

Tracking No. 30026

November 09, 2015

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

www.aer.ca

By e-mail only:

Melody Lepine,

**VALUE CREATION INC.
ATHABASCA OIL SANDS AREA
MCMURRAY FORMATION
TRISTAR PILOT PROJECT
OSCA APPLICATION NO. 1827947
EPEA APPLICATION NO. 002-00269702**

Dear Ms. Lepine:

The Alberta Energy Regulator (AER) acknowledges receipt of your letter dated October 28, 2015 in which you outlined some concerns regarding the subject applications. Your letter has been received after the deadline for filing Statements of Concern (SOC). The *Responsible Energy Development Act* and the *AER 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 to permit your late filing. In deciding this matter, the AER considered the following:

- Mikisew Cree First Nation (MCFN) did not receive a copy of the Public Notice of Application (PNOA) from Value Creation Inc. (VCI) prior to the SOC deadline.
- VCI supports MCFN's request for an extension of the deadline.
- Extending the deadline would not cause an unreasonable delay in processing the applications.

By way of copy of this letter to VCI, 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 Fiona LeBlanc at 780-538-5140 or by e-mail at Fiona.LeBlanc@aer.ca 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 Carrie Dickinson at 403-297-5991 or e-mail carrie.dickinson@aer.ca.

Sincerely,

Andrew MacPherson
Director, In Situ Authorizations

AM/cd

cc: Value Creation Inc.
Authorizations Branch Support
AER Aboriginal Relations
Aboriginal Consultation Office