

COURT FILE NUMBER 2501-03468
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

Clerk's Stamp

IN THE MATTER OF THE COMPANIES'
CREDITORS ARRANGEMENT ACT,
R.S.C. 1985, c. C-36, as amended

AND IN THE MATTER OF THE
COMPROMISE OR ARRANGEMENT OF
ERIKSON NATIONAL ENERGY INC.

DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Ministry of the Attorney General (British Columbia)
Legal Services Branch, Ministry of Attorney General
PO Box 9280 Stn Prov Govt
Victoria, BC, V8W 9J7

Attention: Aaron Welch/Andrea Glen/Cindy Cheuk
Aaron.Welch@gov.bc.ca
Cindy.Cheuk@gov.bc.ca
AGLSBRevTaxInsolvency@gov.bc.ca

AFFIDAVIT #1 OF VERONICA BURNS

Sworn on March 6, 2025

I, Veronica Burns, Legal Assistant for the Legal Services Branch in the British Columbia Ministry of Attorney General, SWEAR AND SAY THAT:

1. I am employed by His Majesty the King in right of the Province of British Columbia ("Province") as a Legal Assistant in the Legal Services Branch. As such, I have personal knowledge of the matters herein referred to, except where indicated to be on information and belief, and where so stated I believe them to be true.
2. Attached and marked as **Exhibit "A"** is a true copy of the December 6, 2024 Order granted by Justice Romaine in Court of King's Bench of Alberta file number 2401-13792, provided to our office by counsel for Erikson National Energy Inc.
3. Attached and marked as **Exhibit "B"** is a true copy of the British Columbia Energy Regulator's General Order 2024-0156-01 dated December 6, 2024, provided to our office by counsel for the British Columbia Energy Regulator.

4. Attached and marked as **Exhibit "C"** is a true copy of the Civil Notice of Appeal filed by the Attorney General of British Columbia on December 13, 2024.

SWORN BEFORE ME at Victoria, British
Columbia, this 6th day of March, 2025.



Commissioner for Oaths in and for the
Province of British Columbia



VERONICA BURNS

**Andrea K. Glen
Barrister and Solicitor
Ministry of Attorney General
Legal Services Branch
1001 Douglas Street
Victoria BC V8W 9J7**

CERTIFIED *E. Wheaton*
by the Court Clerk as a true copy of
the document digitally filed on Dec
6, 2024

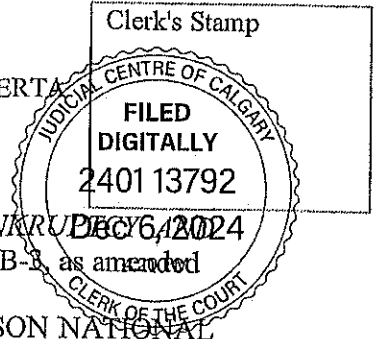
This is Exhibit "A" referred to in the
affidavit of Veronica Burns affirmed
before me on the 6th day of March, 2025.

BR A Commissioner for taking Affidavits
within British Columbia

SCHEDULE "1"

COURT FILE NUMBER
COURT
JUDICIAL CENTRE

2401-13792
COURT OF KING'S BENCH OF ALBERTA
CALGARY



IN THE MATTER OF THE *BANKRUPTCY*
INSOLVENCY ACT, R.S.C. 1985, c. B-3, as amended
AND IN THE MATTER OF ERIKSON NATIONAL
ENERGY INC.

DOCUMENT

ORDER

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

BENNETT JONES LLP
4500 Bankers Hall East
855-2nd Street SW
Calgary, AB T2P 4K7

Attention: Keely Cameron / Kelsey Meyer / Luc Rollingson
Telephone No.: (403) 298-3323
Fax No.: (403) 265-7219
Client File No.: 87754-38

DATE ON WHICH ORDER WAS PRONOUNCED: Friday, December 6, 2024

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice *B.E. Romane*

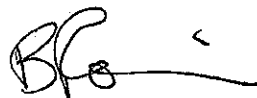
UPON THE APPLICATION by Erikson National Energy Inc. ("Erikson" or the
"Applicant"); AND UPON HAVING READ the Application of Erikson and the Affidavit No. 2 of Peter
Neelands sworn December 6, 2024; AND UPON HEARING the submissions of counsel for Erikson and
from other interested parties;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

- 1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of this Application, and time for service of this Application is abridged to that actually given.

2. The British Columbia Energy Regulator (the "BCER") is directed to issue an emergency measures order pursuant to section 52 of the *Energy Resource Activities Act*, SBC 2008, c 36 (the "ERAA"), directing Erikson to access and use natural gas from its wells for the sole purpose of heating and maintaining its Wildboy Gas Plant (the "Plant") and related work camp (the "Work Camp"), notwithstanding that the British Columbia Tenure and Resource Stewardship Branch ("BC Tenure") has cancelled Erikson's leases to produce natural gas from those wells (the "Emergency Measures"). BR.
3. This Honourable Court declares that Erikson carrying out the Emergency Measures shall not constitute an offence pursuant to section 134 of the ERAA.
4. ~~BC Tenure is prohibited from issuing a penalty against Erikson, its employees, agents, directors, officers, or shareholders, pursuant to the ERAA or other applicable legislation as a result of it carrying out the Emergency Measures.~~ BR.
5. Erikson is granted relief from forfeiture, relieving Erikson, its employees, agents, directors, officers, or shareholders, from any penalty that may be issued against it pursuant to the ERAA or otherwise as a result of it carrying out the Emergency Measures.



Justice of the Court of King's Bench of Alberta



GENERAL ORDER 2024-0156-01
Section 49 *Energy Resource Activities Act*

Issued to:

Erikson National Energy Inc.
717-7th Avenue S.W.
Calgary, Alberta
T2P0Z3

Attention: Peter Neelands, Director

Order:

Pursuant to section 49(1)(e)(ii) of the *Energy Resource Activities Act* (the Act), I, Dax Bourke, order that Erikson National Energy Inc. (Erikson) must:

1. Maintain its assets in a safe manner, including heating and maintaining the Wildboy Gas Processing Plant, facility ID 2917, located at D-075-A/094-P-11 and related work camp.

Conditions:

- A. This order shall remain in effect until amended or terminated in whole or in part by the BC Energy Regulator (Regulator).

Reasons:

I make this order for the following reasons:

- i. Erikson National Energy Inc. is the permit holder for facility 2917.
- ii. Prior to shutting in the gas fields, Erikson pressure loaded the pipeline system so that the gas could be utilized to keep the facility and work camp in an operable state by cycling the gas through the facility and utilizing it as a fuel gas source for heat and power.
- iii. On December 5, 2024, the British Columbia Energy Regulator (Regulator) was notified that the gas stored in the pipeline system was going to be depleted by December 8, 2024.
- iv. Gas is used to power and heat the facility and work camp. If there were no power electronic safety systems would brownout and lead to equipment failure risking environmental damage.
- v. I am in the opinion that the order is required for the protection of the environment.

Review or Appeal

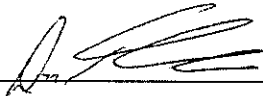
Erikson may request a review of this order under section 70 of the Act or appeal this order under section 72 of the Act. Both a review and an appeal of the order cannot be commenced simultaneously.

A request for review may be sent to: determinationreviews@bc-er.ca.

Alternatively, a notice of appeal may be sent to the Energy Resource Appeal Tribunal info@bcerat.ca or mailed to:

Energy Resource Appeal Tribunal
PO Box 4925 Stn Prov Govt
Victoria, BC V8W 9V1

Information regarding the process for appeals may be found at www.bcerat.ca



Dax Bourke
Executive Director, Compliance & Enforcement
BC Energy Regulator

DATED AT Fort St. John, in the Province of British Columbia, this 6th day of December 2024.

This is Exhibit "C" referred to in the affidavit of Veronica Burns affirmed before me on the 6th day of March, 2025.

A Commissioner for taking Affidavits within British Columbia

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2401-0345AC
TRIAL COURT FILE NUMBER: 2401-13792
REGISTRY OFFICE: Calgary
PLAINTIFF/APPLICANT: *IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-3, as amended AND IN THE MATTER OF ERIKSON NATIONAL ENERGY INC.*



STATUS ON APPEAL: Respondent
DEFENDANT/RESPONDENT: THE ATTORNEY GENERAL OF BRITISH COLUMBIA

STATUS ON APPEAL: Appellant

DOCUMENT: **CIVIL NOTICE OF APPEAL**

APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION:

Kenneth P. Reh Law Office
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Calgary, AB T2M 3Y7
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403-870-5734 (phone)
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ken@reh-law.ca
0099-001

Ministry of Attorney General
LSB Litigation Group, Legal Services Branch
PO Box 9280 Stn Prov Govt
Victoria, B.C.

Peter D. Ameeralli
Deputy Supervising Counsel
250-356-8641 (Phone)
Email: Peter.Ameeralli@gov.bc.ca

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: December 6, 2024

Date entered: December 6, 2024

Date served: December 7, 2024

Official neutral citation of reasons for decision, if any: N/A
(do not attach copy)

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of King's Bench

Judicial Centre: CALGARY

Justice: B.E.C. ROMAINE

On appeal from a King's Bench Applications Judge or a Justice of the Court of Justice?:
Yes X No

Official neutral citation of reasons for decision, if any, of the Applications Judge or Justice of the Court of Justice: (do not attach copy) N/A

(If originating from an order of a King's Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

Board, Tribunal or Professional Discipline Body

Specify Body: N/A

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

X Permission not required, or Granted:

Date: _____

Justice: _____

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

X Whole, or

~~Only specific parts (if specific part, indicate which part):~~

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5. Provide a brief description of the issues:

- a) The Alberta Court of King's Bench purported to make an order that exceeded the jurisdiction conferred by the *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C B-3 (the "BIA"). The Alberta Court of King's Bench does not have the constitutional jurisdiction to grant paragraphs 2-5 of the order under the BIA or under the laws of Alberta or British Columbia, compelling His Majesty the King in Right of the Province of British Columbia, its servants or agents to act, to cease to act, or to refrain from acting.
- b) Paragraphs 2-5 of the order wrongly purport to make declarations and directions beyond the jurisdiction of the Alberta Court of King's Bench that: a) bind and direct the decisions and actions of a statutory decision maker in British Columbia (the BC Energy Regulator); and b) make declarations affecting the application, interpretation and/or enforcement of British Columbia statutes with respect to activity within the province of British Columbia.
- c) The Alberta Court of King's Bench does not have jurisdiction under the BIA or otherwise under the laws of Alberta or British Columbia to direct the BC Energy Regulator to make a decision or otherwise take steps under s. 52 of the *Energy Resources Activity Act*, SBC 2008 c. 36 (the "ERAA"); if it did have jurisdiction, there was not a sufficient factual foundation to ground paragraph 2 of the order.
- d) The statutory provisions of the ERAA referred to in paragraphs 3 and 5 of the order do not exist.
- e) If any of paragraphs 2-5 of the order are authorized by the BIA and within the jurisdictional competence of the Alberta Court of King's Bench, the order was not supported by the facts available to the court and the court did not consider or apply the correct legal test for granting each or any of the orders.
- f) If the order was within the jurisdiction of the Alberta Court of King's Bench and available under the BIA, the court erred in granting the order without limiting conditions, including but not limited to providing for appropriate compensation and an expiry date for the authorization of conduct endorsed by paragraphs 2-5.

6. Provide a brief description of the relief claimed:

THAT THE ORDER BE SET ASIDE IN ITS ENTIRETY

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes X No

8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child? (Rule 14.14(2)(b))

~~Yes~~ X No

9. Will an application be made to expedite this appeal?

~~Yes~~ X No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

~~Yes~~ X No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

~~Yes~~ X No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)

~~Yes~~ X No

If yes, provide details:

(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

BENNETT JONES LLP

4500 Bankers Hall East

855-2nd Street SW Calgary, AB T2P 4K7

Attention: Keely Cameron / Kelsey Meyer / Luc Rollingson

Telephone No.: (403) 298-3323

Fax No.: (403) 265-7219

Client File No.: 87754-38

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

X Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

~~Earlier order of Applications Judge, etc. (Rule 14.18(1)(c))~~

~~Order granting permission to appeal (Rule 14.12(3)(a))~~

~~Copy of any restricted access order (Rule 14.12(2)(e))~~

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.