

Gerard and Donna Fetaz

Re: Suggestions for changes to Rule 007 2024

We are land owners in the County of Paintearth who have participated in multiple AUC proceedings 22563, 23638, 25047, 25469, 27691, 28689 and 29199 and in Engage Rule 007 2019. We also have experienced the construction phase of a wind project and would like to provide some suggestions for changes to Rule 007 that would be more efficient and therefore better for the consumer in the long run, by reducing unnecessary costly proceedings and unnecessary complaints to other agencies resulting in a burden to the tax payer.

AUC to substantiate all claims of false information or misconduct raised by interveners.

If the AUC required “substantiation” of misinformation or misconduct by the developers of all claims of the interveners this would likely change the perception by the developers that it is easier to ask for forgiveness after rather than do what is required at the outset. The multiple AUC penalties in 27013 and 29109 that have been issued by the AUC reflects that there is a much deeper question of integrity within the AUC processes.

In our experiences and opinion, ATCO is not the only bad actor as identified in the penalties. We have experienced with Capital Power misinformation and misconduct that has caused both financial, health and relationship losses that Capital Power has flaunted the AUC’s failure to “substantiate” the allegations made by interveners. We have attached a letter written by Capital Power as an example of a developer trying to intimidate us by stating on July 29, 2022 Letter from CP page 3, for us to “cease immediately” from telling our negative experience we had with Access Land agents used by Capital Power for the Halkirk 2 Wind Project. They stated “the alleged issues relate to consultation on the original Halkirk 2 application and were before the Commission” it continues “none of the complaints were substantiated at the hearing.” As per the mandate of the AUC to “protect the public” it is this kind of conduct that is contributing to the public’s loss of faith in the AUC process that will and has added unnecessary cost to the tax payers and the consumers.

All intervener cost for experts in their entirety to be paid by the developer.

As ruled by the Alberta Court of Appeal in Kelly v Alberta (Energy Resources Conservation Board), 2012 ABCA 19 as unfair to the intervener. In this Court of Appeal Decision, it seems to state that the AER and

possibly the AUC as its sister agency is mandated to protect the public at whatever the cost, the cost does not have to be justified by the public/intervener. If the AUC would adopt the premise of this decision as the basis that all intervener expert cost regardless of the current AUC scale are to be paid in their entirety by the developer then this would encourage developers to work harder with the interveners prior to the application to avoid unnecessary cost.

Independent Third Party to enforce all AUC conditions and commitments and to contact the appropriate agencies to enforce breaches of existing permits/licenses and laws.

It has been our experience that the developer says what the AUC wants to hear during the application process and then circumvents the AUC process by changing the commitment after the decision, such as: Construction hours to be from 7:00 am to sunset and then changing it to include all night. This change was extremely disruptive to the residents and created unnecessary stress to the community. Without true and accountable enforcement of conditions and commitments stated in the decisions this results in developers defiantly building and doing whatever they want and counting on the residents to get tired of complaining and the AUC failing to hold them accountable.

Complaint and Resolutions that record ALL complaints filed with the AUC that are a result of an AUC approval that include the associated agencies and their resolutions.

We recommend ALL complaints that are filed with Enforcement that involve other agencies also be recorded on the Complaint Resolutions to show that the AUC permits are within compliance with all agencies and that the AUC is ensuring compliance with the permits the AUC issues. It would also identify developers that operate at a very low level of moral decency and perhaps a point system along with penalties might encourage more moral behavior.

It is also of note that the Auditor General has identified in a report released in July 2024 that the Department of Environment and Protective Areas is failing to uphold conditions and permits issued by the Environment attachment 2024 Surface-Water-Management-PA. Together with the AUC's failure to hold other agencies within the AUC permit accountable this has created a nightmare of no accountability. This has likely created loop wholes for industry to say it wasn't their fault and the tax payer will be on the hook for unnecessary damages and harm to the public.

The failure of agencies to substantiate misinformation and misconduct, the failure of the AUC and other agencies to enforce commitments and conditions is causing unnecessary harm to the public and the environment. This “egregious” behavior as identified by the AUC in a penalty ruling is prevalent in the AUC processes and is spreading or maybe has spread to the AEPA. Regardless, it begins with accountability and enforcement neither of which is functioning within the AUC as of now.

Compensation for vacated/abandoned homes as a result of AUC approvals.

People are unnecessarily leaving their homes without compensation because of wind projects for multiple reasons. Open and transparent discussions with the hosting community did not happen before the signing of the contracts. Developers are not required to consider tower placements that are opposed by residents resulting in families forced to abandon their homes that have been AUC approved in an industrial project in a residential community.

An ongoing study is under way in Ontario covering the period between 2006 and 2016 of over 4500 complaints that were reported from residents within 10km of a wind turbine. We have attached Preliminary Results Vacated or Abandoned Homes 1 the first of the seven reports of Vacated/Abandoned Homes Study in Ontario that have been peer reviewed. How is it when you review the Complaint Resolution site for the AUC that there are so few complaints for wind projects recorded? It would appear that the AUC process for registering complaints is not likely capturing a true representation of residents in rural Alberta that live in the vicinity of wind projects. Not recording the complaints does not mean it is not happening, this needs to be remedied. We are not sure how to hold developers accountable for abandoned homes but ignoring this problem is not right.

All wind and solar projects must follow all recommendations in Transport Canada’s TP1247 and a setback distance of at least 5 rotor diameters distance between a wind turbine and the circuit of an aerodrome as determined in AUC proceeding 28689.

This will make all AUC decisions consistent and more importantly does not create unnecessary risk of liability and potential unnecessary harm to the public.

Summary

These suggestions are supportive of the “work” as identified by JP Mouseau during the May 22, 2020 Rule 007 meeting where he stated “The most important part of an application is Consultation, is more than just notification. You have to go out there, you have to listen, and you have to be willing to work on the project, to get the feedback that gets you there.” Since this statement was made the AUC has issued multiple penalties for misinformation or false information. With more projects in the queue and no remarkable changes in the AUC processes there will be unnecessary cost at every level. The developers continue to manipulate and misrepresent information without penalty so as to get the AUC approval and then they count on the interveners to be too frustrated and at a loss of time and energy to figure out who to contact. This creates unnecessary harm to the physical and financial well being of the residents left to live in the industrial project in the middle of a residential farm community.

These suggestions are supportive of the legal advice as given during a 2020 CBC Interview with residents in the AUC approved Halkirk 2 Wind Project that has now had 2 different AUC approvals https://youtu.be/eZJTIA_DczY Dana Scott who was interviewed for the report, holds a research chair in environmental law and justice at York University in Toronto, says that residents were not consulted adequately in Ontario and that ignoring local concerns caused "a huge amount of backlash in rural communities." This is happening in Alberta already the fact that the government issued a moratorium indicated the problems are real and will only become larger without true accountability. What good is a law if it is not enforced? What good is a decision if it is not based on truth? Without truth and accountability, you have unnecessary chaos and destruction.

Please continue to make the changes that are needed.

All attachments are as named and underlined within this submission.

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