

Delivered

February 22, 2005

Alberta Energy and Utilities Board  
640 – 5<sup>th</sup> Avenue S.W.  
Calgary, AB T2P 3G4

**Attention: Gary Perkins**

Dear Mr. Perkins:

**ALBERTA ENERGY AND UTILITIES BOARD  
BITUMEN CONSERVATION REQUIREMENTS  
PHASE 3 FINAL PROCEEDING**

In Decision 2004-088 the Board made the following determination with regard to the filing process for the Bitumen Conservation Requirements Phase 3 Final Hearing (Page 9).

The Board also directs each party intending to participate in the final hearing to advise the Board in writing no later than February 21, 2005, of the date on which it would be prepared to file its response submission and the date on which the final hearing should commence.

On February 1, 2005 the Board provided clarification on this issue and changed the filing date to February 22, 2005 to accommodate the Family Day weekend.

The SSG has conducted a preliminary review of the submissions filed and proposes the following filing schedule for the Final Hearing:

Information Requests (IR's) filed by all participants	March 7, 2005
IR responses filed by all participants	March 14, 2005
Response submissions filed by all participants	May 2, 2005
Reply submissions filed by applicants <sup>1</sup> only	May 16, 2005
Hearing commences	May 30, 2005

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<sup>1</sup> The term "applicants" is used in the manner prescribed in Decision 2004-088, and is understood to include those parties contesting the production status of an interval or intervals and who filed a declaration and submission on February 14, 2005.

The SSG considered the following issues when it developed the above schedule.

### **Information Requests**

The SSG recommends that IR's be limited to single opportunity to request missing data and information referred to or relied upon by applicants in their February 14, 2005 submissions. The SSG is concerned that a broader IR process may unnecessarily prolong the process while providing little added benefit to the Board or interested parties. Should the Board choose not to place any restrictions upon the IR process, the SSG believes that the timelines it has proposed may provide insufficient time for parties to adequately answer IR's and prepare their response submissions.

Further, the SSG notes that Decision 2004-88 contemplates that applicants will be afforded an opportunity to file a reply to response submissions. Should the Board determine that a second set of IR's is appropriate, the SSG believes the timelines it has proposed must necessarily be extended to accommodate such a process. It is the SSG's view that a second IR process is unnecessary, and that the limited IR process proposed above will provide an adequate opportunity for interested parties to seek additional information on the submissions filed.

The SSG recognizes that the efficiency of the hearing may be enhanced by the implementation of limited IR process described above. The SSG believes that such a process would also include an opportunity for the Board to file its own IR's.

### **Participation of Other Parties**

The SSG developed its proposed schedule based upon the anticipated participation of only those parties that filed initial submissions on February 14, 2005. If additional parties announce their intention to participate in the proceeding the SSG believes that the proposed filing dates may not provide sufficient time to review and respond to the IR's and the materials filed.

Yours truly,



JP Mousseau  
Counsel for the Staff Submission Group

cc: Interested Parties