

8. Reviews and Appeals

In accordance with ERAA, a formal review and appeal process exists to review and revisit decisions made by the Regulator. Only an eligible person may submit a formal request for Regulator review officers (in the case of a review) or the [Energy Resource Appeal Tribunal](#) (in the case of an appeal) to revisit certain determinations.

Because the appeal process is administered by the Energy Resource Appeal Tribunal and considered an independent body, the Regulator's guidance does not comment on the procedures or processes of the Energy Resource Appeal Tribunal.

This chapter provides details of the review request procedures and requirements.

8.1 Review Request

Not all determinations made by the Regulator are eligible for review. The Regulator's Review and Appeal Coordinator and the designated review official determines the eligibility of a review request based upon three criteria: the determination, the requestor, and the date in which the request was received by the Regulator. As defined within Section 69 of ERAA, a determination is only reviewable if:

- Decision is made by the Regulator under Section 25 or 26.
- Declaration is made by the Regulator on its own initiative under Section 27.
- Order is made by the Regulator under Section 40(f).

- Order is issued by an official or the Regulator under Division 2 of Part 5.
- Finding is made by the Regulator under Section 62.
- Administrative penalty is imposed by the Regulator under Section 63.
- Prescribed decision is made under ERAA:
 - a) Section 9 of the OGAA General Regulation prescribes the following decisions as determinations for the purpose of Section 69.
- Transfer of a permit or authorization under Section 29.
- Permit amendment under Section 31(7).

A determination is not reviewable if the decision is already subject to an appeal under Section 72 of ERAA. For more information regarding appeals, see the following section.

Eligible Review Requester

Only eligible requesters may submit a determination review request. Part 6 of ERAA defines an eligible person to submit a request as:

- Permit applicant.
- Permit holder or former permit holder.
- Person to whom an order under Section 49(1) has been issued.
- Person with respect to whom the Regulator has made a finding of a contravention under Section 62 of ERAA.

The Regulator only accepts review requests from the persons listed above. Land owners are not eligible to submit determination review requests, but may submit appeal requests to the Energy Resource Appeal Tribunal based upon the criteria established within Section 72(2) of ERAA.

Review Request Timeline and Submission

A request for a review must be received by the Regulator's Review and Appeal Coordinator within 30 days of receiving either the determination or any written reasons for the determination, whichever is the later.

A request for a review must be submitted in writing to the Regulator. The request must identify the grounds on which the review is requested. Upon receipt and verification of eligibility, a review official is assigned to hear the determination review. According to Section 69 of ERAA, the review official is a person who did not make the determination, but who is designated in writing to review the determination.

Review requests are emailed to DeterminationReviews@bc-er.ca or sent by direct mail to the Regulator's head office at:

BC Energy Regulator

Review and Appeal Coordinator

Physical Address: 6534 Airport Road, Fort St. John, B.C. V1J 4M6

Mailing Address: BCER, Bag 2, Fort St. John, B.C. V1J 2B0