

Hearing and ADR by Hearing Commissioner Summary

April 1, 2017 to March 31, 2018

The Alberta Energy Regulator (AER) ensures the safe, efficient, orderly, and environmentally responsible development of hydrocarbon resources over their entire life cycle. This includes allocating and conserving water resources, managing public lands, and protecting the environment while securing economic benefits for all Albertans.

The AER regulates development of some of the world's largest hydrocarbon reserves and the related infrastructure, which includes over 426 000 kilometres of pipelines[‡], over 167 000 operating wells, close to 51 000 oil and gas facilities, over 60 thermal in situ oil sands projects, 8 oil sands mines[‡], 7 producing coal mines, and 2 coal processing plants. Every year, the AER reviews and makes decisions on thousands of energy development applications. In 2017/18, the AER received 35 934 applications and 318 statements of concern. A statement of concern is a written submission that outlines specific concerns about a company's activities or project. If a statement of concern is not resolved by other means, a hearing may be held.

When the AER decides that a hearing should be held on an application or when a regulatory appeal is granted, the file is referred to the chief hearing commissioner.

Hearing Commissioners

The hearing commissioners are responsible for conducting public hearings and alternative dispute resolution (ADR) related to energy applications and regulatory appeals. They are also involved in developing the organization's procedures, rules, and processes for hearings and ADR by hearing commissioner. There are currently six full-time and four part-time hearing commissioners, with substantial experience in energy industry operations, environmental management and policy, geosciences, engineering, aboriginal, regulatory and environmental law, and alternative dispute resolution.

In addition to inspection and incident response support for about 12 000 kilometres of pipelines regulated by the Alberta Utilities Commission.

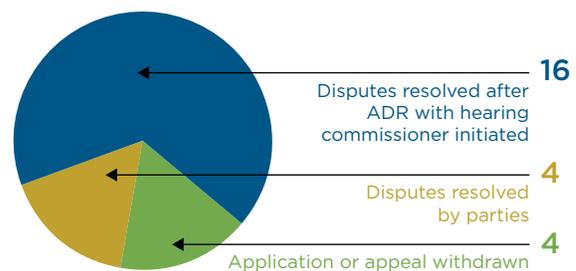
[‡]As of January 2018.

Overview of Hearings 2014-18 (fiscal year ending March 31)



*Prior to 2015 only the hearing cancelled after a Notice of Hearing was issued are included.

ADR by Hearing Commissioner Files 2014-18 (fiscal year ending March 31)



Hearing Type	2016/17 Fiscal	2017/18 Fiscal
Resolved without hearing	11	4
Total hearings held	3	5
Mining (oil sands and coal)	0	1
Oil and gas (including pipelines)	2	3
In situ	0	1
Regulatory appeals	1	0
Corporate compliance	0	0

Application Type	2016/17 Fiscal	2017/18 Fiscal
Total	44 836	43 987
In situ oil sands	2 368	3 209
Mining (oil sands and coal)	412	367
Oil and gas	21 921	20 799
Pipeline	18 149	17 363
Corporate compliance	1 954	2 200
Law	32	49

Hearing commissioners are independent adjudicators whose decisions may only be reviewed by the Court of Appeal of Alberta. On the [AER website](#) you can find [biographies of all the hearing commissioners](#), as well as the [Hearing Commissioner Code of Conduct](#).

Hearing and ADR Processes

Hearing commissioners have access to a range of adjudicative and ADR processes to resolve disputes. A hearing is a formal quasi-judicial process that provides parties with an opportunity to present and test evidence about the issues related to an application or regulatory appeal. Hearings are held before a panel of one or more hearing commissioners and may be oral, written, or both.

Hearing commissioners may also facilitate ADR processes. Under the [AER Rules of Practice](#), ADR would be conducted by a hearing commissioner if a notice has been issued and no other ADR is underway, if a regulatory appeal has been granted, or if a request has been made by the parties. A broad range of ADR tools are available to a commissioner, including settlement conference, evaluative mediation, and binding decision making.

Since the AER was created in 2013, there has been an increase in the use of ADR and a decline in the number of hearings held.

2017/18 in Review

Thirteen files were referred to the chief hearing commissioner for assignment of a hearing panel, five hearings were held, and four files were resolved without a hearing.

Parties are often able to resolve their concerns on their own or with the help of ADR. Out of the four files resolved without a hearing, two were resolved through ADR by hearing commissioners.

Participation and Procedural Decisions

The AER posts [participation and procedural](#) decisions made by hearing panels and other AER decision-makers on the AER website. Other types of hearing-related decisions, as well as hearing notices, can also be found on the AER website.

Where to Get More Information

More information about AER hearings can be found in the [EnerFAQs Having Your Say at an AER Hearing](#) and [Manual 003: The Hearing Process for the Alberta Energy Regulator](#) or by contacting the AER Customer Contact Centre at inquiries@aer.ca.

2017/18 Hearings Held				
Company	Application No.	Hearing Date(s)	Location	Decision Report
TransCanada Pipelines Limited	1866519	Written, oral closing November 29, 2017	Calgary, AB	2018-001
Bashaw Oil Corporation	1842705	December 13–21, 2017	Drayton Valley, AB	2018-002
Value Creation Incorporated	1861615	February 6–7, 2018	Sherwood Park, AB	2018-003
Prosper Petroleum Limited	1778538	January 9 – March 20, 2018	Fort McMurray, AB	Pending
Canadian Natural Resources Limited	1880447	March 6–7, 2018	Bonnyville, AB	Pending