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**By email only**

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**Re: Request for Confidentiality under section 49 of the *Alberta Energy Regulator Rules of Practice* (Confidentiality Request)  
Request for Regulatory Appeal by Woodland Cree First Nation  
Obsidian Energy Ltd.  
Application Nos.: 32661452 and 32172088  
Well Licence Nos.: 0512506, 0512507, 0512508, 0512509, 0512510 and 0512511 (Approvals)  
Location: 18-083-17W5M and 08-083-17W5M  
Request for Regulatory Appeal No.: 1950012**

Dear Counsel:

The Alberta Energy Regulator (AER) has considered the request of Woodland Cree First Nation (WCFN), submitted on March 19, 2024, under section 49 of the *Alberta Energy Regulator Rules of Practice* (Rules) for confidentiality (the **Confidentiality Request**) over certain traditional land use maps (TLU Maps).

The AER has considered:

- the Confidentiality Request, and
- the response of Obsidian Energy Ltd. (**Obsidian**) filed on March 15, 2024, advising that it has no objection to the Confidentiality Request.

WCFN submits that disclosure of the TLU Maps may undermine the WCFN in their negotiations with proponents operating on their traditional lands and could result in significant financial loss.

WCFN's Confidentiality Request asks that the AER not disclose the TLU Maps publicly and that Obsidian file an undertaking stating that the documents will only be used for the purpose of the Regulatory Appeal.

For the reasons that follow, the AER has decided to grant WCFN's Confidentiality Request.

## Reasons for decision

Pursuant to section 49 of the Rules, all documents filed in respect of a proceeding must be placed on the public record. However, section 49 also recognizes the legitimate need, when established, of a party to protect confidential or sensitive information.

In regard to confidentiality of commercial, financial, scientific or technical information, subsection 49(4)(b) of the Rules states:

**(4) The Regulator may, with or without a hearing, grant a request for confidentiality on any terms it considers appropriate**

(a) if

(i) disclosure of the information could reasonably be expected to reveal personal information that has consistently been treated as confidential by the person the information is about, and

(ii) the Regulator considers that the person's interest in confidentiality outweighs the public interest in disclosing the information on the public record of the proceeding, or

**(b) if the information is commercial, financial, scientific or technical in nature and the Regulator is of the opinion that disclosure of the information on the public record of the proceeding could reasonably be expected**

**(i) to cause significant harm to the competitive position of a party, or**

**(ii) to result in undue financial loss or gain to any person or organization.**

[Emphasis added]

The AER is satisfied the TLU Maps contain information that meets the above criteria for confidentiality on the basis submitted by WCFN.

The AER has noted in previous confidentiality decisions dealing with Indigenous traditional knowledge<sup>1</sup> that "... the Rules should be given a liberal interpretation to ensure that the unique nature of the information is taken into account...".

Also of significance is the fact that Obsidian has not opposed the Confidentiality Request.

For these reasons, the AER is prepared to grant confidentiality over the TLU Maps. The TLU Maps will not be placed on the public record of this Request for Regulatory Appeal proceeding. Prior to receipt of the

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<sup>1</sup> Application by Gunn Metis Local 55 for Confidentiality Under Section 49 of the *Alberta Energy Regulator Rules of Practice* Pembina Pipeline Corporation Applications No. 1806873 etc.

TLU Maps, Obsidian is required to provide to WCFN an undertaking confirming that it will treat the TLU Maps as confidential and will make no use of them other than for the purposes of the Request for Regulatory Appeal process.

This grant of confidentiality only relates to the Request for Regulatory Appeal proceeding. If the Request for Regulatory Appeal is granted and WCFN wants the TLU Maps to be treated as confidential in the appeal hearing, WCFN will be required to reapply for confidentiality.

The AER asks that WCFN provide TLU Maps to Obsidian by no later than April 17, 2024.

Sincerely,

*<Original signed by>*

Stephanie Latimer  
VP, Law & Associate General Counsel

cc: Mike Maximchuk, Aboriginal Consultation Office