



**Acestes Ventures Ltd.**

**Coaldale Solar Project**

**May 31, 2019**

**Alberta Utilities Commission**

Decision 23821-D01-2019

Acestes Ventures Ltd.

Coaldale Solar Project

Proceeding 23821

Applications 23821-A001 and 23821-A002

May 31, 2019

Published by the:

Alberta Utilities Commission

Eau Claire Tower

1400, 600 Third Avenue S.W.

Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282) in Alberta

1-833-511-4AUC (1-833-511-4282) outside Alberta

Email: [info@auc.ab.ca](mailto:info@auc.ab.ca)

Website: [www.auc.ab.ca](http://www.auc.ab.ca)

The Commission may, within 30 days of the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

## Contents

<b>1</b>	<b>Decision summary .....</b>	<b>1</b>
<b>2</b>	<b>Introduction and procedural background.....</b>	<b>1</b>
<b>3</b>	<b>Legislative and regulatory framework.....</b>	<b>2</b>
<b>4</b>	<b>Applications .....</b>	<b>3</b>
<b>4.1</b>	<b>Project description and siting.....</b>	<b>3</b>
<b>4.2</b>	<b>Consultation .....</b>	<b>3</b>
<b>4.3</b>	<b>Noise .....</b>	<b>4</b>
<b>4.4</b>	<b>Environment.....</b>	<b>4</b>
<b>4.5</b>	<b>Glare.....</b>	<b>5</b>
<b>4.6</b>	<b>Land use .....</b>	<b>5</b>
<b>4.7</b>	<b>Other approvals .....</b>	<b>6</b>
<b>5</b>	<b>Findings.....</b>	<b>6</b>
<b>6</b>	<b>Decision .....</b>	<b>11</b>
	<b>Appendix A – Summary of Commission directions and conditions requiring further submissions .....</b>	<b>12</b>

## **1 Decision summary**

1. In this decision, the Alberta Utilities Commission considers whether to approve applications from Acestes Ventures Ltd. to construct and operate a 22-megawatt solar power plant designated as the Coaldale Solar Project, and to connect the project to the Alberta Interconnected Electric System (collectively, the project). After consideration of the record of the proceeding, and for the reasons outlined in this decision, the Commission finds that approval of the project is in the public interest having regard to the social, economic, and other effects of the project, including its effect on the environment.

## **2 Introduction and procedural background**

2. Acestes filed applications with the AUC for approval to construct and operate a 22-megawatt solar power plant, and to connect the power plant to FortisAlberta Inc.'s 25-kilovolt electric distribution system. The applications were filed pursuant to sections 11 and 18 of the *Hydro and Electric Energy Act*, were registered on August 13, 2018, as applications 23821-A001 and 23821-A002 and are more specifically described in Section 4.1 below.

3. On September 26, 2018, the Commission issued a notice of applications in accordance with Section 7 of Rule 001: *Rules of Practice*. The Commission received three submissions in response to the notice of application: one each from Nivin Farms Ltd., Dave and Grace Matthies, adjacent landowners, and Lethbridge County. Nivin Farms Ltd. and Dave and Grace Matthies were granted standing in the proceeding. The Commission did not grant standing to Lethbridge County but stated that it could make a statement at the hearing.

4. The Commission scheduled a hearing for the applications to begin on April 2, 2019, in Lethbridge, Alberta. In a letter dated March 28, 2019,<sup>1</sup> legal counsel for Nivin Farms Ltd. and Dave and Grace Matthies advised that these parties had reached an agreement with Acestes that addressed their concerns and they were withdrawing from the proceeding. The Commission cancelled the oral hearing and granted Lethbridge County the opportunity to provide a written statement. Lethbridge County filed a statement on April 4, 2019, and Acestes filed a written response on April 11, 2019.

---

<sup>1</sup> Exhibit 23821-X0052, Withdrawal letter to the AUC.

### 3 Legislative and regulatory framework

5. The Commission regulates the construction and operation of power plants in Alberta. Section 11 of the *Hydro and Electric Energy Act* states that no person may construct or operate a power plant without prior approval from the Commission. Section 18 of that act prohibits the owner of a power plant from connecting that power plant to, among other things any electric distribution system, unless authorized to do so by order from the Commission.

6. When considering an application for a power plant and associated infrastructure, the Commission is guided by sections 2 and 3 of the *Hydro and Electric Energy Act*, and Section 17 of the *Alberta Utilities Commission Act*. Among other things, sections 2 and 3 of the *Hydro and Electric Energy Act* require the Commission to consider the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act* which include:

- To provide for the economic, orderly and efficient development and operation, in the public interest, of the generation of electric energy in Alberta.
- To secure the observance of safe and efficient practices in the public interest in the generation of electric energy in Alberta.
- To assist the government in controlling pollution and ensuring environment conservation in the generation of electric energy in Alberta.
- The development of an efficient electric industry structure and the development of an electric generation sector guided by competitive market forces.

7. The Commission's public interest mandate is located within Section 17 of the *Alberta Utilities Commission Act*. That section expressly requires the Commission to consider, among other things, whether construction or operation of a proposed power plant is in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment. The Commission has consistently described its approach to assessing whether approval of a power plant is in the public interest as follows:

The determination of whether a project is in the public interest requires the Board to assess and balance the negative and beneficial impacts of the specific project before it. Benefits to the public as well as negative impacts on the public must be acknowledged in this analysis. The existence of regulatory standards and guidelines and a proponent's adherence to these standards are important elements in deciding whether potential adverse impacts are acceptable. Where such thresholds do not exist, the Board must be satisfied that reasonable mitigative measures are in place to address the impacts. In many cases, the Board may also approve an application subject to specific conditions that are designed to enhance the effectiveness of mitigative plans. The conditions become an essential part of the approval, and breach of them may result in suspension or rescission of the approval.

In the Board's view, the public interest will be largely met if applications are shown to be in compliance with existing provincial health, environmental, and other regulatory standards in addition to the public benefits outweighing negative impacts.<sup>2</sup>

---

<sup>2</sup> EUB Decision 2001-111: EPCOR Generation Inc. and EPCOR Power Development Corporation – 490-MW Genesee Power Plant Expansion, Application 2001173, December 21, 2001, page 4.

8. In addition to all of the above, on an application for approval of a power plant, the Commission considers whether the applicant has complied with the Commission's rules (in particular, Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* and Rule 012: *Noise Control*) and whether the applicant has obtained all approvals required by any other provincial or federal legislation.

## **4 Applications**

### **4.1 Project description and siting**

9. In its applications, Acestes identified that the project would be located approximately 9.2 kilometres northeast of the town of Coaldale on approximately 150 acres of cultivated, privately owned land within the northwest quarter of Section 7, Township 10, Range 19, west of the Fourth Meridian, and the southeast quarter of Section 12, Township 10, Range 20, west of the Fourth Meridian.

10. The project will consist of: 95,000 solar panels mounted on fixed tilted racks with a nominal rating of 365 watts each; 11 inverter transformer units with a nominal rating of 2,000 kilovolt amperes each; access roads; collector lines; a perimeter fence; and an operations and maintenance building. The power plant would have a gross generation capability of 34.66 megavolt amperes (MVA) and the total net-to-grid capability would not exceed 22 MVA.

11. Acestes stated that the applications were initially prepared and submitted on the basis of generic equipment because at the time of filing, it had not finalized the specific make and model of the solar photovoltaic panels or the inverters and transfer station but expects to finalize equipment for the project by the second quarter of 2019. Any necessary updates to the application will be provided once the selection is made. Acestes confirmed that if a different model of solar photovoltaic panel or inverter/transformer station unit is selected, it will confirm with the consulting firms that performed the environmental, land and noise studies whether the changes in equipment warrant revisions to any of the studies.<sup>3</sup>

12. Acestes identified that if approved, the power plant would be interconnected to FortisAlberta Inc.'s electric distribution system through 25-kilovolt distribution feeders originating from AltaLink Management Ltd.'s Coaldale 254S Substation. The point of interconnection would be in the northwest quarter of Section 7, Township 10, Range 19, west of the Fourth Meridian.

13. Acestes plans to begin construction in the fall of 2019, with an anticipated completion date in the fall of 2020.

### **4.2 Consultation**

14. Acestes stated that it conducted a participant involvement program in accordance with Rule 007. That program included consultation with stakeholders within 800 metres of the project and notification of stakeholders within 2,000 metres of the project. An open house was also conducted on November 21, 2017. Acestes is not aware of any outstanding stakeholder concerns.

---

<sup>3</sup> Exhibit 23821-X0025, Coaldale Solar IR1 Final, PDF page 2.

15. Acestes identified that it was unable to complete personal consultations with AltaLink, but suggested that as it is required to obtain a crossing agreement with AltaLink prior to the start of construction, Acestes will complete the required consultations when detailed engineering for the project is completed.<sup>4</sup>

### 4.3 Noise

16. A noise impact assessment for the project, conducted by RWDI Air Inc., was submitted with the applications to address the requirements of Rule 012.<sup>5</sup> The noise impact assessment indicated that the predicted cumulative sound levels for the project meet the Rule 012 permissible sound level (PSL) during the daytime at all receptors during the entire year. However, the noise impact assessment identified that during the summer months, the power plant may operate during a time period in the early morning (between 5 a.m. and 7 a.m.), that Rule 012 defines as nighttime, the nighttime cumulative sound level at receptors R1 and R2 are predicted to exceed the nighttime PSL. More specifically, receptor R2 would have a cumulative nighttime sound level of 40.3 dBA and R1 would have a cumulative sound level of 40.9 dBA. The nighttime PSL set by Rule 012 at these receptors is 40.0 dBA.

17. To address the predicted non-compliance with Rule 012 at the two identified receptors, Acestes committed to the implementation of mitigation as required. Acestes stated that the specific mitigation measures would be determined during the equipment procurement process when the make and model of the solar panels and inverters is finalized (allowing sound emissions to be verified), and through the detailed engineering process, (to confirm the potential for the solar panels to act as a physical barrier to sound). Acestes stated that it would submit its mitigation measures to the Commission 90 days prior to the start of construction<sup>6</sup> and identified that its potential mitigation measures could include the following:

- a. Installing partial acoustic barriers. The acoustic barriers that Acestes anticipated using would be three metres tall and eight meters long, and would be placed near the inverter to control noise and ensure compliance.
- b. Operating the inverter at 75 per cent capacity or less, which would result in lower sound emissions during nighttime hours (5 a.m. through 7 a.m. during the summer months.)

19. Acestes also provided an updated noise impact assessment that predicted compliance with the nighttime PSL under Rule 012 at both of the subject receptors with the proposed barrier in place.<sup>7</sup>

### 4.4 Environment

18. Acestes submitted a renewable energy referral report from Alberta Environment and Parks (AEP) Wildlife Management with its application, as required by Rule 007. The report concluded that the project would pose a low risk to wildlife and wildlife habitat, based on project siting, limited wildlife use of the area, identified mitigation and commitments made by Acestes to mitigate and monitor wildlife impacts.

---

<sup>4</sup> Exhibit 23821-X0025, Coaldale Solar IR 1 Final, PDF page 4.

<sup>5</sup> Exhibit 23821-X0009, Attachment 7 - Acestes Coaldale Solar NIA 1801783 (FINAL).

<sup>6</sup> Exhibit 23821-X0047, Coaldale Solar IR3 Final, PDF page 4.

<sup>7</sup> Exhibit 23821-X0047: Coaldale Solar IR3 Final, PDF page 27

19. In its reply evidence, Acestes acknowledged its obligation to comply with AEP's *Conservation and Reclamation Directive for Renewable Energy Operations* at the project's end of life.<sup>8</sup>

#### 4.5 Glare

20. Acestes submitted a solar glare analysis report conducted by Apricity Renewables Inc. with its applications.<sup>9</sup> The report set out the predicted intensity and amount of glare from the proposed solar panels with anti-reflective coating. The report analyzed solar glare impacts at 12 different observation points: 10 private residences and two roadway intersections.

21. The solar glare analysis report indicated that yellow-grade glare, which has the potential to cause temporary after-images, would be produced by the project. The report also indicated that incidents of yellow-grade glare would occur at eight of the private residences analyzed, with the highest impact predicted at the nearest residence for up to 56.2 hours per year. That residence is located on land owned by the owner of the property upon which the project would be located. The report estimated that the presence of a tree screen between the project and the residence would materially reduce the amount of visible glare at the residence.

22. Acestes stated that it provided the solar glare analysis report to all impacted stakeholders, and that two landowners in the area indicated they had concerns. Those landowners were Nivin Farms Ltd. and Grace and Dave Matthies. These parties have since advised that their concerns with the project were satisfactorily addressed by Acestes.

23. The solar glare analysis report also indicated that solar glare could affect drivers of vehicles on range roads 200, 201 and 195, located adjacent to the project area. Acestes stated that it provided the solar glare analysis report to Lethbridge County, and that "[m]itigation measures for potential glare on Range Roads 200, 201 and 195 will be discussed, if required, with Lethbridge County during the development permit process."

#### 4.6 Land use

24. Acestes acknowledged that Lethbridge County bylaws currently prohibit the construction of the project on the lands selected by Acestes. The project lands are zoned as rural agricultural and although commercial solar is listed as a discretionary use on rural agricultural lands, Acestes was advised by Lethbridge County that re-designation of the land was required because the project did not comply with the county's land use bylaw.<sup>10</sup> Acestes stated that it applied to amend the permitted land use for the project site and on December 6, 2018, Lethbridge County denied Acestes's land re-designation application.<sup>11</sup>

25. In its written submission to the Commission, Lethbridge County stated that it has made the retention and protection of high-quality agricultural lands a priority and that irrigated land is a limited resource that it strives to protect from non-agricultural developments. Because the limit of available water licences has been reached, the amount of irrigated land cannot be expanded indefinitely and therefore irrigated land is lost if solar projects are constructed on these lands.

---

<sup>8</sup> Exhibit 23821-X0051: Reply Evidence of Acestes Ventures Ltd., PDF page 4.

<sup>9</sup> Exhibit 23821-X0004, Coaldale PIP Report, PDF page 43.

<sup>10</sup> Exhibit 23821-X0038, 2019-01-17 Letter to AUC - Lethbridge Council Decision.

<sup>11</sup> Exhibit 23821-X0034, Letter to AUC from Lethbridge County - December 11 2018.

26. Lethbridge County's land use bylaw provides siting criteria for solar projects which include:

- (a) use of the poor quality lowest productive land and dry corners is preferred;
- (c) use of parcels less than 32.4 ha (80 acres) in size with no irrigation rights is preferred;
- (d) to the extent possible, use of irrigated agricultural land should be avoided/minimized;<sup>12</sup>

27. Acestes acknowledged the merit of the county's goal of minimizing the impacts of commercial solar projects on agricultural land, and in particular irrigated land. However, Acestes stated that the project would not have significant or unreasonable impacts on agricultural land and that the amount of land that would be taken out of production is justified by the benefits the project would provide.

28. Acestes further explained that the siting of the project was driven in part by proximity to the Coaldale 254S Substation, which permits secure interconnection capacity and makes the project economical. It also noted that all of the lands in proximity to the substation are agricultural.

29. Acestes indicated that it is continuing to consult with Lethbridge County and will work with the county to discuss how the land use bylaw could be amended to better accommodate solar projects, including potentially allowing for such projects to be located in close proximity to a substation.

30. Acestes stated that it would re-apply to Lethbridge County to amend the zoning of the site, and then apply for a development permit prior to the start of construction.

#### **4.7 Other approvals**

31. Acestes confirmed that it applied for *Historical Resources Act* approval as required under Rule 007 and that such approval has been received.

### **5 Findings**

32. The Commission has considered the applications having regard to the applicable legislative and regulatory framework described in Section 3 above. For the reasons that follow, the Commission finds that Acestes has satisfied the requirements of Rule 007 and Rule 012 and that the project is in the public interest having regard for its social, economic and environmental effects.

33. The Commission is satisfied that the technical, siting, emissions, environmental and noise aspects of the project meet the Commission's requirements under Rule 007.

---

<sup>12</sup> Exhibit 23821-X0041, Response to Acestes Ventures Letter (January 17 2019), PDF page 7.

34. Rule 007 also requires an applicant to conduct a participant involvement program before filing a facility application with the Commission. The applicant must demonstrate that it has met the notification and consultation requirements under that rule. The purpose of the participant involvement program is to allow affected parties to understand the nature of a proposed project and afford them a reasonable opportunity to express concerns and engage in meaningful discussions with the applicant with the goal of eliminating or mitigating to an acceptable degree, the affected party's concerns about the project. On the evidence submitted by Acestes, the Commission is satisfied that Acestes conducted a participant involvement program that is in accordance with Rule 007. The Commission notes, that there are no outstanding public or industry objections or concerns, except for those expressed by Lethbridge County, which are discussed below.

35. The purpose of Rule 012 is to ensure that the noise from a proposed facility, measured cumulatively with noise from other energy-related facilities, does not exceed the PSL calculated in accordance with the rule. The applicant submitted that PSLs for all receptors in the project are 40 dBA for the nighttime period and 50dBA for the daytime period.

36. The noise impact assessment submitted by Acestes predicted that the project would comply with Rule 012 except during summer months, between the hours of 5 a.m. and 7 a.m., when the cumulative sound levels at receptors R1 and R2 would exceed the nighttime PSL. The update to the noise impact assessment subsequently submitted by Acestes, predicted compliance with Rule 012 at each of these receptors through the mitigation measures contemplated by Acestes and more particularly, through use of the proposed barrier.

37. The project's compliance with Rule 012 is essential to the Commission. The Commission acknowledges that final design and equipment selection for the project has not yet been completed and therefore the mitigation measures have not been finalized. The Commission further acknowledges Acestes's commitment to provide and implement a noise mitigation plan based on the final project design and equipment, if required, to ensure compliance with Rule 012. Approval for the project is conditioned on Acestes submitting documentation demonstrating that the final project design and equipment will comply with the PSLs under Rule 012.

38. The Commission directs Acestes to obtain an updated noise impact assessment that includes any mitigation measures required based on the final project design and equipment, and to submit the updated noise impact assessment demonstrating the project's compliance with Rule 012 to the Commission 90 days before construction is scheduled to begin.

39. The Commission has considered the environmental effects of the project and has found that due to the project's siting on previously disturbed lands, and Acestes commitment to implementing the mitigation measures set out in the project-specific renewable energy referral report issued by AEP WM, the potential environmental impacts of the project can be adequately mitigated.

40. The reclamation process that would apply to the project is administered by AEP pursuant to the *Conservation and Reclamation Directive for Renewable Energy Operations*, which provides more detailed information on conservation and reclamation planning and reclamation certificate requirements for renewable energy operators in Alberta. Acestes acknowledged its statutory obligations under the *Environmental Protection and Enhancement Act* and the

*Conservation and Reclamation Regulation*, to properly reclaim the project and obtain a reclamation certificate at the project's end of life.

41. Currently there are no standards or regulations in place related to public safety associated with solar glare. The Commission accepts the conclusion of the glare analysis report that solar glare from the panels will not result in lasting health impacts on individuals, although an observer's vision could be temporarily affected by an after-image from solar glare. The Commission observes that the report's conclusion was premised upon the use of an anti-reflective coating applied to the solar panels that would limit solar glare. Accordingly, if the Commission approves the application its approval will be conditional on the use of the anti-reflective coating

42. The Commission further acknowledges that the glare analysis report indicated that incidents of yellow-grade glare would occur at eight of the private residences analyzed, and that solar glare could affect drivers of vehicles on range roads 200, 201 and 195, located adjacent to the project area. However, all affected landowners that submitted concerns about solar glare have since withdrawn from the proceeding and there are no outstanding stakeholder concerns relating to solar glare from the project. Notwithstanding the absence of stated concerns, the Commission wishes to ensure that any glare associated with the intersections is addressed by Acestes in a timely manner. Accordingly, if the Commission approves the application its approval will be conditional on Acestes filing a report detailing any complaints or concerns it receives or is made aware of about solar glare from the project during its first year of operation as well as Acestes's response. Acestes shall file this report no later than 13 months after the project becomes operational.

43. The Commission appreciates the submissions from Lethbridge County explaining its approach to Acestes's project and its land re-designation application. The Commission notes that the county's concerns relate both to the potential impact of renewable projects generally on agricultural land, and the specific impact of this project on the parcel of agricultural land on which the project is proposed to be constructed. Acestes acknowledged the merit of the county's concerns over the loss of irrigated land and stated that it would continue to work in good faith with the county towards a mutually acceptable resolution.

44. Lethbridge County is the municipal land use authority for the project lands and has decided that the project does not comply with the current land use bylaw. Although the bylaw lists commercial solar projects as a discretionary use, Lethbridge County has determined that the project does not meet the bylaw's siting criteria, specifically that the parcel size is greater than 80 acres and is irrigated agricultural land.

45. The Commission must have regard for Lethbridge County's land use authority and the land use regime established under its bylaws. The Commission must also have regard for the purpose and object of the relevant legislation, described above, as well as Alberta's policies guiding the development of solar projects, including that siting solar projects on cultivated lands avoids impacts on landscape, wetland and wildlife features that must be or should be avoided.<sup>13</sup>

---

<sup>13</sup> As referred to by AEP in Exhibit 23821-X0018: AEP-WM Referral Report\_Coaldale\_Acestes Power\_2018-09-13, at PDF page 3.

46. In reaching a decision on the applications, the Commission must therefore strike a balance between the competing interests reflected in the legislation and the above policies, all of which bear on the project. In doing so, the Commission has considered that if the project was approved, approximately 150 acres of irrigated agricultural land would be lost for the period of time the project is operating and thereafter, for the time needed to restore the land to another use. However, the land is not forever lost for agricultural purposes. In fact, as noted above, the *Conservation and Reclamation Regulation* requires Acestes to reclaim the project lands as required by Section 137 of the *Environmental Protection and Enhancement Act*.

47. The close proximity of the project to Coaldale 254S Substation (which minimizes or avoids the additional costs and disturbance associated with the longer distribution feeder lines that would be needed if the project was located further from this or another substation), is also significant as is Acestes's statement that all of the lands in proximity to the substation are agricultural lands.

48. The Commission further observes that approval of the project on the lands selected by Acestes accords with AEP Wildlife Management's policies concerning the siting of solar power projects, and the low risk wildlife impact ranking assessed by AEP. Although approval does not accord with Lethbridge County's decision on Acestes's land re-designation application, the Commission notes that Acestes and Lethbridge County are continuing discussions to attempt to resolve issues relating to the county's land use bylaw.

49. Having regard to all of the above, the Commission finds, on balance, that approval of the project in the location selected by Acestes is in the public interest, particularly given its proximity to the Coaldale 254S Substation and the favourable referral report for the location provided by AEP. The Commission expects that Acestes will continue to work in good faith with Lethbridge County to seek a resolution of the issues arising from the county's land use bylaw.

50. Based on the evidence on the record and for all of the above reasons, the Commission approves the project subject to the following conditions:

- a. Once Acestes has made its final selection of equipment for the project, it must file a letter with the Commission that identifies the make, model, and quantity of the equipment and include an updated site plan if the equipment layout has changed. This letter must also confirm that the finalized design of the project will not increase the land and environmental impacts beyond those reflected in the materials submitted by Acestes in support of the present application and approved by the Commission. The letter is to be filed no later than 90 days before construction is scheduled to begin.
- b. Once Acestes has made its final design and selection of equipment for the project it must file with the Commission an updated noise impact assessment and detail the noise mitigation measures that will be implemented to ensure compliance with Rule 012. The updated noise impact assessment is to be filed no later than 90 days before construction is scheduled to begin.
- c. Acestes shall apply anti-reflective coating to the solar panels used.

- d. Acestes shall file a report with the Commission detailing any complaints or concerns it receives or is made aware of about solar glare from the project during its first year of operation as well as Acestes's response. Acestes shall file this report no later than 13 months after the project becomes operational.
- e. Acestes shall abide by all of AEP's project-specific recommendations pertaining to post-construction mitigation and monitoring, as outlined in AEP's project-specific renewable energy referral report.
- f. Acestes shall abide by all of the requirements and commitments outlined in the project-specific renewable energy referral report, as well as the final version of its post-construction wildlife monitoring and mitigation plan and environmental protection plan as accepted and reviewed by AEP.
- g. After the project is operational, Acestes shall carry out site-specific post-construction monitoring surveys in the manner and for the period recommended by AEP in the project-specific renewable energy referral report, or otherwise as required by the *Wildlife Directive for Alberta Solar Energy Projects*. A report summarizing the results of these surveys is to be submitted annually to AEP and the Commission, along with any correspondence from AEP providing its views on the report.
- h. Acestes must employ an experienced wildlife biologist as defined in the *Wildlife Directive for Alberta Solar Energy Projects* to conduct its post-construction monitoring.
- i. As part of its post-construction wildlife monitoring program, Acestes shall communicate to AEP the corrected mortality rates for birds and bats (using an AEP approved "fatality estimator") and upon the discovery of any carcasses of species at risk, must report the discovery to AEP. Acestes must abide by any AEP requirements to implement new mitigation measures to prevent or reduce further mortalities.

51. Based on the foregoing and subject to the above-noted conditions, the Commission considers the project to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*.

## 6 Decision

52. Pursuant to Section 11 of the *Hydro and Electric Energy Act*, the Commission approves Application 23821-A001 and grants Acestes the approval set out in Appendix 1 – Power Plant Approval 23821-D02-2019 – May 31, 2019 (Appendix 1 will be distributed separately).

53. Pursuant to Section 18 of the *Hydro and Electric Energy Act*, the Commission approves Application 23821-A002 and grants Acestes the order set out in Appendix 2 – Connection Order 23821-D03-2019 – May 31, 2019 (Appendix 2 will be distributed separately).

Dated on May 31, 2019.

### Alberta Utilities Commission

*(original signed by)*

Carolyn Hutniak  
Panel Chair

*(original signed by)*

Neil Jamieson  
Commission Member

*(original signed by)*

Patrick Brennan  
Acting Commission Member

## Appendix A – Summary of Commission directions and conditions requiring further submissions

This section is intended to provide a summary of those directions and conditions that require follow-up with the Commission, for the convenience of readers. It is not intended to summarize all of the conditions imposed on the applicant. In the event of any difference between the directions and conditions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail. These directions and conditions will be tracked as conditions of Power Plant Approval 23821-D02-2019 using the AUC's eFiling System.

- Once Acestes has made its final selection of equipment for the project, it must file a letter with the Commission that identifies the make, model, and quantity of the equipment and include an updated site plan if the equipment layout has changed. This letter must also confirm that the finalized design of the project will not increase the land and environmental impacts beyond those reflected in the materials submitted by Acestes in support of the present application and approved by the Commission. The letter is to be filed no later than 90 days before construction is scheduled to begin.
- Once Acestes has made its final design and selection of equipment for the project it must file with the Commission an updated noise impact assessment and detail the noise mitigation measures that will be implemented to ensure compliance with Rule 012. The updated noise impact assessment is to be filed no later than 90 days before construction is scheduled to begin.
- Acestes shall file a report with the Commission detailing any complaints or concerns it receives or is made aware of about solar glare from the project during its first year of operation as well as Acestes's response. Acestes shall file this report no later than 13 months after the project becomes operational.
- After the project is operational, Acestes shall carry out site-specific post-construction monitoring surveys in the manner and for the period recommended by AEP in the project-specific renewable energy referral report, or otherwise as required by the *Wildlife Directive for Alberta Solar Energy Projects*. A report summarizing the results of these surveys is to be submitted annually to AEP and the Commission, along with any correspondence from AEP providing its views on the report.