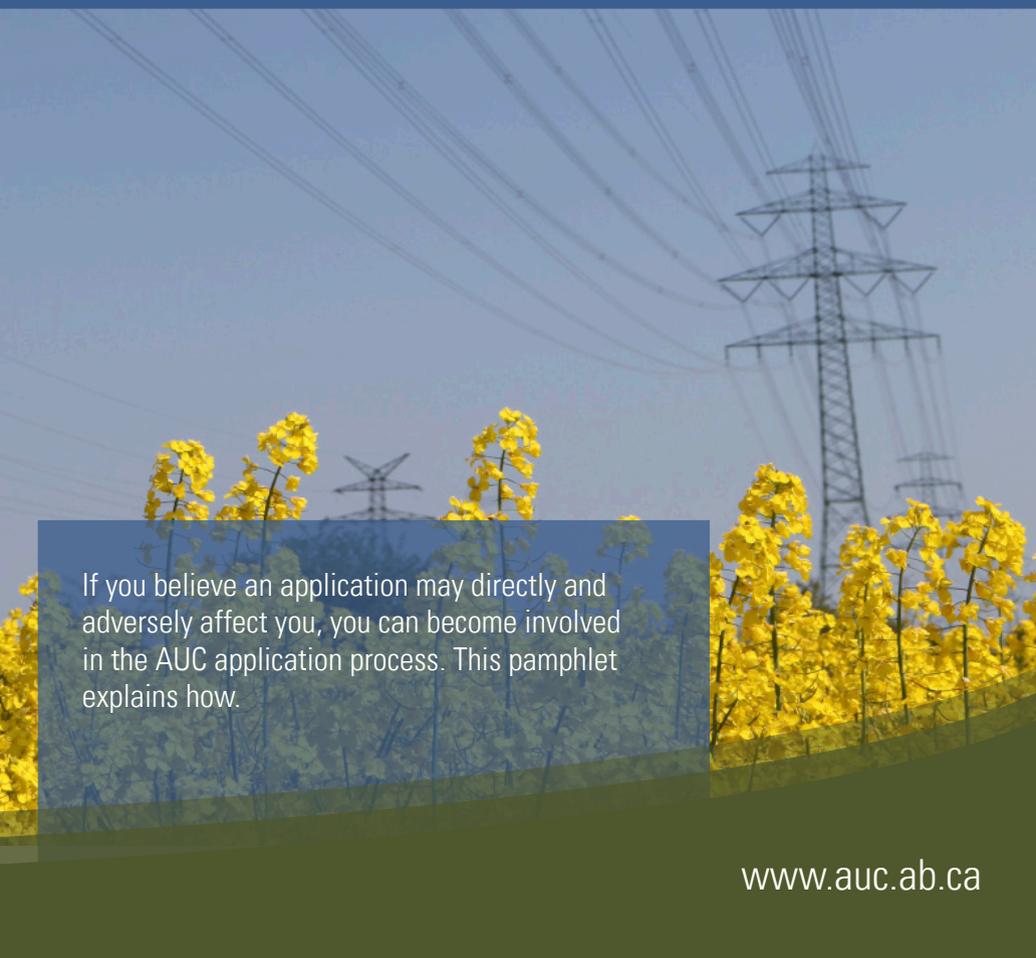


# Public Involvement In Needs Or Facilities Applications

The Alberta Utilities Commission (AUC) is committed to ensuring that Albertans whose rights may be directly and adversely affected by a needs, or a utility facilities application, are informed of the application and have the opportunity to have their concerns heard, understood and considered.



If you believe an application may directly and adversely affect you, you can become involved in the AUC application process. This pamphlet explains how.

# Summary of the AUC application process

## Step 1

Public consultation  
(prior to application to the AUC)

## Step 2

Application made to the AUC

## Step 3

AUC issues notice of application (or hearing)

## Step 4

Interested parties make submissions or objections

(If no submissions are made the AUC will continue to process the application)

## Step 5

Opportunity for consultation and negotiation

AUC issues notice of hearing (if not already issued in Step 3)

## Step 6

Public hearing

## Step 7

AUC decision

Needs: Approval of application or Return to applicant or Denial of application

Facilities: Approval of application or Approval of application with conditions or Denial of application

## Step 8

Right to appeal  
(by applicant or dissatisfied persons)

## Step 9

Approvals, construction and operation of facility (if approved)

The Alberta Utilities Commission (AUC or Commission) regulates transmission lines, electric substations, power generation facilities (i.e. power plants including wind turbines) and gas utility pipelines in Alberta. The AUC is committed to ensuring that Albertans whose rights may be directly and adversely affected by an application for these facilities are informed of the application and have the opportunity to have their concerns heard, considered and understood.



## Transmission needs and utility facilities applications

Approvals from the AUC are required for the construction, operation, alteration and decommissioning of transmission lines and electric substations. These include:

- Approval of the need for transmission upgrades.\*
- Approval of the route and location of transmission facilities.

(\*The *Electric Statutes Amendment Act* gives the provincial cabinet responsibility for approving the need for specified critical transmission infrastructure projects.)

Sometimes an application for needs approval is considered together with an application for a utility facilities approval in a single hearing, or separate hearings may be held to consider each application.

## Power generation facilities and gas utility pipelines

Approvals from the AUC are required for the construction, operation, alteration and decommissioning of power generation and gas utility pipeline facilities in Alberta.

If you believe that you have rights that may be directly and adversely affected by the decision of the AUC on an application relating to a transmission line or electric substation, a power generation facility or a gas utility pipeline you can become involved in the AUC application process. This pamphlet explains how.

A summary of our process is on the page to the left. The rest of this brochure explains each of the steps.

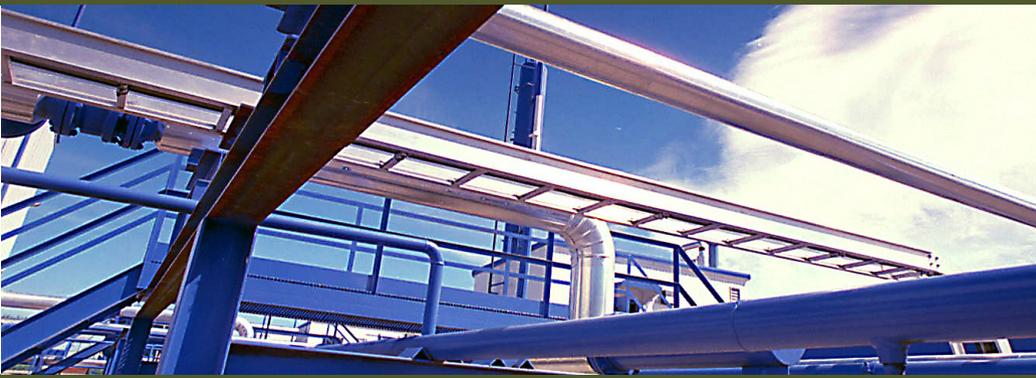


# Step 1: Public consultation prior to application

Prior to making an application to the Commission on the need for transmission changes, or for a proposed facility, the applicant is required to conduct meaningful public consultation in the area of the proposed needs, or facilities project(s), so that concerns may be raised, properly addressed and if possible, resolved.

The Commission has set out requirements for applicants to follow regarding public consultation about needs applications for transmission changes. The AUC also has requirements for public consultation for utility facilities applications in respect of power plants, substations, transmission lines and industrial system designations, set out in AUC Rule 007. The requirements for gas pipeline consultation and notification are set out in AUC Rule 020. AUC Rule 007 and Rule 020 can be found on the AUC website at [www.auc.ab.ca](http://www.auc.ab.ca).

Potentially-affected parties are strongly encouraged to participate in the initial public consultation, as early involvement in informal discussions with an applicant may lead to greater influence on project planning.



## Step 2: Application to the Alberta Utilities Commission

After the applicant has conducted its public consultation process, it should take into consideration what it learned during consultations and make any amendments it sees as necessary and reasonable to its proposal. The applicant then makes an application to the Alberta Utilities Commission.

Applicants must identify in their application any unresolved objections or concerns that they are aware of from the public consultation process.



Meaningful public participation through a fair, open and transparent process is important and necessary if the AUC is to reach sound and principled decisions.

Parties wanting to become a participant in an AUC proceeding must make a written submission to the AUC.

## Step 3: Public notification

The Commission will issue a notice of application when it receives an application that, in the Commission's opinion, may directly and adversely affect the rights of one or more people. The notice is typically published in local newspapers. The notice will provide key dates, contacts and information on how to participate for those who are interested in becoming involved in the application process.

## Step 4: Public participation

If you wish to participate in a proceeding, you must make a written submission to the Commission in accordance with the AUC's notice of application.

Submissions must contain:

- A brief description of your concern with or interest in the application, in particular how approval of the application may directly and adversely affect you.
- A brief explanation of your position, on what decision you feel the AUC should take, including why you believe that the Commission should accept your recommendation.

The Commission will consider your submission and decide whether you are a person who may be directly and adversely affected by the proposed project. If you are, an AUC public hearing may be held.



Please be aware that any information and materials you provide as part of an AUC proceeding, except information granted confidentiality, will become part of the public record and will be posted to the AUC's electronic filing system. This includes personal information, such as your name, address and any other personal information you provide.

### AUC filing systems

Documents associated with applications are stored and accessed through the AUC's electronic filing systems. The AUC would appreciate receiving submissions through its electronic filing services on our website, however submissions may also be made through mail, email or fax. More information on the electronic filing services can be found on the AUC's website at [www.auc.ab.ca](http://www.auc.ab.ca) or by calling Electronic Filing Services. Please see the back cover of this pamphlet for contact information.

### Financial assistance

If a party may be potentially directly and adversely affected by a proposed facility, they can apply to be reimbursed for reasonable costs incurred in support of their participation in a Commission proceeding. Details regarding recovery of participants' costs are described in AUC Rule 009: *Rules on Local Intervener Costs*, available on the AUC's website at [www.auc.ab.ca](http://www.auc.ab.ca).



## Step 5: Consultation and negotiation

The Commission supports ongoing efforts to reach a positive outcome for the applicant and all affected parties. The Commission encourages the applicant and those who have filed submissions to continue to attempt to resolve any outstanding issues.

Sometimes in utility facilities applications, the applicant may suggest that it enter into an alternative dispute resolution (ADR) process to resolve any outstanding issues. In an ADR process, the applicant and the participants agree to meet with an independent third party who will facilitate discussions between the parties in an attempt to reach an agreement.





ADR is neither mandatory nor binding on either party. However, it can be an effective tool to try and resolve issues in an amicable environment and manner. If all concerns can be satisfactorily resolved this may eliminate the need for a formal hearing. However, if there continue to be unresolved issues after further discussions with participants, typically those matters will be addressed at an AUC public hearing.

Early involvement in discussion with the applicant may lead to greater influence on project planning.

# Step 6: The public hearing process

The public hearing process provides an opportunity for those who were unable to resolve their concerns with the applicant to express their views directly to a Commission panel. Those persons who the Commission has determined may be directly and adversely affected by the proposed application are entitled to participate in the hearing.

The Commission publishes a notice of hearing in newspapers distributed in the local area, in major Alberta daily newspapers and on the AUC website at [www.auc.ab.ca](http://www.auc.ab.ca). Copies of the notice are also mailed to the applicant and participants.

The notice of hearing sets out the deadlines for various steps in the process, including the process and timelines for filing written submissions and for preparing questions to be answered by the applicant or other participants.

An AUC public hearing operates similarly to a court proceeding and is a quasi-judicial process. The hearing is open to the general public.

Participants in a hearing can either represent themselves or be represented by legal counsel. In addition, participants may hire experts to assist in preparing and presenting evidence to support their position.

Persons who hire legal counsel or technical experts must be aware that while reimbursement for the costs of legal and technical assistance may be available, recovery of costs is subject to the Commission assessing the value of the contribution provided by counsel and technical experts. People with similar interests and positions are expected to work together to ensure that any expenditures on outside legal or technical assistance are efficiently spent and not duplicated.



## Step 7 : The decision

After hearing a needs application the Commission either approves the application, denies the application, or sends the application back to the applicant with suggestions for change.

After hearing a utility facilities application, the AUC has three options in reaching a decision: approve the application as applied for, approve it with conditions, or deny it. The AUC endeavors to release decisions within 90 days from the close of the record. Decisions are issued in the form of a public written decision report that summarizes the Commission's findings and includes its final decision.

All Commission decision reports are available to any member of the public on the Commission's website ([www.auc.ab.ca](http://www.auc.ab.ca)) or by calling the AUC's Information Services. Please see the back cover of this pamphlet for contact information.



## Step 8: Right to appeal

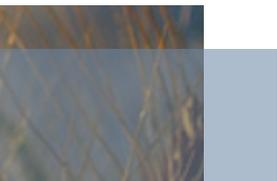
A participant in a hearing who is dissatisfied with the decision of the Commission may request that the Commission review and vary its decision. Such a request must follow the procedure set out in the Commission's Rule 016: *Review and Variance of Commission Decisions*. A dissatisfied participant may also file a leave to appeal motion in the Court of Appeal of Alberta within 30 days from the date the decision is issued.

All Commission decision reports are available to any member of the public on the Commission's website ([www.auc.ab.ca](http://www.auc.ab.ca)) or by calling Information Services. See the back cover of this pamphlet for contact information.



## Step 9: Construction and operation

Any applicant that receives a licence or permit to build and operate a facility from the Commission must adhere to any conditions that were set out in the Commission's decision. If you notice something during the construction or operational phases of a project that concerns you, bring this to the applicant's attention. If you are not satisfied with the response you receive, please bring your concerns to the attention of the AUC Consumer Relations. See back cover of this pamphlet for contact information.





## Useful resources:

- Rule 001: *Rules of Practice*
- Rule 007: *Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designations*
- Rule 009: *Rules on Local Intervener Costs*
- Rule 020: *Rules Respecting Gas Utility Pipelines*
  
- About the AUC brochure
- AUC electronic filing services brochure
- Local intervener costs brochure
- Understanding gas utility pipeline regulation in Alberta



## AUC contact information:

Facilities Division  
Phone: 403-592-4403 and ask to speak  
to the Facilities Division

Consumer Relations  
Phone: 780-427-4903, or  
Email: [consumer-relations@auc.ab.ca](mailto:consumer-relations@auc.ab.ca)

Information Services  
Phone: 403-592-4500, or  
Email: [info@auc.ab.ca](mailto:info@auc.ab.ca)

Electronic Filing (E-Filing) Services  
Phone: 780-643-1055, or  
Email: [systemservices@auc.ab.ca](mailto:systemservices@auc.ab.ca)

## Other contacts:

Surface Rights Board  
(Land Compensation and Negotiation)  
Phone: 780-427-2444  
[www.surfacerights.gov.ab.ca](http://www.surfacerights.gov.ab.ca)

Alberta Environment  
(Land Conservation and Reclamation)  
Phone: 780-427-2700  
[www.environment.alberta.ca](http://www.environment.alberta.ca)

Alberta Electric System Operator  
(AESO)  
Phone: 1-888-866-2959  
[www.aeso.ca](http://www.aeso.ca)



Calgary - Head Office  
Fifth Avenue Place East  
Fourth Floor, 425 First Street S.W.  
Calgary, Alberta T2P 3L8  
Phone: 403-592-8845\*  
Fax: 403-592-4406

\*Dial 310-0000 prior to the 10 digit numbers  
for toll-free access anywhere in Alberta.

This brochure provides general information about  
public involvement in needs and utility facilities  
applications before the AUC. Specific participation  
opportunities and requirements may differ depending  
on the type of application.

Updated January 2013

Printed in Canada on recycled paper.



Edmonton Office  
HSBC Building  
Tenth Floor, 10055-106 Street  
Edmonton, Alberta T5J 2Y2  
Phone: 780-427-4901\*  
Fax: 780-427-6970

[www.auc.ab.ca](http://www.auc.ab.ca)