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Alberta Utilities Commission
Fifth Avenue Place
4th Floor, 425 - 1 Street SW
Calgary, Alberta T2P 3L8

Attention: JP Mousseau, Commission Counsel

Dear Mr. Mousseau:

**Re: Fortis Alberta Inc. Comments on Proposed Amendments to
AUC Rule 001 – Rules of Practice**

Pursuant to the Alberta Utilities Commission's ("AUC" or "Commission") Bulletin 2016-19 dated November 1, 2016, Fortis Alberta Inc. ("Fortis Alberta" or the "Company") submits the following comments on the AUC's proposed amendments to AUC Rule 001 – Rules of Practice.

AUC Rule 001 – Section 15.1 – Applicant to provide documents and materials

"15.1 The applicant shall, upon request of a person or party who cannot access the eFiling System, provide the person or party with paper copies of any documents and material filed by the applicant on the eFiling System."

Fortis Alberta recognizes the importance of ensuring that participants in Commission proceedings are provided with reasonable access to information comprising the record. However, the record of a given proceeding may not be limited to information provided by Applicants, as defined by the Rule. Commission proceedings commonly attract intervention by individuals or groups that may tender significant amounts of factual and expert documentary evidence. The Company, therefore, recommends that wording this section be revised to refer to "parties" as opposed to "applicant", as defined by the Rule. This variation will ensure that participants who are otherwise unable to access the eFiling System are afforded equal access to all documents and materials comprising the record, regardless of their source.

The obligation to provide hard copies of electronically filed evidence should be subject to an overall requirement of reasonableness of requests. In the Company's view, the adoption of such a requirement will encourage well-considered and targeted demands for hard copy information while avoiding the inefficiencies and potentially prohibitive costs attendant in blanket requests.

AUC Rule 001 – Section 19.3 – Independent expert evidence

“19.3 The Commission may require independent expert witnesses from different parties to confer with each other in advance of a hearing to narrow issues, identify points on which their respective views differ or agree and prepare joint written statements to be admissible as evidence.”

FortisAlberta supports initiatives intended to promote the efficient conduct of proceedings and facilitate the Commission’s consideration of expert evidence. The Company suggests that the current version of Section 19.3 should be refined to further clarify the contents (and possibly format) of any positional summary that may be ordered by the Commission. For example, it is unclear whether the “joint written statements” referred to in the provision are intended to be limited to summaries of points of agreement and divergence of opinion, or have a broader scope. Additional guidance of this kind will both promote uniformity of practice in and between Commission proceedings, as well as limit the potential for disagreements between parties that would otherwise undermine the efficiencies targeted through enactment of the provision. FortisAlberta also requests that the Commission consider supplementing the current wording of Section 19.3 to provide additional certainty regarding the regulatory treatment of costs incurred in connection with the joint meetings and submissions contemplated by the Rule.

AUC Rule 001 – Section – Aids to question witnesses

“39.1 Unless otherwise directed, a party who intends to use a document as an aid to question a witness that has not been filed in a proceeding must provide a copy of that aid to question a witness to the witness, or the witness’s representative, no less than 24 hours before the witness is to be questioned on the aid to question a witness.”

FortisAlberta agrees that the Commission’s Rules of Practice must prescribe minimum timelines for the provision of aids to questioning. All parties to Commission proceedings will benefit from additional guidance regarding the reasonable and efficient use of these examination tools. The Company, however, submits that the currently proposed advance notice period of 24 hours should be extended to a minimum of 48 hours.

The Commission is well acquainted with the nature and extent of the demands that are placed on witnesses’ time during the course of an oral hearing. The efficient use of Commission resources is promoted by procedures that afford witnesses adequate time to prepare for questioning related to complex subject matter.

FortisAlberta recognizes that the precise manner in which questioning will unfold is difficult, if not impossible to predict with absolute certainty. However, adequate planning and organization on the part of the questioning party should facilitate compliance with the minimum 48-hour notice period in the majority of circumstances. Particularly given the extent of the Commission’s pre-hearing discovery processes.

FortisAlberta submits that the potential consequences of a party's failure to adhere to the minimum time lines prescribed by the Rule should be stated in the provision. In the Company's view, a reasonable procedural sanction for such conduct would be a requirement to seek leave to put the document to the witness. The test for leave in such circumstances could include a requirement to establish the relevance of the proposed line of questioning to the Commission's inquiries as well as confirmation that the document(s) in question does not contain new evidence that could have been provided in the pre-hearing period or, otherwise in advance of the minimum notice period prescribed by the Rule.

Please contact me directly at (403) 514-4992 or Jennifer Walsh at (403) 514-4128, if you have any questions with respect to this submission.

Sincerely,

"Original signed by"

Janine Sullivan
Vice President,
Finance and Chief Financial Officer