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Our File No.: 52022-7

June 23, 2005

VIA E-MAIL

Attention: Mr. Gary D. Perkins

Alberta Energy and Utilities Board
Law Branch
640 - 5 Ave SW
Calgary, AB T2P 3G4

Dear Sir:

**Re: GENERAL BULLETIN 2003-28 (GB 2003-28)
BITUMEN CONSERVATION REQUIREMENTS
ATHABASCA WABISKAW-MCMURRAY
PHASE 3 FINAL PROCEEDING
PROCEEDING NO. 1347905**

Thank you for your letter of June 13 past, responding to our letter of June 7 past, which has now been marked as an exhibit (I-15) in the Hearing. While your response is helpful, it does not, in our view, fully address the issues raised in Exhibit I-15. Allow me to explain.

You say:

"The Board has a transparent hearing process and its decisions are based on the record of the proceeding."

The issue is what is meant by that statement, and in particular, transparency. That issue surfaces from statements previously made by Chairman Dilay, and Board counsel, in the Chard/Leismer hearing.

As we see it, a "transparent hearing process" mandates that all information, of the nature set out in Exhibit I-15, be made available to the hearing participants, and form part of the record, upon which the decision is to be based. With respect, the suggestion that the "decision reports and the records" of proceedings are available at the Board's offices begs the question. The question is, has all of the information, of the nature set out in Exhibit I-15 been disclosed to the hearing participants, and if so, does it form part of the record. Based upon previous statements by Chairman Dilay, and Board

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counsel in other but similar proceedings, that does not appear to be the case. Hence it serves no useful purpose to access the "record of the proceeding", as you state in your letter.

You also state:

". . . I can advise that the Board expects that Board Staff will fulfill its obligation to assist the Board by performing the duties and responsibilities the Board's staff has historically undertaken."

You then proceed to offer to permit interested parties the opportunity to "review that material."

PEOC wishes to avail itself of that opportunity. However, in order to remove any uncertainty, in making this request, our request is to review all of the material and information of the nature described in Exhibit I-15. PEOC has no interest in reviewing the transcripts of the proceedings, the exhibits entered, or the closing submissions. That material has always been available to PEOC; that is not the issue.

In addition, as part of the request to review the material and information, it may well be that some of the Board Staff has had some oral communications with the panel, particularly in relation to matters dealt with at the preliminary hearing. Indeed, we would expect this to be the case. As such, it seems appropriate, and necessary, for PEOC (and any other interested party) to be furnished with the opportunity to at least interview Board Staff as to what discussions they had with the panel. It is also necessary for the review (and interviews) to take place before the close of the present hearing so that PEOC may comment or provide rebuttal evidence as it considers necessary.

In view of the fact that we are well into the final hearing stage, we ask that our client's request be responded to as soon as possible. Please let us hear from you by return.

Yours truly,

BENNETT JONES LLP

L. M. Sali

LMS/cvs

cc: Client