

Announcing a New Resource for the Letter Decisions of the Alberta Energy Regulator

By: Nigel Bankes, Amy Matychuk, and David Rennie

Decisions Commented On: [The Participatory/Procedural Decisions of the AER](#)

Several years ago now, ABlawg published a series of posts that were critical of the failure of the Alberta Energy Regulator (AER) and its predecessor the Energy Resources Conservation Board to publish its letter decisions in a systematic way: see [here](#), [here](#) and [here](#). Whether in response to that criticism, or for its own good reasons, [the AER began posting](#) what it refers to as participatory/procedural decisions (presumably a sub-set of a broader category of letter decisions) in the fall of 2015. When this venture began, the decisions were simply listed with no attached descriptor whatsoever. [Now the AER does provide](#) a brief description of the matter at hand but it is still a laborious task to click and retrieve each document and assess its significance.

Having asked the AER to provide this information it accordingly seemed appropriate to try and present it in a more usable and accessible form. Hence this project. The project has three steps. *Step one* is to provide a digest of each decision. Given the number of these decisions (already over 170) we have not attempted to synthesise or *précis* these decisions, rather the exercise has been more of a cut-and-paste job hewing closely to the AER's actual text. We have added key words which are listed below. There is no additional commentary. The result of that exercise has been collated into a PDF document which is available [here](#) and is fully searchable. *Step two* will be to present this information as a set of web-pages. That is a work in progress. *Step three* will be to write what we anticipate will become a short annual survey of these decisions, assessing trends and perhaps highlighting some of the more important decisions. That too is a work in progress. It goes without saying that while step one is complete until the end of January 2017 we also aim to populate it with new decisions from time to time.

David Rennie (JD 2017) began this work as a summer student in 2016 preparing digests of the first 85 decisions and Amy Matychuk (JD 2018), also a summer student in 2016, continued the work for the latter part of the summer and through the fall. Nigel Bankes provided direction and supervision.

We hope that readers of ABlawg and other researchers will find this tool useful and we welcome your feedback, either by way of a comment on this post or to ndbankes@ucalgary.ca

Alphabetical List of Key Words

abandonment
abandonment costs
Aboriginal Consultation Office
Aboriginal rights
administrative penalty

advance of funds
agenda
agricultural land
air quality
alternative dispute resolution
amendment application
animal habitat
appealable decision
application scope
bias
CAPL operating procedure
common ownership
confidentiality
confidentiality application
conservation
constitutional questions
consultation
consultation area
costs
cross-examination
decision definition
directly and adversely affected
disclosure
drainage
dust
earthquake
eligible person
emergency planning zone
emissions
environmental impact assessment
environmental protection order
equipment spacing
erosion
evidence
expert evidence
filing deadline
filing extension
First Nations/Métis
flaring
gas injection
gas over bitumen
gas storage
groundwater
health
hearing attendance
hearing date
hearing timing
holding
horses
industry vs. industry

information request
injection well
irreparable harm
joint ownership
joint review panel
jurisdiction
land use
landowner
LARP
late filing
licence amendment
licence extension
licence transfer
light
LNG facilities
maps
MDR report
mineral rights
mitigation
municipality
noise
non-routine application
non-routine status
notice of hearing
observation well
odours
oil sands exploration
oral submissions
participation scope
pilot project
pipeline
pipeline diameter
pollution
pool name
pooling order
pre-hearing meeting
prescribed decision
privilege
procedural direction
procedural fairness
procedural items
project timeline
property values
public record
reclamation
reclamation certificate
reconsideration request
records

recusal request
regulatory appeal
regulatory requirements
removal application
renewal application
request for stay
request to participate
reservoir integrity
reservoir pressure
resolution agreement
right to appeal
safety
schedule
scope of appeal
setbacks
settlement
site visit
sound attenuation equipment
surface rights
technical competency
traditional knowledge
traditional lands
traffic
trapping
treaty rights
trespass
undue harm
unmarked graves
venting
waste disposal
wastewater disposal
water
water quality
wetlands
wildlife
without prejudice
written submissions

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