

Hearings - Frequently asked questions

What type of applications go to hearing?

There are generally three types of applications where the AUC will likely conduct a hearing, determined on a case-by-case basis:

1. Utility rates applications

Most rates applications are decided following a written process with oral argument. A rates application to the AUC is required when a utility wants approval to change its rates and is typically dealt with in a two-phase process. The first phase determines how much revenue the utility requires to operate and earn a fair return on its investment. The second phase determines the amount of revenues that should be recovered from each rate class.

2. Facility projects

Some applications for facility projects, such as transmission lines, wind farms or solar fields, may require a public hearing in order for the Commission to decide if approval of the project is in the public interest, having regard to the social and economic effects of the project and its effects on the environment. This decision will include consideration of whether the project will directly and adversely affect any person's rights.

3. Complaints or concerns

Occasionally a public hearing may be required to resolve a complaint regarding a utility.

How do I find out about hearings?

The AUC issues a notice of application to all persons who may be directly and adversely affected. If the AUC decides to consider the application in a public hearing, it will issue a notice of hearing which will be received by all persons who registered to participate in the proceeding. Companies applying for facility project approval usually hold open houses to explain their proposed project, answer questions and address the community's concerns prior to or after filing their applications with the AUC.

Recent notices are available on the AUC's website and in the AUC's eFiling System. A notice of hearing for large projects may be published in daily and/or weekly newspapers.

A notice of hearing provides interested parties with the following information:

- Date, time, and location of the hearing.
- Application number and nature of the application.
- A contact for the company that filed the application.
- AUC contact information.
- The deadline for filing objections or statements of intent to participate and information about the eFiling System.

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What is an intervener?

Those with concerns about an application may submit their views in writing to the AUC and ask to become an intervener. An intervener may be opposed to or in support of an application or may wish to express concerns. A group or association that wishes to present a collective point of view may also be an intervener. The AUC grants intervener status to individuals and groups that demonstrate they have rights that may be directly and adversely affected by the AUC's decision on the application.

How do I register as an intervener for a hearing?

If you wish to register as an intervener, you must file a statement of intent to participate before the deadline indicated on the notice of hearing. Your written statement should include your name and contact information, your location and a description of your concerns with the project. To submit your statement, create a login and password in the eFiling System and enter the proceeding number for the project. The proceeding number is a five-digit number associated with the project and found on the notice.

It's important to follow the directions specified in the AUC's notice as the process may vary slightly between applications. All written submissions from the applicant and interveners become public documents, available to all participants so that everyone is able to review everyone else's submissions prior to the hearing and is better able to prepare their own evidence and cross-examination questions.

What should I include in my written submission to become an intervener?

Interventions must deal with the application in question and should not relate to general concerns. A written submission or intervention is usually a letter that clearly outlines your views and concerns about the application/issue, giving reasons why and how you believe you will be affected.

If you have concerns, try to suggest reasonable alternatives that could alleviate impacts. Explain what conditions, if any, you would like to see imposed on the applicant, should the application receive approval. If you are in support of an application, the AUC needs to hear from you too. Hearings are held to allow the AUC to understand all relevant information about a proposed project. Be aware, though, that the AUC cannot rely on unsubstantiated positions or unreliable/untested information to make its decision.

Try to support your position with facts specifically related to the application.

What's the next step?

Once you have provided your written summary of concerns and objections to the applicant and the AUC, you need to prepare for the hearing.

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May I get information from the company?

Yes. The company is required to provide interested parties with a copy or access to a copy of the application, including any supporting information. All current applications are also available online through the AUC's electronic application processing system.

Sometimes more information is necessary for someone to fully understand the applicant's position. In this case, you may ask for more information through an information request (IR). The result of an IR should clarify, simplify and create an understanding of the issues.

AUC Rule 001: *Rules of Practice* provides an outline for the procedure for making an IR and can be found on the AUC website.

What are the rules of practice?

Rule 001 provides directions for any type of proceeding before the AUC. Rule 001 consists of regulations that explain how and what must be done when a participant is faced with a variety of situations during a proceeding. The AUC expects all applicants and participants in AUC matters to be familiar with Rule 001.

Should I form a group to intervene?

Research and preparation of a submission can take a lot of time and effort and you may decide to form or join a group with other people if they share your concerns or objections. A group submission may be very helpful as it indicates broader support for the views expressed. Whether you prepare your submission alone or as a group, it is best to do

very thorough work and provide solid evidence to support your points of view.

Do I need to hire a lawyer?

Although there is no requirement that a lawyer represent you during the hearing, having a lawyer represent your interests may be helpful to you. AUC hearings are, in some ways, like a civil case before a judge. Lawyers are trained to present a client's case, cross-examine the other side's witnesses and make arguments on what the AUC's decision should be. A lawyer may also assist in arranging for experts, if they are needed to make your case. As an applicant or intervener you are able to represent yourself. In either case, AUC staff will be available to assist you with any procedural questions.

Do I have to pay for all of this?

The rules regarding the recovery of costs by participants are set out in AUC Rule 009: *Rules on Local Intervener Costs*. As these rules are periodically updated, before spending money, consult Rule 009.

How long does an AUC public hearing last?

Every case is unique; hearings may last anywhere from one day to several weeks, depending on the nature of the application and the complexity of the issues.

May I attend an AUC hearing just to listen?

Certainly. AUC hearings are open to the public and many hearings are broadcast live through YouTube. Visit our website to access the link and a schedule of upcoming hearings.

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What is a hearing panel?

A hearing panel is a group of Commission members, generally three, who have been assigned to conduct the hearing on behalf of the AUC.

When will the application be decided?

As part of AUC policy, a decision must be issued within 90 days of the close of a hearing (the last date on which parties provide oral or written submissions or argument). The hearing panel releases a decision report, which gives the panel's decision and reasons for the decision. The decision report is made available to all participants and is available to the public on the AUC website.

Can I really impact the final decision?

Yes. In making its decisions, the AUC is committed to addressing all valid concerns put forward by interveners. If the application is approved, special conditions may be attached to the decision that take into account the specific concerns of the interveners.

May an AUC decision be appealed?

Yes. An appeal of the AUC's decision may be made to the Court of Appeal of Alberta on questions of jurisdiction or law, meaning that the AUC did not have the right to make the decision or that it misinterpreted or misapplied the law.

Permission to appeal the decision must first be obtained from the Court of Appeal by submitting an application for permission to appeal within 30 days after the AUC's decision is issued. In certain circumstances, the court may grant an extension. These rules are not set by the AUC, they are part of the Rules of Court.

When may an AUC decision be reviewed?

The AUC may decide to review its own decision under certain specific conditions as set out in Rule 016: *Review of Commission Decisions*. Such conditions include:

- If the AUC made an error of fact or mixed fact and law.
- If previously unavailable but relevant facts exist.
- If new circumstances have arisen since the decision was made.
- If a person with standing was not given a hearing or was not given notice of the hearing that was held.

Additional information

For additional information about the AUC, its processes or general questions about utilities in the province, please contact us:

310-4AUC (4282) in Alberta
1-833-511-4282 outside of Alberta
info@auc.ab.ca
Monday to Friday (8 a.m. to 4:30 p.m.)
www.auc.ab.ca