

February 17, 2023

Joan Yu
Alberta Utilities Commission
Eau Claire Tower
1400, 600 Third Avenue S.W.
Calgary, Alberta T2P 0G5

Via Email
Joan.Yu@auc.ab.ca

Dear Ms. Yu,

RE: ATCO Electric Ltd.'s Input on Changes to AUC Rule 012: Noise Control (Bulletin 2022-12)

ATCO Electric Ltd. (ATCO) appreciates the opportunity to comment on the Alberta Utilities Commission's (the AUC) recent changes to Rule 012 which applies to noise control, pursuant to the *Hydro and Electric Energy Act*, *Electric Utilities Act* and *Transmission Regulation*, as requested in Bulletin 2022-12. General comments and specific recommendations on several key areas are outlined below.

Urban Permissible Sound Level (Questions 1 and 2)

ATCO has no comment on urban permissible sound levels.

New Dwelling Permissible Sound Levels (Questions 3 and 4)

Regarding sections 2.3 and 2.4, ATCO does not believe that changes are required.

The expectations placed on licencees to provide information on permissible sound levels when a new dwelling is constructed near an approved facility is reasonable for licencees. It is appropriate to share information, when requested, with the stakeholders near approved facilities.

Regarding section 2.5, further clarification is still required.

The requirement outlined in section 2.5(2) for a potentially uncompleted facility to monitor for new dwellings and rerun noise models has the high probability of introducing significant cost and schedule impacts, particularly for projects where construction is underway but not completed. ATCO recommends that this section be revised to only apply to "*approved facilities where the licencee has not substantially started construction*". For facilities where construction is underway and, at a minimum, foundation work has been completed, having to potentially amend the approved facility during construction will prove to be an unreasonable burden on the licensee.

In addition, the requirement outlined in section 2.5(3)(a) for a licencee to *take all necessary steps to ensure compliance with the permissible sound levels* if new modelling indicates permissible sound levels

will not be met, would significantly impact both project cost and schedule. Mitigation solutions can be extremely expensive and could have significant impacts to the approved facilities design and implementation. For this reason, ATCO recommends, again, that this section be revised to only apply to *“approved facilities where the licensee has not substantially started construction”*.

This change would shift the trigger of Section 2.5 to the start of construction and is intended to create a shared expectation for both the licensee and the owner of a new dwelling.

Alternatively, ATCO recommends that section 2.5 be split into two separate sections/entities:

“Permissible sound levels for new dwellings built in proximity to an approved but **not completed** facility after the construction completion date indicated in the facility’s approval or permit”; and

“Permissible sound levels for new dwellings built in proximity to an approved but **not constructed** (meaning that construction has not yet commenced) facility after the construction completion date indicated in the facility’s approval or permit”.

The requirement outlined in section 2.5(2) and 2.5(6) is also an unreasonable request for licensees in situations where construction has started on an approved facility, even if it does not meet the original completion date as outlined in the approval or permit. Introducing the requirement to monitor for new dwellings (2.5(2)) prior to construction completion will be burdensome to the licensee and will introduce new cost implications. The requirement to complete a new noise impact assessment, if a new dwelling is constructed in proximity to a facility that is under construction (2.5(6)) puts all the responsibility for compliance on the licensee and could have significant cost impacts to a project. For this reason, ATCO recommends, again, that this section be revised to only apply to *“approved facilities where the licensee has not substantially started construction”*.

ATCO appreciates the opportunity to provide feedback on the proposed changes to Rule 012. Should you have any questions and/or require further discussions, please contact Nicole Hupka, Supervisor, Land Planning at 780-293-6033 or at Nicole.Hupka@atco.com.

Sincerely,

ATCO Electric Ltd.

<Original signed by>

Melanie Gaspar
Manager, Lands