



**Landowners near the approved route for  
Transmission Line 459L**

**Decision on Preliminary Question  
Application for Review of Decision 26171-D01-2021  
AltaLink Management Ltd.  
Provost to Edgerton Transmission Development**

**December 16, 2021**

**Alberta Utilities Commission**

Decision 26888-D01-2021

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AltaLink Management Ltd.

Provost to Edgerton Transmission Development

Proceeding 26888

Applications 26888-A001, 26888-A002, 26888-A003

December 16, 2021

Published by the:

Alberta Utilities Commission  
Eau Claire Tower  
1400, 600 Third Avenue S.W.  
Calgary, Alberta T2P 0G5

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**1 Decision**

1. In this decision, the Alberta Utilities Commission denies an application by Ken Leskow, Mary Abbot, Len Nash, Erick Corkum, Ty Miller, Jason Bishop, and George and Marilyn Bishop (the review applicants), to review and vary Commission Decision 26171-D01-2021.<sup>1</sup> The review application was opposed by AltaLink Management Ltd., the permit and licence holder for Transmission Line 459L, and by Jesse Guy, a landowner who participated in the Commission's hearing in Proceeding 26171.

**2 Background**

**2.1 Review application**

2. Decision 26171-D01-2021 (the Decision) related to the proposed construction and operation of a 240 kilovolt (kV) transmission line, designated as Transmission Line 459L, in two stages (the project). Stage 1 would add one 240-kV transmission line, energized at 138-kV, between the existing Hansman Lake 650S Substation and a connection point on Transmission Line 749AL. Stage 2 would add one 240-kV transmission line, energized at 138-kV, between a connection point on Transmission Line 749AL and the Edgerton 899S Substation.

3. The review applicants state that they have lands that will be crossed over or are adjacent to AltaLink's preferred route in Proceeding 26171, which was the route approved by the Commission in the Decision. They request that the Decision be reviewed to allow them to state their concerns with the preferred route and their reasons why the Commission should have approved the alternate route.

4. AltaLink's application in fact states that the preferred route would be constructed within the roadway right of way that borders the lands owned by five of the review applicants, and would be located across the roadway from one other applicant. One applicant's land is located

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<sup>1</sup> Decision 26171-D01-2021: AltaLink Management Ltd. Provost to Edgerton Transmission Development, Proceeding 26171, August 26, 2021.

800 metres north of the preferred route, and one applicant does not own land near the preferred route but stated that he intends to build on his parents' land that is beside the route.<sup>2</sup>

5. Five of the eight review applicants filed statements of intent to participate in the original Proceeding 26171:

- Ken Leskow filed Exhibits 26171-X0052 and 26171-X0053, in which he stated that he owns land in the NE 33-43-4 W4M, which is adjacent to the preferred route for Stage 2.
- George and Marilyn Bishop filed Exhibits 26171-X0054 and 26171-X0055, in which they stated that they own land in NE 28-43-4 W4M, which is adjacent to the preferred route for Stage 2.
- Jason Bishop filed Exhibits 26171-X0056 and Exhibits 26171-X0057, in which he stated that he is the son of George and Marilyn Bishop and that he plans to build a new shop and home on the property his parents currently own in the east half of 28-43-4 W4M. He also stated that the preferred route would be immediately in front of the existing house and yard as well as his proposed new home.
- Mary Abbott filed Exhibits 26171-X0059 and 26171-X0060, in which she stated that she and her husband own land in the NE 28-42-4 W4, which is adjacent to the preferred route for Stage 2.

6. Except for filing their statements of intent to participate, those five individuals did not file evidence in Proceeding 26171 or participate in any other way in the Commission's hearing.

7. In the Decision, the hearing panel addressed the concerns that were raised in the statements of intent filed by five of the review applicants. In making their decision the review panel found that:

- The preferred route will have a significantly lower overall impact than the alternate route, particularly since the preferred route parallels an existing transmission line for nearly 99 per cent of its length, while only approximately three per cent of the alternate route parallels an existing transmission line.
- The preferred route is located in road allowances for much more of its length as compared to the alternate route.

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<sup>2</sup> Exhibit 26171-X0002.01, AML PENV Provost to Edgerton D.0778 and D.0779 – Application, indicates at pages 93 and 94 that the portion of transmission line 749AL that would be adjacent to the lands owned by Mary Abbott, George and Marilyn Bishop, Ken Leskow and Len Nash would be constructed 1 metre inside the west road allowance boundary of Range Road 43 that is also the eastern boundary of their lands. Len Nash's land is on the east side of Range Road 43, so the transmission line would be on the opposite side of the roadway from his location. Ty Miller's land is 800 metres north of the point where the transmission line would deflect northeast from Range Road 43, cross transmission line 749L and then proceed east towards Edgerton 899S Substation in the south side of the road allowance for Township Road 441.

- The more extensive use of developed road allowances and paralleling an existing disturbance also resulted in the preferred route being more suitable than the alternate route from an environmental impact perspective.
- The preferred route would be shorter and have fewer impacts on native vegetation and wetlands. For additional reasons discussed in the Decision, the hearing panel accepted that the environmental impacts of the routing options favoured approval of the preferred route.

8. The three review applicants who did not file statements of intent to participate or participate in any way in Proceeding 26171 are Len Nash, Erick Corkum and Ty Miller. The review application does not identify lands that are owned or occupied by them, however, the Commission understands from the landowner information that was filed by AltaLink in Proceeding 26171 that:

- Len Nash is a co-owner owner of land in the NE 4-43-4 W4, which is adjacent to the preferred route for Stage 2<sup>3</sup>
- Erick Corkum is a co-owner of land in the SW 34-43-4 W4, which is across the roadway (Range Road 43) to the east of the preferred route for Stage 2<sup>4</sup>
- Ty Miller is an owner of land in the NE 9-44-4 W4M, the southeast corner of which is 800 metres north of the preferred route for Stage 2.<sup>5</sup>

9. The review applicants filed their application to review and vary the Decision pursuant to Section 10 of the *Alberta Utilities Commission Act* and Rule 016: *Review of Commission Decisions*. The Commission designated the review applications as Proceeding 26888.

## 2.2 Responses from AltaLink and Jesse Guy

10. AltaLink filed a submission that responded to the review application, and a letter that raised concerns about the scope of the submissions made by the review applicants in the written response to AltaLink's submission that was filed by their representative. AltaLink stated that the review applicants were all included in AltaLink's Participant Involvement Program and were provided with the Commission's notices about the project. It submitted that the review applicants were each provided, on multiple occasions, with clear information in plain and ordinary language about how they could participate in Proceeding 26171.

11. AltaLink also filed the record of its consultation with the review applicants, and its written submission summarized AltaLink's engagement with each of them.

12. Jesse Guy owns land in the south half of 26-43-4 W4M, which is adjacent to and crossed by the proposed alternate route for Stage 2.<sup>6</sup> He filed a written response to the review application in which he indicated that he participated in the hearing in Proceeding 26171 to communicate his

<sup>3</sup> Exhibit 26171-X0017.01, Appendix H Landowner Location Maps, PDF pages 1 and 17.

<sup>4</sup> Exhibit 26171-X0017.01, Appendix H Landowner Location Maps, PDF pages 2 and 18.

<sup>5</sup> Exhibit 26171-X0017.01, Appendix H Landowner Location Maps, PDF pages 19 and 53.

<sup>6</sup> Exhibit 26171-X0017.01, Appendix H Landowner Location Maps, PDF page 32.

concerns about the alternate route to the Commission. He also stated that he built a new bin yard after he was notified that the alternate route was not selected in the Decision.

### 2.3 Process

13. The Commission issued a filing announcement for the review application and, by letter dated October 12, 2021, established a process schedule for the proceeding. The Commission considers the record for this proceeding to have closed on November 2, 2021, which is the day that AltaLink filed a letter asking the Commission to afford reduced or no weight to certain statements made by the review applicants in the reply submission filed by their representative on November 1, 2021.

14. In this decision, the members of the Commission panel who authored the original decision are referred to as the “hearing panel” and the Commission member who considered the review application is referred to as the “review panel.”

15. In reaching its determinations, the review panel has reviewed the pertinent portions of the Decision and relevant materials comprising the record of this proceeding and of Proceeding 26171. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the review panel’s reasoning relating to a particular matter and should not be taken as an indication that the review panel did not consider all relevant portions of the records with respect to the matter.

## 3 The Commission’s review process

16. The Commission’s authority to review its own decisions is discretionary and is found in Section 10 of the *Alberta Utilities Commission Act*. Rule 016 sets out the process for considering an application for review.

17. The review process has two stages. In the first stage, the review panel decides if there are grounds to review the original decision (the preliminary question). If the review panel decides to review the decision, it moves to the second stage where it decides whether to confirm, vary, or rescind the original decision (the variance question).

18. Section 5(1) of Rule 016 requires an applicant to set out in its application the grounds upon which the review application is based. Section 5(1) describes the circumstances in which the Commission may grant a review:

5(1) The Commission may grant an application for review of a decision, in whole or in part, where it determines that the review applicant has demonstrated:

- (a) The Commission made an error of fact, or mixed fact and law where the legal principle is not readily extricable, which is material to the decision and exists on a balance of probabilities.
- (b) There are previously unavailable facts material to the decision, which:
  - (i) existed before the decision was issued,

- (ii) were not placed in evidence or identified in the original proceeding, and
  - (iii) the review applicant, exercising reasonable diligence, could not have discovered at the time.
- (c) There are changed circumstances material to the decision, which occurred since its issuance.
- (d) For a decision on an application for a hydro project, power plant, transmission line or gas utility pipeline, that the decision on the initial application may directly and adversely affect the review applicant's rights, and:
- (i) the decision was made without a hearing or other proceeding, or
  - (ii) a hearing was held and notice was not given to the person.

19. The review applicants rely on subsections 5(1)(b) and (d) of Rule 016: previously unavailable facts and no notice of the Commission's hearing. They also assert that they did not know if they had standing to participate in the hearing, although that is not part of the test for a review.

20. The Commission addressed the role of a review panel in Decision 2012-124. It concluded that one of the principles it should apply to its consideration of a review application is that the review process is not intended to provide a second opportunity for parties with notice to express concerns that they did not raise in the original proceeding.<sup>7</sup> This principle is particularly relevant to the facts of the hearing in Proceeding 26171 and the review application in this proceeding.

## **4 Issues and review panel findings**

### **4.1 Section 5(1)(b) grounds – previously unavailable facts**

21. At paragraphs 10 to 12 of the review application, the applicants submit that they have evidence that was not made available in the Commission's hearing because the applicants were unaware of the hearing process. The review application states in paragraph 12:

The landowners therefore have “unavailable facts” that 1) existed before the decision was rendered; 2) were not placed in evidence or identified in the original proceeding; and 3) the landowners exercising reasonable diligence were unaware of how to participate in the proceeding or access the AUC system filings.<sup>8</sup>

22. The third element quoted above is not a correct statement of the Section 5(1)(b) test. The third element of the test actually concerns whether putative new information could or reasonably should have been discovered in time for it to be considered by the hearing panel in the original proceeding. The review applicants recast that part of the test as whether they had notice of the Commission's hearing and an opportunity to participate in it. This is really the Section 5(1)(d)

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<sup>7</sup> AltaLink Management Ltd. and EPCOR Distribution & Transmission Inc., Decision on Request for Review and Variance of AUC Decision 2011-436, Application No. 1607924, 1607942, 1607994, 1608030, 1608033, Proceeding ID No. 1592, May 14, 2012, paragraph 31.

<sup>8</sup> Exhibit 26888-X0001, Application of Daryl Bennett group.



test for a review (which the review applicants also rely upon and the review panel addresses in the following section of this decision report).

23. Implicit in the review application is an acknowledgement that the information in question is not new but is the same information that the review applicants would have provided to the hearing panel if they had participated in the hearing. To state it another way, the review applicants “discovered” the information at the time each of them considered the project applications and decided that they had concerns about the project. For the five review applicants who filed statements of intent to participate in Proceeding 26171, this would have occurred not later than the date on which they filed their respective statements of intent.

24. The review applicants have not demonstrated that there are previously unavailable facts that are material to the Decision. The review application itself indicates that the facts in question were known by the review applicants prior to the Commission’s hearing but were not provided because the review applicants did not participate in the hearing. Accordingly, the review applicants’ request for a review on this ground must be denied.

#### **4.2 Section 5(1)(d) grounds – decision made without hearing or notice**

25. Most of the submissions made in the review application, and almost all the submissions made in the applicants’ written response to AltaLink’s submission, concern whether the review applicants understood what they needed to do to participate in the hearing in Proceeding 26171, and to a lesser extent whether they received notice of the hearing. The review panel considers that this ground subsumes the review applicants’ other ground for review (i.e., previously unavailable facts) because the review applicants assert that the failure to give a notice of the hearing resulted in them not participating in the hearing and therefore not sharing their concerns about the project with the hearing panel.

##### **4.2.1 Was notice of the hearing given to the review applicants?**

26. Section 9(2) of the *Alberta Utilities Commission Act* states:

If it appears to the Commission that its decision or order on an application may directly and adversely affect the rights of a person, the Commission shall

- (a) give notice of the application in accordance with the Commission rules,
- (b) give the person a reasonable opportunity of learning the facts bearing on the application as presented to the Commission by the applicant and other parties to the application, and
- (c) hold a hearing.

27. A notice of hearing was issued in Proceeding 26171 on December 21, 2020. A revised notice of hearing was issued on January 7, 2021, to correct an error on the map of the project that was attached to the original notice. The error was that the labels for stages 1 and 2 of the alternate route were transposed on the map. The revised notice of hearing included an explanation of the error and a corrected map. Both notices were posted on the Commission’s website. A copy of the revised notice of hearing appears as Attachment 1 to this decision report.

The review application does not refer to the mapping error or the correction that was made in the revised notice, nor does it indicate that any issues arise as a result of the error.

28. The notice of hearing was also advertised in the Provost News and the Wainwright Edge on January 6 and 8, 2021, respectively.

29. Section 7 of Rule 001: *Rules of Practice* states:

**Service of Commission notices**

7.1 The Commission may serve any notice for a proceeding by one or more of the following methods:

- (a) filing the notice;
- (b) posting the notice on the Commission's website;
- (c) personal delivery;
- (d) courier service, mail, fax or electronic means;
- (e) public advertisement in a daily or weekly newspaper in circulation in the community affected by the proceeding;
- (f) such other method as the Commission directs

30. In accordance with Section 7 of Rule 001, and the Commission's normal practice in proceedings that consider new transmission lines, a copy of the notice of hearing was mailed to each addressee listed on AltaLink's mailing list. AltaLink's submission in this proceeding states that AltaLink had verified the mailing address for each of the review applicants in this proceeding before it filed its applications with the Commission, except for Jason Bishop who does not appear on the mailing list. However, AltaLink stated that Jason Bishop participated in project-related consultations with his parents. Jason Bishop's statement of intent filed in Proceeding 26171<sup>9</sup> confirms that fact.

31. Each of the review applicants appear on AltaLink's mailing list<sup>10</sup> with their mailing address, except for Jason Bishop. The review panel understands that Jason Bishop is not a registered owner of land along the preferred route, but he intends to build a house and other buildings on the land owned by his parents, George and Marilynn Bishop. None of the notices mailed by the Commission to the review applicants were returned as wrongly addressed or otherwise undeliverable.

32. The review panel notes that the review application does not state that the applicants did not receive the notices of hearing by mail; instead, the review application and the applicants' response to AltaLink's submission are focused on the difficulties the review applicants had accessing the AUC's eFiling system and opening or understanding email notifications from that system. The review panel also notes that the notice of hearing that was issued by the

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<sup>9</sup> Exhibit 26171-X0057, J Bishop SIP email.

<sup>10</sup> Exhibit 26171-X0015, Appendix G-2 Stakeholder AUC Mailing List.

Commission in Proceeding 26171 was only mailed to addressees on AltaLink’s mailing list—not emailed—because at the time they were issued, no person had registered in the eFiling system to participate in the proceeding.

33. The review panel further notes that five of the eight review applicants took steps to file statements of intent to participate in Proceeding 26171 in the period February 4 to 10, 2021, which is the last week prior to the filing deadline of February 11, 2021, set out in the notice of hearing. This strongly suggests that each of them had received notice of the hearing and understood the need to file a submission by the deadline. For the three review applicants who did not file a submission by the deadline, the review applicants’ response to AltaLink’s submission filed in this proceeding states that they “were waiting to see how things went with the other five to see how they could become involved.”<sup>11</sup>

34. After considering all the foregoing, the review panel finds that notice of the hearing in Proceeding 26171 was given to each of the review applicants who owned or had a legal interest in lands that were within 800 metres of the preferred or alternate routes. The review panel also finds that Jason Bishop, who met with AltaLink representatives because of concerns for his parents and his own plans to build on their property,<sup>12</sup> would have received or been aware of the notice of hearing that was sent to his parents. This finding is supported by the fact that he filed a statement of intent to participate before the deadline for doing so passed. Accordingly, the review panel finds that notice of the hearing was given to the review applicants who met the test for standing set out in Section 9 of the *Alberta Utilities Commission Act*, in accordance with Section 7 of Rule 007.

#### **4.2.2 Did the notice of hearing provide adequate information about how to participate in the hearing in Proceeding 26171?**

35. Having found above that each of the review applicants had notice of the hearing in Proceeding 26171, the review panel will consider the applicants’ assertions that they did not know what they had to do to participate in the Commission’s hearing.

36. The notice of hearing issued in Proceeding 26171 required persons who intended to participate in the Commission’s hearing to do two things: (1) file a statement of intent to participate or similar submission by February 11, 2021; and (2) file any written evidence they intended to rely on by April 1, 2021. The following excerpts from the notice of hearing that was issued in Proceeding 26171 explain those requirements:

The Alberta Utilities Commission (Commission), the independent utilities regulator, will be holding a hearing to review the applications and submissions received to consider the electric transmission development applications in Proceeding 26171.

**Initial written submissions are due February 11, 2021. Written evidence is due April 1, 2021.**

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<sup>11</sup> Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter, paragraph 5.

<sup>12</sup> See Exhibit 26171-X0057, J Bishop SIP email; and Exhibit 26888-X0003, Application of Jason Bishop.

### Submissions

If you wish to participate in this proceeding, please visit our website and log in to the eFiling System, go to Proceeding 26171, and register to participate under the “registered parties” tab. Alternatively, please contact us at 310-4AUC or [info@auc.ab.ca](mailto:info@auc.ab.ca) for more information or assistance with filing your submission. The lead application officer, Allan Anderson, can also be contacted at 403-592-4438 or by email at [allan.anderson@auc.ab.ca](mailto:allan.anderson@auc.ab.ca).

Submissions must include your name, address, phone number, legal land location, description of your land in relation to the proposed development and a description of how you, your land, your business, or your activities may be affected by the proposed project. Please also briefly describe the issues you would like the AUC to consider when making its decision.

....

### Summarized process schedule

The Commission has established the following process to consider the applications:

Process step	Date
Virtual Q&A session	January 28, 2021, 6:30 p.m.
Interveners’ participation submissions	February 11, 2021
Interveners’ information requests (questions) to applicant’s deadline	March 4, 2021
Applicant’s deadline to respond to information requests	March 18, 2021
Interveners’ written evidence deadline	April 1, 2021

The Commission may conduct the hearing entirely in writing or through an oral hearing and will provide additional information on the remainder of the process schedule in due course.

37. The notice of hearing also addressed the standing of persons who wished to participate in the hearing:

#### Participating in the hearing

.... Persons (including individuals and corporations) that have rights that may be directly and adversely affected by the Commission’s decision on the applications are legally entitled to participate in a public hearing. Such persons are said to have standing to participate in the process.

Subject to any objections from another party, the Commission considers that the following persons have rights that may be directly and adversely affected by the Commission’s decision on the applications filed in this proceeding and will qualify for local intervener funding under Section 22 of the *Alberta Utilities Commission Act*.

The Commission considers that persons who own or reside on property located within 800 metres surrounding the finalized right-of-way for any of the proposed routes have standing to participate in the process, and will qualify for funding under Section 22 of the *Alberta Utilities Commission Act* subject to any objections from another party.

Persons who do not own property or reside within 800 metres may apply to the Commission to participate in the public hearing process and for local intervener status. The Commission will make such determinations on a case-by-case basis.

If the Commission receives an objection to a person's request for standing to participate or status as a local intervener, the Commission will make a decision on whether the person has standing or qualifies for local intervener costs.

All interveners are encouraged to form groups, consider whether to hire legal representation, and prepare information requests and evidence, as early as possible.

(underlining added)

38. The underlined portion of the excerpt above addresses the review applicants' assertion that they did not know if they were granted standing in Proceeding 26171. The notice stated that all persons who own or reside on property within 800 metres of a proposed transmission line route had standing to participate in the proceeding, and any other person seeking standing could apply to participate. All of the lands that the review applicants own, or in Jason Bishop's case have an interest in, are within 800 metres of the preferred route.

39. The notice of hearing also included information about:

- how to access application information on the AUC's public website, on the eFiling system, or by contacting AltaLink's designated representative
- how to view a video on the project that included information about participating in the proceeding and funding that may be available for that
- how to register for the virtual question-and-answer session that was scheduled for January 21, 2021.

40. The notice of hearing set out the first two of three things the review applicants had to do in order to fully participate in the Commission's hearing in Proceeding 26171. Five of the eight review applicants met the requirement to file a statement of intent to participate by the deadline; the other three were aware of the requirement but did not file. None of the review applicants filed written evidence in the proceeding. The review application does not indicate that any of them had prepared written evidence for filing, or that any of them attempted to file written evidence and were unable to do so.

41. The Commission issued a letter on April 5, 2021, four days after intervener evidence was due, stating that it would conduct a virtual hearing in Proceeding 26171 commencing on May 26, 2021. The letter also stated that further information about the virtual hearing would be issued closer to the hearing commencement date. An email notification that the Commission had issued the letter was sent to all parties who had registered to participate in the proceeding, which includes the five review applicants.

42. On May 11, 2021, the Commission issued a letter setting out the protocols for the virtual hearing. An email notification that the Commission had issued the letter was sent to all parties who had registered to participate in the proceeding. A copy of the letter appears as Attachment 2

to this decision report. The letter contains detailed instructions about the third and final thing the review applicants needed to do to participate in the hearing, including:

### **Participants' guide to virtual hearings**

#### ***Two weeks before the virtual hearing***

- Registered parties are required to email the lead application officer, Taylor McCusker at [taylor.mccusker@auc.ab.ca](mailto:taylor.mccusker@auc.ab.ca), with the following information for each participant (including counsel): organization and role; name as it should appear on the videoconferencing platform; email address; and phone number that can be used on the day of the hearing to contact the participant in the event of any issues with the videoconferencing platform. The Commission requests that this information be emailed to the lead application officer by **May 14, 2021**.

....

#### ***Week of the virtual hearing***

- An invitation to join the virtual hearing will be sent to each participant via email. Invitations are unique to the intended participant and should not be forwarded. This invitation may not be provided until after the test session is completed.

....

#### ***Day of the virtual hearing***

##### Joining the hearing

- Participants should join the virtual hearing 30 to 45 minutes in advance of the scheduled start time and remain connected throughout the day.

43. The Commission issued a letter on May 20, 2021, in which it set out the anticipated scheduling of witness panels in the hearing. An email notification that the Commission had issued the letter was sent to all parties who had registered to participate in the proceeding.

44. The review panel finds that the information included in the notices of hearing mailed to the addressees on AltaLink's mailing list and the process letters issued from the eFiling system to persons who registered for the proceeding included adequate and understandable instructions, written in plain language, about what the review applicants had to do to participate in the Commission's hearing. These documents also included email addresses and telephone numbers for AUC staff who could assist in filing submissions and respond to any other issues or questions related to the proceeding.

45. Despite those clear instructions and the available assistance, only five of the eight review applicants registered to participate in the proceeding and none of the review applicants filed or attempted to file written evidence in the proceeding or registered to participate in the virtual hearing.

#### 4.2.3 Did the AUC process fail the review applicants, specifically the eFiling system?

46. In their written response to AltaLink’s submission in this proceeding, the review applicants provided the following clarification:

The [review applicants do] not contest [AltaLink]’s claims that the PIP material and included AUC brochure contained information about the AUC process and contact information for the AUC. In fact, we’re not really claiming that [AltaLink] did anything wrong, we’re simply stating that the AUC process, specifically the “eFiling” system failed these landowners.<sup>13</sup>

47. With that clarification, the review panel understands that the review applicants are not asking the Commission to consider their initial assertion that AltaLink representatives advised them that they did not need to participate in the hearing because AltaLink would represent their interests and convey their concerns to the hearing panel. In any case that kind of assertion, which AltaLink stated is wrong in fact, is a remarkable one that would require cogent and compelling evidence to substantiate.

48. The Commission’s responsibility under the legislation is to give persons whose legal rights may be directly and adversely affected by proposed transmission development notice of a hearing and the opportunity to participate in it. Hearing participants are responsible for monitoring developments in the proceeding and actively participating in the hearing opportunity afforded by the Commission. If participants encounter technical or other impediments in doing so, they can ask Commission staff for assistance. If that assistance is not forthcoming or cannot resolve the issue, they can raise the matter with the Commission itself so that reasonable accommodations can be considered.

49. The process failures identified by the review applicants include assertions that can be characterized as problems with the AUC’s eFiling system or the notifications that were issued to them by the system. Some examples of these assertions are:

- George and Marilyn Bennett stated that they did not understand how the system works and they could not get into the Zoom meeting to voice their concerns
- some of the review applicants attempted to use the eFiling system and access was not granted
- the review applicants who had email accounts and received email notifications could not open the emails or log into the eFiling system to access the documents

50. The Commission acknowledges that its eFiling system may be challenging for users who are not experienced with it or have hardware or software that is less compatible with the system. The Commission addresses those challenges, in some ways, by providing general information about its processes on its public webpage [www.auc.ab.ca](http://www.auc.ab.ca). When the public webpage opens, seven subject headings with dropdown menus appear. One of those is “Have your say,” which

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<sup>13</sup> Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter, paragraph 5.

includes information about to register and participate in a facility hearing, how to hire a lawyer or experts, and how to apply for funding to participate in hearing.

51. In the context of a specific proceeding, the Commission relies on its staff to respond to questions from the public about the proceeding and to assist persons who encounter difficulties accessing or filing information. Commission staff assisting a hearing panel regularly do this in direct communication with those persons, sometimes with the assistance of Commission staff who have advanced systems knowledge. In relation to the eFiling system issues the review applicants say they encountered, the review panel expects that Commission staff members would have responded promptly to each of those concerns if they had been contacted for assistance.

52. Staff performing this role have an important responsibility which they and the Commission take very seriously, and so an allegation that staff failed to assist hearing participants—as has been made by the review applicants in this proceeding<sup>14</sup>—is a serious matter that must be carefully examined. The review panel’s examination in this case will consider the specific assistance that Commission staff did provide to the review applicants and another participant in the hearing, and then consider the specific allegations of what staff did not do to assist the review applicants.

53. The review panel understands that its staff were contacted in February 2021 by the five review applicants who were attempting to file statements of intent to participate in Proceeding 26171, and that staff assisted those individuals to file their submissions. This assistance is acknowledged by the review applicants in their written reply to AltaLink’s submission in this proceeding.<sup>15</sup>

54. The review panel is also aware that Jesse Guy contacted Commission staff by telephone late in the day on May 25, 2021—the day before the hearing began—asking how he could participate in the hearing even though he had not filed a statement of intent to participate or written evidence. Staff assisted him to file a brief written submission<sup>16</sup> that day and arranged for him to have a telephone link to the virtual hearing so that he could hear and be heard by the hearing panel. The hearing panel used that link to allow Mr. Guy to state his concerns about the project on the first day of the hearing.<sup>17</sup>

55. The review panel considers that in so assisting the review applicants and Jesse Guy, Commission staff discharged their responsibilities by responding promptly to those participants’

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<sup>14</sup> The review applicants state in the concluding paragraph of Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter: “The landowners used reasonable diligence and repeatedly contacted the AUC for information, and help, and it was not provided. They have therefore been denied a fair process and request the Commission to re-open the proceeding so that they can outline their concerns, provide evidence and explain their position to the Commission.”

<sup>15</sup> Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter, paragraphs 2 to 4, which state: “those five simply sent emails to the AUC and the AUC filed those emails as SIPs for them. The AUC also filled out the forms indicating that all five wanted to participate personally in the proceeding and that they intended to submit additional information. ... The record clearly shows one Exhibit number for the email that was sent in to the AUC and another Exhibit number for the SIP form that AUC staff filled out for them.”

<sup>16</sup> Exhibit 26888-X0014, Jesse Guy – SIP.

<sup>17</sup> Proceeding 26171, Transcript Volume 1, pages 9 to 17.



requests for assistance. The review panel will now consider the allegations made by the review applicants.

56. The review applicants stated that Mary Abbott received eFiling notifications but she could not open them, and that “she repeatedly contacted AUC staff and was finally told that her access issues were probably because she was using a Mac computer.”<sup>18</sup> They also stated that Mary Abbott told Commission staff that she wanted to participate in the hearing, but nobody contacted her after she failed to file evidence or attend the hearing. The review applicants acknowledge, however, that Commission staff filed a statement to participate on her behalf.

57. The review applicants’ submissions do not state who Mary Abbott contacted or when she contacted them. Without a name or a date, the comment that staff told her that her system problems were due to her using a Mac computer could relate to the difficulties she encountered trying to file a statement of intent to participate, which staff ultimately assisted her to do, and not to other eFiling system issues. There is no indication in Proceeding 26171 or this proceeding that Mary Abbott attempted to file written evidence or register for the virtual hearing, or that she contacted Commission staff for assistance to do either of those things.

58. The review applicants stated that George Bishop does not use the Internet and that Marilynn Bishop did not know how to open the eFiling notifications she received. They also stated that George and Marilynn Bishop never received information about hearing sessions or Zoom, Skype or telephone conference meetings they could attend, and that they did not know that Allan Anderson was the AUC’s contact person because that information was in the AUC’s eFiling system that they could not access.

59. In the review panel’s opinion, nothing in Proceedings 26171 or the review applicants’ submissions indicates that George or Marilynn Bishop contacted the Commission or its staff to get assistance with the email notifications they said they were unable to open. Those notifications would have included the process letters issued by the Commission that contained the instructions for registering and participating in the virtual hearing. The assertion that they did not know that Allan Anderson was the Commission staff member to contact in relation to the proceeding is not persuasive; the review panel has found that notice of the hearing was mailed to each of the review applicants (except Jason Bishop) and Allan Anderson is identified on the second page of the notice of hearing as the AUC’s contact, along with his phone number and email address.

60. The review applicants’ written response to AltaLink’s submission stated:

Mr. [Jason] Bishop contacted the AUCs main office number multiple times in August to try to obtain emails and phone numbers of AUC staff and the only response he got was from a public relations person instead of anybody working on the file. He called at least a dozen times during August and September and was told that “someone will be contacting you by phone” or “someone will be contacting you by e-mail” and none of that occurred until he got angry and demanded action and then it did not occur in a timely manner.<sup>19</sup>

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<sup>18</sup> Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter, paragraph 10.

<sup>19</sup> Exhibit 26888-X0015, Bennett Group Response to October 25, 2021 AML letter, paragraph 12.

61. Jason Bishop filed his statement of intent in Proceeding 26171 on February 9, 2021. The notice of hearing that was previously mailed to his parents and posted on the proceeding record provided Allan Anderson's contact information and it stated that the deadline for filing written evidence was April 1, 2021. Email notifications sent by the eFiling system after Jason Bishop registered in the proceeding stated what he needed to do to participate in the virtual hearing. He did not file evidence or register to participate in the virtual hearing, and he does not state that he attempted to do those things or that he contacted the AUC for assistance to do those things.

62. The hearing in Proceeding 26171 took place from May 26 to 28, 2021. Additional email notifications of the filing of written evidence in the hearing and the posting of the transcripts of the oral evidence in the hearing were sent to Jason Bishop and all others who filed statements of intent to participate, on the day of filing or the next day. Jason Bishop did not contact the AUC in relation to any of those notifications. To the extent that he may have contacted the AUC with questions about Proceeding 26171 in August and September 2021, that is more than four months after the deadline for him to file written evidence and more than two months after the hearing was held. Nothing in those facts indicates that the Commission's hearing process failed Jason Bishop.

63. The review applicants stated that Ken and Norma Leskow did not receive a notice of hearing and could not open eFiling notifications. As previously stated, the review panel has found that all the review applicants received the notice of hearing by mail, except Jason Bishop. Five of the review applicants, including the Leskows, filed a statement of intent to participate and were therefore registered to receive email notifications from the eFiling system. There is no indication that the Leskows subsequently contacted Commission staff for assistance opening eFiling notifications or accessing the eFiling system.

64. The three review applicants who did not file a statement of intent to participate in Proceeding 26171 and did not register for any other form of participation, cannot reasonably claim that the Commission's process or its eFiling system failed them because they did not take any steps to bring themselves within the Commission's process.

65. The review applicants raised other, more general concerns about Proceeding 26171. They stated that they did not receive notice of the question-and-answer session that occurred on January 28, 2021, because they did not register to participate in the hearing until February. However, notice of the question-and-answer session, including a link to sign up for the session and an email address for assistance in signing up, was included in the notices of hearing that were mailed in December 2020 and early January 2021.

66. The review applicants submitted that when the hearing participants did not file evidence by the deadline, Commission staff should have contacted each of them to determine why they did not file. This is an unworkable and unreasonable proposition. As the review applicants' representative Mr. Bennett is aware, registered participants in Commission facility proceedings can number in the several hundred, which makes the proposal impractical. But equally important, the proposal improperly shifts responsibility for the timely filing of evidence and for registering to participate in a Commission hearing from hearing participants to the Commission and its staff.

## 5 Conclusions

67. The review panel finds that the giving of notice of the hearing in Proceeding 26171 was done in accordance with the requirements of the *Alberta Utilities Commission Act*. A notice was published in two local papers and posted to the Commission's public website. In addition, each of the review applicants, except Jason Bishop who does not own land near the preferred route, was mailed the notice of the hearing to a mailing address that had been verified by AltaLink. None of the mailed items were returned to the AUC as mis-addressed or undeliverable.

68. The review panel also finds that the notice of hearing contained the statement, written in plain language, that all persons who owned land within 800 metres of a proposed route had standing to participate in the hearing in Proceeding 26171. All the review applicants, except perhaps Jason Bishop, would have understood from the notice of hearing that they had standing.

69. In order to fully participate in the hearing, the review applicants had to do three things: (1) file a statement of intent to participate; (2) file any written evidence they wanted the hearing panel to consider; and (3) register for and participate in the virtual oral hearing.

70. Five of the eight review applicants filed a statement of intent to participate, including Jason Bishop. Commission staff assisted all of them to complete that filing in the week before the deadline set out in the notice of hearing. Each of them was thereby registered to receive email notification of material that was filed in the proceeding, including process letters and other rulings or directions subsequently issued by the Commission. Each of them also had access to the complete record of Proceeding 26171 in the eFiling system. The three review applicants who did not file a statement of intent to participate chose to "wait and see" how matters proceeded for the five who did file, and none of those three ever registered to participate in the hearing.

71. The review panel is satisfied that the review applicants had actual notice of the hearing and were aware of the opportunity given to them to participate in it, but they failed to file evidence (other than what was contained in their statements of intent to participate) or register to participate in the hearing. Although some of them stated that they encountered difficulties opening or understanding email notifications related to the hearing, the review panel is not persuaded that the review applicants took steps to have those problems addressed by Commission staff.

## **6 Decision**

72. In answering the preliminary question, the review panel finds that the review applicants have not met the requirements for a review of Decision 26171-D01-2021 and the application for review is dismissed.

Dated on December 16, 2021.

### **Alberta Utilities Commission**

*(original signed by)*

Douglas A. Larder, QC  
Vice-Chair



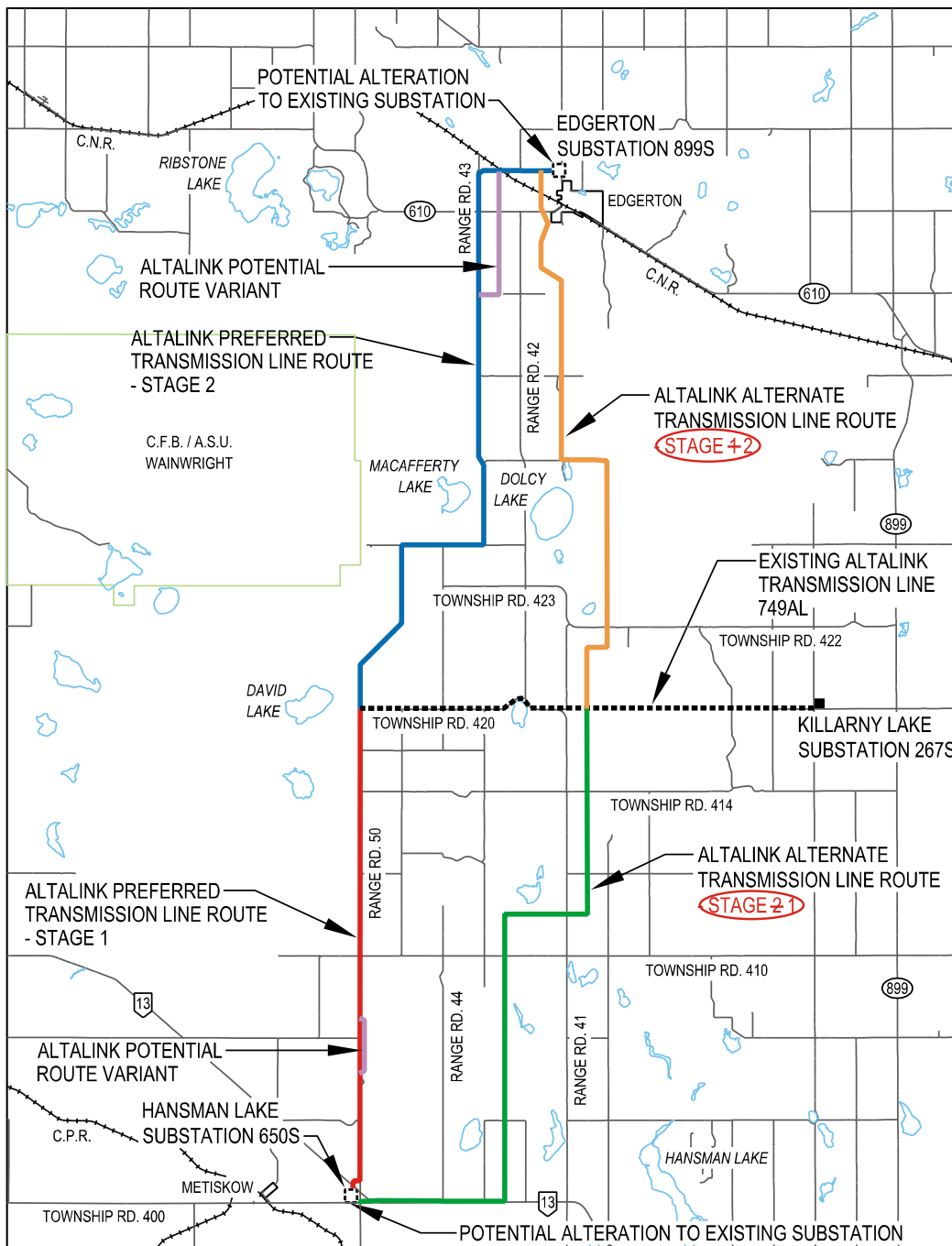
January 7, 2021

**AltaLink Management Ltd.  
Provost to Edgerton Transmission Development  
Proceeding 26171  
Applications 26171-A001 to 26171-A005**

**Correction to map in notice of hearing**

1. The Alberta Utilities Commission, the independent utilities regulator, is considering the electric transmission development applications in Proceeding 26171. On December 21, 2020, the Commission issued a notice of hearing describing the applications, which include a request by AltaLink Management Ltd. to construct and operate the Provost to Edgerton Transmission Development.

2. The Commission has identified a labelling error on the map that was enclosed with some of the notices of hearing. In those cases the map provided by the Commission incorrectly identified the “AltaLink alternate transmission line route – Stage 1” as Stage 2 and “AltaLink alternate transmission line route – Stage 2” as Stage 1. The visual depiction and description of the proposed route alignments in the map were correct but were mislabelled. A version of the map showing the correction is below:



3. The Commission notes that the description and labelling of the preferred and alternate routes was correctly communicated to stakeholders by AltaLink through its participant involvement program in accordance with Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*.

4. As further discussed in the attached revised notice of hearing, initial written submissions are due February 11, 2021, and written evidence is due April 1, 2021.

5. Should you have any questions, please contact Allan Anderson at 403-592-4438 or by email at [allan.anderson@auc.ab.ca](mailto:allan.anderson@auc.ab.ca) or the undersigned at 403-592-3280 or by email at [gary.perkins@auc.ab.ca](mailto:gary.perkins@auc.ab.ca).

Yours truly,

Gary Perkins  
Commission Counsel  
Facilities Division

Attachment

# **Revised** notice of hearing Provost to Edgerton Transmission Development Project

## AltaLink Management Ltd. has filed applications for transmission development in the Provost to Edgerton area

**Proceeding 26171**  
**Applications 26171-A001 to 26171-A005**

The Alberta Utilities Commission (Commission), the independent utilities regulator, will be holding a hearing to review the applications and submissions received to consider the electric transmission development applications in Proceeding 26171.

**Initial written submissions are due February 11, 2021. Written evidence is due April 1, 2021.**

AltaLink Management Ltd. has applied to construct and operate the Provost to Edgerton Transmission Development in two stages. Stage 1 consists of the addition of one 240-kilovolt (kV) transmission line between the Hansman Lake 650S Substation and Transmission Line 749AL, and modifications to the Hansman Lake 650S Substation within the existing fenceline.

Stage 2 consists of the addition of one 240-kV transmission line between Transmission Line 749AL and the Edgerton 899S Substation, and modifications to the Edgerton 899S Substation within the existing fenceline.

The **corrected** map included with this notice identifies the routes applied for by AltaLink Management Ltd. **with the labels (i.e., Stage 1 and Stage 2) that were used by AltaLink Management Ltd. in its application material.** The Commission may approve the preferred route or alternate route, and any of the route variants.

The applications have been filed under the *Hydro and Electric Energy Act*.

### **Additional information about the applications**

The applications and any associated documents are publicly available and can be accessed from the eFiling System on the AUC website [www.auc.ab.ca](http://www.auc.ab.ca). Basic information about the [Provost to Edgerton Transmission Development project](#) can be found on the AUC website under Projects – Featured project summaries. Alternatively, for more information about what is being applied for, or for a copy of the applications, please contact:

AltaLink Management Ltd.  
Michelle Lemieux  
Phone: 403-267-5909  
Email: [regulatory@altalink.ca](mailto:regulatory@altalink.ca)



### **Participant information and virtual Q&A session**

In early January, the AUC will be posting a video on the [Provost to Edgerton Transmission Development project page](#) to provide information about how you may become involved in this proceeding and funding that may be available to you. The project and its merits will not be discussed in this video.

The AUC will also hold a virtual question and answer session on January 28, 2021, from 6:30 to 8 p.m. to answer questions about how to participate in this proceeding. To register for the Q&A session, please [sign up here](#) or email [info@auc.ab.ca](mailto:info@auc.ab.ca) for assistance by January 21, 2021.

If you cannot attend the virtual Q&A session, but want to learn more about the review process, or for more information about how you may become involved in this proceeding, please contact us or visit our website and review the information under “Have your say” or under “Review process.”

### **Submissions**

If you wish to participate in this proceeding, please visit our website and log in to the eFiling System, go to Proceeding 26171, and register to participate under the “registered parties” tab. Alternatively, please contact us at 310-4AUC or [info@auc.ab.ca](mailto:info@auc.ab.ca) for more information or assistance with filing your submission. The lead application officer, Allan Anderson, can also be contacted at 403-592-4438 or by email at [allan.anderson@auc.ab.ca](mailto:allan.anderson@auc.ab.ca).

Submissions must include your name, address, phone number, legal land location, description of your land in relation to the proposed development and a description of how you, your land, your business, or your activities may be affected by the proposed project. Please also briefly describe the issues you would like the AUC to consider when making its decision.

### **Privacy**

To support an open and transparent process, information you send to the AUC will be publicly available to anyone registered in this proceeding. If there is confidential information you would like to file, a request must be made in advance of filing your submission.

### **Participating in the hearing**

The AUC may make its decision without further notice or process if no written submissions are received.

Persons (including individuals and corporations) that have rights that may be directly and adversely affected by the Commission’s decision on the applications are legally entitled to participate in a public hearing. Such persons are said to have standing to participate in the process.

Subject to any objections from another party, the Commission considers that the following persons have rights that may be directly and adversely affected by the Commission’s decision on the applications filed in this proceeding and will qualify for local intervener funding under Section 22 of the *Alberta Utilities Commission Act*.

The Commission considers that persons who own or reside on property located within 800 metres surrounding the finalized right-of-way for any of the proposed routes have standing to participate in the process, and will qualify for funding under Section 22 of the *Alberta Utilities Commission Act* subject to any objections from another party.

Persons who do not own property or reside within 800 metres may apply to the Commission to participate in the public hearing process and for local intervener status. The Commission will make such determinations on a case-by-case basis.

If the Commission receives an objection to a person's request for standing to participate or status as a local intervener, the Commission will make a decision on whether the person has standing or qualifies for local intervener costs.

All interveners are encouraged to form groups, consider whether to hire legal representation, and prepare information requests and evidence, as early as possible.

### **Summarized process schedule**

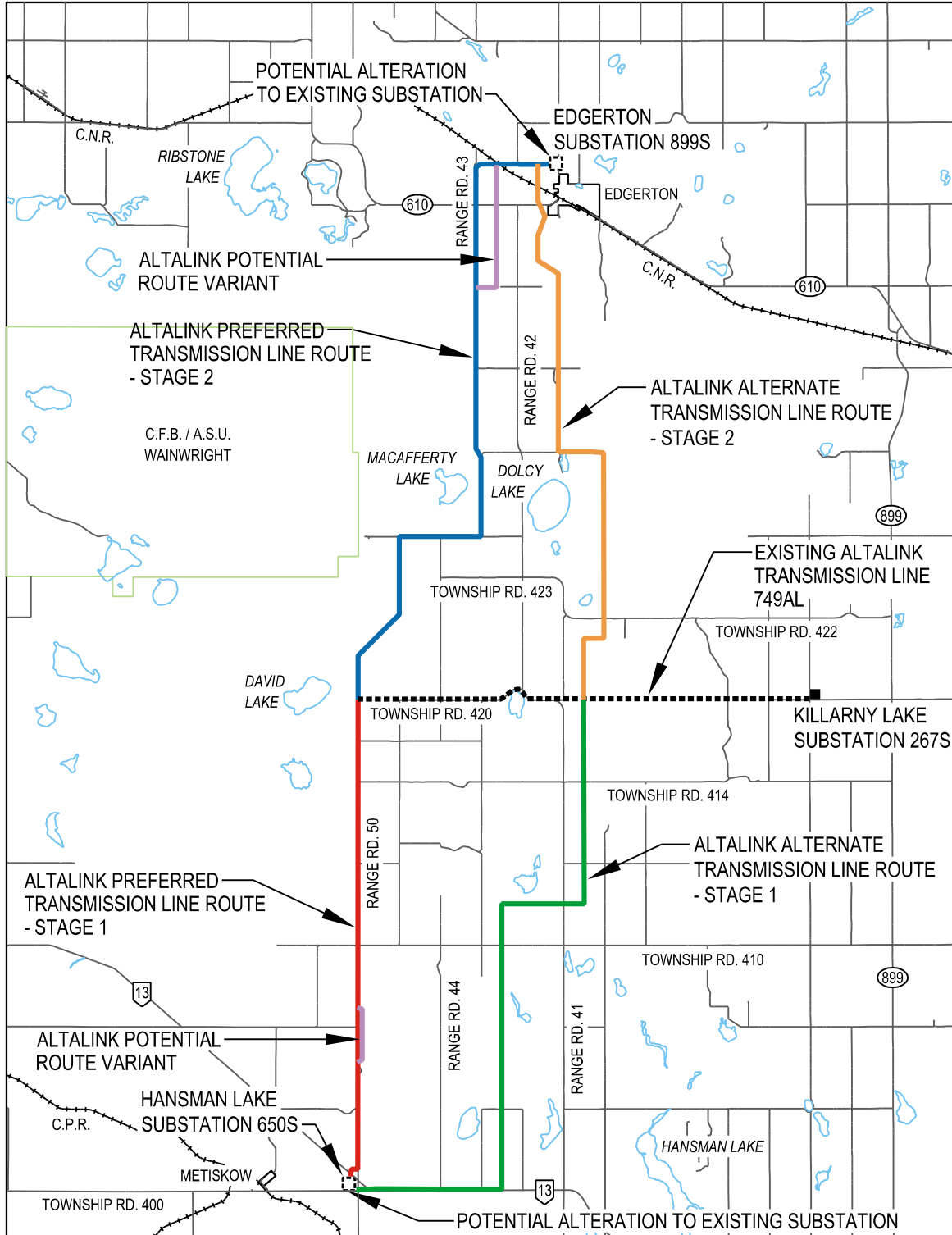
The Commission has established the following process to consider the applications:

<b>Process step</b>	<b>Date</b>
Virtual Q&A session	January 28, 2021, 6:30 p.m.
Interveners' participation submissions	February 11, 2021
Interveners' information requests (questions) to applicant's deadline	March 4, 2021
Applicant's deadline to respond to information requests	March 18, 2021
Interveners' written evidence deadline	April 1, 2021

The Commission may conduct the hearing entirely in writing or through an oral hearing and will provide additional information on the remainder of the process schedule in due course.

Originally issued on December 21, 2020. Re-issued with correct map on January 7, 2021.

Alberta Utilities Commission



May 11, 2021

To: Parties currently registered in Proceeding 26171

**AltaLink Management Ltd.**  
**Provost to Edgerton Transmission Development**  
**Proceeding 26171**  
**Applications 26171-A001 to 26171-A005**

### **Protocol for virtual hearing**

1. Pursuant to the process schedule update issued on April 5, 2021, the Alberta Utilities Commission will hold a virtual hearing scheduled to commence on **May 26, 2021, at 10 a.m.** The virtual hearing will be held remotely via a cloud-based web videoconferencing platform.
2. On March 12, 2020, the Commission issued Bulletin 2020-06: *AUC defers live proceedings to reduce COVID-19 risk* and indefinitely deferred all public hearings, consultations, and information sessions to reduce the risk of COVID-19. The Commission has determined that, in some circumstances, it may be necessary and feasible to proceed with an oral hearing using virtual videoconferencing technology.
3. Hearings conducted in this manner will be referred to as virtual hearings. This document is intended to provide guidance for individuals participating in virtual hearings.

### **Guiding principles**

- Rule 001: *Rules of Practice* applies to virtual hearings. If the format of a virtual hearing requires participants to deviate from any of the requirements of Rule 001, permission from the Commission should be sought in advance.
- The open court principle applies to virtual hearings. In the absence of a confidentiality ruling dictating otherwise, members of the public are entitled to observe virtual hearings.
- Participants are expected to be proactive and inform the Commission promptly if they foresee any difficulty with participating in a virtual hearing.

### **General information for participants**

- Virtual hearings will be conducted using a cloud-based web videoconferencing platform. Participants may join the hearing from any desktop or laptop computer, tablet or smartphone that is equipped with a web camera.
- Participants without videoconferencing capability may also join the virtual hearing by telephone only.

- A virtual hearing will generally follow the same procedures as an in-person oral hearing. Participants are encouraged to familiarize themselves with the Commission's hearing procedures described in Rule 001 and the Commission's informational materials on the hearing process.

### **General information for observers**

- Members of the public will not be provided invitations to participate, but will be able to access and observe the virtual hearing through a link on the AUC website.

### **Participants' guide to virtual hearings**

#### ***Two weeks before the virtual hearing***

- Registered parties are required to email the lead application officer, Taylor McCusker at [taylor.mccusker@auc.ab.ca](mailto:taylor.mccusker@auc.ab.ca), with the following information for each participant (including counsel): organization and role; name as it should appear on the videoconferencing platform; email address; and phone number that can be used on the day of the hearing to contact the participant in the event of any issues with the videoconferencing platform. The Commission requests that this information be emailed to the lead application officer by **May 14, 2021**.
- The Commission has scheduled a 60-minute test session between participants prior to the virtual hearing. The test session will commence on **May 17, 2021, at 1:30 p.m.** The Commission requests that participants make themselves available to participate to reduce the need for an adjournment or any delay on the day of the virtual hearing. Commission staff will attend this test session. Commission members will not be in attendance.
- Participants are asked to conduct the test session in the same location and with the same equipment they intend to use for the virtual hearing.
- An invitation to join the test session will be sent to each participant via emails provided to the lead application officer. Invitations are unique to the intended participant and should not be forwarded.
- The Commission requests that participants familiarize themselves with their video and audio equipment well in advance of the virtual hearing and test session to ensure it is working properly.

#### ***Week of the virtual hearing***

- An invitation to join the virtual hearing will be sent to each participant via email. Invitations are unique to the intended participant and should not be forwarded. This invitation may not be provided until after the test session is completed.
- If the hearing duration exceeds one day, separate invitations will be provided each evening the night before.

- Participants are responsible for ensuring that they have access to all documentary evidence filed on the record of the proceeding, either through the eFiling System or in their preferred format.

### ***Day before the virtual hearing***

- To ensure the efficient flow of the hearing, questioning counsel must provide, no less than 24 hours in advance, to the Commission and all registered parties, a list of the exhibits they intend to refer to in questioning a witness.
- If parties wish to provide opening statements, it is the Commission's practice that they be filed at least 24 hours in advance of the witness panel being seated.
- Section 39 of Rule 001 applies to any documents used as an aid to question a witness in a virtual hearing. Notwithstanding Section 39.1, a party who intends to use a document as an aid to question a witness that has not been filed in a proceeding must provide a copy of that aid by email to the witness, the Commission and all registered parties, no less than 24 hours before the witness is to be questioned on the aid to question a witness.

### ***Day of the virtual hearing***

#### Joining the hearing

- Participants should join the virtual hearing 30 to 45 minutes in advance of the scheduled start time and remain connected throughout the day.
- Participants are expected to join the virtual hearing from a quiet, secure location with reliable connectivity.
- Each participant should have their own web camera.
- Participants should ensure that they are positioned centrally on their screen with adequate lighting.
- Participants should have their web cameras turned on during the introduction of the virtual hearing while they are being introduced.
- During the remainder of the hearing, participants will be asked to have microphones muted and web cameras turned off, unless they are speaking.
- Participants should ensure that their electronic devices are silent during the virtual hearing. However, as participants will likely be in separate locations, discreet mobile phone and tablet usage will be permitted for communicating if necessary.
- If multiple participants are in a room then everyone in the room should identify themselves, should have their own web camera, and may use the meeting room sound system. It is recommend not to use a teleconference phone (on the meeting room table) as it is difficult to hear.

### Hearing procedures

- The panel chair will open and close the virtual hearing and direct the proceedings.
- At the outset of the virtual hearing and following breaks, all participants will be asked to identify themselves orally.
- If the hearing duration exceeds one day, participants will be asked to identify themselves at the beginning of each day.
- Affirmations will be administered remotely.
- The court reporter will have their web camera turned off throughout the virtual hearing. The court reporter may interject orally, or notify the Commission by email, if they are having difficulty understanding what is being said.

### Questioning witnesses

- During the virtual hearing, the party using an aid to question a witness should confirm that the witness is in possession of the document, and is referred to the relevant portions throughout questioning.

### Evidence

- No documentary evidence may be presented in a virtual hearing unless it was filed in advance, in accordance with Section 17 of Rule 001.

### Objections

- Witnesses and counsel are to be mindful during questioning that another party may object to questions posed to witnesses. Witnesses should pause before answering to account for any audio or video lag that may interfere with an objection.
- If counsel wishes to object to a question, they are requested to raise a hand to visually signal this intent to the panel chair.

### Communication

- Members of a witness panel may confer among themselves before answering a question put to the witness panel in general or to any member of the witness panel as outlined in Section 41 of Rule 001. Participants and counsel should agree on a method of confidential communication that will be used to confer and communicate instructions between themselves during the virtual hearing. Respecting, of course, the prohibition of counsel speaking to their witnesses while under oath.

## **Technical information for participants**

### ***Video***

- The video component of a virtual hearing will be conducted using a cloud-based web conferencing platform.
- Participants may join the virtual hearing from any desktop or laptop computer, tablet or smartphone that is equipped with a web camera. However, participants are strongly encouraged to use a computer that is connected to the internet by a network cable, and not a wireless network connection.
- Participants without web conferencing capability may elect to join the virtual hearing by telephone only.
- Participants should join the virtual hearing at least 30 to 45 minutes prior to the scheduled start time each day so that any technological issues can be detected and resolved in advance.

### ***Audio***

- The preference is for participants to use a computer headset (microphone and headphones) and web camera that are directly attached to their computer. If there are issues with the quality of a participant's internet connection, the participant can use a web camera for video and can dial a teleconference number for audio.
- As an audio backup the virtual hearing invitation will contain teleconference access information, including a dial-in number and conference code. If possible, a landline is preferable to mobile telephone.
- Members of the public will not be provided with telephone access information and can listen to the virtual hearing from their computer or tablet.

### ***Recording and transcription***

- A court reporter will transcribe the virtual hearing. For the purposes of obtaining an accurate transcript, participants are requested to refrain from speaking at the same time.
- An audio and/or video broadcast of the virtual hearing will be archived on the AUC website for up to 30 days after the close of hearing.

### ***Troubleshooting***

- If a participant's audio or video connection to the virtual hearing fails, the participant is directed to contact Taylor McCusker, lead application officer, immediately by email at [taylor.mccusker@auc.ab.ca](mailto:taylor.mccusker@auc.ab.ca) or by telephone at 403-592-4370. The panel chair will be notified and will direct participants to remain silent to provide an opportunity for the participant to restore his or her connection.



- In the event of unforeseen and unavoidable technological issues, the Commission may adjourn the virtual hearing to another date or may decide to conduct the remainder of the hearing in writing.

4. Should you have any questions, please contact the undersigned by email at [taylor.mccusker@auc.ab.ca](mailto:taylor.mccusker@auc.ab.ca).

Yours truly,

Taylor McCusker  
Lead Application Officer  
Facilities Division