



AUC

Alberta Utilities Commission

ENMAX Power Corporation

Service Area Expansion

November 3, 2011



The Alberta Utilities Commission
Decision 2011-440: ENMAX Power Corporation
Service Area Expansion
Application No. 1607511
Proceeding ID No. 1358

November 3, 2011

Published by

The Alberta Utilities Commission
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1 Introduction and background

1. By Order in Council *O.C. 123/2011*, the provincial cabinet approved the annexation of approximately 177 acres of land by the city of Calgary from the M.D. of Foothills No.31 (the annexed land) effective January 1, 2011. As a result of that annexation, the new boundaries of the city of Calgary extend beyond the previously approved¹ service area of the ENMAX Power Corporation (ENMAX) electric distribution system.

2. ENMAX filed Application No. 1607511, on July 21, 2011, to expand the electric distribution system service area boundary in accordance with the new city of Calgary boundaries, as outlined in Section 29 of the *Hydro and Electric Energy Act*, the *Municipal Government Act* and the Municipal Consent and Access Agreement between ENMAX and the city of Calgary.

3. The annexed land is currently in the FortisAlberta Inc. (Fortis) electric distribution service territory; however, Fortis does not have any facilities or customers in the area.

4. The annexed land that ENMAX is proposing to include in its service area are as follows:

- Plan 101 3290, Block 1, Lot 1 within portions of the northeast quarter of Section 9, Township 22, Range 1, west of the Fifth meridian.
- The southeast quarter of Section 9, Township 22, Range 1, west of the Fifth meridian.
- The northwest quarter of Section 9, Township 22, Range 1, west of the Fifth meridian.

5. The Commission issued a notice of application on August 17, 2011, with a response deadline date of September 2, 2011.

6. Fortis filed a statement of intent to participate in response to the notice on September 1, 2011, indicating that it intended to participate. Fortis stated that it currently has the service area in question and, therefore, has an interest in the matters raised by the application.

7. AltaLink Management Ltd. (AltaLink) filed a SIP in response to the notice on September 2, 2011, indicating that it did not anticipate being actively involved, but has an interest with respect to the principles or issues that may arise during the course of the proceeding.

8. On September 14, 2011, the Commission issued a letter to Fortis requesting further information and details on Fortis's intention to participate in the application.

¹ Application, Appendix B.

9. Fortis responded on October 24, 2011, stating that Fortis' statement of intent to participate was of a monitoring nature only.

2 Commission findings

10. The Commission is aware that pursuant to the *Municipal Government Act* and the Municipal Consent and Access agreement between ENMAX and the city of Calgary, ENMAX has the exclusive right to provide electricity (including distribution service) within the municipal boundaries of the city of Calgary.

11. There were two statement's of intent to participate filed regarding the application; however, neither intervener indicated an objection to the application. AltaLink and Fortis indicated that their intent to participate was for monitoring only.

12. The Commission finds that no party demonstrated that they would be adversely affected by the proposed service area expansion.

13. The Commission finds that approving the application is in the public interest.

3 Decision

14. Pursuant to sections 25 and 29 of the *Hydro and Electric Energy Act*, the Commission approves Application No. 1607511 for the expansion of ENMAX's electric distribution system service area and grants ENMAX the approval set out in Appendix 1 – Approval No. U2011-382. (Appendix 1 will be distributed separately).

Dated on November 3, 2011.

The Alberta Utilities Commission

(original signed by)

Neil Jamieson
Commission Member