

June 19, 2019

To: Parties currently registered on Proceeding 22736

**Pattern Development Lanfine Wind ULC
Lanfine Wind Power Project
Proceeding 22736
Applications 22736-A001 to 22736-A005**

Ruling on standing and request for additional information

1. In this ruling, the Alberta Utilities Commission determines whether to hold an oral public hearing to consider applications by Pattern Development Lanfine Wind ULC relating to the Lanfine Wind Power Project (the project). The project is located southwest of Oyen, Alberta, in Special Area No. 3 and Municipal District of Acadia No. 34, within townships 25 to 27 and ranges 3 to 5, west of the Fourth Meridian.
2. The Commission must hold an oral hearing if persons who have filed a statement of intent to participate in Proceeding 22736 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 22736 on August 10, 2017, in respect of the Phase 1 buildable area application submitted by Bowark Energy Ltd., and received submissions from 10 parties. Pattern subsequently acquired the project from Bowark and filed a Phase 2 buildable area application which was ultimately consolidated with the Phase 1 application.
4. On March 7, 2019, the Commission issued a new notice of applications in which it requested that parties who had previously filed a submission in this proceeding provide an update on whether their concerns have been addressed or remain outstanding. The Commission re-issued the notice on April 24, 2019 to stakeholders with an updated mailing address. The Commission received statements of intent to participate from a number of individuals who stated they own or occupy land near the proposed project; however several individuals who responded to the original notice did not respond to the new notice. The Commission is not assessing the standing of those individuals who did not respond to the new notice of application, as it must assume from their lack of response that they no longer have concerns with the updated project.
5. The concerns raised by those persons who stated they own or occupy land near the proposed project include proximity to residences, increased energy costs, turbine efficiency, decreased property values, interference with agricultural operations, visual effects, noise effects, negative health effects, community concerns, environmental concerns, safety concerns and consultation concerns.

6. The Commission has authorized me to communicate its decision on standing.

Ruling

7. The Commission considers that in this proceeding, those individuals who own or reside upon land within two kilometres of the proposed project have legal rights that may be directly and adversely affected by the Commission's decision on the applications. The individuals listed in Schedule A all own or reside upon land within two kilometres of the proposed project and have demonstrated that the Commission's decision on the applications has the potential to result in a direct and adverse effect on them. The potential effects described by these persons include proximity of the project, decreased property values, visual effects, increased energy costs, interference with agricultural operations, environmental concerns, negative health effects and safety concerns. Accordingly, the Commission grants standing to those persons listed in Schedule A.

Request for additional information

8. As mentioned above, in its notice of applications issued on March 7, 2019, the Commission requested that parties who had previously filed submissions in this proceeding provide an update on whether their concerns have been addressed or remain outstanding. Randall and Verla Girletz, Jared Ross and Gordon and Daryl Wood submitted statements of intent to participate in response to the original notice of application issued August 10, 2017; however, they did not provide an update on whether their concerns have been addressed or remain outstanding. In her statement of intent to participate, Kyna Fischbuch indicated that her residence is adjacent to the proposed project in Section 33, Township 27, Range 8, Meridian 4 but did not specify the quarter section. The Commission requires that Randall and Verla Girletz, Jared Ross, Gordon Wood and Daryl Wood provide an update to the Commission, as described above, and Kyna Fischbuch specify the location of her residence, before it can make a determination on their standing to participate in this proceeding. The Commission requests that they provide their response by July 2, 2019.

9. A notice of hearing will be issued in due course. In the interim, the Commission has established the following process steps for parties with standing.

Deadline for information requests to the applicant	July 17, 2019
Deadline for applicant responses to the information requests	July 31, 2019

10. If you have any questions, please contact the undersigned at 403-592-4360 or at rob.watson@auc.ab.ca.

Sincerely yours,

Rob Watson
Commission Counsel
Attachment

Schedule A – Persons with standing in Proceeding 22736

Name
Brad Kuich
Leslie Girletz
Ray and Wendy Girletz
Dennis Fischbuch
John Murray
Jaclyn Murray
Richard Fischbuch
Kathleen Butler
Leonard Parenteau
Tom Carroll
Jerry Svatos