



ENMAX Power Corporation

**Central Calgary Transmission Line
Replacement Project**

August 11, 2025

Alberta Utilities Commission

Decision 29583-D01-2025

ENMAX Power Corporation

Central Calgary Transmission Line Replacement Project

Proceeding 29583

Application 29583-A001

August 11, 2025

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Contents

1	Decision summary	1
2	Introduction and background.....	2
3	How the Commission assessed the application.....	3
4	Intervenors.....	4
5	Discussions and findings.....	4
5.1	Consultation with nearby landowners and residents, including Royop, was inadequate5	
5.2	As a consequence of inadequate consultation with Royop, it is unclear whether the Munro Development was explicitly considered in routing.....	7
5.3	As a further consequence of inadequate consultation with Royop, there are unresolved safety concerns with the Preferred Route	9
5.4	Other examples of inadequate consultation	12
5.5	The Commission is not satisfied that approval of the Alternate Route is in the public interest.....	14
5.6	Consultation and proceeding costs.....	15
6	Conclusion	16
7	Decision	17
	Appendix A – Proceeding participants	18
	Appendix B – Oral hearing – registered appearances.....	20

1 Decision summary

1. In this decision, the Alberta Utilities Commission denies an application from ENMAX Power Corporation for the Central Calgary Transmission Line Replacement Project.
2. The Central Calgary Transmission Line Replacement Project would extend Transmission Line 2.83L to connect to ENMAX No. 3 Substation. ENMAX has proposed to construct the eastern portion of the line extension as an overhead transmission line, and the western portion as an underground transmission line. For the middle portion, ENMAX proposed two potential options: an overhead route that it identified as the Preferred Route, and an Alternate Route that would be underground.
3. The most contentious portion of the project is the middle portion where the Preferred Route is proposed to be built adjacent to a residential roadway and along the outer perimeter of a city park. Residential interveners opposed the construction of an overhead route for this portion of the project primarily because of the potential visual and property value impacts.
4. The commercial developer of a newly constructed mixed-use, multi-story building also intervened in opposition to the Preferred Route. Its concerns are related to fire access and building code compliance as well as potential investment losses.
5. For the reasons described in this decision, the Commission finds ENMAX's consultation on the Preferred Route to be inadequate. As a consequence of this inadequate consultation, interveners and the Commission have unresolved concerns about the Preferred Route, including concerns relating to safety. The Commission is not satisfied that approval of the Preferred Route is in the public interest.
6. The Commission considered whether to approve the Alternate Route, which was generally supported by interveners. However, the Alternate Route would cost approximately \$10 million more to construct and the costs are borne by all Alberta transmission customers. The Commission does not consider that it is in the public interest to approve a costlier route to remedy unresolved concerns about the design of the Preferred Route that could have been avoided or mitigated had ENMAX conducted more robust consultation in first instance.
7. Accordingly, the Commission denies ENMAX's application for the Central Calgary Transmission Line Replacement Project.

2 Introduction and background

8. ENMAX, pursuant to Permit and Licence 28001-D03-2023,¹ is the owner of 138-kilovolt (kV) Transmission Line 2.83L from ENMAX No. 13 Substation to ENMAX No. 2 Substation and to ENMAX No. 5 Substation in the city of Calgary.

9. ENMAX filed an application with the Commission seeking approval to alter and operate the transmission line pursuant to sections 14, 15, 19 and 21 of the *Hydro and Electric Energy Act*. The application was registered as Application 29583-A001 on October 31, 2024.

10. The application proposed a 2.5-kilometre extension of Transmission Line 2.83L from a T-tap point on the existing line near Deerfoot Trail and 16th Avenue N.E. to ENMAX No. 3 Substation. The line extension is a hybrid of overhead and underground in both the Preferred Route and Alternate Route. ENMAX proposed to use steel monopoles for the overhead line portions and cross-linked polyethylene cable for the underground portions of the preferred and alternate routes.

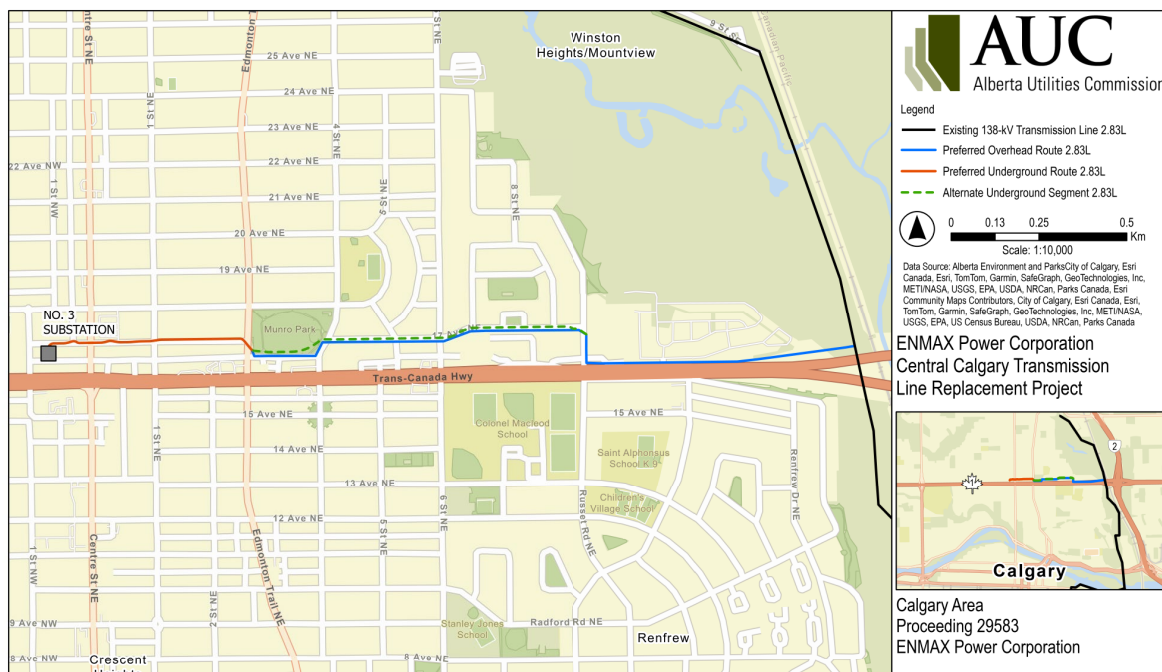
11. The purpose of extending Transmission Line 2.83L is to replace the near end-of-life 138-kV underground Transmission Line 3.82L, which connects ENMAX No. 3 Substation to ENMAX No. 8 Substation. For clarity, the replacement would not use the existing alignment of Transmission Line 3.82L. ENMAX presented a business case in its general tariff application that considered the benefits of integrated systems planning, and it proposed to extend Transmission Line 2.83L as an integrated transmission solution rather than to pursue a like-for-like replacement along the existing alignment of Transmission Line 3.82L. This design would ensure that ENMAX No. 3 Substation would continue to be served by two transmission lines. The Commission approved the business case for this project in Decision 27581-D01-2023² and updated its approval in Decision 29255-D02-2025.³

¹ Transmission Line Permit and Licence 28001-D03-2023, Proceeding 28001, Application 28001-A001, July 7, 2023.

² Decision 27581-D01-2023: ENMAX Power Corporation – 2023-2025 Transmission General Tariff Application and Negotiated Settlement Agreement, Proceeding 27581, October 2, 2023.

³ Decision 29255-D02-2025: ENMAX Power Corporation – 2026-2028 Transmission General Tariff Application and Negotiated Settlement Agreement, Proceeding 29255, April 25, 2025.

Figure 1. Transmission Line 2.83L Extension Routing



12. The application also included requests for minor alterations to transmission lines near ENMAX No. 2 and ENMAX No. 13 substations to support the reconfiguration efforts required for the discontinuance of Transmission Line 3.82L and the extension of Transmission Line 2.83L. ENMAX stated that it would seek approval to decommission and salvage Transmission Line 3.82L if the current application were approved.

13. ENMAX estimated the costs of the Central Calgary Transmission Line Replacement Project to be \$40.6 million for the Preferred Route and \$50.6 million for the Alternate Route.

3 How the Commission assessed the application

14. When the Commission considers an application to construct or operate a transmission line under the *Hydro and Electric Energy Act*, in addition to any other matters it may or must consider, it shall give consideration to whether the proposed transmission line is in the public interest, having regard to the social and economic effects of the line, and the effects of the line on the environment.⁴

15. The Commission discerns the public interest by considering the intent of the legislature as expressed through the statutory framework, in light of the specific circumstances of the decision before it. In Decision 2009-028, the Commission set out some key principles with respect to the public interest assessment of transmission facilities. There is no universal definition of the public interest, and the Commission's determination will largely turn on the circumstances of each application. When considering changes to the transmission system, the

⁴ Section 17 of the *Alberta Utilities Commission Act*.

Commission must balance the province-wide benefits associated with the changes, such as improved system performance, reliability and access, with specific routing impacts.⁵ When assessing whether a particular route is in the public interest, the Commission must weigh the benefits of the route against the real and potentially significant site-specific impacts of the transmission line to landowners along the route. While these impacts may be unavoidable despite the use of sound routing and planning practices, the applicant is expected to explore all reasonable steps to mitigate the impacts.⁶ In certain instances, the Commission may also consider whether the degree of mitigation to site-specific impacts is adequate for the magnitude of the impact.

4 Interveners

16. Numerous interveners participated in the Commission's hearing process in opposition to the Preferred Route. This included members of a group called the Winston Heights-Mountview Community Association (WHMCA), Royop (North Hill) GP Inc. and Jennifer Koppe.

17. The WHMCA was formed to represent residents of the Winston Heights-Mountview community who oppose the Preferred Route. Its submissions primarily focused on the potential visual, property value and land use impacts of the Preferred Route. The WHMCA retained David Capper of Urban Systems Ltd. to provide expert land use planning evidence and Parry Lagler of RE/MAX iRealty Innovations to provide expert evidence on impacts to property value. During the hearing, eight of its members provided statements outlining visual impact, environmental and quality-of-life concerns.

18. Royop is the developer of the Munro Development, a mixed-use, multi-storey building currently under construction adjacent to the Preferred Route. Royop retained Liam Brunner of Avison Young to provide valuation and market impact evidence. It expressed concerns that the proximity of the transmission line to the Munro Development would reduce unit rentability, delay occupancy targets, and diminish the sale value of its development. Royop also stated it was not adequately consulted during ENMAX's application preparation and that it had unresolved concerns about safety and fire access with the proposed adjacent overhead transmission line sited in such close proximity to its development.

19. J. Koppe is an individual who resides near the Preferred Route. J. Koppe submitted evidence on individual and community impacts including streetscape design, tree valuation and visual impacts. J. Koppe also raised concerns about the potential removal of or impact on up to 40 trees and emphasized the long-term visual and ecological consequences.

5 Discussions and findings

20. For the reasons described in the following sections, the Commission denies ENMAX's application on the basis that it has not demonstrated that the benefits of the Preferred Route outweigh the real and potentially significant site-specific impacts of the proposed transmission line to landowners along the route. The Commission finds that ENMAX's consultation was not

⁵ Decision 2009-028: AltaLink Management Ltd. – Transmission Line from Pincher Creek to Lethbridge, Application 1521942, Proceeding 19, March 10, 2009, paragraphs 32-33.

⁶ Decision 2009-028, paragraph 35.

adequate, resulting in unresolved concerns that could potentially be addressed through means other than imposing a more expensive alternative on all Alberta transmission customers. Consequently, the Commission finds that neither the Preferred Route nor the Alternate Route are in the public interest.

5.1 Consultation with nearby landowners and residents, including Royop, was inadequate

21. Appendix A1 of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines* identifies participant involvement program guidelines for facilities applications with Table A1-1 setting out the electric facility application notification and consultation requirements. For transmission line development in an urban area, the table indicates that notification should be provided to occupants, residents, landowners, First Nation reserves and Métis Settlements within the first row of development surrounding the proposed project and that personal consultation should occur with occupants, residents, landowners, First Nation reserves and Métis Settlements on or directly adjacent to the right-of-way. Personal notification is intended to directly notify specific and identifiable persons, entities and groups about a project. Personal consultation goes beyond personal notification and refers to meaningfully engaging with individuals and groups about the project and includes listening and responding to any objections to the project so that concerns may be raised, properly addressed, and if possible, resolved. All persons whose rights may be directly and adversely affected by a proposed development must be informed of the application, have an opportunity to voice their concerns and have an opportunity to be heard.⁷

22. While the Commission accepts that ENMAX met the requirements for notification, it is not satisfied with the personal consultation that ENMAX conducted. ENMAX's application indicates that "[p]ersonal consultation was attempted at six locations along the [Preferred Route] where tree trimming or removal would be required on or near private property." It added that "[p]ersonal consultation was also undertaken with a relatively small number of stakeholders who received the Project Information Packages and had questions or concerns."⁸ During the hearing, several interveners potentially affected by the Preferred Route indicated they did not experience meaningful personal consultation. For example, DJ Kelly, a member of the WHMCA group, indicated that ENMAX's one-way distribution of project information (such as through flyer drops) was effective, but described its efforts at consultation as "the bare minimum." In his view, ENMAX did not make a meaningful effort to follow up with individual stakeholders after hosting an open house.⁹

23. While Appendix A1 is provided as a guideline, the expectation is that an applicant will adhere to the guidelines from the Commission to the extent possible when developing its participant involvement program. The Commission recognizes that there may be circumstances where it is appropriate to deviate from the guidelines, but in those instances, the Commission expects the applicant to provide its rationale for any deviation. In this case, the Commission considers that ENMAX failed to achieve meaningful personal consultation as described in

⁷ Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*, Appendix A1 – Participant involvement program guidelines, sections 1.2 and 5.

⁸ Exhibit 29583-X0002, ENMAX Power Corporation Central Calgary Transmission Line Replacement Project Facility Application, PDF pages 45-46.

⁹ Transcript, Volume 2, page 371, lines 11-13.

Appendix A1 and has not provided sufficient or any rationale for deviating from the Appendix A1 guidelines. As discussed further below, the consultation that was carried out with certain parties, such as Royop, the Ambassador Motor Inn and Kaol Porter, was inadequate because it is clear that ENMAX did not, prior to the hearing, fully understand their concerns and the impacts the transmission line would have on them. Because of this, ENMAX was unable to meaningfully engage with these parties, effectively account for or attempt to resolve their concerns in its route development process and consider potential mitigations.

24. The key stakeholders that ENMAX identified during preliminary routing were entities such as internal ENMAX departments, The City of Calgary, Alberta Transportation and other utility owners. Consultation with these stakeholders involved direct or face-to-face discussions typical of personal consultation. It was during the final routing stage that ENMAX focused on public engagement with adjacent landowners and occupants/residents, adjacent commercial operations, interested members of the public, public landowners and agents, regulatory agencies, and commercial/industrial entities. While ENMAX personally consulted with some of these stakeholders, this was not the case in other key instances.

25. When considering ENMAX's consultation with The City of Calgary, the benefits of direct discussions early in the routing process are clear. ENMAX consulted The City as a municipal authority and stakeholder to the process, and ultimately engaged with multiple City departments. The Siting Technical Report documents extensive engagement with The City regarding the Midfield Heights development, which is undeveloped land located on the east portion of the route and owned by The City. This engagement included input from The City's Real Estate & Development Services, Parks & Open Spaces and City Infrastructure Services departments.¹⁰

26. The level of consultation afforded to The City for the Midfield Heights development was appropriate given the significance of that planned development, and the potential impacts the transmission line could have on construction. That consultation reflected the intention of personal consultation described in Rule 007, Appendix A1, as meaningfully engaging with those consulted and listening and responding to objections to the project. As a result of the consultation related to the Midfield Heights development, ENMAX shifted the alignment of potential routes nearest to the Midfield Heights development to provide for a clearance zone, which would allow development to the lot line. ENMAX also refined the design of the line to ensure that five elm trees could remain at the corner of Moncton Avenue and 16th Avenue N.E., and so that water and sewer infrastructure could be avoided. ENMAX also committed to working with The City's Street Light Design department to resolve any clearance issues.¹¹ These modifications were made even though the land had not been sold to prospective developers at the time, and despite there being no detailed designs or drawings for the Midfield Heights development discussed in the routing analysis.

27. The level of consultation afforded to The City differs significantly from the evidence of what Royop experienced. During the hearing, Royop and ENMAX disagreed on when and how Royop was first notified about the project. Royop reported that it had not received ENMAX's stakeholder newsletter and project information package¹² but that it first heard of the project through the WHMCA. ENMAX disputed Royop's claims, asserting that it had documented

¹⁰ Exhibit 29583-X0016, Appendix G - Route Selection, PDF pages 51 and 55.

¹¹ Exhibit 29583-X0016, Appendix G - Route Selection, PDF pages 55 and 57.

¹² Exhibit 29583-X0167, Written Evidence of Jacob Weber on behalf of Royop (North Hill) GP Inc., PDF page 12.

instances of mailouts and hand delivered packages to the existing North Hill Co-op adjacent to the Munro Development as well as mailouts to Royop's corporate office.¹³

28. Even assuming that Royop did receive (or should have received) notification packages provided to it by ENMAX, which Royop denied, the Commission considers that ENMAX should have made a greater effort to directly engage Royop in meaningful dialogue earlier in ENMAX's transmission planning stages to ensure that the Munro Development was thoroughly considered in the route development process. This is particularly the case given the very close proximity of the proposed overhead line to Royop's new and future planned mixed-use developments. While the AUC hearing process can be effective at exploring and addressing concerns that remain unresolved at the time an application is filed, the Commission's process should not be a first opportunity for directly affected (and in this case immediately adjacent) parties to be airing concerns. In this case, the hearing appeared to be the first instance in which Royop and other parties engaged in a real-time, back-and-forth discussion about issues and in some cases significant outstanding concerns, none of which appeared to have been addressed, much less resolved, or for which mitigations had been proposed prior to the hearing.

29. The disparity between the outcome of early consultation with The City, as owner of the Midfield Heights site, and the post-application engagement with Royop is notable. The City had multiple and extensive opportunities to voice its concerns and influence ENMAX's routing process prior to the application being submitted, whereas many fundamental concerns of Royop's arose for the first time at the hearing. At that point, because the Preferred Route had already been finalized, Royop was effectively told that all of its concerns would be addressed in designing the overhead transmission line to comply with the Alberta Electrical Utility Code. Additionally, ENMAX suggested at the hearing that if Royop had not made contact in December 2024, the hearing would have proceeded without Royop's involvement based on the assumption it had received personal notification.¹⁴ The notable dichotomy in ENMAX's effort to consult, and the substantive results of that early consultation, highlight the inadequacy of consultation with Royop specifically, and with the consultation program overall.

30. Direct personal engagement with immediately adjacent landowners early enough in the process (i.e., before final preferred routing is determined) is critical so that site-specific concerns can be meaningfully discussed, understood and either resolved or mitigated to a reasonable degree. Given the evidence both on the written record and heard at the oral hearing, this was clearly not the case for this project. The Commission therefore finds ENMAX's consultations to be inadequate. Given that the Preferred Route could be the closest transmission line to a mixed-use development that ENMAX has ever proposed,¹⁵ the Commission views that personal consultation with Royop should have been conducted as a critical step in ENMAX's siting process.

5.2 As a consequence of inadequate consultation with Royop, it is unclear whether the Munro Development was explicitly considered in routing

31. The Commission finds that ENMAX's consultation with Royop was inadequate despite Royop being a key stakeholder that ENMAX should have engaged in direct personal

¹³ Exhibit 29583-X0200.01, EPC Central Calgary Transmission Line Replacement Project Reply Evidence, PDF pages 24 and 25.

¹⁴ Transcript, Volume 1, page 227, lines 1-20.

¹⁵ Transcript, Volume 1, page 206, lines 15-25 to page 207, lines 1-5.

consultation with early in the route selection process. In the absence of consultation, it is unclear to the Commission whether or how the Munro Development was explicitly considered by ENMAX in arriving at the Preferred Route.

32. The Munro Development is located on land occupied by a long-standing Co-op grocery store and strip mall. The original development permit was submitted by Co-op and was assumed by Royop after purchasing the site and negotiating a sale-leaseback with Co-op. Royop conducted an independent consultation process in the area during 2021-2022. The first application for a development permit by Royop for the Munro Development was dated June 2, 2022,¹⁶ supported by a drawing package dated May 24, 2022.

33. ENMAX asserted at the oral hearing that the Royop development of the Co-op site was considered during the route selection phase of the application, since all development permits underway had been included in the analysis. What exactly ENMAX considered is unclear as there is no listing of development permits examined, or a map of which properties were under permit at the time of the route analysis.

34. In the Siting Technical Report, ENMAX retired the South Route due to the number of development plans and new buildings under construction on the north and south sides of the alley south of 16th Avenue N.E. and on 15th Avenue N.E., as each new development, “represents another construction and operational constraint if the line is to be built or operated in close proximity to a building.”¹⁷ The South Route was also noted as a concern for The City of Calgary’s Planning department, as an overhead transmission line may limit development of new zoning of up to 12 storeys in some areas, and because an overhead crossing of 16th Avenue N.E. would not be consistent with ongoing beautification efforts.¹⁸

35. There is little mention in the Siting Technical Report of transmission lines close to buildings for the Preferred Route, beyond a high-level reference to “ongoing developments in the study area for multi-story residential/commercial developments” and reference to the fact that the Preferred Route is in close proximity to “several residences on the south side of 17 Ave NE as well as the north side of the Dr. Vernon Fanning Centre care facility.”¹⁹ The extremely close proximity of the proposed transmission line to the Munro Development is not discussed in any detail. The only explicit mention of that site is in the Route Revision Log entry from April 2024 concerning a stakeholder-suggested route change that was rejected on the basis that “it is not technically feasible to locate the turning structure or right of way on the Co-Op property given the redevelopment plans for Calgary Co-Op.”²⁰

36. The Siting Technical Report, dated October 25, 2024, was produced well after the Royop amendment of the original development permit in June 2022. The retirement of the South Route over concerns about operational constraints arising from proximity to buildings is in contrast to the absence of discussion of the proximity to the planned and permitted Munro Development. The April 2024 entry in the Route Revision Log still refers to the site as the Co-op property, even though the entry considerably post-dates the Royop purchase of the site from Co-op and the

¹⁶ Exhibit 29583-X0167, Written Evidence of Jacob Weber on behalf of Royop (North Hill) GP Inc., PDF page 4, paragraph 12.

¹⁷ Exhibit 29583-X0016, Appendix G - Route Selection, PDF page 56, Section 6.3.1.

¹⁸ Exhibit 29583-X0016, Appendix G - Route Selection, PDF page 49, Section 5.1.2.1.1.

¹⁹ Exhibit 29583-X0016, Appendix G - Route Selection, PDF page 60, Section 6.5.2.1.

²⁰ Exhibit 29583-X0016, Appendix G - Route Selection, PDF page 82, Change # 20.

submission of an amended development permit. While ENMAX stated at the hearing that all development permits were considered in the routing analysis, the Commission considers that the lack of explicit mention of such a large development is not adequately explained. In the Commission's view, this highlights the failure to meaningfully consult with Royop and also raises broader concerns with respect to the quality and completeness of the route analysis process and reporting.

5.3 As a further consequence of inadequate consultation with Royop, there are unresolved safety concerns with the Preferred Route

37. Royop expressed safety concerns that the proposed overhead line could potentially be an obstruction to building maintenance and emergency response efforts, particularly fire department aerial ladder operations. It highlighted potential building code conflicts related to fire access that are particular to its Munro Development because of the building's horseshoe shape and construction over a grocery store. That design required that The City of Calgary approve a building code variance to consider several unique design features. That variance process did not incorporate knowledge of the transmission line routing, and Royop is now concerned that this may impact its ability to eventually obtain an occupancy permit. Royop stated that it is currently waiting for a City building inspector and fire department representative to visit its site to discuss ENMAX's proposed overhead transmission line and emphasized that it takes time to sort out variances.

38. During the hearing, ENMAX repeatedly emphasized that from a technical clearance point of view, the transmission line would be designed and built to code. However, Royop maintained that it does not know which codes ENMAX is referring to and suggested that, although ENMAX might be able to design the transmission line to satisfy the Alberta Electrical Utility Code, it does not follow that the Munro Development would remain in compliance with approved variances and the building code.

39. Royop explained that the Munro Development is split into north and south halves for fire stopping such that if a fire broke out on the building's north side, for example, the south side of the development is protected by a firewall. This means that in the event of a fire, a ladder truck may be required to access the north-facing balconies to rescue residents.

40. The Munro Development is also unique because it is anchored by a 42,000 square foot Co-op grocery store that sits under five storeys of residential wood construction. Due to this building design, Royop indicated it may behave differently in a fire event.²¹ Specifically, the grocery store is a single open space containing significant amounts of combustibles and required careful consideration from code experts in the design process to ensure that it could obtain approval from The City. Consequently, in addition to firewall upgrades, slabs between the top of the podium and overhead wood structures were upgraded to a four-hour rating along with a sprinkler system and smoke evacuation system.²²

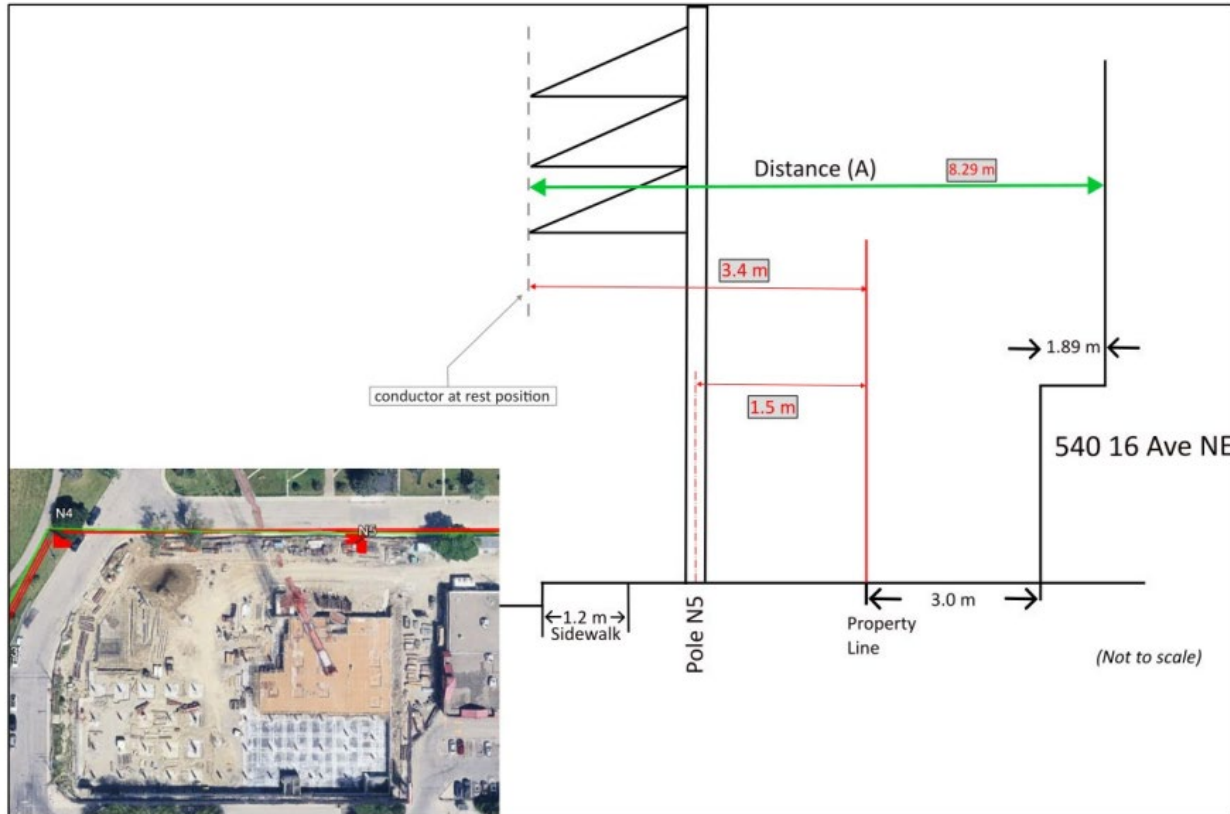
41. Royop advised that it only initiated contact with the fire service department from The City of Calgary after viewing a conceptual sketch, shown in Figure 1 below, that showed distances of the proposed overhead transmission line to the Munro Development. This conceptual sketch showing the space between ENMAX's proposed overhead Pole N5 and the

²¹ Transcript, Volume 3, page 409, lines 9-21.

²² Transcript, Volume 3, page 447, lines 11-25 to page 448, line 1.

Munro Development building was based on site measurements taken by ENMAX for the purposes of developing ENMAX's rebuttal evidence. The dimensions and details of this drawing became a focal point for parties at the hearing.

Figure 1. ENMAX reply evidence: cross-section diagram of conductor clearance looking east at 540 16 Ave. N.E.²³



42. ENMAX confirmed that the N5 monopole will be about 1.5 metres from the property line. As part of the sketch, ENMAX assumed there would be a step-back of 1.89 metres above the ground level of the building. However, Royop clarified that what ENMAX thought was a building step-back, was actually space reserved for protruding balconies as shown in the photos that ENMAX also provided in rebuttal evidence. Consequently, the distance from the proposed overhead conductor at resting position to the front face of the balconies would be 6.4 metres, not the 8.29 metres shown in ENMAX's figure. After considering the safe limit of approach of 4 metres, ENMAX confirmed that there would be 2.4 metres available for maintenance activities or scaffolding.²⁴

43. The Commission is concerned that ENMAX provided a not-to-scale sketch of Pole N5 in relation to Royop's mixed-use building, which resulted in uncertainty around the distance of Pole N5 to Royop's development, and that it did so for the first time in rebuttal evidence. Similarly, rather than assuming there would be a step-back of 1.89 metres above the ground level of the building, ENMAX could and should have reached out to and engaged in meaningful

²³ Exhibit 29583-X0200.01, EPC Central Calgary Transmission Line Replacement Project Reply Evidence, Figure 3, PDF page 23.

²⁴ Transcript, Volume 1, page 173, lines 1-4.

discussion with Royop to confirm those and other details given the proximity of the proposed overhead conductor to the Munro Development. It is acutely apparent that six months after the application was filed, ENMAX was unable to demonstrate it had a fundamental understanding of Royop's site and of the potential impacts of its proposed transmission development on that site. This is a clear indicator that ENMAX's consultation was inadequate.

44. ENMAX acknowledged that Royop's mixed-use building is about 18 metres in height and indicated that there would be two phases of the transmission line directly in front of the north side of the Royop building.²⁵ Royop's initial concern was that, in the event of a fire, a ladder truck would have to fit between the two phases of the transmission line in order to be able to access certain building floors. In response to hearing questions, ENMAX explained that if this were the case, the Calgary Fire Department would call ENMAX's control centre to have the line de-energized so that the Calgary Fire Department could perform rescue work safely. It added that whenever an emergency call relating to a building fire is received, ENMAX has trouble trucks that are stationed in all corners of the city, driving around and ready to be dispatched to assist with de-energizing power during emergencies. ENMAX further suggested that fire responders could drive between the building and the transmission line to access the upper floors. However, based on the evidence, if emergency responders need to drive between the poles towards Royop's mixed-use building, the Commission is uncertain whether a ladder truck could drive over the heavily landscaped space that Royop designed or if the ground could bear the weight of such a vehicle. It was also unclear how much time it may take for the de-energization and other processes to take place during an emergency. More importantly, the Commission became aware that Royop was hearing this information for the first time.

45. While ENMAX provided some assurance on emergency response in relation to the ability to de-energize the line, it did so in response to questions raised at the hearing and only once a not-to-scale drawing was provided in rebuttal evidence, which raised a number of questions from Royop and the Commission. Given the size of the Royop development and the proximity of ENMAX's proposed line to that development, this conversation should have taken place earlier in the process. Further, the issues and concerns raised were not fully resolved. The Commission finds that there remains considerable uncertainty around whether unimpeded access to the north face of the Munro Development is possible in the event of an emergency. While ENMAX committed to making best efforts to work with the Calgary Emergency Management Agency and fire department during the detailed design phase to ensure that there is adequate access, this approach would require the Commission to approve the Preferred Route on the assumption that these efforts will be successful. That would also leave Royop no recourse through this proceeding if the transmission line ultimately impacts the code compliance of the building that is already under construction.

46. ENMAX acknowledged that if developers come forward with a building that could be in conflict with an overhead transmission line, it is at that very early stage of working with the developer where solutions such as setbacks or modifications to building design could be done to mitigate conflicts.²⁶ Had ENMAX and Royop met during the route development phase to discuss and seek engineering solutions to resolve safety concerns, it might have been possible to alter or reconcile designs such that they meet both electrical utility and building code standards. It is unclear to the Commission whether, in such a case, ENMAX would have still filed its Preferred

²⁵ Transcript, Volume 1, page 154, lines 8-11.

²⁶ Transcript, Volume 1, page 76, lines 16-25 to page 77, lines 1-3.

Route as it was ultimately filed, as an overhead configuration or as some alternative. ENMAX took the position that it attempted through mail drops to provide project information to Royop and that it had verified that it had the correct corporate address and email addresses for the company. ENMAX also indicated that it cannot be expected to anticipate all future development plans along a proposed project. However, given both the size and proximity of the Munro Development to the Preferred Route, and the stage of the Munro Development, the Commission does not consider that it was reasonable for ENMAX to have proceeded to the point of filing its application, without having made greater efforts to establish contact and engage in direct two-way consultation with Royop. While the Commission acknowledges that parties such as Royop have a responsibility to actively review and respond to information packages such as the mailouts ENMAX attempted to deliver, the Commission emphasizes that the regulatory hearing process cannot be a substitute for the consultation process, particularly with parties so clearly directly affected by the proposed project.

47. For the reasons described above, the Commission finds that ENMAX's personal consultation with Royop was inadequate and has resulted in unresolved concerns about the safety and feasibility of the Preferred Route.

5.4 Other examples of inadequate consultation

48. The Commission also considers that ENMAX's efforts at personal consultation with other potentially affected stakeholders demonstrate a pattern of inadequate consultation. Some examples of this are the consultation with Leonard Perozni, the Ambassador Motor Inn property owner, and K. Porter, both of whom participated in the proceeding through the WHMCA.

49. The Ambassador Motor Inn is located adjacent to the Preferred Route and L. Perozni indicated that he intends to redevelop the property. L. Perozni has had the property rezoned to a mixed-use designation, which permits commercial and residential use and allows development to the lot line to a height of 22 metres, or six storeys on the portion of the property facing 17th Avenue N.E. He estimated that he had spent more than \$200,000 to rezone the property and develop conceptual redevelopment plans. While there was some dispute at the hearing between ENMAX and L. Perozni about the extent of the consultation that took place beyond one interaction at an open house, it is clear based on his oral evidence that L. Perozni did not feel that ENMAX had meaningfully consulted with him in relation to this development plan.

50. ENMAX indicated at the hearing that it felt it had addressed L. Perozni's concerns through changes to the routing at the detailed design stage, including by adding a structure to avoid a diagonal route across Moncton Road. It is not clear on the record whether these changes were made directly in response to L. Perozni's concerns, or whether they were also informed by other routing considerations. Regardless, it appears that from that point forward, ENMAX's approach to consultation was influenced by its view that L. Perozni's development plans were speculative. At the hearing, ENMAX referenced the fact that L. Perozni had not yet obtained a development permit, and suggested that it would not be pragmatic to consider all possible potential developments prior to routing and siting.²⁷ In argument, ENMAX referred to past decisions in which the Commission has stated that it generally gives more weight to potential

²⁷ Transcript, Volume 1, page 159, line 18 to page 160, line 1.

development impacts where the proposed development has received development approval or is in the process of obtaining approval.²⁸

51. The Commission's approach to future developments is fact-specific and considers the particular circumstances, including the degree to which positive steps have been taken toward development. In this case, the Commission disagrees with the characterization of L. Perozni's development plan as purely speculative. L. Perozni has taken significant positive steps towards redevelopment of the Ambassador Motor Inn. In any event, the fact that the Commission has previously considered the existence or non-existence of a development permit when balancing the asserted harms of an electric facility against its public benefits, does not mean that applicants at the participant involvement program stage are entitled to rely on the absence of a development permit to disregard or afford less meaningful or comprehensive consultation to stakeholders advancing concerns about future development plans, particularly for properties directly adjacent to a proposed project.

52. ENMAX's failure to consult more fully with L. Perozni before filing the application resulted in a missed opportunity to assess siting impacts, such as setbacks or zero-lot-line conflicts. This contrasts with ENMAX's more thorough consultation with The City of Calgary for the Midfield Heights development, which led to routing changes and minimized impacts to development. The Commission views this as representative of shortcomings in ENMAX's consultation process.

53. K. Porter is an adjacent resident who owns a recording studio containing sensitive recording equipment, some using analog unbalanced signal transmission that K. Porter asserted is more susceptible to interference. K. Porter raised concerns regarding potential electromagnetic field (EMF) impacts from the proposed transmission line. During the hearing, K. Porter indicated that despite emailing ENMAX, the response he received was limited to what was described as boilerplate.²⁹ ENMAX's responses to interference concerns at the hearing were not sufficient in resolving K. Porter's questions. At one point in the hearing, ENMAX suggested that magnetic fields generated by the Alternate Route at K. Porter's residence may actually be slightly higher than the Preferred Route due to the relative proximity of the underground alignment to buildings on the surface.³⁰ This possibility does not appear to have been communicated to K. Porter before the hearing.

54. The Commission finds that ENMAX's lack of personal consultation with K. Porter similarly represented a missed opportunity to resolve a specific and technically addressable concern. Had ENMAX engaged K. Porter directly, it may have been able to retain an expert to provide assurances that EMF levels from the proposed line would not interfere with his recording equipment or offer to conduct site-specific EMF modelling and mitigation measures.

55. In K. Porter's case, the absence of dialogue meant the Commission had to explore potential mitigation options at the information request and hearing stages of the proceeding,

²⁸ Decision 22966-D01-2018: BHEC-RES Alberta G.P. Inc. – Forty Mile Wind Power Project, Proceeding 22966, Application 22966-A001, August 30, 2018, paragraph 259. Decision 25346-D01-2020: Solar Krafte Utilities Inc. and Capital Power Generation Services Inc. – Strathmore Solar Project, Proceeding 25346, Application 25346-A001, November 27, 2020, paragraph 75.

²⁹ Transcript, Volume 2, page 378, lines 1-5.

³⁰ Transcript, Volume 1, page 222, lines 4-16.

rather than reviewing them as part of the filed application. The Commission also views this as representative of shortcomings in ENMAX's consultation process.

5.5 The Commission is not satisfied that approval of the Alternate Route is in the public interest

56. The Commission recognizes that the Alternate Route represents a technically viable route. No party intervened in this proceeding in opposition to the Alternate Route. The Commission also observes that, in many instances during the hearing when the Preferred Route was challenged, ENMAX immediately defaulted to the possible approval of the underground option as a solution.³¹

57. The Commission considered whether to approve the Alternate Route, particularly given that Transmission Line 3.82L is aging, and that requiring ENMAX to refile a new application introduces regulatory burden and uncertainty for all parties. The Commission does not take lightly the time, effort and resources that applicants and interveners bear to participate in additional regulatory process. Nor does the Commission underestimate ENMAX's evidence with respect to the age of Transmission Line 3.82L and its need to be replaced.

58. However, while the Alternate Route would be technically feasible to construct and would address many of the concerns associated with the Preferred Route, it would cost approximately \$10 million more than the Preferred Route. These incremental costs are largely attributable to burying the line underground, and would be borne by all Alberta customers in the form of higher utility bills.

59. Intervenors in this proceeding suggested that the incremental costs to individual customers would be minimal and are acceptable in the circumstances. However, the Commission does not consider it fair or reasonable to impose additional costs on Alberta electricity customers to rectify deficiencies in ENMAX's application that could have been addressed and resolved through better consultation, resulting in a more robust routing analysis.

60. In the Commission's view, if ENMAX had properly understood the full impacts of the Preferred Route prior to filing its application, it might have been able to identify alternate designs or routing that would mitigate the impacts. It might also have reconsidered other routing options, such as along 16th Avenue N.E. or the route in the alleyway south of 16th Avenue N.E., that it had previously rejected as having higher impacts than the Preferred Route.

61. Without understanding how alternative overhead routes or designs would compare to the Alternate Route in terms of cost and impacts, the Commission finds approving the Alternate Route, even if uncontested by the parties that sought standing in the current proceeding, would not be in the public interest. Ultimately, the customers that would bear the majority of the incremental costs associated with the Alternate Route were not represented in the proceeding. The Commission's public interest mandate requires that it consider all segments of the public when considering whether the proposed transmission line is in the public interest, having regard to the social and economic effects of the line, and the effects of the line on the environment. As

³¹ Transcript, Volume 1, page 97, lines 3-12; page 148, lines 20-25 to page 149, lines 1-6; page 164, lines 8-15; and page 168, lines 9-16.

discussed above, the Commission must balance the province-wide benefits associated with the changes proposed to the transmission system with the specific routing impacts.

62. A utility is not obligated to put forward an overhead route as its preferred option. Cost is an important consideration to the Commission, but cost is balanced against other elements of the public interest and is part of a full consideration of a sufficiently supported application. However, a utility must be able to meet the onus of demonstrating that the route or routes it proposes are in the public interest. In response to questions related to Royop's Munro development and other areas, it appeared to the Commission that ENMAX did not have full confidence in its own Preferred Route as the design that best meets the public interest. ENMAX's corporate witnesses offered up the Alternate Route when any weaknesses in their Preferred Route were identified.³² The Commission is not prepared to approve the Alternate Route when it would be doing so largely to rehabilitate deficiencies in the Preferred Route. The Commission is strongly of the view that accepting the Alternate Route as a means of rehabilitating ENMAX's application would not be in the public interest as it would foist upon all Alberta customers, costs associated with ENMAX insufficiently supporting its Preferred Route. Equally problematic is the potentially perverse incentive such a decision could send since the incremental costs of the Alternate Route would be added to ENMAX's rate base allowing it to benefit financially from the higher-cost route being approved.

63. Given the circumstances giving rise to ENMAX's application, the Commission recognizes that ENMAX will refile an application to address the replacement of the near end-of-life 138-kV underground Transmission Line 3.82L. Nothing in this decision is intended to affect the route alternatives considered and ultimately applied for by ENMAX in the future. The Commission's findings in this decision are based on the evidence before it.

5.6 Consultation and proceeding costs

64. The Commission is not satisfied with the way consultation was conducted for this application. ENMAX's business case, PG1-PU-2026-7 C20312 Central Calgary Transmission Line Replacement Project,³³ was approved in Decision 27581-D01-2023³⁴ and Decision 29255-D01-2025.³⁵ Given that ENMAX would have accounted for consultation costs in its general tariff applications that were considered in the aforementioned decisions, these costs were previously approved on a forecast basis.

65. The Commission questions whether it is just and reasonable for ENMAX to be fully indemnified by all Alberta customers for a consultation program that did not meet the guidelines in Appendix A1 of Rule 007, and hearing costs that did not result in an approval because of inadequate consultation that was within ENMAX's control.

66. The Commission directs ENMAX to separately track the consultation costs related to this application for the Central Calgary Transmission Line Replacement Project, and the hearing costs it incurred for its own participation in Proceeding 29583. The Commission will require

³² Transcript, Volume 1, page 149, lines 2-6, and page 168, lines 9-16.

³³ Previously known as 3.82L Transmission Cable Replacement.

³⁴ Decision 27581-D01-2023: ENMAX Power Corporation – 2023-2025 Transmission General Tariff Application and Negotiated Settlement Agreement, Proceeding 27581, October 2, 2023.

³⁵ Decision 29255-D02-2025: ENMAX Power Corporation – 2026-2028 Transmission General Tariff Application and Negotiated Settlement Agreement, Proceeding 29255, April 25, 2025.

ENMAX, at its next general tariff application (GTA), to comment on whether these costs should be recoverable through its revenue requirement.

67. Additionally, the Commission will explore at ENMAX's next GTA whether any local intervenor costs that ENMAX is ordered to pay in Proceeding 30117³⁶ should be eligible for recovery through ENMAX's hearing cost reserve account, or whether these costs should be borne by ENMAX's shareholder.

6 Conclusion

68. ENMAX failed to adequately and effectively consult with parties directly adjacent to its Preferred Route including the developer of a major mixed-use commercial and residential development that had valid and reasonable concerns about the effect of the project, including on safety. Given the foreseeable significance of the proposed transmission line to Royop, the Commission does not consider that ENMAX's efforts at providing notification and meaningfully engaging were reasonable in the circumstances.

69. As a consequence of the inadequate pre-application consultation, discussions on important issues such as fire access and building code compliance were conducted in the first instance during the hearing and were neither previously addressed, nor resolved. While the Commission recognizes that not all intervenor concerns will necessarily be addressed in a manner that is satisfactory to all parties, adequate pre-application consultation is often the most effective means of ensuring that concerns can be accounted for. Particularly for a substantial development with multiple phases and the need for building code variances, engaging such issues at the hearing for the first time is insufficient.

70. In this case, because ENMAX did not properly understand line clearances and related safety concerns until late in the proceeding, it did not have adequate time to consider alternative designs or routing or provide sufficient evidence to respond to these concerns. This ultimately left ENMAX with a Preferred Route that it appeared to have a reduced degree of confidence in and a decreased ability to defend. Based on the Commission's finding that ENMAX had not met its onus with respect to the Preferred Route, this left only the Alternate Route, which the Commission is not prepared to accept in order to rehabilitate deficiencies with the Preferred Route that could have been addressed and potentially resolved had ENMAX engaged in sufficiently robust consultation with adjacent properties in the first instance. Doing so would unfairly shift the incremental costs associated with ENMAX's insufficient consultation onto Alberta customers and remove ENMAX's onus to ensure all filing criteria are met well prior to filing an application and early enough to ensure that routing options take into consideration the issues and concerns raised as part of a meaningful consultation process with all persons whose rights may be directly and adversely affected by a proposed development.

71. Given its decision to deny the application for the above reasons, the Commission has not made findings on other aspects of the application. These include concerns raised by intervenors regarding potential residential and commercial property value impacts,³⁷ tree removal and other

³⁶ Proceeding 30117, Costs claims for Proceeding 29583 - ENMAX Central Calgary Transmission Line Replacement Project.

³⁷ For example, Royop provided extensive submissions on potential impacts on matters such as unit rentability, delayed occupancy targets and diminished sale value.

environmental effects, or the project's consistency with land use planning documents. The absence of findings on these matters should not be read as an acceptance or dismissal of these important concerns. The Commission will consider such impacts if they are raised in relation to a future application, based on the particular facts of that application.

7 Decision

72. For the foregoing reasons, the Commission considers that ENMAX's application is not in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*. The application is therefore denied.

Dated on August 11, 2025.

Alberta Utilities Commission

(original signed by)

Kristi Sebalj
Vice-Chair

(original signed by)

Matthew Oliver, CD
Commission Member

Appendix A – Proceeding participants

Name of organization (abbreviation)
Name of counsel or representative
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Royop (North Hill) GP Inc. S. Stokes, Rose LLP, counsel
Winston Heights-Mountview Community Association G. Fitch, McLennan Ross LLP, counsel J. Britton, McLennan Ross LLP, counsel
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Andrea Sawchuk
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Barbara Anderson
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Bernice Perozni
Beth Kenney
Bette Anderson
Cecilia Anne Scott
Claire Neily
Claire Ouchi
Craig Baskett
Cynthia Clark
Damien McFadyen
David Pilgrim
Denise Jonasson
Derek Faint
Dino Carnevale
DJ Kelly
Doreen Ouchi
Doug Couture
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Eric Hepler
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Eva Logan
Evan Yathon
Florence Lee
Grace Procyshen
Ian Wacker
Jack Jonasson
Janet Hughes

Janet Walker
Jennifer Koppe
Jeremy Ries
Joanna Gostola
Jordan Cuthbertson
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Kaol Porter
Karen Ball
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Lenard Perozni
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Magda Nelson
Marcia Xavier
Marla Bodnar
Matthew Hardman
Mike Jones
Miriam Bezeau
Natalie Selinger
Patricia Kotow
Peter Izzo
Petra Clemens
Robert Adamowicz
Shannon Smith
Shawn Gostola
Shawna Cockx
Terry Hughes
Tomasz Cybruk
Vesselka Svilenova
Vicki Young
Wayne Hume
Wayne Rancier

Appendix B – Oral hearing – registered appearances

Name of organization (abbreviation) Name of counsel or representative	Witnesses
ENMAX Power Corporation (ENMAX) S. MacMillan, counsel K. Slipp, Blake, Cassels & Graydon LLP, counsel E. Bouey, Blake, Cassels & Graydon LLP, counsel	D. Lenz M. Campbell D. Cooper R. Desrosiers (Maskwa Environmental Consulting)
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Jennifer Koppe	

<p>Alberta Utilities Commission</p> <p>Commission panel</p> <p>K. Sebalj (Vice-chair)</p> <p>M. Oliver (Commission member)</p> <p>Commission staff</p> <p>R. Watson (Commission counsel)</p> <p>M. Anderson (Commission counsel)</p> <p>E. Chu</p> <p>M. Ocando</p>
