

**Proceeding 446**

September 5, 2024

By email only

**MAGA Energy Ltd.**

Attn: Mark Ross

**Tidewater Midstream and Infrastructure Ltd.**

Attn: Gino Bruni

**RE: Application 1949628**  
**MAGA Energy Ltd. (MAGA)**  
**Tidewater Midstream and Infrastructure Ltd. (Tidewater)**  
**Participation Decision and Procedural Matters**

Dear Sirs:

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

On August 2, 2024, the AER issued a notice of hearing for MAGA's Application 1949628 (Application). This notice explained how to file a request to participate in the hearing and set a filing deadline of August 19, 2024, with a corresponding applicant's response deadline of August 26, 2024.

On August 15, 2024, the panel received a request to participate from Tidewater. Tidewater submitted that it would be directly and adversely affected by an approval of the Application because it is the 100% owner and operator of the pipeline for which MAGA seeks a common carrier declaration. Tidewater requested full participation rights in the hearing, including being a participant in any prehearing meetings, having the right to submit information requests to MAGA prior to the hearing, filing company evidence, and participating in the hearing itself, including the calling of Tidewater's own company witnesses and cross examination of MAGA's witnesses, delivering arguments, and all other procedural matters in relation to the Application and the hearing.

MAGA did not file a response to Tidewater's request to participate.

### **Participation Decision**

The panel has considered Tidewater's request to participate. Given that Tidewater is the 100% owner and operator of the pipeline for which MAGA seeks a common carrier order, the panel is of the view that Tidewater may be directly and adversely affected by the decision of the panel on the Application. Based on the information before it, the panel grants Tidewater full participation rights in the hearing.

### **Information Requests**

The panel is not planning a formal information request process for this proceeding. The panel reminds both parties that they may exchange informal information requests at any time.

### **Hearing Format and Location**

The hearing for this matter will be held in Calgary in Govier Hall at the AER's head office. The panel is prepared at this time to book a week for the hearing and will adjust that timeframe if necessary.

### **Hearing Dates**

Before setting the hearing submission schedule, the panel would like to canvass the availability of the parties for an in-person hearing for either of the first two weeks of February 2025. If these dates do not work, please provide your availability for March 2025. The panel notes that it has other hearings booked in January 2025 and the second half of February 2025.

### **Scope**

The panel would like to remind the parties that the AER does not have jurisdiction to settle a dispute as to the tariff to be paid to the common carrier. If MAGA is successful in its application, it may apply to the Alberta Utilities Commission to fix the tariff, as per section 55(3) of the *Oil and Gas Conservation Act*.

### **Agreed Statement of Facts**

The panel intends to direct the parties to provide an agreed statement of facts at the outset of the proceeding. The panel requests an estimate from each party on the length of time necessary to determine an agreed statement of facts if it is more than 30 days.

## Conclusion

In summary, the panel requests comments from the parties on each of the following matters in relation to the hearing:

- the parties' availability during the first two weeks of February 2025 (or any alternative availability in March 2025); and
- an estimate on time necessary to determine an agreed statement of facts if more than 30 days will be required.

Please provide your comments to [Hearing.Services@aer.ca](mailto:Hearing.Services@aer.ca) **no later than 4:00 pm on September 12, 2024**. The parties may then provide a response to each other's comments to [Hearing.Services@aer.ca](mailto:Hearing.Services@aer.ca) **no later than 4:00 pm on September 19, 2024**.

Sincerely,



Andrew Lung  
Hearing Services

cc: Jared Gurevitch, Tidewater Midstream and Infrastructure Ltd.  
Shauna Gibbons, AER Legal Counsel