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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

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Edmonton, Alberta

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3 -----

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6	K. Wilson	[REDACTED]
7	J. Lawson	Gibbons Landowners
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10	L. [REDACTED]	Homeowners Against Lines Overhead (HALO)
11	D. [REDACTED]	
12	Ms. [REDACTED]	Colchester Parents
13	Ms. [REDACTED]	
14	P. [REDACTED]	In her own stead
15	J. [REDACTED]	In his own stead
16	I. Cameron	Ghost Riders Farms Inc. and Ferit Susan
17	A. Boyd	Sherwood Park Fish and Game Association
18	M. Young	City of Edmonton
19	J. Pawlyk	Parkland County, City of Spruce Grove, Beaverbrook Pioneer Ltd. and Qualico Developments West Ltd.
20		
21	J. Morris	Dr. R. Harris
22	R. [REDACTED]	In his own stead
23	B. Ball, CSR(A) RPR CRR	Official Court Reporters
24	D. Gerbrandt, CSR(A)	
25	-----	

1 THE CHAIR: Mr. Feldberg. Good morning,
2 everyone.

3 MR. FELDBERG: Good morning, sir. Perhaps
4 before we start with the Sherwood Park Fish & Game panel I
5 just have a couple of housekeeping matters that I would like
6 to address.

7 THE CHAIR: Sure.

8 MR. FELDBERG: The first is that you'll
9 recall Mr. Forster indicated that he would provide some
10 questions to the applicant in writing as opposed to
11 cross-examination. He's done that. I was awaiting them to
12 be put on the record or uploaded, but here we are at the end
13 of the hearing. We have answers, and I propose to just
14 upload them today in response to those.

15 THE CHAIR: Okay, fine.

16 MR. FELDBERG: That's the first matter.

17 THE CHAIR: Okay.

18 MR. FELDBERG: The second matter is with
19 respect to the undertaking from the Commission with respect
20 to the exceptions that you'd asked the AltaLink panel to
21 consider.

22 THE CHAIR: Right.

23 MR. FELDBERG: And the applicants have been
24 listening to the landowner panels as they've been coming up
25 and considering that evidence and should be in a position to

A. BOYD

Testifies

1 file the response to that undertaking early next week. It
2 does involve some consideration of position.

3 THE CHAIR: Sure.

4 MR. FELDBERG: I just wanted to let the
5 Commission know where we are with that.

6 THE CHAIR: I think that's sufficient for
7 parties to be able to have a look at it and respond to it.

8 MR. FELDBERG: Thank you.

9 THE CHAIR: Okay.

10 Good morning, Mr. Boyd.

11 MR. BOYD: Good morning sir.

12 THE CHAIR: What we're going to do is
13 since you don't have counsel I'm going to play a little bit
14 of that role and I'm going to ask that you be sworn first.
15 Okay?

16 MR. BOYD: Very good. I'm playing my own
17 Perry Mason here so I'll follow your lead. I really don't
18 know what the exact procedure is.

19 A. BOYD (For Sherwood Fish & Game Association), sworn,
20 Testifies

21 THE CHAIR: Okay. So you'll make your
22 presentation and then parties will have an opportunity to ask
23 you questions. Okay?

24 A. Very good.

25 THE CHAIR: Go ahead.

1 A. Good morning, Mr. Chairman and Commission members. It's
2 my pleasure to appear on the last day, we trust, of this
3 lengthy but very important hearing. We wouldn't have toughed
4 it out if it didn't mean a lot to us; and, folks, it truly
5 does mean a lot to us.

6 Sir, I have not submitted a CV in advance. If
7 it's acceptable to you I could put an oral resume of sort on
8 the record.

9 THE CHAIR: That's fine. Go ahead.

10 A. I was born and raised in east Edmonton, moved to
11 Sherwood Park in 1973 and in 1980 we moved to our present
12 home near Ardrossan, east of Sherwood Park.

13 I'm not claiming expert status in the legal
14 context. I've got only eight letters in my whole name, with
15 no letters following it.

16 I could place a Bachelor of Ed there, having
17 graduated from [REDACTED], with a specialization in phys.
18 ed., but I can't claim much relevant training beyond some
19 outdoor education courses looking at the importance of
20 conserving natural areas.

21 My working career was with the Edmonton City
22 Fire Department, where I served 30 years, [REDACTED] at
23 the rank of station captain. Over those 30 years I responded
24 to many emergencies involving power lines, certainly
25 numbering in the hundreds, and enjoyed ongoing training on

1 power line responses throughout my career. Like many other
2 firefighters -- and I'm sure it's most -- kept busy on my
3 days off with other employment. I worked in construction,
4 both residential and commercial, for ten years, including
5 some electrical service work. And for the past 15 years,
6 I've worked as a hunting guide.

7 Most of my clients are European, and
8 inevitably when picking up or delivering these visitors to
9 the Edmonton International Airport, they comment on the
10 overpowering visual impact of the present transmission lines
11 along the Henday near Highway 2 and west. "Why would you do
12 that to just a beautiful country," would be a typical
13 comment.

14 More relevant experience would come from my
15 volunteer work with the Alberta Fish & Game Association since
16 the early 1980s. For two terms over eight years, I served as
17 provincial environment chair. I've represented the
18 provincial and local Fish & Game Associations on numerous
19 advisory committees and continue to do so.

20 These include the [REDACTED] and what
21 I call the [REDACTED] power line project, that decision has
22 been referred to a couple of times during this hearing. The
23 [REDACTED] hearings held in Hinton, the [REDACTED]
24 [REDACTED] joint review process followed by serving on the Al-Pac
25 landscape advisory group continually since [REDACTED].

1 Some of the committee work has included
2 serving on the [REDACTED], the
3 [REDACTED] committee working to complete a
4 provincial protected area network, several pipeline project
5 public advisory committees over the past years, currently
6 Enbridge Northern Gateway Pipeline Community Advisory Board.

7 This pipeline has been referred to several
8 times during these hearings as the west alternate route
9 proposal parallels the proposed pipeline right-of-way for
10 some length.

11 I served on the Forest Conservation Strategy
12 Implementation Committee; the CEMA, Sustainable Ecosystems
13 Working Group. Our current task is developing a linear
14 disturbance management plan for 30-square township area south
15 of Fort [REDACTED] including power line rights-of-way. Rumour
16 has it we will be sending another power line that way.

17 I serve on the steering committee for the
18 [REDACTED]
19 [REDACTED]. I've represented Fish & Game on two of the
20 integrated land management subcommittees leading up to the
21 Land-Use Framework rollout. I represented the Alberta Fish &
22 Game Association on the Grizzly Bear Recovery Team and would
23 welcome participation on the Sasquatch recovery team as soon
24 as Stantec's detailed predisturbance environmental work
25 confirms their presence on this study area. Both species

A. BOYD

Testifies

1 share the need for protection from severe industrial impacts
2 on the critical habitat needs.

3 At the local level, I've served on numerous
4 County of Strathcona planning committees, such as the
5 [REDACTED] committee, [REDACTED]
6 [REDACTED] committee, the [REDACTED],
7 and [REDACTED], a long-range planning initiative.

8 In summary, many years of experience as a
9 citizen interested in conserving wildlife habitat and some
10 relevant work experience.

11 To get on to our evidence, this evidence was
12 submitted a week ago skillfully timed to come out the day
13 before we presented this evidence, timing has been difficult
14 to predict.

15 The file is 1011, but rather than going there
16 I suggest it would be more useful to follow on tile number 3,
17 File 259, Liying, rather than seeing how far I stray from my
18 script.

19 Problem number 1, I'm looking for the --

20 THE CHAIR: Looking for --

21 A. MR. BOYD: 259 I think it is, PF 259.

22 And it would be tile 3.

23 THE CHAIR: T3 you mean.

24 A. MR. BOYD: T3.

25 THE CHAIR: T3.

1 A. MR. BOYD: That's close. We want to go
2 further to the east. That would be T1 there. We are looking
3 for T3.

4 THE CHAIR: She'll get it. There it is.

5 A. MR. BOYD: That would be it.

6 So the only further evidence that the Sherwood
7 Park Fish & Game would like to bring forward is to simply and
8 briefly take a closer look at what AltaLink has supplied to
9 do in the Sherwood Park West RDA lands, nothing new or
10 unexpected, just clarifying a few details.

11 We want to consider the differences between
12 the lattice tower options and the underground option in the
13 proposed alignment between Bretona Pond -- between Bretona
14 wetlands and the Baseline Slough area.

15 As shown in tile 3 starting at point
16 designation T6 -- I'm not sure how much detail is going to be
17 clear here. I'm sorry -- point designation T6. That's back
18 on tile 3. Still -- back to tile 3 -- point designation and
19 the orientation here is slightly different --

20 THE CHAIR: Maybe you could just magnify
21 it a bit more. I think what --

22 A. MR. BOYD: Okay. I'm talking about right
23 here. The magnification is probably best. Fairly moderate
24 right there that's good right there.

25 Starting at tower 21, that's a high angle

1 dead-end tower.

2 The overhead option uses a series of fairly
3 closely spaced towers as heading west -- or east from there.
4 The first five towers are light angle. They appear to be in
5 the 250 metre range between the towers on some straight runs.
6 Some towers are 400 metres apart.

7 So the first five are light angle towers
8 taking the line northeast across agricultural land to Point
9 Designation 7. If it's still on this tile, I trust. Yes.
10 That's here.

11 Where they cross two small ephemeral wetlands
12 with an Aspen wood lot just to the south of the line. Before
13 cutting directly across Bretona ponds, which is here, if we
14 can scroll to the east.

15 This wetland complex here, the Bretona Ponds,
16 is anthropogenic. I can say that in the morning. It's a
17 man-made wetland being constructed as part of the recent
18 Anthony Henday project.

19 It is important to point out that the
20 engineers who designed and built this complex were very
21 successful. They did a great job. And the birds love them.
22 We understand it was a Stantec project actually. So credit
23 given where credit due. It is a great project.

24 The -- in the application AltaLink's
25 environmental consultants describe Bretona wetlands as, "This

1 collection of wetlands just south of the junction of
2 Highways 216 and 14 appears to be -- appears to be important
3 for breeding and staging water birds. The preferred route
4 travels through this area dotted with wetlands."

5 And it should be noted in the year -- the
6 season when this photo was taken the water level was
7 abnormally low. In wetter years, these ponds merge together.
8 You can see the wetland grasses around those ponds.

9 The five tower locations centred on Point
10 Designation 8, which is kind of almost in the centre there,
11 towers 28 through 32, are located on the high ground around
12 and between these wetlands with tower number 32, which is up
13 there, between the highways, but on the margin of a wetland
14 there. High -- tower 29 right in the middle of the wetland
15 complex is a heavy angled dead-end. That's this one here.

16 Actually, this is a different tile, but a
17 better tile than the one I had in mind, in some ways in that
18 it shows that is a heavy angle tower despite the fact that
19 it's not an abrupt angle. So that is one of our famous
20 Hudson's towers. And it's hanging over that wetland there,
21 and it will do so for 50 years or so with its cables strung
22 in both directions right through that wetland area.

23 In contrast the underground option, would bore
24 under these wetlands with only a single service point Joint
25 Bay Number 14 located in the wetland area. Joint bay 13 is

1 shown outside the complex slightly west of tower Number 28.

2 That's over there outside the wetland.

3 And Joint Bay 15 is east of the highway
4 interchange at the edge of a cultivated field about
5 330 metres south of Colchester school. That's right over
6 that area there.

7 As the joint bays are underground, they will
8 not impact habitat values or distract from the obvious
9 benefits of undergrounding that there are no visual impact
10 versus very considerable visual impact.

11 Visitors to the pond, human or avian, would
12 see no change with the underground option compared to a
13 dramatic and potentially deadly impact from the lattice
14 towers and overhead lines.

15 Once across Highway 14, if we can continue to
16 scroll to the right and slightly up, the overhead alignment
17 cuts east to the furthest extent possible within the RDA to
18 keep the lines away -- as far away as possible from the
19 children attending Colchester Elementary School, which of
20 course is a good thing.

21 Unfortunately, this puts tower number 34 --
22 right here -- another high angle structure, right in a treed
23 swamp east of the school with 20 steel cables strung right
24 through the heart of it. So couldn't have had a more direct
25 hit on that wetland.

1 The distance from centre line of right-of-way
2 to the quarter section line is only 73 metres. Obviously, to
3 us some of the impacts would spill over into Southeast 4,
4 where we are provided with no information on vegetation
5 classes present or wildlife habitat values.

6 This quarter section to the east -- this one
7 here -- it is shown as rural residential with no recognition
8 of the obvious wetlands and natural cover present.

9 In the field north of this swamp -- right
10 here -- we see tower 35, high angle again. The lines would
11 be strung across another shrubby willow swamp with tower 36
12 right on its northern border up here.

13 On to heavy angle tower 37, on the margin of
14 ephemeral wetland, an angle tower 28 -- that should be 38,
15 obviously -- 38 in a sizeable mixed of white spruce and
16 deciduous ephemeral wetland complex.

17 If we can scroll --

18 THE CHAIR: We can't. That's the end of
19 that tile.

20 A. MR. BOYD: I'm working from a different
21 group unfortunately. If we can move to the next tile, then.

22 While we're actually on this one, the benefits
23 of undergrounding in this segment cannot be overemphasized.

24 Overhead power lines on three sides of
25 Colchester school and strung across a rich mix of habitat

1 types versus buried lines with minimal habitat impacts and no
2 real impact on the school or community, just an underground
3 joint bay every 650 metres or so.

4 We're on T4.

5 THE CHAIR: You want to scroll up to 38?

6 There's tower 38. You were looking for tower 38.

7 A. MR. BOYD: Indeed. And as I said,
8 unfortunately I have a different set of tile -- the tiles I
9 was working with, but the alignment isn't quite the same, but
10 obviously the routing is.

11 I won't prolong our evidence unnecessarily.
12 Obviously, the line goes directly across a permanent pond at
13 designation point 11 and several other wetlands and
14 agricultural fields, often with tower locations on the edge
15 of natural cover areas.

16 Undergrounding across T4's landscape, as we
17 head north, would conserve all the habitat values there and
18 would maintain the pasture and crop lands with no
19 complications for farmers trying to work around tower
20 locations and under wires and no danger of being struck on
21 the head by a falling bird that just met its demise on the
22 overhead line.

23 As well all adjacent landowners, such as those
24 in Fountain Creek Subdivision, would continue to enjoy a
25 western skyline dominated by woodlands and fields rather than

1 a 500 kV power line.

2 Can we head for the north yet, and continue
3 on. This is, of course, a mixed agricultural and natural
4 cover area here.

5 THE CHAIR: I think you want to go to T5
6 now --

7 A. MR. BOYD: We have to head to T5. And I
8 again apologize for not confirming the earlier set that I was
9 working from.

10 Okay. Right there. If we can hold it right
11 there. We've continued off the bottom of the map and on to
12 this mixed area. Scroll back up again. I'm trying to catch
13 that pond right there.

14 Last Wednesday one of the landowners in the
15 Fountain Creek Subdivision, the Johnsons, provided us with a
16 recent photo of the pond west of their home showing hundreds
17 of waterfowl staged there. If we could go to 1075.06 now.

18 That -- you'll recall that photo a week ago.
19 My original note said yesterday we saw this photo, but it's
20 been a week ago now.

21 Younger eyes than mine have figured out
22 there's over 1500 waterfowl represented in that photo.

23 Concentrations of water birds of this
24 magnitude moving daily to and from RDA ponds would
25 undoubtably suffer numerous collisions with overhead lines.

1 And remember this is one of the no-name ponds
2 of limited value, according to the applicants. One of the
3 smaller RDA ponds that didn't make the list of two key
4 wetland identified in Stantec.

5 If you can go back to the tiles, and we'll
6 carry on.

7 Once north of secondary Highway 628, as we
8 learned here on April 26th, the preferred route has now
9 shifted about 175 metres to the west. The applicants agreed
10 in cross-examination some of these wetlands will be more
11 severely impacted by the amended route.

12 From here north we'll be referring to
13 Exhibit 935, if we can jump there. And that is the pond
14 right there with all the birds on it.

15 THE CHAIR: Were you going further north
16 now?

17 A. MR. BOYD: Yes. If you scroll north,
18 again a mixed area. But if we can jump now to tile 935, the
19 Hulbert Crescent is just at the top of that last photo, and I
20 think we'll pick it up in 935, which shows the amended route.

21 If we can flip that 90 degrees. Great.

22 So this shows the newest route. Tiles 5 and 6
23 take us to the end of the area of interest to our association
24 in the north end of the underground options.

25 Towers 47, 50, and 51 -- you can see 47, 50,

1 and 51 there -- are the ones we discussed with Mr. Barnes
2 from Stantec on April 28th, where we found the tower
3 locations that were in cultivated fields are now located in
4 or on the margins of wetlands.

5 And with this strip mosaic showing the colour
6 coding of the towers, you can see that all but one of the new
7 towers on this -- shown on this tile are the more prominent
8 angle designs. Only one of the 13 towers is a tangent.

9 Angle tower 52 and 53 in the subdivision here,
10 Hulbert Crescent subdivision, and the lines hanging across
11 Wye Road, which is the main entrance into Sherwood Park from
12 Edmonton, these will have less impact on wildlife habitat, of
13 course, but will result in a very dramatic visual and
14 aesthetic impact on the residents and visitors to Sherwood
15 Park.

16 Indeed the Chamber of Commerce building and
17 the tourist information centre is at the corner of Olds Road,
18 which is right here. That's the tourist information bureau
19 and visitor centre for visitors to Sherwood Park. It's about
20 550 metres from centre line of the new route. It was, of
21 course, closer to the old one.

22 This would be quite an introduction to
23 visitors, "Welcome to Sherwood Park. Please forgive the
24 hum," because you definitely would be able to here it on a
25 damp day from the tourist information booth.

1 Angle tower 54 brings us back into the mixed
2 wetland and farmland vegetation class area as we move on to
3 tile 6, if I've got these tiles right. That's good.

4 Tower Number 57 is centred in what we now know
5 is a wetland, but was shown as a cultivated field in
6 Appendix J-1 on the September application. That's this one
7 right here.

8 The record shows that Stantec and the
9 applicants have recognized this mapping error. So this is,
10 indeed, a wetland. This year particularly it's wet from east
11 to west right across the entire RDA there.

12 Next comes the jog, if we scroll further
13 north. The jog now goes to the east. It was to the east
14 originally. Then was to the west. It's back to the east
15 again now.

16 That new tower locations 59 and 61, with tower
17 number 60 in the centre of an aspen wood lot.

18 Tower 61 prepares the line for its stretch
19 across Baseline Slough, which is this large permanent pond
20 here, and then across Baseline Road, if you can scroll to --
21 further there. Thank you.

22 Now, hundreds of Sherwood Park homes currently
23 enjoy the green space view out over this RDA. This is, of
24 course, commercial section of Sherwood Park here, but
25 everything south for two and a half miles there is

1 residential and -- plus if we can scroll back south again --
2 I apologize -- you can see there the start of all the little
3 white circles. Those are all residence. And it goes on
4 south for some distance there. These are all residence that
5 look out over the RDA land.

6 Of course, if you right back on to it, you've
7 got a magnificent view. Anyone on a street there that runs
8 in a general east-and-west direction enjoys a view out over
9 the RDA lands. As a matter of fact, president of my
10 association lives right there.

11 The underground option follows the original
12 alignment, but by definition is placed under the reclaimed
13 ground surface rather than being strung out in layers from 30
14 to 70 metres above it. Joint Bay 31 in the cultivated field
15 south of Baseline Slough, which is pretty well right where
16 tower 61 is shown there, would be the only disturbance near
17 the wetland.

18 Given a description of what a typical joint
19 bay will look like, it's safe to conclude there would be no
20 discernible visual impact resulting from the underground
21 option.

22 The underground option as proposed would
23 surface north of Baseline Road in a cultivated field with a
24 new transmission facility built there.

25 If we can scroll to north end of the pond, a

1 little further yet. Good that catches both Baseline ponds.

2 Much earlier in the hearings Mr. Watson and
3 Mr. Mallon discussed the idea of carrying the underground
4 route a bit further north rather than come up in the middle
5 of this cultivated field here to somewhere near tower 65 or
6 66 in this area.

7 This would be to avoid the wireline impacts on
8 this pond here, which appears to be a fairly small pond, but
9 it's a very heavily used pond. And we strongly support this
10 suggestion. So just carrying the route a little bit further
11 would avoid the last of the natural area ponds.

12 There are ponds further to the north,
13 wetlands, but it is in a much more industrial area, and it's
14 a harder sell to convince the applicants that it should go
15 underground there.

16 There's quite a stretch before we run back
17 into any residential areas, but even that industrial area is,
18 indeed, used by waterfowl.

19 So certainly from the point designation at
20 kilometre 20 south to the Bretona ponds, as we just reviewed,
21 and west to the Ellerslie substation, we conclude the
22 underground construction should be the only method
23 considered.

24 That's the end of our little tour. I hope
25 it's been somewhat useful, and I apologize for not keeping

1 track of the changing tile numbers.

2 THE CHAIR: That's all right. We're all
3 in the same boat trying to keep track of that.

4 Any questions from anyone?

5 MR. FELDBERG: Not from us, sir.

6 THE CHAIR: Mr. Mousseau?

7 MR. MOUSSEAU: No questions, sir.

8 THE CHAIR: Mr. Boyd, I'm going to ask you
9 something that I know you've been here quite a bit. Were you
10 here when the [REDACTED] witnesses were on the stand, the business
11 owners who were concerned about --

12 A. MR. BOYD: Yes. I was here for part of
13 it, for sure.

14 Q. How do you respond to them, if you were sitting across
15 the kitchen table, using the metaphor from earlier in the
16 hearing, with them and they were telling you how concerned
17 they were about losing their businesses and you were saying,
18 "I'm concerned about visual impacts and the wildlife and all
19 of that stuff. So I want this thing to cost \$400 million
20 more." And they're saying, "You're going to put X thousand
21 of people out of work," or whatever their response to that
22 would be.

23 Just give me just your view of how you would
24 convince them.

25 A. MR. BOYD: Well, I can certainly

1 understand their interest in keeping their power bills as low
2 as possible. Some of them do use a considerable amount of
3 energy. I guess that's why you're up there and not me.
4 You're willing to take on that task of trying to weigh all
5 those opposing considerations.

6 I am personally not convinced that it's going
7 to double the price of this power line. It will
8 unquestionably raise the price of the power line. I think
9 it's a justified increase. We're going to have to learn how
10 to do this in an economical way because -- certainly around
11 urban areas and around critical habitat areas, I would
12 contest it's going to have to be the way of the future. I'm
13 sure the costs will come down with experience. I think the
14 costs will come down if we seriously ask for quotes rather
15 than just kind of more or less taking a shot in the dark.

16 The method of undergrounding has changed. The
17 original was a direct burial, which was going to be cheaper.
18 We had to go the more costly one because of possible time
19 restraints.

20 I don't believe those time restraints are
21 there. I think we can build this in the cheapest way
22 possible. We should build this in the cheapest way possible.

23 I think in the future we'll learn someday to
24 plow these lines in which will be cheaper yet. We've learned
25 to do that with pipelines.

1 It's going to take a heck of a CAT to carry
2 that spool of wire, but there will be a way to do it. And
3 I'm sure we will find it in the future. And I think the
4 costs will come down.

5 I think this is clearly, to me, a case where
6 the increased costs will be justified. I don't want to put
7 anybody out of work. I don't think people will be put out of
8 work by the costs of this power line, if it has to cost as
9 much even as suggested.

10 And as I say, I think we can build it cheaper
11 if we get serious and get some tight numbers in and extend
12 the timeline.

13 It was suggested earlier we could phase it.
14 And certainly we can with undergrounding. You just dig
15 another trench. It's not like you have to put up new towers
16 or build towers in advance to carry more lines. Build it to
17 a reasonable level right now, which would be considerably
18 cheaper than building the whole thing. And if the power
19 demand comes up, if the cogeneration option isn't picked up
20 by the Heartland plants, if they ever show up, then put in a
21 parallel underground level, but in the meantime, build it at
22 a reasonable cost and to a reasonable size.

23 Q. Okay. You can understand why I asked the question.

24 A. MR. BOYD: Absolutely.

25 THE CHAIR: Thank you, Mr. Boyd, for your

L. [REDACTED] D. [REDACTED]

Testifies

1 tour along the route.

2 A. Any time. You can join me any time, but be prepared to
3 run. It's all closed land according to the provincial
4 government, but I'm there often and I enjoy it often.

5 In closing I would like to thank Mr. Mousseau
6 and Anderson and Liying for your assistance. You have been
7 very accommodating given the process as it's unfolded and us
8 amateurs are fishes out of water here, and you really have
9 helped us participate in the hearing.

10 THE CHAIR: Thank you for that, Mr. Boyd.

11 (WITNESS STANDS DOWN)

12 THE CHAIR: Next we have HALO.

13 MR. [REDACTED] Good morning.

14 THE CHAIR: Good morning, Mr. [REDACTED] and

15 Mrs. [REDACTED] I'm going to ask the court reporter to swear
16 you in and then you can make your presentation and you know
17 the drill. You've been here enough.

18 L. [REDACTED] D. [REDACTED] (For HALO), sworn, Testifies:

19 THE CHAIR: Go ahead, please.

20 A. MS. [REDACTED] This slide presentation is
21 Exhibit 1112.

22 Good morning, Mr. Chairman and Panel members.
23 We would like to do a PowerPoint presentation. My name is
24 [REDACTED] [REDACTED] I have over 30 years' experience in research
25 and analysis. I offer expertise in strategic management and

1 research and market analysis and operate a consulting company
2 based in Sherwood Park. My CV is on record, Exhibit 834.02.

3 [REDACTED] and I live in the subdivision of
4 Woodbridge Farms in Sherwood Park. We have lived there for
5 31 years.

6 The Heartland Transmission Project got our
7 full attention in January 2010 when the Heartland project
8 team announced that they wanted to build the project in the
9 east Edmonton TUC, what we had always known to be the
10 greenbelt.

11 There has never been a transmission project of
12 this magnitude in the province before. Our neighbours were
13 aghast and wondered how could this be. There must be a
14 mistake. So the technologist and the analyst decided there
15 might be something we could do, but it would take
16 perseverance and some personal sacrifice.

17 After reviewing the Heartland application I
18 prepared the intervener submission, Exhibit 757.01, on behalf
19 of homeowners against lines overhead, HALO for short, a group
20 that [REDACTED] and I formed. Next slide please.

21 HALO decided to undertake some research. The
22 areas of study and investigation included health, safety, and
23 land use. The paper reported HALO's findings in these areas,
24 as well as the results of our audit of the Heartland project
25 schedule and economics. Finally, the report outlined HALO's

1 recommendations to the Commission. Next slide.

2 Health findings included people have
3 significant uneasiness with living in close proximity to high
4 voltage transmission lines. The applicants' selection of the
5 east TUC puts the Heartland power line closer to the greatest
6 number of people by far. Over 15,000 people will be exposed
7 to magnetic fields in the east route if the east route is
8 selected.

9 If you add the people in schools, A&D Daycare,
10 and the Alberta Hospital that number would rise to about
11 18,000. At the Alberta Hospital property boundary magnetic
12 fields could be as high as 17.5 milligauss.

13 During the course of these proceedings I have
14 learned that magnetic fields will be the highest directly
15 under the transmission line. Image the commuters that use
16 Sherwood Park Freeway and Baseline Road daily. Under the
17 line the exposure will be about 64 milligauss.

18 The Seletun scientific panel is a group of
19 seven scientists from five countries who are considered
20 international experts on the biological effect of EMF. They
21 specialize in EMFs and RFR research. They recommend a
22 1 milligauss setback distance for power transmission lines
23 from residence, hospitals, schools, parks, and playgrounds
24 using peak loading.

25 With respect to safety and land use findings,

1 there are a whole lot more close pipelines carrying a lot
2 more dangerous stuff in the east TUC than there are on the
3 west route. Adding a power line to the east TUC could
4 contribute to a dangerous situation or even create a
5 dangerous situation, implicating our residential communities
6 alongside the TUC.

7 The TUC is valued as a major pipeline corridor
8 for pipelines serving North American markets and for access
9 to existing industrial plants and pipeline terminals in the
10 area. Next slide please.

11 In our review of the project schedule we found
12 inconsistencies and errors. One example was commissioning.
13 In the application the tables showed that the east route
14 commissioning would take two months while the west route
15 commissioning would take a total of five months. The
16 April 4th reply evidence seemed to correct this by indicating
17 that commissioning would take two months for both routes.

18 We also found areas where the west route
19 schedule could potentially be compressed and still meet the
20 AESO's requirements.

21 With respect to the economic assessment, with
22 only a limited review of the model that underlie the CCI
23 underground feasibility study, our anticipation built when we
24 thought we would finally be able to do the due diligence on
25 whether one route was truly the least-cost and how much more

1 it was going to cost to build an underground section. We
2 were not able -- we were not looking for the costs to be
3 actuals, as will be the case once the project is built, but
4 rather that the costs for each option at this stage were
5 modelled without bias and that they were thorough; in other
6 words, not missing any components.

7 And we realized that there needs to be a
8 balance between transparency and appropriate business
9 confidentiality.

10 So what did we find? Inconsistencies and
11 material errors in the spreadsheets across all four routes,
12 route and technology options. Particularly in time-sensitive
13 components, which when time frames are extended drive up
14 cost. Many examples of underestimating the construction
15 costs for the east TUC lattice and a tendency to skew towards
16 the east TUC route. Social costs were missed on both routes.
17 We also found remnants of leftover assumptions and cost
18 components in the PV model.

19 HALO has not been able to complete its due
20 diligence of the economic model and to verify the validity of
21 claims made by the applicants, and to provide the Commission
22 with a level of confidence that one route or technology
23 option is more or less expensive than another. HALO is
24 convinced that an underground option is affordable. It is
25 also convinced that the west route costs are comparable to

1 the east TUC lattice costs. Next slide please.

2 This slide shows HALO's recommendations, as in
3 our evidence, and gives an update of progress and
4 achievements to date. These are not in any particular order.
5 The first one: "Build the Heartland project along the
6 superior west route." We have none to report to date, and
7 this decision rests with the Commission.

8 The second one: "Take precautionary
9 approach." This is the Commission's prerogative and will
10 guide their decision.

11 "Mitigation strategy 1, build underground."
12 Possibly a shorter section than what was in the application.
13 There's none to report. Again this will rest with the
14 Commission.

15 "Mitigation strategy 2, move towers further
16 west in the TUC." Alberta Infrastructure has okayed the swap
17 of the areas -- that is the pipeline, power line designations
18 in the east TUC -- and the applicants have filed an amended
19 route, which moves the power line 100 to 200 metres west of
20 the original siting. Next slide please.

21 So HALO will continue to search for a win-win
22 for those who are personally impacted by the proposed
23 Heartland project, homeowners and business owners and their
24 employees, and this includes the farms along both routes, for
25 students and staff, for patients and staff, for the

1 environment, land and the critters that call this environment
2 home.

3 It will also search for a win-win for the
4 taxpayers who bear the costs. Also for the transmission
5 facility operators who will be assigned the task of building
6 the facilities. Also for the government and the regulator
7 who are tasked with and trying to do the right thing for the
8 citizens of Alberta.

9 Thank you. [REDACTED] and I will be pleased to
10 answer any questions you have.

11 THE CHAIR: Thank you, Mrs. [REDACTED]

12 Questions from anyone? Mr. Feldberg?

13 MR. FELDBERG: Mr. Chairman, I don't intend
14 to ask questions of this panel, but I do want to put the
15 following on the record, in that the submission that's been
16 put forward by HALO, there is contradictory evidence
17 throughout the record on many of these issues and many of
18 these points. But rather than put them in serial fashion to
19 the witnesses as you might do professionally in court, it
20 seems to me a better approach is to simply deal with it in
21 argument rather than take the time to go through every place
22 where it says something else on the record. That's the
23 position I intend to take.

24 THE CHAIR: Okay. And the [REDACTED] know
25 that they will have an opportunity to make final argument and

L. [REDACTED] D. [REDACTED]
Questioned by Mr. Mousseau

1 that they will have opportunity in reply to address.

2 MR. FELDBERG: My position is I think I
3 understand their evidence from the record. I don't need to
4 obtain any evidence from them, but we don't accept that
5 everything that they say is accurate, and we will provide
6 that in argument and they will have the opportunity to do the
7 same.

8 THE CHAIR: Okay.

9 MR. FELDBERG: That's my position.

10 THE CHAIR: That's fine.

11 Mr. Mousseau, any questions?

12 MR. MOUSSEAU QUESTIONS THE PANEL:

13 Q. I just have one question for you, and it has to do with
14 the amended route option within the TUC, which seems to have
15 been sparked to some degree by a letter you wrote to Alberta
16 Infrastructure. My only question is whether that route in
17 your opinion is better than what was previously applied for?

18 A. MR. [REDACTED] Yes, it is. It does get it
19 further away from the houses.

20 A. MS. [REDACTED] I say absolutely.

21 Q. One of your other concerns expressed was with respect to
22 corrosion, pipeline corrosion and induction. Do your
23 concerns change with the amendment to the routing?

24 A. MR. [REDACTED] Well, they're still in
25 proximity to the piping, like overhead. If you mix AC

L. [REDACTED] D. [REDACTED] Questioned by the Chair

1 induced interference with the pipelines that are going to
2 have to be mitigated, and with any mitigation -- nobody is
3 going to give you a hundred percent guarantee.

4 If you take -- whether you put a power line in
5 the TUC or close to a pipeline, it doesn't matter if it's a
6 TUC or where it is, or you don't, then you don't have to
7 mitigate if it wasn't in the area, so ...

8 Q. Okay.

9 A. MR. [REDACTED] There is some old pipelines out
10 there, so ...

11 Q. Right. But I take it whether it's overhead or
12 underground, the corrosion and mitigation concerns remain the
13 same?

14 A. MR. [REDACTED] Yes, they do.

15 Q. Thank you, Mr. and Mrs. [REDACTED]

16 MR. MOUSSEAU: Thank you, Panel. Those are
17 my questions.

18 THE CHAIR QUESTIONS THE PANEL:

19 Q. Just a couple of things. The Seletun scientific panel
20 recommendation of a setback of 1 milligauss, you made
21 reference to it in your presentation but I didn't heard the
22 words from you saying what we should do with that. So are
23 you asking that we adopt that setback or what was your point
24 of that?

25 A. MS. [REDACTED] Yes, I believe that should be

1 adopted.

2 Q. Okay. And then you said the underground option is
3 affordable, and I'm expecting that you'll have more detail on
4 that in your final argument, some numbers and things like
5 that. Is that what I could expect?

6 A. MS. [REDACTED] I think that we probably have
7 been looking at the work that RETA has done. And it would
8 seem to us that the actual final costs of the underground
9 option could be lower than what was in the application. Also
10 there could be a shorter section.

11 I think that -- I think that possibly the
12 Commission has asked for the costs of -- what was it? A 6.4,
13 6.5 kilometre section. So that's what we were thinking about
14 when we're saying that.

15 Q. And were you here when the accountants for RETA were
16 discussing what they had done in terms of looking at the
17 costs, that most of it was accounting changes; and then
18 Commission counsel asked that they file -- that they do the
19 same accounting treatment for the applicants' proposal, and
20 that reduced the cost the applicants' proposal as well?

21 A. MS. [REDACTED] Yes, we were here.

22 Q. So that had nothing to do with the costs, simply the
23 accounting for the costs; right?

24 A. MS. [REDACTED] Yes.

25 A. MR. [REDACTED] But it did impact the bottom.

L. [REDACTED] D. [REDACTED] Questioned by the Chair

1 Q. I understand. As you know, there are ways of changing
2 regulatory accounting practices.

3 And then you said that the new preferred
4 segment through the RDA in Sherwood Park or the TUC that
5 places the lines farther west was your second mitigation
6 option. Did you consider at any time monopoles as part of
7 that?

8 A. MS. [REDACTED] We do prefer monopoles over
9 lattice.

10 A. MR. [REDACTED] One of the things that got us
11 percolating on that is if you looked at the monopole at
12 tower 60. It wasn't actually a win for the Woodbridge -- the
13 north end of Woodbridge. Because the transition from
14 monopole to lattice would have been in the middle of
15 Woodbridge Farms. So technically we wouldn't have had much
16 advantage.

17 So that's really where we started looking at
18 how this could be changed or mitigated.

19 Q. Okay.

20 A. MR. [REDACTED] So now the monopole would run
21 to tower 61, which would be north of the Woodbridge Farms.

22 Q. So you were looking at the monopole versus lattice
23 option in terms of the impact on you where you live; is that
24 right?

25 A. MR. [REDACTED] Yes.

L. [REDACTED] D. [REDACTED] Questioned by the Chair

1 Q. Okay.

2 A. MS. [REDACTED] Where the transition was going
3 to occur.

4 Q. Okay. And so you know that the monopoles are closer
5 together than the lattice towers so there would be more of
6 them?

7 A. MR. [REDACTED] Yes.

8 Q. And so that doesn't give you any -- I'm not saying no
9 concern, but that doesn't influence your decision between
10 lattice and monopoles?

11 A. MR. [REDACTED] Well, I think from the visual
12 there would be less structure in your view. So monopole
13 would be kind of preferred over the lattice.

14 Q. Okay.

15 THE CHAIR: Thank you. Those are my
16 questions. Thank you very much for all your work.

17 A. MR. [REDACTED] Thank you.

18 A. MS. [REDACTED] Thank you.

19 (PANEL STANDS DOWN)

20 THE CHAIR: Mr. Mousseau, is it [REDACTED]
21 [REDACTED] next?

22 MR. MOUSSEAU: Yes, sir.

23 THE CHAIR: Good morning, Ms. [REDACTED]

24 MS. [REDACTED] Good morning.

25 THE CHAIR: Let's see how many chairs in

P. [REDACTED]

Testifies

1 this room will you have occupied. You have been at the
2 microphone cross-examining and now you're here giving
3 evidence.

4 MS. [REDACTED] Is that allowed?

5 THE CHAIR: Most people get one or two
6 chairs. I only get one. But that's fine. So could we have
7 this witness sworn please.

8 P. [REDACTED] (In her own stead), sworn, Testifies

9 THE CHAIR: Okay.

10 A. Good morning, Chairman and Commission. My name is

11 [REDACTED] [REDACTED] and I live with my husband and our [REDACTED]
12 on the alternate route. I must apologize. I seem to be
13 losing my voice and, as always, these things happen at the
14 most inopportune times.

15 Liying, could I have map W11 put up, please.
16 And we'll just leave that up there.

17 I am representing myself because I took a
18 slightly different -- I seek a slightly different result in
19 this hearing, and that is to have both routes denied. While
20 I don't for a second feel that the west alternate route
21 should be chosen, neither should the preferred route, which
22 affects our east Sturgeon County friends and neighbours, with
23 many of the same concerns, as well as our friends in
24 Strathcona County and Edmonton.

25 And while I don't want this line running past

1 Colchester School, nor do I want it close to homes on the
2 alternate route, where our children spend most of their time,
3 where families live, work, and sleep. And as the Colchester
4 parents indicated, their children do have the option of
5 changing schools. Ours do not have the option of changing
6 homes.

7 I would like to start with a conversation that
8 took place last Tuesday evening between Mr. Mousseau and
9 Mr. Foley. On page 3209 Mr. Mousseau asked:

10 "With respect to Ms. [REDACTED] and
11 [REDACTED] did you have similar
12 discussions with them about whether a
13 buyout would be acceptable?"

14 To which Mr. Foley replied:

15 "I didn't personally. My understanding
16 was that they weren't looking to be
17 bought out."

18 But what Mr. Foley should have said is: "I have no idea if a
19 buyout would be acceptable to the [REDACTED] Because in the
20 almost year and a half since HTP started talking to the
21 [REDACTED] on over a dozen occasions, not once did HTP ever
22 ask them if they would like a buyout; not ever.

23 When the first maps came out in January 2010
24 showing the preferred and alternate routes, the line was less
25 than 150 metres from our residence. [REDACTED] and I were told

1 in no uncertain terms that because the infrastructure was not
2 located on our property we would not be eligible for any
3 compensation of any sort. Even though the line was in closer
4 proximity to us than just about anybody else on the whole
5 project. In fact we were told that we were not really
6 affected.

7 But I can assure you that if this line goes
8 through, my family and I have no intention of continuing to
9 live in our dream home and will be forced to move from our
10 little Shangri-La.

11 Two Fridays ago Mr. Beattie asked
12 Ms. [REDACTED] on her video featuring the sound of frogs if it
13 was enhanced. It was not. That is our lullaby to which we
14 drift off to sleep each night.

15 We do not feel the industrial hum of a high
16 voltage transmission line to be an acceptable replacement.
17 We built where we are at the back of the quarter for a
18 reason. Our house is on a bit of a rise. We can see the
19 high rises of downtown Edmonton. We are close to nature, to
20 peace and quiet. It was not easy to build a mile and a half
21 long driveway, but it was worth it.

22 At one point Mr. Mousseau asked someone if a
23 tree line or a shelter belt between the towers and a
24 residence would have a mitigating factor. As the owner of a
25 small tree nursery, I can say that this, being northern

1 Alberta, I know of no trees tall enough to provide a screen.
2 We do have a natural shelter belt behind our home and the
3 tallest trees are about 40 feet tall. Structures would tower
4 over the trees at least four or five times the height.

5 I'm not going to ask to look at pictures at
6 this moment, but if you're ever going through some of the
7 pictures with the towers transposed into them, just have a
8 look at how the shelter belts are dwarfed. They offer no
9 mitigation.

10 These towers might look like Inukshuks to some
11 and bags of money to others, but to me they look like an army
12 of alien invaders marching across the countryside to steal
13 our land and end civilization as we know it.

14 A couple of weeks ago when I questioned the
15 HTP panel, you probably got the impression that I was
16 appalled with the consultation process. I am gratified to
17 point out that almost every stakeholder has echoed my
18 concerns, from both the alternate and the preferred routes.

19 And yet the applicants have trumpeted how
20 proud they are, the great job they can do with consultations.
21 It was one of the largest ever. Blah, blah. Please do not
22 confuse size with quality.

23 And I want to point out two perfect examples
24 that contradict their claims. First -- and I'm sorry to keep
25 coming back to this -- there is the St. Albert Airport.

1 Mr. Foley testified that the HTP removed the setback in the
2 summer of 2009, but the first that the affected landowners
3 learned of the changes was when the preferred and alternate
4 routes came out January 2010. That gave HTP a window of
5 anywhere from four to six months in which they could have
6 worked with landowners in this area, arguably one of the
7 worst sections in the whole project.

8 Perhaps they could have taken advantage of the
9 opportunity to take landowners' concerns into consideration,
10 but they intentionally chose not to. Maybe they had reached
11 their quota for X number of buyouts. Maybe there were
12 bonuses given to planners for keeping the route away from
13 residences. Whatever the reason, by drawing the line first
14 they squandered that opportunity.

15 The consultations took place, as Mr. Foley
16 states, after the route was in place, after the planners had
17 deliberately gone off the quarter lines, after they split the
18 differences between the residences. No pesky buyouts.

19 So when the HTP says consultation was an
20 important part of the project, we can clearly see it was not.

21 Mr. Mousseau asked Mr. Berrien if there should
22 have been consultation before the line was drawn. "Of
23 course" Mr. Berrien replied. Were the [REDACTED] ever given
24 an option of having the towers on their land and taking a
25 buyout? No. And I'm told the HTP has come up with the magic

1 number for the [REDACTED] After a lot of confusion it is
2 181 metres from their residence. How lucky for the HTP.
3 Still no buyout.

4 So could prior consultations have resulted in
5 a better route? Well, we'll just look at a very quick
6 hypothetical example. And I'm not insinuating that this
7 should have been chosen, but let's just look at this.

8 THE CHAIR: Do you want the map moved at
9 all?

10 A. Could we just move to the right a little bit. Other
11 way. Just a hair more, please. Just a little bit more.
12 There, perfect.

13 THE CHAIR: Do you want it up or down?

14 A. No. That's perfect.

15 If it continued up this quarter line
16 diagonally across here, HTP says that they prefer not to run
17 diagonals, but this would just be an extension of an existing
18 diagonal. And, ironically, the word in the neighbourhood is
19 that this property is now up for sale.

20 Perhaps they would have agreed to a buyout,
21 and cost-wise this route would have saved two corners and
22 numerous angles.

23 It could have saved millions and millions of
24 dollars, but alas we will never know, we were not consulted
25 until, "Too late."

1 At one point HTP put some dotted lines on the
2 map over here. I understand they approached landowners in
3 that area and said something to the effect of "The line is
4 currently running on your neighbour's land, but we want to
5 ask if you would like it on your land instead." To which the
6 reply was, "No, thank you." And the dotted lines quickly
7 disappeared. So much for consultations.

8 My second illustration of the futility of the
9 consultations starts with the old saying, "A leopard cannot
10 change his spots."

11 Forgive me for this, but I want you to
12 remember back to the first few weeks of this hearing when the
13 HTP panel was being cross-examined. Everyone in this room
14 listened with increasing frustration to evasive answers,
15 uncooperative replies and broken-record responses.

16 At times getting a straight answer was not
17 like pulling hens' teeth, like Mr. Niven compared, it was
18 more like having a root canal with no anaesthetic.

19 I'm sorry for reminding you of that painful
20 time, but that was a picture perfect glimpse of what was
21 experienced by the landowners, residences, and stakeholders
22 during the one sided the consultations.

23 The SNC leopards on the HTP panel would have
24 you believe that during public consultations the leopards
25 were actually happy and smiling, graciously helpful, patient,

1 accommodating in every way possible, but you, the Commission,
2 got a close-up view of the leopard and his spots.

3 Enlightening, wasn't it?

4 Another thing the Commission has heard over
5 and over again was the desire for the older generation as we
6 age to have the younger generation build near to us to help
7 us manage as we slow down. Living in the country has lots of
8 challenges.

9 The first Wednesday of this hearing,
10 April 13th, [REDACTED] and I received a call from our sons
11 warning that the water from the melting record snowfall,
12 which normally flows through culverts under our driveway, was
13 rising and about to wash out our road for the first time in
14 the 20 years that we have lived there.

15 Lying, could we move the -- a little bit
16 more, please. Good. Perfect. Right about there.

17 The four of us spent the evening digging a
18 trench and laying a tarp over it to allow the water to flow
19 over it without eroding out our driveway.

20 We parked two vehicles on the east side of
21 this, and for the next ten days or so to come to the hearing,
22 Lawrence and I packed our briefcase, our binders, and our tub
23 of watermelon into a wheelbarrow and rolled it down to our
24 car on the other side of the trench.

25 That is what you do when you live in the

1 country. You adapt to the weather, to septic system
2 failures, brush fires, well water breakdowns. My family and
3 I have experienced all of these, but as we get older, we need
4 our children close by to assist us with these challenges.

5 We don't want to move to some apartment in the
6 city. A perfect example of this is Ms. [REDACTED] who moved
7 next door to her aging parents to provide such support. So
8 if she is forced to move, even if she is given a buyout, her
9 parents will suffer.

10 Her father, who is too ill to attend this
11 hearing, too ill to come and defend his property, was a
12 [REDACTED] for many years. This family is a pillar
13 of the community.

14 Again, I'm referring to my immediate
15 neighbours, but I'm sure the same applies to many others on
16 both routes.

17 Another example of how our rural community is
18 affected is the Villeneuve Soccer Association, which I
19 organize with another mother. It runs every Tuesday and
20 Thursday evening behind Villeneuve Hall. This year we have
21 194 children age 4 to 15 on 12 different fields.

22 As well as myself, many of my immediate
23 neighbours are very involved. [REDACTED] from the
24 buyout panel coaches the [REDACTED] year olds. Her [REDACTED]
25 play. [REDACTED] helps with setup. Her [REDACTED]

1 plays.

2 [REDACTED] is the gentleman who spoke to
3 you a couple Fridays ago and described watching a deer give
4 birth. I believe Mr. [REDACTED] is in his [REDACTED], but he coaches
5 [REDACTED], as does my [REDACTED]n, who spoke to you two
6 Fridays ago.

7 To force all of us to move, the [REDACTED]
8 the [REDACTED] ourselves, this rips gaping holes in the very
9 fabric of our community. This is the structure that holds
10 communities and society together and should be cherished, not
11 torn apart over industry greed, and this applies to the
12 preferred route as well.

13 Another major concern is the public interest.
14 If you remember, I had asked the HTP panel where in the
15 application it showed the benefit of this project to the
16 ratepayer, who has to pay for it, and the answer was
17 basically, "It isn't anywhere in the application."

18 The public interest is ignored. On Monday we
19 heard Mr. Feldberg work very hard to get Mr. Fulton to admit
20 that this Heartland project would not be too bad for
21 Albertans, it wouldn't cause too much financial burden, this
22 project wouldn't trigger job losses.

23 But why would we build a project just because
24 it is not too much of a hardship on Albertans? Where in the
25 application do we see its benefits? This has not been

1 answered and has been asked before: How do Albertans
2 benefit?

3 Again, I am very happy that many stakeholders
4 brought up the fact that they feel these lines are not needed
5 or not in the public interest. Albertans are not stupid. We
6 see what is happening between AESO, the PC government,
7 AltaLink, and ATCO. We are on to them.

8 We're not saying that we never want another
9 transmission line or that we want to stop responsible
10 progress or growth in Alberta. We are happy to build and pay
11 for transmission lines as is required, but that's the key,
12 isn't it?

13 How do we know what's required? The perfectly
14 good public needs assessment, like those used in every other
15 jurisdiction in North America, has been eliminated by
16 Bill 50. The expert decision of the AUC has been removed in
17 assessing the need.

18 There are a number of reports from industry
19 and independent studies, which I included with my submission.
20 I won't go into these now. Mr. Wilson's panel addressed this
21 issue quite comprehensively. However, these studies do
22 confirm that the Bill 50 lines are not in the public's best
23 interest.

24 Different proponents of this project say
25 having the public pay for these lines is no different than

1 having the public pay for highways or hospitals.

2 That is ridiculous. Alberco is a St. Albert
3 company that builds publicly funded bridges, roads, and
4 overpasses. And does Alberco own these structures once these
5 are built and charge tolls to the public to use them? No.
6 Does PCL own the hospitals it builds and charge fees to
7 patients? No. That is laughable.

8 For anyone to make such comparisons of
9 transmission lines to hospitals and roads is absurd and
10 self-serving.

11 Utilities are not a luxury. They are a
12 necessity of life for all Albertans. That is why for so long
13 they were regulated.

14 One component of utilities is infrastructure,
15 but we must be extremely careful to ensure that affordability
16 for seniors and low income earners as well as high volume
17 users such as farmers, small businesses, and industrial
18 companies.

19 As we've heard, many companies have small
20 margins competing with North American and overseas rivals.
21 Like in health we must take the preventive role to ensure
22 these businesses are not forced to close or chased from the
23 province.

24 All of us must examine our spending, our wants
25 versus our needs. My [REDACTED] says he needs a cell phone.

1 I say, "No, you don't." He says he needs a laptop. I say,
2 "No, you don't." He says he needs a \$300 tennis racquet.
3 "Well, okay. He got the tennis racquet," but only because we
4 got it secondhand on sale for \$80, and he is a darn good
5 little tennis player. Sometimes we say no, but not always.
6 We look at the overall picture. It is about establishing
7 needs versus wants.

8 So AESO is told to plan a transmission system
9 grid. Now, let me tell you why AESO's plan scares me so
10 much.

11 On approximately November 1st of 2010, one of
12 the lawyers associated with this hearing plus two members of
13 our Sturgeon blue line group -- including [REDACTED] who for
14 got to mention this the other day, but she provided me with
15 her notes -- they attended a business luncheon with a room
16 full of land agents at the Edmonton Petroleum Club.

17 The guest speaker was Ms. Leanne Dawkins, an
18 employee and representative of AESO. Ms. Dawkins told the
19 audience, not once, but twice that "Load forecasting,
20 predicting demand, is like gazing into a crystal ball." That
21 is a direct quote. The second time she said, "Planning is
22 like looking into a crystal ball."

23 Are fortune-like techniques employed by AESO
24 to make significant decisions?

25 Remember the AESO give the PC government

1 information to make legislation. However, perhaps this does
2 explain some of the questionable -- in my opinion
3 questionable -- decisions made by AESO recently. But I do
4 compliment Ms. Dawkins on her honesty.

5 I'm told you can question [REDACTED] on this,
6 if you like.

7 Anyway, the AESO is told to plan a
8 transmission system grid with input, no doubt, from ATCO,
9 AltaLink, et cetera, and the public will pay the bill.

10 So out comes the plan with huge lines going
11 all over, not just once but twice. This is not planning.
12 This is keeping your options open.

13 So do we need power going into Fort McMurray
14 or coming out of Fort McMurray?

15 I guess AESO's crystal ball was a bit cloudy
16 that day. So just in case, they planned two lines so we can
17 send power up to Fort McMurray and bring power out at the
18 same time.

19 Same with the Edmonton Calgary lines. We can
20 have power coming up from Calgary and going down to Calgary
21 at the same time.

22 The Heartland line is double circuit. We can
23 move power from Ellerslie to Heartland and Heartland to
24 Ellerslie at the same time.

25 While this may be beneficial to the electrical

1 generators and very lucrative for electrical transmitters,
2 there is no benefit to the guy paying the bill, the
3 ratepayer.

4 I understand that some ability to switch is
5 required, but come on.

6 In AESO's own long-term plan, it states AESO
7 is responsible for identifying benefits that could be
8 delivered to Albertans as a result of the interties, and this
9 is referring to the merchant interties.

10 When I asked the AESO panel if they had done
11 this for the MATL line, their testimony was, "No."

12 AESO is neglecting their responsibilities to
13 the public. If they are not considering public interest, who
14 is?

15 If I told my 18-year-old son, "You need a car,
16 and I will pay for it, just make sure it fits into the plan,
17 reasonably priced, good gas mileage, reliability,
18 affordability, maybe a nice like Volkswagon Golf," he would
19 come tomorrow with a Nissan sports car, a GRT,
20 500 horsepower, and when I ask, "How does this fit into the
21 plan," he would reply, "According to my research, this Nissan
22 GRT is faster than a Ferrari. So my plan is if I am late for
23 class and am behind a Ferrari on the highway, I will be able
24 to pass the Ferrari and not be late for class. You don't
25 want me to be late for class, do you?" This is the kind of

1 reasoning behind the Bill 50 lines.

2 At an HTP open house in Sherwood Park, a rep
3 from the PC government, Mr. Tim Grant at first misrepresented
4 himself as an affected landowner. He was quickly identified,
5 but he stated loudly and clearly, "These Bill 50 lines allow
6 Alberta to import and export electricity at the same time."

7 How does this benefit Albertans? It doesn't,
8 except for the generators and transmitters.

9 Another common concern we've all heard is
10 compensation. Why should anyone, individual or family, have
11 to subsidize this project? Why should anyone, individual or
12 family, have to take a hit for the rest of Albertans? This
13 has not been addressed.

14 There must be a system in place to properly
15 compensate landowners, but there is not.

16 What is a buyout? It is an expression of
17 interest to be compensated, but on the alternate route, there
18 were no dollar values discussed. And if you look at
19 Map W11 --

20 Lying, could you move that a bit to the
21 right. No. To the left. Okay. And down. Great. Thank
22 you.

23 When we look at map W11, look at [REDACTED]
24 [REDACTED] land. He has the same concern. And the same
25 corner as [REDACTED], five towers. Only worse, the towers on

1 the north are not on the property line, but in his field.

2 Was he offered a buyout? No.

3 And speaking of [REDACTED], his presentation
4 was full of dead-on points with which I agree.

5 Health concerns are also common. And, again,
6 the information from the applicants was lacking. And their
7 attitude was theirs was right and everyone else's was wrong.
8 But Health Canada and the WHO have other agendas, as we were
9 professed to by the professor the other day.

10 The applicants have asked: Why aren't there
11 more people here at this hearing? The answer: Because they
12 are tired of this process and don't trust it. They are tired
13 of being processed.

14 Almost everyone in this room is being paid and
15 paid well to be here. No one is paying me or any of the
16 other landowners a salary to be here, not to mention the
17 countless hours many of us have put in just to be here today
18 and take part in this hearing.

19 Some of these landowners are better prepared
20 and have a clearer understanding of this project than the
21 larger interveners that waltz in here, state their simplistic
22 views, and waltz out again.

23 As far as taking part in this process, I would
24 like to thank the AUC staff, who were very helpful, very
25 inviting, especially since it was very close to the deadline

1 when I registered to participate. My phone calls were
2 promptly returned, my questions answers.

3 It would have been very easy for me to decide
4 to not take part. So I appreciate all those who helped me on
5 that regard.

6 And in checking my notes, Mr. Anderson's names
7 came up a number of times. So no complaints about this part
8 of it.

9 If my participation makes even one small iota
10 of difference, it was all worth it.

11 But how did we get to this point? Some say it
12 just happened because of decisions made without regard to
13 consequences. Some say it was insidiously planned every step
14 right back to the time of deregulation.

15 And I'm sure everyone in this room is aware of
16 the headlines yesterday from WikiLeaks. For anyone who
17 isn't, I will paraphrase the *Calgary Herald* from May 17th,
18 that WikiLeaks cables show the Alberta government promised
19 senior US officials as far back as 2003 that there would be
20 abundant electricity exports available from Alberta, but that
21 limited power line transmission was the major impediment to
22 the juice flowing south. The electricity exports were
23 dependent on new power line transmission capacity coming on
24 line, the cables note.

25 Less than two weeks after the 2003 cable was

1 produced, then Alberta Energy Minister [REDACTED] [REDACTED] made a
2 surprise announcement that Alberta power consumers would pay
3 the entire cost of building new electricity transmission
4 lines between Fort McMurray and Calgary. The ministerial
5 order overruled a decision by the former Energy and Utilities
6 Board that said new transmission lines would be shared
7 equally between electricity generators and consumers.

8 So bad decisions were made, inaccurate info
9 was quoted, and those with an eye to greed and profit are
10 trying to take full advantage.

11 Was their collusion and complicity between
12 some of the different organizations? I would say in my
13 opinion there is certainly that appearance.

14 Is the AUC in on it? Is the decision
15 predetermined? Many of us are here only in the desperate
16 hope that this is not the case.

17 The AUC is our last remaining check and
18 balance, the last hope for commonsense to prevail for all
19 Albertans.

20 Thousands of other Albertans are preparing for
21 their own Bill 50 AUC hearings, and after watching this one
22 and being connected and updated through the Landowners
23 Against Bills website, I believe the AUC will find that in
24 those hearings a much more united front from the interveners
25 in demanding the public interest and need be justified. The

1 word is out there all across the province.

2 I'm told some of the PC leadership hopefuls
3 have been quietly having discussions with landowners
4 expressing suspicions and discontent with the consequences of
5 Bill 50 to Albertans.

6 In fact, yesterday Ted Morton announced his
7 policy on transmission and Bill 50 and stated that he would
8 revisit the transmission plants in Bill 50 and order an
9 independent and impartial needs assessment by a panel of
10 qualified experts.

11 Mr. Morton took issue with the cost of the
12 Bill 50 development projects and the threat these costs pose
13 when they are inevitably passed on to the industrial users
14 and consumers. I'm hopeful for a change in the legislation
15 as the present government feels the pressure of the public
16 anger.

17 If these Bill 50 projects get built, as
18 Alberta loses jobs and industry, there will be follow-up
19 scrutiny. Books will be written, just like other recent
20 scandals, scam, and diasters, NOVATEL, Enron, the Wall Street
21 financial housing bubble.

22 Even in Chernobyl the facts came out. We know
23 who was in the control room. We know which officials in
24 Moscow ordered the cover up.

25 Do the applicants think that if they received

1 an approval, if these lines are built, the scrutiny will just
2 go away? It won't. As the Alberta economy becomes
3 devastated by these projects, will the applicants be proud of
4 their roll in this? The transcripts will show everyone
5 involved and their positions on this subject.

6 In conclusion, the consultation process was
7 gravely flawed, and much more importantly, the public's best
8 interest is at stake. The mandate of the AUC is to ensure
9 that the public's best interest is protected.

10 Under Section 17.1 of the Alberta Utility Act
11 the AUC must assess and weigh the social and economic impacts
12 of the construction and operation of the line, not just its
13 routing. In fact, I did not see anything in Section 17 that
14 even talks about routing.

15 I understand that this puts the AUC in a
16 difficult position, but this is the law which we trust you to
17 up hold. Your decision will ultimately impact every
18 Albertan, our economy, our future. The applicants supplied
19 no evidence that this project is in the public's best
20 interest, and in my opinion there is much evidence to the
21 contrary.

22 For these reasons I am optimistic that the
23 Commission existing will exercise its responsibilities to the
24 people of Alberta and will explore very closely the option
25 before it to deny both routes.

P. [REDACTED]

Questioned by Mr. Beattie

1 Thank you once again for your time and
2 patience and for allowing me to participate.

3 THE CHAIR: Thank you, Ms. [REDACTED]

4 Any questions, Mr. Feldberg?

5 MR. FELDBERG: No. Thank you, sir.

6 THE CHAIR: Mr. Mousseau?

7 Commissioner Beattie?

8 MR. BEATTIE: Thank you.

9 MR. BEATTIE QUESTIONS THE WITNESS:

10 Q. Ms. [REDACTED] you were talking about the intertie, and you
11 realize, of course, that we do have an intertie -- Alberta
12 has an intertie to British Columbia and another smaller one
13 to Saskatchewan?

14 A. Yes. The one I was referring to directly was under the
15 heading of "Merchant Interties."

16 Q. Yes. I just wanted to clarify that --

17 A. But, yes, I understand we do share with --

18 Q. And I take it -- well, perhaps you can speak to this.
19 Do you have any complaint about the -- either of the
20 interties, the intertie to BC or the intertie to
21 Saskatchewan?

22 A. No. And I think, as I had acknowledged before, I
23 believe that electricity back and forth between the provinces
24 is a very efficient way to run the system so that we don't
25 have every province having maximum -- enough generation for

1 maximum load at all times. And I don't even object to
2 merchant interties at all.

3 What I do object to is merchant lines being
4 disguised as critical transmission infrastructure and being
5 forced on people's land.

6 MR. BEATTIE: Thank you.

7 THE CHAIR: Commissioner Michaud.

8 MS. MICHAUD QUESTIONS THE WITNESS:

9 Q. So then are you saying you're not against merchant lines
10 at all? Just depends on where they go?

11 A. Well, by definition a merchant line is one that is paid
12 for by the -- I believe it's by the transmission company.

13 So if Albertans weren't paying for these
14 lines, if AltaLink was paying for these lines and if AltaLink
15 wasn't given permission to march them across public or
16 private land at their free will, then that's a little bit of
17 a different story.

18 MS. MICHAUD: Okay. Thank you.

19 THE CHAIR QUESTIONS THE WITNESS:

20 Q. I just have a question on the St. Albert. I want to
21 make sure I get the St. Albert airport chronology right here.

22 A. Yes.

23 Q. So you said that Mr. Foley on the record had said that
24 the setback for the St. Albert airport had been removed in
25 the summer of 2009?

P. [REDACTED]

Questioned by the Chair

1 A. Yes. And I believe he said that the evening of
2 April 27th when I was questioning the HTP panel.

3 Q. Right. And then you said that there were no discussions
4 with landowners from that time until you saw -- or no
5 discussions about that particular factual thing until January
6 2010. Is that right?

7 A. That is correct. And that is how the landowners found
8 out about it. January 2010 is when the two proposed routes
9 came out on the maps, the proposed and the alternate.

10 By that time any changes that were made were
11 very minimal. So this was pretty much written in stone at
12 this point. And to me that is very unfortunate. I think
13 that is a huge squandered opportunity where they could have
14 spoken to landowners, but they chose not to.

15 Q. And I got that from your presentation. My question was
16 whether you -- I'll have to go -- and I will go look at the
17 maps when I'm looking at this, but I'm not sure if you've --
18 there's so much stuff here that I can't remember, but have
19 you pointed out what the limitations were that were created
20 by that airport setback, the limitations that might have been
21 removed and how the route might have looked different had you
22 known about that?

23 A. Absolutely. Actually the St. Albert Airport map has
24 showed the setback ...

25 Q. I think I know how to find that map --

P. [REDACTED]

Questioned by the Chair

1 A. So what that did is it put a circle pretty much I guess
2 up here all the way around like this. And I think the
3 limitation would have been --

4 Liying, could I get you to lower this strip
5 map a bit, please.

6 Q. Maybe just ...

7 A. I think it --

8 Q. Back it up a bit. Yes.

9 A. It would have allowed -- let's see. The circle came
10 somewhat like this. It would have allowed possibly a tower
11 as close as this, and that's it. Otherwise all this area was
12 within the setback. And as far as our understanding was
13 there could be no towers placed in there. And then suddenly
14 that was gone and there were the towers and the line, with
15 all these people here not having the slightest clue that that
16 was even possible.

17 Q. Okay. I understand now. Thanks for that.

18 THE CHAIR: Thank you for your appearance
19 here today and throughout the whole ordeal.

20 A. Thank you. I appreciate being allowed to speak.

21 THE CHAIR: Okay. Why don't we take our
22 morning break now and then we'll come back.

23 (ADJOURNMENT)

24 THE CHAIR: Okay. Mr. [REDACTED] we'll
25 have you sworn first.

J. [REDACTED]

Testifies

1 J. [REDACTED] (In his own stead), sworn, Testifies

2 THE CHAIR: Any time you're ready,

3 Mr. [REDACTED]

4 A. Good morning, Mr. Chairman and Panel members. Again, my

5 name is [REDACTED]

6 Chery Ann, and myself.

7 You know, Panel, the other day a neighbour
8 asked me "What's it been like five-plus weeks into this
9 hearing?" I told him "For me it's been like taking a drink
10 of water from a fire hose."

11 Your Panel and staff have incredible stamina.
12 You are to be commended. For the record I have a SIP filed
13 under Exhibit 0382.00. My wife and I have individually
14 written submissions under RETA member statements,
15 Exhibit 0645.04.

16 In addition my wife and I each gave verbal
17 presentations at the Sherwood Park community session on
18 April 20th, and they are in the transcripts for that evening.
19 You will note that we have done individual written and oral
20 presentations. We cover a broad perspective and have a lot
21 of diversity in how we process information and how we respond
22 to our environment.

23 My wife many years ago was a [REDACTED]
24 and then a [REDACTED], who went back to university as
25 a mature student and got a [REDACTED], focused on

J. [REDACTED]

Testifies

1 natural approaches to health and healing.

2 I on the other hand am a science type with
3 both a [REDACTED] and an [REDACTED]. I am a
4 [REDACTED]. I am
5 not here as an expert. However, I am a directly and
6 adversely affected stakeholder.

7 Getting back to this process, I also filed
8 16 pages of questions, and they're in Exhibit 0440, in the IR
9 process, and they are contained with the applicant responses
10 in Exhibit 0457.01.

11 At the time I did my best in cross-examination
12 on May 2nd and May 3rd. And they are contained within
13 transcripts volumes 13 and volumes 14. I misjudged the
14 lawyer skills needed to be a successful cross examiner, but I
15 did honestly prepare for my cross-examination.

16 Lying, could I have my first data clip,
17 please?

18 Here's the front cover of a book that I
19 sourced to help me in this quest. It's called "The Lawyer's
20 Guide to Creating Persuasive Computer Presentations." I hope
21 you can appreciate the effort that I went to. It turned out
22 that there wasn't as much computer graphics here as I
23 thought, but I did try.

24 If we could go to Exhibit 0935.01. Tile 5.

25 THE CHAIR: Magnified a little bit.

J. [REDACTED]

Testifies

1 A. Yeah. Could we magnify it in this area here. Just down
2 a bit. Okay, that's good right there.

3 So what we have is our property is right here.
4 It's a pie-shaped lot. It has a bit of green space here, and
5 we'll come back to this later. But basically in the first
6 instance when the route was here I was 215 metres from the
7 edge of right-of-way to the back of my property. And now
8 with the line shifting out we're in the -- I think we're in
9 the 420 metres to the edge of property.

10 The other one that's of concern tower-wise is
11 the direction of our property faces in this direction here.
12 I can see the towers that light up this overpass. So this
13 tower here would be probably more visual than this one
14 because it's right off of our sight lines off of a rear deck
15 that covers our backyard -- or along the back of the house
16 and the wide part of the pie is at the back facing that
17 direction.

18 As I found out last week from Mr. Brandell, my
19 residence has been written off one more time by the Heartland
20 team. Now with this amended route alignment within the east
21 RDA, the interactive map on the Heartland website displays
22 there is no record found for [REDACTED], Sherwood
23 Park.

24 I continue to be amazed by the number of ways
25 the Heartland team can make me disappear. In their quest for

J. [REDACTED]

Testifies

1 a transparent process they have reached the ultimate state of
2 making me invisible.

3 I would like to enter this printout number 3
4 as an exhibit. Could we go to that, Lying?

5 This interactive map, which I believe probably
6 was -- there's some notice on there that it's attributed to
7 Stantec, but this has been a problem from the very, very
8 beginning in that the data is -- could be as much as
9 100 metres out. In my case it's always been different than
10 what -- I either scale it or I get the information from one
11 of the routing engineers from the applicants.

12 So this is just the latest now. This was done
13 just two days ago. So I don't know what's happening with
14 their database, but up until this point I've been in the
15 order of 300 metres and now I don't exist, so ...

16 While we're on the topic of missing in action,
17 I would like to enter another exhibit, this time in the form
18 of a two-week old request for an updated request to access
19 personal information form. This is a fax confirmation of my
20 request, of which I have not yet received any response. And
21 that's on my data clip as well, Lying.

22 So this is what I sent in a few weeks ago --

23 THE CHAIR: Excuse me just a sec.

24 Mr. Feldberg is stepping up. I just have to hear what he
25 says.

1 A. Sorry.

2 MR. FELDBERG: Sorry to interrupt,
3 Mr. Chairman. I just don't have any of this, what's on the
4 data clip.

5 THE CHAIR: Okay. Do you have paper
6 copies of any of this?

7 A. Yes, I do.

8 THE CHAIR: Perhaps you could give paper
9 copies to Mr. Feldberg so that he can look at them while
10 you're talking, and maybe he'll have questions for you.

11 A. Absolutely.

12 MR. FELDBERG: That would be helpful, sir.

13 A. Should I bring them to you people as well or should I
14 leave them to Liying?

15 THE CHAIR: They're okay on the screen. I
16 can see fine on the screen. Although this one could be a
17 little bit bigger, Liying.

18 A. It's nothing special, other than I wanted to be on the
19 record that my request is still outstanding.

20 THE CHAIR: Sure. Okay.

21 A. That I provided some more detail in handwriting, but it
22 is what it is.

23 THE CHAIR: All right.

24 A. Thank you, sir. The Commission should also be aware
25 that for any stakeholder who wishes to engage in

J. [REDACTED]

Testifies

1 consultation, I have yet to find any marketing collateral
2 brochures, pamphlets, project business cards, letterhead or
3 website that contains a Heartland team fax number. Fax
4 technology is not completely dead as many of us have had to
5 file our SIPs with AUC using a fax.

6 Our family is the original owner of this
7 property at [REDACTED], having purchased the
8 residential lot directly from Nu-West Land Development
9 Corporation in [REDACTED]. We have been the sole owner since
10 occupancy in [REDACTED] and were attracted to this particular
11 parcel of land for the primary reason of location, location,
12 location. This was the second development in Sherwood Park
13 with architectural controls, and we felt comfort in the plans
14 and restrictions of these controls.

15 With a young family we physically custom built
16 our home to meet our needs. We wanted southwest yard
17 exposure for passive solar gains and to back onto the last
18 remaining greenbelt opportunity in this area. I grew up on a
19 mixed farm and the viewscape of nearby horses and wildlife
20 has always been such a blessing.

21 Aside from lake lots, the next most expensive
22 lots in the subdivision were pie shaped and then those
23 generally adjacent are backing onto the greenbelt. At the
24 time I worked as a professional in the commercial/industrial
25 real estate development business and understood the

J. [REDACTED]

Testifies

1 importance of property location now and into the future.

2 We carefully weighed all the possible location
3 risks we could identify and were satisfied. The
4 high-pressure pipelines were as close as they could get and
5 we accepted their risk.

6 One of the aesthetic problems we now have with
7 the overhead towers, particular to our site, is that we
8 planned a long time ago to make Japanese-inspired landscape
9 and Zen garden features in front and back yards. One of our
10 design principles was the Japanese concept of borrowed
11 scenery where you use and visually incorporate the natural
12 aspects of your surrounding into your yard space as if it
13 were your own. Needless to say, overhead towers are not
14 compatible with desired borrowed scenery or Zen qualities.

15 When we purchased this property over [REDACTED] years
16 ago, the information we were provided by County of Strathcona
17 officials and from Nu-West Land Development was that the
18 strip of land to the west up to Highway 216 was promoted and
19 described as greenbelt. In the Sherwood Park west RDA,
20 Alberta Regulation 45 (1974), which is Exhibit -- it's
21 referenced a number of times in this hearing, Exhibit 0656.3,
22 we were comforted with architectural controls within our
23 subdivision and RDA controls on our border. We felt informed
24 and protected. We always knew and were aware that more
25 pipelines and underground utility services might come in the

1 future but no large-scale developments or structures.

2 At this time, all local subdivisions had their
3 power needs supplied underground. We believed we were buyer
4 aware and that we had sound, reliable information on which to
5 make our land purchase decision.

6 The whole notion of TUC was never in the
7 vocabulary of the day and apparently came about many years
8 later with policy changes in 1989 and 2004. In fact, the
9 current blue-on-white TUC signs didn't go up on Highway 216
10 and Highway 14 until 2007. This is hardly -- this could
11 hardly be considered timely information.

12 Speaking of 1989 -- and, Liying, if we could
13 pull up Exhibit 1036. Speaking of 1989, we heard the
14 applicants' counsel cross examine Mr. Kristensen earlier in
15 this hearing about this Decision D89-2 regarding the 240 kV
16 transmission line between Ellerslie and east Edmonton.
17 Counsel took us to page 25 of the decision. Could we go
18 there, please?

19 The second paragraph from the top, and it
20 reads: (As read)

21 "The evidence suggests that in the
22 future (10 years or more) another line
23 might be required through this area in
24 which case the RDA route could be
25 chosen."

1 What is interesting and very telling is that this decision
2 did not specify the type of transmission line, either
3 underground or overhead. Therefore, this decision does not
4 preclude the use of an underground line, and in that sense,
5 the Board decision was very visionary and appropriate for our
6 times.

7 It seems that every time AESO or the TFO reads
8 the words "transmission line" their mind set defaults to
9 overhead lattice towers. This reminds me of some old
10 truisms. Number one: When all you have is a hammer
11 everything looks like a nail. Number two: When you're
12 holding a hammer everything looks like a nail; and number
13 three: When you are a hammer everything looks like a nail.

14 Going to map tile T5 and T6 of
15 Exhibit 0935.01 -- could we go back there, please? -- if we
16 bring it down a bit, I want to get the three oldest
17 subdivisions on the west -- go the other way, sorry. Okay,
18 this one -- we should go up to T6 first and work our way
19 down. Could we go up now? That's good.

20 This is Westboro and it's the oldest of the
21 three subdivisions adjoining the east RDA, and it was built
22 in the '69s/'70s, and I think it was built out before 1972.

23 Now, the next one after that was Woodbridge
24 Farms, which predominantly was finished in the late '70s,
25 probably '79, and then the third one which is -- and when we

J. [REDACTED]

Testifies

1 were making -- when I first moved to Sherwood Park in [REDACTED],
2 this was the -- was one of the most current subdivisions in
3 Sherwood Park that people had a choice for when they looked
4 at new property, and so that's been there even before the --
5 before the agreement in 1974 between the province and
6 Sherwood Park.

7 When we were looking at purchasing property,
8 there was very few lots left here that we could have -- and
9 that was done by Nu-West Developments as well. There was
10 very few lots that we could pick from so we then went down
11 here which is Village on the Lake which we bought from the --
12 the lot from the developer, and we were in the first probably
13 20 percent of the people that were building in [REDACTED]. And we
14 ran into the National Energy Program during that time, and it
15 slowed down lot sales and slowed down construction
16 considerably.

17 In fact Nu-West Development, as a corporation,
18 failed as a company not long after that because they had
19 bought -- they had a lot of land purchased in anticipation of
20 more upgraders and energy projects, and they subsequently
21 failed.

22 So Westboro was clearly built out at least
23 four years before the Sherwood Park restricted regulations
24 came into place. These regulations are still in place today
25 and are the rules on which we personally based our decision

J. [REDACTED]

Testifies

1 to buy and build our home in Village on the Lake in [REDACTED]. At
2 a minimum, these three subdivisions were clearly established
3 years ahead of [REDACTED] policy that happened in 1989 and
4 2004.

5 We want to be grandfathered into the greenbelt
6 legislation of 1974 and if not then we want just
7 compensation.

8 I wanted to this all out because this
9 preferred versus alternate route in itself has created an
10 adversarial system where the manipulations of the applicant
11 has put neighbours on the same route being traded off against
12 one another and the good folks on the westerly route thinking
13 and implying we are a bunch of idiots to have bought next to
14 a TUC on the east. I hope this clarification is acceptable
15 to them as I can really only defend our particular
16 circumstance. I believe they were misinformed, much like
17 many stakeholders have been on both routes, on many issues.

18 Lying, if we could go to Exhibit 1005,
19 please. Given the preponderance of evidence that suggests
20 that first row or immediately adjacent residences in dense
21 urban settings are the most impacted in terms of property
22 value losses, I want to request that the Commission recognize
23 my property as first row.

24 If we could go to the -- if we could start at
25 the -- I guess we can start anywhere because I -- I just want

J. [REDACTED]

Testifies

1 to point out -- could we go to the next. One more. Here we
2 have properties in Fountain Creek North where basically the
3 TUC is right along -- the RDA TUC boundary is right along
4 this line, and any of these pockets of space here is County
5 land. And by and large, it's either reserve or -- it is
6 greenbelt. So these properties here by the applicant have
7 been deemed first row, and they're several tens of metres, I
8 would suggest, off the RDA.

9 Here is another one that's got a physical
10 separation. If we go to the next map up. Okay, that's good.
11 Here's a very good example in Westboro, which is the one we
12 talked about being the very first of these subdivisions.
13 Here we have a green parcel of land. I think it's
14 recreation. It is green and it's been set aside for the
15 residents here, and all these people have basically an
16 unobstructed view of the TUC, but there is a green space
17 between them and they have all been considered first row.

18 If we go to one more, Woodbridge Farms, this
19 seems to fit the definition pretty well, but now these folks
20 here are -- have been considered first row. And this land in
21 here, as best I can determine, is County land. The TUC I
22 don't believe wraps into this. But, in any event, these are
23 considerably wrapped around the corner, and they've been
24 considered first row.

25 So if we go back to Village on the Lake, I

J. [REDACTED]

Testifies

1 want to point out our property and -- right here, this. This
2 one here I would say is -- I have no problem with that one.
3 It's physically touching the RDA. This physically touches
4 the RDA. This one was added but there's two properties in
5 between, so they don't have grown space between them and they
6 don't have an unobstructed view because there's two houses
7 here. This one touches.

8 But where I am -- where my wife and I have our
9 house is right here, and we have this little, minuscule
10 parcel of green space which is the spillway off of this lake.
11 This is a man-made lake, Village on the Lake, and this is --
12 this little bit of land here is green space, and I have an
13 unobstructed view of the east TUC.

14 Having the Commission recognize my property as
15 first row would be consistent to the applicant's initial
16 treatment of my residence back in 2009. In June 2009, I did
17 my first consultation as a result of a door-knocking campaign
18 on my street. This unsolicited, in-residence consultation
19 signalled to me that I was first row and consult status. As
20 a matter of fact, they even took GPS coordinates as part of
21 my consultation.

22 Just last week for the first time, the
23 applicant under cross-examination admitted that it was an
24 error that I was not identified as a consulted or adversely
25 affected stakeholder to the AUC after two years of

1 interaction and three family consultations.

2 Getting back to my life experiences as a
3 professional, I worked alongside many venture capitalists and
4 other experts who performed due diligence on business plans
5 of technology entrepreneurs mostly in the computer and
6 software fields. Our due diligence was really a lengthier
7 and more detailed version of the current show Dragon's Den

8 This proposed application from the applicant
9 reminds me of the all-too-common problem of technology
10 entrepreneurs, they get so enamoured by their technology that
11 they become a solution looking for a problem.

12 Ultimately, when you are selling a technology
13 solution, it better solve a critical problem that a customer
14 is willing to part with money in order to solve his problem.
15 We all know that really engineers like to solve problems --
16 myself included -- but what's really important is to make
17 sure that they are solving the right problem and that it is
18 truly a need and not a want. I believe that some critics of
19 the critical infrastructure approach are really
20 characterizing AESO's work as a want definition.

21 In the private sector entrepreneurial model of
22 project evaluation, there are constant market forces at work
23 and nowhere would you ever see a decoupling of need and
24 solution for evaluation. Getting locked into a certain
25 paradigm can be very dangerous.

1 For example, in the computer hardware
2 industry, the big computer companies thought there was no end
3 in growth of need or demand for big computers and that micro
4 computers would be nothing but toys. Well, it didn't quite
5 work out that way and companies like Apple had a vision of
6 changing the world one person at a time; and as a company,
7 they have been written off so many times.

8 What's important here is that when you enable
9 people with a powerful tool and choice, very big shifts can
10 happen. We have all recently seen the phenomenon of the
11 iPod, iPad revolution spill into the user interface of the
12 smart phone market.

13 Now then, what have iPods got to do with TF0s
14 or the power industry? For all these years, this industry
15 has lived a quiet, sheltered life, and progress I guess could
16 be measured in terms of increasing the height and footprint
17 of these lattice towers or the number of conductors,
18 et cetera; you know, the big, brawny stuff.

19 So really all the changes have been
20 incremental and predictable. It has always been assumed and
21 probably demonstrated that the demand generally goes up with
22 the population growth. This is like the computer industry I
23 talked about except that the regulated power industry has a
24 monopoly and the consumer really has no choice. This
25 perceived lock on a captive market is dangerous thinking.

1 Now then, this Commission is tasked with
2 looking out for the public interest over the longer term as
3 this infrastructure is very expensive and counts on all the
4 ratepayers to pay their proportionate share.

5 So what happens if the expected increase in
6 demand doesn't materialize or that the current infrastructure
7 is actually able to handle it or that the user base pulls
8 back due to some new options or choices they have

9 We heard last Friday from some industrial and
10 commercial businesses about how some large industrial users
11 are responding by building behind-the-fence cogeneration
12 facilities. I believe other businesses will respond either
13 by moving their operations or sourcing other on-site
14 generation options.

15 Remember that necessity is the mother of
16 invention. So how could this happen? How about homeowners
17 and small business adoption in Alberta of a bloom box or
18 whisper generation when they have a power generator in every
19 yard using natural gas as the source?

20 Lying, could you bring up an article, please?

21 THE CHAIR: Do you have copies of this
22 article?

23 A. Pardon me?

24 THE CHAIR: Do you have copies of this
25 article?

J. [REDACTED]

Testifies

1 A. Yes, I do.

2 THE CHAIR: And did you give those to
3 Mr. Feldberg as well.

4 A. I missed this one.

5 THE CHAIR: Are there any more after this?

6 A. No, this is it.

7 THE CHAIR: Okay. Thanks. Sorry to
8 interrupt. It's just quicker for me to pick it up on the
9 fly.

10 A. I just want to get my copy so I can ...

11 I'd like to read some of the -- it's going to
12 be hard for -- I'm going to read some -- not the whole thing
13 but just some of the key parts. It's "Inventors Envision a
14 Power Generator in Every Yard": (As read)

15 "An electricity generator that some
16 would say could revolutionize the way
17 people power their homes is already
18 being referred to as the iPod of clean
19 energy, commonly called the bloom box
20 but officially known as the energy
21 server. This device is basically a new
22 twist on fuel cell technology that
23 turns natural gas or other fuels into
24 electricity."

25 Further down: (As read)

1 "The goal is a shoe box size version
2 that could be installed in backs yards
3 and provide every house in the world
4 with its own power station. We believe
5 that we can have the same kind of
6 impact on energy that the mobile phone
7 has had on communications."

8 A NASA scientist who is a co-founder. There is at least 20
9 globally known companies at the date of this article, which
10 is February 2010, companies including Google, Wal-Mart,
11 Staples, Coca-Cola, FedEx, and eBay that have installed these
12 units and are testing them for their use.

13 While the company is focusing on business
14 applications first, it says a \$3,000 consumer version should
15 be available within five to ten years that would allow
16 homeowners to unplug from the municipal grid entirely.

17 CBS's 60 Minutes stated that the device may do
18 to the power plant what the laptop did to the desktop. The
19 bloom box is really just an innovative twist on well-known
20 power cell technologies.

21 I believe this could be a game changer. This
22 technology and solar panels may allow me, the consumer,
23 freedom to move off the grid sooner than expected. For some
24 time now the WhisperGen Project has been undergoing beta
25 tests in the Calgary marketplace. I have already expressed

J. [REDACTED]

Testifies

1 an interest in getting test access in the Edmonton area.

2 Let's dig a little deeper into the participant
3 involvement program or stakeholder consultation. I would
4 generally characterize it as anything but consultation. It
5 was more like rote note taking from dictation and
6 statistical-counting exercises. The interviewers could add
7 no value beyond what scripting was provided in the narrative
8 presented before the question.

9 Based on the stakeholder history report I
10 personally received back from the applicant, I note the
11 handwritten consultation intake forms were converted into
12 PDFs for storage but, as best I know, were not digitized into
13 my key word searchable or actionable data format. In
14 essence, once the forms were PDF, they became a static and
15 date-stamped document.

16 In my consultation of five pages of
17 handwritten notes, the applicant condensed my concerns down
18 to five broad issue category headings that were checked off
19 as yes. There were no details or weighting of my concerns.

20 All information requests for large maps, tower
21 pictures, map tile PDFs and tower offset confirmations
22 generally took two or more follow-up requests to get the
23 information. Almost four weeks, being February 2nd after the
24 route selection mailing fiasco of January 6th, 2010, I still
25 had not received a corrected routing package.

1 I went into the special Sherwood Park open
2 house on February 2nd to find out why I wasn't receiving my
3 previous requested materials and to complain about the
4 misinformation routing package. All the Heartland team could
5 offer was another consultation after I told them I was on the
6 preferred route and why didn't they know that.

7 This time eight pages of handwritten notes
8 were condensed down to the same five broad category headings
9 again checked off as yes. All my information requests were
10 still outstanding, and this time I requested the weighted
11 decision matrix for the route selection.

12 Two weeks later, on February 19th, I was
13 advised by phone or voice mail that my request for the
14 weighted decision matrix report for the routing selection
15 would be more fully detailed in the facility application to
16 AUC. I was totally misled here because the Heartland team
17 already knew at this point that the selection criteria
18 variables were not weighted.

19 I had to wait until the application was
20 submitted on September 22nd to have this clarified and
21 confirmed in my IRs of December 2010. This is a full
22 11 months after the final selected route announcements. The
23 corrected information routing package was not received until
24 seven weeks after the initial mailout.

25 One might ask how a project with such enormous

1 implications could be so offside. Mind-set conditioning from
2 the very beginning helps. For this project, I had to learn a
3 whole new vocabulary words like directly and adversely
4 affected stakeholders, mitigate, minimize negative impact, no
5 go, direct hits, notification boundaries. By and large, the
6 connotation of these descriptors are negative and sets off
7 alarm bells for me. This tells me to proceed with caution;
8 for example, the precautionary principle.

9 Let's go back to my life experiences at
10 evaluating technology entrepreneurial opportunities. The
11 vocabulary in these instances is one of: target market,
12 features and benefits, price point, early adopters, satisfied
13 customers, repeat customers. I think you would agree that
14 these descriptors are positive.

15 It is my belief that this negative mind-set
16 from the get-go has contaminated the consultation process and
17 thereby the routing selection. If we stick to the 800-metre
18 boundary and if the affected were really viewed as paying
19 customers, rather than disgruntled stakeholders, then the
20 quality of consultation program and documentation filed to
21 meet Rule 007 could have been substantially different.

22 If the applicant had treated Clause 12 of
23 Rule 007, which is in the application Appendix N and O, as
24 the demonstration of final consultation outcome, then this
25 data should be considered the applicants' crown jewels, which

J. [REDACTED]

Testifies

1 should put it on par with EPCOR's proprietary monthly
2 customers' billing list for accuracy, completeness and value.

3 Clause 12, Appendix N, contact list should
4 rank up there with a bank manager's account holders' lists,
5 with Strathcona County's property tax roll, with the Cross
6 Cancer Institute's patient list, with Revenue Canada's
7 personal tax data, with any emergency services organization
8 list of affected parties in a disaster.

9 If we go back to Mr. Cleggs's evidence,
10 Transcript Volume 17 of May 6th, he talked about the lack of
11 professionalism during his encounters with the applicant's
12 representatives. His experience, as a direct-hit stakeholder
13 on the alternate route, is consistent with [REDACTED]
14 experience on the applicant's east preferred route and, to a
15 lesser extent for me, adjacent to the applicant's east
16 preferred right-of-way.

17 I repeat: The onus is on the applicant to
18 know and communicate completely, clearly and concisely to the
19 AUC regulator who precisely is negatively and/or adversely
20 affected by their proposed undertaking. This is clearly
21 enunciated in ERCB Directive 056 with guidelines, which I
22 believe are equivalent and applicable to the essence of the
23 Participant Involvement Program for this project application.

24 As a result of these hearings, the Commission
25 has heard from a large number of individual stakeholders

J. [REDACTED]

Testifies

1 along the applicants' east preferred route. They have
2 received SIPs, verbal testimony at the Sherwood Park
3 community session, and individual statements on RETA panels.

4 In testimony two weeks ago Mr. Watson and
5 Mr. Brandell depended the applicants' submission against
6 Clause TS12 and described an internal audit they performed
7 against their Appendix N and their stakeholder PIP database.

8 Their audit came up with 17 stakeholders --
9 this is in Exhibit 0578 -- who were missed from the
10 stakeholder list, which is Appendix N1 for Rule 007
11 Clause TS12.

12 Just since the start of these hearings based
13 on stakeholders who have come forward, I would like to point
14 out to the Commission some other stakeholders, just like
15 myself, who were critically omitted Appendix N1 and were not
16 picked up in the applicants' internal audit.

17 They include [REDACTED], who has the
18 distinction of being one of the earliest intervener filers,
19 Exhibits 0004 and then again in 0667. She also presented in
20 Sherwood Park on April 20th; filed a written submission with
21 RETA, Exhibit 0645 .04; was on the RETA panel of May 5th; and
22 was named in the applicant reply evidence, Exhibit 0838 .02.

23 She was omitted from Appendix N1.

24 Also omitted [REDACTED], who filed a
25 SIP, Exhibit 0153, and was on the RETA panel of May 5th.

J. [REDACTED]

Testifies

1 Also omitted is [REDACTED]
2 [REDACTED], who filed a SIP, Exhibit 0101; who presented
3 in Sherwood Park on April 20th; filed a written submission
4 with RETA under 0645; and was on the RETA panel of May 5th.

5 Also omitted is [REDACTED],
6 [REDACTED], who filed a SIP, Exhibit 0160; who also
7 presented in Sherwood Park on April 20th; and filed a written
8 submission with RETA, 0645. Her records were also the
9 subject of an applicant IR response to AUC's concern about no
10 stakeholder contact. This is in Exhibit 0460.

11 [REDACTED] has been clearly consulted, but omitted from
12 Appendix N1.

13 Also omitted is [REDACTED], who filed a
14 SIP, Exhibit 0079; and their records were also the subject of
15 an applicant IR response, Exhibit 0460. Again, [REDACTED]
16 doesn't show up in Appendix N1.

17 Also omitted is Mr. and Mrs. [REDACTED] who we
18 all know as Halo. They have been so active and engaged in
19 this process since they originally filed their SIP,
20 Exhibit 0069, and their personal presentations at the
21 Sherwood Park Community session on April 20th, and then here
22 under cross-examine and evidence. And yet after all this
23 time, they are omitted from appendix N1.

24 Also omitted from Appendix N1 is A&D Daycare,
25 one of eight counted daycares along the preferred route, who

J. [REDACTED]

Testifies

1 is a front row business immediately adjacent to the
2 applicant's east preferred route. One of the owners
3 Mr. Jobs, on the RETA's second panel, confirmed that they
4 were not consulted at their business.

5 My wife and I know A&D Daycare back to the
6 early [REDACTED]s when they were under different ownership, and they
7 looked after our [REDACTED] children. They have so many years
8 of established reputation and community goodwill.

9 Also omitted is the Honourable Iris Evans
10 constituency office, which is also front row immediately
11 adjacent the applicants.

12 The applicant, by their own admission did not
13 contact Ms. Evans' office, Exhibit 0457.51. I personally
14 talked to Ms. Evans at the conclusion of the Sherwood Park
15 Community session, and she thanked me for speaking up about
16 my concerns and for getting involved in the hearing process.

17 I find it unconscionable to think the
18 applicant did not consult with my elected provincial
19 representative for the highest density area along either
20 route. Ms. Evans, as our elected representative, has made
21 many public statements on this proposed project.

22 This is by no means an exhaustive list of
23 omissions, but is representative of the systemic problems
24 with the consultation program and how it has been
25 misrepresented to the Commission.

1 In a nutshell, I am flabbergasted that
2 directly affected stakeholders within the 800-metre boundary
3 who took the time to file SIPs are not listed in Appendix N1,
4 which is to satisfy Clause TS12.

5 This should be one huge signal of a
6 malfunctioning, incomplete, and inadequate consultation
7 program

8 With so many exclusions of consulted
9 stakeholders, it doesn't bode well for the many residents who
10 were supposed to be contacted but were actually missed. And
11 it doesn't speak well for the consulted stakeholders, whose
12 inputs and concerns may also have been minimized or omitted
13 entirely as was their stakeholder status to the Commission.

14 I realize I have not presented much evidence
15 to help the Commission pick one route or another.

16 At the community session in Sherwood Park
17 approximately four weeks ago I asked that the applicants'
18 east preferred route be stricken from any further
19 consideration. I haven't changed my mind on that, but after
20 sitting here now for the last five weeks of these hearings, I
21 have now concluded, largely on the basis of evidence by
22 individual stakeholders, landowners, and residents from both
23 the alternate and preferred routes, that the PIP consultation
24 for both routes has been flawed, erroneously misrepresented,
25 and inadequate for making such an enormous decision that

J. [REDACTED]

Cross-examination by Mr. Feldberg

1 directly affects so many stakeholders.

2 I ask -- I now ask, like many before me, that
3 the Commission rule that the consultation program was
4 systemically flawed for both routes, and that the application
5 in its entirety be returned to the applicant.

6 This Heartland application is like some I
7 found in the technology entrepreneurial arena. After due
8 diligence, removing my rose coloured glasses, and after
9 discounting all the embellishments, I am left with the
10 rutting conclusion: If you blow enough wind at a turkey, you
11 can even make him fly.

12 As a wrap up for the Commission Panel, I would
13 like to personally thank you and all your staff for the
14 professional courtesies and respectful manners you have
15 extended to us all.

16 I am now available for questions.

17 THE CHAIR: Thank you, Mr. [REDACTED]

18 Mr. Feldberg, please.

19 MR. FELDBERG CROSS-EXAMINES THE WITNESS:

20 Q. I just have a few questions, Mr. [REDACTED]

21 A. Sure.

22 Q. Mr. [REDACTED] you were consulted about this project,
23 weren't you?

24 A. Could you repeat that --

25 Q. You were consulted about this project, weren't you?



J. [REDACTED]

Cross-examination by Mr. Feldberg

1 A. Yes.

2 Q. And you were consulted on February 2nd, 2010; you filled
3 out a consultation form?

4 A. Yes.

5 Q. Do you have a copy of that with you?

6 A. No.

7 Q. I'll show you a copy. And if you can just take a look
8 at the last page of that -- actually, I think it's on many
9 pages, but the last page, certainly, Mr. [REDACTED] is that
10 your signature?

11 A. Page 8 of 8?

12 Q. Yes.

13 A. Yes, sir.

14 Q. And you were also consulted about the project on
15 June 12th, 2009, weren't you?

16 A. Yes, sir.

17 Q. And if you could just confirm for me that that's your
18 signature on page 5 of 5?

19 A. Yes, sir.

20 MR. FELDBERG: And perhaps, Mr. Chairman, I
21 could have those two documents marked, please.

22 THE CHAIR: Yes. First we have a number
23 of other documents that haven't been marked. And perhaps
24 Mr. Mousseau is pulling up his computer to start marking
25 them.

J. [REDACTED]

Cross-examination by Mr. Feldberg

1 MR. MOUSSEAU: The first one I think was
2 Mr. [REDACTED] printout of the Alberta interactive map.

3 A. Correct.

4 MR. MOUSSEAU: I think that would be 1172.

5 EXHIBIT 1172 - PRINTOUT OF THE ALBERTA
6 INTERACTIVE MAP

7 MR. MOUSSEAU: Next would be Mr. [REDACTED]
8 request to access personal information form to the Heartland
9 Transmission Project, 1173.

10 EXHIBIT 1173 - MR. [REDACTED] REQUEST
11 TO ACCESS PERSONAL INFORMATION FORM TO
12 THE HEARTLAND TRANSMISSION PROJECT

13 MR. MOUSSEAU: 1174 is an article,
14 "Inventor's Envision a Power Generator in Every Yard."

15 EXHIBIT 1174 - ARTICLE, "INVENTOR'S
16 ENVISION A POWER GENERATOR IN EVERY
17 YARD"

18 MR. MOUSSEAU: And then we have the most
19 recent two, the first is 1175, Mr. [REDACTED] consultation
20 records page 1 of 8, that was February 2nd, 2010.

21 EXHIBIT 1175 - MR. [REDACTED]
22 CONSULTATION RECORDS, FEBRUARY 2ND,
23 2010

24 MR. MOUSSEAU: Finally would be [REDACTED]
25 consultation records page 1 of 5 and the date is not obvious

J. [REDACTED]

Cross-examination by Mr. Feldberg

1 to me.

2 MR. FELDBERG: June 2009.

3 MR. MOUSSEAU: June 2009.

4 MR. FELDBERG: For the record, it's on page 5
5 of 5, the date.

6 THE CHAIR: Were they Exhibit Numbers 1175
7 and 1176? Okay.

8 **EXHIBIT 1176 - [REDACTED] CONSULTATION**

9 **RECORDS JUNE 2009**

10 Q. MR. FELDBERG: And, Mr. [REDACTED] would you
11 now be able to confirm me that your wife [REDACTED] [REDACTED]
12 was on consulted on the project 18th February, 2010?

13 A. I can confirm she was. I can't confirm the date, but
14 best I know of. I know it was after mine the 2nd of
15 February.

16 Q. Would you be able to recognize her signature?

17 A. Yes, sir. Yes, that's her signature.

18 THE CHAIR: Now, I'm caught up, that's
19 Exhibit 1177.

20 **EXHIBIT 1177 - [REDACTED]**

21 **CONSULTATION RECORDS 18TH FEBRUARY,**

22 **2010.**

23 Q. MR. FELDBERG: And do you recall,

24 Mr. [REDACTED] whether the February 2, 2010 consultation
25 record was accompanied by a map from the Heartland



J. [REDACTED]

Cross-examination by Mr. Feldberg

1 transmission map?

2 A. Is it the interactive type?

3 Q. Yes.

4 A. Yeah. I asked for that. We had to do it right there
5 because the staff were very confused about how I could be
6 this close to the line and not be communicated that I was --
7 that I was on an omitted route or whatever the terminology.
8 Eliminated.

9 Q. That was the map that was provided to you?

10 A. Yes. Because I asked for it.

11 Is that another exhibit?

12 THE CHAIR: Yes. That will be 1178.

13 EXHIBIT 1178 - MAP FROM THE HEARTLAND

14 TRANSMISSION MAP

15 Q. MR. FELDBERG: And you would agree with me,
16 Mr. [REDACTED] that on each of the occasions that are
17 represented by these exhibits you were consulted by the
18 Heartland team, were provided with a copy of the consultation
19 record, and were given the opportunity to review it and sign
20 it, correct?

21 A. Correct.

22 MR. FELDBERG: Those are my questions,
23 Mr. Chairman.

24 THE CHAIR: Thank you, Mr. Feldberg.

25 Mr. Mousseau? None.

J. [REDACTED]

Questioned by the Chair

1 MR. MOUSSEAU: None, sir.

2 THE CHAIR: Lying, could we turn back to
3 the exhibits that Mr. [REDACTED] filed today, the record of
4 him searching for his property, searching for his address.
5 Okay. I just wanted to check something.

6 I have written something down here, "It's not
7 correct." So there goes that question. I made a mistake in
8 copying something from that.

9 No. I just made a mistake copying down the
10 address.

11 THE CHAIR QUESTIONS THE WITNESS:

12 Q. Could you just go through quickly for me again the
13 Westboro subdivision you said was built in the 1969 to '72
14 era?

15 A. I'm just kind of talking from -- I was going based on
16 the aerial photos --

17 Q. That's okay. We can check it, but I just wanted to get
18 the dates from you that -- and then -- so you said Westboro
19 sub between '69 and the early '70s?

20 A. Well, I don't know about '69 but in 1970, it shows it as
21 being --

22 Q. Being there?

23 A. -- being there and fairly well established. So I would
24 think that most of these subdivisions took in the order of
25 three to four years to build out.

J. [REDACTED]

Questioned by the Chair

1 Q. Sure. Then the Woodbridge subdivision?

2 A. That would be in the late ' [REDACTED].

3 Q. Village on the Lake. You said you moved in in [REDACTED]

4 A. I built in -- I occupied -- we had an occupancy permit
5 in [REDACTED] and I believe I bought the land in [REDACTED] or [REDACTED], and I
6 was in the first roughly 20 percent of ...

7 Q. Then you made reference to this Regulation 45, a 1974
8 regulation that's filed as 656.3 in this proceeding, and then
9 you skipped a bunch of years and you said the whole notion of
10 the TUC did not -- I'm paraphrasing in my writing here -- did
11 not so up until 1989?

12 A. Yes.

13 Q. I know you've been following the record and there was
14 some -- there was some stuff put on the record, in particular
15 a court case -- I don't have it handy -- that was a 1980
16 court case that shows in 1977 the Department of the
17 Environment regulations were changed to allow them to create
18 the TUC because they had tried earlier and were told they
19 didn't have the authority to do that. But in November -- I
20 think it was November of 1977 -- the regulations were changed
21 so that they could create the TUC.

22 You didn't look at those documents?

23 A. No, I did not. I guess I -- I didn't see it on the
24 transcripts and I wasn't here that day.

25 Q. No, it's in the material filed by BRUTE. They have a

J. [REDACTED]

Questioned by the Chair

1 history of it --

2 **A. Okay. I'm not aware of that, sir.**

3 Q. And so you said that you relied on this Regulation 45,
4 and you said you moved to Sherwood Park in [REDACTED]

5 **A. Yes, [REDACTED] -- no -- [REDACTED].**

6 Q. Sure, thereabouts.

7 **A. Thereabouts.**

8 Q. And you said that then -- so I just want to make sure
9 I've got this right, that when you went to buy property in
10 Village on the Lake where your house is now --

11 **A. Yes.**

12 Q. -- that you had -- that you were relying on this
13 Regulation 45 from 1974?

14 **A. Yes, I --**

15 Q. So did you go and search someplace for that? Where did
16 you go to look for that?

17 **A. I asked -- the people I asked for said there was a
18 regulation that said -- so I physically did not have that at
19 the time.**

20 Q. I see. And who did you ask?

21 **A. The County. I talked to the Nu-West who had been the
22 developing both Woodbridge Farms and Village on the Lake. I
23 asked them about the particulars about that, backing onto the
24 to RDA.**

25 Q. So the developers and the County told you there was a

J. [REDACTED]

Questioned by the Chair

1 regulation that --

2 A. Yeah, they said it's -- there's a law that says this is
3 an RDA greenbelt.

4 Q. And that tall structures couldn't be built on it? I
5 just want to know what you were told.

6 A. Yeah.

7 Q. So you were told --

8 A. Yeah.

9 Q. And was it the County or the developer who told you
10 that?

11 A. Both.

12 Q. And did they say it was -- they didn't show you the
13 regulation? You didn't ask for a copy? I'm not suggesting
14 you should have --

15 A. No, I didn't. I accepted their -- it was just a
16 confirmation of what I was observing out there that -- you
17 know, that it was basically going to stay the way it was.
18 What I saw was what I was going to get.

19 Q. And so did you go to the County office to ask the
20 questions or did you phone them or did you get anything in
21 writing or anything like that?

22 A. I did not get anything in writing. I've tried to find
23 the -- some material that I had when we purchased the
24 property because one of the things that we were really --
25 that they were trying to point out -- the developer was

J. [REDACTED]

Questioned by the Chair

1 pointing out to us was that they had taken the existing
2 contours of that quarter section -- it was farmland -- and
3 they put the lake in the lowest natural area that was already
4 there.

5 And I asked particularly about the spillway.
6 I said, Is that spillway a natural flowing creek or do they
7 have to build it up or make it something other than what it
8 is? And they said, No, it's done that -- it's been done that
9 say so that it flows naturally out into the -- and it's kind
10 of like marshland to the west of us, so that this stormwater
11 pond, when it spills out, it's going to spill out into the
12 natural area. And furthermore we want -- what's happening in
13 the RDA, we want that to back its way right into the culvert
14 that -- where the water comes out.

15 And so they said, We're putting in as much of
16 natural vegetation as we can, we're putting rocks back in
17 like it was, we're putting -- we want -- we're putting
18 cattails back in. We're putting trees that are there, so
19 that this will be an extension out into this area, and so we
20 don't plan on even service -- like providing any grass
21 cutting or any kind of -- we want it to look and remain as
22 natural as it does out in that area in the RDA.

23 Q. And so I think you can understand that that kind of a
24 discussion wouldn't necessarily mean that there might not be
25 transmission towers. So what I really need to key on is

J. [REDACTED]

Questioned by the Chair

1 whether you were specifically told that there wouldn't be any
2 tall structures or --

3 **A. I was told -- I was told there would be no large
4 structures allowed out there.**

5 Q. And that was by both the County and the developer?

6 **A. Yes, sir.**

7 Q. And was there any material that the developer had at the
8 time, sort of --

9 **A. Handout material?**

10 Q. Yeah, handout materials to sell their lots or anything
11 like that?

12 **A. Yeah, I have tried to find some historical records and I
13 don't have those, sir.**

14 Q. Do you remember if those records said something like
15 that on them or was that just something you were told?

16 **A. I believe it was -- I remember hearing it, so I don't
17 know whether I -- it was ever in writing or not.**

18 Q. That would probably be one of those photos in your mind
19 if you had seen it at the time in writing. Okay. That's
20 very helpful.

21 THE CHAIR: Thank you very much for your
22 participation and for staying every day.

23 **A. Thank you all for your indulgence.**

24 THE CHAIR: I think we have Mr. [REDACTED]
25 next.

R. [REDACTED] E. MCDONALD

Testifies

1 (WITNESS STANDS DOWNS)

2 THE CHAIR: So if we could have these
3 witnesses sworn. You guys have been here this morning. You
4 know the process.

5 R. [REDACTED] E. MCDONALD (For R. [REDACTED] sworn/affirmed,
6 testifies:

7 A. MR. [REDACTED] I reside on the southeast of
8 [REDACTED]. Could you please pull up tile W10?

9 THE CHAIR: Could you make the mic a
10 little bit louder, please?

11 A. MR. [REDACTED] Just a little bit down.
12 Perfect. We've resided in that property since [REDACTED] or
13 thereabouts, and the issue that I have to talk about today is
14 the airstrip that I've built on this property.

15 We moved to this property from [REDACTED] in
16 [REDACTED] and part of the deal when we bought the
17 property was that we got to farm it for the [REDACTED] crop year.
18 We had resided in [REDACTED] since about [REDACTED].

19 We've resided in the [REDACTED] since [REDACTED],
20 and when we were looking for a homestead, a farm, we wanted
21 several things. Being a farm boy, I wanted to have my kids
22 have some experience of what work was all about, and with a
23 farm, we did admirably because on a farm, there's always lots
24 of work to do.

25 Also, I wanted a quarter section or an 80-acre

1 parcel that was long enough to put on an airstrip. I've been
2 a private pilot since the [REDACTED] I had an aircraft at
3 the time, and I wanted it to be in a spot where I could give
4 it hugs and kisses at night.

5 So we looked at this parcel, and at that time,
6 we bought 80 acres with a house. And in the spring of [REDACTED]
7 we worked the land, did a little bit of earth moving to have
8 the airstrip where we have it, and we seeded canola that year
9 but underseeded it with grass. So we took the canola off in
10 the fall, and we had an operational airstrip in the spring of
11 [REDACTED]

12 This airstrip has been functional since [REDACTED]
13 Unfortunately, as small airplanes go, sometimes the airplane
14 doesn't function. So I think it didn't get flying again
15 until [REDACTED] at which time I used the airstrip quite a bit.

16 In the interim -- I can't remember what year
17 but probably [REDACTED] -- we built a machine shed with 40-foot
18 doors so that the aircraft could be kept inside. Some years
19 we used the airstrip a lot. Some years we didn't use it at
20 all.

21 Over the past [REDACTED] years, the aircraft has been
22 hangared at Edmonton City Centre Airport, but the Edmonton
23 City Centre Airport is closing and, once again, the aircraft
24 will be hangared in its spot at the farm.

25 Now, for virtually all purposes, the proposed

1 routing shown on tile W10 will destroy this airstrip. The
2 23-foot storey towers are 3/8 of a mile north of our north
3 property line, and it would just be far too risky to continue
4 flying out of that. And with the prevailing winds that we
5 have, probably 75 percent of all take-offs and landings are
6 towards the northwest.

7 Now, my wife and I attended the initial open
8 houses that AltaLink provided, and we went through the
9 consultation process, but we made it real clear right from
10 the get-go that we had this airstrip and the routing would
11 have an affect on this airstrip, but it wouldn't have killed
12 it with the first routing.

13 And I wonder if we could pull up Exhibit 724,
14 page 40. Thank you.

15 This is the mosaic that shows the original
16 routing. And we've heard -- we've heard evidence this
17 morning as to -- from [REDACTED] [REDACTED] about the routing and
18 all of the changes that occurred.

19 But on the left-hand side of that, the blue
20 line, the original routing went north about half a mile from
21 where it is now, and then proceeded to cross Highway 37.

22 If that routing was the routing today, yeah,
23 the airstrip could still continue because there's enough time
24 after take-off to turn to the east.

25 But, again, I mean you've heard the story

1 many, many times about the consultation process in this micro
2 area. You've heard the [REDACTED] you've heard [REDACTED]
3 [REDACTED], and now you're hearing me.

4 That was the initial routing. Then in the
5 mail comes a new map. No notice to us, no consultation, no
6 nothing, other than in the mail comes this new routing with
7 the routing that's there today.

8 And, you know, when I saw the advertising
9 campaign that AltaLink had on the radio and in the news
10 papers about, "We're listening to the public. We're seeking
11 public input," I had to laugh to myself because that's
12 nonsense. I mean, that just didn't happen for this, this
13 major, major change to five or six residences in the area.

14 My airstrip has been registered with Transport
15 Canada in October of 2010, the registration number is

16 [REDACTED].

17 Those are all the direct submissions that I
18 have. Do you want my expert to go first and then
19 cross-examine at the same time?

20 THE CHAIR: Sure.

21 A. MR. MCDONALD: My --

22 THE CHAIR: Perhaps, Mr. [REDACTED] -- are
23 you going to introduce yourself then?

24 Okay. And do you have something prefiled with
25 us?

1 A. MR. [REDACTED] Yes. We have Document 628.1
2 for our filing. That's the report prepared by my expert
3 witness, Mr. McDonald.

4 THE CHAIR: So if we could have that
5 brought up on the screen. So 19 PDF pages. Okay. Go ahead.

6 A. MR. [REDACTED] Mr. McDonald, have you had an
7 opportunity to prepare a report in regard to this -- to my
8 airstrip and this proposed line?

9 A. MR. MCDONALD: Yes, I have. I believe that's
10 what's in that document there.

11 A. MR. [REDACTED] Could you just give us a bit of
12 background, your resume very briefly as to what you've done
13 in this regard.

14 A. MR. MCDONALD: Okay. Well, first of all, I'll
15 just introduce myself. My name is Ed McDonald. I'm a
16 professional aviator and an engineer who owns and operates an
17 aviation engineering consulting practice.

18 My aviation experience consists of
19 approximately 30 years of professional flying. I fly
20 professionally right now with Air Canada, roughly 20,000
21 flying hours.

22 You can probably find tons of people to come
23 to you to talk to you about that with that kind of
24 qualification, but I'm also a professional engineer that
25 deals in aircraft performance, aircraft operation issues, and

1 we do worldwide consulting actually on that issue. So I
2 have -- I have some unique skill sets that I can offer to
3 this discussion.

4 I was asked by Mr. [REDACTED] to take a look at
5 the power line as proposed, the west alternative route, and
6 to give an assessment of the impact that will have upon his
7 airstrip. And that is provided in the document I have
8 submitted -- or Mr. [REDACTED] has submitted.

9 If you go back to Panel W11, that map, I can
10 probably explain it best off of there.

11 A. MR. [REDACTED] I wonder can this witness be
12 qualified as an expert witness? I talked to Mr. Feldberg,
13 and he advised me that he had no objections to that.

14 MR. FELDBERG: I don't have an objection.

15 THE CHAIR: Okay. Thank you,

16 Mr. Feldberg.

17 So, so qualified.

18 A. MR. MCDONALD: Cool.

19 MR. FELDBERG: I don't usually get that
20 reaction.

21 THE CHAIR: Now, it will go on his resume.

22 Okay. So we have the right spot here on the
23 map. You have the pointer, and you're an engineer. I
24 presume you know how to use it safely.

25 A. MR. MCDONALD: I got it sorted out here.

1 THE CHAIR: Okay.

2 A. MR. MCDONALD: So anyways, just to give you a
3 little bit of background here. This is Mr. [REDACTED]
4 property. You can barely see it, but there is the airstrip
5 right there oriented almost straight north but with a slight
6 offset to the west.

7 Of course, the blue line is the corridor
8 there, and if you go a little farther north, it turns east
9 exactly just like that. So that's the sort of lay of the
10 land right now.

11 Now, the issue with respect to Mr. [REDACTED]
12 airfield and that corridor are a number of things.

13 Just to establish the basic principles here.
14 Aircraft love to take off and land into wind. They take off
15 into wind because they can achieve the flying speed faster,
16 and they land into wind because they -- their speed over the
17 ground will be less when they touch down. So the basic
18 principles is aircraft land and take off into wind.

19 So if we take a look at Mr. [REDACTED] runway
20 here, which ends approximately right there, it's about a
21 quarter mile or less to the power line in that direction.

22 So the issue Mr. [REDACTED] faces when he takes
23 off from his airfield, if that power line was in place and
24 with that power line being approximately 212 feet above the
25 ground, it's almost an impossible task for that aircraft to

1 clear that power line.

2 So the options, anyone taking off from his
3 airstrip, would be to go under the power line, which is not
4 really recommended, and the other option would be to make a
5 hard right turn to parallel the easterly direction of the
6 power line to the north.

7 That's highly unrecommended too because
8 aircraft shortly after they take off don't have a lot of
9 margin over a stall. And you definitely don't want to turn
10 and stall and crash into your neighbour's backyard. That
11 creates a big difficulty for Mr. [REDACTED]

12 When the winds are coming from the northerly
13 direction and he's, indeed, operating at that direction,
14 approaching and landing from the south is no problem because
15 it's a nice clear corridor.

16 The only issue would be is if he couldn't land
17 for some reason -- being on a farm, there might be some sort
18 of animal on his runway -- and he had to do an overshoot, he
19 would run into issues with that power line very shortly
20 afterwards. It's highly unrecommended that that power line
21 be there for operations in that direction.

22 In the instances where the winds are blowing
23 from the south, he faces the issue of as follows: In order
24 to land in this direction, he would have to come over this
25 power line or go underneath it, which is again not

1 recommended, but he would have to come over the power line
2 and then make a pretty significant dive to reach the runway
3 threshold in time.

4 That creates a number of problems. One is
5 that the aircraft would be sinking rather rapidly. The sink
6 rate would be way more than recommended and chances are you
7 probably wouldn't be able to arrest it in time and have a
8 rather firm crash, I would suggest.

9 Or the other alternative is the speed of the
10 aircraft would be such that by the time he would touchdown he
11 would go shooting off the runway to the south.

12 Again, that impacts the operation of the
13 aircraft landing when there are winds favouring the south.

14 For him to depart from the south where it is
15 clear of this power line, not an issue whatsoever, but it is
16 definitely an issue when approaching and landing from the
17 south.

18 So if this power line were to exist as
19 advertised, basically it would rendered his airfield useless,
20 because he can only take off in one direction or land in one
21 direction, depending on the winds that day. And, obviously,
22 you have to have a runway that you can both land and take off
23 from at the same time if you want to return while the winds
24 are prevailing from the same direction.

25 So in a nutshell, this power line, the west

R. [REDACTED] E. MCDONALD

Cross-examination by Mr. Feldberg

1 alternative route, would severely handicap if not completely
2 nullify his airfield.

3 Those are the only remarks I have.

4 A. MR. [REDACTED] That's our submission.

5 THE CHAIR: Thank you.

6 Sorry, Mr. [REDACTED] I was pronouncing your
7 name incorrectly.

8 Any questions, Mr. Feldberg?

9 MR. FELDBERG CROSS-EXAMINES THE PANEL:

10 Q. Good morning, Panel. I'm Peter Feldberg. I'm counsel
11 for AltaLink and the Heartland team.

12 Just a couple of questions really for you,
13 Mr. [REDACTED] What do you do for a living?

14 A. MR. [REDACTED] I'm a lawyer.

15 Q. So the plane is, I take it, something you enjoy doing,
16 but it's not your business. You're not a commercial pilot,
17 and you don't fly freight or anything like that?

18 A. MR. [REDACTED] No. I don't fly freight, but I
19 used my aircraft an awful lot in my business. I act for
20 relocation companies and would see people all across Northern
21 Alberta.

22 And, in fact, in the -- oh, maybe the late --
23 the early [REDACTED] I used it a lot. I was flying about 150
24 or 200 hours a year. And on Saturdays I would have a
25 circuit. I would fly from Edmonton -- depending on who I had

R. [REDACTED] E. MCDONALD

Cross-examination by Mr. Feldberg

1 to see for the relocations -- I would often fly, Edmonton,
2 Whitecourt, see one or two people in Whitecourt, Whitecourt
3 to Fox Creek, sometimes to Grande Prairie, sometimes to
4 Fort McMurray. And in the course of the day, I would often
5 see five or six clients doing mortgage documents, sale
6 documents. So I did use it quite a bit in business.

7 Q. Okay. You provided your logbooks in response to an
8 information request, and I believe that's Exhibit 771. Do
9 you recall that?

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

11 Q. And I think you indicated in your direct evidence that
12 you hadn't used the airstrip that much over the last [REDACTED]
13 years or so; is that correct?

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

15 Q. And perhaps you could just confirm for me. We went
16 through the logbooks. And between [REDACTED], it
17 showed 72 aircraft movements to and from the airstrip. Would
18 that be about right?

19 A. That would be about right.

20 Q. So that's about an average of three takeoffs and
21 landings a year?

22 A. MR. [REDACTED] Well, I can give you the exact.
23 In [REDACTED] I did nine takeoffs and landings; in [REDACTED] I did 17;
24 in [REDACTED] I did 30; [REDACTED] I did 19. And then from that point
25 on, the aircraft was at City Centre Airport. So there was

R. ████████ E. MCDONALD

Questioned by Mr. Mousseau

1 very little use. Probably about six or eight times.

2 In prior years, in ████████, it was 51 movements;
3 in ████████, 45; in ████████ there were 51; in ████████ there were 48; and
4 in ████████ there were only three.

5 Q. Okay. Thank you.

6 MR. FELDBERG: Those are my questions,
7 Mr. Chairman.

8 THE CHAIR: Mr. Mousseau.

9 MR. MOUSSEAU QUESTIONS THE PANEL:

10 Q. I just have one question for you, Mr. McDonald.

11 And maybe if we could scroll down a bit.

12 I'm just wondering if there is any way to
13 reconfigure the take-off and landing strip on that piece of
14 property to avoid some of the concerns that you've expressed?

15 A. MR. MCDONALD: No, not really. Because -- I
16 mean, if you were to point it east-west -- for example,
17 re-orient it in that direction, you would have identically
18 the same problems with the power line there than you do with
19 it being roughly being oriented north-south. So you have
20 sort of hemmed him out of -- two out of the four sides no
21 matter which way you re-orientate the airstrip.

22 Q. I noted I neglected to introduce myself.

23 I act for the Commission and had this spiel
24 that I gave every time and usually the Commissioner --
25 Commission Chair reminds me when I don't give it. So I've

R. [REDACTED] E. MCDONALD

Questioned by Mr. Beattie

1 been thrown off.

2 That's helpful, sir. Those are my questions.

3 Thank you.

4 THE CHAIR: Commissioner Beattie, please.

5 MR. BEATTIE QUESTIONS THE PANEL:

6 Q. For either witness, what are the prevailing winds in
7 your airstrip or at your quarter section?

8 A. MR. [REDACTED] Probably 75 percent of the
9 take-offs are to the northwest. The wind is prevailing out
10 of the northwest.

11 Q. Right. And that's what I thought. And then why would
12 you bank to the east, Mr. McDonald?

13 A. MR. MCDONALD: Okay. Just if I can add to
14 Mr. [REDACTED] previous answer.

15 Q. Sure.

16 A. MR. MCDONALD: We've done some weather
17 analysis for the Edmonton City Centre Airport, which is only
18 like 10, 12 nautical miles away, and indeed the winds do
19 prevail out of the northwest in Edmonton. So the operating
20 direction being in that -- from bottom up would be the
21 prevailing direction 75 percent of the time.

22 And your second question was why would he not
23 turn to the left on --

24 Q. Yes, into the west. To avoid the other power line, or
25 I'm just --



R. [REDACTED] E. MCDONALD

Questioned by the Chair

1 A. MR. MCDONALD: Right. If he lifted off -- if
2 he was taking off in this direction, lifted off approximately
3 there, and rather than dealing with the power line to the
4 north if he turned to the left, he would be dealing with not
5 only a tight turn very shortly after take-off and the stall
6 implications, but he would also be looking at a 212-foot
7 power line. And again there would be no hope on earth of
8 getting over the thing so the only alternative would be to go
9 under it.

10 MR. BEATTIE: Thank you.

11 THE CHAIR QUESTIONS THE PANEL:

12 Q. So just on that map, Mr. McDonald, Mr. Mousseau asked
13 you about reconfiguring the airstrip, and I'm not sure how
14 long the airstrip is on there. It's hard to tell. But I was
15 wondering when he asked that question maybe he was thinking
16 it was -- it could be moved farther south, but now that I
17 look at it closely it looks like it almost goes the full way;
18 right? Is that right?

19 A. MR. MCDONALD: Yes. It starts pretty well at
20 that section line right there.

21 Q. I see.

22 A. MR. [REDACTED] The airstrip is half a mile
23 long. It's from the road at the south to the property line
24 at the north.

25 Q. And, Mr. McDonald -- well, Commissioner Beattie if he

R. [REDACTED] E. MCDONALD

Questioned by the Chair

1 played golf in the Edmonton area would know what the
2 prevailing winds are, but I thought you just told me that the
3 prevailing winds were from -- they're from the northwest,
4 right?

5 A. MR. MCDONALD: Generally, yeah.

6 Q. I thought -- so that would be 75 percent of the time
7 from the northwest. Okay. I thought you said southwest in
8 the last thing so I was just checking.

9 THE CHAIR: Those are all my questions.
10 Thank you very much. Thank you, Mr. [REDACTED] for coming
11 today.

12 (PANEL STANDS DOWN)

13 THE CHAIR: Okay. We're going to take a
14 short break, and then I understand AltaLink has one rebuttal
15 witness. Is that correct, Mr. Feldberg?

16 MR. FELDBERG: Yes, Mr. Chairman. If I could
17 have about 20 minutes or 25 minutes, as opposed to 15, I
18 think I would be better off.

19 THE CHAIR: We will make a round 30
20 minutes and then we'll come back.

21 MR. FELDBERG: Thank you.

22 (ADJOURNMENT)

23 THE CHAIR: Order please. We will be
24 sending a letter out tonight on the schedule for final
25 argument, but we'll post it a little bit later today so

S. SUTHERLAND

Examined by Mr. Feldberg

1 everybody -- and the way we're going to do it and all of that
2 stuff when we nail it down.

3 MR. FELDBERG: Thank you, Mr. Chairman, that
4 was weighing on some of our minds.

5 THE CHAIR: Yes. I understand it.

6 MR. FELDBERG: Thank you.

7 S. SUTHERLAND (For AltaLink), previously sworn, examined by
8 Mr. Feldberg:

9 MR. FELDBERG: Mr. Chairman, the sole witness
10 I am calling in rebuttal is Mr. Sutherland, Shawn Sutherland,
11 who has previously given evidence and was previously sworn.
12 His resume is found with his direct evidence for your
13 reference at Exhibit 861.15 and together with his
14 qualifications as an airport specialist.

15 Q. Mr. Sutherland, if I can draw your attention to two
16 matters first. Firstly, with respect to the Eastport
17 Heliport, have you had an opportunity to review the
18 transcript from yesterday I believe?

19 A. Yes.

20 Q. And in that transcript at pages -- perhaps if we could
21 have them up Liying. This is Volume 24 (a), pages 6049 is
22 probably where we should start. 6048 actually.

23 And you've had a chance to read these pages?

24 A. I have.

25 Q. And I'll just summarize them for you. In Dr. Harris's

S. SUTHERLAND

Examined by Mr. Feldberg

1 evidence he indicated that there were a couple of distances
2 in your original diagram that needed to be recalculated. Did
3 you see that?

4 **A. I did, yes.**

5 Q. And have you reviewed that and have done those
6 recalculations?

7 **A. We have taken that back and recalculated the dimensions
8 that he was asking about.**

9 Q. Okay. And I'm showing you a document which is from EBA
10 Engineering Consultants Ltd., Eastport Heliport Review. Is
11 that a document that was prepared by you or under your
12 direction?

13 **A. It is.**

14 THE CHAIR: Mr. Morris has seen this?

15 MR. FELDBERG: Yes.

16 Q. Mr. Sutherland, could I just ask you to take the
17 Commission through what is changed on the document, what it
18 shows and what the implications, if any, are for Dr. Harris's
19 existing flight path; could you please do that?

20 **A. Yes. We wanted to make sure that it was clear that the
21 obstacle limitation surface for the heliport's arrival and
22 departure path was clearly defined, both the dimensions as
23 well as where that limitation surface, that safety surface,
24 crossed the preferred route at its closest point.**

25 So the surface -- the safety area around the

1 Heliport is defined there, and the dimensions are, as
2 Dr. Harris's evidence would suggest, 26.7 metres. So that's
3 the dotted line circle around the Heliport. The obstacle
4 limitation surface starts at the edge of that, and the
5 centreline of that arrival/departure path is at 90 degrees --
6 it runs out as the centreline, and the surface itself starts
7 perpendicular to that on the edge of the safety surface.

8 So we measured the distances between the start
9 of the obstacle limitation surface and where they cross the
10 line in three locations, and just for clarity, the diagram in
11 the bottom of the plan just shows the shape of the surface,
12 how it goes up at 6 percent for the first 245 metres, and
13 then it continues at 16 percent for the remainder, just so
14 that the shape of it is understood, because the overhead view
15 doesn't reflect that easily.

16 In addition to that, we -- because again of
17 Dr. Harris's evidence, he asked about where the line within
18 the obstacle limitation surface crossed at 90 degrees to the
19 power lines or the preferred route. So we measured that
20 subsequently as well. But I'll explain the first three
21 dimensions there first. Those dimensions are from the start
22 of the obstacle limitation surface to where they cross the
23 line assuming there is a 9.2 metre cross-arm at the top of
24 the tower as discussed earlier, so that first line was -- is
25 crossed. There's no sag taken into account because no one

1 knows what that is at this time. So we just assumed that the
2 elevation of the line is essentially the height between the
3 two towers.

4 So in each of those circles you'll see where
5 the outer parts of the obstacle limitation surface and the
6 centreline cross the power line. There's a dimension of the
7 height of the line as the preferred route's identified now
8 and the height of the take-off approach elevation, and you'll
9 see that in all three of those cases the obstacle limitation
10 surface clears the line as proposed, or as on the preferred
11 route.

12 That fourth dimension that I mentioned that we
13 measured up subsequently which starts on the -- at the
14 beginning of the obstacle limitation surface but on the
15 left-hand corner, sort of just directly to the right of the
16 "T" in "Heliport" near the circle, essentially close to where
17 at that arrow head is, but goes up within the surface and
18 crosses that 90 degrees. As Dr. Harris sort of indicated in
19 his hand-drawn sketch, that was the dimension he was looking
20 for, and that distance is 520.2 metres, and given that the
21 518.7 also allows the obstacle limitation surface to clear,
22 it clears at that point, the 520.6 that we measured, by
23 2.3 metres.

24 So what we've tried to illustrate is that the
25 obstacle limitation surface for the existing flight path or

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1 arrival departure path for Eastport Heliport will continue to
2 be used if the proposed route as it is in this diagram is
3 constructed.

4 Q. Thank you. I don't think I got it clear, just the
5 90-degree distance. Could you give us those --

6 A. The 90-degree distance at the power line where it
7 crosses?

8 Q. Correct.

9 A. Okay. In the diagram that Dr. Harris submitted into
10 evidence when we did his testimony, is now on the record, he
11 had a hand-drawn line that came up from the start of the
12 obstacle limitation surface and showed where the surface
13 would cross the power line, the first line of the preferred
14 route at a 90-degree angle because you'll note that because
15 there's a divergence and the centreline none of them meet at
16 a 90-degree angle, and we wanted to make sure that the
17 90-degree crossing or where this surface might cross at
18 90 degrees isn't any shorter than the shortest distance we've
19 identified here.

20 Q. Now, the second thing I wanted you to comment on,
21 Mr. Sutherland, is found at --

22 THE CHAIR: Shall we mark this?

23 MR. FELDBERG: Please, Mr. Chairman.

24 THE CHAIR: So this -- what should we call
25 it? Eastport Heliport review is Exhibit 1179.

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1 **EXHIBIT 1179 - EASTPORT HELIPORT REVIEW**

2 Q. MR. FELDBERG: Now, the second thing I wanted
3 you to comment on, Mr. Sutherland, is at transcript Volume
4 18 (b) May 9th, 2011, at page 4422, Lying. And at lines 10
5 to 13 there is a discussion with [REDACTED] regarding an
6 airstrip, and you're familiar with the airstrip that she's
7 discussing?

8 A. Yes, it's Mike's Field Morinville, as published.

9 Q. What [REDACTED] says is:

10 "Unfortunately it is a restricted area.
11 It is registered. And there's 4,000
12 metres that are required to fly off
13 from that airstrip, and the power line
14 is not 4,000 metres from the airstrip."

15 Can you comment on that?

16 A. Yeah. Registered aerodromes in Canada are subject to a
17 very minimal regulatory regime. The Canadian Aviation
18 Regulations 301 is what applies. It's very minimal
19 requirements. There's no requirement for zoning or --
20 whether it's obstacle limitation zoning related to the runway
21 or the area around it. And the 4,000 metres that's mentioned
22 in the testimony and in the -- I think the information that
23 was filed was an excerpt from the CARS -- standards, rather,
24 that are issued pursuant to CARS 302 which are for certified
25 airports which define an outer surface of 4,000 metres around

1 the centre of an airport, a certified airport, as opposed to
2 a registered aerodrome where they're required to protect up
3 to 45 metres above the aerodrome elevation.

4 That particular standard doesn't apply to
5 registered aerodromes. Registered aerodromes are required to
6 meet requirements for wind indicators and no trespassing
7 signs and low flying aircraft signs if they're near roads,
8 very minimal amount of information that they need to keep up
9 to date in order to continue to be published in the Aviation
10 Publication in Canada.

11 Q. Is Mike's Airfield a restricted area?

12 A. No, it's not. It's just a registered aerodrome.

13 Q. And I think you provided evidence in AltaLink's reply,
14 the Heartland, AltaLink and EPCOR's, reply evidence regarding
15 this airport?

16 A. I did, yes.

17 Q. And can you just remind us what that evidence was with
18 respect to this airstrip?

19 A. The airstrip is far enough away -- far enough away from
20 the power line that if you even applied some minimal runway
21 approach slope zoning to ensure that it could safely operate
22 it would continue to do so as it does today the proposed
23 route wouldn't change that at all, and there's -- there's
24 really no published or enacted zoning regulation around the
25 airport, and the indications in the Canadian flight

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1 supplement, which is where information for airports and
2 aerodromes is published, indicates that it's a limited
3 maintenance, recreationally used airstrip.

4 Q. Okay.

5 MR. FELDBERG: Those are my questions,
6 Mr. Sutherland.

7 THE CHAIR: Who would like to go first
8 here? Okay, Mr. Morris.

9 MR. MORRIS: Good afternoon, Mr. Chair,
10 Commissioners. I'm going to have to rely on Mr. Anderson. I
11 don't know the exhibit number off the top of my head. I need
12 the revised EBA report. The second set of drawings that we
13 had of the -- I apologize for the ...

14 THE CHAIR: That's efficient. We'll have
15 Mr. Secord go.

16 MR. SECORD CROSS-EXAMINES THE WITNESS:

17 MR. SECORD: Just wanted to observe that
18 the prevailing winds in the last few days have been from the
19 southeast or the southwest.

20 THE CHAIR: Yes. I know.

21 Q. MR. SECORD: You have in front of you the
22 transcript reference from May 9 where my clients indicate
23 that the aerodrome is registered.

24 "And there's 4,000 metres that are
25 required to fly off from that airstrip,

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1 and the power line is not 4,000 metres
2 from the airstrip."

3 If I could have Lying turn to Exhibit 616.11.

4 THE CHAIR: Do we have a page number?

5 Q. MR. SECORD: And if we could go to page 4
6 of the PDF. There is an extract from Transport Canada. My
7 understanding is Transport Canada isn't interested in
8 regulating rural aerodromes; is that correct?

9 **A. That's correct.**

10 Q. In fact, if for instance you went to Transport Canada
11 and sought to have this type of protection, they would not be
12 very keen.

13 **A. They don't provide this type of protection. It's the
14 aerodrome operator that has to provide it.**

15 Q. So if we look at the obstacle limitation services, it
16 says: (as read)

17 "The objectives of the specifications
18 in this chapter are:

19 (a) to define the air space around
20 aerodromes to be maintained free from
21 obstacles in order to minimize the
22 dangers presented by obstacles to an
23 aircraft either during an entirely
24 visual approach or during the visual
25 segment of an instrument approach."

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1 So I take it that's the idea around the 4,000 metres. Is
2 that correct?

3 **A. That seems to be the indication, yes.**

4 Q. And then if we go to page -- I'm just going to scroll
5 down to, there's a figure -- this is on page 7 I believe of
6 the PDF. So as I understand it this shows the 4,000 metre
7 radius; correct?

8 **A. It does.**

9 Q. It shows the runway strip in the middle there, the
10 black.

11 **A. It does.**

12 Q. And, as I understand it, what my clients the [REDACTED] have
13 said is the proposed blue route would have these towers
14 within that 4,000 metre radius.

15 **A. This diagram doesn't apply to this --**

16 Q. I appreciate that. But, as I understand it, what the
17 [REDACTED] are saying is that the intent and purpose of Transport
18 Canada's regulations with respect to aerodromes are to have
19 some type of distance between the airport and structures that
20 planes may run into.

21 **A. I understand the question --**

22 Q. So the question that I put to you was very simply is the
23 proposed blue route -- are the towers that are proposed, are
24 they within that 4,000 metre distance?

25 **A. Yes.**

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1 Q. And --

2 A. Can I add clarification to that now that I've answered
3 your question?

4 Q. Sure.

5 A. That's fair, right? The obstacle limitation surfaces as
6 they are showing there don't apply to registered aerodromes.
7 They apply to certified airports, and the airport operator
8 themselves, unless there's a zoning regulation enacted by the
9 Federal Government, are required to maintain those areas
10 themselves, and if they're not able to maintain those, then
11 they have to determine how that impacts on the operation of
12 the airport. And in some cases even certified airports if
13 they don't, for instance, have a published instrument
14 approach, at the smaller -- code 1 they're called --
15 airports, the very small runways, even if they're certified
16 if they have no published instrument approaches they're not
17 even required to maintain an obstacle limitation surface, the
18 circle like that.

19 And there are airports that are certified that
20 even have commercial air service, including one that I
21 managed for 13 years, because it is in the mountain has no
22 4,000 metre circle because of the terrain. So although its
23 their intent and although it's for safety reasons, as pointed
24 out, it has very flexible application.

25 Q. But I take it the principle of the 4,000 metres is

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1 generally you don't want to place obstacles within that 4,000
2 metres that may present a danger to aircraft.

3 **A. Or to identify obstacles that procedures or aeronautical**
4 **studies can determine how to maintain aviation safety, but**
5 **yes it's a general good place to start.**

6 Q. And if the blue route were approved and one of these
7 towers then is placed inside that 4,000 metre circumference,
8 then, as I understand it, what you're saying is that's
9 really -- that's at the risk of the people who use that
10 aerodrome on an annual basis. Transport Canada is not going
11 to come in and say, "You can't fly out of there;" correct?

12 **A. That's correct.**

13 Q. Did you take a look at Exhibit 843.02 which is the
14 amended information request that discussed how many flights
15 would go in and out of that airstrip on an annual basis? You
16 recall looking at that?

17 **A. If you want to bring it up, it would refresh my memory.**

18 Q. Sure. I think it's 843.02, and if you scroll down
19 there's a number of questions about, for instance, who is the
20 operator --

21 **A. Yes.**

22 Q. And if we just scroll down there on the second page,
23 Liying, it says that: (as read)

24 "Although logs are not kept for this
25 airstrip Mr. Poworoznik estimates 2010

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1 aircraft movements at approximately

2 200."

3 So I take it, then, that of these operators of the Cessna
4 172s and Cessna 175s and Ultralights, I take it they would
5 essentially then -- it would be at their risk, then, to
6 continue to use the airport; they would have to assess the
7 risk?

8 **A. As pilots do every time they operate an aircraft,**
9 **absolutely.**

10 Q. It wouldn't be up to Mr. Poworoznik for instance to,
11 would he -- under some circumstances might he have to close
12 the airstrip?

13 **A. No, he has no obligation to -- I mean, the -- he's the**
14 **operator of the airport. He decides what the terms of use**
15 **are, but it's his choice how to operate it, providing that**
16 **the information that he has published in the Canada Flight**
17 **Supplement, the minimal information that's there now, is**
18 **accurate, that's Transport Canada's primary interest.**

19 Q. And so if there's -- if there are, as you've indicated,
20 obstacles in the way, really that's the problem of the
21 individual pilots to deal with.

22 **A. Yeah, if they're significant and Mr. -- I don't want to**
23 **pronounce his name wrong -- the airfield operator of Mike's**
24 **Field feels it is important to put it in, he has a notation**
25 **in his Canada Flight Supplement listing right now that**

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1 indicates on the south side, on the other side of the runway
2 only 75 feet from the threshold is a 35-foot power line
3 presently.

4 So, you know, where it's close by and may be
5 problematic he has taken it in his hand to make sure that
6 those who use the airport, or the aerodrome, know that it's
7 there.

8 Q. And how high is the power line that is proposed to be
9 put within that 4,000 metres? How high is that?

10 A. I don't know what the height of the power line is, but
11 it's over a mile away.

12 MR. SECORD; thank you, Mr. Chairman.

13 Those are all of my questions.

14 THE CHAIR: Thank you, Mr. Secord.

15 Mr. Morris, did you get your exhibit?

16 MR. MORRIS CROSS-EXAMINES THE WITNESS:

17 MR. MORRIS: We did find it, Mr. Chair,
18 with my friend's assistance. It's Exhibit 972.

19 THE CHAIR: Okay.

20 MR. MORRIS: And I believe we're going to
21 the very last page.

22 Q. Now, Mr. Sutherland, I think you've mentioned this and I
23 just want to make sure the implications of it are clear to
24 the Commission. On the bottom half of the new diagram that
25 we've just entered in, the towers are given distances on a

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1 horizontal scale there. Those distances are from the edge of
2 the TUC?

3 **A. That's correct.**

4 Q. So at the zero point there, that should -- that vertical
5 red line would indicate the edge of the TUC, not necessarily
6 the centre of the helipad as would seem to be indicated.

7 **A. And although it doesn't correspondence necessarily zero
8 to zero, the purpose was to show the shape of the --**

9 Q. Right.

10 **A. -- obstacle limitation surface as well as for the
11 overhead you can see how far the lines are away.**

12 Q. So the differences that you mentioned between the new
13 document that we have before us and this one here, those
14 differences would all have had the effect of moving the OLS
15 slightly closer to the lines; is that true?

16 **A. That's correct, because the discussion we had when you
17 and I were first conversing about it, we were using the 20
18 metres and half of the FATO, and when Dr. Harris pointed out
19 he wanted the safety area appropriately used of 26.7 we
20 recalculated using that.**

21 Q. And I think you testified before that when we were using
22 that document, referring to the previous EBA report, you
23 estimated the clearance at approximately 3 metres, and using
24 this document, you estimated at what?

25 **A. They vary from 1.8 to 2.3 and up.**

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1 Q. So when -- on the previous EBA report when that black
2 line is a certain distance from the tower lines, if it's a
3 distance at all from towers 52 and 51, and then when we look
4 at this new report and the red line seems to be significantly
5 further away from those towers we shouldn't take that to mean
6 that the OLS is further away; it's the numbers on the top
7 half of the report --

8 A. That's correct. The black line in this one that goes
9 across partway along and the red line here is a
10 representative of where the slope changes from 6 percent and
11 goes up to 16 percent, again for visual reference.

12 MR. MORRIS: Thank you. Those are my
13 questions, Mr. Chair.

14 THE CHAIR: Okay. No questions from the
15 Commission. Thank you very much. Any redirect?

16 MR. FELDBERG: No, Mr. Chair.

17 THE CHAIR: No redirect. Okay.

18 (WITNESS STANDS DOWN)

19 THE CHAIR: So that's our last witness,
20 and that will conclude the evidentiary portion of this
21 proceeding. I don't know what to say other than we're going
22 to have our letter on the details of final argument out later
23 today or tonight posted on the Internet.

24 I would like to thank everyone for toughing it
25 out for this many number of weeks and for all the help you

1 gave us along the way. So with that, I guess we're
2 adjourned.

3 -----

4 PROCEEDINGS CONCLUDED

5 -----

6 Certificate of Transcript

7

8 We, the undersigned, hereby certify that the foregoing pages
9 1 to 6537 are a true and faithful transcript of the
10 proceedings taken down in shorthand and transcribed from
11 shorthand notes to the best of our skill and ability. Dated
12 at the City of Edmonton, Province of Alberta, this 18th day
13 of May, A.D. 2011.

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