

**Via Email**

December 17, 2018

Jupiter Resources Inc.  
**Attention: Len Moriarity**

Ken Cowles

Calgary Head Office  
Suite 1000, 250 – 5 Street SW  
Calgary, Alberta T2P 0R4  
Canada[www.aer.ca](http://www.aer.ca)

Dear Sirs:

**RE: Request for Regulatory Appeal by Ken Cowles  
Jupiter Resources Inc. (Jupiter)  
Application Nos.: 1895948, 1895157, 1895159, 1895162, 1895168 and 1902428  
Request for Regulatory Appeal Nos. : 1903626, 1903708 and 1907040**

The Alberta Energy Regulator (AER) has considered Mr. Ken Cowles's requests under section 38 of the *Responsible Energy Development Act* (REDA) for a regulatory appeal of the AER's decisions to approve the well licences issued for the applications cited above (Applications).

The AER has reviewed Mr. Cowles' submissions and Jupiter's response submissions in each regulatory appeal request. For the reasons that follow, the AER has decided that Mr. Cowles is not directly and adversely affected by the AER's decision to approve the Applications. The request for a regulatory appeal is therefore dismissed for the reasons outlined below.

**Reasons for Decision**

The applicable provision of *REDA* in regard to regulatory appeal requests is section 38, which states:

38(1) An eligible person may request a regulatory appeal of an appealable decision by filing a request for regulatory appeal with the Regulator in accordance with the rules.

The term "eligible person" is defined in section 36(b)(ii) of *REDA* to include:

a person who is directly and adversely affected by a decision [that was made by the AER under an energy resource enactment, if that decision was made without a hearing].

The licences were issued under the *Oil and Gas Conservation Act* which is an energy resource enactment. The decisions to issue the licences are appealable decisions, and the requests for regulatory appeal were filed in accordance with the rules. The substantive issue in this matter is whether Mr. Cowles is a person who is directly and adversely affected by the AER's decisions to issue the licences.

Mr. Cowles has concerns regarding damages, loss of fur harvest, noise, litter, security, safety, wildlife and habitat because of this project and its location on his trapline (TPA 1345). He also expressed concerns that the fracking in the area has caused a loss of his water source around

his main cabin. Mr. Cowles states that he is directly and adversely affected by the continued approvals given to Jupiter to continue their concentrated projects on TPA 1345 and that his loss of trapping income and inability to sell his interest in TPA 1345 is a direct result of their presence.

In its initial response, Jupiter notes that the existing multi-well pad site will be accessed by existing roads and will not increase the pad site's footprint. Jupiter also notes that in regards to Mr. Cowles general concerns about potential impacts on wildlife such as the Little Smoky Caribou and the environment, Jupiter is required to follow all environmental and regulatory requirements. With respect to fracking operations, Jupiter will follow all regulatory guidelines. Jupiter submits that while Mr. Cowles alleges that he will be directly and adversely affected by Jupiter's multi-well project, he has not provided any evidence to support his allegations.

On August 3, 2018, the AER received a further response from Jupiter indicating that Mr. Cowles sold his interest in TPA 1345 and stated that Mr. Cowles' request for regulatory appeal is moot because he no longer holds a registered interest in TPA 1345.

On August 9, 2018, the AER forwarded correspondence to Mr. Cowles requesting that he advise as to how he wished to proceed, given the indication by Jupiter that he was no longer the owner of TPA 1345. The AER forwarded a second request on August 22, 2018, for a response to its August 9<sup>th</sup> letter. Mr. Cowles never provided a response to the AER's request.

As no response was provided, the AER confirmed through the Geographic Land Information Management and Planning System (GLIMPS) that Mr. Cowles was no longer the registered owner of TPA 1345. Therefore, the AER finds that Mr. Cowles will not be directly and adversely affected by the decisions to issue the Licences, and therefore is not an "eligible person" under section 36(b)(ii) of the *REDA*. Accordingly, the request for a regulatory appeal is dismissed.

Sincerely,

*<original signed by>*

David Helmer,  
Director, Industry Operations

*<original signed by>*

Paul Ferensowicz,  
Senior Advisor, Industry Operations