



Breaker Energy Ltd.

Gas-Driven Generator to Power Oil Battery Site

March 16, 2010



ALBERTA UTILITIES COMMISSION

Decision 2010-118: Breaker Energy Ltd.

Gas-Driven Generator to Power Oil Battery Site

Application No. 1605725

Proceeding ID. 433

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**BREAKER ENERGY LTD.
GAS-DRIVEN GENERATOR TO
POWER OIL BATTERY SITE**

**Decision 2010-118
Application No. 1605725
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1 INTRODUCTION

1. Breaker Energy Ltd. (Breaker) filed Application No. 1605725 on December 16, 2009 (the Application), with the Alberta Utilities Commission (AUC or Commission), for an order pursuant to *Hydro and Electric Energy Act* seeking an exemption from section 11 of the *Hydro and Electric Energy Act* to construct and operate a 100-kW gas-driven generator (the Power Plant). The Power Plant will be situated in LSD 2 of Section 20, Township 71, Range 14, West of the 5th Meridian in the vicinity of Valleyview, Alberta. The purpose of the Power Plant is to energize an oil battery site owned by Breaker.

2 DISCUSSION

2. As set out in the Application, Breaker submitted that the Power Plant would be used solely by Breaker's facility and would not be connected to the AIES.

3. Breaker conducted a participant involvement program by consulting, in person, with all occupants, residents and landowners within 1,500 metres of the Power Plant. Breaker also sent notification to all occupants, residents and landowners within 2,000 metres of the Power Plant. No objections were received.

4. Breaker submitted a Noise Impact Assessment (NIA) which indicated that the nearest residence is located 1,200 metres from the Power Plant. The NIA demonstrated that at a distance of 1,200 metres from the Power Plant, the noise level is predicted to be below the Permissible Sound Level (PSL) of 40 dBA Leq nighttime, as per *AUC Rule 012 - Noise Control*.

5. The Commission issued a Notice of Application on February 2, 2010, to all occupants, residents and landowners within 2,000 metres of the Power Plant. No letters of objection or concern were received by the Commission.

3 FINDINGS

6. Section 13 of the *Hydro and Electric Energy Act* states:

Exemptions

13 (1) Sections 9, 10 and 11 do not apply to a person generating or proposing to generate electric energy solely for the person's own use, unless the Commission otherwise directs.

(2) Notwithstanding subsection (1), a person generating or proposing to generate electric energy solely for the person's own use shall, if required by regulation to do so, immediately notify the Commission of the use or proposed use and provide any details of the generation and use that the Commission requires.

7. Section 11 of the *Hydro and Electric Energy Act* states:

No person shall construct or operate a power plant unless the Commission, by order, has approved the construction and operation of the power plant

8. The Commission has reviewed the Application and finds that Breaker meets the requirements of section 13 of the *Hydro and Electric Energy Act*.

9. The Commission notes that the NIA provided in the Application indicates that the anticipated noise level will be within the PSL limits as specified in *AUC Rule 012*.

10. The Commission notes that Breaker consulted with all landowners, occupants and residences within 2,000 metres of the Power Plant as outlined in *AUC Rule 007*. As well, Notice of Application was issued by the Commission to all occupants, residents and landowners within 2,000 metres of the proposed project area and notes that no objection to the Application was received by the Commission.

4 DECISION

11. Pursuant to section 13 of the *Hydro and Electric Energy Act*, the Commission approves the Application and grants the exemption set out in Appendix 1 – Power Plant – Exemption No. U2010-109 – March 16, 2010 to Breaker to operate the Power Plant (Appendix 1 will be distributed separately).

Dated March 16, 2010.

ALBERTA UTILITIES COMMISSION

(original signed by)

N. Allen Maydonik, Q.C.
Commissioner