



FRASER MILNER CASGRAIN LLP

A.L. McLarty, Q.C.
(403) 268-7022
al.mclarty@fmc-law.com

March 8, 2004

By Mail and E-Mail

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

Attention: Mr. Gary D. Perkins, Board Counsel

Dear Sir:

**Subject: Proceeding No. 1333566: Phase 3 Proceeding under Bitumen Conservation Requirements - General Bulletin 2003-28 Athabasca Wabiskaw-McMurray
Our file no: 127210-241**

We are writing on behalf of BP Canada Energy Company to raise an objection as to one of the recommendations and to the associated evidence set out in the Reply Submission of Nexen Canada Ltd.

The Nexen Reply Submission raises, for the first time, an objection to the SSG's recommendation with respect to the McMurray GG Pool. Concurrent with that objection Nexen has advanced evidence to support a contention that the McMurray GG Pool should be ordered by the Board to be shut in. All of this will directly and adversely affect rights of BP Canada with respect to its wells 100/10-16-077-08 W4 and 100/12-21-077-08 W4.

Nexen, like each other party with an interest in this proceeding, was provided the opportunity, on February 9, 2004, to identify SSG recommendations with which it disagreed and to file, by February 23, 2004, evidence in support of its position. That process was established to enable parties adverse in interest to make a reply to assertions made against their interest. Nexen availed itself of all of those opportunities. In addition Nexen has, through its Reply Evidence, unilaterally taken the opportunity to expand the process rights made available to it by supplementing the list of wells to which it wishes to raise objection and to file new, non reply evidence.

BP Canada can understand that Nexen might have wished it had identified this issue earlier. BP Canada appreciates such difficulties because all parties that are participating in this proceeding have been put under very severe time limitations by the Board. The fact is the issues raised by

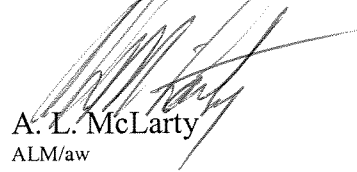
Mr. G.D. Perkins: Alberta Energy and Utilities Board

Nexen for the first time on March 3rd, regardless of how well intentioned, constitute an abuse of the process the Board established for this proceeding. The position and evidence submitted by Nexen is tendered at a time when both the ability and opportunity for BP Canada to deal with or to reply to that recommendation and evidence is practically precluded by the late date and unavailability of people to now address the issue and more particularly by the stringent process rules established by the Board for this proceeding.

Given the impropriety and unfairness of this issue and this evidence being raised in this manner, we would appreciate if you would confirm for us that the evidence and recommendation of Nexen with respect to the McMurray GG Pool will not be considered by the Board in this proceeding or alternatively that the proceeding will be deferred to enable BP Canada to properly consider the evidence tendered by Nexen to enable BP Canada to prepare a reply.

Yours very truly,

FRASER MILNER CASGRAIN LLP



A. L. McLarty
ALM/aw

cc: Nexen Canada Ltd. – Attn: Ms. Shannon Young
Proceeding Distribution List

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