

AER Proceeding 449

Applications 1945552 / 1945553 (*Coal Conservation Act*), 001-00496728 (*Environmental Protection and Enhancement Act*), 001-00496729 / 001-00496730 (*Water Act*), and MLS 32212208 / LOC 32900389 (*Public Land Act*)

Alex Bolton, P.Geo.
Chief Hearing Commissioner
alex.bolton@aer.ca

tel 403-297-7029
cell 403-660-8921
fax 403-297-8398

www.aer.ca

October 7, 2024

By Email only

Bennett Jones LLP.

Attention: Martin Ignasiak, KC

Applications for the Summit Mine 14 Project

The Alberta Energy Regulator has determined that the seven applications associated with the Summit Mine 14 Project should be set down for a [hearing](#) and has requested that I assign a hearing panel to conduct a hearing. A hearing will be held unless the issues are resolved in some other manner, such as by alternative dispute resolution (ADR). Hearings are led by hearing commissioners who are independent from the day-to-day operations of the AER. I assign one or more hearing commissioners to sit on hearing panels to decide matters sent to them by the AER. Their decisions may only be reviewed by the Court of Appeal of Alberta and they must adhere to the [Hearing Commissioner Code of Conduct](#).

This is not a notice of hearing. Once a hearing panel is assigned they will decide any procedural matters related to the hearing such as issuing a notice of hearing and determining who may participate in the hearing. Before a notice of hearing can be issued AER staff must compile the application file consisting of all application materials filed with the AER. The hearing coordinator will contact you shortly to verify the contents of the application file. Once the application file is complete it will be placed on the public record. The hearing panel will then decide the timing of a notice of hearing after reviewing the application file and statements of concern.

When a notice of hearing is issued it will give directions to interested parties about how to view the application file and explain how to request to participate. For more information about the AER hearing process please see [Manual 003: Participant Guide to the Hearing Process](#). This manual provides an

overview of the hearing process and tries to answer common questions. The requirements for hearings are set out in the [Responsible Energy Development Act](#) and the [Alberta Energy Regulator Rules of Practice](#).

I may assign, or parties may request, a hearing commissioner who is not on the hearing panel to explore [alternative dispute resolution](#) (ADR) with you. ADR is a confidential process which gives parties an opportunity to engage in meaningful discussions for the purpose of reaching mutually agreeable resolution of the issues. It is conducted separately from the hearing and all discussions in ADR, including offers to settle, proposals, and concessions, are subject to settlement privilege and remain confidential and cannot be used in the hearing unless all parties agree otherwise. The [ADR by Hearing Commissioner brochure](#) and [Manual 004: Alternative Dispute Resolution Programs and Guidelines for Energy Industry Disputes](#) have information on ADR. If you would like to request a hearing commissioner be assigned to conduct ADR for this matter, please send your request to the Hearing Commissioners' Office at HCO@aer.ca.

Elaine Arruda is the Hearing Coordinator for this proceeding and will be your main point of contact during this process. Once the AER assembles the application file, Elaine will contact you to verify its contents. If you have any questions, please contact Elaine at 403-297-7365 or by e-mail at hearing.services@aer.ca.

Regards,

Alex Bolton

Chief Hearing Commissioner

cc: Shaun McNamara, Summit Coal Inc.
Kennedy Halvorson, Alberta Wilderness Association
Tara Russell, Canadian Parks and Wilderness
Tracy Friedel, Lac Ste. Anne Metis Community Association
Amyl Lalji, MLT Aikins LLP
Blair Feltmate, JFK Law LLP
Shauna Gibbons, Counsel, AER
Doug Koroluk, Application coordinator, AER
Corey MacGarva, Application coordinator, AER
Ken Bullis, Application coordinator, AER
Jennifer Filax, Application coordinator, AER
Tara Wheaton, Hearing coordinator, AER
Elaine Arruda, Hearing coordinator, AER