

July 3, 2020

To: Parties currently registered on Proceeding 22843

**BER Hand Hills Wind GP Inc.
Amendment to the BluEarth Hand Hills Wind Project
Proceeding 22843
Application 22843-A001**

Ruling on standing

1. In this ruling, the Alberta Utilities Commission decides whether to hold a public hearing to consider an application by BER Hand Hills Wind GP Inc. relating to a wind power project located near Delia, Alberta.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 22843 have demonstrated that they have rights that may be “directly and adversely affected” by the Commission’s decision. Such a person may participate fully in the hearing, including giving evidence, questioning of witnesses, and providing argument. This permission to participate is referred to as standing.
3. The Commission issued a notice of application for Proceeding 22843 on January 7, 2019, and a notice of application amendment on May 14, 2020. The Commission received statements of intent to participate from Kelly Fitzpatrick and Jo-Lynn Melin.
4. The Commission has authorized me to communicate its decision on standing.

Ruling

5. The Commission grants standing to Kelly Fitzpatrick and Jo-Lynn Melin.
6. The Commission is satisfied that Ms. Fitzpatrick and Ms. Melin have demonstrated that they have legal rights that may be directly and adversely affected by the Commission’s decision on the application.
7. Ms. Fitzpatrick owns land in proximity to the project area¹ and has demonstrated that the Commission’s decision on the application has the potential to result in direct and adverse effects. The potential effects described by Ms. Fitzpatrick include impacts to property value, health impacts, effects on the environment, noise and vibrations from the construction and operation of the wind turbines, and impacts to historical resources in the area.

¹ Ms. Fitzpatrick is listed as an occupant or landowner for the north half of Section 6, Township 31, Range 16, west of the Fourth Meridian, which is adjacent to the project as indicated in Exhibit 22843-X0093, Attachment 11 - Stakeholder Consultation Summaries.

8. Ms. Melin owns land directly adjacent to the project area² and has demonstrated that the Commission's decision on the application has the potential to result in direct and adverse effects. The potential effects described by Ms. Melin include proximity of the project, increased noise, interference with agricultural operations and negative health effects.

9. The Commission notes that the Hand Hills Wind Project was originally approved in Decision 2012-232.³ The amendment application before the Commission seeks to change the project footprint including the number and location of turbines, alter the turbine technology, increase the overall capability of the wind project, and extend the construction completion date. Therefore, any evidence submitted should be limited to the incremental impacts as a result of these changes and not related to general concerns with the project itself.

Schedule

10. The Commission will issue a full schedule for a hearing process in a notice of hearing in due course. Due to COVID-19, the Commission requests that registered parties notify the Commission of their preference for either a written or a virtual hearing no later than **July 13, 2020**.

11. In the interim, the Commission has scheduled the following submission deadlines:

Process step	Date
Intervener written information requests to the applicant	July 13, 2020
Applicant's written information responses	July 20, 2020

12. Should you have any questions, please contact the undersigned by email at meghan.anderson@auc.ab.ca, or contact the lead application officer Taylor McCusker at taylor.mccusker@auc.ab.ca.

Yours truly,

Meghan Anderson
Commission Counsel

² As indicated in her email to the Commission, Ms. Melin is located at the northeast quarter of Section 23, Township 30, Range 17, west of the Fourth Meridian.

³ Decision 2012-232: Joss Wind Power Inc. – Hand Hills Wind Project, Application. 1605455, Proceeding 302, August 31, 2012.