

May 27, 2019

To: Persons currently registered on Proceeding 24314

**Gleichen Solar Project Inc.  
Gleichen Solar Project  
Proceeding 24314  
Application 24314-A001**

**Ruling on standing**

1. In this ruling, the Alberta Utilities Commission decides whether to hold an oral public hearing to consider an application by Gleichen Solar Project Inc. relating to the development of the Gleichen Solar Project located near Gleichen, Alberta.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 24314 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 24314 on March 11, 2019, and reissued the notice on April 3, 2019. The Commission received statements of intent to participate from Sharon Till, Nancy Lynanne and James Frisken, Joan Yule, Wheatland County, Kenwyn and George White, and Justin Wilson.
4. The Commission has authorized me to communicate its decision on standing.

**Ruling**

5. The Commission is satisfied that Sharon Till, Nancy Lynanne and James Frisken, Joan Yule, Kenwyn and George White, and Justin Wilson have all demonstrated that they have legal rights that may be directly and adversely affected by the Commission's decision on the application. The persons listed above all own or occupy land within two kilometres of 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 impacts on agricultural land and crops, effects on the environment, traffic impacts, proximity to residence, decreased property values, increased noise, and visual effects.
6. Wheatland County did not assert that it had a legal right that might be directly and adversely affected by the Commission's decision on the application, and the information provided to the Commission does not indicate that Wheatland County meets the standing test. The Commission has, however, authority to control its own process and may allow additional

parties to participate in proceedings without finding that they meet the test for standing.<sup>1</sup> That is, the Commission may permit a person who has not demonstrated a potential direct and adverse effect on their rights to participate in a proceeding in either a limited context or with full participation rights, including the ability to file evidence, cross-examine witnesses and submit argument.

7. In making its decision whether to grant participation rights, one factor the Commission takes into account is whether the person or group requesting participation has relevant information that may assist the Commission in carrying out its duties or functions. Wheatland County indicated that it is in the process of considering a bylaw that would specifically address large-scale, commercial solar-energy facilities. The proposed bylaw would include provisions concerning site requirements and setbacks. The Commission considers this to be information that would assist the Commission's understanding of the local land use requirements relating to the project. The Commission has therefore decided to grant Wheatland County full participation rights in this proceeding.

8. Although Wheatland County is entitled to full participation in this proceeding, it is not eligible to make a costs claim in relation to its participation in this proceeding. AUC Rule 009: *Rules on Local Intervener Costs* will apply to costs claims in relation to the application filed by Gleichen Solar Project Inc. Under Rule 009, only a local intervener is eligible to potentially recover the costs of its participation in facility applications. "Local intervener" is defined in the *Alberta Utilities Commission Act*:

22(1) For purposes of this section, "local intervener" means a person or group or association of persons who, in the opinion of the Commission,

(a) has an interest in, and

(b) is in actual occupation of or is entitled to occupy land that is or may be directly and adversely affected by a decision or order of the Commission in or as a result of a hearing or other proceeding of the Commission on an application to construct or operate a hydro development, power plant or transmission line under the Hydro and Electric Energy Act or a gas utility pipeline under the Gas Utilities Act, but unless otherwise authorized by the Commission does not include a person or group or association of persons whose business interest may include a hydro development, power plant or transmission line or a gas utility pipeline.

9. The Commission has exercised its discretion to allow Wheatland County to participate in the Gleichen Solar Project proceeding, even though Wheatland County has not met the test for standing. Wheatland County does not, however, fall within the definition of "local intervener" under Section 22 of the *Alberta Utilities Commission Act* and Rule 009, as it has not demonstrated that it holds an interest in land that may be affected by the Commission's decision

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<sup>1</sup> *Alberta Utilities Commission Act*, SA 2007, c A-37.2; *Canada (Combiner Investigation Act Director of Investigation & Research) v Newfoundland Public Telephone Co*, [1987] 2 SCR 466; *Society of Composers, Authors and Music Publishers of Canada v Canada (Copyright Board)*, [1993] FCJ 137.

on the application. Therefore, any costs incurred by Wheatland County to participate in Proceeding 24314 will not be eligible for cost recovery under Rule 009.

10. If you have any questions about this letter please contact me at [rob.watson@auc.ab.ca](mailto:rob.watson@auc.ab.ca), or by phone at 403-592-4360.

Yours truly,

Rob Watson  
Commission Counsel