

Alberta Regulator Faces Court Challenge Over Cancelled Coal Mine Hearing

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Full Story: The Energy Mix Jody MacPherson

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Two environmental groups say Alberta Energy Regulator CEO Rob Morgan overstepped his authority when he cancelled a public hearing into a coal mine expansion. They're asking the Alberta Court of Appeal to determine if his "unprecedented and unilateral" move was legal.

"In his decision to cancel the Mine 14 public hearing, Morgan appointed himself the de facto judge, jury, and executioner in regulating resource development in Alberta," Kennedy Halvorson, conservation specialist with Alberta Wilderness Association (AWA), said in a joint news release with the Canadian Parks and Wilderness Society (CPAWS).

AWA and CPAWS, both appellants in the court filing, were set to participate in the hearing Morgan cancelled. His decision, Halvorson said, undermines the “the checks and balances meant to be in place, and the separation of powers supposedly inherent in Alberta’s governing and regulatory processes.”

Valory Resources is seeking a permit to build the Summit coal mine near Grande Cache, about 455 kilometres west of Edmonton. As per the AWA’s court filing [*pdf*], shared with *The Energy Mix*, the procedural dispute unfolded over months, starting in February 2025, when an AER panel confirmed that environmental groups could participate in a public hearing about the expansion. In June, Summit filed to cancel the hearing, which AWA and CPAWS opposed.

The panel weighed their evidence before denying Summit’s request on July 23. Days later, Valory president wrote to Energy Minister Brian Jean warning that “every unnecessary permitting delay puts the project at risk.” In early August, he wrote to Morgan, too, asking him to reconsider the panel decision. AER commissioners warned at the time that such correspondence fell outside the normal regulatory process.

The coal company filed a motion on July 29, asking the panel to adjourn the hearing indefinitely, citing filing deadlines and uncertainty about proceeding with the project. This time, the panel granted the coal company a delay to February 2026, but then on August 21, Morgan took the unprecedented step of cancelling the hearing entirely.

“I am satisfied that I have proper authority to decide Summit’s request for reconsideration, and this falls within my purview and discretion,” Morgan wrote, explaining his decision.

The lawsuit argues that Morgan is not interpreting the *Responsible Energy Development Act* (REDA) correctly, and that it does not give him the authority to interfere with a proceeding before a panel, nor reconsider a panel decision.

“REDA expressly prohibits the CEO from conducting hearings and reserves that authority exclusively to panels of hearing commissioners,” states the court filing. “By intervening to cancel the hearing, the CEO usurped the commissioners’ exclusive jurisdiction and acted in clear breach of the statutory framework.”

The plaintiffs also argue that the way the reconsideration was handled, by holding a “written hearing,” resulted in a breach of the CEO’s authority. Morgan previously said he decided it was “impractical” to sit down with the parties involved, given the “need to deal with this expediently.”

The lawsuit argues as well that Morgan did not follow “established interpretation and application of” the Act in his decision to cancel the hearing. At issue is whether the objections of environmental groups alone are sufficient to warrant a public hearing. Halvorson said the

hearing panel heard that same argument and decided the environmental groups would bring value to the process.

“One individual should not have the power to cancel a public hearing, especially after the panel assigned to this project had reviewed thousands of pages of submissions and had deemed the hearing useful to their decision-making process,” Kecia Kerr, executive director of CPAWS’ Northern Alberta office, said in the joint news release.

Kerr added that the CEO’s intervention in a quasi-judicial branch of the regulatory agency “sets an extraordinarily dangerous precedent for all future coal mine or energy development projects—and eliminates Albertans’ trust in their ability to participate in the regulatory process.”

When Morgan was hired as CEO back in February, Indigenous and environmental groups said that appointing the former president and CEO of Strathcona Resources Ltd. to lead a regulator “shatters any hope for a fair and effective oversight of the industry.”

The AER told *The Mix* by email that Morgan’s coal hearing decision was “made under unique circumstances and should not be mistaken for a precedent or a way to bypass hearing processes,” adding that “finality and certainty remain fundamental to Alberta’s regulatory system.”

“We have nothing further as this is a matter before the courts,” the AER said. No court date had been set as *The Mix* went to virtual press.

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