

Proceeding 390
January 14, 2020

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

www.aer.ca

By email only

Burnet Duckworth & Palmer LLP
Attention: Evan Dixon

My Landman Group
Attention: Daryl Bennett

AER Reclamation Programs Group
Attention: Sean Sexton

RE: Reconsideration 1916224

Dennis Murphy and Bonny Carson

Sitka Exploration Ltd. and Bonavista Energy Corporation

Reclamation Certificate 00340419-00-00

Dear Sirs:

I am writing to you on behalf of the Alberta Energy Regulator (AER) hearing panel (the panel) assigned to the above-referenced reconsideration proceeding.

Site Visit

Thank you for your submissions in relation to the purpose and timing of a site visit requested by the landowners. Mr. Bennett indicated that the landowners wish the AER to conduct a site visit “to see for itself” whether the site has been properly reclaimed, and advised that the landowners intend to provide evidence of site conditions, including photographs. Sitka Exploration Ltd. (Sitka) submitted that a site visit is not needed due to the passage of more than two years since the reissuance of the reclamation certificate, and that the appropriate time frame to consider site conditions is when the certificate was re-issued in October 2017. The AER’s Reclamation Programs Group (RPG) took no position on whether a site visit should occur, and suggested that establishing the hearing issues would provide necessary context related to the purpose of a site visit.

The hearing panel considers the aim of any possible site visit in this proceeding to be observation of the site to assist the panel in better understanding and applying evidence presented by the parties. A site visit is not for the panel to gather evidence, but to obtain context for the evidence received from the parties. As the hearing issues have not yet been determined and hearing submissions have not been filed, the panel

believes it is premature to make any determination in relation to a site visit in this proceeding. It will be open to any party to request a site visit following the filing of hearing submissions.

Prehearing Meeting

To further assist the hearing panel in defining hearing issues and establishing the process for this reconsideration hearing, a prehearing meeting with all the parties will be held at Govier Hall, 3rd floor, 250 – 5th Street SW, Calgary, Alberta. The panel requests that the parties submit their availability for a full business day meeting to occur on either February 11, 12 or 13, 2020, to [hearing.services@aer.ca](mailto:hearing.services@ aer.ca) by noon on January 17, 2020.

At the prehearing meeting, the panel will be seeking the parties' comments on the following matters:

- 1) Which party bears the onus of proof in this reconsideration proceeding; and
- 2) The following proposed hearing issues:
 - (a) Was reclamation work at the site completed in accordance with and to the standards specified in the Resolution Agreement between the AER's Closure and Liability Branch and Bonavista Energy Corp., which incorporated requirements from the *2010 Reclamation Criteria for Wellsites and Associated Facilities for Cultivated Land (the Reclamation Criteria)*?
 - (b) Did the site meet the applicable reclamation requirements, including the *Reclamation Criteria*, at the time the reclamation certificate was re-issued?
 - (c) Does the site currently meet the applicable reclamation requirements, including the *Reclamation Criteria*?

If the parties intend to comment on 1) and 2) above, they must file written submissions with Hearing Services one week prior to the prehearing meeting date. The parties are expected to speak to any filed submissions at the prehearing meeting and respond to any panel questions regarding those submissions. Please copy the other parties if you choose to file written submissions.

In addition, the parties should be prepared to speak to the following procedural matters at the prehearing meeting, but should not include these matters in their written submissions, should they choose to file any:

- 3) Whether a formal information request (IR) process is needed;
- 4) Suggested deadlines for filing hearing submissions;
- 5) Anticipated extent of participation in the hearing and the estimated time required for same; and

6) Possible hearing dates and locations, and parties' hearing availability.

The prehearing meeting will be a formal meeting that will be audio webcast from the AER's website and transcribed by a court reporter. Transcripts will be posted to the AER website the day following the prehearing meeting.

For questions about the above, please contact me at 403-297-3232 or by email at hearing.services@aer.ca

Sincerely,
Tammy Turner
Hearing Coordinator, Hearing Services

cc: M. LaCasse, AER
F. De Luca, AER