

Proceedings 425

October 13, 2023

Hearing Commissioners' Office

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By email only

Borden Ladner Gervais LLP
Attention: Karen A. Salmon

Alberta Energy Regulator
Compliance and Liability Management
Attention: Danielle Brezina

**Re: Regulatory Appeal 1942140
Long Run Exploration Ltd. (Long Run)
Alberta Energy Regulator– Compliance and Liability Management (CLM)**

Panel decision on Long Run request for confidentiality

Dear Parties and Representatives:

On October 10, 2023, Long Run filed a confidentiality request under rule 49 of the *Alberta Energy Regulator Rules of Practice* for certain information provided but not yet filed or placed on the public record.

The panel assigned to this matter has reviewed and grants Long Run's request because Long Run meets the confidentiality requirements under rule 49. Also, CLM does not object to Long Run's request.

Reasons

The confidential information that has not been placed on the public record relates to information requests by CLM, including:

1. LRE-CLM-1: all invoices, grant contracts and grant approvals for Long Run's 2021 Site Rehabilitation Program (SRP) spending and all invoices, proof of payment, and tour reports for its 2021 non-SRP spending; and
2. LRE-CLM-2: Long Run's 2021 abandonment spending for setting down plugs with detailed supporting documentation.

Long Run is seeking to keep the following information confidential:

1. Contractor Invoices;
2. Service Agreements executed between contractors and Long Run;
3. SRP Grant Agreements; and
4. Correspondence between Long Run and the Minister of Energy regarding the SRP grant.

CLM did not object to the confidentiality request. In its October 11, 2023, e-mail CLM acknowledged that under a confidentiality order, information remains confidential for the purposes of the hearing and hearing participants cannot share it or use it for another purpose. CLM noted that if this information had not been requested in order to verify Long Run's submissions in this proceeding, CLM may have requested it as part of the AER's audit, verification or compliance function in the context of the AER's Area Based Closure program or Mandatory Closure Spend program. Further, CLM indicated that it may ask for the same information in the future and may use the information for a purpose outside of this proceeding and that any undertaking CLM will provide will be so qualified.

The panel finds that the information listed in items 1-4 above contains negotiated prices with third parties and other commercial and financial information that could reasonably be expected to cause significant harm to Long Run's competitive position, or to the competitive position of contractors who are not parties to this proceeding. Under rule 49(4), this is good and sufficient grounds to exempt this information from the public record and keep it confidential.

The panel orders that for the purposes of this proceeding, the information listed in items 1-4 above remain confidential. Under rule 49(5), the parties may receive a copy of the confidential information only if they file an undertaking that they will hold the information in confidence and use it only for the purpose of the proceeding. Any undertakings made related to the confidentiality of the information in this proceeding does not preclude CLM from requesting the same information in the future for a purpose outside of this proceeding.

As is the AER's practice, any undertakings are to be filed on the record. Please provide executed copies of confidential undertakings to hearing.services@aer.ca.

When re-submitting its responses to the CLM information requests, Long Run must submit the confidential and non-confidential information in separate files to facilitate posting of the information to the public and non-public parts of the record for the proceeding. Elaine Arruda, Coordinator, Hearing Services, will provide further direction to Long Run on the desired format for the submissions.

Finally, the Panel notes that the evidence, including the information provided in this proceeding is subject to the *Freedom of Information and Protection of Privacy Act (FOIP)*. In case of a *FOIP* request in relation to the information, the AER will follow the applicable provisions of *FOIP*, including giving written notice of the information access request to Long Run, pursuant to section 30 of *FOIP*.

Sincerely,

Alex Bolton
Panel Chair

cc: M. Scott, Long Run Exploration Ltd.
Y. Liu, Borden Ladner Gervais LLP
A. Huxley, AER counsel for the panel
E. Arruda, AER Hearing Coordinator