

# AER Bulletin 2014-39

December 15, 2014

## Change in Business Process Relating to Preapplication Statements of Concern

Effective immediately, the Alberta Energy Regulator (AER) has implemented a change to its internal business process regarding preapplication statements of concern. Now that applications are available to all Albertans through a dedicated webpage on [www.aer.ca](http://www.aer.ca), the AER will no longer accept statements of concern submitted before an application is received.

Albertans concerned about a particular project can still contact the AER and make their concerns known before the company submits an application. Anyone with preapplication concerns may contact our Stakeholder and Government Relations Division (SGR) via e-mail at [stakeholder.engagement@er.ca](mailto:stakeholder.engagement@er.ca). The AER will monitor, track, assess, and address preapplication concerns to ensure stakeholders have a voice and a venue for discussing concerns around energy development in Alberta. A statement of concern may not need to be filed if alternative dispute resolution (ADR) processes can resolve concerns before an application is submitted. Albertans concerned about a particular oil and gas project should also inform the company of their concerns directly.

Applicants must continue to follow all AER notification and consultation requirements, including the requirement to notify people with known concerns about the application. As per *Directive 056: Energy Development Applications and Schedules*, applicants aware of people with concerns regarding an application are required to file nonroutinely.

The AER also expects applicants to send copies of the notice of application directly to those who have raised concerns.

A statement of concern must be in writing and contain the following information specific to the application:

- the application number;
- name and contact information of the person filing the statement of concern;
- the name of the company proposing the activity or development;
- the type of project (e.g., well, pipeline, etc.);
- the location of the proposed project, the location of the filer's land, and the proximity of residence in relation to the proposed project or activity;

- a summary of concerns, including information on how the application or activity may directly and adversely affect the filer or land; and
- any history or background information that may provide additional insight on the concerns.

The AER will review and respond to all statements of concern.

Some expedited applications may be approved before the AER receives a statement of concern. If this occurs, the AER may review the application to determine if the company has met all AER application requirements, including notification requirements. If the AER determines that the applicant has failed to comply with AER requirements, the AER may initiate enforcement action. You may also be able to request a regulatory appeal under section 38 of the *Responsible Energy Development Act*.

For applications subject to the 30-day waiting period, the statement of concern will be reviewed to determine if it meets AER requirements. If the statement of concern fails to demonstrate that the person may be directly and adversely affected by the application, is not filed within the timeline specified, is unrelated to the specific application, is related to an application on which a decision has already been made, or relates to a policy decision of the Government of Alberta or to a matter otherwise outside the AER's jurisdiction, the AER will notify the person that the statement of concern will not be considered.

The AER will generally only extend the time period prescribed for filing statements of concern in exceptional circumstances.

For further information regarding how to file a statement of concern, please see the AER EnerFAQs *Expressing Your Concerns – How to File a Statement of Concern About an Energy Resource Project* on the AER website.

For more information on the AER and its processes, please contact the AER Customer Contact Centre, Monday to Friday (8:00 a.m. to 4:30 p.m.), at 1-855-297-8311 (toll free).

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