

Our File Reference: 20244784

Gavin S. Fitch, K.C.
gavin.fitch@mross.com
Direct 403.303.9120

Marika Cherkawsky
marika.cherkawsky@mross.com
Direct 403.303.1795

Radha Singh, Assistant
radha.singh@mross.com
Direct 403.303.9112

Fax 403.303.1668

PLEASE REPLY TO CALGARY OFFICE

November 21, 2024

Sent Electronically VIA E-FILING SYSTEM

Alberta Utilities Commission
Eau Claire Tower
1400, 600 3rd Avenue SW
Calgary, AB T2P 0G5

Attention: Matthew Parent, Commission Counsel
Kloria Wen, Lead Application Officer

Dear Sir and Madam:

**Re: City of Medicine Hat
Saamis Solar Park Ownership Transfer to City of Medicine Hat
Proceeding 29273
Application 29273-A001
Medicine Hat Utilities Ratepayers Association ("MHURA")**

Please be advised we represent the Medicine Hat Utilities Ratepayers Association ("MHURA"), in relation to the City of Medicine Hat's ("City") application to transfer the power plant approval and substation permit and licence for the Saamis Solar Park ("Saamis Project") from Saamis Solar Park Limited to the City ("Transfer Application") being

Edmonton

600 McLennan Ross Building
12220 Stony Plain Road
Edmonton, AB T5N 3Y4
Telephone 780 482 9200
Facsimile 780 482 9100
Toll-free 800 567 9200

Calgary

1900 Eau Claire Tower
600 - 3rd Avenue SW
Calgary, AB T2P 0G5
Telephone 403 543 9120
Facsimile 403 543 9150
Toll-free 888 543 9120

Yellowknife

301 Nunasi Building
5109 - 48th Street
Yellowknife, NT X1A 1N5
Telephone 867 766 7677
Facsimile 867 766 7678
Toll-free 888 836 6684

considered by the Alberta Utilities Commission (“**AUC**” or “**Commission**”) in Proceeding 29723. We write further to the Statement of Intent to Participate documents previously filed by MHURA in this Proceeding.¹

As its name suggests, MHURA is an advocacy group consisting of approximately 250 members, all of whom reside in the City. MHURA was formed for the purposes of advocating for fair and affordable utility rates in the City with a focus on supporting policies and regulations that prioritize affordability and prevent price exploitation. MHURA’s mission is to ensure accountability and transparency and is committed to find fairness and efficiencies to support the ratepayers of the City. MHURA achieves this goal by actively monitoring City Council and administration decisions and actions and advocating for transparency and accountability to ensure City Council is making informed decisions regarding the provision and management of utilities and taxes that serve the best interests of the community.

To coordinate the community’s response to the Transfer Application, MHURA has communicated it’s concerns with the Transfer Application to its members and those living in the City through social media and other web sources, including MHURA’s website, which includes links to various documents outlining MHURA’s concerns, such as letters sent to the City², holding a Town Hall meeting in November and encouraging City ratepayers to join MHURA. As a result of these efforts, MHURA membership has grown to approximately 250 members and counting.

Additionally, MHURA retained EDC Associates Ltd. to provide a 30 year fundamental-based analysis of the economic value of the Saamis Project, which has been filed in this Proceeding as Exhibit 29273-X0010.

As stated in the already filed SIP, the concerns of the members of MHURA with the Transfer Application include the lack of transparency and public consultation by the City in regards to taking over ownership of the Saamis Project. Specifically, MHURA is greatly concerned with the City’s failure to consult with taxpayers on such a monumental financial investment. MHURA notes, despite raising their concerns over the financial feasibility of the Saamis Project directly with the City, that the City has refused to provide any specific information with respect to the anticipated costs and financial impact on taxpayers as a result of the City pursuing the construction and operation of the Saamis Project. MHURA is greatly concerned with the potential impact an approval of the Transfer Application will have on its members and others living in the City for years to come.

The complete failure to consult with its citizens (i.e. taxpayers), who will ultimately foot the bill for the City constructing and operating the Saamis Project, is particularly concerning given DP Energy was only just granted approval for the Saamis Project in mid-July 2024 and

¹ 29273-X0006, X0007 and X0010.

² <https://ratepayersmedicinehat.org/saamis-solar-park/>

the City submitted the Transfer Application approximately one month later. MHURA notes the approval for the Saamis Project came after a public hearing, which involved substantive written and oral submissions from three separate intervener groups in opposition and not one submission or representation from the City. It is MHURA's understanding that the idea that the City would become the owner and operator of the Saamis Project was never once raised or discussed throughout the approval process for the Saamis Project and had this been shared with the general public, MHURA may have sought intervener status in that proceeding.

Finally, MHURA submits that this Transfer Application is unique from typical transfer of ownership applications that involve two private corporations. For example, in typical transfer of ownership applications, the Commission can be confident that any legitimate concerns raised during the approval process will have been addressed through conditions contained in the AUC approvals, permits and licences. Further, the Commission can be confident that such conditions will continue to apply to the new owner and the impact of approving such transfer applications is essentially just a change in name. As such, there is typically little need for potentially affected parties to intervene in such a transfer application.

In the current case, however, the Transfer Application raises new concerns, specifically the potential serious financial burden to the citizens of the City, that could not have been raised or addressed during the approval process. Further, MHURA submits that the AUC's decision to approve the Saamis Project may have been different had the potential transfer of to the City been raised and addressed during the approval process for the Saamis Project.

An approval of the Transfer Application by the Commission will enable the City to sidestep the usual consultation requirements set out in AUC Rule 007 and will give the City the green light to pursue a project that will directly and adversely affect MHURA members and all those living in the City both now and in the future.

For all of these reasons MHURA requests that the AUC grant MHURA intervener status on the basis that members of MHURA are persons who are directly and adversely affected by the Transfer Application and have an interest in Proceeding 29273.

Please accept this letter as a supplemental the SIP for MHURA. The interests of the individual members of MHURA will be represented in Proceeding 29723 through MHURA and its counsel.

Thank you.

Yours truly,

Two handwritten signatures in blue ink. The first signature is for Gavin S. Fitch and the second is for Marika Cherkawsky.

GAVIN S. FITCH, K.C. AND MARIKA CHERKAWSKY
MOC/rs

cc: Interested Parties via DDS

cc: Medicine Hat Utilities Ratepayers Association
Attn: Sounantha Boss, Darlene Gray, Drew Barnes and Wes Pratt

20244784 - 4163-7354-8885 v.1