

**Step 5: Consultation and negotiation
(if applicable)**

The AUC supports ongoing efforts to reach an agreeable outcome for the applicant and all affected parties. The AUC encourages the applicant and those who have filed a statement of intent to participate to continue to attempt to resolve any outstanding issues. If all concerns can be satisfactorily resolved this may eliminate the need for a formal hearing. However, if there continues to be unresolved issues, those matters will typically be addressed in an AUC hearing.

Step 6: The public hearing process

The AUC will issue a notice of hearing if there continues to be legitimate unresolved concerns with the application. The notice of hearing will provide a hearing date and location, or specify if the hearing will be held in writing or virtually. The AUC holds public hearings where registered parties can participate and where any member of the public can listen to the hearing. It is a formal, evidence-based hearing that operates similar to a court proceeding.

The public hearing process allows persons who have been granted standing and continue to have unresolved concerns about the application the opportunity to express their views directly to a panel of Commission members.

Participants in a hearing can either represent themselves or be represented by a lawyer. In addition, participants may hire experts to assist in preparing and presenting evidence to support their position.

Cost assistance

A person determined by the AUC to have standing or is considered to be a local intervener can apply for reimbursement of reasonable costs. Those who hire a lawyer or technical experts must be aware that while reimbursement for the costs of legal and technical assistance is available under AUC Rule 009: *Rules on Local Intervener Costs*, recovery of costs is subject to the AUC’s assessment of the value of the contribution provided by the lawyer and technical

experts in assisting the AUC to understand the specifics of the case. People with similar interests and positions are expected and encouraged to work together to ensure that expenditures for legal or technical assistance are minimized and costs are not duplicated.

Step 7: The decision

The AUC’s goal is to issue its written application decision no more than 90 days after the close of record. The AUC can approve, or deny an application and can also make its approval conditional upon terms or conditions. AUC decisions are publicly available through the AUC website at www.auc.ab.ca.

Step 8: Opportunity to appeal

An applicant or dissatisfied participant may formally ask the Court of Appeal of Alberta for permission to appeal an AUC decision. An application for permission to appeal must be filed within 30 days from the date the decision is issued.

An applicant or dissatisfied participant can also ask the AUC to review its decision. An application to review a decision must be filed within 60 days from the date the decision is issued and satisfy the limited grounds described in AUC Rule 016: *Review of Commission Decisions*.

Step 9: Construction, operation and compliance

An applicant that receives approval to build and operate a facility from the AUC is expected to follow through on any commitments it has made to parties and must adhere to any conditions that were set out in that approval. If concerns about compliance with approval conditions and post-construction operations cannot be resolved with the applicant, they can be brought to the AUC’s attention for consideration. The AUC has significant compliance and enforcement powers for all approved applications. Additional information is available on the AUC website.

The Alberta Utilities Commission is an independent, quasi-judicial agency of the government of Alberta that ensures the delivery of Alberta’s utility services take place in a manner that is fair, responsible and in the public interest.

Contact us

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The Alberta Utilities Commission is committed to ensuring that Albertans whose rights may be directly and adversely affected by a utility development project are informed of the application and have the opportunity to have their concerns heard, understood and considered.



**Participating
in the AUC’s
independent
review process to
consider facility
applications**

Application review process

Step 1: Public consultation prior to applying to the AUC

Step 2: Application filed to the AUC

Step 3: Public notice

Step 4: Public submissions to the AUC

Step 5: Consultation and negotiation

Step 6: The public hearing process

Step 7: The decision

Step 8: Opportunity to appeal

Step 9: Construction, operation and compliance

The AUC regulatory review process to consider facility applications for utility projects:

The AUC uses an established process to review social, economic and environmental impacts of facility projects to decide if approval of a project is in the public interest.

The AUC considers applications requesting approval of the need for transmission development and facilities applications seeking approval to construct, operate, alter and decommission electric and

natural gas facilities. Applications, as specified in Rule 007, are required for:

- The need for transmission upgrades.
- The route and location of transmission facilities.
- The siting of power plants.
- The construction of a battery storage system.
- The designation of an industrial system.

Sometimes the Alberta Electric System Operator's needs identification document application is considered together with a facility application in a single proceeding; sometimes separate proceedings are held to consider each application.

Step 1: Public consultation prior to applying to the AUC

Prior to filing an application with the AUC for the approval of a proposed utility development project, the applicant is required to engage in a participant involvement program in the area of the proposed project, so that concerns may be raised, addressed and, if possible, resolved.

The application guidelines and requirements for facility applications can be found in AUC Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.

Potentially affected parties are strongly encouraged to participate in the public consultation, also called a participant involvement program. Early, active and ongoing discussions with an applicant may lead to greater influence on project planning and what is submitted to the AUC for approval.

Step 2: Application filed to the AUC

When the applicant has concluded its consultation with potentially affected parties and the participant involvement requirements have been completed, the applicant files its application through the AUC online public filing system, called the eFiling System.

AUC staff members review each application submitted to verify that all of the application requirements in Rule 007 have been met before an application is deemed complete. If all of the required information is not provided, the application may be closed or missing

information will be requested of the applicant. Rule 007 specifies, among other requirements, that applicants must submit a public involvement plan in its application that includes information about the public consultation program and identifying any unresolved objections and concerns about the project.

Step 3: Public notice

The AUC generally issues a notice by mail directly to those who live, operate a business or occupy land in the project area who may be directly and adversely affected if the AUC approves the application. The notice initiates the opportunity for formal intervention in the proceeding to consider an application or applications. The notice of application will also set out important dates and information about where to find the application and other items being considered. The five-digit eFiling System proceeding number in the notice is the most efficient way to find information about a proposed project through the AUC website.

Step 4: Public submissions to the AUC

Prior to the submission deadline provided in the notice, formal submissions of outstanding concerns and unresolved objections about a project may be submitted to the AUC. To submit a concern, participants will need to register to participate in the proceeding, which involves providing a brief written statement called a statement of intent to participate. Submissions are collected through the eFiling System. The information filed becomes part of the public record and is an important part of the process to ensure that outstanding concerns are heard, understood and considered.

The AUC uses the information gathered through statement of intent to participate submissions to decide whether to hold a hearing on the application(s). The AUC must hold a hearing if a person can demonstrate that they have rights that may be directly or adversely affected by the AUC's decision on the application. Such a person is said to have standing before the AUC. If the AUC decides to hold a hearing, the AUC will provide further opportunities for participants with standing to understand the application and present their position on the application either in writing or in person. Hearings may be held in writing, in person or virtually, through web-conference software.

Subject to some limited exceptions, all information and materials provided as part of an AUC proceeding will become part of the public record and will be available through the eFiling System. The AUC's treatment of some types of information as confidential is rare and only available under limited circumstances to ensure that the AUC's process is open and transparent.

AUC eFiling System

The eFiling System is the tool that the AUC uses to manage applications and submissions in its proceeding-based review. The eFiling System gives access to all public documents associated with an application and is how to provide your input to the AUC and monitor the related proceeding filings. Those who do not have access to the internet can send submissions, evidence and other material by mail and the AUC will upload the submission on their behalf.