

Proceeding 432

October 11, 2023

By e-mail only

Hearing Commissioners' OfficeSuite 1000, 250 - 5 Street SW
Calgary, Alberta T2P 0R4
Canadahearing.services@aer.ca

Qualico Developments West Ltd.
(Qualico)
C/O: McLennan Ross LLP
Gavin S. Fitch KC

Pembina Pipeline Corporation (Pembina)
C/O: Bennett Jones LLP
Shawn Munro

Plains Midstream Canada ULC (Plains)
C/O: Bennett Jones LLP
Daron Naffin

Avillia Developments Ltd. (Avillia)
Joe Marchese and Patrick Shaver

**Building Industry & Land
Development Association Alberta
(BILD)**
Scott Fash

Brookfield Residential (Alberta) LP (Brookfield)
C/O: McLennan Ross LLP
Evan W. Dixon and Marika Cherkawsky

Cantiro Group LP (Cantiro)
Katrina Rowe

Keyera Corp. (Keyera)
C/O: Osler, Hoskin & Harcourt LLP
Sander Duncanson

Melcor Developments Ltd. (Melcor)
Michaela Davis

MLC Group Inc. (MLC)
Chris Nicholas

Secure Energy Services Inc. (SECURE)
Kristen Welland and Ian Radzichowsky

**Urban Development Institute – Edmonton Metro
(UDI - EM)**
Kalen Anderson

**RE: Reconsideration of the Alberta Energy Regulator's Decision, Dated April 20, 2022
Amended Application No.: 1932335 dated January 14, 2022
Qualico Developments West Ltd.
Reconsideration No.: 1940992
Hearing timing, format, location, and other procedural matters**

Dear Parties:

I am writing to you on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners (the panel) presiding over proceeding 432.

Submissions of the Parties

Hearing Timing

On September 28, 2023, the panel canvassed the availability of the parties for a two week in-person hearing, January 16 through January 25, 2024. The panel suggested that due to the number of hearings planned for winter 2024, in the alternative, the panel would be looking at dates in April or May of 2024.

Plains, Pembina and SECURE responded that they are not available for the hearing January 16, 2024, through January 25, 2024. Plains and Pembina noted that they are also not available in April 2024. Plains Pembina and SECURE indicated general availability in May 2024.

In correspondence to the panel, Qualico indicated that it could be available for the proposed hearing dates in January 2024. Qualico stated that it has reviewed the responses by Plains and Pembina and strongly opposes the hearing being pushed back into April or May 2024. Qualico wrote that it has been almost three years since Qualico filed its application and asked that this proceeding be set down for hearing as soon as possible.

While the process set by the panel did not contemplate a further reply by the parties, Plains and Pembina filed a reply to Qualico. In their reply both Plains and Pembina explained that a principal witness appearing on behalf of both Plains and Pembina is scheduled to appear at two multi-day hearings, one during the week of January 15 and the other during the week of January 22. Pembina also provided that their lead counsel will be unavailable from January 15 to 17, 2024.

UDI - EM, Melcor, BILD, MLC, Keyera, and Brookfield indicated that they could be available for the proposed hearing dates in January 2024. Avillia and Cantiro did not provide comments on the proposed dates for the hearing.

Hearing Location and Format

Qualico, Plains, Pembina, Secure, BILD, MLC, and Brookfield stated that they would be available to attend the hearing in Calgary. Avillia stated concern about attending two weeks of hearing in Calgary. Melcor requested more information about the format of the hearing.

Decision of the Panel

Hearing Timing

The panel has carefully considered comments from the parties. The panel notes Qualico’s desire for an expedited proceeding. The panel also notes that Plains’ and Pembina’s witness would be attending a different hearing during the dates proposed by the panel.

While the panel wishes to accommodate the needs of all the parties, the panel must also provide an efficient process without undue delays. There are 12 parties to this proceeding with varied and possibly opposing priorities. In attempting to find a date that satisfies such varied needs, weeks may be spent exchanging correspondence without finding a suitable time that works for all parties. Therefore, the panel members and AER hearing staff have re-arranged their commitments to find an alternative hearing date which is not in January or April but is earlier than May 2024.

The panel has set the hearing for March 5-15, 2024. The panel notes that there are nearly 5 months between the date of this letter and the hearing start date which provides the parties with ample notice for rearranging any potential scheduling conflicts they may have and make themselves available for the hearing dates.

Hearing Submission Schedule

The panel has set the submission schedule for the hearing (see below). The panel strongly encourages participants to seek opportunities to coordinate their efforts with others, if possible, to avoid duplication of evidence and provide for an efficient and timely process. This does not preclude separate submissions and appearances at the hearing.

Date	Submissions
November 15, 2023	Qualico’s Submission
November 22, 2023	Avillia, BILD, MLC, Brookfield, Cantiro, UDI, Melcor submissions
January 10, 2024	Plains, Pembina, submissions
January 17, 2024	Keyera and SECURE submissions
January 31, 2024	Qualico’s reply submission
March 5, 2024	Hearing starts

Hearing Location and Format

The hearing will be held in-person, in Calgary at Govier Hall. Parties who will be participating in the hearing on a limited basis are expected to attend the hearing in-person during their active participation, namely making presentations and being available for questions from the panel and parties adverse in interest. When the parties with limited participation are not actively participating in the hearing, they may observe the hearing through the webcast on Teams from any location. Closer to the hearing date, the panel will ask parties for their time estimates for presentations and questioning, as applicable. The panel will then create a detailed hearing schedule and will aim to use parties' time as efficiently as possible.

Sincerely,

Elaine Arruda

cc: A. Huxley and D. Brezina, AER Panel Counsel
S. Gerein, Qualico Developments West Ltd.
T. Meyers, Bennett Jones LLP