

November 14, 2024

Alberta Utilities Commission

Re: Bulletin 2024-20

My mother, La Verla Wogsberg, and I'd like to give feedback on the continued involvement of paid agents in proceedings conducted by the Alberta Utilities Commission (AUC).

We were involved in proceedings 26214, 27097, 27167 and 28017 for the Buffalo Plains Wind Farm through the Lomond Opposed to Wind Power (LOWP group). We were represented by agent Daryl Bennett of My Land Group Inc.

Mr. Bennett provided us with exemplary service, never wavering from our instructions whether he agreed or disagreed. He made himself available without charge to discuss issues and represent us in other direct dealings concerning various aspects of the conditions placed upon BPWF. He was available to us at any time of day or night without fail. He fully understood our concerns as property owners and knew the project up one side and down the other. His advice was nothing short of professional and thoughtful. Nothing against lawyers, but I believe we could never have received the same level of representation or care from a lawyer.

Landowners must have the right to choose the level and type of representation they are most comfortable with. If that representation is that of a land advocate like Mr. Bennett or a lawyer is up to the person who requires service. An individual is free to choose whether to represent themselves in a Canadian court of law or to retain the services of a lawyer. The AUC is a quasi-judicial agency of the province of Alberta. The AUC establishes the rules and frankly from our perspective, has an unruly and profusely complicated set of rules for proceedings. It seems from the perspective of a person taking part that it is designed to intimidate anyone not familiar with the AUC process. Even lawyers can be surprised by the rules and have even asked Mr. Bennett to lead the proceedings on their behalf. It is my understanding that the Lands and Property Rights Tribunal does not deny a landowner the opportunity to have representation from someone other than a lawyer. Why should the AUC be so different?

We do not support any move to have the right or opportunity to be represented by someone other than a lawyer at AUC proceedings restricted or removed. Doing so will severely limit some individuals being able to take part in a proceeding. The ability to take part in a hearing should be unfettered by the AUC so that anyone who desires to take part in a proceeding they are affected by may be able to do so without the risk of financial hardship if the full legal bill is not approved as a cost. Do not deny individuals the right to take part in a hearing by only allowing lawyers to represent.

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The AUC also plans on reviewing the funding for participants. While we didn't take part in the proceedings to be compensated, it was nice to receive an honoraria as an intervener. The AUC should make substantive changes in the honoraria levels as the amount of work that can go into a proceeding is truly mind boggling. Having a higher level of honoraria would be appropriate but it still needs to be recognized that the landowner will undoubtedly be on the short end of the stick for compensation given the huge amount of work anyone facings in a proceeding.

Thank you for the opportunity to take part in this review.

Yours truly,

A handwritten signature in blue ink, appearing to read "Lavinia Henderson" with a flourish underneath.

Lavinia Henderson and La Verla Wogsberg

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