

BY E-MAIL ONLY

January 12, 2016

Kennedy A. Bear Robe

Miller Thompson LLP on behalf of Bigstone Cree Nation (Bigstone)

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

**APPLICATION No. 004-00269241 from Cenovus Energy Inc. (Cenovus)
STATEMENT OF CONCERN NO. 30022**

Dear Kennedy A. Bear Robe:

The Alberta Energy Regulator (AER) acknowledges receipt of your letter dated December, 10, 2015, in which you outlined some concerns about the subject Application on behalf of Bigstone. Your letter has been received after the deadline for filing a Statement of Concern (SOC). The *Responsible Energy Development Act* and the *AER Rules of Practice* require you to file a SOC within the deadline set out in the Notice of Application, unless the AER permits you to file the SOC late.

The AER has decided to permit your late filing. In deciding this matter, the AER considered the following:

- On October 23, 2015, you contacted the AER on behalf of Bigstone about filing a SOC. In this email you indicated that “Bigstone was not provided any notice of these Applications by either the Crown or the Applicant. Further, [the AER] confirmed that copies of the Applications are not available through the Alberta Energy Regulator’s Integrated Application Registry Query.”
- The Notice of Application was published on the AER’s website on September 23, 2015. The notice indicated that a copy of the Application could be obtained by: 1) requesting it from Cenovus, or 2) requesting it from the AER Information Services.
- The Notice of Application also indicated that the deadline for filing a SOC for this Application was October 23, 2015.
- Notwithstanding the above, Bigstone did not receive a copy of the Application prior to the SOC deadline. However, the AER understands that Bigstone was provided with copies of the Application by Cenovus on October 29, 2015.
- On November 26, 2015, the AER indicated by letter that “Bigstone may submit an SOC on or before 4 pm on December 10, 2015 along with an explanation as to

why the SOC was not filed within the deadline set out in the notice of application and the AER will consider whether it is appropriate to accept the SOC for filing.”

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emergency 1-800-222-6514

- The Applicant has not objected to an extension in these circumstances.
- The AER is satisfied that pursuant to the AER’s letter of November 26, 2015, you filed a letter outlining concerns about the Application on behalf of Bigstone in a timely manner.
- Considering all of the above, extending the deadline would not cause an unreasonable delay in processing the Application.

By way of copy of this letter to Cenovus, we are requesting they contact you to attempt to address your concerns, as provided under AER requirements.

Please note that the AER has no jurisdiction over matters of compensation for land usage. The Alberta Surface Rights Board is the regulatory agency that deals with these issues. Further the AER has no jurisdiction with respect to assessing the adequacy of Crown consultation associated with the rights of aboriginal peoples.

The AER offers and strongly recommends you make use of our Alternative Dispute Resolution (ADR) program which features either staff or third party mediation arranged through an AER mediator. Please contact Coreen Lawrence at 403-998-7914 for more information on this process. Further information about this program is available through *EnerFAQs: All About Alternative Dispute Resolution* and *Manual 004: ADR Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes* on the AER web site, (<http://www.aer.ca>), under Applications & Notices, Alternative Dispute Resolution (ADR) Process.

Please note that Section 49 of the *Alberta Energy Regulator Rules of Practice* (Rules) requires that all documents filed with the AER be placed on the public record. However, any party may file a request for confidentiality of information under Section 49 prior to filing the information with the AER. Any request under Section 49 must be copied to the other parties to the proceeding. Section 49 of the Rules is available at the AER website at www.aer.ca.

If you have any questions, contact Shirin Modami at 403-297-3709 or e-mail shirin.modami@aer.ca.

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Sincerely,

<original signed by>

Andrew MacPherson
Director, In Situ Authorizations

cc: Tony Jackson, Cenovus Energy Inc.
Authorizations Branch Support
AER Bonnyville Field Centre
AER Aboriginal Relations
Aboriginal Consultation Office