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July 7, 2022

Alberta Utilities Commission
 1400, 600 Third Avenue S.W.
 Calgary, Alberta
 T2P 0G5

Dear Ms. Yu,

Re: Bulletin 2022-08 Stakeholder Consultation for AUC Rule 012: Noise Control

In response to the AUC’s request for feedback on proposed amendments to AUC Rule 012: *Noise Control*, please accept TransCanada Energy Ltd.’s (TCE) comments as outlined below.

Draft AUC Rule 012	TransCanada Energy Ltd. Comments
Glossary (Appendix 1) “Noise Receptor”	
<i>“...The Commission may consider other types of noise receptors (e.g., sites of ceremonial or cultural importance) on a case-by-case basis. In these circumstances, the party who requests consideration of a non-dwelling receptor must provide justification or explanation for why noise compliance at this location should be considered.”</i>	TCE interprets the proposed “ <i>other types of noise receptors</i> ” language within the definition of “Noise Receptor” to be restricted to Indigenous rightsholders’ sites of ceremonial or cultural significance with seasonal occupation of Crown land within 1.5 km of the project area. If this interpretation aligns with the AUC’s intention, TCE proposes that the definition be narrowed to apply to these rightsholders only, and define the type of factors that will be considered in determining whether the location is considered a ‘noise receptor’ by the Commission. For example, do factors such as current or historic use, whether the site is used by individual members or whole communities, or the length of time or frequency of use of the site each year, impact the determination of whether the site would be considered a noise receptor? Additionally, would the permissible sound level change at these locations depending on frequency of their use (for example, days vs. weeks or months)? Further, if the noise receptor is not occupied at night, would it be subject to the nighttime permissible sound levels? Uncertainty associated with the proposed definition makes it difficult for proponents to evaluate the feasibility of various locations during early project planning, as there is no clarity for determining sites of ceremonial or cultural importance (i.e., as currently proposed, these sites are not necessarily something that can be evaluated through a desktop study).

Sincerely,

TransCanada Energy Ltd.

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