

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

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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

December 10, 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")**

On December 2, 2024, the Alberta Utilities Commission ("**AUC**" or "**Commission**") authorized the City of Medicine Hat ("**City**") to submit comments on the Statements of Intent to Participate ("**SIPs**") filed on November 21, 2024.¹ The AUC further authorized the MHURA to file a response to the City's comments.

¹ Ex. 29273-X0015.

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

On December 6, 2024, the City filed a letter with the AUC objecting to the participation of the MHURA, among others, in this proceeding.² MHURA provides the following response to the City's December 6, 2024 letter. MHURA's response will be limited to the issues raised in the City's December 6, 2024 letter. The issues that MHURA believe must be addressed in this proceeding are set out in its SIP and accompanying submission, and will not be repeated in this response.³

MHURA reiterates that the City's Application is deficient and should not be approved on this basis alone. At this point there is limited information upon which MHURA can rely to determine the extent to which its legal rights will be impacted by this Application and the proposed project. However, based on the information provided thus far, MHURA concludes that its rights will be directly and adversely affected by the Application for the reasons outlined in its SIP and accompanying submission.

Further, MHURA notes that depending on the responses provided by the City to the Information Requests ("**IRs**") filed by the AUC⁴, there may be additional reasons members of the MHURA will be impacted by this Application. As such, MHURA requests the AUC grant it the right to make further submissions on standing following receipt and review of the City's responses to the AUC's IRs.

Additionally, MHURA rejects the City's position that MHURA has not demonstrated, nor even asserted, that any of its members have any legal right that may be directly and adversely affected by the AUC's decision regarding the Application. MHURA submits such a position is incorrect and blatantly ignores the fact that this Application will have cascading impacts to all citizens of the City, including the members of the MHURA.

The fact is, currently the Approval for the Saamis Solar Project ("**Project**") is held by a corporation, DP Energy. Costs incurred by DP to construct and operate the Project will have no impact on ratepayers in Medicine Hat. That will change if the ownership transfer application ("**Transfer Application**") is approved. The costs incurred by the City to construct and operate the Project will directly and materially impact ratepayers in the City.

MHURA accepts the Transfer Application is one of many regulatory steps required prior to the City commencing construction of the Project. MHURA appreciates the City's acknowledgement that if the Transfer Application is approved the City will conduct consultation and engagement with stakeholders (including MHURA members) regarding the proposed amendments to phase development of the Project. However, MHURA is concerned with the City's position that it has no obligation, as part of the Transfer Application, to consult with stakeholders or conduct any detailed site design, related

² Ex. 29273-X0020.

³ Ex. 29273-X0006-0007; 0010-0011; and 0017-0018.

⁴ Ex. 29273-X0019.

engineering, nor determine the scope of any phasing related amendments to the Project. The City's unwillingness to provide even the most basic information demonstrates a laissez-faire attitude to pursuing this Project which MHURA is concerned will persist throughout any subsequent regulatory steps (both municipal and before the AUC) required prior to the City commencing construction of the Project.

Overall, MHURA is very concerned that if it is not granted standing in the proceeding, and the Transfer Application is approved by the AUC, many of the concerns set out in the MHURA SIP will have become reality; i.e., the City will have already sunk costs into the Project which it will in due course seek to recover from its citizens, and there will be no recourse. In other words, it will be too late.

The lack of information offered by the City is particularly concerning given it is proposing to proceed with a substantively different project than that initially applied for and approved by the AUC in Proceeding 27788. MHURA remains of the view, therefore, that the City's Application is unique from typical transfer of ownership applications and the unique factors in this proceeding warrant further exploration by the AUC, with the involvement of persons, including MHURA members, who may be directly and adversely affected by the AUC's decision regarding the Application.

Notwithstanding the above, the MHURA understands the AUC is the master of its own process and requests that should the AUC approve the Transfer Application, it do so subject to the City completing the various steps outlined on page 2 of the City's December 6, 2024 letter, including conducting consultation and engagement with stakeholders, including MHURA, regarding the proposed amendments to phase development of the Project.

For the foregoing reasons, MHURA submits that it meets the test for standing and the Commission should permit MHURA to participate in the proceeding, including the opportunity to personally participate in a hearing if one is held.

Thank you.

Yours truly,

Two handwritten signatures in blue ink. The signature on the left is more fluid and cursive, while the one on the right is more structured and blocky.

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