

Writer's direct line: (403) 297-3505
Writer's fax: (403) 297-7031
Email: Gary.Perkins@gov.ab.ca

E-MAILED

September 13, 2004

To: Parties on the Attached List

**RE: BITUMEN CONSERVATION REQUIREMENTS
ATHABASCA, WABISKAW-MCMURRAY
PHASE 3 FINAL HEARING
PRE-HEARING MEETING, SEPTEMBER 15, 2004**

The Board has received a number of submissions relating to the pre-hearing meeting scheduled for September 15, 2004. The Board is aware that parties are sharing their respective submissions, and assumes that in the course of the meeting parties may comment on other parties' submissions.

The Board notes that a number of specific proposals have been made regarding the scope of the hearing, issues for the hearing and procedures for the hearing. The Board is interested in receiving comments on the specific proposals and has asked me to forward the attached list of issues for discussion at the pre-hearing meeting. While the Board is interested in hearing parties' respective positions regarding the specific proposals, no party is required to address the proposals and the Board will not be limiting the issues for discussion at the pre-hearing meeting to the specific items on the attached list.

Yours truly,

Gary D. Perkins
Board Counsel

cc: Counsel on the attached list

ISSUES ARISING FROM PARTICIPANTS' SPECIFIC PROPOSALS TO THE BOARD

Scope of and Issues for the Final Hearing

- Should the Final Hearing include reviews of Decisions 2004-45 and 2004-62? If so, are the reviews restricted to contested wells?
- Should ID 99-1 criteria be reviewed?
- Should the criteria used in the interim hearings be reviewed (for example the criteria for potentially recoverable bitumen)?
- Should evidence be restricted to new evidence, or to new field evidence?

Process for the Final Hearing

1. Should the Board convene a pre-hearing technical proceeding in the form of:
 - (a) a conceptual issues hearing with resulting Board decision, to be followed by a pool-specific hearing (as proposed by Canadian Natural Resources Limited); or
 - (b) a technical inquiry with a resulting technical report (as proposed by Paramount Energy Trust); or
 - (c) an inquiry into the findings of the Surmont shut in study (as proposed by the EUB Staff Submission Group)?
2. Should hearing participants all be regarded as interested parties with no particular party as applicant, or should either the EUB Staff Submission Group or parties wishing to have prior decisions reviewed be treated as applicants?
3. Should parties file submissions simultaneously? Alternatively, should the SSG file first and if so should parties taking substantially the same position as the SSG file at the same time as the SSG?
4. Should the Board prescribe a process for Information Requests?
5. Should the Board expedite the hearing process?
6. Should the Board exercise its powers to summon witnesses and compel the production of documents?