# Compton Petroleum Corporation

Applications for Licences to Drill Six Critical Sour Natural Gas Wells, Reduced Emergency Planning Zone, Special Well Spacing, and Production Facilities Okotoks Field (Southeast Calgary Area)

Cost Awards

Alberta Energy and Utilities Board

**ALBERTA ENERGY AND UTILITIES BOARD**
Energy Cost Order 2005-014: Compton Petroleum Corporation
Six Critical Sour Gas Wells
Application Nos. 1276857, 1276858, 1276859, 1276860,
1307759, 1307760, 12782685 and 1310351
Cost Application No. 1394042
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**Calgary, Alberta**

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## 1 CONCLUSION

The Board has approved a total cost of $1,166,110.77 to be paid by Compton to interveners in the Compton sour gas well proceeding. Since Compton has already been directed by the Board to pay interim cost awards, the remaining balance payable shall be paid within 30 days of the issuance of this Decision.

For the interveners that are not public bodies, the Board considers that overall the interveners provided significant assistance to the Board and overall that their cost claims were reasonable. Application of the Board's cost policy has resulted in a total approved cost of $1,166,110.77 compared to a total claim of $1,214,863.67 for these interveners for an aggregate reduction of $48,752.90 or 4%.

However, as discussed in the Decision, the Board has not approved costs for 3 statutorily created bodies (the Calgary Health Region, the City of Calgary, and the MD of Rockyview). These 3 bodies have specific mandates granted to them by the legislature. As such, the total cost claims of $515,529.54, which includes both their assessment of the value of internal resources and the external costs were not granted.

It is the Boards' view that the cost recovery sections of the Energy Resources Conservation Act were not meant to award costs to bodies such as the Calgary Health Region, the City of Calgary, and the MD of Rockyview when their respective statutory duties require them to participate in a Board process.

However, the Board wishes to be clear that it considers that the participation of the Calgary Health Region, the City of Calgary, and the MD of Rockyview, was of significant value and assistance to the Board. The Board considers that it was important and essential to its deliberations that the 3 organizations did actively participate.

The reader is encouraged to refer to the specific sections of this Decision for further information. A summary of the individual claims, the views of Compton and the Board approved amounts is included in Section 20 of this report. Further details are provided in Appendix A attached.

[1] 1276857, 1276858, 1276859, 1276860, 1307759, 1307760, 1278265, 1310361

## 2 INTRODUCTION

Compton applied to the Alberta Energy and Utilities Board (Board/EUB), pursuant to Section 2.020 of the *Oil and Gas Conservation Regulations* (OGCR), for licences to drill six horizontal level-2 critical sour gas wells from an existing well site in Legal Subdivision (LSD) 10, Section 13, Township 22, Range 29, West of the 4th Meridian (the 10-13 site).

Compton also applied to the Board, pursuant to Section 79, subsection 4, of the *Oil and Gas Conservation Act* (OGCA), for the suspension of the drilling spacing unit and target area provisions for wells drilled or to be drilled in a proposed unit comprising Sections 18 and 19 of Township 22, Range 28, West of the 4th Meridian and Sections 13 and 24 of Township 22, Range 29, West of the 4th Meridian.

Lastly, Compton applied to the Board, pursuant to Section 7.001 of the OGCR, for approval to construct and operate a multiwell sour gas battery.

In addition to holding seven public information sessions, the Board held a prehearing meeting in Calgary, Alberta, on October 23, 2003, before Presiding Board Member A. J. Berg, P.Eng., and Board Members J. R. Nichol, P.Eng., and G. J. Miller. The Board's ruling on the various issues identified at the prehearing meeting was released as *Decision 2003-088* on November 18, 2003.

The applications were considered at a public hearing in Calgary, Alberta, before Presiding Board Member A. J. Berg, P.Eng., and Board Members J. R. Nichol, P.Eng., and G. J. Miller. The hearing commenced on January 11 and concluded on March 4, 2005. During the hearing, the Board requested undertakings from parties to clarify their evidence and granted undertakings to examining parties requesting further information on submitted evidence. The final undertaking was received on March 10, 2005.

The Board received a number of intervener cost claims as reflected in Appendix A attached. On May 2, 2005 a summary of the costs being claimed was circulated to interested parties. Parties were advised that comments were to be filed by May 20, 2005 and subsequently responses were to be filed by June 3, 2005. The Board received comments from Compton on May 20, 2005 and the following responses on or about June 3, 2005:

- Ian Peace
- Michael Queenan
- Evans Family
- Calgary Health Region
- Municipal District of Rockyview
- Richard and Sue Pearson
- White Family
- Carma Developers
- Nicholas Baiton
- Coalition of Concerned Communities
- Front Line Residents Group

Accordingly, the Board considers, for the purposes of this Cost Order, the cost process to have closed on June 3, 2005.

## 3 VIEWS OF THE BOARD – Authority to Award Costs

In determining local intervener costs, the Board is guided by its enabling legislation. In particular, by section 28 of the *Energy Resources Conservation Act* (ERCA), which reads as follows:

> 28(1) In this section, "local intervener" means a person or a group or association of persons who, in the opinion of the Board,
>
> (a) has an interest in, or
> (b) is in actual occupation of or is entitled to occupy
>
> land that is or may be directly and adversely affected by a decision of the Board in or as a result of a proceeding before it, but, unless otherwise authorized by the Board, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resource.

It is the Board's position that a person claiming local intervener costs must establish the requisite interest in land and provide reasonable grounds for believing that such an interest may be directly and adversely affected by the Board's decision on the project in question.

When assessing costs, the Board will have reference to Part 5 of the *Rules of Practice* and to its *Scale of Costs*.

Section 55(1) of the *Rules of Practice* reads as follows:

> Section 55(1) The Board may award costs in accordance with the Scale of Costs, to a participant if the Board is of the opinion that:
>
> (a) the costs are reasonable and directly and necessarily related to the proceeding and;
> (b) the participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Board.

## 4 VIEWS OF THE BOARD – Advance and Interim Funding

By way of letters dated December 19, 2003 and February 10, 2004, the Board approved advance funding of $20,000.00 for the Coalition of Concerned Communities, $20,000.00 for the White Family, and $81,000.00 for the Front Line Residence Group. In addition to the advance funding the Board also approved interim funding through Energy Cost Order 2004-12 (ECO 2004-12) for a number of parties.

The Board noted in its correspondence to each party receiving advance funding that the award of advance funding does not represent ultimate approval by the Board of the costs claimed. This standard correspondence advised each party that, in the event that the ultimate costs awarded are less than the advance funding received, the Board shall direct the local intervener to repay the difference. The Board conveyed similar advice in ECO 2004-12[2].

[2] ECO 2004-12, Page 2

As stated in subsequent sections of this Decision, the Board notes that are no awards being this Decision does not result in any final awards being less than the interim awards and the Board is not requiring any intervener to repay any interim awards.

By way of e-mail dated May 20, 2005 the EUB circulated an updated summary of the costs being claimed which reflected the advance and interim funding approvals. Parties were reminded that the advance and interim funding approvals would be deducted from their total cost award.

Accordingly, the Board considers the claims reflected in Appendix A to be inclusive of costs incurred from the beginning of Compton's applications, and previous funding approvals have been deducted from the final award made under this Order.

## 5 VIEWS OF THE BOARD – Review and Variance Application

In ECO 2004-12 the Board stated the following with respect to costs incurred as a result of working on a review and variance application (R&V).

> Claims arising from the review and variance application of Compton's existing facilities, which were made by certain parties, have not been considered in this proceeding. Cost claims which might have arisen from that proceeding would properly be considered within that proceeding. As such all charges claimed in this proceeding which relate to the review and variance proceeding have been deducted.

The Board continues to apply this determination in the final cost claims.

## 6 VIEWS OF THE BOARD – Adjacent East Owners (AEO)

AEO submitted an interim cost claim totaling $34,827.84 comprising of legal costs incurred by Bennett Jones LLP and consulting costs incurred by Stantec. The Board did not receive a final cost claim or a request to treat the interim cost claim as the final cost claim. By way of letter dated October 18, 2005 counsel for AEO advised the Board that a resolution had been reached and the AEO cost claim was being withdrawn.

Based on the foregoing the Board considers the interim claim withdrawn and accordingly has not been processed.

## 7 VIEWS OF THE BOARD – BURDITT, Gordon

Mr. Burditt's cost claim consists of a preparation honoraria in the amount $300.00 and an attendance honoraria in the amount $250.00, for an overall honoraria of $550.00. Mr. Burditt also claims expenses in the amount of $155.40 for a total claim of $705.40.

In summary, as discussed in the following sub-sections, the Board has approved the cost claim, in its entirety totaling $705.40.

### 7.1 Local Intervener Standing

The Board is satisfied that Mr. Burditt qualifies as a local intervener and notes that Compton does not take issue with his status. Accordingly Mr. Burditt is eligible to apply for cost recovery.

### 7.2 Gordon Burditt

The Board notes Compton submitted that the claim is excessive given Mr. Burditt's late and limited participation. Further, Compton submitted that Mr. Burditt's concerns should have been conveyed through one of the resident groups and submits that an honorarium in the amount of $100.00 is more appropriate.

The Board is satisfied that Mr. Burditts participation was useful and does not find his claim excessive.

Taking all of the foregoing into account, the Board approves Mr. Burditt's claims in their entirety including honoraria in the amount of $550.00 and expenses in the amount of $155.40 for an overall award of $705.40.

## 8 VIEWS OF THE BOARD – NEWTON, Joyce

Nicholas Baiton, acting on behalf of his mother-in-law Joyce Newton, submitted a cost claim totaling $51,001.55, comprising of professional costs incurred by Nicholas Baiton himself and technical support costs incurred by Chris Hunt.

In summary, as discussed in the following sub-sections, the Board has approved total costs for the time of Nicholas Baiton and his technical assistant totaling $13,268.00.

### 8.1 Local Intervener Standing

The Board notes that Compton did not contest the intervener status and eligibility for costs of Mrs. Newton, who resides within the proposed modified EPZ, to the limited extent that her intervention concerned matters unrelated to her mineral lands.

To the extent that it does concern her mineral rights (which are 3.2 km from the proposed well site), Compton objected to Mrs. Newton being considered a local intervener on the grounds that for purposes of s.28 of the ERCA, her intervention was that of "a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resources."

The Board is satisfied that Mrs. Newton as a resident within the modified EPZ qualifies as a local intervener. The Board however agrees with Compton that Mrs. Newton's status as a local intervener does not automatically entitle her to costs for her participation as a mineral owner. On the other hand, the Board considers that Mrs. Newton is not entirely within the restriction of Section 28 of "business includes the trading in or transportation or recovery of any energy resource" as she is not engaged in any of these restricted activities as a business.

### 8.2 Nicholas Baiton

Mrs. Newton was represented by her son-in-law Mr. Baiton. Mr. Baiton's portion of the claim consists of his own professional fees in the amount of $42,700.00, disbursements of $531.00, and GST of $3,026.17 for an overall claim of $46,257.17.

The Board notes that Compton submitted that it is not apparent how Mrs. Newton's interests (not in connection with her mineral rights) could not have been adequately represented by other interveners such as the Front Line Residents Group (FLRG). To the extent that Mr. Baiton

attended on her behalf, Compton submitted that he should not be entitled to any more than Mrs. Newton should have been entitled to herself. Compton submitted that, notwithstanding Mr. Baiton's non-arm's length relationship with Mrs. Newton, his primary focus was on matters related to collateral mineral rights issues, in respect of which there should be no recognition of local intervener status. In any event, Compton submitted that Mr. Baiton was fundamentally incorrect both in his understanding of the regulations and principles of well spacing, and his interpretation of the reservoir. Overall, Compton was of the view that Mr. Baitons's participation did not add to the Board's understanding of the issues that weren't effectively canvassed by other interveners.

Compton therefore asserted that Mr. Baiton should only be entitled to what Mrs. Newton would have herself received: i.e. honoraria for attendance and possibly preparation. Compton recommended a maximum of $2,700.00 to Mrs. Newton.

The Board notes that Mr. Baiton took issue with Compton's submission indicating that he canvassed areas that were not covered by other interveners and offered evidence which was useful to the Board. Mr. Baiton does not address Mrs. Newton's ability to claim costs for her participation as a mineral owner.

Upon review of the submissions, the Board cannot support Mr. Baiton's claim for costs in its entirety. The Board considers the bulk of Mr. Baiton's participation was connected to Mrs. Newton's mineral rights issues and not to her concerns as a resident. As a result, the Board finds that, for the most part, the submissions were not helpful or central to the issues in this proceeding.

None-the-less, the Board is not prepared to accept Compton's recommendation in its entirety.

The Board is satisfied that some of Mr. Baiton's participation was legitimately concerned with issues that pertained to Mrs. Newton's status as a resident and are therefore relevant.

However, the Board considers that there are some merits in Compton's argument with respect to Mr. Baiton's non-arms length representation and to the mineral owner arguments. Accordingly, the Board reduces Mr. Baiton's professional fees by 75% or $32,025.00.

Taking all of the foregoing into account, the Board approves professional fees for Mr. Baiton in the amount of $10,675.00, disbursements in the amount of $531.00, and applicable GST in the amount of $784.42 for an overall award of $11,990.42.

### 8.3 Chris Hunt

Chris Hunt's portion of the claim consists of technical assistant fees in the amount of $4,320.00, disbursements of $114.00, and GST of $310.38 for an overall claim of $4,744.38.

The Board is not satisfied that Mr. Hunt's participation added significant value to Mr. Baiton's presentation. This combined with the reasons set out above for the reduction in Mr. Baiton's costs lead the Board to reduce Mr. Hunt's fees by 75% or $3,240.00

Taking all of the foregoing into account, the Board approves professional fees for Mr. Hunt in the amount of $1,080.00, disbursements in the amount of $114.00, and applicable GST in the amount of $83.58 for an overall award of $1,277.58.

## 9 VIEWS OF THE BOARD – PEACE, Ian

Mr. Peace's cost claim consists of a preparation honoraria in the amount $600.00, an attendance honoraria in the amount $200.00, and expenses in the amount of $60.00, for an overall claim of $860.00.

In summary, as discussed in the following sub-sections, the Board has approved the cost claim, in its entirety totaling $860.00.

### 9.1 Local Intervener Standing

The Board is satisfied that Mr. Peace qualifies as a local intervener and notes that Compton does not take issue with his status. Accordingly Mr. Peace is eligible to apply for cost recovery.

### 9.2 Ian Peace

The Board notes that Compton submitted that the claim is excessive given what Compton submitted was Mr. Peace's late and limited participation. Further, Compton submitted that it considered that Mr. Peace's concerns could have been conveyed through one of the resident groups and submits that an honorarium in the amount of $100.00 is more appropriate.

The Board is satisfied that Mr. Peace's participation was useful and does not find his claim excessive. In that regard, the Board recognizes that Mr. Peace was not only participating on his own behalf but as a spokesman for Erin Woods Community Association. For this reason, the Board considers that an honorarium for preparation higher than Mr. Burditt's is warranted.

Taking all of the foregoing into account, the Board approves Mr. Peace's claims in their entirety including honoraria claims in the amount of $800.00 and expenses in the amount of $60.00 for an overall award of $860.00.

## 10 VIEWS OF THE BOARD – QUEENAN, Michael

Mr. Queenan's cost claim consists of a preparation honorarium in the amount of $600.00, an attendance honorarium in the amount of $300.00, and expenses in the amount of $90.00, for an overall claim of $990.00.

In summary, as discussed in the following sub-sections, the Board did not approve any funds for Mr. Queenan because of local intervener standing.

### 10.1 Local Intervener Standing

The Board notes that Compton argued that Mr. Queenan did not meet the local intervener status and eligibility for cost recovery. Compton noted that Mr. Queenan address is situated outside of the proposed modified reduced EPZ, and the maximum calculated EPZ. Mr. Queenan did not respond to this particular issue.

Although Mr. Queenan made a contribution to the proceeding and made thoughtful comments, the Board is satisfied that Mr. Queenan does not qualify as a local intervener. Accordingly Mr. Queenan is not eligible to apply for cost recovery.

## 11 VIEWS OF THE BOARD – FRANKLIN, Stefan

Mr. Franklin's cost claim consists of an attendance honoraria in the amount $900.00 and expenses in the amount of $160.00, for an overall claim of $1,060.00.

In summary, as discussed in the following sub-sections, the Board has approved the cost claim, in its entirety totaling $1,060.00.

### 11.1 Local Intervener Status

The Board is satisfied that Mr. Franklin qualifies as a local intervener and notes that Compton does not take issue with his status. Accordingly Mr. Franklin is eligible to apply for cost recovery.

### 11.2 Stefan Franklin

The Board notes that Compton submitted that Mr. Franklin's claim was excessive given his late and limited participation. Further, Compton considered that Mr. Franklin's concerns could have been conveyed through one of the resident groups and submitted that an honorarium in the amount of $100.00 is more appropriate.

The Board is satisfied that Mr. Franklin's participation was useful and does not find his claim for attendance to be excessive.

Taking all of the foregoing into account, the Board approves Mr. Franklin's attendance honoraria claim in its entirety in the amount of $900.00 together with expenses in the amount of $160.00 for an overall award of $1,060.00.

## 12 VIEWS OF THE BOARD – EVANS, Brian and Janice

Brian Evans submitted a cost claim totaling $79,481.82 comprising of legal fees incurred by McLennan Ross LLP and an honorarium claim and expenses for Mr. and Mrs. Evans.

In summary, as discussed in the following sub-sections, the Board has approved total costs of $75,964.42.

### 12.1 Local Intervener Standing

The Board is satisfied that Mr. Evans qualifies as a local intervener and notes that Compton does not take issue with his status. Accordingly Mr. Evans is eligible to apply for cost recovery.

### 12.2 McLennan Ross LLP

McLennan Ross' portion of the claim consists of legal fees in the amount of $71,231.50, disbursements of $1,074.64, and GST of $5,061.43 for an overall claim of $77,367.57.

In regard to the claim for legal services, Compton submitted that the legal fees should be reduced by 50%. Compton viewed the Evans' intervention as being limited in scope and not as relevant as other submissions. Compton was of the view that the Evans' concerns could have been adequately represented by other interveners such as the Adjacent East Owners and that the motivation for the evidence in cross examination was in Compton's words "an attempt to gain leverage to obtain a collaborative agreement between the Evans and Compton". Compton

further noted that the impromptu motion for a "summary judgment" made by Evans' counsel without notice to any parties caused delay and provided no assistance to the Board in resolving these matters.

In response to Compton's submission, the Evans submitted that all of their attempts to work cooperatively with Compton had been rebuffed, leaving them no choice but to participate. The Evans submitted to the Board that the proposed project had significant potential for harm for the Evans' ability to develop their lands and that their concerns regarding a safe egress were particularly relevant. The Evans defend their decision to gain separate counsel and suggest that their evidence and cross examination was succinct and did not overlap with any other interveners.

In considering the claim submitted on behalf of the Evans by McLennan Ross LLP, the Board is satisfied that the Evans were justified in obtaining independent counsel and that their intervention for the most part was of assistance to the Board. The Board notes that the Adjacent East Owners withdrew from the proceeding whereas Mr. Evans did not. Therefore, the Board does not understand how Mr. Evans could have been represented by the Adjacent East Owners as proposed by Compton.

The Board however considers that the "summary judgment application" made by Evans' counsel at the conclusion of the Applicant's evidence, which was made without appropriate notice to the parties, caused unnecessary delay in the hearing and was of little assistance to the Board. Accordingly, the Board had determined that is appropriate to reduce the legal fees claimed by $2,500.00.

In addition, it was not identified to the Board that R&V work from the interim cost claim was removed from the final cost claim and as such the Board notes that Mr. D. Naffin incurred a total of .5 hours at $140.00/hr and Mr. B.O'Ferrall incurred a total of 1 hour at $250.00/hr with respect to R&V work. Based on the Board's determination of R&V work, the following costs are disallowed.

| | |
|---|---|
| Brian O'Ferrall | 1 hours x $250.00 = $250.00 |
| Daron Naffin | .5 hours x $140.00 = $70.00 |

Taking all of the foregoing into account, the Board approves legal fees in the amount of $68,411.50, disbursements in the amount of $1,074.64, and applicable GST in the amount of $4,864.03 for an overall award of $74,350.17.

### 12.3 Brian and Janice Evans

Mr. and Mrs. Evans' portion of the claim consists of a preparation honorarium in the amount of $500.00, an attendance honorarium in the amount of $1,550.00, disbursements of $60.04, and GST of $4.21 for an overall claim of $2,114.25.

The Boards considers that the attendance honoraria, expenses, and GST claimed on behalf of Mr. and Mrs. Evans are reasonable and notes further that Compton takes no issue with the claim for honoraria and disbursements. The Board does recognize however that Mr. and Mrs. Evans were represented by counsel and as such, in keeping with Guide 31A, part 6.1.1, the Board does not find that a preparation honorarium is warranted in these circumstances.

Taking all of the foregoing into account, the Board approves the Evans' attendance honoraria fees in the amount of $1,550.00, disbursements in the amount of $60.04, and applicable GST on expenses in the amount of $4.21 for an overall award of $1,614.25.

## 13 VIEWS OF THE BOARD – PEARSON, Richard and Sue

Richard and Sue Pearson submitted a cost claim totaling $82,628.45 comprising of legal fees incurred by James B. Laycraft and Colin Simmons, as well as intervener costs incurred by Richard Pearson.

In summary, as discussed in the following sub-sections, the Board has approved total costs of $81,878.45.

### 13.1 Local Intervener Standing

The Board is satisfied that the Pearsons qualify as a local intervener and notes that Compton does not take issue with their status. Accordingly Mr. and Mrs. Pearson are eligible to apply for cost recovery.

### 13.2 James B. Laycraft, Lawyer

James B. Laycraft's portion of the claim consists of fees in the amount of $71,500.00, and GST of $5,005.00 for an overall claim of $76,505.00.

With respect to the claim made on the Persons' behalf by Wilson Laycraft, the Board notes that Compton submitted that in Compton's view, the Pearsons' participation in the proceedings was limited. Further, Compton submitted that the Pearsons changed counsel shortly in advance of the hearing. Compton submitted that these two facts result in their assessment that the claim is excessive. Compton submitted that it should not be expected to bare the cost of two separate lawyers having to familiarize themselves with the application and suggests that Mr. Laycraft's 175 hours claimed for attendance at the hearing was excessive in light of the limited participation of the Pearsons' intervention. As such, Compton suggested that the claim made by the Pearsons should be reduced by 30%.

In response, the Pearsons argued that as their residence is one of the closest to the site, that they had a deep concern and interest in the proceedings. They noted that it was important that their counsel attend as much of the hearing as possible as it was impossible to determine when elements of the hearing would be of interest and relevant to the Pearsons' interests. The Pearsons also point out they were the only residents, other than the parties to the LRD agreements, to agree with Compton's positions on accelerated depletion and certainty and in light of that position, Mr. Pearson was in a unique position before the Board to provide his perspective as a supporter of the application. The Pearsons also argued that there was not duplication of time between counsel and that the modest preparation time claimed for compares favorably to other interveners.

After careful consideration of the submissions and a review of the claims, the Board is satisfied that the Pearsons' participation was of assistance to the Board and that the claim for Mr. Laycraft's services as submitted is not excessive. Accordingly, the Board is prepared to allow this portion of the claim as submitted.

Taking all of the foregoing into account, the Board approves the Pearson legal claims in their entirety including legal fees for James B. Laycraft in the amount of $71,500.00 and applicable GST in the amount of $5,005.00 for an overall award of $76,505.00.

### 13.3 Colin Simmons, Lawyer

Colin Simmons' portion of the claim consists of legal fees in the amount of $3,630.00, and GST of $254.10 for an overall claim of $3,884.10.

Compton submitted that Mr. Simmons' claim should be denied as it was offset against the time claimed by Mr. Laycraft. Compton based this argument on the notion that there was likely duplication in preparation and that Compton should not be forced to bare the costs of two counsel.

After a review of the statements of accounts submitted, the Board is not satisfied that there is any indication of duplication of services and is satisfied that Mr. Simmons provided assistance to the Pearsons in early stages of the proceeding and as such is prepared to allow the claim as submitted.

Taking all of the foregoing into account, the Board approves Mr. Simmons' claims in their entirety including legal fees in the amount of $3,630.00 and applicable GST in the amount of $254.10 for an overall award of $3,884.10.

### 13.4 Richard Pearson

Richard Pearson's portion of the claim consists of a preparation honorarium in the amount of $750.00, an attendance honorarium of $1,400.00, and disbursements of $89.35 for an overall claim of $2,239.35.

While the Board does not take issue with the attendance honorarium or expenses, the Board does recognize that Mr. Pearson was represented by counsel and as such, in keeping with Guide 31A, part 6.1.1, the Board does not find that a preparation honorarium is warranted in these circumstances. Further, the Board notes that the Whites and the FLRG did not claim for preparation honoraria.

Taking all of the foregoing into account, the Board approves an attendance honorarium in the amount of $1,400.00 and disbursements in the amount of $89.35, for an overall award of $1,489.35.

## 14 VIEWS OF THE BOARD – WHITE Family

The White family submitted a cost claim totaling $194,460.59 consisting of legal fees incurred by Ackroyd, Piasta, Roth & Day LLP, as well as fees and honoraria incurred by the White Family, and professional fees incurred by Colin Duncan Engineering Services and Clearstone Engineering.

In summary, as discussed in the following sub-sections, the Board has approved the cost claim, in its entirety totaling $194,460.59.

### 14.1 Local Intervener Standing

The Board is satisfied that the White Family qualifies as a local intervener and notes that Compton does not take issue with their status. Accordingly the White Family is eligible to apply for cost recovery.

### 14.2 White Family

The Board notes that the White Family has made a claim for a total of $3,000.00 for attendance honoraria for Florence White, Gerald White, George White, and Patrick White. The Board notes that Compton, in its comments, finds this claim acceptable. The Board also finds the honoraria claim acceptable and as such approves this portion of the claim in full.

### 14.3 Ackroyd, Piasta, Roth & Day LLP

Ackroyd, Piasta, Roth & Day incurred legal fees in the amount of $114,700.00, disbursements of $8,836.28, and GST of $8,647.54 for a total legal bill of $132,183.82.

Compton, in its comments to this claim, questioned the necessity of the entirety of the Whites' claim for legal services. Compton submitted that the Whites' interests could have been adequately represented in conjunction with the FLRG and in that context submitted that the Board's suggestion that parties with similar interests and concerns should try and be represented jointly thereby reducing overlapping costs. As well, Compton submitted that based on its assessment on the relevance of assistance provided by the expert consultants hired by the White Family, that legal counsel for the White Family should also bare responsibility for any reduction that the Board sees fit to make in the costs incurred by experts as ultimately legal counsel is responsible for the relevance of the evidence presented.

With respect to the disbursements, Compton submitted that the White Family's choice of legal counsel from Edmonton incurred significant disbursements for travel, accommodations, etc., which would not have been incurred had local counsel been selected. As such, it is Compton's submission that the claim for legal services by Ackroyd, Piasta, Roth & Day be reduced by at least 60%.

In response to Compton's concerns, Mr. Richard Secord, counsel for the White Family, submitted that he worked very closely with Mr. Fitch in particular, of the FLRG, to ensure that there was not any duplication of the work done by experts hired by each party. Mr. Secord submitted that the unprecedented scope and size of duration of the questions and issues were responsible for the length of the hearing and that it was unfair for Compton to suggest that the White Family's participation in any way is responsible for unnecessarily extending the hearing. In addition, Mr. Secord argued that the evidence that was provided was both relevant and of assistance and was not in any way duplicative of evidence presented by other parties. With respect to the choice of counsel, Mr. Secord noted that the Board in the past has rejected arguments that the parties should hire lawyers from southern Alberta or in closer proximity to the location of the hearing.

The Board has carefully reviewed the submissions made on behalf of the White Family and the concerns expressed by Compton. While the Board agrees that certain aspects of the Whites' evidence were repetitious and might have been presented in a more efficient manner, it is not satisfied that a reduction in the amounts claimed is warranted.

The Board further rejects Compton's submission that claim for Mr. Secord's disbursements should be reduced as the result of the White Family's selection of Mr. Secord as counsel, and similarly rejects Compton's submission that the White Family's retention of independent counsel was unwarranted in this matter.

Taking all of the foregoing into account, the Board approves Mr. Secord's claims in their entirety including legal fees in the amount of $114,700.00, disbursements in the amount of $8,836.28, and applicable GST in the amount of $8,647.54 for an overall award of $132,183.82.

### 14.4 Clearstone Engineering Ltd. (Clearstone)

Clearstone makes a claim in the amount of $5,636.00, inclusive of fees, expenses, and GST, for the expert evidence presented at the hearing. Compton, in its comments to this claim, suggested that Mr. Picard of Clearstone did subject a review of various elements of Compton's programs to manage odors which may be emanating from the wells. His recommendations, in Compton's view, focused primarily on detection and comporting rather than the prevention, not withstanding that the code of practice he relied upon was not applicable to the situation as a concerned section of volatile organic compounds and chemical gas plants. In Compton's view, Mr. Picard's evidence put a priority of form over substance on detection and prevention and recommended a reduction in the amount of 25%.

In response to Compton's comments, Mr. Secord submitted that Clearstone Engineering's report was of assistance and contributed to the Board's understanding of the issues as they particularly applied to the White Family.

The Board has considered the submissions by the parties and is satisfied that the evidence provided by Clearstone was of assistance and relevant to the proceedings and that the claim is reasonable in the circumstances.

For the foregoing reasons the Board approves Clearstone Engineering's claims in their entirety including professional fees of $5,250.00, disbursements of $17.57, and applicable GST of $368.73 for an overall award of $5,636.30.

### 14.5 Colin Duncan Engineering Services (Colin Duncan)

Colin Duncan makes a claim in the amount of $53,640.47, inclusive of fees, expenses, and GST. Compton in its comments points out that the Board in its letter dated September 7, 2004, which was exhibit 001-039, indicated it would only hear evidence regarding pipeline integrity issues as they relate specifically to additional throughput volumes in gas that would be attributed to the proposed wells.

Compton argued that the scope of Mr. Duncan's evidence has little to do with perspective consideration of additional throughput of gas. Rather, Compton argued Mr. Duncan's evidence concentrated on the Chestermere pipelines integrity 2000-20 which is a matter that is being dealt with by the Board on an ongoing basis. In Compton's view, Mr. Duncan's evidence contributed nothing new to the process and his evidence was outside the scope of the Board's explicit direction and was therefore irrelevant. As such, Compton recommends a reduction of Mr. Duncan's costs in the amount of 60%.

In response, Mr. Secord submitted that Mr. Duncan gave evidence on why the introduction to new gas wells will increase the corrosive potential and noted that there had not been an inspection since 2000. In Mr. Secord's view, Mr. Duncan gave relevant evidence that made an important contribution to the hearing and the White Family intervention.

In considering this matter, the Board reiterates the position it took in its ruling letter of September 2004 and finds that the evidence presented by Mr. Duncan in his report fell within the parameters of what the Board considered relevant via-s- via the pipeline in question. As such, the Board cannot agree with Compton that Mr. Duncan's claim should be reduced.

Taking all of the foregoing into account, the Board approves Mr. Duncan's claims in their entirety including professional fees in the amount of $48,188.25, disbursements in the amount of $1,943.08, and applicable GST in the amount of $3,509.14 for an overall award of $53,640.47.

## 15 VIEWS OF THE BOARD – Ollerenshaw Ranch Ltd. and A.G. Soutzo

Ollerenshaw Ranch submitted a cost claim totaling $61,627.64 comprising of legal fees incurred by Carscallen Lockwood and consulting fees incurred by Brown & Associates Planning Group.

In summary, as discussed in the following sub-sections, the Board has approved total costs of $60,413.20.

### 15.1 Local Intervener Standing

The Board is satisfied that Ollerenshaw Ranch Ltd. and A.G. Soutzo qualify as local interveners and notes that Compton does not take issue with their status. Accordingly these parties are eligible to apply for cost recovery.

### 15.2 Carscallen Lockwood LLP

Carscallen Lockwood's portion of the claim consists of fees in the amount of $54,967.00, disbursements of $566.36, and GST of $3,887.33 for an overall claim of $59,420.69.

In response to the claim made on behalf of Carscallen Lockwood LLP, Compton submitted that in its view the claim for legal services is excessive and argues that the involvement of Hopewell Development and some 6 lawyers from the Carscallen Lockwood firm is evidence of the excessive charges. Compton is concerned that the passing of the file from lawyer to lawyer would give rise to significant transition costs, which Compton should not have to bare. As such, Compton suggested that the Carscallen Lockwood claim be reduced by 20%.

In response to Compton's comments, Carscallen Lockwood submitted that wherever possible junior lawyers were used to keep costs under control and that transition work was not counted toward the final account rendered. In their view, no justification has been presented for reduction in the costs as presented.

The Board, after considering the submissions, has concluded that the cost submission made by Carscallen Lockwood on behalf of Ollerenshaw Ranch Ltd. and A.G. Soutzo is reasonable and is not satisfied that a reduction is warranted on the basis suggested by Compton.

With respect to R&V work, the Board notes that the previous claim of $225.00 by Mr. Carscallen and $910.00 by Ms. Hansen has been claimed in the final cost claim and based on the Board's determination of R&V costs disallows these amounts.

Taking all of the foregoing into account, the Board approves legal fees in the amount of $53,832.00, disbursements in the amount of $566.36, and applicable GST in the amount of $3,807.89 for an overall award of $58,206.25.

### 15.3 Brown & Associates Planning Group

Brown & Associates' portion of the claim consists of fees in the amount of $1,854.50, disbursements of $208.07, and GST of $144.38 for an overall claim of $2,206.95.

The Board notes that Compton finds this cost claim to be reasonable. The Board concurs, and as such approves Brown & Associates' claims in their entirety including professional fees in the amount of $1,854.50, disbursements in the amount of $208.07, and applicable GST in the amount of $144.38 for an overall award of $2,206.95.

## 16 VIEWS OF THE BOARD – Coalition of Concerned Communities (CCC)

The CCC submitted a cost claim totaling $154,511.34 comprising of legal fees incurred by Stikeman Elliot / Gowlings.

In summary, as discussed in the following sub-sections, the Board has approved the cost claim, in its entirety totaling $154,511.34.

### 16.1 Local Intervener Standing

The Board is satisfied that the CCC qualifies as a local intervener and notes that Compton does not take issue with their status. Accordingly the CCC is eligible to apply for cost recovery.

### 16.2 Stikeman Elliott / Gowlings (Stikeman)

Stikeman's portion of the claim consists of fees in the amount of $143,362.20, disbursements of $1,040.91, and GST of $10,108.23 for an overall claim of $154,511.34.

In response to the cost submission of Stikeman, Compton submitted that there were no written submissions, no evidence presented, and no witnesses provided, and as such the CCC's involvement in the proceedings was limited and in some sense the other participants were effectively representing its interests. Compton argued that the "wait and see approach" that the CCC took in determining whether it was in support or opposition to the application, could not be seen as being particularly valuable in assisting the Board to better understand the issues or indeed the interests of the CCC. Again, Compton submitted that legal counsel must bare the ultimate responsibility for the relevancy and usefulness of evidence presented and in this case the total lack of evidence presented by the client. Compton submitted that despite the fact that no evidence and no witnesses were presented, the CCC costs were on par with other interveners who played a much more active role in the hearing. As a result of these concerns, Compton submitted that the claim of the CCC for legal fees should be reduced by at least 60%.

In response, counsel for the CCC stated that it could not have been represented properly by the FLRG given the CCC was not certain what its position would be with respect to the hearing. In its view, its cross examinations were different than the other counsel and were crucial in allowing the CCC to make its final determination.

In reviewing the claim and the submissions by Compton and counsel for the CCC, the Board is struck by the fact that both the CCC and Compton agree that a good deal of the participation of the CCC was aimed at allowing it to determine whether it ultimately supported or opposed the application. In considering whether costs should be awarded for an intervener group, one of the Board's primary points of reference is whether or not the participation of the party assisted the Board in determination and the making of its decision. The Board is satisfied that the CCC's participation was of assistance to the Board. Indeed the Board notes the obvious efficiencies that were created by the participation of the large number of communities via a single group. As such the Board is prepared to allow the cost claim in its entirety.

Taking all of the foregoing into account, the Board approves the CCC's claims in their entirety including legal fees in the amount of $143,362.20, disbursements in the amount of $1,040.91, and applicable GST in the amount of $10,108.23 for an overall award of $154,511.34.

## 17 VIEWS OF THE BOARD – Front Line Residents Group (FLRG)

FLRG submitted a cost claim totaling $512,984.67 comprising of legal fees incurred by Rooney Prentice/Lawson Lundell, consulting fees incurred by Gecko Management Consultants and RWDI West Inc., and honoraria fees incurred by Marilyn Christensen, Nancy Oloman, Brian Pincott, Aggie Cheung, and Juliette Pearson.

In summary, as discussed in the following sub-sections, the Board has approved total costs of $512,984.67.

### 17.1 Local Intervener Standing

The Board is satisfied that FLRG qualifies as a local intervener and notes that Compton does not take issue with their status. Accordingly FLRG is eligible to apply for cost recovery.

### 17.2 Residents

The Board notes that various residents have made a claim for a total of $2,700.00 for honoraria. The Board notes that Compton, in its comments, finds this claim acceptable. The Board also finds the honoraria claim acceptable as it views the claims as attendance honorariums and an honorarium for organizing a group. As such, the Board approves this portion of the claim in full.

### 17.3 Rooney Prentice / Lawson Lundell

Rooney Prentice/Lawson Lundell makes an aggregate claim in the amount of $235,555.69, inclusive of fees, disbursements, and GST.

In response to this claim, Compton submitted that while it does not dispute that the assistance of a junior counsel is required in certain circumstances, it was concerned that costs were duplicated when FLRG's lead counsel changed firms requiring another junior counsel to become familiar with the file. Compton points out further that given its view that some of the evidence provided by the experts put forward on behalf of FLRG was irrelevant, counsel should bare some of the

responsibility for that. As such, Compton submitted that the claim for legal services should be reduced by 15%.

In response to Compton's comments FLRG's counsel submitted that there was no duplication in costs for junior counsel, and further took issue with the suggestion that there were deficiencies in the evidence and suggest that the claim for costs is justified.

In reviewing the submissions by the parties and in keeping with the Board's ruling with regards to the FLRG's experts, the Board is satisfied that the claim for legal services made on behalf of FLRG is reasonable is therefore approved in full.

With respect to the previous claim for R&V work and a $100 expense from Beaumont Church, which was incurred by an administrative assistant for the preparation of binders, the Board notes that the Beaumont Church expense as not been claimed in the final cost claim and accordingly the Board has deducted that the R&V work has also not been claimed.

Taking all of the foregoing into account, the Board approves legal fees in the amount of $216,633.00, disbursements in the amount of $3,512.74, and applicable GST in the amount of $15,409.95 for an overall award of $235,555.69.

### 17.4 Gecko Management Consultants (GMC)

GMC's portion of the claim consists of fees in the amount of $146,052.50, disbursements of $5,444.45, and GST of $10,604.79 for an overall claim of $162,101.74.

Compton in response to GMC's claim submitted that GMC's approach to addressing ERP issues was highly subjective and focused on unnecessary and irrelevant information. In Compton's view, much of Gecko's analysis of Compton's compliance was based on requirements and standards which would have existed in relation to EPZ's larger than applied for by Compton. They note that the assessment of Compton's public participation program was based on an outdated version of guide 56 and as such could not have been of great assistance to the panel. Compton therefore urges a reduction in the order of 60%.

The FLRG replied to Compton's concerns and recommended reduction by stating that in light of the substantial contribution made by Gecko such a reduction would be unwarranted and patently unfair. In the FLRG's view, the evidence of the Gecko experts was relevant and accurate and the fact that Compton may disagree with some of the expert opinions offered should not diminish this fact.

The Board is satisfied that the evidence and participation of the Gecko experts was relevant and of significant assistance to the Board panel. As such the Board allows the claim for costs by GMC in its entirety.

Taking all of the foregoing into account, the Board approves Gecko's claims in their entirety including consulting fees in the amount of $146,052.50, disbursements in the amount of $5,444.45, and applicable GST in the amount of $10,604.79 for an overall award of $162,101.74.

### 17.5 RWDI West Inc. (RWDI)

RWDI's portion of the claim consists of fees in the amount of $104,290.00, disbursements of $969.10, and GST of $7,368.14 for an overall claim of $112,627.24.

In Compton's view, the evidence submitted by RWDI was of general relevance and that the modeling performed might be of use to the Board. However Compton submitted that the amount claimed should be reduced given the questionable utility of much the actual work performed.

Compton submitted that early in the process it encouraged the use of a common expert for dispersion modeling, specifically RWDI, and that the modeling be done using the draft EUBMODELS. Compton submitted that the FLRG rejected this notion and presented RWDI modeling using proprietary information which was denied to the parties for the purpose of review and cross examination. Compton argued this was compounded by the alleged admission by Mr. Dowsett that the report was missing important information.

The Board notes that Compton submitted that the claim for RWDI should be reduced by 20% .

In response, FLRG submitted that the RWDI evidence included modeling using EUBMODELS. As well, the parameters used by RWDI were known and the subject of much cross examination and debate. Ultimately, in the FLRG's view, the evidence was helpful and useful to the Board and no reduction is warranted.

The Board is satisfied that the RWDI evidence was relevant, helpful, and of tremendous assistance to the Board in arriving at its decision. As such, the Board is satisfied that the cost claim of RWDI should be allowed in its entirety.

Taking all of the foregoing into account, the Board approves consulting fees for RWDI in the amount of $104,290.00, disbursements in the amount of $969.10, and applicable GST in the amount of $7,368.14 for an overall award of $112,627.24.

## 18 VIEWS OF THE BOARD – Carma Developers Ltd. (Carma)

Carma submitted a cost claim totaling $74,552.21 comprising of legal fees incurred by Carscallen Lockwood LLP and expert witness fees by Robert C. Clark.

In summary, as discussed in the following sub-sections, the Board has approved total costs of $70,004.71.

### 18.1 Local Intervener Standing

Compton contested the eligibility of Carma for local intervener standing. Compton submitted that Carma had previously requested the Board to rule on their status and that the Board had indicated that Carma did not meet the criteria established for intervener status at the pre-hearing meeting. Compton while noting the Board indicated it would consider a cost claim from Carma urged the Board not to exercise its discretion and allow Carma's claim. In Compton's view, the cost rules were set out to assist parties who need financial assistance to protect their interests in land. Here Carma has no such interest in land and is not in need of financial assistance.

In response to Compton's comments, Carma's counsel argued that the Board had not made a ruling on standing but rather reserved the right to expand its standing ruling. In that regard, Carma's counsel referenced the following from Decision 2003-088.

> Standing would be granted to parties within the approximate 15-kilometre Emergency Planning Zone. This would affect residents and those parties who own land within the prescribed setback distance from the proposed wells, which in this case is 1.5 km. The, its Decision report, could expand this rule, but the Board will not reduce the standing granted now.

Carma took the view that the unique circumstances of the Compton applications' high content of $H_2S$ and proximity to large urban centre mitigates in favour of an expanded notion of direct and adverse impact. Carma submitted that it has lands well within the calculated EPZ and the applied for zone and that many of its personnel and sub contractors will be working in the applied for zone during drilling. It points out as well that there was little or no opportunity for its concerns to be addressed outside of the hearing process. In Carma's view, the Board should exercise its discretion and award Carma costs in this particular proceeding.

The Board has considered Compton's comments and Carma's response with respect to this issue and the Board is satisfied that given the proximity of the project to Carma's lands and the nature of Carma's activities, ie: the planning and development of urban communities, Carma's full participation was warranted and as such does qualify as a local intervener pursuant to s. 28 of the ERCA and is therefore eligible to apply for cost recovery in this instance.

### 18.2 Carscallen Lockwood LLP (Carscallen)

Carscallen's portion of the claim consists of fees in the amount of $63,637.50, disbursements of $1,788.02, and GST of $4,579.19 for an overall claim of $70,004.71.

The Board is satisfied that the costs claimed are reasonable in the circumstances and that the participation of Carma through its counsel was helpful to the Board in reaching its decision.

Taking all of the foregoing into account, the Board approves Carscallen's claims in their entirety including legal fees in the amount of $63,637.50, disbursements in the amount of $1,788.02, and applicable GST in the amount of $4,579.19 for an overall award of $70,004.71.

### 18.3 Robert C. Clark

Robert C. Clark's portion of the claim consists of professional fees in the amount of $4,250.00 and GST of $297.50 for an overall claim of $4,547.50.

Although the Board considers Mr. Clark's evidence was helpful to the Board in reaching its decision, the Board does not normally award costs for employees who are already being paid by the party involved.

Based on the foregoing, the Board does not approve expert witness fees for Mr. Clark.

## 19 VIEWS OF THE BOARD – Calgary Health Region, City of Calgary, and MD of Rockyview

Calgary Health Region submitted a cost claim totaling $197,409.12, the City of Calgary submitted a cost claim totaling $241,049.71, and the MD of Rockyview submitted a cost claim totaling $77,070.71.

In summary, as discussed in the following sub-sections, the Board has not approved costs for these statutorily created bodies with specific mandates granted to them by the legislature.

However, the Board wishes to be clear that it considers that the participation of all of these 3 organizations was of significant value and assistance to the Board. The Board considers that it was important and essential to its deliberations that the 3 organizations did actively participate.

### 19.1 Local Intervener Standing

The City of Calgary (City), Calgary Health Region (CHR), and MD of Rockyview (MD) are all statutorily created bodies with specific mandates granted to them by the legislature. It is the Boards' view that the cost recovery sections of the ERCA were not meant to award costs to such bodies when their respective statutory duties require them to participate in a Board process. Although the Board ultimately has the discretion to award costs to such bodies, the Board has not been persuaded by the submissions of the various parties that in this case there is reason to exercise its discretion in favour of these bodies.

Each of the City, CHR, and MD were acting in accordance with their statutory mandates in participating in the Compton Hearing. The Board does not agree that these bodies were forced to unnecessarily participate by the actions or inactions of Compton. However, the Board wishes to be clear that it considers that the participation of all of these 3 organizations was of significant value and assistance to the Board. The Board considers that it was important and essential to its deliberations that the 3 organizations did actively participate.

The Board also notes that when it grants costs to parties, it does not normally grant costs for in-house expertise that is already being paid. Occasionally, the Board will make an exception for in-house counsel but at the rate range for the person involved, but not at the rate it approves for external counsel.

Given the location of the proposed wells and the content of $H_2S$, each of these statutorily created bodies had responsibilities in executing their mandates which necessitated their participation. The Board accordingly denies the cost claims of the City, CHR, and MD in their entirety.

## 20 SUMMARY OF COST CLAIMS AND DISPOSITION

The following table summarizes the cost claims of the parties, Compton's submissions and the Board's decision.

| Intervener | Costs Claimed | Compton's Submissions | Board Award | Approval Difference from Claim |
|---|---|---|---|---|
| Mr. Burditt | $705.40 | $100.00 | $705.40 | $0.00 |
| Mr. Franklin | $1,060.00 | $100.00 | $1,060.00 | $0.00 |
| Mrs. Newton | $51,001.55 | $2,700.00 | $13,268.00 [3] | $37,733.55 |
| Mr. Peace | $860.00 | $100.00 | $860.00 | $0.00 |
| Mr. Queenan | $990.00 | $0.00 | $0.00 [4] | $990.00 |
| The Evans Family | $79,481.82 | $40,872.97 | $75,964.42 | $3,517.40 |
| The Pearson Family | $82,628.45 | $54,954.20 | $81,878.45 | $750.00 |
| The White Family | $194,460.59 | $82,256.78 | $194,460.59 | $0.00 |
| Ollerenshaw Ranch Ltd. and A.G. Soutzo | $61,627.64 | $48,771.94 | $60,413.20 | $1,214.44 |
| Coalition of Concerned Communities | $154,511.34 | $61,804.54 | $154,511.34 | $0.00 |
| Front Line Residents Group | $512,984.67 | $381,820.40 | $512,984.67 | $0.00 |
| Carma Developers | $74,552.21 | $0.00 | $70,004.71 | $4,547.50 |
| **Sub-total: Public Interveners** | **$1,214,863.67** | **$708,308.67** | **$1,166,110.77** | **$48,752.90** |
| | | | | |
| Calgary Health Region | $197,409.12 | $0.00 | $0.00 [5] | $197,409.12 |
| City of Calgary | $241,049.71 | $0.00 | $0.00[6] | $241,049.71 |
| MD of Rockyview | $77,070.71 | $0.00 | $0.00[7] | $77,070.71 |
| **Sub-total Statutory Bodies** | **$515,529.54** | **$0.00** | **$0.00** | **$515,529.54** |
| | | | | |
| **Total Public and Statutory Interveners** | **$1,730,393.21** | **$708,308.67** | **$1,166,110.77** | **$564,282.44** |

[3] Claim Reduced for Mrs. Newton's son-in-law and assistant
[4] Mr. Queenan did not receive local intervenor standing.
[5] The CHR is a statutorily created body with specific mandates granted to them by the legislature.
[6] The City of Calgary is a statutorily created body with specific mandates granted to them by the legislature.
[7] The MD of Rockyview is a statutorily created body with specific mandates granted to them by the legislature.

## 21 ORDER

IT IS HEREBY ORDERED THAT:

(1) Compton Petroleum Corporation shall pay intervener costs in the amount of $1,166,110.77 as shown in Appendix A attached within 30 days of the issuance of this Decision.

Dated in Calgary, Alberta on this 20th day of October, 2005.

**ALBERTA ENERGY AND UTILITIES BOARD**

*Original Signed by "A.J. Berg"*

A.J. Berg, P.Eng.
(Presiding Member)

*Original Signed by "J.R. Nichol"*

J.R. Nichol, P.Eng.
(Member)

*Original Signed by "G.J. Miller"*

G.J. Miller
(Member)

# APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED

ECO 2005-014
Appendix A (Comptor