

## ALBERTA SECURITIES COMMISSION

**Citation: Progressive Energy Partners LLC, Re, 2010 ABASC 387 Date: 20100818**

**Docket: ENF-005682 / E04555**

### NOTICE OF HEARING

**To: Progressive Energy Partners LLC  
Progressive Energy Partners LLC #3  
Progressive Energy Partners LLC #4  
Carol Dee Aubrey  
Jerry L. Aubrey  
(collectively the “Respondents”)**

#### NOTICE:

An application is being made to the Alberta Securities Commission (**Commission**) by Staff Counsel (**Staff**), for Orders pursuant to section 198(1.1) of the Act, that:

- (i) Under section 198(1)(a) of the Act, trading in or purchasing of any securities of Progressive Energy Partners LLC, Progressive Energy Partners LLC #3 and Progressive Energy Partners LLC #4 cease, permanently;
- (ii) Under section 198(1)(b) of the Act, the Respondents cease trading in securities or exchange contracts, permanently;
- (iii) Under section 198(1)(c) of the Act, all of the exemptions contained in Alberta securities laws do not apply to the Respondents;
- (iv) Under section 198(1)(e) of the Act, Carol Dee Aubrey and Jerry L. Aubrey be permanently prohibited from becoming or acting as a director or officer of any issuer, registrant or investment fund manager;
- (v) Under section 198(1)(e.2) of the Act, the Respondents each be prohibited from becoming or acting as a registrant, investment fund manager or promoter;

- (vi) Under section 198(1)(f) of the Act, each of the Respondents are prohibited from disseminating to the public, or authorizing the dissemination to the public, by any means, including oral, written or electronic communications or telecommunication, any information or communication that promotes, or reasonably could be expected to promote, the purchase or sale of the securities of the Respondents or any of them, or the securities of any issuer controlled by the Respondents or any of them.

#### **GROUNDS FOR APPLICATION:**

In support of the application, Staff will rely on grounds that each of the Respondents is subject to one or more of the following Orders:

- An Order of the South Dakota Department of Revenue and Regulation, Division of Securities, dated January 12, 2007;
- An Order of the Pennsylvania Securities Commission, dated April 18, 2008;
- An Order of the California Department of Corporations, dated October 29, 2009; and
- An Order of the State of Washington Department of Financial Institutions, Securities Division, dated December 7, 2009.

each of which is a securities regulatory authority in its respective State in the United States of America, which imposed sanctions, conditions, restrictions or requirements on the Respondents.

#### **EVIDENCE IN SUPPORT OF APPLICATION:**

In support of this application, Staff will rely upon the Affidavit of Shawn Taylor, Investigative Counsel, which accompanies this application and the exhibits referred to in that Affidavit.

#### **PROCEDURE:**

The Respondents have an opportunity to be heard in this application, and may do so with or without legal counsel.

If the Respondents wish to make oral submissions or present evidence (or both) to the Commission, they must within 21 days of the date of this Notice contact Jayne Lewis, Registrar, by telephone at 403.297.4277, email at [registrar@asc.ca](mailto:registrar@asc.ca), or facsimile at 403.297.4486, following which a hearing date and time will be set.

