

BY E-MAIL ONLY

November 10, 2015

Alfred Goodswimmer

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

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

**APPLICATIONS No. 1806873 etc. from PEMBINA PIPELINE CORPORATION**

Dear Mr. Goodswimmer:

The Alberta Energy Regulator (AER) acknowledges receipt of your letter dated October 30, 2015, in which you outlined some concerns about the subject Applications. Your letter has been received after the deadline for filing Statements of Concern (SOCs). The *Responsible Energy Development Act* (REDA) and the *Alberta Energy Regulator Rules of Practice* require you 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.

The AER has decided not to permit your late filing. In deciding this matter, the AER considered the following:

- The Notice of Application was published on the AER's website on September 2, 2014.
- The deadline to file an SOC contained in the Notice of Application is set in order to create efficiencies and to allow the AER to make determinations in a timely manner. In determining whether to permit a late filing, the AER must balance fairness between the parties recognizing the interests that are involved. This is a balance between providing certainty to Applicants with respect to the timing of decisions on Applications and allowing concerned persons opportunities to participate in the regulatory process.
- The deadline for filing an SOC for this application was October 2, 2014.
- No request for an extension to file a statement of concern was received prior to the deadline.
- In your submission, you outline concerns related to Crown consultation. The AER does not have jurisdiction to assess consultation adequacy associated with the rights of aboriginal peoples, as stated in REDA section 21.
- You have not demonstrated that the delay in filing your letter was reasonable in the circumstances.

If you have any questions, contact Rachel Ruddell at [redacted] or e-mail [redacted].

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

Sincerely,

<original signed by>

The Panel

R.C. McManus, M.E. Des.  
Presiding Hearing Commissioner  
C. A. Low, B.Sc.,LL.B., LL.M.  
B. M. McNeil, B.Sc. (Ag.), C.Med.

cc: Balmeet Toor, Pembina Pipeline Corporation  
Authorizations Branch Support  
AER Aboriginal Relations  
Aboriginal Consultation Office