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June 20, 2025

Alberta Energy Regulator  
Suite 1000, 250 - 5 Street SW  
Calgary, AB T2P 0R4

Via Email: [hearing.services@aer.ca](mailto:hearing.services@aer.ca)

Attn: Elaine Arruda, Hearing Coordinator

Dear Ms. Arruda:

**Re: Alberta Energy Regulator Proceeding 449  
Response to Summit Coal Inc.'s Request for Cancellation of Hearing**

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The Alberta Energy Regulator (“AER”) should firmly reject Summit’s Coal Inc. (“Summit”)’s letter dated June 18, 2025 requesting that the hearing for Proceeding 449 be cancelled.

The Alberta Wilderness Association (“AWA”) and the Canadian Parks and Wilderness Society, Northern Alberta (“CPAWS”) have every right to participate fully in this process, as already affirmed by the AER.<sup>1</sup> Full participation is granted not solely based on direct adverse effects, but because the AER recognizes that certain voices bring valuable insights that warrant examination in a hearing.<sup>2</sup> The AER granted AWA and CPAWS full participation status and has made it clear that this status is not open to challenge outside a proper process for reconsideration or appeal.<sup>3</sup> The AER has therefore affirmed that AWA and CPAWS will contribute information and perspectives which are best addressed in a hearing.

Summit’s repeated attempts to improperly insert the “directly and adversely affected” issue, despite the AER’s clear and repeated decisions affirming AWA and CPAWS’ right to be heard, amount to an abuse of process. This is Summit’s second attempt to derail a fair hearing, even after being given ample opportunity to present its arguments.<sup>4</sup> Moreover, Summit’s late request is highly prejudicial

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<sup>1</sup> [AER Participation Decision for Alberta Wilderness Association](#), February 7, 2025 at pp 2-4 [“*AWA Participation Decision*”]; [AER Participation Decision for Canadian Parks and Wilderness Society Northern Alberta Chapter](#), February 7, 2025 at pp 3-4 [“*CPAWS Participation Decision*”]; *Alberta Energy Regulator Rules of Practice*, [Alta Reg 99/2013](#) at paras 9, 9.1 [“*The Rules*”].

<sup>2</sup> *The Rules* at para 9(3).

<sup>3</sup> AER Decision re Pre-Hearing Meeting, March 3, 2025 at pp 2-3 [“*Pre-Hearing Meeting Decision*”].

<sup>4</sup> Summit Request for Pre-Hearing Meeting, February 25, 2025.



To conclude, the withdrawal of some directly and adversely affected parties does not negate the rights granted to other parties to participate. For the reasons set out above, the AER should refuse Summit's request to cancel the hearing.

Sincerely,

**NAPOLI SHKOLNIK CANADA**

A handwritten signature in black ink, appearing to read 'A. Bordignon', written in a cursive style.

Adam D. Bordignon

cc/ AER Proceeding 449 Participants