



# AUC

Alberta Utilities Commission

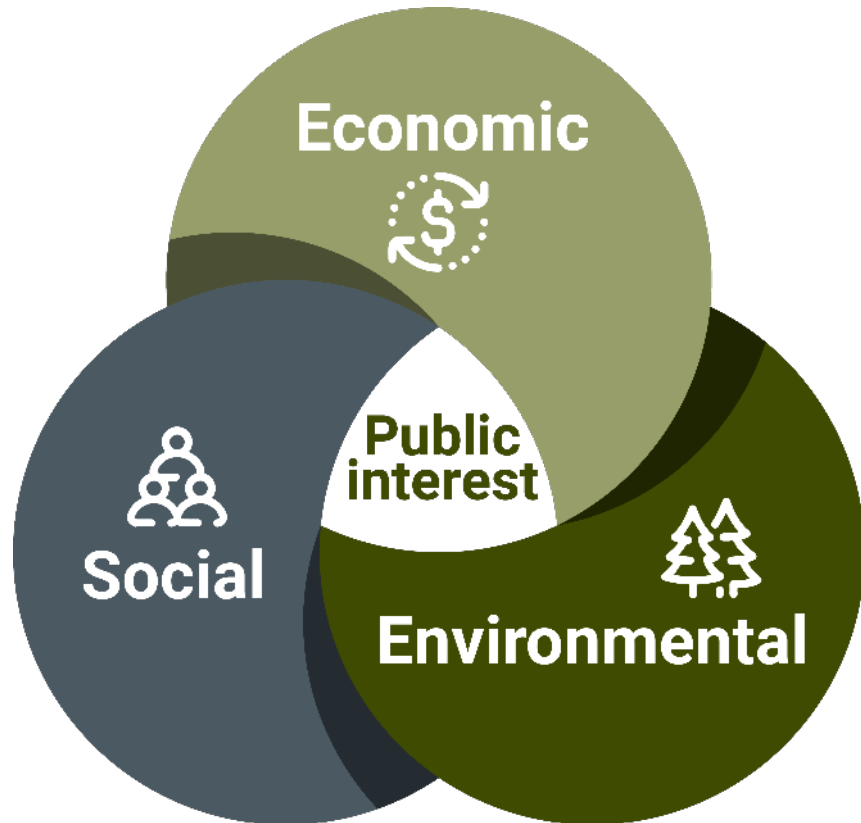


## **MD of Smoky River No. 130 Council**



(August 9, 2023)

Presenters and the materials in this presentation do not speak on behalf of AUC Commission members. Commission members' views are expressed on the public record through AUC decisions.



## Our mission

- The AUC is a trusted leader that delivers innovative and efficient regulatory solutions for Alberta.
- As Alberta's independent utilities regulator, the AUC is granted authority through the *Alberta Utilities Commission Act* and other pieces of legislation to make decisions in the public interest to protect social, economic and environmental interests of Alberta.

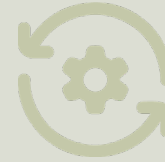


# Organizational overview and responsibilities



## Commission members

- Appointed by government to consider and make decisions about regulatory applications in an independent review process.
- The Commission is comprised no more than nine commission members including the chair and vice-chair(s).



## Staff members

- Hired to provide expertise to support the decision-making process and overall day-to-day operations.
- Divisions include: Rates, Facilities, Market Oversight and Enforcement, Corporates Services, Law and Chief Executive.



# AUC process: What happens after an application is submitted?



Commission panel (usually one to three Commission members) hear the application

Members of an application team support the panel and can include:

- Lead application officer/regulatory analyst.
- Commission counsel.
- Technical support staff (noise, environment, engineering, economics, admin).
- Information services.
- Communications.





# There is a spectrum of AUC involvement and approvals

No AUC involvement or approvals necessary if conditions are met

Limited AUC involvement but exceptions exist, requires conditions are met

Partial AUC involvement or limited approvals necessary

Full AUC involvement and approvals necessary



Micro-generation

- Small power plants <1 MW
- Power plants <10 MW

Community generation

General “power plant” application (Different application requirements depending on fuel source)





## Conditions of projects are met if ...

- No person is directly and adversely affected.
- The power plant complies with Rule 012: *Noise Control*.
- There is no adverse effect on the environment.
- If the unit is connected to the distribution or transmission system, the owner must contact the wire owner to determine if adequate protection has been installed to isolate the unit from the wire owner's system or enter into an operating agreement with the wire owner.



# AUC Applications



**Rule 007:** *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*  
**Appendix A1 – Participant involvement program guidelines**

**Rule 012:** *Noise Control*

**Rule 024:** *Rules Respecting Micro-Generation*

**Rule 033:** *Post-approval Monitoring Requirements for Wind and Solar Power Plants*





# Requirements to consult with the municipality



## **Rule 007 requirements:**

Summarize consultation with local jurisdictions (e.g., municipal districts, counties).

Identify all persons who expressed a concern(s) about the project. For each person, include the following information:

- The specifics of the concern(s).
- Steps taken to resolve the concern(s).
- Whether the concern(s) was resolved.

All projects must be compliant with any applicable regional land use plans adopted under the Alberta Land Stewardship Act.

## **Shadow flicker assessment:**

- Predicts the extent of shadow flicker at receptors within 1.5 kilometres from the centre point of each turbine where the potential for shadow flicker is possible.
- A copy of the map identifying all shadow flicker receptors and the expected duration of shadow flicker for each receptor must be included as part of the applicant's participant involvement program materials.





# Decommissioning and reclamation

## End of life management:

Submit a copy of the initial renewable energy operations conservation and reclamation plan (REO C&R Plan) as set out in the *Conservation and Reclamation Directive for Renewable Energy Operations*.

Provide an overview of how the operator will ensure sufficient funds are available at the project end of life to cover the cost of decommissioning and reclamation.

Summary of findings from recent Commission decisions:

- The *Environmental Protection and Enhancement Act* requires applicants to conserve and reclaim specified land.
- Once a site is considered adequately reclaimed, reclamation certificates are issued.
- The *Conservation and Reclamation Directive for Renewable Energy Operations* requires renewable energy operators to create and maintain a project-specific conservation and reclamation plan.
- The project-specific plan is a living document that will be updated throughout the project's life cycle.
- The Commission is satisfied that existing project reclamation requirements are addressed through an applicant's commitment to adhere to the *Conservation and Reclamation Directive for Renewable Energy Operations*.



# Participating in a proceeding



## Previous decisions:

It is not the statutory responsibility of the Board to ensure that energy projects meet all local land use planning by-laws, area structure plans, and related planning instruments. The Board must decide whether such applications are in the public interest based on the purposes and aims of its own enabling legislation. Land use planning regimes are, however, relevant to the Board's consideration because they indicate from the municipality's perspective, the nature of the past, present, and future uses of a proposed site or lands in close proximity to a site.

*Decision 2001-101: AES Calgary ULC, 525 – MW Natural Gas-Fired Power Plant*

## Standing vs. participation:

Historically, AUC has granted standing to municipalities only when a project may impact municipally owned lands, but not for interference with a municipal development plan or inconsistency with a development permit.

However, the AUC does generally grant full or partial participation rights to any municipality.

e.g., Nova solar (27589) – Wheatland county wanted to ensure compliance with many municipal plans

- “The County has not demonstrated through its submissions that it has a legal right capable of being directly and adversely affected in relation to the project, and therefore it does not meet the test for standing.”
- “In this case, the Commission has decided to grant the County a right to participate; that is, the County may participate to the extent indicated in its letter of September 29, 2022, 6 or as otherwise permitted by the Commission in this proceeding.”



## MGA Section 619 – what it means



The purpose of s 619 is to reduce regulatory burden and increase administrative efficiency and consistency. Section 619 achieves this by granting paramountcy to decisions of certain provincial bodies, to ensure projects are not blocked at the municipal level for issues already considered and approved at the provincial level.

The language of s 619 does not prescribe a statutory chronology for events that is to be followed when an application is made to a municipality for a development permit or other approval with respect to a project that will also require an approval or authorization from any of the provincial bodies identified in the section.

*Borgel v. Paintearth Subdivision and Development Appeal Board, 2020 ABCA 192,*

The Commission can only approve conditions on areas under its jurisdiction and once an approval is issued, the municipality is prohibited from considering in a hearing any issue previously decided by the Commission. However, where the Commission is silent on an issue (i.e., does not impose conditions of approval or confirm the Commission's acceptance in the decision) these issue may be further addressed by the municipality.



# Thank you

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