



**Solar Krafte Utilities Inc.
Capital Power Generation Services Inc.**

Strathmore Solar Project

November 27, 2020

Alberta Utilities Commission

Decision 25346-D01-2020

Solar Krafte Utilities Inc.

Capital Power Generation Services Inc.

Strathmore Solar Project

Proceeding 25346

Application 25346-A001

November 27, 2020

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1 Decision summary

1. In this decision, the Alberta Utilities Commission approves an application from Solar Krafte Utilities Inc. to construct and operate a power plant designated as the Strathmore Solar Project, and to connect the proposed power plant to the Alberta Interconnected Electric 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 project is in the public interest having regard to the social, economic, and other effects of the project, including its effect on the environment. In addition, the Commission also approves a request from Solar Krafte that the associated approvals for the Strathmore Solar Project be issued to Capital Power Generation Services Inc.

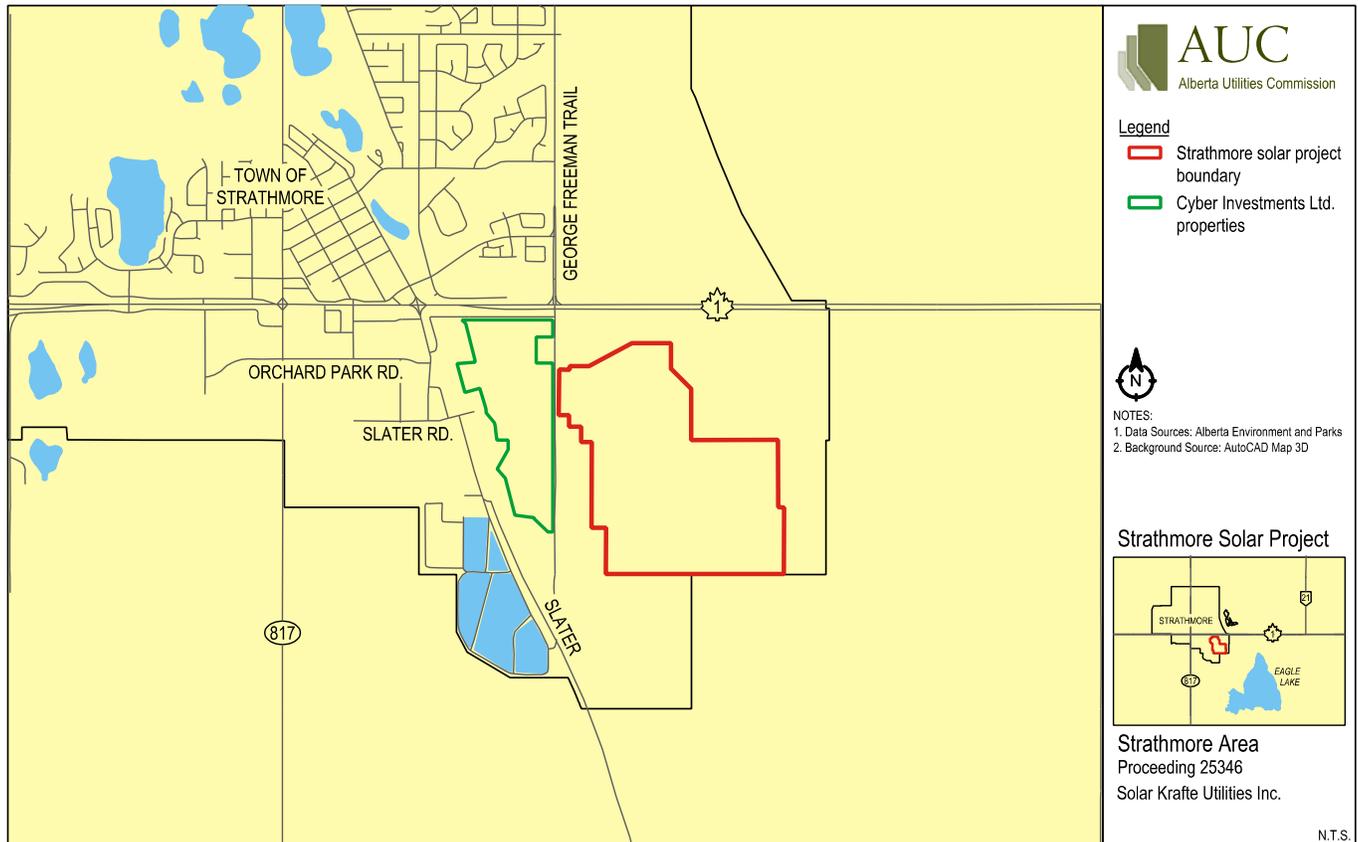
2 Application and interveners

3. Solar Krafte seeks Commission approval to construct and operate the Strathmore Solar Project, and to connect the proposed power plant to FortisAlberta Inc.'s distribution system (collectively, the project).
4. Solar Krafte previously filed an application to construct and operate a 40.5-megawatt (MW) solar power plant, designated as the Strathmore Solar Project, which was the subject of Proceeding 24698. Solar Krafte subsequently withdrew that application, with the intention to refile the application at a later date.

2.1 Application details

5. While the current and previous applications were materially similar, Solar Krafte made some localized modifications to the proposed project in the current application. Solar Krafte indicated these changes were made to address landowner preferences, and adjustments to the road orientation of the dedicated 25 metre offset from the north boundary of the project site. The localized modifications resulted in 145 stakeholders falling outside the notification radius, and Solar Krafte issued a specific mailout to these individuals explaining that they would not be provided with further communications relating to the project.
6. The project area is located within the municipal boundary of the town of Strathmore, and would be sited on 320 acres of cultivated land owned by the Town of Strathmore (the Town). The project would be sited within the northwest quarter and southern half of Section 12, Township 24, Range 25, west of the Fourth Meridian, and as shown on the map below.

Figure 1. Proposed Strathmore Solar Project boundary



7. The project would consist of 127,602 solar photovoltaic panels and nine inverter transformer pairs and an underground collector system. The project would have a total generating capability of 40.5 MW, and would connect to Fortis' distribution system via AltaLink Management Ltd.'s Strathmore 151S Substation, located directly north of the project boundary.

8. Solar Krafte's application included:

- A participant involvement program, which confirmed there were outstanding objections from adjacent landowners.
- A noise impact assessment,¹ which concluded the project would comply with Rule 012: *Noise Control*.
- A solar glare hazard analysis report,² which concluded no hazard from glare is expected to drivers and residences located near the project.

¹ Exhibit 25346-X0024, Noise Impact Assessment, prepared by Stantec Consulting Inc.

² Exhibit 25346-X0019, Solar Glare Hazard Analysis Report, prepared by Green Cat Renewables.

- An environmental protection plan,³ including mitigations to address potential adverse environmental impacts of the project.
- A letter from Alberta Environment and Parks (AEP) Wildlife Management, which confirmed that a renewable energy referral report was not required for the project.

9. In March 2018, Solar Krafte and the Town entered into a long-term lease for the lands, and on June 4, 2019, the Town issued a development permit for the project. The project land is principally zoned industrial use, except for a small portion along the northern boundary, which is zoned as commercial highway use.

10. Solar Krafte estimated that the project would be in-service by August 15, 2021.

11. The Commission issued a notice of application, and received two statements of intent to participate (SIP) from Cyber Investments Ltd. and Western Irrigation District (WID). Prior to the Commission issuing a standing ruling WID withdrew its submission indicating it had come to an agreement with Solar Krafte.

2.2 Interveners

12. Cyber is the registered landowner of land directly adjacent to the proposed project, located within the east half of Section 11, Township 24, Range 25, west of the Fourth Meridian. Cyber stated that it has plans to develop its land, and is concerned that the project would negatively affect its ability to do so. Specifically, Cyber raised concerns regarding: consultation, development of its lands, property value, local irrigation pipelines, emergency response, visual impacts, noise impacts, drainage and reclamation.

13. Cyber opposed the project and submitted evidence and argument, including:

- a planning and land use impact assessment (the CITYTREND report)⁴
- a market value review (the Telford report)⁵
- a decommissioning, disassembly and reclamation estimate (the Wearmouth report)⁶

14. Cyber argued that the project was not in the public interest as applied for, and asked the Commission to deny the application. Cyber's evidence and arguments are discussed in more detail below.

³ Exhibit 25346-X0021, Stantec Environmental Protection Plan, prepared by Stantec Consulting Ltd.

⁴ Exhibit 25346-X0108, CITYTREND Planning and Land Use Impact Assessment, prepared by Romanesky Urban Planning and Management Ltd. (CITYTREND).

⁵ Exhibit 25346-X0109, Solar Krafte Strathmore Telford Report, prepared by Telford Land & Valuation Inc.

⁶ Exhibit 25346-X0107, Strathmore Solar Farm Demolition and Reclamation Estimate, prepared by Wearmouth Canada (1951) Inc.

2.2.1 Late filed statements of intent to participate

15. The Commission issued its notice of application on February 21, 2020, which directed all interested or concerned parties to file their SIP no later than March 23, 2020. On October 19, 24 and 26, 2020, the Commission received late SIPs from David Airth, Linda Giesbrecht and Diane Enevold-Woehr.

16. Section 31 of Rule 001: *Rules of Practice* requires a person or party to make a written request to the Commission for permission to file a document, including a SIP, after the time limit set out for filing has elapsed. The Commission requested each of these persons to provide a rationale for their late filing. Neither Linda Giesbrecht nor Diane Enevold-Woehr responded to this request from the Commission. The Commission reviewed the SIPs filed by Linda Giesbrecht and Diane Enevold-Woehr and finds that the concerns expressed are general in nature and do not reflect the potential for direct and adverse affects given the nature and scope of the project. Given the general nature of the concerns expressed and the failure to respond to the Commission regarding leave for the late filing, the Commission has decided to disregard these SIPs in its consideration of the application.

17. David Airth responded to the Commission's request for a rationale for the late filing. He stated that he received the notice of application for Proceeding 24698, and filed a SIP in that proceeding. Of note, the Commission did not make a determination on standing for Mr. Airth before the application was withdrawn. As noted previously, the differences between the previous and current applications filed by Solar Krafte include localized modifications. Mr. Airth is one of the 145 stakeholders now outside the notification boundary, though just barely. As a result, Mr. Airth did not receive the notice of application for Proceeding 25346. Mr. Airth also cited the current COVID-19 pandemic as a cause for his delay in filing.

18. The Commission accepts Mr. Airth's rationale, and grants him leave to file his late SIP. As a result, the Commission now considers whether Mr. Airth has demonstrated he would be directly and adversely affected by the project.

19. In his SIP, Mr. Airth raised concerns about the potential impact to the value of his property, and the potential risk to the residents of the town of Strathmore to be required to cover the costs of reclamation if the project was abandoned in place.

20. Regarding Mr. Airth's property value concerns, the Commission took into consideration the distance between his property and the proposed project. Further, the Commission considered the developments currently between Mr. Airth's residence and the proposed project, and considered the existing developments in the adjacent area. The Commission has determined that Mr. Airth failed to demonstrate a reasonable degree of location or connection between the work proposed as part of the application and the right asserted.

21. Regarding Mr. Airth's concerns on reclamation funding in the event the operator of the power plant abandoned the project, the Commission notes that these concerns are general in nature and not specific to Mr. Airth. Mr. Airth also failed to demonstrate any right recognized by law which was being impacted.

22. Based on the foregoing, the Commission was not satisfied that David Airth demonstrated that he has legal rights that may be directly and adversely affected by the Commission's decision on the application. Consequently, the Commission denied standing to him, and did not consider his submissions in its consideration of the application.

3 Sur-reply argument

23. Cyber submitted a comprehensive sur-reply argument that addressed several concerns with Solar Krafte's reply argument. Cyber argued that Solar Krafte had deliberately split its case in argument to deny Cyber the opportunity to respond to material aspects of its case. Cyber's sur-reply argument identified and addressed a number of points it considered to be improper reply or new evidence, and requested the Commission strike and disregard those submissions.

24. Solar Krafte chose not to respond to Cyber's sur-reply argument.

25. Two concerns lie at the heart of Cyber's sur-reply. First, that Cyber did not have a fair opportunity to respond to Solar Krafte's position because material aspects of Solar Krafte's argument were not addressed until reply argument (the split case concern). Second, Solar Krafte improperly introduced new or previously unavailable information (evidence) onto the record in argument (the new evidence concern). The Commission addresses each of these issues in turn.

26. Regarding the split case concern, the Commission recognizes that Solar Krafte could have better anticipated the arguments of Cyber and addressed those arguments more proactively in its argument. However, the Commission finds that any prejudice associated with the defects in Solar Krafte's argument have largely been remedied by Cyber's filing of uncontested sur-reply. For example, Cyber expressed concern that it had no opportunity to address zoning issues addressed by Solar Krafte in its reply argument. However, Cyber fully addressed Solar Krafte's zoning arguments in its sur-reply. Similarly Cyber raised concerns with positions taken by Solar Krafte in reply argument relating to: procedural fairness, consultation, land use and development impacts, the project's development permit and the role of Capital Power. In each case, Cyber provided its response to Solar Krafte's arguments.

27. Regarding the new evidence concern, the Commission acknowledges that Solar Krafte introduced new evidence in its reply argument. This is a practice that the Commission does not support as it can lead to procedural unfairness. However, the Commission finds that any prejudice associated with the introduction of the new evidence is largely mitigated by the filing of Cyber's sur-reply. Similar to Cyber's split case concern, Cyber addressed the new evidence introduced by Solar Krafte relating to: zoning issues, land use and development impacts, the project's development permit, property values and the addition of Capital Power. In each of the above noted cases, Cyber provided its response to the evidence.

28. Finally, as a general comment, the Commission notes that although it does take guidance from the rules of law regarding evidence applicable to judicial proceedings, pursuant to Section 20 of the *Alberta Utilities Commission Act*, it is not bound by these rules.

29. The Commission will ordinarily allow evidence to remain on the record provided it is within the scope of the proceeding and therefore relevant, and that it is procedurally fair to do so. The weight to be accorded such evidence will be assessed by the Commission when determining the issues before it. However, the Commission will consider striking evidence, even if relevant and free of procedural fairness concerns, if the evidence is best dealt with in a different proceeding, or if a party seeks to reintroduce the same or similar evidence on matters that have already been considered and decided upon by the Commission.⁷

4 Material issues

30. When deciding upon Solar Krafte's application the Commission must determine if approval of the application is in the public interest having regard to the social and economic impacts of the project and the impact of the project on the environment.

31. 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.⁸ The Commission must take into account the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*⁹ and determine whether an applicant has met the requirements of Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* and Rule 012. An applicant must obtain all approvals required by other applicable provincial or federal legislation.

32. Cyber's concerns relate specifically to the social, economic and environmental impacts of Solar Krafte's project on Cyber's plans to develop its adjacent property. Cyber also raised more general social, economic and environmental concerns associated with the project related to emergency response and decommissioning and reclamation.

33. The Commission considers the material issues raised in this proceeding to be:

- procedural fairness
- consultation
- municipal development impacts
- property valuation

34. Additional issues raised in the proceeding include irrigation impacts, drainage, emergency response, reclamation and decommissioning. The Commission addresses these issues in the section entitled additional issues.

⁷ Exhibit 0083.01.AUC-904, Proceeding 904, AltaGas Utilities Inc., 2010-2012 General Rate Application, paragraph 26.

⁸ EUB Decision 2001-111: EPCOR Generation Inc. and EPCOR Power Development Corporation 490-MW Coal-Fired Power Plant, Application No. 2001173, December 21, 2001, page 4.

⁹ *Hydro and Electric Energy Act*, RSA 2000 c H-16, ss 2, 3.

4.1 Inclusion of Capital Power and procedural fairness

35. Solar Krafte announced on July 31, 2020, that it had conditionally sold the project to Capital Power, the condition being the successful permitting of the project. Solar Krafte requested that any approval the Commission issued be issued to Capital Power. Cyber asked the Commission to incorporate additional process steps to reflect the conditional sale to Capital Power. Cyber stated that the applicant and project scope are fundamental to an application to construct and operate a power plant.

36. The Commission did not amend its process schedule to allow Cyber an opportunity to ask information requests regarding the addition of Capital Power, but it did provide Cyber the opportunity to file a submission that detailed its concerns with Capital Power being added as an applicant. Cyber's submission focused on procedural fairness related to its inability to ask information requests of Solar Krafte and Capital Power, specifically stating:

Fundamental to Cyber's understanding of the case to be met in this Proceeding are (i) the identity of the project applicant(s); and (ii) the project scope and relief requested of the Commission. Cyber submits that to deprive interveners of this critical information is procedurally unfair.¹⁰

37. Solar Krafte stated that there was nothing prejudicial in adding Capital Power as an applicant, as Capital Power had adopted the application, including all evidence, submissions and any other commitments filed on the proceeding record by Solar Krafte. Further, Solar Krafte noted that Cyber was allowed to file a submission, and was thus afforded the opportunity to raise its concerns regarding Capital Power with the Commission.

4.1.1 Commission findings

38. The Commission accepted Capital Power's statement that it adopted all application details, including all previous commitments as made by Solar Krafte, as its own. The Commission stated in its ruling that the inclusion of Capital Power as an applicant on this proceeding "does not materially change any of the application details".¹¹ As such, the Commission was not persuaded that the addition of Capital Power as an applicant changed the project scope or the facilities approvals being requested.

39. Cyber's submissions focused exclusively on the issue of procedural fairness, rather than identifying any specific concerns related to Capital Power being the proponent that would construct and operate the Strathmore Solar Project.

40. The Commission remains satisfied that Cyber had a reasonable opportunity of learning the facts bearing on the application, including the fact that Capital Power would assume ownership of the project if approved by the Commission. In the Commission's view, Cyber failed to demonstrate that the Commission's decision to add Capital Power as an applicant and proceed with its consideration of the project without allowing further information requests prejudiced Cyber's participation in the proceeding.

¹⁰ Exhibit 25346-X0129, CYBER Concerns Regarding Capital Power as Applicant, PDF page 3.

¹¹ Exhibit 25346-X0128, AUC ruling on new applicant request and final process schedule, PDF page 1.

4.2 Consultation

41. Cyber raised concerns about the adequacy of Solar Krafte's consultation, stating that it had raised a number of concerns with Solar Krafte throughout the consultation process that were not addressed. Cyber submitted that throughout the consultation process, including the municipal application process and both Commission proceedings, it raised its concerns regarding the project to Solar Krafte. Cyber argued that Solar Krafte did not provide information to respond to its concerns, and only relied on providing the Commission and Cyber information required under the Commission rules.

42. Cyber submitted a detailed consultation record, which, it argued, demonstrated that Solar Krafte made little effort to address or discuss Cyber's concerns. Cyber stated that Solar Krafte had agreed not to file its municipal development permit application or AUC application until it could meet with Cyber, which Cyber stated it did not do. Cyber argued that this raised questions about the reliability and credibility of Solar Krafte and its ability to maintain or fulfill any of its commitments made throughout the proceeding.

43. Solar Krafte stated that as part of its participant involvement program it had engaged with over 1,600 stakeholders, and hosted an open house with over 100 attendees. Solar Krafte stated that the feedback it received was overwhelmingly supportive, with Cyber being the only stakeholder opposed to the project.

44. Solar Krafte stated that throughout the consultation process, and the Town's municipal development permit application process, Cyber's concerns had been heard, considered and had been addressed by independent experts and the Town. Solar Krafte stated that the Town considered and weighed all of the issues raised by Cyber, and granted the municipal development permit for the project under specific conditions to address Cyber's concerns.

4.2.1 Commission findings

45. Rule 007 requires that a participant involvement program be conducted before a facility application is filed with the Commission. In Decision 2011-436, the Commission made the following comments about effective public consultation under Rule 007:

... In the Commission's view, effective consultation achieves three purposes. First, it allows parties to understand the nature of a proposed project. Second, it allows the applicant and the intervener to identify areas of concern. Third, it provides a reasonable opportunity for the parties to engage in meaningful dialogue and discussion with the goal of eliminating or mitigating to an acceptable degree the affected parties concerns about the project.¹²

46. Cyber's arguments suggest that it was unable to understand the nature of the application due to Solar Krafte not responding to its information requests during the consultation period, and that it was not provided a reasonable opportunity to engage in meaningful dialogue to eliminate or mitigate its concerns.

¹² Decision 2011-436: AltaLink Management Ltd. and EPCOR Distribution & Transmission Inc. – Heartland Transmission Project, Proceeding 457, Application 1606609, November 1, 2011, page 57, paragraph 283.

47. The Commission acknowledges that an effective participant involvement program may not resolve all public concerns. There may be situations where an individual considers that the applicant's consultation efforts were insufficient or superficial, at least in relation to that person's own concerns or interests. The Commission must assess the extent to which an applicant engaged with stakeholders with the full commitment "that effective communications take place among stakeholders (the public, local authorities, agencies, industry and government) so that concerns may be raised, properly addressed, and if possible, resolved."¹³

48. The Commission finds that Solar Krafte's project-specific mail-outs, direct consultation with stakeholders and open house presented opportunities for potentially affected stakeholders, including Cyber, to understand the nature of the application. Further, the information requests Cyber asked of Solar Krafte were focused on Cyber's areas of concern, and were issued by Cyber's legal counsel. The Commission considers that Cyber was able to understand the nature of the application clearly enough to identify its specific areas of concern.

49. Both parties provided their own consultation logs detailing their communication and dialogue held over the last two years. While it is clear that the parties were not able to come to agreements that would eliminate or mitigate Cyber's concerns, it is also clear that Solar Krafte engaged with Cyber in an effort to address its concerns.

50. While Solar Krafte was ultimately unable to address or resolve Cyber's concerns, the Commission is satisfied that Solar Krafte's participant involvement program generally achieved the purpose of consultation. That is, through Solar Krafte's participant involvement program as a whole, Cyber was provided sufficient information to understand the nature of the project, identify its areas of concern and engage in dialogue with Solar Krafte with the goal of eliminating or minimizing those concerns.

4.3 Municipal land development and property valuation

4.3.1 Background

51. Cyber purchased its lands adjacent to the project lands in 2005. Cyber submitted that it intends to develop its lands as a mixed-use development with both residential and commercial components, which it has called the Legacy Creek Development Concept (Legacy Creek). Cyber explained that it had commenced the area structure plan process for the Legacy Creek development in July 2019, but has not applied for a development permit for Legacy Creek.

52. The lands the Strathmore Solar Project will be sited on are owned by the Town. In March 2018, Solar Krafte and the Town entered into a long-term lease for the lands, with the intent of Solar Krafte to develop a solar farm on the lands.¹⁴

¹³ Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*, Appendix A1 – Participant involvement program guidelines, page 47.

¹⁴ Exhibit 25346-0001, Rule 007 Application (Strathmore Solar Farm), PDF page 3.

53. The Town's current municipal development plan (MDP-2014) was adopted on April 16, 2014. The municipal development plan shows a mix of highway commercial, residential and industrial land uses for the subject lands. Under the current land use bylaw (LUB), the existing land use in the area is designated as a mix of agriculture, highway commercial urban reserve, light industrial and general industrial. The Town acknowledges that the current MDP-2014 and LUB do not match each other in terms of the subject lands, but indicates that this is not an uncommon occurrence.¹⁵

54. On April 26, 2019, Solar Krafte applied to the Town for a municipal development permit for the project and on June 4, 2019, the development permit was approved and the Town issued development permit No. 19D-037, which became effective on June 24, 2019.¹⁶

4.3.2 Views of the parties

55. Cyber raised concerns that the proposed project is inconsistent with the MDP-2014 and that construction of the project would impact its ability to develop its proposed Legacy Creek development. Cyber submitted that proceeding with an industrial development as proposed will limit Cyber's ability to develop its lands as a mix of residential and commercial. Cyber also submitted that the Town was willing to consider a re-zoning application for the Cyber lands, provided that an area structure plan was submitted.

56. Cyber engaged Romanesky Urban Planning and Management Ltd. (CITYTREND) to analyze the land use, zoning and development impacts of the project on the surrounding area and on Cyber lands. The CITYTREND report concluded that for Cyber to develop a viable residential community on its lands it would require large enough buffers between the solar project to the west of its lands, and the existing industrial area to the east of Cyber's lands. CITYTREND concluded that Cyber's lands were not large enough to support these buffers and develop a community, and as a result the construction of the project would restrict Cyber's ability to develop its lands in a viable manner.

57. The CITYTREND report suggested that the development impacts could be partially mitigated by adjusting the boundaries and location of the project. CITYTREND indicated that if the project was relocated 800 metres east, it would allow sufficient developable land to justify the investment of roads and infrastructures, and would allow mixed-use development to proceed according to the MDP-2014.

58. Cyber further submitted that delegation of its concerns on land development, and concerns relating to municipal zoning, from the Commission to the Town would be an express or implied sub-delegation of an aspect of the public interest determination, which it considered to be improper. Cyber submitted that delegation of its concerns on land development would deny it the ability to seek recourse in respect of the project's impacts on municipal planning, land use and development impacts on neighbouring parcels, and its lands.

¹⁵ Exhibit 25346-0100, Letter from Town of Strathmore - Development of Cyber Lands, PDF page 1.

¹⁶ Exhibit 25346-0001, Rule 007 Application (Strathmore Solar Farm), PDF page 8.

59. Solar Krafte stated that Cyber has not completed anything substantive to advance the development of its lands. Solar Krafte noted that to date, Cyber has not applied for a development permit or submitted an area structure plan to the Town for its proposed Legacy Creek development.

60. While Solar Krafte did not provide rebuttal evidence to counter the CITYTREND report, it observed that the Town had publicly announced its intention to replace the municipal development plan. Additionally, Solar Krafte provided a letter from the Town which confirmed the Town was in full support of the project. Solar Krafte did not address the conclusion of the CITYTREND report, nor did indicate that it was willing to alter its application to include an 800-metre setback to allow the development of the mixed-use community.

4.3.3 Commission findings on development impacts

61. Regarding the issue of sub-delegation, Section 619 of the *Municipal Government Act* provides guidance on how to resolve conflicts between municipal approvals and those issued by various provincial regulators including the AUC. Section 619 states:

619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board or any other authorization under this Part.¹⁷

62. In the Commission's view, Section 619 recognizes the need for consistent regulation of utility facility projects, including power plants, across the province. While the provision provides that an approval of the Commission will prevail over a conflicting municipal planning instrument, it does not prohibit, or otherwise prevent, the Commission from having regard for such instruments when deciding on an application.

63. The Commission disagrees with Cyber's contention that considering a project's compliance, or non-compliance, with municipal planning requirements results in improper sub-delegation. Rather, consideration of whether a project complies with municipal planning instruments is one of a number of factors that the Commission may consider, on a case by case basis, when assessing whether approval of a project is in the public interest. However, the Commission is not obliged to question or consider the adequacy of the Town's municipal development application process or how it considered the project when it approved the development permit.

64. A significant focus of Cyber's development concerns is whether the developments planned on adjacent land parcels adhere to the MDP-2014, as that directly affects its ability to develop Legacy Creek. The CITYTREND report focused on the potential impacts to Cyber's development through the increased cost of infrastructure, and the limitations to the development of a mixed-use community on the adjacent lands. CITYTREND stated:

¹⁷ *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26, PDF page 388.

...the location of the proposed Solar Farm will have significant planning and land use impacts for adjacent lands and for the longer-term planned development of Strathmore. The lands immediately to the west, east and north of the proposed Solar Farm are envisioned by the Town of Strathmore Municipal Development Plan for a mixed-use community. The development potential of these lands will be reduced and potentially sterilized for the life of the Solar Farm.¹⁸

65. CITYTREND concluded that approval and construction of the project would result in incremental costs for Cyber's development due to severance from contiguous development blocks, as was envisioned in the MDP-2014, and the lack of cost-sharing for a major arterial road connections.

66. The Commission takes note of Cyber's correspondence between itself and the Town, in which the Town stated "The desired land uses [development of Cyber's land] appear to be in general compliance with the vision in the Municipal Development Plan [MDP-2014], and could be supported by Municipal staff...".¹⁹ The Town's letter is clear that Cyber, as a private landowner, could have applied to the Town to amend the current zoning of its lands to allow for it to proceed with its Legacy Creek development, as doing so would be in line with the MDP-2014. However, the Commission is not persuaded that the prospect of a future zoning amendment negates the currently acceptable uses of the Town's land.

67. The Commission acknowledges that the proposed project is inconsistent with the MDP-2014. The Commission notes the Town's view that it is not uncommon for municipal development plans to conflict in some way with specific approved developments, and notes that a revision of the municipal development plan is also underway. In any case, the project is consistent with the current land use zoning bylaws and is supported by the Town. The fact that the Town has entered into a long-term lease with Solar Krafte for its lands and has issued a development permit for the project indicates to the Commission that the project aligns with the Town's long term vision for the development of that property and its surrounding environs.

4.4 Property valuation

68. Cyber raised concerns that the project would negatively affect the value of its lands. Similar to the CITYTREND report, the report from Telford Land & Valuation Inc. (Telford report) relied on the envisioned land use identified in the MDP-2014 and concluded that the project would impact the development potential and market value of Cyber's land.

69. The Telford report reviewed development land sales in the town of Strathmore, and predicted that the market value of Cyber's lands, with development potential, could range from \$23,000 to \$30,000 per acre. Telford's expected values were predicated on Cyber's lands being developed in conjunction with the adjacent lands as residential or commercial lands. This was consistent with Cyber's development outlook; as reflected in the following response to an AUC information request: "[i]t has always been envisioned that Legacy Creek and the 582 adjacent acres be developed in a complementary and cooperative fashion."²⁰

¹⁸ Exhibit 25346-X0108, CITYTREND Planning and Land Use Impact Assessment, PDF page 3.

¹⁹ Exhibit 25346-X0100, Letter from Town of Strathmore - Development of Cyber Lands, PDF page 1.

²⁰ Exhibit 25346-X0123, Cyber-AUC-2020AUG31-001 through 005, PDF page 7.

70. However, if the project were to be approved and constructed, Telford stated that the best use of Cyber's land would be restricted to agricultural use, rather than residential or commercial. In these circumstances, Telford estimated the property value for the Cyber land to be between \$4,000 and \$5,000 per acre. The Telford report concluded that the potential future value of Cyber's lands would be almost 80 per cent less if the project is approved and constructed.

71. Telford stated that it agreed with CITYTREND's findings that the project would directly impact the road infrastructure, servicing costs and the proposed community structure in the adjacent lands.

72. Solar Krafte stated that the zoning of Cyber's lands currently conflicts with the zoning Cyber would need for its proposed Legacy Creek development concept. Solar Krafte argued that "without appropriate zoning, a concept, and the purported valuation of a concept, is only wishful thinking."²¹ Further, Solar Krafte argued that Cyber had not made inroads toward amending the zoning for its lands.

4.4.1 Commission findings on property valuation

73. The Commission found the property value evidence provided by Telford to be of limited value because it was predicated on an uncertain development scenario. The property values estimated by Telford were premised upon a number of contingent events, including contingencies associated with the development of lands that are not under Cyber's control and are not currently zoned for the use that the valuation is premised upon. While the Commission acknowledges Cyber's development aspirations, it notes that its lands are currently zoned for a mix of agriculture, highway commercial, urban reserve, light industrial and general industrial.

74. Cyber's assumptions regarding development potential for its lands appear to rely on the adjacent land parcels also being developed as either residential or commercial as part of the mixed-use community. Cyber did not provide any evidence that it holds an ownership or other relevant interest in adjacent lands, and therefore it does not appear to the Commission that Cyber has any control on the development of those lands. The Commission was not persuaded that the Telford report's valuation of Cyber's land is reasonable.

75. Although the Commission generally considers impacts based on current land use, it does take into account future development plans when positive steps have been taken for such development. Given the speculative nature of Cyber's Legacy Creek development, the Commission is not persuaded to consider Cyber's future development plans when assessing valuation impacts. Therefore, the Commission is not convinced that it should deny the application on the basis of a potential impact to the future value of Cyber's lands.

5 Additional issues

5.1 Irrigation

76. Cyber stated that it holds irrigation water rights for its lands, and is trying to establish a connection to WID's irrigation system to service its lands. Cyber raised concerns that the project would impact its ability to access a water pipeline owned by the WID to service its lands.

²¹ Exhibit 25346-X0137, Solar Krafte Written Reply Argument, PDF page 21.

77. Cyber argued that it considered the most efficient delivery route for the water pipeline connection to be along the northern edge of the project boundary. Cyber expressed concerns that if the pipeline needed to be located along the southern boundary of the project, as a result of the project siting, it could require Cyber to invest in a further extension of the pipeline and a pump or lifting station equipment to deliver water from a topographical low point.

78. Cyber stated that as an adjacent land owner it should have been included in Solar Krafte's discussions with WID. Cyber suggested that under the agreement between WID and Solar Krafte, its future connection to the alignment would be more costly and restrictive to developments on its lands.

79. Solar Krafte entered a relocation of works and setback agreement with WID, which it stated addresses the provision of irrigation service to Cyber's land. Solar Krafte stated that WID may determine that it would require the use of a dedicated 25 metre offset from the south half of the project site to supply service to Cyber. Solar Krafte stated that it is unaware of any incremental costs of a connection to Cyber's lands from the north. However, Solar Krafte confirmed that there would be incremental costs if Cyber's lands are serviced along the southern boundary of the project site. Solar Krafte also confirmed that, per its agreement with WID, it would be responsible for these incremental costs.

5.1.1 Commission findings

80. Cyber's irrigation concerns appear to be twofold. First, it has a general concern regarding its ability to access water from the nearby irrigation system. Second, it is concerned that approval and construction of the project may result in incremental irrigation costs for Cyber as a result of routing limitations for the irrigation services associated with the project.

81. While Cyber has yet to formalize an agreement with WID for irrigation services, the evidence before the Commission is that such an agreement remains possible. What remains in question is whether approval of the project may result in incremental irrigation costs for Cyber. Based on the evidence before it, the Commission understands that there will be an incremental cost to Cyber in the event its lands are serviced from the south, as additional infrastructure will need to be installed to pump the water from a lower elevation point to Cyber's lands, and there may be an incremental cost to Cyber based on the precise location of the delivery point on Cyber's lands.

82. In this case, while the Commission acknowledges the concerns raised by Cyber regarding the potential impact to its lands, the Commission notes that Cyber had not finalized an agreement with WID that clearly detailed how its lands would be serviced, including an agreement on the precise location of the interconnection on Cyber's lands. Further, the Commission considers specifics of the irrigation connection and servicing would be considered in discussions between Cyber and WID.

83. The parties are in agreement that there would be an incremental cost if Cyber's lands are serviced from water lines along the southern boundary of the project. The agreement between Solar Krafte and WID requires Solar Krafte to be responsible for these incremental costs. As such, the Commission finds that this agreement mitigates Cyber's concerns regarding irrigation water access to an acceptable degree.

5.2 Stormwater runoff and drainage

84. Cyber stated that the project site slopes downward into its land, and raised concerns regarding the project drainage patterns for surrounding wetlands, including those located on its land. Cyber expressed concerns that a number of project features, including permanent gravel access roads, vegetated bioswales, drainage ditches and the solar panels would have drainage impacts.

85. Cyber commented that Solar Krafte had not provided evidence to assert its claim that the project would not have drainage impacts. Cyber noted that without a drainage impact assessment from Solar Krafte, it was unsure how the potentially increased or concentrated runoffs from the accumulations on solar panels or access road construction would impact its land.

86. Cyber requested that, should the Commission approve the project, it condition it upon the power plant operator to:

- Develop a drainage and stormwater management plan in consultation with adjacent landowners and the Town of Strathmore that is specific to current and proposed land uses on adjacent lands, and file a copy of same for approval with the Commission at least three months prior to commencement of construction.
- Develop a detailed site servicing plan in consultation with adjacent landowners and the Town of Strathmore that is specific to current and proposed land uses on adjacent lands, and file a copy of same for approval with the Commission at least three months prior to commencement of construction.

87. Solar Krafte noted Stantec Consulting Ltd.'s environmental protection plan, which stated that the project area is relatively flat and on-site drainage would be expected to remain relatively unchanged, with water flows anticipated to be similar to pre-disturbance conditions. Stantec concluded that the regional surface drainage, anticipated shallow groundwater flow direction, appears to be south-southeast towards Eagle Lake, which is located approximately 2.5 kilometres southeast of the project site.

88. Solar Krafte noted that Alberta Transportation would require a stormwater management report to ensure Highway 1 would not be compromised by revised drainage patterns in the area. Solar Krafte stated that drainage and stormwater management plans would be engineered to ensure that post-development drainage peak flows and runoff volumes would be less than or equal to pre-development peak flows and runoff volumes.

89. Solar Krafte requested that the Commission reject Cyber's proposed conditions. However, if the Commission deems conditions necessary, Solar Krafte requested the conditions be for Solar Krafte to:

- Develop a drainage and stormwater management plan in consultation with the Town of Strathmore, and file a copy of same with the Commission prior to commencement of construction.
- Develop a detailed site servicing plan in consultation with the Town of Strathmore, and file a copy of same with the Commission prior to commencement of construction.

5.2.1 Commission findings

90. The Commission accepts the findings of the Stantec reports that the on-site drainage would be expected to remain relatively unchanged, with water flows anticipated to be similar to pre-disturbance conditions. However, the Commission acknowledges the concerns raised by Cyber that the proposed project features could have a potential drainage impact.

91. The Commission notes the consideration taken by the Town on these issues, and the conditions set forth in the previous development permit approved by the Town. These conditions required Solar Krafte to prepare and submit a detailed site servicing plan to the satisfaction of the Town, including stormwater and site grading information, and to ensure that no change to stormwater configuration on site can result in stormwater being directed across the property line of an adjacent landowner. The Commission finds that adherence to these conditions would effectively mitigate Cyber's concerns. Consequently, the Commission imposes the following as a condition of approval:

- a) Capital Power Generation Services Inc. shall either (i) provide confirmation prior to commencing construction that the current development permit for the project includes a condition to develop and finalize a detailed site servicing plan, and a detailed drainage and stormwater management plan in consultation with the Town of Strathmore, or (ii) develop and finalize a detailed site servicing plan, and a detailed drainage and stormwater management plan in consultation with the Town of Strathmore. If Capital Power files its responses per condition (ii), it shall file copies of its finalized detailed plans with the Commission, and confirmation that it had provided the finalized plan with the Town of Strathmore, no later than 30 days before the commencement of construction.

5.3 Emergency response

92. There is a single point of access for both the proposed project and Cyber's land. Cyber noted that it hosts large gatherings on its lands during the summer months, and was concerned that in the event of a fire within the project site its attendees would have to evacuate in the direction of the project. Further, Cyber commented that evacuees could potentially interfere with the Town's response to an emergency within the project site, as the first responders would also be using the single ingress point.

93. Cyber raised concerns that Solar Krafte did not have a finalized site-specific emergency response plan for the project, and had not addressed its fire-related concerns during consultation. Cyber had requested an opportunity to participate in the development of Solar Krafte's emergency response plans, however it had not been included by Solar Krafte to date. Cyber argued that the absence of a site-specific emergency response plan for a project sited within the municipal boundary of Strathmore would make any public interest determination for the project impossible, and therefore it would not be in the public interest to approve the project.

94. Cyber requested that, should the Commission approve the project, the Commission impose a condition that Solar Krafte develop an emergency response plan in consultation with adjacent landowners and the Town that is specific to current and proposed land uses on adjacent lands, and file a copy of same for approval with the Commission at least three months prior to commencement of construction.

95. Solar Krafte stated that the primary fire risk associated with the project is the possibility of a fire started on adjacent lands spreading on to the project site. Solar Krafte consulted with the Town's fire chief and deputy fire chief, regarding the fire-related risks associated with the project, fire mitigation and emergency response plans. Solar Krafte stated that the Town's fire chief and deputy fire chief were supportive of the project.

96. As part of its municipal development permit, the Town imposed a condition that a site-specific emergency response plan be developed for the proposed project, and that the plan be filed with the Town before construction commenced. Solar Krafte was expected to develop this plan in coordination with the Strathmore Fire Department.

97. Solar Krafte requested that, should the Commission determine to condition its approval on the development of an emergency response plan, that it require Solar Krafte to develop an emergency response plan in consultation with the Town and file a copy with the Commission prior to commencement of construction.

5.3.1 Commission findings

98. The Commission accepts Cyber's assertion that it hosts gatherings throughout the summer on its lands. Road access to and from the project site and Cyber's land is limited to a single road out of the area that travels along the project boundary.

99. Solar photovoltaic power plant equipment does not represent a notable fire hazard. The Commission finds no persuasive evidence that the project, operating as proposed in the application, is likely to result in an increased fire risk or an increase in other safety risks for Cyber's attendees or any other stakeholder in the area. Solar Krafte's submission that the Town's fire chief and deputy fire chief were supportive of the project indicated to the Commission that the first responders do not have outstanding concerns regarding the fire risks of the project, or the limited access to the project site.

100. However, given the access concerns raised by Cyber, the Commission considers it reasonable to require Solar Krafte to develop and implement a site-specific emergency response plan for the project. Consequently, the Commission imposes the following as a condition of approval:

- b) Capital Power Generation Services Inc. shall develop and finalize a site-specific emergency response plan. The emergency response plan shall be developed in accordance with requirements of the Town and in consultation with the local first responders that would respond to an emergency at the project. Prior to finalization Capital Power shall provide the draft emergency response plan to Cyber, and allow Cyber to provide comments. Capital Power shall file a copy of its finalized emergency response plan with the Commission, and confirmation that it had provided the finalized plan with the Town of Strathmore and Cyber, no later than 30 days before the commencement of construction.

5.4 Reclamation and abandonment

101. Cyber stated that it has the right of first refusal to purchase the project lands, and it raised concerns regarding the costs of reclamation and Solar Krafte's capability of meeting that financial requirement. Specifically, Cyber raised concerns that any failure by Solar Krafte to reclaim the project land will have a direct impact on Cyber and its investment in that land. The Wearmouth report estimated the costs to carry out abandonment activities for the project, to be approximately \$4.1 million (expressed in 2020 dollars).

102. Cyber stated that there is no evidence on the record as to the financial wherewithal of Solar Krafte, or Capital Power, to carry out the abandonment and reclamation of the project. Cyber argued there is no current mechanism for the Commission to ensure that abandonment and reclamation actually occurs at the end-of-life for power plant permit and licence holders. Cyber requested that, should the Commission approve the project, that it do so under the condition that Solar Krafte be directed to provide a reclamation bond in the amount of \$4.1 million (expressed in 2020 dollars), consistent with the reclamation estimate in the Wearmouth report.

103. Solar Krafte stated that the Town had imposed reclamation conditions on the project, as conditions of approval of the municipal development permit. Additionally, Solar Krafte noted that it was legally bound and subject to the reclamation obligations set out in Section 137 of the *Environmental Protection and Enhancement Act*, as administered by AEP pursuant to the *Conservation and Reclamation Directive for Renewable Energy Operations*. In addition to the above, Solar Krafte stated it has a contractual obligation under the lease with the Town to restore the project site to substantially the same condition as it was at the commencement date of the lease.

104. Solar Krafte requested that the Commission reject Cyber's proposed condition as such a requirement does not conform to the existing regulatory and contractual requirements, and would set an onerous or prohibitive precedent.

5.4.1 Commission findings

105. There are currently no requirements, or an express authority, for the Commission to require reclamation deposits from power plant approval holders. In the absence of such a requirement, the Commission has considered several factors when assessing potential reclamation liability as part of its overall public interest assessment of a project. Those factors include salvage value, land ownership and statutory and contractual obligations for an applicant to conduct reclamation activities. In this case the land is owned by the Town and will be leased to Solar Krafte. As noted above, the terms of that lease included reclamation conditions that the landowner (the Town) found to be acceptable.

106. The Commission accepts the commitments made by Solar Krafte to meet the AEP *Conservation and Reclamation Directive for Renewable Energy Operations*, and the commitments it made to the Town to restore the project site to substantially the same condition as it was at the commencement date of the lease. The Commission finds that these commitments are sufficient to satisfy concerns regarding reclamation.

5.5 Solar glare, noise and visual impacts

107. Cyber raised concerns regarding solar glare and noise impacts on its land, however it stated that it could not fully understand the impacts of the project unless pseudo receptors representing two- to four-storey residences along the property line were considered. Cyber also raised concerns on the potential visual impacts of the project on its lands, and stated that Solar Krafte has refused to make any commitment to reducing visual impacts of the project on neighbouring parcels with visual mitigation.

108. Cyber requested that, to ensure there would not be a situation of non-compliance with the rules, the Commission should condition the project upon the power plant operator conducting post-construction glare and noise assessments to include pseudo receptors located on edge of its property. Further, Cyber requested that the Commission condition the project to require the power plant operator to install landscaping features, in consultation with Cyber, to eliminate the potential visual impacts of the project.

109. Solar Krafte stated that there are no receptors located along Cyber's property line, and the only building (the Klaiber Historical Barn) is situated approximately 550 metres from the fence line of the project. Solar Krafte stated that it addressed visual impacts through system design, by using the lowest profile, utility-scale substructure commercially feasibly available, and as such the project would be barely visible from the Klaiber Historical Barn. Solar Krafte requested the Commission reject Cyber's request for conditioning the project.

5.5.1 Commission findings

110. The noise impact assessment (NIA) submitted by Solar Krafte identified six dwellings located within 1.5 kilometres of the project boundary as noise receptors. The NIA predicted that cumulative sound levels at these noise receptors will be compliant with applicable permissible sound levels established in accordance with Rule 012. The NIA predicted that the noise contribution from the project at the most affected receptor will be 29.3 A-weighted decibels, which results in a 0.4 decibel increase to the baseline sound level during the nighttime. The Commission finds that the NIA submitted by Solar Krafte meets requirements of Rule 012. Based on prediction results in the NIA, the Commission accepts that the project will comply with Rule 012 and considers that the noise contribution from the project will be minor.

111. The Commission considers that planned developments that have not been approved for development, and pseudo receptors along an adjacent landowner's property line, cannot be considered as receptors for purposes of assessing the impacts of noise in accordance with the relevant Commission rules.

112. The Commission will only consider planned developments on a stakeholders land to be a noise receptor if a development permit has been issued by the local municipality. In the absence of an approved development permit for Cyber's proposed Legacy Creek development, Solar Krafte is not required to assess the noise impact for Cyber's proposed development, nor does it need to show compliance with Rule 012 in respect Cyber's proposed development.

113. The analysis of noise or glare at pseudo receptors will not assist the Commission in its consideration of the project, nor will it be beneficial to determine the projects compliance with the Commission's respective rules. As such, the Commission will not condition its approval on post-construction analysis of pseudo receptors.

114. While the Commission does not have a dedicated rule for the consideration of solar glare, the Commission has taken a similar approach in consideration of planned developments for potential solar glare impacts as it has with considering noise impacts. Namely, the Commission will only consider the potential solar glare impacts to planned developments on a stakeholder's land if a development permit has been issued by the local municipality.

115. There are currently no public safety standards or regulations in place associated with solar glare. The Commission accepts the conclusion of GreenCat Renewables Canada (GreenCat) in its glare analysis report that the project would not be predicted to produce a glare impact at any receptor. However, the Commission observes that GreenCat's conclusion was premised upon the use of an anti-reflective coating applied to the solar panels that would limit solar glare.

116. Notwithstanding the prediction of zero glare impact, the Commission wishes to ensure that any glare associated with the project is addressed by Capital Power in a timely manner. Consequently, the Commission imposes the following as conditions of approval:

- c) Capital Power Generation Services Inc. shall use a standard anti-reflective coating for the project's solar panels.
- d) Capital Power Generation Services Inc. shall file a report detailing any complaints or concerns it receives or is made aware of regarding solar glare from the project during its first year of operation, as well as Capital Power's response to the complaint. Capital Power shall file this report no later than 13 months after the project becomes operational.

117. With regard to visual impacts to Cyber, the Commission has previously found that it is premature for visual mitigation to be installed to mitigate a planned development that has not been approved for development.²²

118. As such, the Commission does not find it necessary to condition its approval on the installation of landscaping features, in consultation with Cyber, to eliminate the potential visual impacts of the project on Cyber's land.

6 Overall Commission findings

119. For the reasons detailed above, 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.

120. The Commission has reviewed the application and has determined that the technical, siting and noise aspects of the application have been met. The Commission finds that Solar Krafte's commitments, and Capital Power's agreement to accept those commitments, to implementing the mitigation measures identified in Stantec's environmental evaluation,

²² Decision 24845-D01-2020, 2113260 Alberta Ltd. – Oyen Community Solar Power Plant, Proceeding 24845, Application 24845-A001, February 18, 2020, PDF page 7.

including decommissioning the water well on the project site prior to construction,²³ are sufficient to adequately address any potential adverse environmental effects.

121. Solar Krafte committed to developing a post-construction wildlife monitoring plan and mitigation plan premised on the *Wildlife Directive for Alberta Solar Energy Projects*, and committed to submitting the proposed plan to the Town for approval prior to construction.²⁴ The Commission finds that this commitment, and the submission from AEP that it encourages the siting of solar projects within urban limits,²⁵ adequately satisfies any potential adverse wildlife impacts. Consequently, the Commission conditions its approval on the following:

- e) At least 30 days prior to commencing operations, Capital Power Generation Services Inc. shall file written confirmation with the Commission, that it has finalized its post-construction wildlife monitoring plan and mitigation plan and has filed that plan with the Town of Strathmore.

7 Decision

122. Pursuant to Section 11 of the *Hydro and Electric Energy Act*, the Commission approves the application and grants Capital Power Generation Services Inc. the approval set out in Appendix 1 – Strathmore Solar Power Plant – Approval 25346-D02-2020 – November 27, 2020 (Appendix 1 will be distributed separately).

123. Pursuant to Section 18 of the *Hydro and Electric Energy Act*, the Commission approves the application and grants Capital Power Generation Services Inc. the approval set out in Appendix 2 – Strathmore Solar Power Plant Interconnection – Order 25346-D03-2020 – November 27, 2020 (Appendix 2 will be distributed separately).

Dated on November 27, 2020.

Alberta Utilities Commission

(original signed by)

Carolyn Dahl Rees
Chair

²³ Exhibit 25346-X0038, Information Response (Round 1), PDF page 2.

²⁴ Exhibit 25346-X0038, Information Response (Round 1), PDF page 6.

²⁵ Exhibit 25346-X0006, AEP Response to Urban Project, PDF page 1.

Appendix A – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Solar Krafte Utilities Inc. Jeff Thachuk
Capital Power Generation Services Inc. Rob Wydareny
Cyber Investments Ltd. Bruce Klaiber Dennis Langen Vincent Light

Appendix B – Summary of Commission conditions of approval

This section is intended to provide a summary of all conditions of approval for the convenience of readers. 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.

The following are conditions of Decision 25346-D01-2020 that require follow-up with the Commission, and will be tracked as conditions of Power Plant Approval 25346-D02-2020 using the AUC's eFiling System:

- Capital Power Generation Services Inc. shall either (i) provide confirmation prior to commencing construction that the current development permit for the project includes a condition to develop and finalize a detailed site servicing plan, and a detailed drainage and stormwater management plan in consultation with the Town of Strathmore, or (ii) develop and finalize a detailed site servicing plan, and a detailed drainage and stormwater management plan in consultation with the Town of Strathmore. If Capital Power files its responses per condition (ii), it shall file copies of its finalized detailed plans with the Commission, and confirmation that it had provided the finalized plan with the Town of Strathmore, no later than 30 days before the commencement of construction.
- Capital Power Generation Services Inc. shall develop and finalize a site-specific emergency response plan. The emergency response plan shall be developed in accordance with requirements of the Town and in consultation with the local first responders that would respond to an emergency at the project. Prior to finalization Capital Power shall provide the draft emergency response plan to Cyber, and allow Cyber to provide comments. Capital Power shall file a copy of its finalized emergency response plan with the Commission, and confirmation that it had provided the finalized plan with the Town of Strathmore and Cyber, no later than 30 days before the commencement of construction.
- Capital Power Generation Services Inc. shall file a report detailing any complaints or concerns it receives or is made aware of regarding solar glare from the project during its first year of operation, as well as Capital Power's response to the complaint. Capital Power shall file this report no later than 13 months after the project becomes operational.
- At least 30 days prior to commencing operations, Capital Power Generation Services Inc. shall file written confirmation with the Commission, that it has finalized its post-construction wildlife monitoring plan and mitigation plan and has filed that plan with the Town of Strathmore.

The following are conditions of Decision 25346-D01-2020 that do not require follow-up with the Commission:

- Capital Power Generation Services Inc. shall use a standard anti-reflective coating for the project's solar panels.