

# 2016 Hearing and ADR by Hearing Commissioner Summary

The Alberta Energy Regulator (AER) provides for the safe, efficient, orderly, and environmentally responsible development of hydrocarbon resources. The AER is the single regulator of energy development in Alberta—from exploration, to construction and development, through abandonment, reclamation, and remediation.

The AER reviews and make decisions on thousands of energy development applications each year. In 2016, the AER received 21 601 applications. When the AER decides that an application should be set down for a hearing, or when a regulatory appeal is granted, the file is referred to the chief hearing commissioner.

## Hearing Commissioners

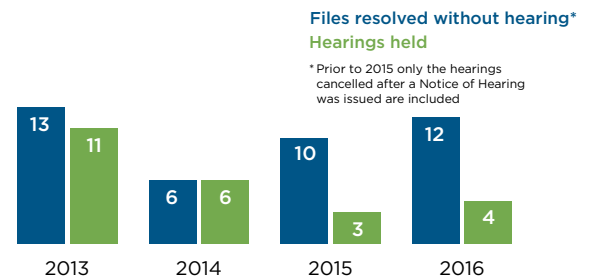
There are currently six full-time and five part-time hearing commissioners appointed by the Government of Alberta and reporting to a chief hearing commissioner. Hearing commissioners are independent adjudicators whose decisions may only be reviewed by the Court of Appeal of Alberta. On the [AER website](#) you can find [biographies of all hearing commissioners](#), and the [Hearing Commissioners Code of Conduct](#).

Hearing commissioners have access to a range of adjudication and mediation 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 or written.

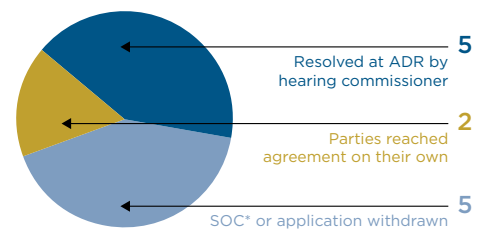
## Alternative Dispute Resolution

Hearing commissioners may also facilitate dispute resolution meetings. The [AER Rules of Practice](#) outline the

## A Hearing Overview



## Files Resolved without a hearing in 2016



\* SOC (statement of concern).

Hearing Type	2015	2016
<b>Resolved without hearing</b>	<b>10</b>	<b>12</b>
<b>Total hearings held</b>	<b>3</b>	<b>4</b>
Mining (oil sands and coal)	0	0
Oil and gas	2	2
Regulatory appeals	0	2
Section 106*	1	0
Inquiries	0	0

\* Hearings on declarations made under section 106 of the *Oil and Gas Conservation Act*.

Application Type	2015	2016
<b>Total</b>	<b>50 516</b>	<b>21 601</b>
Infrastructure (wells, pipelines, facilities)	23 933	10 135
Mining (oil sands and coal)	59	26
In situ oil sands	298	199
Subsurface	3 029	1 790
Environment ( <i>Environmental Protection and Enhancement Act</i> )	359	162
Land use	15 349	6 142
Water ( <i>Water Act</i> )	5 482	1 529
Law (regulatory appeals, reconsiderations)	34	34
Corporate compliance	1 973	1 584

circumstances in which an alternative dispute resolution (ADR) would be conducted by a hearing commissioner:

- after a notice of hearing is issued and no other ADR is underway,
- for regulatory appeals,
- upon request by parties.

Since the AER was created in 2013 there continues to be an increase in the use of ADR and a decline in the number of hearings held.

### 2016 in Review

17 files were referred to the chief hearing commissioner for a panel assignment, 4 hearings were held, and 12 files were resolved without the need for a hearing. The parties are often able to resolve their concerns on their own or with the help of ADR. Of the 12 files resolved without a hearing, 5 were resolved through ADR by hearing commissioners.

### Working with the Federal Government

A three-member joint panel was established between the AER and the Canadian Environmental Assessment Agency (CEAA) to conduct a review of the Teck Frontier Project, a proposed new oil sands mine and processing plant that would be located about 110 kilometres north of Fort McMurray. This joint review panel is composed of two AER hearing commissioners and one CEAA member. The panel will conduct a review of the environmental effects of the

project, consider mitigation measures, determine whether the project is likely to cause significant adverse effects, and identify any follow-up programs required.

### Participation and Procedural Decisions

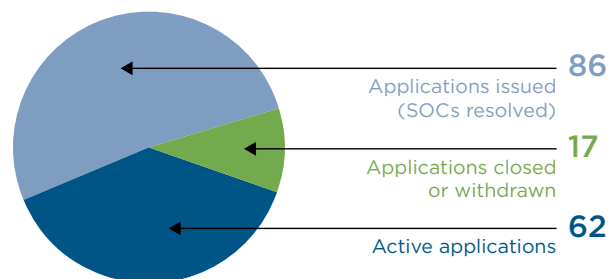
The AER posts participation and substantive procedural decisions made by hearing panels and other AER decision-makers. They can be found under Decisions in the Applications and Notices tab on the AER website.

More information is available in [Bulletin 2015-028: Posting Participation and Procedural Decisions](#), released on September 23, 2015.

### Where to Get More Information

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

### Applications with Statement of Concern (SOC) in 2016\*



\* Applications registered in 2016 that had SOCs linked.

### 2016 Hearings Held

Company	Application No.	Hearing Date(s)	Location	Decision Report
Canadian Natural Resources Limited	1837447	March 2-3	Grande Prairie	<a href="#">2016-006</a>
Bearspaw Petroleum Limited	1820596	April 20-21	Calgary	<a href="#">2016-007</a>
Bonavista Energy Corporation	1857984	October 18-27	Red Deer	<a href="#">2017-001</a>
	1833192			
Shell Canada Limited	1806873	September 13- November 9	Calgary	<a href="#">2017-002</a>