



How to Register a Private Surface Agreement

Private surface agreements between landowners and energy companies operating on their property can now be registered with the Alberta Energy Regulator's new Private Surface Agreements Registry (PSAR). If a landowner feels a company is not meeting a term or condition of the registered agreement, they may ask the AER to determine if the company has met the term or condition of the agreement. This EnerFAQs addresses all aspects of registering a private surface agreement.

» What is a private surface agreement?

A private surface agreement (PSA) is a signed and dated written agreement between a company and an owner or occupant of land. A PSA concerns any aspect of a company's access to or use of the owned or occupied land for the purposes of an energy resource activity, but excludes an order granted by the Surface Rights Board.

» Who may register a PSA?

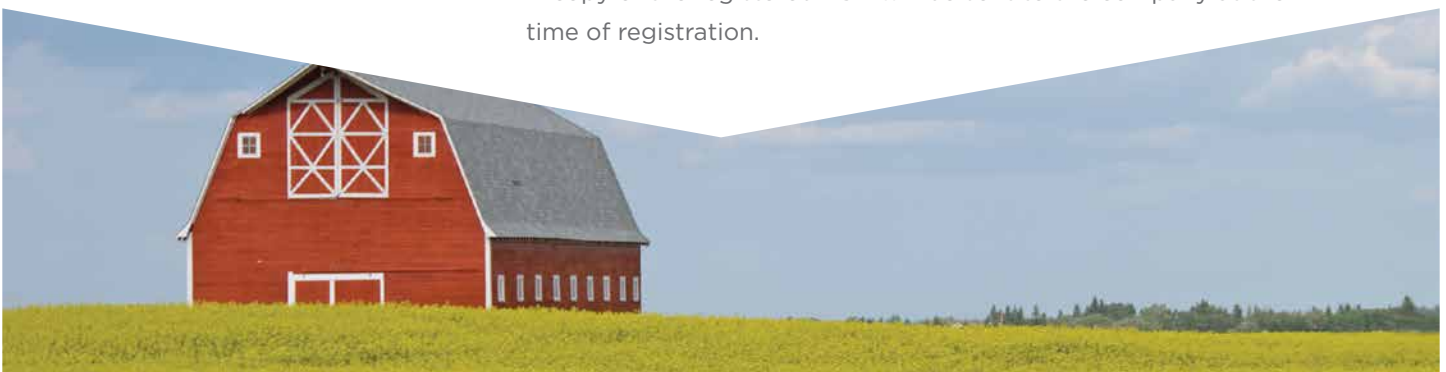
A person or group of people who own or occupy land where an energy development currently exists or is proposed to be sited, and who've entered into a PSA with a company after November 30, 2013, which is the date the PSA process became effective.

» Who do I register my PSA with at the AER?

If eligible, you must complete the PSA registration form found at www.aer.ca. Once completed, submit the form and an electronic copy of your PSA to bos.admin@aer.ca.

» What happens after a PSA is registered?

The AER will review the form and PSA to ensure it can be registered and send a confirmation letter with a reference number. This number must be retained to make further submissions related to your PSA. A copy of the registered PSA will be sent to the company at the time of registration.



» **I have a new version of a PSA I previously registered. Can I replace the old one?**

Yes. In this case, complete a new form and in the comments field indicate that you want to replace a previously registered PSA. You must provide the original PSA registration number you received in the AER confirmation letter when you first registered your PSA.

» **Who will be able to see my PSA if I register it?**

All documents submitted to the Alberta Energy Regulator are subject to the *Freedom of Information and Protection of Privacy Act*. This means that any member of the public may request a copy of the registered PSA. When submitting a PSA, you will be asked to confirm that you understand the PSA may be available to the public.

» **What can I do if I feel a company isn't meeting a term or condition of the PSA?**

Several options are available to you, among them making a request under section 64 of the *Responsible Energy Development Act*. By submitting a section 64 request, you are asking the AER to determine whether a company has complied with a term or condition of your PSA. Before you do so, the AER encourages you to contact the company directly to try to resolve the issue. You may also contact staff at your local Alberta Energy Regulator Field Centre for assistance (contact information can be found at www.aer.ca).

» **How do I submit a section 64 request, and what happens afterwards?**

If you have not done so, you must first register the associated PSA with the AER. Once the PSA has been registered, you must complete the section 64 request form found at www.aer.ca. Once completed, send the form and an electronic copy of any supporting documents to bos.admin@aer.ca.

Once submitted, the AER will review the section 64 request to ensure it can be registered and send you a confirmation letter. A copy of the request will also be sent to the company, who will then be asked to respond. You may then be asked for additional information, documents, or materials to help the AER fully understand the alleged noncompliance. The AER will then review your request, the PSA, and the information provided and make a decision.

» **Can I engage in the AER's alternative dispute resolution (ADR) process with a company to try to resolve my section 64 request?**

Yes, you may engage in ADR at any point before or during a section 64 request. The Alberta Energy Regulator will encourage you to engage in ADR once it receives a section 64 request. See *EnerFAQs All About Alternative Dispute Resolution (ADR)* for more information about the ADR process.

» **Who will be able to see my section 64 request if I register it?**

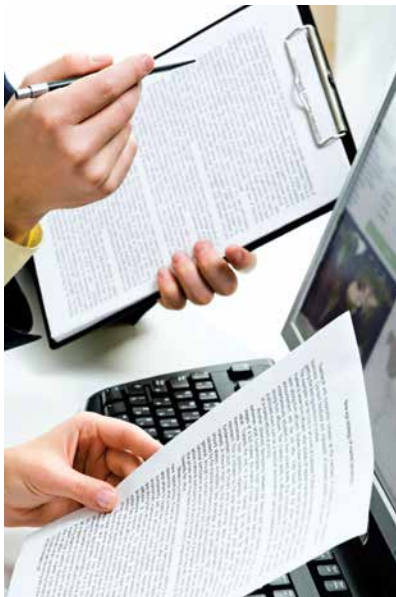
All documents related to the section 64 request, including the PSA, will be placed on the public record.

» **What are the possible results of a section 64 request?**

If the AER determines that a company has failed to comply with a term or condition of the PSA, it may issue an order to comply. If it's determined the company has complied with the PSA, the AER will not issue an order.

» **Can I withdraw a section 64 request?**

Yes. Just send an e-mail to bos.admin@aer.ca indicating which section 64 request you would like to withdraw.



More information on the Private Surface Agreement Registry can be found in Part 3 of the *Responsible Energy Development Act* and the AER's Rules of Practice.

inquiries 1-855-297-8311
24-hour emergency 1-800-222-6514
www.aer.ca