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ALBERTA UTILITIES COMMISSION

Application No. 1606609

Proceeding ID No. 457

AltaLink L.P.

EPCOR Distribution and Transmission Inc.

Heartland Transmission Project

PROCESS MEETING


November 2, 2010

Edmonton, Alberta

1 Proceedings taken at hearing at the Edmonton EXPO Centre,
 2 7515 - 118 Avenue, Edmonton, Alberta

3 -----

4 November 2, 2010

5	W. Grieve	Chair
	T. Beattie	Commissioner
6	A. Michaud	Commissioner
7	JP Mousseau	Commission Counsel
	P. Khan	Commission Counsel
8	S. Dhalla	Commission Counsel
9	K. Gladwyn	Commission Staff
	T. Chan	Commission Staff
10	D. Popowich	Commission Staff
	A. Anderson	Commission Staff
11	V. Choy	Commission Staff
	T. Wilde	Commission Staff
12	T. Richards	Commission Staff
	J. Law	Commission Staff
13	G. Scotten	Commission Staff
	A. Brinker	Commission Staff
14		
	P. Feldberg	For AltaLink L.P.
15	B. Hunter	
16	R. Liteplo	For EPCOR Distribution and Transmission Inc.
17		
	R. Secord	For Sturgeon Intervener Group and Alberta Direct Connect Consumers Association
18	D. Bishop	
19		
	D. Mallon	For Responsible Electricity Transmission for Albertans (RETA)
20	E. Chipiuk	
21	W. McElhanney	For Blue Route Utility Transmission Elimination (BRUTE)
22		
		For Homeowners Against Lines Overhead
23		
	F. Moore	For Group 231
24		
	K. Wilson	For AltaLink 240
25		

1	J. Klimek	For [REDACTED] Farms Ltd., [REDACTED] Farms Ltd. and [REDACTED] Farms. Ltd.
2		
3	L. Semenchuk	For [REDACTED] Inc. and [REDACTED] and [REDACTED]
4	J. Morris	For Dr. Ross Harris
5	M. Niven	For the [REDACTED] and [REDACTED]
6		
7	K. Wilson (Agent for I. Cameron)	For [REDACTED] Farm Inc. and [REDACTED]
8	K. Wilson	For [REDACTED]
9	(Agent for J.D. Carter)	
10	A. Boyd	For Sherwood Park Fish & Game Association
11	J. Pawlyk	For City of Spruce Grove and County of Parkland.
12		
13	S. Boyd	County of Strathcona
14	S. Finlay	For Total E&P Canada and Agrium
15	E. de Palezieux	For Sturgeon County
16	D. Sullivan	For Alberta Electric System Operator (AESO)
17	M. Young	For City of Edmonton
18	M. Synnott	For Walton Development & Management Inc.
19		
20	[REDACTED]	In her own stead
21	[REDACTED]	In his own stead
22	[REDACTED]	In his own stead
23	[REDACTED]	[REDACTED] Farm
24	[REDACTED]	
25	[REDACTED]	In his own stead.

1 B. Ball, CSR(A) RPR CRR Official Court Reporters
2 D. Gerbrandt, CSR(A)

2 -----

3 THE CHAIR: Good morning, everyone.

4 Thank you for taking the time to be here today. My name is
5 Willie Grieve. I'm chair of the Alberta Utilities Commission
6 and I will be chairing this Panel to consider the Heartland
7 Transmission Project application, which I'll be referring to
8 as the Heartland application. I'm joined on this Panel by
9 Ms. Anne Michaud on my right and Mr. Tudor Beattie on my
10 left.

09:05

11 Today's meeting has four purposes. First, to
12 understand who intends to participate in the Commission's
13 hearing process for the Heartland application; second, to
14 better understand how people want to participate, and three,
15 options are available in this respect.

16 You may file a written submission, you can
17 make a brief oral presentation to the Commission in one of
18 the six communities: Sherwood Park, Fort Saskatchewan,
19 Morinville, South Edmonton, Spruce Grove, or Bon Accord.
20 Finally, you may choose to participate in the full formal
21 hearing.

09:06

22 The third purpose of this meeting is to
23 identify the issues that parties intend to raise at the
24 formal hearing and what sort of evidence they intend to bring
25 forward.

1 The fourth purpose of today's meeting is to
2 get feedback on the process and schedule for the hearing.
3 The Commission will use the information it gathers today to
4 finalize the process and schedule for the formal hearing,
5 which we anticipate beginning in April of 2011 and for the
6 community presentations.

7 As you entered this morning you were offered
8 an information package that includes a description of the
9 purposes of today's meeting, a brief description of your
10 participation options, an agenda for today's meeting, the
11 proposed schedule, and a list of registered parties. Also
12 included is a process meeting appearance submission form.
13 You can either use this form to organize your thoughts for
14 your appearance or, if you would prefer, you can simply fill
15 the form out and give it to the AUC staff member at the back
16 of the room. Extra copies of the information package are
17 also available from the AUC staff.

18 I want to emphasize that today's meeting is
19 strictly about setting a fair and efficient process to follow
20 for this proceeding. We will not be discussing the merits of
21 the Heartland application or any of the routes or options
22 described in that application at this meeting. The merits of
23 the Heartland application will be considered later through
24 the formal hearing process, the community meetings, and
25 written submissions.

09:07

09:07

1 The Commission's job in this proceeding is to
2 decide whether to approve the Heartland application, whether
3 it is in the public interest. To perform our job effectively
4 it's essential that all parties that may be directly and
5 adversely affected by our decision have an opportunity to
6 express their views on the proposed project. The Commission
7 will ensure that this process meeting and the public hearing
8 and community meetings that follow will be conducted in a
9 manner that respects the rights and views of all
10 participants.

09:08

11 The Commission's process is a formal one,
12 meaning that we have a set of rules designed to ensure that
13 parties that may be directly and adversely affected by our
14 decision will be heard and every issue and opinion will be
15 considered. We expect participants and observers to respect
16 these rules, especially since maintaining an orderly process
17 is critical in a situation such as this.

18 A number of groups and individuals will make
19 appearances today, and those people must be allowed to speak
20 without interruption or distraction. The Commission asks
21 participants and observers to respect all parties when they
22 are speaking.

09:08

23 You will have been handed a list of registered
24 parties when you arrived this morning. Given the fact that
25 many of these parties represent groups of interested and

1 affected people, it's our intention to hear from the group
2 representatives first before moving to individuals. Everyone
3 who speaks will be bound by the same rules; namely, that
4 there is a time limit for speaking in the interests of making
5 sure all have an equal chance to make their appearance.

6 Appearance times cannot be shared or
7 consolidated. In other words you can't give your speaking
8 time to someone else. Regardless of who is speaking, the
9 ten-minute limit will apply.

10 As I stated at the commencement of this
11 hearing, my name is Willie Grieve. I'm chair of the AUC.
12 I'm a lawyer by training. I have been involved in public
13 utility regulation in Canada for over 25 years and have now
14 served for two and a half years as chair of this Commission.

09:09

15 As chair of this Panel my responsibility is to
16 make sure the process is fair and to make sure everyone who
17 wants to make an appearance today has an opportunity to do
18 so.

19 I am joined by Tudor Beattie and Anne Michaud,
20 commissioners who have a great deal of experience to this
21 hearing room. Tudor and Anne both joined the Commission in
22 April of 2008. Tudor is a former Bencher of the Law Society
23 of Alberta and was a Crown prosecutor in Alberta for
24 26 years. Anne is also legally trained, and prior to coming
25 to the Commission she acted as Crown counsel on tax matters

09:10

1 and negotiations with First Nations in British Columbia.
2 More recently she was a partner with a large Canadian
3 accounting firm in Calgary.

4 The Commission staff assisting the Panel today
5 are Mr. JP Mousseau, who is Commission counsel; Dr. Tom Chan;
6 Mr. Victor Choy; Mr. Allan Anderson; and Mr. Keith Gladwyn of
7 the Commission's facility division; and Mr. Parvez Khan of
8 the law branch. There are other AUC staff members present to
9 assist with today's meeting. All the AUC staff present have
10 name tags identifying them. If you have any questions, they
11 will be happy to help you. 09:11

12 I'm informed that there is also staff from the
13 solicitor general's office here, and they can be identified
14 by their uniforms.

15 The AUC has set up an information room across
16 the hall from here in room 109. In this room we have
17 information about the AUC's hearing and costs processes and a
18 number of AUC staff who can answer any questions you may
19 have.

20 Next door in room 108 we have set aside a
21 large room that people can use to collect their thoughts,
22 prepare for their appearance, or just have coffee. 09:11

23 For the benefit of the record, I'll now
24 briefly describe the Heartland application. The Heartland
25 Transmission Project application was filed jointly by

1 AltaLink LP and EPCOR Distribution and Transmission Inc., the
2 applicants, on September 7th, 2010. The application can be
3 viewed or downloaded from the Commission's website or may be
4 obtained directly from AltaLink. You can see them at one of
5 the breaks.

6 The Heartland Transmission Project is defined
7 as critical transmission infrastructure in the *Electric*
8 *Utilities Act*. The need for this project and all associated
9 facilities required to connect it to the Alberta
10 interconnected electric system has been determined by that
11 Act. Accordingly, the need for the Heartland project is not
12 subject of AUC approval.

09:12

13 The applicants have proposed a preferred route
14 and an alternate route. The preferred route exits the
15 existing Ellerslie 89S substation and follows the
16 transportation and utility corridor east and then north to a
17 point north of 167 Avenue and slightly east of Fort Road.
18 The route then exits the TUC and travels north and slightly
19 east, to terminate approximately 5 kilometres east northeast
20 of the town of Gibbons at a proposed new substation called
21 the Heartland 12S substation, located in Section 20,
22 Township 56, Range 22, west of the 4th Meridian.

09:13

23 The alternate route would tie into an existing
24 500 kV transmission line, 1202L, at a point west of Edmonton
25 in the centre of Section 1, Township 52, Range 27, west of

1 the 4th Meridian, and travel more or less straight north to a
2 point approximately 5 kilometres northwest of Morinville,
3 where the route would turn east and travel straight to the
4 proposed Heartland substation.

5 AltaLink also proposes to construct an
6 approximately 18 to 22 kilometre double circuit 240 kV
7 transmission line from the proposed Heartland transmission
8 line to connect with an existing 240 kV transmission line,
9 942L, in the southeast quarter of Section 23, Township 52,
10 Range 21, west of the 4th Meridian. Maps of the proposed
11 routes have been placed on the walls. I'm looking around. I
12 was told they would be placed on the walls.

09:14

13 Now, Mr. Gladwyn, could you provide us with
14 particulars of giving notice for this meeting, please?

15 MR. GLADWYN: Mr. Chairman, notice of
16 application and process meeting was issued on October 1,
17 2010, advising that the Heartland Transmission Project had
18 been filed and that a process meeting would be held here
19 today. The notice was mailed directly to the list supplied
20 by the applicants of all landowners, residents, and other
21 interested parties with lands within 800 metres of the edge
22 of the transmission line right-of-way in rural areas and the
23 first row of residences in urban settings.

09:14

24 In addition, the notice was delivered to all
25 residences and addresses along the proposed transmission line

1 routes by way of a general postal code drop.

2 The notice was published twice in the *Edmonton*
3 *Sun* and *Edmonton Journal* on October 8 and October 20, 2010.
4 The notice was also published in the weekly *St. Albert Saint*
5 *City News* on October 8 and October 22, 2010; the *St. Albert*
6 *Gazette* on October 9 and October 20, 2010; the *Morinville*
7 *Free Press* and the *Redwater Review* on October 12 and
8 October 19, 2010; the *Fort Saskatchewan Record* on October 14,
9 2010; the *Sherwood Park News* October 15 and October 19, 2010;
10 and the *Spruce Grove Examiner* on October 15 and October 22,
11 2010.

09:15

12 Mr. Chair, the notice of hearing has been
13 registered as Exhibit No. 006100AUC-457.

14 THE CHAIR: Thank you, Mr. Gladwyn.

15 The next item in our agenda is appearances
16 from interested parties. In these appearances you should
17 include the following information: Who you are and where you
18 live in relation to the proposed lines, the issues that are
19 most important to you and what evidence you would like to
20 present, how you intend to participate in the hearing, and
21 there are three options for your participation.

09:16

22 There is the written submission. And these
23 can be filed at any time prior to the end of the formal
24 public hearing.

25 There's submissions at community meetings. We

1 ask that you file a short letter stating your intention to
2 make a brief submission or by simply filling out the
3 appearance submission form you were provided today to inform
4 us of your decision to appear at one of the community
5 meetings. The time and dates for these informal sessions
6 will be announced at a later date and you will be given times
7 for your appearance.

8 The third option is participation in the
9 formal hearing. The formal hearing is a court-like process,
10 witnesses are sworn in. Participation can include appearing
11 as a witness and being cross-examined on your evidence,
12 presentation of expert evidence, the cross-examination of
13 other parties, and giving formal argument and reply argument.

09:17

14 Today we're also seeking your views on the
15 preliminary process schedule that was contained in the notice
16 and included in the information package provided today. We
17 also have large charts on the wall depicting the proposed
18 schedule. And I'm informed it's the wall across the hall.

19 I would also like to remind you that if anyone
20 does not wish to make an appearance in this room today you
21 can still provide the Commission with your views on these
22 four matters by filling out the forms provided to you this
23 morning and giving them to the AUC staff located in the back
24 of the room or in room 109 across the hall. Extra forms are
25 available there as well. If you have any question about

09:17

1 these forms or this process, the AUC staff in room 109 can
2 help you with them.

3 Now, to make sure we have time for all of the
4 appearances today we have set a ten-minute time limit, and we
5 just have to stick to that time limit. You may find that
6 other parties have already identified the same issues that
7 you want the Commission to consider or you can say what you
8 have in mind in only a few minutes. Don't worry about trying
9 to fill the time. The ten minutes is an outside limit.

10 You will notice there will be a red light
11 located in front of you. The red light will turn on when
12 your ten minutes are up. If the light comes on, you may
13 finish your sentence or your thought but must conclude your
14 appearance. It's essential we observe these timelines to get
15 through today's meeting.

09:18

16 We plan on sitting until we have heard from
17 all of those who wish to make an appearance at this meeting.
18 Having said that, we will sit until noon, with a one-hour
19 break for lunch, and then sit until 5:30, at which time we
20 will take a one-hour supper break if that's necessary. We
21 will also take 15-minute breaks at 10:30 a.m. and 3 p.m., and
22 we'll schedule others if needed.

09:19

23 I want to stress again that parties must be
24 allowed to make their appearance without interruption or
25 comments from other participants. Also please ensure that

1 all cell phones are turned off or muted while we are in
2 session.

3 We have a court reporter here to obtain a
4 transcript of this proceeding so when your name is called
5 please come up to the microphone and speak slowly and clearly
6 to ensure that the transcript is accurate. The transcript
7 for this meeting will be posted on the AUC's website and
8 available to registered parties.

9 Referring now to the list of registered
10 parties, I will start at the top of this list and move down. 09:19
11 I would ask that parties move forward to one of the tables at
12 the front of the room as their name approaches the top of the
13 list. In terms of the order of appearance, we will start
14 from the applicant, followed next by the large landowner
15 groups, followed next by the landowner groups or individuals
16 represented by counsel and other parties represented by
17 counsel. We will then hear from the remaining parties based
18 on the exhibit number of their statement of intention to
19 participate. If you are not on the list but would like to be
20 added to the list, please see one of the AUC staff in the 09:20
21 information room 109 across the hall.

22 If you are a member of an intervener group and
23 your group's lawyer or representative has already spoken, it
24 is not necessary for you to repeat that submission. However,
25 if you wish to briefly supplement, you can do that and you

1 have the same time allocated to you.

2 Parties are reminded that all the material
3 filed in this proceeding must be placed on the public record
4 unless otherwise ordered by the Commission. In addition, the
5 transcripts of this proceeding, including this process
6 meeting, will form part of the public record. If anyone has
7 any concerns about this please see Commission counsel,
8 Mr. Mousseau, who is sitting right there.

9 With that we will proceed with calling up the
10 parties in accordance with the list we distributed, and we
11 will start with the applicants, please.

09:21

12 MR. FELDBERG: Thank you, Mr. Chairman.
13 Period Feldberg appearing on behalf of AltaLink. With me
14 today is Mr. Liteplo, L-I-T-E-P-L-O, Jonathan. He is on
15 behalf of EPCOR. I will be speaking for the applicants. I
16 should say with me as well is Mr. Hunter, initial B.

17 I'll be very brief, Mr. Chairman, because
18 others need time. With respect to the schedule, the
19 Commission has provided the tentative schedule that was
20 contained in the notice of application process meeting. The
21 applicants are okay with the schedule. I have no comments on
22 the schedule, subject to what my friends may say after me.

09:21

23 With respect to the location of the public
24 hearing, again the applicants have no preference and
25 anticipate that it will be in a location that's convenient to

1 most of the participants of the hearing.

2 There is one comment I probably should make,
3 Mr. Chairman. That's with respect to standing issues. There
4 was in the notice of application process meeting -- and even
5 before that when you established the initial process for the
6 Heartland application -- you indicated that parties who owned
7 or resided on property within 800 metres of the line would be
8 granted standing unless there was an objection from the
9 applicants. There is no objection from the applicants to
10 those who are within 800 metres of the preferred or alternate
11 routes. 09:22

12 We do note a couple of general rules that the
13 Commission has typically followed before, and that is that
14 those who are outside of the 800 metres probably should
15 establish the standing in accordance with the Commission's
16 tests. That is they should be indicating that they have a
17 claim, right, or interest that is known to the law and that
18 the application potentially affect that claim, interest, or
19 right.

20 There are a number of interveners, very few,
21 that have intervened on the basis of what I would
22 characterize as ratepayer interests, and typically that has
23 not been an interest in itself that the Commission or its
24 predecessor has granted standing for. And I'm raising that
25 now so that my friends who represent those groups can make 09:23

1 their case, as it were, to you today as to why they need
2 standing, particularly with respect to the IPCAA submission.
3 I noted that they asked for standing on two grounds. One was
4 as a ratepayer group, effectively the interests in the cost
5 of the facilities; and, secondly, on basis that there were
6 among their members some pipeline owners that were within 800
7 metres. And it's not indicated in the IPCAA submission who
8 those pipeline owners are or whether IPCAA is actually
9 representing the interests of those landowners in this
10 proceeding, and perhaps that could be made clear when they
11 present to you.

09:24

12 With respect to groups, there are a number of
13 groups who include members within 800 metres and outside of
14 800 metres. In my submission we accept that they would have
15 standing because they have members within 800 metres. What
16 we would seek, either today or sometime through the
17 proceeding, would be some clarity with respect to the groups
18 as to who actually is represented by whom and in what
19 capacity. There are a number of interveners that have
20 intervened on their own and are members of groups, and it
21 would be helpful, in my submission, to the process if it
22 could be indicated what the scope of representation is; in my
23 submission not only for the issue of standing, but also later
24 on when you're considering the issue of costs and funding and
25 budgets, et cetera.

09:25

1 I think that's all I have to say at this
2 point, Mr. Chairman, and I may have something to say at the
3 very end, if I'm allowed.

4 THE CHAIR: Sturgeon interveners.

5 MR. SECORD: Good morning, Mr. Chairman and
6 members of the Board. My name is Richard Secord. With me is
7 Ms. Debbie Bishop. I see on the list of registered
8 participants that Annar Hirani is also listed. She is my
9 assistant and probably shouldn't be listed as a
10 representative.

09:26

11 In terms of whom I represent, that is set out
12 in my letter to Mr. Keith Gladwyn dated September 30 of this
13 year, the statement of intent to participate, and in that
14 letter I've listed 156 residents who live along the alternate
15 route or the blue route as it runs through Sturgeon County.

16 I should mention that I haven't done a
17 detailed analysis of the 156 residents, but I know that many
18 of them are within the 800 metres. As Mr. Feldberg says,
19 there may be some who may be outside. And I should also
20 mention that since my letter of September 30th, 2010, we've
21 had a number of additional residents within 800 metres join
22 our group. And I suppose at the time when I file the
23 evidence, we'll have a complete list of the entire group, but
24 it would appear that that original number of 156 is
25 increasing and will likely continue to increase as we

09:27

1 proceed.

2 In terms of the Sturgeon's group's
3 participation, we intend to participate fully. We will be
4 providing information requests to the applicants. We will
5 obviously fully participate in the hearing, cross-examination
6 of the applicants. We will be putting in one or more panels
7 of landowner evidence, depending upon the desire of my
8 clients to participate. And what that will look like, I
9 can't say right now.

10 We will also have a panel of experts. We
11 retained Mr. Bob Barry as a routing expert. We have
12 additionally retained an engineer to assist us with some
13 electrical issues and that list may also increase. We
14 obviously will provide final argument.

09:28

15 In terms of the issues that are most important
16 to my clients, they are obviously the routing, EMF and human
17 and animal health issues, social economic and environmental
18 concerns, underground construction, public interest, the
19 transportation utility corridor.

20 In terms of the social impacts, obviously land
21 use, visual impact, the esthetics, land values, future land
22 development, farming, cattle grazing, working around poles
23 and lines, those are of concern to my clients.

09:29

24 And that list is just a preliminary list. And
25 obviously, the costs of the exercise, as well, are of

1 interest to my clients.

2 In terms of the process steps, my clients have
3 a number of concerns and requests. In relation to the
4 November 23rd, 2010 date for intervenor information requests
5 of the applicant, I believe that is an unrealistic date.
6 It's only 21 days from now and we think a better date for IRs
7 to the applicants would be December 15th, 2010.

8 That being said, we note that the AUC intend
9 to provide information requests to the applicants on November
10 the 8th, and we think that is useful. Presumably your staff
11 have been working towards that and may well have a list of
12 IRs generated at the moment. We would like to see that date
13 remain. We would like to see though, the applicants respond
14 to the board's information requests prior to the intervenors
15 providing IRs to the applicant.

09:30

16 So I would propose that the applicants respond
17 to the board's information requests by December 1, 2010. I
18 think it would be useful for the intervenor groups, then, to
19 look at those responses and then to see whether additional
20 IRs may be worthwhile from the applicants group. And if we
21 had December 15th, that would give us a couple weeks for our
22 experts to digest the work that the Board has done.

09:31

23 That being said, I don't think there should be
24 any reason to preclude intervenor groups who wish to submit
25 IRs early from doing so, and that would be my intention, but

1 I think that would be a process that could have some value.

2 We would also like to see advance funding
3 dealt with, and we would propose again a date of December 1
4 for the filing of requests for advance intervener funding,
5 and we would like to see the Board provide a timely response
6 to any such requests that are submitted for advanced funding
7 given that this proposal is going to be a lengthy one and an
8 involved one. And for some of us who have a great deal of
9 clients, it would be useful to have advanced funding dealt
10 with early in the process.

09:32

11 In relation to the intervener evidence, we see
12 no reason for the intervener evidence being filed two months
13 prior to the start of the hearing. That seems to be from
14 past hearings involving the AUC, the ERCB or the Public
15 Utilities Board, it seems to be an awfully long time. And I
16 would have thought one month in advance of the hearing would
17 be sufficient. So we would propose that intervener evidence
18 be due on March the 18th of 2011.

19 In relation to the public hearing, my clients
20 would like to see the public hearing date of April 11th, 2011
21 maintained. Many of my clients are farmers and any later
22 date than April 11th is going to make it difficult for my
23 clients to get on the land for cultivation and seeding. So
24 we would like to preserve that date if at all possible.

09:33

25 In relation to the venue for the hearing, we

1 would like to see at least a portion of the hearing held at
2 the Villeneuve Hall, which is in close proximity to a number
3 of my clients. So if that could be accommodated, that might
4 make it easier for members of the Sturgeon group to come as a
5 panel and give evidence. The Villeneuve Hall is quite a
6 satisfactory facility compared to some that I've attended in
7 over the years. So I would think that that would be large
8 enough for the purposes of the Board.

9 And I think with that, unless the Board has
10 any questions, those are all of my submissions.

09:35

11 THE CHAIR: No, I might ask you a question
12 later, but I think for now we're good.

13 MR. SECORD: Okay, thank you.

14 THE CHAIR: Thank you, sir.

15 Next we have RETA.

16 MR. MALLON: Good morning, Mr. Chairman. My
17 name is Mallon, Don Mallon, M-A-L-L-O-N. Also representing
18 RETA will be Eva Chipiuk.

19 RETA is an incorporated society with 8,000
20 members. Their full name is Responsible Electricity
21 Transmission for Albertans. Many of RETA's members are on
22 both of the different routes that are going to be the subject
23 of your hearing.

09:36

24 RETA intends to fully participate in the
25 formal hearing through written submissions, presentation of

1 lay and expert witnesses, cross-examination and final
2 argument.

3 With respect to RETA's issues, and I hope to
4 answer some of Mr. Feldberg's questions in dealing with this,
5 RETA intends to address the public interest issue vigorously,
6 looking, of course, at the economic, environmental and social
7 requirements.

8 They will also wish to examine in detail the
9 underground option. This has been a position of RETA
10 throughout and it's well documented on their website.

09:37

11 The kinds of witnesses or the kinds of topics
12 that we think we will have witnesses for are engineering,
13 economics, health, land appraisal, biology or ecology,
14 ornithology, and a number of other topics. We have looked at
15 and engaged some expert witnesses, but we have not filled out
16 our slate, so to speak, at this point in time.

17 Because RETA has members on both of the lines,
18 RETA will not be taking a position in respect of which of the
19 routes the Board should go to, but they have not discouraged
20 their members as individuals who live along those particular
21 lines from addressing that issue themselves. So I expect
22 that there will not be repetition between the individual
23 members to the extent that they might make submissions and
24 RETA's submission because it will be on different topics.

09:38

25 With respect to your hearing process, the

1 locations that you've proposed have posed no difficulty to
2 us, and certainly we have no difficulty travelling to the
3 Villeneuve hall.

4 In terms of scheduling, I agree with
5 Mr. Secord that the November 23rd date for IRs is a difficult
6 one, particularly in light of the fact that, as I said, we
7 have not engaged a good portion of our expert witnesses at
8 this point in time. And one way around that might be to have
9 a second round of IRs for the interveners as well following
10 the December the 15th or the December responses from the
11 applicants. 09:39

12 The date of February the 18th for presentation
13 of evidence, like Mr. Secord I note that that's two months
14 prior to the hearing. I also note that that's about three
15 and a half months from now of which one of those months is
16 going to be the holiday season. So the process, if you think
17 of it, the process of putting together, finding one's
18 witnesses, gathering that evidence, putting it in a report
19 form, vetting it and making sure it's proper and then putting
20 it to you, the timeline is extremely tight in the proposal
21 that you've put in your schedule. We would suggest, as
22 Mr. Secord, that a month later, March the 18th is a more
23 reasonable time period. 09:40

24 With respect to the hearing date, we have no
25 difficulties with an April hearing date.

1 I can advise the Panel that given what I think
2 is going to be a substantial number of significant witnesses,
3 we will be making an application for advanced costs. We will
4 be making that application as soon as we possibly can. I
5 don't see, however, any particular need or reason for the
6 Panel to set specific dates for that. It's available in the
7 Commission's rules as to advanced funding and funding
8 applications, and RETA doesn't see any reason to more
9 formalize that process than already exists.

10 I think that's all that I have to say,
11 Mr. Chairman.

09:41

12 THE CHAIR: Thank you, Mr. Mallon. And
13 just perhaps, Mr. Secord, you can think about this too. If
14 we moved the evidence from February 18th to March 18th or
15 thereabouts with a month to the hearing and we're going to
16 stick with the April 11th hearing date, then you'll be trying
17 to prepare for the hearing and write IR responses at the same
18 time, and we have set up a schedule so that there's an
19 opportunity for IR responses and for you to prepare your
20 witnesses for the hearing. With the number of witnesses the
21 two of you are planning to call, that's no small task.

09:42

22 MR. MALLON: Yes, sir.

23 THE CHAIR: So could you give some thought
24 to how else we might handle it. I get the Christmas thing,
25 and we have been thinking about that and we have ourselves

1 been concerned about it for the whole group here and we do
2 get the seeding time, so that's why we're trying to get the
3 hearing in where it is to make sure people are there.

4 The application has been in for some time now.
5 So I would have thought that people would have been
6 working -- one of the reasons for getting early registration
7 and changing the process is to give people an opportunity to
8 take advantage of how early we're starting this kind of a
9 process. So if perhaps you and Mr. Secord could get together
10 and come up with some way to look after this crunch just
11 before the hearing to give people an opportunity to ask
12 interrogatories on your evidence and you an opportunity to
13 respond to them before you are in the hearing room and still
14 have some time to prepare your witnesses.

15 MR. MALLON: Right. Thank you, sir.

16 THE CHAIR: The next group up is the Blue
17 Route Utility Transmission Elimination, BRUTE.

18 Mr. McElhanney. Good morning.

19 MR. MCELHANNEY: Good morning, Mr. Chairman and
20 Commissioners Michaud and Beattie. Thank you very much for
21 this opportunity.

22 My name is Bill McElhanney. I'm with the law
23 firm of Ackroyd LLP. I'm accompanied today with my
24 student-at-law Will Randall.

25 The Blue Route Utility Transmission

09:43

09:44

1 Elimination group filed their original statement of intent to
2 participate on April 20th. At that time there were five
3 individuals who accompanied that, that letter. I can now
4 advise the Commission that we are at approximately 69 or 70
5 different landowners or occupants. We also, as you know,
6 have indicated some of the concerns.

7 I can advise that my partner Mr. Secord also
8 has made representations this morning and many of his
9 submissions are, of course, adopted. We within the firm,
10 just so you know, chose to divide those individuals who would 09:45
11 be affected by the blue route between Sturgeon County and
12 Parkland County. So for ease of reference for the
13 Commissioners, Mr. Secord is representing folks who live in
14 Sturgeon County, and I'm representing folks who live in
15 Parkland County, and that was really simply because of the
16 sheer numbers of individuals firstly and, secondly, obviously
17 we are going to be attempting to ensure that the costs or
18 duplication of costs do not become an issue. As your
19 Commission has correctly pointed out, you seek to have that
20 kind of consolidation. 09:46

21 I won't repeat either Mr. Secord's or
22 Mr. Mallon's issues with respect to the issues, many of which
23 are obviously shared by BRUTE. I do want to include one
24 issue that I want to emphasize, that from BRUTE's standpoint
25 really the main areas would be routing, the transportation

1 utility corridor, public interest, social, economic and
2 environmental concerns and finally, and this hasn't been
3 identified, is the issue of public consultation.

4 In terms of intervener funding, my friends
5 have already dealt with that to a certain extent but, sir, as
6 you quite correctly pointed out, Bulletin 2010-04 of the AUC
7 was published on January 20th, which has, in turn, allowed
8 many of us the opportunity to begin to meet with our clients,
9 to begin to identify issues so that we would be in a position
10 today, sir, to try and deal with the process in a responsible 09:47
11 fashion.

12 Having said that, it would occur to me that
13 for the purposes of interveners' costs, I very much
14 appreciate that sort of a standard in terms of making these
15 applications is that the application has been filed and then
16 the clock begins to tick and I understand and appreciate
17 that, sir, in the normal circumstance.

18 However, the Commission has initiated the
19 enhanced process beginning in January. As I mentioned
20 before, BRUTE did provide their statement of intent to 09:48
21 participate early in the spring, have undertaken a number of
22 meetings and have incurred significant costs in the process,
23 and I would likely suspect that that would be the same with
24 some of the other people who will be appearing in front of
25 you today.

1 Having said that, I would strongly recommend
2 that the Commission give consideration to the review, not
3 necessarily the ratification, but certainly a review of those
4 costs that have been incurred ever since that bulletin was
5 issued.

6 In terms of venue, BRUTE would submit that a
7 neutral location be identified. Clearly, you have before you
8 two routes, one preferred, the other alternate. That will,
9 in turn, raise concerns about the utility, forgive the pun,
10 of certain venues. So we would strongly recommend that as
11 neutral an area could be identified for the purposes of the
12 hearing.

09:49

13 Just a couple of comments on the process, and,
14 sir, I think your comments to Mr. Mallon were very
15 appropriate and perhaps you could include me in the scrum of
16 discussing some of these issues.

17 Having said that, one of the factors that none
18 of us as legal counsel are in a position to address is the
19 starting point of the AUC notice of application which was the
20 November 8th, six days from now, the information requests
21 from the AUC to the applicants. I believe that Mr. Secord
22 may have touched upon it, but if that's sort of the starting
23 point, none of us know whether or not that's a realistic date
24 or not. I'm not sure, sir, whether you want to discuss that
25 openly or in the public forum, but it does certainly go to

09:50

1 One of the members is one of your partners and I wouldn't
2 want to put you in danger of losing your partnership over
3 something like that.

4 I get the time constraints. We can talk about
5 the dates. I wonder what your view is on a second round of
6 IRs to the applicant?

7 MR. MCELHANNEY: I'm sorry, sir, if I did not
8 deal with that. I very much feel that that's important.

9 THE CHAIR: So that might be a solution to
10 the tight timeline. We might be able to get the first round
11 of interrogatories in fairly quickly, get answers back and
12 then have another opportunity after that for more IRs. That
13 might be the way to deal with this so we can at least get
14 started on this part because I do think that once we're past
15 April, we're really getting into interfering in the
16 livelihoods of a lot of people.

09:53

17 MR. MCELHANNEY: Thank you very much, sir.

18 THE CHAIR: Good morning. This is
19 Homeowners Against Lines Overhead?

20 [REDACTED]: Pardon me?

09:53

21 THE CHAIR: Are you Mr. Fluker?

22 [REDACTED]: I'm Mr. Regula.

23 THE CHAIR: Okay. Thank you.

24 [REDACTED]: Good morning. I'm [REDACTED].
25 My wife and I are homeowners of [REDACTED] Farms in Sherwood

1 Park. We organized Homeowners Against Lines Overhead group
2 because many of our neighbours felt the same way that we do.
3 We were unsure of how to proposed.

4 Members of our group live within 800 metres of
5 the preferred route. Most of us are long-time residents.
6 Some have endured serious health issues. Our group range
7 from young families to seniors. Our properties are well
8 maintained, some significantly updated and renovated. We're
9 interested in preserving our rural characteristic of the area
10 and the quality of our life.

09:54

11 There are reasons for our participation in
12 this process is to ensure that any transmission lines passing
13 by densely populated residence areas in Alberta must be
14 buried.

15 Our present plan is make written submission.
16 We are currently reviewing the application and the SIPs of
17 other interveners to determine what area of the application
18 needs more information or needs to be challenged. Depending
19 on how our reviews go and how the proceeding unfolds, we may
20 see opportunities where we can bring something new and unique
21 forward for the Commission's consideration. We do not want
22 to duplicate the work of others.

09:55

23 There's a number of important issues we would
24 like to address. The first is safety. With recent pipeline
25 failures in the media, the safety of our community to

1 co-exist with the utilities required to operate our society
2 is important.

3 The recent explosion in San Bruno, California,
4 it was determined the cause was a natural gas pipeline
5 failure killing 8 people and injuring 55, destroying more
6 than 50 homes. The preliminary cause of the explosion was
7 pre 1970 welds, corrosion on pre 1970 welds.

8 The potential for something similar to happen
9 in our community has us concerned. Anything that will
10 increase the risk needs to be looked at seriously. The
11 obvious way to mitigate the risk is to site the transmission
12 line somewhere else or bury it.

09:56

13 Other issues are health issues, proposed
14 lines' proximity to dense residential areas and schools raise
15 EMF concerns. Whether it is perceived or scientifically
16 substantiated, it still weighs on the community.
17 Precautionary principles should apply.

18 The property value of our home tends to be our
19 largest asset. Any reduction in the value of that asset is
20 of concern.

09:56

21 One of our members has firsthand experience
22 trying to sell property close to the TUC. Potential buyers
23 are quick to point out that the power line is going through
24 and its negative impacts and the offer she has received are
25 well below market value.

1 Wildlife is an important part of our
2 environment and anything that threatens them is a concern.

3 We observed that the migratory waterfowl
4 coming and going from baseline slough and a power line
5 overhead will lead to collisions.

6 The noise generated by the power lines are a
7 concern, particularly during the summer months when we are
8 outside more.

9 The TFO application, we are concerned about
10 the system design project cost and route selection. As
11 frequently pointed out, this application is unique in many
12 ways. There needs to be more information to make comparisons
13 to determine what is the best route, and the cost is an
14 important deciding factor.

09:57

15 On the technical side, again comparisons are
16 made and the input data should be transparent.

17 Our comments on the hearing location and
18 process schedule, the Expo Centre is a good location with
19 ample parking.

20 One other question is that what would be the
21 availability of our lunches and that during these
22 proceedings? The process schedule so far works well for our
23 group.

09:58

24 We would like to thank the Commission for
25 allowing us this opportunity to speak. Thank you.

1 THE CHAIR: Thank you, [REDACTED]. We,
2 too, have thought about this particular location and how we
3 would deal with lunch for people. There isn't really a place
4 close by, so we have been talking to the staff here about
5 arrangements that might be made. So if we decide to come
6 back here, we will make sure that's taken care of.

7 [REDACTED]: Thank you.

8 THE CHAIR: I had [REDACTED] next.

9 MS. MOORE: This is Group 231?

10 THE CHAIR: Yes.

11 MS. MOORE: My name is Fiona Moore. I'm
12 with Shores Jardine LLP, and I have recently a few days ago
13 been retained on behalf of Group 231. I will be registering
14 as their representative when I get back to the office.

15 Group 231 are a group of landowners generally
16 located Range Road 231, thus the name, Township Road 554.
17 It's been described as about five miles south of Gibbons and
18 one mile east of Highway 28A.

19 Some I believe are within the 800 metres. I
20 have not been out there yet. I would have to get back to you
21 on that one. One, for sure, their land is directly on the
22 route of the preferred route east TUC and possibly maybe on
23 the east optional route segment. I'd have to look more
24 closely.

25 Briefly, I have ten members of the group thus

09:59

09:59

1 far. [REDACTED]
2 (phonetic), [REDACTED]
3 [REDACTED] (phonetic). There may be more as
4 time goes on.

5 Among the issues, this is not exhaustive,
6 social economic, environmental concerns, routing concerns
7 obviously, property values, appraisal process and concerns
8 over their rights as landowners, health and safety, and
9 general public interest of all Albertans.

10 Group 231 intends to fully participate in the 10:00
11 hearing formally, and we will be seeking advance costs, as
12 well, I suspect.

13 In terms of timing, I won't go into great
14 detail but I agree with Mr. Secord and Mr. Mallon and
15 Mr. McElhanney in general. I believe it would be useful to
16 move the November 23rd date up. Seeing as I was recently
17 retained, it's difficult for me to anticipate being able to
18 meet that deadline.

19 In addition, I believe it would be useful to 10:01
20 have the responses to the AUC's IRs to the applicant back so
21 that I may review them so I don't duplicate efforts, I don't
22 ask unnecessary questions and I keep everyone's costs down.
23 And as a result I would agree that if the applicant's
24 response to the AUC's IRs could come before our deadline for
25 IRs. I would also be supportive if that can't work of a

1 second round of IRs from us, but, again, I would be concerned
2 about unnecessary costs.

3 And that's all I have.

4 THE CHAIR: Thank you.

5 Next I have Keith Wilson.

6 MR. WILSON: Good morning, Mr. Chairman and
7 members of the Panel. My name is Keith Wilson. I'm with
8 Wilson Law Office. The group I represent, we have a new
9 name. The name that's on your materials was prepared for the
10 purposes of meeting the requirements of your DDS system, as I 10:02
11 understand it.

12 I represent several landowners on the AltaLink
13 240 kVA line proposed to start from the Heartland station and
14 move easterly across the North Saskatchewan River. We will
15 be calling ourselves AltaLink 240, and it will, hence, be
16 clear as to where we are on the line.

17 Some of the individual's names who I
18 represent, and I've provided their names and their land
19 locations with the statement of intent to participate we
20 filed with the Board, but for the record [REDACTED] 10:03

21 [REDACTED]

22 [REDACTED] (phonetic), [REDACTED]

23 [REDACTED] (phonetic).

24 I should also advise the Panel that it was
25 when AltaLink was consulting on this line, they had

1 identified three proposed routes which affected a larger
2 number of people. It was not until the application was filed
3 on September 30th that we even knew what route they were
4 going to apply for. So we now know that. I have been
5 contacted by several other landowners along the proposed
6 AltaLink 240 kVA line, and I'm in discussions with them as to
7 whether I'm in a position to also represent them, because
8 there's an alternate route within that line I may have a
9 conflict and I may not be able to represent all of the
10 people. So I anticipate the list of individual landowners
11 and residents within our group to grow in the coming weeks.

10:04

12 We intend to participate fully in the hearing.
13 The issues of importance to my clients are the public
14 interest including the economic, social, environmental
15 impacts, routing, land use classification and zoning, and the
16 land valuation and other impacts of the proposed line.

17 In terms of process, my friend Ms. Moore I
18 think summarized my position very well in her presentation a
19 moment ago. We are concerned about the IR timeline. To be
20 candid, sir, I get the impression that there was a hope and
21 perhaps an expectation by the AUC that we would all begin
22 work months ago.

10:05

23 I just ask that you keep in mind that we
24 really didn't see the application, and there was some
25 substantive changes to it, even on the other parts of the

1 Heartland line, until it was filed. And you may or may not
2 be aware that the notices that you published in the,
3 newspaper I'm sure at great expense, contained a provision
4 for us to get a copy of the application, and it invited us to
5 contact an AltaLink representative, which I and a number of
6 my clients did and we were not pleased to get an automated
7 response advising us that that employee was away until
8 November 8th. So there's been some problems with the
9 process.

10 In addition, I would encourage the Commission 10:06
11 to review with its staff the processes for registering.
12 There seems to be a tremendous amount of confusion. I've had
13 to have several phone calls. Staff advised they didn't know
14 how to register a group that was represented by a lawyer, and
15 surely that should have been anticipated. And I think that's
16 partly why the confusion is in my name.

17 So if we're expecting landowners to
18 participate in this process, I think the front end needs to
19 be much more user friendly than what we've seen to date.

20 I noted that when counsel for the applicant 10:06
21 spoke first this morning there was some reference to standing
22 and some reference to ruling on standing, and it wasn't clear
23 to me whether you were being asked to make that ruling on the
24 basis of what's occurred to date. In case that's what was
25 intended, I would have a concern with that. I did not

1 understand this today to be a hearing on whether or not my
2 clients meet the test for standing. If there's going to be
3 issues with standing, I would encourage the Board to lay out
4 a very clear, defined, deliberate process for determining
5 issues of standing so that this doesn't arise in the days or
6 weeks in advance of the hearing, so that we all know where we
7 stand well ahead of time.

8 And with respect to again the dates, we
9 obviously feel that some of the dates are too compressed. We
10 would like to see the date for filing evidence moved closer 10:07
11 to the hearing date and would like the date for IRs to be
12 moved forward, as Mr. Secord had suggested.

13 And we're very supportive of the concept of a
14 second round. We believe that the more information and
15 issues we can deal with in advance of the hearing can
16 potentially shorten the hearing, which is in the interests of
17 everyone. And those are my submissions, sir.

18 THE CHAIR: Mr. Wilson, just on the
19 standing question, we had made some process changes early on
20 where we were deeming that people had standing if they were 10:08
21 within 800 metres of any of the lines. Sounds to me like the
22 group you're representing has people within the 800 metres so
23 the group you're representing would have standing. AltaLink
24 expressed the view this morning that it would not be opposing
25 standing for anyone within 800 metres. So if you can just

1 confirm where your people are, then it seems we're good on
2 the standing issue.

3 MR. WILSON: Sir, you're not asking me to
4 confirm where me people are right now.

5 THE CHAIR: No, no.

6 MR. WILSON: And that's my point: When?
7 When are you going to ask the parties to do that? And if I
8 might add, Mr. Chairman --

9 THE CHAIR: Aren't they registered, at
10 least some of them registered already in the system?

10:09

11 MR. WILSON: I filed an SIP in which I
12 provided the legal locations of each of the clients that I
13 have confirmed a retainer relationship for to date.

14 THE CHAIR: Right.

15 MR. WILSON: And I will file land locations
16 in any further materials I file with the Board.

17 But if I could, sir, at the information
18 session held by the AUC staff last week, a week ago last
19 night -- and I was in the audience and I maintained a
20 watching brief -- the audience was advised that if they were
21 outside of the 800 metres and joined a group that they would
22 be allowed to have standing. I have had a discussion with
23 your counsel and I've indicated to them that it's fine for
24 the AUC to say that in a public meeting but AltaLink may have
25 a different view. And if AltaLink is going to have a

10:09

1 different view we should deal with that in an orderly way as
2 opposed to an unexpected way.

3 THE CHAIR: Okay.

4 MR. MOUSSEAU: Mr. Chairman, if I may, maybe
5 some clarification on my behalf is necessary here because I
6 was the one who made the statement, and my recollection of my
7 statement was probably one hair off what Mr. Wilson said. I
8 think the suggestion was the group would have standing as
9 long as members within the group were within 800 metres. So
10 just so we have that on the record.

10:10

11 THE CHAIR: Next on the list I have the
12 Colchester Parents Association. Does anyone know if there's
13 anyone from the Colchester Parents Association across the
14 hall? We'll have somebody check and we'll just continue
15 going.

16 Next we have a company group named [REDACTED] Farms
17 Ltd., [REDACTED] Farms Ltd., and [REDACTED] Farms Ltd. Good
18 morning.

19 MS. KLIMEK: Good morning, Mr. Chair, Panel
20 members. My name is Jennifer Klimek. I'm a solicitor and I
21 act for [REDACTED] Farms Ltd., [REDACTED] Farms Ltd., and [REDACTED]
22 Farms Ltd., and I've already provided the legal description
23 to the Panel. They all are on the preferred route. They are
24 potato farmers who operate potato farms out there.

10:11

25 Their concerns will be the general concerns on

1 safety, health that have been raised by other interveners,
2 but their major concern is the impact the transmission lines
3 adjacent to their property will have on their farming
4 operations. In particular they're looking at issues such as
5 aerial spraying, irrigation, the loss of some very productive
6 farmland to towers and such. So they will be looking at
7 those issues, bringing some experts to deal with them. We
8 have retained some experts. They will be looking at land use
9 planning and property values.

10 It will be their intent to be full
11 participants. They will be providing written submissions,
12 cross-examinations, evidence, and argument. As I said, we
13 have retained some experts. There may be more.

10:12

14 Now, looking at the process, we agree with
15 what the previous people have, but we do want to ask you to
16 be conscious of the farming times. And with respect to
17 having people work on it, this has posed a problem with some
18 of it because they were on the farm the last few months. So
19 they have to do all their work essentially from now until the
20 hearing starts.

10:13

21 It is an ambitious timeline. I think people
22 should be able to meet it with some adjustments. My
23 experience is if you let interveners see the IRs from the
24 Commission and your experts it reduces duplication. Plus I
25 think it also is a cleaner record because you don't have

1 three or four answers to the same question.

2 So I would strongly suggest if there is some
3 way of allowing those answers to come out it might save a lot
4 of work for everybody. If not, then a second round of IRs is
5 important.

6 With respect to advanced funding, I'm not sure
7 a set date works for everyone because sometimes you need
8 someone later that you retain. So if you have to have them
9 in by a set date, then it may preclude you if you can't file
10 after. I would suggest there be some flexibility, but I
11 would also ask the Board to do their best to get those
12 decisions out so people can start moving.

10:14

13 Now, I have one other concern and it hasn't
14 been raised and I don't know if you've thought about the
15 provision of transcripts to the public of the hearing.
16 Because this is going to be a long hearing and participants
17 may not be able to be here for all of it but they may want to
18 review the transcripts from the day to see if there is
19 something that came up that they can deal with in their
20 evidence, I think if you would provide one that they can go
21 on the Internet and look at that would be very useful for not
22 only counsel but for their clients so they don't have to sit
23 here for all of it or get it via the community gossip thing.
24 So that would be all of my submissions on this from my
25 client's perspective.

10:14

1 THE CHAIR: Mr. Mousseau, would you just
2 confirm what the arrangements are for the transcripts?

3 MR. MOUSSEAU: My understanding is we're going
4 to post the transcripts on the website, and it will probably
5 be the next day following.

6 MS. KLIMEK: That's very helpful. Thank
7 you, sir.

8 THE CHAIR: [REDACTED].
9 Blackland. Is it lan or land?

10 MS. SEMENCHUK: Good morning, sir. It's
11 Blackland Ranches.

12 THE CHAIR: Okay, thank you.

13 MS. SEMENCHUK: I'm Lisa Semenchuk, it's
14 S-E-M-E-N-C-H-U-K, with McLennan Ross. And Mr. Gavin Fitch
15 and I will be representing the [REDACTED]. We've
16 also recently been retained by [REDACTED],
17 who are neighbouring landowners with [REDACTED], and
18 our office will be providing formal notification in due
19 course. Both of those landowners are within 800 metres of
20 the preferred route.

21 We're just beginning our process of the
22 detailed review of the application materials, but on a
23 preliminary review the issues of concern to our clients are
24 land values; consultation; the route selection, both
25 preferred versus the alternate route, as well as the specific

10:15

10:16

1 routing of the preferred route in the vicinity of their two
2 properties.

3 Also the environmental effects vis-à-vis the
4 crossing of the Sturgeon River by the line near these two
5 properties and the routing around the river as well in the
6 vicinity of these properties.

7 The effects of the line on equestrian
8 operations which are conducted at [REDACTED], is also
9 a concern, as well as noise associated with these lines. We
10 haven't had an opportunity yet to review those, the noise
11 materials, in detail. 10:16

12 Our clients intend to fully participate. And
13 unfortunately we have not yet had the opportunity to retain
14 experts. Although we likely will have expert evidence, at
15 least concerning the effects of the project on equestrian
16 operations as it's a quite specific area of course.

17 I don't want to go through all the scheduling
18 issues that have been raised by people already, but I would
19 echo my friends' comments on the ambitious nature of this
20 schedule. And I would also echo Ms. Klimek's submission that 10:17
21 having the intervener IRs not be required until after the
22 applicant has responded to the Commission's IRs would
23 increase the efficiency by cutting down on duplicate
24 questions or not exactly duplicate questions but somewhat
25 duplicate.

1 Also our office will have to enter the scrum,
2 as it were, about the timing of the interveners' evidence.
3 We also believe that two months before the hearing is a bit
4 of an ambitious time to have the evidence ready for the
5 interveners' submission. It's been our experience that
6 you're preparing your witnesses at the same time as preparing
7 your written submissions. So that's not as much of a concern
8 in our experience. However, we will enter the scrum with
9 Mr. Secord and others to discuss that more fully.

10 THE CHAIR: If I could just say one of the
11 questions I had asked is if you consider preparing witnesses
12 while you're doing interrogatory responses, IR responses.
13 That was the bigger concern.

10:18

14 MS. SEMENCHUK: Yes, sir. That may well be
15 part of preparing for the hearing itself by knowing what the
16 interrogatory concerns are. And I believe, sir, unless
17 there's questions those are my ...

18 THE CHAIR: Thank you. Next I have
19 Dr. Ross Harris. Dr. Harris I presume.

20 MR. MORRIS: Good morning, Mr. Chair,
21 Commissioners. My name is Jason Morris. I'm a
22 student-at-law with Shores Jardine. Mr. Fred Laux, QC is
23 retained by Dr. Ross Harris, and Mr. Laux has asked me to
24 appear today.

10:19

25 Dr. Ross Harris owns a piece of property which

1 abuts the eastern boundary of the transportation utility
2 corridor just south of the Sherwood Park freeway. Dr. Ross
3 Harris is an ophthalmological surgeon. And because I'm not
4 terribly confident in my ability to pronounce that correctly
5 again I'm going to refer to him as an eye doctor.

6 He has in his practice travelled by helicopter
7 to a number of rural hospitals around the province of Alberta
8 to provide eye surgery to individuals closer to where they
9 live. In service of this he has constructed on his property
10 in Sherwood Park a heliport, which has been registered with 10:20
11 the Federal government. Its name is Edmonton East Port
12 Heliport. In addition to his use of the heliport there are
13 also agreements between Dr. Harris and the Edmonton Police
14 Service for the use of Air 1 and also with the STARS air
15 ambulance. The site is used as an emergency and fuel stop
16 for those helicopters as well.

17 The Panel may not be aware, I know I wasn't,
18 that helicopters do not land straight up and down. They have
19 something which in the regulations is referred to as a final
20 approach and takeoff surface. And this is a two-dimensional 10:20
21 plane that rises up through the air in a particular
22 direction, and it is the only authorized route for takeoff
23 and landing at a federally licensed heliport.

24 I should say the final approach and takeoff
25 surface, which is called a FATO, leaving Edmonton East Port

1 Heliport goes west over the transportation utility corridor.
2 Unsurprisingly the towers that are proposed for the preferred
3 route would interfere with this path. They would effectively
4 sterilize the use of a federally-registered heliport.

5 Dr. Harris shares a number of the concerns
6 that his neighbours have. He's not asked us to represent him
7 with regards to those concerns. He's asked us to represent
8 him with regards solely to this issue, which is the
9 sterilization of his heliport.

10 Now, we will be arguing that under the
11 interjurisdictional immunity doctrine the AUC does not have
12 the constitutional authority to make a decision that would
13 effectively sterilize a federally-registered aerodrome. For
14 that proposition we're going to be relying on a Supreme Court
15 decision that was issued I believe within the last month.

10:21

16 Dr. Harris does want to participate fully to
17 the extent that his issues are going to be discussed. He
18 will require expert evidence and oral argument. Because it
19 is a relatively discrete issue, different from what many of
20 the other parties are going to be talking about, because it
21 requires a relatively small amount of expert evidence and
22 argument, we're going to be making an application at the
23 earliest opportunity that it be dealt with in a preliminary
24 manner.

10:22

25 And again, because our issues are relatively

1 small, we don't have the concerns that many of our friends do
2 with regards to the scheduling, but we do defer to their
3 needs in that regard and we would be happy with whatever
4 schedule best achieves a fair hearing for all involved.

5 Subject to any questions those are my
6 submissions.

7 THE CHAIR: When would you be making this
8 application for the process, the constitutional question
9 application?

10 MR. MORRIS: Frankly, Mr. Chair, I'm
11 unfortunately not terribly familiar with what the process is.
12 The information that I have from Mr. Laux is that the intent
13 is to make that application as soon as possible. I don't
14 know if this the forum in which to do that. If it is, I
15 would at least preliminarily make the Panel aware that that
16 application is made.

10:23

17 THE CHAIR: Do you know if notice has been
18 given to the Attorney General of Canada and the Attorney
19 General for the province of Alberta.

20 MR. MORRIS: It has.

10:23

21 THE CHAIR: Thank you. Those are my
22 questions for you. Thank you.

23 [REDACTED].

24 MR. NIVEN: Good morning, Mr. Chairman,
25 Michael Niven, Carscallen Leitch, Calgary. I act for the

1 [REDACTED], who are part of Group 2. It's not actually
2 [REDACTED], I don't think, as indicated on the
3 list. They're on the southeast of [REDACTED].

4 I also act for [REDACTED]. He's on your
5 Group 3 list. He's at the southeast of [REDACTED], just
6 north of the [REDACTED]. I'll be assisted in these
7 endeavours by Ms. Deirdre Lanigan. She stayed home today.

8 Both my clients' lines are crossed by the east
9 TUC preferred route. It's roughly towers [REDACTED] to [REDACTED] on your
10 map. I believe both are registered participants. 10:24

11 They intend to fully participate in the
12 hearing, presenting evidence in chief by way of a landowner
13 panel. They will perhaps present expert evidence, for sure
14 written submissions, cross-examination of the applicants,
15 information requests, witnesses, and so on.

16 Their issues are much the same as some of the
17 others that have been mentioned here today. We're concerned
18 about route selection, the process that went into the route
19 selection. We're concerned about a lack of full exploration
20 in the application of the underground option. We're 10:25
21 concerned about esthetics and land values and we're concerned
22 about the effect on our farming operations up there.

23 Sir, I echo and support the concerns raised by
24 my friends Mr. Secord and Mr. Mallon about the scheduling,
25 and no doubt I will be talking with them with regard to some

1 of the helpful suggestions the Panel has made this morning.

2 I have no submissions on the location of the
3 hearing. I'm okay with having part of it in the Villeneuve
4 Hall. That's all I have to say. Thanks.

5 THE CHAIR: Thank you. [REDACTED] Farm
6 Inc.

7 MR. WILSON: Mr. Chairman, it's Keith Wilson
8 again. I'm here as agent for Mr. Cameron. Mr. Cameron and
9 his firm Cameron and Cameron represent [REDACTED] and [REDACTED]
10 [REDACTED] Farms Inc. These are two different landowners that have 10:26
11 land on [REDACTED], which I understand to be along the
12 preferred route. My understanding from Mr. Cameron is that
13 the lines are on their land.

14 Mr. Cameron has asked me to advise you that he
15 intends to participate fully in the proceeding. My
16 understanding is they have registered, that their issues
17 relate to valuation, routing, public interest.

18 Of course Mr. Cameron wasn't here to have the
19 benefit of Mr. Secord and my other friends' submissions so I
20 don't want to exceed the extent of my agency. So I will just 10:27
21 read to you a very brief paragraph that he's provided in my
22 instructions. He says:

23 "We believe the applicant should have
24 to have their application and
25 information disclosure process

1 completed before the affected
2 landowners are required to respond,
3 that the IRs should be completed by the
4 applicant before we proceed. This will
5 help to give proper disclosure and
6 narrow the issues we have to address."

7 He's offered no comment on location. Thank you, sir.

8 THE CHAIR: Thank you, Mr. Wilson.

9 Next I have, I think, Mr. Putnam.

10 MR. PUTNAM: Yes. Good morning, sir. My 10:28
11 name is Gord Putnam, a lawyer representing three landowners.
12 The firm is Putnam & Lawson, with offices in Gibbons and
13 Morinville. I did send in information to the AUC with
14 respect to the names of my clients. For the record [REDACTED]
15 and [REDACTED], [REDACTED], and [REDACTED]
16 [REDACTED]. They are all directly and adversely affected
17 because they are on the preferred route. We intend to fully
18 participate in the hearing. We will be counsel for those
19 clients at the hearing.

20 We haven't determined yet, sir, with respect 10:28
21 to experts. However we'll do that shortly. The issues that
22 we will raise will be the same as most of the other
23 participants: route selection, economic, social, and
24 environmental impacts, land valuation, property values,
25 health and safety issues and public interest for all

1 Albertans.

2 The timing, we agree with our other colleagues
3 with respect to timing. It appears to be rather short.
4 However, we will comply with your requirements but do agree
5 that a second round of IRs would be helpful and as well that
6 the responses to your IRs be in first before we have to do
7 that.

8 Location. I would just say this, and that is
9 just a plug for Morinville since I live there. We do have a
10 new community and cultural centre that will be open in March. 10:29
11 It will be significant, large enough to hold this type of
12 hearing. I don't know if that would work for everyone else,
13 but certainly would work for my clients.

14 With respect to the issue of costs, we will be
15 seeking advanced intervener funding.

16 We do also just have a concern that there will
17 be other people as the public becomes more aware of this and
18 other landowners that may come forward. I have had calls
19 from other potential clients, and we just want to make sure
20 there is some flexibility built into bringing those 10:30
21 applications.

22 Subject to your questions those are all of my
23 submissions.

24 THE CHAIR: We're hearing loud and clear
25 about the flexibility on bringing clients in and also the

1 other issues. I'm not sure about Morinville for the whole
2 hearing, and it's not because I don't like Morinville, it's
3 just we're going to look for a central location.

4 MR. PUTNAM: I had to say it.

5 THE CHAIR: Good try.

6 MR. PUTNAM: Thanks.

7 THE CHAIR: [REDACTED].

8 Do we have Mr. Cameron? First of all,

9 [REDACTED] is not here? Do we have Mr. Cameron?

10 MR. WILSON: In the spirit of efficiency, 10:31

11 Mr. Chairman, I think, as you just realized, I addressed both
12 of Mr. Cameron's clients. But in the spirit of further
13 efficiency I can also advise you, sir, that I'm agent for
14 Mr. Darryl Carter, and he, I believe, is next on the list for
15 [REDACTED].

16 THE CHAIR: Yes. Thank you.

17 MR. WILSON: Mr. Carter, in an effort to
18 contain costs, chose not to come down from Grande Prairie and
19 asked me to alert the Panel that he is representing

20 [REDACTED]. He has filed both a statement of intent to 10:32

21 participate. He's communicated directly with AltaLink's
22 counsel and yesterday filed with the Commission's counsel a
23 letter setting out his positions with respect to these
24 matters. The letter is at some length. Rather than read it
25 into the record he has just asked me to make sure that the

1 Panel is aware and that it is in the possession of your
2 counsel.

3 THE CHAIR: Thank you.

4 MR. WILSON: Thank you.

5 THE CHAIR: The next on the list is [REDACTED].

6 Mr. Secord.

7 MR. SECORD: This intervener is a resident
8 of Sturgeon County. There are two other family members, [REDACTED]

9 [REDACTED], and [REDACTED]

10 [REDACTED]. They have a number of concerns:

10:33

11 health issues, visual impact, environmental impacts, loss of
12 property values. The lines will be 600 metres or so from
13 their home. The concern about possible impact on the health
14 of their foals. They have breeding stock and competition
15 racehorses. They also have issues with public consultation.
16 And, as I mentioned, [REDACTED] will be, I believe, joining
17 the Sturgeon interveners as part of the Group 1 interveners.
18 I'm not quite sure how this registration process worked or
19 how she got onto the Group 2 list, but she was not in my
20 original September 30th letter to Mr. Gladwyn but has since
21 become a member of the Sturgeon group.

10:34

22 And just to expedite matters, I see that two
23 names down you have [REDACTED] and [REDACTED]. [REDACTED] is
24 listed in my letter to Keith Gladwyn of September 30th, 2010,
25 so is also part of the Sturgeon intervener group. Again I'm

1 not quite sure how this process has arisen. And then I
2 noticed just while I was sitting here looking at the Group 3
3 list of registered participants a number of these -- for
4 instance, [REDACTED] and others -- appear to be within
5 the September 30th letter to Mr. Gladwyn.

6 MR. MOUSSEAU: Maybe I can cast some light on
7 this, sir. So what we did was we went by the SIPs filed by
8 the exhibit number. And so those folks in addition to yours,
9 they also filed a separate SIP. So they were included twice
10 out of an abundance of caution, but perhaps at the break we 10:35
11 can work with Mr. Secord and others to maybe eliminate some
12 folks that are on the List 3 so that if they're already
13 included in the Sturgeon group or in other groups we won't go
14 through their names as we proceed with today.

15 MR. SECORD: That would be useful so I don't
16 have to jump up and down a number of times.

17 THE CHAIR: Okay.

18 MR. SECORD: And just in relation to the
19 process issues that were raised, I'm just going to turn to
20 the schedule. In relation to my proposal to move the 10:35
21 intervenor evidence to March 18th, I really wonder whether
22 the prospect of information requests to intervenors is going
23 to be that large of an issue. Certainly in my experience
24 acting for intervenors the applicants have rarely had IRs for
25 landowners, and I wonder whether the Board itself is going to

1 have a great deal of information requests for the landowners
2 in this case. That being said, I don't see much of an issue
3 in dealing with responses to information requests between
4 March 18th and the April 11th hearing date.

5 In terms of witness preparation, I just don't
6 see that being an issue of conflict. I could see perhaps IRs
7 going to our experts perhaps, but I can tell you,
8 Mr. Chairman, it wouldn't be my practice to be spending all
9 of the time between March 18th and the April 11th public
10 hearing, I would not expect to be spending all of that time 10:37
11 sitting down with my witnesses. We will have filed material.
12 Mr. Berrien has appeared in many routing hearings before the
13 Board. I don't expect I'm going to have to hold his hand.
14 So when we file our expert evidence we're going to be ready
15 to go and the landowners will be ready to go. So I don't see
16 that as a particular issue.

17 THE CHAIR: Well, I think there are a
18 number of things to consider, and you are going to have your
19 huddle, but one of the other things to consider is you too
20 will have to be preparing for cross-examination of the 10:37
21 AltaLink panel, and the AltaLink panel will be having to
22 prepare their witnesses while they're -- AltaLink/EPCOR
23 preparing their witnesses while they're trying to deal with
24 the evidence filed by the interveners. So fairness works
25 both ways. I know it's a tight timeline but we're going to

1 try and fit it in.

2 So when you do your huddle, if you come up
3 with some other ideas, that's great. I understand everything
4 you're saying. I agree with you that it's unlikely the
5 applicant will ask a lot of questions of the individual
6 landowners in IRs, but we've heard this morning a
7 considerable number of expert witnesses are going to be
8 called. That takes time, as you know, to review that. The
9 interrogatories are often quite complex and technical. So
10 thinking of that as well.

10:38

11 MR. SECORD: Fair enough. Thank you.

12 THE CHAIR: I see it's now 10:36. We'll
13 take a 15-minute break now and come back and continue. I
14 think the Sherwood Park Fish & Game Association will be next.
15 Fifteen minutes.

16 (ADJOURNMENT)

17 THE CHAIR: The next party we have is the
18 Sherwood Park Fish & Game Association.

19 MR. BOYD: Good morning, Mr. Chairman,
20 ladies and gentlemen. I am Andy Boyd representing the
21 Sherwood Park Fish & Game Association with 2800 members. We
22 are the largest fish and game association in the province. I
23 serve as the environment committee chair with the Sherwood
24 Park Fish & Game group and hold the same chair with the
25 Northeast Alberta Fish & Game Association, which is a

10:57

1 regional grouping of all fish and game clubs in northeastern
2 Alberta.

3 Our membership, the Sherwood Park club, is
4 made up of area anglers, hunters and outdoor enthusiasts
5 based primarily in the Sherwood Park/East Edmonton area. My
6 personal residence is near [REDACTED], east of
7 Sherwood Park near the former east route previously under
8 consideration.

9 With much of our membership based in Sherwood
10 Park, we do have members within the 800 metre area. Indeed,
11 our current president Richard Rothwell is one such member. 10:58

12 I thank the Commission for scheduling us early
13 in this process as I've got an engagement a little later and
14 I do appreciate the early scheduling.

15 We plan to submit both a written statement to
16 the Panel and to present at one of the informal evening
17 sessions. We also plan to attend as much of the formal
18 hearing as possible.

19 As with all Alberta Fish and Game Association
20 affiliates, we are volunteers and do not anticipate asking
21 for intervener funding. Our major focus will be on wildlife
22 habitat conservation and protecting the aesthetic and
23 recreational qualities along the proposed green transmission
24 right-of-ways -- that's their choice of colours, not ours --
25 between Sherwood Park and East Edmonton. 10:58

1 We are pleased to see one of the informal
2 hearing venues will be held in Sherwood Park and suggest the
3 formal hearings should be held in either Sherwood Park or
4 East Edmonton, location close to the preferred route.

5 This specific location where we are today
6 would be acceptable as long as lunch considerations were
7 taken care of and the often prohibitive parking costs are
8 covered. We're also pleased, of course, to have informal
9 hearings held at a number of venues along both proposed
10 routes.

10:59

11 The proposed scheduling, especially the early
12 April hearing date, is satisfactory with us. I plan to be
13 chasing bears as usual by the first week of May, so if we
14 have it wrapped up by then, it would be appreciated.

15 One final comment on process. As a
16 card-carrying Luddite, I have tried repeatedly, without much
17 success, to negotiate the AUC Heartland project website in
18 search of filed submissions. I can get in. I've got my
19 password and the works, the screen comes up, but I just
20 simply do not understand. I will continue to try to educate
21 myself in becoming more computer savvy, and we do have some
22 members with hair in our association. Maybe some younger
23 folks can help me find my way around the computer screens.
24 But as a forewarning, I may be approaching staff to
25 facilitate my retrieval of some of the filed submissions

11:00

1 because I just can't find my way around that website. That
2 would be it.

3 THE CHAIR: Thank you so much. And we'll
4 do what we can to help you with your access to the website
5 and others as well.

6 City of Spruce Grove.

7 MR. PAWLYK: Yes, sir, my name is Jerritt
8 Pawlyk from the law firm of Bishop & McKenzie. We represent
9 both Spruce Grove and Parkland County, so I will make
10 submissions on both at this time.

11:01

11 Both parties intend to be full participants in
12 the hearing, the main issues being routing as well as land
13 use and planning issues. We will also likely be discussing
14 the broader implications under section 17 in public interest.

15 There will be several witnesses from the
16 municipalities including planning and development and
17 economic development witnesses. We have not yet determined
18 the extent, if any, of expert witnesses, but we'll do that
19 soon.

20 I simply echo my fellow friends' comments with
21 respect to the tightness of the timelines. I understand that
22 there will be some discussion there and we would be happy to
23 participate in that.

11:01

24 The one issue that I do wish to address is the
25 standing issue as well. We have not heard anything with

1 respect to standing, and since I'm the first counsel at the
2 podium representing a municipality, I think that might be
3 something that needs to be addressed sooner rather than
4 later. If AltaLink and EPCOR have a position on that, we
5 would like to hear that soon so that that may be dealt with
6 in an orderly fashion. Those are my comments, sir.

7 THE CHAIR: Thank you. I'm sure we'll hear
8 from AltaLink about standing if they have an issue.
9 Strathcona County.

10 MS. BOYD: Good morning, sir. Shari Boyd
11 from Brownlee LLP. Tom Marriott of our office is lead
12 counsel on this matter. Unfortunately, he couldn't be here
13 today. And we're here on behalf of Strathcona County.

11:02

14 The County has an interest in the application
15 as it owns land within 800 metres of the proposed route.
16 Further, many County residents also live within the 800
17 metres, and although the project is for the benefit of
18 Alberta generally, it is the County and its residents that
19 will be impacted in terms of visual, health, environment and
20 property values.

11:03

21 Strathcona County is planning to fully
22 participate, including submitting IRs, evidence,
23 cross-examination and participation in argument.

24 I'll echo many of the issues that have been
25 raised here today and, of course, of importance to Strathcona

1 County is routing and method of construction. The County is
2 on record as wanting underground transmission lines near
3 densely populated areas.

4 In terms of the location of the hearing, it
5 seems appropriate for it to be in the Edmonton area.

6 Now, the County has two other issues going to
7 process. The first one has been touched on today in relation
8 to standing. Generally we agree with Mr. Wilson's
9 submissions that standing should be determined sooner rather
10 than later as it would appear that there are some persons
11 that have submitted SIPs that are outside of the 800 metres.

11:04

12 The second issue that we would like to raise
13 today is in relation to AESO's rules. AESO submitted a SIP,
14 provides that they will actively participate. In our
15 opinion, it would be beneficial to have further particulars
16 of this participation.

17 The transmission regulation became effective
18 September 30th, 2010 and it's likely that determination of
19 the fulfillment of the obligations underneath this regulation
20 has been previously determined. So we request that the Board
21 provide some direction on this.

11:04

22 In our opinion, participation should include
23 that AESO files evidence in accordance with the requirements
24 of the regulation and also that they be subject to IRs both
25 in relation to clarification of the evidence that they've

1 submitted and also in relation to ensuring that all
2 information in their possession has been put on the record.

3 And those are all our submissions today.

4 THE CHAIR: So the regulation you're
5 talking about, can you just give me some more particulars
6 about that?

7 MS. BOYD: Of course. It's the
8 transmission regulation.

9 THE CHAIR: Right.

10 MS. BOYD: And in AESO's SIP, they
11 specifically mention section 38.1 which spells out some
12 information that they have to submit.

13 THE CHAIR: Right.

14 MS. BOYD: So we just want to make sure
15 that that information is subject to IR requests.

16 THE CHAIR: Okay.

17 MS. BOYD: Thank you, sir.

18 THE CHAIR: Thank you.

19 MS. FINLAY: Good morning, sir. Shauna
20 Finlay speaking. I'll speak on behalf of both of the
21 interveners that I represent, and that would be Total and
22 Agrium. Both of those parties will fully participate in the
23 hearing and are likely to call two panels, but those panels
24 may sit together - a company panel or lay panel and then an
25 expert panel.

11:05

11:06

1 In terms of process, the only thing I'll say
2 about that is that I would agree that if the applicant can
3 respond to IR requests in advance of the interveners being
4 required to submit information requests, that would be
5 helpful. I support that contention.

6 In terms of the timing of intervener evidence,
7 we have no preference on that. We'll comply with whatever
8 process seems to work for everybody else.

9 Total and Agrium have both filed statements of
10 intent to participate and those outline the issues, at a
11 superficial level at least, what the issues are for those
12 clients.

11:07

13 And the only other issue that I would raise is
14 a bit of a process issue. I expect that for a lot of
15 parties, not all, their issues relate to either the 500 kV
16 line or the 240 kV line. Certainly that would be true for my
17 clients. And so a process that either -- we're not
18 suggesting that the evidence or any of the timelines leading
19 up to the formal hearing -- we would only suggest this with
20 respect to the formal hearing be changed. But that if the
21 formal hearing could be structured in a manner that allows
22 for some efficiencies where parties are only interested in
23 one aspect of the application or the other, I think the
24 application naturally can be split into those two portions.

11:07

25 I did speak with Board counsel, and there are

1 some issues in doing that, but I think that some of the land
2 use and public interest issues that arise on the 240 kV line
3 are distinct from the 500 kV line.

4 So I think that's something that perhaps the
5 parties may be able to get together at least amongst counsel
6 and discuss, but that might be something that the Board can
7 consider as well.

8 In terms of location for the formal part of
9 the hearing, I think just a location that's convenient to
10 all. Certainly most convenient to my clients would be
11 somewhere in Sherwood Park or Edmonton or Fort Saskatchewan.
12 Thank you. Subject to any questions you have ...

11:08

13 THE CHAIR: I don't know how AltaLink would
14 respond to the idea of having a couple of modules maybe back
15 to back but that has to do with how you would call your
16 witness panels, Mr. Feldberg. So I don't know if you've
17 considered that.

18 MR. FELDBERG: I haven't had time to consider
19 that, Mr. Chairman. Certainly there's some attraction and
20 efficiencies of a panel, but we hadn't contemplated at this
21 point splitting the panels at all.

11:09

22 THE CHAIR: Okay.

23 MR. FELDBERG: So that may be difficult.
24 There are others perhaps organizing those interveners that
25 are associated with one particular section or something is

1 something we could think about, but separating the hearing
2 into several components whereby we would seat panels several
3 times or different times is not something that we
4 contemplated and, frankly, would probably extend things
5 rather than confine them.

6 THE CHAIR: Okay. Perhaps, Ms. Finlay, the
7 best course for you is to try to sort something out with
8 AltaLink and see if that's something that they can do and
9 perhaps other interveners who are on that 240 kV line, but if
10 Mr. Feldberg's witnesses don't easily separate out into that, 11:10
11 then it's going to be difficult for him to have them step
12 down and then step back up and people asking them questions
13 twice, perhaps some the first time around on the 240. It
14 gets a little messy, but there might be a way to do it. So
15 if you can sort it out we'll --

16 MS. FINLAY: Well, and certainly if even
17 during the course of the hearing I'm sure we can accommodate
18 some efficiencies in that regard, I think that would help
19 everybody in this process. Thank you.

20 THE CHAIR: Okay. 11:10

21 MR. WILSON: I apologize for rising,
22 Mr. Chairman, but that discussion does directly impact on my
23 clients.

24 THE CHAIR: Right.

25 MR. WILSON: And one of the things that I've

1 been endeavouring to do in the last several weeks is to
2 collaborate, as the Board expects us to, with counsel for the
3 other interveners, and discussing sharing witnesses, expert
4 witnesses in particular. I've given that some thought. I
5 just can't see how we could efficiently do it. I'm not
6 opposed to them having discussions, but we're impacted by it
7 as much if not more than Agrium and Total are, and we would
8 be opposed to that separation.

9 THE CHAIR: I don't expect that people are
10 going to have conversations with just two parties in the room 11:11
11 because you're all experienced enough to know that when you
12 have an interest, you should feel free to step into the
13 discussion so that everyone gets their say before anyone
14 comes forward and says "we can make a deal" or "we can't make
15 a deal." But we encourage you to get together and see if
16 there's something you can do.

17 MR. WILSON: Thank you.

18 THE CHAIR: Sturgeon County.

19 MR. DE PALEZIEUX: Thank you. I'm Ed de Palezieux
20 of Depal Consulting, and I've been authorized by Peter 11:12
21 Tarnawsky, GM Public Services of Sturgeon County, to speak on
22 its behalf in regards to this application.

23 Sturgeon's discussion will follow the outline
24 as presented in the October 1st notice from the Commission.

25 Sturgeon is located northeast of Edmonton,

1 represents the residents in its county, many of whom are
2 impacted by this application. Sturgeon County has a
3 population of close to 20,000. Sturgeon County is one of
4 five partner municipalities in Alberta's Industrial
5 Heartland.

6 To form this area, Sturgeon rezoned 16,500
7 hectares of land as heavy industrial over the past decade.

8 Sturgeon landowners are impacted by facilities
9 on the preferred and alternate line routes. The Heartland
10 substation is located in Sturgeon County, as is a portion of
11 a 240 kV line. 11:12

12 The County also owns property located in the
13 Heartland area buffer zone, and this land is directly
14 impacted by the proposed development along the preferred
15 route and is within 800 metres of this line.

16 Sturgeon intends to participate with direction
17 of its counsel on October 26th, council meetings. Sturgeon
18 council unanimously decided to fully participate in this
19 proceeding including presentation of evidence,
20 cross-examination and argument. 11:13

21 The issues that are important to Sturgeon.
22 With its intervention, Sturgeon council will represent the
23 broad interests of the community and its residents while
24 minimizing the impediments to industrial growth. Sturgeon
25 seeks to balance the interests of local landowners with

1 industrial growth and development.

2 County residents have expressed concerns over
3 potential impacts the proposed Heartland Transmission Project
4 including health, safety, the environment, disruption of
5 agricultural lands and decreased property values.

6 Industrial firms with interests in Sturgeon
7 County have expressed concern over the placement of
8 transmission facilities that divide properties, making sites
9 less effective for their intended use.

10 Sturgeon also wishes to maximize the use of
11 the industrial lands in the Heartland region. Therefore,
12 Sturgeon County's intervention will focus on support for
13 long-term land use planning and routes that utilize long-term
14 land use planning.

11:14

15 Sturgeon County has questions on the use of
16 underground transmission solutions, and Sturgeon County has
17 concerns regarding the siting of the Heartland transmission
18 substation and the 240 kV line.

19 Regarding the location of the hearing and the
20 preliminary schedule, Sturgeon favors a hearing location in
21 and around the City of Edmonton. It's flexible in that
22 regard.

11:14

23 At the AUC session in Morinville on October
24 25th, the AUC stated its intention to hold evening or weekend
25 sessions throughout the impacted area, and Sturgeon County

1 would appreciate an opportunity to hold one of these sessions
2 in Morinville. That would reduce the travel time for
3 Sturgeon residents that choose to participate in this
4 process.

5 Sturgeon is generally supportive of the
6 schedule outlined by the AUC in its October 1st, 2010 notice,
7 and the County favors an efficient process in order to
8 minimize its costs of participation.

9 In regards to some of the previous comments
10 that were made this morning with the schedule, Sturgeon would 11:15
11 be supportive of more time for intervener IRs or a second
12 round that was mentioned.

13 Sturgeon is supportive of perhaps moving
14 evidence but likely by not more than a few weeks. We
15 appreciate the time before the hearing to prepare.

16 Sturgeon can see the benefits that was just
17 mentioned on if it's possible to separate out the process on
18 the 240 kV line. That could be a more efficient process.

19 And Sturgeon also echos the request to clarify
20 the role of the AESO as soon as possible. Sturgeon would 11:16
21 appreciate clarification of this application in regards to
22 the AESO's overall long-term plan for the area.

23 Finally, given the complexity of issues
24 involved in this process and the number of interveners and
25 its request for an efficient process, Sturgeon County would

1 be supportive of a written as opposed to a verbal argument.
2 We believe that that would reduce hearing time and
3 expenditures.

4 That's all, unless you have questions.

5 THE CHAIR: No, thank you. ATCO Electric?
6 Office of the Utilities Consumer Advocate?
7 Alberta Electric System Operator?

8 MR. SULLIVAN: Good morning, Mr. Chairman. As
9 you can see, I'm not James Smellie. I'm Doyle Sullivan,
10 director of regulatory services from the Alberta Electric
11 System Operator and will be representing the AESO today. 11:17

12 This will be fairly short. We have nothing
13 further to add or present here today as I believe our SIP, or
14 statement of intent to participate, addressed the matters
15 that the Commission is trying to address here this morning.
16 Barring any further questions, basically that's all we're
17 looking to discuss today.

18 THE CHAIR: I wonder if you could tell me,
19 I don't have it in front of me. Just a moment.

20 Someone raised the transmission regulation
21 section 38.1. What are the AESO's plans and the timing of
22 its submissions under that section? 11:18

23 MR. SULLIVAN: Under that section, that is
24 the certification, I believe, that the facility application
25 meets our requirements. We're planning on submitting that

1 after the Commission has deemed the application complete.
2 And that's our present process that we're going through at
3 this time, unless directed otherwise.

4 THE CHAIR: It's just I notice that the
5 section says "the AESO must at the time the TFO makes an
6 application for Commission approval." So your position is
7 that the application is not really made until it's complete.

8 MR. SULLIVAN: That is correct.

9 THE CHAIR: Just looking here, will the
10 AESO be sitting a panel? 11:19

11 MR. SULLIVAN: Not at the time, we don't
12 presently plan to.

13 THE CHAIR: I think that's it for now.

14 MR. SULLIVAN: Thank you.

15 THE CHAIR: Thanks. Alberta Direct Connect
16 Consumers Association.

17 MR. SECORD: Richard Secord for the Alberta
18 Direct Connect Consumers Association or ADC. The ADC
19 consists of nine large industrial power consumers. Namely
20 Miller Western, Dow, Alberta Newsprint, Praxair, Sherritt,
21 ERCO Worldwide, MEGlobal, Lehigh Inland Cement, and West
22 Fraser. 11:20

23 These industrial power consumers consume about
24 8 percent of the Alberta interconnected electric system load.
25 As such, the applications in terms of costs of routing

1 choice, costs of structure options, costs to implement and
2 resulting system reliability impacts the ADC members.

3 The project's cost estimate has already
4 doubled from 12 months ago. The AESO presented a cost
5 forecast to the ADC's elected officials in the fall of 2009
6 of \$287 million for the eastern route. The costs for the
7 eastern route has now increased to \$580 million, and as
8 ratepayers, the ADC are extremely concerned with the high
9 cost of transmission infrastructure and the troubling trend
10 of cost overruns and escalation.

11:21

11 In terms of the timing and the process itself,
12 the ADC adopts the submissions that I've made earlier for the
13 Sturgeon interveners. And in terms of the ADC's
14 participation, it would like to reserve the right to put up a
15 witness panel at the hearing and will provide final argument
16 at the end of the day.

17 And unless you have any questions, those are
18 all of my submissions for the ADC.

19 THE CHAIR: I think AltaLink's counsel had
20 some comments about standing. So is your argument that
21 standing should be given to ADC on the basis of the costs of
22 this project and how they would affect its rates?

11:22

23 MR. SECORD: That is correct.

24 THE CHAIR: So it's not on the basis of
25 effects on land in the area or anything like that?

1 MR. SECORD: It's not. It's as set out in
2 [REDACTED] (phonetic) statement of intent to
3 participate dated October 21, 2010.

4 THE CHAIR: I'm sure we will likely hear
5 from Mr. Feldberg later.

6 MR. SECORD: We may. Thank you.

7 THE CHAIR: IPCAA, Industrial Power
8 Consumers Association of Alberta? Not here.

9 Ms. Finlay, you were already up. You're
10 representing ...

11:23

11 [REDACTED]. Mr. McElhanney. You know
12 you've been appearing in front of me a lot recently when I
13 remember your name.

14 MR. MCELHANNEY: And thank you very much for
15 that, sir. I appreciate that.

16 This is [REDACTED] filed their SIP
17 before joining BRUTE who is, of course, my other client.
18 They simply wanted to alert you to their specific concerns.
19 They have a tree nursery that occupies an area directly below
20 where the proposed alternate route would be located. There
21 are two residences within 370 metres of the right-of-way.

11:24

22 As I said they have a very extensive [REDACTED]
23 [REDACTED] business and are concerned about the aerial
24 spraying -- you've heard that from others as well -- and
25 property values. But I can advise that [REDACTED] has

1 now been subsumed into BRUTE.

2 THE CHAIR: Thank you. Thank you,
3 Mr. McElhanney.

4 City of Edmonton.

5 MR. YOUNG: Mr. Chairman, my name is Mark
6 Young. I'm with the City of Edmonton law branch. My
7 instructions from City of Edmonton council are very clear
8 that wherever this transmission line passes through the City
9 of Edmonton, it should be buried, and that will be our
10 primary focus at the hearing. We intend to participate fully 11:25
11 in the hearing. Discussions are undergoing with the County
12 of Strathcona with which we share many of the same concerns
13 to share experts at the hearing.

14 In terms of the scheduling and venue
15 considerations, we have no particular position on that. I'm
16 sure that will all be worked out to everyone's satisfaction
17 in due course. And subject to any questions you have, that's
18 all I have to say.

19 THE CHAIR: Have you any comments on the
20 schedule? 11:25

21 MR. YOUNG: No. We'll work around what
22 everybody else agrees to.

23 THE CHAIR: Okay, thank you. I have
24 Walton -- Mr. Graves, are you --

25 MR. GRAVES: Good morning, Mr. Chairman.

1 I'm not on your list, but I think that I would be in Group 2
2 and I think that you're at the end of Group 2. I'm just
3 requesting that I might make submissions on behalf of First
4 Nations at this time. We haven't submitted a SIP. We're
5 just getting our position together, as it were. I need to
6 leave to attend to a meeting that will convene later this
7 afternoon to discuss that.

8 THE CHAIR: Are you representing a band?

9 MR. GRAVES: Well, that's what we have to
10 determine. We need to go through the whole vetting process
11 and determine exactly who. 11:26

12 THE CHAIR: Then I would prefer that you
13 informed us of that in writing after you --

14 MR. GRAVES: Certainly that would be what I
15 would do. I just wanted to give you the heads-up and suggest
16 that we were interested in participating and have been given
17 instructions to be here.

18 THE CHAIR: And address the standing issue,
19 address the standing issue as well.

20 MR. GRAVES: Yes, we need to look at that
21 question as well. 11:26

22 THE CHAIR: Okay. Thank you.

23 MR. GRAVES: And in terms of scheduling, as
24 I've heard from Mr. Secord, we would support comments that he
25 has made. And we have been involved --

1 Just for a heads-up, we are looking at the
2 traditional use of the area underneath the proposed power
3 line. And this was something that was very much an issue in
4 the 500 kV line that came before your predecessor. So I
5 think a lot of the issues would be similar. And I know that
6 AltaLink has done a bunch of work on it and we would be
7 proposing to look at that, review that and, inasmuch as would
8 support the Commission, provide any supplemental information
9 in that regard. So that would be my submission. And I thank
10 you, sir.

11:27

11 THE CHAIR: Okay. Mr. Synnott. Walton
12 Development.

13 MR. SYNNOTT: Good morning, Mr. Chair,
14 Commission members. My name is Matthew Synnott. I'm counsel
15 at Stikeman Elliott. We are counsel for Walton Development
16 and Management Inc. I'm appearing on behalf of Lou Cusano and
17 David Wood, who couldn't be here today.

18 Walton Development and Management Inc. is
19 agent for and on behalf of Walton International Group Inc.
20 and Walton International Group (SK). I will refer to them as
21 Walton for short.

11:28

22 Walton filed its SIP with the Commission on
23 Friday and intends to participate in this proceeding. I
24 don't propose to restate what's set out in Walton's SIP, but
25 will say that Walton will be directly and adversely affected

1 by the Commission's decision in this proceeding.

2 The applicant's preferred route, which is
3 referred to as the east TUC proposed route, will cross and
4 directly neighbour portions of lands that are owned or
5 managed by Walton.

6 Walton intends to participate in this
7 proceeding and at this point wishes to reserve its right to
8 participate in writing through cross-examination by
9 submitting evidence and by presenting argument.

10 Walton has no comments regarding the proposed
11 schedule. 11:29

12 Subject to any questions, those are my
13 submissions, sir.

14 THE CHAIR: Okay. Did you file a statement
15 of intent to participate, a SIP?

16 MR. SYNNOTT: Yes, sir. It was filed on
17 October 29th.

18 THE CHAIR: What was the number? The
19 exhibit number, do you know? Do you have it handy?

20 MR. SYNNOTT: I don't have that. I could get
21 it to you, sir. 11:29

22 THE CHAIR: Okay, thanks. I'll get it.

23 Now I'm into the list of individuals. So I'll
24 call them out one at a time. I see someone coming forward.
25 I'll see if I can get the name before they arrive.

1 [REDACTED], [REDACTED].

2 Sorry, Mr. Mousseau.

3 MR. MOUSSEAU: Mr. Chairman, it struck me that
4 there's not a lot of folks in the room at this point and it
5 might save us some time if the AUC staff circulated and
6 rather than go down through the list, maybe we identified
7 where these people were on the list and highlighted them and
8 you could call the highlighted people first so that if people
9 wanted to leave, we could get them out of here quicker. It's
10 a suggestion.

11:30

11 THE CHAIR: Okay. It's probably a good
12 suggestion as usual from you, Mr. Mousseau. I have three
13 late registrants who are here that you gave me before, so
14 I'll start with those and then after that, we'll take a break
15 and you can survey the audience. How's that?

16 [REDACTED].

17 [REDACTED]: Mr. Chairman, commissioners, if
18 I may make a minor correction. I was not a late registrant.
19 I registered on October the 16th, but my name was missed.

20 THE CHAIR: I'm sorry for that.

11:31

21 MS. WONG: I live at southeast [REDACTED]
22 west [REDACTED]. We own land there. This is on the alternate route.
23 Our land is crossed on the proposed by a gross deviation.
24 I'm sorry there's not a map, but if you could look at a map,
25 you would see a gross deviation of the route through our

1 property. Three towers are proposed - one in a wetland area,
2 one in front of our living room window and one further west.

3 I also speak as a voice for deer, moose, duck,
4 geese, coyotes, badgers, all kinds of wildlife.

5 Our concerns are environmental, agriculture
6 production, health of people and animals, and also a
7 transparent and honest explanation, which is consistent for
8 the route chosen.

9 I endorse meetings and hearings in community
10 areas and endorse evening and weekend meetings. I would like 11:32
11 to see production of hard copy transcript. We happen to live
12 in an Internet dead zone, so it's very difficult to access
13 the Internet.

14 We intend to participate fully and we'll call
15 evidence and make oral presentations.

16 Subject to any further questions, thank you.

17 THE CHAIR: Thank you.

18 I have a [REDACTED].

19 [REDACTED]?

20 [REDACTED] Thank you, Mr. Chairman. I'm 11:33
21 surprised you call up my name because I put in my application
22 and the statement of intent on September 27. Also, I'm not
23 on the list today, and maybe that should be clarified. Some
24 staff told me in the back here maybe because I'm on the board
25 of RETA that might have something to do with it. I don't

1 know.

2 THE CHAIR: I have three names here. The
3 last two names I called were not on the list that was
4 circulated today. And I don't think they're on the RETA
5 board, but it might be a happy coincidence.

6 [REDACTED]: I'm on the RETA board, but I
7 participated in this whole process right from the beginning
8 when the power line companies came out, and I participated in
9 workshops, and they told us it's a democratic process we are
10 participating in here and I would like to participate in this 11:34
11 process up to the end as a full intervener.

12 My family lives about 350 metres east of I
13 think it's proposed tower [REDACTED] And our concerns are
14 health, safety, property value issue, environmental impact,
15 visual impact. I don't have to repeat that.

16 I also was a little bit disturbed by the fact
17 that a leading member of the Heartland team told me at the
18 last meeting that this is not a democratic process and that
19 the Heartland team would take all the responsibility for all
20 issues. So I don't really know what that means and I would 11:35
21 like to have that clarified.

22 THE CHAIR: I'm not sure --

23 MR. TAMM: I also want to point out that
24 we're living at the transportation utility corridor. At the
25 time when we purchased our land there, it was told that it

1 would be adjacent to the green belt. And I had my lawyer at
2 that time looking into this fact and he found out that it's a
3 restrictive development area and we were told at the time
4 that any construction above surface couldn't happen because
5 of the existing pipelines. That's another fact which I would
6 like to bring up at the hearing. That's it. Thank you.

7 THE CHAIR: Thank you. I'm sorry,
8 [REDACTED], will you be represented by counsel at the hearing?

9 [REDACTED]: I didn't think about that yet,
10 but I'm waiting for the information we were supposed to get 11:36
11 with respect to funding and I'm thinking about taking legal
12 counsel, yeah.

13 THE CHAIR: Okay. Thank you. We're going
14 to take a break now so we can canvass the room, and so we'll
15 be back in 15 minutes or so or whenever counsel comes back
16 and says it's time to go.

17 (ADJOURNMENT)

18 THE CHAIR: Order, please.

19 MR. SYNNOTT: Mr. Chair, I'm advised that
20 Walton SIP has been filed and appears in DDS but hasn't been 11:53
21 assigned an exhibit number. I spoke with your counsel
22 Mr. Mousseau, and I've e-mailed him a copy of the SIP.

23 THE CHAIR: Thank you so much. That was
24 the Walton SIP, right?

25 MR. SYNNOTT: Yes, sir.

1 THE CHAIR: We have one more party here who
2 would like to speak this morning, and then I think,
3 Mr. Feldberg, you could respond if you wanted. We do have
4 some people this morning who said that they were going to
5 come back this afternoon. So we're going to hang around, and
6 probably around 1:00 or quarter after 1 we'll reconvene if
7 there's anyone here to speak. I know that's likely
8 inconvenient for you, but if somebody could be here at that
9 time, that would be helpful for us.

10 [REDACTED].

11:54

11 [REDACTED]: Thank you very much. I'm
12 presenting today based on the fact that I'm an individual
13 landowner as well as being a member of the RETA board, but
14 I'm here as an individual landowner this morning.

15 I live in [REDACTED] community at [REDACTED]
16 [REDACTED], Sherwood Park, Alberta. I will be
17 representing our family. So no legal counsel, no experts.

18 We're third generation living in the community
19 of [REDACTED], so we're very familiar with the manner in
20 which the lands were purchased by the government of Alberta
21 for the Sherwood Park greenbelt and will be speaking to that.
22 I will be speaking and discussing the negative impacts of
23 overhead lines on health, safety, environment, property
24 values, and the environment in the [REDACTED] community.

11:55

25 I'm a [REDACTED]. My two sons and daughter and

1 I have published many papers in nature magazines about the
2 wildlife, especially the birds, in the [REDACTED] community,
3 and we'll be speaking to that. I will be focusing on the
4 impacts of the 73 metre tall towers and lines on birds. Due
5 to the many, many water bodies right next to the proposed
6 line in the Sherwood Park greenbelt, there will be thousands
7 and thousands of birds killed by these overhead lines. By
8 comparison to the number of ducks that have been killed let's
9 say, for example, at the Syncrude tailings pond site, 1600 or
10 so in 2008, 3 to 4 hundred October 25th of this year, those
11 numbers are going to pale, they will pale compared to the
12 number of birds that will be killed by these overhead lines
13 next to all of these water bodies.

11:56

14 I was fortunate or unfortunate enough to have
15 participated in the ERCB-of-the-day hearings in 1988 on the
16 siting of a 240 kV transmission line proposed by TransAlta,
17 which the government of Alberta of the day wanted to build
18 and have sited right next to [REDACTED] Elementary School in
19 the [REDACTED] community. Together with a whole bunch of
20 other folks, including the County of Strathcona back in 1988,
21 we were fortunately able to convince the ERCB that the line
22 should not be built in the Sherwood Park green belt. The
23 ERCB subsequently directed that that line be built next to
24 two existing high voltage power lines elsewhere.

11:57

25 Building an overhead high voltage line in the

1 Sherwood Park greenbelt was a terrible idea in 1988, and it's
2 going to be an even worse idea today by virtue of the
3 thousands of additional residents that have moved into the
4 area since 1988.

5 And unless anyone has any questions, that's
6 basically the substance of my presentation today.

7 THE CHAIR: Thank you. I'm not clear if
8 you're planning to come to the main hearing and speak as a
9 [REDACTED] there on your own behalf as an expert witness or if
10 you're planning to speak at one of the community meetings. 11:58

11 [REDACTED]: I will be coming to the main
12 hearing to speak as a landowner who is also an expert on
13 birds.

14 THE CHAIR: Thank you.

15 [REDACTED]: Thanks a lot.

16 THE CHAIR: Mr. Feldberg, did you want to
17 respond to some of the things you've heard, or do you want to
18 wait until later to do that? It might be best for the
19 counsel who don't want to hang around until this afternoon.

20 MR. FELDBERG: I'm always content to speak, so 11:58
21 now works as well as any other time.

22 I think there's a couple of things that I
23 should address, Mr. Chairman, members of the Panel. The
24 first is a couple of speakers have mentioned the standing
25 comments that I mentioned this morning, and I should probably

1 go through those fairly briefly.

2 Firstly with respect to I think it's Sturgeon,
3 County of Strathcona, Parkland County, the City, we don't
4 object to the standing of the municipalities. So we don't
5 take an objection there.

6 The second was Mr. Secord's client the Alberta
7 Direct Connection Customers I believe. The difficulty there
8 is at least the Commission's predecessor, the EUB, in a
9 decision dealing with the North-South was fairly clear that
10 those parties who have a connection to the application only
11 by virtue of the fact that they pay rates don't have the type
12 of interest that is directly and adversely affected by the
13 proceedings sufficient to give them standing. And the logic
14 for that, of course, Mr. Chairman, and it's no slight to
15 Mr. Secord's clients, but it's very difficult from there to
16 draw a distinction between them and any other person in
17 Alberta. Everyone has the same interest effectively. And
18 that hasn't been the type of interest that has attracted
19 standing in a facilities application.

11:59

20 There are processes that deal with cost
21 recovery, there are processes that deal with whether or not
22 costs have been excessively incurred, and it's those
23 processes in which ratepayers will have the interest and an
24 opportunity to deal with the types of issues that his clients
25 raise. And, in my submission, it's very difficult to make a

12:00

1 separation just because you're a large customer or a small
2 customer.

3 And I make the same observation with respect
4 to -- again, I go back to IPCAA's submission. IPCAA is not
5 here and does not have, accordingly, an opportunity to
6 respond to what I'm saying but perhaps could be asked to
7 address in writing the same question. IPCAA has in the first
8 paragraph of -- I don't know if it's the first paragraph
9 because I don't have it in front of me right now, but as a
10 first point they've said that they are large customers and
11 accordingly are affected by the costs. And I make the same
12 submission with respect to them that I've made with respect
13 to ADC.

12:01

14 They also make a second submission that says
15 they have members within their organization that own
16 pipelines and pipelines that are within 800 metres of the
17 routes, but it's not clear from the statement of intention to
18 participate that they filed whether they actually act and
19 represent the interests of those pipeline owners as
20 landowners in this proceeding, or whether they are only
21 saying they're included within their membership. And, in my
22 submission, the pipeline owners would have the type of
23 property interest as I said earlier that is sufficient to
24 give them standing, but it's not clear whether IPCAA or its
25 counsel represents their interests in this proceeding. I

12:01

1 note they're not here today, but that is a question that I
2 think should be addressed to IPCAA.

3 The second area I should address is again
4 going back to schedule and process, if I might. I think I've
5 heard two suggestions to change the schedule overall. There
6 are some exceptions and variations within the theme, but the
7 two suggestions that I have heard are, firstly, that the IR
8 process for interveners be delayed beyond the dates that the
9 Commission had set, which is November 23rd, and some
10 interveners have suggested that there be actually two rounds, 12:02
11 so effectively that the applicants would respond to the
12 Commission's information requests, as I understood it, and
13 then receive another set from the interveners and respond to
14 those. That's the first area, and I'll come back to that.

15 The second one is a delay in the timing of the
16 filing of the intervener evidence from February 18th to
17 March 18th.

18 My first observation -- and I'll deal with the
19 second one first actually. My first observation is that I
20 think most people in the room want to hold the April 11th 12:03
21 hearing date, from what I heard. There was one or two
22 exceptions, but I think by far the majority wanted to hold
23 the April 11th date, and that has to do with the issues for a
24 lot of landowners in the summer.

25 If we hold the April 11th hearing date and we

1 look at the schedule as the Commission proposed it, I work
2 backwards from the hearing date and a number of things have
3 to occur in fairly rapid succession. What I'm looking at is
4 the preliminary process schedule on the handout that you gave
5 out this morning, Mr. Chairman.

6 You have set out intervenor evidence due
7 February 18th. Then you have information request to
8 intervenors on February 25th; March 11th, intervenor
9 information request responses come back; March 25th, 2011,
10 you have reply evidence, and then you have the public hearing 12:04
11 starting.

12 If you move the date of filing the intervenor
13 evidence, particularly by a month, what you're cramming is
14 the information request process to the intervenors, plus also
15 the timing of the preparation and delivery of the reply
16 evidence to the intervenors.

17 This is, as you've probably seen from the
18 application already, for a facilities application a complex
19 one. The intervenors that you've heard from this morning
20 have all spoken of hiring expert witnesses on a myriad of 12:04
21 areas, ranging from ornithology to engineering issues with
22 respect to pipeline integrity, to costs, to a host of other
23 topics. It is inconceivable that once we receive those
24 expert reports we will not have information requests of those
25 types of witnesses.

1 Mr. Secord is quite right that in the typical
2 case we don't ask a lot of questions of the landowners in
3 IRs. This is not a typical case and we are going to have
4 expert reports. So I think you will have to consider that we
5 will have information requests, information responses will be
6 coming, and that there will be reply evidence.

7 And the reply evidence, in my submission it
8 has been extremely helpful that the applicants file that
9 prior to the hearing rather than dealing with it as rebuttal
10 orally in the stand. It is better for everybody. In my
11 submission that's a very useful part of the schedule.

12:05

12 If you move the intervener evidence you're
13 going to cram the IR responses, you're going to cram the
14 reply evidence and we're going to be right up in front of the
15 public hearing.

16 The issue I'm foreseeing is that while people
17 will tell you today that they are quite content to write IR
18 responses, prepare their evidence, prepare their witnesses,
19 prepare their crosses in the two weeks before the hearing,
20 I've done this for a few years and I can anticipate that some
21 people will find that they need more time if you jam all this
22 stuff too tight to the start of the hearing.

12:06

23 So in my submission you should be loathe to
24 move the intervener evidence ahead much, if at all.

25 I do point out again generally the application

1 was posted September 30th and we're now at November 2nd. So
2 it's been posted for a month. And many of the groups that
3 are involved -- or some of the groups at least that are
4 involved in this proceeding are sophisticated and have been
5 involved for quite some time. The Heartland application was
6 not a surprise to very many people. The process has been
7 going on for a very long time.

8 Some experts you've heard have already been
9 retained. Some work has already been done. And I would
10 expect that all of us can be expected to work diligently to
11 get this process done.

12:07

12 Which brings me back to the IR requests, the
13 IR process at the front end. My friends have asked to have
14 two rounds of IRs and, as I heard it, advance the date -- or
15 I guess set back the date for the intervener information
16 request to the applicant to sometime in December. I think it
17 was December 15th which was mentioned. The argument for
18 that, aside from giving people more time, was largely to
19 avoid duplication, as I understood it. In the sense that if
20 they had the questions asked by the Commission, responded to
21 by the applicants, and then they decided to ask their own
22 questions they would not have to duplicate those that had
23 been asked by the Commission. I guess my response to that,
24 Mr. Chairman, is they will see your questions. To avoid the
25 duplication you merely have to read the questions and not ask

12:08

1 the same questions. You don't need to see the answers to
2 avoid duplication.

3 My concern about having two rounds of IRs is
4 again the compression factor. This again just comes from
5 experience. It's very different to answer two sets of IRs in
6 the type of time frame that the Commission has set out, which
7 is you issue yours November 8th, the others issue theirs
8 November 23rd, and we respond December 15th. It's easier to
9 sequence over a period of time a large group of people to
10 respond to IR requests, get them sent around in the company,
11 make sure that they're responded to properly, making sure
12 you've got full answers. Doing two sets in the same period
13 of time, even if it's the same number of questions, is just
14 logistically a very different exercise and it will affect the
15 quality of the responses you get and it will affect the
16 coherence of the responses that you get.

12:09

17 So I guess my submission overall is the
18 schedule is pretty good you've laid out, given we're all
19 trying to achieve an April 11th hearing date. It provides a
20 significant period of time from a filing of the application
21 to the asking of the first IRs for the interveners. If you
22 look at September 30th to November 23rd, that's seven weeks
23 to get your questions together. In most proceedings I
24 haven't had seven weeks to get the first set of IRs ready as
25 an intervener. That's a fairly healthy period of time to

12:09

1 simply ask the questions.

2 The time within which you've got to prepare
3 evidence, from September 30th to February 18th, even from
4 November 2nd to February 18th, is again a fairly significant
5 period of time. And particularly given you're going to get
6 IR responses December 15th. That's a fairly healthy period
7 of time again for an intervener.

8 What I'm very concerned about is that we
9 not -- frankly the shortest step in the process is
10 formulating questions as opposed to evidence. If you look at 12:10
11 your overall schedule, what you will end up doing is
12 providing a very long lead time to ask questions and cramming
13 at the very end the filing of evidence, IR responses,
14 preparation for the hearing.

15 Those are just my observations from listening
16 this morning, Mr. Chairman. But I guess my overall
17 submission would be this is a pretty good schedule and we
18 should try to hold to it.

19 Those are my submissions.

20 THE CHAIR: Okay, Mr. Feldberg. I think on 12:10
21 the standing issues, because IPCAA is not here, what we might
22 have to do is get some written submissions on that. We'll
23 let you know in fairly short order.

24 MR. FELDBERG: I appreciate that,
25 Mr. Chairman. And I was somewhat shy about advancing the

1 issues today, but there just didn't seem to be a time within
2 which to do it and the notice indicated we should say
3 something. So that's why I raised it today.

4 THE CHAIR: Mr. Mousseau.

5 MR. MOUSSEAU: We can always plan, sir, but
6 sometimes we can't anticipate. So two folks showed up right
7 after Mr. Khan canvassed the room who would like to make a
8 brief submission so I will bring these up to you, sir.

9 THE CHAIR: Okay, Mr. Feldberg, you may be
10 up and down all day here.

11 [REDACTED]. Did I get the
12 pronunciation right?

13 [REDACTED]: Pardon me?

14 THE CHAIR: Did I get your pronunciation
15 right?

16 [REDACTED]: Pretty close. I'm just kind of
17 making a presentation on behalf of [REDACTED] Farms, which
18 my wife and myself are the proprietors, and it's in relation
19 to the power line affecting [REDACTED] of the
20 [REDACTED] and southeast [REDACTED] of the [REDACTED] and northwest
21 [REDACTED]. I made a mistake there and put
22 down [REDACTED] but it's actually [REDACTED] It's all [REDACTED].

23 THE CHAIR: So it's [REDACTED]

24 [REDACTED]: Right.

25 THE CHAIR: And it's northeast what?

12:11

12:13

1 [REDACTED]: [REDACTED].

2 THE CHAIR: [REDACTED]?

3 [REDACTED]: That's right, yeah. It's all

4 [REDACTED].

5 THE CHAIR: Okay.

6 [REDACTED]: And I guess the thing we're
7 concerned about is -- well, basically we checked them all
8 off: health and safety, property value impacts, visual
9 impacts, environmental impacts, EMF. And I guess, you know,
10 the biggest concern is the routing because it's going to
11 affect aerial spraying, irrigation, and just general
12 interference with farm operations where you could end up
13 running into it with a cultivator or a combine or a swather
14 or whatever. Possible loss of income because you won't be
15 able to grow, say, vegetable crops. And interference with
16 possible subdivision. And those are our concerns.

12:13

17 And another thing we don't quite understand,
18 there's a landman coming around putting pressure on us to
19 sign up. Like the route hasn't been chosen. Why are they
20 putting pressure on us to sign. Otherwise they're saying
21 "You're going to lose a lot of money."

12:14

22 THE CHAIR: You would have to ask the
23 AltaLink folks here.

24 [REDACTED]: Pardon me?

25 THE CHAIR: You would have to ask the

1 AltaLink folks here. It wouldn't be somebody from our group.

2 It wouldn't be someone from the Commission.

3 [REDACTED]: Well, they're coming out from
4 AltaLink.

5 THE CHAIR: I think I would ask that you
6 ask AltaLink about that.

7 [REDACTED]: It just doesn't make sense to
8 be buying the land if the route hasn't been chosen yet.

9 THE CHAIR: Right. And I see here that you
10 want to appear in Fort Saskatchewan at one of the evening or 12:15
11 weekend presentations.

12 [REDACTED]: That's right.

13 THE CHAIR: Okay. Thank you.

14 [REDACTED]? Good morning.

15 [REDACTED]: Good morning.

16 THE CHAIR: Is it still? Yes. Good
17 afternoon.

18 [REDACTED]RNIN: Yes. It's for northwest and
19 northeast. I reside on [REDACTED] west of the 4th
20 Meridian. And the issues of importance, I'm interested in 12:16
21 all those issues. And also too farm income is the main
22 source of the land. Therefore if we did, you know, have
23 rotation and a potato crop, the towers would interfere with
24 bringing in the irrigation and general interference with farm
25 operation of the cropping and working the land. And also

1 like the loss of income.

2 THE CHAIR: This is also [REDACTED]

3 Farms?

4 [REDACTED]: Yes.

5 THE CHAIR: And it's potatoes --

6 [REDACTED]: That's sometimes like they
7 rotate the crops.

8 THE CHAIR: So potatoes, and that's
9 irrigated.

10 [REDACTED]: Yeah.

12:16

11 THE CHAIR: Okay.

12 [REDACTED]: Thank you.

13 THE CHAIR: You're also going to appear in
14 Fort Saskatchewan?

15 [REDACTED]: Pardon?

16 THE CHAIR: You're also going to appear --

17 [REDACTED]: Yes.

18 THE CHAIR: Okay. Thank you.

19 So we'll break. I think it would be best --
20 it's 12:14 now -- if we break until 1:30, and then we'll see
21 if some of the people who were here this morning and said
22 they are going to return, if they come back, and then we'll
23 hear them. One more.

12:17

24 MR. SECORD: I take it, Mr. Chairman, you're
25 not anticipating any response from intervener counsel to

1 Mr. Feldberg's remarks and we would be free to go?

2 THE CHAIR: Correct.

3 MR. SECORD: Thank you.

4 THE CHAIR: Okay. So we're adjourned then
5 until 1:30. Thank you.

6 (ADJOURNMENT)

7 THE CHAIR: Good afternoon. We understand
8 that we have one person who's going to speak: [REDACTED] 1.

9 [REDACTED]: Good afternoon, gentlemen. I
10 live on the southeast of [REDACTED] and when we moved there
11 about 20 years ago I built an airstrip on this property. So
12 the evidence that I propose to lead at the hearing of this
13 matter, there will be two witnesses, one is myself. I will
14 talk about the existence of the airstrip, the method of
15 construction, probably introduce some aerial photographs, and
16 then I'll sit down.

13:34

17 The second witness that I will have will have
18 to be an expert witness, and I would envision his testimony
19 would be something along the lines of proceeding to set out
20 the parameters, climb gradients, and effectively at the end
21 of the day he would say that the safety factor in continuing
22 to use this airstrip with towers 215 feet high 3/8ths of a
23 mile north of the airstrip would make it a nonviable
24 airstrip. Taking off to the north of course, and if you're
25 proceeding southbound well then it's A-okay.

13:35

1 But that's what I think I would be presenting
2 in evidence before the Commission.

3 THE CHAIR: Okay. And would you propose to
4 do that at the main hearing or --

5 [REDACTED]: Yes.

6 Now, as I understand it, you also have weekend
7 things, night things. The fellow I propose to use is an Air
8 Canada pilot, but with enough time I'm sure -- and
9 scheduling, that would fit in. But I would think that that's
10 how I would do it, before the main Commission.

13:36

11 THE CHAIR: I think that would probably be
12 best because people will want to ask him questions.

13 [REDACTED]: Yes.

14 THE CHAIR: Okay, that's terrific.

15 [REDACTED]: That's all I've got to say as
16 to what evidence I would be presenting and generally the
17 nature of it.

18 THE CHAIR: Okay. And it was southeast

19 [REDACTED] quarter?

20 [REDACTED]: Yes. West of 4th.

13:36

21 THE CHAIR: West of the 4th Meridian.

22 Sorry. Okay, thank you. Thank you for coming, [REDACTED].

23 We're going to adjourn for the day. We'll be
24 sending out a letter shortly on how we're going to plan to
25 deal with the standing issue. We'll be trying to get some

1 clarity on the constitutional issue on the helicopter issue
2 and any other thing that we think of when we're sitting in
3 the back.

4 MR. FELDBERG: I'm not sure what you mean by
5 getting clarity on the constitutional issue. I'm myself not
6 clear as to what --

7 THE CHAIR: What I meant by clarity on that
8 was what kind of a motion is he actually going to bring.
9 They have given notice of a constitutional question to the AG
10 of Alberta and the Attorney General of Canada.

13:37

11 MR. FELDBERG: And whether it belongs in this
12 proceeding.

13 THE CHAIR: Correct. Thanks.

14 Mr. Mousseau? So we are adjourned. Thank you
15 very much.

16 -----

17 PROCEEDINGS CONCLUDED

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1 Certificate of Transcript

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3 We, the undersigned, hereby certify that the foregoing pages
4 1 to 102 are a true and faithful transcript of the
5 proceedings taken down in shorthand and transcribed from
6 shorthand notes to the best of our skill and ability. Dated
7 at the City of Edmonton, Province of Alberta, this 2nd day of
8 November, A.D. 2010.

9

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B.A. Ball, CSR(A), RPR, CRR

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D.L. Gerbrandt, CSR(A)

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