

AUC public hearings

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- Conduct



This pamphlet provides information about the public hearing process the Alberta Utilities Commission often uses to make decisions about applications for transmission needs and facilities.

What is an Alberta Utilities Commission hearing?

The Alberta Utilities Commission is committed to ensuring that Albertans whose rights may be affected by a Commission decision about a facilities or needs application have the opportunity to have their concerns heard, understood and considered.

The AUC will hold a public hearing when issues arising from an application cannot be otherwise resolved. A hearing brings all parties involved together to publicly express their views and present their evidence in support of, or in opposition to an application. Public hearings are held before a Commission panel in a fair and orderly forum similar to a court of law. This process allows the Commission to make a fully-informed decision.

How do I find out about hearings and the process involved?

- The AUC provides a written notice of application or a notice of hearing to directly-affected landowners in the case of a facility or needs application. Notices may be published in daily and/or weekly newspapers, and are often delivered by Canada Post by general delivery to residents in the area of the proposed project.
- All notices of hearing and notices of application are available on the AUC website at www.auc.ab.ca.
- The AUC generally advertises for, and holds, local public information sessions about opportunities for public participation in its public hearing process.

For more complex projects, the AUC may hold a pre-hearing meeting to determine the issues, timing and location of the hearing. If a pre-hearing meeting is held, the details of the meeting would be included in the notice of application or the notice of hearing.

After the pre-hearing meeting the AUC issues a report. This report clarifies and sets out a final process schedule and sets out important dates, venues and deadlines leading up to the hearing. For example, deadlines for applicants and intervenors to submit questions and to receive answers from each other, and when all the final evidence is to be filed.

Who can participate in a hearing?

People who object to or support an application are encouraged to submit their views in writing to the AUC.

People that may be directly and adversely affected by the Commission's decision on an application are entitled to participate in the public hearing. Such people are said to have standing to participate.

The term "people" as used here also includes groups and corporations.

Do interveners need to hire a lawyer?

Although there is no requirement that a lawyer represent you during the hearing, having a lawyer represent your interests is often helpful. AUC hearings are, in many ways, like a civil court case. Lawyers are trained to present a client's case, cross-examine witnesses, and make arguments about what the AUC's decision should be. A lawyer can also assist in arranging for expert witnesses, if they are needed to support a client's case.

If I choose to represent myself, how can I learn more about hearing procedures and requirements?

AUC Rule 001: *Rules of Practice* provides information for proceedings before the AUC. Rule 001 explains what must be done when a participant is faced with a variety of situations during a proceeding. The AUC expects applicants and participants in AUC hearings to be familiar with Rule 001.

AUC staff are available to assist with any procedural questions.

What is the hearing panel?

A hearing panel is usually a group of three Commission members who have been assigned to conduct the AUC hearing. After the close of the hearing the Commission panel makes the decision on the application. Depending upon the circumstances, hearings may be conducted by a single Commission member.

Where are AUC hearings held?

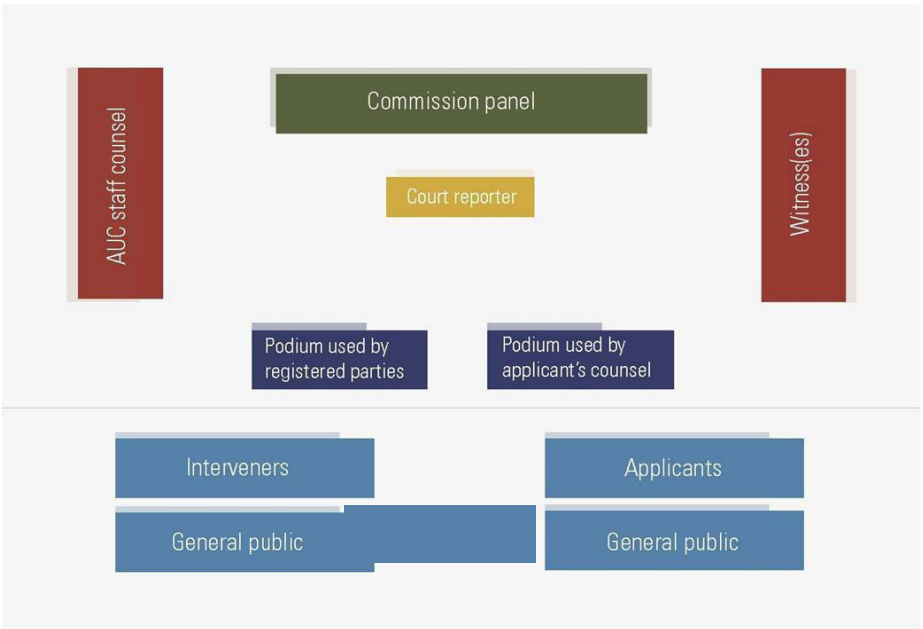
The AUC has hearing rooms at each of its Edmonton and Calgary offices. However, hearings and pre-hearing meetings for transmission projects are usually held in or near the area that may be affected by the proposed project and, where practicable, at times and places convenient for those involved. When public hearings are not held locally, interveners may be reimbursed for reasonable travel expenses (see AUC Rule 009, available on the AUC website at www.auc.ab.ca for more information).

How long does an AUC public hearing last?

Every case is unique; hearings may last anywhere from one day to several weeks, depending on the nature of the application and the complexity of the issues. The AUC will take as long as is required to adequately hear the evidence.

May I attend an AUC hearing just to listen?

Certainly. Anyone not registered to participate is welcome to attend a public hearing as an observer.



A typical hearing room

What happens at an AUC hearing?

An AUC hearing follows a formal quasi-judicial process:

Opening remarks – The chair of the panel explains the purpose of the hearing and introduces the members of the panel and AUC staff. Parties may be asked to register at that time.

Preliminary matters – Procedural and legal matters are presented, such as adjournment requests or the scheduling of a specific witness at a particular time. The chair of the panel may request that participants deal with Commission staff outside of the hearing to make efficient use of the hearing time.

Applicant – The applicant presents its case and may question its own witnesses. All witnesses are required to swear an oath that the evidence they are providing is truthful. Then interveners, AUC staff, and the Commission panel may question those witnesses. Once these questions are complete, the applicant may question the witnesses again to clarify answers to any questions that arose.

Interveners – Interveners present their cases next. After an intervener gives direct evidence, the lawyer for the applicant may question the intervener, followed by the other interveners who wish to cross-examine. AUC staff and members of the panel may then question the intervener. Following cross-examination, the intervener may clarify any matters that arose.

Rebuttal evidence by applicant - Once the above process is complete with all the interveners and their witnesses, the applicant may submit additional evidence to address new points raised by interveners.

Final argument or summation – After the evidentiary portion of the hearing is complete, each participant may provide an explanation of what he or she believes are the important aspects of the issues involved and what decisions they feel the Commission should make. This is the final opportunity to ensure that the Commission and all participants understand what your position is on the issues. The applicant may respond to interveners' arguments.

Closing of hearing – The chair of the panel announces the hearing is completed and that the decision of the panel and the reasons for it will be given at a later date.

Decision – The Commission's final reasoning and decision on the application is generally issued no more than 90 days after the hearing in a written decision.

What is expected from the Commission, interveners and others attending a hearing?

Applicants and interveners can expect the Commission members to listen to, understand and consider the views and evidence presented, whether in support of, or in objection to, an application.

The Commission is also committed to running its public hearing in an efficient and positive manner while ensuring all parties have a fair opportunity to present their case.

You can expect Commission staff to be respectful, courteous and helpful, clearly identified and available in the hearing room to assist you in any way they can.

For your convenience, at major hearings the Commission will also generally arrange for public rooms close to the hearing room where individuals or groups may go for information, refreshments, to meet, or to listen to the hearing remotely.

The AUC is also committed to providing a safe and respectful environment for all participants in its proceedings, and for its employees.

Persons attending an AUC public hearing whether participating or observing are expected to act in accordance with the quasi-judicial nature of the proceeding. The hearing is a formal, court-like event and the rules of court conduct apply, to provide an environment free from disruption.

In the hearing room, cell phones must be turned off and no recording devices are allowed. Media interviews must be arranged and conducted outside of the hearing room at a sufficient distance so as to not disrupt the hearing in any way. Placards, signs and props are not allowed within the hearing room. Impeding access for people entering the hearing room or other rooms booked nearby is not permitted. Disruptive behavior will not be tolerated.

Can I be reimbursed for costs incurred for hearing participation?

Yes, local interveners may be eligible to recover reasonable costs in support of their participation. You may be able to recover costs for legal counsel, expert witnesses and reasonable personal expenditures such as mileage, accommodation, meals and administrative expenses. However, reimbursement is not guaranteed and the Commission sets limits on hourly fees payable to lawyers and experts. Requirements are set out in AUC Rule 009 and summarized in AUC's *Local Intervener Costs* brochure.

Intervenors are required to file claims for reimbursement of expenses within 30 days of the close of the hearing.

What happens after the hearing? When is a decision issued?

The hearing panel releases a decision report, which gives the panel's decision and reasons for the decision. The decision report is sent directly to all participants and is available to the public on the AUC website at www.auc.ab.ca.

A decision is typically issued within 90 days of the close of a hearing (the last date on which parties provided oral or written submissions or argument).

After hearing a facilities application, the AUC has three options in reaching a decision: approve the application as it was applied for; approve it with conditions; or deny the application.

After hearing a needs application, the AUC has three options in reaching a decision: approve the application, deny the application or send the application back with suggestions for change.

Can an AUC decision be reviewed or appealed?

Yes. Persons who are directly or adversely affected by an AUC decision may ask the Commission to review one of its decisions in accordance with AUC Rule 016. A review request must be made within 30 or 60 days from the date of the decision depending upon the basis for the review request.

An appeal of the Commission's decision may be made to the Alberta Court of Appeal on questions of jurisdiction or law, meaning that the AUC did not have the right to make the decision or that it made a mistake in its interpretation of the law. Permission to appeal the decision must be obtained from the Alberta Court of Appeal by making an application for leave to appeal within 30 days of the Commission's decision being issued. These rules are not set by the AUC.

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



Consumer Relations
Phone: 780-427-4903, or
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Information System Services Group
Phone: 403-592-4500, or
Email: info@auc.ab.ca

Electronic Filing (E-Filing) Services Support
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Email: systemservices@auc.ab.ca

Facilities Division
Phone: 403-592-4403 and ask to speak to the
Facilities Division

Rates Division
Phone: 403-592-4403 and ask to speak to the
Rates Division

Markets Division
Phone: 403-592-4403 and ask to speak to the
Markets Division

www.auc.ab.ca

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