

By email only

June 13, 2024

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Carscallen LLP

Bennett Jones LLP

Attention: Michael Niven

Attention: Martin Ignasiak

Dear Parties:

**RE: Request for Regulatory Appeal & Stay Request by Municipal District
of Ranchland No. 66 (MD of Ranchland)
Northback Holdings Corporation (Northback)
Application Nos.: 1948547, A10123772 and 00497386 (Applications)
Locations: NW 24-8-4-W5 / 25, 26, 35 36, 8-4-W5M / 1-9-4-W5M / 6-9-3-W5M
Request for Regulatory Appeal No.: 1950645**

The MD of Ranchland's request for a regulatory appeal under section 38 of the Responsible Energy Development Act (REDA) was dismissed by the Alberta Energy Regulator (AER) on June 4, 2024 because the acceptance of the Applications and request for a hearing is not an appealable decision as defined in REDA. As the request for regulatory appeal was dismissed, the AER explained that there was no need to consider the MD of Ranchland's request for a stay pending the outcome of a regulatory appeal.

Included in the MD of Ranchland's submissions on the request for regulatory appeal was a letter dated April 17, 2024.¹ This letter requested, under section 45(5) of REDA, a stay of the AER's letter dated February 22, 2024² pending the outcome of its permission to appeal application with the Court of Appeal of Alberta.

Section 45(5) of REDA states:

45(5) A decision of the Regulator takes effect at the time prescribed by the decision, and its operation is not suspended by any appeal to the Court of Appeal or by any further

¹ The April 17, 2024 letter was directed to Tara Wheaton, Hearing Coordinator in relation to Proceeding ID 444, but was emailed to regulatoryappeal@aer.ca which handles the AER's regulatory appeal process.

² This letter stated that the AER has accepted the Applications and that the Applications should be decided by a panel of hearing commissioners.

appeal, but the Regulator **may suspend** the operation of the decision or part of it, when appealed from, on any terms or conditions that the Regulator determines until the decision of the Court of Appeal is rendered, the time for appeal to the Supreme Court of Canada has expired or any appeal is abandoned. (emphasis added)

A panel of hearing commissioners has been selected to conduct a hearing of the Applications and we understand that the adjudicative hearing process for Proceeding ID 444 is well underway, with the MD of Ranchland fully participating. The panel in Proceeding ID 444 is conducting this hearing in the name of the AER pursuant to section 12(1) of REDA. The most appropriate avenue for the MD of Ranchland to have its April 17, 2024 letter considered, is to bring a motion before the panel for Proceeding ID 444. Indeed, it appears from the April 17 letter that the MD of Ranchland may have intended to put its request before the panel in Proceeding ID 444 given that it was addressed to the Hearing Coordinator for that proceeding. Further, it may be open to the MD of Ranchlands to seek a stay directly from the Court of Appeal of Alberta.

In conclusion, the April 17, 2024 request will not be considered by the AER's regulatory appeals process and you may consider pursuing the avenues noted above to address the matters raised in your April 17, 2024 letter.

Sincerely,

<Original signed by>

Stephanie Latimer

VP, Law & Associate General Counsel