



**Fox Meadows Wind Inc.
Fox Meadows Wind Project**

Costs Award

June 23, 2025

Alberta Utilities Commission

Decision 29925-D01-2025

Fox Meadows Wind Inc.

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Costs Award

Proceeding 29925

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1 Introduction

1. In this decision, the Alberta Utilities Commission considers applications by the Municipal District of Provost No. 52 (MD) and the Edgerton Land Advocates Group (ELA)¹ for an award of costs for their participation in Proceeding 29226² (the original proceeding). For the reasons below, the Commission approves \$64,223.71 in costs for the MD and \$227,802.78 in costs for ELA.

2. The original proceeding was convened by the Commission to consider an application from Fox Meadows Wind Inc. (FMWI) for approval of Fox Meadows Wind Project (the project) which is to be located in the Municipal District of Wainwright No. 61 and the MD.

3. The March 1, 2024, version of Rule 009: *Rules on Local Intervener Costs*, applies to the intervenor's costs of participation in the original proceeding. The MD and the ELA both participated in the proceeding, with the MD submitting its costs claims within the 30-day timeline permitted by Rule 009,³ while the ELA submitted its initial costs claim⁴ within the same timeframe and later filed its supplemental costs claim.⁵ The record for this costs proceeding closed on June 3, 2025, the date it was determined that no information requests were required.

4. The Commission makes its discretionary decision to award costs, in accordance with Section 8 of Rule 009, considering whether the costs are reasonable and directly and necessarily related to the original proceeding, and whether the eligible participant acted responsibly and contributed to a better understanding of the issues before the Commission. The Commission considers these factors in light of the scope and nature of the original proceeding in assessing a claim for costs. The Commission has reviewed all submissions filed, and the inclusion of specific issues or submissions in this costs award decision does not imply a lack of consideration of other arguments or submissions raised.

2 Municipal District of Provost's claim

5. The MD registered to participate in the original proceeding as part of the project is to be located within the MD and will be subject to the MD's local development authority. The MD was granted full participation rights and costs eligibility in the original proceeding and is eligible to recover costs in accordance with Section 21 of the *Alberta Utilities Commission Act*.⁶

¹ The Edgerton Land Advocates Group filed an initial and a supplemental costs application.

² Proceeding 29226, Fox Meadows Wind Project.

³ Exhibit 29925-X0001, Cost Application Form of Municipal District of Provost No. 52.

⁴ Exhibit 29925-X0007, Cost Application Form of Edgerton Land Advocates (ELA Group).

⁵ Exhibit 29925-X0018, ELA Group Rule009_CostsApplication Form (Supplemental).

⁶ Exhibit 29226-X0068, AUC letter – Ruling on standing, paragraphs 19 to 22.

6. In the original proceeding, the MD expressed concerns about the project's incompatibility with its statutory planning documents, specifically its residential setback requirements.⁷ Other concerns raised by the MD include weed and clubroot management and emergency response plan.⁸ The MD presented one witness, Tyler Lawrason (Chief Administrative Officer), who spoke to the MD's concerns.

7. The following is a breakdown of the costs claimed by the MD:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
Municipal District of Provost No. 52							
Carscallen LLP	171.70	35.30	7.50	\$75,615.00	\$42.80	\$3,782.89	\$79,440.69
Intervener honorarium and disbursements	0.00	0.00	0.00	\$100.00	\$662.17	\$0.00	\$762.17
Total	171.70	35.30	7.50	\$75,715.00	\$704.97	\$3,782.89	\$80,202.86

8. Regarding Carscallen LLP's (Carscallen) legal fees, FMWI submitted that the Commission apply a minimum global reduction of 15 per cent to 20 per cent. FMWI's reasons were: (i) Carscallen's cost claim is disproportionately high given the MD's limited scope of participation in the proceeding (ii) the MD's evidence consisted mostly of copies of different MD bylaws and other documents, a number of which were already filed by FMWI (iii) time spent by counsel in preparing for cross-examination is disproportionate to the actual time spent for cross-examination (iv) the MD and Carscallen did not act reasonably in the hearing by introducing for the first time during oral argument a request for the Commission to include four conditions of approval that were not previously raised in the MD's written evidence.

9. Regarding T. Lawrason's attendance honorarium claim, FMWI submitted that the honorarium be denied on the basis that T. Lawrason was acting as a municipal employee in participating on behalf of the MD in the proceeding. For disbursements, FMWI submitted that it had no comments regarding T. Lawrason's meal allowance and accommodation, but no receipt was provided in support of the vehicle mileage (\$449.90) claim.

10. The Commission finds that the MD generally acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. The Commission is also satisfied that the costs claimed, except for the claimed honorarium are consistent with the scale of costs in Appendix A of Rule 009.

11. However, the Commission is unable to approve the full amount of the costs claimed in respect of the services performed by Carscallen and the attendance honorarium claimed by T. Lawrason for the reasons below.

12. The Commission notes that the scope of the MD's participation was narrow, relating mostly to the MD's concerns regarding its residential setback requirements, weed management and emergency response plan. Also, the Commission notes that Carscallen dedicated an extensive amount of time to preparing, drafting, reviewing, and revising the cross-examination

⁷ Exhibit 29226-X0041, MD Provost SIP; and Exhibit 29226-X0113, Written Evidence of MD of Provost.

⁸ Transcript, Volume 4, PDF page 77, lines 16 to 20.

outline and questions.⁹ Additionally, the time records indicate substantial time was spent on drafting and reviewing the MD's written evidence, though the submission consisted of five pages, with the remaining pages comprising statutory documents and other council records.¹⁰

13. The Commission finds that Carscallen's professional fees are relatively high given the significant time spent on cross-examination and written evidence preparation, relative to the MD's scoped involvement and the largely documentary nature of its written evidence.

14. For the above reasons, the Commission is applying a 20 per cent global reduction to Carscallen's claimed fees. Accordingly, the Commission approves the MD's claim for legal fees for Carscallen in the amount of \$60,492.00¹¹ disbursements of \$42.80 and GST of \$3,026.74 for a total of \$63,561.54.

15. Regarding the MD's attendance honorarium and travel-related expenses for T. Lawrason, the Commission finds that as a municipal employee, T. Lawrason is not eligible to claim attendance honorarium and the claim is therefore denied. The Commission does, however, approve T. Lawrason's travel-related costs for meal allowances (\$18.01), accommodations (\$194.26) and private vehicle mileage (\$449.90). The Commission is satisfied that T. Lawrason traveled from the Municipal District of Provost to Calgary, as evidenced by his participation in the hearing from Carscallen's Calgary office. Under the scale of costs, other than accommodation and airfare, there is no obligation to submit receipts for all other travel disbursements including private vehicle mileage. While no receipt was provided for private vehicle mileage, the Commission considers T. Lawrason's private vehicle mileage claim reasonable. Accordingly, the Commission approves the MD's disbursement claim of \$662.17.

16. For the reasons provided above, the Commission approves the MD's claim for recovery of costs in the total amount of \$64,223.71, consisting of legal fees of \$60,492.00, disbursements of \$704.97 and GST of \$3,026.74.

3 Edgerton Land Advocates Group's claim

17. The ELA consisted of 21 individuals all of whom own, use or occupy lands in the project area of the MD and Municipal District of Wainwright No. 61. ELA submitted evidence and argument on topics including agricultural impacts, residential and social impacts, noise impacts, infrasound impacts, visual impacts, environmental and wildlife concerns, property value impacts, shadow flicker, health and safety concerns, operation and reclamation impacts, emergency response plan and battery energy storage system fire risks.

⁹ Exhibit 29925-X0003, Accounts and Receipts to support Cost Claim of Municipal District of Provost No. 52. Time recorded relating to cross-examination includes: 01/28/2025, 01/30/2025, 02/04/2025, 02/07/2025, 02/11/2025, 02/12/2025, 02/13/2025, 02/14/2025, 02/15/2025, 02/16/2025, 02/17/2025, 02/18/2025, 02/19/2025 and 02/20/2025.

¹⁰ Exhibit 29226-X0113, Written evidence of MD of Provost. See also time entries related to written evidence in Exhibit 29925-X0003, which include: 11/21/2024, 11/25/2024, 11/26/2024, 11/27/2024, 11/29/2024, 12/02/2024, 12/03/2024, 12/04/2024 and 12/05/2024.

¹¹ $\$75,615.00 \times 0.80 = \$60,492.00$.

18. ELA was granted standing in the original proceeding¹² and is eligible to recover costs in accordance with sections 21 and 22 of the *Alberta Utilities Commission Act* and Rule 009.

19. The following is a breakdown of the costs claimed by ELA:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
Edgerton Land Advocates Group – initial costs claim							
Ackroyd LLP	201.20	32.20	31.00	\$114,578.50	\$6,222.26	\$6,040.03	\$126,840.79
Integrated Modelling Inc.	123.75	10.25	0.00	\$49,580.00	\$0.00	\$2,479.00	\$52,059.00
Cottonwood Consultants Ltd.	80.00	9.75	0.00	\$33,207.50	\$0.00	\$1,660.38	\$34,867.88
Robert M. R. Barclay	70.67	4.39	0.00	\$27,772.20	\$0.00	\$1,388.61	\$29,160.81
Jasona Rondeau	212.50	3.00	0.50	\$20,148.48	\$2,517.62	\$1,125.81	\$23,791.90
FDI Acoustics Inc.	17.00	5.00	0.00	\$5,720.00	\$0.00	\$286.00	\$6,006.00
Intervener honoraria and disbursements	0.00	0.00	0.00	\$800.00	\$0.00	\$0.00	\$800.00
Total	705.12	64.59	31.50	\$251,806.68	\$8,739.88	\$12,979.82	\$273,526.38
Edgerton Land Advocates Group – supplemental costs claim							
Ackroyd LLP	7.60	0.00	0.00	\$3,295.00	\$0.00	\$164.75	\$3,459.75
Total	7.60	0.00	0.00	\$3,295.00	\$0.00	\$164.75	\$3,459.75
Total amount claimed							\$276,986.13

20. The Commission finds that the ELA generally acted responsibly in the original proceeding and contributed to the Commission’s understanding of the relevant issues. The Commission is also satisfied that the costs claimed, except for Jasona Rondeau’s claim, are consistent with the scale of costs in Appendix A of Rule 009.

Dr. Robert Barclay

21. The Commission finds that the costs claimed for Robert M. R. Barclay are reasonable and approves those costs in full. Dr. Barclay conducted an assessment for the project’s potential impacts on bats. The Commission notes that Dr. Barclay was the only qualified expert focused on project impacts on bats, and Dr. Barclay’s evidence was helpful for the Commission to understand this major topic with complex issues associated with the project. Accordingly, the Commission approves ELA’s claim for consulting fees for Dr. Barclay in the amount of \$27,772.20, and GST of \$1,388.61 for a total of \$29,160.81.

Cottonwood Consultants Ltd.

22. ELA claimed consulting fees for Cliff Wallis of Cottonwood in the amount of \$33,207.50. C. Wallis reviewed project impacts on environment, including wildlife, native grasslands and wetlands. The Commission accepts that C. Wallis is an expert witness on

¹² Exhibit 29226-X0068, AUC letter – Ruling on standing; and Exhibit 29226-X0104, AUC letter – Ruling on standing.

environmental issues, however the evidence critique of Alberta Environment and Protected Areas (AEPA) policy and the Wildlife Directive can sometimes be redundant. All the same, the Commission finds C. Wallis evidence meaningful, as it contributed to the Commission's understanding of environmental impacts issues. Accordingly, the Commission approves in full the consulting fees for Cottonwood, in the amount of 33,207.50, and GST of \$1,660.38 for a total of \$34,867.88.

FDI Acoustics Inc.

23. ELA claimed consulting fees for James Farquharson of FDI Acoustics Inc. in the amount of \$5,720.00. J. Farquharson reviewed the project noise impact assessment. Though noise was not a core issue in the original proceeding, the Commission finds that the activities undertaken by J. Farquharson were reasonable, and his recommendations on mitigation measures and post-construction noise monitoring were helpful to the Commission in evaluating noise impacts from the project. Accordingly, the Commission approves in full ELA's claim for consulting fees for FDI Acoustics Inc., in the amount of \$5,720.00, and GST of \$286.00 for a total of \$6,006.00.

24. Additionally, the Commission approves ELA's claim for attendance honoraria of \$100.00 each for Bernadette Lawes, Casey Lawes, and Dale Scott, as well as the \$500.00 honorarium for B. Lawes for formation/organization of the group, finding the amounts reasonable and consistent with the scale of costs outlined in Appendix A of Rule 009. Accordingly, the Commission approves ELA's claim for honoraria in the total amount of \$800.00.

25. However, the Commission is unable to approve the full amount of the costs claimed in respect of the services performed by Ackroyd LLP, Integrated Modelling Inc. (IntMod), and J. Rondeau for the reasons below.

Ackroyd LLP

26. ELA was represented by Ackroyd and claimed fees for legal services of \$114,578.50 in its initial costs claim application and \$3,295.00 in its supplemental costs claim, for a total of \$117,873.50. The Commission's determination of ELA's costs claim for the professional fees of Ackroyd considered both the initial and supplemental costs claims.

27. FMWI submitted that certain costs claimed by Ackroyd do not satisfy the requirements prescribed by Rule 009 and requested a minimum global reduction of 35 per cent to Ackroyd's initial and supplemental claims. FMWI submitted that the initial costs claim should be reduced due to lack of junior counsel involvement, duplication of effort by senior counsel, inaccurate and insufficient time entries, and unreasonable billing. Additionally, FMWI contends that Ackroyd's time is excessive, as the complexity of the evidence prepared by ELA is similar to submissions in comparable proceedings and was not extensive enough to justify the hours claimed. For the supplemental costs claim, FMWI maintains that a reduction is necessary due to lack of junior counsel involvement.

28. The Commission notes Rule 009 has no requirement for use of senior or junior counsel for certain tasks; rather, the analysis focuses on whether the legal activities and associated costs incurred are reasonable. Despite this, the Commission emphasizes the importance of efficient use of time, particularly for administrative, procedural, and routine tasks.

29. The Commission observes that Ackroyd's timesheets contain administrative type tasks recorded alongside other work. The Commission notes that including administrative tasks in time sheets suggests they are being billed for. The scale of costs excludes billing for administrative tasks, as they are considered part of legal fees.¹³

30. Despite Ackroyd's submissions, the Commission finds that senior counsel should not be engaged in administrative type tasks. Where administrative type tasks are to be carried out, they should be handled by administrative, clerical or support staff at no additional costs or by junior counsel without it being recorded and billed for since administrative work is considered part of legal fees. Some examples of administrative-type tasks include: file/attempt to file statements of intent to participate (SIPs), create client distribution list, cross-referencing client group list and inventory of evidence.¹⁴

31. Additionally, the Commission finds that despite the division of work between Heather Beyko and Ifeoma Okoye, with I. Okoye handling air dispersion issues, there was an overlap in tasks. Specifically, H. Beyko recorded time for reviewing the argument on dispersion modeling on February 26, 2025.

32. Also, the Commission agrees with FMWI and finds certain time entry descriptions to be excessively vague and lacking necessary details.¹⁵ While the current Rule 009 does not explicitly require a detailed statement of account, the Commission maintains that all costs claim time sheets must provide sufficient clarity to indicate the specific tasks undertaken in relation to the proceeding. Costs claims must include clear and comprehensive records of actual work performed, specifying the date, hours worked, tasks completed, and other relevant details. Such information is essential for the Commission to evaluate the reasonableness of costs and determine whether the activities were directly and necessarily related to the proceeding.

33. Lastly, the Commission finds reviewing and approving flyers for a potential intervenor, and the CBC article and interview tasks¹⁶ not directly and necessarily related to this proceeding and it did not contribute to the Commission's understanding of the issues before it.

34. For all the above reasons, the Commission applies a 10 per cent reduction to ELA's claim for legal services provided by Ackroyd. Accordingly, the Commission approves ELA's claim for legal fees for Ackroyd in the amount of \$106,086.15.¹⁷

35. ELA also claimed disbursements for Ackroyd in the total amount of \$6,222.26, including transcripts (\$5,669.50), courier (\$64.00), LTO/On-Line Spin and Corporate searches (\$84.00), hall rental fees (\$304.76) and CSA Group – Codes & Standards (\$100.00). The Commission finds these claims to be reasonable and approves them.

¹³ Rule 009 (2024 version): Appendix A, Scale of costs, Section 2.

¹⁴ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: RCS: 09/05/2024, 09/07/2024, HAB: 20/11/2024, 01/17/25, 12/20/2024.

¹⁵ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: RCS: 12/05/2024, IMO: 10/28/2024, 10/29/2024, 02/14/2025, 02/27/2025, HAB: 09/20/2024, 11/26/2024.

¹⁶ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: HAB: 09/30/2024, 11/25/2024.

¹⁷ $\$117,873.50 * 0.90 = \$106,086.15$.

36. For the reasons provided above, the Commission approves ELA's claim for legal fees for Ackroyd in the amount of \$106,086.15, disbursements of \$6,222.26 and GST of \$5,615.43 for a total of \$117,923.84.

Integrated Modeling Inc.

37. ELA claimed consulting fees for Marc Polivka and Jason Binding of IntMod in the total amount of \$49,580.00. The experts from IntMod evaluated the project's fire risks related to the energy storage facility, reviewed FMWI's air quality dispersion modelling report, and submitted a new air quality dispersion modelling assessment. The Commission notes IntMod disagreed with FMWI on details about the modelling scenario, methods, standards, and criteria. IntMod provided useful recommendations on mitigation measures in the emergency response plan. These details were helpful for the Commission to have a thorough evaluation of battery safety issues and fire risks. However, IntMod had no fundamental dispute with RWDI's modelling and assessment. ELA also did not provide compelling justification for why two senior experts from the same company were required to perform duplicative functions. For these reasons, the Commission reduces IntMod's fees by 25 per cent. Accordingly, the Commission approves ELA's claim for consulting fees for IntMod, in the amount of \$37,185.00,¹⁸ and GST of \$1,859.25 for a total of \$39,044.25.

Jasona Rondeau

38. ELA claimed \$20,148.48 for consulting fees for J. Rondeau. J. Rondeau was presented as a stakeholder engagement consultant for ELA.

39. Section 8(1) of Rule 009 provides that the Commission may award costs to a local intervener if the Commission is of the opinion that: (a) the costs are reasonable and directly and necessarily related to the hearing or other proceeding; and (b) the local intervener acted responsibly in the hearing or other proceeding and contributed to a better understanding of the issues before the Commission.

40. FMWI submitted that ELA's claim for costs for J. Rondeau should be denied completely as the number of hours spent is disproportionately high, and the actual tasks undertaken are administrative, described vaguely, and duplicative of the work undertaken by Ackroyd as the ELA's legal representative.

41. On December 4, 2024, the Commission issued a ruling in the original proceeding where the Commission decided not to allow J. Rondeau to participate as a non-legal representative of the ELA¹⁹ and expressed its uncertainty regarding J. Rondeau's stated role of "stakeholder engagement consultant" and how that role would support the Commission's decision-making objective. For this reason, the Commission determined that when deciding the costs proceeding, it would consider if J. Rondeau's services were directly and necessarily related to the hearing and if they contributed to a better understanding of the issues in accordance with Rule 009. To support this evaluation, the Commission directed J. Rondeau to provide a detailed statement of

¹⁸ \$49,580.00 * 0.75 = \$37,185.00.

¹⁹ Exhibit 29226-X0108, AUC letter – Ruling on Jasona Rondeau's participation as a non-legal representative, paragraph 1.

account including time entry records to evaluate any duplication and assess her contribution to the intervention.²⁰

42. ELA submitted J. Rondeau's time entry records to support its costs claim for J. Rondeau's consulting fees. The Commission finds ELA's claimed costs for J. Rondeau unacceptable for the following reasons:

- i. Vague time entries: The Commission finds several of the time entries provided by J. Rondeau to be vague and lacking sufficient details to assess the relevance of the activity undertaken and its relevance to the proceeding. The Commission agrees with FMWI that many of the time entries related to text messages, calls and emails with Ackroyd and ELA group members without any description or details regarding the nature or purpose of the communication.²¹ The burden is on the costs claimant to provide clear and comprehensive information in its costs application. The Commission will not be burdened with deciphering details of J. Rondeau's emails or communications with ELA group members or Ackroyd. It is J. Rondeau's responsibility to ensure that the time entries provided are sufficiently detailed for the Commission to assess their relevance to the original proceeding and whether the activities undertaken contributed to a better understanding of the issues in accordance with Rule 009, particularly given the Commission's prior directive. The Commission is not persuaded by the argument that time entry details were withheld due to client privilege because J. Rondeau is not a lawyer and is not entitled to such privilege. Providing clear descriptions, such as "*review text message from B. Lawes on additional noise concerns*," as was done in some instances, would not have breached confidentiality or client privilege and would have assisted the Commission in determining the costs claim. Expecting the Commission to issue information requests for clarification on vague time records is inefficient and unreasonable, particularly in this case, where the Commission had explicitly directed the submission of detailed time records. Whether or not Rule 009 expressly states so, it is expected that all participants provide accurate and detailed time sheets for consideration by the Commission.
- ii. Administrative activities: J. Rondeau represents as a "stakeholder engagement consultant", despite this the Commission finds several of the activities undertaken by J. Rondeau for which description was provided are administrative type tasks which does not require a consultant. These tasks, include creating stakeholder contact lists, setting up AUC eFiling accounts, filing SIPs and motions, managing stakeholder lists, updating ELA group members, registering ELA group members, collecting project binders, and creating a hearing week graphic,²² which tasks could reasonably have been performed by an administrative staff without incurring additional costs.²³ The Commission is not convinced that characterization of these activities as "stakeholder engagement" justifies the delegation of these sort of tasks to a consultant. While Rule 009 does not explicitly define

²⁰ Exhibit 29226-X0108, AUC letter – Ruling on Jasona Rondeau's participation as a non-legal representative, paragraphs 12-13.

²¹ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), examples of these time entries include: Lines 1-3, Lines 6-7, Line 32, Line 33, Line 34, Line 36, Line 37, Line 45, Line 48, Line 52, Line 53, Lines 66-69, Lines 72-78.

²² Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: Line 10, Line 16, Lines 62-64, Line 80, Line 92, Line 112, Lines 125 and 130.

²³ Rule 009, Appendix A: Scale of Cost, Section 2.

"administrative type activities," the Commission has referenced tasks that fall into this category in previous decisions.

- iii. Activities legal counsel ought to perform: The Commission agrees with FMWI that in certain instances where J. Rondeau's time entries were descriptive some of the tasks undertaken are activities legal counsel ought to have handled directly with the ELA. Some of these activities include drafting procedural motions, client interviews, conducting direct evidence and providing proceeding update. The Commission estimates that J. Rondeau spent about 14 hours on these activities which are routine activities expected of counsel. From the few detailed timesheets provided, it is unclear how J. Rondeau's tasks were distinct from the activities that are normally the responsibility of legal counsel.
- iv. Open house activities:²⁴ The Commission determines that, while the ELA found the open houses beneficial, the primary purpose of the open house carried out by the ELA aligns with the Participant Involvement Program (PIP) outlined in Rule 007,²⁵ which falls under FMWI's responsibility. In the original proceeding, the Commission determined that the PIP was adequate. Interveners dissatisfaction with the PIP does not justify having to reconvene similar activity and shift the organizing costs on the applicant. Accordingly, the Commission finds the open house activities did not assist the Commission in understanding the issues before it.
- v. SIP workshops and non-familiarity with AUC process:²⁶ The Commission finds that ELA's inexperience with its process does not justify the costs claimed for SIP workshops. The Commission has knowledgeable information services personnel available to assist the public with participation steps and document filing.²⁷ This established support system is in place for public use and guidance on the Commission's processes and procedure. Accordingly, the Commission finds the SIP workshop did not assist the Commission in understanding the issues before it.

43. Overall, the Commission finds J. Rondeau's consultancy role lacks clarity. J. Rondeau provided vague time descriptions, and when descriptions were available, the activities undertaken did not require the technical expertise of a consultant. Instead, the activities were administrative type tasks or tasks generally undertaken by group members in furtherance of an intervention. It is for this reason that the AUC's scale of costs includes an honoraria for group organization. In the Commission's view these are not duties that are properly assignable to a third party, consultant or otherwise.

44. The Commission concludes that J. Rondeau's involvement in the proceeding did not contribute to the Commission's understanding of the issues in the original proceeding and for all the above reasons, the Commission denies J. Rondeau's consulting fees.

²⁴ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: Lines 31 and 41 (13hrs).

²⁵ Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines.*

²⁶ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entry: Line 117 (9hrs).

²⁷ Contact us - AUC: info@auc.ab.ca.

45. Additionally, the Commission denies J. Rondeau's disbursement claim of \$2,517.62 for travel and hall rental related to open houses and SIP workshops. Under Rule 009, travel disbursement claims are only permitted for travel to and from a site visit, hearing, or proceeding.²⁸ The Commission finds that the travel expenses claimed by the ELA do not meet the criteria provided under Rule 009 scale of costs, as the travel claims are related to SIP workshops and open houses²⁹ and not site visit or hearing.

46. With respect to the September 21-24, 2024 travel expense, the Commission notes that the expense relates to the Wainwright open house held on September 21, 2024.³⁰ Although J. Rondeau's time record on September 23, 2024 includes "...site tour around project parameters", the Commission in exercising its discretion is disapproving this travel expense because the intention for "site visit" reimbursement under the scale of costs is for expert activities e.g for noise impact assessment, historical resources impact assessment, glare impact assessment and not intervener site tour.

47. Regarding travel expenses for February 23-28, 2025, which were the hearing days, the Commission notes that Akroyd provided a receipt for Edgerton Agricultural society room rental but J. Rondeau's travel description and expenses for those days indicates "*Drive from Blackie to C. Hager's home*" and "*drive from C. Hager's (Bull Creek) to Blackie*" without any further explanation or details.³¹ Thus, the Commission is unable to grant this travel expense. Also, the \$150.00 claimed for hall rental for the SIP workshop/open house is denied for the reasons outlined in paragraph 42 above.

48. Accordingly, the Commission denies ELA's fees for J. Rondeau because the services provided did not contribute to the Commission's understanding of the issues for determination in the original proceeding and the costs claim was not in accordance with the requirements of Rule 009 scale of costs.

49. For the reasons provided above, the Commission approves ELA's claim for recovery of costs in the total amount of \$227,802.78, consisting of legal fees of \$106,086.15, consulting fees of \$103,884.70, honoraria of \$800.00, disbursements of \$6,222.26 and GST of \$10,809.67. The Commission emphasizes that only persons with standing are eligible to recover costs. Therefore, only ELA and members of ELA with standing are eligible to intervener costs.³²

²⁸ Rule 009, Appendix A: Scale of Cost, Section 3.

²⁹ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: Line 22 and Line 57: 902 kilometre (km), Line 115 and Line 136: 916 km, Line 254 and Line 265: 887 km and Line 310 and Line 320: 895 km.

³⁰ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: Line 31.

³¹ Exhibit 29925-X0009, Accounts and Receipts to support Cost Claim of Edgerton Land Advocates (ELA Group), Time entries: Line 440 and Line 473: 920 km.

³² Exhibit 29226-X0068, Ruling on standing.

4 Order

50. The Commission approves applications 29925-A001 and 29925-A002, under sections 21 and 22 of the *Alberta Utilities Commission Act* and Rule 009, and orders as follows:

- (1) Fox Meadows Wind Inc. shall pay intervener costs to the Municipal District of Provost No. 52 in the total amount of \$64,223.71 within 30 days of this Order. Payment shall be made to Carscallen LLP on behalf of the Municipal District of Provost No. 52.
- (2) Fox Meadows Wind Inc. shall pay intervener costs to the Edgerton Land Advocates Group in the total amount of \$227,802.78 within 30 days of this Order. Payment shall be made to Ackroyd LLP on behalf of the Edgerton Land Advocates Group.

Dated on June 23, 2025.

Alberta Utilities Commission

(original signed by)

Cairns Price
Commission Member