



2000 – 10423 101 St NW,
Edmonton, Alberta
T5H 0E8 Canada
epcor.com

December 5, 2016

Alberta Utilities Commission
Fifth Avenue Place
4th Floor, 425 First Street, SW
Calgary, AB T2P 3L8

**Attention: JP Mousseau,
Commission Counsel**

Dear Mr. Mousseau:

Re: EPCOR Distribution & Transmission Inc.
EPCOR Energy Alberta GP Inc.
Stakeholder Consultation on Proposed Amendments to AUC Rule 001: Rules of Practice
Bulletin 2016-19

1. EPCOR Distribution & Transmission Inc. and EPCOR Energy Alberta GP Inc. (collectively, “EPCOR”) submit this letter in response to Bulletin 2016-19 issued by the Alberta Utilities Commission on November 1, 2016. The Commission asked participants to submit any comments to the AUC on or before December 5, 2016 with respect to the draft revised Rule 001. EPCOR generally supports or is indifferent to the proposed amendments, but has specific concerns with two sections included in the draft Rule as follows.

Section 41 Witness panels; subsection 41.4

Where a question is directed to a specific member of a witness panel and that member is not able to answer the question because of a lack of knowledge or qualifications, the Commission may permit the members of the witness panel to confer among themselves and permit another member of the panel to answer the question.

2. The proposed section constitutes a significant, unnecessary and inappropriate change to the Commission’s and its predecessors’ long-standing approach to dealing with panels of witnesses presented by parties to speak to regulatory filings. Under the current approach, parties such as EPCOR have the flexibility to choose the witness or witnesses on a given panel that is/are the most appropriate to answer a question posed by another party during

cross examination. This is appropriate, as it is EPCOR that bears the onus of demonstrating that its application meets the legislative requirements for approval, it is the EPCOR's personnel that have prepared the application and it is the EPCOR's witnesses that have prepared themselves to speak to the application. In addition, there is often considerable overlap among witnesses in terms of their involvement in developing an application and related filed material (such as IR responses, company rebuttal evidence, etc.) and their familiarity with the details of and underpinning different components of the application. Finally, topic areas often engage more than one area of knowledge and expertise, thus engaging more than one witness on a topic (e.g., both engineering and accounting; both accounting and policy; etc.).

3. The proposed rule will change this sensible approach. Rather than the witness panel having the ability to choose the witness or witnesses that is/are the most appropriate individual(s) to answer a question, the new rule provides the cross examiner with that choice, and then places an onus on the witness panel to presumably demonstrate that the witness that the cross examiner has chosen is not the appropriate witness to respond to the question, or that the witness chosen by the cross examiner is not the only witness that should be responding to the question. In EPCOR's view, such an approach will accomplish little more than to add time, procedural wrangling and a needless additional source of interruption and argument to proceedings that otherwise run smoothly, with the witnesses who are by far the most familiar with the filed material and their specific involvement in and knowledge of its different components determining who is/are the appropriate person(s) to respond to each question. And if the Commission or a cross examiner believes that something untoward is occurring among panel members, then the matter can be raised and addressed by the Commission as appropriate, without the need to take the drastic step reflected in the proposed rule.

4. For these reasons, EPCOR recommends that the proposed section be deleted.

Section 43 Concurrent evidence; subsection 43.1

The Commission may require expert witnesses from different parties to sit as a witness panel and give their evidence together.

5. EPCOR does not support the idea of seating expert witnesses from different parties as a single witness panel during an oral hearing. EPCOR understands that the goal of such an approach is to achieve greater efficiency in proceedings, but EPCOR does not believe the practice of "hot-tubbing" will achieve the desired results. EPCOR is concerned that the practice will ultimately result in less rigorous testing of the evidence presented by experts of each party and would limit each party's ability to address the fundamental issues in whatever way they think is appropriate. The current method of testing expert opinions can and should continue to be dealt with through written information requests, cross examination and argument rather than through the concurrent presentation of expert evidence.

6. EPCOR appreciates the opportunity to provide comments regarding AUC Rule 001. Please contact me directly at 780-412-4281 or via email at pladeroute@epcor.com if you have any questions.

Sincerely,

[Electronically submitted]

Priti Laderoute
Senior Manager, Regulatory & Business Planning
EPCOR Distribution & Transmission Inc.

cc: Jonathan M. Liteplo, Fasken Martineau DuMoulin LLP