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August 26, 2020

Submitted via email to: IAAC.GrassyMountain.AEIC@canada.ca

Joint Review Panel
Grassy Mountain Coal Project
Impact Assessment Agency of Canada

To Whom It May Concern:

**Re: Comments on the Electronic Hearing Procedures
Alberta Energy Regulator Application 1902073 – Grassy Mountain Coal Project**

Further to the correspondence from the Joint Review Panel (the “Panel”) dated August 12, 2020 with respect to the electronic hearing procedures, we are writing on behalf of our client and participant, the Municipality of Crowsnest Pass, to provide our comments about the proposed electronic hearing procedures.

With respect to Question #1, we prefer to have the presentation of evidence and cross-examination during the electronic hearing to be conducted by issue/topic rather than by party. We believe conducting the hearing by topic/issue will allow for a more focused assessment of issues and a more focused presentation of evidence. We also believe that this format will allow participants to be more responsive to matters as they arise.

With respect to Question #2, we understand the reasons for conducting a fully electronic or virtual hearing and we appreciate the fulsome procedures outlined in your correspondence of August 12, 2020.

With respect to participation and capacity, we are in favour of ensuring that participation on the Zoom platform is limited to participants or their legal counsel, witnesses/experts, and Panel members and administrative staff in order to help ensure the hearing runs efficiently and the platform’s technological issues are limited. We are also in favour of having an IT moderator at the hearing and some kind of Chat or other communication medium to allow participants to efficiently and effectively communicate with the moderator, and by extension the Panel, to report any technological concerns that may interfere with the hearing, including issues with sounds, volume, or video output. In addition, we suggest that it would be useful for the Panel to outline a

general schedule of the hearing as well as and agenda for each day so participants can efficiently organize their time and resources. Ideally, this would include start and end times as well as recesses or breaks.

With respect to Question #3, we believe the electronic hearing procedures outlined should allow legal counsel to fill their roles and responsibilities assuming that all legal counsel are given the opportunity, in an orderly fashion, to ask questions and cross-examine witnesses as necessary after each presentation. We also suggest that if time limits are going to be imposed, those are clearly communicated in advance of the hearing. We understand the Panel has considered how new information will be submitted and we suggest the process for submitting and circulating new information is clearly communicated in advance of the hearing. We also suggest that if the Panel is going to allow witnesses to refer to visual material (PowerPoints, maps, charts, etc), a process is outlined to ensure all participants and legal counsel are either able to view the materials in advance or as the witness is presenting them. Lastly, we hope the Panel will remain flexible in order to respond to issues, particularly technology issues, which may arise unexpectedly.

We thank you for your thorough correspondence about the electronic hearing procedures and for the opportunity to provide our comments.

Yours truly,

BROWNLEE LLP

PER:

<Original signed by>

Alifeyah Gulamhusein

AG/am

cc. Municipality of Crowsnest Pass, attn: Patrick Thomas, Chief Administrative Officer (via email)