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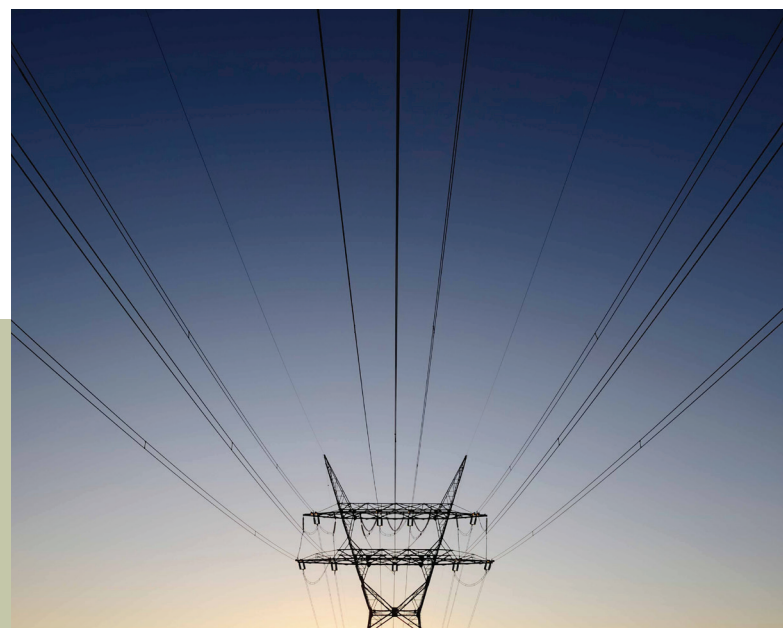
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Public hearing process



www.auc.ab.ca

AUC hearings

This pamphlet explains the public hearing process the Alberta Utilities Commission (AUC) may use in deciding on applications.

The AUC ensures its public hearings are a safe and respectful environment for all participants and its employees.

What is an Alberta Utilities Commission hearing?

The AUC is committed to ensuring that Albertans whose rights may be affected by an AUC decision about a facility or needs application have an opportunity to have their concerns heard, understood and considered.

The AUC holds a public hearing when issues arising from an application cannot otherwise be resolved. A hearing brings all involved parties together to publicly express their views and present their evidence in support of, or in opposition to, an application.

Public hearings are conducted in a fair and orderly forum, like a court of law. Depending on the nature of the issues raised by interveners, the AUC can also hold its hearings using a purely written process. The AUC's hearing processes allow it to make a fully informed decision and ensure all concerns are heard.

Public hearings are held before one or more Commission members (called a "panel") who decide whether to approve or deny an application. Commission members are appointed by the government of Alberta and have specialized expertise in utilities regulation.



Who can participate in a hearing?

Those that may be directly and adversely affected by the AUC's decision on an application are entitled to participate in the public hearing. Such individuals or groups are said to have standing to participate and are referred to as interveners.

How do I find out about hearings and the process involved?

The AUC provides a written notice of application or a notice of hearing to directly affected landowners. Notices may also be published in local newspapers and are often delivered by Canada Post by general delivery to residents around the proposed project. All application and hearing notices are available on the AUC website at www.auc.ab.ca. AUC notices will include a process schedule which describes each step in the hearing process and the timing for those steps.

The AUC generally advertises for, and holds, local public information sessions about opportunities for public participation in its public hearing process.

What happens in an AUC hearing?

A public hearing follows several steps in a formal sequence, like a court proceeding:

- 1. Opening remarks:** The chair of the Commission panel explains the purpose of the hearing and introduces the other members of the panel and AUC staff.
- 2. Preliminary matters:** Sometimes it is necessary to address procedural and legal matters at the beginning of the hearing, such as the scheduling of a specific witness at a particular time. The chair may ask participants to discuss these issues with AUC staff outside of the hearing to make efficient use of time.
- 3. The applicant presents its case:** The applicant's witnesses are sworn in under oath and summarizes their case.
- 4. The applicant is questioned:** Interveners each have a turn to question the applicant's witnesses, followed by the AUC's lawyer and the Commission panel. Following these questions, the applicant's lawyer may ask additional questions to the witnesses to clarify their answers.
- 5. Interveners present their case:** Interveners are each given a chance to present their case.
- 6. Interveners are questioned:** After presenting their case, interveners are questioned by the applicant's lawyer, by other interveners, by AUC staff and by the Commission panel. Once questions are complete, the intervener's lawyer may ask additional questions to the witnesses to clarify their answers.



7. Rebuttal evidence by applicant: The applicant may submit additional evidence to address new points raised by interveners.

8. Final argument: After the applicant's rebuttal evidence is complete, each participant can provide an explanation of what they believe are the important issues involved and what decisions they want the Commission panel to make. The applicant goes first, followed by interveners. This is the final opportunity for participants to ensure that the Commission panel understand their position on the issues. The applicant may also respond to interveners' arguments.

9. Close of the hearing: The chair of the panel announces the hearing is complete. The panel's decision will be issued in a written decision no more than 90 days from the close of the hearing.



Where are AUC hearings held?

The AUC typically holds its hearings in its Calgary office. In-person hearings may also be held in or near the area that may be affected by the proposed project. AUC hearings are accessible to the public through a livestream broadcast. Recorded oral hearings, oral argument and replies or technical meetings are available on the AUC's YouTube channel until the close of the proceeding record. Recordings are provided as a convenience to assist the public in following a proceeding and making submissions before the AUC but are not part of the official record.

After the close of the proceeding record, hearing recordings are permanently deleted from the AUC's YouTube channel. The AUC does not make or retain any copies of these videos. The written transcript is the official record of an AUC hearing.

How long does an AUC public hearing last?

Every application is unique and hearings may last anywhere from one day to several weeks, depending on the nature of the application and the complexity of the issues. The AUC will take as long as is required to adequately hear the evidence.

May I attend an AUC hearing just to listen?

Anyone is welcome to attend a public hearing as an observer, and all AUC hearings are livestreamed to the public through the AUC's YouTube channel.

What is expected from the AUC, interveners and others attending a hearing?

Applicants and interveners can expect the Commission members to listen to, understand and consider the views and evidence presented, whether in support of, or in objection to, an application.

The AUC is committed to running its public hearings in an efficient and positive manner while ensuring all parties have a fair opportunity to present their case.

You can expect AUC staff to be respectful, courteous, helpful, clearly identified, and available in the hearing room to assist you in any way they can.

AUC hearings are formal, court-like events and the rules of court conduct apply to provide a mutually respectful environment that is free from disruption. All hearing attendees are expected to act in accordance with the quasi-judicial nature of the proceeding.

In the hearing room, cellphones must be turned off and no recording devices are allowed. Media interviews may be arranged and conducted outside of the hearing room at a sufficient distance to not disrupt the hearing in any way. Placards, signs and props are not allowed within the hearing room. Impeding access for people entering the hearing room or other rooms booked nearby is not permitted. Disruptive behaviour will not be tolerated.

Should interveners hire a lawyer?

While you do not need a lawyer at the hearing, having one to represent your interests is often helpful. Lawyers are trained to present a client's case, cross-examine witnesses, and make arguments about what the AUC's decision should be. They can also assist in arranging for expert witnesses if they are needed to support a client's case.

Can I be reimbursed for costs incurred or for hearing participation?

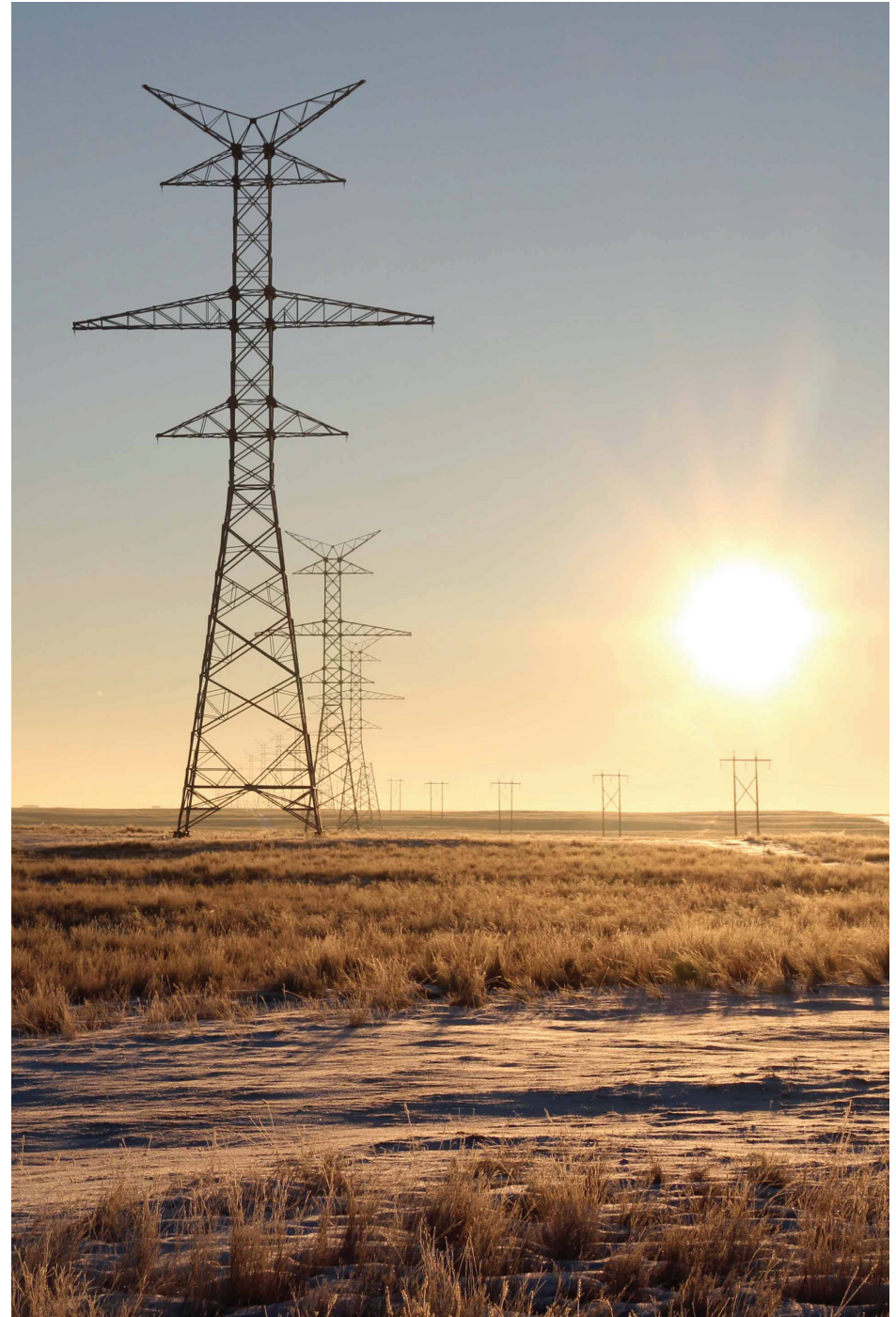
Yes, qualified interveners may be eligible to recover reasonable costs in support of their participation, including costs for legal counsel, expert witnesses and reasonable personal expenditures.

Reimbursement is not guaranteed, and the AUC sets limits on hourly fees payable to lawyers and experts. Requirements are set out in AUC rules 009, 011, 015, and 022.

If I choose to represent myself, how can I learn more about hearing procedures and requirements?

The AUC's Rule 001: *Rules of Practice* provides information for proceedings before the AUC. Rule 001 explains the required actions for participants in a variety of situations during a proceeding.

The AUC expects applicants and participants in a hearing to be familiar with Rule 001. AUC staff are available to assist with any procedural questions.



What happens after the hearing? When is a decision issued?

The hearing panel releases a decision report, which gives the panel's decision and reasons for the decision. The decision report is sent directly to all participants and is publicly available on the AUC's website.

A decision is typically issued within 90 days of the close of a hearing (the last date on which parties provided oral or written submissions or argument).

The AUC has three options when making a decision: approve the application as it was applied for; approve it with conditions; or deny the application.

Can an AUC decision be reviewed or appealed?

Those who are directly or adversely affected by an AUC decision may ask the AUC to review one of its decisions in accordance with AUC Rule 016: *Review of Commission Decisions*.

An application for review of a decision must be filed within 30 days of the issuance of the decision, unless otherwise authorized by the Commission.

An appeal of the AUC's decision may be made to the Court of Appeal of Alberta on questions of jurisdiction or law, meaning that the AUC did not have the right to make the decision or that it made a mistake in its interpretation of the law. Permission to appeal the decision must be obtained from the Court of Appeal of Alberta by making an application for leave to appeal within 30 days of the AUC's decision being issued. These rules are not set by the AUC.

A typical hearing room layout consists of the following:

