



Proceeding 461
May 13, 2026

To: Laura-Marie Berg
For: Renergy Petroleum (Canada) Co Ltd. (Renergy)

To: Bronwhyn Simmons and Simone Tieleh
For: Alberta Energy Regulator – Regulatory Compliance Branch (Regulatory Compliance)

[By email only]

Re: Regulatory Appeal by Renergy of the May 6, 2025, decision of the AER's Regulatory Compliance Branch, to issue an Abandonment and Reclamation Order to Renergy under sections 22 and 27 of *the Oil and Gas Conservation Act*, section 23 of the *Pipeline Act*, and sections 140 and 241 of the *Environmental Protection and Enhancement Act*.
Decision on Continuation of Proceeding 461

Dear Counsel:

We are the Alberta Energy Regulator (AER) panel of hearing commissioners presiding over proceeding 461.

Background

On May 11, 2026, the hearing in this proceeding commenced as scheduled. Renergy advised in advance that one of its witnesses, Mr. Sun, required an English–Mandarin interpreter to provide oral evidence, and we directed that a qualified interpreter be arranged by Renergy to enable Mr. Sun's evidence to be given and tested by cross-examination [exhibit 43]. After preliminary matters were addressed at the commencement of the hearing, Renergy's witnesses were sworn, and Renergy's counsel confirmed that interpretation would be required for Mr. Sun's evidence.

During Renergy's direct evidence, questions were initially translated from English to Mandarin and Mr. Sun's responses were translated from Mandarin back into English for the record. Renergy's counsel requested that Mr. Sun be permitted to give his evidence partially in English and partially through an interpreter, seeking permission for him to provide his technical evidence in English, submitting that the interpreter was unable to adequately translate such evidence. Regulatory Compliance opposed the motion. We denied the request and asked the parties to work together to advise how they wished to proceed.

Following a break in the hearing, Regulatory Compliance and Renergy advised us that they agreed that the matter should proceed with Mr. Sun's evidence being given entirely in English. Counsel for Renergy and Mr. Sun both stated on the record that he was competent to provide his evidence in English. Mr. Sun proceeded to provide evidence in English briefly.

Following a brief adjournment, we were advised that the court reporter had advised counsel that an accurate transcript of Mr. Sun's evidence could not be produced. We adjourned the hearing for the day and directed

the parties to provide submissions on a proposed path forward to allow the hearing of the appeal to continue.

We received submissions from Regulatory Compliance (exhibit 72) and Renergy (exhibit 73) the next day.

Party Submissions

In its submissions, Regulatory Compliance proposed four options for proceeding: 1-requiring Renergy to retain a qualified interpreter and complete evidence on Thursday; 2-extending evidence into Friday with written argument; 3-converting the proceeding to a written process; or 4-adopting a hybrid approach involving written evidence from Mr. Sun, oral evidence from Mr. Hibberd, and written responses to certain cross-examination questions. Regulatory Compliance emphasized that Renergy is responsible for securing a qualified interpreter to ensure a fair process.

While preferring the use of a qualified interpreter to preserve the integrity of the oral hearing, Regulatory Compliance acknowledged that the proceeding could continue under any of the proposed options. It submitted that, under a hybrid approach, it must have the opportunity to respond to any new evidence from Mr. Sun and emphasized the importance of completing the hearing as scheduled, given the resources already expended and the need for timely finality.

In its submissions, Renergy proposed a hybrid approach. Under this approach, Mr. Sun would provide his direct evidence in writing in advance of the resumed hearing, while Mr. Hibberd would deliver oral direct evidence as scheduled. Cross-examination would proceed through Mr. Hibberd, with any questions requiring input from Mr. Sun addressed through written interrogatories. Renergy indicated that these interrogatories could be prepared over the lunch break with paralegal assistance. Renergy requested that cross-examination questions be structured for yes or no answers.

Renergy further submitted that this approach is necessary given the interpreter's limitations in addressing technical evidence. While acknowledging Regulatory Compliance's preference for a different interpreter, Renergy maintained that the proposed process is a workable means of completing the hearing within the scheduled timeframe.

Decision

The oral hearing will proceed as originally scheduled on May 14 and 15, 2026. ([Current Hearings and Transcripts | Alberta Energy Regulator](#))

We are satisfied that the remaining allotted time permits each party to present its case and respond to the evidence. We also note the parties' willingness to proceed with written argument if necessary. If required, the schedule may be adjusted to continue the evidentiary portion on Friday and have argument submitted in writing following the hearing.

We are not prepared to conduct a hybrid hearing as described by Renergy or by Regulatory Compliance. While the parties' hybrid models varied slightly, they both presented the same problems. The hybrid hearing

as described would be complex and inefficient. We have no confidence the proposed hybrid process could be implemented successfully in this matter. And finally, we do not consider the suggested hybrid as necessary in this matter.

In response to the idea that most of the cross-examination questions could be limited to yes or no responses and that Mr. Sun's cross-examination could be conducted in writing, we will not impose such a restriction on the cross-examination of Renergy's witnesses. Not all questions can be fairly or effectively answered in such a restricted format. The ability of witnesses to fully answer the questions posed to them is necessary to ensure that the evidentiary record underlying the panel's ultimate decision in this proceeding is clear and reliable. It would also be inappropriate to limit the other party's ability to properly test Mr. Sun's evidence on that basis.

Furthermore, we consider Renergy's proposal to complete written interrogatories over the lunch break with the assistance of a paralegal to be unfeasible in the circumstances and insufficient to allow for adequate testing of the evidence. In the absence of a live transcript and acknowledging that while Mr. Sun does speak some English, it is not his first language, the time available is insufficient to provide complete answers and creates a significant risk of misinterpretation or mistranslation. In addition, the proposed approach would not allow us an opportunity to pose any questions we, as the panel, may have.

The time for the parties to provide written submissions in this proceeding has passed.

If Renergy intends to call Mr. Sun to provide further evidence, such evidence must be given orally. We note, based on Mr. Sun's testimony on Monday provided in English, that the court reporter could not prepare an accurate and certified transcript of his evidence for the record of these proceedings. Accordingly, if Mr. Sun is to provide further testimony in this proceeding, Renergy must arrange for an interpreter who is qualified to provide translation of Mr. Sun's testimony, including technical language, so that Mr. Sun's evidence will be made accurately on the record.

We note that Mr. Sun is still on the panel of witnesses and that he is not Renergy's only witness on that panel. As is normal in regulatory proceedings, Renergy's witness panel is entitled to discuss the responses with one another during the hearing. As such, if Mr. Sun cannot give oral testimony directly, the evidence of the corporation may come through its other witness: Mr. Hibberd. And, to the extent that Renergy's witness, Mr. Hibberd, cannot answer a question, he can discuss with Mr. Sun and/or provide an undertaking. In that context, Mr. Sun may assist in the preparation of responses to such undertaking.

In response to Renergy's request, we are not prepared to permit Renergy to provide further written "direct" evidentiary submissions in this matter. The purpose of direct evidence in an AER regulatory proceeding is not to provide new information; it is to introduce/summarize the previously filed written evidence. Subject to a specific request and ruling from the panel, the time to provide new information has passed. There is no need for Mr. Sun to provide a written summary of Renergy's evidence. Mr. Hibberd can provide that the evidence. We note that evidence in this matter is that of Renergy.

All parties must have a full opportunity to respond, test and challenge the case on an equal basis. Therefore, cross-examination of all witnesses will proceed according to the usual procedure.

Qualified Interpreter

In response to Renergy's submissions on the interpretation issue, we note that Renergy appeared at the hearing, having advised that Mr. Sun required the assistance of an interpreter to provide his evidence and that its interpreter was qualified to provide that translation for that purpose.

It is now apparent that Renergy retained an interpreter whom it knew in advance was unable to fully translate the technical terminology relevant to this proceeding. We further note that this limitation did not arise as an unforeseen issue during the hearing but was a known constraint prior to the commencement of the proceeding. Despite this, Renergy did not bring the issue to the panel's attention, seek guidance or directions, or bring any motion regarding the adequacy of interpretation services until the hearing had commenced, direct examination was underway, and witnesses had already been sworn.

Revised Hearing Schedule

We anticipate that, due to time lost on Monday in relation to Mr. Sun's evidence and translation, it may be necessary to sit beyond the originally scheduled closing time on Thursday.

As Renergy's counsel is not available Friday May 15, 2026 in the afternoon, we will conclude midday on that day.

We will provide a revised schedule for the balance of the hearing later today.

Conclusion

We, as the panel, have considered the submissions of the parties, noting that both parties proposed approaches for proceeding this week. We are satisfied that the process set out herein is fair and provides each party with a full opportunity to present its case and to respond to and test the other parties' evidence and submissions.

Brian Zaitlin
Hearing Commissioner
(Presiding)

Jillian Campbell
Hearing Commissioner

Shona Mackenzie
Hearing Commissioner

cc: Meighan LaCasse, AER
Krista Gibson, AER
Tammy Turner, AER
Tara Wheaton, AER