

November 22, 2018

To: Parties currently registered on Proceeding 2402

**Enel Alberta Wind Inc., Alberta Electric System Operator and AltaLink Management Ltd.
Riverview Wind Power Plant and Interconnection
Proceeding 2402
Applications 1609252-1, 1609252-2, 1609661-1 and 1609664-1**

Ruling on standing

1. In this ruling, the Alberta Utilities Commission decides whether to hold a public hearing to consider applications by Enel Alberta Wind Inc., the Alberta Electric System Operator and AltaLink Management Ltd. for the Riverview Wind Power Plant and interconnection of the power plant to the Alberta Interconnected Electric System. The project is located in the Pincher Creek area.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 2402 have demonstrated that they have rights that may be “directly and adversely affected” by the Commission’s decision. Such a person may participate fully in the hearing, including giving evidence, questioning of witnesses, and providing argument. This permission to participate is referred to as standing.
3. The Commission issued a notice of application for Proceeding 2402 on September 5, 2018. The Commission received statements of intent to participate from:
 - Chris Hylton
 - Frank and Jennie Anderson
 - Joshua Anderson
 - Brandon YellowWings
 - Harry Bullock
 - Morris Littlewolf
4. Optimist Wind Energy Ltd., Con and Maria Schultz, TransAlta Corporation and Wayne Alexander also filed statements of intent to participate but subsequently withdrew their objections to the project.
5. The Commission has authorized me to communicate its decision on standing.

Ruling

6. The Commission is satisfied that Chris and Barbara Hylton, Frank and Jennie Anderson, Joshua Anderson and Harry Bullock have demonstrated that they have legal rights that may be directly and adversely affected by the Commission's decision on the applications. They all own land in close proximity to the proposed project and have demonstrated that the Commission's decision on the application has the potential to result in a direct and adverse effect on them. The potential effects described by these persons include decreased property values, visual impact, increased noise, shadow flicker and effects on the environment.

7. The statements of intent to participate from Brandon YellowWings and Morris Littlewolf appear to raise similar issues, namely, that the deadline for submissions of October 4, 2018, was too tight, that the duty to consult under Section 35 of the *Constitution Act, 1982* has not been discharged, and that fishing and hunting will be affected. The statements of intent to participate did not include any specific information on what rights they believe may be affected by the application, where those rights are exercised, or how the proposed project could affect their rights. Mr. YellowWings and Mr. Littlewolf have not identified where they hunt or fish, and so the Commission cannot conclude that the application may directly and adversely affect the activities conducted by those individuals. Mr. Littlewolf also listed noise and visual impacts as issues to be considered, but he did not identify his residence or any location that was associated with those concerns.

8. Based on the information available to it, it does not appear to the Commission that Brandon YellowWings, or Morris Littlewolf have rights that may be directly and adversely affected by the application, and accordingly the Commission has decided they do not have standing in this proceeding. Should they wish to provide further information in order to participate in the proceeding, the Commission requests that they provide additional information to demonstrate whether they fulfill the standing test by **December 3, 2018**.

9. The Commission notes that whether a person is granted or denied standing has important implications for whether that person is eligible to claim the costs of their participation at the end of the proceeding. Based on the information provided, Chris and Barbara Hylton, Frank and Jennie Anderson, Joshua Anderson and Harry Bullock fall within the definition of "local intervener" as set out in Section 22 of the *Alberta Utilities Commission Act* and as a result will be eligible to claim for recovery of the costs of participation in this proceeding. Eligibility to recover costs does not necessarily mean that all costs will be recovered; the Commission retains discretion to assess the reasonableness of the costs incurred in determining whether to approve costs claims before it.

10. Please contact the undersigned at 403-592-4385 or by email at kim.macnab@auc.ab.ca if you have any questions about the matters addressed in this ruling.

Regards,

Kim Macnab
Commission Counsel