

2019 ABAER 009

Gibson Energy Inc.

Regulatory Appeal of *EPEA* Approval Amendments

4 Kilometres South of Hardisty

Regulatory Appeal 1912412

Decision

[1] The Alberta Energy Regulator (AER) accepts Gibson Energy Inc.'s (Gibson's) request to withdraw its request for a regulatory appeal of *Environmental Protection and Enhancement Act (EPEA)* approval amendments 00246980-00-03 and 00010801-02-02 issued February 14, 2018 (the amendment decision), and cancels the public hearing.

Proceeding

[2] On March 16, 2018, the AER received a request for a regulatory appeal of the amendment decision from Gibson pursuant to Part 2, Division 3, of the *Responsible Energy Development Act* and Part 3 of the *Alberta Energy Regulator Rules of Practice (Rules of Practice)*.

[3] Gibson said, in its request for a regulatory appeal, that the amendment decision contravenes *EPEA* and is outside of the AER's jurisdiction and authority under *EPEA* and that the AER erred in law and in jurisdiction by making the amendment decision.

[4] On July 27, 2018, the AER determined that a hearing into the regulatory appeal would be held and it issued a notice of hearing on November 20, 2018. The purpose of the hearing was to determine whether the AER should confirm, vary, suspend, or revoke the amendment decision.

[5] Suncor Energy Inc. (Suncor) and Husky Oil Resources Limited (Husky) filed requests to participate on November 30, 2018, and December 4, 2018, respectively, and were granted participation on December 18, 2018. The participants in the hearing were Gibson, the AER Authorizations Group, Suncor, and Husky.

[6] On April 4, 2019, the AER held a prehearing meeting to assist the panel of hearing commissioners assigned to this proceeding (the panel) in determining the scope of the hearing. The panel received written and oral submissions from all participants, and issued a decision on the hearing's scope on May 17, 2019.

Discussion

[7] The AER was scheduled to hold a public hearing in Calgary, Alberta, on October 21, 2019, before hearing commissioners C. Chiasson (presiding), J. Daniels, and C. McKinnon.

[8] On July 29, 2019, Gibson notified the AER that it was withdrawing its request for a regulatory appeal, pursuant to section 4(2) of the *Rules of Practice*. The panel accepts the withdrawal of the request.

[9] Pursuant to section 32.4 of the *Rules of Practice*, the panel must discontinue the regulatory appeal since Gibson has withdrawn its request for a regulatory appeal.

[10] Accordingly, the public hearing is cancelled.

Dated in Calgary, Alberta, on August 12, 2019.

Alberta Energy Regulator

C. Chiasson

Presiding Hearing Commissioner