

Problem Solving Planner

Taking a few minutes to assess and analyze the current situation and plan for the changes and results you would like to see can help identify the best fit of available resolution choices. This tool provides a quick and systematic approach to assess and analyze the current situation. It is designed to assist you in identifying the best fit of available resolution choices and planning for the changes and results, you would like to see.

SITUATION ASSESSMENT		
Where are we?		
1. Assessing the current situation is the first step. Considerations include: Who are the <i>participants</i> ?		
2. How would you describe the problem or issues? Describe in a neutral fashion. What is the current state of affairs?		
THE PARTICIPANTS		
(list contact names and use an additional sheet for each participant, as needed)		
Other Company(ies):	BP Canada	Devon Canada
Principal contact(s):	X	A
Regulator(s):	EUB	EUB
Government(s):	NA	NA
Other party(ies):	Existing Pipeline owner	

SITUATION DESCRIPTION – CORE ISSUES (THE WHAT)

1. Very briefly, in bullet form, what is (are) the facts for each participant?
 - a. Both companies have filed gas pipeline applications to in new and existing wells into pre existing system;
 - b. BP wants to go to its plant and Devon wants to go to different plant with co ownership.

2. What are the issues? (Try and describe at least three aspects of the situation, in a neutral non-positional fashion or in a factual manner.
 - What is the best size and location for the line?
 - How does each company assess its risks?
 - How should costs be managed?
 - Imports on future development plans.
 - Imports on existing systems and agreements.

What are the issues applicable to the other company(ies)?

- Note
- These issues have been formed as common issues for both sides to address.
- Working to find good answers/solutions to these issues rather than whom is right/win lose.

THE CURRENT STATE

Having identified all the issues, very briefly describe where you are at with each of the issues:

- each company has created its best answer, its “position” and is preparing to advocate for its answer to the EUD
 - effective negotiation has stopped;
- Notes:
- Too often it is possible to become persuaded by your own arguments that you stop seeking to understand your own underlying interest let alone the other sides.

UNDERLYING REASONS FOR THE DISPUTE (THE WHY'S)

What got us to this point?

The current situation is the result of various causes and effects, within all of the companies involved. Personalities, corporate cultures and objectives, policies and procedures, financial factors or external pressures may have contributed to the current situation. Analyze the causes and effects by filling in any circles that apply to the situation, or add other possible causes below and explain:

- | | | |
|---|---|---|
| <input type="radio"/> Information- stopped exchanging | <input type="radio"/> Technical merits | <input type="radio"/> Legal issues |
| <input type="radio"/> Interpersonal conflict
* stopped talking – trust on decline | <input type="radio"/> Differences of opinion | <input type="radio"/> Strongly held values |
| <input type="radio"/> Differing interests - priorities | <input type="radio"/> Perceived differences | <input type="radio"/> Other: |

(REMEMER TO FURTHER EXPLAIN ANY CAUSES AND EFFECTS IDENTIFIED) Differing risk tolerances

ought to take time to consider what they might be.)

Where did we start from? What’s behind our dispute?

<p align="center">YOUR COMPANY</p> <ul style="list-style-type: none"> • Concerns: • Hopes: • Expectations: • Assumptions: • Priorities: • Beliefs • Fears: • Values: <p><u>Notes:</u></p> <ul style="list-style-type: none"> • This is the initial steps of dismantling your own position to really look at what underlies it. To reconnect with what are your most important interests that any solution should meet; • It is often helpful to make your best guess as to what might underlie the other. You can check it out later in your negotiations sides' position as well. 	<p align="center">OTHER COMPANY (IES)</p> <ul style="list-style-type: none"> • Concerns: • Hopes: • Expectations: • Assumptions: • Priorities: • Beliefs • Fears: • Values: 		
<p>Based on the interests you (and the team) have identified, what are the next steps? (To enhance this answer, try utilizing the Cost/Benefit Tool)</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top; padding: 10px;"> <p align="center">YOUR COMPANY</p> <ul style="list-style-type: none"> • Re engage negotiations • ADR might help • To be willing to share your interests as a door opener and to model interest based negotiations • Re visit information exchange </td> <td style="width:50%; vertical-align: top; padding: 10px;"> <p align="center">OTHER COMPANY (IES)</p> <ul style="list-style-type: none"> • The C2C ADR program is designed to provide tools and processes to get the other side to the table and to be effective in interest based negotiations. </td> </tr> </table>		<p align="center">YOUR COMPANY</p> <ul style="list-style-type: none"> • Re engage negotiations • ADR might help • To be willing to share your interests as a door opener and to model interest based negotiations • Re visit information exchange 	<p align="center">OTHER COMPANY (IES)</p> <ul style="list-style-type: none"> • The C2C ADR program is designed to provide tools and processes to get the other side to the table and to be effective in interest based negotiations.
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<p>What are the challenges that have hindered resolution thus far? Examples may be...</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top; padding: 10px;"> <ul style="list-style-type: none"> • Present Corporate negotiation strategies • Want to gain an advantage over the other party(s) • Do not trust other party(s) to negotiate in good faith • Concerned about losing control, power or money • Other strategies perceived as "weaker" • Personal reluctance to change strategy • Other: </td> <td style="width:50%; vertical-align: top; padding: 10px;"> <ul style="list-style-type: none"> • Indirect competition with other Party(ies) • Present strategies have been successful in the past • See other Party(s) as using negotiations as a stalling tactic • Senior management do not support negotiation style • Reluctance to utilize outside resources / ADR professionals • Matter is not a high enough priority to my company • Other: </td> </tr> </table>		<ul style="list-style-type: none"> • Present Corporate negotiation strategies • Want to gain an advantage over the other party(s) • Do not trust other party(s) to negotiate in good faith • Concerned about losing control, power or money • Other strategies perceived as "weaker" • Personal reluctance to change strategy • Other: 	<ul style="list-style-type: none"> • Indirect competition with other Party(ies) • Present strategies have been successful in the past • See other Party(s) as using negotiations as a stalling tactic • Senior management do not support negotiation style • Reluctance to utilize outside resources / ADR professionals • Matter is not a high enough priority to my company • Other:
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<p>What are the costs? Notes:</p> <ul style="list-style-type: none"> • Any and all of these might be present; • They are natural by prod?? Of high competition environments and the habits of positional negotiation <p>The costs of action or inaction are direct and indirect. Direct costs include human resources (people), financial resources (money) and time. Indirect costs also include the potential impact on relationships (personal and corporate). Consider these potential costs, and if possible, estimate the direct and indirect costs below:</p> <ul style="list-style-type: none"> • People: • Money: • Time: • Relationships <ul style="list-style-type: none"> • Personal: • Corporate: <p align="center">Note: a genuine consideration of all these impacts in the foundation for the work of finding a mutually stabled solution;</p>			

ACTION PLAN – RESOLUTION CHOICES

Having worked through the issues and/or overall dispute and understanding the reasons behind them, brainstorm some possible solutions/options to the underlying reasons for the dispute to ascertain if they meet yours and the other party(ies) 'needs' etc.

BP CANADA / DEVON CANADA

COMPREHENSIVE CASE
