



AUC

Alberta Utilities Commission

**Alberta Electric System Operator,
AltaLink Management Ltd. and
ENMAX Power Corporation**

Foothills Area Transmission Development

Process Meeting Decision

December 24, 2012

The Alberta Utilities Commission

Decision 2012-360: Alberta Electric System Operator, AltaLink Management Ltd.
and ENMAX Power Corporation

Foothills Area Transmission Development - Process Meeting

Applications No. 1608620, No. 1608637, No. 1608642, No. 1608643,

No. 1608649, No. 1608846, No. 1608861 and No. 1608862

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1 Introduction and background

1.1 Details of the applications

1. In this proceeding the Alberta Utilities Commission (AUC or the Commission) is considering eight applications. These include: two applications filed by the Alberta Electric System Operator (AESO), five facility applications filed by AltaLink Management Ltd. (AltaLink) and one facility application filed by ENMAX Power Corporation (ENMAX).

1.2 Applications filed by the AESO

2. The AESO filed need Application No. 1608620 with the AUC on July 5, 2012, requesting approval of the needs identification document for the proposed 240-kilovolt (kV) and 138-kV transmission system expansion in the vicinities of southeast Calgary, Okotoks and High River.

3. The AESO also filed Application No. 1608846 with the AUC on September 21, 2012, seeking approval to amend the existing need approval for the Southern Alberta Transmission Reinforcement (SATR). In the application, the AESO proposed to replace upgrades at the Peigan substation with construction of the new Windy Flats substation and associated transmission lines in southern Alberta.

1.3 Applications filed by AltaLink

4. AltaLink filed three facility applications on July 12, 2012, proposing new facilities to meet the needs identified in the AESO's need Application No. 1608620. Each project is described in detail in its respective application.

5. Application No. 1608642 is for the Langdon to Janet project. The major components of this project are:

- a) The construction of approximately 18 kilometres of double-circuit 240-kV transmission line from Langdon 102S substation to Janet 74S substation.
- b) Modifications to some existing transmission lines and/or substations.
- c) Modifications to transmissions lines approved in AUC Proceeding ID No. 1229.
- d) Modifications to a proposed substation currently being considered in AUC Proceeding ID No.1045.

6. Application No. 1608637 is for the North Foothills Transmission Project. The major components of this project are:
 - a) The construction of a new 240-kV Foothills 237S substation, located west of Frank Lake.
 - b) The construction of approximately 51 kilometres of double-circuit 240-kV transmission line from Foothills 237S substation to ENMAX No. 65 substation.
 - c) The relocation of some existing transmission lines.
7. Application No. 1608643 is for the Foothills 138-kV Transmission Project. The major components of this project are:
 - a) The addition of two new 240/138-kV transformers at the Foothills 237S substation.
 - b) Construction of two new 138-kV transmission lines from Foothills 237S substation to High River 65S substation and to Okotoks 678S substation including 14 kilometres of new double-circuit lines.
 - c) Alterations to some existing transmission line and substations.
8. On September 25, 2012, AltaLink filed two additional facility applications. These applications are intended to implement the transmission system upgrades proposed in the AESO's Application No. 1608846. Each project is described in detail in its respective application.
9. Application No. 1608861 is for the South Foothill Transmission Project. The major components of this project are:
 - a) The construction of a new 240-kV Windy Flats 138S substation located southwest of Fort McLeod in the southwest quarter of Section 17, Township 8, Range 26, west of the Fourth Meridian.
 - b) The construction of approximately 120 kilometres of double-circuit 240-kV transmission line from Windy Flats 138S substation to Foothills 237S substation.
 - c) Construction of a new series capacitor station SC1 266S.
 - d) Modifications to some existing transmission lines to facilitate the interconnection of the Windy Flats substation to the grid.
10. Application No. 1608862 is for the Windy Flats 138-kV Project. The major components of this project are:
 - a) The construction of new 138-kV substation equipment at Windy Flats 138S substation.
 - b) The re-termination of existing 138-kV transmission lines 603L and 608L to Windy Flats 138S substation from the existing Peigan 59S substation.

1.4 Application filed by ENMAX

11. ENMAX filed facility Application No. 1608649 with the AUC on July 13, 2012, requesting approval to modify ENMAX No. 25 substation and ENMAX No. 65 substation. The proposed system reinforcement includes the following major components:
 - a) Addition of two 240-kV circuit breakers at ENMAX No. 65 substation.

- b) Termination of transmission lines 1106L, 1107L and 1109L at ENMAX No. 65 substation.
- c) Termination of transmission lines 1109L and 985L at ENMAX No. 25 substation.
- d) Disconnection of transmission line 911L at ENMAX No. 65 substation.

1.5 Commission's process

12. The proposed development, including all of the applications noted above, will be referred to as the Foothills Area Transmission Development (FATD) project.

13. The Commission issued its notice of applications for the FATD project on August 28, 2012, after receiving the first five applications in July 2012. The notice was mailed directly to landowners, residents and other interested parties within the Commission's notification zone for the project. In addition, the notice was delivered to all residences and addresses in the project area by way of a general postal code drop. The notice of applications was also published in five newspapers in the area of application.

14. Upon receipt of the second application filed by the AESO, as well as the additional two facility applications filed by AltaLink described above in paragraphs 3, 9 and 10, respectively, in September 2012 the Commission determined that it would combine these eight applications under the same proceeding due to the related nature of the Foothills 237S substation in both filings. The Commission issued its revised notice of applications for the FATD project on October 19, 2012. The revised notice outlined the date and location for the process meeting.

15. The revised notice was again mailed directly to landowners, residents and other interested parties within the Commission's notification zone for the project. In addition, the revised notice was delivered to all residences and addresses in the project area by way of a general postal code drop and was also published in 11 area newspapers.

16. The Commission held three information sessions prior to the process meeting for the FATD project; the first was held at Highwood Memorial Centre in High River, Alberta on September 24, 2012, the second at the Indus Recreational Centre in Indus, Alberta on September 25, 2012, and the third at the Claresholm Community Centre in Claresholm, Alberta on November 13, 2012.

17. The process meeting was held on November 26, 2012, at the Heritage Inn Hotel & Convention Centre before Commission Member Anne Michaud. Those interested parties who appeared at the process meeting are set out in Schedule A to this decision.

18. At the process meeting, 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.

19. 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

20. New transmission facilities that do not meet the definition of critical transmission infrastructure require two separate approvals from the AUC: an approval of the need for expansion or enhancement to the Alberta Interconnected Electric System pursuant to Section 34 of the *Electric Utilities Act*, and a permit to construct and licence to operate a transmission facility pursuant to sections 14 and 15 of the *Hydro and Electric Energy Act*.

2.1 Assessment of need

21. The AESO, in its capacity as the independent system operator established under the *Electric Utilities Act*, is responsible for preparing a needs identification document (NID) and filing an application for approval of the NID with the AUC pursuant to Section 34 of the *Electric Utilities Act*, which states:

34(1) When the Independent System Operator determines that an expansion or enhancement of the capability of the transmission system is or may be required to meet the needs of Alberta and is in the public interest, the Independent System Operator must prepare and submit to the Commission for approval a needs identification document that

- (a) describes the constraint or condition affecting the operation or performance of the transmission system and indicates the means by which or the manner in which the constraint or condition could be alleviated ...

22. Section 38 of the *Transmission Regulation* sets out the matters to which the Commission must have regard when considering a needs identification document:

38 When considering whether to approve a needs identification document under section 34(3) of the Act, the Commission must

- (a) have regard for the principle that it is in the public interest to foster
 - (i) an efficient and competitive generation market,
 - (ii) a transmission system that is flexible, reliable and efficient and preserves options for future growth, and
 - (iii) geographic separation for the purposes of ensuring reliability of the transmission system and efficient use of land, including the use of rights of way, corridors or other routes that already contain or provide for utility or energy infrastructure or the use of new rights of way, corridors or other routes, notwithstanding that geographic separation for the purposes of ensuring reliability of the transmission system or efficient use of land may result in additional costs,
- (b) have regard for the following matters when it considers an application for a transmission facility upgrade or expansion, or operations preparatory to the construction of a transmission facility, namely, the contribution of the proposed transmission facility:
 - (i) to improving transmission system reliability;

- (ii) to a robust competitive market;
 - (iii) to improvements in transmission system efficiency;
 - (iv) to improvements in operational flexibility;
 - (v) to maintaining options for long term development of the transmission system;
 - (vi) to a project to which section 27 applies to provide system access service,
- (c) take into account the transmission system plan filed with the Commission,
 - (d) take into account the ISO's responsibilities under any enactment
 - (e) consider the ISO's assessment of the need to be correct unless an interested person satisfies the Commission that
 - (i) the ISO's assessment of the need is technically deficient, or
 - (ii) to approve the needs identification document would not be in the public interest.

23. Need applications filed by the AESO have generally been organized into two parts. The first part describes the need for the proposed transmission upgrade. The discussion is based on load forecasts, generation forecasts and system studies. The second part of a need application describes the AESO's preferred technical solution to address the identified need. This includes a comparative analysis of the various options, based on three general criteria: technical attributes and functional capability, costs and a high level assessment of land use impacts.

24. In Decision [2004-087](#),¹ the AUC's predecessor, the Alberta Energy and Utilities Board (EUB or the Board), described the NID process as follows:

It is the Board's view that section 34 contemplates a two-stage consideration of an NID. In the first stage, the Board must determine whether an expansion or enhancement of the capability of the transmission system is necessary to alleviate constraint, improve efficiency, or respond to a request for system access...

If it is determined that expansion or enhancement of the system is required to address constraint, inefficiency, system access requests, or any combination thereof, the Board must then assess, in the second stage, whether enhancement or expansion measures proposed by AESO are reasonable and in the public interest.²

25. The Commission has followed this two stage assessment process for all subsequent need applications.

2.2 Assessment of the facility applications

26. The facility applications for the FATD were filed under sections 14, 15, 18 and 21 of the *Hydro and Electric Energy Act* which include, in part:

¹ EUB Decision 2004-084: ECNG Limited Partnership – Temporary Exemption from Requirement to Obtain Board Approval for Compliance Plan in Accordance with Section 30(1) of the Gas Code of Conduct Regulation, Application No. 1359872, September 29, 2004.

² EUB Decision 2004-087, pages 13-14.

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.

...

21(1) No holder of an approval, permit or licence under this Part, and no person who operated a hydro development, power plant or transmission line on June 1, 1971, shall discontinue the operation of, or dismantle or remove any works or installations forming part of, the holder's or person's hydro development, power plant or transmission line unless the holder or person has obtained the authority in writing of the Commission to do so.

27. Facility applications are prepared by a transmission facility owner assigned by the AESO. In this case, both AltaLink and ENMAX prepared their respective facility applications based on their designated service territories. The transmission facility owner files the facility application with the AUC for consideration. The AUC may approve or deny the application, or approve it subject to any terms or conditions it prescribes.

28. When deciding upon a transmission facility application, the Commission is directed, by Section 17 of the *Alberta Utilities Commission Act*, to consider whether construction and operation of the proposed transmission facilities is in the public interest, having regard for their social, economic and environmental effects. The Commission described its public interest mandate as follows, in Decision [2009-028](#):³

When considering an application for a transmission line the Commission is obliged by section 17 of the *Alberta Utilities Commission Act* to consider whether the proposed project is in the public interest having regard to its social and economic effects and its effect on the environment. The Commission recognizes that there is no universal definition of what comprises the "public interest" and that its meaning cannot be derived from strictly objective measures. The Commission acknowledges that the ultimate determination of whether a particular project is in the "public interest" will largely be dictated by the circumstances of each transmission facility application.

³ Decision 2009-028: AltaLink Management Ltd. - Transmission Line from Pincher Creek to Lethbridge, Application No. 1521942, Proceeding ID No. 19, March 10, 2009.

In the Commission's view, assessment of the public interest requires it to balance the benefits associated with upgrades to the transmission system with the associated impacts, having regard to the legislative framework for transmission development in Alberta. This exercise necessarily requires the Commission to weigh impacts that will be experienced on a provincial basis, such as improved system performance, reliability, and access, with specific routing impacts upon those individuals or families that reside or own land along a proposed transmission route as well as other users of the land that may be affected. This approach is consistent with the EUB's historical position that the public interest standard will generally be met by an activity that benefits the segment of the public to which the legislation is aimed, while at the same time minimizing, or mitigating to an acceptable degree, the potential adverse impacts on more discrete parts of the community.

3 Issues

29. Interveners identified the issues they intend to pursue in the hearing in their statements of intention to participate and also in their oral submissions at the process meeting.

3.1 Issues related to the AESO's applications

30. As noted above, the AESO filed two applications in this proceeding. Application No. 1608620, is a new application that describes the need for transmission upgrades between south Calgary and High River (FATD need application). For this application, the issues the Commission must consider are whether the AESO's assessment of the need for this project is technically sufficient, and whether approval of the needs identification document is in the public interest.

31. The Commission considers the relevant issues for Application No. 1608846, which is an application by the AESO to amend its existing SATR need approval, to be slightly different. The amendment proposed by the AESO in this application is not to its assessment of the need to expand or enhance the transmissions system in southern Alberta. Rather, the AESO is seeking to amend the technical solution it proposed to address that need. Accordingly, the Commission finds that neither the AESO's assessment of the need for transmission reinforcement in southern Alberta, nor the Commission's previous approval of that need in Decision 2009-126⁴ are issues associated with this application. The issue that this application does raise, however, is whether the specific amendments proposed by the AESO to its need approval for the Southern Alberta Transmission Reinforcement are in the public interest. In other words, the Commission will not be considering whether the the construction of a new 240-kV Windy Flats 138S substation and its associated transmission lines are required to meet the need, but whether the technical solution (Windy Flats solution) proposed is the most appropriate technical solution to meet that need.

32. Mr. Gavin Fitch, counsel for the Diagonal Group, Louson Investments Ltd. and Glen Eagles Investment Ltd., and P. Robertson, submitted that another issue that the Commission should consider in this proceeding is whether the SATR need approval should be reviewed in its entirety. He argued that the SATR need approval was based on earlier forecasts of wind power generation submitted by the AESO, which may no longer be accurate due to recently approved

⁴ Decision 2009-126: Alberta Electric System Operator – Needs Identification Document Application – Southern Alberta Transmission System Reinforcement, Application No. 1600862, Proceeding ID No. 171, September 8, 2009.

transmission development plans. Mr. Fitch proposed that this issue should be considered by the Commission as a preliminary matter. Many interveners, including the Industrial Power Consumers Association of Alberta (IPCAA), expressed support for a review of the SATR need approval as a preliminary matter.

33. A number of interveners also expressed concern regarding the increased cost of SATR. For these reasons, some interveners recommended that a preliminary hearing is required to assess the SATR need approval prior to the commencement of the hearing to consider the facility applications for the Foothills Area Transmission Development project.

34. AltaLink and the AESO both objected to a complete review of the SATR need approval within the FATD proceeding. AltaLink noted that none of the interveners has brought forward an application to review the SATR need approval. AltaLink questioned the foundation for such an application and noted that the SATR need approval was issued following a public hearing with a substantial record.

35. AltaLink stated that the AESO's application to amend the SATR need approval to take into account the new Windy Flats substation does not result in a complete re-opening of the SATR need approval and emphasized that the amendment proposed by the AESO relates to a specific technical solution to meet the need for area upgrades approved in the SATR need approval, not to the need itself.

36. As stated above, the AESO's application to amend the SATR need approval does not, in itself, give rise to a complete review of that need approval. Rather, it requires the Commission to consider only one aspect of that approval, i.e. whether the Windy Flats substation option is the best option to address the identified need. Further, and as AltaLink and the AESO have pointed out, the Commission has not received an application to review and vary the SATR need approval. Accordingly, the Commission finds that continued viability of the SATR need approval is not an issue that it can or should address in this proceeding at this time.

3.2 Issues for the facility applications

37. Intervenors at the process meeting stated that they intend to raise the following issues with respect to the FATD project:

- route selection
- human and animal health and safety
- property value
- impacts on the environment
- social and economic impacts of the proposed line
- land use and visual impacts
- public consultation
- impacts on agricultural operations
- impacts on existing business operations

38. 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.

4 Standing

39. Persons, including individuals and corporations, who may be directly and adversely affected by the Commission's decision on the applications are entitled to participate in a public hearing. These persons are said to have standing to participate in the process.

40. Participants with standing are eligible to apply for cost recovery and will be able to fully participate in the public hearing, which includes submitting evidence, cross-examining witnesses, including those of the applicant, and submitting final argument.

41. 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.

42. In *Cheyne v. Alberta (Utilities Commission)*, the Alberta Court of Appeal characterized subsection 9(2) as the equivalent of subsection 26(2) of the *Energy Resources Conservation Act* and confirmed that the two-part test for standing under subsection 26(2) applies to subsection 9(2). The Alberta Court of Appeal described that test as follows:⁵

...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.

4.1 Standing for the AESO applications

43. The AESO filed two applications in this proceeding: Application No. 1608620, the FATD need application and Application No. 1608846, the application to amend the SATR need approval.

44. It is the Commission's view that the approval of a need application has the potential to effect all Alberta electricity ratepayers as they bear the costs of new transmission facilities approved in conjunction with a NID approval. Need applications also have the potential to affect those persons that own or occupy lands within those areas (sometimes referred to as swathes) of land identified by the AESO for the transmission options described in the need application.

⁵ *Cheyne v. Alberta (Utilities Commission)*, 2009 ABCA 94 (CanLII), at paragraph 13.

When, as in this case, a need application is being considered concurrently with an associated facility application, it is clear that those that may be potentially affected by the Commission's decision on a facility application may also be potentially affected by the associated need decision.

45. Several interested persons expressed concern with respect to the FATD need application. Most of the concerns expressed were general in nature and provided little information regarding the technical sufficiency of the application or whether its approval is in the public interest. However, given the fact that this need application is so closely related to its companion facility applications, the Commission finds that those persons who have standing in relation to the companion facility applications, as outlined below in Section 4.2.1, should also be granted standing for this need application. Accordingly, persons granted standing with respect to facility Application No. 1608642: Langdon to Janet project, Application No. 1608637: North Foothills Transmission project and Application No. 1608643: Foothills 138-kV Transmission project, will be granted standing for the FATD need application.

46. A number of interested parties also expressed concern with the application to amend the SATR need approval. The Commission is prepared to grant standing with respect to this application to those parties that have standing in the companion facility applications. Therefore, persons granted standing, as outlined below in Section 4.2.1, with respect to facility Application No. 1608861: South Foothill Transmission project and Application No. 1608862: Windy Flats 138 kV project, will be granted standing for the application to amend the SATR need approval. However, the Commission considers it important to emphasize that intervenor submissions on this application should address the proposed amendment to the SATR need approval, i.e. the substitution of the Windy Flats solution for the previously approved Peigan solution, and should not address the underlying need that the solution is designed to address.

47. The Diagonal group, Louson Investment Ltd., Glen Eagles Investment Ltd., Phyllis Robertson, the Mattson group, the Randle group and Reece and Richard Pearson expressed general concerns about the FATD need application and the application to amend the SATR need approval. The Commission is prepared to grant these groups standing with respect to both AESO applications.

48. Benign Energy II Inc., Powerex Corp. and TransCanada Energy Ltd. expressed concerns that their interests may be potentially impacted by the AESO applications to the extent that the assessment of the proposed transmission system expansion may affect their generation opportunities in the region. The Commission is of the view that its decision with respect to either of the AESO applications has the potential to impact the interests of these parties. Accordingly, the Commission grants standing to Benign Energy II Inc., Powerex Corp. and TransCanada Energy Ltd., with respect to both applications filed by the AESO.

49. In its statement of intention to participate, IPCAA did not specify which of the AESO's applications it was objecting to. Further, IPCAA's objection appears to be predicated upon its concerns about the continued viability of the existing SATR need approval. As stated earlier, the Commission is of the view that the viability of the SATR need approval is not an issue raised in this proceeding at this time. Accordingly, the Commission cannot grant standing to IPCAA based on the information it has filed to date. Should IPCAA wish to further pursue standing with respect to some or all of the applications being considered in this proceeding, it must file additional information with the Commission specifying which applications it is objecting to and

describing the grounds for those objections. Such information must be filed by no later than January 21, 2013.

50. A number of persons without standing in any of the five facility applications, as outlined below in Section 4.2.2, also expressed concerns or objected to one or both of the AESO's applications. These persons did not indicate what aspect of the AESO's applications it was objecting to. Therefore, the Commission cannot grant standing to persons for either of these two applications where these persons were not given standing with respect to any of the five facility applications. However, as stated above in paragraph 44, the Commission notes that the approval of the FATD need application as well as the application to amend the SATR need approval may affect all Alberta electricity rate-payers because they bear the costs of new transmission facilities. Therefore, should these persons wish to pursue standing with respect to the FATD need application or the application to amend the SATR need approval, they must file additional information with the Commission specifying which application they are objecting to and describing the grounds for those objections. This information must be filed by no later than January 21, 2013.

4.2 Standing for the AltaLink and ENMAX facility applications

51. In this proceeding the Commission has decided to grant standing to persons that own or reside on property that is within 800 metres of a transmission facility (transmission line or substation)⁶ proposed in the facility applications filed by AltaLink and ENMAX, subject to there not being any objections to that standing from another party. The Commission also finds that persons that own or reside on property located within 800 metres of the transmission facility are local interveners, who qualify for intervener funding under the *Alberta Utilities Commission Act*, subject to any objections from another party.

52. 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 whether the person has standing or qualifies for local intervener costs based on the facts and evidence 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 or for local intervener status. The Commission will make a determination on standing or local intervener status on a case-by-case basis by determining whether that person may be directly and adversely affected by any one of the applications.

4.2.1 Landowners or residents within 800 metres of a proposed right-of-way

53. As stated above, the Commission finds that persons that own or reside on property within 800 metres of the transmission facilities proposed in the AltaLink and ENMAX applications 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.

4.2.2 Landowners or residents outside of 800 metres

54. 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-of-way edge. Based on the record, it is not clear to the Commission how these individuals may be directly and adversely affected by

⁶ For transmission lines the 800 metres has been measured from the edge of the right-of-way. For substations the 800 metres is measured from the substation boundary.

the Commission's decision on the applications. 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 4.2.6 below. Persons that fall into this category are set out in Schedule C to this decision.

55. These persons may also participate in this proceeding without a further ruling on standing, by joining one of the groups identified in Section 4.2.4, subject to the limitations described in paragraph 62 of that section.

4.2.3 Landowners with insufficient information

56. 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 FATD applications. Accordingly, the Commission cannot grant standing to these participants at this time. These persons are set out in Schedule D to this decision.

57. Any person whose name appears in Schedule D who wishes to assert standing should provide their legal land description and state whether they reside upon or own land within 800 metres of the edge of a 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).

58. These persons may also participate in this proceeding without a further ruling on standing, by joining one of the groups identified in Section 4.2.4, subject to the limitations described in paragraph 62 of that section.

59. With respect to Benign Energy II Inc., Powerex Corp. and TransCanada Energy Ltd., the Commission has insufficient information to determine whether these parties may be directly or adversely affected by the Commission's decision on any of the facility applications in this proceeding. Accordingly, the Commission cannot grant standing to these participants at this time. Should these parties wish to pursue standing with respect to any of the facility applications, they must file additional information with the Commission describing how their rights may be directly and adversely affected by the Commission's decision on any of the facility applications.

4.2.4 Landowner groups

60. Groups of individuals that are comprised of one or more persons with standing and persons who do not have standing may, at the discretion of the Commission, 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.

61. 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, nor will they be able to appear before the Commission to put their individual interests forward to any extent greater

than that of an individual without standing who may participate by filing a written submission or making a brief oral statement.

62. 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.

4.2.5 Other parties

63. 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.

4.2.6 Further written process for standing

64. Persons listed on schedules C and D must provide further information to the Commission if they wish to request standing in this proceeding. Parties must explain to the Commission what rights they are claiming and how those rights may be directly and adversely affected by the Commission's decision on the application and, for those persons shown in Schedule D, information regarding their land location. Until the Commission receives this further information, parties listed in schedules C and D do not have standing in this proceeding but will still be eligible to submit a written statement or make a brief oral statement at the formal hearing.

65. The Commission has established the following process schedule to receive requests for standing that contain the information mentioned above:

- 1) Written submissions requesting standing must be submitted to the Commission on or before **January 21, 2013**, to obtain standing in this proceeding.
- 2) The applicants may respond in writing to the submissions received on or before **January 28, 2013**.

5 Hearing process, schedule and location

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

67. The majority of interveners stated that May 13, 2012, was a reasonable start date for the formal hearing. No particular concerns were raised on the tentative process steps.

68. Many interveners were in favor of the phased hearing process and hearing locations close to the project area. Several locations were proposed by interveners for the phased hearing, including High River, Calgary, Okotoks, Claresholm, Fort MacLeod and Pincher Creek.

5.1 Hearing process and schedule

69. In setting the schedule for the hearing, the Commission is mindful that 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. The Commission is of the view that the following schedule establishes a process that is fair to all participants and includes all of the contemplated process steps

Date	Process step
February 8, 2013	Deadline for intervener information requests to applicants
March 1, 2013	Information responses due from the applicants
March 22, 2013	Intervener evidence due
April 5, 2013	Deadline for information requests to interveners
April 19, 2013	Information responses due from interveners
May 3, 2013	Reply evidence due from the applicants
May 14, 2013	Public hearing to commence

5.2 Written submissions

70. Parties who want to have an opportunity to express their views on the FATD project but who 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 the public hearing. 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 March 22, 2013.

5.3 Hearing location

71. In selecting the locations for the hearing, the Commission concurs with the interveners that a phased hearing process is appropriate and convenient to consider the projects which involve a large geographic area and diverse groups of interveners. It is the intention of the Commission to first consider the applicants' evidence in a location that is central to all the participants and then consider interveners' evidence at locations close to the interveners' properties or residences.

72. The Commission has reviewed the venues in all the locations suggested by the interveners and noticed that there is no suitable venue available in either Claresholm, Fort McLeod, or in the south Calgary/Okotoks area between May and June 2013. At this time, the Commission has determined that the hearing will commence on May 14, 2013, at the High River Heritage Inn & Convention Centre, located at 1104 11 Street S.E., High River, Alberta. The dates and venues for the remainder of the hearing will be determined at a later date. Further details of the hearing dates and locations will be advised in the notice of hearing.

5.4 Staged proceeding

73. Given the scope of this proceeding, some interveners expressed concern that this proceeding may be complicated in nature and thought that it would not be easy for them to fully participate.

74. The Commission is of the view that because the Foothills 237S substation is under consideration in both the North Foothills Transmission Project and the South Foothills Transmission Project, it would not be plausible to consider the additional facility applications in a separate proceeding without causing prejudice to potentially affected stakeholders related to applications in the other proceeding. The Commission observed that the proposed phased hearing process was supported by interveners.

Dated on December 24, 2012.

The Alberta Utilities Commission

(original signed by)

Anne Michaud
Commission Member

Schedule A – Process meeting participants

Name of Organization (Abbreviation) Counsel or Representative
Alberta Electric System Operator J. Cusano
AltaLink Management Ltd. P. Feldberg
ENMAX Power Corporation D. Wood
Diagonal Group G. Fitch
Louson Investment Ltd. and Glen Eagles Investments Ltd. G. Fitch
P. Robertson G. Fitch
Bow Vista Farms Ltd. S. Stenbeck
Mudry family and McHugh family S. Stenbeck
T. and F. Thomson and Western Sky Land Trust S. Stenbeck
Mattson Group N. Ramessar on behalf of M. Niven
Randle Group J. Laycraft
R. and R. Pearson J. Laycraft
Committee for East Route Conservation (CERC) R. Secord
D. and L. Conner D. Van Moorsel
C. Hansen
The McLaren and Carlson group J. Price and J. Walton

Name of Organization (Abbreviation) Counsel or Representative
Town of High River K. Mohammed
ENMAX Green Power R. McKee
TransCanada Energy Limited R. Stevens
Benign Energy Canada II Inc. A. Kettleison
Astral Media Radio B. Stovold
R. and G. Nauta
H. Jackson
M. Chehabeddine
R. Miller
V. and P. Bretin
TD&T Properties D. Leeds

<p>Alberta Utilities Commission</p> <p>Commission Panel A. Michaud, Commissioner</p> <p>Commission Staff JP Mousseau (Commission Counsel) M. Ali (Commission Counsel) T. Chan S. Jiang K. Taylor L. Charest</p>

Schedule B – Persons with standing

Application No. 1608642: Langdon to Janet Transmission Project	
197833 Alberta Ltd.	Glen Eagles Investments Limited
590140 Alberta Limited / Simonelli, Carlo	Joneja, Baldev
Beck, John	Kyle, Janet
Bretin, Patricia	Louson Investments Inc.
Bretin, Vern	Mattson Group
Buckley, Sheila	McLaren and Carlson Group
Camrock Capital Partners GP (40) Ltd.	Steele, Vanessa

Application No. 1608637: North Foothills Transmission Project	
Astral Media Radio	MacLellan, Debra
Bow Vista Farms Ltd.	Maldeghem, Charles
Chehabeddine, Afif	Miller, Richard
Chehabeddine, Mustapha	Moore, Wayne
Coonfer, Douglas	Pearson, Reece
Diagonal Group	Pearson, Richard
Hage, Abdul	Randle Group
Hage, Mohamed	Taplin, James L.
Jackson, Harvey E.	Thomson, Frederick
Kaaki, Faten	Thomson, Terry
Klatzel-Mudry, Louise / McHugh Family	Western Sky Land Trust

Application No. 1608643: Foothills 138-kV Transmission Project	
B.F.W. Holdings (2006) Ltd.	Nauta, Gerry
Chehabeddine, Afif	Nuata, Randy
Chehabeddine, Mustapha	Pope, David
ENMAX Green Power Inc.	Randle Group
ENMAX Shepard Inc.	Robertson, Phyllis
Kaaki, Faten	Town of High River
Nauta, Dan	

Application No. 1608861: South Foothills Transmission Project	
Committee for East Route Conservation	Paradis, Jason
Conner, Laurie	Paradis, Sabrina
Conner, Ron	Randle Group
Markle, Collin R.	Volker Stevin / McNally Contractors (2011) Ltd.

Application No. 1608862: Windy Flats 138-kV Transmission Project	
Conner, Laurie	Conner, Ron

Application No. 1608649: ENMAX application for modifications to substations	
ENMAX Green Power Inc.	ENMAX Shepard Inc.

Schedule C – Persons outside of 800 metres

Arca, Mavito
Fowler, F.L. & E.
Shutiak, James
TDT Properties Ltd. ⁷

⁷ TDT Properties Ltd. is within 800 metres of another existing line. It does not appear to the Commission that it is within 800 metres of any of the proposed FATD transmission line projects.

Schedule D – Persons with insufficient information

Benign Energy II Inc.
Brunner, Linda
Dawson, Tom
Jackson, Harvey E. ⁸
Jeske, Jan
Lozeman, Fred
Powerex Corp.
Scandinavian Developments Consultants (Charles Hansen) ⁹
Schnarr, Bill
TransCanada Energy Ltd.
Vandervalk, Marvin
Wallace, Todd

⁸ Mr. Havey E. Jackson referred to Application No.1608861 in the process meeting. However, based on the LSD provided, it appears that his interests may be affected by Application No.1608637.

⁹ Mr. Hansen appeared at the process meeting and stated that he had discussed the matter with persons within 800 metres. However, it is not clear to the Commission that he owns or resides upon lands within 800 metres or if he is representing persons who meet that criteria.

Schedule E – Groups with members that have standing

GROUP
Diagonal Group
Committee for East Route Conservation
Mattson Group
McLaren and Carlson Group
Randle Group