

BY E-MAIL ONLY

November 7, 2017

Ken Cowles

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

www.aer.ca

**JUPITER RESOURCES INC.
APPLICATION NO. 147085 FOR APPROVAL TO CONSTRUCT AND
OPERATE A PIPELINE
LOCATION: 3-16-60-2W6M TO 2-16-60-2W6M
TRACKING NO. 30881**

Dear Mr. Cowles:

The Alberta Energy Regulator (AER) acknowledges receipt of your email message and attachment sent on October 27, 2017, in which you outlined your concerns about the above application. The attachment is a form of statement of concern (SOC), setting out the reasons why you want the AER to not approve, or to slow down approval of Jupiter Resources Inc.'s (Jupiter) applications for development in the area of TPA 1345.

The public notice of application for the above application stated that a statement of concern must be filed no later than 4 pm on October 20, 2017. Your SOC was sent and received after the deadline for filing a SOC had passed. Section 5.3 of the AER *Rules of Practice* states that any person wishing to file a SOC must do so within the time period set out in the public notice of application.

Section 6.2(1)(b) of the AER Rules of Practice states:

Non-consideration of statement of concern

6.2(1) The Regulator may disregard a statement of concern filed with the Regulator if in the Regulator's opinion any of the following apply:

- (b) the statement of concern was not filed within the time specified by these Rules;

Timelines for filing SOCs are an important part of ensuring fairness and certainty in the regulatory process. Parties must be aware of filing deadlines and make every effort to abide by them. The AER has authority to permit the late filing of a SOC where the circumstances indicate that is needed to protect procedural fairness for all of the parties concerned. The onus is on the person requesting late filing to demonstrate special circumstances exist that support the request. He or she must show that a *bona fide* intention to file a existed prior to the deadline passing, and that the failure to file on time was by reason of special circumstances that serve to excuse or justify such failure.

The AER has decided to disregard your SOC for the following reasons:

inquiries 1-855-297-8311
24-hour
emergency 1-800-222-6514

- The notice of application was published on the AER's website and a copy was provided to you by Jupiter Resources Inc. on September 29, 2017.
- Your SOC was dated and received by the AER one week after the deadline to file a SOC had passed. The contents of the SOC are nearly identical to numerous other SOCs you have filed over recent months in relation to other applications for projects in TPA 1345.
- No request for an extension to file a SOC was received, before or after the deadline to file expired.

If you have any questions, contact Lynn Maric at 403-297-5292 or e-mail Lynn.Maric@aer.ca.

Sincerely,

<Original signed by>

Lane Peterson
Director, Pipeline Authorizations

Enclosure (1): **(Statement of Concern)**

cc: Len Moriarity, Jupiter Resources Inc.
Participant Involvement Coordination Team, AER
AER Grande Prairie Field Centre