



April 12, 2010

Chairman Dan McFadyen
Energy Resources Conservation Board
640-5th Ave. SW.
Calgary, Alberta
T2P 3G4

Dear Chairman McFadyen,

re: Freedom of Information and Protection of Privacy (FOIP) Request

On March 22nd, 2010, Intellog Inc. completed and filed a FOIP *Request to Access Information* form (copy attached) with the ERCB's FOIP Coordinator, Ms. Reta McPhail. The object of this request was the *General Well Data File* as described on page 30 of the ERCB's 2010 *Catalogue of Publications, Maps and Services*. We also requested the monthly updates to this data on an ongoing basis.

On March 23rd, 2010, Ms. McPhail replied to our request in the form of a letter, in which she stated our request had been refused, citing section 29(1)(a.1) of the FOIP Act, which states, in part; "*[t]he head of a public body may refuse to disclose to an applicant information...that is available for purchase by the public.*" We acknowledge, but do not accept, this decision.

Sections 93(4)(a) and (b) of the Act state, in part; "*[t]he head of a public body may excuse the applicant from paying all or part of a fee if...the applicant cannot afford the payment or...the record relates to a matter of public interest, including the environment or public health or safety.*"

Intellog feels strongly that both of these conditions apply with respect to our request. The data which is the subject of this request is of direct and significant relevance to the public with respect to its concerns regarding the environment, public health and public safety. In addition, the \$66,491.00 initial fee plus the \$13,183 fee for monthly updates is wholly beyond the means of any individual or small company which would otherwise be able to make use of this data.

Intellog Inc.
417-3553-31st St. NW.
Calgary, Alberta
T2L 2K7

www.intellog.com

(403) 818-9287

For these reasons, we are requesting that you, in your role as Chairman of the ERCB, invoke your right to request the waiver of the fees noted above under the terms of 93(4)(a) and (b). We believe this action is certainly within the letter and spirit of the Act, but is also supported by FOIP Commissioner's decisions previously published on the Act's website.

Thank you very much for your consideration in this regard, and I look forward to a successful resolution to this matter at the earliest possible opportunity.

Yours truly,

Original Signed by
Terence C. Gannon

Terence C. Gannon
President, Intellog Inc.
terryg@intellog.com
(403) 818-9287

cc. Ms. Reta McPhail, ERCB FOIP Coordinator



Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. See instructions for completing this form.

About you

Title (optional) Mr.	Last Name Gannon	First Name Terence		
Name of Company or Organization (if applicable) Intellog Inc.				
Mailing Address 417-3553	Street 31st St. NW.	City/Town/Village Calgary	Province Alberta	Postal Code T2L 2K7
Telephone Number (daytime) () 403 818-9287		Telephone Number (evening) () 403 818-9287		Fax Number () N/A
E-mail Address terryg@intellog.com				

About your request

1. What kind of information do you want to access?

- General information (An initial fee of \$25 is required – see instructions for explanation of fees.)
 Your own personal information (No initial fee is required for personal information.)

2. To which public body are you making your request? (Please fill in the name of the public body that has the records you wish to access. For a complete listing of public bodies, consult the Directory of Public Bodies on the FOIP website at foip.alberta.ca.)

Energy Resources Conservation Board

3. Do you want to: receive a copy of the record? **OR** examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your own personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person.)

A complete copy of the General Well Data File as described on page 30 of the 2010 Catalogue of Publications, Maps and Services.

2. What is the time period of the records? Please give specific dates. (See instructions for details.)

The current file, plus the monthly updates as and when they are available.

Your signature

Signature [original signed Terence Gannon]	Date 2010-03-22
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Where to send your request

Send your completed request form, and initial fee if applicable, to the FOIP Coordinator of the public body that has the records you wish to access. For contact information, consult the Directory of Public Bodies on the FOIP website at foip.alberta.ca.

FOR OFFICE USE ONLY	
Date Received	Request Number
	Comments