



# AUC

Alberta Utilities Commission

**AltaLink Management Ltd.**

**Western Alberta Transmission Line Project**

**Process Meeting**

**May 5, 2011**



**The Alberta Utilities Commission**

Decision 2011-198: AltaLink Management Ltd.

Western Alberta Transmission Line Project

Process Meeting

Application No. 1607067

Proceeding ID No. 1045

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## **1 Introduction and background**

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

1. AltaLink Management Ltd. (AltaLink) filed an application with the Alberta Utilities Commission (AUC or the Commission) on March 1, 2011, requesting approval to construct and operate the Western Alberta Transmission Line project. The project consists of four main components, namely:

- Construction of a 500-kilovolt (kV) alternating current (AC)/500-kV direct current (DC) Sunnybrook 510S substation, which would contain the north converter station, to be located in the southwest quarter of Section 36, Township 50, Range 3, west of the Fifth Meridian and in the northwest quarter of Section 25, Township 50, Range 3, west of the Fifth Meridian.
- Construction of a 240-kV AC/500-kV DC Crossings 511S substation, which would contain the south converter station, to be located in the northwest quarter of Section 16, Township 23, Range 27, west of the Fourth Meridian.
- Construction of a 500-kV DC transmission line 1325L connecting the proposed Sunnybrook 510S substation to the proposed Crossings 511S substation.
- Construction of a 500-kV AC Bennett 520S substation to be located in the southwest quarter of Section 16, Township 23, Range 27, west of the Fourth Meridian.

2. The application identifies the proposed Sunnybrook 510S substation, Crossings 511S substation, Bennett 520S substation and a preferred route and an alternate route for a proposed 500-kV DC transmission line 1325L, along with several local route options for both the preferred and alternate routes. The application further identifies two proposed 500-kV AC transmission lines 1238L and 1239L from the proposed Sunnybrook 510S substation to the existing Genesee E330P substation and proposed alterations to associated existing substations and transmission lines.

3. The Bennett 520S substation would not be required if the Langdon route option is approved. The Crossings 511S substation would be located in the southwest quarter of Section 16, Township 23, Range 27, west of the Fourth Meridian under this option.

## 1.2 Commission's process

4. On January 31, 2011, the AUC issued Bulletin [2011-04](#),<sup>1</sup> which described an enhanced process for the Western Alberta Transmission Line project. The enhanced process includes the following components:

- Parties that own or reside on property located within 800 metres (m) of the edge of the right-of-way (for either the preferred or alternate route or jog options) 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.
- 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.

5. The enhanced process also included six information sessions which were held in February and March 2011. The Commission issued a notice of the public information sessions on January 31, 2011, and held sessions in Warburg, Rimbey, Red Deer, Ponoka, Indus and Didsbury.

6. After receipt of the application on March 1, 2011, the Commission issued a notice of application and process meeting (the notice) on March 8, 2011. The notice was published in the Edmonton Sun, Edmonton Journal, Calgary Herald, Calgary Sun and Red Deer Advocate on March 21, 2011, and April 18, 2011, 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 m of the edge of the transmission line right-of-way for the preferred and alternate route and all jog options. In addition, the notice was delivered to all residences and addresses by postal code along the proposed transmission line routes. The notice outlined the date and location for the process meeting and the proposed proceeding schedule.

7. The process meeting was held on April 20, 2011, at Westerner Park in Red Deer before a Commission panel comprised of Willie Grieve (Chair) and Commission Member Neil Jamieson. Those interested parties who appeared at the process meeting are set out in [Schedule "A"](#) to this decision.

8. The goal of the process meeting was to establish a schedule and process for the fair and effective consideration of the Western Alberta Transmission Line 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.

9. 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

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<sup>1</sup> AUC Bulletin 2011-04: Western Alberta Transmission Line AUC launches information sessions and opportunities for participation, January 31, 2011.

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

10. The application for the Western Alberta Transmission Line 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 license 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.

...

11. The Western Alberta Transmission Line 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.

12. The schedule to the *Electric Utilities Act* designates critical transmission infrastructure and describes the Western Alberta Transmission Line as follows:

- a) [a transmission line] with a northern terminal in the vicinity of the existing Keephills - Genesee generating units and the southern terminal at or in the vicinity of the existing Langdon 102S substation.

13. Section 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.

14. 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.

## **2.1 Issues for the hearing**

15. Participants raised the following issues with respect to the Western Alberta Transmission Line project at the process meeting and in their statements of intent to participate:

- 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
- social and economic impacts of the proposed line
- land use and visual impacts
- public consultation
- impacts on agricultural operations
- impacts on existing business operations
- impacts on safety as it relates to airports

16. 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. In this regard, the Commission acknowledges that some parties raised statutory interpretation issues and, in particular, the meaning of the expression "the public interest" as it is used in Section 17 of the *Alberta Utilities Commission Act*.

## 2.2 Standing

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

**9(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.

18. 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 Board Act* and confirmed that the two-part test for standing under Section 26(2) applies to Section 9(2). The Court described the test as follows:

...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 interests or rights. The second test is factual.

19. In Bulletin 2011-04, which described the enhanced process for the Western Alberta Transmission Line 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 legally entitled to participate in a public hearing. Such persons are said to have standing to participate in the process.

The Commission considers that persons that own or reside on property located within 800 m of the edge of the finalized rights-of-way (for the preferred or alternate routes) will have rights that may be directly and adversely affected by its decision on the application. These persons will be legally entitled to participate in the process, subject to any objections from another party.

The Commission will also consider persons that own or reside on property located within 800 m of the edge of the finalized rights-of-way (for the preferred or alternate routes) to be local interveners, who qualify for intervener funding under the *Alberta Utilities Commission Act*, subject to any objections from another party.

If there is an objection to a person's standing to participate or status as a local intervener, the Commission will make a decision on the person's standing based on the evidence and arguments presented by both parties.

Parties who do not own property or reside on property located within the 800 metre zone may apply to the Commission to participate in the public hearing process. The Commission will make such determinations on a case by case basis.

20. The Commission also considers that persons that own or reside on property located within 800 m of any of the proposed substations will have rights that may be directly and adversely affected by its decision on the application. These persons will be legally entitled to participate in the process, subject to any objections from another party.

### **2.2.1 Views of the applicant**

21. The applicant did not object to standing in this proceeding for interveners that own or reside on property within 800 m of the edge of the preferred or alternate right-of-way. Nor did the applicant object to intervener groups participating in the proceeding provided that some members of the groups are within the 800 m boundary and stated that this may be relevant to cost recovery at a later date.

22. The applicant also did not object to the formation of interest groups, for regulatory efficiency, that would be granted standing to participate in the Western Alberta Transmission Line application.

23. For persons outside 800 m, the applicant stated that the Commission will decide if the persons' rights are directly and adversely affected based on the individual circumstances.

24. The applicant noted that in a small number of instances, it was unclear whether certain individuals or groups were located within 800 m of either of the proposed transmission line routes and submitted that standing in these instances must be determined in accordance with the applicable legislation, Court of Appeal directions and the directions of the Commission.

25. Lastly, the applicant submitted that assertions regarding impacts on rates do not give rise to standing to participate in this proceeding nor do the assertion of other issues that fall outside of the scope of the Western Alberta Transmission Line application.

### **2.2.2 Commission findings**

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

#### **2.2.2.1 Landowners or residents within 800 m of a proposed right-of-way**

27. The Commission finds that persons that own or reside on property within 800 m of the right-of-way edge on either the preferred or alternate routes, or any of the proposed substations 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.

#### **2.2.2.2 Landowners or residents outside of 800 m**

28. At this time, persons do not have standing if they own or reside on property that is more than 800 m from either the preferred or alternate right-of-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 2.2 above. 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 if they join one of the groups identified in [Schedule “E”](#), subject to the limitations described in paragraph 35 of Section 2.2.2.4.

### **2.2.2.3 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 m of the right-of-way edge. The Commission has insufficient information to determine whether these parties may be directly and adversely affected by the Commission’s decision on the Western Alberta Transmission Line project 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 m of the edge of the preferred or alternate right-of-way and provide their exact land location when they file supplemental information with the Commission.

32. These persons may also participate in this proceeding without a further ruling on standing by joining one of the groups identified in Schedule “E”, subject to the limitations described in paragraph 35 of Section 2.2.2.4.

### **2.2.2.4 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. Organizers of the group and others within the group who personally prepare or contribute to the preparation of submissions may qualify for an honorarium. Further details on honoraria for group members may be found in Appendix A of AUC Rule 009: *Rules on Local Intervener Costs* (AUC Rule 009).

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.

### **2.2.2.5 Municipalities**

36. Three municipalities, the City of Red Deer, the City of Calgary and the Town of Crossfield, filed statements of intent to participate and the City of Red Deer and City of Calgary provided written submissions for the April 20, 2011 process meeting in Red Deer. Crossfield’s mayor spoke to the town’s interests in the application at the process meeting. Wheatland County did not expressly indicate a desire to participate at the hearing in its written communication with the Commission.

37. The Commission finds that Wheatland County may participate, if it wishes, in the proceeding because the Langdon route option, travels through the municipal boundaries of Wheatland County.

38. The Commission finds that the City of Red Deer may participate in the proceeding because of the potential impact of the Commission's decision on the operation of its municipal electric utility.

39. The Commission finds that the City of Calgary and the Town of Crossfield may participate in the proceeding because of the proximity of one or more of the proposed routes to their municipal boundaries and the effect that the proposed transmission lines may have on future annexation intentions or other related development plans. The Town of Crossfield, for example, is negotiating an Inter-municipal Development Plan with the County of Rocky View, which will apply to lands north of the municipal boundary of Crossfield and which are likely to be impacted by the proposed transmission routes.

40. The Commission cautions the four municipalities that permission to participate in the proceeding does not automatically grant eligibility to claim the costs of their interventions. Section 22 of the *Alberta Utilities Commission Act* sets out the test for eligibility, an essential part of which is an interest in and actual occupation of or a right to occupy lands that may be directly and adversely affected by a decision of the Commission.

#### **2.2.2.6 Rate based interventions**

41. The Commission requires further information from Alberta Direct Connect Consumers Association (ADC) to determine whether they have standing to participate in this proceeding. The Commission requests that in doing so, 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>

#### **2.2.2.7 Other parties**

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

- ADC
- ATCO Electric Ltd.

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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, November 23, 2006.

<sup>3</sup> Alberta Energy and Utilities Board Decision 2006-120, page 5.

- Capital Power
- ENMAX Power Corporation
- Mountain Cree Band
- UPTAG Power Transmission Society (UPTAG)

43. 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*.

44. The Commission finds that the Utilities Consumer Advocate (UCA) also has standing to participate in this proceeding based on its statutory mandate to represent residential, farm and small business customers of electricity in Commission proceedings in accordance with Section 2 of Schedule 13.1 of the *Government Organization Act*.

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

#### **2.2.2.8 Further written process for standing**

46. Persons listed in Schedule C, Schedule D, the ADC, ATCO Electric Ltd., Capital Power, ENMAX Power Corporation, Mountain Cree Band and UPTAG 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.

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

- 1) Written submissions must be submitted to the Commission on or before **May 13, 2011**, to obtain standing in this proceeding.
- 2) The applicants may respond in writing to the submissions received on or before **May 20, 2011**.

### **2.3 Costs**

48. AUC Rule 009 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.

49. 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 June 10, 2011. 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.

## 2.4 Hearing process, schedule and location

50. Section 15.2 of the *Hydro and Electric Energy Act* states:

**15.2(1)** When considering an application for an approval, permit or licence under this Part in respect of a transmission line or part of a transmission line, the Commission

- (a) shall make its decision in a timely manner and, if possible, within 180 days after receipt of a complete application, and
- (b) shall make a decision in respect of more than one transmission line or part of a transmission line if approval is sought for multiple transmission lines or parts of transmission lines.

**(2)** If the Commission cannot make a decision within the 180-day period referred to in subsection (1)(a), the Commission shall

- (a) before the 180-day period expires
  - (i) notify the applicant of the reasons why it has not
  - (ii) state its best estimate as to when it reasonably expects to make a decision, and
  - (iii) make the reasons and estimate public,

and

- (b) make its decision within 90 days after the expiry of the 180-day period.

**(3)** The Minister may, by order, extend the 90-day period specified in subsection (2)(b) whether the period has or has not expired.

51. When setting the hearing process and schedule for the proceeding, in addition to considering the views of all interested parties, the Commission must also be cognizant of the requirements set out in legislation.

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

#### 2.4.1 Views of the parties

53. The majority of interveners stated that the proposed timeline was unreasonable and unfair, specifically, the proposed dates for intervener information requests to the applicant, the filing of intervener evidence and the start of the public hearing.

54. Many interveners expressed concerns that legal representation and expert witnesses could not be retained due to scheduling conflicts with the Heartland proceeding (AUC Proceeding ID No. 457). Intervenors stated that legal counsel and expert witnesses would not be able to review the application until after the conclusion of the Heartland proceeding. Some interveners also commented that the proposed information request deadline date occurred during calving season and many farmers would be busy. The majority of interveners requested the process be shifted by six weeks to allow sufficient time to review the application, retain legal and expert help, produce information requests, and prepare intervener evidence.

55. The majority of the interveners stated that the month of September was not a reasonable start date for the formal hearing as many of the interveners are farmers and will be harvesting at that time. The majority of the interveners suggested the month of November as a more reasonable start time for the formal hearing process.

56. Many interveners also expressed concern that the proposed filing date for intervener evidence may be difficult to meet given current scheduling overlap between the Western Alberta Transmission Line project process and the Heartland hearing.

57. Additionally, Mr. Joe Anglin submitted that according to the AESO's ten-year plan, efficient operation of the Western Alberta Transmission Line is contingent on the Heartland and Eastern Alberta Transmission Lines and, therefore, the Western Alberta Transmission Line project application should be deferred until after these projects have been approved and constructed.

58. All parties found Red Deer to be an acceptable and central location for the hearing.

59. The applicant stated it agreed with the Commission's draft schedule stating it balances the multitude of interests at play. The applicant also noted that the proposed schedule does not overlap with the schedule for the proposed Eastern Alberta Transmission Line project. The applicant also stated that the Commission has legislative timelines in the *Hydro and Electric Energy Act* and that AUC [Bulletin 2009-25](#)<sup>4</sup> states the Commission intends to meet legislative timelines 100 per cent of the time. The applicant also commented that there is no certainty when harvest season will occur and that there is ample time until the proposed hearing start date. The applicant commented that the Commission issued notice of the enhanced process in

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<sup>4</sup> AUC Bulletin 2009-25: Performance Standards for Processing Facility Applications, October 8, 2009.

January 2011, prior to the March 1, 2011, filing date and that multiple proceedings with complex matters is the norm and it would be nearly impossible to accommodate everyone's schedules.

## 2.4.2 Commission findings

### 2.4.2.1 Formal hearing

60. In setting the schedule for the formal hearing, the Commission has 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 submitted that the formal hearing process should be delayed so that the deadline for filing intervenor information requests to the applicant takes place after the conclusion of the Heartland hearing. The majority of participants also favoured a winter hearing date to commence after the harvest season.

61. The Commission is cognizant of its mandate to make its decision in a timely manner and, if possible, within 180 days after receipt of a complete application as stated in Section 15.2 of the *Hydro and Electric Energy Act*. The Commission is also aware that if it is unable to make a decision within the 180-day period, the Commission may make its decision within 90 days after the expiry of the 180-day period with conditions as stipulated in Section 15.2(2) of the *Hydro and Electric Energy Act*.

62. In the Commission's view, the 180-day period set out in Section 15.2 of the *Hydro and Electric Energy Act* must be tempered with the reality of critical transmission infrastructure applications. Critical transmission infrastructure projects are complex, they stretch over hundreds of kilometres, have several combinations of preferred routes, alternative routes and options for portions of the preferred and alternative lines. These large projects have the potential to impact thousands of residents, landowners, businesses and the environment. Hundreds of individual intervenors, in groups or on their own, become engaged in the hearing process along with numerous counsel and experts as well as considerable resources of the Commission. Issues are varied because of the complexity of the projects, the number of proposed routes and the various geographically based issues along lengthy rights-of-way. Such applications also have the potential for a number of venues to accommodate the different kinds of intervenor participation that the Commission has recognized and approved. It is essential that ample time is built into the hearing process if the Commission is to properly and thoroughly canvas all the issues that are necessary to take into account for an informed and fair decision.

63. The Commission has also taken into account the enhanced process it established for this proceeding on January 31, 2011. 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 information sessions along the preferred and alternate routes, a streamlined standing process, the opportunity to pre-register 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 March 1, 2011. The Commission also notes that many of the intervenors at the process meeting stated that they were facing significant challenges when

attempting to retain legal counsel and expert witnesses due to schedule conflicts with the Heartland proceeding.

64. Taking all circumstances into consideration, this decision serves notice that the Commission will not consider itself constrained to issue a decision within the 180 days referred to in Section 15.2 of the *Hydro and Electric Energy Act*, but will make a decision within 90 days after the close of the hearing and, in any event, within 90 days after the expiry of the 180-day period referred to in Section 15.2(2)(b) of the *Hydro and Electric Energy Act*.

65. The Commission is of the view that the following schedule establishes a process that is fair to all participants, allows all participants sufficient time to retain counsel and experts, prepare and review evidence or reply evidence, draft and respond to information requests, and prepare witnesses for the formal hearing.

Date	Process Step
June 6, 2011	Applicant responses to information requests from the Commission
June 27, 2011	Intervener information requests to applicant
July 18, 2011	Applicant responses to information requests from interveners
July 2011	Notice of hearing issued
September 12, 2011	Intervener evidence due
September 26, 2011	Information requests to interveners
October 17, 2011	Intervener responses to information requests
October 31, 2011	Reply evidence
November 7, 2011	Public hearing to commence

66. The Commission will determine at a later date whether oral or written final and reply arguments will be employed for this proceeding.

#### 2.4.2.2 Written submissions and community meetings

67. As explained in the notice of enhanced process and the notice of application and process meeting, parties that want to have an opportunity to express their view on the Western Alberta Transmission Line 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.

68. 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 the start of the hearing.

69. The Commission will advise parties of the locations and dates of the community meetings in its notice of hearing once it has deemed the application to be complete. **Any party that wishes to make a submission at a community meeting must pre-register no later than September 12, 2011.** The Commission will then circulate a timetable for presentations.

#### 2.4.2.3 Formal hearing location

70. The Commission concurs with those parties who proposed a central 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 nearby food, lodging and other

support services. The Commission agrees with all parties that Red Deer would be a suitable location for the hearing. The Commission will review the venues available that meet these criteria and will advise participants of the hearing location in the notice of hearing.

## **2.5 Other matters**

### **2.5.1 Alberta Electric System Operator**

71. Some interveners expressed views regarding the participation of the AESO in the Western Alberta Transmission Line project proceeding.

72. As set out in the legislative framework above, the Commission cannot consider whether the Western Alberta Transmission Line 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.

73. The AESO submitted that it intends to participate as an intervener in the Western Alberta Transmission Line project proceeding and stated that the AESO's current intention is to file the information required by Section 38.1 of the *Transmission Regulation* once the Commission has determined that the application is complete. The AESO also submitted that it would provide a witness panel, to the extent that it became necessary to do so.

### **2.5.2 Charles Meggison motion**

74. On April 20, 2011, the Commission received a notice of motion from Mr. Lucien Kurata on behalf of his client, Charles Meggison.

75. On April 21, 2011, the Commission established a process to consider the motion by allowing interested parties to respond to the motion as well as the opportunity for Mr. Kurata to reply to any responses.

76. The Commission's ruling on this motion will be issued in due course.

### **2.5.3 AESO's Long-Term Transmission System Plan**

77. At the process meeting, Mr. Joe Anglin, and several other parties, referenced the AESO's "Long-Term Transmission System Plan" regarding technical and timing issues of the proposed Western Alberta Transmission Line project in relation to the proposed Heartland project and the proposed Eastern Alberta Transmission Line project.

78. On April 21, 2011, the Commission requested that Mr. Anglin and any other interested party who raised this issue confirm the specific sections of the AESO's "Long-Term Transmission System Plan" on which their submission was based. The Commission requested that any submission related to this matter be submitted by April 27, 2011.

79. In a submission dated May 3, 2011, Mr. Anglin responded in substance to the Commission's letter of April 21, 2011, and confirmed that he had not received the Commission's letter through the electronic filing system. Rather, it had been brought to his attention by Commission counsel. The Commission has asked other parties to respond to Mr. Anglin's submission of May 3, and will make its decision upon consideration of all the submissions shortly.

#### **2.5.4 Internet streaming of public hearing**

80. One intervener requested that an internet feed be made available to broadcast the hearing to the public. The Commission is currently exploring audio streaming from the hearing room and will confirm shortly whether we will use this technology.

#### **2.5.5 Scale of costs under AUC Rule 009**

81. One intervener group's counsel commented that the Commission's hourly rate of \$270.00 for lawyers with 12 years experience or more was inadequate to compensate experienced lawyers and put interveners at a disadvantage in obtaining competent representation. The Commission notes that under the scale of costs in AUC Rule 009, the hourly rate for lawyers is as follows:

- Articling students \$140.00/hour
- 1-4 years at the bar \$240.00/hour
- 5-7 years at the bar \$280.00/hour
- 8-12 years at the bar \$320.00/hour
- more than 12 years at the bar \$350.00/hour

82. In the Commission's experience, the scale of costs is not an impediment to retaining competent intervener counsel and that a similar scale of costs is used by other provincial regulators including the Energy Resources Conservation Board.

#### **2.5.6 Multiple routes and options and the scheduling of intervener groups at the hearing**

83. The Commission appreciates the concerns expressed about the number of possible route configurations filed in this proceeding and the large number of potential parties who will have an interest in the application. It is important to consider how interveners' participation will be scheduled at the hearing so as to avoid logistical complications and the inefficient organization of time. The Commission proposes for comment the following: interveners would be grouped and scheduled on the basis of their opposition to the preferred route and its options or opposition to the alternate route and its options. For example, those persons contesting the preferred route and its options would cross-examine the applicant first. When the time comes, those interveners would also give their direct evidence first. Likewise, all those persons objecting to the alternate route would be scheduled to cross examine the applicant and provide their direct evidence on the basis of their common opposition to the alternate route. Participants should provide their comments on or before May 31, 2011.

Dated on May 5, 2011.

**The Alberta Utilities Commission**

*(original signed by)*

Willie Grieve  
Chair

*(original signed by)*

Neil Jamieson  
Commission Member

**Schedule “A” – Process meeting participants**

<b>Name of Organization (Abbreviation) Counsel or Representative</b>
AltaLink Management Ltd. R. Block A. Ross
Alberta Electric System Operator (AESO) J. Smellie
Lavesta Area Group J. Anglin
566 Corridor Group E. Dixon
West of Crossfield Group J. Laycraft
Owners Opposed to the Langdon Alternative H. Ham
Samson Cree Nation D. Lafond R. Jeerakathil
23 landowners and the Alberta Direct Connect Consumer Association R. Secord
Glennifer Lake Group D. Reed
Town of Crossfield N. Anderson
B. Staszewski
A. Cunningham
A. Heinrich
J. Fawcett R. Hanson
R. and T. Matiesen M. Niven

<b>Name of Organization (Abbreviation) Counsel or Representative</b>
Polson Family T. Polson
Linhol Farms Ltd. K. Wilson
H. and G. Friz R. Friz
A. Pierce
W. Paris
J. Vetsch
R. Wold
J. Kent
J. Valecourt
Chinook Group B. Barclay
Landowner Group R. Home
C. Meggison L. Kurata

Alberta Utilities Commission

Commission Panel

W. Grieve, Chair

N. Jamieson, Commission Member

Commission Staff

D. Larder (Commission Counsel)

E. Kaus (Commission Counsel)

A. Brinker

R. Chan

T. Chan

V. Choy

W. Goudy

B. Heggie

J. Law

G. Scotton

T. Wilde

**Schedule “B” – Persons with standing**

Armstrong, Zona	Miihbower, D.A.
Barlund, Douglas	Miller, Glenn
Bartley, David, Dorris and Blair	Nelissen, Bart
Boyd, G. Holmes	Owen, Dan
Cunningham, Amy	Parker, Roy
Chudobiak, J.M.	Paris, Wendy
Farbridge, Richard and Shelley	Periche, Donald
Fawcett, John	Pierce, Arnold
Friz, Henry and Gertrude	Polson, Tim
Good, Kimberly	Pollitt, Shane and Kelly
Heinrich, Anthony	Rodney, Thomas William
Hinde, Joseph G.	Roessingh, Fen / Custom Woolen Mills
Hummelle, Warren and Shirley	Russell, Lyle / Top Man Holdings Ltd.
Kent, James	Shierman, Dave and Tracy
Kientz, Larry	Stackhouse, Brian
Lausen, Gordon / Lausen Ranches Ltd. and Page, Jean B.	Tanner, David and Rayanna
Linhof Farms Ltd.	Thomson, James and Helen
Lee, Joanne	Troitsky, Greg and Mary
Lohmann, Jörg	Utilities Consumer Advocate (UCA)
Lukocs, James, Donna and Allen	Valecourt, Jaromey and Jonn
Mason, Don and Merle	Van Reede, Daniel
Matiisen, Rein and Tina	Vetsch, James
McLeod, Don / West Kathryn Development Ltd.	Vetsch, Kenneth Edward and Lawrence Adolph
McNeil, Ron	Welch, Theresa
McTaggart, Tracie	Wold, Ralph
Meggison, Charles	

**Schedule “C” – Persons outside of 800 metres**

Avery, Kelly and Lana
Jones, Bruce
Kalvaitis, Ronald
Knight, John
Lloyd, Les and Norma
McTaggart, Todd and Kathy
Staszenski, Brian Michael
Stickler, James and Carol
Stickler, Laura
Tiel, Kenneth
Vouob, Bruce
Westerson, Alan and Brenda

**Schedule “D” – Persons with insufficient information**

Brooks-Sherriff, Robin
Grey, Earl
Irwin, Gary
Keoma Group
Larson, Ken
Lee, Thomas
Lougheed, Jim and Lynda
McKelvie, Lawrence
Norman, Gary and Reta
Sakariassen, Einar
Samson Cree Nation
Tees, Laverne and Helle

**Schedule “E” – Groups with members that have standing**

<b>GROUP</b>
566 Corridor Group
Chinook Country Group
Glenniffer Lake Group
Lavesta Area Group
Owners Opposed to the Langdon Alternative Group
R. Secord Group
West Crossfield Group
Westcott/Hainstock Landowners Group