

Frequently Asked Questions

Directive 067: Eligibility Requirements for Acquiring and Holding Energy Licences and Approvals

January 2018

Q1. Are current licensees required to submit a new schedule 1?

A1. Yes. All existing licensees that hold licenses or approvals under the *Oil and Gas Conservation Act* or *Pipeline Act* and any other person holding licence eligibility as of December 6, 2017, must submit a new *Directive 067*, schedule 1, including attachments, by January 31, 2018. After January 31, 2018, updates will only be required following any material changes to *Directive 067*.

Q2. Who can be an attestor for schedule 1?

A2. An attestor can be anyone who verifies the identity of a director or officer.

Q3. What is considered a regulatory proceeding?

A3. Any current compliance or enforcement matter brought before any jurisdiction (including those outside of Alberta) as it relates to activities within or outside the oil and gas sector. A regulatory proceeding may include an order or a hearing. A notice of noncompliance is not considered a proceeding for the purpose of *Directive 067*.

See the [AER Rules of Practice](#), section 1(k), for more information.

Q4. Do current licensees need to pay the \$10 000 first-time licensee fee as part of their January 31, 2018, update?

A4. No. Only first-time applicants or licensees seeking to amend their licence eligibility type are required to pay the \$10 000 fee.

Q5. Section E requires information about corporate structure. What should be listed for related entities to the corporation?

A5. Information regarding the corporate structure should include (1) direct parent entities of the applicant or eligible licensee, (2) subsidiaries of the applicant or eligible licensee, (3) any persons or companies that hold more than 20 per cent of the outstanding voting securities of the applicant or eligible licensee, and (4) entities that share the majority of their directors, officers, or other control persons with the applicant or eligible licensee. Only the immediate parent entities need to be listed; you do not need to list any entities that own the parent entity.

Q6. Why does the AER require financial information?

A6. The information will be used to assess a company's financial health, which may be considered by the AER in making a decision on the company's licence eligibility.

Q7. What address should be provided in section A of schedule 1?

A7. The best address for contacting the individual who is completing the form.

Q8. What are the definitions of "directors," "officers," and "control persons"?

A8. *Directors* refer to the directors of the board for the applicant or licensee.

Officers refers to a chair or vice-chair of the board of directors, a chief executive officer, chief operating officer, chief financial officer, president, vice-president, treasurer, an individual who is designated as an officer under a bylaw or similar authority, or an individual who performs functions for a person or company similar to those functions normally performed by any of the preceding individuals.

If a company has several levels of officers, it is the senior officers that should be listed (e.g. if there are senior or executive vice presidents, they should be listed but the vice presidents who report to them do not need to be provided).

Control persons refer to any persons, companies, or persons and companies combined that hold or control more than 20 per cent of the outstanding voting securities of the applicant licensee or approval holder.

Q9. Are all existing licensees now required to submit proof of insurance as part of a Directive 067 corporate profile update?

A9. Yes. All licensee holders must submit proof of insurance.

Q10. If an applicant or licensee does not have audited financial statements at this time, what should be provided?

A10. *Directive 067* requires the submission of audited financial statements. If a licensee does not yet have audited financial statements, tax returns or an unaudited balance sheet approved by the directors or officers of the company may be submitted in the interim. The AER will follow up to ensure that a licensee provides audit financials when they become available.

Q11. Can a current licensee request a copy of its previous Directive 067 submissions?

A11. Yes. Submit an information request to informationrequest@aer.ca.

Q12. By providing the January 31, 2018, submission of schedule 1, are licensees with existing eligibility reapplying for eligibility?

A12. No. The primary intent of the January 31, 2018, submission is to ensure that the AER has current and accurate information about licensees with eligibility.

Q13. What is the turnaround time if a licensee wishes to have an advance ruling on a material change?

A13. An advance ruling will take 10 business days.

Q14. Can *Directive 067* submissions be provided by a method other than by email?

A14. Yes. Submissions can be mailed to the AER at

AER Closure & Transition
Suite 1000, 250 – 5 Street SW
Calgary, AB T2P 0R4