Revision of AUC Rule 001: Rules of Practice – Section 22
Franchise applicants to prepare and file notice of application
Revisions to alert of notice of application template and notice of application template

The Alberta Utilities Commission (the AUC or the Commission) is inviting comments from interested parties respecting proposed draft amendments to AUC Rule 001: Rules of Practice (Rule 001) and proposed amendments to the current alert of notice of application template and notice of application template (notice rule amendments). The notice rule amendments are being considered in order to add, to Section 22 of Rule 001, franchise applications where notice is required under Section 45 of the Municipal Government Act, and to improve the current alert and notice templates. The intent of the addition is to require franchise applicants to file a draft notice along with their application to shorten the overall timeline required for processing these applications.

The draft revised Section 22 of Rule 001, attached as Appendix 1 to this bulletin, illustrates the proposed amendments to the section. The proposed amendments under Section 22 will establish the following new requirements:

- Applicants filing a franchise application will be required to prepare and draft a notice of application in a form similar to the notice currently being prepared by the Commission. Applicants will use a template provided by the Commission in accordance with the requirements of Section 22(3) of this rule.
- The franchise applicant will submit the draft notice of application at the same time that the franchise application is filed. The Commission will then complete the final version of this document by inserting the Application No., Proceeding ID No., the participation closing date, and the AUC contact information.

Franchise applicants will not be required to file an alert of notice of application.

The AUC also considers that improvements could be made to the current alert of notice of application and notice of application templates for electric and gas rate related applications. To this end, the AUC proposes to initiate the following key changes:

- Clarify AUC instructions to applicants drafting notices.
- Modify language throughout the templates in order to provide a reader-friendly notice or alert of notice to the public.
  - Any reference to a party or parties will now be referred to as a person or persons.
  - Statements of intent to participate (SIP) will now be referred to as submissions.
- Expand and clarify the requirements for submissions.
- Amend the alert of notice template to better reflect the purpose of the alert (which is to refer the reader to the notice for additional information).
The revised templates of the alert of notice of application and the notice of application for electric and gas rate related applications, and the new template for the notice of application for franchise applications are attached as Appendix 2, 3, and 4, respectively, to this bulletin.

Please note the amended portion of the rule and the draft templates reflect adherence to AUC requirements for style and grammar.

Interested parties are invited to provide written comments regarding these notice rule amendments to Andrea Laroiya at andrea.laroiya@auc.ab.ca on or before **September 9, 2011**.

Any questions regarding this consultation should be directed to Elsa Kaus by telephone at 403-592-4464 or by email at elsa.kaus@auc.ab.ca or to Andrea Laroiya by telephone at 403-592-4411 or by email at andrea.laroiya@auc.ab.ca.

*(original signed by)*

Robert D. Heggie  
Chief Executive
Appendix 1

AUC Rule 001 Section 22 recommended amendments (blacklined version)

Notice of Application

22(1) If the Commission is considering deciding on an application without a hearing, the Commission may issue a notice of application.

22(2) Notwithstanding subsection 22(1), if the Commission is considering deciding on an application respecting Section 37, Section 102, Section 103 (except for the electric energy charge) or Section 119 of the Electric Utilities Act, Section 26 or Section 36 of the Gas Utilities Act, Section 3 (except for the gas charge) of the Default Gas Supply Regulation, or Section 101 of the Public Utilities Act, or Section 45 of the Municipal Government Act, the Applicant shall prepare a draft notice of application in accordance with the requirements of subsection 22(3) of this rule. The draft notice of application shall be filed with the Commission in accordance with these rules of practice and any other direction that the Commission may provide.

22(3) A notice of application must

(a) be in writing,

(b) briefly describe the subject-matter of the application,

(c) indicate the date by which a submission must be filed,

(d) state that the Commission may grant the application without a hearing or any additional process if the Commission considers the submission to be frivolous, vexatious or of little merit; or if the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the hearing or other proceeding,

(e) indicate that copies of the application and other documents filed in support of the application

(i) may be obtained from the applicant or the applicant’s representative, and

(ii) are available for viewing at a location open to the public,

(f) indicate the name and address in Alberta of the applicant or the applicant’s representative where the application and other documents filed in support of the application may be obtained,

(g) indicate the address of the location open to the public where the application and other documents are available for viewing, and

(h) contain any other information that the Commission considers necessary.
(4) In addition to Section 22(2), if the Commission is considering deciding on an application respecting Section 37, Section 102, Section 103 (except for the electric energy charge) or Section 119 of the Electric Utilities Act, Section 26 or Section 36 of the Gas Utilities Act, Section 3 (except for the gas charge) of the Default Gas Supply Regulation or Section 101 of the Public Utilities Act, the applicant shall prepare a draft alert of notice of application. The draft alert of notice of application shall be filed with the Commission in accordance with these rules of practice and any other direction that the Commission may provide.

(5) An alert of notice of application must:

   (a) be in writing,

   (b) briefly describe the subject-matter of the application,

   (c) indicate the date by which a submission must be filed, and

   (d) indicate where a party may obtain or view the notice of application.

(6) If a submission is filed, the Commission may

   (a) set the application down for a hearing, or

   (b) grant the application if

      (i) the Commission considers the submission to be frivolous, vexatious or of little merit, or

      (ii) the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the proceeding.
AUC Rule 001 Section 22 recommended amendments (clean version)

Notice of Application

22(1) If the Commission is considering deciding on an application without a hearing, the Commission may issue a notice of application.

(2) Notwithstanding subsection 22(1), if the Commission is considering deciding on an application respecting Section 37, Section 102, Section 103 (except for the electric energy charge) or Section 119 of the Electric Utilities Act, Section 26 or Section 36 of the Gas Utilities Act, Section 3 (except for the gas charge) of the Default Gas Supply Regulation, Section 101 of the Public Utilities Act, or Section 45 of the Municipal Government Act, the applicant shall prepare a draft notice of application in accordance with the requirements of subsection 22(3) of this rule. The draft notice of application shall be filed with the Commission in accordance with these rules of practice and any other direction that the Commission may provide.

(3) A notice of application must

(a) be in writing,
(b) briefly describe the subject-matter of the application,
(c) indicate the date by which a submission must be filed,
(d) state that the Commission may grant the application without a hearing or any additional process if the Commission considers the submission to be frivolous, vexatious or of little merit; or if the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the hearing or other proceeding,
(e) indicate that copies of the application and other documents filed in support of the application
   (i) may be obtained from the applicant or the applicant’s representative, and
   (ii) are available for viewing at a location open to the public,
(f) indicate the name and address in Alberta of the applicant or the applicant’s representative where the application and other documents filed in support of the application may be obtained,
(g) indicate the address of the location open to the public where the application and other documents are available for viewing, and
(h) contain any other information that the Commission considers necessary.

(4) In addition to Section 22(2), if the Commission is considering deciding on an application respecting Section 37, Section 102, Section 103 (except for the electric energy charge) or Section 119 of the Electric Utilities Act, Section 26 or Section 36 of the Gas Utilities Act, Section 3
(except for the gas charge) of the Default Gas Supply Regulation or Section 101 of the Public Utilities Act, the applicant shall prepare a draft alert of notice of application. The draft alert of notice of application shall be filed with the Commission in accordance with these rules of practice and any other direction that the Commission may provide.

(5) An alert of notice of application must:

(a) be in writing,

(b) briefly describe the subject-matter of the application,

(c) indicate the date by which a submission must be filed, and

(d) indicate where a party may obtain or view the notice of application.

(6) If a submission is filed, the Commission may

(a) set the application down for a hearing, or

(b) grant the application if

   (i) the Commission considers the submission to be frivolous, vexatious or of little merit, or

   (ii) the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the proceeding.
Alert of Notice of Application

Draft

Proceding ID No. [XXXX]
Application No. [xxxxxxx]

[Company Name] filed an application with the Alberta Utilities Commission (the AUC or the Commission) on Month Day, Year requesting approval to [enter what the applicant is requesting and effective date, if applicable].

Accessing additional information:

Any person who may have an interest in this application should visit the AUC website at www.auc.ab.ca to view the notice of application in the Notices section. The notice includes details on how to file a submission in the proceeding. The application is available for viewing through the Proceeding Search system accessible from the E-Filing Services & Regulatory Document Search page of the Commission website. All submissions must be filed with the Commission by 2 p.m., Month Day, Year.

Any person with concerns who does not have access to a computer should contact the AUC for further information on the application and Commission procedures by telephone at 780-427-4903.

Persons who do not register an interest in the application will not receive further notice of the Commission’s processing of this application.

Issued on Month Day, Year

The Alberta Utilities Commission
Douglas A. Larder, QC, General Counsel
Notice of Application
Draft

Proceeding ID No. XXXX
Application No. xxxxxxx
Company Name

Application or Proceeding Description

The Alberta Utilities Commission (the AUC or the Commission) is a quasi-judicial independent agency established by the government of Alberta, responsible to ensure that the delivery of Alberta’s utility service takes place in a manner that is fair, responsible and in the public interest.

Company Name filed an application with the AUC on Month Day, Year requesting approval to [enter what the applicant is requesting and effective date, if applicable].

Description of the application:

Enter the particulars of the application. (This section should focus on information that would allow interested persons to decide if they should intervene. The applicant must provide further details in summary form of what is being requested. The onus lies on the applicant to ensure the description is comprehensive – please see instruction no. 6).

How to file a submission:

Any person or group with concerns or objections regarding the application, or who wishes to support the application, must file a submission with the Commission by the participation closing date of 2 p.m., Month Day, Year.

The submission must contain the following information:

- The application number and the proceeding ID number in the subject line.
- The person’s name or organization name, address, telephone number and email address (if available).
- A description of the person or group’s interest in the proceeding.
- An explanation of the person or group’s position including the reasons why they believe the AUC should decide in the manner they recommend and information in support of their position.
- The person or group’s position as to whether further process is required and the supporting rationale.

If the person is represented by another person, please include the contact information for the representative. If the submission is being submitted on behalf of a group, the contact person for...
the group and the details on the group members should be provided. Submissions should be addressed to the AUC.

The AUC would appreciate receiving submissions, filed electronically as a “Statement of Intent to Participate” (SIP), through the e-filing services on our website (www.auc.ab.ca). Guidelines on how to access and use the e-filing services are found in the AUC Electronic Filings Services brochure, available in the Newsroom section of our website. For assistance with e-filing services contact the AUC at 780-643-1055.

Persons who do not register by filing a submission will not receive further notice of the Commission’s processing of this application.

The Commission may still determine the application without a hearing, or any additional process regardless of whether a submission is filed, if:

(a) the Commission considers the submission to be frivolous, vexatious or of little merit,
(b) the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the proceeding

**Freedom of Information and Protection of Privacy Act:**

Documents that you file in this proceeding will be available to the public. If your documents do not contain personal information, the general public will have Internet access to your documents through the AUC website. If your documents do contain personal information, only individuals and organizations who register to participate in this proceeding will have Internet access to your documents through the AUC website. If you do not want your personal information made available to those persons who are participating in the proceeding, you must apply for a confidential ruling under Section 13 of the AUC Rule 001: Rules of Practice before you file your documents.

The AUC will only collect and use your personal information for the purposes of this proceeding. The AUC’s legal authority to collect your personal information for this proceeding is Section 33(c) of the Freedom of Information and Protection of Privacy Act.

**Additional information:**

The application and details regarding the proceeding are available for viewing by accessing the following link: [https://www.auc.ab.ca/enb/dds/EPS_Query/ProceedingDetail.aspx?ProceedingID=XXX](https://www.auc.ab.ca/enb/dds/EPS_Query/ProceedingDetail.aspx?ProceedingID=XXX)

To obtain or view a paper copy of the application (for interveners without access to the internet), contact the applicant at:

Attention: Applicant Contact Name
Company
Address
City, Alberta Postal Code
AUC contact information:

For information about AUC procedures, please contact the following individual:

Name, Title
Telephone
Email

Issued on Month Day, Year

The Alberta Utilities Commission
Douglas A. Larder, QC, General Counsel

Comment [AUC11]: Instruction no. 8 – Provide all of this applicant contact information.

Comment [AUC12]: Contact information to be completed by the AUC.

Comment [AUC13]: Instruction no. 9 – Provide the date for the issuance of the notice of application. This date should be two business days after the application registration date. Please note that it will also be the same date that both the final notice of application and the alert of notice will be uploaded to the Proceeding Search system.
Appendix 4 (Franchise Application)

Notice of Application

Draft

Proceeding ID No. XXXXX
Application No. xxxxxxx
Municipality Name
Company Name
Application Description

The Alberta Utilities Commission (the AUC or the Commission) is a quasi-judicial independent agency established by the government of Alberta, responsible to ensure that the delivery of Alberta’s utility service takes place in a manner that is fair, responsible and in the public interest.

Company Name filed an application with the AUC on Month Day, Year requesting approval to [enter what the applicant is requesting].

Description of the application:

Enter the particulars of the application. (This section should focus on information that would allow interested persons to decide if they should intervene. The applicant must provide further details in summary form of what is being requested. The onus lies on the applicant to ensure the description is comprehensive – please see instruction no. 7).

How to file a submission:

Any person or group with concerns or objections regarding the application, or who wishes to support the application, must file a submission with the Commission by the participation closing date of 2 p.m., Month Day, Year

The submission must contain the following information:

- The application number and the proceeding ID number in the subject line.
- The person’s name or organization name, address, telephone number and email address (if available).
- A description of the person or group’s interest in the proceeding.
- An explanation of the person or group’s position including the reasons why they believe the AUC should decide in the manner they recommend and information in support of their position.
- The person or group’s position as to whether further process is required and the supporting rationale.
If the person is represented by another person, please include the contact information for the representative. If the submission is being submitted on behalf of a group, the contact person for the group and the details on the group members should be provided. Submissions should be addressed to the AUC.

The AUC would appreciate receiving submissions, filed electronically as a “Statement of Intent to Participate” (SIP), through the e-filing services on our website (www.auc.ab.ca). Guidelines on how to access and use the e-filing services are found in the AUC Electronic Filings Services brochure, available in the Newsroom section of our website. For assistance with e-filing services contact the AUC at 780-643-1055. Submissions can also be submitted using the contact information provided below.

Electronic copies of submissions can be sent to:

 filings@auc.ab.ca
Subject: Proceeding ID No. XXXX

Electronic submissions are preferred, when possible, however paper copies can be sent to:

 Alberta Utilities Commission
 Rates Division
 Re: Proceeding ID No. XXXX
 10th Floor, 10055 - 106 Street
 Edmonton, Alberta T5J 2Y2

Persons who do not register by filing a submission will not receive further notice of the Commission’s processing of this application.

The Commission may still determine the application without a hearing, or any additional process regardless of whether a submission is filed, if:

(a) the Commission considers the submission to be frivolous, vexatious or of little merit or
(b) the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Commission on the proceeding

**Freedom of Information and Protection of Privacy Act:**

Documents that you file in this proceeding will be available to the public. If your documents do not contain personal information, the general public will have Internet access to your documents through the AUC website. If your documents do contain personal information, only individuals and organizations who register to participate in this proceeding will have Internet access to your documents through the AUC website. If you do not want your personal information made available to those persons who are participating in the proceeding, you must apply for a confidential ruling under Section 13 of the AUC Rule 001: Rules of Practice before you file your documents.
The AUC will only collect and use your personal information for the purposes of this proceeding. The AUC’s legal authority to collect your personal information for this proceeding is Section 33(c) of the Freedom of Information and Protection of Privacy Act.

Additional information:

The application and details regarding the proceeding are available for viewing by accessing the following link:

To obtain or view a paper copy of the application (for interveners without access to the internet), contact either the company or the municipality at:

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AUC contact information:

For information about AUC procedures, please contact the following individual:

Name, title
Telephone
Email

Issued on Month Day, Year

The Alberta Utilities Commission
Douglas A. Larder, QC, General Counsel