



Alberta Electric System Operator
Needs Identification Document Application

EPCOR Distribution & Transmission Inc.
Facility Applications

West Edmonton Transmission Upgrade Project
Costs Award

April 29, 2020

Alberta Utilities Commission

Decision 25195-D01-2020

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Alberta Utilities Commission
Calgary, Alberta

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Proceeding 25195

1 Introduction

1. In this decision, the Alberta Utilities Commission considers applications by Aldergrove Residents Group, Elmwood Residents Group, 190 Street Residents Group, Lynnwood Community League and the Consumers' Coalition of Alberta (CCA) for approval and payment of their costs of participation in Proceeding 23943¹ (the original proceeding).

2. The following table sets out the costs claimed and the amounts awarded:

| Claimant | Total Fees Claimed | Total Disbursements Claimed | Total GST Claimed | Total Amount Claimed | Total Fees Awarded | Total Disbursements Awarded | Total GST Awarded | Total Amount Awarded |
|--|--------------------------|-----------------------------|-------------------|----------------------|--------------------|-----------------------------|-------------------|----------------------|
| Aldergrove Residents Group | | | | | | | | |
| Intervenor Honoraria and Disbursements | \$6,550.00 | \$85.99 | \$4.30 | \$6,640.29 | \$4,550.00 | \$85.99 | \$4.30 | \$4,640.29 |
| Total | \$6,550.00 | \$85.99 | \$4.30 | \$6,640.29 | \$4,550.00 | \$85.99 | \$4.30 | \$4,640.29 |
| Elmwood Residents Group | | | | | | | | |
| Bishop Law | \$77,000.00 | \$4,796.07 ² | \$4,089.80 | \$85,885.87 | \$77,000.00 | \$4,796.07 | \$4,089.80 | \$85,885.87 |
| Gettel Appraisals Ltd. | \$3,600.00 ³ | \$0.00 | \$180.00 | \$3,780.00 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | \$8,100.00 | \$7,265.00 | \$768.25 | \$16,133.25 | Reserved | Reserved | Reserved | Reserved |
| Intervenor Honoraria and Disbursements | \$3,450.00 | \$165.27 ⁴ | \$8.26 | \$3,623.53 | \$3,450.00 | \$165.27 | \$8.26 | \$3,623.53 |
| Total | \$92,150.00 | \$12,226.34 | \$5,046.31 | \$109,422.65 | \$84,050.00 | \$4,961.34 | \$4,278.06 | \$93,289.40 |
| 190 Street Residents Group | | | | | | | | |
| Bishop Law | \$57,088.00 ⁵ | \$190.18 | \$2,854.40 | \$60,132.58 | \$57,088.00 | \$190.18 | \$2,854.40 | \$60,132.58 |

¹ Proceeding 23943: Transmission Enhancements in the West Edmonton Area Needs Identification Document and Facilities Applications.

² The Commission notes an error in the amount claimed for disbursements on Form U1 (Exhibit 25195-X0008, PDF page 1), and uses the total disbursements claimed on Form U2 (Exhibit 25195-X0008, PDF page 2) and supported by receipts (Exhibit 25195-X0008, PDF pages 8 – 19).

³ The Commission notes an error in the amount claimed for Gettel Appraisals Ltd. listed on Form U1 (Exhibit 25195-X0008, PDF page 1), and uses 1/3 of the total professional fees invoices for Gettel Appraisals Ltd. (\$4,860.00 + \$3,240.00 + \$2,700.00 = \$10,800.00) per Exhibit 25195-X0008, PDF pages 21 - 23.

⁴ The Commission notes an error in the amount claimed for intervenor disbursements listed on Form U1 (Exhibit 25195-X0008, PDF page 1), and uses the total disbursements for interveners per Exhibit 25195-X0008, PDF page 34.

⁵ Revised legal fees claimed per Exhibit 25195-X0024.

| Claimant | Total Fees Claimed | Total Disbursements Claimed | Total GST Claimed | Total Amount Claimed | Total Fees Awarded | Total Disbursements Awarded | Total GST Awarded | Total Amount Awarded |
|--|-------------------------|-----------------------------|--------------------|---|--|-----------------------------|--------------------|-----------------------------|
| Gettel Appraisals Ltd. | \$3,600.00 ⁶ | \$0.00 | \$180.00 | \$3,780.00 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | \$6,708.00 | \$5,945.00 | \$632.65 | \$13,285.65 | Reserved | Reserved | Reserved | Reserved |
| Intervenor Honoraria and Disbursements | \$2,650.00 ⁷ | \$149.65 | \$6.76 | \$2,806.41 | \$2,650.00 | \$149.65 | \$6.76 | \$2,806.41 |
| Total | \$70,046.00 | \$6,284.83 | \$3,673.81 | \$80,004.64 | \$63,338.00 | \$339.83 | \$3,041.16 | \$66,718.99 |
| Lynnwood Community League | | | | | | | | |
| Ackroyd LLP | \$200,662.50 | \$8,623.91 | \$10,437.33 | \$219,723.74 | \$160,530.00 | \$8,623.91 | \$8,430.70 | \$177,584.61 |
| CanACRE Ltd. | \$22,728.75 | \$25,347.64 | \$6,188.36 | \$54,264.75 | \$15,910.13 | \$25,347.64 | \$4,029.13 | \$45,286.89 |
| Gettel Appraisals Ltd. | \$3,600.00 ⁸ | \$0.00 | \$180.00 | \$3,780.00 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | \$5,676.00 | \$5,213.00 | \$544.45 | \$11,433.45 | Reserved | Reserved | Reserved | Reserved |
| Paul Héroux PhD. | \$8,640.00 | \$0.00 | \$0.00 | \$8,640.00 | \$8,640.00 | \$0.00 | \$0.00 | \$8,640.00 |
| Dr. Anthony Miller | \$0.00 | \$1,455.45 | \$147.77 | \$1,603.22 | \$0.00 | \$1,455.45 | \$147.77 | \$1,603.22 |
| FDI Acoustics Inc. | \$7,950.00 | \$1,355.36 | \$435.00 | \$9,740.36 | \$7,950.00 | \$1,355.36 | \$435.00 | \$9,740.36 |
| Intervenor Honoraria and Disbursements | \$5,300.00 ⁹ | \$243.85 ¹⁰ | \$12.21 | \$5,556.06 | \$3,000.00 | \$243.85 | \$12.21 | \$3,256.06 |
| Total | \$254,557.25 | \$42,239.21 | \$17,945.12 | \$314,741.58 | \$199,630.13 | \$37,026.21 | \$13,234.81 | \$249,891.14 |
| Less advance funding | | | | | | | | (\$92,873.13) ¹¹ |
| Net amount payable | | | | | | | | \$157,018.01 |
| CCA | | | | | | | | |
| Wachowich & Company LLP | \$4,812.50 | \$8,143.70 | \$647.81 | \$13,604.01 | \$4,331.25 | \$8,143.70 | \$216.56 | \$12,691.51 |
| Nick Bryanskiy | \$56,064.00 | \$436.00 | \$2,834.24 | \$59,334.24 | \$45,957.60 | \$436.00 | \$2,297.88 | \$48,691.48 |
| Bema Enterprises Ltd. | \$122,239.80 | \$1,104.30 | \$6,149.56 | \$129,493.66 | \$48,895.92 | \$1,104.30 | \$2,482.37 | \$52,482.59 |
| Total | \$183,116.30 | \$9,684.00 | \$9,631.61 | \$202,431.91 | \$99,184.77 | \$9,684.00 | \$4,996.81 | \$113,865.58 |
| Total amount claimed by parties | | | | \$713,241.07 | Total amount awarded to parties | | | \$528,405.40 |
| | | | | Total amount awarded to parties less advance funding | | | | \$435,532.27 |

3. The Commission has awarded reduced costs to the applicants for the reasons set out below.

⁶ The Commission notes an error in the amount claimed for Gettel Appraisals Ltd. listed on Form U1 (Exhibit 25195-X0012, PDF page 1), and uses 1/3 of the total professional fees invoiced for Gettel Appraisals Ltd. (\$4,860.00 + \$3,240.00 + \$2,700.00 = \$10,800.00) per Exhibit 25195-X0012, PDF pages 23 – 25.

⁷ The Commission notes an error in the total honoraria claimed on Form U1 (Exhibit 25195-X0012, PDF page 1), and uses the total of attendance honoraria and forming a group honoraria claimed on Form U3 of Exhibit 25195-X0012, PDF page 45.

⁸ The Commission notes an error in the amount claimed for Gettel Appraisals Ltd. listed on Form U1 (Exhibit 25195-X0016.01 PDF page 15), and uses 1/3 of the total professional fees invoiced for Gettel Appraisals Ltd. (\$4,860.00 + \$3,240.00 + \$2,700.00 = \$10,800.00) per Exhibit 25195-X0016.01, PDF pages 91 - 93.

⁹ The Commission notes an error in the “Total Honoraria Claimed” column on Form U3 (Exhibit 25195-X0016.01, PDF page 23) and corrected it.

¹⁰ The total disbursements claimed is \$243.85 and GST of \$12.21, per Exhibit 25195-X0016.01, PDF pages 24 – 27.

¹¹ Advance funding approved in Decision 24696-D01-2019: Alberta Electric System Operator and EPCOR Distribution and Transmission Inc. West Edmonton Transmission Upgrade Project Advance Funding Request from the Lynnwood Community League Advance Funding Award, Proceeding 24696, October 24, 2019.

4. The original proceeding was convened by the Commission to consider whether to approve a needs identification document application from the Alberta Electric System Operator (AESO) and facility applications from EPCOR Distribution & Transmission Inc. (transmission) (EDTI) to construct and operate an 11-kilometre-long, 72-kilovolt transmission line and to alter the Poundmaker, Meadowlark and Garneau substations in west Edmonton. The proceeding consisted of evidence, rebuttal evidence, information requests (IRs) and responses to IRs, and both oral and written argument and reply argument. The close of record for the original proceeding was December 23, 2019, and the Commission issued Decision 23943-D01-2020,¹² on March 12, 2019.

5. The following table sets out the dates on which the cost claim applications were registered and their respective application numbers. The Commission assigned Proceeding 25195 to the applications.

| Date | Applicant | Application Number |
|-------------------|----------------------------|--------------------|
| December 15, 2019 | Aldergrove Residents Group | 25195-A001 |
| December 16, 2019 | Elmwood Residents Group | 25195-A002 |
| December 16, 2019 | 190 Street Residents Group | 25195-A003 |
| December 16, 2019 | Lynnwood Community League | 25195-A004 |
| January 22, 2020 | CCA | 25195-A005 |

6. All costs claim applications were received within the timeline established by the Commission.

7. On January 30, 2020, EDTI and the AESO filed comments on the costs claim application of the CCA. No reply comments were filed. The Commission considers the close of record for this proceeding to be February 6, 2020, the date reply comments were due.

2 Commission's authority to award costs and intervener eligibility

8. The Commission's authority to award costs is found in sections 21 and 22 of the *Alberta Utilities Commission Act*. When assessing a costs claim pursuant to Section 21 of the *Alberta Utilities Commission Act*, the Commission applies Rule 022: *Rules on Costs in Utility Rate Proceedings* or Rule 009: *Rules on Local Intervener Costs*.

9. Rule 022 applies to proceedings for rate applications of utilities under the jurisdiction of the Commission, or those related to rate applications. When an intervention on a NID application is premised upon the potential effects of a proposed project on rates, the Commission has generally applied Rule 022 to the intervener's costs claim. This rule allows the Commission to consider, among other things, whether the costs claimed are reasonable and directly and necessarily related to the original proceeding, and whether the participants acted responsibly and contributed to a better understanding of the issues before the Commission. Appendix A of Rule 022 prescribes a Scale of Costs applicable to all costs considered under this rule. This approach

¹² Decision 23943-D01-2020: Alberta Electric System Operator Needs Identification Document Application EPCOR Distribution & Transmission Inc. Facility Applications West Edmonton Transmission Upgrade Project, Proceeding 23943, March 12, 2020.

is consistent with the Commission's broad statutory authority under Section 21(1) of the *Alberta Utilities Commission Act*.

10. Only "local interveners" are eligible to claim costs in facility related applications. The Commission's authority to award costs for the participation of a local intervener in a hearing or other proceeding on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act* is found in sections 21 and 22 of the *Alberta Utilities Commission Act*. When considering a claim for costs for a facilities proceeding, the Commission is also guided by the factors set out in Section 7 of Rule 009 and the Scale of Costs found in Appendix A of Rule 009.

11. Section 7 of Rule 009 provides that the Commission may award costs, in accordance with the Scale of Costs, to a "local intervener" if the Commission is of the opinion that:

7.1.1 the costs are reasonable and directly and necessarily related to the hearing or other proceeding, and

7.1.2 the local intervener acted responsibly in the hearing or other proceeding and contributed to a better understanding of the issues before the Commission.

12. Section 22 of the *Alberta Utilities Commission Act* defines what a "local intervener" is and states:

22(1) For purposes of this section, "local intervener" means a person or group or association of persons who, in the opinion of the Commission,

(a) has an interest in, and

(b) is in actual occupation of or is entitled to occupy

land that is or may be directly and adversely affected by a decision or order of the Commission in or as a result of a hearing or other proceeding of the Commission on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act*, but unless otherwise authorized by the Commission does not include a person or group or association of persons whose business interest may include a hydro development, power plant or transmission line or a gas utility pipeline.

13. In the Commission's ruling on standing in the original proceeding, the Commission granted standing to the CCA in relation to the NID application because approval of the NID had the potential to affect the CCA's members, as electricity ratepayers, as they bear the cost of new transmission facilities.¹³ The CCA was not granted standing in relation to the facilities applications. The Commission has therefore applied Rule 022 to the costs application filed by the CCA.

14. The Commission granted standing in the original proceeding to the Aldergrove Residents Group, the Elmwood Residents Group, the 190 Street Residents Group and the Lynnwood

¹³ Exhibit 23943-X0176, AUC ruling on standing, paragraphs 13 to 15.

Community League.¹⁴ Members of each of those groups were found to own or occupy land in proximity to the proposed facilities, and therefore were found to have demonstrated land-based rights that may be directly and adversely affected by the facilities applications. Each of those groups has members who are “local interveners” within the definition provided in Section 22 of the *Alberta Utilities Commission Act*. The Commission has therefore applied Rule 009 to the costs applications filed by those groups.

3 The CCA’s costs application

15. The following table summarizes the CCA’s costs claim:

| Claimant | Hours | | | Fees | Disbursements | GST | Total |
|-----------------------|-------------|------------|----------|--------------|---------------|------------|--------------|
| | Preparation | Attendance | Argument | | | | |
| CCA | | | | | | | |
| Wachowich & Company | 8.0 | .75 | 5.0 | \$4,812.50 | \$8,143.70 | \$647.81 | \$13,604.01 |
| Nick Bryanskiy | 45.0 | 12.5 | 117.7 | \$56,064.00 | \$436.00 | \$2,834.24 | \$59,334.24 |
| Bema Enterprises Ltd. | 363.4 | 34.8 | 128.95 | \$122,239.80 | \$1,104.30 | \$6,149.56 | \$129,493.66 |
| Total | 416.4 | 48.05 | 251.65 | \$183,116.30 | \$9,684.00 | \$9,631.61 | \$202,431.91 |

16. The CCA stated that Mr. Bryanskiy, legal counsel acting as agent for Mr. Wachowich, provided overall direction on legal matters on behalf of Mr. Wachowich and to guide the efforts of the CCA’s consultants in this proceeding. The CCA also stated that the majority of the work in this application was undertaken by Dan Levson, Naval Tauh and Tom Greenwood-Madsen, all of whose services were invoiced through Bema. Mr. Levson, Mr. Tauh and Mr. Greenwood-Madsen comprised the CCA’s witness panel and they addressed Bema’s evidence. The CCA said that Mr. Levson coordinated the work of the Bema consultants.¹⁵

3.1 Comments from the AESO

17. The AESO stated that Section 11.1(b) of Rule 022 provides costs recovery for participants who contribute to a better understanding of the issues before the Commission. It submitted that the CCA’s cost claim was unreasonably high when weighed against the limited value the CCA’s participation added to the original proceeding and the quality of the CCA’s submissions. It also submitted that the CCA failed to effectively utilize the IR process, introduced evidence of poor quality, withheld new evidence for extended periods and introduced evidence at inappropriate times. The AESO gave the example that the CCA advanced the U of A generation option but did not disclose until much later in the original proceeding, after the AESO had expended resources to address the option, that the U of A had informed Bema that U of A generation was not an option. The AESO stated that the Commission should deny or

¹⁴ Exhibit 23943-X0176, AUC ruling on standing, paragraphs 16 to 20 and Schedule A; Exhibit 23943-X0187, AUC letter - Resumption of process, ruling on standing and further process, paragraphs 9 to 11 and Revised Schedule A.

¹⁵ Exhibit 25195-X0026, 23943 - Transmission Enhancements in the West Edmonton Area - CCA Cost Claim, pages 5 and 6.

significantly reduce the reimbursement of costs to the CCA, and in particular the Bema portion of the costs claim.¹⁶

18. The AESO submitted that the CCA raised policy-level changes to legislation that were clearly outside the scope of the original proceeding. It stated that most of the alternatives proposed by the CCA had already been considered and dismissed by the AESO and EDTI, and that this was addressed in the AESO's evidence.¹⁷

19. The AESO stated that Bema's witnesses spent a significant amount of hearing time correcting their own evidence, indicating that they were poorly prepared for the hearing and that Bema's evidence was of poor quality. It submitted that, at a minimum, the Commission should discount the fees claimed for Bema by the additional costs incurred by the AESO in addressing and correcting the errors in Bema's evidence.

20. The AESO also stated that the CCA brought up multiple issues during the oral hearing that could have been addressed through the IR process. The AESO submitted that this conduct unnecessarily lengthened the duration of the hearing and resulted in unnecessary costs to be incurred by all participants.¹⁸

3.2 Comments from EDTI

21. EDTI stated that the CCA's costs claim was excessive in light of the problems in the CCA's evidence and should be significantly reduced. It submitted that the CCA's case was muddled and irresponsibly presented and that the Bema witnesses lacked experience and expertise in planning and building the elements comprising the project. EDTI also stated that the CCA split its case in argument, resulting in EDTI having to request additional process and then file additional argument, which resulted in unnecessary hearing costs for EDTI.

22. EDTI characterized Bema's evidence as "error-strewn and largely ill-conceived," and submitted that Bema withdrew almost all of its original recommendations before the hearing. EDTI stated that Bema only withdrew recommendations after EDTI had expended significant resources preparing rebuttal evidence, and that approximately half of EDTI's rebuttal evidence responded specifically to Bema alternatives that were subsequently withdrawn. EDTI added that even after Bema filed corrections to its evidence, questioning during the hearing showed that the Bema evidence was filled with errors.¹⁹

23. EDTI submitted that Bema's cost-benefit analysis was so general as to contribute nothing of value to the original proceeding. EDTI noted that, in any case, a previous Commission decision had stated that the cost-benefit matter should be considered in a generic proceeding.²⁰ EDTI indicated that the CCA's claim should be reduced because the cost-benefit analysis was at a high-level and did not address the project proposed in the original proceeding.

¹⁶ Exhibit 25195-X0032, LT AUC re AESO response to CCA Cost Claim, page 2.

¹⁷ Exhibit 25195-X0032, LT AUC re AESO response to CCA Cost Claim, page 2.

¹⁸ Exhibit 25195-X0032, LT AUC re AESO response to CCA Cost Claim, page 3.

¹⁹ Exhibit 25195-X0030, EDTI Letter re Costs – CCA, pages 3 and 4.

²⁰ Exhibit 25195-X0030, EDTI Letter re Costs – CCA, pages 7 and 8.

24. EDTI summarized its comments by stating:

In summary, the CCA's participation in the Proceeding was of minimal value, if any. Most of the evidence submitted on its behalf proved to be a costly waste of time and effort for the other participants. The CCA's late and incomplete withdrawals and corrections of its evidence demonstrated little regard for other parties, and its last-minute introduction of new evidence and argument-splitting were in EDTI's submission affronts to other parties' procedural rights. Those parts of its evidence that were not withdrawn were error-strewn, unhelpfully general, superfluous in light of the Commission's previous findings, or duplicative of the AESO's own analytical efforts without adding any helpful perspective.²¹

3.3 Reply by the CCA

25. The CCA did not reply to the comments filed by the AESO and EDTI.

3.4 Commission findings

26. The Commission finds that the CCA did not always act responsibly in the original proceeding and its intervention did not contribute materially to the Commission's understanding of the issues arising from the NID application. The Commission is unable to approve the full amount of the costs claimed in respect of the services performed by the CCA's legal counsel and Bema, for the reasons set out below.

3.4.1 Wachowich & Company and Nick Bryanskiy

27. The CCA was represented by Wachowich & Company in the original proceeding. The CCA stated that the purpose of retaining Wachowich & Company as legal counsel was to assist the CCA in the presentation of its intervention. It stated that its legal counsel's role was to assist the technical consultants, cover areas of legal process, receive instructions from the CCA and generally to provide services of a legal nature to the CCA as a client participating in an adversarial process before the AUC.²²

28. The CCA stated that Mr. Bryanskiy acted as co-counsel and agent for Jim Wachowich, QC, and provided legal support to the CCA's consultants and Mr. Wachowich. The fees claimed for Mr. Bryanskiy relate to him reviewing the applications, IRs and responses to IRs, intervener evidence and rebuttal evidence. The CCA also stated that Mr. Bryanskiy researched and developed cross-examination questions for the AESO and EDTI's joint witness panel, drafted and reviewed direct evidence, prepared for the oral hearing, practiced mock questioning with the CCA's witnesses, addressed all procedural and research matters related to the oral hearing, prepared for and attended the oral hearing, cross-examined the AESO and EDTI's joint witness panels, and drafted, reviewed and revised argument and reply argument.²³

29. While the Commission finds that the services performed by Wachowich & Company and Mr. Bryanskiy were directly and necessarily related to the CCA's participation in the original

²¹ Exhibit 25195-X0030, EDTI Letter re Costs – CCA, page 9.

²² Exhibit 25195-X0026, 23943 - Transmission Enhancements in the West Edmonton Area - CCA Cost Claim, PDF page 13.

²³ Exhibit 25195-X0026, 23943 - Transmission Enhancements in the West Edmonton Area - CCA Cost Claim, PDF page 14.

proceeding, it also finds that the fees claimed for Mr. Bryanskiy's services were excessive and duplicated some of services provided by the CCA's consultants. For example, the CCA indicated that Mr. Bryanskiy drafted, reviewed and revised oral argument and reply argument, and it claimed \$37,664.00 (117.70 hours) for those services.²⁴ The CCA also indicated that four Bema consultants assisted in preparing argument and reply argument, and it claimed total fees of \$31,719.00 for those services.²⁵ The Commission has therefore reduced the award for legal fees for Mr. Bryanskiy by \$5,000.00 to \$51,064.00, which in the Commission's view is a more reasonable amount of legal fees in the circumstances where Bema used multiple consultants and administrative support staff to conduct the CCA's intervention.

30. The Commission finds that the services performed by Wachowich & Company were directly and necessarily related to the CCA's participation in the original proceeding and that the fees claimed for Jim Wachowich, QC, in the amount of \$4,812.50, were claimed in accordance with the Scale of Costs for those services. However, the Commission also finds that the CCA's legal counsel, whom the CCA stated were responsible for legal process and procedural matters, bear some responsibility for conduct by the CCA that unnecessarily prolonged the proceeding. In particular, the Commission found in the original proceeding that the CCA's reply argument addressed matters that should have been addressed in its original argument and introduced new matters that were not put in evidence in the hearing. As a result, the Commission granted EDTI's request to strike parts of the CCA's reply argument and allowed EDTI to file additional reply argument.²⁶

31. The Commission does not know which of the service providers contracted by the CCA to undertake the intervention, i.e., legal counsel or Bema, are responsible for the CCA splitting its argument in the original proceeding. However, that conduct offends procedural fairness principles and affects the rights of other participants, and the Commission would have expected the CCA's legal counsel to identify the problem and either prevent the offending material from being filed or seek permission from the Commission to file it. The Commission finds that the CCA's counsel did not meet the Commission's expectations about ensuring the CCA and its consultants acted responsibly in the proceeding. The Commission will therefore reduce the costs award to the CCA for Wachowich & Company's fees by 10 per cent, and will further reduce the costs awarded for Mr. Bryanskiy's fees by 10 per cent (i.e., a further reduction of \$5,106.40). Having regard for the foregoing, the Commission awards the CCA \$4,331.25 of the fees claimed for Wachowich & Company's services, and \$45,957.60 of the fees claimed for Mr. Bryanskiy's services.

32. The Commission finds that the disbursement claim of \$8,143.70 for transcripts purchased by Wachowich & Company, which was claimed in accordance with the Scale of Costs, is reasonable. The Commission also finds that the disbursement claim of \$436.00 for accommodation for Mr. Bryanskiy, which was claimed in accordance with the Scale of Costs, is reasonable. The Commission therefore approves the CCA's claim for legal fees for Wachowich & Company in the amount of \$4,331.25, disbursements of \$8,143.70 and GST of \$216.56 for a

²⁴ Exhibit 25195-X0026, 23943 - Transmission Enhancements in the West Edmonton Area - CCA Cost Claim, PDF page 26.

²⁵ Exhibit 25195-X0026, 23943 - Transmission Enhancements in the West Edmonton Area - CCA Cost Claim, PDF page 27.

²⁶ Exhibit 23943-X0471, AUC Ruling on EPCOR's request to file further submissions.

total of \$12,691.51. The Commission also approves the CCA's claim for legal fees for Nick Bryanskiy in the amount of \$45,957.60, disbursements of \$436.00 and GST of \$2,297.88 for a total of \$48,691.48.

3.4.2 Bema Enterprises Ltd.

33. The CCA stated that Bema was retained to perform consulting services in the original proceeding. The CCA claimed fees in relation to the three Bema witnesses and three other individuals from Bema, one of whom provided both analyst and administrative support services. The CCA stated that the fees claimed for the services provided by Mr. Levson relate to his leadership and coordination of the CCA's intervention (with Mr. Bryanskiy), which included him reviewing the NID application, preparing IRs and reviewing IR responses, providing recommendations on procedural matters, preparing Bema's evidence, preparing correspondence, reviewing rebuttal evidence, preparing for the hearing and assisting with cross-examination, providing testimony and assisting with preparing argument and reply argument.

34. The CCA stated that the fees claimed for Mr. Tauh pertain to his work with Mr. Greenwood-Madsen assessing EDTI's system needs and to develop options. The CCA said that Mr. Tauh participated in the development of the evidence, participated in the hearing, assisted legal counsel with cross-examination, gave oral testimony and assisted in preparing the CCA's written argument and reply argument.

35. The CCA stated that Mr. Greenwood-Madsen's role was to review the determination of need for the project, including by using a probabilistic assessment, and to consider transformer and transmission line optimization opportunities and recommendations to mitigate impacts on customers; Mr. Greenwood-Madsen reviewed the NID application, developed IRs and IR responses, reviewed responses to IRs, developed Bema's options to a conceptual and descriptive level including the cost estimates to be included in evidence, reviewed rebuttal evidence, participated in the hearing, provided assistance to legal counsel during his cross-examination, gave oral testimony, and assisted in preparing written argument and reply argument.

36. The CCA stated that Bema retained the services of David Provins, a financial analyst, to assist with Bema's regulatory workload; Mr. Provins reviewed the application, assisted in preparing IRs and provided contributions to Bema's evidence, argument and reply argument. The CCA submitted that Mr. Provins' services maximized Mr. Levson's productivity and avoided much higher consultant fees being incurred.

37. The CCA claimed both consultant (analyst) fees and administrative support fees for Christine Nash. The CCA stated that Ms. Nash's analytical services included conducting internet research to locate examples of cost benefit analysis used in the electric power industry in other jurisdictions that was used to support Bema's IRs, evidence, cross-examination and argument. The administrative services provided by Ms. Nash included downloading proceeding files, preparing confidentiality undertakings for Bema staff and consultants, reviewing footnotes in the Bema evidence and creating a visual depiction of risk in support of Bema's evidence.

38. The CCA claimed administrative support fees for Bema's Elizabeth Zielke. The CCA stated that Ms. Zielke collaborated with Ms. Nash on administrative planning and requirements

for the hearing, and that she prepared and updated proceeding binders and gathered office materials required for the hearing.

39. While the Commission finds that the services performed by Bema were directly related to the CCA's participation in the original proceeding, it finds that not all of the services provided were necessary and that fees claimed for other services were unreasonable and excessive for the following reasons.

40. The Commission accepts the AESO's and EDTI's respective submissions that the CCA unnecessarily lengthened the hearing and caused the applicants to incur additional costs addressing or responding to Bema options that were ultimately withdrawn or were revised after the IR process was completed and evidence filing deadlines had expired. In addition, portions of Bema's evidence contained material errors that were not corrected until late in the proceeding or were only identified when Bema's witnesses were cross-examined in the hearing. The Commission addressed its concerns with Bema's evidence in the original proceeding's decision, Decision 23943-D01-2020:

44. In this proceeding, the Commission is ultimately concerned with the time it took for Bema to correct its errors and to update the information it received from the U of A. It is also concerned with the number and significance of the errors in Bema's evidence. While the Commission appreciates the complexity of the issues in this proceeding and the asymmetry of available information between an intervener and an applicant, a level of diligence and accuracy is nonetheless required. Because there remained material errors in Bema's evidence after the filing of a corrected version, and the number and scale of the errors had substantial impacts on the conclusions in its report, the Commission places little weight on a large part of Bema's evidence in this regard.

45. The Commission considers that Bema's options 1, 2 and 3 could have been ruled out based on the information on the record prior to the filing of intervener evidence. These options did not fully resolve the issues, notably the contingency to Jasper T1.

46. Errors in Bema's cost estimates potentially resulted in these options being presented as less costly than the preferred transmission development, while EDTI's evidence is that they are not. Had the experts exercised the level of diligence expected of them in presenting their evidence, these options would likely not have been advanced in the first place. Setting aside the question of whether the three options were less costly than the applicant's proposed transmission development, they also appear to have higher environmental and social impacts. Ultimately, these options were of no assistance to the Commission and required that the applicants devote significant time and resources responding to and refuting them.²⁷

41. The Commission reiterates that Bema's evidence in the original proceeding did not contribute materially to the Commission's understanding of the relevant issues arising from the NID application. It also finds that Bema unnecessarily prolonged the proceeding by proposing options that were not viable or did not address the need identified in the NID application but nevertheless required the AESO and EDTI to expend resources and time to respond to Bema's evidence. The Commission further finds that Bema employed more consultants than was

²⁷ Decision 23943-D01-2020: Alberta Electric System Operator and EPCOR Distribution & Transmission Inc., West Edmonton Transmission Upgrade Project, Applications 23943-A001 to 23943-006, Proceeding 23943, March 12, 2020, paragraphs 44 to 46.

necessary and that those consultants duplicated some aspects of their work instead of allocating the work efficiently between them. Having regard to the foregoing, the Commission awards the CCA 40 per cent of the fees claimed for Bema's services. The Commission therefore approves the claim for fees for Bema in the amount of \$48,895.92 and GST on fees of \$2,444.80 for a total of \$51,340.72.

42. The disbursements claimed for Bema for meals, accommodations, and intercity travel to attend a hearing, which were claimed in accordance with the Scale of Costs, are reasonable and are approved in the amount of \$1,104.30 and GST on disbursements in the amount of \$37.57.

43. Accordingly, the Commission approves the CCA's claim for consulting fees for Bema in the amount of \$48,895.92, disbursements of \$1,104.30 and GST of \$2,482.37 for a total of \$52,482.59.

3.4.3 Total awarded to the CCA

44. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$113,865.58. This amount is composed of legal fees of \$50,288.85, consulting fees of \$48,895.92, disbursements of \$9,684.00 and GST of \$4,996.81.

4 Local intervenor costs applications

4.1 Aldergrove Residents Group

45. The following table summarizes the Aldergrove Residents Group's costs claim:

| Claimant | Hours | | | Fees | Disbursements | GST | Total |
|--|-------------|------------|----------|------------|---------------|--------|------------|
| | Preparation | Attendance | Argument | | | | |
| Aldergrove Residents Group | | | | | | | |
| Intervenor Honoraria and disbursements | 0.0 | 0.0 | 0.0 | \$6,550.00 | \$85.99 | \$4.30 | \$6,640.29 |

4.1.1 Comments from EDTI

46. EDTI stated that it reviewed the cost claim filed by Aldergrove Residents Group and did not identify any inconsistencies with Rule 009. EDTI did not provide any other comments on the group's costs claim.

4.1.2 Commission findings

47. The Commission finds that the Aldergrove Residents Group acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. The Commission notes that the group was not represented by counsel and accepts that David Leonard and Sony Leonard coordinated the group's intervention,²⁸ including preparing and filing written submissions, arranging for the group's witnesses to attend the hearing to give

²⁸ Exhibit 25195-X0002, ARG Submission of Justification, pages 1 and 2.

oral evidence, and providing oral evidence and argument in the hearing. They each claimed a \$2,500.00 preparation honorarium.

48. Rule 009 indicates that the range of awards for preparation honoraria is \$300.00 to \$2,500.00, depending on the complexity of the intervention. The Commission considers that the Aldergrove Residents Group's intervention was not sufficiently complex to merit the highest level of award under the Rule. The Commission therefore awards each of Mr. Leonard and Ms. Leonard a preparation honorarium of \$1,500.00.

49. Accordingly, the Commission approves the following honoraria amounts claimed by Aldergrove Residents Group: total preparation honoraria of \$3000.00, \$500.00 honorarium to Mr. Leonard for forming a group, and total attendance honoraria of \$1,050.00.

50. The disbursements claimed by the Aldergrove Residents Group for meals during the hearing, office supplies and commissioner for oaths services are reasonable and are approved in the amount of \$85.99 and GST on disbursements in the amount of \$4.30.

4.1.3 Total awarded to Aldergrove Residents Group

51. For the reasons provided above, the Commission approves the Aldergrove Residents Group's claim for recovery of costs in the total amount of \$4,640.29. This amount is composed of total honoraria of \$4,550.00, disbursements of \$85.99 and GST of \$4.30.

4.2 Elmwood Residents Group

52. The following table summarizes Elmwood Residents Group's costs claim:

| Claimant | Hours | | | Fees | Disbursements | GST | Total |
|--|--------------|--------------|-------------|--------------------|--------------------|-------------------|---------------------|
| | Preparation | Attendance | Argument | | | | |
| Elmwood Residents Group | | | | | | | |
| Bishop Law | 133.4 | 50.1 | 29.5 | \$77,000.00 | \$4,796.07 | \$4,089.80 | \$85,885.87 |
| Gettel Appraisals Ltd. | 12.0 | 1.33 | 0.0 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | 59.1 | 8.4 | 0.0 | \$8,100.00 | \$7,265.00 | \$768.25 | \$16,133.25 |
| Intervenor Honoraria and Disbursements | 0.0 | 0.0 | 0.0 | \$3,450.00 | \$165.27 | \$8.26 | \$3,623.53 |
| Total | 204.5 | 59.83 | 29.5 | \$92,150.00 | \$12,226.34 | \$5,046.31 | \$109,422.65 |

4.2.1 Comments from EDTI

53. EDTI stated that the Elmwood Residents Group did not provide an explanation for one of its members, Gayle Spencer, claiming a \$1,500.00 honorarium for forming a group. EDTI noted that Rule 009 provides that an honorarium of up to \$500.00 may be awarded for forming a group, and in exceptional cases honoraria in excess of \$500.00 may be claimed. EDTI also stated that the amount claimed was higher than what the Aldergrove Residents Group and the Lynnwood Community League claimed for similar work.

54. EDTI also stated that, based on the submission of justification filed on behalf of the Lynnwood Community League, the professional fees charged by Brian Gettel were to be split equally between the Lynnwood Community League, the 190 Street Residents Group and the

Elmwood Residents Group. EDTI calculated that a one-third share of Mr. Gettel's total fees of \$11,340.00 (inclusive of GST) was \$3,780.00. It noted that the Elmwood Residents Group claimed \$3,921.75, and did not explain the discrepancy.

4.2.2 Reply by the Elmwood Residents Group

55. The Elmwood Residents Group provided an explanation for claiming a \$1,500.00 honorarium for forming a group. It stated that the group was large and the hearing process spanned several months that included periods of delay. It explained that Ms. Spencer facilitated communication between the group and its legal counsel and experts, which included giving directions to counsel and arranging for and giving notice of three community meetings. The group submitted that without Ms. Spencer's assistance in forming and managing the group's intervention, it is likely that additional legal resources would have been required or that individual landowners in Elmwood would have participated on their own. The Elmwood Residents Group provided an example where the Commission awarded a preparation honorarium of \$10,000.00 in recognition of the size of the intervener group and the resulting reduction of duplication of efforts and costs.²⁹

56. The Elmwood Residents Group stated that the amount it claimed on form U1 for Mr. Gettel's fees was in error. It confirmed that the correct amount was \$3,600.00 in fees and \$180.00 GST, as EDTI had calculated.

4.2.3 Commission findings

57. The Commission finds that the Elmwood Residents Group acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues.

4.2.3.1 Deborah P. Bishop Professional Corporation (operating as Bishop Law)

58. The Elmwood Residents Group was represented by Bishop Law in the original proceeding. The fees claimed by the Elmwood Residents Group for the legal services provided by Deborah Bishop relate to her meeting with clients and explaining the Commission's process, filing written submissions, responding to IRs, conducting cross-examination and presenting direct evidence and argument at the hearing.

59. The Commission finds that the services performed by Bishop Law were directly and necessarily related to the Elmwood Resident Group's participation in the original proceeding, and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. The Commission also finds that the disbursement claims of \$4,302.50 for transcripts, \$62.93 for meals, \$15.04 for deliveries, \$105.00 for projector rental and \$31.60 for external printing, which were claimed in accordance with the Scale of Costs, are reasonable.³⁰

²⁹ Exhibit 25195-X0025, Letter to AUC re EDTI Cost Argument - January 17, 2020, page 2.

³⁰ Form U1 filed by the Elmwood Group indicates that the total disbursements claimed for Bishop Law are \$4,799.29. However, the detailed disbursements on form U2 indicate that total disbursements are \$4,796.07. The Commission has used the amounts shown on form U2 and not the amount on form U1.

60. Accordingly, the Commission approves the Elmwood Residents Group's claim for legal fees for Bishop Law in the amount of \$77,000.00, disbursements in the amount of \$4,796.07 and GST of \$4,089.80 for a total of \$85,885.87.

4.2.3.2 Gettel Appraisals Ltd.

61. Gettel Appraisals Ltd. was jointly retained by the Elmwood Residents Group, the 190 Street Residents Group and the Lynnwood Community League to perform consulting services in the original proceeding. The fees claimed by those groups for the consulting services provided by Gettel Appraisals Ltd. relate to Brian Gettel preparing property value impact reports for each group, providing IR responses, assisting counsel with the cross-examination of EDTI's witnesses, reviewing the transcripts of the proceeding and providing oral evidence during the hearing.³¹ The Commission also understands that one-third of the \$10,800.00 total fees invoiced by Gettel Appraisals Ltd. is claimed by each of the three intervener groups for whom the services were provided.

62. The Commission finds that the services performed by Gettel Appraisals Ltd. were directly and necessarily related to the Elmwood Resident Group's participation in the original proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the Elmwood Residents Group's claim for consulting fees for Gettel Appraisals Ltd. in the amount of \$3,600.00 and GST of \$180.00 for a total of \$3,780.00.

4.2.3.3 Veritas Litigation Support

63. Veritas Litigation Support was retained by Elmwood Residents Group to perform consulting services in the original proceeding. The group claimed fees in the amount of \$8,100.00 for the services provided by Eric Wilson and Hayden Wilson in relation to them creating drone video evidence and presenting that evidence during the hearing. The group also claimed disbursements of \$825.00 for drone and camera operating expenses, \$5,508.00 for specialized graphics processing computer expenses, \$732.00 for specialized hearing display computer expenses and \$200.00 for regulatory approvals.

64. The Commission finds that although the services performed by Veritas Litigation Support were directly related to the Elmwood Resident Group's participation in the original proceeding, the fees and disbursements claimed are not commensurate with the contribution that the drone video evidence made to the Commission's understanding of the issues in the original proceeding.

65. The Commission is aware that aerial drone video can be useful in depicting remote areas or terrain that is difficult to access. However, the project considered by the Commission in the original proceeding was entirely within the City of Edmonton, and both EDTI and the Elmwood Residents Group filed photographs in evidence that fairly represented the project lands. In particular, EDTI filed aerial photographs³² of each section of the proposed transmission line route that depicted substantially the same views that were provided by the drone video evidence, albeit in still form and not in motion. The Commission therefore concludes that the drone video

³¹ Exhibit 25195-X0016.01, LCL Final Costs and Submission of Justification, PDF page 8.

³² Exhibit 23943-X0024, Appendix E-3 Strip Map.

evidence duplicated much of the photographic evidence that was filed in the original proceeding and finds that the costs claimed for obtaining the evidence are not reasonable.

66. The Commission also notes that the costs claimed in this proceeding for obtaining drone video evidence are substantially higher than what has been claimed for this service in previous costs proceedings,³³ due in part to much higher disbursements for specialized graphics and display computer expenses but also due to escalating fees charged by the service providers. Although the costs claim filed by the Elmwood Residents Group includes detailed time invoices from Veritas Litigation Support, the time entries alone do not allow the Commission to understand why the fees for this service have increased substantially over time. The Commission has therefore decided to reserve its decision on the costs claimed for Veritas Litigation Support until it has additional information about the services provided and the fees charged. The Commission will issue information requests to the Elmwood Residents Group in very short order and will endeavour to issue a supplemental costs decision soon after it has received responses to its requests.

67. Accordingly, the Commission has reserved its decision on the Elmwood Residents Group's claim for consulting fees for Veritas Litigation Support in the amount of \$8,100.00, disbursements of \$7,265.00 and GST of \$768.25.

4.2.3.4 Intervener costs

68. The Elmwood Residents Group claimed attendance honoraria for 10 of its members, in the total amount of \$1,950.00. Rule 009 states that for large local intervener groups, attendance honoraria may be claimed by up to six individuals, however, in exceptional circumstances additional honoraria may be claimed. Given the scope of the project that was considered in the original proceeding the Commission considers that an exceptional case exists to grant an attendance honorarium to each of the ten Elmwood Residents Group members who participated in the hearing and claimed an honorarium. The Commission therefore approves the claim for attendance honoraria in the amount of \$1,950.00. The Commission also approves the interveners' disbursement claim for meals in the total amount of \$165.27 and GST in the amount of \$8.26.

69. The Commission notes EDTI's comments that the Elmwood Residents Group's claim for a \$1,500.00 honorarium for forming a group exceeds the maximum of \$500.00 stipulated in Rule 009. However, the Commission accepts the Elmwood Residents Group's explanation of the substantial assistance that Ms. Spencer provided in organizing the group and managing its relationship with legal counsel and expert consultants throughout the relatively lengthy proceeding. The Commission finds that circumstances exist to award a preparation honorarium that is at the lower end of what is considered exceptional, and it approves the claim for a preparation honorarium in the amount of \$1,500.00.

³³ Decision 22173-D01-2017: Alberta PowerLine General Partner Ltd., Fort McMurray West 500-Kilovolt Transmission Project Costs Award, Proceeding 22173, May 1, 2017; Decision 24083-D01-2019: Alberta Electric System Operator Needs Identification Document Application and AltaLink Management Ltd. Facility Applications, Provost Reliability Upgrade Project Costs Award, Proceeding 24083, March 13, 2019.

70. Accordingly, the Commission approves the Elmwood Residents Group's claim for intervener honoraria in the total amount of \$3,450.00, disbursements of \$165.27 and GST of \$8.26 for a total of \$3,623.53.

4.2.3.5 Total awarded to the Elmwood Residents Group

71. For the reasons provided above, the Commission approves the Elmwood Residents Group's claim for recovery of costs in the total amount of \$93,289.40. This amount is composed of legal fees of \$77,000.00, consulting fees of \$3,600.00, intervenor honoraria of \$3,450.00, disbursements of \$4,961.34 and GST of \$4,278.06.

4.3 190 Street Residents Group

72. The following table summarizes 190 Street Residents Group's costs claim:

| Claimant | Hours | | | Fees | Disbursements | GST | Total |
|--|-------------|------------|----------|-------------|---------------|------------|-------------|
| | Preparation | Attendance | Argument | | | | |
| 190 Street Residents Group | | | | | | | |
| Bishop Law | 109.3 | 45.1 | 25.5 | \$57,088.00 | \$190.18 | \$2,854.40 | \$60,132.58 |
| Gettel Appraisals Ltd. | 12.0 | 1.33 | 0.0 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | 47.5 | 8.4 | 0.0 | \$6,708.00 | \$5,945.00 | \$632.65 | \$13,285.65 |
| Intervenor Honoraria and Disbursements | 0.0 | 0.0 | 0.0 | \$2,650.00 | \$149.65 | \$6.76 | \$2,806.41 |
| Total | 168.8 | 54.83 | 25.5 | \$70,046.00 | \$6,284.83 | \$3,673.81 | \$80,004.64 |

4.3.1 Comments from EDTI

73. EDTI submitted that much of the 190 Street Residents Group's counsel's questioning of EDTI's witnesses was not related to issues in the hearing and unnecessarily prolonged the hearing. It gave the example of questioning related to the Commission's authority to approve transmission infrastructure being constructed and operated within the transportation and utility corridor.

74. EDTI also submitted that travel time claimed by counsel on three days did not appear to be related to the hearing and the claim was not clear if the time was charged at one-half of counsel's billing rate, as required under Rule 009.

75. EDTI stated that the \$1,500.00 honorarium claimed by Lloyd Ackerman to form a group was higher than the \$500.00 limit provide in Rule 009. It added that even if Mr. Ackerman's efforts were considered to be exceptional (as the Rule permits) the claim is higher than the equivalent amount claimed by two other intervener groups.

4.3.2 Reply by the 190 Street Residents Group

76. The 190 Street Residents Group stated that the issues raised and arguments advanced by its counsel all related to the siting and routing of the proposed transmission line, including choices about routes, structures, construction impacts and the use of transportation utility corridors. It also stated that the group's evidence, cross-examination and argument was at all times relevant to the Commission's authority to consider these topics when it assessed the project applications.

77. The 190 Street Residents Group stated that its counsel edited her account to separate out the time spent on travel. The group noted that counsel recorded no time for travel to and from the hearing.

78. The 190 Street Residents Group submitted that the substantial amount of work done by Mr. Ackerman in forming and organizing the group, and coordinating the group's efforts, was apparent from the 200 pages of consultation notes between Mr. Ackerman and EDTI that were filed by EDTI, and as such justified the \$1,500.00 preparation honorarium. The group also submitted that Mr. Ackerman's efforts streamlined communications between EDTI and the group.

4.3.3 Commission findings

79. The Commission finds that the 190 Street Residents Group acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues.

4.3.3.1 Deborah P. Bishop Professional Corporation (operating as Bishop Law)

80. The 190 Street Residents Group was represented in the original proceeding by Eva Chipiuk of Bishop Law. The fees claimed by the group for the legal services provided by Ms. Chipiuk relate to her meeting with clients, filing written submissions, responding to IRs, conducting cross-examination and presenting direct evidence and argument at the hearing.

81. The Commission appreciates EDTI's position that at least one of the issues pursued in the hearing by the 190 Street Residents Group, i.e., the Commission's authority to approve transmission infrastructure in the transportation and utilities corridor, may not have been particularly relevant or helpful to the Commission. However, the Commission is not prepared, in this instance, to find that the group's evidence, cross-examination or argument on this or another matter was either so unnecessary or so prolonged the proceeding as to warrant a reduction in the award of legal fees.

82. The Commission has reviewed the revised statement of account filed by Bishop Law in response to EDTI's comments about travel time claimed for Ms. Chipiuk.³⁴ Compared to the original statement of account,³⁵ one half-hour of time has been deducted on each day³⁶ that the revised account also states that Ms. Chipiuk charged .5 hour of travel time. The net result is that Ms. Chipiuk's legal fees were reduced by \$480.00, which equates to 1.5 hours (or .5 hour on each of three days) charged at one-half Ms. Chipiuk's normal hourly rate of \$320.00. The Commission is satisfied that the revisions to the statement of account and reduced legal fees address any material concerns about travel time claimed for Ms. Chipiuk.

83. The Commission finds that the services performed by Bishop Law were directly and necessarily related to the 190 Street Residents Group's participation in the original proceeding, and that the revised fees of \$57,088.00, which were claimed in accordance with the scale of costs for those services, are reasonable. The Commission also finds that the disbursement claims of

³⁴ Exhibit 25195-X0024, Account - reissued January 17, 2020, PDF pages 1 and 2.

³⁵ Exhibit 25195-X0012, Final Cost Claim, PDF pages 3 and 4.

³⁶ The days are January 4, July 30 and August 14, 2019.

\$72.05 for taxi or Uber fares, \$68.11 for meals and \$50.02 for external printing, which were claimed in accordance with the Scale of Costs, are reasonable.

84. Accordingly, the Commission approves the 190 Street Residents Group's claim for legal fees for Bishop Law in the amount of \$57,088.00, disbursements in the amount of \$190.18 and GST of \$2,854.40, for a total of \$60,132.58.

4.3.3.2 Gettel Appraisals Ltd.

85. As stated in section 4.2.3.2 above, Gettel Appraisals Ltd. was retained by three intervenor groups to prepare property value impact reports for each group, provide IR responses, assist counsel with the cross-examination of EDTI's witnesses, review the transcripts of the proceeding and provide oral evidence during the hearing. One-third of the \$10,800.00 total fees invoiced by Gettel Appraisals Ltd., or \$3,600.00, is claimed by each of the three intervenor groups for whom the services were provided.

86. The Commission finds that the services performed by Gettel Appraisals Ltd. were directly and necessarily related to the 190 Street Residents Group's participation in the original proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the 190 Street Residents Group's claim for consulting fees for Gettel Appraisals Ltd. in the amount of \$3,600.00 and GST of \$180.00 for a total of \$3,780.00.

4.3.3.3 Veritas Litigation Support

87. Veritas Litigation Support was retained by the 190 Street Residents Group to perform consulting services in the original proceeding. The group claimed fees in the amount of \$6,708.00 for the services provided by Eric Wilson and Hayden Wilson in relation to them creating drone video evidence and presenting that evidence during the hearing. The group also claimed disbursements of \$825.00 for drone and camera operating expenses, \$4,188.00 for specialized graphics processing computer expenses, \$732.00 for specialized hearing display computer expenses and \$200.00 for regulatory approvals.

88. The Commission finds that although the services performed by Veritas Litigation Support were directly related to the 190 Street Resident Group's participation in the original proceeding, the fees and disbursements claimed are not commensurate with the limited contribution the drone video evidence made to the Commission's understanding of the issues in the original proceeding.

89. The Commission is aware that aerial drone video can be useful in depicting remote areas or terrain that is difficult to access. However, the project considered by the Commission in the original proceeding was entirely within the City of Edmonton, and both EDTI and the 190 Street Residents Group filed photographs in evidence that fairly represented the project lands. In particular, EDTI filed aerial photographs³⁷ of each section of the proposed transmission line route that depicted substantially the same views that were provided by the drone video evidence, albeit in still form and not in motion. The Commission therefore concludes that the drone video

³⁷ Exhibit 23943-X0024, Appendix E-3 Strip Map.

evidence duplicated much of the photographic evidence that was filed in the original proceeding and finds that the costs claimed for obtaining the evidence are not reasonable.

90. In addition to finding that the drone video evidence duplicated photographic evidence in the original proceeding, the Commission also notes that the costs claimed in this proceeding for Veritas Litigation Support are substantially higher than what has been claimed for this service in previous costs proceedings,³⁸ due in part to much higher disbursements for specialized graphics and display computer expenses but also due to escalating fees charged by the service providers. Although the costs claim filed by the 190 Street Residents Group includes detailed time invoices from Veritas Litigation Support, the time entries alone do not allow the Commission to understand why the fees for this service have increased substantially over time. The Commission has therefore decided to reserve its decision on the costs claimed for Veritas Litigation Support until it has additional information about the services provided and the fees charged. The Commission will issue information requests to the 190 Street Residents Group in very short order and will endeavour to issue a supplemental costs decision soon after it has received responses to its requests.

91. Accordingly, the Commission has reserved its decision on the 190 Street Residents Group's claim for consulting fees for Veritas Litigation Support in the amount of \$6,708.00, disbursements of \$5,945.00 and GST of \$632.65.

4.3.3.4 Intervener costs

92. The 190 Street Residents Group claimed attendance honoraria for seven of its members, in the total amount of \$1,150.00. Rule 009 states that for large local intervener groups, attendance honoraria may be claimed by up to six individuals, however, in exceptional circumstances additional honoraria may be claimed. Given the scope of the project that was considered in the original proceeding the Commission considers that an exceptional case exists to grant an attendance honorarium to each of the seven 190 Street Residents Group members who participated in the hearing and claimed an honorarium. The Commission therefore approves the claim for attendance honoraria in the amount of \$1,950.00. The Commission also approves the interveners' disbursement claim for meals in the total amount of \$149.65 and GST in the amount of \$6.76.

93. The Commission notes EDTI's comments that the 190 Street Residents Group's claim for a \$1,500.00 honorarium for forming a group exceeds the maximum of \$500.00 stipulated in Rule 009. However, the Commission accepts the group's explanation of the substantial amount of work done by Mr. Ackerman to correspond with EDTI, and to organize and coordinate the group's efforts in the proceeding. The Commission finds that circumstances exist to award a preparation honorarium that is at the lower end of what is considered exceptional, and it approves the claim for a preparation honorarium in the amount of \$1,500.00.

³⁸ Decision 22173-D01-2017: Alberta PowerLine General Partner Ltd., Fort McMurray West 500-Kilovolt Transmission Project Costs Award, Proceeding 22173, May 1, 2017; Decision 24083-D01-2019: Alberta Electric System Operator Needs Identification Document Application and AltaLink Management Ltd. Facility Applications, Provost Reliability Upgrade Project Costs Award, Proceeding 24083, March 13, 2019.

94. Accordingly, the Commission approves the 190 Street Residents Group's claim for intervener honoraria in the total amount of \$2,650.00, disbursements of \$149.65 and GST of \$6.76 for a total of \$2,806.41.

4.3.3.5 Total awarded to the 190 Street Residents Group

95. For the reasons provided above, the Commission approves the 190 Street Residents Group's claim for recovery of costs in the total amount of \$66,718.99. This amount is composed of legal fees of \$57,088.00, consulting fees of \$3,600.00, intervenor honoraria of \$2,650.00, disbursements of \$339.83 and GST of \$3,041.16.

4.4 The Lynnwood Community League

96. The following table summarizes the Lynnwood Community League's costs claim:

| Claimant | Hours | | | Fees | Disbursements | GST | Total |
|--|---------------|---------------|-------------|---------------------|--------------------|--------------------|---------------------|
| | Preparation | Attendance | Argument | | | | |
| Lynnwood Community League | | | | | | | |
| Ackroyd LLP | 475.7 | 159.0 | 25.0 | \$200,662.50 | \$8,623.91 | \$10,437.33 | \$219,723.74 |
| CanACRE Ltd. | 107.5 | 30.25 | 0.0 | \$22,728.75 | \$25,347.64 | \$6,188.36 | \$54,264.75 |
| Gettel Appraisals Ltd. | 11.67 | 1.66 | 0.0 | \$3,600.00 | \$0.00 | \$180.00 | \$3,780.00 |
| Veritas Litigation Support | 45.3 | 2.0 | 0.0 | \$5,676.00 | \$5,213.00 | \$544.45 | \$11,433.45 |
| Paul Héroux PhD. | 24.0 | 8.0 | 0.0 | \$8,640.00 | \$0.00 | \$0.00 | \$8,640.00 |
| Dr. Anthony Miller | 0.0 | 0.0 | 0.0 | \$0.00 | \$1,455.45 | \$147.77 | \$1,603.22 |
| FDI Acoustics Inc. | 46.0 | 0.0 | 0.0 | \$7,950.00 | \$1,355.36 | \$435.00 | \$9,740.36 |
| Intervenor Honoraria and Disbursements | 0.0 | 0.0 | 0.0 | \$5,300.00 | \$243.85 | \$12.21 | \$5,556.06 |
| Total | 710.17 | 200.91 | 25.0 | \$254,557.25 | \$42,239.21 | \$17,945.12 | \$314,741.58 |

4.4.1 Comments from EDTI

97. EDTI noted that the Lynnwood Community League claimed 12 hours of travel time for its consultant FDI Acoustics Inc., and that the travel was not related to attendance at the hearing. It stated that the Commission has previously held that travel time may only be recoverable when it is incurred to attend an oral hearing.

4.4.2 Reply from the Lynnwood Community League

98. The Lynnwood Community League explained that FDI Acoustics Inc.'s travel to the Meadowlark Substation site was done to gather expert evidence at one of its members residence. It stated that the travel was essential to undertake the noise level assessment upon which the expert's report was based. The Lynnwood Community League submitted the Commission should permit recovery of FDI Acoustics Inc.'s travel costs.³⁹

4.4.3 Commission findings

99. The Commission finds that the Lynnwood Community League acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues.

³⁹ Exhibit 25195-X0022, 2020-01-13 LT AUC - LCL Cost Reply, page 1.

However, the Commission is unable to approve the full amount of the costs claimed in respect of the services performed by the Lynnwood Community League for the reasons set out below.

4.4.3.1 Ackroyd LLP

100. The Lynnwood Community League was represented by Ackroyd LLP in the original proceeding. The fees claimed by the Lynnwood Community League for the legal services provided by Richard Secord, Ifeoma Okoye and Heather Beyko relate to counsel assisting with the pre-hearing portion of the proceeding, filing IRs and responding to IRs, preparing and filing evidence including the evidence of the joint expert witnesses, and representing the Lynnwood Community League in the hearing.

101. The Lynnwood Community League stated that during the hearing Mr. Secord was responsible for routing and costs concerns, safety issues, electromagnetic and health effects and issues arising from EDTI's rebuttal evidence during the cross-examination of EDTI's witness panel. The League also stated that Ms. Okoye was responsible for visual impacts, property devaluation concerns and public consultation issues that arose during the hearing.

102. While the Commission finds that the services performed by Ackroyd LLP were directly and necessarily related to the Lynnwood Community League's participation in the original proceeding, it also finds that the fees claimed for these services were unreasonable for the following reasons. All three Ackroyd LLP counsel incurred a total of 475.70 hours of preparation time, equating to \$142,093.50 in legal fees. This amount is more than sixty percent greater than the aggregate fees charged by counsel for the Elmwood Residents Group and the 190 Street Residents Group for the preparation phase of the proceeding.

103. The Commission also notes that counsel for the Lynnwood Community League incurred a total of 159 hours attending the hearing, equating to \$51,254.00 in legal fees. Both the time and legal fees incurred in this phase of the proceeding is more than triple the amounts incurred by each of the other intervenor groups that were represented by legal counsel.

104. The Commission acknowledges that Mr. Secord was responsible for the joint expert witnesses who participated in the proceeding and that he was counsel for those witnesses during their oral evidence. The Commission also acknowledges that two legal counsel represented the Lynnwood Community League throughout the proceeding and a third assisted in the early phases. However, in the Commission's view those additional responsibilities and the use of multiple counsel do not reasonably account for the much higher legal fees claimed by the Lynnwood Community League. The Commission has therefore reduced the award for legal fees for Ackroyd LLP by 20 per cent, from \$200,662.50 to \$160,530.00, which in the Commission's view is more reasonably commensurate with the Lynnwood Community League's intervention.

105. The Commission finds that the disbursement claims of \$104.35 for meals, \$6,759.30 for transcripts, \$52.46 for postage and delivery charges, \$1,158.10 for photocopying and \$9.70 scanning, which were claimed in accordance with the Scale of Costs, are reasonable. The Commission also approves the \$540.00 disbursement claimed by Ackroyd for the services provided to Mr. Secord by Dr. Magela Havas, who assisted drafting IRs relating to EMF effects.

106. Accordingly, the Commission approves the Lynnwood Community League's claim for legal fees for Ackroyd LLP in the amount of \$160,530.00, disbursements of \$8,623.91 and GST of \$8,430.70 for a total of \$177,584.61.

4.4.3.2 CanAcre Ltd.

107. CanAcre Ltd. was retained by the Lynnwood Community League to perform consulting services in the original proceeding. The fees claimed by the Lynnwood Community League for the consulting services provided by Allison Charenko, Joel Fulford, and Keven Singh relate preparing 20 visual simulations that were filed in the proceeding, providing IRs and responses to IRs, reviewing reply evidence, providing oral evidence during the hearing, assisting counsel with cross-examination and closing comments and reviewing the hearing transcripts. The Lynnwood Community League also claimed disbursements of \$1,012.08 for airfare, \$70.71 for meals, \$166.46 for rental car and fuel, \$98.39 for computer charges and \$24,000.00 for the creation and final layout of 20 visual simulations.

108. The Commission finds that the services performed by CanAcre Ltd. were directly related to the Lynnwood Community League's participation in the original proceeding, however, it considers that the costs claimed are disproportionately high compared to the limited assistance the visual renderings provided. The Commission addressed this in its decision in the original proceeding:

203. The Commission considers that the assessment of visual impacts is inherently subjective, and finds the simulations prepared by both Truescape and CanACRE to be helpful in some respects but flawed in others. The Commission is satisfied that the visualizations prepared by Truescape provide a reasonable representation of the proposed transmission line and accepts Truescape's use of the primary field of view as a recognized standard. It also finds that the CanACRE visualizations provide a reasonable representation of the proposed transmission line, albeit using a different, but plausible field of view depending on the position of the viewer from the structure in question. Despite its findings above, in general, having competing visual renderings and considerable hearing time spent on arguments on the minutiae of the visual renderings (e.g., whether the structures were light grey versus dark grey versus white) was of very little assistance to the Commission. Hence, the Commission strongly encourages parties to co-operate in the creation of any visual renderings in the future, to avoid becoming mired in disputes about the best methodology for creating the renderings in the first instance.⁴⁰

109. The Lynnwood Community League claimed fees for CanAcre Ltd. in the amount of \$22,728.75 and claimed disbursements in the total amount of \$25,347.64. Most of the claim for disbursements is for the 20 visual simulations that were charged at \$2,000 each, for a total of \$24,000. Given the limited assistance the visual simulations provided to the Commission, the Commission finds that the cost of obtaining 20 simulations instead of only a few (for example one rendering for each distinctively different transmission structure) is excessive. The Commission reiterates that parties should cooperate in the creation of visual renderings to avoid disputes over a matter that is inherently subjective. The Commission adds that such cooperation between parties would also serve as an effective and responsible control on participation costs.

⁴⁰ Decision 23943-D01-2020: Alberta Electric System Operator Needs Identification Document Application EPCOR Distribution & Transmission Inc. Facility Applications West Edmonton Transmission Upgrade Project, Proceeding 23943, March 12, 2020, paragraph 203.

110. Given the foregoing, the Commission awards 70 percent of the fees claimed for the services provided by CanAcre Ltd. Accordingly, the Commission approves the Lynnwood Community League's claim for consulting fees for CanAcre Ltd. in the amount of \$15,910.13, disbursements of \$25,347.64 and GST of \$4,029.13 for a total of \$45,286.89.

4.4.3.3 Gettel Appraisals Ltd.

111. As stated in section 4.2.3.2 above, Gettel Appraisals Ltd. was retained by three intervener groups to prepare property value impact reports for each group, provide IR responses, assist counsel with the cross-examination of EDTI's witnesses, review the transcripts of the proceeding and provide oral evidence during the hearing. One-third of the \$10,800.00 total fees invoiced by Gettel Appraisals Ltd., or \$3,600.00, is claimed by each of the three intervener groups for whom the services were provided.

112. The Commission finds that the services performed by Gettel Appraisals Ltd. were directly and necessarily related to the Lynnwood Community League's participation in the original proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the Lynnwood Community League's claim for consulting fees for Gettel Appraisals Ltd. in the amount of \$3,600.00 and GST of \$180.00 for a total of \$3,780.00.

4.4.3.4 Veritas Litigation Support

113. Veritas Litigation Support was retained by the Lynnwood Community League to perform consulting services in the original proceeding. The league claimed fees in the amount of \$5,676.00 for the services provided by Eric Wilson and Hayden Wilson in relation to them creating drone video evidence and presenting that evidence during the hearing. The league also claimed disbursements of \$825.00 for drone and camera operating expenses, \$4,188.00 in total for three different specialized graphics processing computer expenses and \$200.00 for regulatory approvals.

114. The Commission finds that although the services performed by Veritas Litigation Support were directly related to the Lynnwood Community League's participation in the original proceeding, the fees and disbursements claimed are not commensurate with the contribution that the drone video evidence made to the Commission's understanding of the issues in the original proceeding.

115. The Commission is aware that aerial drone video can be useful in depicting remote areas or terrain that is difficult to access. However, the project considered by the Commission in the original proceeding was entirely within the City of Edmonton, and both EDTI and the Lynnwood Community League filed photographs in evidence that fairly represented the project lands. In particular, EDTI filed aerial photographs⁴¹ of each section of the proposed transmission line route that depicted substantially the same views that were provided by the drone video evidence, albeit in still form and not in motion. The Lynnwood Community League also retained CanAcre Ltd. to provide twenty visual renderings that depicted project infrastructure at different locations within the Lynnwood community.

⁴¹ Exhibit 23943-X0024, Appendix E-3 Strip Map.

116. The Commission also notes that the costs claimed in this proceeding for obtaining drone video evidence are substantially higher than what has been claimed for this service in previous costs proceedings,⁴² due in part to much higher disbursements for specialized graphics and display computer expenses but also due to escalating fees charged by the service providers. Although the costs claim filed by the Lynnwood Community League includes detailed time invoices from Veritas Litigation Support, the time entries alone do not allow the Commission to understand why the fees for this service have increased substantially over time. The Commission has therefore decided to reserve its decision on the costs claimed for Veritas Litigation Support until it has additional information about the services provided and the fees charged. The Commission will issue information requests to the Lynnwood Community League in very short order and will endeavour to issue a supplemental costs decision soon after it has received responses to its requests.

117. Accordingly, the Commission has reserved its decision on the Lynnwood Community League's claim for consulting fees for Veritas Litigation Support in the amount of \$5,676.00, disbursements of \$5,213.00 and GST of \$544.45.

4.4.3.5 Paul Héroux

118. Paul Héroux was retained by the Lynnwood Community League to perform consulting services in the original proceeding. The fees claimed by Lynnwood Community League for the consulting services provided by Dr. Héroux relate to him providing an expert report, responding to IRs from the Commission, reviewing reply evidence, assisting counsel with cross-examination and providing oral evidence via telephone.

119. The Commission finds that the services performed by Dr. Héroux PhD. were directly and necessarily related to the Lynnwood Community League's participation in the original proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable.

120. Accordingly, the Commission approves the Lynnwood Community League's claim for consulting fees for Dr. Héroux in the amount of \$8,640.00.

4.4.3.6 Dr. Anthony Miller

121. Dr. Anthony Miller was retained by the Lynnwood Community League to perform consulting services in the original proceeding. The fees claimed by the Lynnwood Community League for the consulting services provided by Dr. Miller relate to him preparing an expert report, responding to IRs from the Commission, reviewing reply evidence, assisting counsel with cross-examination and providing oral evidence.

122. The Commission finds that the services performed by Dr. Miller were directly and necessarily related to the Lynnwood Community League's participation in the original proceeding and notes that no fees were claimed for Dr. Miller's services. The Commission also finds that the disbursement claims of \$982.15 for airfare, \$199.40 for accommodation, \$104.88

⁴² Decision 22173-D01-2017: Alberta PowerLine General Partner Ltd., Fort McMurray West 500-Kilovolt Transmission Project Costs Award, Proceeding 22173, May 1, 2017; Decision 24083-D01-2019: Alberta Electric System Operator Needs Identification Document Application and AltaLink Management Ltd. Facility Applications, Provost Reliability Upgrade Project Costs Award, Proceeding 24083, March 13, 2019.

for mileage, \$119.04 for taxi, and \$49.98 for car rental, are reasonable. The Commission also approves GST and HST (charged on airfare purchased outside Alberta) on those disbursements in the amount of \$147.77.

123. Accordingly, the Commission approves the Lynnwood Community League's claim for disbursements for Dr. Miller in the amount of \$1,455.45 and GST and HST of \$147.77 for a total of \$1,603.22.

4.4.3.7 FDI Acoustics Inc.

124. FDI Acoustics Inc. was retained by the Lynnwood Community League to perform consulting services in the original proceeding. The fees claimed by the Lynnwood Community League for the consulting services provided by James Farquharson and Peter Davis relate to providing information requests, conducting a comprehensive sound survey at Olga McBride's residence due to noise complaints associated with the Meadowlark Substation, and preparing an audio clip and executive summary report on the noise survey.

125. Regarding the claim for travel time for James Farquharson and Peter Davis to travel to the site, the Commission acknowledges EDTI's comment that the Commission has stated that Rule 009 only allows travel time to be claimed when the travel is required to attend a hearing. The Commission accepts the Lynnwood Community League's explanation that the travel was necessary for the consultants to undertake the field work that formed the basis for their noise assessment report. The Commission finds that the travel was required for purposes directly related to the hearing and will therefore make an exception to Rule 009 and allow the claim for travel time at one-half the consultant's normal rates.

126. The Commission finds that the services performed by FDI Acoustics Inc. were directly and necessarily related to the Lynnwood Community League's participation in the original proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. The Commission also finds that the disbursement claims of \$605.36 for mileage and \$750.00 for a sound analyzer and portable meteorological station usage fee are reasonable. The Commission also approves GST on the usage fee in the amount of \$37.50.

127. Accordingly, the Commission approves the Lynnwood Community League's claim for consulting fees for FDI Acoustics Inc. in the amount of \$7,950.00, disbursements of \$1,355.36 and GST of \$435.00 for a total of \$9,740.36.

4.4.3.8 Intervener costs

128. The Lynnwood Community League claimed attendance honoraria for twenty-six of its members, in the total amount of \$5,300.00.⁴³ Rule 009 states that for large local intervener groups, attendance honoraria may be claimed by up to six individuals, however, in exceptional circumstances additional honoraria may be claimed. Given the scope of the project that was considered in the original proceeding the Commission considers that an exceptional case exists to grant more than six attendance honoraria, however, the Commission does not consider that

⁴³ Exhibit 25195-X0016.01, LCL Final Costs and Submission of Justification, on PDF page 23 there is an error in Form U3 in the column showing the total honoraria claimed. The \$50.00 attendance honoraria claimed for Dorothea Lalonde is shown as \$1,500.00 in the total honoraria claimed column, resulting in the total of that column being \$1,450.00 higher than the actual amounts claimed.

granting all the attendance honoraria claimed by the Lynnwood Community League is reasonable.

129. The Commission notes that 18 members of the Lynnwood Community League participated in the hearing on the afternoon of November 12, 2019 as part of the league's witness panel. Nine of those same individuals also participated in the hearing as part of the witness panel that gave oral evidence in the morning of November 13, 2019, and two other individuals only participated on the witness panel on the morning of November 13, 2019. The Commission also notes that several of the witnesses presented by the Lynnwood Community League were married couples or otherwise occupied the same residence. The Commission considers that in most of those cases one individual from the residence should have been able to represent the concerns of all the individuals in the household.

130. In the Commission's view, one of the purposes of forming a group from individuals with the same or similar concerns about a project is to focus the group's efforts by having a few members represent the concerns of all of the members of the group. This purpose is defeated when most or many members of the group decide to actively participate in the hearing: evidence is duplicated and hearings are unnecessarily prolonged.

131. The Commission considers that the attendance honoraria claimed by the Lynnwood Community League is excessive and reflects that the intervenor witness panels duplicated evidence and unnecessarily prolonged the hearing. The Commission approves ten attendance honoraria in the amount of \$200.00 each, which represents two full hearing days' attendance for each honorarium approved. The Commission also approves the Lynnwood Community League's request for a \$500.00 honorarium for forming a group for each of David Arnold and Sharon Beitel.⁴⁴ The Commission therefore approves the claim for attendance honoraria in the amount of \$2,000.00, and the claim for honoraria for forming a group in the amount of \$1,000.00. The Commission also approves the disbursement claim for meals in the total amount of \$243.85 and GST in the amount of \$8.26.

132. Accordingly, the Commission approves the Lynnwood Community League's claim for intervenor honoraria in the total amount of \$3,000.00, disbursements of \$243.85 and GST of \$12.21 for a total of \$3,256.06.

4.4.3.9 Total awarded to the Lynnwood Community League

133. For the reasons provided above, the Commission approves the Lynnwood Community League's claim for recovery of costs in the total amount of \$249,891.14. This amount is composed of legal fees of \$160,530.00, consulting fees of \$36,100.13, intervenor honoraria of \$3,000.00, disbursements of \$37,026.21 and GST of \$13,234.81. The approved amount, less the \$92,873.13 awarded as advance funding in Decision 24696-D01-2019, results in a balance payable of \$157,018.01.

⁴⁴ Exhibit 25195-X0016.01, LCL Final Costs and Submission of Justification, at PDF page 12 the request for two honorarium for forming a group is made, however, those amounts are not claimed in the forms filed by Lynnwood Community League.

5 Order

134. It is hereby ordered that:

- (1) The Alberta Electric System Operator shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$113,865.58.
- (2) EPCOR Distribution & Transmission Inc. (transmission) shall pay intervener costs to the Aldergrove Residents Group in the amount of \$4,640.29. Payment shall be made to David Leonard on behalf of the Aldergrove Residents Group.
- (3) EPCOR Distribution & Transmission Inc. (transmission) shall record in its Hearing Cost Reserve Account approved intervener costs in the amount of \$4,640.29.
- (4) EPCOR Distribution & Transmission Inc. (transmission) shall pay intervener costs to the Elmwood Residents Group in the amount of \$93,289.40. Payment shall be made to Deborah P. Bishop Professional Corporation (operating as Bishop Law) on behalf of the Elmwood Residents Group.
- (5) EPCOR Distribution & Transmission Inc. (transmission) shall record in its Hearing Cost Reserve Account approved intervener costs in the amount of \$93,289.40.
- (6) EPCOR Distribution & Transmission Inc. (transmission) shall pay intervener costs to the 190 Street Residents Group in the amount of \$66,718.99. Payment shall be made to Deborah P. Bishop Professional Corporation (operating as Bishop Law) on behalf of the 190 Street Residents Group.
- (7) EPCOR Distribution & Transmission Inc. (transmission) shall record in its Hearing Cost Reserve Account approved intervener costs in the amount of \$66,718.99.
- (8) EPCOR Distribution & Transmission Inc. (transmission) shall pay intervener costs to the Lynnwood Community League in the amount of \$157,018.01. The amount payable is the total amount awarded (\$249,891.14) less the advance funding awarded in Decision 24696-D01-2019 (\$92,873.13). Payment shall be made to Ackroyd LLP on behalf of the Lynnwood Community League.

(9) EPCOR Distribution & Transmission Inc. (transmission) shall record in its Hearing Cost Reserve Account approved intervener costs in the amount of \$157,018.01.

Dated on April 29, 2020.

Alberta Utilities Commission

(original signed by)

Anne Michaud
Vice-Chair