

## Scheduling of Interveners and Intervener Groups for Oral Hearing and Location

**AltaLink Management Ltd.**  
**Western Alberta Transmission Line**  
**Application No. 1607067**  
**Proceeding ID No. 1045**

### Meeting Minutes

Date: July 27, 2011

Time: 10 a.m. – 11:35 a.m.

Location: David Thompson Room, Holiday Inn, 6500 67 Street, Red Deer, Alberta

#### Attendees:

- |  |  |
|--|--|
| 1. Zach Elias – Anthony Heinrich                       | 9. Noria Neuhart – AUC                       |
| 2. John Gruber – Midway Group                          | 10. Amanda Brinker – AUC                     |
| 3. Brett Barclay – Chinook Country Law Office          | 11. Michael Niven – Rein Matiisen            |
| 4. Richard Horne – Westscott Hainstock Landowner Group | 12. Joe Anglin – Spokesperson Lavesta Group  |
| 5. Michael Barbero (for Gavin Fitch) – Corridor 566    | 13. Alan Ross – Altalink Management Ltd.     |
| 6. Richard Secord – WEAP Group                         | 14. Zora Lasic – Altalink Management Ltd.    |
| 7. Victor Choy – AUC                                   | 15. Randall Block – Altalink Management Ltd. |
| 8. Giuseppa Bentivegna – AUC                           | 16. Rick McKee – ENMAX                       |
|  | 17. Lucien Kurata – Charles Meggison         |
|  | 18. Keith Wilson – Linhol Farms              |
|  | 19. Colleen Boddez                           |

#### 1. Welcome

***AUC Giuseppa Bentivegna:***

- plan to take comments on proposed process back to the panel and send out a letter regarding process
- indicated that next step in process schedule will be to issue notice of hearing

#### 2. Intervener comments

***AUC Giuseppa Bentivegna:***

- AltaLink will begin at the hearing with the direct examination, cross-examination and redirect
- confirmed primary location for hearing is Winspear Room, Holiday Inn, 67 Street, Red Deer; holds approximately 150 people
- summarized proposed schedule list from July 4, 2011 letter

***Rick McKee:***

- raised concern regarding an intervener who is not a landowner and has no particular concern with either route, but has issue with respect to proposal in total
- appeared that there is no consideration for this type of intervener in proposed schedule
- requested clarity from AUC as to where in the proposed schedule this type of intervener would participate

***AUC Giuseppa Bentivegna:***

- municipalities may have similar concerns as well, this will be clarified
- if there are different locations for the hearing then such an intervener may choose the location closer to Calgary if the intervener had an interest near that area

***Zach Elias:***

- indicated that they had no issue with proposed formats and had no preference regarding the hearing being broken up between Red Deer and Calgary

***John Gruber:***

- concerned with issues that would arise with the splitting up of presentations of intervener experts and interveners under current proposal
- noted that with logistical requirements of a hearing of this type and number of interveners, that the logistical benefit of the proposal set out in the letter outweighs disadvantages of splitting up presentations
- did not take a position on the AUC suggested proposal for the hearing

***Brett Barclay:***

- raised a concern with having the hearing in two different locations
- asked whether hearing would be held at Holiday Inn

***AUC Giuseppa Bentivegna:***

- responded that the plan is to hold the hearing at the Holiday Inn in Red Deer unless the participants would prefer a split hearing in two locations

***Brett Barclay:***

- indicated that it would be more convenient to have the hearing at one location, and the same goes for community sessions
- explained that if evidence is given in the community sessions, they will need access to it and will need to be able to cross-examine something that is contrary to their client's position

***Joe Anglin:***

- noted several concerns with current proposal
- doubted that hearing could be organized into interveners for the alternate route and those for the preferred route
- explained that historically there have been scheduling issues
- noted that there is nothing here for interveners who object to social and economic impacts
- indicated that there are lots of interveners who have issues that any route impacts on economy, this evidence has to be brought forward and there should be something in the schedule for it
- supported central location for entire hearing
- concerned with notification of this meeting, noted that AUC website may be good for law firms, but is password protected and only notified that something is in the website not what the content is; indicated that this eliminates all persons who do not have a computer

- he surveyed people from Lavesta Group to see if they were informed of this meeting and indicated that they did not know, same response from people surveyed outside Lavesta Group
- commented that with the AUC, everything is strictly by internet, but many people do not have access to internet or email or they may only have dial-up; this puts these people at a disadvantage
- explained that a client who is engaged in the matter can ask their lawyer questions that can prompt new insight
- indicated that they have members who have lawyers who are not able to come because of scheduling issues and clients cannot even contact their lawyers
- noted that he made suggestion months ago – notification process is not just insufficient, it is completely inadequate; he explained that this is evident by the low turn-out at today's meeting, normally there would be hundreds of people here trying to figure this out

***AUC Giuseppa Bentivegna:***

- noted that meeting was announced on AUC website and was not password protected; acknowledged that this does not assist those without internet, AUC does issue in paper all notices on the website, actually AUC mails out notices

***Joe Anglin:***

- indicated that he could not find these notices

***AUC Giuseppa Bentivegna:***

- explained that no paper copy of the notice of today's meeting was given; registered parties received electronic notification
- the AUC is currently looking at improving this and also improving the electronic proceedings system and the website

***Joe Anglin:***

- mentioned that hundreds of people are not represented by lawyers
- said that it is the AUC's responsibility to notify; asked that it be documented that people are not informed and do not know what the process is

***Lucien Kurata:***

- noted that he cannot download and transmit documents to clients for review because the files are too big to be carried on dial-up internet
- client's have to come to town to pick up documents, doesn't think it is effective, clients are entitled to better than that

***Rick Horne:***

- indicated that he has no problem with proposed process, but would prefer a single central location; confirmed that some of the problems for their clients as well is that they do not have computers

***Keith Wilson:***

- asked if there were any Commission members present at the meeting

***AUC Giuseppa Bentivegna:***

- responded that no Commission members were present and that today's meeting arose out of the process meeting which had asked for comments to make the hearing helpful and more effective
- this was done in Heartland hearing, getting views before issuing a notice of hearing
- explained that meeting today is really just about logistics, on how the order of the hearing is suggested to take place, no comments were received in response to process meeting decision
- indicated that AUC did not get a lot of people registering
- mentioned that this meeting format is easier and less formal

***Keith Wilson:***

- acknowledged struggle of and anxiety with scheduling for clients with goal of making order of the chaos
- raised concern regarding process and structure of process as it can fundamentally affect output and scope of hearing
- asked how the input from this meeting is going to be conveyed to the Commission members
- referred to letter from July 4, 2011, indicated that he believes Commission is reading down the scope of its jurisdiction
- indicated that Section 17 of the *Alberta Utilities Commission Act* requires the AUC to consider social and economic costs and absence of benefit
- raised concerns regarding speaking to AUC counsel instead of Commission members
- noted he was troubled with where we are right now, believed this information may be filtered before it is given to the Commission members
- indicated that the issue here is not purely routing; it is whether to approve the application and, if so, which route to approve
- noted concern that someone at the Commission is reading down the law that is contrary to interest of his clients

***AUC Giuseppa Bentivegna:***

- noted that the present meeting would not change the issues that people will raise with regards to the application
- indicated that discussion at this meeting will be brought back to the Commission panel
- explained that all of the comments will be written down
- indicated that there is no intention to read down or limit the scope, the purpose of this meeting is to address how a better process can be instituted for everyone
- noted that most participants have already identified what the issues for the hearing are; this meeting is more to see how the people will be organized
- noted that the AUC staff did not take into consideration people that would participate, but were not opposed to either route
- clarified that with regards to Section 17 and how it may affect their particular interests, there is no change in any determination made by Commission in the process meeting decision and there is no intent to narrow the Commission's jurisdiction
- noted that purpose of meeting is to hear what people have to say about additional location and organization to make it easier for everyone participating

***Keith Wilson:***

- indicated that proposition of AltaLink going first is not an issue
- asked if participants are opposed to both routes do they testify in both rounds of interveners

***AUC Giuseppa Bentivegna:***

- admitted that this group of interveners were missed
- indicated that another bullet point will be inserted within the list indicating another group of experts who want to speak to either route or both routes or social and economic factors

***Keith Wilson:***

- reiterated that he does not want to settle the debate in terms of scope
- noted that word “route” does not appear in Section 17, instead construction and operation of the line; explained that question should be whether the line itself should be approved in respect of the public interest; both routes could be perfect and Commission could still not approve because of bad social and economic factors
- noted that structure and process of hearing are consequential and that what the Commission can start to decide in terms of process can start to set the outcome
- requested organization in hearing for personal reasons
- indicated paramount concern is that the scope and process of the hearing be fair and reflect the legislation and that he would strenuously object to anything that would narrow the scope

***AUC Giuseppa Bentivegna:***

- noted that the meeting was purely to try to figure out with the parties how we could make it orderly and work better
- explained that even if something is put out regarding presentation order after being reviewed by the Commission members, it may still change as things develop based on availability of experts or parties

***Lucien Kurata:***

- based on his criminal law background, indicated that usually a trial would occur first to determine if the person is guilty and then in line with public interest, the sentence would be determined, which he described is not too different from what Mr. Wilson said
- asked why are we worried about sentencing and noted that we should be focused on public interest as “need” is out of the way
- noted that the way we are pitting preferred against alternate is flawed
- indicated that the legislation as it is framed today does underline public interest, if information cannot be accessed until later on in proceeding the process may be 180 degrees from what is should be

***Michael Barbero (representing Mr. Fitch):***

- noted that many of the issues that Mr. Fitch raised had been largely brought up already
- raised concern regarding separation from landowners and experts and that this should be left with counsel to decide; indicated that it would be better if they could call their expert and landowner at the same time rather than have them separate
- noted that one location would be preferred rather than two locations
- indicated that no further objections beyond above

***Richard Secord:***

- asked whether the Alberta Electric System Operator (AESO) would be showing up with a panel as in the Heartland hearing

***AUC Giuseppa Bentivegna:***

- responded that they have not filed yet, but said in the process meeting that they are permitted to participate

***Richard Secord:***

- noted that at Heartland hearing after notice of hearing was issued the AESO filed a certification document that was entered as an exhibit and brought a panel to speak, if this occurs again the AESO should be number two in the order of appearances for the hearing
- indicated that both himself and Mr. Gruber would be sharing experts (Mr. Wallace and Mr. Barrien) and they should not be required to show up multiple times; he would expect that he would begin with examination in chief, followed by Mr. Gruber, and then Mr. Hamm and then three redirects; the same procedure would follow for Mr. Wallace
- noted that he believes the above process is not impossible and probably makes sense
- asked whether the Commission wanted the experts to go through a detailed review of the report as it happened to some degree in the Heartland hearing
- noted that one of the problems that occurred during the Heartland hearing regarded filings that occurred in the rebuttal evidence including changing the route; noted that during the hearing itself there were further route revisions, which resulted in rebuttal and in surrebuttal and in sur-surrebuttal
- acknowledged that the process is always going to be dynamic, but would be good to have routing experts respond if they affect their respective clients
- asked whether the Commission wanted opening statements
- noted that if there are late changes that it may be useful to have experts speak to these
- asked whether the Commission would want landowners to go through submissions, would they like a brief opening statement because in Heartland it was all over the map
- assumed that the AUC would provide online transcripts

***AUC Giuseppa Bentivegna:***

- responded that the AUC will be providing transcripts and are attempting to have internet audio streaming of the hearing

***Michael Niven:***

- noted that he acts for several clients that don't have internet or use computers and would not have known about this meeting if he had not contacted them
- shared Mr. Secord's question and concern regarding involvement of the AESO
- indicated that he will be sharing experts with other groups on the preferred route and would not want to have a triple header
- noted that he was in favour of one central location
- indicated that it was important that the landowners come right after or sit with experts, believed it would be a disservice to the flow of evidence and coherence if they are split up
- on a personal note, indicated that the 9 a.m. to 9 p.m. days were hard, while he could understand need for flexibility and accommodation, found it too grinding a schedule especially when it was necessary to work on questions after the end of the hearing for the day; he would be in favour of anything to avoid this schedule

***Randall Block:***

- AltaLink was fine with the proposal, and are good with either options for the venue
- regarding opening statements noted that decision of counsel works reasonably well in utility sphere, generally short although in the Energy Resources Conservation Board (ERCB) they are prone to abuse and can lead to new evidence being introduced
- noted that there was nothing about an AltaLink rebuttal; there should be some mention that the applicant has the right of rebuttal

***AUC Giuseppa Bentivegna:***

- acknowledged that although this was not in the July 4 letter, it is definitely in the schedule in the process meeting decision

***Randall Block***

- decision made by the panel

***Joe Anglin:***

- regarding Mr. Niven's comment of 9 a.m. to 9 p.m. hearing days, noted that the 12-hour day hearing is ridiculous and does not allow landowners to consult with their counsel
- indicated that a more reasonable process is needed so that there can be consultation after the hearing
- noted that due to some public comments made by Cabinet Ministers, which were later changed with regards to Bill 50, he wants the Commission to compel some of the people to testify; he plans to file a motion in that regard

***Richard Secord:***

- asked what format the final argument would be in

***AUC Giuseppa Bentivegna:***

- responded that no decision has been made as to whether final argument will be written or oral; generally argument would proceed in the order that people have registered in at the hearing, Commission planned to wait to determine the length and amount of time that might be needed for people to prepare for argument and reply as it is not known at this time

***Richard Secord:***

- asked how long AltaLink will be in cross-examination

***AUC Giuseppa Bentivegna:***

- responded that unable to confirm how long, but noted that they have information requests and statements of intent to participate (SIPs); AUC still doesn't know how many days to schedule for AltaLink panel

***Richard Secord:***

- indicated that because a lot of people don't have access to internet we may not even know how many people will be at the hearing

***AUC Giuseppa Bentivegna:***

- explained that a paper notice of hearing will be sent out and it will make statements that paper copies will be accepted and can be uploaded on behalf of the submitter
- some of the participants may show up and if they have standing may want to cross-examine, some may not do anything else

***Richard Secord:***

- asked if order of cross-examination of AltaLink panel will occur as it is set out in the July 4, 2011 letter

***AUC Giuseppa Bentivegna:***

- responded that the finer details have not been determined as of yet
- asked if there were any objections or problems with the grouping of people such as landowners; asked if any suggestions as to how to proceed
- commented that usually in the hearing in this order grouping people with similar interests, but the AUC wants to ensure fairness to everyone and welcomes comments in this regard

***Richard Secord:***

- commented that if this is the perceived order, cross-examination should follow this order and arguments should follow this order

***AUC Giuseppa Bentivegna:***

- agreed that Mr. Secord's comments made sense

***Zach Elias:***

- suggested that people for social and economic impacts may be something that should go first as you may want to decide the whole picture first; most of the two following groups would have common interests

***Joe Anglin:***

- raised concern that the time of the hearing would be at harvest time

***AUC Giuseppa Bentivegna:***

- noted that this comment would be brought back to the AUC

***Joe Anglin:***

- explained that because of harvest time, people will just have to stop in when they can and that we will have to deal with this

***AltaLink Randall Block/Allan Ross:***

- asked whether there was a process of pre-delivery of aids to cross in the Heartland hearing

***Richard Secord:***

- commented that there was a plan, but it was not strictly adhered to

***Keith Wilson:***

- explained that this is a serious hearing and there is a lot at stake for Albertans
- stated that the process is adversarial and was concerned with the notion of notifying witnesses ahead of time as to materials that will be put to them to test veracity of the witness
- indicated that to prepackage everything that we do and send it to AltaLink is bizarre and that he will be objecting to it at every point

***AUC Giuseppa Bentivegna:***

- the Commission asks that aids to cross (documents to be placed before a witness that are not in evidence or new in relation to cross-examination of a witness) be sent to counsel for the witness at least 24 hours prior to questioning
- the purpose is not to give an advantage to the witness, but to ensure that they are able to answer questions without delay

***Keith Wilson:***

- noted that the only hearing room where this notion has even been suggested was at the Heartland hearing
- raised concerns with this process when clients are already under cross-examination
- raised concern that the exchange of aids to cross process makes it really easy for an applicant and, therefore, raised a concern for a reasonable apprehension of bias and said that the Commission needed to err on the side of fairness
- explained that he is not talking about putting to a witness a 75 page report, but when you put a two page document from the Globe and Mail and there was a flare up; this was to test the veracity of a witness and is what cross-examination is all about
- indicated that he is profoundly troubled with the new notion of law that surrounds the utility hearing and other counsel have reacted the same way; indicated that this is an adversarial process

***AUC Giuseppa Bentivegna:***

- explained that the process is a courtesy and applies to everyone and enables a more efficient process

***Keith Wilson:***

- asked when we are speaking of treating everyone equally why is the AESO being coy and why do they not have to disclose whether they will seat a panel particularly where the AESO has a responsibility and AUC cannot approve without the AESO certification

***AUC Giuseppa Bentivegna:***

- explained that the AUC did not know what the AESO is planning and did not know if they would be participating at this time

***Keith Wilson:***

- asked if the AUC can say the AESO must file a SIP by a specified date

***AUC Giuseppa Bentivegna:***

- noted that the AESO did file a SIP and were also at the process meeting
- indicated that as Commission counsel, she could not provide any information other than what is on the record about what the AESO will be doing

***Michael Niven:***

- Commented on aids to cross that before his expert panel got sat at Heartland, there was stuff coming over at 11 p.m. at night (300-400 page documents) that weren't referred to in cross-examination

***Randall Block/Allan Ross:***

- noted that aids to cross were common in general tariff application hearings

***Joe Anglin:***

- asked who is going to be responsible for security

***AUC Giuseppa Bentivegna:***

- explained that there has not been any discussion respecting security issues

***Joe Anglin:***

- noted that he would like an answer on the matter of security (eg. Who will be present? Who will be in charge? Will it be for everyone? Will some companies be allowed to bring their own security in)
- mentioned that while lawyers may be comfortable in this setting, for landowners it is quite intimidating
- referred to Heartland hearing and explained that this is offensive to landowners who were not aware of the process; there were security guards with covered weapons
- requested that the Commission issue a letter to participants on how security will be managed and organized
- noted that security did not need to be adversarial, could be friendly and helpful

***AUC Giuseppa Bentivegna:***

- explained that the AUC does not have any security personnel and if security is needed for a hearing, the AUC asks the Solicitor General to provide it

**Joe Anglin**

- asked whether people will be allowed to use their own security

**AUC Giuseppa Bentivegna:**

- responded that she was surprised by this question because it did not seem to be an issue

**Joe Anglin**

- reiterated that it is an issue and will be an issue if it is not part of security by AUC or Solicitor General

**AUC Giuseppa Bentivegna:**

- noted that the AUC can only control its process and its actions, what people choose to do outside of the hearing is up to them

**Joe Anglin:**

- explained that he was worried about circumstances inside the hearing room and would like it clarified for landowners

**Keith Wilson:**

- asked that AUC not try to suggest that there is no communication between AUC and Solicitor General

**AUC Giuseppa Bentivegna:**

- explained that if there is any need for security it will be requested from the Solicitor General

**Michael Niven:**

- asked who was on the panel for the hearing

**AUC Giuseppa Bentivegna:**

- answered that this information will be in the notice of hearing; Commission Members will be Willie Grieve, Kay Holgate and Acting Commission Member Ian Harvie [correction Acting Commission Member Pat Brennan] with a caution that if some untoward or scheduling issue arises this could change
- noted from that you'll see that's who signed the advance cost order decision

**Keith Wilson:**

- commented that he is bombarded with so many notifications and some are nothing important, he would really appreciate it if the Commission would deviate from this practice for something really important and send it by email

**AUC Giuseppa Bentivegna:**

- indicated that this request will be flagged for the notice of hearing

**Michael Niven:**

- commented that Heartland hearing feedback regarded smoothness or accessibility on website

***AUC Amanda Brinker:***

- explained that this is a common issue with the filing system; it is not intuitive for people that don't use it all the time and even for people that do
- noted that AUC is always looking at improving it and also improving the website
- have web pages for big hearings and list most recent information at the top of the page; buttons to those web pages are on the AUC home page ([www.auc.ab.ca](http://www.auc.ab.ca))

***Keith Wilson:***

- commented that there are so many windows to get to a document and that temporary files come up every time

***AUC Giuseppa Bentivegna:***

- acknowledged that it needs improvement

***Joe Anglin:***

- commented that the website really stinks
- gave analogy that if you are a private company trying to sell this product you would be broke
- explained that it is grossly pathetic and he lives on the internet, for example when using the website you can't navigate through it, more concerning for people who are not internet savvy; commented that the old system was bad and the new system is worse
- noted that he made it clear to Chairman Willie Grieve that it is not user-friendly

***Randall Block:***

- asked what the process for community meetings is

***AUC Giuseppa Bentivegna:***

- noted that people can register by September 12, 2011, if they would like to speak to the Commission panel in certain communities (more details will be included in the notice of hearing)
- panels would allow people to make unsworn statements regardless of whether or not they have standing

***AUC Amanda Brinker:***

- explained that in the Heartland hearing, six community hearings were offered with only one being well attended in Sherwood Park; people spoke for five minutes and there was a transcript

***Randall Block:***

- asked if there would be cross-examination at the community hearings

***AUC Giuseppa Bentivegna:***

- answered that no cross-examination would take place

***Keith Wilson:***

- asked if there was a notional duration for the hearing

***AUC Giuseppa Bentivegna:***

- answered that a rough estimate would be four weeks although it would depend on the evidence that is filed

***Keith Wilson:***

- asked if we would begin on November 7, 2011, and stop for the holidays

***AUC Giuseppa Bentivegna:***

- answered that she would hope so

***Keith Wilson:***

- mentioned that a number of participants are also involved in the Eastern Alberta Transmission Line (EATL) and need the first two weeks in January to do their final preparation for EATL hearing after the holiday break

***AUC Giuseppa Bentivegna:***

- answered that the four weeks is a rough estimate

***Richard Horne:***

- asked what the process is beyond today's meeting: What is the schedule, who will go first and how will examination be conducted?

***AUC Giuseppa Bentivegna:***

- answered that we are hoping to take the information gathered at this meeting back and let them know what the Commission thinks will work
- asked whether people would want another opportunity for response or the ability to submit written comments

***Michael Niven:***

- noted that he didn't think we are looking for an order

***AUC Giuseppa Bentivegna:***

- explained that this is how we intend to proceed, however at the beginning of the hearing people may make motions which may change the plan; again this meeting is an attempt to provide some order so people can plan accordingly

***Richard Horne:***

- indicated this was his first involvement and that the matter regarding the filing of aids to cross-examination seems odd and appears to change the whole nature of the process

***AUC Giuseppa Bentivegna:***

- explained that this is only if counsel is using something that is not on the record, used particularly in utilities hearing if someone is going to create a new table from information or put an older report to an expert
- explained that the idea regarding the aids to cross is to provide them to counsel for the witness to have to review before question is asked.

***Keith Wilson:***

- asked if the purpose of sending the aids to counsel was so that counsel will talk to the witness who was under cross-examination

***AUC Giuseppa Bentivegna:***

- explained that the purpose was so that the information can be provided to the witness so they can read it through; the purpose is not for counsel to speak to them
- if a new document is put to a witness who is in cross-examination before the question is asked it helps the hearing move along if they have an idea what the document is

***Richard Horne:***

- commented that in some circumstances this process is okay, but in other circumstances it is not

***AUC Giuseppa Bentivegna:***

- noted that this process applies to all witnesses and that makes cross-examination more fluid; not a process where questions will be disallowed, more of a process to give the witness time to review
- acknowledged that counsel should not be talking to their witness while under cross-examination
- explained that the process is not intended to give unfair disadvantages or take away element of surprise if talking about credibility

**3. Closing remarks*****AUC Giuseppa Bentivegna:***

- offered thanks and appreciation for their time

**Additional Comments**

Below comments received after draft version of minutes sent to participants for review.

***Richard Secord – August 10, 2011:***

- Submitted updates to his comments on pages 6-8; Revised paragraphs indicated below:

***Richard Secord:***

- noted that at Heartland hearing after notice of hearing was issued the AESO filed a certification document that was entered as an exhibit and brought a panel to speak; if this occurs again the AESO should be number two in the order of appearances for the hearing
- indicated that both himself, Mr. Ham and Mr. Gruber would be sharing two experts (Mr. Wallis and Mr. Berrien) and they should not be required to show up multiple times; he would expect that he would begin with examination in chief of Mr. Berrien, followed by Mr. Gruber, and then Mr. Ham and then there may be up to three redirects after cross-examination has been completed by Mr. Secord, Mr. Ham and Mr. Gruber; the same procedure would follow for Mr. Wallis
- noted that he believes the above process is not impossible and probably makes sense

- asked whether the Commission wanted the experts to go through a detailed review of their expert reports as it happened to some degree in the Heartland hearing
- noted that one of the problems that occurred during the Heartland hearing regarded filings that occurred in AltaLink's rebuttal evidence, including changing the route; noted that during the actual hearing itself there were further route revisions submitted by AltaLink which resulted in interveners filing surrebuttal and sur-surrebuttal
- acknowledged that the process is always going to be dynamic but would be good to have routing experts respond to late filed route changes if those changes affect their respective clients
- asked whether the Commission wanted opening statements intervener expert witness panels
- noted that if there are late changes to the Application submitted by AltaLink, it may be useful to have experts speak to these in the opening statements
- asked whether the Commission would want landowners to go through their individual submissions in detail or would they like a brief opening statement because in Heartland it was all over the map
- assumed that the AUC would provide daily online transcripts

***Richard Secord:***

- asked if order of cross-examination of AltaLink panel will occur as it is set out in the July 4, 2011, letter; namely
  1. Interveners opposed to the preferred route and its options, and
  2. Interveners opposed to the alternate route and its options.

***Lucien Kurata - August 10, 2011***

- No issue is taken with the summary of Kurata comments as reported.
- This agreement to your reporting in the minutes does NOT constitute any acquiescence to, or agreement with, the process and structural bias whereby the principal issue is framed as "choosing" the preferred or optional route and not the issue of public interest.

***Michael Niven – August 13, 2011***

- The minutes generally reflect the tone and content of the meeting... which I thank the Commission for having.
- I think, however, the minutes might not reflect how general and how strong the view of intervener counsel is on this notion that any materials to be put to a witness under cross-examination should be sent to that witness (or his counsel where represented) 24 hours before the cross-examination takes place. While counsel conducting the cross-examination might **choose** to do that for some perhaps non-controversial material in an effort to move things along more efficiently at the hearing, I don't think it is appropriate for the Commission to require that as a prerequisite to use of a document during cross-examination.
- If the Commission is considering making that a rule of procedure in these or other proceedings please let me know as soon as possible.

***John Gruber- August 14, 2011***

- We concur with the amendments suggested by Mr. Secord.
- I was not clear from the meeting whether a direction was being given to Intervener counsel with respect to providing “cross-examination aids” to AML. I share the concerns expressed by Mr. Niven with respect to reflecting the level of concern at the meeting with respect to the fairness of a requirement to deliver AML aids to cross-examination.

***Keith Wilson – August 15, 2011***

- I concur with Messrs. Secord’s and Niven’s comments.
- Further, requiring interveners to provide advance notice and copies of documents used in aid of cross examination of Altalink creates a process bias in favour of Altalink. It is not a process followed by any Canadian court nor any other administrative tribunal that the writer has appeared before. The normal practice followed by courts and other tribunals should be followed by the Commission. That practice does not result in delay, ensures fairness to both sides, and allows the Commission to assess the veracity of the testimony.

***Randall Block – August 17, 2011***

- AltaLink appreciates the opportunity to comment on your draft minutes from the July 27, 2011, meeting in Red Deer. Matters of procedure and evidence, including the use of aides to cross-examination, are for the sitting Panel to address in the context of which they arise. There are several decisions of the Commission, the Energy Resources Conservation Board and their predecessors which confirm the public interest in ensuring procedural fairness and efficiency. AltaLink submits that these decisions and the Commission's past practice inform the issue of appropriate document disclosure prior to cross-examination.
- AltaLink has no further comments on the draft minutes.