

April 28, 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 April 6, 2020, the panel indicated that in light of the Covid 19 pandemic, scheduling issues previously communicated by the parties, and the limited number of discrete issues for the regulatory appeal, it was planning to proceed with a written hearing process and set out a schedule for the proceeding. The letter included a placeholder for closing arguments (if necessary). In effect, the hearing process was to be a combination of mostly written and, if necessary, partly oral steps.

The panel gave the parties an opportunity to raise concerns with the schedule and comments were due on or before April 13, 2020. An email sent by Mr. Shields on April 18, 2020, indicated that the soonest he could be available to participate in the proceeding would be November.

Follow-up correspondence provided on behalf of Vantage Point Resources Inc. (Vantage) on April 20, 2020, supported the suggestion of a November hearing date. Vantage indicated the support for a November hearing date was conditional on a member of the panel or the panel completing a site visit before the hearing.

As noted previously, the decision to conduct a site visit is a discretionary decision for the panel to make. It is not a point for negotiation by the parties. In light of the issues in this regulatory appeal, the panel's decision about the hearing schedule is not dependent on a site visit.

In light of Mr. Shields' concerns about his ability to prepare submissions before November and in light of the need for the parties to file the materials (submissions) they intend to rely on before the hearing date, the panel has revised the hearing process. The steps and the dates for each step are set out below.

Submission Schedule

November 5, 2020 – Mr. R. Shields – deadline to file evidence and submissions.

November 12, 2020 – Vantage – deadline to file evidence and submissions.

November 19 2020 – AER Enterprise Reclamation Group – deadline to file evidence and submissions.

November 26, 2020 – Mr. R. Shields – deadline to file reply submissions, if any.

December 3, 2020 – Hearing (format and location to be determined)

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.

A party may choose to rely on the information already filed in this proceeding and not file additional information in the form of hearing submissions. If you choose to rely on information already filed, on the date your submissions are due you should file a list that clearly describes the specific information you intend to rely on and the date it was provided to the AER.

Parties are reminded the panel can only use and rely on the information filed on the record for the proceeding to make its decision about the regulatory appeal. The current record for the proceeding includes, the request for regulatory appeal file (exhibit 2.01) and the record of the decision maker (exhibit 3.02).

The revised schedule also creates a hearing process that is mostly written, with a “hearing date” the panel has set aside to hear from the parties directly if necessary. On that date the panel may ask the parties questions for clarification and follow up on the parties' written submissions. Parties would be given an opportunity to question each other. Within your written submission you will need to indicate who will answer questions about your evidence and that person or persons will need to be present on the hearing date. The panel will also give each party the opportunity at that time to sum up their position. To be clear it will not be an opportunity to present new information to the panel.

All the information you want the panel to take into consideration when making its decision must be filed in accordance with the Submission Schedule.

If you would like further information about the hearing process please refer to [Manual 003 – Participant Guide to the Hearing Process](#). Also, you may be interested in attending an AER information session. The purpose of an information session is to provide an overview of the AER’s hearing processes and to help the public effectively engage in the hearing. The information session can be held by video conference (for example Skype or Zoom) or by telephone. Please contact me if you are interested in attending an information session.

The panel will decide whether to conduct the oral portion of the hearing in person, by teleconference or by some electronic means (for example Skype or Zoom) closer to the hearing date. If the oral portion is to be conducted in person the panel will travel to a location within a reasonable commute of Mr. Shields’ property that has the necessary facilities. The *Alberta Energy Regulator Rules of Practice* permit hearings to be written, oral, electronic or a combination of those forms.

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) **no later than 4:00 pm on May 13th, 2020**. If no party brings any concerns about the schedule to the panel's attention by 4:00 pm on May 13th, 2020 the Submission Schedule will be the schedule for the 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