

## Appendix for Supporting Documents for Jasona Rondeau

Exhibit 29226-X0074	PDF page 2
Exhibit 29226-X0073	PDF pages 3-9
Exhibit 29226-X0073	PDF pages 10-12
Exhibit 29226-X0080	PDF page 13
Exhibit 29226-X0091	PDF pages 14-19
Exhibit 29226-X0093	PDF pages 20-33



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Via E-Filing  
October 30, 2024

Alberta Utilities Commission  
1400-600 Third Avenue SW  
Calgary, AB  
T2P 0G5

Attention: Ms. Joan Yu, Lead Application Officer, Proceeding #29226  
Subject: Response to AUC Request for Further Information from Ruling on Standing  
Dear Ms. Yu,

As a registered group representative for the Edgerton Land Advocates (ELA) group, please accept this letter as submission in response to the Commission's request for further information in Exhibit 29226-X0068, Ruling on Standing, point 32.

The opportunity to provide clarification to the Commission on this matter, is greatly appreciated.

Respectfully Submitted,

Jasona Rondeau, BEd.

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## Preamble

On March 9th, 2024, at an event hosted at the Metiskow Hall, I was approached by Mrs. Bernadette Lawes and asked several questions relating to her intended participation in the upcoming Fox Meadows Wind Project proceeding. At that time, she was advised that once the application had been filed, she should contact Ackroyd LLP for legal representation and that I could be available to assist her 'on the ground' with informing and educating other landowners local to the project area and throughout the registration, pre-hearing, and hearing processes.

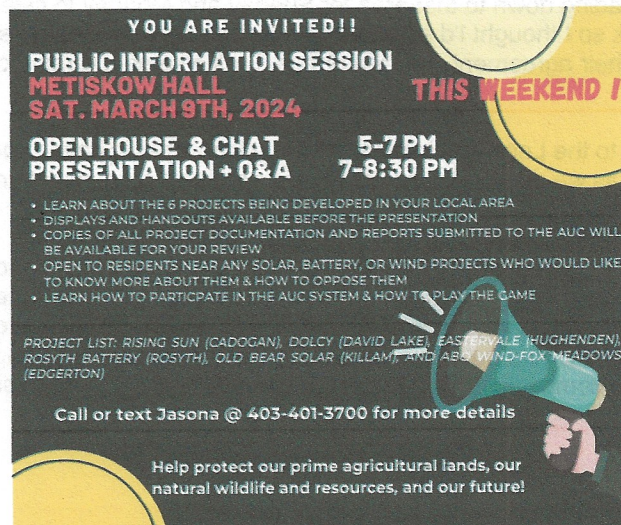


Image #1: social media and email meeting announcement: March 9th public engagement event

Once the application was filed, Mrs. Lawes contacted and retained Mr. Richard Secord. Shortly after her Statement of Intent to Participate (Exhibit 29226-X0037) was filed, Mr. Secord called me to discuss collaborating and cooperating on the Fox Meadows Wind Project. He proposed employing a significantly more informed and structured approach based upon our volume of learnings from Proceeding #28723.

Upon my agreement, Mr. Secord created the Edgerton Land Advocates group on the E-filing system (Exhibit 29226-X0038) on September 11, 2024 and subsequently registered me as this group's representative so that I could begin assisting landowners with the registration process.

As Ms. Heather Beyko has been designated as lead legal counsel in this proceeding, I have been cooperating with her in several ways. I was pleased that she was able to make a site visit and attend the first public engagement event hosted in Wainwright on September 22, 2024, as she was able to directly interact with and provide her expertise to attendees. Our collaboration as a team was demonstrated and interveners appreciated having access to both of us for the day.



**A. A non-legal representative can be appropriately retained in addition to legal counsel.**

The justification for retaining a non-legal representative can be summarized as follows:

1. While non-legal representatives are not currently bound by the same obligations as lawyers in AUC proceedings, a non-legal representative holds information obtained from group members in confidence, admittedly not at the same level that lawyers are bound. Such information would only be disclosed if agreed to by the group member. Group members are advised that potentially confidential matters are to be disclosed to legal counsel. Disclosure is made to the legal team for the group.
2. The current caseload for the lawyers representing interveners on current AUC proceedings is significant. The influx of applications being submitted post-moratorium has significantly increased over the last 90 days and retaining an outside 'boots-on-the-ground' consultant is both responsible and economical for this proceeding.
3. The number of interveners requires structured coordination. With the current number of registered interveners and group members, and the potential for 12 more interveners within the notification radius to join, retaining a non-legal representative to meet with the group members, obtaining information relating to their concerns, and documenting them and passing them on to the legal team, is beneficial to both group members and legal counsel.
  - a. The group members will have someone who will break down documents into simpler formats to comprehend rather than having to contact counsel to explain every document filed in the proceeding.
  - b. To be clear, providing legal advice on the documents filed or interpreting documents without expertise, is not intended. The intention is to assist members to know the questions to ask of the Applicant as they pertain to their concerns and to identify the documents that deal with their concerns to seek further clarity from the Applicant.
4. A group representative reduces barriers for interveners communicating with legal counsel, the Applicant (where requested by group members), and with fellow group members while increasing their levels of project and process literacy, enabling them to more meaningfully and productively participate in the proceeding.
5. Provides local, individualized support to a cultural group (rural landowners) who typically conduct business face-to-face, in cash, and with a handshake and who do not prioritize digital literacy or less personal forms of communication with a person they are unlikely to meet in person.



6. The majority of stakeholders require more than simple access to the E-filing system and an email account as the primary methods of communication used in AUC proceedings, in order to be able to adequately present their issues and concerns.
  - a. In particular, Mr. Donald Austin does not own a computer or have an email account and consequently requires a different level of service than someone who is fully connected to and familiar with using email and the AUC's online platform. During his home visit, he reviewed a printed copy of the project application including large-scale maps, SIPs filed by other interveners, and asked several questions about his ability to participate adequately in the proceeding given his specific circumstances.
  - b. Without a group representative making a home-visit to discuss the project application, the AUC process, and take notes of his concerns for SIP filing, Mr. Austin would have been very unlikely to participate due to the presence of this 'digital divide'. As a service to him, the group email for the ELA was used in order to establish his E-filing account although he does not use email and will receive updates via other means, including telephone and printed document deliveries to support verbal conversations.

## B. Group Representative Intended Role

During Proceeding #28723, where a cost claim was filed for 2 services provided, it was incorrectly assumed that the Commission would have clearly defined roles for agents, group representatives, and legal counsel. Prior to submitting my cost claim reply, I submitted a series of questions to the AUC. My questions asked for the operational definition of a group representative, how this role was defined, and how this role was different from having legal representation.

It was my hope that since I had submitted this question on July 25, 2024, that I would receive a response prior to my July 31, 2024 reply deadline. Unfortunately, a response was not received until 9 business days later on August 7, 2024. The response received told me that the AUC does not have an operational definition for a group representative and roles for group representatives are not currently defined. Further, it was explained that the Commission has allowed all types of representation that provides assistance to interveners through pre-hearing and hearing processes. A final note indicated that Rule 009 does not define the role of an agent and the role of legal counsel, is similarly undefined.

Had this information been known to myself or legal counsel prior to submission of the DLCC's Cost Claim Reply, my contribution to the reply would have been revised considerably to reflect this absence of role definitions by presenting a clearer, more detailed description of the role for a group representative in that proceeding.

The specific role intended for a group representative on this proceeding can be defined as follows:



- a) To act as a stakeholder engagement consultant who works to bridge communication & cultural gaps demonstrated by a diverse group of interveners, for all matters related to the proceeding
- b) To act as an industry- and process-informed educational professional bridging literacy gaps for AUC processes, computer & digital platform use, and renewable energy industry knowledge facilitating a more meaningful and adequate expression of interest in the proceeding from affected stakeholders
- c) To act in a professional educator & communicator's capacity accepting delegated tasks from legal counsel in a coordinated effort to increase efficiencies while consciously reducing duplication and overall representation costs

### C. Steps Taken to Date and Proposed Future Steps

The intended role for a group representative can be further clarified by this summary of steps taken and proposed steps to be taken.

#### 1. Steps taken to date

- a. Conducted 2 public engagement events within the local community to educate and inform potential interveners about the project and the process of intervening
- b. Conducted a number of home visits with Mrs. Bernadette Lawes on September 23, 2024 to educate and inform project-adjacent landowners about available levels of participation while attempting to confirm the participation or non-participation of each party
- c. Contacted the Alberta Wilderness Association via email to bring their attention to the application upon request from Mrs. Bernadette Lawes, including all relevant project documentation for their review and consideration
- d. Created a group email account ([edgertonlandadvocates@gmail.com](mailto:edgertonlandadvocates@gmail.com)) to facilitate, document, and organize stakeholder data and communications
- e. Organized data from approximately 50 potential interveners collected by Mrs. Lawes
- f. Cooperatively compiled a list of communication tasks to share with Mrs. Lawes as next steps in contacting relevant stakeholders within the local area
- g. Acted as a 'field secretary' (the specific term used in conversations with interveners) to collect site data, intervener data, and create positive relationships with interveners on behalf of legal counsel in Edmonton
- h. Created 21 E-filing accounts for interveners new to this online portal
- i. Registered 34 group members resulting in a total of 49 individuals and 1 group
- j. Registered 14 Statements of Intent to Participate for interested stakeholders
- k. Filed a procedural motion requesting additional time for participant registration (Exhibit 29226-X0040)
- l. Requested (by phone) that the process schedule reflect the extended participation period once it was noticed that the SIP for Jim & Jenn Kraft (Exhibit 29226-X0049) was recorded as late and that participation remained to appear closed following the ruling in Exhibit 29226-X0045



- m. Contacted Dave Berrade (ABO Stakeholder Engagement) to request printed copies of project documentation, participated in a 30-minute conversation and picked up binders in Calgary, delivering them to relevant interveners in Edgerton
- n. Updated ELA group members on proceeding activity to date and the significance of each item through summary emails, phone calls, and text messages
- o. Responded to this request from the Commission for further information regarding the intended role of a group representative

## 2. Proposed future steps:

- a. Contact individual landowners who need to provide responses to information requests and advise them to contact counsel. Should they wish, I will take the required response from them and send it to counsel.
- b. Confirm participation or non-participation for 12 project-adjacent landowners as soon as possible, given the direction on new participant submissions in Exhibit 29226-X0067 AUC Notice of Hearing, page 2
- c. Create E-filing accounts for potential project-adjacent interveners and file Statements of Intent to Participate as needed as soon as possible
- d. Collect direct evidence questionnaires from interveners via email, telephone, or in person and submit to legal counsel for review, and further consultation needed, and filing preparation
- e. Assist interveners in collecting site photos, relevant local economic data, environmental information, and preparing other resources as part of their direct evidence submissions.
- f. Consolidate and transmit questions and concerns from group for legal counsel on a continual basis; communicate the needs of legal counsel to group members and provide efficient and organized responses
- g. Support legal counsel in providing research information where needed
- h. Answer questions and provide video resources to prepare interveners for testimony during the oral hearing
- i. Be available as a back-up for technical and communications difficulties during the oral hearing
- j. Perform any additional tasks delegated by legal counsel which are deemed suitable and appropriate
- k. Record my time spent for all delegated stakeholder-related activities
- l. Respond to any future requests from the Commission as advised or directed by legal counsel

## D. Further Justifications For Using a Group Representative

- 1. The Participant Involvement Program (PIP) concerns expressed by Karen Milligan in her SIP (Exhibit 29226-X0058) warrants a further investigation into her claim and generates a need to confirm that all project-adjacent landowners have indeed been contacted about this proceeding.



- a. On Proceeding #28723, two (2) numbered companies owning project-adjacent land represented by Mr. Bill Creech were never successfully contacted by Dolcy Solar Inc. as part of their PIP process.
  - b. Mr. Creech discovered the project while speaking to a neighbor on the road and given how late it was in the proceeding, was not registered as an intervener on the proceeding. He filed his direct evidence as Exhibit 28723-X0199 and on PDF page 4 explains his specific issues with Dolcy Solar Inc.'s consultation efforts.
  - c. Mr. Creech's experience should not be allowed to be repeated. Steps should be taken to ensure that every project-adjacent landowner has been consulted and confirmation of their participation or non-participation should be confirmed as part of expected stakeholder engagement goals.
2. Allowing the participation of a group representative, in cooperation with and under the supervision of legal counsel, not only reduces the amount of time charged for interacting with interveners, it increases the quality of representation to a standard more in alignment with the needs expressed by rural landowners.
  - a. It brings interactions 'closer to home' and provides stakeholders with a sense of relief knowing that they have a 'proceeding know-it-all' at their disposal, who can help to reduce their frustrations by 'speaking their language' and by having intimate knowledge of their issues and concerns.
3. In the absence of a prohibition on retaining both legal counsel and a group representative, this practice should be allowed. Given the current public consultation taking place for Rule 009, it is assumed that this practice is not currently prohibited and it appears that the Commission would like to receive input from the public on this matter before making permanent changes to this rule.
4. When client services can be provided at an acceptable level of proficiency and at a lower cost, this should be allowed. A qualified and experienced group representative can be utilized at significantly lower rates than even more junior lawyers, resulting in a potentially substantial reduction in stakeholder engagement-related costs throughout the proceeding. A group representative who is already experienced with AUC processes and does not require an additional time investment for training, creates more time for lawyers to focus on the tasks that only lawyers can perform.
5. Legal counsel is capable of contracting qualified and experienced specialists, experts, and consultants in all other areas and should be given credit to be able to do the same in regards to contracting and directing a non-legal group representative on individual proceedings with appropriate confidentiality agreements and clearly defined role definitions in place.
6. Coordination of intervener input by a group representative assists in streamlining the actions of legal counsel, reducing duplication of effort and resulting in an overall



reduction of costs while maintaining or increasing quality standards for client input and client service.

7. Many stakeholders have expressed that they do not know what questions to ask and appreciate being able to acquire renewables-related, process-related, and project-related knowledge through an intermediary agent so that they can more adequately express their concerns to legal counsel and more fully develop the evidence that they choose to submit for the Commission's consideration. The vast majority have full-time jobs and full-time families presenting significant challenges to their meaningful participation. Navigating the learning curve presented by electing to participate, has proven challenging for interveners who have testified in several past proceedings.
8. While legal counsel should not be expected to keep weekend hours available to clients, a group representative is available to interveners usually 7 days a week and from sunrise to sunset. This is very amenable to rural landowners who keep a similar schedule and may need to ask questions when they think of them – not necessarily according to a lawyer's business hours.

## E. Cost Claim Recovery Intentions

My intentions for cost claim recovery are summarized and presented as the following:

1. To claim for any services requested by legal counsel, who can bear the responsibility of knowing which tasks a non-legal representative is qualified to carry out and consequently, claim costs for in the future.
2. To claim for the rental of meeting spaces for public engagement events in lieu of interveners submitting costs for the same.
3. To claim for private vehicle mileage for site visits originating in Blackie, AB and terminating in Wainwright, Edgerton, and project-adjacent residences
4. To claim for services performed where potentially significantly lower fees can be charged resulting in a potential overall reduction of costs for representation.
  - a. For example, during Proceeding #28723, through 4 phone calls with Mr. Dale Scott, I answered many of his questions and advised him to retain Mr. Secord's services. Consequently, Mr. Secord collected his data, registered himself on the proceeding and filed a Statement of Intent to Participate for Mr. Scott for a total of approximately 2 hours charged at \$350/hr.
  - b. During this proceeding and building upon our previously-established relationship, Mr. Scott's questions regarding participating in a second AUC proceeding and about this specific project, were answered sufficiently enough that he decided to participate again. Together with collecting his data and registering his SIP on his behalf, the same task was performed in the same amount of time but at a significantly lower cost than that of a legal professional with 44 years of experience.

I appreciate being given an opportunity to provide further clarification about my intended role during this proceeding. It is regrettable that in Proceeding #28723, neither the Commission nor the Applicant, elected to ask any questions about my involvement or to clarify the role I intended to perform while representing the David Lake Concerned Citizens. I believe this specific role definition to be a reasonable, equitable, economic, and also a more inclusive approach to stakeholder engagement, providing for more meaningful representation of stakeholders in this proceeding.

Respectfully Submitted,



Jasona Rondeau, BEd.





BARRISTERS & SOLICITORS

OUR FILE No. 161935/RCS  
YOUR FILE No. Proceeding 29226

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October 30, 2024

**VIA AUC E-FILING**

Alberta Utilities Commission  
Eau Claire Tower  
1400, 600 Third Avenue S.W.  
Calgary, AB T2P 0G5

**Attention: Joan Yu, Lead Application Officer**  
**Dale Johnston, Commission Counsel**  
**Peju Anozie, Commission Counsel**

**Re: Edgerton Land Advocates ("ELA Group")**  
**Proceeding 29226 - Fox Meadows Wind Project (Application Nos. 29226-A001 to 29226-A003)**

**RESPONSE TO ALBERTA UTILITIES COMMISSION'S REQUEST RE: FURTHER INFORMATION REQUIRED: Involvement of non-legal representative (Jasona Rondeau)**

We are legal counsel for a group of interveners in the above noted matter, being the Edgerton Land Advocates (the "ELA Group"). The ELA Group has been granted standing to participate in this Proceeding, pursuant to the ruling of the Alberta Utilities Commission (the "AUC" or the "Commission") dated October 23, 2024 (**Ex. 29226-X0068, *Ruling on standing***).

In paragraph 32 of the *Ruling on standing*, the Commission notes:

The Commission understands the ELA Group is currently represented by both Ackroyd LLP and Jasona Rondeau, a non-legal representative. The Commission notes that while lawyers are subject to certain obligations such as lawyer-client privilege, the duty of confidentiality and a professional standard of care, non-legal representatives are not. Further, the Commission is also aware of one previous proceeding in which the Commission denied costs recovery for J. Rondeau's time, because it was unclear why a non-legal representative would have been required in addition to legal representation.<sup>8</sup> Considering this, the Commission requests the ELA Group respond indicating what J. Rondeau's specific role is intended to be in this proceeding given legal representation, specifically what steps J. Rondeau intends to undertake, and whether J. Rondeau intends to claim for costs recovery, by 4 p.m. on **October 30, 2024**.

*[Emphasis in original]*

The purpose of this correspondence is to provide comment in reply to the AUC's inquiry on Ms. Rondeau's role in Proceeding 29226, now and going forward. Ackroyd LLP is aware that Ms. Rondeau is submitting her own, individual submissions, in reply to the AUC's request for further information. We have reviewed her submissions and are supportive of same.

I (Heather Beyko) am the lead counsel on this matter, as assigned by Richard Secord. Mr. Secord's involvement has been and will be extremely limited. I will be employing the assistance of a junior legal counsel at our firm now that we have a process schedule for this Proceeding, and I will divide tasks with that junior counsel appropriately. I will ensure, with the addition of a junior counsel to assist me, that there will be no duplication of efforts on the part of legal counsel. In addition to the tasks I have taken thus far on this matter, the tasks that we undertake as this Proceeding continues will be tasks that are appropriate for/call for/only applicable to the work of legal counsel. Our work has and will continue to focus on (among other legal-related tasks):

- reviewing and assessing the evidence,
- working with/liasing with non-legal representative to form ELA Group and to bridge communications with ELA Group members, and to identify their concerns,
- collaborating with expert consultants to understand and identify issues for assessment and argument,
- working with expert consultants and ELA Group members to pose Information Requests and to provide Information Responses,
- researching,
- establishing legal strategy,
- identifying legal and evidentiary issues,
- receiving, reviewing, and summarizing ELA Group landowner evidence,
- preparing ELA Group submissions,
- preparing expert consultants and ELA Group members for direct evidence and cross-examination for virtual hearing,
- preparing for the virtual hearing, and
- preparing legal argument/reply argument.

Ackroyd LLP is in full support of Ms. Rondeau's involvement as a non-legal representative in Proceeding 29226. Tasks that are required to manage and conduct the ELA Group's intervention in this matter *which do not require legal expertise* can be handled by Ms. Rondeau, therefore leaving us lawyers with more time to focus on the tasks that require legal expertise. Already, Ms. Rondeau has been instrumental in forming the ELA Group (i.e., consulting and meeting with ELA Group members to explain the Application and process, holding public/open house information sessions, and helping participants formulate their SIPs, filing same on their behalf). This has already saved Ackroyd LLP considerable time.