

By e-mail only

April 18, 2023

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

Alberta Wilderness Association

Suncor Energy Inc./

Fort Hills Energy Corporation

Attention: Phillip Meintzer

Attention: Blair Penner

Dear Sir and/or Madam:

**RE: Request for Reconsideration of Suncor’s McClelland Lake Wetland Complex (MLWC)
Operational Plan for the Fort Hills Oil Sands Project
By Alberta Wilderness Association
Suncor Energy Inc. (Suncor)/Fort Hills Energy Corporation (Fort Hills)
Request for Reconsideration No.: 1942728**

The Alberta Energy Regulator (AER) acknowledges receipt of correspondence dated March 31, 2023, filed by Phillip Meintzer, on behalf of the Alberta Wilderness Association (AWA), requesting that the AER reconsider the September 9, 2022 authorization of Suncor’s McClelland Lake Wetland Complex (MLWC) Operational Plan for the Fort Hills Oil Sands Project.

The AER has authority to reconsider its decisions pursuant to section 42 of the *Responsible Energy Development Act (REDA)*. That section states:

The Regulator may, **in its sole discretion**, reconsider a decision made by it and may confirm, vary, suspend or revoke the decision. [emphasis added]

As indicated by section 42, the AER has sole discretion to reconsider a decision made by it. That section does not provide an appeal mechanism that is designed to be applied-for and utilized by industry or members of the public. The AER will only exercise its discretion to reconsider a decision outside these time limits under the most extraordinary circumstances, where it is satisfied that there are exceptional and compelling grounds to do so.

The reconsideration process has two phases. At this first phase of the reconsideration process, the issue is whether the AER should exercise its discretion to proceed to reconsider this authorization (Phase 1). If the AER decides to exercise this discretion, the second phase of the process will involve submissions from

each party on the authorization of the MLWC Operational Plan and whether it should be confirmed, varied, suspended or revoked (Phase 2).

AER notes that the AWA's March 31, 2023 email does not provide details to support the AWA's request for reconsideration. In the Phase 1 process, the AER requests submissions from AWA and Suncor/Fort Hills on whether the AER should exercise its discretion to proceed to reconsider this authorization as follows:

- AWA to provide submissions by **4:00 p.m. on May 9, 2023**
- Suncor/Fort Hills to provide its response submissions by **4:00 p.m. on May 31, 2023**
- AWA to provide reply submissions by **4:00 p.m. on June 9, 2023**

The parties are requested to direct all communications relating to this matter to the Regulatory Appeals Coordinator by e-mail at RegulatoryAppeal@aer.ca. Further, **the parties are requested to copy each other on all communications relating to the reconsideration.**

Please be aware that pursuant to section 49 of the *AER Rules of Practice (Rules)* all documents filed will be placed on the public record.

If the AER exercises its discretion to proceed to reconsider this authorization, the AER will proceed to Phase 2 and will communicate the applicable timelines for that phase of the process at that time, as well as whether the phase 2 decision will be made with or without a hearing, as per section 43 of *REDA*.

Sincerely,



Aimée Hockenull
Regulatory Appeals Coordinator

cc: Bola Talabi, AER