

Bulletin 2024-20

October 3, 2024

Written consultation established on draft amendments to Rule 009

The Alberta Utilities Commission has prepared draft amendments to Rule 009: *Rules on Local Intervener Costs* and established a written consultation process on these draft amendments.

The draft amendments are intended to update and streamline the rule in a manner similar to previous amendments to Rule 022: *Rules on Costs in Utility Rates Proceedings*, to introduce honoraria for municipal interveners, and to provide for greater flexibility for hearing panels to consider costs earlier in the proceeding process.

The draft amendments also contemplate discontinuing the practice of allowing agents to recover costs for acting as a representative in AUC proceedings to increase administrative efficiency and ensure procedural fairness. In addition, the Commission is contemplating increasing rates for intervener honoraria under Rule 009. In relation to these topics, the Commission is seeking input on the following issues.

Agents in AUC proceedings

Hearings before the AUC are quasi-judicial and are governed by a number of related acts and regulations. Further, the issues raised in proceedings before the Commission are increasingly complex; parties frequently require specialized experts and make technical legal arguments to effectively advance their interests.

While most parties in AUC proceedings are represented by a lawyer, some parties have hired agents who collect a fee for their representation. While agents can conduct certain tasks, such as organizing meetings and helping parties navigate proceedings and the AUC's eFiling System, there are many important tasks, such as providing legal advice and presenting legal arguments, which can only be done by a lawyer. Further, agents are not subject to oversight through the Law Society and their clients do not enjoy the benefit of lawyer-client privilege, the duty of confidentiality, a professional standard of care or professional liability insurance.

Given the evolving and increasingly legal nature of the AUC's proceedings, the Commission is seeking stakeholder feedback on the continued involvement of paid agents in AUC proceedings, including comments on what roles paid agents should and should not be permitted to perform.

Intervener honoraria

According to the current Rule 009, interveners can claim \$500 for forming a group of local interveners, \$100 per day for attendance at a hearing, and between \$300 and \$2500 for preparing a submission to the Commission. The draft amendments to Rule 009 also contemplate adding eligibility for municipalities to claim honoraria for participation in Commission proceedings. The

Commission notes the recoverable amounts for honoraria have not been regularly updated and in recent years the Commission has awarded honoraria above the contemplated scale.

The Commission would like further input on whether the amounts for intervener honoraria should be increased and if so, how much they should be increased?

The written consultation will be hosted on [AUC Engage](#), found through the AUC website. Your feedback may be submitted by emailing engage@auc.ab.ca. The deadline for submissions is November 14, 2024.

Any questions related to this bulletin may be directed to Patrick Schembri at patrick.schembri@auc.ab.ca.

Alberta Utilities Commission