

Step 6: The public hearing process*

The public hearing process provides an opportunity for those who have been unable to resolve their concerns with the applicant and have made a filing with the AUC to express their views directly to a panel of Commission members. The panel reviews the initial filings and grants what is referred to as standing to those who may be directly and adversely affected by the proposed project. Standing is necessary to continue involvement as an intervener in the proceeding which may include the filing of evidence and participation in an oral or written hearing.

The AUC will issue a notice of hearing setting out the hearing date, location and additional process steps and deadlines. An AUC public hearing operates similarly to a court proceeding and is a quasi-judicial process. The general public is welcome to attend as an observer and the hearings are often broadcast online so that those interested can listen in.

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 under AUC Rule 009, 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 for legal or technical assistance are minimized and costs are not duplicated.

Step 7: The decision

For electric transmission facilities, the need for transmission development filed by the Alberta Electric System Operator to the AUC must be considered to be correct unless someone satisfies the Commission that the needs application is technically deficient,

or that to approve it would be contrary to the public interest. For electric needs applications, the Commission can either approve, deny, or send the application back with suggestions for change.

Commission decisions made about applications filed for a specific utility development, including electric transmission lines, gas utility pipelines and power plants, may be approved, approved with conditions or denied. Decisions are typically released within 90 days from the close of the record as a written report. The decision, available on the AUC website, will summarize the Commission's findings and state its reasons for the decision with any conditions or approval time limits if applicable.

Sometimes needs and facility applications are considered together in a single proceeding.

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 AUC Rule 016: *Review 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.

Step 9: Construction and operation

Any applicant that receives a permit to construct and licence to operate a facility from the Commission must adhere to any conditions that were set out in the 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.

***Denotes opportunity for public involvement**

The Alberta Utilities Commission is committed to ensuring that Albertans whose rights may be directly and adversely affected by utility development in Alberta have the opportunity to have their concerns heard, understood and considered. If you believe you may be directly and adversely affected you can become involved in the AUC application and review process.

Contact information

Phone: 780-427-4903
Email: consumer-relations@auc.ab.ca

Dial 310-0000 prior to the 10-digit number and then press 1 for toll-free access anywhere in Alberta.

Information session

It is our goal to ensure that you understand the process, and your opportunities for involvement in proceedings to consider utility development applications. For those interested in having an AUC staff member further explain the application and review process or answer questions you may have about your involvement in utility development proceedings, please contact us as we may schedule a information session with you. The virtual information session on our website, found under Involving Albertans, will also provide you with further details which could assist you in understanding the process and having your say in a utility development proceeding.

This brochure provides general information only. Specific participation opportunities may differ depending on the type of application.

Public involvement in a proposed utility development

Understanding your rights and options for participating in a proceeding to consider applications for a proposed project in your area

Application process

Step 1*

Public consultation by the applicant.

Step 2

Application filed with the AUC.

Step 3

The AUC issues a notice of application or notice of hearing.

Step 4*

Interested parties submit filings to the AUC with any outstanding issues or objections.

If the AUC does not receive any submissions, the application will be reviewed and a decision may be made without a hearing.

Step 5*

The AUC issues a notice of hearing, if it was not already issued in Step 3.

- Continued opportunity for consultation and negotiation with the applicant.

Step 6*

Public hearing.

Step 7

The AUC issues its decision. Below are the options the AUC may consider for:

Needs applications from the Alberta Electric System Operator:

- Approval of application.
- Return to the Alberta Electric System Operator with suggestions.
- Denial of application.

Facilities applications:

- Approval of application.
- Approval of application with conditions.
- Denial of application.

Step 8

Option to appeal decision or ask the AUC to review its decision.

Step 9

Approvals, construction and operation of facility, if approved.

Having your say

Early discussions with the applicant about proposed utility developments will often result in greater influence on what is filed in the application for approval. Utility developments include natural gas pipelines, electric transmission lines and substations (including Alberta Electric System Operator needs identification documents), and power plants. Should you have concerns related to a proposed utility development, it is best to have early and ongoing discussions with the applicant.

If your objections cannot be resolved, or you have outstanding concerns upon the filing of an application with the AUC, you have an opportunity to submit an initial filing with your objections in writing to the AUC containing the following information:

- How you may be affected by the proposed project and the location of your land or residence in relation to it or any alternative proposed in the application.
- The potential effect the proposed project may have on your property or interest in the property .
- A description of the extent to which you may be affected, and how you may be affected in a different way or to a greater degree than other members of the general public.

Following this initial filing, you may be able to fully participate in the proceeding. This could include having legal representation and participation in a public hearing. It is important to note that any applied for routes and segments (preferred and alternate) could be chosen as the approved route in the AUC decision.

Step 1: Public consultation prior to application*

Prior to filing an application with the AUC for the approval of a proposed utility development, the applicant is required to conduct public consultation in the area of the proposed project, so that concerns may be raised, addressed and if possible, resolved.

The requirements for consultation and notification, namely the participant involvement requirements, are set out in AUC Rule 007 for electric facilities and AUC Rule 020 for gas utility pipelines.

Potentially affected parties are strongly encouraged to participate in the initial public consultation, as early involvement in discussions with an applicant may lead to greater influence on project planning and what is submitted to the AUC for approval.

Step 2: Application to the AUC

When the participant involvement requirements have been completed, the proponent of the utility development files an application with the AUC. The application must indicate the issues which came up during the public consultation and any amendments considered or made to the project. Any unresolved objections or concerns which arose from the public consultation must be identified in the application.

*Denotes opportunity for public involvement

Step 3: Public notification

The Commission will issue a notice 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 sent by mail to residents in the project area and may also be published in local newspapers. The notice will provide key dates, contacts and participation information for those interested in becoming involved in the process.

Step 4: Public filings to the AUC*

If you have unresolved objections or concerns about the proposed project filed with the AUC for approval and wish to participate in an AUC proceeding, you must make an initial written filing. Your filing must include your contact information, concern or interest in the application, an explanation of your position and what you feel the AUC should decide. Please be aware that any information or materials filed with the AUC, except information granted confidentiality, is available to the public.

Filing your concerns

The eFiling System is a web-based tool used to manage, search and upload documents reviewed by the Commission when considering applications filed with the AUC. Using the eFiling System is the most efficient way to provide your input to the AUC and monitor other filings and updates for the application of interest to you.

Those who do not have access to the Internet can send filings, evidence and other material by mail or fax and the AUC will upload the submission on your behalf.

Participant cost reimbursement

A person determined by the Commission to be a local intervener can apply for reimbursement of reasonable costs incurred while participating in an AUC proceeding. Details regarding recovery of participants' costs are described in AUC Rule 009: *Rules on Local Intervener Costs*.

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 made filings to continue to attempt to resolve any outstanding issues. If all concerns can be satisfactorily resolved this may eliminate the need for a formal hearing. However, if there continues to be unresolved issues, typically those matters will be addressed at an AUC public hearing.