

July 26, 2021

To: Parties currently registered in Proceeding 26504

**Enerfin Energy Company of Canada Inc.
Winnifred Wind Power Project
Proceeding 26504
Applications 26504-A001 and 26504-A002**

Ruling on standing

1. In this ruling, the Alberta Utilities Commission decides whether to hold a public hearing to consider applications by Enerfin Energy Company of Canada Inc. relating to a power plant and substation development in the County of Forty Mile and Cypress County.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 26504 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 applications for Proceeding 26504 and received one statement of intent to participate from Jayson and Jody Pancoast. The Pancoasts stated that they own and reside on land in proximity to the project and expressed concerns with decreased property values, visual effects, vibration and noise effects and effects on the environment.
4. In a letter filed on July 15, 2021, Enerfin submitted that the Pancoasts have not satisfied the test for standing and requested that the Commission proceed to consider and dispose of the applications without a hearing. While Enerfin acknowledged that the land on which the Pancoasts have indicated they have interests in is within 2,000 metres of the project boundary such that they may satisfy the first branch of the standing test, Enerfin submitted that the Pancoasts are not directly or adversely affected by the project given that the closest parcel of land on which project infrastructure would be located is approximately 2.45 kilometres (km) away.
5. Enerfin also stated that the Pancoasts’ concerns regarding viewscape, property value, noise and vibration are directly related to potential impacts of project turbines on their residence and use thereof, which apply to lands approximately 3.88 km from the nearest project turbine and more than 2.59 km from the project boundary. Further, it submitted that the Pancoasts’ concern regarding migratory birds generally relates to environmental protection and does not constitute a personal right or interest that may be directly affected by the project.
6. The Commission has authorized me to communicate its decision on standing.

Ruling

7. The Commission is satisfied that Jayson and Jody Pancoast have demonstrated that they have legal rights that may be directly and adversely affected by the Commission's decision on the applications. Jayson and Jody Pancoast own land in close proximity to the proposed project boundary and have demonstrated that the Commission's decision on the applications has the potential to result in a direct and adverse effect on their property. The potential effects described by the Pancoasts include decreased property values, visual effects, vibration and noise effects and effects on the environment.

Costs eligibility

8. Jayson and Jody Pancoast meet 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 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. Cost recovery is subject to the Commission assessing the value of a party's contribution to the proceeding, and in accordance with the guidance provided in Section 7 of Rule 009, the Commission may consider whether an intervener submitted evidence and argument on issues that were not relevant to the proceeding.

Further process

10. The Commission will issue information on further process for this proceeding in due course.

11. Should you have any questions about the matters addressed in this letter, please contact the undersigned at 403-592-4360 or by email at Rob.Watson@auc.ab.ca.

Yours truly,

Rob Watson
Commission Counsel