

November 22, 2019

To: Parties currently registered on Proceeding 24831

**ENMAX Power Corporation
Highway 8 Transmission Line 7.82L Relocation Project
Proceeding 24831
Application 24831-A001**

Ruling on standing of Pinebrook Estates Homeowners Association

1. In a letter filed on November 11, 2019,¹ Carscallen LLP (Carscallen) indicated that it had been retained to represent the interests of the Pinebrook Estates Homeowners Association (Pinebrook) and that Pinebrook is seeking standing to participate in this proceeding. On November 13, 2019, Pinebrook filed additional information advising the Commission that the representative member of Pinebrook is Greg Josiak of 43 Pinecone Lane, Calgary, Alberta.²

2. Mr. Josiak has not filed a statement of intent to participate in this proceeding. The letters seeking standing for Pinebrook only provide the addresses of residents who would form part of the Pinebrook group; they contain no information that would assist the Commission in considering how either Pinebrook or any of the residents forming this group may be directly and adversely affected by the Commission's decision in this proceeding.

3. The Commission is aware that Mr. Josiak filed a statement of intent to participate in Proceeding 24828, in which ENMAX Power Corporation requests approval to relocate a different portion of Transmission Line 7.82L. In that proceeding Mr. Josiak stated that he is concerned about the visual impacts of the project.³

4. The Commission has authorized me to communicate its ruling on standing for Mr. Josiak and for Pinebrook.

How the Commission determines standing

5. Subsection 9(2) of the *Alberta Utilities Commission Act* sets out the test for standing in Commission proceedings. In summary, a person seeking standing must demonstrate that they have a legal right or interest that is recognized by law. They must also provide reliable information demonstrating that their right or interest may be directly and adversely affected by the Commission's decision in the proceeding. More detailed information about the standing test was provided in the Commission's previous standing ruling and will not be repeated here.⁴

¹ Exhibit 24831-X0147, Carscallen Letter to AUC November 11 2019.

² Exhibit 24831-X0149, Ltr to AUC re: Standing of Pinebrook Nov 13/19.

³ Exhibit 24828-X0030, System generated PDF.

⁴ Exhibit 24831-X0108, AUC ruling on standing.

Ruling

6. The Commission reminds parties that the statement of intent to participate form provided on the eFiling System explicitly asks parties to indicate how the Commission's decision may affect them, their land, their business or their activities. A failure to provide this information to the Commission would generally result in a denial of standing on the basis that the information provided is insufficient to demonstrate that that standing test is met. However, in an effort to reduce further delay and expedite this proceeding, the Commission will take into account the concerns raised in Mr. Josiak's statement of intent to participate filed in Proceeding 24828.

7. Mr. Josiak's property is in the Pinebrook Estates community, in the first row of houses nearest the project boundary. This community is located in Rocky View County, and is consequently a rural community, or "rural setting" within the definition of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*. Mr. Josiak's property is approximately 130 metres from existing Transmission Line 7.82L and approximately 450 metres from the proposed north relocation route. The Commission is satisfied that Mr. Josiak has demonstrated that he has legal rights that may be directly and adversely affected by the Commission's decision on the application and grants him standing.

8. As discussed in the Commission's previous standing ruling in this proceeding, when a community organization requests standing in a Commission proceeding, the Commission generally considers the organization to have standing if it is authorized to represent one or more persons who have standing to participate, or if the organization itself has a legal right or interest that may be directly and adversely affected by the proposed development. Given that the Commission is granting standing to Mr. Josiak, and he is the representative member of Pinebrook, the Commission also grants standing to Pinebrook.

Local intervener costs eligibility

9. The persons who have been granted standing are eligible to potentially recover the costs of their participation in this proceeding, as they fall within the definition of "local intervener" in Section 22 of the *Alberta Utilities Commission Act*. Rule 009: *Rules on Local Intervener Costs* applies to costs claims for this proceeding.

10. The association granted standing in this proceeding is eligible to potentially recover the costs incurred by it to represent those of its members that have been granted standing in this proceeding and have authorized the association to represent them. In other words, the association's eligibility to make a local intervener costs claim is entirely dependent on it representing a person who is a local intervener.

11. The Commission emphasizes that eligibility to claim costs does not guarantee full recovery of any costs. Any claims for costs must be filed after this proceeding is concluded, in accordance with Rule 009, and costs recovery is subject to the Commission assessing the parties' contribution to the proceeding. The Commission encourages parties with similar interests and positions to work together to ensure that any expenditures are minimized and costs are not duplicated.

12. If you have any questions, please contact the undersigned at 403-592-4389 or by email at nicholas.sawkiw@auc.ab.ca.

Yours truly,

Nicholas A. Sawkiw
Commission Counsel