



AltaLink Management Ltd.

Springbank 9273R Radio Site Telecommunications Upgrade

May 8, 2015

Alberta Utilities Commission

Decision 3362-D01-2015

AltaLink Management Ltd.

Springbank 9273R Radio Site Telecommunications Upgrade

Proceeding 3362

Application 1610772-1

May 8, 2015

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1 Introduction

1. In this decision the Alberta Utilities Commission must decide whether to approve an application by AltaLink Management Ltd. (AltaLink) to construct and operate a new 95-metre tall telecommunications tower (the proposed tower) and salvage the existing 79-metre tall telecommunications tower (the existing tower) at the existing Springbank 9273R radio site in the community of Aspen Woods in southwest Calgary, Alberta (collectively, the proposed project).

2 Background

2.1 AltaLink's facility application

2. On August 1, 2014, AltaLink filed a facility application, registered as Application 1610772-1, pursuant to sections 14, 15 and 21 of the *Hydro and Electric Energy Act* requesting approval to:

- salvage the existing tower at the existing site
- construct and operate the proposed tower at the existing site approximately 10 metres north and five metres east of the existing tower
- expand the inner fence at the existing site by approximately six metres by six metres to the northeast
- upgrade the associated telecommunications equipment and modify the site power supply

3. The Commission issued a notice of application on August 18, 2014. The notice of application was mailed directly or through a postal code drop to stakeholders, including landowners, residents and agencies, within 800 metres of the proposed project as identified by AltaLink. The notice of application was also published on the AUC website. AltaLink provided updated contact information on September 25, 2014. A notice of application was sent to these parties on September 26, 2014.

2.2 Interventions

4. The Commission received five statements of intent to participate from individuals in response to the notice of application.

5. Jianchu Wu expressed concerns about the health and safety risks the proposed tower could pose, the negative impact on property value, visual impacts of the proposed tower, and environmental impacts. Mr. Wu recommended that should an increase in the tower height be necessary, AltaLink should relocate the proposed tower to a more remote location.

6. Jodie Colbert expressed concerns about the visual impacts the proposed tower would have as a result of the location of the proposed tower being approximately 10 metres north and five metres east of the existing tower. Ms. Colbert also expressed concerns about the foliage removal required to construct the proposed tower and the impact on the property value of her house. She recommended that AltaLink consider stakeholder concerns more closely and suggested alternatives including relocating the proposed tower to a more isolated location and the usage of fibre optics.
7. Peter Jones expressed concerns about the visual impacts of the tower, the land value impact and the addition of equipment in the future that could produce electromagnetic fields. Mr. Jones recommended that the Commission consider the approval process for the addition of future equipment to the site as well as examine the possibility of AltaLink using other existing towers.
8. Richard McLeod expressed concerns about the safety risks in the event of a catastrophic failure of the proposed tower. He stated it would be sensible and appropriate to use this opportunity to safely remove and relocate the tower to a new and safer location. Mr. McLeod also expressed concerns about the visual impacts the new proposed tower would have due to the height increase and the safety lighting the proposed tower would require.
9. Paul MacDonald expressed concerns about the visual impacts as a result of the increased height and new safety lighting requirements of the proposed tower. He suggested that AltaLink build the proposed tower in a different location in a commercial or industrial area.
10. Zhihai Fang registered to participate but did not submit a statement of intent to participate.
11. On October 30, 2014, the Commission issued its ruling on standing. For the reasons set out in that ruling, the Commission found that Ms. Colbert, Mr. Jones, Mr. MacDonald, Mr. McLeod, and Mr. Wu (collectively, the interveners) had rights that may be directly and adversely affected by the Commission's decision on the proposed project application. A copy of the ruling is attached as [Appendix A](#).

2.3 Hearing

12. The notice of hearing for this proceeding was issued on November 12, 2014, advising that there would be a hearing on the application commencing on February 24, 2015. The notice of hearing also stated that an information session would be held by Commission staff on December 9, 2014. The notice of hearing was mailed directly or through a postal code drop to stakeholders, including landowners, residents and agencies, within 800 metres of the proposed project as identified by AltaLink. The notice of hearing was also published on the AUC website.
13. The hearing commenced on February 24, 2015, at the AUC fifth floor hearing room in Calgary, Alberta before a Commission panel comprised of Panel Chair Tudor Beattie, QC, Acting Commission Member Kate Coolidge and Acting Commission Member Ian Harvie. The hearing concluded on February 25, 2015, and the Commission considered the record to be closed upon the completion of the hearing.

14. A list of all registered parties in Proceeding 3362 is provided in [Appendix B](#). A complete list of all hearing participants is attached to this decision in [Appendix C](#). Mr. Wu was unable to attend the hearing but did submit an email to the AUC during the hearing that was filed as Exhibit 3362-X0025.

3 Issues

15. The Commission considers that the application and interventions raise the following issues:

- Did AltaLink's participant involvement and consultation program meet the requirements of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* and was it adequate in the circumstances?
- Was the proposed project site suitable?
- Does the proposed project create visual impacts?
- Would there be health and safety risks as a result of construction and operation of the proposed project?
- Would the proposed project have a negative impact on the property values of nearby residences?

4 Public consultation

4.1 Views of AltaLink

16. AltaLink submitted that its participant involvement program exceeded the requirements of Rule 007. AltaLink stated that the proposed project is located in an urban area and Rule 007 requires the applicant to provide public notification and personal consultation to all occupants, residents, and landowners within the first row of houses and hold as at least one information session. Rule 007 permits the delivery of proposed project-specific information packages by postal code drop.

17. AltaLink stated it conducted a participant involvement program that notified stakeholders within a minimum of 800 metres from the outer fence line surrounding the proposed project through a postal code drop in September 2013. Stakeholders identified by AltaLink as being outside the postal code area were hand delivered proposed project-specific information packages.

18. AltaLink stated that an open house was held at the Strathcona Christie Aspen Community Association on October 30, 2013.

19. AltaLink stated that it delivered 1,555 stakeholder packages in September and October of 2013 and 1,593 packages in August of 2014 for its notice of filing. AltaLink used the same methodology for the notice of filing in August 2014 as it had done for initial notification in September 2013. AltaLink submitted that the number of stakeholders did not change significantly and the slightly higher number of stakeholders for the notice of filing is reflective of an effective consultation program.

20. AltaLink stated it consulted with all first row residences facing the proposed project, as well as with parcel owners adjacent to the proposed project. AltaLink stated that it continued to update its stakeholders list for the first row residents through land title reviews and added other stakeholders that it identified.

21. AltaLink stated that when it began its participant involvement program in 2013, it identified owners through a Land Titles search. At that time, the registered owner of Ms. Colbert's residence was WestView Builders. AltaLink submitted that it consulted with WestView Builders, the builder of Ms. Colbert's residence, between October 2013 and January 2014, in relation to properties that WestView Builders would have been representing and QuinnCorp Holdings, the developer for Ms. Colbert's property, between October 2013 and February 2014 and no concerns were raised.

22. AltaLink submitted that it did not identify Ms. Colbert as a concerned stakeholder through its personal consultation process because Ms. Colbert's residence is located in the second row of houses from the proposed project. AltaLink stated that Ms. Colbert became known as a stakeholder when she contacted AltaLink in September 2014.

23. AltaLink submitted that it contacted Ms. Colbert on September 23, 2014,¹ after receiving an email on September 22, 2014 from Ms. Colbert regarding her concerns. AltaLink committed to providing Ms. Colbert with a copy of the proposed project-specific information package as well as visual renderings that were prepared for the proposed project which AltaLink submitted were emailed to Ms. Colbert on September 24, 2014.² AltaLink stated that it invited Ms. Colbert to contact its representatives if she had any questions or matters to discuss further.

24. AltaLink contacted Ms. Colbert again on September 26, 2014.³ AltaLink stated that it was proactive and offered to assist Ms. Colbert with her statement of intent to participate in the proceeding. In addition, AltaLink stated that it invited Ms. Colbert to contact AltaLink if she had any questions or would like any further information regarding the proposed project. AltaLink stated that Ms. Colbert's next contact was through her counsel in January 2015.

25. AltaLink met with Ms. Colbert at her residence on February 2, 2015, to discuss the proposed project. AltaLink stated that it discussed the approximate location of the proposed north guy wire anchor location as well as the area of the vegetation removal that would be required.

26. AltaLink acknowledged that Ms. Colbert's concerns were not fully satisfied but submitted that its participant involvement program should be considered complete because it had allowed stakeholders an opportunity to understand the proposed project and its potential impacts, express their legitimate concerns and provide site-specific input to improve the proposed project.

¹ Exhibit 3362-X0009, page 4, paragraph 17.

² Exhibit 3362-X0009, page 19.

³ Exhibit 3362-X0009, page 26.

4.2 Views of interveners

27. Ms. Colbert expressed dissatisfaction with AltaLink's notification and consultation process.

28. Ms. Colbert submitted that she moved into her residence in December of 2013 but was not notified of the proposed project until she received the notice of application issued by the AUC in September 2014.

29. Ms. Colbert stated that she tried to contact AltaLink through a telephone number that AltaLink had provided but was unable to reach a representative from AltaLink. Ms. Colbert stated that she emailed AltaLink in September 2014 expressing her concerns.

30. Ms. Colbert stated that she was frustrated by what she perceived to be a lack of meaningful consultation.⁴ Ms. Colbert added that AltaLink had been unclear and non-committal on project specifics and that the efforts were late and did not appear to be genuine.⁵ Ms. Colbert stated that AltaLink finally listened to her concerns only after she retained counsel.⁶

31. Ms. Colbert stated that if she had been consulted earlier she would have had a better opportunity to provide input regarding the proposed project. Ms. Colbert stated that AltaLink was content to rely on consultation with developers, builders and community associations well after Ms. Colbert purchased her residence.

4.3 Commission findings

32. The AUC prescribes consultation requirements for applicants in Rule 007. The purpose of a public consultation program is to inform parties whose rights may be directly and adversely affected by a proposed project. Rule 007, Appendix A, Participant Involvement Program Requirements, requires that an applicant include a description of its participant involvement program in its application to the AUC.

33. The Commission finds that the participant involvement program designed by AltaLink met the requirements of Rule 007 in the following ways:

- mail out of project information packages
- personal consultation with stakeholders within the first row of houses
- an open house
- ongoing efforts made to address landowner concerns as they arose

34. With respect to Ms. Colbert's concerns, the Commission acknowledges that even an effective participant involvement program may not resolve all stakeholder concerns. This is not necessarily the fault of AltaLink or the stakeholder, as parties may have different views.

⁴ Exhibit 3362-X0018, page 3, paragraph 10.

⁵ Exhibit 3362-X0008, page 8, paragraphs 21 and 22.

⁶ Transcript, Volume 2, page 27, lines 13-15.

35. The Commission will consider a participant involvement program to be effective if it meets Rule 007 requirements and has allowed stakeholders an opportunity to understand the proposed project and its potential impacts, express their legitimate concerns about the proposed project, and provide site-specific input to improve the proposed project. The Commission observes that efforts were made by AltaLink to contact owners and that project-specific information packages were sent to the previous owner of Ms. Colbert's residence. The Commission recognizes that in an area that includes a new development, it can be challenging for an applicant to identify new residences and convey project-specific information to them. The Commission finds the approach adopted by AltaLink to be reasonable in the circumstances. However, AltaLink could have been more effective at identifying new residents located in the immediate vicinity of the proposed project.

36. Notwithstanding the concerns expressed by stakeholders, the Commission finds that AltaLink made reasonable efforts to engage with landowners, based on the evidence presented by AltaLink on its public consultation process. Accordingly, the Commission concludes that AltaLink's consultation and participant involvement program met the regulatory requirements of Rule 007.

5 Siting

5.1 Views of AltaLink

37. AltaLink submitted that the proposed project was a part of its Capital Replacement and Upgrades Program and, as such, it would not require a direction letter or needs identification document from the Alberta Electric System Operator.

38. AltaLink stated that under Section 39(1) of the *Electric Utilities Act*, it has an obligation to operate and maintain its facilities in a safe and reliable manner.

39. AltaLink stated that the existing tower is a part of the "backbone" of the Alberta Interconnected Electric System and connects to six other telecommunications sites.⁷ AltaLink stated that an outage of the existing tower (or the proposed tower if approved) would have broad implications to the Alberta Interconnected Electric System.

40. AltaLink stated that the existing tower is 36 years old and is at the end of its planned lifecycle. AltaLink stated that the primary reason for replacing the existing tower is its physical condition. AltaLink submitted that it commissioned a guy wire anchor inspection which concluded that accelerated corrosion would be expected on the anchors and that the existing tower's foundations were "showing their age."⁸

41. AltaLink stated that it does not run its assets to fail and, instead, replaces its aging facilities before they present a safety risk. AltaLink stated that taking a "wait-and-see approach"

⁷ Transcript, Volume 2, page 6, lines 10-14.

⁸ Transcript, Volume 2, page 7, lines 1-2.

would be the opposite of AltaLink's legislative obligation to maintain and operate its facilities safely and reliably.⁹

42. AltaLink stated that the existing telecommunications link between the site and the Cochrane Lake 9286R radio site is experiencing signal deterioration and path losses. AltaLink stated that the link between the Cochrane Lake 9286R radio site and the existing site has experienced seven outages since 2013. AltaLink explained that six of the outages were of short duration which is often indicative of interference due to a building or a structure. AltaLink stated that one outage in December 2014 was a longer outage and AltaLink continued to investigate and were not able to confirm with certainty that the residences and other buildings were the cause of the interference.

43. AltaLink stated that it is required to meet the Alberta Electric System Operator's reliability standards which include a 99.99 per cent reliability for tele-protection data.¹⁰ AltaLink stated that the outages that have been occurring on the one particular link to the Cochrane Lake 9286R radio site has slightly exceeded that particular reliability requirement. The increase in the proposed tower's height would be expected to increase AltaLink's ability to meet the Alberta Electric System Operator's reliability standards while accommodating future urban expansion, maintain the reliability of the Alberta Interconnected Electric System and allow for two future microwave dishes to be placed on the proposed tower.

44. AltaLink submitted that no party had raised any evidence to suggest that the proposed project was not needed.

45. AltaLink stated that the site for the proposed project was based on its ability to provide optimal signal path and that the high elevation of the existing site was advantageous. AltaLink stated that if the proposed tower were to be moved, changes to other towers would be necessary, including their heights and antenna direction.

46. AltaLink stated that consideration was given to rebuilding the proposed tower at the same location as the existing tower. AltaLink explained that the existing tower's foundation would need to be reinforced to accommodate the proposed tower and that this option would create an outage because the area that needed to be reinforced is currently occupied by buildings that technically support the existing telecommunications links. AltaLink submitted the length of the outage required for the reinforcements would be in excess of that which is permitted by the Alberta Electric System Operator's reliability standards. Therefore, this option was ruled out.

47. AltaLink stated that co-location, relocating telecommunications links on a tower owned by a third party, was investigated but was not considered appropriate because the existing tower is a critical component of the Alberta Interconnected Electric System and, as such, AltaLink would need to have access to the site to address operation and maintenance issues at all times.

48. AltaLink submitted that all proposed project work would take place on AltaLink-owned lands and access would be via an existing access road.

⁹ Transcript, Volume 2, page 7, lines 3-9.

¹⁰ Transcript, Volume 1, page 40, lines 10-12.

49. AltaLink submitted that replacing the existing tower at the existing site was preferred as it was technically feasible, offers a site that ensures telecommunications link reliability, continues to meet the Alberta Electric System Operator's reliability standards. It also provides services and emergency response facilities for third parties and minimizes cost as no new land would need to be acquired.

5.2 Views of interveners

50. Mr. McLeod proposed that the existing tower be permanently removed and a new location be found that offers less risk to people and property.

51. Ms. Colbert submitted that there was no evidence to support that site selection was technically proper and that the proposed tower would address the ongoing interference issues as the site remains under investigation as to the cause of the outages.

52. Ms. Colbert stated that it remains unclear how AltaLink could maintain the position that the site was proper while at the same time admit that the site itself is under investigation as to a potential cause of the performance issues. Ms. Colbert added that constructing a replacement tower on a site currently experiencing interference and outage issues in the absence of clarity as to causation would not be prudent.¹¹

53. Mr. Wu, in his submission,¹² stated that AltaLink admitted that the proposed tower would have impacts to the local community and landowners but was reluctant to consider other locations due to increased project cost and therefore did not explore other options due to the financial considerations.

5.3 Commission findings

54. The Commission notes that AltaLink requires a permit to construct and licence to operate a transmission facility pursuant to sections 14 and 15 of the *Hydro and Electric Energy Act*. The Commission also observes that no needs identification document application is required and that the proposed project was included in AltaLink's 2013-2014 Capital Replacement and Upgrades Program, which formed a part of AltaLink's general tariff application to the Commission.

55. Although the Commission heard evidence from AltaLink regarding site selection including possible alternatives, AltaLink has applied to construct the proposed project on a single site; namely the existing site. Because AltaLink applied to the Commission with a single site for consideration, its application will stand or fall on the merits of the site. The Commission heard evidence from AltaLink that the site selection took into consideration the potential impacts regarding costs, safety and reliability. While the summary of the potential alternative sites provided AltaLink's rationale for its choice of the site, the Commission will only consider whether the site is suitable for the proposed project.

¹¹ Transcript, Volume 2, page 25, lines 9-16.

¹² Exhibit 3362-X0025.

56. The Commission described its approach to deciding applications for new transmission facilities in Decision 2011-436.¹³

The Commission's past practice was to weigh the established benefits of a proposed upgrade, as reflected in a need approval, with the discrete impacts of the project proposed by the facility applicant. The Commission would then assess whether implementation of the applied-for project would address the previously approved need for the project while at the same time minimizing, or mitigating to an acceptable degree, the potential adverse impacts on Albertans, both on a province-wide basis, and for those Albertans who must bear the burden of having the infrastructure placed on or adjacent to their lands.

57. The Commission accepts AltaLink's submission that the site is technically feasible. The Commission also accepts that the height increase is required to meet future growth and is expected to increase AltaLink's ability to meet the Alberta Electric System Operator's reliability standards. The Commission has considered the siting concerns raised by stakeholders and recognizes that the proposed project may create adverse impacts for some nearby residences. Having considered all of the evidence including the considerations discussed in the following sections, the Commission finds that the location of the site is acceptable for the construction and operation of the proposed project.

6 Visual impacts

6.1 Views of AltaLink

58. AltaLink stated that the proposed tower would appear "skinnier" than the existing tower. The proposed tower would be 40 per cent narrower in diameter compared to the existing tower and the legs and the members that connect the vertical legs and the guy wires would all be significantly smaller on the proposed tower.¹⁴

59. AltaLink stated that the proposed tower would not be painted in the alternating red and white pattern of the existing tower but, rather, would be unpainted and would utilize LED lights configured with a built-in directional shield designed to be less visible than the existing incandescent lights at ground level. AltaLink stated that it received direction on the lighting configuration from Transport Canada to ensure safety.

60. AltaLink committed to spending of between \$5,000 and \$15,000 to plant trees at the site which would aid in mitigating potential visual impacts to stakeholders.¹⁵ AltaLink committed to plant a mix of evergreens and deciduous trees as well as bushes in an area where no vegetation is located currently. AltaLink submitted that this would at least partially mitigate the visual impact of the proposed project.¹⁶

¹³ Decision 2011-436: AltaLink Management Ltd. And EPCOR Distribution & Transmission Inc., Heartland Transmission Project, Proceeding 457, Application 1606609, November 1, 2011.

¹⁴ Transcript, Volume 2, page 17, lines 16-22.

¹⁵ Transcript, Volume 1, page 73, lines 8-11.

¹⁶ Transcript, Volume 2, page 16, lines 10-14.

6.2 Views of interveners

61. In his written submission, Mr. McLeod stated that the proposed tower would introduce more visual disturbances to the broader community because of its increased height, large microwave dishes and features such as white strobe lights that would replace the red lights that are currently on the existing tower.¹⁷

62. Ms. Colbert explained that the existing tower is not visible from her bonus room and is only slightly visible from her deck. Ms. Colbert further explained that the proposed tower's location on the existing site would put it directly in her visual window and impact her view.

63. In addition, Ms. Colbert was concerned that the removal of trees and other vegetation required for the construction of the proposed project would create a visual window into the site. Ms. Colbert requested that the Commission not approve the application or, in the alternative, that the Commission make any approval of the application conditional on replanting of trees removed during construction along the northern perimeter fence and the planting of trees and other vegetation in front of the north guy wire anchor point sufficient to shield the visual window that would be created into the site.¹⁸

6.3 Commission findings

64. The assessment of visual impacts is subjective in nature, however, the Commission recognizes that the impairment of viewscape is an unwanted impact caused by telecommunications towers. The Commission notes that the proposed tower would be replacing an existing tower. The Commission is of the view that the site currently has visual impacts as a result of the existing tower, fence and telecommunications buildings. The Commission also observes that AltaLink has committed to planting trees and vegetation once the proposed project is constructed and that it has budgeted between \$5,000 and \$15,000 for vegetation. The Commission expects AltaLink to honor its commitment and encourages AltaLink to plant as much vegetation as possible within the prescribed budget in the locations previously discussed with Ms. Colbert. Based on the above, the Commission finds that the visual impacts can be mitigated.

65. With regard to visual impacts stemming from the lights associated with the proposed project, the Commission acknowledges that AltaLink has attempted to mitigate the impact with the directional shields while still allowing for the safe operation of the proposed tower.

7 Safety concerns

7.1 Views of AltaLink

66. AltaLink submitted that the proposed tower could be constructed and operated safely and, in addition, there would be no need for residents to take any additional safety precautions during construction of the proposed project. Also, the existing tower could be safely removed.

¹⁷ Transcript, Volume 1, page 161, lines 6-11.

¹⁸ Transcript, Volume 2, page 23, lines 3-10.

67. In response to concerns about safety, AltaLink acknowledged that if the proposed tower were to collapse on its side, there are residences located within the fall radius. AltaLink submitted that due to the proposed tower's design it would be unlikely that the proposed tower would fall.

68. AltaLink explained that it owns and operates 250 telecommunications towers and has not had a failure in the past 60 years. AltaLink explained that telecommunications tower incidents were reviewed and that on one occasion a plane ran into a telecommunications tower, and that the tower did not fall down while another tower had its guy wires ripped out by a farmer and the tower did not fall.

69. Should the proposed tower be approved, each guy wire would be at a different tension and, in the event of a tower collapse, the proposed tower would buckle on top of itself and would not collapse on its side. AltaLink explained because of the lack of failures, the event of a tower collapse could not be fully studied, but indicated that if there was an incident that caused the proposed tower to collapse, it would remain completely within the site due to the guyed nature of the proposed tower.

70. AltaLink explained that telecommunications towers do not have the same safety concerns as other transmission facilities because telecommunications towers do not carry voltage and a failure would not result in a fire.

7.2 Views of interveners

71. Mr. McLeod stated that the existing tower carries an inherent risk of collapse that not only exposes residents within 79 metres of the tower base but also adjacent residents beyond the 79 metres as a result of collateral impacts.¹⁹

72. Mr. McLeod stated that the proposed tower height increase to 95 metres would increase the risk area significantly and unacceptably by 45 per cent and would therefore encroach on the safety of even more people and properties.²⁰

73. Mr. McLeod stated that it was nonsensical to remove one existing risk and then reintroduce an even greater risk to more people and properties and that it would contravene good practices towards the governance of public safety.²¹

74. Mr. McLeod suggested that AltaLink remove the existing tower with great caution and consider moving people out of their homes temporarily to mitigate risk to adjacent homeowners during the potentially dangerous event and ultimately consider relocating the proposed tower to a different and better location that offers less risk to people and property.²²

¹⁹ Transcript, Volume 1, page 160, lines 15-20

²⁰ Transcript, Volume 1, page 160, lines 21-25.

²¹ Transcript, Volume 1, page 161, lines 1-5.

²² Transcript, Volume 1, page 161, lines 1-7.

7.3 Commission findings

75. The Commission is satisfied any safety concerns associated with the proposed project's close proximity to area residents can be effectively managed. The Commission is cognizant that there are additional residences located in the radius of the proposed tower as compared to the number of residences within the radius of the existing tower.

76. The Commission observes that telecommunications towers are located throughout Alberta and the world. The Commission also notes that the guy wires are an effective and proven mitigation measure to address safety concerns of the proposed tower falling. Another important factor for the Commission was that the proposed tower, similar to the existing tower, would not carry high voltage and, as such, the risks associated with a failure event such as falling would be less than the risks associated with transmission line towers. Given the design of the proposed tower, the Commission is of the view that the proposed project's construction and operation would not create a material safety risk to area residents and members of the public.

8 Property value

8.1 Views of AltaLink

77. AltaLink noted that there was no site-specific evidence on the record that the proposed project would lead to a property value impact.

78. AltaLink stated that the Commission had previously recognized that property valuation is a complex and technical issue that requires specialized knowledge and expertise and as such the Commission had previously cautioned stakeholders that it cannot place any weight on personal views on property value impact. AltaLink submitted that expert evidence would be required in this case.

79. AltaLink stated that if there was a property value impact, it would have occurred several decades ago when the existing tower was first built at the site. AltaLink stated that it had no evidence to show that the slight shift in tower location and height would lead to any type of impact or that there is a suitable site for the proposed tower that would be preferable from a property value impact perspective.²³

8.2 Views of interveners

80. Mr. McLeod stated that it was clear that the proposed tower would further degrade the natural beauty of the area, create light affecting all residents within a wider area, and reduce the desirability of the neighbourhood to others and, thereby, reduce buyer interest and property value.²⁴

81. Ms. Colbert submitted that the proposed project would negatively impact the resale value of her residence.²⁵

²³ Transcript, Volume 2, page 18, lines 17-23.

²⁴ Transcript, Volume 1, page 161, lines 12-16.

²⁵ Exhibit 3362-X0008, page 5, paragraph 10.

8.3 Commission findings

82. In this section, the Commission must determine whether the proposed project may have an impact on the property value of adjacent homes.

83. The Commission recognizes that stakeholders including Ms. Colbert and Mr. McLeod were concerned with the proposed tower's potential impact on property values. The Commission also considers that no expert reports were filed with respect to this issue and the evidence that was given was brief and in the nature of a personal opinion. The Commission finds that the evidence is insufficient to allow it to determine whether there may be a positive or negative effect on the value of properties near the proposed tower. Further, there was no evidence before the Commission to indicate that the impacts to property value, if established, would be greater given the location of the proposed tower as compared to the existing tower. In the Commission's view because there is an existing tower, the approval of the proposed tower is likely to have less of an impact to property values as compared with a greenfield site. In the absence of evidence to support Ms. Colbert's and Mr. McLeod's concerns, the Commission is not persuaded that there will be negative impacts to property values.

9 Environment

84. AltaLink stated that potential environmental effects is a relevant factor for the Commission to consider.

85. AltaLink stated potential impacts were assessed by AltaLink's environmental specialists to be low in relation to wildlife and vegetation. AltaLink stated that there were no wetlands or water bodies on the site and that activities would be expected to have minimal long-term soil disturbance. In addition, AltaLink also stated that all work would be done on land owned by AltaLink. AltaLink submitted that the siting of the proposed project would minimize the impact to the environment.

86. In the application, AltaLink stated that in June 2013 two ravens' nests were observed to be located on the existing tower. AltaLink stated that it has an avian protection plan that is designed to mitigate adverse avian interactions with electrical utility facilities. AltaLink stated that its nest management procedure would guide the management of the ravens' nests.

9.1 Views of interveners

87. In his statement of intent to participate, Mr. Wu indicated he was concerned with possible environment impacts from construction and operation of the proposed project.

10 Commission findings

88. The Commission accepts AltaLink's assertion that the environmental impact of the proposed project would be minimal as AltaLink would use the existing access road and all work would occur on AltaLink-owned land at the existing site.

89. Based on AltaLink's avian protection plan, the Commission accepts AltaLink's assertion that the potential impact on wildlife would be remote.²⁶ The Commission expects AltaLink to follow any restricted activity periods as required by Alberta Environment and Sustainable Resource Development that may be in effect during the construction period.

11 Conclusion

90. In making its determination for an application for the proposed project, the Commission has considered all of the above factors as well as other types of potentially adverse impacts that parties requested the Commission to consider. The Commission must consider all relevant factors and the often conflicting interests of the interveners and the interests of Albertans as a whole to arrive at a decision which seeks to have the least overall adverse impact. As the Commission stated in Decision 2012-327,²⁷ the Commission does not weigh specific criteria individually. Rather it weighs all of the criteria together, and considers both the potential impact on individuals and on the larger community.

91. The Commission considers that the evidence provided during the proceeding to support the application is sufficient and finds that the application complies with the consultation requirements prescribed in Rule 007.

92. The Commission accepts AltaLink's submission that the existing tower can be safely removed and that construction and operation of the proposed tower would not create a significant safety risk.

93. The Commission is of a view that the existing tower has visual impacts and that new visual impacts as a result of the proposed project can be effectively mitigated, with the mitigation measures such as foliage replacement, identified by AltaLink.

94. The Commission considers that the existing tower was constructed in 1979 and that no evidence supported the proposition that the approval of the proposed project would adversely affect property values.

95. The Commission accepts AltaLink's assertion that the impacts to the environment would be minimal given the scope and location of the proposed project.

96. For the above reasons, the Commission has determined that the Springbank 9273R telecommunications upgrade is in the public interest pursuant to Section 17 of the *Alberta Utilities Commission Act*.

²⁶ Exhibit 02.AML-3362, Facility Application, page 13, paragraph 43.

²⁷ Decision 2012-327: AltaLink Management Ltd., Western Alberta Transmission Line Project, Proceeding 1045, Application 1607067, December 6, 2012.

12 Decision

97. Pursuant to sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves the application and grants AltaLink the approval set out in Appendix 1 – Telecommunications Facilities Permit and Licence 3362-D02-2015 – May 8, 2015, to alter and operate Springbank 9273R radio site (Appendix 1 will be distributed separately).

98. Pursuant to Section 21 of the *Hydro and Electric Energy Act*, the Commission grants AltaLink the approval set out in Appendix 2 – Decommission and Salvage Approval 3362-D03-2015 – May 8, 2015, to decommission and salvage the telecommunications tower at Springbank 9273R radio site (Appendix 2 will be distributed separately).

Dated on May 8, 2015.

Alberta Utilities Commission

(original signed by)

Tudor Beattie, QC
Panel Chair

(original signed by)

Kate Coolidge
Acting Commission Member

(original signed by)

Ian Harvie
Acting Commission Member

Appendix A – Ruling on standing

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AUC Ruling.pdf

(consists of 3 pages)

Appendix B – Proceeding participants

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Name of party or organization (Abbreviation) counsel or representative
AltaLink Management Ltd. (AltaLink) Brenden Hunter Jenette Yearsley Laura Coward
Jodie Colbert (Ms. Colbert) Michael Barbero
Paul MacDonald
Peter Jones
Richard McLeod
Jianchu Wu
Zhihai Fang

<p>Alberta Utilities Commission</p> <p>Commission Panel Tudor Beattie QC, Panel Chair Kate Coolidge, Acting Commission Member Ian Harvie, Acting Commission Member</p> <p>Commission Staff Shanelle Sinclair (Commission Counsel) Taylor McCusker Trevor Wilde</p>
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Appendix C – Oral hearing – registered appearances[\(return to text\)](#)

Name of party or organization (abbreviation) counsel or representative	Witnesses
AltaLink Management Ltd. Brenden Hunter Jenette Yearsley Laura Coward	Wes Mundy Brad Nickel Greg Jones
Jodie Colbert Michael Barbero	
Richard McLeod	

October 30, 2014

To: Interested Parties

AltaLink Management Ltd.
Springbank Radio 9273R Radio Site Telecommunications Upgrade
Application No. 1610772
Proceeding No. 3362

Ruling on standing

1. In this ruling, the Alberta Utilities Commission (AUC or the Commission) must decide if the individuals who filed submissions on the record of Proceeding No. 3362 have demonstrated that they have rights that may be directly and adversely affected by the Commission's decision on AltaLink Management Ltd.'s (AltaLink) application for the Springbank Radio 9273R Radio Site Telecommunications Upgrade project (the proposed project). A person who demonstrates the potential for direct and adverse effect is said to have "standing". Persons with standing have a right to have their concerns about an application considered in a hearing.

2. The Commission has asked me to write to interested parties to provide its ruling and reasons for its ruling on the standing of the individuals who filed submissions in relation to the above-referenced application.

3. The Commission issued a notice of application for this proceeding on August 18, 2014.

4. In response to the notice of application, the Commission received five objections to the proposed project from the following persons: Jodie Colbert, Peter Jones, Paul MacDonald, Richard McLeod, and Jianchu Wu. Given the similarity among the objections, the Commission will not describe each submission in this ruling. However, the following is a summary of the most common concerns expressed by landowners and occupants living near the proposed project:

- the proposed project will result in visual impacts and depreciation of property values; and
- the proposed project could create safety concerns if the tower falls.

5. Under Section 9 of the *Alberta Utilities Commission Act*, the Commission must hold a hearing on an application if a person demonstrates that he or she has rights that may be directly and adversely affected by the Commission's decision on the application.

6. There is a two-part test for determining standing. First, a person must demonstrate that the right he or she is asserting is recognized by law. Second, a person must provide some information that shows that the Commission's decision on the application may directly and

adversely affect his or her rights. The first part of the test is legal; the second part of the test is factual. For the factual part of the test, the Alberta Court of Appeal has stated that “some degree of location and connection between the work proposed and the right asserted is reasonable.”

7. As noted above, persons with standing have a right to have their concerns about an application considered in a hearing. As a part of this right, the Commission must give persons with standing a reasonable opportunity to understand the application and the positions of other parties in the proceeding. It is the Commission’s practice to allow persons with standing to file and present evidence, cross-examine the applicant and to make argument.

8. In the past, the Commission has allowed persons without standing the opportunity to provide a brief statement to the Commission that describes their views on the application. However, where all persons with standing withdraw their objections, the Commission may cancel the hearing even if parties without standing have expressed a desire to participate in that hearing.

9. The Commission has reviewed the application and the submissions made by Ms. Colbert, Mr. Jones, Mr. MacDonald, Mr. McLeod, and Mr. Wu. The Commission notes that all of these individuals reside in close proximity to the proposed project, the farthest being approximately 600 metres away. The Commission finds that there is a sufficient degree of connection between the ownership and occupation rights asserted and the project-associated concerns raised in their objections. The Commission is satisfied that Ms. Colbert, Mr. Jones, Mr. MacDonald, Mr. McLeod, and Mr. Wu have demonstrated that they each have rights that may be directly and adversely affected by the Commission’s decision on the application.

10. The Commission notes that Mr. Wu indicated in his statement of intent to participate that he does not intend to participate if a hearing is held on the proposed project application. Because Mr. Wu has rights that may be directly and adversely affected by the Commission’s decision on the application, he may elect to participate at a later date in accordance with the process schedule to be set out in the notice of hearing.

11. The Commission encourages individuals to form a group with other individuals with similar or shared interests. The participation of such groups contributes to the efficiency of a hearing and allows interveners to share the work of preparing and presenting an intervention. It should also be noted that cost awards to local interveners are affected by efficiencies that are gained, or which should have been gained, by a co-operative approach among interveners and intervener groups.

12. Because the Commission has determined that Ms. Colbert, Mr. Jones, Mr. MacDonald, Mr. McLeod, and Mr. Wu have rights that may be directly and adversely affected by its decision on the application, it will hold a public hearing in accordance with Section 9 of the *Alberta Utilities Commission Act*. A notice of hearing will be issued in due course.

Yours truly,

Shanelle Sinclair
Commission Counsel