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File No. 9500-1404564

December 16, 2005

Luscar Ltd:  
1600 Oxford Tower  
10235 – 101 Street  
Edmonton, AB T5J 3G1

Fraser Milner Casgrain LLP  
30<sup>th</sup> Floor, Fifth Avenue Place  
237, 4<sup>th</sup> Avenue SW  
Calgary, AB T2P 4X7

ATTENTION: ROBERT DONICK

Attention: A.L. McLarty

Dear Sirs:

**RE: REVIEW AND VARIANCE REQUEST ON FAIRBORNE ENERGY LTD.'S  
APPLICATION NOS: 1402289 AND 1402290, APPROVAL NOS: 0331663 AND  
0331714, 10-35-39-24W4M AND 12-35-39-24 W4M**

As you are aware, the Alberta Energy and Utilities Board (Board) has received a request to review the above-mentioned from Luscar Ltd. In response to review requests, the Board has adopted a two step process: first, the Board determines the preliminary question as to whether the decision in question should be reviewed and, second, if the Board grants the review, a hearing on the merits is held. The Board is implementing, on a pilot basis, an oral process to consider requests for review.

In this case, the Board has determined that, based on the written submissions received to date from the interested parties, that oral submissions by the parties will assist the Board in making a decision on the preliminary question. Since the request for review is made pursuant to s. 40 of the *Energy Resources Conservation Act*, the review applicant must establish that it is a person affected by an order or decision of the Board. Please note that this is not a review hearing on the merits. As such, there will be no court reporter present and no sworn testimony will be taken.

The Board will hear this request for review and variance in conjunction with Luscar Ltd.'s request to review applications made by Devon Canada Corporation (File No. 9500-1406894) and by Glacier Energy Limited (File No. 9500-1424930).

The Board will allow Luscar Ltd. 2 hours to make oral submissions in support of all its review and variance request. Each respondent, including Fairborne Energy Ltd. will be allowed 1 hour

to make oral submissions in response. Finally, Luscar Ltd. will be allowed 30 minutes to reply to the respondents' submissions.

The Board will allow Luscar Ltd. 30 minutes to make oral submissions in support of the review and variance request. Fairborne Energy Ltd. will be allowed 30 minutes to make oral submissions in response. Finally, Luscar Ltd. will be allowed 20 minutes to reply to Fairborne Energy Ltd.'s submissions.

The Board has determined that this oral proceeding will be held in Calgary as follows:

**Date: January 10, 11 and 12**

**Time: 9:00 a.m. to 5:00 p.m. each day**

**Place: Westin Hotel, 320 - 4<sup>th</sup> Avenue S.W.**

If you have any questions, please contact me at (403) 297-7402.

Yours truly,



Douglas A. Larder  
General Counsel

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