



FRASER MILNER CASGRAIN LLP

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June 5, 2006

Alberta Energy and Utilities Board  
Law Branch  
640 - 5th Avenue SW  
Calgary, AB T@P 3G4

Attention: Mr. Douglas A. Larder, Q.C.

Dear Mr. Larder:

**Subject:           Review and Variance Applications**  
**9500-1404564 (Luscar Ltd./Fairborne Energy Ltd.)**  
**9500-1406894 (Luscar Ltd./Devon Canada Corporation)**  
**9500-1456814 (Luscar Ltd./Fairborne Energy Ltd.)**  
**9500-1406721 (EnCana Corporation/Devon Canada Corporation)**  
**9500-1422781 (EnCana Corporation/Bearspaw Petroleum Ltd.) and**  
**9500-1439810 (EnCana Corporation/Bearspaw Petroleum Ltd.)**

This is to respond to your letter of May 31, 2006 wherein the Board sought parties' comments on whether or not various requests made to the Board for intervener status with respect to this proceeding should be granted.

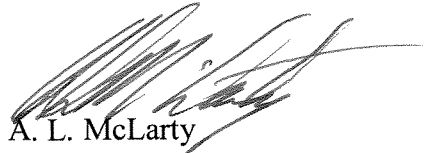
We are able to advise that Devon Canada Corporation and Fairborne Energy Ltd. are not opposed to the Board granting these requests for intervener status as to the Part 2 proceeding. We note that the Part 1 proceeding is directed to the measurement and tracking of gas from coal produced by the specific wells that are in issue in this proceeding. This decision may not be broadly applicable to all parties with an interest in gas from coal. To the extent the proposed

interveners may have concerns with respect to measurement and tracking involving circumstances that may be unique to their wells, those issues are more appropriately addressed in a proceeding where the unique circumstances are properly before the Board for consideration.

For the Phase 2 proceeding, the circumstances existing with respect to these other parties' rights to produce natural gas from coal are likely to be substantially similar to the circumstances and rights that are already in issue and the Board's determination will be of general application to gas producers as well as freehold gas owners. As such, we view it as appropriate to have all affected parties participate in the Phase 2 hearing.

Yours very truly,

**FRASER MILNER CASGRAIN LLP**



A. L. McLarty  
ALM:las

cc: Luscar Ltd. Attention: Robert Donick	Code Hunter LLP Attention: Christian J. Popowich
EnCana Corporation Attention: Alan C. Reid	Field LLP Attention: William T. Corbett, Q.C.
Bearspaw Petroleum Ltd. Attention: R.G. Jensen	Carscallen Lockwood LLP Attention: Donald C. Edie, Q.C.
Thackray Burgess Attention: John Gruber	Devon Canada Corporation Attention: Lorne Rollheiser
Fairborne Energy Ltd Attention: David Pyke	