

**Via Email**

April 20, 2022

McLennan Ross LLP  
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Calgary, Alberta T2P 0G5

Attention: Gavin Fitch, Q.C.

Dear Mr. Fitch,

**Re: Application No. 1932335  
Qualico Development West Ltd. (Qualico)  
Location: Northeastern Edmonton**

Qualico submitted Application No. 1932335 (registered by the AER on February 22, 2021), pursuant to section 33 of the *Pipeline Act*, the *Pipeline Regulation* and *Directive 77: Pipelines – Requirements and Reference Tools* seeking the alteration of certain pipelines as part of its development of the Marquis neighborhood in the Horse Hill area of northeast Edmonton. Qualico submitted it was required by the City of Edmonton to upgrade and construct arterial roads. Pembina Pipeline Corporation (Pembina) and Plains Midstream Canada ULC (Plains) operate pipelines that will be crossed by the new arterial roads.

The application requested an order requiring Pembina to alter parts of two pipelines and an order requiring Plains to alter parts of one pipeline. Qualico also requested that the AER order the costs for the alteration of the pipelines to be shared 50/50 as between Qualico and the operators of the pipelines.

On February 4, 2021, the AER issued a supplementary information request (SIR) to Qualico and Qualico provided its response on February 18, 2021. A second SIR was issued to Qualico on July 20, 2021, which asked the following:

1. What factors should the AER consider when assessing the public interest in this case?
2. Are there any historic examples of cost-sharing between developers and pipeline operators?

Qualico's response to the SIR was provided on August 13, 2021.

There are four statements of concern (SOC) filed on Qualico's application. They were filed by Pembina, Plains, the Keyera Corporation (Keyera) and the Canadian Energy Pipeline Association (CEPA).

On September 22, 2021, Qualico requested that the AER pause its review and any decision on the application pending Hearing Commissioner directed Alternate Dispute Resolution between Qualico and the SOC filers.

On January 14, 2022, Qualico submitted an amended application under section 33 of the *Pipeline Act*. The amended application requests that the AER issue an order requiring Pembina to alter part of one pipeline and an order requiring Plains to alter two parts of one pipeline.

Qualico's application notes it has discussed with Pembina and Plains the need for altering the pipelines (the "Work") at certain new or upgraded arterial road crossings to protect public safety. Qualico submits that Pembina and Plains are not prepared to carry out the Work unless Qualico agrees up front to pay all or a majority of the costs. However, they are not allowing Qualico any meaningful say on how the Work is carried out and at what cost. Therefore, Qualico and the pipeline operators have been unable to agree on the alteration of the pipelines. Qualico also notes that while Qualico, Pembina and Plains agree on the need for the Work, they have been unable to agree on the sharing of the costs for that Work.

Therefore, Qualico seeks the following directions from the AER, pursuant to section 33(1) and (2) of the *Pipeline Act* and section 5.4 of Part B of Directive 077:

- i. A direction that Pembina alter a part of the pipeline operating under Licence 6926-16;
- ii. A direction that Plains alter parts of the pipeline operating under Licence 6001-01; and
- iii. A direction that the cost of the Work be shared equally as between Qualico and each of Pembina and Plains.

The AER provided the SOC filers with an opportunity to update their SOCs and provide any comments or concerns regarding Qualico's Amended Application.

The AER has considered amended Application No. 1932335, including Qualico's SIR responses. It has also considered the SOCs received from Pembina, Plains, Keyera and CEPA and their comments on Qualico's August 13, 2021, SIR response, as well as Qualico's responses to the SOCs. **For the following reasons, the AER denies the application.**

#### Relevant Legislation

Section 33 (1)(a) of the *Pipeline Act* provides:

When in its opinion it would be in the public interest to do so, the Regulator may, on any terms or conditions it considers proper, direct a licensee to alter or relocate any part of the licensee's pipeline.

Under section 33(1)(a) the AER is required to determine whether it is in the public interest to direct Pembina and Plains to alter the requested pipelines. If it does satisfy itself, then the AER "may" decide to direct Pembina and Plain to alter their pipelines on any terms or considers the AER considers proper. The use of its authority is discretionary, meaning that the AER is not required to issue the direction.

If the AER has decided to exercise its discretion under 22(1), then section 33 (2) provides that "where the Regulator directs the alteration or relocation of a pipeline... it may order by whom and to whom payment of the cost of the work and material, or either, shall be made".

Section 33(3) states:

If a dispute arises as to the amount to be paid pursuant to an order under subsection (2), it shall be referred to the Regulator and the Regulator's decision is final.

i) *Qualico's submissions*

To determine whether the application is in the public interest, Qualico refers the AER to Section 15 of the *Responsible Energy Development Act*, which sets out factors that are to be considered when the AER is considering an application. Specifically, section 15 expressly states that the Regulator must consider “the interests of landowners”. Qualico is a landowner whose ability to undertake a municipally approved development on its lands is constrained by the existence of the Pembina and Plains pipelines.

Section 15 also directs the AER to have regard to “any factor prescribed by the regulations”. Section 3 of the *Responsible Energy Development Act General Regulation* states:

3 For the purposes of section 15 of the Act, where the Regulator is to consider an application or to conduct a regulatory appeal, reconsideration or inquiry in respect of an energy resource activity under an energy resource enactment, the Regulator shall consider

- (a) the social and economic effects of the energy resource activity,
- (b) the effects of the energy resource activity on the environment, and
- (c) the impacts on a landowner as a result of the use of the land on which the energy resource activity is or will be located.

Qualico submits that the alteration of the pipelines is clearly in the public interest. It asserts that in order to construct arterial roads in its planned development, as directed by the City of Edmonton, alteration of the pipelines licensed to Pembina and Plains is necessary.

In its amended application, Qualico added that it asked Pembina for further details and rationale on the proposed design of the crossing but Pembina declined to provide them. Without this information Qualico was unable to determine whether all of the work proposed by Pembina was necessary and whether the cost was reasonable.

Qualico also submits that section 4 of the *Pipeline Act* provides guidance as to the factors the AER should consider when assessing the public interest in this case. Specifically, the AER should assess Qualico's application in terms of whether it:

- a) is consistent with the economic, orderly and efficient development of pipeline facilities;
- b) is consistent with the observance of safe and efficient practices in the construction and operation of pipelines; and
- c) is consistent with the observance of safe and efficient methods of carrying work within a controlled area.

A key component of the public interest in this case is the economic impact on Qualico, as a landowner and developer, of having to bear 100% of the cost of altering the pipelines. Qualico notes in *City of Calgary v Alberta Products Pipeline Ltd.*, the AER's predecessor, the Energy Resources Conservation Board (ERCB), found that relocation of a portion of the Alberta Products Pipeline to accommodate the widening of 52street SE in Calgary was in the public interest. The ERCB noted that relocation of the pipeline was required by the City of Calgary in furtherance of its statutory mandate to develop an effective transportation system.

Qualico is constructing arterial roads at the direction of the City of Edmonton Arterial Roads Assessment Steering Committee. Therefore, it submits that a public interest factor that should be assessed by the AER

is whether the work (alteration or relocation of the pipelines) will further the legislative objective of the City of Edmonton in developing an effective transportation system in the new planning area.

Qualico disagrees with Pembina's assertion that the relief sought in the Application "extends beyond the scope and purpose of Section 33 of the *Pipeline Act*" because there is no dispute between the parties other than with respect to costs contributions. Section 33 is clear that the Regulator may (1) direct a licensee to alter or relocate any part of a licensee's pipeline; and (2) where it makes such a direction, order "by whom and to whom payment of the cost of the work and material, or either, shall be made".

Section 5.4 of Part B of Directive 077 states:

The ERCB encourages negotiations between the road authorities and the licensee to determine a mutually satisfactory method of complying with the CSA requirements in the most cost-effective way. If an agreement cannot be reached, it is possible for either party to apply to the ERCB under Section 33 of the Pipeline Act for direction. Part 9 of the *Pipeline Regulation* provides the application requirements.

It submits that there is a live dispute between Qualico and Pembina regarding a satisfactory method of complying with the CSA requirements in the most cost-effective way. Because Qualico has rejected Pembina's position that Qualico should pay 100% of the cost, the necessary alteration will not happen without adjudication by the Regulator. Therefore, as contemplated by Rule 077, Qualico has applied to the Regulator for direction.

### *Submissions from the SOC Filers*

#### *A) Pembina*

Pembina submits the relief sought by Qualico in its application extends beyond the scope and purpose of section 33 of the *Pipeline Act* on the basis that, to its knowledge, there is no dispute between the parties with respect to the proposed protective measures or whether such measures represent the most cost-effective solution. The only dispute between Pembina and Qualico relates to cost contribution. Qualico's application is only seeking arbitration from the AER as to the allocation of costs for agreed upon alterations to existing pipelines.

Qualico is inappropriately attempting to use section 33 as a means of having Pembina subsidize Qualico's business. The nature of Qualico's concerns primarily relate to which party will bear the costs of altering the pipelines. Qualico should bear 100% of the costs.

Qualico is a sophisticated and experienced commercial developer that bears sole responsibility for selecting appropriate lands for development and meeting the planning and development requirements and directions of the City of Edmonton applicable to Qualico's development. Pembina bears no such responsibility and it is not appropriate for Qualico to shift the costs of its development to third parties. Pembina's pipelines pre-date Qualico's development; if Qualico failed to undertake due diligence in connection with the planning of its development, or to properly assess the economics of the development, it ought not be to Pembina's or its shippers' account.

Qualico's application is not within the public interest. A plain language interpretation of section 33 empowers the AER to order an "alteration or relocation of a pipeline when it is in the public interest to do so". The authority to order the payment of costs associated with such alteration or relocation only arises

once an order under the section is made. However, section 33 of the Pipeline Act does not create a freestanding avenue to apply to the AER for arbitration of cost allocation respecting an agreed upon pipeline alteration, where the methodology for the alteration is not in dispute.

The fact that Qualico is a landowner whose ability to undertake municipally approved development on its lands is constrained by the pipelines and whether the work (alteration or relocation of the pipelines) will further the legislative objectives of the City of Edmonton in developing an effective transportation system in the new Horse Hills planning area are the only factors suggested by Qualico which speak to whether performing the work is in the public interest.

Pembina is in no way refusing to perform the alteration work. It is only Qualico's refusal to proceed without receiving an order directing costs sharing that is preventing the alteration work from taking place, as acknowledged in Qualico's response to Pembina's SOC where it says: "[b]ecause Qualico has rejected Pembina's position that Qualico should pay 100% of the cost, the necessary alteration will not happen."

Qualico's submission advances an incorrect and self-serving interpretation of the public interest, relying on inapplicable provisions as well as distinguishable and dated authorities, and seeks to rely on section 33 of the *Pipeline Act* in an inappropriate and unprecedented manner. It conflates whether performing the alteration work is in the public interest with whether the AER ordering cost sharing of the alteration is in the public interest.

Qualico overstates the impacts it may experience if its requested relief is not granted by the AER. It fails to recognize the fact that the presence of the subject pipelines on the lands, along with the pre-existing property conditions would (or reasonably should) have factored into the due diligence undertaken by Qualico in making its decision to purchase the subject properties.

In response to the amended application, Pembina notes Qualico's new position is that there is now a disagreement between Qualico and Pembina regarding the alteration of Pembina's pipeline. Pembina maintains its position as set out in its SOC that there is no dispute between the parties with respect to the proposed protective measures and whether such measures represent the most- cost effective solution. The only dispute between the parties relates to cost contribution. The nature of the amendments contained in the Amended Application are a transparent attempt to assert, incorrectly and after the fact, some disagreement between the parties in an effort to bring the amendment application within the scope of section 33 and overcome the jurisdictional issues where were brought to the Applicant's attention previously. The amendments contained in the Amended Application do not change the fact that the AER does not have jurisdiction to grant the relief requests by the Applicant in the circumstances, nor do they demonstrate that the Amended application is in the public interest. Pembina is of the view that the AER has sufficient information before it to dismiss the Amended Application at this stage and respectfully submits that it should do so without any further process.

#### *B) Plains' Submissions*

Plains submits that the dispute between itself and Qualico arises because they have been unable to agree upon who will bear the costs of altering the pipeline. Plains will alter the pipeline should the AER order. Qualico, as a sophisticated commercial entity, should bear 100% of the costs because Plain's pipeline pre-dates the development, and the alterations area only necessary due to Qualico's requirements to construct certain roads pursuant City of Edmonton Bylaw 14380, "Arterial Roads for Development". In Plains' view, the Bylaw is not applicable to Plains and it bears no responsibility for Qualico's adherence to the Bylaw, thus the cost of any alteration of Plains' pipeline necessary for Qualico to meet its responsibilities under the Bylaw should be borne by Qualico. Where there is no disagreement between the parties as to

the measures to be implemented, there is no meaningful distinction between the relief requested by Qualico in the Application and any other surface rights compensation matter related to the presence of oil and gas facilities on private land, which extend beyond the jurisdiction of the AER.

Qualico's interpretation of the *Pipeline Act*, the *Responsible Energy Development Act* and the *REDA General Regulation*, and the AER's authority and mandate under those enactments, is based on an incorrect, self-interested interpretation of the public interest. Its' statutory interpretation improperly relies on inapplicable legislative provisions and irrelevant, date authorities in an attempt to obtain unprecedented relief from the AER pursuant to section 33.

In the circumstances, there is no need for the AER to establish further process to consider the Application based on the evidence and submissions already before it. Qualico is seeking unprecedented forms of relief in the Application in a misguided and baseless attempt to overturn longstanding cost allocation principles and practices that offend fundamental principles of property law. Qualico's efforts to use section 33 of the *Pipeline Act* to subsidize its private commercial interests violates the purpose and intent of that and other legislative provisions. Plains respectfully submits that the AER should decline to disrupt decades of established industry practice and convention, and that it has sufficient information to dismiss the Application without further process.

A plain language interpretation of section 33 empowers the AER to order an "alteration or relocation" of a pipeline when it is in the public interest to do so. The AER's authority to order the payment of costs associated with such alteration or relocation only arises once an order under section 33(1) is made. No matter how Qualico may attempt to characterize the requests made in its Application, there is no need for the AER to order an alteration or relocation of the pipelines at issue in this case where the methodology of the alteration is not in dispute. Section 33 does not create a freestanding avenue to engage the AER as an arbiter of costs related to agreed-upon pipeline alteration work.

In Plains' submission, the AER's consideration of the public interest must account for a broad range of environmental, safety, economic and social factors related to the Application, including the economic, efficient and orderly development of pipeline infrastructure.

Qualico conflates whether performing the alteration work is in the public interest with whether the AER ordering cost sharing of the alteration work, which is (or should be) the purpose of the Application, is in the public interest. Again, there is no dispute as to the alteration work to be undertaken, nor is Plains opposed to that work proceeding. The only impediment to that work proceeding is Qualico's refusal to proceed without first receiving an order from the AER directing cost sharing. Whether deliberate or not, Qualico has blurred these distinct questions in an effort to use section 33 of the *Pipeline Act* to subsidize its business.

In regards to the ERCB's decision in *The City of Calgary v Alberta Products Pipeline Ltd* 2011 ABERERCB 029, Plains submits that the pipeline operator initially claimed relocation was not necessary, precipitating the application from the City of Calgary. The ERCB determined that relocation was in the public interest. Of note, no decision on costs was made "as the parties had agreed to treat this issue as a commercial matter, subject if necessary to binding arbitration," and no arbitration with the ERCB subsequently took place. This authority speaks only to whether relocating a pipeline is in the public interest. In fact, the parties split the proceeding into two parts, expressly setting aside any consideration of cost allocation. This authority does not support Qualico's position in the present case.

The Application is *only* seeking arbitration from the AER as to the allocation of costs for agreed

upon alterations to existing pipelines. In Plain's respectful submission, the AER should not, and does not have the requisite authority to, establish further process to act as an arbitrator of costs in this matter. Where there is no disagreement between the parties as to the measures to be implemented, there is no meaningful distinction between the relief requested by Qualico in the Application and any other surface rights compensation matter related to the presence of oil and gas facilities on private land, which extend beyond the jurisdiction of the AER.

As for the report prepared for by Stantec Consulting Ltd. entitled "Economic and Social Public Interest Assessment of Cost Sharing of Pipeline Modifications Related to Development Around Large Municipalities in Alberta – Preliminary Report" appended to the Qualico SIR Response, Plains respectfully submits that it is of minimal value to the AER's assessment of the Application, represents a distorted view of both the regulatory regime governing and the development of pipeline infrastructure in Alberta, is rife with inaccurate statements and mischaracterizations, and was prepared by an individual with no apparent qualifications or expertise related to matters relevant to the Application. Plains submits that the Stantec Report should be disregarded by the AER.

Both Qualico and Stantec also fail to consider the converse scenario of a pipeline company seeking cost contributions from property owners for new crossings for pipelines which, by virtue of having been approved by the AER, have been determined to be in the public interest. This example, along with the significant implications to the pipeline industry in Alberta that would result if the AER grants Qualico's requested relief, highlight the many reasons Qualico's Application is not in the public interest, and why the AER should not depart from the longstanding and accepted cost allocation practice related to pipeline alterations and crossings.

In response to the Amended Application, Plains submits that Qualico advances a purportedly new position that there is a disagreement between it and Plains regarding the alteration of Plains' pipeline. As set out in Plains' SOC and other filings in this proceeding, the only disagreement between Plains and the Applicant is with respect to who will bear the costs of altering the pipeline. Nothing in the Amended Application changes the fact that the AER does not have jurisdiction to grant the relief requested by the Applicant. Likewise, nothing in the Amended Application establishes that it is in the public interest. Plains respectfully reiterates its request from its submission commenting on the Applicant's response to the AER's supplementary information request that the AER dismiss the Amended Application without further process.

Plains submits that the AER should dismiss the Application. Should the AER order the alterations, Plains will comply and perform such alterations, but maintains that Qualico should bear the full costs.

#### c)Keyera

The relief sought by Qualico extends beyond the purpose of section 33 of the Pipeline Act. Pipeline licensees, in this case Pembina and Plains, should not be held responsible for alterations and incur costs for a third party's project that their infrastructure pre-dates.

Granting Qualico's application would create future implications for pipeline companies in Alberta that would directly affect Keyera. Keyera and its subsidiaries have extensive pipeline systems in Alberta and regularly need to address new developments in proximity to such pipelines. Developers, such as Qualico, could select future sites despite pre-existing infrastructure, knowing infrastructure owners would be held responsible for the costs and burdens of alterations. Effectively, pipeline companies would be subsidizing the business of developers.

Keyera agrees with Qualico that the AER, when considering applications made under section 33 of the *Pipeline Act* to alter or relocate part of a licensee's pipeline, has a mandate to consider whether any such application is consistent with the economic, orderly and efficient development in the public interest of pipeline facilities in Alberta. However, while Qualico references several ERCB decisions that provide guidance on when it may be necessary or desirable to alter an existing pipeline, those decisions do not address the key issue in this proceeding, which is: who bears financial responsibility for altering an existing pipeline to accommodate a new land development?

Keyera is strongly of the view that the land developer should bear sole financial responsibility for such alterations. Qualico's position on cost sharing (and the position of its consultant, Stantec) is inconsistent with and misconstrues how pipelines are developed in Alberta, as well as the "buyer beware" principle in real estate law. Keyera outlines the approach to developing pipelines in Alberta. It notes that once the pipeline has been constructed, it becomes part of the existing landscape and must be accommodated by any future development. If future development requires relocation or alteration of the pipeline, section 33 of the *Pipeline Act* allows the developer and the pipeline company to obtain regulatory approval to implement those changes. The costs of such changes, however, are borne by the developer.

The "buyer beware" principle means that when a person purchases property, they have the onus to review encumbrances on title, such as utility rights of way, and determine whether such encumbrances would limit how the buyer intends to use the property, prior to closing the sale. This means that once a pipeline has been constructed and its easement has been registered on title, any future land developer (such as Qualico) should identify the presence of the pipeline before purchasing land to confirm that its proposed development is compatible with the existing encumbrances on the land.

Keyera submits that the AER should dismiss the application. If the AER decides to order the alteration of the Pembina and Plains pipelines, Qualico should be responsible for the full costs of the alterations

#### d) CEPA

CEPA is an association that represents companies that own and operate the majority of Canada's transmission pipelines. The application is a matter of particular concern to pipeline operators in areas of expanding urban development near established pipeline facilities. In its view that the developer is the party best positioned to plan and design around existing pipeline facilities and to control its costs related to its project. However, Qualico is seeking to shift the costs made necessary as a result of the neighborhood development onto pipeline operators rather than pay for what is required to protect the safety and integrity of the pipelines. This unfairly shifts the burden to pipeline operators and does not encourage developers to minimize costs and seek to avoid disruption over existing infrastructure. This is something CEPA views as contrary to the public interest.

If the AER grants Qualico's request for orders requiring Pembina and Plains to alter their pipelines, the AER should direct Qualico to pay the costs of the pipeline alterations in accordance with section 33(2) of the *Pipeline Act*. The pipeline operators in the planned development areas should not bear financial responsibility for Qualico's development requirements under a municipal bylaw.

#### **Decision**

After reviewing the submissions made by the applicant and the SOC filers, it is clear that Pembina and Plains agree with Qualico that the alteration Work needs to be carried out. Both operators state they will carry out the Work. The only issue appears to be the costs of the Work and who will pay for those costs.



The AER's mandate, as outlined in section 2(1) of the REDA, is to provide for the efficient, safe and orderly and environmentally responsible development of energy resources in Alberta. The AER regulates the disposition and management of public lands, the protection of the environment and the conservation and management of water. The AER was not given the general authority to deal with compensation issues.

Section 33 of the *Pipeline Act* provides the AER with the ability to order pipeline operators to alter a pipeline, when the AER is of the view that it would be in the public interest to do so. However, section 33 is a discretionary provision – it states that the AER *may* direct a licensee. Therefore, even if the AER were to find that the work itself is in the public interest, it may decline to grant a section 33 application if it decides that it is appropriate in the circumstances.

The submissions of the parties demonstrate that Section 33 does not come into play here, as there is no dispute regarding whether the work should be done, and thus no basis upon which the AER would order the work to be done. The situation between Qualico, Plains and Pembina is simply not one that falls within the AER's authority under section 33 because Pembina and Plains have stated they will do the Work. When they are ready to do so, the appropriate process for them to follow would be to apply to amend their licenses under section 11. Section 33 is only to be used in a situation where the alteration or relocation work needs to occur because it is in the public interest and the pipeline licensee is unwilling or unable to apply under section 11, and thus the only mechanism for ensuring the work is done is for the AER to issue an order or direction. As such, the current application does not fit into the parameters of section 33(1).

Accordingly, the AER finds that the application is not properly made under section 33(1), as there is no dispute respecting the work that needs to be done that would necessitate the issuance of an order. However, even if this was the appropriate mechanism, an order would not be in the public interest.

The AER agrees with the submission of Pembina that for the purposes of considering if the application is in the public interest, Qualico is conflating the required work with the cost determination provisions in sections 33(2) and (3). It is only once the AER has determined that an order directing work is necessary that the costs can be considered. Considering the submissions of Qualico, Pembina and Plains in their entirety, it appears that this is a business dispute between Qualico, Pembina and Plains over the costs of the Work. The forced resolution of a business dispute is not in the public interest, nor is it within the AER's mandate. As stated above, the purpose of section 33(1) is not to resolve private business disputes or to facilitate commercial transactions; rather it is to be used when it is the only mechanism available to ensure work that is necessary for the public interest is done. There is no public interest basis in this matter upon which the AER could justify granting the application.

Qualico's submissions centered almost entirely around the costs of the Work, and it is clear that this is the heart of the issue. They state that the Work is not getting done, because the parties can not agree to costs. While Qualico attempted to frame the issue of public interest around who should be responsible for the costs, it was putting the proverbial cart before the horse. The AER does not have the authority to order costs, as per section 33(2) of the *Pipeline Act*, unless it issued the order against the pipeline operators to do the Work in the first place. Further, it cannot resolve a dispute about those costs under section 33(3) until both 33(1) and 33(2) have been ordered. It would be improper for the AER to use its authority under section 33 given the facts before it.

In conclusion, the application is not properly made under section 33 of the *Pipeline Act*, as there is no dispute regarding whether the Work needs to be done. The appropriate mechanism for approving the

Work is for Pembina and Plains to make applications under section 11 to amend their licenses when the time comes. The nature of Qualico's application is a request to have the AER settle a private business dispute respecting the costs of the Work, which is an inappropriate use of section 33(1). Therefore, even if the application fell within the scope of Section 33, the AER has determined that it is not in the public interest to grant the application, and it is not an appropriate circumstance to exercise discretion and grant the application.

**For all the foregoing reasons, Qualico's application is denied.**

You may file a regulatory appeal on the AER's decision to deny the application if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are located here: <https://www.aer.ca/regulating-development/project-application/regulatory-appeal-process>.

Sincerely,



Lane Peterson  
Director, Oil & Gas Surface  
Regulatory Applications

cc: Plains Midstream Canada ULC (Daron Naffin - Bennett Jones LLP)  
Pembina Pipeline Corporation (Shawn Munro - Bennett Jones LLP)  
Canadian Energy Pipeline Association (Chris Bloomer)  
Keyera Corporation (Sander Duncanson – Osler, Hoskin & Harcourt LLP)  
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