Peavine Metis Settlement

4.97-Megawatt Community Solar Power Plant

May 4, 2020
Alberta Utilities Commission
Decision 25236-D01-2020
Peavine Metis Settlement
4.97-Megawatt Community Solar Power Plant
Proceeding 25236
Applications 25236-A001 and 25236-A002

May 4, 2020

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
Website: 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.
1 Decision summary

1. In this decision, the Alberta Utilities Commission considers whether to approve applications from Peavine Metis Settlement to construct and operate a solar power plant designated as the 4.97-Megawatt Community Solar Power Plant, to qualify the power plant as a community generating unit, and to connect the power plant to the ATCO Electric Ltd. distribution system.

2. After consideration of the record of the proceeding, and for the reasons outlined in this decision, the Commission finds that approval of the power plant is in the public interest having regard to the social, economic, and other effects of the power plant, including its effect on the environment. The Commission also qualifies the power plant as a community generating unit and approves the connection of the power plant to the ATCO Electric distribution system.

2 Introduction

3. Peavine Metis Settlement (Peavine MS) applied to the Alberta Utilities Commission for approval to construct and operate a 4.97-megawatt (MW) solar power plant, designated as the 4.97-Megawatt Community Solar Power Plant (the project), and to connect the project to ATCO Electric Ltd.’s distribution system, pursuant to sections 11 and 18 of the Hydro and Electric Energy Act. The applications were registered on December 20, 2019, as Application 25236-A001 and Application 25236-A002, respectively. Peavine MS also applied for the project to be designated as a community generating unit as defined in Section 3 of the Small Scale Generation Regulation.

4. The project would be located on previously disturbed lands within the Peavine Metis Settlement, approximately 1.8 kilometres (km) from the hamlet of Peavine, approximately 56 km north of High Prairie and approximately 420 km northwest of Edmonton. The project would be located southwest of Peavine’s water treatment plant facility, in the southwest quarter of Section 5, Township 79, Range 15, west of the Fifth Meridian and the southeast quarter of Section 6, Township 79, Range 15, west of the Fifth Meridian.

5. Due to the nature of the applications, a notice of applications was not issued and, therefore, a hearing was not required as the Commission considered that its decision would not directly and adversely affect the rights of a person pursuant to Section 9 of the Alberta Utilities Commission Act.
3 Discussion

6. Peavine MS stated that the project would consist of approximately 14,144 photovoltaic modules with a nominal output of 400 watts per module, two inverter/transformer stations, a collector system, operations offices and a temporary construction workspace. Peavine MS stated that the final equipment specifications would be finalized by the second quarter of 2020.

7. The project’s renewable energy referral report provided by Alberta Environment and Parks (AEP) ranked the project as low risk to wildlife entrapment, as moderate to high risk of wildlife mortality and as low risk to wildlife features. The report stated that the project posed an overall moderate risk to wildlife and wildlife habitat based on project siting, wildlife use in the area, and commitments made by Peavine MS to mitigate and monitor wildlife impacts.¹

8. AEP determined the risk of wildlife mortality to be moderate to high based on avian use in the project area, proposed tree clearing activities during the breeding bird restricted activity period of May 1 to August 15, and the use of overhead collector lines.² Peavine MS committed to conducting tree clearing activities outside of the restricted activity period for breeding birds and confirmed that it will implement aerial markers for the project as outlined in the *Wildlife Directive for Alberta Solar Energy Projects (2017)* as part of its mitigation plan for overhead collector lines.³

9. Peavine MS submitted a noise impact assessment summary form which concluded that the predicted cumulative sound levels from the project are in compliance with Rule 012: *Noise Control*.

10. The submitted solar glare report estimates that the project would produce yellow-grade solar glare at three of the 20 dwellings used as receptors for approximately five, eight and ten minutes per day from as early as mid April to the end of August. Yellow-grade solar glare is categorized as having the potential for temporary after-image. Peavine MS stated that if complaints related to solar glare effects were received, specific mitigation measures would be discussed with the affected parties.

11. The project is a community initiative in alignment with the Peavine Community Energy Plan and is supported by the Peavine Metis Settlement Council, the elders and membership. The Council approved two resolutions (No. R20180925-02 and No. R20191217-01) supporting the project.

12. Peavine MS undertook a participant involvement program in accordance with the guidelines in Appendix A1 of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*. All parties that may be affected by the project (i.e., those included in the 1,500-metre radius) are located within and are members of the Peavine Metis Settlement. The participant involvement program included a community presentation, a community information session, a poster, a dedicated email address, and the hand delivery of a community information package to all occupants/residents of dwellings within the notification area as per customary tradition. The project was highly supported by members and no concerns were raised.⁴ Peavine MS identified

---

³ Exhibit 25236-X0047, Information Request # 3 Response, pages 2-3.
⁴ Exhibit 25236-X0001, Peavine Metis Settlement AUC Application, page 16.
in the application that as a community project, each member of the Peavine Metis Settlement may potentially be interested in obtaining information and/or making comments and suggestions. Peavine MS stated that it intends to build a continuously open communication channel with the community throughout the project’s lifespan.

13. Subject to receiving approval during the first quarter of 2020, Peavine MS stated that the planned in-service date for the project would be in the fourth quarter of 2020.

3.1 Application for designation as a community generating unit

14. In support of its application to be qualified as a community generating unit in accordance with the Small Scale Generation Regulation, Peavine MS provided a community benefit agreement which outlined the economic, social and environmental benefits of the project.

15. ATCO Electric confirmed that it had approved the project as a small-scale generator under the Small Scale Generation Regulation and, should the Commission approve the community generating unit application from Peavine MS, it would cover the cost of a meter and would be responsible for the cost of system reliability upgrades required to supply electric energy from the community generating unit to the distribution system. ATCO Electric estimated the cost for the meter to be $63,000.

3.2 Application for connection order approval

16. Peavine MS applied for an order to connect the project to the ATCO Electric distribution system. The interconnection would be located in the southwest quarter of Section 5, Township 79, Range 15, west of the Fifth Meridian. ATCO Electric stated that the project would be connected to ATCO Electric’s 25-kilovolt distribution system feeder 5L500 which is served by Seal Lake 869S Substation. ATCO Electric did not express any questions or concerns relating to the interconnection.

4. Findings

17. The Commission considered this application under sections 11 and 18 of the Hydro and Electric Energy Act, as well as the Small Scale Generation Regulation. In accordance with Section 17 of the Alberta Utilities Commission Act, the Commission must assess whether the project is in the public interest, having regard to its social, economic and other effects, including its effect on the environment.

18. The Commission considers that the public interest will be largely met if an application complies with existing regulatory standards, and the project’s public benefits outweigh its negative impacts. The Commission must take into account the purposes of the Hydro and Electric Energy Act and the Electric Utilities Act, and cannot consider the need for the project. The Commission must also determine whether an applicant has met the requirements of Rule 007 and Rule 012. An applicant must obtain all approvals required by other applicable provincial or federal legislation.

---

7 Hydro and Electric Energy Act, RSA 2000 c H-16, ss 2, 3.
19. The Commission has considered the applications having regard to the applicable legislative and regulatory framework described above. For the reasons that follow, the Commission finds that the project is in the public interest having regard to its social, economic and other effects, including its effect on the environment.

20. The Commission has determined that the technical, siting, environmental and noise aspects of the power plant have been met. Peavine MS conducted a satisfactory participant involvement program and there are no outstanding public or industry objections or concerns.

21. Because the final project equipment has not been selected, the Commission will require additional information once the design of the project is finalized. The Commission will require confirmation that any changes to the chosen equipment design will not alter the project’s compliance with any applicable Rule 007 or Rule 012 requirements. The Commission therefore approves the project with a condition (detailed below) requiring additional information from Peavine MS, once it has made its final equipment selection, confirming that the finalized project design will not increase its land, noise or environmental impacts beyond those reflected in the materials submitted in its application.

22. Having regard for the foregoing, the Commission approves the application to construct and operate the project subject to the following condition:

   a. Once Peavine MS has made its final selection of equipment for the project, it must file a letter with the Commission in which it 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, noise, or environmental impacts beyond those reflected in the materials submitted by Peavine MS in its application and approved by the Commission. The letter is to be filed no later than 30 days before construction is scheduled to begin.

23. Rule 033: Post-approval Monitoring Requirements for Wind and Solar Power Plants applies to all solar projects approved after September 1, 2019. Accordingly, Peavine MS must comply with the requirements of Rule 033. Subsection 3(3) of Rule 033 requires that approval holders submit to AEP and the Commission annual post-construction monitoring survey reports for the period recommended by AEP in the project’s referral report. As such, the following condition shall be added to the project’s approval:

   b. Peavine MS shall submit a post-construction monitoring survey report to Alberta Environment and Parks (AEP) and the Commission within 13 months of the project becoming operational, and on or before the same date every subsequent year for which AEP requires surveys, pursuant to Subsection 3(3) of Rule 033: Post-approval Monitoring Requirements for Wind and Solar Power Plants.

24. The Commission accepts Peavine MS’s conclusion that the project complies with the permissible sound levels established in Rule 012 and that additional noise control measures are not required.

25. The Commission is satisfied with Peavine MS’s commitment to discuss specific mitigation measures with affected parties should complaints related to solar glare effects be received.
26. The Commission finds that Peavine MS’s application for the project’s designation as a community generating unit has satisfied the requirements of the *Small Scale Generation Regulation*. ATCO Electric has qualified the project as a small-scale generating unit and Peavine MS has provided a signed community benefits agreement. The Commission therefore qualifies the project as a community generating unit under the *Small Scale Generation Regulation*.

27. The Commission finds that ATCO Electric, as the distribution facility owner, is entitled to recover the costs incurred to purchase the meter for the project (estimated to be $63,000), pursuant to Subsection 5(3)(a)(i) of the *Small Scale Generation Regulation*. Accordingly, the Commission imposes the following condition:

   c. Once the distribution facility owner has purchased the meter for the community generating unit, Peavine MS must provide confirmation of the actual cost to purchase the meter to the Commission.

28. The Commission notes that ATCO Electric did not express any concerns with the connection order and there are no outstanding public or industry concerns.

29. Based on the foregoing, the Commission considers the project to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*.

4 Decision


31. Pursuant to Section 18 of the *Hydro and Electric Energy Act*, the Commission approves the application and grants Peavine Metis Settlement the approval set out in Appendix 2 – Connection Order 25236-D03-2020 – May 4, 2020.

32. Pursuant to Section 3 of the *Small Scale Generation Regulation*, the Commission qualifies the 4.97-Megawatt Community Solar Power Plant as a community generating unit.

33. The appendices will be distributed separately.


**Alberta Utilities Commission**

*(original signed by)*

Joanne Phillips
Commission Member
Appendix A – Summary of Commission directions and conditions with required deliverables

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 25236-D02-2020 using the AUC’s eFiling System.

a. Once Peavine MS has made its final selection of equipment for the project, it must file a letter with the Commission in which it 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, noise, or environmental impacts beyond those reflected in the materials submitted by Peavine MS in its application and approved by the Commission. The letter is to be filed no later than 30 days before construction is scheduled to begin.

b. Peavine MS shall submit a post-construction monitoring survey report to Alberta Environment and Parks (AEP) and the Commission within 13 months of the project becoming operational, and on or before the same date every subsequent year for which AEP requires surveys, pursuant to Subsection 3(3) of Rule 033: Post-approval Monitoring Requirements for Wind and Solar Power Plants.

c. Once the distribution facility owner has purchased the meter for the community generating unit, Peavine MS must provide confirmation of the actual cost to purchase the meter to the Commission.