



Anderson Energy Ltd.

Application for a Pipeline Licence
Sylvan Lake Field

July 14, 2009

ENERGY RESOURCES CONSERVATION BOARD

Decision 2009-045: Anderson Energy Ltd., Application for Pipeline Licence, Sylvan Lake Field

July 14, 2009

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ENERGY RESOURCES CONSERVATION BOARD

Calgary Alberta

**ANDERSON ENERGY LTD.
APPLICATION FOR A PIPELINE LICENCE
SYLVAN LAKE FIELD**

**Decision 2009-045
Application No. 1595760**

DECISION

The Energy Resources Conservation Board has considered the findings and recommendation set out in the following examiner report, adopts the recommendation, and directs that Application No. 1595760 be approved.

Dated in Calgary, Alberta, on July 14, 2009.

ENERGY RESOURCES CONSERVATION BOARD

<original signed by>

Dan McFadyen
Chairman

ENERGY RESOURCES CONSERVATION BOARD

Calgary Alberta

**EXAMINER REPORT RESPECTING
ANDERSON ENERGY LTD.
APPLICATION FOR A PIPELINE LICENCE
SYLVAN LAKE FIELD**

**Decision 2009-045
Application No. 1595760**

1 RECOMMENDATION

Having considered the application and the related correspondence and circumstances, the examiner panel cancelled the hearing and recommends that Application No. 1595760 be approved.

2 INTRODUCTION

2.1 Application

Anderson Energy Ltd. (Anderson) applied to the Energy Resources Conservation Board (ERCB/Board), in accordance with Part 4 of the *Pipeline Act*, for approval to construct and operate a pipeline for the purpose of transporting natural gas from Legal Subdivision (LSD) 4, Section 1, Township 37, Range 2, West of the 5th Meridian, to a pipeline tie-in point at LSD 12-01-37-02W5M. The proposed pipeline would be about 0.64 kilometres (km) in length, have a maximum outside diameter of 88.9 millimetres, and transport natural gas containing no hydrogen sulphide. The proposed pipeline would be located about 2.7 km north of Markerville.

2.2 Intervention

Dale Hehr and Debbie Hehr (the Hehrs) are the landowners of the property on which the proposed pipeline would be constructed and operated. The Hehrs filed an objection to Anderson's application in correspondence dated October 16, 2008, in which they raised concerns relating to compensation for a ditch that was dug on their land and compensation for flooding of their crop land due to an existing Anderson well site at LSD 11-2-37-2W5M and highlighted previous commitments made by Anderson to build a road to the well site.

2.3 Hearing

Board-appointed examiners T. J. Pesta, P.Eng. (Presiding Member), D. L. Schafer, and H. L. Longworth, P.Eng., were scheduled to hold a public hearing in Red Deer, Alberta, commencing June 18, 2009.

3 DISCUSSION

The pipeline application was submitted by Anderson on November 20, 2008. Mr. Hehr was contacted by ERCB staff on several occasions prior to the Notice of Hearing being issued on May 1, 2009. The Notice of Hearing stated: "If you do not file submissions, the hearing of the Application may be cancelled and the ERCB will continue to process and may approve the

Application without a hearing and without further notice.” On May 19, 2009, the Board was informed that the Hehrs obtained counsel to represent their interests at the scheduled hearing. On May 27, 2009, the Hehrs requested an extension of the submission deadlines contained in the May 1, 2009, Notice of Hearing. The examiner panel granted this request on May 29, 2009, extending the original submission deadlines of May 28, 2009, and June 4, 2009, to June 4, 2009, and June 10, 2009, respectively. Also on May 29, 2009, the Board was informed by the Hehrs that they would no longer be represented by counsel and they were unsure if they would be available to attend the scheduled hearing.

On June 2, 2009, ERCB staff left a telephone message at the Hehr residence asking to discuss their attendance at the hearing. In addition, a letter asking the Hehrs to respond to the Board regarding their attendance at the hearing was hand delivered to the Hehrs’ residence by ERCB staff on June 5, 2009, and an express copy of the same letter was sent to the Hehrs’ residence on June 8, 2009. On June 8, 2009, an ERCB facilitation advisor received a call from Keith Hehr, the son of the Hehrs, indicating that the ERCB letter of June 5, 2009, would be returned to the Board unopened. The Board did not receive a submission from the Hehrs on June 4 or June 10, 2009. On June 11, 2009, the Board sent a letter to the Hehrs’ residence informing the Hehrs of its intention to cancel the hearing. On June 12, 2009, the Board issued a Notice of Cancellation of Hearing.

The examiner panel, having considered the Hehrs’ failure to respond to repeated efforts by the Board to confirm their participation in the hearing process, cancelled the hearing and recommends that the application be dispositioned in due course.

Dated in Calgary, Alberta, on July 14, 2009.

ENERGY RESOURCES CONSERVATION BOARD

<original signed by>

T. J Pesta, P.Eng.
Presiding Member

<original signed by>

D. L. Schafer
Examiner

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H. L. Longworth, P.Eng.
Examiner