

Bulletin 2019-15

September 9, 2019

New performance standards for processing facility applications

The Alberta Utilities Commission has updated its internal performance standards and timelines for processing facility applications. These new standards and timelines replace those previously set out in [Bulletin 2009-25](#), and will apply to all facility applications filed on or after August 1, 2019. The Commission will continue to process applications filed prior to August 1, 2019, under the performance standards set out in Bulletin 2009-25.

The new standards continue to recognize five categories of facility applications. However, the AUC has refined, and in some cases changed, the criteria for those categories. Further, the AUC has added new performance standards and timelines for record development providing greater transparency and accountability for the AUC's processing of facility applications. The new performance standards are set out in Table 1.

Table 1: Performance standards for facility applications

Category	1	2	3	4	5
Process	<ul style="list-style-type: none"> no notice no objections no information requests 	<ul style="list-style-type: none"> no notice no objections one round of AUC information requests 	<ul style="list-style-type: none"> notice no objections/ no person with standing one or more rounds of AUC information requests 	<ul style="list-style-type: none"> notice objections no participant information requests written/oral hearing 	<ul style="list-style-type: none"> notice objections participant information requests written/oral hearing
Record development timeline	5 business days*	35 days	90 days	120 days	205 days
Performance standard	90 per cent			80 per cent	
Decision writing timeline	15 days	20 days	30 days	75 days	90 days
Performance standard	100 per cent				

* This is the only performance standard based on business days; all other performance standards are based on calendar days.

Category refinements and changes

The AUC has refined the criteria used to categorize applications to reduce ambiguity and increase certainty. Under Bulletin 2009-25, Category 2 applications were characterized as simple applications that required notice or minimal information requests, whereas Category 3 applications were characterized similarly but with extensive information requests.

Under the revised standards, Category 2 relates only to applications where notice is not required but a single round of information requests is necessary to complete the application. Category 3 applications are now characterized by issuance of a notice and one or more rounds of information requests.

The AUC also redefined Category 4 and 5 applications based on the complexity of issues raised in a proceeding rather than on whether the application would be considered in an oral or written proceeding. Category 4 will be used to process contested applications where the issues in dispute are limited or primarily legal (as opposed to factual) in nature. To be classified as a Category 4, the Commission must be satisfied that it can render its decision on the application based on a process that does not include participant information requests. Category 5 applications will be reserved for written or oral proceedings that require the full suite of process steps.

New record development standard

The new record development standard will incentivize more efficient application processing by establishing standard processing steps and timelines for each application category. Considered together, the timelines for record development and the timelines for decision writing will be equal to, or less than, the full-cycle timelines for each category established in Bulletin 2009-25.

The new performance standards for record development are premised on the process steps necessary to ensure a complete application and sufficient evidentiary record to allow the Commission to decide if approval of an application is in the public interest. Those process steps are summarized in Table 2.

Table 2: Record development steps

Record development steps by category					
Process	Category				
	1	2	3	4	5
AUC application review	X	X	X	X	X
Notice of application			X	X	X
AUC IR round 1		X	X	X	X
AUC IR round 2			X	X	X
Objection/standing ruling				X	X
Completeness notification	X	X	X	X	X
Notice of hearing				X	X
Participant IRs					X
Intervener evidence				X	X
Rebuttal evidence				X	X
Oral or written hearing				X	X
Argument/reply argument				X	X

The record development timelines are based on the receipt of applications that are complete or substantially complete. The timelines do not take into account process steps in addition to those outlined in Table 2 (such as technical meetings, negotiated settlements, supplemental information requests and motions for various matters), which could extend the overall timeline.

Category-specific performance standards

The Commission's new performance standards and timelines are now more category specific. Under Bulletin 2009-25, the AUC's full-cycle performance standard for processing applications was 80 per cent across all categories. A further performance standard also applied specifically to decision writing; 100 per cent of Category 1 to 3 decisions were to be issued within 30 days of the record being complete, and 100 per cent of Category 4 and 5 decisions were to be issued within 90 days of the record being complete.

The new performance standards include a 90 per cent record development performance standard for Category 1 to 3 applications while maintaining the 80 per cent standard for Category 4 and 5 applications. Further, the new performance standards establish specific decision writing timelines for categories 1 to 5, which are 15, 20, 30, 75 and 90 days respectively.

The new performance standards for record development when coupled with the revised timelines for decision writing represent a material change to full-cycle performance expectations across all categories.

Deeming applications complete

The Commission will continue to assign new applications to one of the five category types listed above and will advise applicants, in writing, of the application category. The Commission may revise the assigned category if more process steps are required to consider the application.

In accordance with Section 1.7 of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*, the AUC must notify applicants, in writing, when it has deemed their application(s) to be complete. The form of notification will depend upon application category, as described below:

Category	Notification method
1	An application response letter issued five business days (or less) after the application is filed.
2	A completeness letter issued after the AUC has reviewed the responses to its information requests.
3 - 5	A completeness letter issued after the AUC has reviewed the responses to its last round of information requests.

If you have questions with respect to the new performance standards, please contact JP Mousseau at 403-592-4452, or by email at jp.mousseau@auc.ab.ca, or Brian Shand at 403-592-4434, or by email at brian.shand@auc.ab.ca.

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