

BY E-MAIL ONLY  
February 09, 2016

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[www.aer.ca](http://www.aer.ca)

Margaret Luker, Consultation Coordinator - Mikisew Cree Government and Industry  
Relations  
**Mikisew Cree First Nations**

**WATER ACT LICENCE (00316166-00-00) RENEWAL APPLICATION (004-00316166)  
ATHABASCA OIL CORPORATION (AOC)  
REQUEST TO FILE STATEMENT OF CONCERN AFTER THE DEADLINE**

Dear Madam:

On February 2, 2016, the Alberta Energy Regulator (AER) provided an opportunity for you, on behalf of Mikisew Cree First Nation (MCFN), to file a response to AOC's email dated February 2, 2016 objecting to your request for an extension of the deadline to file a statement of concern (SOC) in respect of AOC's Application. The AER has also considered AOC's unsolicited response letter dated February 8, 2016.

The *Responsible Energy Development Act* and the *AER Rules of Practice* (Rules) requires a person to file a statement of concern within the deadline set out in the Notice of Application, unless the AER permits you to file the SOC late pursuant to section 45 of the *Rules*.

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

- The Public Notice of Application was issued on December 3, 2015, with a deadline to file SOC's by January 2, 2016.
- Mikisew Cree First Nation (MCFN) received the notification and related application materials during the second week of December 2015; however, due to the holiday closure of its office, no SOC was provided prior to the deadline. MCFN has indicated it can provide an SOC by February 15, 2016.
- AOC has indicated that it is not required to notify or consult with MCFN on its Hangingstone 1 facility, but chose to provide notification of the Application. AOC submitted that it "does dispute change or accommodation within the Regulatory Process to accommodate MCFN when they had ample time to respond within the legislated timelines." AOC notes that the deadline was January 3, 2016, but MCFN did not file a request for an extension until January 15, 2016.

- The Application is for a renewal of a Water Act Licence, which is set to expire in March 6, 2016 and the AER has the authority to extend that deadline if required to complete the processing and review of the Application.
- The relevant legislation, the *Rules*, specifically grant the AER the authority permit the late filing of a statement of concern, which it uses to ensure procedural fairness in the AER's regulatory process.
- It does not appear that extending the deadline would cause an unreasonable delay in processing the Application and, in any event, the AER can extend the expiry of the Licence if needed.
- MCFN indicated it could provide its SOC prior to February 15, 2016, and the AER notes that it has filed its SOC as of today's date. There is ample time for the regulatory process to be completed without any adverse impact on AOC.

Accordingly, given the above and finding that the extension would not cause an adverse impact on the processing and consideration of AOC's Application, the AER grants the extension and permits the late filing.

As the SOC has been filed, the AER requests that AOC provide its response to the SOC by **4:00pm, February 23, 2016** to Nino Aimo.

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](http://www.aer.ca).

If you have any questions, contact Nino Aimo at 403-297-8819 or e-mail [nino.aimo@er.ca](mailto:nino.aimo@er.ca).

Sincerely,

Andrew McPherson  
Director, In Situ Authorizations

cc: AOC, Jerry Demchuk  
AER Authorizations Branch Support, [ARCTeam@er.ca](mailto:ARCTeam@er.ca)