

October 29, 2019

To: Parties currently registered on Proceeding 24845

**2113260 Alberta Ltd.**  
**Oyen Community Solar Project**  
**Proceeding 24845**  
**Application 24845-A001**

### **Ruling on standing**

1. In this ruling, the Alberta Utilities Commission determines whether to hold a public hearing to consider an application by 2113260 Alberta Ltd., operating as Oyen Solar Partners (OSP), relating to the Oyen Community Solar Project, located near Oyen, Alberta.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 24845 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. Following the issuance of a notice of application on September 10, 2019, the Commission received one statement of intent to participate from Kelly Marshall.
4. The Commission has authorized me to communicate its decision on the standing of Mr. Marshall.

### **Ruling**

5. The Commission is satisfied that Mr. Marshall has demonstrated that he has legal rights that may be directly and adversely affected by the Commission’s decision on the application. Mr. Marshall owns land in close proximity to the proposed project and has demonstrated that the Commission’s decision on the application has the potential to result in a direct and adverse effect on him. The potential effects described by Mr. Marshall include proximity of the project, decreased property values, visual effects, increased noise and environmental impacts.

### **Costs**

6. Persons who have been granted standing are eligible to potentially recover the costs of their participation in this proceeding. Rule 009: *Rules on Local Intervener Costs* applies to costs claims for this proceeding.
7. The Commission emphasizes that eligibility to claim costs does not guarantee recovery of those costs. Any claims for costs must be filed after this proceeding is concluded, in accordance with Rule 009. Cost recovery is subject to the Commission assessing the value of parties’

contribution to the proceeding, and in accordance with the guidance provided in Section 7 of Rule 009, the Commission may consider whether an intervener submitted evidence and argument on issues that were not relevant to the proceeding.

### **Schedule**

8. The Commission has scheduled the following submission deadlines. Mr. Marshall shall file his submissions on or before **November 29, 2019**. These submissions should include both evidence and argument in support of his position that the Commission should consider.

9. OSP shall have an opportunity to file a submission in response to any filings from Mr. Marshall. OSP's submission should include its rebuttal argument and supporting evidence and be filed on or before **December 6, 2019**.

10. If you have any additional questions please contact the undersigned at 403-592-4389 or by email at [nicholas.sawkiw@auc.ab.ca](mailto:nicholas.sawkiw@auc.ab.ca).

Yours truly,

Nicholas A. Sawkiw  
Commission Counsel