

AUC Rule 007 – Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designations
Stakeholder Comments and AUC Response Matrix
Date 31 March, 2009

Issue/Topic	AUC Response
<i>Item 1: PP39 Revision</i>	
<p>Stakeholders (Eolectric and Greengate) noted that a single-line diagram obtained or sanctioned by the ISO can be supplied by a power plant proponent.</p> <p>Stakeholders (AESO, ENMAX, Eolectric, and Greengate) noted that a power plant proponent cannot provide a map where additional transmission development would be in order to implement the interconnection to the AIES as that decision will be made by the Transmission Facility Owner at a later time. This requirement could significantly and unnecessarily delay both the submission and approval of a power plant application. Stakeholders believe that route-related issues can be adequately dealt with by the Commission as part of that interconnection facility application. ENMAX requested that the Commission consider permitting power plant proponents to submit one or more conceptual layouts showing possible routes for the interconnection and general land locations.</p> <p>TransAlta supported the revision to PP39.</p> <p>Nexen submitted that PP39 should not be changed.</p>	<p>The Commission accepts stakeholder suggestion and has revised the PP39 in the Rule such that a power plant proponent will only be required to provide “<i>a map with one or more conceptual layouts showing possible routes and general land locations for facilities that would be used to interconnect the Power Plant to the AIES.</i>”</p>

<i>Item 2: PP42 Revision</i>	
<p>TransAlta noted that the second paragraph of PP32 is made redundant by the revision of PP42.</p> <p>ENMAX submitted that the type of detailed information required will add substantial delays to the power plant application. Greengate stated that providing maps with vegetation is unnecessary as it is submitted as part of the ASRD report.</p> <p>ATCO Electric suggested consultation with Alberta Culture and Community Spirit and Historic Resources Management Branch to ensure they are aware and agree with archeological sites being noted in applications.</p>	<p>The Commission concurs with stakeholders that the second paragraph of PP32 is made redundant by the revision of PP42. The second paragraph of PP32 in the Rule was deleted.</p> <p>The Commission considered stakeholder comments that the detailed information required will add substantial delays. However, the Commission believes the information is required to adequately assess the impacts that a project may have on those items.</p> <p>Regarding archeological sites being noted in applications, the Commission considers the onus is on applicants to consult with relevant agencies.</p>
<i>Item 3: TS11 Revision</i>	
<p>ATCO Electric suggested that notification and consultation should include occupants, residents, and landowners within 800 metres measured from the “centre of the line” or “centre line” as this would avoid inclusion of next quarter section behind the adjacent one. ATCO Electric suggested a change to the wording in TS11 to say “outer perimeter of the proposed substation fence or development area” since a substation could be part of an extended property owned by another party.</p> <p>AltaLink supported the change to the consultation boundary to 800 metres measured from the centre of the right of way. AltaLink requested clarification as to the designation of an area as either urban or rural, particularly in areas surrounding cities where acreage lots and country residential development occurs.</p>	<p>The Commission agrees with the “centre line” recommendation and has revised the Rule to reflect personal consultation to all occupants, residents, and landowners within 800 metres measured from the centre of the proposed structures for a transmission line and 800 m measured from the boundary of proposed substation.</p> <p>Additional comments are provided in Item 6 listed below.</p>

TransAlta noted that personal consultation is too onerous and that a more reasonable approach would be to use a registered notification process involving, if requested by the landowner, personal consultation.

ENMAX is concerned that the requirements of TS11 are not practical within an urban setting.

Suncor requested clarification on what is meant by adjacent and how the revision would impact Industrial System Designations (ISD), where facilities reside on an applicant's own leases. Suncor also submitted that the revision will cause duplication of EIA efforts as consultation and most often a hearing has already occurred.

TransCanada noted that the need to avoid creating the expectation that all landowners within 800 metres will be consulted when the intention is that only those on or directly adjacent to the proposed right of way would have a personal consultation.

Landowners (Larsen and Heinrich) noted that high voltage transmission towers can be in excess of forty stories tall and would suggest that rural areas have a minimum notification distance of 2km.

With respect to landowners' comments on the height of high voltage towers, forty stories tall electric power transmission towers are not known to exist in Alberta and are not required in Alberta. For these reasons, the minimum notification distance of 2 km for rural areas was not added. However, an applicant may provide notification of a specific application to a distance greater than specified in participant involvement program requirements in Appendix A as these are minimum requirements. Also, a notice of application is usually published by the Commission for such applications and any person with concerns may submit his or her concerns or objections about the proposed project to the Commission.

<i>Item 4: TS33 Addition</i>	
<p>AltaLink noted that the most up to date functional specification can be provided at the time of an application submission and the final function specification can be filed when it becomes available prior to start of construction.</p> <p>TransCanada requested the Commission consider a defined term “Functional Specification” and clarify it is the ISO’s functional specification.</p>	<p>The Commission notes that a functional specification is provided by the ISO in most projects. However, in special circumstances such as a project being on private land, the ISO may not be required to issue a functional specification. As such, the Commission does not believe a change is necessary.</p>
<i>Item 5: TS34 Addition</i>	
<p>ATCO Electric recommended that the Commission consider that a Noise Impact Assessment (NIA) may be waived for new substations or transformer additions in remote areas where there are no dwellings within 1500m.</p> <p>AltaLink noted that this revision reflects current practice.</p> <p>ENMAX recommended that in Rule 012: Noise Control the AUC should provide direction to differentiate urban and rural areas, as well as provide direction with respect to the acceptability of NIA levels throughout the life time of a substation.</p> <p>Greengate submitted that there is insufficient detail in the proposed Rule 012 to understand what is required for transmission lines and substations and requested clarification regarding which aspects of noise the AUC is seeking to analyze.</p> <p>Suncor noted that a NIA is required for Environmental Impact Assessment which will result in a duplication of efforts. Suncor requested confirmation that the NIA provided for Environment</p>	<p>The Commission has considered ATCO Electric’s suggestion to waive NIA requirements for substation projects located in a remote area. The Commission notes that an approach to deal with NIA requirements in remote areas is described in Rule 012 and therefore the approach does not need to be repeated in Rule 007.</p> <p>Rule 012: Noise Control was available for stakeholder comments and the Commission notes that all comments will be dealt with in the response to Rule 012.</p> <p>The Commission is prepared to accept an NIA prepared for other agencies for the same project provided that all requirements of Rule 012 are met.</p>

<p>Protection Enhancement Act is what is requested from the Commission. Suncor noted that within an ISD, no public stakeholders would be impacted.</p>	
<p><i>Item 6: Appendix A “Who to Include” Section</i></p>	
<p>ATCO Electric suggest notification should include occupants, residents, and landowners within 800 metres measured from the “centre line” and outer perimeter of the proposed substation fence or development area as this would avoid inclusion of next quarter section beyond the adjacent one. ATCO Electric suggested a change to the wording in TS11 to say “outer perimeter of the proposed substation fence or development area” since a substation could be part of an extended property owned by another party.</p> <p>Nexen noted the inconsistency between TS11 and revisions in Appendix A and suggested a change to the first paragraph in Appendix A to reflect that public notification is required for transmission lines and substations.</p> <p>TransAlta noted that notification within 2000 metres of power plant boundary and personal consultation within 800 metres is reasonable in most circumstances. TransAlta noted that personal consultation can be too onerous and that a more reasonable approach would be to use a registered notification process involving, if requested by the landowner, personal consultation.</p> <p>AltaLink noted that current consultation practices are appropriate for landowners with land title documents. Some landowners have suggested consultation is an invasion of privacy and offensive. AltaLink suggested a broad outreach program to provide notice of</p>	<p>The Commission has carefully considered comments submitted. The Commission has revised the requirements of the Participant Involvement Program to address some of stakeholders’ concerns and at the same time ensure that notice is given and personal consultation is conducted. The new requirements of the Participant Involvement Program are detailed in Appendix A of the revised Rule 007.</p> <p>In addition, the Commission offers the following responses to individual comments:</p> <p>The Commission agrees with ATCO Electric’s “centre line” recommendation and has revised the Rule to reflect public notification and personal consultation to all occupants, residents, and landowners within 800 m measured from the centre of the proposed structures for a transmission line and 800 m measured from the boundary of proposed substation.</p> <p>The Commission accepts Nexen’s recommendation to change the wording for the public notification and personal consultation requirements in Appendix A to include both transmission lines and substation developments.</p> <p>The Commission considers it paramount that effective communication takes place between an applicant and the public so that concerns may be raised and addressed. Personal</p>

<p>the proposed development and leave the onus on the stakeholder to decide whether to participate further in a participant involvement program. AltaLink requested clarification for designation of urban or rural area, particularly in areas surrounding cities where acreage lots and country residential developments occur.</p> <p>ENMAX submitted that the requirements of personal consultation are not practical within an urban setting. ENMAX recommended the adoption of the language utilized on page 41 of the current Rule 007. ENMAX supported the revision of only conducting participant involvement for major alterations. ENMAX recommended adding that an applicant is encouraged to participate in a public works consultation process to fulfill participant involvement program requirement if a project is driven by that public work group.</p> <p>Stakeholders (ATCO Electric, AltaLink and ENMAX) supported the elimination of requirement for open house for minor alterations. AltaLink provided a list of examples that it would anticipate smaller projects to include.</p> <p>Epcor noted that the revised information session requirement does not describe projects that are not in a fenced boundary. Epcor submitted that only notification should be required for both minor alterations as well as work within fenced areas. Epcor recommended adding “in a rural setting” to first paragraph of “Who to Include” section.</p>	<p>consultation is a vital part of that process which allows landowners to express concerns directly to an applicant.</p> <p>The Commission has tailored its participant involvement requirements to electric facilities and cannot speak to the requirements and programs of other agencies. Therefore, the participant involvement program requirements as stated in Appendix A of Rule 007 must be met.</p> <p>The Commission is of the view that if an applicant participates in a consultation process with other agencies it must make it clear that the consultation is for a proposed transmission facility. Also, all requirements of Rule 007 must be fulfilled.</p> <p>In regards to assessing the nature of an objection, the standing test in section 9 of the <i>Alberta Utilities Commission Act</i> is applied to determine standing of parties and if the party’s intervention warrants further consideration by the Commission.</p> <p>The participant involvement program requirements as stated in Appendix A of Rule 007 are applicable to substation and transmission line developments within an ISD.</p> <p>With regards to Need applications, the Commission has added to the requirements respecting the manner in which notification is to be provided and consultation where requested. The additional requirements relate to Need Applications in which the ISO determines the need to rebuild, add and alter existing transmission facilities or planning transmission development in which respective locations of new facilities are definitive by virtue of being at or in close proximity to existing facilities. For these Need</p>
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<p>Greengate submitted that the AUC must be more effective in assessing nature of a complaint and dismissive of “frivolous and vexatious” comments.</p> <p>Suncor requested clarification on what is meant by adjacent and how this would impact ISD, where facilities reside on an applicant’s own leases.</p> <p>For NID applications, the AESO suggested that the scope and extent of public notification will be determined by the AESO based on its assessment of the potential impact of the project on nearby residents. Generally, the AESO suggested it will provide public notification within the areas where facilities could be required to implement the ISO’s preferred option and applied-for alternatives. AESO suggested it will hold public Open House meetings or other forums where the AESO considers it to be appropriate. The AESO suggested an addition to Appendix A which states that it will not be required to initiate personal consultation with residents, landowners or occupants.</p>	<p>applications, the ISO must provide direct notice, and consultation when requested, to all occupants, residents, and landowners within 800 m measured from the centre of the structures for the existing transmission line(s) or 800 m measured from the boundary of the existing substation(s), whichever is applicable.</p>
<p><i>Additional Items from TransAlta</i></p>	
<p><u>Private land and Public Interest:</u> TransAlta stated that the AUC is unduly concerning itself with power plant facilities on private land which are subject to agreement between the proponent and the landowners. TransAlta submitted that the AUC should not be concerned with the contents of the agreement.</p>	<p>The Commission is unclear about this comment from TransAlta but wants to convey that the Commission has to ensure environmental issues are adequately dealt with for all projects including power plant facilities on private land.</p>

<p><u>PP5 (Local Jurisdiction Consultation)</u>: TransAlta noted that the current wording in requirement PP5 should be changed to be consistent with wording in requirement TS5 which states “Provide details and outcome of consultation with local jurisdiction (e.g. municipal districts, counties).”</p>	<p>The Commission appreciates the inconsistency noted by TransAlta and will revise PP5 to the wording used in TS5.</p>
<p><u>PP7 (Approval from Transport Canada)</u>: TransAlta submitted that NAVCanada is not a regulatory agency so the reference to NAVCanada should be deleted in PP7. TransAlta also noted that the requirements of Transport Canada are in regards to all structures above 20 meters in height; therefore requirements of PP7 should be broadened to include all power plant types.</p>	<p>The Commission appreciates the clarification from TransAlta and will delete the NAVCanada approval requirement in PP7 and will broaden the Transport Canada approval requirement for all power plants.</p>
<p><u>PP8 (Approval from Alberta Transportation)</u>: TransAlta submitted that the requirement of Alberta Transportation approval should apply to all developments within 300 metres of a numbered highway, not specifically for wind power plant developments.</p>	<p>With respect to TransAlta’s suggestion, the Commission does not believe a change to this requirement is necessary.</p>
<p><u>PP9 (Sign Off from ASRD)</u>: TransAlta submitted that the second paragraph should not be the responsibility of the AUC as individual government agencies should provide their own oversight within their jurisdiction. TransAlta noted that the last paragraph of PP9 is redundant to PP41 and should be deleted.</p>	<p>The Commission considers TransAlta’s comment regarding the responsibility of the AUC but notes that the ASRD sign-off requirement is in lieu of an Environmental Impact Assessment for wind power plant developments.</p> <p>The Commission appreciates the redundancy noted by TransAlta between PP9 and PP41 and will delete the last paragraph of PP9.</p>
<p><u>PP13 (Exact Location of Wind Turbines)</u>: TransAlta noted that no explanation is provided by the Commission regarding why the information in PP13 is required. TransAlta submitted that this information is not required for other types of power plants or transmission line development. Wind power plant approvals should be based on boundaries rather than specific layout.</p>	<p>The Commission believes that the information required in PP13 is necessary to assess the potential siting and environmental impacts a project may cause and it is also necessary for proper evaluation of NIA. As such, the Commission does not believe a change to this requirement is necessary.</p>

<p><u>PP18 and PP19 (Landowners and Stakeholders Information):</u> TransAlta noted that list of landowners should not be made public to respect privacy issues and should not be posted on the AUC website.</p>	<p>The current practice followed by the Commission does not include list of landowners being made public or placed on the AUC website.</p>
<p><u>PP28 (Details of Power Plant Equipment):</u> TransAlta submitted that details of make, model, and nominal capacity of generating equipment may not be known at time of application.</p>	<p>The Commission believes that the information required in PP28 is necessary to adequately assess an application, such as noise and emission specifications. Therefore, no change was made.</p>
<p><u>PP32 (Power Plant Site Drawings):</u> TransAlta noted that no explanation is provided by the Commission as to why the information in PP32 is required and is not a requirement for other types of power plants.</p>	<p>The Commission believes that the information required in PP32 is necessary to adequately assess a wind power plant application. Therefore, the Commission does not believe a change to this requirement is necessary.</p>
<p><u>PP38 (EIA Requirement):</u> TransAlta stated that the reference to consulting with the AUC should be deleted since PP38 deals with approvals required from Alberta Environment.</p>	<p>AUC is one of the participating parties in the integrated review process of the environmental aspects of major energy projects that are regulated by AUC and for which an EIA is required. As a result, the reference was not deleted.</p>
<p><u>PP40:</u> TransAlta suggested a wording clarification.</p>	<p>The Commission appreciates the wording clarification from TransAlta and has revised PP40 as suggested.</p>
<p><u>One MW Threshold for Power Plant Categories:</u> TransAlta indicated that the AUC should change its definition of power plants in Rule 007 to be consistent with the Micro Generation Regulation for power plants with “over 1 MW” and “one MW or less”.</p> <p>TransAlta also suggested that a small power plant threshold should be increased to 5MW.</p>	<p>The Commission appreciates the suggested change in definition of power plant in Rule 007 but does not believe a change is necessary.</p> <p>In regards to the current classification of less than 1 MW as a small power plant, this limit was determined based on 1 MW being the threshold for mandatory environmental approval required by Alberta Environment. Therefore, the Commission does not believe a change is necessary.</p>

<p><u>IC3 and IC4 (System Studies for Interconnection)</u>: TransAlta submitted that AESO is the system operator of the transmission system; therefore the AUC should accept the AESO’s technical professional opinion as to suitability of an interconnection.</p>	<p>The Commission notes that the information required for an interconnection application is to allow other market participants to be aware of proposed plans for the transmission system and to assess the impacts on their facilities due to the applied-for interconnection.</p>
<p><i>Additional Items from AESO</i></p>	
<p><u>NID12 (Major Factors For Comparing Alternatives)</u>: The AESO suggested removing the details of the major aspects listed in NID12 for the AESO to consider for applications where a particular preferred geographic area to locate the proposed transmission facilities.</p>	<p>Section 11(3)(g)(vii) of the <i>Transmission Regulation</i> states that in addition to the requirements set out in section 34(1) of the <i>Electric Utilities Act</i>, the NID must include environmental considerations.</p> <p>The check list technique has been adopted in NID12 to evaluate environmental impacts</p> <p>The Commission notes that in NID 12, it states that the details should be provided in a Need application where applicable. i.e., information details listed are not required for all applications. However, in choosing between alternatives for major transmission development, the check list in NID 12 would facilitate an organized approach in identifying and predicting anticipated environmental effects. These issues were raised in past proceedings by interveners and considered to be significant.</p> <p>Based on the above reasoning, the Commission does not believe a change is necessary.</p>