February 25, 2008

To: Interested Parties

Re: EnCana Shallow Gas Infill Development Project – Re-scheduling of hearing

The Joint Review Panel (the Panel) established to review the above-noted project has received a request from EnCana, dated February 21, 2008, to postpone the hearing to allow EnCana to prepare and submit information requests (IRs) on the intervener submissions filed on February 18, 2008. EnCana is of the view that this process would help clarify the evidence filed by interveners and would provide for a full and satisfactory understanding of the issues. As well, EnCana submitted that this process would allow it to better assess and respond to the evidence that has been filed. EnCana proposed a revised schedule to accommodate this process with a hearing commencing on May 26, 2008.

Following the receipt of this letter, the Panel received comments on this request from the Government of Canada and Jennifer Klimek, Counsel for the Alberta Wilderness Association, the Grasslands Naturalists, and Nature Canada. Ms. Klimek acknowledged the need for additional time to allow EnCana to address the submissions filed but proposed only a short adjournment of 2 to 4 weeks. The Panel also received an email from counsel for EnCana confirming that EnCana has scheduling issues in July and would prefer to commence the proceeding in late September or early October.

Taking into account the significant size of the submissions received by the Panel as well as the issues and concerns raised by the interveners, the Panel recognizes that EnCana and others must have the opportunity to ask detailed technical and scientific questions of the interveners. The interveners in turn must have the time to properly respond to such questions. Finally, EnCana and others must have the opportunity to properly reflect those responses in their positions and evidence. To attempt to do this during the hearing could well lead to periodic adjournments and would be both inefficient and ineffective. For this reason, the Panel believes that the current schedule must be revised to allow additional time for all parties to better prepare for the hearing.

The Panel is of the view that this approach is consistent with its terms of reference which require it to conduct its review in a manner that discharges the requirements set out in the Canadian Environmental Assessment Act, the responsibilities of the Alberta Energy and Utilities Board (EUB) under its governing legislation and the requirement to conduct its public hearings in accordance with the EUB Rules of Practice. The Panel considers that an IR process, as contemplated in sections 27 and 28 of the EUB Rules of Practice, may help in resolving outstanding issues and would likely help expedite the proceedings.

Web site: www.SuffieldReview.ca
To this end the Panel intends to establish a new schedule that will allow sufficient time for IRs to be asked and answered and for EnCana to file its reply evidence. Accordingly, EnCana is no longer required to file its direct evidence on March 3, 2008. However, the schedule proposed by EnCana for a hearing start of May 26, 2008 is not feasible given the availability of the Panel. The Panel proposes the following schedule which takes into account its scheduling constraints in May and June and the availability of EnCana and the Government of Canada:

- March 14: EnCana to file Information Requests
- May 16: Interveners response to Information Requests
- May 16: Supplemental submissions by interveners (if any)
- June 13: Experts hired by the Panel (Jay Woosaree and Troy Whidden) submit their Reports #2, based on submissions received, responses to IR and any supplemental submissions
- August 29: EnCana files reply evidence to interveners filings and response to IRs
- September 29: Hearing start

Interested parties are invited to comment on this proposed schedule by the end of the day on February 27, 2008. Please direct any comments to:

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The Panel will consider the comments received and will quickly inform EnCana and all parties of its decision. The Panel’s response will be posted on the project’s public registry.

Yours truly,

“Original signed by”

JP Mousseau  
Legal Counsel  
Joint Review Panel

c.c. Shawn H.T. Denstedt, Solicitor for EnCana  
Leanne Campbell, EnCana  
Jennifer J. Klimek, Solicitor for the Environmental Coalition  
Michele Vincent, Solicitor for Canada  
Doreen Mueller, Solicitor for Canada  
Keith F. Miller, Solicitor for SIRC  
Grant D. Sprague, Alberta Justice  
John M. McDougall, Solicitor for SEAC