

August 25, 2022

To: Parties currently registered in Proceeding 27474

**ENMAX Power Corporation  
Northwest Calgary Transmission Line Relocation Project  
Proceeding 27474  
Application 27474-A001**

**Ruling on standing**

1. In this ruling, the Alberta Utilities Commission decides whether to hold a public hearing to consider an application by ENMAX Power Corporation to relocate Transmission Line 69-16.61L in the northwest Calgary communities of Collingwood, Charleswood, Brentwood, Dalhousie and Varsity.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 27474 have demonstrated that they have rights that may be “directly and adversely affected” by the Commission’s decision. Such a person may participate fully in the hearing, including giving evidence, questioning of witnesses, and providing argument. This permission to participate is referred to as standing.
3. The Commission issued a notice of application for Proceeding 27474 on July 8, 2022. The Commission received statements of intent to participate from Gail Gay, Laura MacGregor, Yan Li, Annie Wang, Tyler Greene and Jennifer Petersen.
4. The Commission has authorized me to communicate its decision on standing.

**Ruling**

***Parties granted standing***

5. The Commission is satisfied that G. Gay, L. MacGregor, J. Petersen, and T. Greene have demonstrated that they have legal rights that may be directly and adversely affected by the Commission’s decision on the application.
6. The Commission considers that in this proceeding, those individuals who own or reside upon land in the first row of development surrounding the proposed project, and who have raised concerns regarding adverse effects may be directly and adversely affected by the Commission’s decision on the application.
7. G. Gay owns or resides on land that is directly adjacent to the preferred route. L. MacGregor owns or resides on land that is directly adjacent to the alternate route. T. Greene and J. Petersen own property or reside in a condominium complex that is adjacent to the preferred route. While the Commission does not have information to indicate whether

T. Greene's or J. Petersen's units are directly adjacent to the project, it notes that ENMAX provided notice to residents within the condominium complex. The Commission therefore considers the residents of that complex as directly adjacent to the preferred route for the project.

8. The four parties granted standing have raised concerns which include potential adverse effects on health, property values, visual effects, pedestrian and cycling traffic, the impact on large new residential dwellings and long-term project costs.

***Parties denied standing***

9. The Commission does not grant standing to Y. Li and A. Wang, because they have not established that they may be directly and adversely affected by a Commission decision on the application.

10. The Commission summarized court decisions relating to the meaning of the phrase "directly and adversely affected" in a decision issued in 2015, and concluded that to pass the test for standing, "the potential effects associated with a decision of the Commission must be personal rather than general and must have harmful or unfavourable consequences." The Commission further commented that the court decisions "highlight the need for persons seeking standing to demonstrate the degree of connection between the rights asserted and potential effects identified."<sup>1</sup> (underlining added)

11. Both Y. Li and A. Wang own property or reside in a complex that is located adjacent to the alternate route across Crowchild Trail. Both expressed support for the alternate route that is adjacent to their complex, and took the view that the preferred route will have negative impacts on the neighbourhood. Neither of these parties owns land or resides adjacent to the preferred route.

12. The Commission finds that while Y. Li and A. Wang are directly affected by their proximity to the alternate route, a Commission approval of this route would not adversely affect them, because they support the alternative route.

13. Y. Li and A. Wang do not reside or own property adjacent to the preferred route, and neither of them have raised other issues which demonstrate that they could be directly and adversely affected by a Commission approval of the preferred route.

14. The Commission therefore finds that Y. Li and A. Wang have not established that they may be directly and adversely affected by a Commission approval in this proceeding. In order to have standing, the Commission must be satisfied that its decision may directly and adversely affect the rights of a person.

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<sup>11</sup> Decision 3110-D02-2015: Market Surveillance Administrator - Allegations against TransAlta Corporation et al., Phase 2 Preliminary matters; Standing and Restitution, Proceeding 3110, September 18, 2015.

15. Persons who have been granted standing are eligible to potentially recover the costs of their participation in this proceeding, as they fall within the definition of “local intervener” in Section 22 of the *Alberta Utilities Commission Act*. Rule 009: *Rules on Local Intervener Costs* applies to costs claims for this proceeding.

16. The Commission emphasizes that eligibility to claim costs does not guarantee full recovery of those costs. Claims for costs must be filed after this proceeding is concluded, in accordance with Rule 009, and cost recovery is subject to the Commission assessing the value of a party’s contribution to the proceeding. The Commission encourages parties with similar interests and positions to work together to ensure that any expenditures are minimized and costs are not duplicated.

17. Should you have any questions about the matters addressed in this letter, please contact the undersigned at 403-592-4430 or by email at [laura-marie.berg@auc.ab.ca](mailto:laura-marie.berg@auc.ab.ca), or contact Mohib Khan at 403-592-4416 or by email at [mohib.khan@auc.ab.ca](mailto:mohib.khan@auc.ab.ca).

Yours truly,

Laura-Marie Berg  
Commission Counsel