

## ***PERFORMANCE SUMMARY***

Certus has designed public consultation and conflict management systems for municipal, provincial and federal governments, Canadian energy regulators and boards, United States Regional Transmission Organizations (RTO's)/Independent System Operators (ISO's) and private and public corporations.

Featured are examples of recent and related performance.



***DECIDING TOGETHER***

## **PUBLIC CONSULTATION AND CONFLICT MANAGEMENT SYSTEMS DESIGN**



- The **City of Calgary** engaged Certus to review its policies and governance structures concerning how their staff approached public consultation and citizen input into the City's decision-making process. The result was a comprehensive "Engage" program that commits the City to effective new systems and processes to obtain meaningful input from citizens into the decisions that affect them. Certus worked extensively with City staff to integrate new conflict management tools into City Engage processes where conflict potential may exist.

### ***Certus has assisted the City of Calgary to:***

- Bring closure to new the "Smoke Free Calgary" bylaw debate
- Facilitate the controversial construction of a major storm sewer outfall into a sensitive area of the Elbow River
- Create an extensive stakeholder input process for the development of the new Livery Transport bylaw to regulate Calgary's taxi and limousine industry. At times this process was a high conflict, visible public dispute. The design of a comprehensive conflict management process was critical to allowing the regulatory review to continue
- Help the City's public utility and electrical transmission company to build a Public Engagement process to determine whether to keep or sell this public utility
- Assisted the City in establishing more effective processes and tools to approve Water Resources Development applications. The work involved the City's Water Resources staff, developers and consultants in an effort to identify the issues in dispute and the interests that needed to be addressed for more effective rules, guidelines and approval processes

The **Calgary Board of Education (CBE)** engaged Certus to assist them in creating a public participation process that provided directions to the Board in their quest to incorporate the study about religion in the K-12 school system. Over 3,000 citizens participated through a variety of engagement opportunities. The CBE was successful in reaching its goals despite the contentious nature of the project.

**GET AHEAD AND STAY AHEAD OF CONFLICT**

- A member of the Certus team mediated as a **Federal Energy Regulatory Commission** Dispute Resolution Specialist, along with Deputy Chief Judge Lawrence Brenner, the PJM Reliability Pricing Model (RPM). This was an intensive five month multi-party mediation that involved all PJM sectors participating in the development of the capacity markets for PJM. The Certus team member was crucial to the overall success of this effort by co-designing the caucus and working group structure and then working with stakeholders and participants in moving towards an agreement. The Certus team member participated in drafting the PJM RPM term sheet and the detailed single text effort leading to a full settlement agreement, Open Access Transmission Tariff changes and PJM Business Practices Manual changes.
- The **Alberta Energy and Utilities Board (EUB)** wished to engage industry in a multi-stakeholder process to find new technical and operational solutions to the gas over bitumen controversy. Certus led the design and ongoing facilitation of the Government Industry Advisory Group that brought together working teams from the Department of Energy, the EUB and industry to assess new technical solutions and make governance and policy recommendations to the EUB Board.
- Certus has successfully designed and implemented Appropriate Dispute Resolutions programs for the **Alberta Energy Resources and Conservation Board (ERCB)**, the **British Columbia Oil & Gas Regulator** (BC Oil & Gas Commission) and the **Canadian Federal Energy Regulator** (National Energy Board).
- Over a two year period from 2005 to 2006, Certus worked with the **Alberta Department of Energy** to bring together all the industry players from the Alberta oil sands to develop better management and governance structures to “Maximize the Alberta Advantage” in extracting, upgrading and transporting bitumen. As a result, new physical and social infrastructure was recommended and eventually built. Roundtables, Workbooks, World Cafes and facilitated meetings were used to bring the dialogue together.
- The **Premier of the Province of Alberta** and the Provincial Treasurer wished to build the public will to reduce Alberta’s deficit and debt. A member of the Certus team worked together with the Provincial Government to engage stakeholders across Alberta in collaborative problem solving processes. This work led to the adoption of the Deficit Elimination Act and the success of Alberta’s fiscal policies.
- The **Minister of Health** in the Government of Alberta wished to have a broad public participation process to help them reduce the large number of hospital boards and reconstitute the governance structures for health delivery in the Province. The use of a Certus Workbook titled “Your Bill of Health” and a variety of engagement processes that involved over 5,000 Albertans led to successful restructuring and new approaches to community health and acute health delivery.

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## COMPLEX MULTI-PARTY CONFLICT MANAGEMENT PROCESSES

- A regulated quasi-public agency had a \$130M dispute with a large number of its electrical system stakeholders. The **Alberta Energy and Utilities Board** utilized a Certus designed conflict management process to resolve electrical systems governance and electricity pricing issues.
- The **Alberta Electrical System Operator** utilized the Certus Workbook based conflict management process to resolve a long-standing governance issue involving the rules and procedures regarding Transmission Must Run among load and generation stakeholders.
- Thirteen key associations in the oil and gas industry joined together as the **Company-to-Company (C2C) Task Force** on Appropriate Dispute Resolution (ADR). Their goal was to create an industry wide commitment to ADR processes. Certus was recognized as a key leader in the work of the task force and in the creation of the C2C “Lets Talk” Handbook, which was state-of-the-art for the energy sector ADR.
- A Certus team member mediated a multi-party matter between the **New England Independent System Operator** (NE ISO) and the **Massachusetts Municipal Wholesale Electric Company** that resolved complaints alleging market manipulation during the August 2006 heat wave in New England. A secondary issue was resolved which raised the issue of balancing a formula which was staged for vetting through the NE ISO stakeholder process that would apply when a public power agency underbids in the ‘Day Ahead’ market and is forced to buy in the ‘Real Time’ market at higher prices.
- A Certus team member mediated a multi-party matter between the **New York Independent System Operator, KeySpan** and **Consolidated Edison** that resolved a remand matter concerning the summer 2002 New York City capacity market which resulted from a misinterpretation of the Installed Capacity formula. This case also involved 12 other electric utilities providing distribution services in the New York City area.
- The **California Independent System Operator** and the **California Department of Water Resources** worked with a Certus team member to resolve the emergency scheduling of California Hydro projects in support of emergency grid operations. The Ninth Circuit Case was remanded to the Federal Energy Regulatory Commission and established a balanced curtailment needs of major hydro-operations and grid reliability requirements.



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- A Certus team member mediated with the **Long Island Power Authority** and **Cross Sound Cable** to settle substantial delay claims tied to the State of Connecticut environmental issues and Department of Energy Declared National Emergency Orders in New York State.
- A Certus team member mediated a matter between the **New York Independent System Operator** and **Market Traders Bilateral Netting** that worked through the stakeholder process in order to gain prioritization in the issues queue. This enabled market traders the ability to enter the bilateral market without having to post collateral on both ends of the transaction.
- The **Midwest Independent System Operator** and **Michigan Public Power Administration** mediated with a Certus team member that worked out a resettlement of imbalance in scheduling charges.
- A multi-party matter between the **City of Sioux Falls, Xcel** and **Midwest Independent System Operator (MISO)** was mediated by a Certus team member with a matter involving grandfathered contracts that granted special treatment under MISO Tariff and Business Rules. The mediation resulted in a modified Interconnection Agreement between City of Sioux Falls and Xcel.
- A Certus team member mediated a multi-party matter between the **Wisconsin Public Service (WPS), Xcel** and **Midwest Independent System Operator** that worked out Firm Transmission Rights allocations through a series of capacity transfers. This was caused by partial path transmission service between WPS and Xcel and disagreements over the source and sync. The issues originated in the District of Columbia Circuit Court of Appeals and were remanded to the Federal Energy Regulatory Commission.
- Allegations of obstruction by the Transmission Provider to make accommodations under their Open Access Transmission Tariff brought **Longview Power, Allegheny Power** and **PJM** to a mediation with a Certus team member. The Certus team member worked out a process that permitted the generator to interconnect through an alternative route and had PJM participate in the final agreement.
- A Certus team member mediated a matter between **CPV Power, Tenaska** and **Dominion Power** that involved a generator interconnection case concerning the generator falling behind in their construction milestone schedule. The competitor in the queue pushed the Transmission Provider to cancel the Interconnection Agreement (IA) because of alleged defaults. The revised IA was negotiated ultimately not to the benefit of the competitor, but with enough built-in milestones that they did not protest.
- A dispatch and scheduling dispute under power sales agreement between the **Municipal Power Administration, Southern Minnesota Municipal Power Agency, Xcel** and **Rochester Public Utility** was mediated by a Certus team member. The agreement called for an alternative dispatch and routing, thus eliminating losses.
- A dispute arose over Rochester's concern with scheduling and delivery of coal during the winter months. A Certus team member facilitated a solution between the **Municipal Power Administration** and **Rochester Public Utility** that called for ongoing communication and parameters for order, delivery and storage of coal. The process also resolved a long-standing personnel dispute between two feuding business executives from each side.

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## ***MANAGING COMMUNITY AND STAKEHOLDER RESISTANCE TO ENERGY DEVELOPMENT PROJECTS***

- A **rural community** of long standing and established oil and gas infrastructure and roads within which valuable acreage residences resided experienced significant pro and anti development that threatened community collapse and huge infrastructure management cost for industry. Certus designed and led a successful multi-stakeholder mediation process that led to a resolution plan after 40 years of dispute.
- An **oil refinery site** closed in the 1960's and was subsequently developed into city parks and residential real estate. This development was adjacent to a major river and was found to be seriously contaminated with dangerous hydrocarbons. Certus led a year-long mediation process that resulted in a comprehensive reclamation plan that was accepted by the communities involved and both provincial and federal regulators.
- **Montana Alberta Tie Ltd's** efforts to site and construct a 230kv international merchant power line between Canada and the US stalled in the face of stakeholder and community outrage. Certus was engaged to design an outrage management plan that utilized a Workbook and Appropriate Dispute Resolution process to resolve local landowner issues. Certus also worked with the regulator to establish the rules by which they were able to obtain their licenses and helped the company implement the rules. The company received its regulatory approval permits in 2009.



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- Certus utilized its public consultation and outrage management processes to assist an international oil company site, a controversial **Sour Gas Processing Plant** and related pipelines, wells and gathering systems in a very challenging area of British Columbia. The project received regulatory approval on time and without controversy while other area projects were under constant legal and illegal challenge including bombings and sabotage.
- The **National Energy Board** utilized Certus' integrated public consultation and conflict management workbook process to manage a multi-stakeholder process to decommission and reclaim a World War II era pipeline from Norman Wells, Northwest Territories to Whitehorse, Yukon.
- The **Corridor Expansion (CPX) pipeline** from Fort McMurray to Fort Saskatchewan is almost 400 miles of 42 inch diameter heavy wall pipe transporting bitumen from the oilsands to refinery row. Certus worked with the project team to manage public consultation community outrage and provide dispute resolution services for more than 200 landowners and stakeholders impacted by this \$2B project. This project had three different owners over two years and was completed on time and under budget without the need for any regulatory hearings.



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**Canadian Office**

Suite 1100  
1122 - 4 Street SW  
Calgary, AB T2R 1M1  
Phone: 403.233.2209  
Toll Free: 1.866.233.2209  
Fax: 403.233.7446

**United States Offices**

Suite 385  
6101 Executive Boulevard  
Rockville, Maryland 20852  
Phone: 301.760.3286  
Toll Free: 1.866.326.3517  
Fax: 1.866.920.6725

Sixth Floor  
1101 Pennsylvania Avenue NW  
Washington, D.C. 20004  
Phone: 202.684.2000  
Toll Free: 1.866.326.3517  
Fax: 1.866.920.6725

Reach Certus Strategies free from anywhere in North America at 1.866.233.2209  
or by email at [info@certus-strategies.com](mailto:info@certus-strategies.com)