



RECEIVED JUL 11 2016

July 7, 2016

Murray Klippenstein
160 John Street, Suite 300
Toronto, Ontario
M5V 2E5

Jensen Shawa Solomon Duguid Hawkes LLP
Attention: Glenn Solomon, Q.C.
800-304, 8th Avenue, S.W.
Calgary, Alberta
T2P 1C2

Dear Mr. Klippenstein, Mr. Solomon,

RE: *Jessica Ernst*
v.
Alberta Energy Regulator
File No.: 36167

The Supreme Court of Canada has entered into a Memorandum of Understanding with the Canadian Parliamentary Press Gallery (CPPG), the terms of which are summarized in the attached Notice to the Profession. The CPPG has requested permission for a lock-up on the date the judgment in this case will be released.

The purpose of this letter is to ask whether you consent to a lock-up and, if you consent, whether you request a separate lock-up for counsel. Copies of this letter are being sent to interveners for information purposes only.

The date for the release of the decision in the case has not yet been announced. However, the Court would appreciate that you complete and return the attached **consent to lock-up form** by **July 18, 2016**.

Also enclosed is a sample of an undertaking that counsel/agents for the parties and interveners would be required to sign upon entering any lock-up.

Yours truly,

Barbara Kincaid
General Counsel

Encl.

c.c.: Mr. Raj Anand
Mr. Jeffrey W. Beedell
Mr. Ryan D.W. Dalziel
Me Robert Desroches
Ms. Nadia Effendi
Ms. Sally Gomery
Me Pierre Landry
Mr. Christopher Rootham
Mr. Stuart Svonkin
Mr. David Taylor

UNDERTAKING FOR COUNSEL
ADMISSION TO LOCK-UP AT THE SUPREME COURT OF CANADA

Jessica Ernst - v. - Alberta Energy Regulator
File no.: 36167

Undertaking to be signed upon entering the lock-up on _____ 2016.

The undersigned agrees and undertakes as follows:

- (1)- that I will remain in the lock-up until the time when an official of the Supreme Court of Canada announces that the lock-up is released;
- (2)- that all documents, materials, or information made available to me remain the property of the Supreme Court until the termination of the lock-up and that under no circumstances will I remove, release or communicate any such documents, materials or information, or other records of any nature whatsoever in any manner (including the use of wireless communication devices such as cellular phones, two-way radios, personal digital assistants and wireless microphones) relating thereto or derived therefrom, before the termination of the lock-up;
- (3)- that I have turned in any cellular phones, two-way radios, personal digital assistants, wireless microphones or other wireless communication devices which will be held until the end of the lock-up; and,
- (4)- that should I breach any of the terms of this undertaking, I recognize that the Supreme Court of Canada may decide to cancel future lock-ups and that I or other members of my law firm may be subject to sanction(s).

Name (print): _____

Signature: _____

Firm: _____

Address: _____

NOTICE TO THE PROFESSIONAVIS AUX AVOCATS

Counsel are advised that the Supreme Court of Canada has entered into a Memorandum of Understanding with the Canadian Parliamentary Press Gallery ("CPPG") by which members of the CPPG may be notified of the Court's judgment and reasons for judgment during a closed door information session ("lock-up") held just prior to the scheduled public release of the judgment.

The CPPG will advise the Court of the names of any cases it proposes for a lock-up no later than one month after the Court hears the appeal. Counsel for the main parties will be asked whether they consent to a lock-up. Interveners will not be consulted. If the parties do not consent, there will not be a lock-up. The Court may also refuse to conduct a lock-up despite the consent of the parties.

Only accredited members of the CPPG will be allowed to attend a lock-up. A separate lock-up for counsel for the parties, including interveners, will be held on request of counsel for the main parties. Only counsel of record for each party and for each intervener on the appeal, and/or their respective agents, will be admitted to the counsel lock-up. Counsel and agents will be required to confirm their attendance with the Registry when the Registry informs them of the Court's approval of the lock-up.

Only one judgment at a time will be dealt with at any given lock-up. No briefing will be given to counsel at the counsel lock-up. Lock-ups will usually begin at 8:30 a.m. on the scheduled date for the release of judgment. Once the lock-up begins, no one will be permitted to leave the briefing room until the judgment is released and participants will be prohibited from all outside communications before public release of the judgment.

Complete guidelines for lock-ups are available from the Registry or at www.scc-csc.gc.ca. For further information, please contact the Registrar of the Supreme Court of Canada.

This notice replaces the notice of May 2003.

Les avocats sont avisés que la Cour suprême du Canada a conclu avec la Tribune de la presse parlementaire canadienne (« TPPC ») un protocole d'entente aux termes duquel des membres de la TPPC pourront prendre connaissance d'un jugement de la Cour et des motifs lors d'une séance d'information à huis clos (« huis clos ») tenue avant le dépôt du jugement au greffe.

La TPPC informera la Cour des dossiers pour lesquels elle propose la tenue d'un huis clos, au plus tard un mois après l'audition de l'appel par la Cour. On demandera aux avocats des parties principales s'ils y consentent. Les intervenants ne seront pas consultés. En cas de refus des parties, il n'y aura pas de huis clos. En outre, la Cour peut refuser la tenue d'un huis clos malgré le consentement des parties.

Seuls les membres accrédités de la TPPC auront accès au huis clos. Sur demande des avocats des parties principales, un huis clos distinct sera tenu à l'intention des avocats des parties, y compris les intervenants. Seuls les avocats inscrits au dossier pour chacune des parties et chacun des intervenants, ou leurs correspondants respectifs, ou une combinaison des deux, auront accès au huis clos des avocats. Les avocats et les correspondants devront confirmer leur présence auprès du greffe au moment où le greffe les avise que le huis clos a été approuvé par la Cour.

Un huis clos ne peut porter que sur un seul jugement à la fois. Le huis clos des avocats ne comportera aucun breffage. Les huis clos commenceront normalement à 8 h 30, à la date fixée pour le dépôt du jugement. Personne ne peut quitter la salle durant le huis clos et il est interdit aux participants de communiquer avec l'extérieur avant le dépôt du jugement au greffe.

Le texte intégral des directives applicables aux huis clos peut être obtenu au greffe ou à l'adresse www.scc-csc.gc.ca. Pour de plus amples renseignements, veuillez communiquer avec la registraire de la Cour suprême du Canada.

Le présent avis remplace celui diffusé en mai 2003.

Anne Roland

Registrar - Registraire