

Integrated Decision Approach - Participant Involvement

Advisory Panel

Terms of Reference

January 16, 2018

1 Background

The Alberta Energy Regulator is implementing the Integrated Decision Approach (IDA) across the organization which will result in an integrated application process for proposed energy development projects in Alberta. As a result of this new process, the way operators apply for projects will change. The AER is considering what regulatory requirements are needed for participant involvement to support this new approach.

From October through December 2017, the AER collected input across the province via public engagement sessions and online portals on potential new participant involvement requirements and processes for IDA. Starting in February 2018, the IDA PI Advisory Panel will meet regularly for three months to review the feedback from the public engagement sessions and advise on participant involvement requirements under IDA. Once the AER has completed the draft regulatory requirements they will be submitted for public comment. The AER will assess all feedback it receives during the public comment period and make any necessary changes.

Updated requirements will then be submitted to the Government of Alberta for review and policy consideration before they are issued. The AER will release a final report that outlines our engagement process from start to finish, including what we heard, and how we came to our decisions.

2 Mandate

The mandate of the advisory panel is to assist the AER to develop enhanced participant involvement requirements for the Integrated Decision Approach.

3 Scope of Work

To achieve its mandate, the IDA PI advisory panel will:

- Review the feedback from the engagement sessions and identify key areas of input to assist the AER in their development of enhanced PI requirements

- Provide advice for the AER PI Regulatory team with regards to:
 - The reasons for participant involvement and activities that trigger operator/stakeholder/Indigenous community interaction
 - Identification of relevant parties or audiences to interact with
 - Determination of meaningful engagement approaches and activities
 - Effective implementation and assessment of participant involvement

- Identify principles to guide successful development of requirements

4 Decision-Making Process

During panel discussions, members will be encouraged to fully share their perspectives and knowledge specific to agenda topics to inform panel outcomes. Individual perspectives will be captured and the level of agreement reached with the group will be recorded (e.g. full agreement, partial agreement with qualifications, no agreement reached). Consensus or a voting decision-making model will not be the process for making decisions on this panel. The AER maintains the decision making authority in the final drafting of the requirements.

5 Confidentiality

To ensure dialogue is open and meaningful and to develop trust, participants must agree to respect the transitory and confidential nature of conversations. Specific parameters around confidentiality will be negotiated by the panel members early in the panel meetings. Participants must respect confidentiality as agreed to for this process. Individual comments will only be used for the purpose of this conversation and will not be repeated or applied out of context in other situations.

Specific parameters as agreed to by the panel are:

- The panel wants to create a safe and confidential working environment for all panel members.

- The biographies of the panel members will be made public on the Talk AER site. The panel members have agreed to participate on the panel as individuals, rather than as representatives of a particular sector, organization, municipality, Nation, or community group.
- The panel will treat discussion in the room with utmost confidentiality, including but not limited to, not attributing specific information coming from identified parties.
- At the end of each session, the panel will identify key messages and panel outcomes that panel members can share outside the panel. These messages will also be shared on Talk AER for transparency with general public and interested parties.
- Any concerns with confidentiality will be brought back to the panel for awareness and discussion.

6 Panel Composition

The panel will consist of individuals who reflect different audiences that are affected by or have an interest in the IDA PI initiative, and the development of participant involvement requirements for energy development in Alberta.

Panel members will be responsible for:

- Providing advice and guidance to the AER PI regulatory team.
- Working with subject matter experts as needed to evaluate issues and understand the varying perspectives shared.

To ensure the process is manageable and productive, the AER is recommending the panel should not exceed 15 participants.

AER will at times assign people to observe the conversation. AER staff will comply with expectations of confidentiality that apply to the panel.

The AER Indigenous Elder will be present at all meetings and will be available to panel participants at any time to address concerns regarding cultural safety and ethical space. The Elder will address proper protocol at each meeting as needed. The Elder will advise on any ceremonial requirements as needed.

7 Expectations of Panel Members

- Participants should be committed to seeking mutual understanding of each other's interests and contributing to an environment where participants can work together in a meaningful and cooperative way to create satisfactory outcomes.
- Participants will represent their personal views and experiences. Participants are not expected to act or speak as representatives of any sector, organization, group or community.
- Participants must appropriately prepare for meetings including review of panel and meeting materials.
- Participants should ensure consistent attendance.
- Participants are expected to make their own travel and accommodation arrangements.
- Participants should respect timelines and be committed to the process.
- Participants should bring forward any concerns they have with the process or panel through the panel facilitators or AER panel participants. To support a cooperative process, participants will not bring concerns forward through another external means such as media, elected officials, lobby groups, AER executives or government representatives.
- Participants may be asked to step down from the panel if they are not able to fulfil these expectations.

8 Panel Support Staff

8.1.1 Alberta Energy Regulator

- Provide information, presentations or subject matter experts as requested to panel participants to assist with reaching outcomes.
- Provide a regular and consistent presence.
- Follow expectations of confidentiality that apply to the panel.

8.1.2 Additional Subject Matter Experts

- Be invited by the AER or the panel.
- Follow expectations of confidentiality that apply to the panel.
- Participate in a way that supports the mandate and timelines of the panel.

8.1.3 AER Indigenous Elder

- Oversee cultural safety and promote ethical space for panel participants
- Follow expectations of confidentiality that apply to the panel.
- Participate in a way that supports the mandate and timelines of the panel.

8.1.4 Observers

- Be assigned by the AER or the panel.
- Not to participate in conversation.
- Follow expectations of confidentiality that apply to the panel.

8.1.5 AER Facilitation Team

- Provide leadership, ensure the effective operation of the panel and maintain process integrity
- Contribute to cultural safety and ethical space for panel participants
- Provide effective meeting process and facilitation, including collaborating with panel participants to develop proposed meeting agendas.
- Act as point person for logistics, with assistance from other AER staff as required.
- Capture notes, summaries, decisions and action items

9 Timelines

The panel will hold its initial meeting on February 7th and 8th, 2018. In order to achieve its outcomes, we anticipate the panel will need to meet a minimum of 5-6 times (approximately every two or three weeks) for two consecutive days for each meeting. These working meetings will conclude by the end of April, 2018 in order to meet the AER delivery timeframes for IDA implementation (i.e. AER process changes to integrate applications and OneStop technology implementation.)

As determined by the panel, certain tasks may need to be accomplished in between the face-to-face meetings using alternate communications means such as video or teleconference, emails or document sharing.

Within the three month panel working period, as stated above, the panel will negotiate together the meeting times, dates and locations of its meetings. Panel members will have influence in prioritizing meeting content and building meeting agendas.

10 Participant Compensation

Participants who are not otherwise compensated for their time on this panel (or whose organizations would incur significant budget implications to send a delegate) will be provided with an honorarium and are entitled to reimbursement by the AER of nominal expenses incurred as a result of their participation.

Individuals and groups that are not eligible for capacity funding include for-profit organizations, industry associations, and government.

The AER maintains discretion to provide capacity funding in unique circumstances.

Compensation allowances will be provided to eligible panel participants for each two-day meeting session, upon provision of receipts as required.