

April 4, 2019

To: Persons currently registered on Proceeding 24009

**Acestes Ventures Ltd.
Monarch Solar Project
Proceeding 24009
Applications 24009-A001 and 24009-A002**

Ruling on standing

1. In this ruling, the Alberta Utilities Commission must determine whether to grant standing to persons who have filed a statement of intent to participate in Proceeding 24009.
2. The Commission must hold a hearing if persons who have filed a statement of intent to participate in Proceeding 24009 have demonstrated that they have rights that may be “directly and adversely affected” by the Commission’s decision. Such a person may participate fully in the hearing, including giving evidence, questioning witnesses, and providing argument. This permission to participate is referred to as standing.
3. The Commission has authorized me to communicate its ruling.

Background

4. On October 29, 2018, Acestes Ventures Ltd. applied to construct a 23.6-megawatt solar power plant, designated as the Monarch Solar Project, and for a connection order to connect the proposed power plant to a FortisAlberta Inc.’s 25-kilovolt distribution line.
5. The Commission issued a notice of applications for Proceeding 24009 on November 22, 2018. The Commission received a statement of intent to participate from Lethbridge County.
6. In its statement of intent to participate, Lethbridge County raised land use concerns. It stated that the proposed project does not conform to the siting and suitability criteria outlined in the Lethbridge County Land Use Bylaw (Part 6, Section 2). As such, the land on which the project is proposed would need to be re-designated before a development permit could be issued. Lethbridge County indicated that Acestes has submitted an application to re-designate the parcel to allow the proposed solar project, but that application must go through a public process and public hearing before a decision is made by the County council.

Ruling

7. Lethbridge County has concerns relating to the project’s non-compliance with the siting and suitability criteria under the county’s land use bylaw. The question of zoning is a matter within the purview of Lethbridge County. Acestes has filed a rezoning application with

Lethbridge County and the County council will make a decision on the rezoning application. This is part of the County's function as the municipal land use authority and does not indicate that a legal right or interest held by it may be directly and adversely affected by the Commission's decision. Lethbridge County has not demonstrated that it has legal rights that may be directly and adversely affected by the Commission's decision on the applications. Consequently, the Commission denies standing to Lethbridge County. The Commission will nonetheless allow Lethbridge County to submit a statement describing its concerns about the project. Should Lethbridge County choose to file a statement, it must do so no later than **April 18, 2019**.

8. The Commission will also provide Acestes an opportunity to respond to any statement filed by Lethbridge County. The Commission expects Acestes to file its response no later than **April 26, 2019**.

9. If you have any questions, please contact me at 403-592-3280 or by email at gary.perkins@auc.ab.ca.

Yours truly,

Gary Perkins
Commission Counsel