



Expressing Your Concerns – How to File a Statement of Concern About an Energy Resource Project

This fact sheet is intended to help you understand what statements of concern are and how to file one with the Alberta Energy Regulator (AER) if you have a concern with an energy resource development application. This fact sheet also answers questions we commonly hear and outlines what you must include in a statement of concern in order for it to be registered.

» What is a statement of concern?

Albertans concerned about a particular application may submit a “statement of concern,” which is a written submission that outlines specific concerns about an application. A statement of concern may be filed by anyone who believes they may be directly and adversely affected by an application. Upon proclamation of the *Responsible Energy Development Act*, statements of concern replaced objections as the way to file your concerns about energy project applications.



» What is the difference between a statement of concern and an operational complaint?

Statements of concern outline concerns about applications for proposed energy resource activities and developments, as well as any amendments to them. Operational complaints outline concerns about the operations of existing energy resource activities (e.g., noise, smells, etc.). An operational complaint can be made at any time during the life of a project. A statement of concern can only be made in response to a notice of application. If we determine that your correspondence is an operational complaint, it will be referred to the applicable field centre for follow up. If you have an operational complaint, please direct it to the nearest AER field centre.

» Who can file a statement of concern?

Anyone who believes they may be directly and adversely affected by an energy resource application can file a statement of concern.

» How do I find out about energy resource development applications?

Once we receive an application, public notice is given through a dedicated webpage on our website, www.aer.ca. This new notification method enhances existing notification requirements.

Before we accept an application for an energy resource activity, and depending on the activity proposed, we may require a company to provide notification of and information about the proposed activities directly to certain individuals, making sure that those receiving the information can fully understand what is being proposed and what the potential impacts could be.

Details of who a company must contact before it applies for an energy resource activity or development vary according to the type of application. Notification requirements may include landowners, First Nations and Métis, occupants, other oil and gas operators, or local authorities. In cases where notification is required, the company must provide details about how and why it chose its proposed locations for any wells, pipelines, facilities, or access roads and what to expect in terms of equipment use and operations during the production phase.

» How can I register a statement of concern?

We will only register a statement of concern if it contains the information outlined below. Phone calls are not registered as statements of concern.

You may outline your concerns using the statement of concern form on our website <http://www.aer.ca/documents/forms/StatementofConcern.pdf>.

» What information must be included in a statement of concern?

To be registered, a statement of concern must include the following information:

- the application number;
- the name and contact information of the person filing the statement of concern;
- the name of the company proposing the activity or development;
- the type of project (e.g., well, pipeline, etc.);
- the location of the proposed activity or development, the location of the filer's land, and the proximity to any residence in relation to the proposed project or activity;
- a summary of concerns, including information on how the application or activity may directly and adversely affect the filer or the filer's land; and
- any history or background information that may provide additional insight into the concerns.

» What information should NOT be included in a statement of concern?

Our application process is public. The *Alberta Energy Regulator Rules of Practice* require us to place all information filed about an application on the public record, including statements of concern. You should therefore assume that any information you submit will be publicly available. Therefore, you should not include anything you do not want shared publicly. This includes personal, medical, financial, or other confidential information, such as

- information related to a medical, psychiatric, or psychological history or a condition or illness, including the diagnosis, treatment, or evaluation of one;

- financial information, including
 - rent payments;
 - details about settlement negotiations or offers;
 - information affecting income or income assistance eligibility, such as tax returns and bank account or credit card information; and
 - any information shared during confidential negotiations or discussions (e.g., the AER's alternative dispute resolution program);
- information about employment or educational history; and
- statements of opinion made by another person, or your opinion about another person

» Where do I send my statement of concern?

You must send your statement of concern to the company making the application as well as to the AER. We may require the applicant to respond to your concerns.

All statements of concern should be sent to

Alberta Energy Regulator

Authorizations Review & Coordination Team
Suite 1000, 250 - 5 Street SW
Calgary, Alberta T2P 0R4
Fax: 403-297-4117
E-mail: ARCTeam@aer.ca

» What happens to my statement of concern once I have submitted it?

We will review your statement of concern to see if it has the information required to register it. If more information is needed, we may send you a letter requesting it.

If you do not supply the requested information, we will not register your statement of concern and will proceed with processing the application without any further notice to you.

The statement of concern will be reviewed to determine if it meets our requirements. If the statement of concern fails to demonstrate that the person may be directly and adversely affected by the application; is not filed within the timeline specified; is unrelated to the specific

application; is related to an application on which a decision has already been made (see below); or relates to a policy decision of the Government of Alberta or to a matter otherwise outside our jurisdiction, we will notify the person that the statement of concern will not be considered.

If the application is still active, and if all statement of concern requirements have been met, we will consider the statement of concern during our review of the application. However, this does not mean that we will decide to conduct a hearing of the application. There are a number of other ways in which we may address concerns, which are discussed in more detail below. (For more information on hearings, please refer to the EnerFAQs *Having Your Say at an AER Hearing*.)

We may also request a written response from the company. We will then consider the information it has received and determine how to proceed.

» **What if my statement of concern is related to an application about which a decision has already been made?**

Applications to the AER fall under two broad categories: expedited (which are processed immediately) and nonexpedited (subject to a 30-day waiting period). If a statement of concern is received after an application has been approved, we may review the application to assess and determine if the company has met all our application requirements, including notification requirements. If we determine that the applicant has failed to comply with our requirements, we may initiate enforcement action.

You may also be able to request a regulatory appeal under section 38 of the *Responsible Energy Development Act*, generally between 7 and 30 days of notice of the decision, provided there has been no hearing of the application and you meet the other requirements.

Regulatory appeals must meet the requirements in the *Responsible Energy Development Act* and the *Alberta Energy Regulator Rules of Practice*, both of which can be viewed on our website, www.aer.ca. Any request for a regulatory appeal that does not contain the required information may not be registered and processed.

Send your request for a regulatory appeal to

Alberta Energy Regulator

Law Branch, Regulatory Appeals Coordinator

Suite 1000, 250 - 5 Street SW

Calgary, Alberta T2P 0R4

Fax: 403-297-7031

E-mail: regulatoryappeal@aer.ca

A copy of the request for a regulatory appeal must also be sent to the company that holds the licence or approval and the registered owner of the land on which the resource activity is located that would be the subject of the proposed regulatory appeal.

» **What if I have concerns with a proposed development that has not yet been filed with the AER?**

We are no longer accepting statements of concern submitted before an application. If you have preapplication concerns about a proposed activity, you should instead submit them directly to the company. You may also submit concerns to the AER's Stakeholder and Government Relations Division (SGR) via e-mail at stakeholder.engagement@aer.ca, or you may contact the Customer Contact Centre (CCC) at 1-855-297-8311 (toll free). Please include your name and contact information, the company's name, the type and proposed location of the project, a summary of your concerns, and any additional information.

We will monitor, track, assess, and address all preapplication submissions to make sure that you have an opportunity to discuss your concerns.

We require applicants to inform us of any known persons with concerns about the application at the time it is submitted. We also expect applicants to send the notice of application directly to anyone who has previously raised concerns about the proposed energy development or activity to allow time for submitting a formal statement of concern.

You may view energy development applications through the Public Notice of Application Tool at www.aer.ca.

» **What other processes are available to address my concerns?**

Concerns are often resolved before an application is submitted, and you may not need to file a statement of concern.

SGR has qualified staff across the province who can help parties understand our processes and services, including alternative dispute resolution (ADR). ADR offers concerned parties a variety of options for managing disputes including mediation, facilitation, and direct negotiation. ADR may occur even after an application has been filed or a notice of hearing for the application has been issued.

For more information, see the *EnerFAQs All About Alternative Dispute Resolution (ADR), Manual 004: Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes*, visit our website (www.aer.ca), or contact the Customer Contact Centre (CCC) at 1-855-297-8311 (toll free).

» **What if I want more information about the application?**

If we have received an application, it may be available for public viewing on our website. To view these applications and any correspondence between us and the applicant, please see the Public Notice of Application Tool at www.aer.ca.

At this time, statements of concern and certain types of applications are not available for viewing on our website. However, you may request a copy of any application from the applicant or ask for publicly available documents from our Information Product Services Section by sending an e-mail to [infoservices@aer.ca](mailto:infoservices@ aer.ca) or calling 1-855-297-8311 (toll free).

» **What if my concerns fall outside the AER's jurisdiction?**

We cannot deal with concerns that fall outside our jurisdiction. This includes concerns about the following:

- Compensation for surface access or impacts
 - These concerns should be directed to the Alberta Surface Rights Board.
 - For more information, see www.surfacerights.alberta.ca.
- Compensation for impacts on trap lines
 - These concerns should be forwarded to the Alberta Trappers Compensation Board.
 - For more information on the Alberta Trappers Compensation program and how to submit a claim, see www.albertatrappers.com.
- Utilities, such as power generators, transmission lines, and gas utility pipelines
 - These concerns should be directed to the Alberta Utilities Commission.
 - For more information, see www.auc.ab.ca.
- Government of Alberta policy
 - These concerns should be raised directly with the Government of Alberta.
 - We may forward statements of concern related to such policy to the appropriate government department.

» Where can I find more information?

For more information on the hearing and ADR processes and participant funding, see the following publications on our website at www.aer.ca:

- *Manual 003: The Hearing Process for the Alberta Energy Regulator*
- *Manual 004: Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes*
- *Directive 031: REDA Energy Cost Claims*

EnerFAQs

- *Having Your Say at an AER Hearing*
- *Proposed Oil and Gas Development: A Landowner's Guide*
- *The AER and You: Agreements, Commitments, and Conditions*
- *All About Alternative Dispute Resolution (ADR)*
- *Oil Sands*
- *How to Register a Private Surface Agreement*

» Additional Information.

If you want more information on AER processes, if you wish to speak with your local field centre, or if you have more general questions about energy resource development and activity in the province of Alberta, contact our Customer Contact Centre: Monday to Friday (8:00 a.m. to 4:30 p.m.) at 1-855-297-8311 (toll free).

This document is part of the EnerFAQs series, which explains our regulations and processes as they relate to specific energy issues. Please visit www.aer.ca to read more of the EnerFAQs series.

Every year we collect, compile, and publish a large amount of technical data and information about Alberta's energy development and resources for use by both industry and the general public. This includes raw data, statistics, hearing materials, and information on regulations, policies, and decisions.

Publications may be either viewed at the AER library or obtained from the Information Product Services Section (IPSS). Both are housed on the tenth floor of our head office in Calgary. Publications may also be downloaded from www.aer.ca.

To obtain a print or CD copy of a specific publication, contact the IPSS by phone (403-297-8190), fax (403-297-7040), or e-mail (infoservices@er.ca).

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