

May 26, 2021

To: Parties currently registered in Proceeding 26435

**Solar Krafte Utilities Inc.  
Brooks Solar Farm and Zachary 997S Substation  
Proceeding 26435  
Applications 26435-A001 and 26435-A002**

**Ruling on standing**

1. In this ruling, the Alberta Utilities Commission decides whether to hold a public hearing to consider applications by Solar Krafte Utilities Inc. for the construction and operation of a solar power plant and associated substation in the Brooks, Alberta area.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 26435 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 the Brooks Solar Farm on April 12, 2021 and a notice of application for the Zachary 997S Substation on May 12, 2021. The Commission received statements of intent to participate from a number of landowners in the area which together form the Cassilope Group, and are individually listed in the schedules to this ruling. The Commission also received one statement of intent to participate which has been withdrawn.
4. The Commission has instructed me to communicate its decision on standing. The Commission has decided that the Cassilope Group and some of its members have standing to participate in this proceeding.

**Ruling**

5. The Cassilope Group and its individual members with standing are listed in Schedule A. The Commission is satisfied that the persons listed in Schedule A have demonstrated that they have legal rights that may be directly and adversely affected by the Commission’s decision on the applications, as they own land in close proximity to the proposed project and have indicated a number of potential direct and adverse effects, including environmental impacts, visual effects including glare, property devaluation, loss of pasture lands, effects on health and safety, and concerns with the consultation process.
6. Persons who do not have standing are listed in Schedule B. The Commission has reviewed the information provided by the persons listed in Schedule B and, given the location of their landholdings in relation to the project, is not satisfied that they have demonstrated that the

Commission's decision on the applications has the potential to result in a direct and adverse effect on them. The persons listed in Schedule B own or occupy land outside the Commission's required consultation radius for the project as stated in Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* and have not indicated any special circumstances that would indicate a direct and adverse effect on their rights given their distance from the project.

7. In accordance with its past practice, the Commission will allow those members of the Cassilope Group who do not have standing to participate in the proceeding in their capacity as members of a group with standing. Whether a person is granted standing in this proceeding has implications for cost recovery, as discussed below.

### **Costs eligibility**

8. Persons who have been granted standing in this proceeding fall within the definition of "local intervener" in Section 22 of the *Alberta Utilities Commission Act* and are therefore eligible to file a costs claim seeking recovery of the costs of their participation in this proceeding, in accordance with the Commission's Rule 009: *Rules on Local Intervener Costs*.

9. The Cassilope Group has been granted standing and is eligible to potentially recover the costs incurred to represent those of its members that have been granted standing in the proceeding and have authorized the Cassilope Group to represent them. In other words, the Cassilope Group's eligibility to make a local intervener costs claim is entirely dependent on it representing local interveners in their own right. Rule 009 specifies that eligible costs include professional fees, including legal fees, consultant, analyst and expert fees, and fees for support staff, in accordance with the scale of costs appended to Rule 009. The Commission also notes that Rule 009 contains specific requirements for the cost recovery of groups, including that, absent exceptional circumstances, attendance honorarium is generally limited to six members of the group.

10. The Commission emphasizes that eligibility to claim costs does not guarantee full recovery of those costs. Any claims for costs must be filed after this proceeding is concluded, in accordance with Rule 009, and cost recovery is subject to the Commission assessing the value of a party's contribution to the proceeding.

### **Next steps**

11. The Commission has indicated in a letter to Solar Krafte Utilities Inc. that it must submit a renewable energy referral report for the project or provide an update on its status by June 15, 2021. The Commission will consider further process at that time.

12. Should you have any questions about the matters addressed in this ruling, please contact the undersigned at [kim.macnab@auc.ab.ca](mailto:kim.macnab@auc.ab.ca) or 403-808-0459.

Yours truly,

Kim Macnab  
Commission Counsel

Attachments

**Schedule A - Persons with standing in Proceeding 26435**

<b>Name</b>
<b>Representative</b>
<b>Cassilope Group</b>
<b>Richard Secord and Ifeoma Okoye, Ackroyd LLP</b>
Marie Snyders
Ben Commodore
Michelle Schuett
Margaret Klassen
Gola Jenkins
Kate McLean
Marie Hofer
Randy Hofer
Brad Biette
Betty Luo Bildersheim
Bill Bildersheim
Shelly Eggen
Colin Eggen
Cliff Sewall
Nevada Weerstra
Karen Getz
Jennifer Getz
Jessica Getz
Mac Anderson
Edith James
Frank James
Amos Volk
Alan Jones
Bonnie Reimer
Bruce Reimer

**Schedule B – Persons who do not have standing in Proceeding 26435**

<b>Name</b>
<b>Representative</b>
Crystal Mulvey
Sharee Janke