

2021 ABAER 009

Proceeding 350 Redetermination

Prosper Petroleum Ltd.

Prosper Rigel Project

Decision

[1] The Alberta Energy Regulator (AER) hearing panel assigned to this proceeding has cancelled the hearing, after authorizing the withdrawal by Prosper Petroleum Ltd. (Prosper) of *Oil Sands Conservation Act* application 1778538, as well as *Environmental Protection and Enhancement Act* application 001-341659 and *Water Act* application 00370772-001.

Discussion

[2] The Alberta Energy Regulator (AER) reopened the public hearing of *Oil Sands Conservation Act* application 1778538, filed by Prosper to construct and operate a bitumen recovery scheme, in accordance with the direction of the Court of Appeal of Alberta's decision in [*Fort McKay First Nation v Prosper Petroleum Ltd.*, 2020 ABCA 163](#).

[3] On July 28, 2020, the AER issued a notice of hearing.

[4] On February 16, 2021, the AER received a motion from Prosper to adjourn the hearing. The motion was granted and on March 1, 2021, a notice of adjournment of hearing was issued. Several extensions of the adjournment were requested and subsequently granted.

[5] On April 30, 2021, Prosper withdrew application 1778538 as well as applications 00370772-001 and 001-341659 for the Rigel Project and requested the panel cancel proceeding 350.

[6] In accordance with section 4(2) of the *AER Rules of Practice*, the panel authorized Prosper's request to withdraw its applications. Accordingly, the public hearing was cancelled, and a notice of cancelled hearing was issued.

Dated in Calgary, Alberta, on May 10, 2021.

Alberta Energy Regulator

Cecilia Low, B.Sc., LL.B., LL.M.
Presiding Hearing Commissioner