearing Commissioner

7 H. Robinson Hearing Commissioner

8 S.F. Mackenzie Hearing Commissioner

9

10 B. Kapel Holden Counsel for the Panel

11 D. Ogunyemi Counsel for the Panel

12 O. Chijioke Counsel for the Panel

13 D. Brezina AER Counsel

14 K. Gibson AER Counsel

15 A. Lewis AER Staff

16 T. Wheaton AER Staff

17 E. Arruda AER Staff

18 A. Stanislavski AER Staff

19 N. Hymers AER Staff

20

21 D. Naffin For Pieridae Alberta

22 T. Myers Production Ltd.

23 T. Machell

24

25 M. Sawyer Representative for

26 Michael Judd

1 A. Vidal, CSR(A), RPR, RMR Official Court Reporter  
2 R.M. Johanson, CSR(A) Official Court Reporter

3

4 (PROCEEDINGS RECOMMENCED AT 1:17 PM)

5 THE CHAIR: Please be seated.

6 So thank you, all. We are back now.

7 So we are up for redirect.

8 Mr. Sawyer, I'm assuming you've got some  
9 redirect for your witness panel? Okay. Please  
10 proceed.

11 M. SAWYER: Good afternoon,  
12 Panel Members. Mr. -- oh, Mr. Judd is back. I  
13 thought he was away. I only have some redirect  
14 questions for Dr. Finn.

15 MICHAEL JUDD, DAVID MAYHOOD, EOIN FINN,  
16 Previously Affirmed  
17 Redirect Evidence of the Michael Judd Witnesses

18 Q M. SAWYER: Dr. Finn, are you  
19 ready for a redirect question?

20 A E. FINN: Yes.

21 Q So I understand that you want to correct an  
22 error that you made in your testimony with  
23 respect to which AER manual you used.

24 A I used --

25 M. SAWYER: If we could pull up  
26 Exhibit 193.1, please. Oh, my apologies. The

1 -- the manual we used is under Appendix 2 of  
2 that document. My -- that would be at PDF  
3 page 200, please.

4 Now, Dr. Finn, do you see that document  
5 that's displayed?

6 A Yes.

7 Q And is that the document, Manual 023, that you  
8 used in your analysis?

9 A I believe so, yes.

10 Q Okay. Thank you very much, sir.

11 M. SAWYER: Moving along, under  
12 the issue of magnitude of liability -- can we  
13 pull up document Exhibit Number 182.2.

14 Q M. SAWYER: And, Dr. Finn, you  
15 see this document, which is the "Pieridae  
16 Annual Information Form"; correct?

17 A Correct. Yeah --

18 Q And --

19 A -- for March.

20 Q And you have seen this document before? Yes?

21 A Yes. I've seen this before.

22 Q Okay. If we could go to PDF page 23, please.  
23 Now, Dr. Finn, in the second paragraph there,  
24 it indicates that Pieridae's total abandonment  
25 reclamation costs -- well, maybe I should ask  
26 you. Could you tell us, based on what -- that



1 paragraph, what Pieridae's total abandonment  
2 reclamation costs for its existing activities  
3 are.

4 A It says that it's -- their estimate is that  
5 it's for 495 million inflated at 2 percent per  
6 year.

7 Q Okay.

8 A Okay.

9 Q And with respect to the magnitude of liability  
10 that's described in the Manual 023, what does  
11 that mean?

12 A Pretty hefty for a company whose net worth is  
13 far less than that, so -- according to its own  
14 financial statements.

15 Q So what --

16 A And -- which -- but in those financial  
17 statements, the latest one is the six-month  
18 that I have -- or used is the six-month one.  
19 The decommissioned liabilities are shown as  
20 150 million. So I was unsure of which  
21 statement is true, so ...

22 Q Okay. And in Manual 23, sir, what is the  
23 liability threshold for being in the highest  
24 category?

25 A I believe it's 150 million.

26 Q Thank you very much.

1           Madam Chairman, those are all of my  
2           redirect questions.

3           THE CHAIR:                           Thank you very much.

4           Mr. Judd, Mr. Mayhood, Dr. Finn, thank you  
5           very much for your attendance today and your  
6           testimony. We appreciate your participation.  
7           So thank you, all. And so you are released  
8           from your duties as a witness panel.

9           (WITNESSES STAND DOWN)

10          Discussion

11          THE CHAIR:                           So at this stage, we  
12          are essentially at end of day. This was nice  
13          and quick, and we appreciate you coming back  
14          for end of day.

15          So the plan is that we will be back here  
16          opening at 9:00 tomorrow morning, at which time  
17          period they will proceed with their direct  
18          evidence. Yes. And I see Mr. Naffin nodding  
19          so correctly.

20          One thing, I will mention it tomorrow  
21          morning again, but we were advised -- this is a  
22          red-flag for folks. We were advised that  
23          apparently the Alberta Emergency Alert System  
24          will be doing a province-wide test tomorrow at  
25          1:55 PM, and I have no idea whether that  
26          overrides everyone having their phones on

1           silent or not. So we may run into a short  
2           interruption. We mention it for people's  
3           information. I will mention it again when we  
4           open tomorrow morning, but, otherwise, that is  
5           it.

6           We will adjourn the proceedings for today  
7           and return at 9:00 tomorrow morning, and please  
8           make sure you take all your belongings with  
9           you. You can't leave them overnight. So thank  
10          you, all.

11           \_\_\_\_\_

12          PROCEEDINGS ADJOURNED UNTIL 9:00 AM, NOVEMBER  
13          20, 2024

14           \_\_\_\_\_

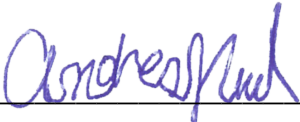
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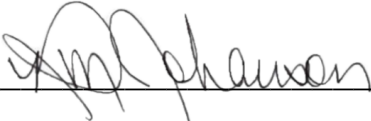
CERTIFICATE OF TRANSCRIPT:

We, A. Vidal and R.M. Johanson, certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by us in shorthand and transcribed from our shorthand notes to the best of our skill and ability.

Dated at the City of Calgary, Province of Alberta, this 19th day of November 2024.

  
\_\_\_\_\_

A. Vidal, CSR(A), RPR, RMR  
Official Court Reporter  
Commissioner for Oaths Appointee No. 0749558  
ASRA Membership No. 443  
NCRA Membership No. 998452

  
\_\_\_\_\_

R.M. Johanson, CSR(A)  
Official Court Reporter  
Commissioner for Oaths Appointee No. 0693146  
ASRA Membership No. 115

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