

May 19, 2020

To: Parties currently registered on Proceeding 25346

**Solar Krafte Utilities Inc.  
Solar Krafte Strathmore Solar Project  
Proceeding 25346  
Application 25346-A001**

**Ruling on standing**

1. In this ruling, the Alberta Utilities Commission decides whether to hold a hearing to consider an application by Solar Krafte Utilities Inc. for approval to construct the 40.5-megawatt Strathmore solar project, and to connect the project to the FortisAlberta Inc. 25-kilovolt distribution system, within the municipal boundary of the town of Strathmore.
2. The Commission must hold a hearing if one or more persons who have filed a statement of intent to participate (SIP) in Proceeding 25346 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 25346 on February 21, 2020. The Commission received a SIP from Cyber Investments Ltd. and Western Irrigation District. Cyber raised concerns on a number of issues including Solar Krafte's consultation, emergency response, access to a water irrigation pipeline connection, land use zoning impacts, property value impacts, solar glare, noise impacts, drainage and environmental effects, reclamation, remediation and abandonment of the project lands. Western's SIP raised concerns about potential effects of the project on its irrigation system within the project site and on adjacent lands. Western withdrew its SIP on May 1, 2020.
4. The Commission has authorized me to communicate its decision on standing. For the reasons that follow, the Commission grants Cyber standing in the proceeding.

**Ruling**

5. The Commission assesses whether a person has standing based on a two-part test. The first part of the test is legal: a person must demonstrate that the right being asserted is recognized by law. The second part of the test is factual: a person must provide enough information to show that the Commission's decision on the application may "directly and adversely affect" the person's right, claim or interest.
6. With respect to the first part of the standing test, the Commission finds that Cyber has demonstrated the existence of rights recognized in law. Cyber owns land in close proximity to the project.

7. With respect to the second, factual part of the standing test, the Commission has considered whether Cyber has provided sufficient information to show that the Commission's decision on the proposed project may directly and adversely affect its rights.

8. The Commission finds the concerns raised in Cyber's SIP are sufficient to meet the second part of the standing test.

### **Costs**

9. Persons granted standing are eligible to potentially recover the costs of their participation in a proceeding. Rule 009: *Rules on Local Intervener Costs* applies to costs claims for this proceeding.

10. The Commission emphasizes that eligibility to claim costs does not guarantee recovery of those costs. Any claims for costs must be filed after the proceeding is concluded, in accordance with Rule 009. Cost recovery is subject to the Commission assessing the value of a party's contribution to the proceeding, and in accordance with the guidance provided in Section 7 of Rule 009, the Commission may consider the relevance of evidence and argument submitted by an intervener to the proceeding.

11. Given the breadth of issues enumerated by Cyber in its SIP, the Commission requires that Cyber comply with Section 3 of Rule 009 by filing, for pre-approval by the Commission, a detailed proposal outlining any professional assistance such as experts, consultants, lawyers, it has engaged or intends to engage, including: the qualification of each professional, the issues that each professional will address, and the nature and scope of the work that each professional will carry out to address the identified issues.

12. The Commission will issue a notice of hearing in due course that will provide a process schedule for further process steps to follow.

13. Should you have any 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 Sawkiw  
Commission Counsel