

April, 06, 2020

By e-mail only

Vantage Point Resources Inc.

**Robert A. Shields**

Attention: **John Kanderka**

Alberta Energy Regulator  
Enterprise Reclamation Group  
Attention: **Alana Hall, Counsel**

**RE: Proceeding 396**

Dear Sirs and Madam:

I am writing to you on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners assigned to proceeding 396 (the panel). In a letter dated March 10, 2020 the panel identified the issues for the hearing of this regulatory appeal. It also gave the parties an opportunity to suggest rephrasing or adding to those issues. Comments were due on or before March 24, 2020. No party provided suggestions or additions so the issues as identified in the March 10, 2020 letter are the issues for the hearing. For ease of reference the issues are repeated below.

Issues for the hearing:

1. Does the site meet the applicable reclamation criteria?
  - i. Compatibility of seeded species used on the reclaimed site with the adjacent, offsite species.
  - ii. Incorporation of the vegetation established on the reclaimed site in the operation and management of the lands.
  - iii. Was there adequate landowner consultation concerning seeded species used on the reclaimed site?
2. Was the application technically complete and accurate?

In light of the current Covid 19 pandemic and the need to continue social distancing measures for an as yet indeterminate period of time, and in light of various scheduling issues previously communicated by the parties, the panel has considered how best to proceed with this regulatory appeal. The panel has decided that the limited number of discrete issues and the nature of those issues lend themselves to a written hearing process.

The schedule is set out below. Each party is reminded that when providing their written submissions, they should include any documentation or other supporting evidence they have, including emails, or other information in a text based format. If you believe photos or diagrams are relevant to your submission you should include those. The panel may ask Information Requests (IRs)<sup>1</sup> of the parties at any point in the process. Responses to any IRs from the panel will be due 10 calendar days after receipt.

## Schedule

April 30, 2020 – Mr. R. Shields – deadline to file evidence and submissions.

May 14, 2020 – Vantage Point Resources Inc. (Vantage) and AER Enterprise Reclamation Group – deadline to file IRs to Mr. R. Shields.

May 28, 2020 – Mr. R Shields – deadline to file responses to IRs received.

June 11, 2020 – Vantage and AER Enterprise Reclamation Group- deadline for motions<sup>2</sup> about the adequacy of responses to IRs given by Mr. Shields, if necessary.

June 18, 2020 – Vantage – deadline to file evidence and submissions.

July 2, 2020 – Mr. R. Shields – deadline to file IRs to Vantage.

July 16, 2020 - Vantage– deadline to file responses to IRs received.

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<sup>1</sup> Information Request - a request to provide further information. Information requests are generally intended to, clarify information that has already been filed, simplify the issues, and permit a complete understanding of the matter or issue being considered. Information requests should clearly specify the information that is being sought.

<sup>2</sup> Motion - a written request for the panel to make a decision about an issue, in this case the issue would be adequacy of responses to IRs

July 30, 2020 – Mr. R. Shields - deadline for motion about adequacy of responses to IRs given by Vantage, if necessary.

August 6, 2020 – AER Enterprise Reclamation Group – deadline to file evidence and submissions.

August 20, 2020 - Mr. R. Shields – deadline to file IRs to AER Enterprise Reclamation Group

September 3, 2020 - AER Enterprise Reclamation Group – deadline to file responses to any IRs received.

September 17, 2020 - Mr. R. Shields - deadline for motion about adequacy of responses to IRs given by the AER Enterprise Reclamation Group, if necessary

September 24, 2020 – Mr. R. Shields – deadline to file reply submissions.

October 1, 2020 – Panel – final deadline to file IRs to any of the parties.

To be determined – Mr. R. Shields, Vantage and AER Enterprise Reclamation Group - Closing Arguments (if necessary).

If you have issues with the schedule set out above that the panel should hear about and take into consideration for the purposes of changing the schedule, please provide your written comments to my attention via Hearing Services ([hearing.services@aer.ca](mailto:hearing.services@aer.ca)) **no later than 4:00 pm on April 13th, 2020**. If no party brings any concerns about the schedule to the panel's attention by 4:00 pm on April 13th, 2020 the Schedule will be the schedule for the written hearing of Mr. Shield's regulatory appeal of reclamation certificate No. 397929 issued to Vantage Point Resources Inc.

Sincerely,

*Elaine Arruda*

Hearing Coordinator, Hearing Services

cc: Maria Lavelle, AER