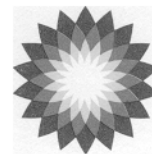




Greg Grabowski

Vice President
East Production Unit



BP Canada Energy Company
240 - 4 Avenue, S.W.
P.O. Box 200
Calgary, Alberta T2P 2H8
Canada

February 9, 2004

Alberta Energy and Utilities Board
640 - 5th Avenue, S.W.
Calgary, Alberta T2P 3G4

Attention: Gary Perkins
Counsel

Dear Sir:

Subject: **Phase 3 – Bitumen Conservation Requirements – Athabasca Wabiskaw – McMurray**

In accordance with the schedule of requirements set out in the Board's correspondence, dated December 17, 2003 and for purposes of the interim proceedings the Board has scheduled for March 8, 2004, BP Canada hereby gives notice of its disagreement with the recommendations of the Board Staff Submission Group, in its recommendations to the Board, dated January 26, 2003, as to the following wells and associated perforated intervals (mKB):

KIRBY	00/10-29-074-04W4/0	390.1 - 391.4
KIRBY	00/11-30-074-04W4/0	373.2 - 376.0
KIRBY	02/15-30-074-04W4 not perf'd	366.0 - 369.0
KIRBY	00/14-35-074-05W4 not perf'd	380.5 - 390.0
KIRBY	03/14-35-074-05W4/0	381.3 - 381.9 389.9 - 390.7
KIRBY	00/12-32-074-07W4/0	423.8 - 425.0
KIRBY	00/11-33-074-07W4/0	408.2 - 409.2
KIRBY	00/10-34-074-07W4/0	405.2 - 406.2
KIRBY	00/09-04-075-07W4/0	409.7 - 412.4
LEISMER	00/10-16-077-08W4/0	302.4 - 304.0
LEISMER	00/12-21-077-08W4/0	310.4 - 311.3

This notice is given in response to and in the context of the limited scope of issues that will be considered by the Board for purposes of the interim decision to be made by the Board following this proceeding. This notice is further made without prejudice to any issues, wells, or perforated intervals that BP Canada may raise in the context of a final proceeding, to deal with such issues, wells and perforated intervals, which proceeding has yet to be scheduled by the Board.

There are a number of wells included in the Staff Submission Group recommendations that have associated gas but have non-associated production. From BP's conversation with the

EUB's Andy Warren earlier today, BP understands that these wells will be allowed to continue to produce the non-associated gas without application.

Yours very truly,

A handwritten signature in black ink, reading "Greg Grabowski". The signature is written in a cursive, flowing style with large loops and a prominent initial "G".

Greg Grabowski