

1 INTRODUCTION

AES Calgary ULC filed Application No. 2001113 on April 26, 2001, requesting approval of the Alberta Energy and Utilities Board (EUB/Board) to construct and operate a 525 megawatt, natural gas-fired turbine east of the Calgary City limits, specifically within legal subdivision (LSD) 4 of Section 5, Township 24, Range 28, West of the 4th Meridian.

The Board directed that this application be considered at a public hearing scheduled to commence in Calgary on July 23, 2001. The Board also identified the need to conduct a prehearing meeting to consider the issues to be addressed at the hearing, the timing of the hearing, and other preliminary matters in order for the hearing to be conducted in a more efficient and effective manner.

The Board held a prehearing meeting in Calgary on June 21, 2001, before N. McCrank, Q.C. (Presiding Member), B. McManus, Q.C. (Board Member), and T. M. McGee (Board Member).

Those who appeared at the prehearing meeting, along with a list of abbreviations used in this Memorandum of Decision, are set out in Appendix A.

2 ISSUES CONSIDERED AT THE PREHEARING MEETING

The Board established an agenda to be followed at the prehearing meeting

- 1) issues to be examined at the hearing
- 2) how each proposed participant is affected by or otherwise interested in the application to
 - assist the Board in determining whether participants are local interveners and therefore qualified to seek local intervener costs, and
 - encourage those participants with common issues to pool their resources in order to minimize duplication and provide for a more efficient review
- 3) the procedures and process we will follow leading up to and at the hearing
- 4) any other preliminary matters requiring clarification in order for the subsequent hearing to be more efficient and effective

3 ISSUES TO BE CONSIDERED AT THE HEARING

The participants at the prehearing meeting agreed that the following issues, listed by the Board in its letter of June 20, 2001, should be addressed at the hearing:

- risk to public safety,
- environmental impacts, such as emissions and noise
- land-use impacts (i.e., the potential effect on the development of nearby lands for residential or other uses),
- impacts on land values (potential diminishment of land value),
- construction impacts (e.g., traffic, dust, noise),
- impact on provincial transmission system, and
- public consultation.

Further, the Board accepts the foregoing as issues to be considered and recognizes that there may be other issues that may arise during the hearing.

AES submitted that the need for the power to be produced by the proposed plant should not be an issue at the hearing. AES cited in support EUB *Decision 2001-33*. Though some of the participants argued that leave for appeal was being sought and that the Board should permit the issue of need to be raised at the hearing, the Board is of the view that the need for the power is not a relevant issue in these proceedings for the reasons set out in *Decision 2001-33*.

It was noted that assistance to the application process could be rendered by the participation of the Transmission Administrator. The Board encourages the Transmission Administrator to consider what appropriate contribution it could make to the process.

4 INTERVENER AND PARTICIPANT STATUS

For the purpose of this application, the Board has determined that all the participants in the prehearing meeting are local interveners and, as such, are entitled to local intervener status for the purpose of the EUB's costs guidelines. These guidelines permit the recovery of costs reasonably and necessarily incurred with respect to an effective and relevant intervention.

In addition, the Board noted, with approval, the willingness of participants with common issues to group together and pool their resources to minimize duplication and ensure a more efficient hearing.

5 PROCESS TO BE FOLLOWED

5.1 Information Request (IR) Process

The Board has determined that an IR process would be useful in making the eventual hearing more effective and efficient, as argued by the participants at the prehearing meeting. Therefore, the Board sets the following schedule for the IR process:

- 1) IR requests to AES are to be submitted and served on AES, the other participants, and the EUB on or before July 3, 2001, and
- 2) IR responses from AES are to be distributed to all parties and the EUB, on or before July 10, 2001.

Notwithstanding the above dates, the Board encourages all parties to submit their IRs or responses as soon as possible.

5.2 Appropriate Dispute Resolution

The Board notes the comments of participants regarding Appropriate Dispute Resolution (ADR). While it seems that the likelihood of a full resolution of outstanding issues may be remote, there appears to be a view that some ADR efforts could result in refining or eliminating certain issues and could also serve as a further opportunity to share information. For these reasons, the Board encourages the parties to consider a preliminary ADR meeting. However, consistent with the Board's ADR process, the Board does not require parties to embark upon this effort.

5.3 Adjournment Requests

The Board has carefully considered the adjournment requests made by participants. Based on the evidence at the prehearing meeting, the Board grants an adjournment for the following reasons:

- to allow for further cooperation amongst the interveners,
- to allow time for the retainer of expert witnesses, and
- to allow time for the risk assessment and any other additional information that AES is currently working on to be distributed and reviewed by all parties.

Considering the circumstances, the Board is of the view that the participants will have been afforded a reasonable opportunity to learn the facts of the application and furnish evidence in support of their position. Further, the Board is of the opinion that a two-week adjournment, as requested by Mr. R. Hansford, would be fair and appropriate. However, due to prior staff commitments to other applications and procedures, the Board determines that a three-week deferment is in order.

Therefore, take notice that the hearing into Application No. 2001113 by AES Canada ULC shall commence at 1:30 p.m., on August 13, 2001, at the Carriage House Inn located at 9030 MacLeod Trail SW, Calgary.

DATED at Calgary, Alberta, on June 25, 2001.

ALBERTA ENERGY AND UTILITIES BOARD

N. McCrank, Q.C.
Presiding Board Member

B. McManus, Q.C.
Board Member

T. McGee
Board Member

APPENDIX A

THOSE WHO APPEARED AT THE PREHEARING MEETING AND ABBREVIATIONS USED IN THE MEMORANDUM OF DECISION

Principals (Abbreviations Used in Report)

Representative

AES Calgary ULC (AES)	J. Liteplo
Gleneagle Investments Ltd. and Louson Investments Ltd.	B. O’Ferrall
The Ziegler, Bleile, Gaskarth, and Wakeford Group	R. Hansford
Claude and Madelaine Chicoine	M. Chicoine
Joyce and Randy Hodgson	J. Hodgson
Wil and Diane Mercier	W. Mercier
Y. C. and Sylcia Nip and W. M. and Irene Pillow	Y. C. Nip
ENMAX Power Corporation	D. Wood
Alberta Energy and Utilities Board staff G. Bentivegna, Board Counsel T. Chan, Ph.D., P.Eng K. Gladwyn P. Hunt D. Morris	