

Bulletin 2020-22

May 28, 2020

External engagement on the draft AUC Indigenous consultation framework

The Alberta Utilities Commission regulates the construction and operation of utility projects. The Commission has the authority to consider and address potential adverse impacts to Aboriginal and treaty rights as provided in Section 35 of the *Constitution Act, 1982*, when deciding whether approval of a utility project is in the public interest. This authority was confirmed in recent decisions of the Supreme Court of Canada and by the Alberta government. In doing so, the Government of Alberta also confirmed that AUC decisions may in some cases trigger a duty to consult Indigenous communities, and where consultation is triggered, the Alberta government relies on the AUC's process to address potential adverse impacts to Aboriginal and treaty rights.

The Commission announced in Bulletin 2019-10: AUC Rule 007 - Initiation of a review and stakeholder consultation process, that it would review its processes and procedures to ensure that the application requirements for consultation with First Nations and Métis are clear.

In December 2019, the Commission released interim direction on Indigenous consultation including application requirements and a statement of intent to participate form for Indigenous groups (Bulletin 2019-20). Initial feedback received from Indigenous groups and industry indicated strong support for clear application requirements, alignment with the Alberta government's consultation process and more opportunities for external participation in processes involving updates to Rule 007 and Rule 020.

The Commission's goal was to complete additional, in-person consultation and implement updated processes and procedures with clear Indigenous consultation application requirements by the fall of 2020.

Due to the COVID-19 pandemic and the need for physical distancing, the Commission is adjusting its engagement plan to gather input and advice while working remotely. The Commission continues to assess how best to proceed on consultation and will keep you updated through the AUC website as its approach evolves.

In the meantime, the Commission is seeking input and advice on its draft Indigenous consultation framework, which outlines the AUC's approach to Indigenous consultation and a planning tool for determining when notification should be provided to Indigenous groups. The AUC's draft Indigenous consultation framework may be found on the [AUC website](#) and on the Indigenous consultation page of the [AUC's Engage platform](#)

For this next round of engagement, input and advice on the draft framework should be submitted to the AUC by Friday, July 10, 2020 on the AUC's Engage platform. The draft framework and feedback received will form the foundation for updating AUC processes and procedures (i.e., Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* and Rule 020: *Rules Respecting Gas Utility Pipelines*).

Parties with questions regarding the draft framework are encouraged to contact Amanda Spyce at amanda.spyce@auc.ab.ca or by phone at 403-592-4547, or JP Mousseau at jp.mousseau@auc.ab.ca or by phone at 403-592-4452.

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