



Alberta Energy and Utilities Board

PRE-HEARING MEETING REPORT

Glacier Power Ltd.
Dunvegan Hydroelectric Facility

NRCB Application No. 0602
AEUB Application No. 1485454

Pre-Hearing Meeting
Joint EUB/NRCB Panel
Peace River, Alberta

January 28, 2008

Glacier Power Ltd., Dunvegan Hydroelectric Facility

1. Introduction

On October 27, 2006, Glacier Power Ltd. (the applicant) filed an application with the Natural Resources Conservation Board (NRCB), Alberta Environment (AENV) and the Alberta Energy and Utilities Board (EUB) requesting approval for a 100-megawatt run-of-river hydroelectric project on the Peace River. The proposed site is located on the Peace River approximately 2 km west of the Highway 2 bridge crossing at the Dunvegan Historic Park.

The EUB-NRCB joint notice dated December 21, 2007 (*Joint Notice of Pre-Hearing Meeting and Joint Notice of Hearing*) informed that a hearing was necessary and invited submissions from parties wishing to make presentations at a Pre-Hearing Meeting. The Pre-Hearing Meeting was scheduled to hear representations respecting certain aspects of the hearing to be held for consideration of the filed applications.

The agenda items for the Pre-Hearing Meeting included:

- a) a discussion of the major issues to be examined at the hearing;
- b) the appropriate scope and jurisdiction of the review;
- c) the location for a hearing, the appropriate timing of a hearing, and deadlines for filing hearing submissions;
- d) a discussion of procedures to be followed at the hearing; and,
- e) other matters.

Parties were invited to make submissions on these agenda items and were advised that eligible persons who are or may be directly affected by the proposed project could also apply for intervener funding to assist in preparing and presenting an intervention.

On January 25, 2008, Alberta Environment's Regional Environmental Manager (Designated Director under the Act) confirmed the completeness of the Environmental Impact Assessment report for this project, pursuant to Section 53 of the *Environmental Protection and Enhancement Act*.

To consider the applications, the EUB and NRCB formed a Joint EUB/NRCB Panel ("the Panel"). This Panel included Vern Hartwell (Panel Chair), and members, Carolyn Dahl Rees and Jim Turner. The Panel held a Pre-Hearing Meeting at the Sawridge Inn and Conference Centre in Peace River, Alberta on January 28, 2008. Parties who participated in the meeting are listed in Appendix A.

2. Issues raised for Examination at the Hearing

By the established January 22, 2008 deadline, fifteen parties filed pre-hearing submissions for the Panel's consideration. These submissions were filed by:

- Glacier Power Ltd.;
- Government of Canada;
- Concerned Residents for Ongoing Service at Shaftesbury (CROSS);
- British Columbia Hydro and Power Authority (BC Hydro);
- Alberta Wilderness Association (AWA), Canadian Parks and Wilderness Society – Edmonton Chapter (CPAWS), and South Peace Environment Association;
- Bob Walsh;

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- Peace Region Economic Development Alliance (PREDA);
- Saddle Hills County;
- MD of Fairview #136;
- Mikisew Cree First Nation (MCFN);
- Athabasca Chipewyan First Nation (ACFN);
- Dan and Jeanette McLachlan;
- Town of Fairview;
- City of Grande Prairie; and,
- Clear Hills County

All Pre-Hearing submissions filed in advance of the meeting were entered into the record as exhibits to the proceedings. All parties to the review were also provided copies of each other's written submissions. Fairview and District Chamber of Commerce filed a submission on January 25, 2008, which was also accepted as a pre-hearing exhibit.

At the Pre-Hearing Meeting, all parties were given an opportunity to discuss the agenda items detailed in the *Joint Notice of Pre-Hearing Meeting and Joint Notice of Hearing*; this included a discussion of the major issues parties felt should be addressed at the hearing. This report briefly summarizes the views of participants and presents the Panel's conclusions in response to the submissions and proceedings at the Pre-hearing Meeting.

Most parties who filed written submissions advanced their positions regarding issues they believed relevant for further examination through the hearing process. A brief summary of these issues follows.

Glacier Power Ltd.

Glacier Power Ltd. submitted that specific issues relating to ice and fisheries; the Shaftesbury crossing, concerns of BC Hydro and the McLachlans were appropriate for further examination. Regarding ice and fisheries matters, it submitted that it had provided information that addressed all concerns identified in the previous panel's decision report, excepting concerns regarding fish passage during the last two years of construction. With respect to CROSS' concerns of potential impacts on ice formation and break-up at Shaftesbury affecting the operation of the ferry and ice bridge, Glacier submitted that its project would likely result in no significant adverse impacts to the crossing service. Even so, Glacier Power Ltd. committed to mitigate any potential project impacts on crossing service through working with Alberta Infrastructure and Transportation (AIT) and voluntarily offering to pay a percentage of the cost to replace the existing ferry with one better equipped to operate under ice conditions.

Glacier Power Ltd. advised that it was continuing to work with BC Hydro, to address concerns regarding target freeze-up water levels and groundwater seepage in Lower West Peace River. It also submitted that it hoped to address the McLachlans concerns relating to the north access road, through its offer of a mitigation proposal.

Government of Canada

Canada submitted that before proceeding with the project, authorizations would be required from the Department of Fisheries and Oceans (DFO) and Transport Canada. Through Canada and Alberta's cooperative environmental assessment of the project, it advised most of its concerns had been satisfactorily addressed. However, Canada expressed its intent to describe remaining concerns and to present evidence at the hearing, to assist the Panel's assessment. In Canada's view, concerns about

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project effects on fish passage, monitoring, and mortality (particularly during construction) had generally been addressed. However, concerns remained about “*the effect the project may have on burbot migration and population, and goldeye migration.*”

Canada noted Parks Canada Agency’s remaining concern about downstream effects on the Peace-Athabasca Delta in and around Wood Buffalo National Park. Specifically, it expressed concern the project’s operation may interfere with efforts to restore the ecological integrity of the delta. It also noted Health Canada’s outstanding concern regarding methyl mercury formation; but advised that it soon expected to receive a quantitative analysis from the applicant. Dependent on the analysis results, Health Canada may have a representative attend the hearing to present evidence on methyl mercury health risks.

Transport Canada advanced its view that concerns of the project’s effect on the Shaftesbury crossing and navigation on the Peace River had been addressed by the applicant. Although not intending to present evidence regarding this at the hearing, Canada offered its availability to answer related questions within its mandate.

Concerned Residents for Ongoing Service at Shaftesbury (CROSS)

CROSS indicated that its members were most concerned with the effect the project would have on their ability to continue to cross at Shaftesbury in the winter (using an ice bridge) and in the fall (using a ferry). CROSS stated that such effects would seriously impact communities on both sides of the Peace River, significantly increasing travel times to access vital services.

CROSS further indicated that such impacts would affect property values, cause population declines for communities isolated from essential services, and cause businesses across the river to lose their customer base. CROSS suggested that the cumulative effect of the project had not been appropriately taken into account with regard to ice processes. It also noted considerable uncertainty regarding the modelling of ice processes and suggested the modelling was even less certain, as climate change effects were not considered.

British Columbia Hydro and Power Authority (BC Hydro)

BC Hydro advanced two key issues of concern for consideration at the hearing. The first related to project impacts on the formation and break-up of ice and associated impacts on the risk of upstream and downstream flooding. BC Hydro noted the project has the potential to increase the freeze-up water level elevation at the Town of Peace River and suggested that related impacts had not been adequately addressed. It suggested an increase in the freeze-up water level elevation would raise the potential for seepage flooding into Lower West Peace River, while increasing maintenance and operational costs for the Town of Peace River.

BC Hydro’s second area of concern related to constraints the project would likely place on the operation of existing power production and future hydroelectric development in the area. BC Hydro stated that the project would have severe impacts on its own operations “*...in the form of a reduced ability to meet domestic load, increased need for import energy and an increased probability of summer spills.*” In its view, these impacts had not been adequately addressed by the applicant.

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Alberta Wilderness Association (AWA), Canadian Parks and Wilderness Society – Edmonton Chapter (CPAWS), and South Peace Environment Association

This party listed several issues their organizations believed appropriate for further examination at the hearing. These included: Fish movement and survival; slumping; aggregate mining the Hines Creek alluvial fan; wildlife crossings; cumulative effects related to the Bennett Dam; other cumulative effects (ongoing industrial pollution, global warming and subsequent weir applications); alternatives to the project; public safety; importance of historical and archaeological sites in the area; and, transportation issues (lifespan of the bridge and safety concerns relating to increased fog and ice fog).

Bob Walsh

Mr. Walsh submitted a number of questions that he felt should be addressed as reviewable issues at the hearing. His questions related to fisheries impacts (fish mortality, design of fish passage structures and fish handling practices); characterization of the project as a 'green energy source;' whether there would be a sufficiently detailed decommissioning plan with an adequate funding schedule prior to construction; what would happen with entrained sediments upon decommissioning and downstream effects of these sediments; and, what plans would be in place during construction to ensure public safety and effective boat traffic passage upstream and downstream of the construction site.

Dan and Jeanette McLachlan

The McLachlans indicated that they had not yet received an acceptable offer of mitigation from the applicant. They reported that their key objection related to the location of the North Access Route which crosses the full length of their properties. The McLachlans stated that Glacier Power Ltd. mistakenly refers to this land as Crown land. According to the McLachlans, under the *Surveys Act*, they have right of ownership of the land by accretion as "*title chases bank*". They indicated that their title defines their property line as "*to the left bank of the Peace River.*"

The McLachlans commented on the applicant's plan to mine gravel from the Hines Creek fan for construction purposes, noting that this activity would also occur on accreted lands, unless confined to the bed and shore areas only. The McLachlans suggested this matter had not yet been addressed. They further indicated that their concerns regarding the river view, construction dust, noise, traffic, property encroachment and public access, all remained.

Athabasca Chipewyan First Nation (ACFN)

The Athabasca Chipewyan First Nation (ACFN) indicated that it had concerns regarding the potential downstream effects of this project, especially in combination with other river developments. In its submission, ACFN advised that it would not be attending the Pre-Hearing Meeting and, at that time, did not have submissions related to the hearing.

Mikisew Cree First Nation (MCFN)

The Mikisew Cree First Nation (MCFN) referenced its previously filed Statement of Concern observing that some, but not all, of its issues had been addressed. The MCFN expressed concern regarding a lack of consultation by the governments of Alberta, British Columbia and Canada regarding project impacts considered cumulatively with the Bennett Dam, several oil sands projects and the future Site C Dam proposed for Peace River. The MCFN indicated that it would not be participating in the hearing.

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Letters of Support

Parties who filed letters in support of the project included: the Town of Fairview, Saddle Hills County, City of Grande Prairie; Clear Hills County; Fairview & District Chamber of Commerce; MD of Fairview; and the Peace Region Economic Development Alliance. These supporting letters included various comments about the project's anticipated benefits. Supporting letters are assembled under a single heading, as none of the filing parties advanced specific issues for review at the hearing.

Positive project impacts were characterized as regional economic benefits, investment opportunities, employment, alleviation of power shortages, diverse recreational opportunities, tax benefits, retail and value-added infrastructure development, enhancing residents' quality of life, tourism opportunities, and securing a reliable source of clean renewable energy. Each of the above-listed parties expressed support for the project and its expected positive impacts.

Reviewable Issues

The Panel considered all issues raised by parties who filed written submissions or participated in the Pre-Hearing Meeting. To ensure adequate information to establish whether the project is in the public interest, the Panel determined the following matters would benefit from further examination at the hearing:

1. Fisheries
 - Projected impacts on fisheries during project construction and operation:
 - anticipated effects of the project on fish passage, monitoring, and mortality; and,
 - specific effects on burbot and goldeye migration and on burbot population.
2. Ice Regime of the Peace River
 - Projected impacts on the formation and break-up of ice and associated impacts on:
 - The incremental risk of flooding for upstream and downstream communities,
 - Potential for increased risks to property (through flooding or groundwater seepage) and identification of any related mitigative measures.
 - Evaluation of the ice modelling work.
3. Shaftesbury Crossing
 - Potential project impacts regarding residents' ability to cross the Peace River at Shaftesbury Crossing, via an ice bridge or ferry;
 - The significance of any project impacts to Shaftesbury Crossing, relative to the communities and CROSS members who use it.
4. BC Hydro
 - Potential constraints the project may place on existing and future hydroelectric developments.
5. McLachlans
 - Location and construction of the north access road relative to the McLachlans' property, including projected direct impacts to the McLachlans.
6. Additional Community Impacts
 - Potential for methyl-mercury associated health risks;
 - Potential impacts to recreational activities; and,
 - Potential transportation-related safety issues (fog, ice fog, impacts to river navigation).

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Given the nature of the reviewable issues, specifically those related to ice regime impacts, the Panel believes it would benefit from the participation of Alberta Environment's (AENV) expertise in this area. The Panel respectfully requests that AENV provide expertise at the hearing to present evidence and answer questions regarding AENV's analysis of the ice modelling work.

The Panel believes that some parties raised issues that were adequately addressed and resolved during the proceedings regarding Glacier Power Ltd.'s previous applications. Though this Panel clearly understands its obligation to consider the current applications, it also finds relevance in considering the past applications and the conclusions drawn by the former Panel. Although this Panel is not bound by the former Panel's decision, it believes that such an approach would create a more efficient hearing process, avoiding the need to revisit issues that have already been fully addressed. The Panel is prepared to take this approach (having regard for the previous applications and decision report), unless participants take exception and can establish why such an approach would not benefit the participants to this review process.

Given the above, the Panel will have regard for the previous Panel's decision report and would ask that all interveners do the same. *Report of the EUB-NRCB Joint Review Panel* dated March 25, 2003 (Decision 2003-020) is available on both the NRCB and AUC websites. This joint EUB-NRCB decision was issued in relation to applications EUB 2000198 and NRCB 2000-1.

The Panel encourages all parties to focus on these matters when preparing their written submissions and presentations during the hearing. With consideration for the previous proceedings (Decision 2003-020) and review of the current application materials and intervener submissions, the Panel finds the six reviewable issues outlined above to be appropriate matters relevant for further examination.

Parks Canada Agency suggested the project's operation may interfere with efforts to restore the ecological integrity of the Peace-Athabasca Delta. The Alberta Wilderness Association (et al) also suggested cumulative effects with respect to the Bennett Dam should be a reviewable issue, suggesting Bennett Dam's alteration of the Peace River's natural flow negatively impacts the delta. The Panel observes that it does not have any information before it to suggest that the proposed project would impact the delta. The Panel notes that the previous joint panel, in Decision 2003-020 [Page 51], concluded that it was not concerned that the project would limit management options for the Peace-Athabasca Delta. Accordingly, the Panel does not believe that impact on the delta is a major issue for this review. Having reached that preliminary conclusion, the Panel notes that it would still consider any new information or changed circumstances related to this matter.

Other issues advanced without substantiation, were not deemed relevant for further examination at the hearing. The Panel does not find merit in further exploring project alternatives; the Panel must consider the applications filed before it. With respect to "other cumulative effects" (existing Peace River developments, ongoing industrial pollution, global warming and subsequent weir applications), the Panel does not see relevance in hearing further submissions on these matters.

At the hearing, the Panel will hear evidence and argument relating to the reviewable issues described herein. The Panel will also be prepared to consider additional matters, provided that they are within its jurisdiction and are specifically relevant to its mandate of determining public interest.

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3. Scope and Jurisdiction of the Joint EUB/NRCB Panel Review

The EUB and NRCB have established a joint panel to review applications made to the EUB by virtue of section 9 of the *Hydro and Electric Energy Act* and to the NRCB by the provisions of section 4 of the *Natural Resources Conservation Board Act*. Section 22 of the *Energy Resources Conservation Act* and section 21 of the *Natural Resources Conservation Board Act* provide for the conduct of cooperative proceedings. Accordingly, the Boards have made the necessary arrangements to conduct a joint review of the Dunvegan hydroelectric project. The Panel established to review the project consists of members who have been appointed as members or acting members to both the EUB and NRCB.

For the purposes of the joint review the Panel believes it appropriate to adopt the Rules of Practice established by the Energy and Utilities Board, as it believes that the counsel involved in this proceeding may have greater familiarity with those rules.

The Panel understands that the federal government is also reviewing the proposed project to consider matters primarily related to the *Fisheries Act* and the *Navigable Waters Protection Act*. While the Panel does not have jurisdiction in relation to these pieces of legislation or the *Canadian Environmental Assessment Act*, it does believe that the hearing process may provide an opportunity to federal authorities to obtain required further details related to the project and contribute to this panel's knowledge of the potential outcomes from the federal review. For this reason the Panel believes it appropriate to invite the participation of federal departments. In the event that the federal authorities choose to participate in the hearing process, the Panel would require that their advance submission provide a disclosure of the areas they may wish to pursue in the examination of other participants in addition to the standard submission requirements.

4. Location of the Hearing

All parties had an opportunity to comment on their preferred location for the hearing. Both Fairview and Peace River were recommended as ideal hearing locations. Most parties recommended Fairview as the most appropriate setting and none of the Pre-Hearing Meeting participants disputed this location.

Having read the pre-hearing submissions and heard from the participants, the Panel directed staff to research the availability and acceptability for a venue within the Town of Fairview, once hearing dates were set. Accordingly, the Dunvegan Motor Inn (9812 – 113 Street) in the Town of Fairview has been reserved for this proceeding.

5. Timing for the Hearing

Parties provided a wide range of preferences with respect to the appropriate timing for commencing the hearing. Scheduling preferences ranged between requests for immediate hearing commencement to delays until Fall 2008. Several parties also identified timeframes limiting when they or their experts or witnesses would be unavailable to participate.

In considering all of the requests and limitations for various parties to participate directly or have expertise available to participate, the Panel wished to be as accommodating as possible, while respecting a fair and efficient process.

After careful consideration, the Panel has determined that the hearing will commence at 9:00 am on April 22, 2008. Given the number of expected participants and reviewable issues, the Panel believes the hearing will be completed within four days.

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Over the course of the hearing (April 22 – 25, 2008), the Panel expects parties will be available to convene between 9:00 am and 5:00 pm daily. The Panel will also consider evening sittings, should the need arise, in order to complete the hearing on April 25, 2008.

6. Filing Deadlines

Written submissions addressing the specific issues set for review must be filed with the Panel by 4:30 pm, **April 10, 2008**. Glacier Power Ltd. will then have an opportunity to respond to the written submissions by 4:30 pm, **April 17, 2008**.

Electronic copies of all submissions are to be provided to both the NRCB (susan.schlemko@gov.ab.ca) and filings@auc.ab.ca.

All submissions will be uploaded onto the Alberta Utilities Commission (AUC) website to allow parties convenient access to each other's written interventions. After filing, please allow one or two business days for submissions to be uploaded onto this website. For access to the AUC's integrated application registry for this project, parties should enter the following address into their web browser:
https://www3.eub.gov.ab.ca/eub/dds/iar_query/ApplicationAttachments.aspx?AppNumber=1485454

7. Hearing Procedures

The applicant submitted that the usual ERCB hearing procedures were appropriate. No other party to the proceeding commented on hearing procedures.

The Panel will be conducting the hearing in its usual manner. Any participant unfamiliar with the EUB/NRCB hearing process is encouraged to contact EUB/NRCB staff for guidance. If sufficient interest is shown, staff would be pleased to hold an information session to assist parties in understanding what to expect at the hearing and how best to prepare for their participation. Participants unfamiliar with the review process are encouraged to review the NRCB's "*Guide to the Review Process under the NRCB Act*." Copies of this informative guide may be obtained from the NRCB's Edmonton office or may be accessed through the NRCB's website.

As all parties are required to provide complete submissions in advance of the hearing, the Panel intends to limit the time to introduce their evidence and witnesses to approximately 20 minutes. Only those parties that have established that they may be directly affected by the applications of Glacier Power Ltd. will be afforded the opportunity to cross-examine other participants and present final argument. Any party who chooses to file a complete submission in advance of the hearing will have the opportunity to present that submission at the hearing and will be asked to respond to questions from directly affected participants.

8. Other Preliminary Matters

Standing of Parties and Hearing Participation

The Panel is required to give persons, who may be directly affected by a reviewable project, standing to review information relevant to any application, to furnish evidence relevant to an application, to cross-examine, and to provide argument during a hearing. The Panel will allow parties who do not establish that they may be directly affected the opportunity to file a written submission and to appear at the hearing. The appearance of such parties at the hearing will be limited to the presentation of their submission and responding to questions from directly affected parties.

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The Panel received very little information from the majority of the parties who made submissions to the pre-hearing. In the Panel's view, the following parties have not established that they may be directly affected by the proposed project:

- Saddle Hills County;
- Clear Hills County;
- City of Grande Prairie;
- Alberta Wilderness Association, Canadian Parks and Wilderness Society – Edmonton Chapter, and South Peace Environmental Association;
- Bob Walsh;
- Athabasca Chipewyan First Nation;
- Peace Region Economic Development Alliance; and,
- Fairview and District Chamber of Commerce

The Panel is satisfied that CROSS, BC Hydro, Dan and Jeanette McLachlan, MD of Fairview, Town of Fairview, and the Government of Canada have each established that they may be directly affected by the application. In determining that CROSS may be directly affected, the Panel had regard for the submission of Glacier Power Ltd. The appropriate test in the Panel's mind is whether the intervener has established on the balance of probabilities that it may be directly affected. Parties who meet this test should be extended the full opportunity to fully participate in the hearing, including the right to test the applicant's evidence through cross-examination.

Advance Funding Requests

The Panel received requests for advance funding from CROSS and Dan and Jeanette McLachlan. Both the *NRCB Act* and the *ERC Act* state that parties who, in the opinion of the Panel, are or may be "directly affected" by a reviewable project may apply for intervener funding to assist their participation in the review process. The Panel may make an award of costs to assist in the preparation and presentation of an intervention at a proceeding of the Panel. If in the Panel's opinion it is reasonable to do so, the Panel may make an advance of costs.

In determining whether an individual or group of individuals might be directly affected, the Panel considers whether the potential effect on that individual or group is different, special or unique from effects on the general public. Both the EUB and NRCB have interpreted the term "directly affected" to exclude the broad public who may be indirectly affected by a project.

The Panel believes that participants had a reasonable opportunity to address their eligibility for funding. The Panel stresses the preliminary nature of the following decisions and notes that further evidence brought forward at the hearing could cause the Panel to come to different conclusions on eligibility or cost matters.

The Panel finds that both the McLachlans and the CROSS group are local residents who live or work within the project area who could be affected by the proposed project. The Panel believes the kind and degree of the potential effects upon these parties make them special or unique from effects that apply to the general public.

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Advance cost awards are provided to assist eligible parties who require financial assistance to prepare for and to participate effectively and efficiently in the review process. Final cost awards will be made upon submission of a final cost claim after the public hearing. The amount of the final cost award may vary from the amount recognized in advance, based on the conduct and presentation of the party during the hearing. Interveners must provide an accounting of expenditures (with receipts) and be prepared to explain how the funds were efficiently used.

CROSS submitted a request for funding of \$76,956.41. CROSS proposed to use \$10,000 for Rick Carson of the KGS Group to conduct a critical assessment of the projects effects on ice formation in relation to operation of the ice bridge and ferry at Shaftesbury. It also proposed to spend \$6,500 to research the cultural and social impacts that may arise in the event of project effects on the Shaftesbury crossing. In addition, \$49,307.50 for legal assistance and \$11,148.91 for Association members' expenses and honoraria was requested.

At this stage in the proceeding the Panel is primarily concerned with the need for an advance of funds and the relevance and appropriateness of the work proposed by eligible interveners. In reviewing the advance funding request of CROSS the Panel believes that it is appropriate to recognize that Glacier has already advanced funds to CROSS, including \$23,960.00 to KGS to participate in ice-modelling workshops and prepare a report.

CROSS requested an advance cost award of \$38,478.21. The Panel directs that Glacier provide CROSS with the sum of \$20,000 in advance funding to assist in the preparation for the hearing. The Panel may have awarded a greater sum for advance funding; however, it believes it appropriate to have regard to the advances made by Glacier to CROSS in advance of the Pre-Hearing Meeting.

Dan and Jeanette McLachlan submitted a request for funding of \$25,565. The McLachlans provided little information for the Panel to understand the nature of their proposed intervention beyond the desire to retain legal counsel. The Panel agrees with Glacier that the McLachlans would be eligible for a funding award after the conclusion of the review. The Panel believes that advance funding awards should be directed where it is satisfied that the advance is necessary to assist in the preparation and presentation of an intervention at a proceeding of the Panel. In this case, the Panel has not received enough information to be satisfied that an advance award is necessary for this intervener to prepare for the hearing. For that reason the Panel does not direct any advance funding award to the McLachlans, however, it would expect to receive a funding claim in accordance with the Rules of Practice of the Energy and Utilities Board after the close of the hearing. In that regard the Panel would caution the intervener that the funding rules provide a maximum hourly rate for legal assistance of \$250/hour.

9. Summary of Conclusions

The Panel has scheduled a hearing to commence at 9:00 am on April 22, 2008 at the Dunvegan Motor Inn (9812 – 113 Street) in the Town of Fairview. A notice of the hearing date and location will also be published one month prior to the hearing.

Written interventions addressing the specific issues set for review (described on Page 6 of this report) must be filed with the Panel by 4:30 pm, April 10, 2008. Glacier Power Ltd. will then have an opportunity to respond to the written submissions by 4:30 pm, April 17, 2008.

Electronic copies of all submissions are to be provided to both the NRCB (susan.schlemko@gov.ab.ca) and filings@auc.ab.ca.

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All submissions will be uploaded onto the Alberta Utilities Commission (AUC) website to allow parties convenient access to each other's written interventions. After filing, please allow one or two business days for submissions to be uploaded onto this website. For access to the AUC's integrated application registry for this project, parties should enter the following address into their web browser:
https://www3.eub.gov.ab.ca/eub/dds/iar_query/ApplicationAttachments.aspx?AppNumber=1485454

Parties may contact Board staff, if another form of service is required to access submissions.

DATED at Edmonton, Alberta on February 28, 2008.

NATURAL RESOURCES CONSERVATION BOARD
ALBERTA ENERGY AND UTILITIES BOARD

Original signed by:

Vern Hartwell
Panel Chair

Carolyn Dahl Rees
Panel Member

Jim Turner
Panel Member

**Appendix A: Pre-Hearing Meeting Participants
Peace River, Alberta, January 28, 2008**

Glacier Power Ltd.
Ryan Rodier

Concerned Residents for Ongoing Service at Shaftesbury (CROSS)
Ron Kruhlak

British Columbia Hydro and Power Authority (BC Hydro)
Clifford Proudfoot

Peace Region Economic Development Alliance (PREDA)
Ron Longtin

MD of Fairview No. 136
Walter Doll

Town of Fairview
Rick Nicholson

City of Grande Prairie
Alex Gustafson

Town of Peace River
Iris Callioux

Alberta Infrastructure and Transportation
Donald Saunders

Natural Resources Conservation Board
Bill Kennedy