

Via Email

April 14, 2021

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canadawww.aer.caCanadian Pacific Railway Corporation
c/o Fasken Martineau DuMoulin LLPAlberta Energy Regulator – Oil & Gas
Subsurface**Attention: Allison Sears, Counsel****Attention: Danielle Brezina, Counsel**

Dear Mesdames:

**RE: Request for Regulatory Appeal by Canadian Pacific Railway Corporation (CPRC)
Alberta Energy Regulator – Oil & Gas Subsurface (OGS)
Environmental Protection Order dated December 14, 2020
Location: Southeast Quarter of Section 31-12-5W4
Request for Regulatory Appeal No.: 1931995**

The Alberta Energy Regulator (AER) has considered the submissions filed in relation to the above captioned matter. This regulatory appeal concerns CPRC's objection to the AER OGS group's decision to name CPRC as the "person responsible" to take remedial measures in the Environmental Protection Order (EPO) dated December 14, 2020.

By operation of sections 91(1)(h) of the *Environmental Protection and Enhancement Act* and section 36 of the *Responsible Energy Development Act (REDA)*, the issuance of the EPO is an appealable decision and CPRC, as the person to whom the EPO is directed, is an eligible person. Further, the AER has determined there is no justification to dismiss the regulatory appeal request at this stage under section 39(4) of the *REDA*. Both of the parties to this regulatory appeal have agreed to proceed to an oral hearing. I can advise that it has been determined that a hearing into the Regulatory Appeal will be held as the requisite legislative tests have been met.

Given the above, the AER will be asking that the Chief Hearing Commissioner appoint a panel of hearing commissioners to conduct a hearing of the Regulatory Appeal.

Sincerely,

<Original signed by>

Charlene Graham
Executive Vice President, Law and General Counsel

cc: Ron Kruhlak, McLennan Ross
Sean Parker, McLennan Ross
Jamie Freeman, City of Medicine Hat