

Via Email

September 12, 2018

Jodi Deleau

Burnet, Duckworth & Palmer LLP

Attention: Patricia Quinton-Campbell

Dear Madams:

**RE: Request for Review under Section 64 by Jodi Deleau
Bonavista Energy Corporation (Bonavista)
Private Surface Agreement (PSA) No.: 000013
Location: 10-28-32-02-W5M
Section 64 Request No. 000003**

The Alberta Energy Regulator (AER) has had an opportunity to consider Ms. Deleau's request under section 64 of the *Responsible Energy Development Act (REDA)* for an order directing Bonavista to comply with the Private Surface Agreement (PSA) dated August 25, 2016. The AER has also considered the subsequent submissions from Ms. Deleau and Bonavista. For the reasons that follow, the AER has decided to not issue an order to comply.

Ms. Deleau's request for an order to comply is based on concerns that the leased roadway is being used by vehicles that do not belong to Bonavista. In addition Ms. Deleau states she has not received written notice that the road has been sub-leased. Ms. Deleau is particularly concerned with Olds Contracting Ltd.'s alleged use of the road.

In its response to Ms. Deleau's request, Bonavista states that it has advised Olds Contracting Ltd. not to use the roadway. Further Bonavista states it has not made any assignment of its interests under the PSA.

An order directing Bonavista to comply with the PSA would not have the effect of restricting road access, as the PSA does not include a term or condition requiring Bonavista to constrain access to the roadway. As there does not appear to be any noncompliance with the PSA, an order to comply is not warranted at this time.

The AER encourages Ms. Deleau and Bonavista to work together to attempt to resolve any future concerns regarding the PSA. The AER has alternative dispute resolution processes available, should the parties wish to explore those options.

Sincerely,

<original signed by>

Charlene Graham
Executive Vice President Law and General Counsel

<original signed by>

Mark Taylor
Executive Vice President, Operations

cc. Ted Anderson, Bonavista Energy Corporation