

How to participate in an AUC proceeding

Meaningful public participation through a fair, open transparent process is important and necessary if the AUC is to reach sound and principled decisions.

Involvement in any facility application should begin with the first contact with the utility company proposing the utility facility development. A participant involvement program is a mandatory requirement for utility companies prior to the submission of an application to the AUC. Having constructive conversations early in the planning stage can lead to greater public influence in the project.

If there are unresolved objections following the submission of an application to the AUC, it's important to register your unresolved objections with the AUC through the eFiling System. This is where your formal involvement in the process can begin.

The first step is to determine how involved in the proceeding you would like to be. Your level of participation is up to you. Generally there are two levels of participation:

1. Filing a statement of intent to participate in which you express your position on the project without additional participation.
2. Full participation, including an initial written submission, evidence submissions and attendance (or having a representative attend on your behalf) at a public hearing to have your evidence cross-examined.

Full participation in a hearing requires that you to support your position with additional information and evidence provided to the AUC following your written submission. It's important to find quality evidence from reputable sources which can be tested through cross-examination at the hearing.

The process is similar to a court where broad-based and untested claims hold little merit in a proceeding, but where claims that can be backed with reliable evidence that is tested in a hearing will strengthen your arguments.

For those who want to be fully involved in the proceeding, you can obtain legal representation or choose to represent yourself. In either case, there is funding available to qualified interveners who meet eligibility requirements in AUC Rule 009: *Rules on Local Intervener Costs*.

If you obtain legal counsel, your lawyer may, at your direction, manage most the procedural steps leading up to the hearing and will conduct the presentation or cross-examination of evidence in the hearing; however, you will still participate in the proceeding and have the opportunity to give evidence at the hearing.

If you choose to represent yourself, it's important to be prepared to present your position and your evidence, as well be prepared to cross-examine the applicant in a public hearing.

In cases where you are found to have standing and are a local intervener (generally indicating that you are located in close proximity to the proposed project and alternative sites) you can apply for reimbursement of reasonable costs to participate in the proceeding. This information can be found in Rule 009.

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Strengthening your position involves providing evidence and actively participating (either directly as an individual or as a member of a group with similar interests, or through a lawyer or other representative).

Process steps are put in place to ensure that a full public record of current and relevant information is available for the Commission members to make their decision. Common process steps in a proceeding are:

- Step 1:** File a statement of intent to participate detailing the issues you would like the Commission to consider. Participants may submit clarification about the issues and any remaining issues which may not have been identified in the initial submission of their statements of intent to participate.
- For example, landowners could indicate that they believe that the project will negatively affect the value of their land. The evidence to support this position will need to be included later, at the time that written evidence is due to be filed.
- Step 2:** The AUC reviews statements of intent to participate and determines who qualifies to participate (ruling on standing).
- Step 3:** Information requests to the applicant. All participants can send questions asking the applicant to clarify aspects of the project or statements made in the application. The AUC sets the schedule with a deadline for the applicant's responses.
- Step 4:** Applicant's response deadline. All the questions asked by participants in information requests must be answered by the applicant in a timely manner.
- Step 5:** Interveners written evidence due. Written evidence can be provided from expert reports and studies about relevant issues, and can be a statement from the participant that describes their concerns with the project.
- Step 6:** Applicant's reply evidence due. The applicant has an opportunity to reply to the written evidence filed by interveners.
- Step 7:** A hearing begins.