

Proceeding 434

September 22, 2023

By email only

Hearing Commissioners' Office

Suite 1000, 250 - 5 Street SW
Calgary, Alberta T2P 0R4
Canada

hearing.services@aer.ca

Bennett Jones LLP

**Alberta Energy Regulator – Compliance and Liability
Management Branch**

Attention: Keely Cameron
Kelsey Meyer

Attention: Candice Ross
Maria Lavelle

**Re: Regulatory Appeal 1943516
Regulatory Appeal 1943521
Hearing dates and submission schedule**

Dear Counsel:

On September 20, 2023, we requested the parties respond to our proposal of a five-day hearing either the week of November 27, 2023, or the week of December 4, 2023.

On September 21, 2023, the AER's Compliance and Liability Management branch (CLM) responded and reiterated that an expedited hearing is not warranted, and it could proceed to a hearing in the first quarter of 2024. CLM also indicated it would be prepared to proceed with a hearing the week of December 4, 2023. CLM further stated it could be available the week of November 27, 2023, but this was less preferable due to limited time for the Statutory Decision Maker to prepare for the hearing following a leave, as well as attending to other duties.

On September 21, 2023, AlphaBow Energy Ltd. (AlphaBow) responded and expressed disappointment that the panel did not provide for an expedited process prior to November, and indicated it is available for a hearing the week of November 27, 2023. AlphaBow noted its availability was subject to confirmation from CLM (and by extension, the Orphan Well Association [OWA]) that appointment of a receiver not be sought by either the AER or OWA until the regulatory appeals have been heard and a final decision rendered. AlphaBow stated its counsel has existing commitments the week of December 4, 2023, including a full day application on December 8, 2023.

Hearing date, format and location

Having considered the views of both CLM and AlphaBow, we have decided the hearing will begin at **1:00 pm on November 27, 2023**. The facility has been booked for the full week, should the time be needed. The hearing will be in-person and held in Calgary, in Govier Hall at the AER's head office.

The week of November 27, 2023, was selected after we considered the parties’ submissions regarding preferred dates, availability, the need for a quicker process, and scheduling limitations, as well as the scheduling of other AER proceedings, particularly those we will be hearing. In setting this timeline we had regard for timeliness and efficiency in our process and ensuring fairness to all parties. As indicated in our September 20, 2023, letter, we sought a middle ground compromise that would allow adequate time for submissions and replies.

Other matters

With reference to AlphaBow stating in its September 21, 2023, correspondence, that its availability is subject to the AER and OWA not seeking appointment of a receiver, we have no authority to address that matter with either CLM or the OWA.

Regarding AlphaBow again raising the matter of an inquiry in its September 21, 2023, correspondence, we reiterate what was stated in our September 18, 2023, letter: our purpose is to hear the regulatory appeals and determine whether to confirm, vary, suspend or revoke the orders at issue. Our authority does not extend to granting the inquiry AlphaBow seeks.

Schedule

The submission schedule is as follows:

| | |
|---|-------------------|
| AlphaBow submission | October 16, 2023 |
| CLM submission | October 30, 2023 |
| AlphaBow reply submission | November 8, 2023 |
| Final date for any motions from the parties | November 15, 2023 |
| Hearing start | November 27, 2023 |

We will provide proposed hearing issues to the parties for their review and submissions under separate cover.

Sincerely,

C.L.F. Chiasson, Hearing Commissioner (presiding)

S. F. Mackenzie, Hearing Commissioner

M.A. (Meg) Barker, Hearing Commissioner

cc: Amanda Huxley, AER legal counsel for the panel
 Alison Doebele, AER legal counsel for the panel