



AltaLink Management Ltd.

South and West of Edmonton Area Transmission Development

Advance Funding Request from the Cooking Lake Opposition Group

Advance Funding Award

March 14, 2016

Alberta Utilities Commission

Decision 21368-D01-2016: AltaLink Management Ltd.
South and West of Edmonton Area Transmission Development
Advance Funding Request from the Cooking Lake Opposition Group
Advance Funding Award
Proceeding 21368

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- 2.3.1 advance the funds to the local intervener and
- (i) set out the terms for repayment of the advance to the Commission by the local intervener, or
 - (ii) direct the applicant to reimburse the Commission for the funds advanced to the local intervener

or

- 2.3.2 direct the applicant to advance funds to the local intervener and set out the terms of repayment for the advance to the applicant by the intervener.

3. Budget to be Filed

The Commission may, at any time during a hearing or other proceeding, require a local intervener to file a budget of the intervener's anticipated costs in the proceeding in accordance with Appendix B.

3 Advance funding application

6. In its advance funding application, Cooking Lake advised that it had retained five experts to address issues identified by that group to be relevant to the proceeding. The application included a proposed budget in accordance with the Commission's *Scale of Costs* under Rule 009 for amounts totalling \$256,714.50. The table below summarizes the experts retained by Cooking Lake, the issues that each expert will address and the total budget for their respective services inclusive of fees, disbursements and GST:

Expert	Issue	Budget
Berrien Associates Ltd./Robert A. Berrien	Routing	\$33,390.00
SmartDrones Inc.	Routing	\$1,155.00
Cottonwood Consultants Ltd./Cliff Wallis	Environment	\$20,044.50
FDI Acoustics Inc./James Farquharson	Noise	\$16,800.00
Harrison Bowker Real Estate Appraisers Ltd./ Pat Woodlock, Jordan Gillespie	Property Values	\$21,787.50

7. Berrien Associates Ltd. was retained to provide expert evidence on the routing of the project. SmartDrones Inc. was retained to provide aerial/drone video of the proposed route for use in the hearing process. Cottonwood Consultants Inc. was retained to evaluate the environmental effects of the project. FDI Acoustics Inc. was retained to prepare evidence on the

noise impacts and effect of the project. Harrison Bowker Real Estate Appraisers Ltd. was retained to evaluate the property value impacts of the project relating to members of Cooking Lake .

8. Cooking Lake also estimated Ackroyd LLP's legal costs to be \$163,537.50.

9. Cooking Lake advised that it is an intervener group that consists of families and rural landowners. Cooking Lake emphasized its financial need for assistance in order to fully participate in Proceeding 20924 given the scope of fees and costs involved in retaining the necessary legal counsel and experts necessary to address the relevant issues. Cooking Lake has further advised that it would present considerable difficulties for individual members of the group to provide *pro-rata* contributions for the funding of the intervention for the duration of the intervention.

10. Cooking Lake requested that the Commission order an advance of 50 per cent of the projected legal and consultant fees, disbursements and GST in the sum of \$128,357.25.

4 Commission findings

11. In its ruling on standing in Proceeding 20924, the Commission concluded that some members of Cooking Lake have rights that may be directly and adversely affected by the Commission's decision on the project because they own or reside upon lands within 800 metres of the proposed preferred Cooking Lake transmission line route. The Commission finds that, by virtue of the participation of those members, Cooking Lake is eligible for advance funding under AUC Rule 009.

12. In accordance with Section 2 of AUC Rule 009, the Commission is satisfied that Cooking Lake has demonstrated a need for financial assistance, and has determined that some amount of advance funding is warranted in this case.

13. Historically, when the Commission has approved an award of advance funding it has awarded between 30 and 60 per cent of an intervener's projected costs. Cooking Lake has requested advance funding of 50 per cent of its budgeted legal and consultant costs of \$256,714.50.

14. The Commission has reviewed the budget and scope of work for Berrien Associates Ltd., SmartDrones Inc., Cottonwood Consultants Ltd., FDI Acoustics Inc., and Harrison Bowker Real Estate Appraisers Ltd. The Commission considers that the work proposed and the estimated fees to be reasonable. Accordingly, the Commission approves an advance funding award of 50 per cent for the estimated consultant costs in the amount of \$46,588.50.

15. The Commission has reviewed the budget for Ackroyd LLP, and has decided to award 40 per cent of the estimated legal fees as advance funding. The Commission acknowledges that Cooking Lake represents at least 55 landowners, and that Cooking Lake has retained experts on four different subject areas. However, the Commission observes that Ackroyd LLP has worked with Berrien Associates Ltd., Cottonwood Consultants Ltd., and FDI Acoustics Inc. previously. The Commission expects that this past experience should afford some efficiencies in witness preparation on behalf of counsel which, in turn, should be reflected in the budget. The Commission also notes that the estimated legal fees exceed those claimed by multiple landowner

groups in a recent hearing of similar length.¹ Accordingly, the Commission finds that an advance funding award of 40 per cent of the estimated legal costs for Ackroyd LLP in the amount of \$65,415.00 is warranted.

16. The advance funding approved in this decision is subject to adjustment when final costs applications are made and a costs decision is issued following completion of Proceeding 20924. In making an advance funding award, the Commission makes no determination respecting the value of Cooking Lake's participation, the value of evidence submitted by its consultants before the Commission, or the amount of any final costs award that the Commission may issue. If Cooking Lake accepts the advance funding award pursuant to this decision and the final costs award for Cooking Lake relating to Proceeding 20924 is less than the amount of the advance funding directed in this decision, Cooking Lake will be required to repay the difference.

5 Order

18. It is hereby ordered that:

1) AltaLink Management Ltd. shall pay advance funding of \$112,003.50 to the Cooking Lake Opposition Group. Payment shall be made to Ackroyd LLP, attention: Mr. Richard Secord at 1500 First Edmonton Place, 10665 Jasper Avenue, Edmonton, Alberta, T5J 3S9.

Dated on March 14, 2016.

Alberta Utilities Commission

(Original signed by)

Tudor Beattie, QC
Panel Chair

¹ Decision 21047-D01-2016 AESO ENMAX 138 kV Transmission System Reinforcement in South Calgary Foothills Area Transmission Development Plan, Costs Award