



Welsch Wind Power Inc.

**Welsch Wind Farm Project
Time Extension and Amendment**

August 14, 2019

Alberta Utilities Commission

Decision 21483-D04-2019

Welsch Wind Power Inc.

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Time Extension and Amendment

Proceeding 21483

Applications 21483-A001 and 21483-A002

August 14, 2019

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1 Decision summary

1. In this decision, the Alberta Utilities Commission considers whether to continue to process applications filed in 2016 by Welsch Wind Power Inc. to amend the Welsch Wind Farm Project and extend the construction completion date for that project. For the reasons outlined in this decision, the Commission finds that the applications are materially deficient and must be closed.

2 Background

2. The Welsch Wind Farm Project, a 69-megawatt wind power plant and substation, was originally approved by the Commission in Decision 2012-038.¹ Subsequently, the Commission approved a time extension for completing the Welsch Wind Farm Project and issued Approval 20721-D02-2015² and Permit and Licence 20721-D03-2015,³ which stipulated December 31, 2016, as the deadline date to complete the project (the 2012 project).

3. On April 5, 2016, Welsch filed current applications 21483-A001 and 21483-A002, requesting approval of a further time extension to complete construction of the Welsch Wind Farm Project. The requested time extension was to June 30, 2018.

4. On April 26, 2016, the Commission issued information requests regarding Welsch's consultation with Alberta Environment and Parks and Welsch's participant involvement program in relation to the currently requested time extension. Welsch responded to the information requests on May 9, 2016.⁴

5. By letter dated June 7, 2016,⁵ the Commission informed Welsch that it had reviewed the responses to the information requests and considered that the responses did not contain the requested information. The Commission required Welsch to consult with Alberta Environment and Parks and complete a participant involvement program regarding the requested time extension.

¹ Decision 2012-038: Geilectric Inc.- New 69-MW Welsch Wind Power Project and Welsch Substation, Application 1606376, Proceeding 738, February 6, 2012.

² Power Plant Approval 20721-D02-2015, Proceeding 20721, Application 20721-A001, August 19, 2015.

³ Substation Permit and Licence 20721-D03-2015, Proceeding 20721, Application 20721-A001, August 19, 2015.

⁴ Exhibit 21483-X0007, Response for AUC Information Request, May 9, 2016.

⁵ Exhibit 21483-X0009, AUC letter - consultation with AEP and conduct of participant involvement, June 7, 2016.

6. On December 12, 2016, Welsch requested an interim extension to its existing approval and permit and licence.⁶ On December 15, 2016, Welsch submitted an amendment to the Welsch Wind Farm Project, requesting approval to change the number and type of turbines used and a later construction completion date of December 31, 2018 (the amended project).⁷
7. Pursuant to Decision 21483-D01-2016,⁸ the Commission granted an interim extension of Approval 20721-D02-2015 and Permit and Licence 20721-D03-2015 until a final decision was made on the current time extension and amendment applications.
8. On March 10, 2017, Welsch responded to further information requests on the amendment application. Welsch stated that it was in the process of updating its noise impact assessment (NIA) which would be submitted to the AUC.⁹ To date, the updated NIA discussed in the information response has not been submitted.
9. On April 27, 2018, the Commission issued a notice of technical meeting. The purpose of the technical meeting was to establish a process for the review and consideration of three previously approved wind power projects that had amendments filed and were in close proximity to each other including the Welsch Wind Farm Project, in the Pincher Creek area.¹⁰
10. In response to the notice of technical meeting, the Commission received statements of intent to participate from Dr. Bjorn P. Berg,¹¹ the Municipal District of Pincher Creek No. 9,¹² Harry Welsch,¹³ and Jim and Kathy Welsch.¹⁴
11. On May 23, 2018, Welsch informed the Commission that it would be unable to attend the scheduled technical meeting and requested that the meeting be rescheduled to a later date.¹⁵ In light of the request, the Commission cancelled the technical meeting in favour of a written process.
12. As a result of the written process, the Commission issued a ruling on further process for all three wind power projects on September 6, 2018.¹⁶ In the ruling it was stated that “[i]n accordance with this direction, each applicant must file an updated or revised NIA based on the amended project configuration as part of its amendment application. The NIA should include the most recent, publicly-available configuration as of the date of this ruling, for each of the two other amended projects.” To date no updated or revised NIA has been submitted for the Welsch Wind Farm Project in response to the ruling.

⁶ Exhibit 21483-X0013, Welsch email for interim extension request 2016-12-12, uploaded December 13, 2016.

⁷ Exhibit 21483-X0014, Time Extension and Power Plant Amendment to Approvals U2014-445 and U2014-446, December 15, 2016.

⁸ Decision 21483-D01-2016: Welsch Wind Power Inc., Welsch Wind Farm Project Time Extension to Complete Construction, Proceeding 21483, Applications 21483-A001 and 21483-A002, December 21, 2016.

⁹ Exhibit 21483-X0045, Response to AUC Request for Information Round 2, PDF page 4, March 10, 2017.

¹⁰ Exhibit 21483-X0063, AUC notice of technical meeting - May 29, 2018.

¹¹ Exhibit 21483-X0067, Berg email to AUC 2018-05-17, May 17, 2019.

¹² Exhibit 21483-X0071, Technical Meeting Submission -MD of Pincher Creek No.9, May 24, 2019.

¹³ Exhibit 21483-X0074, Statement of intent to participate of Harry Welsch, May 28, 2019.

¹⁴ Exhibit 21483-X0075, Statement of intent to participate of Jim & Kathy Welsch, May 30, 2019.

¹⁵ Exhibit 21483-X0069, WWPI note regarding technical meeting attendance, May 23, 2018.

¹⁶ Exhibit 21483-X0080, AUC Ruling on further process, September 6, 2018.

13. On June 4, 2019, the Commission issued a process letter that stated:

Given the amount of time that has passed since its most recent ruling requesting an updated NIA, the Commission is seeking clarification regarding Welsch's intention to continue with the application and to submit the required NIA. The Commission requests that Welsch provide an update on the current status of the project, including an estimated date that the NIA would be submitted.¹⁷

14. On July 9, 2019, Welsch informed the Commission of its progress on the Welsch Wind Farm Project, which included a planned amendment to optimize turbine selection and micro-siting to satisfy noise constraints. Welsch also stated that its system access service request was cancelled by the Alberta Electric System Operator (AESO). Welsch committed to providing an updated NIA for the project by September 30, 2019.

3 Commission findings

15. The Commission has decided, for the reasons that follow, that the applications should be closed and the approvals for the 2012 project should be rescinded.

16. The applications relating to the amended project were filed more than three years ago and were incomplete at the time of filing. Welsch has made little progress in completing the applications since that time and the regulatory requirements for such projects have since evolved. This, in turn has led to potential uncertainty and confusion for stakeholders as to the status of the amended project.

17. In Bulletin 2018-12, the Commission announced that it would no longer process applications that contain material deficiencies. The applications currently before the Commission contain multiple, material deficiencies. In summary, the applications do not reflect Welsch's finalized turbine choice or layout and do not include new noise impact assessments, environmental assessments or participant involvement program information for the new layout. The information necessary to update the applications and address the deficiencies is, in the Commission's view, roughly equivalent to the information that would be required if Welsch was filing a new application. Further, the AESO recently cancelled Welsch's system access service request and therefore Welsch will need to re-apply to the AESO to get back onto its interconnection queue.

¹⁷ Exhibit 21483-X0081, AUC letter - Application processing, June 4, 2019.

4 Decision

18. Having regard to all of the above factors, the Commission considers it to be in the public interest to close the applications and rescind Welsch's approvals for the 2012 project. Should Welsch decide to pursue this project, it may do so by filing a new application without material deficiencies with the AUC.

19. Approval 20721-D02-2015 and Permit and Licence 20721-D03-2015 are rescinded.

Dated on August 14, 2019.

Alberta Utilities Commission

(original signed by)

Neil Jamieson
Commission Member