

# Local Intervener Costs



The Alberta Utilities Commission (AUC or Commission) regulates the approval of the construction, operation, alteration and decommissioning of transmission lines, electric substations and power plants and gas utility pipeline facilities.

A member of the public who has an interest in land that may be directly and adversely affected by a decision of the Commission on one of the types of facilities described above may be eligible to recover the reasonable costs incurred in support of his or her participation in an AUC proceeding.

This brochure is a summary of Rule 009, *Rules on Local Intervener Costs* and is not a substitute for the rule itself. Rule 009 can be found on the AUC website at [www.auc.ab.ca](http://www.auc.ab.ca) or by contacting the AUC at 403-592-4500.



## Local Intervener Costs

Approvals from the AUC are required for the construction, operation, alteration and decommissioning of transmission lines, electric substations and power plants (electric facility) and gas utility pipeline facilities (gas facility). If you feel that a potential decision about an electric or gas facility may directly and adversely affect you, you can participate in an AUC public hearing for that application. Meaningful public participation through a fair, open and transparent process is important to the Commission.

The AUC has a cost recovery process for people or groups that are considered to be local interveners, as defined in section 22 of the *Alberta Utilities Commission Act*. Pursuant to AUC Rule 009, *Rules on Local Intervener Costs*, a person determined by the Commission to be a local intervener, can apply to the Commission for reimbursement of costs incurred in a proceeding by filing a costs claim.

This brochure summarizes some key elements of the AUC's cost recovery process established by section 22 of the *Alberta Utilities Commission Act* and Rule 009, *Rules on Local Intervener Costs*. This brochure is not a substitute for the Rule itself. Rule 009 can be found on the AUC website at [www.auc.ab.ca](http://www.auc.ab.ca) or by contacting the AUC at 403-592-4500.

### What is a *local intervener*?

A local intervener is a person or group with an interest in land who occupies or is entitled to occupy that land, that is or may be directly and adversely affected by the Commission's decision on an electric or gas facility application. Local interveners may be eligible to recover the reasonable costs of their participation in an AUC proceeding, including legal, expert witness or consulting fees and expenses.

In the past the Commission has considered a person that owns, rents or leases lands or a dwelling to have an interest in land.

To be eligible for cost recovery you must demonstrate how the Commission's decision on an application project may directly and adversely affect you and your interest in land. For example, suppose a transmission line is proposed on lands that you own and farm and, if approved the placement of the transmission line will require you to farm around it. The Commission's decision may directly and adversely affect you and you would therefore be eligible for local intervener costs.

### Working together:

To reduce duplication of efforts and to make its hearings as efficient as possible, the Commission strongly recommends that you cooperate with other local interveners with interests similar to your own. Parties with similar interests should consider sharing a lawyer or expert witnesses to support their position on the application. When evaluating a claim for local intervener costs, the Commission considers whether efforts were made by local interveners to work together.

## **What costs can be recovered?**

You may be able to recover costs for legal counsel, expert witnesses or consultants to assist in the preparation of your submission to the Commission and to represent your views at the hearing. Reasonable personal expenditures such as mileage, accommodations, photocopying, and meals may also be recovered.

However, you must be aware that while reimbursement for the above costs may be available, it is not guaranteed. You may only claim costs in accordance with the scale of costs set out in Rule 009 which sets fee limits for legal and professional fees and for certain expenses.

It is extremely important to understand before hand how the lawyer, expert witness or consultant that you hire wants to be paid for assisting you. Some lawyers, experts or consultants will accept as their fee the costs that are awarded by the Commission. Other lawyers, experts or consultants expect to recover their fees regardless of what costs the Commission awards. In the second circumstance you may end up responsible for covering some or all of the lawyers and/or experts fees out of your own pocket.

When assessing the cost claim the Commission will consider whether the costs that you claimed were reasonable and directly related to the proceeding. As well, the Commission will consider whether you acted responsibly in the proceeding and contributed to a better understanding of the issues before the Commission. The Commission will also consider if you made reasonable efforts to cooperate with other parties with similar interests to reduce the repetition of evidence and questions.

## **How to apply for cost recovery:**

AUC Rule 009 provides details on how to prepare a cost application to the Commission. Typically, participants file their cost claims following the close of the proceeding. Participants may also request advance funding. However, if the Commission considers the evidence you submitted not to be beneficial to the proceeding, you may be required to pay some or all of the advance funding back.

You must file your claim for costs no more than 30 days after the hearing has ended. You must also provide a copy of your claim to the applicant of the proceeding.

## **Who pays local intervenor costs?**

The party that is applying for approval of a gas or electric facility is responsible for paying local intervenor costs awarded by the Commission. However, it is important to note that local intervenor costs paid in relation to a hearing for transmission lines or substations are passed on to Albertans through their electricity rates. Accordingly, the Commission must carefully review all cost claims to ensure that they are reasonable

## **Who makes the decision on local intervenor cost claims?**

The Commission decides whether you qualify for cost recovery and what costs will be recovered. The Commission issues a cost order that awards costs in your claim. The amount awarded to the intervenor will be paid by the applicant within 30 days of the cost order.

## Contact information:

Consumer Relations  
Phone: 780-427-4903, or  
Email: [consumer-relations@auc.ab.ca](mailto:consumer-relations@auc.ab.ca)

Information services  
Phone: 403-592-4500, or  
Email: [info@auc.ab.ca](mailto:info@auc.ab.ca)

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Calgary Office:  
Fifth Avenue Place East  
Fourth Floor, 425 - 1 Street SW  
Calgary, Alberta T2P 3L8  
403-592-8845\*

Edmonton Office:  
HSBC Building  
Tenth Floor, 10055-106 Street  
Edmonton, Alberta T5J 2Y2  
780-427-4901\*

[www.auc.ab.ca](http://www.auc.ab.ca)

\*Dial 310-0000 prior to the 10-digit numbers  
toll-free access anywhere in Alberta.

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