

BY E-MAIL ONLY

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

November 29, 2017

www.aer.ca

Ken Cowles

**JUPITER RESOURCES INC.
APPLICATION NO. 147085**

Dear Mr. Cowles:

This letter is in response to your email message dated November 22, 2017, regarding Jupiter Resources Inc. (Jupiter) and Application No. 147085. You expressed concerns about the AER not permitting you to file a statement of concern (SOC) in relation to Application No. 147085 after the deadline for doing so had passed. The published deadline for filing a SOC on that application was 4 p.m. on October 20, 2017. That deadline was set at 30 calendar days from the date the application was received, and it is a deadline that is dictated by section 5.3 of the *Alberta Energy Regulator Rules of Practice*. Your SOC was received by the AER on October 27, 2017. In its letter to you dated November 7, 2017, the AER gave reasons why it did not permit your late filing. The AER understands that a deadline date for filing a SOC was not stated by Jupiter in its letter to you dated September 29, 2017, however, all public notices of application are posted on the AER's external website and include information on SOC filing deadlines. You can confirm a SOC filing deadline for an application that is subject to public notice, or that the application is eligible for an immediate or expedited decision, by using the AER's online tool to view the public notice of application:

http://search.aer.ca/pnoa-en/search/theme/pnoa?fq%5b%5d=feed_str:all&sort=recent

The AER issued the licence requested in Application No. 147085 on November 10, 2017. A copy of the licence is included with this letter. Under the *Responsible Energy Development Act* an eligible person may file a request for a regulatory appeal of an appealable decision. Eligible persons and appealable decisions are terms that are defined in section 36 of the *Responsible Energy Development Act* and section 3.1 of the *Responsible Energy Development Act General Regulation*. If you wish to file a request for regulatory appeal, you must submit your request in the form and manner, and within the timeframe required by the rules. You can find filing requirements and forms on the AER website at: <http://www.aer.ca/applications-and-notices/appeals>.

Regarding your question about Jupiter being granted an extension to file a submission in an existing a regulatory appeal proceeding, that kind of extension request is fundamentally different from your request to late-file a SOC. The filing deadline for a SOC is set out in a formal rule of the AER. When a SOC filing deadline expires without a SOC being filed, the application moves to a decision through a process that is very different from the process that is used when a SOC that meets the filing requirement is received. A request to file a SOC late is a serious matter, for the reasons summarized in the AER's previous letter to you, and is one that the AER grants only when the circumstances clearly warrant an extension. In contrast, the submission filing deadline that was extended at Jupiter's request is a deadline *within* an existing proceeding, and is one that AER staff processing the regulatory appeal request impose in their own discretion. Extending those kinds of deadlines is also within staff's discretion, and in practice is done fairly routinely whenever brief extensions are warranted. That kind of extension does not change *how* a regulatory appeal request is processed, it only changes the timeframe within which the request is processed—usually in a very minor way. The AER views the granting of an extension to Jupiter for it to file a submission in Regulatory Appeal Application No. 1875471 to be a separate and very different matter from your request to late-file a SOC in relation to Application No. 147085.

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

Yours truly,

<Original signed by>

Gary Perkins
Associate General Counsel

Attachment (1): **Pipeline Licence**

cc: Jupiter Resources Inc.