

IN THE COURT OF APPEAL OF ALBERTA

**IN THE MATTER OF THE OIL AND GAS CONSERVATION ACT, R.S.A. 2000, c. O-6, 2000,
c. P-45, THE ALBERTA ENERGY AND UTILITIES BOARD ACT,
R.S.A. 2000, c. A-17, THE ENERGY RESOURCES CONSERVATION ACT, R.S.A. 2000 c. E-10
AND REGULATIONS MADE THEREUNDER;**

**AND IN THE MATTER OF COMPTON PETROLEUM CORPORATION'S
APPLICATION NUMBERS 1276857, 1276858, 1276859, 1276860,
1307759, 1307760, 1278265, AND 1310351 (THE "APPLICATIONS")
FOR LICENCES TO DRILL SIX CRITICAL SOUR NATURAL GAS WELLS,
REDUCED EMERGENCY PLANNING ZONE, SPECIAL WELL SPACING, AND
PRODUCTION FACILITIES OKOTOKS FIELD (SOUTHEAST CALGARY AREA);**

**AND IN THE MATTER OF THE ALBERTA ENERGY
UTILITY BOARD'S DECISION 2005-060 DATED JUNE 22, 2005
RESPECTING THE APPLICATIONS.**

BETWEEN:

CALGARY HEALTH REGION

Applicant

- and -

ALBERTA ENERGY AND UTILITIES BOARD

Respondent

AFFIDAVIT

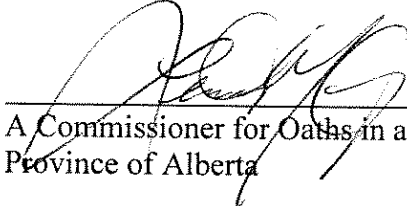
I, Brent Friesen, M.D., of the City of Calgary, in the Province of Alberta, make oath and say as follows:

1. I am the Medical Officer of Health of the Calgary Health Region, and as such have personal knowledge of the matters deposed to herein, except where stated to be based on information and belief, in which case I believe such matters to be true.
2. In Applications No. 127687,1276858, 1276859,1276860,1307759, 1307760, 1278265, 1310351 (the “Applications”) Compton Petroleum Corporation (“Compton”) inter alia applied to the Alberta Energy and Utilities Board (the “Board”) for licences to drill six critical sour natural gas wells in the Okotoks field in the Southeast Calgary area. Included in Compton’s Applications were requests to construct and operate associated surface facilities, to reduce the emergency planning zone (“EPZ”) from 15 km to 4 km with a corresponding emergency awareness zone (“EAZ”) of 8 km, and to implement an emergency response plan (“ERP”) based on a 4 km EPZ.
3. The Calgary Health Region (“CHR”) is responsible for public health in the Calgary region, including the area surrounding Compton’s proposed sour gas wells. In addition, the CHR owns land in close proximity to Compton’s proposed well sites, on which the CHR intends to construct the South Calgary Hospital. The estimated completion date of the South Calgary Hospital is 2010.
4. The Board conducted an oral hearing with respect to the Applications. The CHR intervened in the hearing and filed evidence and argument with respect to the potential adverse public health impacts associated with a blowout and ignition of the critically sour gas wells applied for which are located in close proximity to the City of Calgary, and the jurisdictional obligation on the EUB to ensure that the CHR is involved as an emergency responder in determining the appropriateness of the emergency response plan and the size of the emergency planning zone. Based on evidence submitted at the hearing, CHR submitted that Compton’s applications did not meet the Board’s requirements or health criteria relating to fatalities and irreversible health effects, that Compton’s proposed emergency response plan was incomplete and should not be approved, and that Compton Applications for approval to drill the proposed wells should as a result be denied.
5. On June 22, 2005, the Board issued Decision 2005-060 with respect to the Applications. The Board denied Comptons application to reduce the emergency planning zone to a

modified 4 km with an associated 8 km emergency awareness zone. The Board went on to determine what the appropriate emergency planning zone size would be for the proposed wells and determined, among other things, that the emergency planning zone for Compton's proposed wells be set at 9.7 km radius of the well site, with a mandatory evacuation zone of a minimum of 5 km and an average of 5.7 km, and an approximate sheltering/evacuation zone of 4 km as needed. The Board established an emergency awareness zone of 15 km radius from the well site, and that Compton amend its emergency response plan to address the appropriate emergency planning zone and emergency awareness zone as determined by the Board.

- 6. I am advised by counsel that in rendering its Decision, it is seriously arguable that the Board made errors of law and jurisdiction as set out in further detail in the Notice of Motion for Leave to Appeal.
- 7. I swear this Affidavit in support of the Notice of Motion for Leave to Appeal filed on behalf of the Applicant.

SWORN BEFORE ME at the City)
of Calgary, in the Province of Alberta)
this 15 day of July, 2005.)


A Commissioner for Oaths in and for the
Province of Alberta

LEWIS L. MANNING
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Brent Friesen, M.D.

Appeal No. 05-0195A

**IN THE COURT OF APPEAL
OF ALBERTA**

IN THE MATTER OF THE *PUBLIC UTILITIES BOARD ACT*, R.S.A. 2000, c. P-45, THE *ALBERTA ENERGY AND UTILITIES BOARD ACT*, R.S.A. 2000, c. A-17, THE *ENERGY RESOURCES CONSERVATION ACT*, R.S.A. 2000, C. E-10 AND REGULATIONS MADE THEREUNDER;

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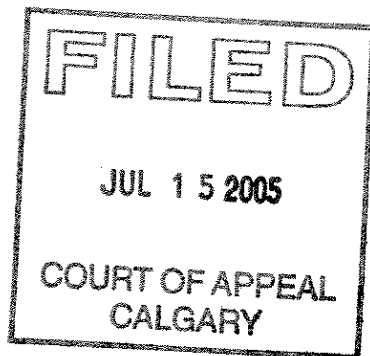
CALGARY HEALTH REGION

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- and -

ALBERTA ENERGY AND UTILITIES BOARD

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