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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

P R O C E E D I N G S

Volume 20(b)

May 11, 2011

Edmonton, Alberta

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

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4 May 11, 2011

5 6:45 P.M. Session

6	W. Grieve	Chair
	T. Beattie	Commissioner
7	A. Michaud	Commissioner
8	JP Mousseau	Commission Counsel
9	S. [REDACTED]	Commission Counsel
	K. Gladwyn	Commission Staff
10	T. Chan	Commission Staff
	A. Anderson	Commission Staff
11	K. Taylor	Commission Staff
	W. MacKenzie	Commission Staff
12	M. Kavanagh	Commission Staff
13	P. Feldberg	For AltaLink Management Ltd., and
14	R. Lowe	EPCOR Distribution & Transmission
15		Inc.
	J. Smellie	Alberta Electric System Operator
16	L. Jamieson	
17	R. Secord	For Sturgeon Intervener Group
	D. Bishop	
18	W. McElhanney	Blue Route Utility Transmission
19	Y. Cheng	Elimination
20	D. Mallon	For Responsible Electricity
	E. Chipiuk	Transmission for Albertans
21	T. Marriott	Strathcona County
22	L. Manning	Sturgeon County
23	N. Forster	Industrial Power Consumers
24		Association of Alberta
25	M. Keen	NOVA Chemicals

1	G. Fitch	MR Group
2	M. Niven	[REDACTED]
3		[REDACTED]
4	D. Carter	[REDACTED]
5	J. Klimek	Groot Farms Ltd., Norbest Farms Ltd. and North Bank Potato Farms Ltd.
6		
7	K. Wilson	[REDACTED]
8	J. Lawson	Gibbons Landowners
9	G. Putnam	
10	B. Wallace	Utilities Consumers Advocate
11	[REDACTED]	Homeowners Against Lines Overhead (HALO)
12		
13	[REDACTED]	Colchester Parents
14	[REDACTED]	In her own stead
15	[REDACTED]	In his own stead
16	I. Cameron	Ghost Riders Farms Inc. and Ferit Susan
17		
18	A. Boyd	Sherwood Park Fish and Game Association
19	M. Young	City of Edmonton
20	J. Pawlyk	Parkland County, City of Spruce Grove, Beaverbrook Pioneer Ltd. and Qualico Developments West Ltd.
21		
22	F. Laux	Dr. R. Harris
23	[REDACTED]	In his own stead
24		
25	B. Ball, CSR(A) RPR CRR D. Gerbrandt, CSR(A)	Official Court Reporters

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Cross-examination by Mr. Smellie

1 -----
2 R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY (For Sturgeon
3 County), previously sworn, continued cross-examination by
4 Mr. Smellie:

5 MR. SMELLIE: I think, Mr. Chairman, that
6 Mr. Cowburn has a response to one or more of the subjects to
7 checks.

8 Q. Is that right, sir?

9 A. MR. COWBURN: Yes. Thank you, Mr. Smellie.
10 The subject to check in respect of the occurrence of Section
11 38.1 or references thereto in our evidence begins with
12 Sturgeon County's request to the AESO Number 2, which states
13 that the AESO is required by Section 38.1(b) of the
14 Transmission Regulation to certify and going forward, and the
15 response to that question was declined by the AESO.

18:48

16 That information response is further referred
17 to in the affidavit of materials that was provided in the
18 motion that was brought forward.

19 And finally in the reply of Sturgeon County to
20 the AESO dated March 15th, 2011, there is a page of
21 discussion which commences by the citation of the entirety of
22 Section 38.1, both parts (a) and (b), and then proceeds to
23 make arguments substantially similar to the arguments that we
24 made in my opening statement.

18:48

25 So those are the references that I've been

1 able to identify to 38.1 in our material. I'm not certain
2 they're comprehensive, but they're at least indicative.

3 Q. MR. SMELLIE: So I'm the one that stands
4 corrected. You did in fact refer to Section 38.1 prior to
5 the filing of your evidence. You just didn't refer to it in
6 your evidence; right?

7 A. MR. COWBURN: That's correct.

8 Q. Thank you. Can you turn, please, then, Mr. Cowburn to
9 the bottom of the first page of Exhibit 1099.01, your revised
10 opening statement.

18:49

11 A. MR. COWBURN: Yes, sir.

12 Q. You say there that the AESO has interpreted Section 38.1
13 narrowly, and you offer the view that this conservative
14 reading is quite understandable as it reduces the scope of
15 the AESO's engagement in this proceeding. Do you see that?

16 A. MR. COWBURN: I do.

17 Q. Are you suggesting that the AESO has deliberately
18 participated in this proceeding with a view to ensuring that
19 the scope of its participation is reduced? Is that what
20 you're saying?

18:50

21 A. MR. COWBURN: No. My intention in this
22 statement is, first off, to indicate to believe that I have
23 some understanding or sympathy with, if I might say, of the
24 reasons that the AESO might have for taking its position. I
25 don't feel it's an unreasonable position to take, but it is

1 an interpretation which is -- has the effect of reducing the
2 scope of the AESO's engagement.

3 In my conversations with AESO management, I
4 was informed that was one of the concerns that was in their
5 minds when they determined their scope of engagement was that
6 they didn't wish to overly broaden this process as they saw
7 its requirements. So I'm trying to fairly and even-handedly
8 reflect what I would imagine might be some of the AESO's
9 motivations in taking the position it has with regards to
10 this application.

18:51

11 Q. All right. And let's finish this off, and let's see if
12 I understand the construct here. You say, firstly, that
13 corridors are addressed in need identification documents;
14 correct?

15 A. MR. COWBURN: To be precise, I'm saying that
16 corridors can be addressed in the need component of a
17 facilities review.

18 Q. Transmission corridors are considered in the need
19 application stage?

20 A. MR. COWBURN: Yes.

18:52

21 Q. That's what you say; right?

22 A. MR. COWBURN: Yes. We're in agreement.

23 Q. Section 38.1 requires substation and line configurations
24 to be provided in as much detail as if a need identification
25 document was required for a specific CTI facility; right?

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Cross-examination by Mr. Smellie

1 A. MR. COWBURN: Yes.

2 Q. And so it follows from that, in your view, that 38.1 can
3 be properly and reasonably read to require the AESO and to
4 allow the Commission to direct the AESO to assess corridor
5 options in a CTI case. Is that how it goes?

6 A. MR. COWBURN: Yes.

7 Q. And if that was to be done, as you've requested, in the
8 context of the east HVDC application, then as you would have
9 it, the Commission could decide where the Fort [REDACTED] lines
10 in whole or part would be located. Yes?

18:53

11 A. MR. COWBURN: Yes. That is one of the
12 purposes of having the AESO involved in that kind of process,
13 is that the AESO could indicate where it found reasonable
14 locations for the already defined as required HV line going
15 to Fort [REDACTED] and if the -- for example, the corridor
16 option that's already on the table of the AESO -- or the DC
17 line, the ATCO line, and the 240 kV line in this application
18 being collocated, which collocation is already before the
19 Commission in the Agrium Total material, that if it was
20 conceivable to run the Fort [REDACTED] line through there, the
21 Commission could then make a direction that sufficient
22 right-of-way be acquired to facilitate that future
23 development.

18:54

24 If some other right-of-way was found to be
25 prudent, the Commission might consider it reasonable to

1 direct some other acquisition of land.

2 Q. And then as and when the Fort [REDACTED] application comes
3 before this Commission for permit and licence, you know
4 enough about all of this to agree with me that in that
5 circumstance or in that situation, the Commission has the
6 power under the *Hydro and Electric Energy Act* to prescribe
7 the location and route of those facilities as it wishes;
8 correct?

9 A. MR. COWBURN: Yes. Quite so.

10 MR. SMELLIE: Thank you, Mr. Chairman.

18:54

11 Those are my questions.

12 THE CHAIR: Thank you, Mr. Smellie.

13 Mr. Mousseau. Oh, sorry, Mr. Feldberg has
14 some questions. I didn't have you on my list.

15 MR. FELDBERG: I wasn't. I just have a
16 couple of questions, gentlemen.

17 MR. FELDBERG CROSS-EXAMINES THE PANEL:

18 Q. I just want to make sure that I'm sure of your position
19 with respect to this proceeding.

20 Now, as I understand it, and I'm looking at
21 page 2 of Exhibit 625, which is your evidence, as I
22 understood your discussion in your opening statements, that
23 the concept of corridor development was really there with an
24 eye to the future, wasn't it?

18:55

25 A. MR. COWBURN: Yes.

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Cross-examination by Mr. Feldberg

1 Q. And that you are not advocating with respect to this
2 proceeding that any of the routes be revisited or any of the
3 routing in the application be revisited; is that correct?

4 A. MR. TARNAWSKY: Not specifically. Although
5 what we've seen emerge within the hearing is an amendment
6 related to locating the alignments of the AltaLink 240 kV and
7 the ATCO 500 kV DC lines in what reasonably could become a
8 corridor. We also understood from the applicant that the
9 right-of-way that is being proposed in the preferred 500 kV
10 route provides to accommodate for a future 240 kV loop, which 18:56
11 could be reasonably anticipated. So we're seeing indications
12 in this proceeding that corridors are rational.

13 Q. What you're seeing in the -- let me take you back to
14 that. You looked at the amendment to the application with
15 respect to the 240 kV line, and that fits within your concept
16 of corridor development; correct?

17 A. MR. TARNAWSKY: That broad interpretation of
18 our principles would confirm that. Yes.

19 Q. And generally the project as contemplated fits within
20 your general principles today; is that right? 18:56

21 A. MR. TARNAWSKY: Yes.

22 A. MR. COWBURN: And further to that, Mr. Watson
23 at transcript page 2042 indicated we've secured that bit of
24 space along the Suncor lands. So our understanding of that
25 is that AltaLink is taking steps to prudently and reasonably

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 anticipate possible future developments where it's
2 appropriate to do so.

3 Q. Thank you, gentlemen.

4 MR. FELDBERG: Those are my questions,
5 Mr. Chairman.

6 THE CHAIR: Mr. Mousseau.

7 MR. MOUSSEAU QUESTIONS THE PANEL:

8 Q. Gentlemen, I'll introduce myself. I'm JP Mousseau. I'm
9 counsel for the Commission. I think you understand my role
10 here, but I can go over it if --

18:57

11 A. MR. COWBURN: That's fine.

12 A. MR. TARNAWSKY: That's okay.

13 Q. Okay. And my first question is for you, Mr. Tarnawsky.
14 In your opening statement you suggest that local landowners
15 are understandably frustrated by the applicants' inability to
16 identify probable locations for future transmission lines,
17 and building on that I understand that the intent of your
18 participation here is to implement a process for the
19 development of corridors for future transmission lines in
20 Sturgeon County. Do I have that right?

18:58

21 A. MR. TARNAWSKY: We are looking to bring that
22 concept to this proceeding and to the process going forward.

23 Q. Right. And I just want to be clear. Are you suggesting
24 that if that process were to come to fruition and corridors
25 would be established, would those represent another option or

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 possible options for transmission facility owners to route a
2 line, or would the intention be that such corridors would be
3 the only location to route future transmission lines in
4 Sturgeon County?

5 A. MR. TARNAWSKY: So we have some consensus on
6 the panel. It would be a preferred option, or at least one
7 that should be considered. It would not or could not be the
8 only option recognizing the AUC should not mind itself for
9 future decisions.

10 Q. And I think that's helpful, sir. I think you would
11 agree with me having been at the hearing, the fact that we
12 have a corridor identified for transportation and utility use
13 doesn't necessarily restrict a TFO from proposing routes
14 within that corridor. Is that fair?

18:59

15 A. MR. TARNAWSKY: Yes.

16 A. MR. DE PALEZIEUX: I think just to add to that, I
17 think it's fair to say what may benefit from a clearly
18 defined corridor is that the residents that are close to that
19 corridor will have some indication of what is likely to come
20 next, and they can plan their lives accordingly.

18:59

21 And that's really something behind some of the
22 Sturgeon County principles is they believe in being upfront
23 and honest, you know, with their citizens and in sharing
24 long-term plans so that people can get on with their lives.

25 A. MR. TARNAWSKY: There is one very important

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 word in our principle number 1, that lines should be located
2 in "a" TUC in support of long-term planning. It doesn't say
3 "the" TUC. We've remained agnostic in terms of route.

4 Q. Right. But I'm speaking more generally and looking to
5 the future. So there is potentially a transportation
6 corridor established through this process in Sturgeon County
7 through the Heartland area. Would that prevent us from
8 running into the same opposition that we have here in this
9 hearing, if you catch my drift?

10 A. MR. TARNAWSKY: I can only speak to the
11 experience that municipalities face in terms of developing
12 long-term plans, in particular area structure plans, and the
13 process that we follow is one where prior to lands being
14 designated or zoned for certain land uses we undertake to
15 consult with the community, and then we undertake a process
16 of three readings and a public hearing to ensure all things
17 are on the record. And ultimately what it does is it
18 provides, for the long-term, a framework within which land
19 use will be implemented.

20 And to the point that Mr. de Palezieux made,
21 is that that provides fair expectation to area residents,
22 landowners, and industry that when they do develop what they
23 can expect.

24 Q. And would another way to achieve the result that you're
25 looking for would be to have transmission facility owners

19:00

19:01

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 work cooperatively with the county to develop new routing
2 criteria or modify the existing criteria to be more specific
3 to the unique needs of the county?

4 A. MR. TARNAWSKY: I believe that's a reasonable
5 proposition. Much of the discussion over the past half hour
6 has dealt with ensuring that the information in terms of the
7 long-term plan for transmission and the likely ultimate
8 build-out be available; otherwise I'm not certain that the
9 independent TFOs would have a strong understanding of what
10 needed to be accomplished.

19:02

11 The reason this is important to us as a public
12 body, and municipalities get their authority from the
13 *Municipal Government Act*, and Mr. Manning is probably
14 cringing because I'm not a lawyer and he doesn't want me
15 quoting anything like this, but is to achieve orderly,
16 economical, and beneficial development. That's why we're
17 participating in the hearing the way we're participating.
18 And in general terms we're trying to help inform the process
19 and bring important information on the record for the AUC's
20 consideration.

19:03

21 Q. Fair enough.

22 A. MR. COWBURN: Further to your question as
23 well, it would be helpful if the TFO is engaged in it, but
24 the party we really to be there is the AESO. We really need
25 their guidance and their expertise to bring that forward.

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 The TF0s could then participate, but we need that leadership.

2 Q. Okay. Mr. Tarnawsky, in your opening statement another
3 thing that you state is: (as read)

4 "In circumstances where we can
5 reasonably anticipate multiple high
6 voltage transmission lines within the
7 Heartland, it may be reasonable to
8 expand potential land acquisition to
9 distances greater than 150 metres, in
10 particular where potential corridors
11 might be approved."

19:03

12 And I'm just wondering, do you have any land acquisition
13 criteria in mind?

14 A. MR. TARNAWSKY: None specific. We did not
15 undertake to research and work with our legal counsel to
16 deliver a specific recommendation. There are many options.
17 I know that Sturgeon County and the other members of
18 Alberta's Industrial Heartland in their decision to plan and
19 zone lands for heavy industry established something called a
20 "Voluntary Purchase Program," whereby lands would be
21 purchased where there were obvious conflicts based on
22 established setbacks, and lands would be sold off and the
23 profits of those lands would be used to help relocate
24 affected landowners to other similar locations.

19:04

25 As a reference, that's on page 48 of our

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 Heartland area structure plan.

2 Q. Sure.

3 A. MR. TARNAWSKY: Just as a matter of interest,
4 to date that program has helped relocate two landowners,
5 substantial value of property.

6 Q. The voluntary purchase program has only relocated two
7 landowners?

8 A. MR. TARNAWSKY: Within Sturgeon County it's
9 only relocated two. I think that primarily is a result of
10 the fact that in about the 2007, early 2008 period there was
11 a significant market event that slowed development in the
12 area.

19:05

13 Q. Right.

14 A. MR. TARNAWSKY: I anticipate that as
15 development within Alberta's Industrial Heartland reengages
16 that we'll see more. And, again, those two are only
17 residents within Sturgeon County. There has been
18 considerably more development in another municipality that is
19 part of the association and a larger number of relocated
20 parties.

19:05

21 Q. Right. That's Strathcona County?

22 A. MR. TARNAWSKY: Yes.

23 Q. Okay. Thanks.

24 A. MR. COWBURN: And we've listened attentively
25 to AltaLink's discussions as how they got to the 150 metres

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 and haven't been able to determine any real science or
2 criteria that one could use for setting that distance, and
3 I'm sure they've agonized over it as well.

4 We wish we could come up with a quantitative
5 basis for saying it should be some distance and precisely
6 this, but we have not seen anyone in the industry solve that
7 problem yet objectively.

8 A. MR. DE PALEZIEUX: And what we're trying to say at
9 that section of the evidence was that if one transmission
10 line is perhaps 150 metres where you're looking at this
11 buyout, if you have a few, you know, two or three, then
12 perhaps that distance should be greater.

19:06

13 Q. In terms of the development of a corridor and the cost
14 to acquire lands, is this something that Sturgeon County
15 foresees the TFOs would pay, the county would pay, or would
16 it be sort of a mixture of both of those?

17 A. MR. TARNAWSKY: Well, we would see it part of
18 the infrastructure, just as TFOs would be ordered to buy
19 lands for a substation that would serve multiple facilities.
20 A construct that is not developed beyond just this concept is
21 that perhaps the first-in TFO buys a right-of-way, and then
22 that right-of-way is made available to subsequent. The
23 beauty of real estate is that if the long term it's not
24 required it can be sold off.

19:07

25 Q. Mr. de Palezieux, I'm going to take you now to your

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 opening statement, where you said when you were talking about
2 the economics of the underground option and you stated:

3 (as read)

4 "From my perspective and experience, if
5 a TFO in Alberta provides a cost
6 estimate to a PPS level, it is unlikely
7 that costs will be significantly lower
8 than this estimate once construction of
9 the facility is complete. This
10 experience suggests that the
11 underground option could be more costly
12 than the estimates."

19:07

13 And, sir, the cost -- if you look at the application, the
14 costs of the overhead line options are provided at a PPS
15 estimate of plus 20, minus 10 percent, and the costs of the
16 underground option is a plus 30, minus 30 percent. And the
17 estimate for the underground portion is a plus 26, minus 22
18 percent estimate overall for the above-ground and the
19 overhead portion of the route.

20 **A. MR. DE PALEZIEUX:** That's right.

19:08

21 Q. Is this the concern that you have about the costs of the
22 underground option, that there is added uncertainty about the
23 cost estimate for the underground portion?

24 **A. MR. DE PALEZIEUX:** Well, we have several concerns.
25 There's the absolute difference in cost between the preferred

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 route and the underground option.

2 Q. I'm trying to get at the second part, which is the
3 uncertainty about the estimate.

4 A. MR. DE PALEZIEUX: That's right. I mean, yeah,
5 it's a wider -- there's more uncertainty with that estimate,
6 and therefore you could have costs escalation. Plus this is
7 the first time that Alberta has considered this, and you can
8 imagine if we implemented it, there would be significant
9 learnings going through this process, and likely those
10 learnings would cost money.

19:09

11 Q. Sir, you state that it's unlikely that the costs will be
12 significantly lower than the PPS estimate. From your
13 perspective and experience, how likely is it that the costs
14 will be significantly higher than the PPS estimate?

15 A. MR. DE PALEZIEUX: The underground option you're
16 referring to?

17 Q. Yes.

18 A. MR. DE PALEZIEUX: Well, being part of the hearing
19 and listening to Mr. Watson and Mr. Bowden speak about the
20 costs -- and I know both of those gentlemen, they're good at
21 their jobs -- I would expect that they put a lot of diligence
22 into the cost estimates, and I think the way they've
23 constructed those estimates tell the tale. The overhead
24 options have a 10 percent contingency and the underground
25 option has a 15 percent contingency. So built right in the

19:09

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 estimates is a higher level of contingency. And then on top
2 of that, the accuracy of the estimates, the range of that
3 forecast is wider.

4 So I would expect, given those two facts, that
5 yes, there would be a higher probability of the underground
6 option being higher than the expected estimate than the other
7 options.

8 Q. Okay, gentlemen, I have one last question for you, and
9 it's likely something that Mr. Manning is going to have to
10 deal with in argument, but because it comes right from the
11 opening statement of Mr. Cowburn I want to put it to you.

19:10

12 Mr. Cowburn, you're referring to section 38.1
13 (b) on the first page of your opening statement, and you
14 state that: (as read)

15 "38.1 (b) requires the AESO to certify
16 that the technical aspects of the
17 application meet its requirement set
18 out in the Transmission System plan."

19 When I read section 38.1 (b), it states that the AESO's
20 required to determine whether the technical aspects of the
21 application by -- or certify to the Commission as to whether
22 the technical aspects of the application by the TFO or other
23 person meet the requirements set out by the AESO in the
24 Transmission Plan. And then it goes on to state "in respect
25 of that critical transmission infrastructure."

19:11

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by Mr. Mousseau

1 I'm just wondering, does that last part of the
2 sentence affect your view on the AESO's obligations under
3 38.1 (b)? I'm referring specifically to the end of the
4 sentence where it states "in respect of that critical
5 transmission infrastructure."

6 A. MR. COWBURN: So the operative word that I
7 see there is "technical," and then there's the restrictive
8 clause at the very end "of that critical transmission
9 infrastructure" that you're pointing to; right?

10 Q. Right.

19:12

11 A. MR. COWBURN: Consider, for example, the
12 upcoming ATCO DC application. So they're going to bring a
13 line forward. One of the options will most likely include
14 routing in the Total/Agrium proposed corridor, and the
15 question that's relevant to that proceeding is, well, should
16 the line go there or somewhere else?

17 So in respect of the critical transmission
18 infrastructure that might be before the Commission in that
19 proceeding, they would be able to approve a route for the
20 ATCO DC line. Suppose for a moment that it is the proposed
21 parallel to the 240.

19:12

22 So that would be the 38.1 (b) certification,
23 and this is where the stretch that's going to need
24 Mr. Manning's assistance comes from, and I'm frankly going to
25 admit where my limitations stop. The common-sense reading of

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 that is that critical transmission infrastructure can include
2 consideration of the Fort ██████ critical transmission
3 infrastructure as part of that proceeding. Whether that is
4 or is not in scope for the Commission to consider other
5 lines, that needs a reading of all the surrounding
6 legislation. I'm giving you the interpretation from an
7 implementation perspective as I would see it but not the
8 legal depth.

9 Q. Fair enough. Thank you, panel.

10 MR. MOUSSEAU: Thank you, Commission. Those 19:13
11 are my questions.

12 THE CHAIR: Okay, I have a few questions.

13 THE CHAIR QUESTIONS THE PANEL:

14 Q. First of all, can we turn to page 13 of your prefiled
15 evidence. I thought someone else was going to ask this.

16 Right at the bottom of the page it says: (as read)

17 "Unused land can be rented out for
18 agricultural or other appropriate
19 purposes. Since land values often rise
20 over time, if some land ultimately 19:14
21 proves not to be required, it may be
22 sold with a potential profit to Alberta
23 ratepayers."

24 Are you familiar with the Stores Block decision, Mr. Cowburn?

25 A. MR. COWBURN: Yes, I am.

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 Q. And so is that consistent with that? It's a legal
2 question. You can --

3 A. MR. COWBURN: That's a good question, sir.

4 Q. I thought so. I asked questions around that of one of
5 the AltaLink panels.

6 A. MR. COWBURN: Stores Block has kind of
7 changed the cosmology of the world a bit.

8 Q. Mr. Tarnawsky, I'm not sure if it was you or
9 Mr. de Palezieux in response to questions from Mr. Mallon
10 about what it is that Sturgeon County has taken into account 19:15
11 in coming up with its policy in that the cheapest -- the
12 cheapest option should be used or -- that's my summary for
13 it. But the discussion was did you take into account
14 diminished property values, pipeline corrosion, health fears,
15 safety, and health -- or diminished property values because
16 of location and because of health fears. And the answer was
17 well, no, that's for the Commission to decide.

18 And I'm sitting here. We've got some people
19 who are obviously very upset on both routes and you say
20 you're bringing forward principles, and I look at your 19:15
21 principles. And some of them look like principles, some of
22 them look like objectives. They're not the same thing, as
23 you know.

24 And then you say well, we changed one of them
25 so that the compensation should be for affected landowners.

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 And then under cross-examination "only affected landowners in
2 Sturgeon County."

3 Now, I know you answered questions around
4 that. It's a difficult question to answer. But I look at
5 that and I ask: Well -- let me just tell you my concern.
6 Sturgeon County is in support of this critical transmission
7 infrastructure being built. It's going to benefit Sturgeon
8 County. It's going to benefit the Heartland region.

9 The Heartland coalition is made up of Sturgeon
10 County and Strathcona County, where Sherwood Park is located, 19:16
11 the County of Lamont, Fort Saskatchewan, and Edmonton. It's
12 those political organizations that -- political in the sense
13 of politically delineated organizations who are going to
14 benefit the most from this line. And individuals are going
15 to -- some individuals are going to end up having to pay in
16 one way or another.

17 So to have you say "well, we should compensate
18 everybody who is affected, but only in Sturgeon County" is a
19 little bit bizarre when people outside Sturgeon County are
20 not necessarily going to have any benefit from this line 19:17
21 other than the general benefit for people around the
22 province.

23 So I'm just wondering when City council came
24 up with this, whether there were any effects on people
25 outside of Sturgeon County.

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 A. MR. TARNAWSKY: So, Mr. Chair, with regards to
2 your questions, I indicated in my opening statement that we
3 sought only to address the three noted issues. We recognize
4 that there were a significant number of interveners. We --
5 customers in County council did not specifically seek to
6 address impacts on health and environment. We were confident
7 that the Commission would hear a variety and a range of
8 opinions and evidence from a diverse group of interveners.

9 In that regard we -- Sturgeon County council
10 directed that landowner intervener groups be funded such that 19:18
11 they could be aware, could organize in accordance with AUC's
12 preference to represent all of those various things.

13 Once again, as a municipal body regulated
14 under the *Municipal Government Act* with those aspects of
15 stewardship of land, that directed where our effort and
16 emphasis went in our intervention.

17 I believe what we did in our responses to
18 Mr. Mallon's question was acknowledge that the situation
19 within the boundaries of Sturgeon County is unique. To the
20 extent that there is a level of bulk of transmission 19:19
21 facility, substation, that is unique. And in that respect,
22 Sturgeon County council sought to bring forward a
23 recommendation for the AUC's consideration.

24 Was there discussion about those same
25 compensation factors being expressed or being applied

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Questioned by the Chair

1 throughout the province? Generally, discussions on the
2 principles were held in camera.

3 What I can say is there was an acknowledgement
4 that what does -- what does emerge, in terms of the
5 compensation structure, will need to be equitable. And I
6 think Sturgeon County council acknowledged that in its
7 principles where it talked about prudent costs, not just for
8 residents of Sturgeon County but all Albertans, as well as
9 minimizing the impacts.

10 Now, to a great extent, given that they govern 19:20
11 a territory with a unique group -- or with a discreet group
12 of ratepayers, I think that they limited their specific
13 principles to that group.

14 Q. That's fair enough. So I look at it -- look at this and
15 I heard Mr. Watson say, and I'm not sure if as a witness I
16 would have said it exactly the same way, but he was asked a
17 direct question by Mr. Mallon, I think it was, and he gave a
18 direct answer. Are the people of I think he said Sherwood
19 Park or Strathcona County, but I think it was Sherwood Park,
20 along the TUC going to benefit from this transmission line 19:21
21 and he said no. I think I probably would have said, well,
22 the whole province will benefit, but he said no. And I think
23 in the -- uniquely benefit from this in the sense that it
24 serves them with electricity, I think we can say no.

25 So here you have Sturgeon County, which is

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 going to benefit a lot because of the industrial growth in
2 Sturgeon County, part of your policy, and you have these
3 individuals who aren't going to benefit. They want it put
4 underground. They think everyone in the province should have
5 to pay for that.

6 There are other options in other network
7 industries where municipalities pay a portion.
8 Municipalities that benefit, even though it's not in their
9 municipality, pay a portion of the mitigation efforts, and
10 other municipalities share it with the industry, share it
11 with customers generally. 19:21

12 Have you given any thought to anything like
13 that?

14 A. MR. COWBURN: I think, Mr. Chairman, that's
15 an industry-structure problem. We've got this almost
16 30-year-old cost pooling mechanism that levelizes
17 transmission costs across the whole province. So all the
18 economic signals that would normally inform and discipline
19 parties seeking transmission are just not at play in this
20 industry structure. 19:22

21 Generators don't pay anything for the bulk
22 transmission system, which is what we're talking about here.
23 Costs are pooled all across the province, and, as a matter of
24 statute, we can't differentiation as to location.

25 I think those are all very reasonable

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Questioned by the Chair

1 observations, but we've got industry structure that just
2 doesn't facilitate passing those cost signals through to the
3 parties who benefit and should be, perhaps, differentially
4 paying.

5 Q. But the industry structure doesn't prevent capital
6 contributions upfront from different affected parties or
7 parties that benefit, particularly from something in order to
8 help mitigate with other people; right?

9 A. MR. COWBURN: Exactly. And where there's the
10 customer connection dimension right at the customer site, the 19:23
11 AESO has -- or the AUC has interpreted the legislation to
12 say, We have the discretion to allow that your connection
13 costs will differ depending on what you ask for. That's, I
14 think, a rational first step towards getting some discipline
15 in costs. But when the bulk transmission system hits, it's
16 pooled. So it's not possible to have contributions --

17 Q. I understand that there can be -- so none of those are
18 customer contributions?

19 A. MR. COWBURN: Right.

20 Q. So I look at -- I look at the fact that we have -- 19:23
21 Sturgeon County, Strathcona County, Fort Saskatchewan,
22 Lamont, and the City of Edmonton all in the industrial
23 Heartland association, or is it the Heartland industrial
24 association. Which one is it?

25 A. MR. TARNAWSKY: Alberta's industrial Heartland

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 association.

2 Q. Thank you. All in there. They want this industry and
3 they need these transmission lines for that purpose, and yet
4 they're not stepping up to the plate in any way to say we'll
5 help to contribute to mitigate -- I'm not just talking about
6 underground; I'm talking about in any unique way because of
7 the benefits that this association, these municipalities get.
8 In fact, some of them say bury it and let everybody else pay
9 for it, even though it's part of the industrial Heartland.

10 A. MR. COWBURN: And the generators who
11 presumably would be using these lines to move power to the
12 industrial Heartland also aren't showing up to the table.
13 They've got a buy because of the legislative structure.

19:24

14 But I couldn't agree more, that the parties
15 who are causing these costs should be the parties who are
16 paying them. We would have a better economic discipline.

17 A. MR. DE PALEZIEUX: I just want to make a couple of
18 comments with regards to that. I think there's a premise you
19 talked about that these are the parties that are going to
20 benefit from these lines, the people in the industrial
21 Heartland. But I think what we heard from the AESO was the
22 240 kV line going into the Heartland substation and carrying
23 power to the north is going to benefit those 70 companies now
24 that have need applications into the AESO, and that's not in
25 Sturgeon County, that's well north of Sturgeon County, and

19:25

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Questioned by the Chair

1 the rest of the industrial Heartland.

2 Plus I think what we have to do is really look
3 back and say what is the AESO doing in its long-term plan.
4 Well, the AESO is building a whole system of 500 kV lines and
5 tying them together. This is a piece of it.

6 And so saying that one piece benefits one part
7 of the county and it's just -- or one piece of Alberta is
8 probably not correct. Electricity flows where it's going to
9 flow. The grid is being built up to support all of Alberta.

10 And so when you think about the cost of this
11 line and saying it should go to individual ratepayers, I
12 think that's one of the reasons we end up with this industry
13 structure that we have in the province right now.

19:25

14 Further, I think in regards to who benefits,
15 who pays is something that we talked about on page 23 and 24
16 of our evidence. There was an application made, and the City
17 of Lethbridge intervened, I believe it was a 240 kV line, and
18 they asked that a portion of that line be buried. And in
19 that Commission decision it said, and I can read what it says
20 here. (As read)

19:26

21 "Therefore, on the face of the cost
22 evidence provided by AltaLink, and
23 confirmed by Mr. Berrien, the
24 Commission concludes that the full
25 extra cost of installing the line

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Questioned by the Chair

1 underground, because it would have to
2 be incurred by all Albertans through
3 their transmission rates, cannot be
4 justified. The Commission asked
5 AltaLink if the question of sharing the
6 cost of placing a portion of the line
7 underground had been discussed with the
8 City of Lethbridge and was advised that
9 it had not."

10 And at the end, the Commission said: (As read)

19:26

11 "Therefore, if the City of Lethbridge
12 is interested in pursuing an
13 underground option through the Oldman
14 River Valley, it could bring an
15 application under section 17, including
16 a proposal for cost sharing."

17 And when we started thinking -- that was kind of a nice
18 decision to think about the underground option in this case.

19 Q. Right. But Sturgeon County doesn't think that it would
20 be stepping up to the plate to share?

19:27

21 A. MR. DE PALEZIEUX: I don't think Sturgeon County
22 would be the one making the application, no.

23 Q. Even though Sturgeon County is one of the counties that
24 would benefit through the Heartland association from this?

25 A. MR. TARNAWSKY: Mr. Chair, one of the aspects

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Questioned by the Chair

1 that Mr. de Palezieux referenced was -- and I'll call it an
2 unfortunate choice of name for this project. The Heartland
3 represents where the substation and where the facilities
4 terminate and originate in a couple of discussions, one with
5 one of our council's advisory committees, another one with
6 our council. Mr. Brausen and other representatives of the
7 AESO indicated that this connection and the placement of that
8 substation where it is had more to do with connecting north
9 to south and then to the DC and then it did specifically with
10 powering the Alberta's industrial Heartland area.

19:28

11 In some respects, and this is just me talking,
12 the Heartland area could have been powered by one or a couple
13 of 240 kV lines, but it was part of their larger architecture
14 in their long-term plan that saw that -- and I'm not
15 technical -- that point of interconnection at that place.

16 So our council has, on more than one occasion,
17 commented that it's an unfortunate name for the project.

18 A. MR. DE PALEZIEUX: I just have another comment.

19 Through the AESO tariff we allocate costs to the bulk
20 transmission system, and companies that take service sign the
21 DTS agreements with the AESO and pay accordingly.

19:29

22 So I understand what you're saying, that those
23 that benefit from this should pay, and the structure of the
24 AESO tariff accomplishes that.

25 As industry develops and their DTS contract

R. COWBURN, E. DE PALEZIEUX, P. TARNAWSKY

Questioned by the Chair

1 size goes up, they will pay for it, and that's the structure
2 that we placed upon the AESO and its tariff.

3 Q. Just one last thing. And I expect that Mr. Manning may
4 have told you that I asked Mr. Watson from the Heartland
5 group if he could come up with some special criteria or
6 principles to guide the Commission for this particular
7 project because the transmission towers are an unprecedented
8 height and size for this province. It's an unprecedented
9 project. He didn't expect there to be another one, at least
10 within the foreseeable future from us quite like this.

19:30

11 So I'm not going to ask you to address this
12 right here right now, but I would ask you to turn your mind
13 to it and see if you could ask -- look through the transcript
14 and see what was asked of Mr. Watson and address it in final
15 argument.

16 A. MR. COWBURN: Yes.

17 A. MR. TARNAWSKY: Yes.

18 Q. Thank you.

19 THE CHAIR: Any redirect, Mr. Manning?

20 MR. MANNING: No, thank you, sir.

19:30

21 THE CHAIR: This panel is released. Thank
22 you very much for coming tonight.

23 (PANEL STANDS DOWN)

24 THE CHAIR: And we'll just sit here and
25 wait -- oh, we have responsible actions plan for Alberta's

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 oilsands would be Exhibit 1106. Oh, it is marked? Sorry
2 about that.

3 Next is the Gibbons area landowners.

4 MR. LAWSON: Good evening, Mr. Chairman,
5 Panel.

6 THE CHAIR: Mr. Lawson.

7 MR. LAWSON: Lawson is my name, and we act
8 on behalf of the Gibbons group, which is a group of six
9 landowners families, and we have tonight a panel of four.

10 And, Liying, if we could put up Exhibit 850
11 and T16, and we'll swear in the panel when you're ready, sir.

19:34

12 THE CHAIR: You can go ahead and swear
13 them in, and Liying can put your documents up.

14 MR. LAWSON: While we're doing that, if I
15 can just provide -- and I'll introduce in a moment Evelyn
16 Presisniuk. We have a printout of her website, which is
17 MP Stables, and Mr. [REDACTED] has some documents that he is
18 going to refer to in his evidence.

19 E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED] (For Gibbons
20 Area Landowners), sworn, examination in chief by Mr. Lawson:

19:36

21 MR. LAWSON: Liying, if we could just zoom
22 in a little bit on that straight in. What we have tonight is
23 three members of our landowners group and a supporting
24 daughter. We have Evelyn Presisniuk, and she, along with her
25 husband, are the registered owners of MP Stables, and they

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Examination in chief by Mr. Lawson

1 are on Northwest 23-55-23 West of the 4th.

2 And we also have beside her, her daughter
3 Mallory Razin, and she is here to provide support, and we'll
4 hear about five minutes of evidence. Beside her then is
5 [REDACTED] and he, along with his wife, is the registered
6 owner of the land immediately west of -- you've been referred
7 to as the [REDACTED] but it's the north half of the Southwest
8 [REDACTED] of the [REDACTED]th.

9 And beside him is [REDACTED] and she is here
10 representing her mother who owns and actually [REDACTED] lives on 19:38
11 Northeast [REDACTED] of the [REDACTED]th, and that's where tower
12 146 is.

13 Q. Now, if we can start with you, Mrs. Presisniuk, I
14 understand that you operate MP Stables with your husband
15 Morris Presisniuk; is that right?

16 A. MS. PRESISNIUK: Correct.

17 Q. And we've distributed a copy of your website, and that's
18 the information that you have on your website; is that
19 correct?

20 A. MS. PRESISNIUK: Correct, yes. 19:39

21 Q. Now, if you could communicate to the panel and to the
22 Heartland project representatives your perspective and
23 experience regarding this project.

24 A. MS. PRESISNIUK: All right. Good evening,
25 Panel, Chairman. My name is [REDACTED] Presisniuk. I am here --

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Examination in chief by Mr. Lawson

1 I am not familiar with legalese, but I will -- this will be
2 done in layman's terms.

3 I am here today to speak to our concerns
4 regarding the selection of the Heartland power transmission
5 route. I'd like to begin by reviewing the events leading up
6 to this point.

7 As Andrew Lawson said, we own and operate MP
8 Stables. Our property is ideal for our purposes, offering a
9 picturesque park-like atmosphere. First of all, it's on the
10 high point on the highway. People refer to it as "on the
11 hill," and it's part of a gently rolling landscape. At the
12 entrance we drive up a spruce-lined paved driveway and end up
13 amongst mature evergreens, Russian elms, fruit trees, and
14 shrubs. Visually it's very appealing. This is where we
15 live, so MP Stables is both our home and our business.

19:39

16 For 30 years MP Stables has been an important
17 component of the agri-tourism and the horse industry in and
18 around the Edmonton area. We rely on the close proximity to
19 large populations found in both Edmonton, St. Albert, Fort
20 Saskatchewan, et cetera, for our customers, reasonable travel
21 times and related costs and for support systems.

19:40

22 At times we employ up to 20 people. The very
23 nature of our business demands a peaceful, natural country
24 setting, free from industry and power lines. We host
25 children's birthday parties, picnics, pony rides, et cetera,

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 so the public expect a natural beauty with their outdoor
2 experience. We also have a rental home on the property.

3 In 2008 we were made aware of our property
4 being involved in two major developments, both the Heartland
5 transmission line on the southern portion and the Highway 28
6 widening and the interchange on the northern portion
7 requiring approximately 36 acres. At this point we were
8 notified of public hearings regarding development in our
9 area.

10 Representatives began personal calls to
11 affected property owners to set up private meetings.
12 Realizing the implications, both health and business, of
13 being hemmed in from both the south and the north, we felt it
14 was prudent to relocate. In our first meeting on January the
15 20th, 2010, with AltaLink reps we indicated this fact.

19:41

16 The agents provided us with a map showing the
17 proposed line only metres from our property on the south
18 line, but they appeared unaware of the highway's plan. They
19 then drove the Range Road 554 and returned within 20 minutes.
20 They said they would forward the highway's information plan
21 on to the appropriate people as they did not have the
22 authority to discuss this.

19:41

23 I'll now describe the contact and discussions
24 we've had with AltaLink. In March 2010, while I was
25 [REDACTED], Ken Young and Kyle Klages from Calgary visited

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Examination in chief by Mr. Lawson

1 my hospital room for a meeting. During discussions we
2 confirmed our standing regarding being bought out if the line
3 was to be placed anywhere near or on our property. Shortly
4 thereafter we received new maps showing transmission lines
5 had been placed on our south property line.

6 On August 19th, 2010, we received a call from
7 Ken Young, land agent for Peterson Land Company, to request
8 an appointment regarding being bought out. On August 25th,
9 2010, Morris and I met at our home with Ken Young and our
10 lawyer regarding a buyout discussion appraisal. It was
11 agreed that AltaLink would begin the appraisal process.

19:42

12 On August the 26th I called Ken Young about
13 getting a second appraisal. As in every-day life, one would
14 naturally seek a second opinion. We felt that a second
15 appraisal would be prudent. Ken Young informed us that all
16 appraisers are bound to use the same comparisons, so the
17 results should be of the same or similar outcome.

18 At this point we decided for our own
19 satisfaction to hire a reputable, independent appraiser,
20 Bourgeois and Company. Both appraisals were done
21 concurrently and completed on the same day, September the
22 21st. They were then delivered to our lawyer, Gord Putnam.
23 The Serecon appraisal came back at \$1.1 million based on
24 \$6,000 per acre, and Bourgeois and Company came back at
25 \$1.56 million based on \$16,000 per acre. Neither appraisal

19:43

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 had incorporated the additional value in the rental home, the
2 business locale disruption, the sand deposits, moving costs,
3 goodwill, et cetera.

4 We believe that the \$1.1 million appraisal was
5 simply a starting point and that with further negotiations a
6 satisfactory offer would be imminent. We were still on the
7 preferred line and the transmission line towers still on our
8 property line. Serecon offering \$6,000 per acre and
9 Bourgeois and Company coming back at \$16,000 per acre, there
10 appears to be a glaring inconsistency considering the comment 19:44
11 made by Ken Young previously, that appraisers are bound to
12 use the same comparisons so the results should be of the same
13 outcome.

14 In our business we need to be proactive and
15 planning at least two seasons in advance, so in mid October I
16 called Ken Young for updates on the process. Although Ken
17 Young had received copies of both appraisals, we had not
18 received any further word from him. For 40 years October has
19 been the month that we arrange for the purchase and delivery
20 of large quantities of fuel and feed to last until spring or 19:44
21 the new pasture is ready. Winter is a very busy time for us.

22 I informed Ken that we needed to know how to
23 plan and where to deliver 400 large round bales of hay and
24 200 of straw and fuel supplies. I asked how long
25 negotiations would take. Should we set up for winter where

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Examination in chief by Mr. Lawson

1 we are, or should we wait for word regarding negotiations.
2 He said, well, carry on as usual and have your supplies
3 delivered to where you are.

4 Because we did not want to look at
5 snow-covered real estate, we began to look at properties that
6 we felt could replace ours re proximity, size, buildings,
7 et cetera. Thinking an offer from AltaLink was imminent, we
8 began our search for a suitable property: West of Edmonton,
9 Spruce Grove area, 7 acres, \$1 million; Stony Plain area, 80
10 acres, \$3 million; Devon highway by Clymont [REDACTED] 11 acres, 19:45
11 \$1.25 million; land only in Spruce Grove, Stony Plain area,
12 3, 5, 7.7 million, land only, no buildings. East of Edmonton
13 was not much different.

14 Based on this information, we concluded that
15 to replace what we had would cost approximately 3 million.
16 So here we were still on the preferred route map and had an
17 outgoing expectation of an offer from AltaLink. We waited.
18 It seemed like AltaLink had only their own agenda and were
19 not interested in us. Heard not a word.

20 At this time, the Gibbons Group was formed, of 19:45
21 which we registered, and meetings began.

22 On January the 10th, 2011, being puzzled as to
23 what was happening in the proposed buyout, I called Ken
24 Young. He claims he called us to make an appointment to
25 deliver easement papers, but if he had mentioned the word

1 "easement," we would have told him not to bother attending
2 our property.

3 I wanted to inform him that, based on our
4 information gatherings regarding suitable properties, we
5 could perhaps work out a buyout figure. Morris and I decided
6 that a workable amount could involve the blending of the two
7 appraisals with a couple of additional concerns being
8 factored in. We felt this would help to determine a
9 realistic price so that we could move out and move on.

10 I asked if we could set up a meeting date to
11 discuss moving forward in the buyout process involving the
12 blend of the two appraisals. Ken Young replied yes, an
13 informal meeting could be set up, albeit no documents, no
14 signing, off-the-record talk only.

19:46

15 So January the 12th we had the meeting. The
16 easement topic was not discussed at the beginning. I did not
17 say that -- he has all sorts of, if you look through his
18 notes -- I did not say the appraisal was flawed. I never
19 used that term. Bourgeois stated 11 -- stated 16,000 per
20 acre, not 17.5. He has 17.5 there as a figure. I don't know
21 where he got that from. I did not say an additional 11,000
22 per acre. He's got that number there, and I haven't a clue
23 where he came up with that.

19:47

24 The amount we came up with with the blend was
25 two five two four five hundred. So \$2,524,500 minimum. We

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 used existing information to come up with this figure, the
2 blend of the two appraisals and the -- on the rental
3 property.

4 After the meeting, Ken Young was standing at
5 our door with his shoes on and handed us the easement papers
6 stating "I'm obliged to present these to you. You may have
7 them in the garbage before I get down the driveway," and then
8 he left.

9 I firmly believe that he used the meeting
10 simply as a ruse to deliver the papers. In other words, he
11 had two agendas. How could he be appearing asking for
12 delivery of easement papers and considering negotiations at
13 the same time. So he had two agendas. He couldn't do both
14 at the same time.

15 January 22nd I called Ken Young. At our
16 January 12th meeting he indicated he would make notes and get
17 back to us regarding negotiations. We came up with the
18 totals and he said yes, I'll get back to you. We were
19 expecting an offer from AltaLink. Ken was not available so I
20 left a phone message saying that we were still willing to
21 sell, what is the next step?

22 On the 24th I noted later that Ken Young had
23 written a note to Paul Whitford with AltaLink stating that we
24 had asked for 2.8. This was not correct. We never did say
25 this, amongst many other things.

19:47

19:48

1 April the 8th Andrew Lawson called to inform
2 us that the route had been changed to 58 metres south of our
3 property line.

4 On April the 11th, the date that the hearings
5 began, we received mail from Heartland stating that there was
6 no longer a buyout option on the table.

7 We would like to make it clear that the word
8 "offer" was never mentioned by any AltaLink representative.
9 We were waiting for something like that to negotiate to a
10 resolution. Gord Putnam stated that there was only an
11 appraisal and never an offer. In our opinion, we feel that
12 Ken Young, AltaLink's rep, did not act in good faith and has
13 been condescending, crafty, and untrustworthy. We have no
14 knowledge of nor did we sign the majority of the
15 documentation as prepared by himself. In our opinion, his
16 claims are unfounded and not truthful.

19:49

17 Frankly, we were shocked and further stressed
18 when told that there would not be an offer and, in fact, the
19 route had changed again and only metres from our property
20 line. Why the eleventh-hour change?

19:49

21 So here we are on May 11th -- May 2011 where
22 we started in January 2009. In 2009 we had planned to expand
23 by building an indoor arena to accommodate a huge interest as
24 per our customer request for lessons and therapy riding. We
25 cannot improve or move. The unpredictability is extremely

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1 stressful. Our life has been on hold since this whole
2 process began.

3 Our concerns at this point are major and are
4 the same as those at the outset of '09 - health, life,
5 business issues.

6 The health impact on Morris and myself has
7 been profound. This whole AltaLink process has caused a high
8 level of stress resulting in insomnia, chest pains,
9 headaches. I have [REDACTED] and two and a half years ago I was not
10 [REDACTED], but now I am.

19:50

11 Stress is a major factor in worsening the
12 symptoms [REDACTED].

13 The past two and a half years have taken an
14 extreme toll on us, AltaLink being the topic of many
15 conversations and, needless to say, disagreements in our
16 home.

17 A. MR. [REDACTED] Could she just take a minute or
18 half a minute here? Thank you.

19 A. MS. PRESISNIUK: [REDACTED]
20 and I cannot live anywhere near power transmission lines due
21 to electro hypersensitivity. I'm extremely sensitive to any
22 environmental disruptions.

19:51

23 Worldwide research points to huge negative
24 impacts on all life forms with regard to power transmission
25 lines.

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1 On a more personal anecdotal level, our
2 cousin, a [REDACTED] -- I have a name, [REDACTED]
3 living under the power lines in St. Albert constantly
4 suffered from agitation and nervousness and eventually
5 suffered a stroke at the age of [REDACTED]. After spending one year
6 in rehab, the first thing he did was to place his home for
7 sale.

8 It's known that living near transmission lines
9 results in hearing a constant humming or a feeling of
10 constant vibration within the body. AltaLink has not
11 provided any scientific studies that unequivocally show that
12 there are no adverse consequences due to short- or long-term
13 exposure to transmission lines.

19:51

14 Another example, a family friend moved to
15 Petawawa and found a great deal on a new home next to a power
16 line, but they didn't realize the implications. Within five
17 years she developed [REDACTED]. [REDACTED]. It
18 was discovered that the mortality rate within the vicinity of
19 these lines was extremely high.

20 Another example, our [REDACTED], [REDACTED],
21 stated that in physics he learned that biological tissue
22 should be nowhere near power lines. Living and/or working
23 within close proximity to these lines on a long-term basis in
24 excess of three years has not been tested. The lines will
25 last for many years. We will not.

19:52

1 Current practices of jogging the lines around
2 hospitals, daycares, and schools suggest an acknowledgement
3 that the lines do pose a health risk.

4 We found that the concerns regarding these
5 health issues have been minimalized by AltaLink reps and then
6 just sloughed off.

7 Another critical aspect is the health and
8 well-being of our livestock, which includes horses, ponies,
9 goats, donkeys, llamas, alpacas, cats, and dogs. Our horses,
10 over a hundred of various sizes and purposes, essentially
11 provide us with our livelihood. If they cannot perform their
12 duties due to the effects of the power lines, we stand to
13 lose everything. We have firsthand experience what the
14 effect of power lines and their emissions have on horses.

19:53

15 For nineteen years MP Stables was located at
16 the present Namao Centre on 97th Street in Edmonton. The
17 closer our horses came to the lines, the more agitated and
18 nervous they became. There was a constant hum and, at times,
19 a crackling noise which would cause them to bolt or buck to
20 get away. The rotating of their ears, while attempting to
21 find a threat and the startled reflex, made handling and
22 riding them unpredictable and dangerous.

19:53

23 Further, our buildings and corrals are
24 situated on the extreme south end of our property next to the
25 fence line. Our barn, which is a huge metal Quonset and

1 includes metal stalls, is where any and all work is done; for
2 example, grooming, saddling, harnessing, doctoring, feeding,
3 et cetera. As well, the feeders and waters consist of metal.
4 The fence panels are made of steel. This poses another
5 hazard as this material is a conductor for electricity.

6 And the last topic, property value. We have a
7 real concern that the value of the property will be
8 dramatically diminished and reduce the pool of interested
9 buyers. Who would choose to purchase property adjacent to or
10 within sight of these transmission towers consisting of
11 heights of over 24 storeys tall, not to mention the emissions
12 from these lines. Resale value will be severely comprised.

19:54

13 At the outset of these proceedings, we truly
14 felt we would be treated fairly in a win/win situation, but
15 instead, here we are left in limbo and disbelief. We are
16 disheartened, fearful, and exhausted with this whole process.

17 At no point in the whole process did anyone
18 call or speak or communicate the word "offer" to us. We were
19 left wondering and guessing where did it break down? Where
20 did this process break down? We have spent the last 2.5
21 years involved in it and are still threatened from both the
22 south and the north.

19:54

23 These are not futile times, nor are we under
24 communist rule. It is absolutely barbaric to think that the
25 health and livelihood of hardworking Albertans appears to be

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 at risk.

2 Our resolution to this matter was to move the
3 lines to the existing utilities corridor, run along the
4 Manning Freeway, or buy us out with an adequate compensation
5 to allow us to move as a whole.

6 And what I heard this evening, like choose a
7 corridor that everyone expects to see it and they pass it by
8 momentarily. That makes common sense to me. So I think the
9 ethical thing -- the fiscal and ethical thing to do would be
10 run it along a corridor so everyone is aware, but take into
11 consideration the health and well-being of humans and
12 business and all of that.

13 Q. If I can just address your attention to the map. And
14 your property is immediately north of tower 49; is that
15 correct?

16 A. MS. PRESISNIUK: Yes.

17 Q. And if you can just identify on there where your houses
18 are. So do you see the two circles --

19 THE CHAIR: Do you have the pointer? Be
20 very careful.

21 Q. MR. LAWSON: Can you just describe where the
22 houses are, where the quonset is? So that's Highway 28A, and
23 that's the property there. And so where are the houses
24 located?

25 A. MS. RAZIN: One here and one here. Primary

19:55

19:56

1 residences right here.

2 A. MS. PRESISNIUK: They're there.

3 Q. Okay. Now, if I can just ask you a question,
4 Ms. Presisniuk, on your handout, which we'll upload tomorrow,
5 which is a printout of your website. It refers to clients.
6 2005 represented Alberta to the Queen on her royal visit.
7 That just struck me as an interest. What is that --

8 A. MS. PRESISNIUK: We were one of three selected
9 to represent rural Alberta to the Queen for the royal visit
10 with our horses.

19:58

11 Q. Now, if I can ask you a question. Earlier in the
12 proceedings, and it's at page 2070 of the transcript, there
13 was a question posed stating the line route then changed on
14 April 7th with Exhibit 850, and that was to avoid MP Stables
15 and the Presisniuks; correct? And, Mr. Foley replied: "It
16 was as a result of discussions with the Presisniuks. So at
17 that time I initially thought we were going to be able to
18 come to some kind of agreement with regards to a buyout.
19 That subsequently didn't occur. The Presisniuks told us that
20 if we weren't willing to pay what they were asking, we should
21 put the line somewhere else."

19:58

22 Did you communicate that to AltaLink or any of
23 their representatives?

24 A. MS. PRESISNIUK: Absolutely never. Absolutely
25 not. We have always been waiting for them to come up with --

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1 just negotiate, just something. Nothing. We've never had an
2 offer ever. Only an appraisal. And what their offer was was
3 not enough -- we could probably move into a high-end condo,
4 but what would we do with our animals?

5 Q. Okay, thank you.

6 A. MS. PRESISNIUK: It just was not sufficient.

7 Q. Now, unless there's something else you have to add I'm
8 going to move on to your daughter Mallory Razin.

9 A. MS. RAZIN: Thank you, Commission, for
10 listening to me this evening. I know you're all exhausted.
11 My name is Mallory Razin. I'm the daughter of Morris and
12 Evelyn Presisniuk. I have been a witness to the stress this
13 has caused on my parents and our family. I view my parents
14 as every Albertan who owns land who has an ailment and who
15 owns a business and who may be affected by these power lines.

16 We are -- I have [REDACTED] children. I have
17 an [REDACTED], and I have a [REDACTED].
18 And when we heard about the power lines coming our way, I
19 looked at my mom, and I said I don't think I want to bring my
20 kids here and do what I did when I was little, which was
21 horseback ride and enjoy the outdoors, because those power
22 lines absolutely scare me.

23 Q. Can you describe for the Commission -- I believe you
24 wanted to describe your travelling experience very briefly.

25 A. MS. RAZIN: Absolutely. I'm a [REDACTED].

19:59

20:00

E. PREISISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 However, for the last six years I've been travelling across
2 Europe, specifically within Russia. I lived in Tatarstan,
3 which is a republic in Russia. They have huge oil and gas
4 deposits there. Tatneft is an oil and gas company which
5 financed my husband's KHL team, called the Akbars. My
6 husband is an athlete, and he plays hockey for the KHL, so I
7 travel all over with him and our [REDACTED] children.

8 And we have also lived in Moscow when my
9 husband played for Dynamo Moscow, and the concentration of
10 people -- the density of people -- there are 6 million people 20:01
11 for people in Alberta who haven't travelled past LA, Leduc,
12 Alberta, they don't know that other populations don't have
13 power lines this size.

14 So when I came home and I saw what was
15 proposed, I was shocked because we were hearing that this is
16 justified for the increase in population and because of our
17 industry. There are other countries that have the same
18 industry and a higher population, but they are not testing
19 such power lines on their populations.

20 Thank you for your time. 20:02

21 Q. Thank you, Ms. Razin. Then if we can go down, being
22 mindful of time, go down the line to Mr. Ed [REDACTED] If we
23 could change, Liying, the strip map to 15, please. I think
24 that's 16 that's up there. Go to T15. That's good right
25 there. Thank you. Maybe just a little to the right.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]

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1 Perfect. Thank you.

2 So, Mr. [REDACTED] I understand that you and your
3 wife are owners of the north half of Southwest [REDACTED] West
4 of the [REDACTED]th?

5 A. MR. [REDACTED] That's correct.

6 Q. If you can please communicate to the Panel and to the
7 Heartland project representatives your both perspective and
8 experience and evidence with respect to this project.

9 A. MR. [REDACTED] Good evening to the
10 Commissioner table and to the AUC group across from me. I
11 appreciate the fact that you are allowing me to represent
12 myself and our concerns. I would like to point out that I'm
13 not only representing myself, my wife, but also [REDACTED] and [REDACTED]
14 [REDACTED] I did present to you a graphic map of our operation,
15 and what I tried to denote there was that the operation that
16 we have there of 320 acres has always been referred to the
17 [REDACTED] farm operation.

18 The above described line was homesteaded by
19 [REDACTED] and [REDACTED] [REDACTED] -- I'm sorry. Before I go into
20 this, I'm going to sort of shortcut some of the exhibits that
21 I have here, if that's okay with you. I'm only going to
22 highlight what I think is important instead of going at it
23 page by page. I think that will save us a little bit of
24 time, but I think it will impact on my message.

25 Q. And if we might just be able to show on the map the land

20:03

20:04

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 that you're referring to here.

2 A. MR. [REDACTED] Basically the land that we have
3 here is this piece of property right there. And I'm going to
4 be talking about this little spring well and a very good
5 reason, and I think you'll see why eventually. Essentially
6 I'm going to outline that this is the piece of pasture land,
7 and this is actually agricultural land here. And I'm also
8 going to refer to this pipeline.

9 To get into this I'm going to have to give you
10 a little built of history of how we came into this picture,
11 [REDACTED] and I. The above-described land was homesteaded by
12 [REDACTED] and [REDACTED] [REDACTED] [REDACTED] vision was that it could
13 provide a livelihood for his family and ultimately provide
14 for his retirement. He was of the understanding that he had
15 ownership under the principles of common law and under the
16 Crown land patents grant. In part, it also states that the
17 patents can be assigned forever to the family, and as I got
18 to know [REDACTED] he had a favourite expression that he used
19 while he was farming. He said, "You had to have faith, hope,
20 and prayer."

21 [REDACTED] successful farming operation
22 consisted of three components: Raising feeder hogs, grain
23 farming, and raising cattle. At a relatively early age he
24 had to give up the act of farm work as a result of his health
25 condition. He then had two issues: How to keep a successful

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1 farm operating and pull his equity out to sustain his living
2 for he and his wife.

3 Under our working and sale agreement, the farm
4 property was sold to the family members, [REDACTED] and [REDACTED]
5 and [REDACTED] and [REDACTED] [REDACTED] in [REDACTED]. The agreement provided
6 for [REDACTED] [REDACTED] to allow him to remain an integral part of
7 the operation and provide for his -- and provide for his
8 retirement. It allowed [REDACTED] [REDACTED] the opportunity to
9 continue the farm operation, which again consisted of a
10 successful feeder hog operation, agricultural grain, and 20:07
11 cattle.

12 We had agreed to keep the farm as one
13 operational unit, and because of my farming background I
14 could actively participate with [REDACTED] Today the agricultural
15 part of the land is being farmed with larger machinery, which
16 can range in size from 30 to 50 feet wide. This is more of a
17 [REDACTED] to go around a power pole.

18 In some cases equipment is electrically
19 controlled, and the tractors are equipped with GPS. An
20 electrical motherboard can be sensitive to power transmission 20:07
21 lines or power surges. The cost to replace this motherboard
22 could exceed \$500.

23 The pasture that I had just indicated on the
24 screen there was brought to the attention of the Heartland,
25 and I understand that they did recognize that it was there.

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1 So now I'm going to go a little bit more in detail on that.
2 The pasture was to raise cattle with the spring well being an
3 integral part of this operation because it provided a
4 year-round source of water, and the water flow was constant.
5 [REDACTED] [REDACTED] had spent -- had studied this spring and
6 determined that the water flowed from the east under the sand
7 hills to the spring, which was [REDACTED] and it was
8 approximately 15 feet in depth. He advised that we should
9 not disturb the well depth because there was a coal bed
10 below, and this could affect the quality of the water and 20:08
11 that we should be careful when farming the land to the east.

12 Exhibit 2, and I'm going to read it directly
13 out of that part. It's a registration for traditional
14 agriculture use under the *Water Act*, and this refers to the
15 spring well. (as read)

16 "We thank you for your patience while
17 the review process for registration was
18 being developed. The review of your
19 application for registration of
20 traditional agricultural use is 20:09
21 complete and has now been effected
22 based on the information provided on
23 your application. Enclosed is a copy
24 of your registration form confirming
25 the priority number for each water

1 source based on the date of first use
2 of water. Your water supply is
3 protected under the provisions of the
4 *Water Act*. Please note that the *Water*
5 *Act* also provides you with a statutory
6 right for the use of the water for
7 household purposes as well. This
8 statutory right, which has the highest
9 priority over any licence or
10 registration, permits the use of 1,250
11 cubic metres or roughly 275,000 gallons
12 of water per annum for the purposes of
13 human consumption, sanitation, fire
14 prevention, and watering animals,
15 animals, lawns, gardens and trees."

16 And essentially on page 2 and so on forth -- 2 and 3 it shows
17 that that is what we have on record: 275,000 gallons of
18 water per annum.

19 And on the following letter document we also
20 showed approximately the way the spring was fed from the
21 east. Also [REDACTED] have also certified their usage of
22 the water as well on their property.

23 Over the years the family has been very
24 careful to protect the spring well, and when there was a
25 proposal to put an oil pipeline through our 80 acres, the

20:09

20:10

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1 company determined that this was a valuable natural resource,
2 which they did not want to disturb, and therefore moved that
3 pipeline further south through [REDACTED] [REDACTED] farm.

4 There was a meaningful series of meetings.
5 And you'll see that there is a little built of a bend in that
6 pipeline, mainly because they did not want to come onto our
7 80 acres.

8 There are two concerns about the spring which
9 are apparent. The equipment used to install the transmission
10 line will be heavy-duty commercial size, and there may be
11 little or no concern about the water source or the flow
12 during the construction. The major telephone pole, number
13 145, will have to be properly anchored. This could
14 conceivably be a cement foundation that would be 10 or 15
15 feet deep and approximately 6 feet in radius. This
16 excavation could disturb this spring.

17 I would like to present now our experience
18 with the consulting process of Heartland. Exhibit 3, and I
19 didn't photocopy it, but I just want to show you that we did
20 receive some of the literature from Heartland over a period
21 of time. And in this literature, the first mailout that we
22 received, it did show a number of alternative routes, and you
23 pick one if you wish, but there were many.

24 Exhibit 4, and I'm only going to touch in on
25 what I think is important in that conversation. On June the

20:11

20:12

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1 10th, of 2009, we had a meeting with Heartland's
2 representative, Michelle, and she explained that there was
3 several alternative options of routing that was possible at
4 this time. Our property was located on the TUC east line,
5 and her intentions was to merely record our concerns.
6 Specifically on page 2 it is noted as follows: The property
7 values would decrease. The underground stream could be
8 affected or disturbed by construction. Areas too populated
9 to put the line through -- and then I asked what is our legal
10 recourse, and who would pay for the legal fees. We are also 20:13
11 concerned about the seasonal planting and the harvesting of
12 the crops and would prefer to have the line relocated to
13 another location.

14 There were other concerns in our meeting as
15 the above summarized only the main issues. For example, on
16 the [REDACTED] home quarter, the family members owned the
17 mineral rights. A lease agreement has been signed to access
18 this property at a future date to drill on site. There would
19 be a concern with the size of the drilling rig and the
20 transmission lines, and I don't know the legalities behind 20:13
21 that. I'm not a lawyer.

22 We attended several open house events, and the
23 sessions were informative for the public but not intended to
24 focus on any one individual stakeholder. Over a period of
25 time we received newsletters which provided general

1 information on Heartland's project and what factors were
2 being considered to eliminate the issues with the
3 stakeholders.

4 Page 5, Exhibit 5. On January 21st we
5 received a phone call from Heartland's representative,
6 Nicole, and her assignment was to record our concerns. I
7 asked her a question: Was there any changes to be concerned
8 with? And she stated no.

9 We made it emphatically clear that our
10 previously recorded concerns remained and that somebody with
11 expertise should consult further. 20:14

12 Exhibit 5. Exhibit 6. On March the 11th,
13 2010, we had another meeting with Heartland's representative
14 Gord and Chad. They confirmed that our property was now
15 located on the TUC east preferred route and that the power
16 line would continue to follow the fence-line. And I'm going
17 to repeat that. The TUC east preferred route and the power
18 line would continue to follow the fence-line.

19 Our concerns recorded on nine pages were
20 repetitive and summarized as follows: Concerned about the
21 possible public health perception of the site lines;
22 concerned about the pasture spring and future cattle
23 operations; concerned about the trees along the right-of-way;
24 concerned about the machinery and agricultural operations;
25 devaluation of the property; and then concerns about the 20:15

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 compensation and would it be fair. That was an open
2 question.

3 In summary, it was stated that the main
4 benefactors of the proposed line would be Heartland and not
5 the stakeholders.

6 On August the 11th, under Exhibit 7 -- on
7 August 11th a scheduled meeting took place with Heartland's
8 representative Reeder -- I'm sorry, Rita, and her partner,
9 [REDACTED] and [REDACTED] [REDACTED] and [REDACTED] They now confirmed
10 that there was a revision to the routing of the transmission
11 line. It would angle off on the fence-line on [REDACTED] 80
12 acres and the entire line would now be placed on the [REDACTED]
13 80 acres for a total easement of 70 metres. The power pole
14 144 would now be placed 35 metres centreline on the
15 agricultural line.

20:16

16 And if you want to put that in perspective,
17 the distance between here and that wall over there is about
18 70 metres. Right over there is where your power pole is
19 going to be and I'm going to have to move my machinery around
20 it.

20:16

21 I wondered in my own mind how the Heartland
22 panel would feel if somebody decided to place a transmission
23 line through their land and they were not properly consulted
24 or informed. This does not show much respect for the
25 landowners or their ownership rights.

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1 Each of our meetings were attended by [REDACTED] and
2 [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and two representatives
3 from Heartland. Each meeting lasted approximately two hours.
4 And during that time, we raised issues that they could not
5 answer and our frustrations were recorded in their last
6 meeting.

7 The representatives were polite and can be
8 categorized as employees trained to collect and record
9 information about the landowners' concerns, but it seems that
10 those concerns never went beyond the paper it was written on. 20:17

11 Exhibit 8. On August the 27th, 2010, a
12 meeting was scheduled with representative Steven Scringer
13 from Standard Land to discuss a right-of-way agreement for
14 Heartland. During our discussion it was apparent that he did
15 not prepare for his presentation very well for the following
16 reasons: He did not appear to understand fully the articles
17 of the agreement and did not want to discuss them. He did
18 not have a copy of the appraisal report that produced a fair
19 market value of the land, nor did he have any knowledge as to
20 how it was calculated. He had no knowledge of the route 20:18
21 change, which was another question. His main concern was to
22 present the monetary compensation package and secure our
23 signature. If we signed by a certain date we would receive a
24 \$10,000 incented bonus. I call it incentive bonus.

25 The compensation was summarized as follows:

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 Consideration for the right-of-way 6.94 acres times \$6500 per
2 acre amounts to \$45,110. Then you add in the entry fee, the
3 general disturbance, temporary working space, payment for
4 damages, and the total consideration came out to \$55,468.

5 Total consideration. Annual compensation for the power pole
6 structure maintenance was 1250 per year.

7 We stated that the fair market value provided
8 was low and, because we were looking at giving up 70 metres,
9 we could conceivably lose in excess of \$100,000 or greater of
10 future land value.

20:19

11 He stated that with approval from the office,
12 he could raise the amount to \$8500 per acre but would not
13 record this on the lease agreement presented. And this is
14 the copy of the offer that he presented. I believe you have
15 that on your table, have you not? Okay. Thank you, sir.

16 Briefly the agreement would give Heartland the
17 ultimate right to enter the lease property present and future
18 to install, service, inspect, or even build a further line on
19 the lease property, and we could not participate in any AUC
20 hearing.

20:20

21 In the negotiation process -- and I was trying
22 to open up the negotiation process, we stated that there were
23 two ways that the Heartland could improve their offer.

24 Number one, as an incentive Heartland was prepared to pay the
25 party on one side of the fence-line \$10,000 incentive amount,

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
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1 and on the other side of the fence another \$10,000 to the
2 other loaner. I'm sorry, other owner. And each party had to
3 give up only 35 metres. Because Heartland was taking the
4 total 70 metres from our 80 acres, perhaps they should pay us
5 \$20,000 incentive bonus. That didn't fly.

6 Increased the fair market value and some
7 documentation was provided that would justify our position.
8 There were two subsequent contacts on September the 13th and
9 September the 24th by Stevens. He stated that there was no
10 change in the compensation package, but our deadline for the
11 incentive amount was extended. 20:21

12 On September the 28th Paul Whitford, senior
13 land project manager contacted us. He stated that our land
14 proposal was under review and that we would have another
15 meeting with Steven and his supervisor.

16 On October the 13th, in a final meeting with
17 Mr. Scringer and Andrew Beecham, supervisor of the Calgary
18 office, they presented their information on the land values,
19 and what they provided was the appraisal report prepared by
20 Serecon, which is Exhibit 9. Serecon had provided a letter
21 dated October the 4th, 2010 that our subject property had
22 been inspected by a drive-by inspection, which provided the
23 basis for their appraisal. There were no other factors such
24 as location, et cetera included in the report or any value
25 that could be added. 20:21

1 Exhibit 10 is actually what I prepared before
2 they got to our place for the meeting. And then we
3 reproduced the following information and documentation. And
4 basically if you start at 10 -- and that's this package
5 here -- it shows where the original line was proposed to go
6 through. Then the next page, which is 10 (a), it shows where
7 the revised route has been placed. In the following is a
8 draft copy of the revised route.

9 In 10 (c) I produced an aerial view of the
10 property that has the racetrack on it. And you can see
11 distinctively the property lines. And also you can see the
12 location of the racetrack to those property lines and also
13 where the main houses of residence are located.

20:22

14 On the next page I propose and showed them
15 what would happen if they stayed to the original line. And
16 as you can see there, I posted in the power poles where they
17 were going to be located and also showed to them that a
18 certain amount of that bush that they referred to would be
19 taken out certainly, but it would still be the best way to go
20 if they were going to stay to the original line.

20:23

21 I then also produced that there was going to
22 be upgraders approved near Fort Saskatchewan and then there
23 is upgraders in the process of being built around Gibbons,
24 and that's going to increase the value of the land. No
25 question.

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Examination in chief by Mr. Lawson

1 In addition to prove my point, I went ahead
2 and pulled off, with the assistance of an agent, some of the
3 lands that were being put up for sale, some of them that were
4 being sold and essentially I recorded it on copy 10 (h). And
5 on it the lowest one that was on there was around \$11,000 and
6 then it went upward from there.

7 The [REDACTED] farm, which was located out of
8 the city limits and within 3 and a half miles from our place
9 was considerably higher, and that was property that was sold.

10 On Exhibit 10 (i) I also showed them where our
11 property was located in relation to the City of Edmonton, the
12 Fort Saskatchewan, the upgraders, Gibbons, Bon Accord,
13 Morinville, Namao, et cetera, stating that our location in
14 relation to these places is going to increase in value.

20:24

15 In a final letter dated November the 10th,
16 Steve Scringer stated that their proposal was not negotiable
17 further on land values and Heartland offer was officially
18 withdrawn. The next step in the process will be, as he
19 provided in his letter, for you to receive a formal and
20 written offer pursuant to section 15.2 (a) of the *Alberta*
21 *Surface Rights Act*. In other words, negotiations ended,
22 period.

20:25

23 We have been in contact with all the
24 landowners north of Highway 37 and east of [REDACTED] farm and
25 Heartland's land values were all identical at \$6500 per acre.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 Heartland had successfully negotiated with the owner of the
2 property northwest at [REDACTED] West of the [REDACTED]. Their
3 agreement provided for compensation for land that will
4 temporarily be used during construction and one power pole
5 will remain and occupy 1.2 acres on the very southeast corner
6 of that property. The site line is far removed from the road
7 and normal public vision.

8 The compensation package that she received is
9 greater than our offer where there is a major impact to the
10 [REDACTED] [REDACTED] and [REDACTED] farms.

20:26

11 In an earlier statement in the hearing,
12 Heartland had confirmed that the agreement had been signed
13 and further stated that there were other agreements signed as
14 well. I'm beginning to think, and I'm just wondering in my
15 own mind, that starting at Highway 37 and travelling north
16 and east to the [REDACTED] farm, I wonder how many of these
17 people have actually signed and has Heartland reviewed the
18 reason for lack of success.

19 I have sat through some of the hearings and
20 Heartland does not appear to want to address concerns or to
21 consider alternatives.

20:27

22 Exhibit 11. To get on answer to the revised
23 route change without no prior consultation or negotiations, I
24 had to go out of my way and send a registered letter to
25 AltaLink.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 Exhibit 12, letter of explanation. November
2 the 3rd, 2010, Heartland replied with the following
3 explanation. A significant portion of a large contiguous
4 stand of trees would need to be removed.

5 Two, an existing horse track, as we've
6 mentioned.

7 Three, moving the line west increases the
8 distance from residents located on that section. And then
9 siting the route entirely on the open cultivation land was an
10 easy way of going.

20:28

11 Their comments further stated that their
12 revised routing was a result of consultation with
13 stakeholder. There was certainly, and I emphasize this,
14 there was certainly no consultation done with [REDACTED] and [REDACTED]
15 [REDACTED] or [REDACTED] and [REDACTED] [REDACTED]. At no time did a
16 representative from Heartland make any effort to personally
17 discuss this revised route or the overall effects to the
18 [REDACTED] farm operation. Our lawyer called up on the matter
19 and Heartland replied that the main and probably only valid
20 reason was a racetrack issue.

20:28

21 The history of the racetrack traced back to
22 the previous owner, who had some interest in race horses
23 during his ownership. In 1993 he proposed to the county of
24 Sturgeon, I have a copy of that, a residential development
25 but did not continue for whatever reason.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 The racetrack remained in the development but
2 did not have a specific purpose. The aerial view, as I have
3 pointed out, clearly shows that if the power line, as
4 originally proposed, would have little impact on the
5 racetrack, which is only a very small tip of the course, was
6 near the property line. Heartland states that it is easier
7 to install on the cultivated land. There was no
8 consideration to the effect of our operation, land value,
9 health, environment issue, or ownership.

10 The racetrack remains on the property acquired 20:29
11 by the new owner and there is a question as to how it is
12 being used for present stock. Horses can be categorized in
13 several different ways, but probably the three main classes
14 are draft work horse, Arabian show horses, and race horses.

15 The first two categories certainly do not need
16 a racetrack. I have no question and I have no problem with
17 our neighbour, and I'm certainly not meaning to infer that I
18 do have a gripe or something with him. He was protecting his
19 property as well as we are trying to protect our property.

20 At this point I would like to summarize our 20:30
21 main concerns and supply some documentation from my personal
22 research. We're going to go into routing -- routing. As
23 noted earlier with power lines, we were opposed to the power
24 transmission line entirely. The proposed route revised
25 routing has a domino effect on the [REDACTED] the [REDACTED] the

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 [REDACTED] farms and MP Stables. It moves the entire right-of-way
2 on our agricultural land, and it will have the following
3 effect.

4 The fundamental ownership right-of-way is
5 taken away. Farming the land will be more difficult as it
6 has to take into account the power pole and the type of
7 machinery and equipment used. Farming has changed
8 drastically, and we are using larger machinery, 30 to 50 feet
9 in width, and the electronic equipment and controls. To
10 replace a motherboard in a tractor because of a power surge 20:31
11 can be costly, and the transmission line can interfere with
12 the GPS. It is recorded that under certain conditions a
13 power line can have a flashback, which can set off a fire
14 with trees or instruments.

15 The spring, because it has a [REDACTED] bed flow,
16 can be affected by the equipment travelling on the surface or
17 in the construction phase specifically. In the future there
18 will be a certain amount of maintenance which will be --
19 which will require the company to access the lease with
20 service personnel and equipment. What route will they take 20:31
21 to get the problem to our 80 acres? The spring remains an
22 integral part of the [REDACTED] farm operation.

23 Exhibit 13. It definitely will affect the
24 market value. In consulting a real estate agent with 30
25 years of experience, Gene Ollenberger has stated it

1 definitely will impact on its value and potential development
2 of the property. Cambridge Land Consultants also provide in
3 their website that the property will have significant less
4 because the lines have a negative impact because they are
5 visually intrusive, associated with health issues, and have a
6 noise effect.

7 BC Hydro -- and I heard this earlier that
8 there was some concerns and documentation in regards to it --
9 but BC Hydro in a settlement has purchased about 104 homes at
10 a cost of \$62 million for \$596,000 per home. BC Hydro is now 20:32
11 placing those homes back on the market, and one potential
12 buyer -- and there is an article to that effect on 13(f), and
13 I'm going to read it. Potential buyers [REDACTED]
14 [REDACTED], are hoping the controversy will work in their
15 favour. On Saturday the couple was shown a home listed at
16 \$70,000 below the average home in the neighbourhood, and
17 they're hoping to get it for even less. I think with all the
18 negativity around these properties, Hydro might be willing to
19 deal with these properties.

20 That is just my research, and I don't wish to 20:33
21 get into the scientific part of it. 70 metres with a
22 substantial amount of land of the right-of-way would further
23 fragment our 80 acres and this parcel of land. This meeting
24 room length may be close to 70 metres and imagine a power
25 pole situated somewhere in the middle.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 An aerial map of property shows that the
2 original routing along the fence-line would have almost no
3 effect to the racetrack and certainly no effect to the main
4 residential buildings located on that property, certainly a
5 minor effect compared to the major effect to the [REDACTED]
6 [REDACTED] and [REDACTED] farms.

7 No exhibit. In a report submitted earlier by
8 Berrien and Associates, it had recommended an alternative
9 route, and I'm going to leave it at that because you have it
10 on record.

20:34

11 Market value: My concern is that Heartland is
12 using only the appraisal to determine fair market value. An
13 appraisal does not present economic conditions, nor investors
14 interest to acquire a property today, nor the reasons why
15 certain properties are sold. An appraisal can be
16 self-serving because it depends on the selection of
17 properties.

18 As an example, a farm on the corner of highway
19 28A and Highway 37 was acquired approximately two years ago
20 by an investors group for approximately in excess of
21 \$2 million or in excess of \$13,000 per acre. It is located
22 outside of Edmonton city limits and approximately 3 and a
23 half miles from our property. The buildings are old and were
24 inconsequential in the sale. The sale does not appear on
25 Heartland's appraisal, nor is anything mentioned about it.

20:35

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 In the late 1979 -- and this is Exhibit 14 --
2 in the late 1979 and 1980, the Alberta government had
3 identified that the land located north of Highway 37 and
4 along Rural Route 233 as prime land that should be banked for
5 future industrial use. They quietly purchased and paid a
6 substantial amount of cash for the properties, and the
7 average on some properties exceeded \$12,000 per acre. This
8 is based only on the land values, and the buildings were
9 considered old and had little or no value. And I'm going to
10 read just a little part of that article. (as read)

20:36

11 "[REDACTED] sold his quarter section
12 to an Edmonton developer last May for
13 \$720,000. The developer then sold the
14 property within one month to a
15 64-member syndicate for more than
16 \$1.6 million. Although one woman sold
17 her half section of farmland to Royal
18 Trust last fall for more than
19 \$3 million cash, other farmers have
20 resisted the company's sales pitch.
21 'Royal Trust phones every second or
22 third day, but I told them to beat it
23 until I put a crop in,' said [REDACTED]
24 [REDACTED], whose family owns seven
25 quarter sections. 'It's a hard

20:36

1 decision for people like us. I'm too
2 old to homestead elsewhere and too
3 young to quit.' Mr. [REDACTED] said he
4 was told by Royal Trust sales and Percy
5 Hayes, 'I could keep farming it for
6 another five years after I sold it,'
7 suggesting that there are no imminent
8 plans for development."

9 Heartland in an earlier testimony provided they cannot
10 predict the future and therefore remain adamant on their
11 appraisal of fair market value only. This land may be
12 classified as agriculture, but one must look at the value of
13 the investment. The stakeholders are not placing their
14 property for sale at this time, but Heartland needs the
15 right-of-way agreement signed.

20:37

16 The stakeholders have spent a considerable
17 amount of time, money, and energy to provide a safe
18 atmosphere for their family and friends. In return each
19 person becomes an important part of the community. This is a
20 major investment. They would like to be in a position of
21 passing their property to the next generation or at least
22 maximize their retirement comfortably.

20:38

23 Our property, as I mentioned, is ideally
24 located close to the City of Edmonton, Fort Saskatchewan,
25 Sturgeon industrial park, the upgraders presently being

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 built, town of Gibbons, Bon Accord and Namao. And in
2 Exhibit 15, in summary, land values do not depreciate in
3 value but will normally appreciate over a period of time.
4 The economy, location, and development projects can have an
5 impact on land values.

6 The MD of Sturgeon in a letter dated August
7 26th, of 1993, had stated that they were in the process of
8 trying to amend land use bylaw, which, if adopted, would have
9 the effect of reclassifying our property from agriculture to
10 specific development control.

20:39

11 When we were negotiating with Heartland
12 landmen, there appeared to be no further room to negotiate.
13 The health perception -- and I do not want to go into this in
14 any great detail because it is a subject of many -- of much
15 controversial. But I did pull one article that caught my
16 attention out of many and several, and it was an article that
17 was presented from the California Department of Health
18 Science evaluation concluded that EMFs can cause some degree
19 of increased risk of childhood leukemia, adult brain cancer,
20 Lou Gehrig's disease and miscarriages, emphasis added. The
21 evaluation is a culmination of a nine-year, \$7 million
22 research. And I would say those two factors would probably
23 qualify that as being somewhat of a pretty good research
24 evaluation. And I'm going to leave it that way, if I may.

20:39

25 People today are better informed, and the

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 technology of the media certainly provides a perception, real
2 or otherwise, that a power transmission line does cause
3 health concerns. And I'm going to leave it that way.

4 Land property rights. And this is what is of
5 major concern to me. This is a major concern for all of
6 Albertans because of Bill 50, 39, and 16, which eliminates a
7 democratic process, and the landowners no longer have the
8 surface rights to their own property.

9 In summary, Heartland and their project have
10 documented within their corporate structure the short-term,
11 long-term projections, and ultimately their goal is to
12 generate a successful return on their investment. The
13 landowners and stakeholders have similar goals. Historically
14 and currently the farming industry is an important
15 contribution to our economy.

20:40

16 And I will conclude my report with that.

17 Q. Thank you, Mr. [REDACTED] And if we can go down the line
18 then to our last witness, [REDACTED] And, Liying, if we
19 can just move that up slightly. [REDACTED] and her husband
20 reside on Northeast [REDACTED] West of the [REDACTED]th. Just a little
21 farther up. There you go. Thank you.

20:41

22 And that's the land which is immediately north
23 of the horse track and south of Township 554. If you could
24 just give the Commission and the representatives your
25 perspective and what has occurred through your experience.

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 Examination in chief by Mr. Lawson

1 THE CHAIR: Give us just a second.

2 MR. LAWSON: Yes, sorry.

3 THE CHAIR: Can you just give us a second.

4 A. MS. [REDACTED] Oh, sorry.

5 THE CHAIR: Sorry, go ahead.

6 MR. LAWSON: Thank you.

7 Q. MR. LAWSON: Go ahead, Ms. [REDACTED]

8 A. MS. [REDACTED] Good evening, Mr. Chairman and
 9 to all. My name is [REDACTED] [REDACTED] and I'm here making a
 10 presentation on behalf of myself, my brother [REDACTED] [REDACTED] and 20:42
 11 my mom, [REDACTED] [REDACTED] who is the landowner. In [REDACTED] my [REDACTED]
 12 passed away from [REDACTED], and my [REDACTED] was left
 13 as a sole surviving tenant of the farm. Further to this my
 14 brother and I are named as sole beneficiaries to the farm and
 15 we are currently investigating the possibility of subdivision
 16 with the knowledge that the land may be transferred to us
 17 before my mom passes.

18 My husband and I currently live on the farm
 19 and have since [REDACTED]. We moved from a community where we
 20 lived for 20 years and as well moved our [REDACTED] 20:43
 21 [REDACTED]. I have always loved the farm and had
 22 intentions of moving here, albeit the move came sooner than
 23 what was originally planned due to aging parents and their
 24 need for assistance.

25 My mom lives in [REDACTED]. The farm

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Examination in chief by Mr. Lawson

1 itself has been in our family now for three generations, me
2 being the third. The earliest pictures I have on the home
3 place is a picture dated back to 1955, but we do know the
4 farm has been there longer than that as my [REDACTED]
5 [REDACTED] lived in the house prior to [REDACTED].

6 My husband and I live in that same old house
7 that all of them lived in, and it definitely brings back fond
8 memories of when I was younger. We have dogs, cats,
9 chickens, and goats, which we consider part of our family.

10 A drainage pond at the front of our house
11 brings ducks and geese, and this year we may be lucky enough
12 to see the hatching of babies. Also we have two red-tailed
13 hawks that come back every year to continue adding to their
14 nest and have been lucky enough to see them hatch out babies
15 every year. In fact this year we were surprised to see the
16 two adults return and with them what appears to be last
17 year's baby. We figure that this baby may be kind of like an
18 adult child whose parents can't seem to get them out of the
19 house.

20:44

20 As I stated earlier, we also moved our
21 [REDACTED] to the farm, and anyone owning
22 a small business can empathize that there's definitely a
23 rebuilding of clientele during a business move.

20:44

24 For years my dad farmed our quarter until such
25 time as his health prevented him from doing so. Since that

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 time, the farmland is rented out on a one-third, two-thirds
2 basis. In 2008 public meetings were held to inform residents
3 of the possibility of the Highway 28A twinning and
4 interchanges being added to certain intersections. At the
5 second public meeting it was determined that in fact an
6 interchange was being proposed for Township Road 554 and
7 Highway 28A. 554 just happens to run along the length of our
8 property line east to west.

9 In speaking with the planners at the meeting,
10 it was determined that this interchange was just in the
11 proposal stage and nothing was concrete. To date, we have
12 not been informed of anything, but expect that with the
13 construction of some of the upgraders, that this is likely to
14 be eventually taking place. Currently there are public
15 hearings taking place with regards to widening of Highway 37
16 and an interchange at the Highway 28A and 37 intersection.
17 With that news brings the possibility of an interchange on
18 our corner to the forefront.

20:45

19 Shortly after those public meetings, we
20 started receiving and hearing information about the proposed
21 transmission lines. Time passed and after attending many
22 public meetings, we received our first call from AltaLink
23 reps, Tom and Ray, requesting a consultation with us. That
24 meeting took place on January 28th, 2010.

20:45

25 At this meeting we, my husband and I, answered

1 questions to the best of our knowledge and abilities and with
2 the intent of receiving concrete information in return.

3 It was early into this meeting that we became
4 aware that there was a different scenario taking place as the
5 two reps were unable to answer most of our questions. At
6 that consultation, we were informed of future public meetings
7 being held, of which we attended but still walked away not
8 knowing anything. Same map, same people, same answers.

9 In July 2010 we received a call from Standard
10 Land requesting an acquisition meeting. I returned their
11 call in early August, and at that time, the land agents and I
12 were looking at two different maps. They were not updated on
13 the new maps, showing that the line had been completely moved
14 onto our property. This move did not sit well with us, to
15 say the least, as we were under the impression from the
16 beginning of the process that AltaLink was striving to place
17 the towers so that the impact would not fall onto one
18 landowner.

20:46

19 On August 16th, 2010, we met with AltaLink
20 reps Jamie and Arlene. More paperwork for AltaLink was
21 completed and, again, we had questions but were told that
22 they did not have the knowledge to answer them and that we
23 could attend the upcoming tower information sessions. We did
24 just that the same evening in Morinville or Bon Accord. I've
25 been to so many info sessions at this point I can't recall

20:47

1 where I was.

2 At this meeting we found ourselves in the
3 company of the linesmen, a landman, another rep, as well as
4 Jamie from our meeting earlier in the day.

5 We got the same feeling from this meeting as
6 we did from the onset of these proceedings, that the line is
7 going through and we are on the preferred route so be
8 prepared. We were informed at this time that the towers had
9 been moved onto our property due to the racetrack on the
10 northwest corner of the neighbouring property. This was
11 rather an outrageous revelation to us, as for all the years
12 we had lived on the farm, we had never seen the track in use.

20:47

13 Also at this meeting my husband said that we
14 were thinking of building a new home at the southwestern
15 corner of our property, and the response was less than
16 cordial, to say the least. We were told "We don't care where
17 you build, but this is the preferred route so basically deal
18 with it accordingly." To us, this was a rather low blow as
19 we had just finished being told that the line was moved for
20 an out-of-use racetrack but no consideration would be given
21 to us should we decide to build there.

20:48

22 We also questioned at this time as to whether
23 AltaLink had taken into consideration if the County would
24 look at the subdivision application differently should the
25 power lines, towers cross a quarter section. We were told

1 that AltaLink does not get involved between the County and
2 landowner subdivision issues. With this being said, we also
3 take issue as to the farming aspect on our land. With towers
4 being placed directly on the property, this creates a
5 predicament for machinery to go around, basically losing
6 portions of crops to divert around the tower bases.

7 An argument for the pro side of this may very
8 well be that why can't they go around? Well, anyone with
9 farming background can tell you it's more profitable and
10 efficient to remain in a straight line when able to do so,
11 and going around these structures physically is not an easy
12 task.

20:49

13 Since the initial meetings and attendance by
14 us at numerous public meetings, we have had two acquisition
15 meetings with Standard Land on behalf of AltaLink. The first
16 with Barry Silvennoinen and the second with Kyle McCoy.
17 Ultimately neither was accepted nor endorsed by my mom. We
18 felt that the offers put forth were not in sync with offers
19 made to other landowners. We were being offered \$6500 an
20 acre with no apparent movement at all from AltaLink.
21 Neighbouring properties to the south, east, and west were
22 being offered upwards of 8450.

20:49

23 At the time, and to this day, we do not
24 understand the reasoning of this as we feel that the location
25 of our property abutting Highway 28A should definitely allow

1 for higher compensation for the easement or, on the very
2 least, is something that AltaLink should have taken into
3 consideration.

4 With this being said, I would like to
5 reiterate that this is our home and has been passed down
6 through the generations. We plan to reside here for as long
7 as possible and we're hoping to do so without the
8 interference of a transmission line for esthetic or, more
9 importantly, health reasons.

10 Reading through the transcripts, and as you
11 know, there are a lot of them, I'm sure everyone has been
12 pretty much health issued to death. I guess it depends on
13 what side of the issue one stands as to what stance one would
14 take. For us, of course, we would rather err on the side of
15 caution. That appears that there appears to be health issues
16 when residing near these lines.

20:50

17 As for the esthetics of the line, when we look
18 out our window or relax in our yard, we don't want to be
19 confronted looking at these monstrosities called towers.
20 Ultimately we would like to see the lines relocated to an
21 area that would be less intrusive; for instance, following
22 the existing power lines down Manning Freeway or the railway
23 line. Alternatively, if the line proceeds up 28A, then I
24 would like to see it diverted prior to coming down to our
25 quarter. That's not having the line jog north, then south,

20:51

1 then east, and back north again.

2 And yes, going through the mountain of
3 transcripts, I've read AltaLink's arguments against doing
4 this, but I believe that in doing so, it would lessen the
5 impact and move the line further from residences.

6 I just have to get a drink.

7 Now, I would like to put to you two specific
8 issues that I found interesting, albeit disturbing, while
9 perusing the transcripts. The first issue I would like to
10 take reference with can be found in Volume 12, 2011/04/29
11 starting on page 2766. The specific dialogue was between
12 Mr. Watson and [REDACTED] regarding remarks made by Mr. McCoy.

20:51

13 Mr. McCoy attended my mom's residence for an
14 acquisition meeting. My mom, my husband, and I were present.
15 During the meeting I vented my disdain and distrust of our
16 current provincial government due to the recent push to have
17 certain bills pushed through and down the throats of
18 hardworking Albertans with no apparent thought as to the
19 ramifications on landowners' rights.

20 As Mr. McCoy listened to our concern, he
21 stated that he was probably going to be the creator of his
22 own demise but proceeded to inform us that AltaLink is a
23 strong financial supporter of the PC government. This
24 comment did not surprise any of us, but, rather in our
25 opinions, confirmed thoughts that we had for some time as the

20:52

1 push for these bills to be passed so quickly.

2 Since that conversation, I have attempted to
3 find proof as to who are actual financial supporters of the
4 PC government of Alberta. Of course, me being the layperson,
5 I've been unsuccessful in the search and the fact being that
6 the PC government would definitely not want this information
7 to be readily available to its constituents. Thus reading
8 the above-noted transcript, it definitely piqued my interest
9 when I came across Mr. McCoy's name and the fact that
10 Mr. McCoy had been terminated from any further dealings with
11 AltaLink, and that Standard Land is being held accountable
12 for his remarks to other landowners is rather disturbing.

20:53

13 During that dialogue Mr. Watson said, not in
14 these exact words but in my opinion, that land agents
15 consultants will be trained into the future as to what is to
16 be revealed and what is not to be revealed. In our opinion,
17 Mr. McCoy put his job on the line for sharing this
18 information, and for whatever reason he did this, we found
19 Mr. McCoy to be amicable and truthful.

20 I found Mr. Watson 's response to what
21 Mr. McCoy had said to the other landowner to be rather
22 disconcerting. I do not want an apology from AltaLink nor if
23 one was put on the table in front of me right now, it would
24 not be accepted.

20:53

25 I was also pleased to read that on Monday

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Examination in chief by Mr. Lawson

1 Mr. [REDACTED] and his mother stated that Mr. McCoy was thrown
2 under the bus and Mr. Watson's apology was thrown back. In
3 my opinion, this young man's reputation was definitely thrown
4 under the bus and then gone over with a highway packer.

5 Further to this, I will continue to
6 investigate all avenues to find the truth in Mr. McCoy's
7 statement to us and will not stop until all avenues are
8 exhausted. Everyone wants to be right in this instance, but
9 in this instance, I hope, for the reputation of our
10 government or what is left of it, and for the reputation of
11 AltaLink, that Mr. McCoy's statement is untrue.

20:54

12 May I add, as a past employee in [REDACTED]
13 [REDACTED] for [REDACTED] years with the [REDACTED], I
14 understand wholeheartedly how politics work and the operation
15 what we used to refer to as the good old boys' club.
16 Transparency is what our current government and AltaLink have
17 been saying. Well, glass windows are transparent and it
18 depends on which side you're standing when the rock is thrown
19 as to whether or not you are going to get hurt.

20 In the transcript Mr. Watson stated that a
21 reverse search would be done and approximately 45 landowners
22 who had discussions with Mr. McCoy would be contacted to find
23 out what was said to them. To this, and after reading the
24 transcript, I feel it only fair to state that we have
25 absolutely no trust in AltaLink or any of their newly trained

20:55

1 land agents or consultants.

2 Secondly, I take issue with dialogue that has
3 taken place regarding the subdivision of land. I was told
4 that AltaLink had contacted the County and received feedback
5 within one to two hours. This is unbelievable in itself as I
6 made a call to the County last Friday morning and did not
7 receive response until Monday. And I also had a call into
8 Alberta Transportation yesterday morning and did not receive
9 a call until today.

10 In both messages I left, I made it clear that
11 time was of the essence in speaking to them. Again today, as
12 this is being written, I have another call to the County and
13 once again am waiting for a return call. My husband said I
14 should call back and tell them that I am from AltaLink and
15 see what their response time would be.

20:55

16 All joking aside, as previously stated, I find
17 it unbelievable that response from the County would be one to
18 two hours. With this being said, I would like to make
19 reference once again to Volume 12, 2011/04/29 starting at
20 page 2741. There is dialogue between Mr. [REDACTED] and
21 Mr. Foley. Anyone with two clues to rub together can get an
22 answer from the County to the question can you subdivide a
23 quarter section into two 80-acre parcels? The answer you
24 would get from the County would be yes, you can. But an
25 application where there would be mitigating circumstances

20:56

1 such as ours, it is far from an easy yes.

2 Did AltaLink give specifics to the County or
3 was it just a direct question? Mr. Foley stated that the
4 majority of landowners have indicated they have future
5 development plans of some type. To this I would like to say
6 that, of course, we have future plans, especially when a
7 quarter section is being passed down through an estate, which
8 is where my brother and I find ourselves at this point.

9 I brought up this very issue numerous times
10 through consultation and at the hearing sessions. We told
11 the reps from AltaLink that a subdivision was imminent, as my
12 brother would take 80 acres and I would take 80 acres.

20:57

13 My husband brought up the issue of subdivision
14 so much that I was getting embarrassed. Each and every time
15 the word subdivision was mentioned, we were told AltaLink
16 does not get involved with subdivision applications or issues
17 between the County and the landowner.

18 This we can understand, but we want to make it
19 perfectly clear that we were in a unique situation and
20 informed anyone who would listen that we felt like we were
21 being sandwiched with the proposed transmission line and
22 proposed interchange at 28A and Township Road 544.

20:57

23 During my conversation with Gerard from
24 Alberta Transportation, he confirmed the proposed interchange
25 is definitely still on the table and that it could happen

1 sooner than expected.

2 With this interchange, Alberta Transportation
3 will require approximately 33 acres of our land. During the
4 conversation with him, I stated the reason I was calling was
5 specifically due to the fact that AltaLink is looking at
6 placing one tower for sure on our property. His response was
7 oh, we were under the impression that they're going north of
8 Gibbons. And when I told him the location of the tower, his
9 reply was the tower is coming pretty close to our
10 interchange.

20:58

11 Further to that, we discussed how this tower
12 and the proposed interchange are going to affect the
13 possibility of subdivision. Yes, we can still subdivide, but
14 there could be issues. Anyone that can do the math will
15 realize that someone is going to end up with much less than
16 80 acres once transportation is done, and someone else is
17 going to end up with less land when AltaLink is done.

18 With this interchange, it seems apparent that
19 we'll have to move our home or rebuild somewhere else on the
20 property. We looked at the south and we say no, we're close
21 enough to those lines where we sit now. We could move west,
22 but, again, the subdivision is imminent and the widening of
23 544, we can only move so far west and north, and then we are
24 still looking at the monstrosities, and the other way, a
25 freeway interchange. Voila, the sandwich effect.

20:58

1 I realize that AltaLink will argue we are not
2 taking your land per se, but only requiring a 70-metre
3 right-of-way. My response to that would be, okay, who in
4 their right mind would plan to build a new home or even a
5 shop anywhere near these lines. I wouldn't, and I can
6 guarantee that my brother wouldn't and, quite frankly, I
7 doubt if anyone in this room would.

8 Another point we would take issue with is to
9 be -- would be the fact that this sandwiching could effect
10 the probability of subdividing in the normal fashion. That
11 being able to subdivide 2.47-acre parcel from each 80-acre
12 parcel. If approved, the tower would be considered a
13 fragmented parcel.

14 After all is said and done, my point here is
15 that the subdivision applications are site-specific, and
16 often a subdivision application is not cut and dried as it
17 appears was the impression of Mr. Foley and further into the
18 dialogue by Mr. Watson. Here I would like to reference page
19 2743 where Mr. Watson says to Mr. [REDACTED] (as read)

20 "However, helping with subdividing it
21 now and helping with whatever county
22 paperwork is required to do, that well
23 in advance of this approval or in
24 advance of construction for sure is
25 something I and will commit to help

20:59

21:00

1 with so that you get your" --

2 And the conversation continues on regarding subdivision
3 through the next couple of pages. I take great issue with
4 this comment. Kudos of course to Mr. [REDACTED] for pushing the
5 issue, but to reiterate, what I said before we were told time
6 and time again that AltaLink does not get involved with
7 subdivision issues between property owner and the county.
8 Can you see where I would be upset with this dialogue?

9 Again, it appears that AltaLink is treating
10 affected landowners differently. To repeat myself again, we
11 feel we are in a unique situation regarding proposed
12 subdivision, and changing the route would definitely ease the
13 frustration and anxiety we are now facing.

21:00

14 From the beginning of this whole process I
15 told AltaLink reps that I felt that they were going to pit
16 neighbours against neighbours, family members against family
17 members. In our situation to be specific, our neighbours to
18 the south with the horse track are not happy with us because
19 of our push to have the towers moved back to the original
20 where the towers would straddle the property line. I imagine
21 at this point they're really unhappy with the new routing,
22 which moved one tower completely onto their property.

21:01

23 Now, with the subdivision issue on my mind and
24 my brother's, the tower on the south end of the property, the
25 interchange on the north is a cause of contention between us.

1 With this being said, I would like to restate that we would
2 like to see these lines either follow the Manning freeway or
3 the railway or at least to cross Highway 28A prior to
4 reaching our quarter.

5 I truly hope that all these meetings and the
6 paperwork and the work that has been done by the lawyers and
7 the many landowners has not been an exercise in futility.

8 Thank you for your time and the opportunity to
9 be heard.

10 Q. Thank you, Ms. [REDACTED]

21:02

11 THE CHAIR: Thank you.

12 MR. LAWSON: Those are our witnesses, sir,
13 and they're available for questions.

14 THE CHAIR: AltaLink. Mr. Lowe. While
15 Mr. Lowe is coming up, Mr. Mousseau made arrangements with
16 the Colchester parents who were expecting this panel to be an
17 hour, that they will not be coming up tonight. They're going
18 to come on Friday morning at 8:00, which to me is like the
19 earliest I get up, but we will be here at 8 instead of 8:30
20 on Friday morning to accommodate the Colchester parents.

21:02

21 MR. LOWE: Yes. I drew the night shift,
22 Mr. Chairman.

23 MR. LOWE CROSS-EXAMINES THE PANEL:

24 Q. Good evening, panel. My name is John Lowe, counsel for
25 the Heartland team, and I have a couple of documents that I'm

1 going to pass to you, if I might. Now, Mrs. Presisniuk --
2 I'm sorry.

3 A. MS. PRESISNIUK: Presisniuk.

4 Q. Presisniuk, sorry. I heard your counsel talk about your
5 role with the Queen, and I recall a newspaper article where
6 your husband actually spoke to the Queen for some five
7 minutes about his horses and --

8 A. MS. PRESISNIUK: Right. Quite right.

9 Q. And her retainers were trying to tug her away, but she
10 was captivated by the story as I recall.

21:04

11 A. MS. PRESISNIUK: Exactly.

12 Q. And I saw in that article that you had relocated before?

13 A. MS. PRESISNIUK: We used to live in the city and
14 had the leased land with where the Namao Centre is now from
15 158th Avenue all the way north to 167th, but when the
16 fellow -- it was a lawyer, [REDACTED]. When he passed
17 away his heirs sold that. So then we had had a home in
18 Castlebrook and did business at the Namao Centre, so then we
19 moved.

20 Q. Okay. And there's been talk of this highway
21 interchange, this 28A?

21:05

22 A. MS. PRESISNIUK: Correct.

23 Q. I take it if that went through you would be thinking
24 about relocating in any event; is that right?

25 A. MS. PRESISNIUK: Well, they are saying that they

1 require 36 acres to the north, and that would still leave us
2 with -- we're so undecided. No. Because this has all come
3 up at the same time, so we just thought it was sensible to
4 relocate rather than be hemmed in at both ends and have this
5 constant construction and noise and dirt whatnot flying
6 around and lines and whatnot. It's just not conducive to
7 good business or to healthy peaceful living.

8 Q. Right. And it's this sandwich concept --

9 A. MS. PRESISNIUK: Exactly.

10 Q. -- that Ms. [REDACTED] was talking about, and the interchange 21:05
11 would be a contributing factor in your --

12 A. MS. PRESISNIUK: Right. And that's proposed for
13 sure. It's not maybe. It's for sure, because 544 at the end
14 of our property leads right to the Heartland.

15 Q. Okay. Now, I just wanted to touch on how we got here.

16 A. MS. PRESISNIUK: Pardon me?

17 Q. I wanted to touch on how we got here with the breakdown
18 of the negotiations, if you will, and the documents that I
19 passed to you are excerpts from the records, the consultation
20 records. I think there's an exhibit. It's Exhibit 964, PDF 21:06
21 pages 14 and 15, for those who have a projector at the ready.
22 Perhaps I could --

23 THE CHAIR: Just give us a second,

24 Mr. Lowe, to get to that document.

25 Mr. Lowe, can you give us an idea -- are we on

1 the right document here?

2 MR. LOWE: PDF page 14 does it for me,
3 and I think that's where we are.

4 THE CHAIR: So maybe scroll to the top.
5 Higher. There are three pages here, I think. Is this it,
6 Mr. Lowe, on the screen?

7 MR. LOWE: Yes.

8 THE CHAIR: This is the document. Okay.

9 Q. MR. LOWE: So this is a land discussion
10 form dated January 10th, 2011, and the excerpt that I wanted 21:07
11 to go to is on page 3 of the document, PDF page 14, if I
12 might. I just wanted to read out these paragraphs to you, if
13 I could.

14 A. MS. PRESISNIUK: On this page?

15 Q. This is page 3 of the -- that's right. And it's: (as
16 read)

17 "Mr. Presisniuk feels that compensation
18 for a buyout of the property should be
19 at least \$2,638,993 million.

20 Mr. Presisniuk stresses this is the 21:08
21 minimum. I explained" -- and this is
22 Ken Young -- "I would pass the
23 information on to AltaLink.

24 Mr. Presisniuk says if they do not want
25 to pay their price, they should find a

1 different location for the line."

2 Do you see that?

3 A. MS. PRESISNIUK: Yes. I see that.

4 Q. And so rightly or wrongly you can perhaps understand why
5 the Heartland team thought that if they were unwilling to pay
6 this \$2.6 million, then they should look to moving the line.

7 A. MS. PRESISNIUK: Absolutely not. Mr. Young --
8 the first meetings were accurate.

9 THE CHAIR: Excuse me for a minute. Will
10 you please get a microphone on.

21:08

11 A. MS. PRESISNIUK: Is it on? Regarding his --
12 regarding his statements and comments about us, the first
13 three meetings were fine, accurate, because we had something
14 signed. We had our lawyer there. After that the majority of
15 it is fictional, fabricated.

16 For example, this one on November the 14th, no
17 one communicated this to us, and we never said anything about
18 it. We never said that we were not wishing to continue with
19 negotiations. We were always, always prepared to do that.
20 It was in our best interest to do this, and that's why we
21 were wondering where this all broke down. We were never
22 given this information.

21:09

23 Q. And if I could just talk --

24 A. MS. PRESISNIUK: We never said that. I never --
25 we never said that. We were always waiting. We were waiting

1 for that to happen. It didn't.

2 Q. All right. Just for the record, this is PDF page 15 and
3 it's the statement, "Mr. Putnam also advises that a figure in
4 the range of \$3 million would be necessary to get
5 negotiations started again." And who is Mr. Putnam?

6 A. MS. PRESISNIUK: He's our lawyer, the lawyer
7 that we hired, the lawyer that was at the meeting with Ken
8 Young.

9 Q. All right.

10 A. MS. PRESISNIUK: When we were planning on the
11 buyout.

21:10

12 Q. And so your lawyer could confirm whether this discussion
13 took place or not? He was there?

14 A. MS. PRESISNIUK: I would suppose so.

15 Q. All right.

16 A. MS. PRESISNIUK: Because the first time I had
17 seen this was April the 13th.

18 Q. All right.

19 A. MS. PRESISNIUK: I saw this April 13th.

20 Q. I accept that. And then there was talk of the Berrien
21 route.

21:10

22 A. MS. PRESISNIUK: And he always -- one more
23 point. He always said to me that there never was an offer.
24 There was only an appraisal. He said they never gave an
25 offer. They didn't even ask. Why didn't they phone me or

1 say this is a starting point. That's what I believe the
2 Serecon appraisal was about, a starting point, because that
3 would have moved us into a high-end condo, but then where we
4 would take everything else.

5 We know what we wanted, but that wasn't
6 realistic. But what we needed we decided that by looking at
7 properties before it snowed before the snow fell. We looked
8 through, you know, had a realtor show us around a few
9 properties. You know, so we came to that kind of a general
10 requirement in order to replace what we had.

21:11

11 It was to replace what we had. It wasn't -- I
12 believe that the 1.1 was a starting point, but nobody ever
13 came or said okay, let's sit down and discuss this. We were
14 waiting, which is why I phoned in January.

15 Q. No, I understand.

16 A. MS. PRESISNIUK: Okay.

17 Q. I understand that. I'm just -- I'm just looking at the
18 documents. That's all I have. I wasn't there.

19 A. MS. PRESISNIUK: Okay.

20 Q. And then there was discussion of the Berrien route
21 earlier, and do you recall that's that diagonal route which
22 would avoid your property altogether?

21:12

23 A. MS. PRESISNIUK: Pardon me?

24 Q. The route that Mr. Berrien mapped out.

25 THE CHAIR: Maybe we should put that up.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Cross-examination by Mr. Lowe

1 Q. MR. LOWE: Your counsel cross-examined --

2 A. MS. PRESISNIUK: I'm not knowing for sure how
3 far that is. It's the health and welfare of myself and all
4 our livestock that's at risk, the Berrien route.

5 THE CHAIR: That's the orange one.

6 A. MS. PRESISNIUK: Is that what you're talking
7 about?

8 THE CHAIR: The orange one on the screen.
9 Yes.

10 Q. MR. LOWE: And that route, as I see it, 21:12
11 it would pass your property entirely. I was just wondering
12 with the interchange in play, whether that helps you out at
13 all or whether you would still have wanted a buyout. Can you
14 see it on the --

15 A. MS. PRESISNIUK: Oh, yes. I can see that right
16 here. Like the Sturgeon County fellows here, why spiderweb
17 these things all over rural lands when you can just direct
18 them. The original route was straight north of 554 and then
19 east along the proposed -- along the proposed interchange
20 highway widening, whatever, along either existing -- well, 21:13
21 keep them consolidated or coordinated somehow. How far will
22 that be from our --

23 Q. Well, it looks like it's about half of a quarter section
24 to the north, if I have the directions right.

25 A. MS. PRESISNIUK: But who has information on the

1 impact of something of that magnitude? No one does at this
2 point, not in Canada, not in Alberta.

3 Q. Well, your counsel cross-examined on this route, but
4 I'll move on. That's fine.

5 A. MR. [REDACTED] If I can just -- excuse me. If
6 I can just interject here. When I reported in my summation
7 here too as well, I referred to the Berrien route that you
8 have on the screen right now. And basically if you look at
9 the mechanics of that, it would certainly eliminate the
10 problem that we are talking to you about: The [REDACTED] the
11 [REDACTED] and the [REDACTED] route, and then that MP Stables.

21:14

12 Q. All right. And there were some puts and takes discussed
13 about that route?

14 A. MR. [REDACTED] And basically I'm quite
15 familiar with that land and the property, and the alternative
16 route would go through [REDACTED] property. And I think
17 possibly -- and this is just an opinion -- that it could be
18 negotiable by Heartland if they pursued it.

19 Q. All right. And there is a pipeline -- an oil pipeline
20 that goes through your property, Mr. [REDACTED]

21:15

21 A. MR. [REDACTED] No. What I said earlier was
22 there was a pipeline -- oil pipeline proposed to go through
23 our 80 acres at one time. And when they consulted with us, I
24 mentioned about the spring and how close would they come and
25 would they disturb it. They actually reviewed it and

1 determined that it is a natural resource property, the well
2 that is, and they diverted it onto [REDACTED] 80 acres. If you
3 look at it, there's a little bit of an elbow in that
4 pipeline.

5 Q. All right.

6 A. MR. [REDACTED] They actually came out and had
7 a man take a look at it and inspect it.

8 Q. Is that a Pembina pipeline?

9 A. MR. [REDACTED] I'm sorry?

10 Q. Is that Pembina oil pipeline?

21:16

11 A. MR. [REDACTED] Yes.

12 Q. And then on your land I know -- I hear your concern
13 about farming around towers, but there would only be one
14 tower that you would have to contend with.

15 A. MR. [REDACTED] Have you driven a 30 or a
16 50-foot piece of equipment between a power pole which could
17 very well be in the middle of this room and you've got to go
18 around it? And if you look at the configuration of our land,
19 we kind of have to go and loop around that pasture part.

20 Now, when I was farming, I could easily do
21 that when I had a 7-foot piece of equipment, but now we're
22 dealing with 30 and 50 feet of equipment. You tell me how
23 that's going to work on that piece of property.

21:16

24 And furthermore, it's going to fragment that
25 80 acres more with that line going through it. And I gave

1 you my concerns on the spring well.

2 Q. Would you go so far as to say that one tower is less of
3 a problem for you than if you had two towers on your land?

4 A. MR. [REDACTED] Pardon?

5 Q. Would you go so far as to say that one tower would give
6 you less problems than if you had two towers on your land?

7 A. MR. [REDACTED] I don't want one. I don't
8 want two. I don't know why you would even suggest that.

9 Q. Well, I'm just wondering from a farming impact --

10 A. MR. [REDACTED] I'm saying if they would have
11 left it on the original fence-line, it would have been far
12 less problem for us to agriculture that land.

21:17

13 Q. All right.

14 A. MR. [REDACTED] When I did pursue it, and
15 looked at it -- I have actually walked that bush line that
16 they were talking about and it consists of poplar trees and
17 bush, typical of a typical prairie landscape.

18 As far as habitat is concerned, if you're
19 looking at coyotes or mice or something of that nature, good
20 luck, but I have not seen any special animals in that habitat
21 that I could be concerned with. And I farmed with [REDACTED] and
22 [REDACTED] so I know exactly what that property looks like.

21:18

23 A. MS. PRESISNIUK: Excuse me. On that same page
24 3, did you tell me where you got those totals from because I
25 don't recognize them at all. He's got 11, and he's got 2638,

1 and he's got 17.5. He invented them. I'm really adamant.
2 I'm really upset about that because it never came out of my
3 mouth, it was never on a piece of paper.

4 What we asked for was the difference in the
5 valuation between Serecon and the other appraisal company,
6 which was 16. And he's got numbers all over the -- you know,
7 like I was so upset once I read these reports, the ones I
8 hadn't seen.

9 Q. And wasn't that difference, it was 1.1 to 1.56 million
10 to 1.1 million? Was that the --

21:19

11 A. MS. PRESISNIUK: Serecon was 6,000 an acre they
12 offered us.

13 Q. Yes.

14 A. MS. PRESISNIUK: [REDACTED] (phonetic) was 16,000
15 an acre.

16 Q. Okay.

17 A. MS. PRESISNIUK: But he has some here 11, and
18 he's got 17.5. I never mentioned those words -- those
19 numbers. Absolutely not. I'll take a lie detector test.

20 Q. No, no, no.

21:19

21 A. MS. PRESISNIUK: You know, in the future I would
22 say that the first couple of fellows that came out were just
23 great, very transparent and not -- you know, helpful. They
24 wrote out the report, they asked us to read it. They said is
25 this what we agree on, what we discussed. We said, yeah.

1 They signed it, we signed it. Fine. These are all Ken Young
2 and nobody else on there signed.

3 So it should be either taped, like Mrs. [REDACTED]
4 did, or signed with the stakeholder and the agent just so
5 that there's no he said/she said because at this point,
6 there's so much of that and it's not necessary.

7 Q. All right.

8 A. MS. PRESISNIUK: This is mostly the he said/he
9 said.

10 Q. All right. Well, I'm just looking at the records
11 myself.

21:20

12 A. MS. PRESISNIUK: Exactly. Exactly. Like I
13 said, I got them on April the 13th. I said what? You know,
14 the first three were okay and where did he get this
15 information and we didn't hear about this.

16 Q. All right. Well, maybe Mr. Putnam --

17 A. MS. PRESISNIUK: Have it taped or signed right
18 at the meeting, and that would be -- avoid all of that.

19 MR. LOWE: All right. Well, I do thank
20 you all very much and I hope that we can finish fairly early
21 tonight. Thank you, sir.

21:20

22 Perhaps we should mark -- I don't know if we
23 need to mark these as exhibits. They're already on the --

24 THE CHAIR: They're already on the record.

25 Mr. Mousseau.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 MR. MOUSSEAU QUESTIONS THE PANEL:

2 Q. Before the Chairman tells me to identify myself, I'll
3 identify myself. My name is JP Mousseau. I'm counsel to the
4 Commission. When I ask questions, my questions are just to
5 sort of fill in gaps in the evidence, and you probably heard
6 me say that a few times today. Mercifully, I don't have any
7 questions.

8 Mr. [REDACTED] I wanted to clarify something
9 with you, and it's Exhibit 16. When you were providing your
10 evidence, you characterized this document, and it's entitled 21:21
11 "Power Line Health Facts." I wasn't certain whether you said
12 this was a document prepared by the California Department of
13 Health Sciences or whether this was a document that
14 summarized a report prepared by them.

15 A. MR. [REDACTED] It was a document that I picked
16 off of the website and it was published for -- what I did
17 there is, in all fairness, I looked at a number of situations
18 where it was is there an effect or isn't there an effect.
19 And this one actually caught my attention and, therefore, I
20 printed it off, and that's what I'm referring to. It's a 21:22
21 printoff.

22 Q. Sir, when I read the title, it says "Power Line Health
23 Facts," and I tried to find out the source of this, sir, and
24 I think when I went to the website it said the site sponsor
25 is the power line task force, which is a group of homeowners

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 immediately adjacent to a proposed power line in Minnesota.

2 So I'm wondering, sir, if what this is is some
3 information compiled by that group and summarized and not
4 perhaps a report prepared by the California Department of
5 Health Sciences.

6 A. MR. [REDACTED] Do you want to shoot that
7 question again back at me? I'm sorry about that.

8 Q. Sir, I just wasn't sure when you gave your evidence
9 whether you told the Commission this was a report prepared by
10 the California Department of Health Sciences.

21:23

11 A. MR. [REDACTED] I may have stated that, but I
12 probably stated it in error, and I stand corrected on that.

13 Q. Would you accept, then, sir, that this is actually a
14 website --

15 A. MR. [REDACTED] A document such as I've
16 provided.

17 Q. Right. And the site sponsor is some homeowners that are
18 involved in probably a similar proceeding or forum that we
19 are here?

20 A. MR. [REDACTED] It was headed up "The Power
21 Line Health Facts" and basically this site covers this data
22 of scientific evidence regarding the impact of magnetic
23 fields on the human health and then they go ahead and there's
24 a series of articles in there --

21:24

25 Q. Sure.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 A. MR. [REDACTED] -- that they refer to.

2 Q. That's helpful, sir.

3 Ms. [REDACTED] I'm not certain if you answered this
4 or not, and this is -- maybe I missed it, but in terms of
5 your plans to subdivide, would it be east/west or
6 north/south?

7 A. MS. [REDACTED] North/south. That's the only
8 way --

9 THE CHAIR: Would you turn the mic towards
10 you.

21:24

11 A. MS. [REDACTED] Oh, sorry.

12 THE CHAIR: Thanks.

13 Q. MR. MOUSSEAU: And if we could go back to
14 Exhibit 597.08, which was Mr. Berrien's proposed route.
15 Mr. [REDACTED] commented on it and Mrs. Presisniuk commented on
16 it, but you didn't comment on it. So if you have any opinion
17 on what Mr. Berrien suggested, now would be the time to
18 express it.

19 A. MS. [REDACTED] I think that would be perfectly
20 fine.

21:25

21 Q. From your perspective that would be preferred to what?

22 A. MS. [REDACTED] What is --

23 Q. Currently contemplated?

24 A. MS. [REDACTED] Currently -- the orange line
25 right? Yes.

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 A. MR. [REDACTED] Through the [REDACTED] farm.

2 A. MS. [REDACTED] Yes. Because I understand that
3 Mr. [REDACTED] has already been in whatever with AltaLink. So
4 they would be crossing his land once -- or before Highway
5 28A; right?

6 Q. Right.

7 A. MS. [REDACTED] On the west and then going
8 across to the east.

9 Q. Okay.

10 A. MS. [REDACTED] No, I've got no problem with
11 that. Actually, it's just the first time I've seen it is
12 tonight.

21:25

13 A. MS. RAZIN: Sorry, I'm just discussing with
14 my mom about that route, the Berrien route. Because I asked
15 her how many metres is that because I think before it was
16 going to be 150 metres. And if it goes this route, how many
17 metres away would it be from their property line.

18 A. MS. PRESISNIUK: From the barn, which is metal
19 right next to the fence-line.

20 Q. Right. I mean, it appears to -- I think the difference
21 is rather than it traversing the whole south boundary of your
22 property. Is that the south boundary?

21:26

23 A. MS. PRESISNIUK: Yes.

24 Q. So rather than traversing the whole south boundary of
25 your property, it would come up from the south and intersect

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 your property boundary about halfway through or halfway
2 across, but I couldn't tell you how far that is away from
3 your buildings.

4 A. MS. PRESISNIUK: That's where the water is and
5 corrals and -- that's where our waters and corrals, that's
6 where the horses stay the majority of the time, and they are
7 our livelihood, they're not our hobby. They're not just
8 pets.

9 Q. Right. And I just think it would be helpful -- I take
10 it, then, that that doesn't solve the concerns that you have.

21:27

11 A. MS. PRESISNIUK: No. Not really because I can't
12 tell -- okay. You say halfway. That still is on -- that
13 still is --

14 A. MS. RAZIN: Having [REDACTED] she has
15 electromagnetic sensitivity, right, and we don't know, given
16 her condition, how many metres that will be. We're not sure
17 if this study has been done to measure how many metres an [REDACTED]
18 -- someone with [REDACTED] would have to be to be safe.

19 Q. Okay. Fair enough. And I appreciate you probably have
20 --

21:27

21 A. MS. PRESISNIUK: I just need more information
22 about distances.

23 Q. Okay. Thank you. I'm also wondering if you're aware
24 that, although the applicant has changed the preferred route
25 so that it goes below your property -- there's actually two

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
Questioned by Mr. Mousseau

1 routes in front of the Commission. If you can look at the
2 area below your property, there's a solid green line and a
3 dotted green line.

4 A. MS. PRESISNIUK: Right. The solid goes right
5 through our -- right on our property line or just --

6 Q. Right. I just wanted to know whether you understood
7 that both of those options are in front of the Commission
8 still.

9 A. MS. PRESISNIUK: Certainly.

10 Q. And I also wanted to know whether your preference would
11 still be to be bought out if the line should be approved
12 along your property.

21:28

13 A. MS. PRESISNIUK: Yes, it would.

14 Q. Okay.

15 A. MS. PRESISNIUK: Because of all of the
16 development to the north as well.

17 Q. Right.

18 A. MS. PRESISNIUK: They require I forget how many
19 feet, 182 feet from the -- or whatever, from the highway
20 towards the front of our house, which would bring us right to
21 almost the bedroom window, and then, you know, the 36 acres
22 in total I was told. So as they widened 28A and then they go
23 into the interchange at the back, it will take off a
24 significant number of acres. It just won't be -- it won't be
25 possible to do what we do.

21:28

E. PRESISNIUK, M. RAZIN, E. [REDACTED] L. [REDACTED]
 Questioned by the Chair

1 Q. Right. Thank you very much. I think I understand that.

2 MR. MOUSSEAU: Thank you, Mr. Chairman.

3 Thank you, panel. Those are my questions.

4 MR. LAWSON: Sorry. I just have one quick
 5 question on redirect.

6 THE CHAIR: Well, I'm just checking to see
 7 if any of the Commissioners have questions.

8 MR. LAWSON: Sorry.

9 THE CHAIR QUESTIONS THE PANEL:

10 Q. This is Sturgeon County; right?

21:29

11 A. MS. PRESISNIUK: Right.

12 Q. Yes, okay. And is it Sturgeon County that's doing the
 13 highway development or is it the province? Do you know?

14 A. MS. PRESISNIUK: Let's see. The Gibbons -- what
 15 was that? Gibbons business -- Mr. Lawson, what was that
 16 group that had the hearings on the -- pardon me?
 17 Transportation.

18 Q. So it's the province that's doing it?

19 A. MS. PRESISNIUK: Yes.

20 Q. Okay.

21:30

21 A. MR. [REDACTED] Just for clarification, what
 22 they're talking about is right here.

23 A. MS. PRESISNIUK: Yes.

24 Q. No, I'm very -- this isn't the first time I've seen this
 25 map in this hearing. I just wasn't sure, based on what you

1 said, whether it was the province or the county that was
2 doing that interchange?

3 A. MS. PRESISNIUK: Yes.

4 THE CHAIR: I think those are the
5 questions that I have.

6 Some redirect there, Mr. Lawson?

7 MR. LAWSON: Sir, very briefly.

8 MR. LAWSON RE-EXAMINES THE PANEL:

9 Q. My friend who was up here referred to a document which
10 is part of Exhibit 964, which is dated November 14th, and
11 speaking about Mr. Putnam. There's a number of land
12 discussion forms in Exhibit 964. There's a place for
13 stakeholder's signature. Were you ever shown these --

21:30

14 A. MS. PRESISNIUK: Never.

15 Q. -- or offer to sign them?

16 A. MS. PRESISNIUK: No, no. The first I saw them
17 was April the 13th at your office.

18 Q. In that package there is reference to a voice message
19 from you January 24th. Do you recall that?

20 A. MS. PRESISNIUK: I do.

21:31

21 Q. And what did you communicate?

22 A. MS. PRESISNIUK: Just a moment here.

23 "In the voice mail from Mrs. Presisniuk she
24 said again that they're willing to sell the land in full if
25 they are treated fairly."

1 Q. Is that what you communicated?

2 A. MS. PRESISNIUK: Absolutely. We've always been
3 wanting some kind of communication, some kind of words what
4 is happening because we've, in the back of our mind, been --

5 Q. And then it goes on to say, "I believe that being
6 treated fairly in their minds is the 2.8 million they
7 suggested in our meeting. " Do you have any comment on that?

8 A. MS. PRESISNIUK: Absolutely not. That figure
9 never came up, neither the 17.5, neither the 11, or this
10 number here, absolutely not.

21:32

11 Q. Thank you.

12 MR. LAWSON: Those are my questions.

13 THE CHAIR: Okay, thank you. We have a
14 couple of documents to mark. There's the MP Stables web page
15 and documents. It's a four-page document. That will be
16 Exhibit 1107.

17 **EXHIBIT 1107 - MP STABLES WEB PAGE AND**
18 **DOCUMENTS**

19 THE CHAIR: And then we have this series
20 of documents here marked handily as Exhibits 1 to 16, so they
21 have page numbers, so we can mark all of those as
22 Exhibit 1108.

21:32

23 **EXHIBIT 1108 - PACKAGE OF DOCUMENTS**
24 **LABELLED EXHIBITS 1 TO 16**

25 THE CHAIR: I think that's it.

1 Mr. Mousseau, is that it for -- oh, you have something to
2 say?

3 MR. MOUSSEAU: Sir, I was going to go over
4 what I think the schedule looks like tomorrow, but there's no
5 reason not to let these folks --

6 THE CHAIR: You don't have to listen to
7 him.

8 (PANEL STANDS DOWN)

9 MR. MOUSSEAU: Sir, as I see tomorrow, first
10 up we would have the CCI panel. I understand that their
11 direct evidence and opening statement is very brief. At this
12 point it appears that only RETA has questions for them, and I
13 understand it's approximately 30 minutes.

21:33

14 Next up we have Mr. [REDACTED] I understand he
15 tends to be between 40 and 45 minutes. At this point the
16 only person who has expressed interest in examining him has
17 been Groot Farms, Ms. Klimek for Groot farms, and I'm not
18 certain if the applicants have questions for Mr. [REDACTED] and
19 they probably don't know if they have questions for
20 Mr. [REDACTED]

21:34

21 Strathcona County, they've indicated they may
22 have approximately two hours of direct evidence, and both
23 BRUTE and SLG have indicated they have some examination for
24 them and as do the applicants.

25 In the afternoon, sir, we have the Department

1 of National Defence, and the only person -- the only group
2 that's indicated that they intend to examine or cross-examine
3 them is Mr. Carter on behalf of the MR Group, the Watrins,
4 and the [REDACTED] And he's indicated he has about an hour
5 and a half of cross-examination.

6 And then we have scheduled presentations by
7 HALO, the Sherwood Park Fish and Game Association, and
8 Mr. [REDACTED] and each of those groups are individuals
9 estimated approximately 30 minutes.

10 The only other outstanding matter, sir, is 21:35
11 that Ms. [REDACTED] has been waiting patiently. She was on the
12 schedule for tonight. She graciously allowed herself to be
13 moved, so if we have time tomorrow. I see her nodding.

14 THE CHAIR: Yes.

15 MR. MOUSSEAU: I think that's what tomorrow
16 looks like, sir.

17 THE CHAIR: Okay. And I'll just make a
18 comment here that people have not been remotely close for the
19 most part on the times, and I said "for the most part," not
20 everyone, on the times that they are giving Mr. Mousseau for 21:35
21 their evidence in chief. As a result we find ourselves at
22 9:35 not even close to getting the Colchester parents on.

23 It's not a reflection on the witnesses. We want to hear from
24 the witnesses, but we really want counsel to do a better job
25 of figuring out how many minutes their witnesses are going to

1 be so that we can schedule something so we don't get people
2 bouncing back and forth between the hearing room and their
3 home.

4 So with that, we'll adjourn for the day and
5 we'll reconvene at 9:00 in the morning.

6 -----

7 PROCEEDINGS ADJOURNED TO 9:00 A.M. MAY 12, 2011

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