

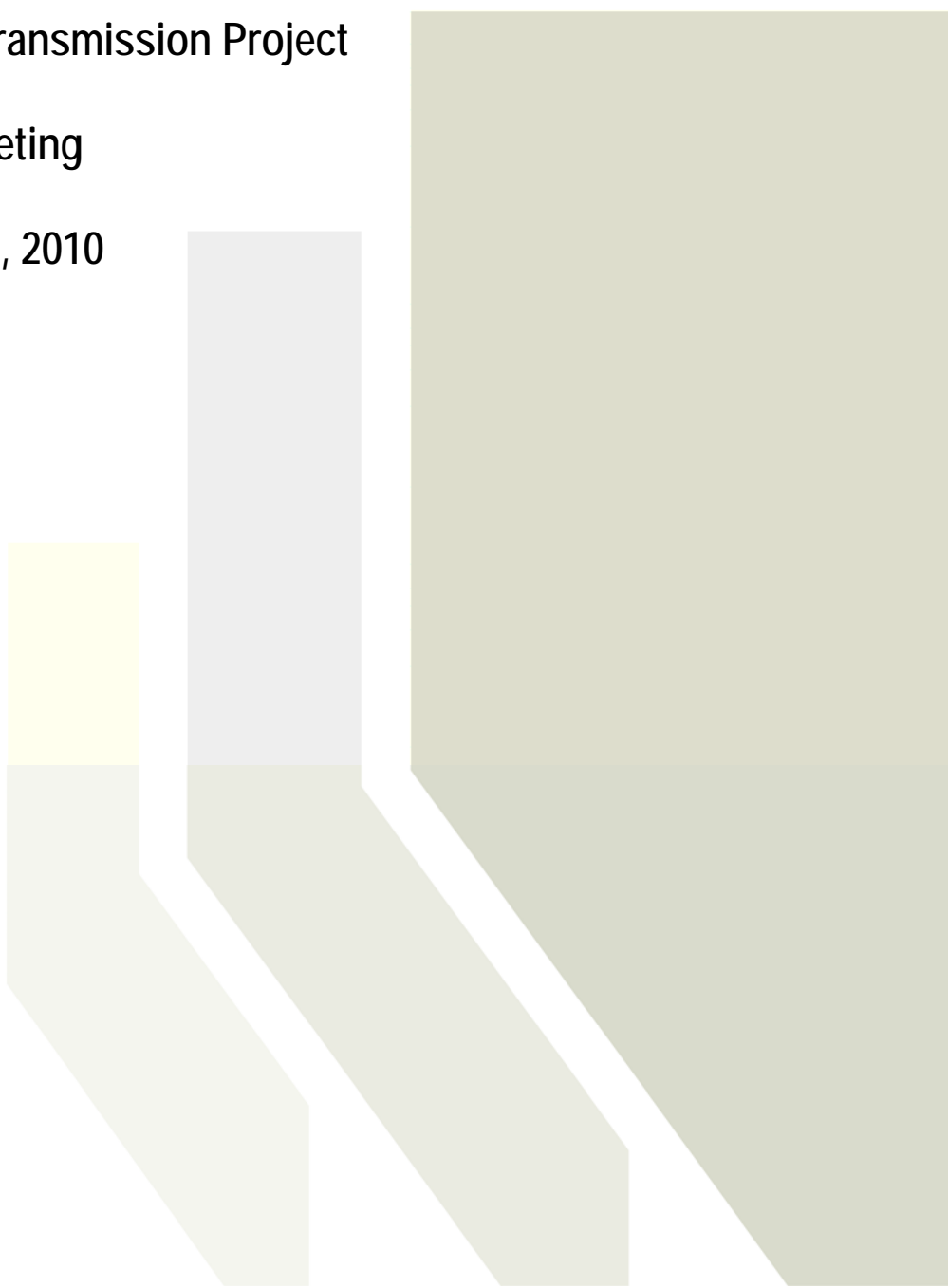


**AltaLink L.P. and  
EPCOR Distribution & Transmission Inc.**

**Heartland Transmission Project**

**Process Meeting**

**November 8, 2010**



**ALBERTA UTILITIES COMMISSION**

Decision 2010-523: AltaLink L.P. and EPCOR Distribution & Transmission Inc.

Heartland Transmission Project

Process Meeting

Application No. 1606609

Proceeding ID No. 457

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## **1 INTRODUCTION AND BACKGROUND**

### **1.1 Details of the application**

1. AltaLink L.P. (AltaLink) and EPCOR Distribution & Transmission Inc. (the applicants) jointly filed an application with the Alberta Utilities Commission (AUC or Commission) on September 27, 2010, requesting approval to construct and operate the Heartland Transmission Project (Heartland project). The Heartland project consists of three components, namely:

- A 240/500-kilovolt (kV) Heartland 12S substation to be located in the northeast quarter of Section 20, Township 56, Range 22, west of the Fourth Meridian;
- A 500-kV double-circuit transmission line 1206L/1212L connecting the 500-kV system on the south side of Edmonton to the proposed Heartland 12S substation; and
- A 240-kV double-circuit transmission line 1054L/1061L connecting the 240-kV system in the area to the proposed Heartland 12S substation.

2. The application identifies the proposed Heartland 12S substation, a preferred route and an alternate route for the proposed 500-kV double-circuit transmission line 1206L/1212 along with several local alternate route sections for both the preferred and alternate routes. The application further identifies a preferred route and two alternate routes for the proposed 240-kV double-circuit transmission line 1054L/1061L.

3. The preferred 500-kV route would be a joint project by the applicants whereas the alternate 500-kV route would be strictly an AltaLink project. The 240-kV transmission line 1054L/1061L and Heartland 12S substation would be AltaLink projects.

4. For both the preferred and alternate 500-kV routes, the applicants recommend that the proposed double-circuit transmission line be built above ground using steel lattice towers. The application also includes information for an underground option and a monopole option. The identified underground or monopole portion would comprise approximately the first 20 kilometres of the preferred route from Ellerslie 89S substation and be located entirely within the transportation and utility corridor (TUC) that encircles the City of Edmonton.

## 1.2 Commission's process

5. On January 20, 2010, the Commission issued Bulletin 2010-04, which described an enhanced process for the Heartland project. The enhanced process includes the following components:

- Parties that own or reside on property located within 800 metres of the edge of the right-of-way (for either the preferred or alternate route) will be considered to have standing, provided there are no objections from any other party;
- All interested parties had the opportunity to pre-register in the proceeding, before the Commission received the application; and
- All interveners with standing have three opportunities to participate which include providing the Commission with a written submission, a brief oral submission at a community meeting or full participation in the formal public hearing, which would include the potential for sworn evidence and cross examination.

6. The enhanced process also included six information sessions which were held in March 2010. The Commission issued a notice of the public information sessions on March 2, 2010, and held sessions in Sherwood Park, Fort Saskatchewan, Morinville, Spruce Grove, Bon Accord, and south Edmonton. An AUC process update was subsequently issued on August 3, 2010.

7. After receipt of the application on September 27, 2010, the Commission issued a notice of application and process meeting (notice) on October 1, 2010. The notice was published in the Edmonton Sun and Edmonton Journal on October 8 and October 20, 2010, as well as in a number of weekly newspapers. The notice was mailed directly to all landowners, residents, and other interested parties residing within 800 metres of the edge of the transmission line right-of-way in rural areas, and the first row of residences in urban settings. In addition, the notice was delivered to all residences and addresses by postal codes along the proposed transmission line routes. The notice outlined dates and locations for information sessions and for the process meeting.

8. The Commission held two additional information sessions prior to the process meeting for the Heartland project; the first was held at St. Jean Baptiste Parish Hall in Morinville, Alberta on October 25, 2010, and the second at the Edmonton EXPO Centre in Edmonton, Alberta on October 26, 2010.

9. The process meeting was held on November 2, 2010, at the Edmonton EXPO Centre before a Commission panel comprised of Willie Grieve (Chair) and Commissioners Anne Michaud and Tudor Beattie, Q.C. Those interested parties who appeared at the process meeting are set out in Schedule "A" to this decision.

10. The goal of the process meeting was to establish a schedule and process for the fair and effective consideration of the Heartland project. Interested parties were invited to make a brief appearance before the Commission to identify their interest in the application, their intended scope of participation, the issues relevant to the application, and to comment on the preliminary process schedule.

11. In reaching the determinations set out in this decision, the Commission has considered the record of the process meeting and the submissions and statements of intention to participate provided by each party. References in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record as it relates to that matter.

## 2 LEGISLATIVE FRAMEWORK

12. The application for the Heartland Transmission Project was filed under sections 14, 15, and 18 of the *Hydro and Electric Energy Act* which include, in part:

**14(1)** No person shall construct a transmission line or any part of a transmission line unless the person is the holder of a permit issued by the Commission.

...

**15** No person shall operate a transmission line unless the person is the holder of a subsisting licence to operate the transmission line, issued by the Commission.

**18(1)** The owner or operator of a power plant, transmission line or electric distribution system shall not connect that power plant, transmission line or electric distribution system, or cause or permit it to be connected,

(a) to any other power plant, transmission line or electric distribution system, unless the connection is in accordance with an order under this section, or

(b) to any industrial system or other service where the connection may seriously affect the operation of an interconnected electric system or a communications system as prescribed in the regulations.

...

13. The Heartland project is “critical transmission infrastructure” as defined in section 13.1(1) of the *Hydro and Electric Energy Act* and section 1(1)(f.1) of the *Electric Utilities Act*:

**13.1(1)** In this section, “critical transmission infrastructure” means critical transmission infrastructure as defined in the *Electric Utilities Act*.

**1 (1) (f.1)** “critical transmission infrastructure” means a transmission facility designated under section 41.1 or the Schedule as critical transmission infrastructure.

14. The schedule to the *Electric Utilities Act* designates critical transmission infrastructure and describes the Heartland Transmission Project as follows:

**2** One double circuit 500 kV alternating current transmission facility connecting to the 500 kV transmission system on the south side of the City of Edmonton and to a new substation to be built in the Gibbons - Redwater region.

15. Sections 13.1(2) of the *Hydro and Electric Energy Act* states:

**13.1(2)** The construction, connection and operation of a transmission line or part of a transmission line that is designated as critical transmission infrastructure is required to meet the needs of Alberta and is in the public interest.

16. In addition, section 19(1.1) of the *Hydro and Electric Energy Act* and section 17 of the *Alberta Utilities Commission Act* further describe the Commission's jurisdiction as it relates to critical transmission infrastructure. Those sections read as follows:

**19(1.1)** Notwithstanding subsection (1), the Commission shall not refuse an approval of a transmission line or part of a transmission line designated as critical transmission infrastructure as defined in the *Electric Utilities Act* on the basis that, in its opinion, it does not meet the needs of Alberta.

**17(1)** Where the Commission conducts a hearing or other proceeding on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act*, it shall, in addition to any other matters it may or must consider in conducting the hearing or other proceeding, give consideration to whether construction or operation of the proposed hydro development, power plant, transmission line or gas utility pipeline is in the public interest, having regard to the social and economic effects of the development, plant, line or pipeline and the effects of the development, plant, line or pipeline on the environment.

**17(2)** The Commission shall not under subsection (1) give consideration to whether critical transmission infrastructure as defined in the *Electric Utilities Act* is required to meet the needs of Alberta.

### 3 ISSUES

#### 3.1 Issues for the hearing

17. Intervenors at the process meeting stated that they intend to raise the following issues with respect to the Heartland Transmission Project:

- Route selection;
- Human and animal health and safety;
- Property value;
- Impacts on the environment including but not limited to wildlife, wildlife habitat, and river crossings;
- Underground construction/operation;
- What is the public interest;
- Social and economic impacts of the proposed line;
- Land use and visual impacts;
- Land use classification planning and the use of the Edmonton restricted development area or TUC;



- Public consultation;
- Impacts on agricultural operations;
- Impacts on existing business operations; and
- Impacts on heliports and airstrips.

18. The Commission finds the issues above to be relevant for consideration at the public hearing in accordance with the public interest consideration identified under section 17 of the *Alberta Utilities Commission Act*. The Commission does not consider this list to be exhaustive and does not preclude the consideration of other relevant issues at the hearing.

### 3.2 Standing

19. Standing before the Commission is determined by subsection 9(2) of the *Alberta Utilities Commission Act* which states:

(2) If it appears to the Commission that its decision or order on an application may directly and adversely affect the rights of a person, the Commission shall

- (a) give notice of the application in accordance with the Commission rules,
- (b) give the person a reasonable opportunity of learning the facts bearing on the application as presented to the Commission by the applicant and other parties to the application, and
- (c) hold a hearing.

20. In *Cheyne v. Alberta (Utilities Commission)*, the Alberta Court of Appeal characterized section 9(2) as the equivalent of section 26(2) of the *Energy Resources Conservation Act* and confirmed that the two-part test for standing under section 26(2) applies to subsection 9(2). The Court described that test as follows:<sup>1</sup>

...s. 26(2) has two branches. First is a legal test, and second is a factual one. The legal test asks whether the claim right or interest being asserted by the person is one known to the law. The second branch asks whether the Board has information which shows that the application before the Board may directly and adversely affect those interest or rights. The second test is factual.

21. In Bulletin 2010-04, which described the enhanced process for the Heartland application, the Commission stated as follows with respect to standing:

Persons (including individuals and corporations) that may be directly and adversely affected by the Commission's decision on the application are entitled to participate in a public hearing. Those persons are said to have standing to participate in the process.

Standing will be given to parties once the application is filed. If a person (individual or corporation) owns or resides on property that is within 800 metres of the edge of the finalized rights-of-way (for either the preferred or alternate route) the Commission will grant that person standing subject to there not being any objections to that standing from another party. If there is an objection the Commission will make a decision on the

<sup>1</sup> *Cheyne v. Alberta (Utilities Commission)*, 2009 ABCA 94 (CanLII), at paragraph 13.

person's standing based on the facts presented by both parties. Any persons that own property or reside on property located outside the 800-metre zone may apply to the Commission for standing and the Commission will make a determination on standing on a case-by-case basis by determining whether that person may be directly and adversely affected.

### **3.2.1 Views of the applicants**

22. The applicants did not object to standing in this proceeding for interveners that own or reside on property within 800 metres of the edge of the preferred or alternate right-of-way. Nor did the applicants object to intervener groups participating in the proceeding provided that some members of the groups are within the 800-metre boundary. The applicants, however, requested that the groups clarify what individuals they represent and in what capacity they represent them.

23. The applicants did not object to standing with respect to the municipalities presently registered in this proceeding.

24. The applicants indicated that interveners that do not reside on or own property within 800 metres from either the preferred or alternate right-of-way edge should demonstrate that they have a claim, right, or interest that is known to law and that the application potentially affects that claim, interest, or right.

25. The applicants noted that persons intervening on the basis of "ratepayer interests," like the Alberta Direct Connect Consumers Association (ADC) and the Industrial Power Consumers Association of Alberta (IPCAA), have not been granted standing in the past to participate in electrical transmission facility proceedings. The applicants recognized that further process would be required to determine standing for these groups. To that end, the applicants requested that IPCAA identify its members that own pipelines within 800 metres of either the preferred or alternate right-of-way edge.

### **3.2.2 Commission findings**

26. The Commission's findings for intervener standing are set out in the sections that follow.

#### **3.2.2.1 Landowners or residents within 800 metres of a proposed right-of-way**

27. The Commission finds that persons that own or reside on property within 800 metres of the right-of-way edge on either the preferred or alternate routes have standing to participate in this proceeding pursuant to section 9 of the *Alberta Utilities Commission Act*. Persons falling into this category are set out in Schedule "B" to this decision.

#### **3.2.2.2 Landowners or residents outside of 800 metres**

28. At this time, persons do not have standing if they own or reside on property that is more than 800 metres from either the preferred or alternate right way edge. Based on the record, it is not clear to the Commission how these individuals may be directly and adversely affected by the Commission's decision on the application. Accordingly, the Commission cannot grant standing to these participants at this time, however, participants can apply to the Commission for standing by demonstrating how they may be directly and adversely affected as outlined in section 3.2.2.8 below. Persons that fall into this category are set out in Schedule "C" to this decision.

29. These persons may also participate in this proceeding without a further ruling on standing one of the groups identified in section 3.2.2.4, subject to the limitations described in paragraph 35 of that section.

### **3.2.2.3 Landowners with insufficient information**

30. Some persons who filed statements of intent to participate in the proceeding did not indicate whether they own or reside on land that is within 800 metres of the right-of-way edge. The Commission has insufficient information to determine whether these parties may be directly or adversely affected by the Commission's decision on the Heartland application. Accordingly, the Commission cannot grant standing to these participants at this time. These persons are set out in Schedule "D" to this decision.

31. Any person whose name appears in Schedule "D" who wishes to assert standing should state whether they reside or own land within 800 metres of the edge of the preferred or alternate right-of-way when they file supplemental information with the Commission even though they may have indicated, in their statement of intent to participate, where their land is located (i.e. legal land location).

32. These persons may also participate in this proceeding without a further ruling on standing by joining one of the groups identified in section 3.2.2.4, subject to the limitations described in paragraph 35 of that section.

### **3.2.2.4 Landowner groups**

33. Groups of individuals that are comprised of one or more persons with standing and persons that do not have standing may participate in this proceeding. The basis for these groups' participation is that one or more of its members have standing. Groups that fall into this category are set out in Schedule "E" to this decision.

34. It is the practice of the Commission to allow such groups to participate in Commission proceedings. However, please note that individuals who do not have standing on an individual basis, but belong to a group that does have standing, are not eligible to apply for the recovery of costs of their individual participation. For example, group members without standing (i.e. who reside more than 800 metres from the edge of a proposed right-of-way) will not be eligible to receive honoraria and reimbursement for out-of-pocket expenses incurred.

35. The Commission requests that individuals wishing to participate in this proceeding, over and above their participation as members of a group, identify the scope of their individual participation.

### **3.2.2.5 Municipalities**

36. The City of Spruce Grove, County of Parkland, County of Strathcona, Sturgeon County, and the City of Edmonton have standing to participate in this proceeding.

### **3.2.2.6 Rate based interventions**

37. The Commission requires further information from IPCAA and ADC to determine whether they have standing to participate in this proceeding. The Commission requests that in

doing so, IPCAA and ADC address the following passage from Alberta Energy and Utilities Board Decision 2006-120:<sup>2</sup>

The Board is not satisfied that participants whose only connection to this application is their status as customers of electrical service in the Province of Alberta have demonstrated the requisite direct and adverse impact upon their rights and will not, without further information, be granted standing in this proceeding. As set out above, any impact which this project may or may not have on rates will be determined at a future date and in a different process. Parties whose rights or status as potential customers may be affected by the inclusion or exclusion of this line in the rates will have the opportunity to have their concerns considered at that time.<sup>3</sup>

38. The Commission further requests IPCAA to identify which of its members own pipelines within 800 metres from the edge of either the preferred or alternate right-of-way and confirm that IPCAA is representing any one or more of those owner(s) in this proceeding.

### 3.2.2.7 Other parties

39. The Commission requires further information from the following persons or groups in order to determine whether they are directly and adversely affected by the Commission's decision on the application:

- a) ATCO Electric Ltd.;
- b) ENMAX Power Corporation;
- c) NOVA Chemicals Corporation;
- d) Westboro Parents Group; and
- e) Mr. Graves.

40. The Commission finds that the Alberta Electric System Operator (AESO) has standing to participate in this proceeding given the AESO's statutory responsibilities under the *Electric Utilities Act*.

41. The Office of the Utilities Consumer Advocate (UCA) has registered, but has not spoken to the question of standing. The Commission requests that the UCA indicate whether it is requesting standing and, if so, on what basis.

42. A number of individuals have indicated an intention to participate in this proceeding, but in doing so provided the Commission with sensitive personal information. The Commission has advised these parties that their submissions will not be uploaded onto the Commission's electronic proceeding system until such time as the Commission has express consent from each individual to do so. For the purposes of this decision these individuals do not yet have standing.

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<sup>2</sup> Alberta Energy and Utilities Board Decision 2006-120: AltaLink Management Ltd. – 500 kV Transmission Line from Genesee Area to Langdon Substation in East Calgary and EPCOR Transmission Inc. – Alterations to the Genesee Substation to Accommodate the Proposed Transmission Line – Prehearing Meeting (Application Nos. 1478550 and 1479163) (Released: November 23, 2006)

<sup>3</sup> Alberta Energy and Utilities Board Decision 2006-120, page 3.

43. Further, the Commission continues to receive statements of intention to participate from interested parties. The Commission will continue to process these statements as they are received.

### **3.2.2.8 Further written process for standing**

44. Persons listed on Schedule C, Schedule D, IPCAA, ADC, ATCO Electric Ltd., ENMAX Power Corporation, NOVA Chemicals Corporation, the UCA, Westboro Parents Group, and Mr. Graves must provide further information to the Commission about what right or rights they are asserting and how that right or rights may be directly and adversely affected by the Commission's decision on the application.

45. The Commission has established the following process schedule to receive this information:

- 1) Written submissions must be submitted to the Commission on or before **November 15, 2010**, to obtain standing in this proceeding; and
- 2) The applicants may respond in writing to the submissions received on or before **November 22, 2010**.

## **3.3 Costs**

46. Some interveners requested the Commission to set a deadline for the filing of advance funding requests while other interveners urged the Commission to maintain some flexibility in this process. Many interveners emphasized the necessity for an efficient process for the consideration of advance funding requests.

47. *AUC Rule 009: Rules on Local Intervener Costs* states:

### **Advance of funds request**

**2(1)** A local intervener who intends to take part in a hearing or other proceeding may, at any time during the hearing or other proceeding, make a request to the Commission for an advance of funds in accordance with the scale of costs set out in appendix A and submit a budget in accordance with appendix B.

**(2)** The Commission may award an advance of funds to a local intervener if the local intervener demonstrates a need for financial assistance to address relevant issues in the hearing or other proceeding.

**(3)** If the Commission awards an advance of funds to a local intervener under subsection (2), the Commission may

- (a) advance the funds to the local intervener and
  - (i) set out the terms for repayment of the advance to the Commission by the local intervener, or
  - (ii) direct the applicant to reimburse the Commission for the funds advanced to the local intervener,

or

(b) direct the applicant to advance funds to the local intervener and set out the terms for repayment of the advance to the applicant by the intervener.

48. The Commission does not consider it necessary to set a deadline for filing advance funding requests for this proceeding. However, to ensure that funding requests are considered quickly and to provide greater certainty to interveners regarding cost recovery, the Commission encourages those that wish to request an advance of funds to do so prior to December 1, 2010. The Commission reminds interveners that failing to include all of the information required by section 2 of *AUC Rule 009* may result in a delay in the processing of the advance funding request.

49. The Commission observes that many of the interveners who participated in the process meeting raised similar issues. The Commission encourages intervener counsel to work together and, where possible, to allocate responsibility for major issues amongst themselves and share expert witnesses. The Commission understands, based on the comments of Mr. Wilson and others at the process meeting, that this collaboration is already happening. In the Commission's view, this approach will result in a more efficient and effective hearing and will reduce the risk of intervener cost reductions based on duplication of effort.

### **3.4 Hearing process, schedule and location**

50. The Commission included a draft process schedule in its notice and asked interested parties to comment on that schedule at the process meeting.

#### **3.4.1 Views of the parties**

51. The majority of interveners stated that April 11, 2010, was a reasonable start date for the formal hearing. However, a number of interveners expressed concern about the proposed dates for intervener information requests (IRs) and the filing of intervener evidence.

52. Many interveners were concerned that they would be unable to meet the proposed November 23, 2010, deadline for intervener information requests. Some argued that, if this deadline were preserved, they would not have enough time to engage the necessary experts to review the application and prepare information requests. Some interveners also argued that maintaining the November 23, 2010, information request deadline could result in duplication. Instead, they contended that intervener information requests should not be filed until after the applicants have responded to the Commission's information requests. A number of interveners also suggested that a second round of information requests may be necessary and should be incorporated into the process and schedule.

53. Many interveners also expressed concern that the proposed filing date for intervener evidence, February 18, 2011, was two months prior to the start date of the hearing. These interveners suggested that this filing date could be moved forward by one month to March 18, 2011, to allow additional time for evidence preparation.

54. Several locations were proposed by interveners for the formal hearing, including the Edmonton EXPO Centre, the Villeneuve Hall, the Morinville Community and Cultural Centre, Sherwood Park, and east Edmonton. Many parties stated that the hearing should be held in a central, neutral location.

55. The applicants asked the Commission to maintain the existing dates for intervenor information requests. They noted that the application was filed on September 30, 2010, and that many of the intervenors are sophisticated and have been aware of the application and its related issues for some time. The applicants noted that the intervenors' concern regarding duplication is addressed by the fact that intervenor information requests are not due until after the Commission's information requests. The applicants also argued that it would be difficult to keep the proposed hearing start date if a second round of information requests was added to the process.

56. The applicants also expressed concern that moving the date for intervenor evidence to March 18, 2011, would make the April 11, 2011, hearing start date unreasonable. They argued that the time between March 18 and April 11 was insufficient to complete the activities required by the Commission's process schedule, namely: review of intervenor evidence and preparation of information requests, intervenor responses to information requests, the preparation of reply evidence and witness preparation.

### **3.4.2 Commission findings**

#### **3.4.2.1 Formal hearing**

57. In setting the schedule for the formal hearing, the Commission had regard for the following factors. First, the process and schedule must allow all participants sufficient time to prepare and review evidence or reply evidence, draft and respond to information requests, and prepare witnesses for the formal hearing. Second, the vast majority of participants would like the formal hearing to begin on April 11, 2011. Maintaining this start date was especially important to those participants located in rural settings that will be engaged in cultivation and seeding. Third, with the exception of requests by some intervenors for a second round of information requests, all of the participants agreed with the process steps proposed in the notice. Fourth, intervenors will be able to review the Commission's information requests when preparing their own, thus reducing the potential for duplication of effort.

58. The Commission also took into account the enhanced process it established for this proceeding in January 2010. The purpose of the enhanced process was to provide advance notice of the application and the Commission's hearing process in order to maximize the preparation time for parties that may be directly and adversely affected by the Commission's decision. As described earlier, the enhanced process included comprehensive advance notice by newspaper and mail, six early information sessions along the preferred and alternate routes, a streamlined standing process, the opportunity to preregister for the application, and three modes of hearing participation. As a result of the enhanced process interested parties could, in some instances, commence preparation of their interventions prior to the filing of the application, or at the latest, immediately following the filing of the application. In this respect the Commission notes that the application was filed on September 27, 2010, and made available on the public record on September 30, 2010. The Commission also notes that many of the intervenors at the process meeting stated that they had already engaged experts. Counsel for one intervenor group even suggested that he may issue some information requests in advance of the proposed date of November 23, 2010.

59. The Commission is of the view that the following schedule establishes a process that is fair to all participants, maintains the April 11, 2011, hearing date and includes all of the

contemplated process steps, while providing interveners with some additional time to file information requests and evidence.

<b>Date</b>	<b>Process Step</b>
November 8, 2010	Information requests from the AUC to applicants
December 1, 2010	Intervener information requests to applicant
December 22, 2010	Applicant information request responses
January 2011	Notice of hearing issued
February 28, 2011	Intervener evidence due
March 11, 2011	Information requests to interveners
March 25, 2011	Intervener information request responses
April 4, 2011	Reply evidence
April 11, 2011	Public hearing

60. The Commission will hear oral argument approximately one week after the evidentiary portion of the hearing is complete.

#### **3.4.2.2 Written submissions and community meetings**

61. As explained in Bulletin 2010-04 and the notice of application, parties that want to have an opportunity to express their view on the Heartland Transmission Project but do not wish to participate in the formal hearing may file a written submission with the Commission or give a brief oral submission to the Commission at a community meeting.

62. Written submissions may be filed at any time up until the close of the evidentiary portion of the hearing. As the Commission cannot predict when that might occur, it encourages parties to file their written submissions prior to April 11, 2010.

63. The Commission will advise parties of the location and dates of the community meetings in its notice of hearing once it has deemed the Heartland application to be complete. **Any party that wishes to make a submission at a community meeting will have to pre-register no later than February 28, 2011.** The Commission will then circulate a timetable for presentations.

#### **3.4.2.3 Formal hearing location**

64. Regarding the location of the formal hearing, the Commission concurs with those parties that proposed a central and neutral location that is easily accessible to interested parties on both the preferred and alternate routes. The Commission also recognizes that the venue it chooses must have ample parking and accessible food. The Commission will review the venues available that meet these criteria and will advise participants of the hearing location in the notice of hearing. It is the intention of the Commission to hold the entire formal hearing at one location. In the Commission's view, all affected parties reside in close enough proximity to locations in Edmonton that it is not necessary to move from place to place. In addition, having to move the amount of materials, supplies, and equipment required for the formal hearing from place to place would unnecessarily complicate the conduct of the hearing and cause unnecessary delay.



### 3.5 Other matters

#### 3.5.1 The Alberta Electric System Operator (AESO)

65. Some interveners expressed views regarding the participation of the AESO in the Heartland proceeding. Strathcona County and Sturgeon County suggested that it would be beneficial to have further particulars in regard to the AESO's participation. Strathcona County further indicated that participation of the AESO should include the filing of evidence in accordance with the *Transmission Regulation* and that the information filed should be subject to information requests.

66. As set out in the legislative framework above, the Commission cannot consider whether the Heartland project is required to meet the needs of Alberta. The role of the AESO in a critical transmission infrastructure proceeding is set out in section 38.1 of the *Transmission Regulation*:

**38.1** In addition to its duties under sections 17 and 33(1) of the Act, the ISO must, at the time a TFO or other person makes an application for Commission approval under the *Hydro and Electric Energy Act* in respect of critical transmission infrastructure,

- (a) provide the Commission with transmission substation and line configurations in respect of that critical transmission infrastructure in no less detail than the ISO would provide in a needs identification document if such a document had been required for the critical transmission infrastructure, and
- (b) certify to the Commission as to whether the technical aspects of the application by the TFO or other person meet the requirements set out by the ISO in the transmission system plan in respect of that critical transmission infrastructure.

67. In a letter dated November 4, 2010, counsel for the AESO clarified the AESO's participation in the Heartland proceeding and stated that the AESO will comply with its obligations under section 38.1 of the *Transmission Regulation* and make a witness panel available to address any intervener evidence it may file.

68. The Commission expects that the AESO will provide the information and certification as described in the preceding section as soon as possible after the application is deemed complete. Further, the Commission is of the view that the information provided by the AESO will form part of the record of this proceeding and be subject to information requests dealing with the requirements of section 38.1.

69. The Commission also notes that the AESO commissioned Cable Consulting International Ltd. to conduct an independent study on the feasibility of underground transmission technology. The Commission also requests the AESO to provide expert witnesses who can speak to the Underground Cable Feasibility Study at the public hearing to assist the Commission in its consideration of the underground alternative described in the application.

#### 3.5.2 Splitting of proceeding

70. The Commission considered the proposal advanced by Ms. Finlay on behalf of Total E&P Canada Ltd. and Agrium Products Inc. in regard to the prospect of splitting the public hearing into two portions, one dealing with the 500-kV double-circuit transmission line and the other with the 240-kV double-circuit transmission line. The Commission invites interested

parties to collaborate and, if so inclined, make further submissions in regard to this issue. Based on the submissions provided, the Commission will make a decision on this issue at a later date.

### **3.5.3 Dr. R. Harris: Notice of constitutional question**

71. On October 19, 2010, the Commission received a notice of constitutional question pursuant to section 12 of the *Administrative Procedures and Jurisdiction Act* from Mr. Fred Laux Q.C. on behalf of his client, Dr. Ross Harris. Dr. Harris is the owner of a federally registered heliport and he argues that approval of the preferred route will effectively sterilize the use of the heliport because of overlap with the final approach and take off area. Dr. Ross stated his intention to raise the following constitutional issue at the hearing:

Would a decision of the AUC to approve construction of an electric transmission line that, when constructed, will prevent the use of the heliport that has been certified and registered in accordance with the *Canada Aeronautics Act* be inoperative or otherwise invalid as a matter of constitutional law?

72. Counsel for Dr. Harris advised at the process meeting that it was Dr. Harris's intention to bring this motion as soon as possible. Counsel for Dr. Harris also indicated that the offices of the Attorney General of Canada and Attorney General of Alberta have been notified in regard to the notice of constitutional question.

73. The Commission is of the view that this matter may best be addressed as a preliminary motion. As consideration of this issue necessarily involves both the federal and provincial crown, the Commission asks that Dr. Harris advise the Commission of his proposed schedule for this motion by no later than December 1, 2010.

Dated on November 8, 2010.

## **ALBERTA UTILITIES COMMISSION**

*(original signed by)*

Willie Grieve  
Chair

*(original signed by)*

Anne Michaud  
Commissioner

*(original signed by)*

Tudor Beattie, Q.C.  
Commissioner

**SCHEDULE “A” – PROCESS MEETING PARTICIPANTS**

Name of Organization (Abbreviation) Counsel or Representative
AltaLink L.P. P. Feldberg B. Hunter
EPCOR Distribution & Transmission Inc. R. Liteplo
Agrium Products Inc. S. Finlay
Alberta Direct Connect Consumers Association R. Secord D. Bishop
Alberta Electric System Operator (AESO) D. Sullivan
AltaLink 240 K. Wilson
Aspen Valley Farm W. Procinsky B. Durnin
Blackland Ranches Inc. L. Semenchuk
Blue Route Utility Transmission Elimination (BRUTE) W. McElhanney
City of Edmonton M. Young
City of Spruce Grove J. Pawlyk
County of Parkland J. Pawlyk
County of Strathcona S. Boyd
Ghost Rider Farm Inc. K. Wilson (Agent for I. Cameron)
Groot Farms Ltd. J. Klimek

Name of Organization (Abbreviation) Counsel or Representative
Group 231 F. Moore
Homeowners Against Lines Overhead (HALO) L. Regula
Norbest Farms Ltd. J. Klimek
Northbank Farms Ltd. J. Klimek
Responsible Electricity Transmission for Albertans (RETA) D. Mallon E. Chipiuk
Sherwood Park Fish & Game Association A. Boyd
Sturgeon County E. de Palezieux
Sturgeon Intervener Group R. Secord D. Bishop
Total E&P Canada S. Finlay
Walton Development & Management Inc. M. Synnott
Dallas and Patricia Brokofsky L. Semenchuk
Dr. R. Harris J. Morris
J. Kristensen
The Nikiforuks M. Niven
S. Smith M. Niven
R. Speidel

Name of Organization (Abbreviation) Counsel or Representative
F. Susun K. Wilson (Agent for I. Cameron)
E. Tamm
L. Watrin K. Wilson (Agent for J.D. Carter)
D. Wong

Alberta Utilities Commission
Commission Panel
W. Grieve, Chair
T. Beattie, Q.C., Commissioner
A. Michaud, Commissioner
Commission Staff
JP Mousseau (Commission Counsel)
P. Khan (Commission Counsel)
S. Dhalla (Commission Counsel)
K. Gladwyn
T. Chan
D. Popowich
A. Anderson
V. Choy
T. Wilde
T. Richards
J. Law
G. Scotten
A. Brinker

**SCHEDULE “B” – PERSONS WITH STANDING**

1067215 Alberta Inc.	Chemello, Gabriel
Agrium Products Inc.	Choney, Delilah
Allison, Lauraine and John	Cole, Melvin and Barb
Apps Eccles, Karena	Collin, Ken E.
Armstrong, Donna C.	Conroy, Dan F.
Armstrong, Murray J.	Craig, William D.
Bacham, Chris	Crighton, Douglas and Colleen
Belisle, Victor S.	Dambrowsky, Kevin
Blackland Ranches Inc.	Dargatz, Larry and Gail
Bokenfohr, Terry	Day, Maya
Bossio, Angelo	de Goeij, Glenn and Konni
Bowes, Joan	Doll, Carrie
Boyd, Andrew	Duggan, Dana
Bradley, Bryan	Durnin, Beverly / Aspen Valley Farms
Bradley, Connie	Elden, James
Brass, Jan	Ewanchuk, Lawrence and Sylvia
Brokofsky, Dallas and Patricia	Fabing, Winston
Burns, Jill	Fluker, Richard and Toni
Burrowes, Lloyd	Fouillard, Philip and Diane
Callihoo, Laurie, Wilfred and Gladys	Fowler, Brenda
Camp, Richard	Freer, Judy
Charbonneau, Denise and Ron	Gadallah, Adel
Chedzoy, Bruce / Chedzoy Farms	Gagnon, Ella
Garritty, Marie-Jeanne and Grant	Jansen, Patricia
Ghost Rider Farms Inc.	Jobs, Gillian / A & D Daycare Centre

Gignac, Denis	Jobs, Jason and Gillian
Gloczin, Dan	Johnson, Bruce
Gough, Maureen	Johnson, Shirley
Gushuliak, Kara	Kane, Stacy
Hardy, Debra	Karpala, Joseph
Harneth, Brenda	Kassian, Leon
Harris, Dr. Ross	King, Herb D.
Herrewynen, Don and Deb	Kiwi Landscaping (1983) Inc.
Hesse, Karen	Koehn, Richard
Hittinger, Raymond and Lydia	Krewenchuk, Kelly
Hodge, Joe	Krulicki, Aaron & Lisa
Hodgson, Sandra	Kuchmak, Lyle
Hoffman, Gene	Kuzio, Wayne and Dawn
Hoffmeyer, James	L'Hirondelle, Florence
Hogan, James	Lamoureux, Claude and Priscilla
Holley, Donna	Lardner, Bertha
Holowaty, William	Lema, Andre
Hunt, Bruce	Lema, Trish
Hunter, Edda and Dr. E.G. / A & D Daycare Centre	Loren, David K.
Hurford, Jack	Lorenz, Dave and Ingrid
Hurford, Pauline	Lorenz, Michael and Teri
Jacula, Terry and Stacey	Losinski, Margaret
Jankovic, Marija	Lynes, Elan and Dave
MacGregor, Janet	Nikiforuk, Lori
Mack, Linda	Nikiforuk, Nicholas
Maisonneuve, Pauline	Nurse, Chris

Malboeuf, Wendy	Oliver, Greg and Laurie
Marles, Alissa	Pandya, Satish and Indira
Masley, Mike and Judy	Parry, Brian Robert
McCullough, Rob and Jennifer	Payment, Dreena
McFadyen, Scott	Pedersen, Carol
McLeod-Wielens, Marion	Petasky, Stephen
Meier, Kelly	Place, Trevor
Meier, Wendy	Polendnik, Marianne
Melin, Jo-Lynn Faith	Procinsky, William / Aspen Valley Farms
Melnyk, Jennifer	Pound, Joe
Melnyk, Kevin	Price, David
Mertz, Fred	Prins, James G. and Michelle M.
Michalczyk, Richard and Michelle	Quinn-Kucy, Gerri
Miller, Greg	Randa, Rita
Milward, Peter	Regula, Les
Moran-Simbirski, Michlyn	Reimche, Darryl and Donna
Munro, Murray and Alison	Russell, Wendy
Nanji, Amin	Rutten, Leonard
Newstead, Andrew	Shudra, Gary
Nichols, E. Marilyn	Shudra, Diane
Nichols, Richard E.	Sitler, Glenn and Edith
Nikiforuk, Blair	Slupek, D.L.
Smith, Jason and Tracy	Verheul, Michiel
Smith, Stephen J.	Viegas-Fleck, Michelle
Sobey, Dr. Alan	Waite, Calvin
Sobey, Robina	Walker, John McLeod



Soetaert, Elaine	Walton Development and Management Inc. as agent for and on behalf of Walton International Group Inc. and Walton International group (SK) Inc.
Soetaert, Martin	Watrin, Lee
Souliere, Patrick	West, Paul and Marianne
Speidel, Barbara	Whipple, Colin
Speidel, Robert	Wielens, Paul
Stiegelmar, Robert	Wilson, M.L. (Lynne)
Surgenor, Jacquie	Wolbeck, Larry and Norma
Susun, Ferit	Woodman, John
Sush, Geraldine	Yasinko, Lisa
Sustrik, Gordon	Zapisocki, Zoey
Swane, Doug and Shirley	Zapisocki, Jody
Tamm, Ernst	Zapisocki, Darrell T.
Tan, Ella	Zavitz, Ronald
Tan, Kristopher	Ziegler, Jodie
Tilley, Barry E.	
Tilley, Sharon	
Total E & P Canada Ltd.	
Tubertech Enterprises Ltd.	
Van der Merwe, Marion	
Veldman, Mark	

**SCHEDULE “C” – PERSONS OUTSIDE OF 800 METRES**

Denis, Karen	Tchimer, Henry and Kitty
Dipalma, Patricia	Young, Kristy
Doucet, Lisa	
Dunn, Alan M.F.	
Fletcher, Kathy	
Frunchak, Anne	
Hawryluk, Wally	
Heisler, Donna	
Hutton, Bob	
Kalvaitis, Ronald	
Kinniburgh, David and Darla	
Kristensen, John	
Lewis, Greg	
Lopatynski, Randy	
McNeil, June	
Molden, Faye	
Morphy, Laurie	
Munro, Marg	
Norlander, Stan	
Oeming, Todd	
Randle, Vicki and Leagh	
Sproule, Rob	

**SCHEDULE “D” – PERSONS WITH INSUFFICIENT INFORMATION**

Andersen, Tam and Terry	Bokenfohr, Karen
Anthieren, Mark	Bokenfohr, Lillian
ATCO Electric Ltd.	Bokenfohr, Robert
Bindon, Derek	Bokenfohr, Ron
Bitner, Elaine	Bokenfohr, Vince
Blaylock, Glen	Boras, Anne
Blaylock, Kurt	Boras, Rajko
Blaylock, Mary	Borle, Eloise
Blaylock, Marite	Borle, Paul
Boddez, Brenden	Boyd, Brenda
Boddez, Chancey	Boyd, Glen
Boddez, Colleen	Boyd, Sharon
Boddez, Jason	Brenneis, Debbie
Boddez, Jeannine	Brenneis, Gilbert
Boddez, Karla	Burgos, Teo and Ann
Boddez, Walter	Carleton, Tom
Boissonneault, Lousie	Chedzoy, Amanda
Boissonneault, Mike	Clegg, Greg
Boissonneault, Nicole	Clegg, Janice
Boissonneault, Normand	Craig, Judy
Bojecho, Olga	Craig, Randy
Bojecho, Peter	Demott, Amber
Bokenfohr, Carmen	Dyck, Sonya
Ebbers, Ron	Huot, Rolande
Elliot, Lawrence	Jansen, Andrea

Ethier, Pauline	Jastrzebsk, Rob
Ethier, Michel	Keenan, Desmond
Ethier, Shawna	Kennett, Michelle
Ethier, Romeo	Kennett, Rodney
ENMAX Power Corporation	Klak, Krista
Fehr, Angela	Klak, Harold
Fehr, Christopher	Klak, Harland
Ferrier, Faye	Klak, Patricia
Ferrier, Paul	Kleinschroth, Jennifer
Gilbert, Cathy	Kluthe, Joanne
Groot Farms Ltd.	Kluthe, Larry
Gunderson, Vince	Kosolofsky, Carol
Hartmetz, Collette	Kosolofsky, Curtis
Hartmetz, Oliver	Kremer, Ray
Hawkes, Donna Milhausen	Krywko, Charmaine
Hawkes, Frank	Krywko, Ron
Hay, Janet	Lane, Colleen
Hess, Louellen	Lashuk, Kendra
Hesse, Carol	Lashuk, Tim
Hoeber, Fred	Lema, Irene
Hoffman, Linda	Lema, Kathy
Hoffman, Walter	Lema, Robert
Holm, J.W.	Lesperance, Eric
Lesperance, Vivian	Premachuk, Lynda
Long, Laura	Rachynski, Michelle
Marlin, Jeanie	Ross, J.

Marlin, Rod	Runyon, Tara
Martelle, Gale S.	Schafers, James
Matty, Tom	Shaw, Blaine
Matyka, Ryan	Shaw, Erin
Maurier, Mark	Shaw, James
Maurier, Stacy	Shaw, Karen
McIntosh, Lois	Shaw, Kevin
Mouser, Lindsay	Shaw, Rob
Mouser, Breanne	Shaw, Sandra
Murray, Trish	Shaw, Stuart
Myette, Lisa	Siemens, Ivan
Nolte, Joe	Silverster, April
Norbest Farms Ltd.	Silverster, Chad
Northbank Farms Ltd.	Soetaert, Colleen
NOVA Chemicals Corporation	Soetaert, Damian
Ouimet, Ralph and Marg	Soetaert, Georgine
Pelletier, Dillis	Soetaert, Gerald
Pelletier, Leon	Soetaert, Gilbert
Perrott, Jason	Soetaert, Gordon
Perrott, Shari	Soetaert, Joan
Pliska, Wayne	Soetaert, Raymond
Post, Sandra	Soetaert, Rita
Soetaert, Robert	Victoor, Rene
Spaans, Mieke	Wiles, Richard and Angelia
Spaans, Rob	Wynnychuk, Wally and Michelle
Spaans, Willem	Zwing, Janice

Spaans, Zoe	Zwing, Nick
Stubbs, Don	AltaLink 240 kV
Stubbs, Kathryn	
Tan, Maria	
Therault, Doris	
Thompson, Neil	
Thompson, Joyce	
Uchaez, Dan	
Uchaez, Greg	
Uchaez, Victor	
Vachon, Denis	
Van Brabant, Amanda	
Van Brabant, Bryan	
Van Brabant, Evelyn	
Van Brabant, Jason	
Van Brabant, Maurice	
Van Brabant, Trevor	
Van Brabant, Wayne	
Victoor, Deanna	
Victoor, Jamie	
Victoor, June	

**SCHEDULE “E” – GROUPS WITH MEMBERS THAT HAVE STANDING**

GROUP
Blue Route Utility Transmission Elimination
Colchester Parents Association
Group 231
Homeowners Against Lines Overhead
Responsible Electricity Transmission for Albertans
Sturgeon Interveners
Strathcona Fish and Game Association