

By e-mail only

June 28, 2023

Bennett Jones LLP

Alberta Energy Regulator – Compliance and
Liability Management Branch

**Attention: Keely Cameron
Kelsey Meyer**

Attention: Candice Ross, Counsel

Dear Mesdames:

**RE: Requests for Regulatory Appeal by AlphaBow Energy Ltd. (AlphaBow) of
Reasonable Care and Measures (RCAM) Order issued March 30, 2023 and
Suspension Order issued June 5, 2023 (collectively the “Orders”)
Locations: Various
Request for Regulatory Appeal Nos.: 1942793 & 1943268**

The Alberta Energy Regulator (AER) has considered AlphaBow’s requests under section 38 of the *Responsible Energy Development Act (REDA)* for a regulatory appeal of the AER’s decision to issue the Orders.

The AER has reviewed the submissions to date from both AlphaBow and the AER’s Closure and Liability Management Branch (CLM) on the above matters. The AER has decided to grant AlphaBow’s requests for Regulatory Appeal of the Orders and set them down for hearing.

Reasons for Decision

The applicable provision of REDA in regard to regulatory appeals, section 38, states:

38(1) An eligible person may request a regulatory appeal of an appealable decision by filing a request for regulatory appeal with the Regulator in accordance with the rules.

[emphasis added]

An appealable decision means, *inter alia*, a decision of the AER that was made under an energy resource enactment, if that decision was made without a hearing (section 36(a) of REDA).

The term “eligible person” is defined in section 36(b) of REDA to include a person who is directly and adversely affected by a decision made under an energy resource enactment.

Appealable Decision

The decision to issue the Orders are appealable decisions, as both were issued under the *Oil and Gas Conservation Act*, an energy resource enactment, without a hearing.

Eligible Person

To be eligible for a regulatory appeal, AlphaBow must demonstrate, under section 36(b)(ii), that it may be directly and adversely affected by the AER's decision to issue the Orders. Following review of both AlphaBow and CLM's submissions, the AER has determined that the conditions set out in the Orders are sufficient to establish AlphaBow may be directly and adversely affected by the Orders.

In Accordance with the Rules

The requests for regulatory appeal were filed in accordance with the time limits under the Rules.

Accordingly, the AER has decided to grant AlphaBow's requests for Regulatory Appeal of the Orders and set them down for hearing. Additional information regarding next steps will be provided to all parties in due course.

Sincerely,

<Original signed by>

Sean Sexton
Executive Vice President, Law & General
Counsel

<Original signed by>

Paul Ferensowicz
Principal, Regulatory Advisor

<Original signed by>

Steve Thomas
Director, Oil & Gas Subsurface, Waste &
Storage