

AUC Rule 007:

Application for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments

Stakeholder: Alberta Environment & Parks (Brian Lambert), AltaLink, ATCO Electric Ltd. (ATCO Electric), ENMAX Power Corporation (ENMAX), Environment Canada, EPCOR Distribution & Transmission (EDTI)

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC response
List of abbreviations		AESRD – Alberta Environment and Sustainable Resource Development	AESRD AEP – Alberta Environment and Parks Alberta Environment and Sustainable Resource Development		Agree.
1 Definitions and application	1.1 Application	This rule applies to applications [...].		Alberta Environment & Parks (Brian Lambert): Suggested change: This rule Rule 007 applies to applications [...].	AUC document format needs to align with the AUC formatting Style Guide.
	1.2 Definitions	In this rule [...]:		Alberta Environment & Parks (Brian Lambert) Suggested change: In this rule Rule [...]:	The existing format aligns with the AUC organizational preference.
	1.3 Application required	[...] in accordance with this Rule, unless otherwise directed by the Commission.		Alberta Environment & Parks (Brian Lambert)	Agree.

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				Suggested change: [...] in accordance with this Rule, unless otherwise directed by the Commission.	
	1.4.3 Power plants	<u>Paragraph 2:</u> If an applicant plans to generate electric energy solely for the applicant's own use, and the power plant rating is less than 10 megawatts, the applicant may proceed without filing an application if: no person is directly and adversely affected, the power plant complies with Rule 012, and there is no material impact 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 obtain an operating agreement with the wire owner, thereby meeting the requirements for an exemption.		Alberta Environment & Parks (Brian Lambert): Clarify, explain or define "wire owner".	The wire owner refers to the transmission or distribution facility owner and is a commonly used term.
	1.5 Applications process	Step 1: Preparation of an application <u>Paragraph 2:</u> For certain	Step 1: Preparation of an application	Alberta Environment & Parks (Brian Lambert): Step 1: Preparation of	Existing titles align with the document format.

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		<p>electric facilities, the applicant must also obtain specific approvals or sign-offs from other entities prior to filing its application, as these are to be submitted as attachments to the Commission application. Once the applicant has completed and documented the participant involvement program, obtained all other approvals and sign-offs, and compiled all the information required, it may proceed to file its application with the Commission. Alternatively, if certain approvals and sign-offs have not been obtained, the applicant must clearly identify them and provide details regarding their status to assist the Commission in deciding how to proceed with its consideration of the application.</p> <p><u>Paragraph 3:</u> In addition to other requirements, the applicant must identify [...].</p> <p><u>Paragraph 4:</u> The Commission no longer processes any application that contains major deficiencies. If the application contains major deficiencies, it will be closed</p>	<p><u>Paragraph 3:</u> Replaced all instances of "AESRD" with "AEP".</p>	<p>Preparing an application</p> <p><u>Paragraph 2:</u> Define or omit "certain events".</p> <p><u>Paragraph 9:</u> Under the Alberta Land Stewardship Act and the Alberta Land Use Framework, the province of Alberta is divided into seven land use regions and for each region, a regional land use plan has or will be adopted.</p> <p>ENMAX:</p> <p><u>Paragraph 4:</u> Shouldn't this be exactly defined?</p> <p><u>Paragraph 5:</u> Shouldn't this be more defined as to what is a minor deficiency?</p>	<p>Language is intended to depict variability in procedures as discussed in different sections. Add "As described more fully in subsequent sections", for certain electric facilities.....</p> <p>Agree deleting "seven" would provide flexibility if the number of regions changes.</p> <p>Language is intended to depict variability in procedures as discussed in different sections. Add "As described more fully in subsequent sections", for certain electric facilities.....</p> <p>AUC will clarify by adding "If the application has minor deficiencies where clarification of information provided in the application is required,</p>

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		<p>and the applicant will receive an explanation via electronic mail. An example of a major deficiency is the omission of key information, such as neglecting to include participant involvement information or a noise impact assessment when applying to build a power plant in proximity to residences.</p> <p><u>Paragraph 5:</u> If the application has minor deficiencies, the Commission may request further information from the applicant. Failure to respond in the stated time frame may result in the Commission closing the application with written notification of the reason for the rejection.</p> <p><u>Paragraph 6:</u> If the applicant is proposing a major development [...].</p> <p><u>Paragraph 9:</u> Under the Alberta Land Stewardship Act and the Alberta Land Use Framework, the province of Alberta is divided into seven land use regions and for each region, a regional land use plan has or will be adopted.</p>	<p><u>Paragraph 6:</u> Replaced all instances of "AESRD" with "AEP".</p>		

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3 Power plant applications one megawatt or greater	3.2 Information requirements	PP2) Identify any other acts (e.g., <i>Environmental Protection and Enhancement Act</i>) that may affect the project.		Alberta Environment & Parks (Brian Lambert): "Other Acts", perhaps the Water Act too?	Agree to add <i>Water Act</i> and <i>Wildlife Act</i> as additions to the examples.
		None	PP8) For wind power plants, provide a copy of an assessment from Environment Canada regarding the potential for interference with weather radars. For assessments in which Environment Canada has identified the potential for significant interference with a weather radar, additionally provide a copy of a mitigation agreement to be concluded with Environment Canada prior to operation of the wind farm. No wind energy project will be permitted within a 5 km radius of a federal weather radar station due to the significant interference to Environment Canada's ability to accurately forecast the weather.		
		PP8) Confirm that an application to AESRD has been made, if applicable, and list all other government departments and agencies from which approval is	PP8) PP10) Confirm that an application to AESRD AEP has been made, if applicable, and list all other government departments and agencies from which	ATCO Electric: PP10 – AEP wildlife biologist: Recommend revision from "who is familiar with the project area" to "appropriate". Consultation needs to be directed at the	Agree to replace "who is familiar with the project area" to " appropriate ".

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		<p>required.</p> <p>For all power plant applications, an AESRD wildlife biologist must be included on the referral list, unless the project is located within an urban area. The Commission requires a sign-off from AESRD prior to processing any new wind power applications.</p>	<p>approval is required.</p> <p>For all power plant applications, an AESRD AEP wildlife biologist who is familiar with the project area must be included on the referral list consulted, unless the project is located within an urban area. The Commission requires a sign-off from AESRD AEP prior to processing any new wind power or solar power applications.</p>	<p>appropriate AEP wildlife biologist rather than one that may be familiar with the project area but has not been assigned responsibility to provide comment on the particular project.</p>	
				<p>ENMAX: Is AEP on board with this?</p>	<p>AUC understands that AEP is in agreement.</p>
		<p>PP13) Provide the legal description of the proposed power plant site (legal subdivision [LSD], Section, Township, Range, Meridian) and connection point, if applicable.</p>		<p>Alberta Environment & Parks (Brian Lambert): May want to request Plan, Block, Lot for urban sites to be more specific.</p>	<p>Agree to clarify "PP13) Provide the legal description of the proposed power plant site (legal subdivision [LSD], Section, Township, Range, Meridian and/or Plan, Block, Lot, municipal address for urban parcels) and connection point, if applicable.</p>
		<p>PP18) If the project site concerns [...].</p>	<p>PP18) Replaced all instances of "AESRD" with "AEP".</p>		
		<p>PP38) Provide the environmental impact [...].</p>	<p>PP18) Replaced all instances of "AESRD" with "AEP".</p>		
		<p>PP42) For a wind power application [...].</p>		<p>Alberta Environment & Parks (Brian Lambert): Suggested change: PP42) For a wind power</p>	<p>Agree.</p>

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				plant application.	
	3.4.4 Buildable area applications	Paragraph 2: If a phase 1 application is approved, an applicant [...].	PP18) Replaced all instances of "AESRD" with "AEP".	Alberta Environment & Parks (Brian Lambert): Try to use similar font for all parts of the diagram (referring to the conceptual illustration of buildable area).	Agree.
6 Needs identification document applications to construct or alter a substation or transmission line	6.1 ISO needs identification document application information requirements	NID13)(3)(a): Increased public accessibility to wildlife areas.		Alberta Environment & Parks (Brian Lambert): "public accessibility" ... and other wildlife, such as predators and/or deer in caribou areas.	Agree.
7 Transmission line / substation applications	7.1 Information requirements	TS10) Describe any transmission line routing alternatives to the proposal and compare the relative impacts (environmental, social and economic) of these alternatives with the proposal.	TS10) Describe any transmission line routing alternatives to the proposal and compare the relative impacts (environmental, social and economic) of these alternatives with the proposal. AEP wildlife biologists must be contacted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered. Details and outcome of this consultation must be provided.	AltaLink: TS10 has been changed to state: "AEP wildlife biologists must be contacted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered...". AltaLink has a number of concerns with this requirement. First, this requirement appears to suggest that a proponent must consult with Alberta Environment and Parks (AEP) Wildlife biologists on all transmission projects with alternates. In the past, AEP Wildlife Management's predecessor did not want to be consulted on all	AUC will clarify the proposed sentence as "For example, if the project will potentially affect wildlife, fisheries, wildlife habitat or fisheries habitat, AEP wildlife biologists must be contacted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered. Details and outcome of the consultation with the local wildlife biologist of AEP and other agencies or groups must be provided.

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				<p>transmission projects and was only interested in consulting on those projects where there was a potential impact on wildlife or wildlife habitat. This practice is reflected in 14), 15), 16) and 18) of the Draft Environmental Checklist which suggests consultation with AEP Wildlife Management in cases where wildlife or wildlife habitat has the potential to be impacted by the project. Secondly, Altalink suggests that requiring a proponent to consult with AEP Wildlife Management in particular in AUC Rule 007, with no other agencies, bodies or stakeholders specifically mentioned in the Rule, is inappropriate. In accordance with AUC Rule 007, a proponent when planning a transmission facility must consider a number of different factors. The environment is only one of those factors and the AUC, in the past, has recognized that these factors must be balanced as whole (see AUC Decision 2009-028 at Para 193). By specifically naming AEP Wildlife Management biologists in AUC Rule 007 TS10), the AUC appears to be suggesting that this particular</p>	

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				<p>stakeholder's feedback on routing should be provided more weight than other stakeholders, agencies and groups. This is inconsistent with AUC Rule 007 and the past decisions of the Commission. For these reasons, Altalink submits that this portion of TS10) is inappropriate and should be removed in its entirety.</p>	
				<p>ATCO Electric:</p> <p>ATCO Electric would like the Commission to confirm that they have or will be engaging with decision-making level representation of AEP branches to ensure that the roles defined in the Commission's document are aligned with mandates, protocols and procedures of AEP branches, and that AEP is prepared to provide TFOs with the documented guidance expected to be reported in Facility Applications, particularly as it relates to feedback to be provided prior to the disposition application process.</p> <p>In addition to the above, ATCO Electric is requesting the Commission for clarification on the timing of</p>	<p>Confirmed.</p> <p>The AUC expects that the TFOs would report the results of the discussion that occurred</p>

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				<p>the documented engagement with AEP. The draft indicates that this communication should occur "prior to route selection of alternatives". Is it the Commission's expectation that TFOs report on all communication with AEP for all potential route options including conceptual routes, or more specifically the selected routes (preferred and alternatives) put forth for consideration in the TFOs Facility Application?</p>	<p>on whichever routing alternatives were discussed.</p>
				<p>ENMAX: Where applicable. Is AEP on board with this? Appears that AUC is relying on AEP's assessment and direction to applicant to ensure fisheries and wildlife habitat values considered. This requirement is addressed through the Environmental Protection Guidelines for Transmission Lines. Suggest removing statement.</p>	<p>AUC will clarify the proposed sentence as "For example, if the project will potentially affect wildlife, fisheries, wildlife habitat or fisheries habitat, AEP wildlife biologists must be consulted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered. Details and outcome of the consultation with Wildlife and other agencies or groups must be provided."</p>
				<p>EDTI: The Commission included the following statement in TS10, however EDTI considers that this statement is not appropriate as placed, and should be moved to</p>	<p>Agree. AUC will move this comment to TS40 iii): "For example, if the project will potentially affect wildlife, fisheries, wildlife</p>

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				<p>requirement TS40 iii), or into the Checklist:</p> <p>...AEP wildlife biologists must be contacted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered. Details and outcome of this consultation must be provided.</p> <p>Requirement TS10 asks proponents to compare routing alternatives from three perspectives: environmental, social and economic. The proposed addition relates only to a specific aspect of the environmental perspective and is better placed within the section of the Rule that pertains to that particular perspective.</p>	<p>habitat or fisheries habitat, AEP wildlife biologists must be contacted prior to route selection of alternatives to ensure that fisheries and wildlife habitat values have been considered. Details and outcome of the consultation with Wildlife and other agencies or groups must be provided.”</p>
	7.1.1 Environmental and land use information	Approval from AESRD may be required. The applicant should contact AESRD directly to ascertain if AESRD approval is required. All applications must state that the applicants will comply with AESRD Environmental Protection Guidelines for Transmission Lines, pursuant to the Environmental Protection	Approval from AESRD AEP may be required. The applicant should contact AESRD AEP directly to ascertain if AESRD AEP approval is required. All applications must state that the applicants will comply with AESRD AEP's Environmental Protection Guidelines for Transmission Lines, pursuant to the Environmental Protection	<p>ENMAX: Suggest removing these bullet points:</p> <ul style="list-style-type: none"> • Transmission Line Developments – Environmental Guidelines Checklist for Applicants • Substation Developments – Environmental Guidelines Checklist for Applicants 	<p>The checklist is intended to assist applicants and facilitate application processing by summarizing application submission requirements</p> <p>AUC will remove the reference to the Roles of Agencies document, but considers the reference to the other</p>

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		<p>and Enhancement Act and the regulations under that act.</p> <p>Each application must include environmental and land use information, with the level of detail needed to describe the impacts created by the project. The Commission will determine the detail on a project-by-project basis.</p> <p>The Commission expects applications for higher voltage transmission lines of significant length will be more detailed. In some instances, an environmental impact assessment may be required. If the ISO has provided information in the related needs identification document, the TFO or market participant should expand on that information by way of route site-specific information for the applied-for route and alternatives, if any. Notwithstanding, the information listed in TS35 through TS42 below must be provided.</p>	<p>and Enhancement Act and the regulations under that act.</p> <p>Each application must include environmental and land use information, with the level of detail needed to describe the impacts created by the project. The Commission will determine the detail on a project-by-project basis.</p> <p>Commission guidance with respect to environmental aspects of applications is provided in the following documents:</p> <ul style="list-style-type: none"> • Transmission Line Developments – Environmental Guidelines Checklist for Applicants • Substation Developments – Environmental Guidelines Checklist for Applicants • New substation construction or existing substation modification flowchart • Roles of Agencies and Government 	<ul style="list-style-type: none"> • New substation construction or existing substation modification flowchart <p>As it is our understanding that the checklist is a guidance document to the Rule 007, not part of the Rule.</p>	<p>documents is appropriate.</p>

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			<p>with Respect to Environmental Aspects of AUC Electric Facility Applications</p> <p>The Commission expects applications for higher voltage transmission lines of significant length will be more detailed. In some instances, an environmental impact assessment may be required. If the ISO has provided information in the related needs identification document, the TFO or market participant should expand on that information by way of route site-specific information for the applied-for route and alternatives, if any. Notwithstanding, the information listed in TS35 through TS42 TS43 below must be provided.</p>		
		<p>TS35) For right-of-way clearing and maintenance, provide a copy [...].</p>	<p>PP35) Replaced all instances of "AESRD" with "AEP".</p>		
		<p>TS40) For proposed route(s) and possible alternatives that will result in material environmental impacts, provide the following information to a level of detail commensurate with the size</p>	<p>PP40) Replaced all instances of "AESRD" with "AEP".</p>	<p>ATCO Electric: TS40 - "Material Environmental Impacts": ATCO Electric requests additional clarification from the Commission on the definition of "Material Environmental Impacts" as well as the source</p>	<p>AUC will replace "material environmental impacts" with "an adverse effect to the environment".</p>

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		and type of the potential impacts: [...]		of this definition for further review and consideration.	
		TS41) For proposed route(s) and possible alternatives [...].	PP41) Replaced all instances of "AESRD" with "AEP".		
		None	TS42) If the project is to be constructed on a site where substances that may cause adverse effects to the environment have previously been released, indicate the nature of the release, how the release was administered and reported, and how any resultant or ongoing impacts will be administered or contained with regard to the proposed project.	AltaLink: The use of the term "site" in TS42) is unclear and could mean either substation site or project site. If "site" is meant to refer to substation site, AltaLink believes there is a disconnect between the two sections of the TS42) requirement. More specifically, the latter part of the TS42) requirement asks the proponent to discuss how "any resultant or ongoing impacts will be administered or contained with regard to the proposed project". As discussed in previous meetings, projects applied for through the Facility Application or Letter of Enquiry process are generally confined to a defined portion of a substation site and not the entire site. Accordingly, management of a past release in one area of the substation may have no impact on the project work being applied for in the Facility Application or Letter of Enquiry. AltaLink submits that the term "site" should be clarified and	The term "site" is the same as that used throughout Rule 007 and refers to the area specified for development in the AUC approval. The term "project area" is the area subject to direct disturbance from the project and associated infrastructure. The AUC proposes to use the term Local Study Area to mean the area outside the boundaries of the Project Area, where there is a reasonable potential for direct or indirect adverse effects. To evaluate the potential for past releases to have affected the Project Area, the spill release history of the entire site must be assessed. The Local Study Area for substation modifications involving excavation is therefore the entire substation site as described in the AUC approval. If the applicant considers that work in the Project Area is not impacted by any previous site releases it can describe why it considers that to be the case.

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				<p>changed to "project site" so focus remains on the project scope.</p> <p>Additionally, Altalink submits that the use of the term "release" is also vague. Altalink is unclear whether this is meant to refer to a reportable release or all releases associated with the facility. Altalink submits this term should be defined to be consistent with the legislation to mean reportable releases.</p>	<p>This will provide transparent and forthright information that should assist in application processing procedures and timelines.</p> <p>AUC concurs that the proposed comment in TS42 was written in the context of a reportable release and contained wording with respect to reporting of the release. The sentence will be revised to "TS42) If the project is to be constructed on a site where substances that may cause adverse effects to the environment have previously been released, indicate the nature of the reportable release, how the release was administered and reported, and how any resultant or ongoing impacts will be administered or contained with regard to the proposed project."</p>

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				<p>ENMAX: Remove as these requirements already exist under AEPEA for reporting to AEP.</p>	<p>AUC agrees that the requirements exist under EPEA and the sentence in TS42 is intended to demonstrate fulfillment of the requirements.</p>
				<p>EDTI: As presently stated, Requirement TS42 imposes a greater obligation than that set out in the relevant legislation. To bring this requirement in line with s.112 of the Environmental Protection and Enhancement Act, EDTI suggests that TS42 provide as follows:</p> <p>If the project is to be constructed <u>within an assessment area where, upon appropriate assessment, the proponent is aware of or ought to be aware that</u> substances that may cause adverse effects to the environment have previously been released, indicate the nature of the release, how the release was administered and reported, and how any resultant or ongoing impacts will be administered or contained with regard to the proposed project.</p>	<p>To evaluate the potential for past releases to have affected the “assessment area” (Project Area) the spill release history of the entire site must be assessed. If the applicant considers that work in the “assessment area” or Project Area is not impacted by any previous site releases it can describe why it considers that to be the case. This will provide transparent and forthright information that should assist in application processing procedures and timelines.</p> <p>While the AUC does not disagree with the wording suggested by EDTI, it does not consider that the originally proposed wording overstated EPEA. The sentence will be revised to “TS42) If the project is to be constructed on a site where substances that may cause adverse effects to the environment have previously been released, indicate the nature of the reportable release, how the release was administered and reported,</p>

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					and how any resultant or ongoing impacts will be administered or contained with regard to the proposed project.”
9 Hydro developments	9.1 Information requirements	HE2) Provide a summary of potential environmental impacts [...].	HE2) Replaced all instances of “AESRD” with “AEP”.		
		HE3) Prepare an environmental impact assessment [...].	HE3) Replaced all instances of “AESRD” with “AEP”.		
General comments	<p>Environment Canada (EC):</p> <p>EC is completely satisfied with how our previous submission has been noted and included in the draft rule 007. We would like to sincerely thank the AUC for an excellent collaborative relationship and for working so productively on this issue of mutual interest. We are most grateful for the ability to have provided our input and to see EC’s input so effectively included in your updated draft.</p>				