

# Bulletin 2006-19

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## Applications Involving Objections Relating to the Legal Entitlement of Coalbed Methane

The Alberta Energy and Utilities Board (EUB /Board) recently issued a Notice of Hearing respecting Proceeding No. 1457147. This proceeding originated from several applications for review regarding which the legal entitlement of coalbed methane (CBM) on freehold mineral lands was at issue. This issue arose on lands where one party is the holder of fee simple coal rights, another party is the holder of all mines and minerals other than coal, and both parties claim legal entitlement of CBM.

The Board has determined that Proceeding No. 1457147 will be conducted in two parts. In Part 1, the Board will consider whether interim conditions should be imposed for the measurement and accounting of CBM production from the specific wells involved in the proceeding. A Notice of Hearing respecting Part 1, available on the EUB Web site [www.eub.ca](http://www.eub.ca), was issued on April 26, 2006, with the hearing scheduled to commence June 26, 2006.

In Part 2 of Proceeding No. 1457147, the Board will consider the issue of legal entitlement to CBM produced or intended to be produced from the specific wells involved. The Board anticipates that Part 2 of the process will commence in early fall 2006.

In light of Proceeding No. 1457147, the Board has decided that all applications regarding which legal entitlement to CBM is at issue will be held in abeyance pending issuance of the Board's decision in Part 2 of Proceeding No. 1457147. The decision to hold applications in abeyance applies to all facilities applications, resources applications, and review and variance applications regarding which legal entitlement to CBM on split-title lands is at issue.

Applicants have the option of withdrawing their applications and refile at a later date, amending their applications to remove the freehold mineral lands at issue, or waiting for a decision respecting Proceeding No. 1457147. Normal processing practices will apply to any application, whether amended or awaiting processing. If you have any questions on this matter, please contact Giuseppa Bentivegna, Board Counsel, EUB Law Branch, by telephone at (403) 297-8332 or by e-mail at [giuseppa.bentivegna@gov.ab.ca](mailto:giuseppa.bentivegna@gov.ab.ca).

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