



**AltaLink Management Ltd.**

**Transmission Line 150L Rebuild**

**April 28, 2023**

**Alberta Utilities Commission**

Decision 27523-D01-2023

AltaLink Management Ltd.

Transmission Line 150L Rebuild

Proceeding 27523

Application 27523-A001

April 28, 2023

Published by the:

Alberta Utilities Commission

Eau Claire Tower

1400, 600 Third Avenue S.W.

Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282) in Alberta

1-833-511-4AUC (1-833-511-4282) outside Alberta

Email: [info@auc.ab.ca](mailto:info@auc.ab.ca)

Website: [www.auc.ab.ca](http://www.auc.ab.ca)

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## **1 Decision summary**

1. In this decision, the Alberta Utilities Commission approves AltaLink Management Ltd.'s Preferred Route and Preferred Route Variant to rebuild a 27-kilometre-long portion of the 138-kilovolt Transmission Line 150L located within Rocky View County. AltaLink's Preferred Route follows the existing route of 150L, with minor modifications. AltaLink's application also included a number of alternate routes in response to consultation with stakeholders in the area, which, with the exception of the Preferred Route Variant, the Commission has rejected.
2. The Commission in this proceeding must determine if the rebuild of 150L is in the public interest, and if so, which route is in the public interest, having regard to the social and economic effects of the transmission line, and its effects on the environment.
3. As explained in this decision, the Commission finds the rebuild of 150L would require a greater number of structures, generally taller structures, and a larger right-of-way than the existing line. The Preferred Route would result in incremental impacts to landowners adjacent to the existing line, related to these changes and other construction disturbances. The alternate routes would result in new impacts to landowners, and with the exception of the Preferred Route Variant, result in greater costs to ratepayers. The environmental impacts of the preferred and alternate routes are similar, as are many other impacts associated with each route.
4. The Commission has considered all of the evidence and submissions of the parties in this proceeding and while we have not addressed every argument and issue raised by every party, we have provided a thorough analysis and reasoning that meaningfully accounts for the central issues and concerns raised.

## **2 Introduction and background**

5. AltaLink Management Ltd. applied to the Commission for approval to rebuild a portion of the 138-kilovolt (kV) transmission line designated as 150L in the area west of Calgary, including salvaging the existing line.
6. Transmission Line 150L is approximately 45 kilometres in length from Ghost 20S Substation to Sarcee 42S Substation. AltaLink proposed to rebuild approximately 27 kilometres of the transmission line from the edge of the Stoney Nakoda Reserve nos. 142, 143, and 144 in Rocky View County, to near the western boundary of the city of Calgary.<sup>1</sup>

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<sup>1</sup> Approximately eight kilometres of the transmission line has been rebuilt in the last 15 years; a six-kilometre segment within the city of Calgary and a two-kilometre segment between Range Road 32 and Range Road 31. The structures for these segments are not being replaced as part of the project. AltaLink proposed to replace

7. AltaLink proposed a Preferred Route that would primarily rebuild the transmission line along the existing alignment of 150L.<sup>2</sup> AltaLink also proposed a number of alternate route segments.
8. Transmission Line 150L was constructed in 1956. AltaLink proposed to rebuild this segment of the transmission line as part of its Capital Replacement and Upgrades Program. The project was identified in AltaLink's 2022-2023 General Tariff Application and the Commission approved the forecast for the project's costs in Decision 26509-D01-2022.<sup>3</sup>
9. AltaLink confirmed with the Alberta Electric System Operator (AESO) that a rebuild of Transmission Line 150L would be needed upon reaching end of life, although as described in the next section of this decision, no needs identification document application for the project was required from the AESO. According to the AESO Power System Restoration Plan for blackouts, Transmission Line 150L is a key transmission path used in the restoration process for this part of the Alberta Interconnected Electric System.

### 3 Legislative framework

10. AltaLink filed its application with the Commission under sections 14, 15, 19 and 21 of the *Hydro and Electric Energy Act*.
11. In accordance with Section 17 of the *Alberta Utilities Commission Act*, when the Commission considers an application to construct or operate a transmission line under the *Hydro and Electric Energy Act*, in addition to any other matters it may or must consider, it shall give consideration to whether the proposed transmission line is in the public interest, having regard to the social and economic effects of the line, and the effects of the line on the environment.
12. The Commission discerns the public interest by considering the intent of the legislature as expressed through the statutory framework, in light of the specific circumstances of the decision before it. In Decision 2009-028, the Commission set out some key principles with respect to the public interest assessment of transmission facilities. There is no universal definition of the public interest, and the Commission's determination will largely turn on the circumstances of each application. When considering changes to the transmission system, the Commission must balance the province-wide benefits associated with the changes, such as improved system performance, reliability, and access, with specific routing impacts.<sup>4</sup> When assessing whether a particular route is in the public interest, the Commission must weigh the benefits of the route against the real and potentially significant site-specific impacts of the transmission line to landowners along the route. While these impacts may be unavoidable despite

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overhead shield wire with optical ground wire for the segment between Range Road 32 and Range Road 31 as part of this project. TransAlta owns the eight-kilometre portion of the transmission line within the Stoney Nakoda Reserve nos. 142, 143, 144.

<sup>2</sup> A small segment of the Preferred Route is located along a new alignment in the Pinebrook Estates area.

<sup>3</sup> Decision 26509-D01-2022 Corrigenda: AltaLink Management Ltd. - 2022-2023 General Tariff Application and 2020 Direct Assigned Capital Deferral Account Reconciliation Application, KainaiLink Limited Partnership 2022-2023 General Tariff Application, PiikaniLink Limited Partnership 2022-2023 General Tariff Application Corrigenda to Decision 26509-D01-2022, February 11, 2022, paragraph 171, PDF page 44.

<sup>4</sup> Decision 2009-028: AltaLink Management Ltd. – Transmission Line from Pincher Creek to Lethbridge, Application 1521942, Proceeding 19, March 10, 2009, paragraphs 32-33.

the use of sound routing and planning practices, the applicant is expected to explore all reasonable steps to mitigate the impacts.<sup>5</sup> Finally, the Commission emphasized that when assessing which of two competing routes is in the public interest:

... making a decision such as this one can not be reduced to a mathematical formula applied to charts and spreadsheets that rank various criteria. It requires the decision maker to consider all the evidence to assess the social, economic and environmental impacts of each route taking into account the effectiveness of mitigation measures examined in the proceeding. The Commission does not weigh the criteria individually. Rather, it weighs all of the criteria together, and considers both the potential impact on individuals and on the larger community.<sup>6</sup>

13. In this application, an approval under Section 34 of the *Electric Utilities Act* is not required because AltaLink is seeking Commission approval to rebuild the transmission line, based on the need to replace an existing asset. This is not a circumstance in which the AESO has determined an expansion or enhancement of the capability of the transmission system is or may be required as contemplated by Section 34 of the *Electric Utilities Act*. Accordingly, the Commission's decision is limited to considering the facility application.

### 3.1 Applicability of certain Transmission Regulation provisions

14. Several parties argued that sections 15.1(2) and 38 of the *Transmission Regulation* applied in this proceeding and were binding on the Commission. These provisions relate to a needs identification document application by the AESO under the legislation. Section 15.1(2) deals with rights-of-way and the Commission agrees that it is generally desirable to reduce or mitigate the amount of right-of-way required, to maximize the efficient use of rights-of-way that already contain or provide for utility or energy infrastructure, and to promote the efficient use of land as contemplated by these provisions. However, the Commission considers that these provisions do not directly apply to consideration of this application given their express reference to the independent system operator (ISO) and assessment of a needs identification document, nor do they support a particular outcome in respect of the Preferred Route and alternate routes given that each of these routes share some of these characteristics.

15. The Commission must consider statutory provisions in light of their text, context, and purpose, with a view to ascertaining the intention of the legislator. However, when the words of a provision are precise and unequivocal, the ordinary meaning of the words play a dominant role.<sup>7</sup>

16. Section 15.1(2) of the *Transmission Regulation* refers to matters the "ISO must consider" when considering the location of transmission facilities. The Commission and the ISO are mutually exclusive entities under this enactment.<sup>8</sup> Thus, pursuant to the unequivocal language of this regulation, this obligation applies to the AESO, and not to the Commission.

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<sup>5</sup> Decision 2009-028, paragraph 35.

<sup>6</sup> Decision 2009-028, paragraph 193.

<sup>7</sup> *Canada Trustco Mortgage Co v Canada*, 2005 SCC 54, paragraph 10; *Sedgwick v Edmonton Real Estate Board Co-Operative Listing Bureau Limited* (Realtors Association of Edmonton), 2022 ABCA 264, paragraph 53.

<sup>8</sup> The *Transmission Regulation* states "'ISO' means the Independent System Operator as defined in the Act": (section 1(1)(e)). Act is defined as the "*Electric Utilities Act*" (section 1(1)(b)). The *Electric Utilities Act* defines the Independent System Operator as the "corporation established by section 7": (section 1(1)(w)). The *Transmission Regulation* states the word "Commission" has the meaning given to it in the *Electric Utilities Act*:

17. Section 38(a)(iii) of the *Transmission Regulation* states “[w]hen considering whether to approve a needs identification document under section 34(3) of the Act, the Commission must ... have regard for the principle that it is in the public interest to foster” geographic separation and the efficient use of land.

18. Section 34(3) of the *Electric Utilities Act* sets out the Commission’s powers, subject to the regulations, in relation to a needs identification document submitted by the AESO. Thus, while Section 38 of the *Transmission Regulation* applies to the Commission, the language unequivocally states it does so only when the Commission is making a determination in respect of a needs identification document submitted to it by the AESO.

19. Further, when a statute states that the Commission must “have regard” to a particular principle, this generally denotes an element of discretion with respect to that principle, such that the Commission is not required to give effect to that principle in all circumstances.<sup>9</sup>

#### 4 Consultation

20. Many interveners expressed concerns with the adequacy of AltaLink’s consultation on the project. This included concerns related to communication techniques, delays in response time, the presentation of misleading or confusing information, notification distribution errors and various other individual concerns. In contrast, AltaLink submitted that it undertook a comprehensive participant involvement program that met, and in many ways exceeded, the requirements of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*. It stated that this process informed its route development and mitigated impacts of the project.

21. The Commission finds that the participant involvement program undertaken by AltaLink meets the requirements of Rule 007. While many stakeholders have concerns with the participant involvement program, the program was sufficient to communicate to potentially affected parties the nature, details and potential impacts of the project. It also gave potentially affected parties an opportunity to ask questions, express their concerns and provide input into the project. For instance, through its consultation with the Pinebrook Estates Homeowners Association (Pinebrook Residents), in addition to various government agencies and industry stakeholders, AltaLink identified two alternate routes through the transportation and utility corridor (TUC). Through discussions with the McDonalds, AltaLink identified a location for Structure 171 that would reduce visual impacts. In response to the Pinebrook Golf and Country Club’s (Pinebrook Golf Club) concerns, AltaLink proposed the use of four H-frame structures and prepared visual renderings of the project. AltaLink also made several commitments related to Pinebrook Golf Club’s concerns with tree removal and potential damage during construction.

22. Notwithstanding the above, the Commission acknowledges that certain aspects of AltaLink’s participant involvement program could have been improved. For example, Catherine Connolly described her frustration with delays in response times from AltaLink. Going forward, AltaLink should ensure it provides timely responses and regular updates to stakeholders throughout its participant involvement program. Similarly, with respect to a

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(section 1(2)(b). The *Electric Utilities Act* defines the Commission as “the Alberta Utilities Commission established by the Alberta Utilities Commission Act” (section 1(1)(e)).

<sup>9</sup> *Atco Electric Ltd v Alberta* (Energy and Utilities Board), 2003 ABCA 323, paragraph 23.

potential alternate route from A35 to A41, Lois Torfason explained that apart from discussions early in the consultation process, she received no further communication from AltaLink regarding this route.<sup>10</sup> The Commission understands that AltaLink eliminated this route in favour of the Highway 1 South Alternate, which would similarly, or to a greater extent, avoid impacts to L. Torfason's lands. Notwithstanding, in the future AltaLink should ensure that it follows up with stakeholders to communicate which routes are no longer being considered and why.

23. During the hearing, there was extensive discussion around AltaLink's communication of stakeholder responsibility for incremental costs with respect to the development of stakeholder-driven alternative routes. AltaLink explained that where a stakeholder proposed a deviation from the preferred alignment that was for their benefit alone without also addressing the concerns of other landowners, that route would have only been included in AltaLink's application if that stakeholder agreed to offset the associated incremental costs.<sup>11</sup> AltaLink clarified that each of the applied-for alternate routes in the current application affect more than one stakeholder and it was made clear to stakeholders that if the Commission approves one of the applied-for alternates, those stakeholders would not be responsible for the associated incremental costs.<sup>12</sup> This was demonstrated through L. Torfason's testimony where she confirmed that her support for the Highway 1 South Alternate was based on an understanding that she would not have to pay the incremental costs associated with that route.<sup>13</sup>

24. The Commission is satisfied that during its participant involvement program, AltaLink communicated to stakeholders that if an applied-for alternate route is approved by the Commission in this proceeding, stakeholders would not be responsible for the associated incremental costs. In the future, however, where AltaLink is exploring stakeholder willingness to cover the incremental costs associated with a particular route, regardless of how many it will benefit, the Commission expects AltaLink to clearly communicate that stakeholders can still bring that route forward in the relevant proceeding for the Commission's consideration without a commitment to contribute to its cost.

## 5 Other considerations

25. As part of the rebuild, AltaLink proposed to expand the existing right-of-way from 15 metres to 19 metres to ensure compliance with the Alberta Electrical Utility Code and any future surrounding encroachment. It also proposed to replace the current H-frame structures with monopole structures for the vast majority of the project.<sup>14</sup> The monopole structures would generally be taller than the existing structures, which range from 16 to 21 metres. The new structures would range from 18 to 26 metres in most places. The typical span length for the proposed transmission line would be 160 metres, less than the existing transmission line span length, meaning there would be more structures along the rebuilt 150L for the same length.

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<sup>10</sup> Transcript, Volume 4, page 703, lines 13 to 20.

<sup>11</sup> Transcript, Volume 2, pages 250, lines 8-20.

<sup>12</sup> Transcript, Volume 2, pages 249, lines 12-15.

<sup>13</sup> Transcript, Volume 4, page 712, lines 7-16.

<sup>14</sup> AltaLink indicated that it would use four H-frame structures through the Pinebrook Golf and Country Club as a result of consultation. The remaining structures would be monopoles.



26. Interveners expressed concerns with the impact the expanded right-of-way would have on their properties, including increased restrictions on development. They also raised visual impact concerns regarding the taller structures, and concerns about the increased number of structures.

27. The Commission notes that electric codes have evolved over time and finds that the expanded right-of-way is necessary to ensure the safe and reliable operation of the transmission line. AltaLink has attempted to mitigate the expansion of the right-of-way by using monopole structures, which require a narrower right-of-way, instead of H-frame structures. However, monopoles have a shorter span length than H-frame structures, and as a result require a greater number of structures. The Commission recognizes there is a trade-off between decreasing the expanded right-of-way and increasing the number of structures due to shorter spans and that some incremental impacts will result compared to the existing line. The Commission finds AltaLink's proposal to use monopole structures to reduce the size of the right-of-way is reasonable.

28. Interveners also argued that wood poles should be used instead of galvanized steel poles, in order to mitigate visual impacts. AltaLink stated that it would determine the appropriate pole material at the time of procurement, as price and supply availability were in flux at the time of the application. AltaLink noted that as of January 12, 2023, cost increases in steel made it uncertain whether they would be more cost effective. However, AltaLink also indicated that an impending federal prohibition on pentachlorophenol under the *Pest Control Products Act* – a heavy duty wood preservative often used for utility poles –<sup>15</sup> is anticipated to further constrain wood pole availability and further increase costs.

29. Without knowing final costs, it would not be prudent for the Commission to make a final decision on structure material. The Commission finds that either material is acceptable and while AltaLink's final decision will largely be a consideration of costs, the Commission encourages AltaLink to also consider intervener preference for wood poles to reduce visual impacts.

30. AltaLink retained Jacobs Consultancy of Canada to conduct an environmental evaluation of the project.<sup>16</sup> Jacobs conducted desktop reviews and field studies to establish the existing (pre-project) condition of biological and physical elements of the different routes. Potential environmental impacts were determined based on the existing conditions and proposed project. Jacobs found that if AltaLink's proposed mitigations are implemented, additional site-specific mitigation is developed and implemented, as appropriate, and the applicable regulatory requirements are adhered to, the potential adverse effects associated with the project are considered to be not significant. The Commission agrees and accepts the conclusion of that report.

31. While the Commission has considered the environmental effects of each route as part of its analysis discussed later in this decision, it generally found that the differences between the preferred and alternate routes are not significant. The Commission has not placed significant weight on environmental impacts when determining which route is in the public interest.

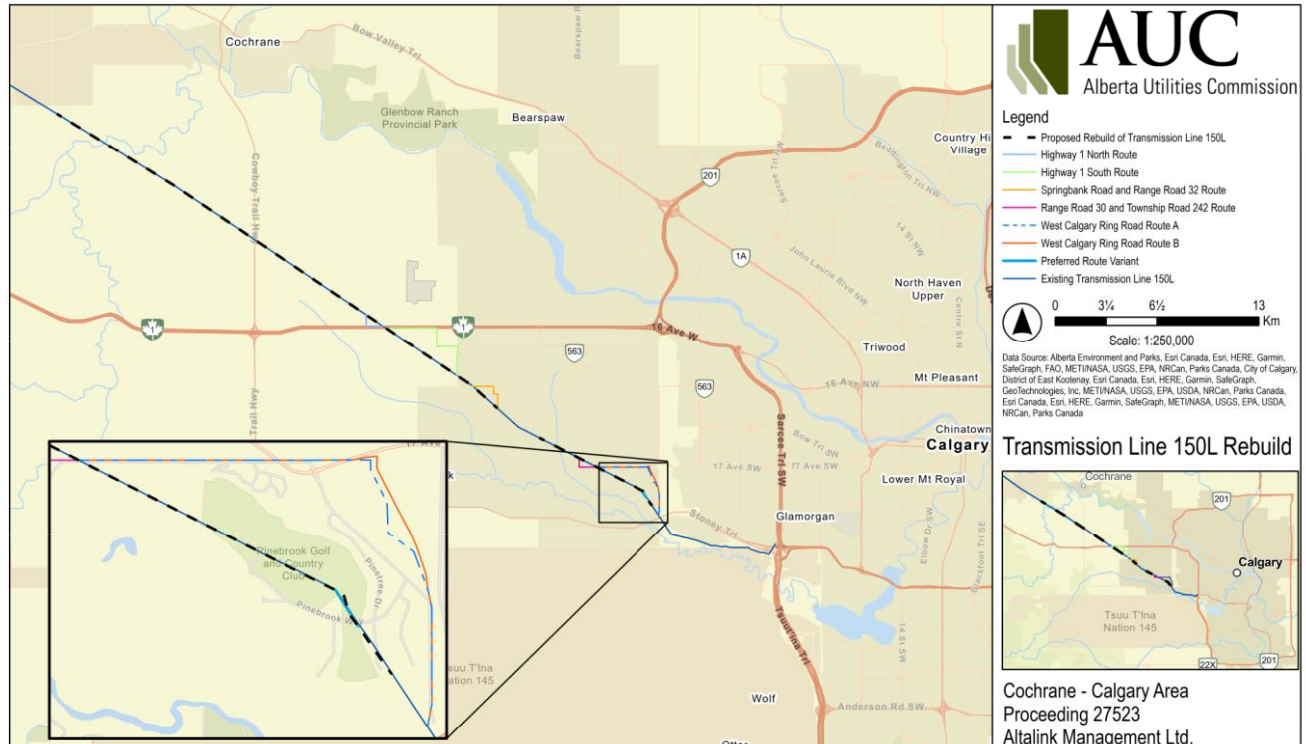
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<sup>15</sup> Exhibit 27523-X0166, AML Reply Evidence, paragraphs 62-66.

<sup>16</sup> Exhibit 27523-X0017.01, Appendix G Environmental Supporting Documents.

## 6 Routing

32. For the reasons explained in this section, the Commission approves AltaLink's Preferred Route, in all cases but one. The exception is in the Pinebrook area, where the Commission approves the Preferred Route Variant. The routes proposed by AltaLink are illustrated and labelled in the following map:



**Figure 1. Proposed transmission line routing**

33. This section of the decision begins by reviewing AltaLink's routing methodology, followed by an analysis of the Preferred Route, and the alternate routes from west to east:

- a. Preferred Route segments with no alternates
- b. Highway 1 North Alternate
- c. Highway 1 South Alternate
- d. Springbank Road and Range Road 32 Alternate
- e. Range Road 30 and Township Road 242 Alternate
- f. Ring Road Routes (West Calgary Ring Road Route A and West Calgary Ring Road Route B)
- g. Preferred Route Variant

## 6.1 Routing principles for the rebuild

34. The Preferred Route follows the route of the existing transmission line, which was constructed in 1956. It has a diagonal cross-country alignment, bisecting quarter sections. Generally, modern routing practice encourages the siting of new transmission lines along linear disturbances such as road allowances and quarter section boundaries. This newer siting methodology is intended to reduce impacts to lands and stakeholders, but has the corresponding result of transmission lines being lengthier and more costly.

35. AltaLink stated that it selected its proposed routes through a three-stage process. This process involved a preliminary stage, a detailed routing stage, and a final routing stage.

36. In its preliminary stage, AltaLink identified a study area corresponding to the portion of the line that was to be rebuilt and developed a preliminary route. AltaLink stated that “[f]or a rebuild project, it begins with analyzing the transmission line alignment within the existing right-of-way and considers other potential primary routing scenarios.”<sup>17</sup> AltaLink assessed the potential for other lower impact routes, and concluded the existing alignment would be the lowest impact route at this stage of the process, as the transmission line had been in place since 1956, and any incremental impacts would be less than the new impacts imposed by other routes.<sup>18</sup>

37. During the detailed routing stage, AltaLink presented the preliminary route to stakeholders, in order to refine the preliminary route and identify alternate routes. This process resulted in multiple stakeholder-suggested routes in eight geographical areas.

38. In its final routing stage, AltaLink incorporated potential route relocations arising from the first round of consultation, and then retained or rejected routes based on additional consultation. Finally, AltaLink engaged in a comparative analysis of the remaining routes to select the Preferred Route.

39. There are some general principles in this decision that are applicable to all route selections. These principles are discussed in Section 6.1.1 below. However, besides these considerations, each of the proposed alternates, with the exception of the Ring Road Routes and the Preferred Route Variant, are largely independent of each other and the Commission has considered each segment on its own.

### 6.1.1 Incremental impacts in relation to the existing route and transfer of impacts

40. In this proceeding, several parties submitted that the Commission should approach this application as if it were a new build and decide the best route based on modern siting principles.

41. Regardless of whether the transmission line constitutes a “rebuild” or a “new build” as argued by the parties, the Commission finds that it would be unsound to consider the application without having regard for the location of the existing infrastructure. For 67 years, people have arranged their affairs based on the location of this transmission line. To ignore this, creates an arbitrary fiction.

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<sup>17</sup> Exhibit 27776-X0002.02, AML 150L Transmission Line Rebuild – Application, PDF page 43, paragraph 147.

<sup>18</sup> Exhibit 27523-X0002.02, paragraphs 137-159.

42. Accordingly, when weighing the impacts of the Preferred Route, the Commission will consider those incremental impacts associated with the changes to the existing line. This is consistent with how the Commission has decided similar applications in the past.

43. For example, in Decision 2014-219,<sup>19</sup> AltaLink applied to rebuild a portion of Transmission Line 80L. Its preferred route followed the existing right-of-way, which was opposed by a residential group referred to as the Pines Group. The Commission approved the preferred route and rejected the alternate route. While this depended on the specifics of the route, the Commission noted that:

... generally, the location of the route of transmission line 80L along the existing alignment is an important consideration that will help to reduce the effects of the transmission line.<sup>20</sup>

44. The Commission found that since the neighbourhood was built alongside the existing transmission line, rebuilding the line along an existing right-of-way would create little to no new impacts. The Commission found that although property values in the neighbourhood could increase due to the relocation of the line, this factor did not strongly support the alternate route since the neighbourhood was built beside the existing line and the residents were likely aware of the transmission line when their properties were constructed or purchased. However, the Commission did note the taller structures could have negative visual impacts.<sup>21</sup>

45. Transmission Line 150L has been in its current location for close to 70 years. AltaLink submitted that most landowners adjacent to the existing route purchased and developed their lands in the presence of the existing line and that relocating the line into any of the alternate routes would transfer impacts from these landowners to new stakeholders. It added that this would result in additional costs and impacts, which outweigh any incremental impacts to existing adjacent landowners associated with the rebuild.<sup>22</sup> The Commission agrees that the presence of the existing transmission line is a significant factor that mitigates impacts associated with rebuilding the transmission line along the same route and that each rebuild application is examined on its own merits.

46. Moving a line away from an existing alignment will in many cases simply result in a transfer of impacts. In Decision 2012-120, when interveners argued a new transmission line should be moved away from their lands towards the lands of others, the Commission stated:

The transfer of impacts from one landowner or group of landowners to another is not a mitigation of landowner impacts. Accordingly, route options that simply move the alignment of a transmission line from one group of affected individuals to another group of affected individuals does not mitigate any impacts.<sup>23</sup>

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<sup>19</sup> Decision 2014-219: AltaLink Management Ltd. – Red Deer Area Transmission Development, Proceeding 2669, Application 1609677, July 29, 2014.

<sup>20</sup> Decision 2014-219, paragraph 313.

<sup>21</sup> Decision 2014-219, paragraphs 333-340; The Commission rejected a review and variance application in Decision 2014-361. The review panel found there was no error of law in the original panel, “taking into account the fact that rebuilding on the right-of-way would create little or no new impacts because area residents would not be newly exposed to line 80L.”

<sup>22</sup> Exhibit 27523-X0002.02, AML 150L Transmission Line Rebuild – Application, paragraph 332.

<sup>23</sup> Decision 2012-120: AltaLink Management Ltd. and ATCO Electric Ltd. – Hanna Region Transmission Development, Proceeding 979, Applications 1606831, 1606787, 1606888, 1606951, 1607005, 1607074, 1607093, 1607128, 1607150 and 1607188, May 8, 2012, paragraph 145.

47. The Commission endorses this principle, and notes impacts should only be transferred from one group of landowners to another when it is in the public interest to do so. For example, if the incremental impacts of rebuilding an existing line in its existing alignment would be greater than the new impacts, including costs, imposed by other routes.

48. More than half of the project is proposed along the existing alignment without any proposed alternative. No party intervened opposing this portion. The Commission considers that this is illustrative of the merits of using an existing alignment. Ultimately, the Commission must weigh the incremental impacts of the Preferred Route, against the impacts of the alternate routes based on the evidence before it.

### 6.1.2 Costs

49. During argument, there was some dispute as to the significance of costs in selecting the appropriate route. The Commission confirms that costs to ratepayers have always been, and continue to be, an important factor the Commission considers when assessing the impacts of a transmission project. As the Commission has previously explained, the public interest does not require approval of the lowest cost alternative, but the costs of a project can play an important role in the analysis,<sup>24</sup> and increased costs to ratepayers can constitute a “very significant factor”<sup>25</sup> in the weighing of impacts. This is particularly true, as is the case in much of this application, when the other impacts of different routes are relatively similar. This treatment of costs is consistent with the purposes of the *Hydro and Electric Energy Act*, which includes providing for the economic, orderly, and efficient transmission of electric energy in the public interest.

50. The Commission notes that its consideration of costs in transmission facility applications is consistent with other more recent trends related to concerns about the rising costs of utilities in Alberta. As the Commission recently emphasized in the AESO’s bulk and regional rate design decision, controlling the costs of transmission is important.<sup>26</sup>

51. The Commission considers that cost is an important factor in its decisions in this proceeding. While the amounts may not seem large in absolute terms, the Commission is mindful of rising transmission costs, and that the Commission is faced with many decisions similar to this. These costs can quickly become significant if the Commission were to consider each in isolation. For example, in this decision alone, the aggregate savings to ratepayers from the Commission’s decisions to select less costly routes amounts to approximately \$8,930,000.

52. The Commission has applied these considerations when weighing the economic impacts of the costs of different routes in relation to other impacts throughout this decision.

## 6.2 Preferred route segments with no alternates

53. Roughly half of the length of the proposed rebuild has no alternate route with only a Preferred Route proposed. In particular, the northwest segment of the project, from the edge of the Stoney Nakoda Reserve to just north of Highway 1, as well as smaller segments crossing Highway 1, between the Highway 1 South Alternate and the Springbank Road and Range Road 32 Alternate, and immediately northwest of the Springbank Road and Range Road 32 Alternate.

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<sup>24</sup> Decision 2011-436, paragraph 101.

<sup>25</sup> Decision 2014-219, paragraph 336.

<sup>26</sup> See Decision 26911-D01-2022: Alberta Electric System Operator – Bulk, Regional and Modernized Demand Opportunity Service Rate Design Application, Proceeding 26911, November 10, 2022.

54. The Commission finds that these route segments are in the public interest. The Commission considers the fact that no parties intervened to oppose these segments, that they represent the shortest and lowest cost route, and that they follow the alignment of the existing transmission line all weigh heavily in favour of this routing.

### 6.3 Highway 1 North Alternate

55. The Commission finds the Preferred Route is in the public interest, primarily because it will cost significantly less than the Highway 1 North Alternate.

56. For the segment from points A26 to A30, the Preferred Route (shown in red/yellow in Figure 2) follows the existing transmission line route, running diagonally across the east half of one quarter section and the southwest corner of another.

57. In contrast, the Highway 1 North Alternate (shown in red in Figure 2) runs north/south down the middle of a quarter section along a subdivided property line and then follows the Highway 1 road allowance east/west. AltaLink proposed the alternate in response to a request from the landowner of the northeast quarter of Section 31, Township 24, Range 3, west of the Fifth Meridian.

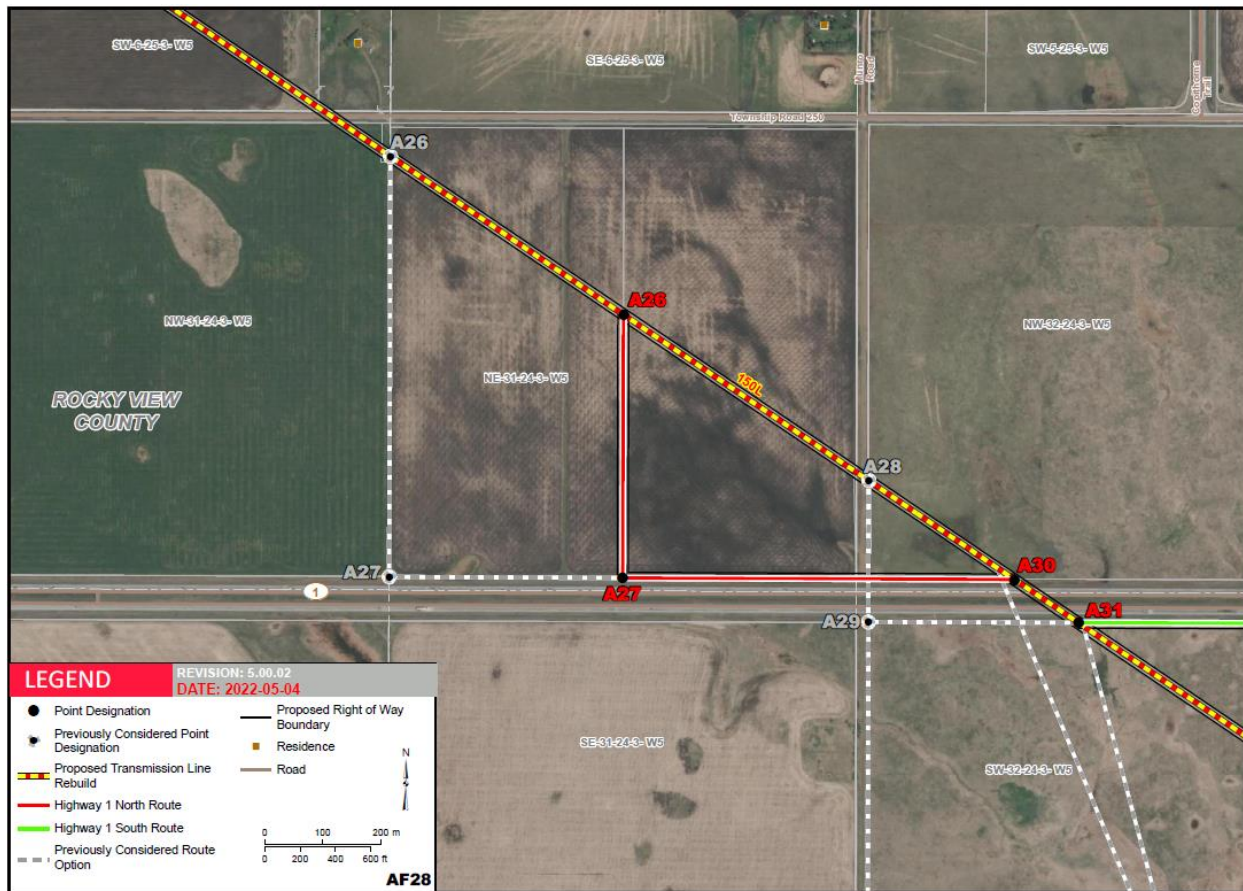


Figure 2. Highway 1 North Alternate routing<sup>27</sup>

<sup>27</sup> Exhibit 27523-X0020.02, Appendix J Route and Site Determination Methodology, PDF page 20.

58. The Commission finds there is little to differentiate the two routes across most metrics and considerations. There are no residences in proximity to either route and the environmental impacts are similar. Ultimately, this decision comes down primarily to weighing the reduced agricultural impacts of the alternate, which decreases the amount of cultivated land crossed by 0.34 kilometres, against the reduced length and cost of the preferred, which is 0.32 kilometres shorter and costs \$750,000 less.

59. No party intervened in this proceeding in relation to this segment including the landowner who requested it. The north/south portion of the Highway 1 North Alternate travels along a property line and may reduce property value impacts or increase the development potential of the property relative to the Preferred Route. However, without additional information on plans for the property there is insufficient evidence of these potential impacts. The maps appear to show that the property line is farmed across, and because of that, the Commission does not assign it the weight that it would to other linear disturbances. Regardless of which route is selected, the transmission line is likely to impact agricultural operations. While the amount of cultivated land crossed is shorter for the Highway 1 North Alternate, the Commission finds the extent of that reduction is not sufficient to justify the excess costs. The Commission considers the incremental cost of the alternate route to be a significant factor.

60. Finally, the Commission emphasizes that the presence of the existing line is a mitigating factor. As previously stated, the environment and people have adjusted to the presence of the transmission line in this location.

61. For the foregoing reasons, the Commission finds that along this segment, the Preferred Route is in the public interest.

#### **6.4 Highway 1 South Alternate**

62. The Commission finds that the Preferred Route is a lower impact route than the Highway 1 South Alternate.

63. In this segment, the Preferred Route (shown in red/yellow below) travels cross-country through private property, crossing cultivated and forage land. The Highway 1 South Alternate (shown in green below) is located primarily within the road allowance of Highway 1 and Range Road 33, though it is located within private property near quarter section lines for 1.6 kilometres near Calaway Park (in the southeast quarter of Section 33, Township 24, Range 3, west of the Fifth Meridian).





Figure 3. Highway 1 South Alternate routing<sup>28</sup>

64. Calaway Park, Calalta Amusements Ltd. and 276338 Alberta Ltd. intervened in the proceeding in opposition to the Highway 1 South Alternate while Lois Torfason intervened in opposition to the Preferred Route.

65. 276338 Alberta Ltd. owns property that would be impacted by either route. It supported maintaining the transmission line in its current alignment and did not want the route to be moved along the Range Road 33 corridor. It also wanted the Commission to consider the impacts to development potential due to the proposed right-of-way expansion. It filed a statement of intent to participate but did not further participate in the proceeding.

66. Calalta Amusements and its subsidiary Calaway Park expressed concerns regarding impacts to views from its rides and campground, safety concerns, restrictions to future development and impacts to irrigation lines, potable water lines, and planning and construction of the Township Road 245 extension.

67. L. Torfason owns and resides on property that is diagonally traversed by the Preferred Route. She stated that the existing line makes it more difficult to plant, cut, rake and bale crops, and to use large machinery. The diagonal alignment forces her to drive around each structure and the land under the structures cannot be seeded, instead laying fallow requiring her to deal with weeds and gophers. She explained that the transmission line limits her ability to build any structures and so she cannot easily expand her farmstead in any direction. She stated

<sup>28</sup> Exhibit 27523-X0020.02, Appendix J Route and Site Determination Methodology, PDF page 11.



that moving the transmission line to the Highway 1 South Alternate would make her work much easier and give an increased yield by utilizing the sterilized land around the structures.

68. It is clear to the Commission from L. Torfason's evidence and submissions that she has experienced impacts from the existing transmission line and that the Preferred Route would continue to impact her and her lands.

69. The Highway 1 South Alternate is 1.42 kilometres longer than the Preferred Route. With this increased length comes impacts to a greater number of parties and an overall greater level of impacts. The Commission recognizes that Rocky View County, who did not intervene in this proceeding, opposed the alternate route because it may limit potential developments along Range Road 33. The Highway 1 South Alternate would also be located within 150 metres of two schools and one daycare. The Board of Trustees representing Rocky View Schools and the property on which the daycare is located expressed a preference for the Preferred Route in this route segment.<sup>29</sup>

70. Further, the Commission finds the fact that the Preferred Route costs \$1.57 million less is a significant factor. The Commission also considers that the existing line represents an existing linear disturbance. People and the environment have adapted to its presence notwithstanding the line's impact on agricultural operations or other activities. Moving the line would result in new impacts to new parties and in this case, the Commission is not satisfied there is sufficient justification to do so.

71. AltaLink considered a number of different alternatives that would remove the transmission line from the Torfason property. The Highway 1 South Alternate is one such alternative but L. Torfason discussed another option during the hearing and Figure 3 above shows some of the other alternatives considered. This was prudent given the impacts to L. Torfason. However, the Commission is not satisfied that any of these alternatives are superior to the Preferred Route. Each has their own drawbacks and would largely result in a transfer of impacts to different parties rather than a reduction of overall impacts.

72. The Commission finds that along this segment, the Preferred Route has the lowest overall impacts, cost being an important factor.

## **6.5 Springbank Road and Range Road 32 Alternate**

73. The Commission finds the Preferred Route has a lower impact than the Springbank Road and Range Road 32 Alternate (or Springbank Alternate).

74. The preferred alignment (shown in red/yellow in Figure 4) runs diagonally across the northeast quarter of Section 22, Township 24, Range 3, west of the Fifth Meridian, portions of the northwest quarter of Section 22, Township 24, Range 3, west of the Fifth Meridian and the southeast quarter of Section 22, Township 24, Range 3, west of the Fifth Meridian, between points A60 and A70 .

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<sup>29</sup> Neither Rocky View County nor the Board of Trustees for Rocky View Schools intervened in this proceeding. Exhibit 27523-X0002.02, PDF page 88.

75. The Springbank Road and Range Road 32 Alternate (shown in orange in Figure 4), runs primarily east along the northside of Springbank Road and south along Range Road 32 but with a portion located within private property between points A63 and A66.



**Figure 4. Springbank Road and Range Road 32 Alternate routing<sup>30</sup>**

76. While AltaLink recommends building on the preferred alignment, it included the Springbank Alternate to accommodate the landowner's request to move the transmission line off their land. The Springbank Alternate (A60-A63-A65-A66-A70) reduces the amount of cultivated land crossed by 0.66 kilometres.

77. The following stakeholders submitted statements of intent to participate regarding this segment of the transmission line: Lance Incorporated Buckley, Dean Duri, Kendra O'Hara and John Paasche, Donald Taniguchi, Guang Wang, and Helena and Leonard Zuczek. D. Duri, J. Paasche, K. O'Hara and the Zuczeks formed the Springbank Road Group. The Springbank Road Group and L. Buckley supported the Preferred Route. G. Wang and D. Taniguchi supported the alternate. L. Buckley and G. Wang did not participate in the hearing and although D. Taniguchi submitted letters during the hearing he could not be cross-examined by parties adverse in interest. The Commission treats the letters and statements of intent to participate as unsworn evidence and attributes limited weight to them.

78. L. Buckley owns a plot approximately 200 metres east of Range Road 32 and expressed concerns about health and property value impacts.

79. Springbank Road Group members D. Duri and the Zuczeks own plots along the north side of Springbank Road while K. O'Hara and J. Paasche own a plot approximately 200 metres east of Range Road 32.

80. Members of the group raised concerns with noise, traffic, visual impacts, property value impacts and impacts to wildlife. L. Zuczek expressed concern that electric and magnetic fields (EMF) from the transmission line could damage his hobby bee colonies. K. O'Hara testified that her house has a view of the mountains from upstairs that could be impeded by the Springbank Alternate. L. Zuczek also stated that he has future plans to subdivide and develop his land into residential parcels.

<sup>30</sup> Exhibit 27523-X0020.02, Appendix J Route and Site Determination Methodology, PDF page 12.

81. G. Wang opposed the preferred alignment because it runs across his five-acre undeveloped property. According to him, widening the right-of-way will limit development opportunities on the land, reduce its value, and reduce his enjoyment of the land.

82. D. Taniguchi's company, 1250895 Alberta Ltd., owns the northeast quarter of Section 22, Township 24, Range 3, west of the Fifth Meridian. He is concerned that the line rebuild will impact his land and property value, and impede future development of his quarter section. He also contends that for safety and security reasons, the line should be built as far away as possible from a recreational facility being built directly south of his property.

83. D. Taniguchi stated he would be willing to host the transmission line on the northern edge of his property, along the south side of Springbank Road.<sup>31</sup> This would move the alternate off the north side of Springbank Road, and farther from D. Duri and the Zuczeks. Since this modification was only brought up during the hearing, there was no possibility of consulting other stakeholders who may be impacted. The Commission finds that such a route would be similar to the Springbank Alternate, with potentially lower impacts to D. Duri and the Zuczeks, but with increased costs due to the presence of a distribution line that would have to be relocated or underbuilt onto the transmission line.

84. AltaLink selected the Preferred Route over the Springbank Road and Range Road 32 Alternate Route because:

- a. The alternate is 40 per cent longer and would require an additional overhead distribution crossing.
- b. The alternate increases the number of residences within 150 metres of the transmission line from four to seven, and within 50 metres from zero to one.
- c. Rocky View County expressed a concern that relocating the line onto the road allowance would sterilize future development, and other affected landowners opposed the alternate.
- d. The alternate has an estimated incremental cost of \$1,295,000 compared to the preferred alignment.<sup>32</sup>

85. The Commission agrees with AltaLink that the Preferred Route will have lower overall impacts. The Commission recognizes that the Preferred Route will result in agricultural impacts to D. Taniguchi's property and impact the ability of G. Wang and D. Taniguchi to develop their lands. This must be weighed against the impacts of the Springbank Alternate and its additional costs. The Commission finds that the presence of the existing transmission line is a significant mitigating factor of the Preferred Route. The parties opposed to the preferred alignment all bought their properties well after the existing 150L transmission line was built. They were therefore aware of the line's presence and impacts to their use of their lands when they bought the properties.

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<sup>31</sup> Exhibit 27523-X0232, Letter to Trevor Richards re Southside land use.

<sup>32</sup> Exhibit 27523-0002.02, AML 150L Transmission Line Rebuild – Application, paragraphs 293-298.

86. Therefore, the Commission finds that moving 150L to the Springbank Alternate would largely result in a transfer of impacts to new stakeholders and not in a reduction of overall impacts. Further, it would come at an increased cost of \$1,295,000 to ratepayers.

87. For the reasons discussed above, the Commission finds that rebuilding along the Preferred Route of this segment is in the public interest.

## 6.6 Range Road 30 and Township Road 242 Alternate

88. The Commission finds that the Preferred Route is a lower impact route than the Range Road 30 and Township Road 242 Alternate.

89. The Preferred Route in this area runs diagonally across the southwest quarter of Section 18, Township 24, Range 2, west of the Fifth Meridian (as shown in red/yellow in Figure 5). The Range Road 30 and Township Road 242 Alternate (shown in purple in Figure 5) avoids crossing this quarter section by running along Range Road 30 to the west of the property and then crossing along Township Road 242 to the south of the property.



Figure 5. Range Road 30 and Township Road 242 Alternate routing<sup>33</sup>

90. Similar to the Highway 1 North Alternate, the comparison between this alternate and the preferred largely comes down to the reduced agricultural impacts of the alternate versus the shorter length and lower cost of the preferred.

91. The Range Road 30 and Township Road 242 Alternate would reduce the amount of cultivated land crossed by the transmission line by 0.24 kilometres relative to the Preferred Route, but would be 0.28 kilometres longer and \$680,000 more expensive. AltaLink stated that the

<sup>33</sup> Exhibit 27523-X0003, Appendix A Project Maps, PDF page 17.

alternate route poses greater construction and operational maintenance challenges because of the rolling topography and would require a greater degree of tree clearing.

92. No party intervened in this proceeding in relation to this segment. As part of the participant involvement program, Rocky View County expressed concerns to AltaLink regarding space constraints and future road widening along Township Road 242, and was opposed to the alternate route.

93. The Commission considers that the differences between these routes are not significant but ultimately finds that the lower cost, potential widening of Township Road 242 and the presence of the existing transmission line weigh in favour of the Preferred Route.

94. The Commission finds the Preferred Route between points A83 and A85 to be in the public interest.

### **6.7 Ring Road Route A and Ring Road Route B Alternates**

95. A highly contested segment of the Preferred Route begins at point A85 – near Township Road 242 – and proceeds southeast. The Preferred Route follows the existing route, with some minor deviations, ending at point A99, where it reaches a point of Transmission Line 150L that was previously rebuilt.

96. Throughout the course of the proceeding, a variety of issues arose related to whether the Preferred Route or one of the Ring Road Routes should be approved. However, after considering the evidence and arguments of each party, the Commission has concluded the Preferred Route is in the public interest. In this section of the decision, the Commission provides its reasons as follows:

- a. Section 6.7.1: Overview of locations and physical characteristics of the Preferred Route and the Ring Road Routes.
- b. Section 6.7.2: Relevance of the transportation and utility corridor (TUC) to the Commission's assessment. The Commission concludes that use of the TUC is relevant, but actual impacts are paramount in its assessment.
- c. Section 6.7.3: Property value impacts. The Commission concludes that the property value impacts associated with the Ring Road Routes are greater.
- d. Section 6.7.4: Residential and visual. The Commission concludes that there will be slightly greater impacts to the Preferred Route, but that neither route will experience significant impacts.
- e. Section 6.7.5: Costs. The Commission concludes that the costs associated with the Ring Road Routes are significantly greater.
- f. Section 6.7.6: Other impacts. The Commission concludes that these impacts are not significant in the assessment of the public interest in this case.
- g. Section 6.7.7: Conclusion with respect to the appropriate route in this segment. The Commission concludes that the Preferred Route is in the public interest.



### 6.7.1 Overview of routes

97. AltaLink proposed two alternate routes for this segment, referred to as “West Calgary Ring Road Route A” and “West Calgary Ring Road Route B.” In this decision, these routes are referred to as Ring Road Route A (shown in green in Figure 6), and Ring Road Route B (shown in purple) respectively, and the Ring Road Routes collectively. The Ring Road Routes are alternates of the same segment of the Preferred Route, have similar impacts to each other and they are dealt with largely in tandem in this decision.<sup>34</sup>

98. These proposed routes can be seen in Figure 6 and are further described in the paragraphs that follow.

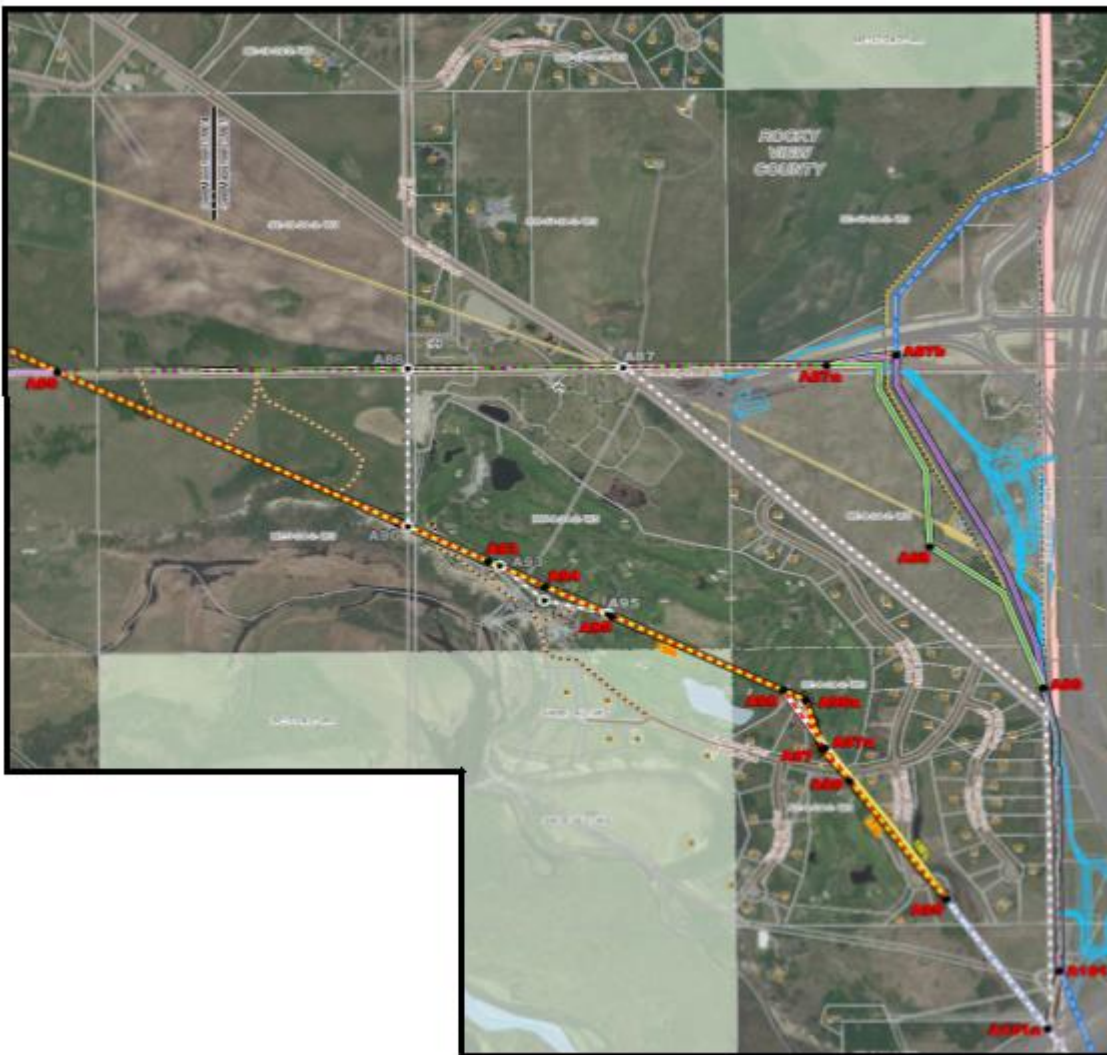


Figure 6. Ring Road Routes routing<sup>35</sup>

<sup>34</sup> Despite referring to these routes together, the Commission emphasizes that only one of these routes would be constructed, if approved.

<sup>35</sup> Combined from figures in Exhibit 27523-X0003, Appendix A Project Maps, PDF pages 17-19.

99. Where the Preferred Route proceeds southeast from point A85 into the Pinebrook Estates and golf course, the Ring Road Routes deviate and proceed east within the road allowance of Township Road 242, to point A87a. At this point, the Ring Road Routes diverge and travel south between Pinebrook Estates and the ring road. The Ring Road Routes reconverge at point A89, before ending where they connect to an existing portion of 150L (not subject to this proceeding) at point A101a. These routes have a different endpoint than the Preferred Route and would involve salvaging two recently rebuilt structures between points A99 and A101, which would otherwise be undisturbed. As further explained below, a portion of the Ring Road Routes are located in the TUC, and involve co-poling with ENMAX Power Corporation's 7.82L transmission line.

100. The key differences between the Ring Road Routes arise from their divergence between points A87a and A89, through which Ring Road Route A runs slightly to the west of Ring Road Route B.

101. Ring Road Route A is co-located with Transmission Line 7.82L for a shorter length than Ring Road Route B. It is located further west, closer to the Pinebrook Estates, and is 4.20 kilometres in length with an estimated incremental cost of \$2,935,000 relative to the Preferred Route, excluding an estimated additional cost of \$259,000 to ENMAX in relation to salvage and modification of the existing 7.82L. This route requires salvage of 0.82 kilometres of Transmission Line 7.82L.

102. Ring Road Route B is co-located with Transmission Line 7.82L for a greater length than Ring Road Route A. It is 4.21 kilometres in length, has an estimated incremental cost of \$4,325,000 relative to the Preferred Route, excluding an estimated additional cost of \$517,000 to ENMAX in relation to salvage and modification of the existing 7.82L. This route requires salvage of 1.87 kilometres of Transmission Line 7.82L.

103. Arbor Memorial Inc., which owns and operates a cemetery and funeral home along Township Road 242, and Deuka Film Exchange Ltd. (Deuka), which uses its lands for a variety of purposes and intends to develop its lands into a residential area, both intervened in opposition to the Ring Road Routes. Arbor Memorial Inc. filed a statement of intent to participate but did not otherwise participate in the proceeding.

104. The Pinebrook Estates Homeowners Association (Pinebrook Residents) intervened in opposition to the Preferred Route. The Pinebrook Residents consisted of individuals owning residential parcels in the Pinebrook neighbourhood. Catherine Connolly explained that she was the chair of the special committee that acted on behalf of the members of Pinebrook Estates throughout the application process. She stated that Pinebrook Residents' concerns were that the Preferred Route rebuild was in fact a new build because of the increased structure size, number and type, as well as the increased right-of-way. These changes would create greater impacts on the group's residences and enjoyment of their properties than merely incremental. The Pinebrook Residents also submitted that the Preferred Route was inconsistent with the provincial policy of utilizing the TUC for utility infrastructure and that AltaLink did not diligently pursue the Ring Road Routes when it should have resulting in greater costs to utilize the TUC now. They also argued that AltaLink's economic analysis was insufficient to account for the actual economic impacts of the routes, because it did not account for operation and maintenance costs.

105. Pinebrook Golf and Country Club (Pinebrook Golf Club) also intervened in opposition to the Preferred Route. Pinebrook Golf Club is a not-for-profit entity registered under the *Societies Act*. Approximately 65 to 70 per cent of homeowners in Pinebrook Estates are members of the Pinebrook Golf Club in some capacity.<sup>36</sup>

### 6.7.2 Transportation and utility corridor

106. Pinebrook Residents and Pinebrook Golf Club asserted that the purpose of the TUC was to create a publicly owned corridor to group together linear transportation and utility infrastructure in order to lessen the impact of linear infrastructure on future development and separate incompatible land uses.<sup>37</sup> Since a significant portion of the Ring Road Routes were located in the TUC, they argued that one of those routes should be approved.

107. The relevant TUC is created by the *Calgary Restricted Development Area Regulations*, which were promulgated pursuant to Schedule 5, Section 4 of the *Government Organization Act*. This statutory provision states the Lieutenant-Governor in Council may by regulation establish any part of Alberta as a Restricted Development Area “on the report of the Minister that the establishment of the Area is necessary in the public interest to co-ordinate and regulate the development and use of the Area” for a variety of environmental purposes, including separating uses of land that have environmental consequences from adjacent lands.<sup>38</sup>

108. The regulations themselves state that the lands described in the schedule are established as a Restricted Development Area called the “Calgary Restricted Development Area.” Schedule A is titled “Transportation/Utility Corridor” and provides the legal description of lands referred to as a “right-of-way for a Transportation/Utility Corridor.” The regulations do not otherwise expressly require, or encourage, the construction of utility infrastructure on these lands.

109. The Commission considered in detail the purposes of the very similar *Edmonton Restricted Development Area Regulations* in Decision 2011-436.<sup>39</sup> In that proceeding, some parties submitted that the restricted development areas were intended to be used as a greenbelt, and not for the construction of above-ground transmission lines. The Commission considered the history of these regulations, and prior judicial and regulatory interpretation. The Commission referred to a 2004 Alberta Infrastructure document titled *Transportation/Utility Corridor Program Policy*, that was also referred to in this proceeding, and noted that it stated:

The objective of the TUC Program is to facilitate the development of the cities of Calgary and Edmonton, their surrounding regions, and the province by accommodating within the TUCs the development of ring roads, stormwater management facilities, major pipelines and power lines, and municipal services...

The TUCs were established on the principle that long-term planning for the accommodation of a ring roads [*sic*] and major utilities within a TUC can maximize its use. The TUCs protect ring roads and utility alignments from advancing urban

<sup>36</sup> Exhibit 27523-X0129 and Transcript, Volume 3, page 528.

<sup>37</sup> Transcript, Volume 5, pages 787, 792, 815 and 820.

<sup>38</sup> *Government Organization Act*, Schedule 5, Section 4(1).

<sup>39</sup> Decision 2011-436: AltaLink Management Ltd. and EPCOR Distribution & Transmission Inc. – Heartland Transmission Project, Application 1606609, Proceeding 457, November 1, 2011, paragraphs 667-682.



development and offer a long-term solution to many of the land use problems associated with developing major linear facilities in urban areas.<sup>40</sup>

110. After a thorough analysis of these matters, the Commission concluded:

- a. One of the purposes for the restricted development areas is to accommodate transmission line infrastructure.<sup>41</sup>
- b. One of the underlying motivations for the restricted development areas was to contain environmentally harmful activities.
- c. However, “there is no existing legislation or government policy that would require the proposed line to be located within the restricted development areas.”<sup>42</sup>

111. The Commission has followed this reasoning in subsequent decisions. For example, in a circumstance where a TUC route offered lower construction risks and impacts than another route, the Commission concluded the “TUC is therefore an obvious and superior routing choice for the proposed transmission line.”<sup>43</sup>

112. The Commission agrees with its previous decisions dealing with TUCs, but finds that neither these decisions, nor the policy document referred to above, strongly support the *relocation of existing transmission lines* into the TUC. This is particularly the case when a potential alternate route using the TUC, would visit impacts on different landowners to reach the TUC, and where the environmental impacts associated with rebuilding the existing line are not significant.

113. Under Section 17 of the *Alberta Utilities Commission Act*, the Commission is expressly required to have regard to the social, environmental, and economic “effects” in addition to any other matters it may or must consider. In this context, the word “effects” contemplates the actual or likely consequences resulting from the construction or operation of the utility infrastructure. The Commission considers that the actual or likely impacts associated with utility infrastructure should remain at the forefront of its public interest analysis.

114. The Commission accepts that generally, impacts to land contiguous to the TUC will be minimal where the TUC contains existing utility infrastructure and while we place some weight on the fact that part of the Ring Road Routes are located in the TUC, a portion of these routes are not located in the TUC. Accordingly, the Commission’s analysis will focus on the impacts of the portion of the Ring Road Routes that are not located within or directly adjacent to the TUC, in comparison to the incremental impacts of the Preferred Route.

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<sup>40</sup> Decision 2011-436, paragraph 698.

<sup>41</sup> Decision 2011-436, paragraph 704.

<sup>42</sup> Decision 2011-436, paragraphs 704-707.

<sup>43</sup> 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, Applications 23943-A001 to 23943-A006, March 12, 2020, paragraph 465.

### 6.7.2.1 Timing of transportation and utility corridor route identification

115. Pinebrook Residents and Pinebrook Golf Club argued that AltaLink's routing methodology was flawed because it failed to identify the potential for using the TUC earlier in its process. A further argument was made that if AltaLink identified the TUC routes earlier, it could have co-ordinated the co-poling of 150L with ENMAX's Transmission Line 7.82L, prior to that line being relocated and rebuilt as part of the West Calgary Ring Road construction. As a consequence, they argued that the Ring Road Routes would have had lower costs than they do in this proceeding, enhancing their attractiveness as a routing option.<sup>44</sup>

116. The evidence before the Commission is that AltaLink was aware that this segment of 150L was approaching the end of its life cycle at some point in 2018, but the exact nature and timing of the rebuild was not yet contemplated. Rebuilds of this nature often take place over many years.<sup>45</sup> On August 19, 2019, ENMAX applied to the Commission to relocate the relevant portion of Transmission Line 7.82L from near the centre of the TUC, to the western edge of the TUC at the request of Alberta Transportation. The Commission approved the relocation on February 13, 2020, in Decision 24828-D01-2020.<sup>46</sup> The relocation was required to accommodate the construction and planned infrastructure of the West Calgary Ring Road.

117. AltaLink first contacted ENMAX in September of 2020, and arranged a meeting in November of 2020, in response to input from Pinebrook Residents from the first round of consultations.<sup>47</sup> The record shows that AltaLink consulted extensively with ENMAX, Alberta Infrastructure, and Alberta Transportation after this time, in furtherance of developing the Ring Road Routes.<sup>48</sup>

118. Ultimately, in this proceeding, AltaLink received a letter of non-objection from Alberta Infrastructure,<sup>49</sup> and a letter from ENMAX, stating that ENMAX does not advocate for the Ring Road Routes, but that it would not object assuming the parties could come to appropriate commercial agreements and the necessary approvals were obtained.<sup>50</sup>

119. The Commission finds that even if AltaLink had identified the co-poling option sooner, it is not clear that AltaLink would have been able to advance its 150L application to match the timelines ENMAX had for its 7.82L relocation, or that ENMAX, Alberta Infrastructure, and Alberta Transportation would have been supportive of this option given that it might have resulted in delays. The Commission considers that the timing of the relocation of 7.82L was not particularly flexible since it needed to occur before construction of this segment of the West Calgary Ring Road could begin.

120. While the Commission encourages transmission facility owners to proactively engage with all stakeholders to co-ordinate in a manner that minimizes adverse impacts, it recognizes many factors must be considered by a transmission facility owner to determine why, when, and

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<sup>44</sup> Transcript, Volume 5, pages 837-845.

<sup>45</sup> Transcript, Volume 1, pages 135-139.

<sup>46</sup> Decision 24828-D01-2020: ENMAX Power Corporation, 101 Street Transmission Line 138-7.82L Relocation Project, February 13, 2020.

<sup>47</sup> Exhibit 27523-X0166, AML Reply Evidence, paragraph 37.

<sup>48</sup> Exhibit 27523-X0104; Exhibit 27523-X0108; Exhibit 27523-X0109; Exhibit 27523-X0110; Exhibit 27523-X0111; and Exhibit 27523-X0112.

<sup>49</sup> Exhibit 27523-X0005, Appendix B Permits and Licences, PDF page 7.

<sup>50</sup> Exhibit 27523-X0007, Appendix B-5 ENMAX Power Corporation Letter.

where it would be reasonable to replace or rebuild a particular transmission facility. The Commission agrees that if timed appropriately, co-poling can be an effective means to reduce costs, and mitigate impacts to landowners and the environment. However, the Commission finds that based on the record of this proceeding, AltaLink acted reasonably in carrying out its consultation and routing duties in this application in respect of the TUC.

121. There was a further issue raised regarding information about the TUC in AltaLink's materials. In its application, AltaLink showed the TUC boundary encompassing point A87b, but not including point A87a.<sup>51</sup> However, in response to an information request from the Pinebrook Residents, AltaLink provided an email exchange it had with Alberta Infrastructure, dated January 14, 2021, in which Alberta Infrastructure provided an attachment showing the boundary of the TUC was larger than that shown in the application.<sup>52</sup> This drawing was dated February 28, 2020.<sup>53</sup> During cross-examination, AltaLink confirmed this was the correct location of the TUC at the time of the application, although the evidence as to exactly when these lands became part of the TUC was unclear.<sup>54</sup> As a result of this error, the Pinebrook Residents argued that AltaLink portrayed a misleading view of the extent to which the Ring Road Routes would be located in land dedicated to the ring road project.

122. The earliest evidence on the record demonstrating that AltaLink had been provided information that the TUC had expanded to encompass a larger portion of the alternate routes using the TUC was when AltaLink received the email from Alberta Infrastructure on January 14, 2021. During cross-examination, Hudson Foley of Maskwa Environmental Consulting gave evidence that this area was an active construction site, in relation to which information was frequently changing.<sup>55</sup>

123. While AltaLink knew, or ought to have known, that the TUC boundary had expanded by January 14, 2021, and should have updated its application materials at that time, the Commission finds that this omission was simply an error, and that this information could not have materially affected any party's ability or inclination to participate in the course of this proceeding. Ultimately, the Commission has the proper information before it to assess the impacts of the various routes and to decide which is in the public interest.

### 6.7.3 Property value impacts

124. For the reasons explained in this section, the Commission finds that the incremental property value impacts associated with the Preferred Route are lower than the new property value impacts associated with the Ring Road Routes.

125. Pinebrook Golf Club filed a report prepared by Pat Woodlock of Harrison Bowker Valuation Group.<sup>56</sup> P. Woodlock concluded there would be a \$952,488 value loss to the Pinebrook Golf Club lands caused by the existing and expanded easement along the Preferred Route. P. Woodlock also concluded that the loss of property value associated with the Preferred Route could be up to five to 10 per cent, estimated to range between

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<sup>51</sup> Exhibit 27523-X0003, Appendix A Project Maps, PDF page 18.

<sup>52</sup> Exhibit 27523-X0110, AltaLink-PEHA-2022SEP28-008 Attachment 3-1 (Alberta Infrastructure Correspondence Part 1 of 3), PDF page 72.

<sup>53</sup> Exhibit 27523-X0110, PDF page 79.

<sup>54</sup> Transcript, Volume 1, page 183, lines 12-16.

<sup>55</sup> Transcript, Volume 1, page 184, lines 5-12.

<sup>56</sup> Exhibit 27523-X0131, Expert Evidence of HarrisonBowker Real Estate Appraisals Ltd.

\$700,000 and \$1,400,000. The report noted that a range was used, because the presence of the existing line would limit the actual injurious affection losses associated with the Preferred Route. P. Woodlock also undertook a comparative analysis of the Preferred Route and the Ring Road Routes, and concluded the Ring Road Routes affected less land and had lower impacts than the Preferred Route.

126. The Commission finds that because the Woodlock report concludes the highest and best use of the Pinebrook Golf Club land is as a golf course,<sup>57</sup> and because there is insufficient evidence that Pinebrook Golf Club intends to repurpose its land for residential development, the property value impacts should be considered from the perspective of its use as a golf course. The Commission accepts that there may be some incremental property value impacts to the Pinebrook Golf Club lands if the Preferred Route is selected, but since the Woodlock report largely considers property value impacts on the Pinebrook Golf Club land if the lands were to be used for residential development, the Commission places limited weight on the quantification of these impacts in the report.

127. Further, the Commission finds P. Woodlock's conclusions related to the comparative impacts of the Preferred Route and the Ring Road Routes, do not adequately account for the impacts of the existing transmission line, and the Commission therefore places little weight on this evidence.

128. Pinebrook Residents did not submit expert evidence regarding the property value impacts of the Preferred Route, or the Ring Road Routes. While the Commission has considered the concerns of members of Pinebrook Residents regarding potential property value impacts, the Commission generally requires project specific evidence from individuals, with sufficient specialized expertise, to establish that a given project will have an adverse impact on property values.<sup>58</sup> The Commission places little weight on the evidence of Pinebrook Residents on this subject.

129. Pinebrook Residents submitted that the Commission should also consider the economic impacts of the Preferred Route on the potential development of lands outside of Pinebrook Estates and the Pinebrook Golf Club. The Commission has held that when there is uncertainty as to whether or not potential residential development will proceed, the property value impacts may be too speculative and the Commission may therefore decline to consider any related property value impacts.<sup>59</sup> Ultimately, whether or not a proposed development is sufficiently certain depends on the specific evidence before the Commission in relation to each parcel. In this case, there was insufficient evidence that any of the owners of the lands referred to by Pinebrook Residents intended to develop their lands for residential purposes, and the Commission finds such development is therefore too speculative to be afforded material weight in its analysis of property value impacts.

130. Pinebrook Residents argued that the expert evidence submitted by Deuka indicated that country residential properties in the area were valued at \$500,000 dollars an acre, such that the increased right-of-way through Pinebrook alone would be approximately \$3,750,000, which was

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<sup>57</sup> Exhibit 27523-X0131, PDF pages 39-40.

<sup>58</sup> Decision 27240-D01-2023: ENGIE Development Canada GP Inc. – Buffalo Trail Wind Power Project, Proceeding 27240, Applications 27240-A001 to 27240-A003, February 8, 2023, paragraphs 78-92.

<sup>59</sup> Decision 2012-327: AltaLink Management Ltd. – Western Alberta Transmission Line Project, Application 1607067, Proceeding 1045, December 6, 2012, paragraph 788.

comparable to the cost difference between the Preferred Route and the Ring Road Routes.<sup>60</sup> The Commission rejects this argument. The estimated value Pinebrook Estates relies on is based on a consolidated two-acre parcel, held in fee simple. This is not analogous to the value of a four-metre wide utility right-of-way, contiguous to an existing utility right-of-way.

131. Considering this evidence as a whole, the Commission finds that there is insufficient evidence that the Preferred Route will have a significant impact on the market value of property owned by the Pinebrook Residents or the Pinebrook Golf Club.

132. Deuka had previously engaged Tracy Bealing of Ground Cubed, two years prior to the hearing, for assistance in respect of proposed changes to the governing area structure plan. The Deuka lands are currently designated Agricultural – General under the Rocky View County’s Land Use Bylaw. However, T. Bealing’s evidence was that the current area structure plan that applies to the Deuka lands includes these lands in the “Infill Residential” area that allows for country residential development of 2 – 4 acre lots. Based on her work with Rocky View County in relation to a proposed new area structure plan on behalf of Deuka, T. Bealing expected the minimum density for redevelopment of the lands will likely be 0.7 units per gross developable acre. She stated that future development of the Deuka lands would occur, it was just a question of when. T. Bealing’s report included a concept plan for the Deuka lands that depicted 33 two-acre lots, a 10 per cent municipal reserve, and a four-acre storm pond.

133. On behalf of Deuka, Rob Gray stated that Deuka’s practice was to invest in properties in upcoming areas for development and resale. R. Gray explained that the Deuka lands had been purchased over 60 years ago and that, in Deuka’s view, when the topography, views, proximity to major roadways, and to other high-end country residential properties are considered, development of the Deuka lands is inevitable.

134. The Commission finds that future development of the Deuka lands is sufficiently supported for it to consider property value and other impacts to Deuka arising from the Ring Road Routes. Further, we place a fair amount of weight on the fact that Deuka is engaged in the business of investing in and developing lands, has retained planning professionals that have engaged with the municipality to advance development, and that those planning professionals filed evidence in this proceeding, including specific concept plans showing the form that the development may take.

135. Deuka also filed a report<sup>61</sup> prepared by George Reti of George J. Reti & Co., which evaluated the property value impacts of the Ring Road Routes to the Deuka lands. Based on the 33-lot concept plan prepared by T. Bealing, G. Reti concluded the Ring Road Routes would result in the loss of one proposed lot, and a 20 per cent decrease in value for the remaining 32 lots. G. Reti conducted a paired sales analysis to determine the property value impact of comparable transmission lines on comparable improved properties. This analysis, among other considerations, resulted in a 15 to 25 per cent decrease in property values associated with the lines, for a total loss of approximately \$6,900,000. G. Reti estimated the value of the Deuka lots based on a direct sales comparison method, and concluded that a generalized per lot valuation of \$1,000,000 was reasonable for assessing the property value impacts to Deuka.

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<sup>60</sup> Transcript, Volume 5, pages 814-815.

<sup>61</sup> Exhibit 27523-X0134, Proceeding 27523 Evidence of George J. Reti for Deuka Film Exchange Ltd.

136. AltaLink filed evidence prepared by Glen Doll of Serecon Inc. that critiqued the Reti report.<sup>62</sup> The substantive criticisms of G. Doll are twofold. First, the properties selected for the paired sales analysis were not proper comparators, and the price differences could reflect characteristics unrelated to the transmission lines that were not properly adjusted for. Second, in assessing the relative impacts to the properties, G. Reti did not account for differences in price impacts across the lots, based on differing distances to the line.

137. The Commission recognizes there are some flaws in the Reti report's approach as suggested by G. Doll, and is not satisfied that the Ring Road Routes would result in a 20 per cent decrease in value. However, the Commission finds the evidence of G. Reti sufficiently demonstrates the Ring Road Routes are likely to result in meaningful property value impacts to the Deuka lands. The general conclusion of the report is that there will be a loss of value. Whether the number of lots should be reduced by one or whether the value of a lot's loss diminishes somewhat as you move further from the transmission line does not unduly undermine the basic conclusion. This is in contrast with the Woodlock report, which itself states the highest and best use of the golf course lands is as a golf course. There is not sufficient evidence to suggest the Pinebrook Golf Club lands will be developed differently than their current state, and as such the Commission considers that the property value impacts of the Ring Road Routes are greater than that of the Preferred Route.

#### **6.7.4 Residential and visual impacts**

138. Given the routes are primarily located within the existing right-of-way, or along road allowance or within the TUC, the Commission considers that the primary form of residential impacts in this application is the visual impacts that a resident will experience from the transmission line. The closer a transmission line is to a residence or land, the more likely it is that the owner will be able to see the structures and conductors and experience impacts that are unacceptable to them such as obstruction of their viewscapes, a diminished enjoyment of their property because an industrial facility is nearby, and/or a resulting loss in the value of their property.

139. The Deuka lands are located north of Township Road 242. The lands decrease in elevation from north to south, with clear views of Township Road 242 and the mountains to the west and southwest. There is an existing distribution line that runs along Springbank Road in proximity to the Deuka lands. Deuka submitted that sightlines of the current residences on its lands would be impacted by the proposed transmission line, as would the sightlines of future residences. Deuka further stated its current horse boarding business could be impacted should some customers choose to leave if the existing picturesque views are adversely affected.

140. Pinebrook Golf Club filed a report prepared by Philip Clark of Clean Energy Consulting Inc., which suggested that AltaLink could use vertically stacked structures for a portion of the Ring Road Routes along Township Road 242 to reduce the proposed right-of-way and associated impacts to the Deuka lands. AltaLink responded that the extra costs were not justified in the circumstances given that the transmission line would be located within road allowance and any future development would have to comply with setback requirements greater than the proposed right-of-way. The Commission agrees with AltaLink that the proposed mitigations do not justify the incremental costs associated with them.

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<sup>62</sup> Exhibit 27523-X0166, AML Reply Evidence, paragraph 101.

141. Arbor Memorial Inc. operates a cemetery and funeral home. Its properties are bifurcated by Township Road 242, with the funeral home located to the north, and the cemetery to the south. Arbor filed a statement of intent to participate stating that it strongly opposed the Ring Road Routes, but did not otherwise participate in the proceeding. AltaLink noted in its application that Arbor expressed concerns with visual impacts associated with the Ring Road Routes during consultations.<sup>63</sup>

142. Pinebrook Residents noted that two of its members were within 50 metres of the Preferred Route, and that seven of the eight residences within 150 metres of the Ring Road Routes, are members of Pinebrook Residents who support the Ring Road Routes and oppose the Preferred Route. The Pinebrook Residents pointed out that the majority of residences within 800 metres of the Ring Road Routes, are residences that would not be experiencing material negative visual impacts because they are adjacent to the TUC portions of the routes that already impacted by a substantial amount of visible transportation and utility infrastructure.

143. Pinebrook Residents argued that because the Preferred Route would be constructed on a wider right-of-way with a greater number of taller, steel structures, they would experience unacceptable residential and visual impacts that would considerably lessen the enjoyment of their properties. They testified that while they bought their properties with the existing transmission line already in place and accepted and adapted to the impacts created by the line, the proposed line would be completely different because of the proposed changes.

144. Two of the residents, Penny Stroick and Larry Hursh, live within 50 metres of the Preferred Route. L. Hursh stated he had planted bushes and trees on his property to shield the line from his view and built a large walled fireplace structure to block the view of the transmission line from his deck. He was concerned that these efforts would be rendered ineffective because of the changes to the transmission poles and their new locations near his home. P. Stroick testified that the use of galvanized steel would have a much greater visual impact compared to the existing wooden poles.

145. The impacts to Pinebrook Residents members Adam Law and Ian McDonald are discussed in more detail in the Preferred Route Variant section, however, those impacts are equally important to the Commission's consideration when assessing the impacts of the Preferred Route relative to the Ring Road Routes.

146. Pinebrook Golf Club submitted the Preferred Route would result in visual impacts, noting that the existing impacts would be exacerbated by replacing existing wooden structures with metal structures. Pinebrook Golf Club submitted these impacts were particularly severe, due to the importance of the aesthetics of its lands in attracting and maintaining membership and securing a national tournament.

147. The Commission finds that property owners along both the preferred and ring road routes will experience, to a greater or lesser degree, an interference with the view they currently see and enjoy from their homes or properties if the proposed transmission line is built. Some will experience an incremental impact and for others, the impact may be lessened because of the existence of other linear infrastructure or natural buffers.

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<sup>63</sup> Exhibit 27523-X0066 and Exhibit 27523-X0002.02, paragraph 304.

148. Pinebrook Residents argued that the proposed transmission line through their community is effectively a new, different line imposing more than incremental visual impacts. The Commission disagrees. The proposed line is not fundamentally different than the existing one. They are both large industrial structures that take the same basic route through the community and golf course. While the Preferred Route will result in incremental visual impacts to some of the residences in the Pinebrook Estates, the Commission does not find these impacts to be significant. That is because these properties and the community have been living with the impacts from the existing line for decades. The same is true for Pinebrook Golf Club. The Commission also notes that the area has a fair number of trees, which will mitigate some of the visual impacts.

149. Township Road 242 does not have the same level of infrastructure. As such, the Commission finds that Deuka and Arbor will experience some level of visual impacts from either of the Ring Road Routes. However, given that the transmission line would be located within the road allowance, and the current residences along Township Road 242 are located some distance away from the proposed routes, the Commission would not expect these impacts to be significant.

150. The visual impacts of the Preferred Route are incremental, but impact a greater number of residences in close proximity to the route. The visual impacts of the Ring Road Routes are at least to some degree new, but impact fewer residences that are further from the line. Balancing these impacts, the Commission finds the Preferred Route will have slightly greater visual impacts than the Ring Road Routes, but that neither route will experience significant impacts.

### 6.7.5 Costs

151. The estimated costs of the Preferred Route, as compared to the Ring Road Routes, is as follows with respect to points A85 and A99:<sup>64</sup>

Route	Total Cost	Incremental Cost	Incremental Cost (%)	Estimated Costs to ENMAX
Preferred	\$3,830,000	N/A	N/A	N/A
Ring Road A	\$6,750,000	\$2,935,000	76.24%	\$259,000
Ring Road B	\$8,155,000	\$4,325,000	112.92%	\$517,000

152. These figures only include construction costs, and not operation and maintenance costs. AltaLink stated operation and maintenance costs were not known for this particular segment, as they are not determined in relation to a transmission line but executed through a program across AltaLink's system.<sup>65</sup>

<sup>64</sup> Exhibit 27523-X0019.01; Exhibit 27523-X0002.02, paragraphs 308-313.

<sup>65</sup> Exhibit 27523-X0103, AML IR Responses to PEHA (1-16), PDF pages 23-25.



153. The Commission finds that the additional incremental costs of \$2,935,000 to AltaLink, and \$259,000 to ENMAX associated with Ring Road Route A, and the additional costs of \$4,325,000 to AltaLink and \$517,000 associated with Ring Road B are material, and support approving the Preferred Route over the Ring Road Routes.

#### 6.7.6 Other impacts

154. In this section, the Commission addresses several other issues raised by parties that it considers relevant to the public interest analysis.

155. Pinebrook Golf Club raised concerns with the impacts of the Preferred Route to its greens and fairways due to construction activities associated with the rebuild. AltaLink plans to conduct construction activities on Pinebrook Golf Club lands during the coldest months, to help mitigate any such damage, and committed to working with Pinebrook Golf Club to implement other reasonable mitigation measures. AltaLink further noted that there would be similar impacts to the Pinebrook Golf Club lands if the Ring Road Routes were selected, due to the work required to salvage the existing line.<sup>66</sup> The Commission finds that there will a greater risk of adverse impacts to greens and fairways associated with the Preferred Route, but considers that in light of the mitigations AltaLink committed to implementing, these risks do not weigh heavily in the public interest assessment. Further, in its application AltaLink stated that it was committed to repairing damages that may result from construction activities.<sup>67</sup>

156. Pinebrook Golf Club also identified that the existing transmission line currently impacts the playability of the golf course as golf shots can be impeded by the transmission line. It indicated that the transmission line was a factor in it being unable to attract prestigious tournaments to its course. While the Commission accepts that the transmission line has impacts to the playability of the course, it does not consider this an important factor in its decision as the proposed line would at most result in minor incremental impacts given the existing transmission line's impacts on playability. The Commission also notes that based on a request from Pinebrook Golf Club, AltaLink committed to using four H-frame structures in a particular area of the golf course, as opposed to the monopole structures it had originally intended to use.<sup>68</sup>

157. R. Gray noted that the ditch adjacent to the Deuka lands on Township Road 242 that the Ring Road Routes run along is subject to flooding during snow melt and heavy rain events. These events have caused damage to Deuka's existing roadway and gate in the past. AltaLink stated that Rocky View County supports the Preferred Route because of a drainage project in the Springbank Road area and the potential road widening of Township Road 242.<sup>69</sup> AltaLink stated that it was aware of some drainage issues, that it may be able to avoid these issues, but that such flooding is a concern from an engineering perspective and requires a modification to the style of foundations used, and that the structures could be prone to leaning in and washing out.<sup>70</sup> The Commission considers AltaLink could adequately mitigate these concerns in the construction process and although relevant, this was not a material factor in the Commission's decision.

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<sup>66</sup> Exhibit 27523-X0166, AML Reply Evidence, paragraphs 56-61.

<sup>67</sup> Exhibit 27523-X0002.02, paragraph 129.

<sup>68</sup> Exhibit 27523-X0002.02, paragraphs 265-266.

<sup>69</sup> Exhibit 27523-X0002.02, paragraph 305.

<sup>70</sup> Transcript, Volume 1, pages 197-199.

158. The Commission recognizes that locating 150L in the TUC is likely to create additional complexities in respect of the construction process,<sup>71</sup> as compared to the Preferred Route; however, this was a minor factor in its decision on which route is in the public interest.

### **6.7.7 Conclusion with respect to the Ring Road Routes**

159. The Commission finds that as between the Preferred Route and the Ring Road Routes, the Preferred Route is in the public interest having regard to the social, economic and environmental effects of each option. The Commission has balanced the largely new impacts of the Ring Road Routes with the incremental impacts of the Preferred Route to landowners who acquired their lands with the existing transmission line in place, and found that the former are greater than that of the latter.

160. The considerations underlying the Commission's decision are that the Preferred Route is shorter, has lower property value impacts, its residential impacts and visual impacts are only marginally greater than the Ring Road Routes, and most significantly, it avoids approximately \$3,194,000 in incremental costs to ratepayers associated with Ring Road Route A, and approximately \$4,842,000 in incremental costs to ratepayers associated with Ring Road Route B. While routing within the TUC and co-locating the transmission line with 7.82L substantially mitigates impacts for that portion of the Ring Road Routes, maintaining the existing alignment mitigates many of the impacts of the Preferred Route. For this reason, the Commission concludes that the greater property value impacts and costs associated with the Ring Road Routes militate against its approval.

### **6.8 Preferred Route Variant**

161. The Preferred Route Variant refers to a minor variation of the Preferred Route between points A96 and A98 (shown in Figure 7). This area is one of the few places where the Preferred Route does not follow the existing alignment.

162. The Preferred Route Variant largely follows the existing route, across the properties of two members of Pinebrook Residents – A. Law and I. McDonald, whereas the Preferred Route travels around these lands, and across Pinebrook Golf Club's lands instead. For the reasons discussed below, the Commission finds that the Preferred Route Variant would result in lesser overall impacts in this segment.

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<sup>71</sup> Transcript, Volume 1, pages 24 and 184.

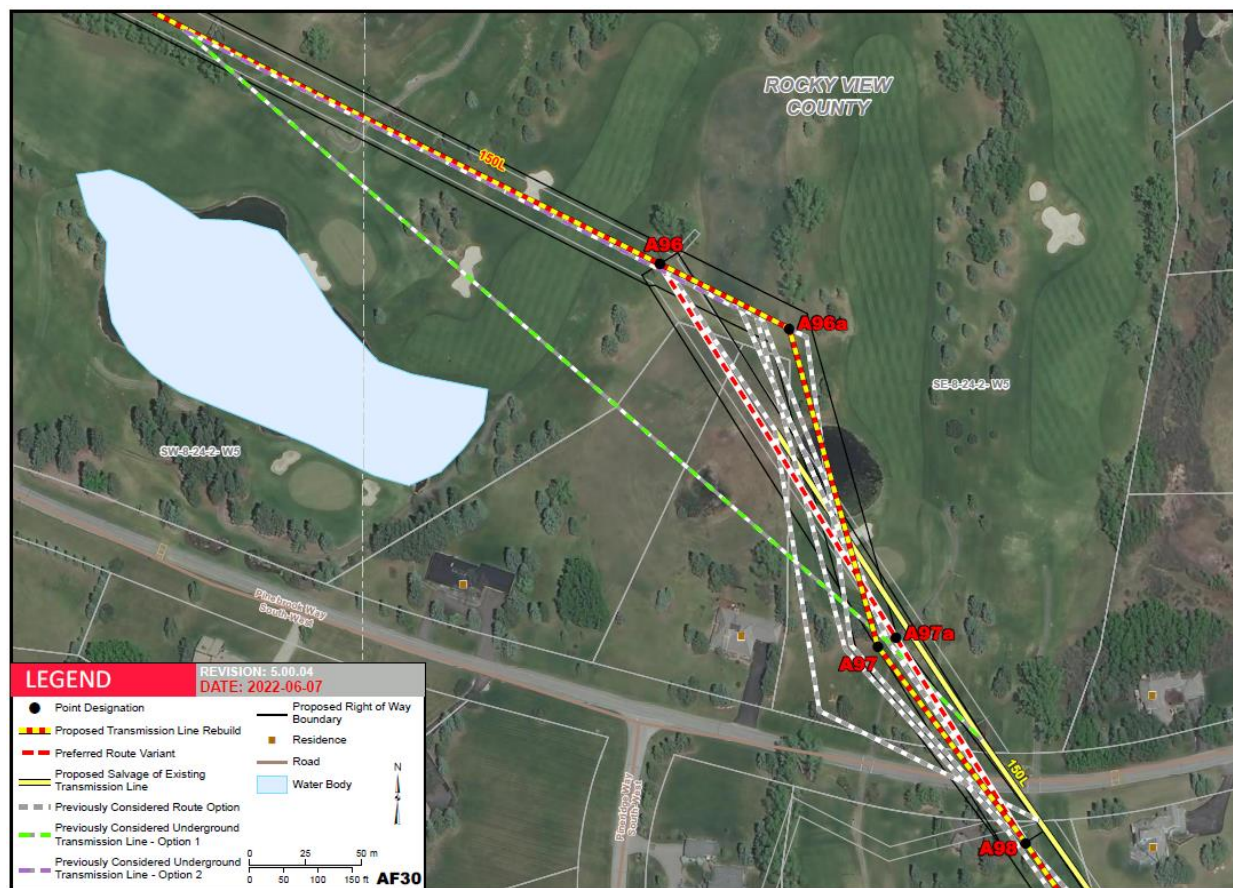


Figure 7. Preferred Route Variant routing<sup>72</sup>

163. Pinebrook Golf Club and Pinebrook Residents, in particular A. Law and I. McDonald, indicated that their preference was that the transmission line be located along one of the Ring Road Routes. However, each also discussed the impacts of the Preferred Route in comparison to the Preferred Variant Route.

164. Pinebrook Golf Club stated that two structures associated with the Preferred Route for this segment would require tree removal to accommodate working areas, and one structure would be directly behind the green on Hole 12, interfering with playability. In addition, the Preferred Route would require a 270-metre access road in this area. Accordingly, Pinebrook Golf Club submitted that if the Ring Road Routes were not approved, the Preferred Route Variant should be approved. I. McDonald stated that based on considerations related to structure visibility, and right-of-way location, the Preferred Route would probably be preferable from his perspective.<sup>73</sup> A. Law stated that based on similar considerations that impacted his property differently, the Preferred Route Variant would be preferable.<sup>74</sup>

165. The Commission finds that based on the relative impacts of the Preferred Route, including to impacts to Pinebrook Golf Club, I. McDonald, and A. Law, the Preferred Route Variant would result in lesser overall impacts. There is no consensus among the impacted residents about which route would have lower impacts and the residents state that both routes

<sup>72</sup> Exhibit 27523-X0020.02, Appendix J Route and Site Determination Methodology, PDF page 22.

<sup>73</sup> Transcript, Volume 2, pages 447-448.

<sup>74</sup> Exhibit 27523-X0237, PEHA Response to AUC Undertaking No. 1 (PEHA-AUC-2023FEB2-001).

will result in impacts. The Preferred Route Variant costs approximately half of what the Preferred Route costs in this segment. In this case, without a clear consensus from residents or an obvious difference to the Commission in impacts between the routes, the Commission finds that the \$310,000 incremental cost of the Preferred Route is the most significant differentiating factor between the two routes.<sup>75</sup> Weighing the impacts to the three parties, as well as the costs of the two routes, the Commission finds that the Preferred Route Variant is in the public interest.

## 7 Conclusion

166. After considering the individual segments and determining which segments will result in the lowest overall impact route, the Commission considers that as a whole, the rebuild of Transmission Line 150L, specifically along the Preferred Route and Preferred Route Variant, is in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*. The Commission approves the Preferred Route with the exception of the segment from points A96 to A98, where it approves the Preferred Route Variant. The Commission reiterates that the presence of the existing transmission line acts as a significant factor that will mitigate the impacts of the Preferred Route and Preferred Route Variant.

## 8 Decision

167. The Commission approves the application under sections 14, 15, 19 and 21 of the *Hydro and Electric Energy Act* and grants AltaLink Management Ltd. the approval set out in Appendix 1 – Transmission Line Permit and Licence 27523-D02-2023 to alter and operate Transmission Line 150L (Appendix 1 will be distributed separately).

Dated on April 28, 2023.

### Alberta Utilities Commission

*(original signed by)*

Douglas A. Larder, KC  
Vice-Chair

*(original signed by)*

Cairns Price  
Commission Member

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<sup>75</sup> Exhibit 27523-X0019.01, Appendix I Cost Tables.

**Appendix A - Proceeding participants**

Name of person or group Counsel or representative	Group (If applicable)
276338 Alberta-Robert Kreuzer	
Altalink Management Ltd Brendan Hunter Emily Denstedt	
Arbor Memorial Inc.	
Calalta Amusements Ltd. Kenneth Dixon	
Calaway Park Bob Williams	
Deuka Film Exchange Ltd. Bruce Brander	
Dean Duri	Springbank Road Group
ENMAX Power Corporation	
Rob Gray	Deuka Film Exchange Ltd.
Donald Mortimer	
John Paasche and Kendra O'Hara	Springbank Road Group
Pinebrook Estates Homeowners Association Gavin Fitch Marika Cherkawsky	
Pinebrook Golf and Country Club Martin Ignasiak Niall Fink	
Darshan Sidhu	
Springbank Road Group Michael Niven Sarah Howard	
Donald Taniguchi	
Lois Torfason	

Bradley Wanchulak	
Guang Wang	
Ryan Woods	Pinebrook Golf and Country Club
Helena and Leonard Zuczek	Springbank Road Group

**Appendix B – Oral hearing – registered appearances**

<b>Name of person or group Counsel or representative</b>	<b>Witnesses</b>
Altalink Management Ltd. Brendan Hunter Emily Denstedt	G. Doll H. Foley K. Foreman J. Gilbert P. Lee C. Perry
Calalta Amusements Ltd. Kenneth Dixon	K. Dixon
Calaway Park Bob Williams	B. Williams
Deuka Film Exchange Ltd. Bruce Brander	R. Gray T. Bealing G. Reti
Pinebrook Estates Homeowners Association Gavin Fitch Marika Cherkawsky	C. Connolly; L. Hursh; P. Stroick; L. Stewart; G. Hipple; J. Mackay; A. Law; I. McDonald
Pinebrook Golf and Country Club Martin Ignasiak Niall Fink	R. Woods P. Clark P. Woodlock
Springbank Road Group Michael Niven Sarah Howard	K. O'Hara L. Zuczek
Lois Torfason	L. Torfason

<p>Alberta Utilities Commission</p> <p>Commission Panel D. Larder, Vice-Chair C. Price, Commission Member</p> <p>Commission Staff P. Schembri (Commission Counsel) R. Watson (Commission Counsel) D. Lucas T. Richards</p>
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