

## **The Alberta Energy Regulator Announces that It will Publish a Broader Range of Decisions**

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**Matter Commented On:** AER [Bulletin 2015-28](#), Posting of Participation and Procedural Decisions, September 23, 2015

Over the past few years, ABlawg and this writer in particular, have criticized the practice of the Alberta Energy Regulator (AER) in not publishing important procedural rulings. Examples of those posts are available [here](#), [here](#) and [here](#). It is therefore appropriate that we also acknowledge that the AER has recently announced an important and positive change in its practice. On September 23, 2015 the AER issued Bulletin 2015-28 in which it announced that “effective immediately” the AER will begin posting on its website participation or standing decisions and substantive procedural decisions made by both hearing panels and other AER decision-makers. These decisions will be available by following Applications & Notices > Decisions on the AER [website](#).

The AER indicates that posting of these decisions will also be accompanied on the website by a brief description. Specifically, the AER states, “[a] brief description of the type of decision will be provided (e.g., hearing panel decision – participation), along with the application or proceeding number and the name of the applicant or proceeding (if there is no applicant).”

This is an important development in the administrative practices of the AER which should be welcomed by all parties interested in the work of the AER. Applicants, potential interveners, and lawyers will gain insights into how the AER might deal with their applications, and academics, journalists and others will be able to build a broader picture of how the AER operates. The Bulletin is careful to note that the change in practice is confined to these two categories of decisions: participation decisions and procedural decisions. The AER of course must make many other and more substantive decisions. In many cases the decision will be little more than the decision to issue or deny a particular application. Information about these decisions is available on the AER website through its “publication of decision” tool, [here](#). This tool provides a link to the AER Integrated Application Registry which in turn provides a link to the AER disposition document and other documents. But these documents continue to be available only to the fleet of foot since they are only available for 30 days after the disposition decision is made (a concern that has also been noted in other posts, see [here](#)). The disposition decision itself is usually short and pro forma but in other cases there may be important reasoned “decisions” associated with the file. In sum, the Bulletin is an important step in making AER decisions more broadly available.

But I suspect that we (the AER's user group, aka "stakeholders") might also benefit if other categories of reasoned decisions were also to be made more readily available. I realize that I must be careful what I wish for. I am not interested in big data dump; I am interested in seeing important substantive decisions being made more broadly available as well as the participation and procedural decisions covered by this Bulletin.

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