



MCLENNAN ROSS LLP  
LEGAL COUNSEL

Our File Reference: 262640

Gavin S. Fitch  
Direct Line: (403) 303-9120  
e-mail: gfitc@mross.com

Shauna Sanheim, Assistant  
Direct Line: (403) 303-9112

Fax: (403) 543-9150  
*PLEASE REPLY TO CALGARY OFFICE*

January 9, 2007

SENT BY E-MAIL

Alberta Energy and Utilities Board  
14th Floor, 630 - 5th Avenue SW  
Calgary, AB T2P 3G4

Attention: Douglas A. Larder, Q.C., General Counsel

Dear Mr. Larder:

**Re: Part 2 of EUB Proceeding No. 1457147  
Bears paw Petroleum Ltd., Carbon Development Partnership (Successor in  
Interest to Prairie Mines and Royalty Ltd., formerly Luscar Ltd.), Devon  
Canada Corporation, EnCana Corporation and Fairborne Energy Ltd.  
Clive, Ewing Lake, Stettler and Wimborne Fields**

As you know, we represent Quicksilver Resources Canada Inc. ("Quicksilver") with respect to the above-noted matter. We write to address EnCana's attempt to file "Surrebuttal Argument" on January 4, 2007. We have reviewed the letters already filed in this connection by counsel for ConocoPhillips (on January 5, 2007), Apache (on January 8, 2007) and Devon and Fairborne (on January 9, 2007). Please be advised that Quicksilver agrees with and adopts the submissions filed by ConocoPhillips, Apache, Devon and Fairborne as to the following points:

- The right to make "surrebuttal" argument is extraordinary and only granted in unique circumstances, which are not present in this case.
- Indeed, the Board – with the assistance of the parties – expressly turned its mind to the procedure for the filing of argument in this case; that procedure did not contemplate the filing of surrebuttal argument.

Edmonton Office  
600 West Chambers  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4  
p. 780.482.9200  
f. 780.482.9100  
tf. 1.800.567.9200

Calgary Office  
1600 Stock Exchange Tower  
300 - 5th Avenue SW  
Calgary, AB T2P 3C4  
p. 403.543.9120  
f. 403.543.9150  
tf. 1.888.543.9120

Yellowknife Office  
802 Precambrian Building  
4920 - 52nd Street  
Yellowknife, NT X1A 3T1  
p. 867.766.7677  
f. 867.766.7678  
tf. 1.888.836.6684

- Based on this, if EnCana wished to file surrebuttal argument, it should have sought and obtained the Board's leave, which it did not.
- Had EnCana sought leave from the Board to file surrebuttal argument, as stated above there are no unique circumstances in this case that would justify according EnCana that right. EnCana had full opportunity in its reply argument of November 29, 2006 to canvass all aspects of the *Continental Resources of Illinois Inc.* decision. It did not do so. Therefore, whether by design or not, the filing of surrebuttal argument amounts to EnCana splitting its argument on this issue.

If the Board is inclined to allow the filing of EnCana's surrebuttal argument to stand, Quicksilver hereby reserves the right to respond.

Thank you.

Yours truly,



GAVIN S. FITCH

GSF/sms

cc:

Christian Popowich (Code Hunter LLP)  
Donald C. Edie, Q.C. (Carscallen Lockwood LLP)  
William T. Corbett, Q.C. (Field LLP)  
Tamara Bews (Alberta Energy and Utilities Board)  
Beverly Nylen (Alberta Energy and Utilities Board)  
Lorne Rollheiser (Devon Canada Corporation)  
R. Craig Steele (Thackray Burgess)  
Tom O'Leary (Fraser Milner Casgrain LLP)  
Doug Crowther (Fraser Milner Casgrain LLP)  
John Gruber (Thackray Burgess)  
Peter Linder (Peacock Linder & Halt LLP)  
William T. Osvath (Rae & Company)  
Alan Ross (Borden Ladner Gervais LLP)  
Alan Harvie (MacLeod Dixon LLP)  
John Lowe (Burnett Duckworth & Palmer LLP)  
Levonnie Louie (Quicksilver Resources Canada Inc.)  
Dana Johnson (Quicksilver Resources Canada Inc.)  
Chris Cirone (Quicksilver Resources Inc.)