



City of Medicine Hat

MHS-11 Substation

June 12, 2023

Alberta Utilities Commission

Decision 27417-D01-2023

City of Medicine Hat

MHS-11 Substation

Proceeding 27417

Applications 27417-A001 to 27417-A003

June 12, 2023

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1 Decision summary

1. In this decision, the Alberta Utilities Commission denies applications from the City of Medicine Hat (the City) to construct and operate a new substation and to alter and redesignate an existing transmission line. The City's applications are not in the public interest as its site selection process is deficient in that it does not meet the mandatory minimum information requirements of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines* and the City inconsistently applied its own site selection criteria.

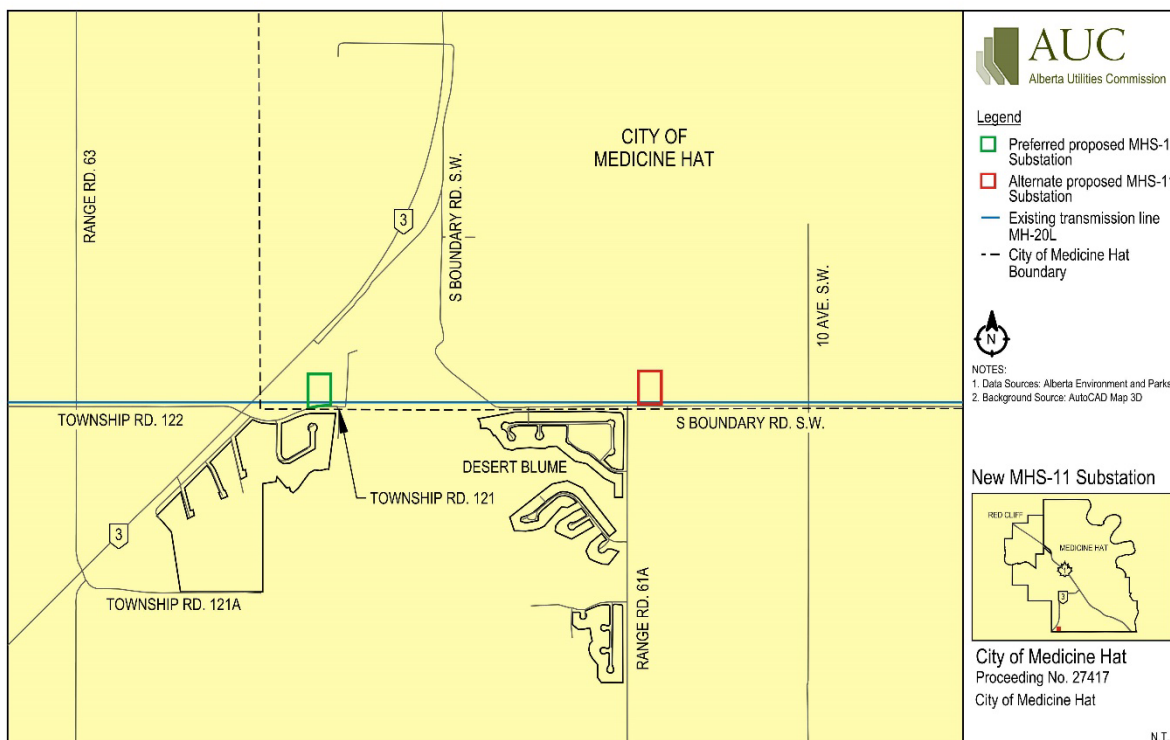
2 Introduction and applications

2. The City filed applications with the Commission under sections 14 and 15 of the *Hydro and Electric Energy Act* seeking approval to construct and operate a new substation, designated as MHS-11, to alter existing Transmission Line MH-20L, and to re-designate a portion of existing Transmission Line MH-20L as MH-21L in the southwest area of Medicine Hat. The proposed project was approved by City Council with a capital budget of \$24 million.¹

3. The City proposed a preferred and alternate site for the MHS-11 Substation within the city limits. The preferred site, in the southeast quarter of Section 15, Township 12, Range 6, west of the Fourth Meridian, is located north of Township Road 121 and east of Highway 3. The preferred site consists of previously disturbed and undeveloped land adjacent to the City View residential community. The alternate site, in the southeast quarter of Section 14, Township 12, Range 6, west of the Fourth Meridian, is located north of South Boundary Road and east of Range Road 61A, adjacent to an existing greenhouse and the Desert Blume residential community. The alternate site consists of native and natural land cover and tame pasture and is currently used for cattle grazing. The proposed preferred and alternate site locations are shown in Figure 1.

¹ Transcript, Volume 2, PDF page 98, lines 2-3.

Figure 1. Proposed preferred and alternate site locations for the MHS-11 Substation



4. The proposed substation would consist of two 138/15-kilovolt (kV) transformers, five circuit breakers and three capacitors.
5. The City also proposed to alter existing Transmission Line MH-20L to connect to the new substation by an in-and-out connection. The alteration would split MH-20L into two transmission lines: one between the existing MHS-6 Substation and the proposed MHS-11 Substation (west of the new substation location), and one between the proposed MHS-11 Substation and the existing MHS-3 Substation (east of the new substation location) that would be redesignated as MH-21L.
6. The City's applications and undertaking responses included:
 - A main application document that contained the City's responses to the AUC's application requirements.
 - A functional specification,² which set out the technical specifications and requirements for the proposed project.
 - A siting summary,³ which outlined the substation site selection process that was used to identify the proposed preferred and alternate sites.

² Exhibit 27417-X0015, MHS 11 Functional Specification; Exhibit 27417-X0012, MHS 11 P&C Requirements.

³ Exhibit 27417-X0018, MHS 11 Site Selection Summary.

- An environmental evaluation⁴ and environmental protection plan,⁵ prepared by Maskwa Environmental Consulting Ltd., which identified mitigation measures to be implemented by the City to reduce or eliminate environmental impacts at the proposed substation sites.
- A participant involvement program report,⁶ prepared by Maskwa, that detailed consultation with stakeholders and included land ownership maps, stakeholder letters, two project information packages and a list of issues raised by stakeholders.
- A noise impact assessment (NIA),⁷ prepared by SLR Consulting (Canada) Ltd., for the preferred and alternate sites, which concluded that the proposed substation would be in compliance with Rule 012: *Noise Control*.
- A list of commitments that the City made over the course of the proceeding.⁸

2.1 Interveners

7. The Commission issued a notice of applications in accordance with Rule 001: *Rules of Practice*. In response to the notice, Cypress County, the City View Group, and the Hatview Dairy Desert Blume Group submitted statements of intent to participate and were granted standing or participation rights in the proceeding.⁹

8. Cypress County is a municipality whose land boundaries are adjacent to the preferred and alternate sites for the project. Cypress County opposed both locations and was concerned with the substation site selection methodology, the substation's proximity to residences, impacts to the regional airport's flight communication system, and impacts to the Rotary Centennial Trail.

9. The City View Group consists of residents and landowners located near the preferred site for the project. The City View Group opposed the applications but submitted that the evidence leaned in favour of the alternate site as being the location where the substation should be sited if approved. The City View Group was concerned with the substation site selection methodology, the substation's proximity to residences, property devaluation, noise impacts, visual impacts, groundwater impacts, and lack of consultation from the City.

10. The Hatview Dairy Desert Blume Group consists of residents, landowners, and a business located near the alternate site for the project. The Hatview Dairy Desert Blume Group opposed the applications and in particular requested the Commission deny the alternate site as the substation location. This group was concerned with substation proximity to residences, property devaluation, noise impacts, visual impacts, surface water drainage impacts, agricultural impacts, lack of consultation from the City, increased project costs, and impacts to the Rotary Centennial Trail.

⁴ Exhibit 27417-X0006.01, MHS 11 EE.

⁵ Exhibit 27417-X0003, MHS 11 EPP.

⁶ Exhibit 27417-X0005, MHS 11 PIP.

⁷ Exhibit 27417-X0004, MHS 11 NIA.

⁸ Exhibit 27417-X0162, City of Medicine Hat Undertaking Responses 4-8, PDF pages 3-4.

⁹ Exhibit 27417-X0066, AUC ruling on standing; Exhibit 27417-X0072, AUC ruling on standing; Exhibit 27417-X0079, AUC ruling on standing.

11. As a result of these statements of intent to participate, the Commission held a virtual oral hearing to consider the project.

12. The Commission panel travelled to Medicine Hat prior to the hearing to observe the preferred and alternate site locations for the proposed project. The Commission panel also visited the MHS-10 Substation located in northwest Medicine Hat, which the City stated would be similar in size and appearance to the proposed MHS-11 Substation. The Commission panel did not consult or meet with anyone during its site visit.

3 Discussion and findings

13. The Commission considered the applications under sections 14 and 15 of the *Hydro and Electric Energy Act*.

14. In accordance with Section 17 of the *Alberta Utilities Commission Act*, where the Commission conducts a hearing or other proceeding on an application to construct or operate a transmission line¹⁰ under the *Hydro and Electric Energy Act*, it shall, in addition to any other matters it may or must consider in conducting the hearing, give consideration to whether construction and operation of the proposed transmission line is in the public interest, having regard to the social and economic effects of the transmission line and the effects of the transmission line on the environment.

15. A transmission line application filed with the Commission must also comply with Rule 007 and Rule 012.

16. The Commission has considered the applications having regard to the applicable legislative and regulatory framework described above and finds that the project is not in the public interest. Accordingly, the Commission denies the City's applications to construct and operate a substation and to alter and re-designate an existing transmission line because the City's site selection process was deficient in that it did not meet the mandatory minimum information requirements of Rule 007 and the City inconsistently applied its own siting criteria.

17. In addition, the Commission provides comments on the need for the proposed project in Section 3.2.

3.1 Site selection

3.1.1 Introduction

18. In a facility application, the Commission needs to understand what siting processes and criteria were used to select the proposed locations of electric facilities. The main objective of a siting methodology is to identify locations that have the lowest impacts. The process should be designed to allow for ongoing location refinements and improvements as new information is received throughout the siting process and participant involvement program. The applicant is required to assess and document a proposed facility's social, environmental, and economic impacts, take steps to eliminate or reduce those impacts, and justify the rationale for the site selection decisions that were made. The Commission considers site selection principles accepted

¹⁰ Substations are included in the definition of transmission line under the *Hydro and Electric Energy Act*, RSA 2000, c H-16 at s 1(o)(iii).

in previous decisions, although not exhaustive, include: agricultural impacts, residential impacts, visual impacts, electrical considerations, technical considerations, special constraints, environmental impacts and cost.¹¹

19. Further, Rule 007 outlines specific information requirements for a substation facility application that assists the Commission in comparing the respective social, economic, and environmental impacts of a proposed project.¹² These requirements include, for example, requiring an applicant to compare the relative effects (environmental, social and economic, including any associated distribution costs) of alternatives, and to provide an overall comparison of the proposed sites. The information requirements prescribed by Rule 007 are mandatory and assist the Commission in making its public interest determination.

20. The City identified a preferred site (Site 1) and alternate site (Site 2) for its proposed MHS-11 Substation. It submitted that both sites were constructable and met technical needs but Site 1 was identified as the lower impact site. The City explained that the completion of an environmental evaluation identified Site 1 as the environmentally preferred site. Further, the City advised that Site 2 would require additional fill and more distribution line construction due to its location, leading to increased complications and costs. Accordingly, Site 1 was preferred from an engineering perspective.

21. Table 1¹³ shows a qualitative site comparison of the advantages and disadvantages between Site 1 and Site 2 according to the City.

Table 1. Qualitative site comparison

Site	Advantages	Disadvantages
Site 1	<ul style="list-style-type: none"> • Environmentally Preferred • Adjacent to existing transportation infrastructure including Highway 3 • Lower expected cost • More existing screening vegetation 	<ul style="list-style-type: none"> • Closer to existing residential building • Low density rural residential • More clearing of existing screening vegetation required
Site 2	<ul style="list-style-type: none"> • Greater distance to residential building • Adjacent to existing high grade road network • Some screening from existing commercial building 	<ul style="list-style-type: none"> • Higher expected environmental impacts • Higher expected costs • Adjacent to higher density rural residential

22. The Commission has decided that neither of these sites are in the public interest and therefore it cannot approve the project as proposed. The Commission finds that the City's site selection methodology, in particular the availability of an owner willing to sell, was disregarded and inconsistently applied to the two proposed sites. Further, based on the information provided by the City with respect to its siting criteria and methodology, it is unclear to the Commission

¹¹ Decision 2011-436: AltaLink Management Ltd. and EPCOR Distribution & Transmission Inc. – Heartland Transmission Project, November 1, 2011, paragraph 368; Decision 2012-327: AltaLink Management Ltd. Western Alberta Transmission Line Project, December 6, 2012, paragraph 672; Decision 21030-D02-2017: Alberta PowerLine General Partner Ltd. – Fort McMurray West 500-Kilovolt Transmission Project, February 10, 2017, paragraph 390; Decision 23943-D01-2020: EPCOR Distribution & Transmission Inc. – West Edmonton Transmission Upgrade Project, March 12, 2020, paragraph 424.

¹² See for example TS14, TS16, TS21, TS24, and TS37.

¹³ Exhibit 27417-X0018, MHS 11 Site Selection Summary, PDF pages 10-11.

that other sites, including those considered and eliminated by the City, would not represent a lower overall impact.

3.1.2 The City's site selection methodology

23. The City's site selection process resulted in the preferred and alternate site options. All three intervener groups submitted that the City's site selection methodology was deficient and did not result in the lowest impact sites.

24. The City's site selection focused on the areas within or immediately adjacent to its municipal limits. It established study area boundaries to locate the proposed substation in an area where future growth was anticipated and in close proximity to existing Transmission Line MH-20L thereby minimizing impacts and interconnection costs for current and future distribution line interconnections.

25. The City provided an overview of its site selection process and explained how it identified potential substation locations within the study area. In its siting summary, the City described the following criteria for the identification of lower impact sites: proximity to existing transmission line, avoiding direct conflicts with residences, avoiding conflicts with irrigation (targeting dry corners), avoiding the airport Instrument Landing System (ILS), and proximity to existing and future customer load growth.¹⁴

26. The site selection process initially identified eight sites that were assessed from a technical perspective with a focus on the ability of each site to serve future loads. The process of routing the distribution line interconnections identified that six of the sites were expected to result in similar overall distribution line connections and functionality. These six preliminary sites, A, B, C, D, E and F, are shown in Figure 2. High-level project costs were estimated for each of these six sites which were refined based on information collected during stakeholder engagement, discussions with the City's engineering department and field evaluations. Site E was ultimately proposed as the preferred site and Site F was proposed as the alternate site.

¹⁴ Exhibit 27417-X0018, MHS 11 Site Selection Summary, PDF page 5.

Figure 2. Identification of preliminary sites



27. The City stated it began engagement with the landowners to determine whether they were interested in selling the City their land for the proposed substation site. The City received feedback from the Site C landowner on future land development plans, resulting in the removal of Site C from consideration. The City stated that sites B, D and E were preferred over sites A and F from a cost perspective and moved forward with obtaining permission to access land to complete topographic surveys.

28. The City confirmed that landowner interest in hosting the substation site was a key consideration in determining the most suitable location for the proposed substation as land expropriation was considered a last resort that would require City Council approval. Site D was removed from consideration because the landowner advised the City they had other development plans for their land. To expand its options, the City engaged the landowners of sites A, C and F to discuss the City purchasing their land. Site A was then removed from consideration because the landowner informed the City they were not interested in the site location identified by the City and had future development plans for their land.

29. The City stated that site plans were drafted for the remaining sites B, E and F; however, Site B was removed from consideration due to the landowner's plans for future development. The City confirmed that the landowners of sites A, B, C and D all had other development plans and did not want to sell their land so they were not considered further by the City.¹⁵ While the City stated that it proceeded with sites E and F because it understood these landowners were

¹⁵ Transcript, Volume 1, PDF page 71, lines 5-21.

interested in selling their land, it agreed there was no written documentation from either of those landowners on the record to support this.¹⁶ In contrast, Mr. Jackson, the owner of Site E and Mr. K. Weiss, on behalf of Hatview Dairy Farms Ltd. and the owner of Site F, both stated they were not interested in hosting the project.

30. While the Commission acknowledges that the City made additional refinements to sites E and F through its detailed and final site development stages and considered stakeholder feedback, it is not satisfied that the City's site selection methodology was sufficiently robust or applied in a manner that provides the Commission with confidence that the preferred and alternate sites represent the lowest overall impact sites. Rather, the City has proposed sites located in close proximity to residential areas that would require the taking of land from landowners unwilling to host the project.

31. Among the criteria considered by the City during its preliminary siting process was avoiding direct conflicts with residences. During the hearing, the City described this phrase to mean installing the substation on a residential property or installing it in a location that would require modification of the residence's fences or buildings for electrical effects, or having to reroute overhead or underground utilities as a result of installing the substation. It confirmed that at the preliminary stage there would be no communication or discussion with landowners and this criteria would not include consideration of visual impacts.¹⁷ While the Commission understands that the focus at the preliminary siting stage is to identify a higher number of potentially feasible sites, the City did not give sufficient consideration to residential (i.e., noise, traffic) or visual impacts, including proximity to residential communities, until after the preferred and alternate sites were selected and other sites were removed from consideration. The Commission considers that failing to sufficiently consider these factors earlier in the siting process is a significant deficiency in the preliminary site selection process and does not meet the mandatory information requirements outlined in Rule 007.

32. Further, the participant involvement program report stated that individuals who requested further information on the siting process were provided with information which indicated that a typical siting process involved the assessment of seven criteria including residential impacts, environmental impacts, visual impacts, technical considerations, special constraints, agriculture impacts, and cost.¹⁸ However, it is not clear to the Commission which of these siting criteria were actually applied to the site selection process.

33. With respect to the City's application of specific siting criteria, the Commission finds these were not consistently applied in evaluating each site. For instance, landowner interest in hosting the substation was a key consideration in the City's siting process. Yet, while the City discarded sites A, B, C and D from further consideration due to lack of landowner interest, the same was not done with respect to sites E and F. While the City may have been under the impression that the owners of sites E and F were interested in selling their land, at some point prior to filing the application it became aware this was not the case. Notwithstanding, the City proceeded to apply for a preferred and alternate site that directly contravened what the City describes as a key consideration in its siting process.

¹⁶ Transcript, Volume 1, PDF page 75, lines 15-24.

¹⁷ Transcript, Volume 2, PDF pages 83-84.

¹⁸ Exhibit 27417-X0005, MHS 11 PIP, PDF pages 25-26.

34. The Commission also has concerns that other criteria referenced in the City's siting summary such as avoiding direct conflicts with residences and avoiding conflicts with irrigation pivots may have been inconsistently applied. During the hearing, the City clarified that sites A and C would be located directly on a residential property.¹⁹ Similarly, based on aerial imagery provided in the City's application, sites A, C and D²⁰ appear to be located within irrigated parcels.

35. The Commission acknowledges that site selection is not based on any one factor alone and that it involves consideration and balancing of multiple criteria to identify the overall lowest impact site. However, aside from a lack of landowner willingness to host, the City did not document additional rationale for discarding sites A through D or provide a comprehensive comparison of the social, economic, and environmental impacts to understand the overall impacts for sites A through F. This approach is inconsistent with the mandatory application information requirements outlined by Rule 007²¹ and as a result, the Commission is unable to evaluate the discarded sites and fully understand how they compare to the two proposed sites.

36. Based on the information provided, it appears to the Commission that some of the sites removed from consideration may have a lower overall impact given they appear to be located on pre-disturbed agricultural land and at a greater distance from residential communities. Further, based on the total distribution line interconnection cost estimates provided,²² it appears that sites C and D are comparable to Site E and significantly lower than the other sites. As a result, the Commission lacks confidence in the City's conclusion that the preferred and alternate sites have the lowest overall impact among those considered.

37. The Commission expects the City in a future application to re-evaluate its site selection process in order to determine a siting methodology that identifies and applies comprehensive siting criteria, incorporates and evaluates stakeholder suggested alternative sites, develops a timeline of siting decisions, and documents the rationale for its decision-making. In the event the City considers that siting a substation directly adjacent to a residential community is justified, it should be prepared to support this decision through a detailed description of a comprehensive and consistently applied siting methodology. Further, the Commission expects the City to document conversations with landowners throughout the site selection process, as these details may assist the Commission in determining if the proposed sites are in the public interest.

3.2 Substation need

38. Section 34 of the *Electric Utilities Act* requires a needs identification document for an expansion or enhancement of the transmission system that is or may be required to meet the needs of Alberta. In this case, this section does not apply to the applications before the Commission because an electric distribution system or transmission facility within the service area of the City of Medicine Hat is not part of the interconnected electric system nor is it a transmission system, as defined in the *Electric Utilities Act*.²³

39. Notwithstanding the lack of legislative direction, it is a fundamental requirement that the City of Medicine Hat establish why the project is needed. The City did explain that the proposed

¹⁹ Transcript, Volume 1, PDF page 168, line 21 to PDF page 169, line 9.

²⁰ Transcript, Volume 1, PDF page 180, line 20 to PDF page 181, line 6.

²¹ See for example TS14, TS16, TS21, TS24, and TS37.

²² Exhibit 27417-X0080, City View IR response, PDF page 46.

²³ Subsections 1(1)(z) and 1(1)(ccc).

project is required to meet the potential growth opportunities in the southwest area of Medicine Hat as well as to increase system reliability. It testified that its siting process began around 2019, but it had recognized the need to build the substation in or around 2017.²⁴ The addition of the proposed MHS-11 Substation would resolve existing reliability concerns as the current system in the southwest area is unable to reliably operate with the loss of a single distribution line at peak demand.²⁵ It would also reduce the number and duration of potential outages for current customers during peak loading conditions.²⁶

40. The City stated that while there have been conversations with developers who wish to develop industrial, commercial or residential areas in the southwest area, development has not progressed due to the lack of available power supply.²⁷ In addition, the Big Marble Farms greenhouse that was approved in Cypress County was unable to develop to its full potential due to the current system not being able to fulfill the power requirements of the development.²⁸ As a result, the Big Marble Farms greenhouse installed its own on-site generation. The City testified that it expects development conversations to continue and it anticipates several industrial, commercial and residential development projects in the southwest area as outlined in the Cimarron area structure plan development.²⁹ However, the City confirmed that it does not currently have any new commercial agreements with any third-party entities prepared to build in the Cimarron development.³⁰

41. Although the substation is intended to address limited capacity in the area, the City said it would also benefit the overall system as it would relieve stress in many other load areas across Medicine Hat, and its service territory including the town of Redcliff, the hamlet of Dunmore, and Cypress County.³¹

42. It is clear from the evidence provided at the hearing that the growth in the southwestern portion of the Medicine Hat is not imminent. The Cimarron development's phasing plan and completion date is unknown and the City confirmed it does not have an estimated time frame of how the development will proceed as it is driven by private entities.³² Further, Cypress County confirmed that it was not aware of any power outages in the county that would require an immediate need for the approval and construction of the substation.³³

43. The Commission acknowledges there is a need for a substation to be constructed in the southwest area of Medicine Hat to provide reliable electric power service in the coming years. However, it is apparent that many years have passed since the original need was identified by the City in 2017. Although the City expects there to be future developments in the southwest area, it does not currently have any agreements in place for their construction. Given this, the Commission finds that while there is a need for the substation, this need is not immediate and therefore denying the applications do not jeopardize those currently served by the City.

²⁴ Transcript, Volume 5, PDF page 11, lines 18-21.

²⁵ Transcript, Volume 1, PDF page 23, line 23 to PDF page 24, line 1.

²⁶ Transcript, Volume 2, PDF page 68, line 18 to PDF page 69, line 1.

²⁷ Transcript, Volume 1, PDF page 54, lines 4-10.

²⁸ Transcript, Volume 5, PDF page 151, lines 3-12.

²⁹ Transcript, Volume 1, PDF page 55, lines 8-12.

³⁰ Transcript, Volume 1, PDF page 56, lines 6-13; Transcript, Volume 1, PDF page 59, lines 11-19.

³¹ Transcript, Volume 1, PDF page 59, lines 20-24.

³² Transcript, Volume 2, PDF page 69, line 21 to PDF page 70, line 10.

³³ Transcript, Volume 3, PDF page 151, lines 13-18.

4 Decision

44. The Commission finds that approval of the applications is not in the public interest. In accordance with Section 19 of the *Hydro and Electric Energy Act*, the Commission denies the applications.

45. As the applications are denied on the basis that the City of Medicine Hat's site selection methodology was deficient, the Commission finds it is unnecessary to comment on other aspects of the applications including property value impacts, visual impacts, noise impacts, environmental impacts, and the participant involvement program.

46. The Commission's denial is without prejudice to any future application in which the City of Medicine Hat proposes to construct and operate the substation, provided it adheres to the guidance provided in this decision and requirements of applicable legislation, regulations, and rules.

Dated on June 12, 2023.

Alberta Utilities Commission

(original signed by)

Douglas A. Larder, KC
Vice-Chair

(original signed by)

Cairns Price
Commission Member

Appendix A – Proceeding participants

Name of organization (abbreviation)
Company name of counsel or representative
City of Medicine Hat (City) Karen Salmon Matthew Schneider
City View Group Michael Barbero Marika Cherkawsky
Cypress County (County) Ifeoma Okoye
Hatview Dairy Desert Blume Group Debbie Bishop

Alberta Utilities Commission
Commission panel Doug A. Larder, KC, Vice-Chair Cairns Price, Commission Member
Commission staff Navreet Bal (Commission counsel) Rob Watson (Commission counsel) Kyle Surgenor Daria Serba Dan Burton Danielle Glover Joan Yu Glenn Harasym

Appendix B – Oral hearing – registered appearances

Name of organization (abbreviation) Name of counsel or representative	Witnesses
City of Medicine Hat (City) Karen Salmon Matthew Schneider	Devon Hanson Grayson Mauch Trevor Joyal Mark Van Wyk Arthur (Art) Kupper Glen Doll
City View Group Michael Barbero Marika Cherkawsky	Rochelle Biffart Amy Kletzel Teresa and Rod Gyorkos Jim Jackson (626874 Alberta Ltd.) Sean Flanagan Gary Stimson (Landmark Properties (Med Hat) Ltd.) Henk de Haan Jordan Gillespie Cliff Wallis Dr. Kenneth Fairhurst
Cypress County (County) Ifeoma Okoye	Becky Mack Kim Dalton James Farquharson Ken Venner
Hatview Dairy Desert Blume Group Debbie Bishop	Landon Hillman Jade and Jason Flewell Keith and Parker Weiss Craig Felzein Ryan Archer