



APPROPRIATE DISPUTE RESOLUTION (ADR)

Canadian Flaring Regulators Presentation
June 15, 2007

Presented by

Anna Rose

What is ADR

- ADR stands for
Appropriate Dispute Resolution
- ADR options include:
 - Direct negotiation
 - EUB staff facilitation
 - Third party mediation
 - Arbitration
 - EUB public hearing





Goals of ADR

- Improved relationships
- Less investment of time and resources
- Local solutions to local problems
- Greater efficiency
- Fewer hearings

What is a EUB Facilitation?

- One ADR option
- A meeting between two or more parties
- Explore interests, options and arrive at a mutual solution
- Role of the EUB Facilitator
- The meeting can occur prior to filing an application to the EUB or after filing a non-routine application to the EUB.

What is Third Party Mediation?

- Used in situations where:
 - **Multiple parties**
 - **Lawyers and advisors are involved**
 - **Extremely low trust situations**
 - **Company to company matters**
- Use of independent third party (EUB present)
- Process initiated with a Preliminary meeting
- Obtain agreement as to how to go forward to resolve (informed decision)

Who We Are

David Hill (Calgary) – ADR Coordinator

Facilitation Advisors

- **Jeff Strem (Red Deer)**
- **Fiona LeBlanc (Grande Prairie)**
- **Michele DelColle (St. Albert)**
- **Anna Rose (Calgary)**

Primary Contact Map



ADR 2006 Results

- **FACILITATIONS**
 - 146 staff Facilitations
- **MEDIATIONS**
 - 19 third party mediations
- **RESOLUTION**
 - 94% success rate
- **ADR Effect on Hearings**
 - 34 cancelled in 2005
 - 42 of the 58 hearing scheduled were cancelled in 2006. Of those 19 used ADR which accounted for 45% of the hearings cancelled

ADR 2005 Results

- **58239 oil and gas applications [52100 in 2004]**
- **855 applications submitted with landowner objections [659 in 2004]**
- **Fewer than 2% of Energy-related applications in 2005 had outstanding objections**
- **129 EUB field staff facilitations completed with 113 resolved = 80 % resolution**
- **ADR Effect on Hearings**
 - 34 cancelled in 2005

EUB ADR Publications

- **Enerfaq 15 – “All About Appropriate Dispute Resolution”**
 - Commonly asked questions with user friendly responses
 - Provides references to other publications about ADR.
 - Provides some detail around issues of cost, confidentiality, group ADR, etc...
- **ADR Annual Report – 2005**
 - Multi-stakeholder committee’s report

When EUB ADR is not Appropriate

- In some cases Hearings are the appropriate dispute resolution tool
- When safety is compromised
- When parties do not identify those invited to the ADR meeting
- When one or more parties have no intention of wanting to resolve.

CHALLENGES and LEARNINGS

- When people say “no” to ADR
- Use of ADR for purposes other than to resolve
- Eleventh hour ADR sessions
- Right people at the table
- When those at the table are more interested in being paid for their time than coming to a resolution.
- When companies believe that all objections are just about money

Future Vision

- ADR seen as a common approach to problem solving
- Wider use of skills throughout Industry and the Public
- Work Ourselves Out of a Job!