Alberta Energy Regulator

Hearing Commissioners' Office

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Proceeding 470
October 5, 2026

***To*:** M. Dorin, Dorin Land and Oilfield Management Inc.
***For*:** G. and B. Wieben

[By email only]

***Re*:** **Dean Waterfield**
Xenotime Energy Inc.
Alberta Energy Regulator, Regulatory Applications Branch
Regulatory Appeal of Well Licence No. 0524095
Participation Decision

Mr. Dorin:

We are hearing commissioners Cindy Chiasson and Michael Webb who sit on the panel of hearing commissioners presiding over this proceeding. Proceeding 470 is a regulatory appeal by Dean Waterfield of Well Licence No. 0524095 issued to Xenotime Energy Inc. by the Alberta Energy Regulator (AER), dated June 3, 2026. Under the *Responsible Energy Development Act* (*REDA*), in this regulatory appeal we may confirm, vary, suspend or revoke Well Licence No. 0524095.

We write to communicate our decision on the request of G. and B. Wieben (the Wiebens) to participate in this proceeding. For the reasons provided below, we deny the Wiebens' request to participate.

Background

On August 14, 2026, the AER issued the notice of hearing for proceeding 470, which included information about filing a request to participate in the proceeding. On August 28, 2026, the Wiebens filed a request to participate. On September 14, 2026, Mr. Waterfield filed a response to the request to participate.

The Wiebens' request to participate stated that they had not filed a statement of concern about Xenotime's application for the well licence, and they will not be directly and adversely affected by the decision in this regulatory appeal. The request to participate included extensive information about proceeding 375, in which the Wiebens were a party, and related regulatory actions both before and after the proceeding 375 hearing decision, which was issued in 2019. The Wiebens submitted that the AER had made various errors related to pipeline applications that were the subject of proceeding 375, in part arising from a statement of concern having been overlooked.

Security Classification: Public

The Wiebens submitted that they "experienced more or less the same problem" in proceeding 375. They stated that their interest in proceeding 470 is related to their experience with proceeding 375, their concern about AER process for licence cancellation, and their desire to ensure that the 470 hearing panel is aware of past issues related to licensing. They suggested that the 470 hearing panel could make determinations on whether pipeline licences related to proceeding 375 that were issued and amended should have been rescinded or cancelled, and should also immediately cancel Well Licence No. 0524095, the subject matter of this proceeding. The Wiebens suggested that they would not need to present evidence related to the issuance of Well Licence No. 0524095 nor about matters related to proceeding 375 and stated they wish to make arguments about AER licensing process.

Mr. Waterfield objected to the Wiebens' request to participate and asked that we deny that request. He noted that the Wiebens acknowledged that they will not be directly and adversely affected by the outcome of this regulatory appeal and they did not file a statement of concern about the application for the well licence. He indicated that the Wiebens' land is located in an entirely different part of Alberta than the lands at issue in proceeding 470, there is no geographic or factual connection between the Wiebens' land and the subject matter of this regulatory appeal, and the Wiebens have no direct interest in the land, wells or parties at issue in this proceeding.

Mr. Waterfield stated that the Wiebens' request does not meet the participation criteria set out in the proceeding 470 notice of hearing. He indicated that the request is almost entirely focused on information related to proceeding 375, a completely separate pipeline licensing matter with different parties, lands and licence types. Mr. Waterfield submitted that his concerns raised through his statement of concern and regulatory appeal request are practical, specific, and would likely result in just and timely resolution for all parties through a focused hearing. He suggested that the Wiebens' concerns are better addressed in a different forum, are not germane to the specific issues in proceeding 470, and risk expanding the scope of this proceeding well beyond those issues with unnecessary delay, complication and potential cost to him.

Reasons

Section 32.1 of the *Alberta Energy Regulator Rules of Practice* (*Rules of Practice*) deals with requests to participate in regulatory appeal hearings. Its requirements were restated in the notice of hearing for proceeding 470 and addressed in the Wiebens' request to participate.

Under section 32.1(3), we may refuse to allow participation if we are of the opinion any of the listed circumstances in that section apply to the person requesting participation, including if the person has not demonstrated that the decision in the proceeding may directly and adversely affect them, or if the person has not demonstrated that their participation will materially assist the AER in deciding the matter that is the subject of the regulatory appeal.

The Wiebens' request to participate stated that they will not be directly and adversely affected by the decision on this regulatory appeal. We have also considered whether the Wiebens should be granted participation for other reasons as provided in section 32.1 of the *Rules of Practice*.

After review and consideration of the Wiebens' request to participate and Mr. Waterfield's response to that request, we are not persuaded that granting participation to the Wiebens would materially assist us in deciding the regulatory appeal and deny their request to participate. Proceeding 470 was initiated based on Mr. Waterfield's request for regulatory appeal, and we give significant weight to his objections to the Wiebens' request and his supporting reasons.

Mr. Waterfield stated that his concerns in this proceeding are land contamination, equipment access, existing non-producing wells on his property, lack of professional consultation by Xenotime, and the AER's failure to consider his statement of concern. He indicated that he felt a focused hearing on these issues would be more likely to result in a just and timely resolution for all parties, and submitted that granting participation to the Wiebens would likely expand and complicate the hearing, with possible delay, prejudice and cost to him.

The Wiebens did not file a statement of concern in relation to the application that resulted in Well Licence No. 0524095, the subject matter of this regulatory appeal. As noted by Mr. Waterfield, their land is on the other side of Alberta from the land affected by this regulatory appeal and was affected by pipeline licences that were addressed in an application hearing in proceeding 375 in 2019. The matters raised by the Wiebens are broad and relate to systemic concerns about how the AER deals with cancellation of energy licences, while Mr. Waterfield's concerns in this regulatory appeal of Well Licence No. 0524095 are quite specific about the effects of that licence on his lands and his agricultural operations on those lands. The Wiebens also indicated that they would not present evidence but wished to provide argument about AER process in instances where statements of concern are overlooked and licences may be cancelled.

We are not convinced that the Wiebens' requested participation would materially assist us in deciding the regulatory appeal in this proceeding, considering Mr. Waterfield's stated issues. We consider their connection to this regulatory appeal and Mr. Waterfield's issues tangential at best. The Wiebens have not persuaded us that the circumstances related to proceeding 375 would be germane in determining this regulatory appeal. We deny their request to participate in proceeding 470.

Regards,

Cindy Chiasson
Presiding Member

Michael Webb
Hearing Commissioner

cc: Erik Compton, KMSC Law LLP
Hanh Nguyen, Xenotime Energy Inc.
Bronwhyn Simmons, AER Regulatory Applications Branch
George A. Wong, AER counsel for the panel