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Alberta Utilities Commission
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2025-05-22

Subject: AUC Rule 007 Rule Feedback

Dear Alberta Utilities Commission,

Thank you for the opportunity to provide written feedback on the draft blackline version of Rule 007: Facility Applications. We appreciate the Commission's efforts to enhance clarity, organization, and consistency through this revised rule and to incorporate stakeholder input gathered during consultations held in 2024.

ABO has reviewed the draft blackline and commend the AUC for integrating considerations related to the Electric Energy Land Use and Visual Assessment Regulation (EELUVAR) and the interim information requirements in Bulletin 2024-25. These updates reflect a thoughtful approach to balancing regulatory clarity with environmental and land use priorities.

Please find ABO's comments and suggestions attached for your consideration. I hope they are helpful in supporting the continued improvement of Rule 007.

Thank you for your work and the opportunity to contribute.

Sincerely,

Beth Boyce

Beth Boyce,
Project Manager

AUC Rule 007 Draft Blackline Review- ABO Energy Comments	
Updated Section	**ABO Energy Comments for the AUC**
2.1: Preparation of an application	Is "describing" intended to be different than "including documentation describing"? Is a full PIP report following the PIP requirements still required?
2.2: Submission via the efiling system	No comment
2.3: Application deemed complete	Does this include the full Record of Consultation? Currently, we describe the consultation process and only include the Record of Consultation for those individuals if they are requested by the AUC or Intervenors.
4: Power plants	No comment
4: Power plants	No comment
4.2: Checklist applications for new power plants equal to or greater than one megawatt and less than 10 megawatts that are not proposed as micro-generation units under the Micro-generation Regulation	No issue with this but some confidential information (e.g., nest locations) should be redacted for FWMIS purposes.
4.3.2: WP5	No comment
4.3.2: WP8 (NEW)	No comment
4.3.2: WP14 (Previously WP13)	No comment
4.3.2: WP16 (NEW)	No comment
4.3.2: WP17 (NEW)	No comment
4.3.2: WP18 (NEW)	These assessments are completed on a hypothetical situation. A modeled shadow flicker prediction that exceeds thresholds is not necessarily indicative of an actual impact. Actual complaints and issues will be addressed in operations.
4.3.2: WP19 (NEW)	This depends on what is in the municipal documents. If the AUC implements a setback to a residence to be dictated by Rule 012 but a Land Use Bylaw has a larger setback there is potential that the project does not meet the County setbacks. What does the AUC intend to do if Municipalities intentionally create a Land Use Bylaw to conflict with an AUC direction? Not clear why it is necessary to provide proof of compliance or non-compliance with municipal bylaws and/or justify non-compliance. It is typical practice for proponents to engage with municipalities as part of development. As part of the development permit process, it may be necessary to request variances to some aspects of a plan or bylaw to balance cumulative compliance with various other provincial regulatory, federal requirements and stakeholder requests/feedback. An AUC application is not the appropriate process whereby proponents should have to justify compliance/non-compliance with processes under Municipal jurisdictions, because outcomes may not be fully known at the time of Application to the AUC. What is the ultimate intent here? Is it to ensure we consult with the MD or that we are compliant with the MD.

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	Can the AUC put a timeframe on this? Developers spend a considerable amount of time developing projects for submission. It would be unreasonable to restart development if a planning document changed after a significant amount of effort was put into development or near AUC submission. However, we understand the importance of the LUBs and consulting and developing projects in consultation with local planning documents and these documents are typically reviewed very early on in the development process.
4.3.2 : WP20 (NEW)	No comment to change the requirement however, a reminder/note that development permits are often not applied for before applicants have AUC P&L because they have shorter duration approvals, usually 1-2 years.
4.3.2: WP21 (Previously WP15)	No comment
4.3.2: WP22 (Previously WP16)	No comment
4.3.2: WP24 (NEW)	Current as of what time frame. Siting a project vs the time it takes to complete all required work to submit an AUC application can be years in which time the AGRASID data may change therefore impacting development. What flexibility is there, given the duration of development, if AGRASID is periodically updated?
4.3.2: WP25 (NEW)	No comment
4.3.2: WP26 (NEW)	No comment
4.3.2: WP27 (NEW)	Is this necessary for wind development given a very high % of the lands are not impacted? What is the expectation of developers if at the time of siting and through development AGRASID shows poor quality soils and then at some point prior to submission, but after significant investment has been made, the data is updated and soil quality has changed? a) This is already included in the EE. Can we merge this with the EE or have it as an appendix. Could add language to the EE section to reference the AIA. b) This is already included in the EE. Developers may just refer to the EE. c) This is in the EE or EPP – developers will likely refer to these documents with some of the added context as requested. d) It should not be expected or required by the AUC that an applicant would be able to access / share crop rotation, grazing regimes, typical yield and revenue information. This could only be done IF the landowner agreed to provide it and was provided to the AUC as a confidential filing. Even under a confidential filing this feels like an invasive request. This is private landowner information. e) This is likely a non-issue for the developer for wind f) This is likely a non-issue for the developer for wind
4.3.2: WP28 (NEW)	It is difficult to determine what will be considered a "valued viewscape" (subjective). The word "valued" should be replaced with a more neutral word. Mitigating visual impacts on the entire "zone" within which a project is situated is an impossible standard.
4.3.2: WP30 (Previously WP19), End of life	Our preference would be to having the project fund an escrow account over the project's lifespan. If an LC is posted instead of an escrow account, then it would be sized to step-up over the project's lifetime to ensure sufficient capacity for decommissioning. Such funds are set aside progressively to cover end-of-life obligations to ensure that they are independent from the developer's future financial status.
4.3.2: WP31 (Previously WP20)	No comment
4.3.2: WP32 (NEW)	No comment
4.3.2: WP34 (Previously WP22)	No issue with this but some confidential information (e.g., nest locations) should be redacted for FWMIS purposes.

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4.3.2: WP35 (Previously WP23)	Based on the timing of development* and Alberta Culture review times, an "approval" may not be available at the time of the facility application submission. The previous Rule 007 requirement should be retained since construction cannot take place without this permit. Alternatively, the requirement could be to provide the HRA approval/results in the project update that is required 90 days before construction. This would account for potential layout changes. *HRA applications are based on a layout and it is not ideal to submit multiple revisions of an HRA application so this is best done when the project is confident on the layout which sometimes happens with too little time to have an approval in hand prior to an AUC application. This may put additional, undue burden on Alberta Culture.
4.3.2: WP38 (Previously WP26)	No comment
4.3.2: WP39 (Previously WP27)	No comment
4.3.2: WP40 (Previously WP28)	No comment
4.3.2: WP41 (NEW)	No comment
4.3.2: WP44 (Previously WP31)	No comment
4.3.3: Amendment process, Table 4.2: Final project update requirements for wind power projects	No comment
4.3.3: Amendment process (Letter of enquiry)	No comment
4.4.2: SP5	No comment
4.4.2: SP6	No comment
4.4.2: SP8 (NEW)	No comment
4.4.2: SP14, Glare	No comment
4.4.2: SP15 (NEW)	No comment
4.4.2: SP16 (NEW)	These assessments are completed on a hypothetical situation. Actual complaints and issues will be addressed in operations.
4.4.2: SP17 (NEW)	This depends on what is in the municipal documents. If the AUC implements a setback to a residence to be dictated by Rule 012 but a Land Use Bylaw has a larger setback there is potential that the project does not meet the County setbacks. What does the AUC intend to do if Municipalities intentionally create a Land Use Bylaw to conflict with an AUC direction? Not clear why it is necessary to provide proof of compliance or non-compliance with municipal bylaws and/or justify non-compliance. It is typical practice for proponents to engage with municipalities as part of development. As part of the development permit process, it may be necessary to request variances to some aspects of a plan or bylaw to balance cumulative compliance with various other provincial regulatory, federal requirements and stakeholder requests/feedback. An AUC application is not the appropriate process whereby proponents should have to justify compliance/non-compliance with processes under Municipal jurisdictions, because outcomes may not be fully known at the time of Application to the AUC. What is the ultimate intent here? Is it to ensure we consult with the MD or that we are compliant with the MD.

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	Can the AUC put a timeframe on this? Developers spend a considerable amount of time developing projects for submission. It would be unreasonable to restart development if a planning document changed after a significant amount of effort was put into development or near AUC submission. However, we understand the importance of the LUBs and consulting and developing projects in consultation with local planning documents and these documents are typically reviewed very early on in the development process. This could be integrated into the PIP and not be a new requirement.
4.4.2: SP18 (NEW)	No comment to change the requirement however, a reminder/note that development permits are often not applied for before applicants have AUC P&L because they have shorter duration approvals, usually 1-2 years.
4.4.2: SP19 (Previously SP15)	No comment
4.4.2: SP22 (NEW), Agricultural Information	Current as of what time frame. Siting a project vs the time it takes to complete all required work to submit an AUC application can be years in which time the AGRASID data may change therefore impacting development. What flexibility is there, given the duration of development, if AGRASID is periodically updated?
4.4.2: SP23 (NEW), Agricultural Information	No comment
4.4.2 SP24 (NEW), Agricultural Information	No comment
4.4.2: SP25 (NEW), Agricultural Information	What is the expectation of developers if at the time of siting and through development AGRASID shows poor quality soils and then at some point prior to submission, but after significant investment has been made, the data is updated and soil quality has changed? In addition, for decades there has been a mandate to preserve native habitat. Solar farms provide an opportunity to create habitat that has been lost as well as an opportunity to study wildlife and wildlife habitat conservation, There are many studies ongoing re: solar and wildlife communities so even if some ag lands are lost for a short time, they still provide habitat when compared to other energy types. a) This is already included in the EE. Can we merge this with the EE or have it as an appendix. Could add language to the EE section to reference the AIA. b) This is already included in the EE. c) This is in the EE or EPP d) It should not be expected or required by the AUC that an applicant would be able to access / share crop rotation, grazing regimes, typical yield and revenue information. This could only be done IF the landowner agreed to provide it and was provided to the AUC as a confidential filing. Even under a confidential filing this feels like an invasive request. This is private landowner information. e) If the Agrivoltaics plan is implemented by the owner and not by the landowner some performance information can be shared, but in some cases these plans are subcontracted out or taken on by the landowner and again this information may not be available or public. f) There are many approved Agrivolatics plans now in AB, some implemented and successful so this should not be a problem. Applicants could use the Alberta Crop Report for the previous year supplied by the GoA to make general statements about agricultural activity and productivity. How is this intended to be used. What is the expectation here? There are many reasons for poor productivity that may not be caused by the development. Also, if there is an agrivoltaics plan, there is incentive for it to be successful because it has a cost but at the same time proponents and landowners should be able to make that financial decision without interference from the AUC. Private property rights need to be respected.
4.4.2: SP26 (NEW), Visual	It is difficult to determine what will be considered a "valued viewscape" (subjective). The word "valued" should be replaced with a more neutral word. Mitigating visual impacts on the entire "zone" within which a project is situated is an impossible standard.
4.4.2: SP27 (NEW), Visual	No comment

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4.4.2: SP29 (Previously SP19), End of Life	Our preference would be to having the project fund an escrow account over the project's lifespan. If an LC is posted instead of an escrow account, then it would be sized to step-up over the project's lifetime to ensure sufficient capacity for decommissioning. Such funds are set aside progressively to cover end-of-life obligations to ensure that they are independent from the developer's future financial status.
4.4.2: SP30 (Previously SP20), Noise	No comment
4.4.2: SP31 (NEW), Noise	No comment
4.4.2: SP33 (Previously SP22)	No comment
4.4.2: SP34 (Previously SP23)	Based on the timing of development* and Alberta Culture review times, an "approval" may not be available at the time of the facility application submission. The previous Rule 007 requirement is sufficient since construction cannot take place without this permit in place. Alternatively, the requirement could be to provide the HRA results in the project update that is required 90 days before construction. This would account for potential layout changes. *HRA applications are based on a layout and it is not ideal to submit multiple revisions of an HRA application so this is best done when the project is confident on the layout which sometimes happens with too little time to have an approval in hand prior to an AUC application. This may put additional, undue burden on Alberta Culture.
4.4.2: SP39 (Previously SP28)	No comment
4.4.2: SP40 (NEW)	No comment
4.4.2: SP41 (NEW)	No comment
4.4.2: SP42 (Previously SP30)	No comment
Table 4.6, Final project update requirements	No comment
Letter of Enquiry	No comment
4.5.2: Thermal	If the Government of Alberta is focusing on an agriculture first approach to development, thermal plants should also be held to an equivalent standard. Rule 007 has not included the addition of the agricultural requirements that have been added for wind and solar. This would not be in line with the values of fairness at the AUC.
4.6.2: Other power plant applications	If the Government of Alberta is focusing on an agriculture first approach to development, other power plants should also be held to this standard. Rule 007 has not included the addition of the agricultural requirements that have been added for wind and solar. This would not be in line with the values of fairness at the AUC.
4.7.2: Hydroelectric	If the Government of Alberta is focusing on an agriculture first approach to development, hydroelectric should also be held to this standard. Rule 007 has not included the addition of the agricultural requirements that have been added for wind and solar. This would not be in line with the values of fairness at the AUC.
4.8.1: Community Generation	No comment
5.1 (NEW), Initial period to construct	Given the challenges in the AB Market and changes that are taking place at the AESO in 2026 five years from the power plant approval date is too short. 10 years (with possibility of extension) would be agreeable as this allows for time to go through the interconnection process and procurement. Procurement right now for some components is over 2 years and

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	for many developers do not begin until P&L is in hand. Tariffs will have an impact on timing for procurement – items we may have gotten from the US in the past may not be applicable now and supply for certain components may be limited. Ten years is better but if its five then there needs to be more flexibility. Filing a new application would be potentially time consuming and expensive. What is the AUC hoping to get out of this timeline and limiting extensions?
7.2.1: Transmission line, substation and other transmission facility applications	No comment
7.2.1: TS16	No comment
7.2.1: TS17 (NEW)	No comment
7.2.1: TS17	No comment
7.2.1: TS23 (Previously TS21)	No comment
7.2.1: TS24 (Previously TS22)	No comment
7.2.1: TS26 (NEW), Municipal land use	This may not be an appropriate question for this section. Typically land use bylaws do not discuss transmission lines beyond mention of above ground or below ground and perhaps reference to right of way use and roads. Developers / TFOs work together using standards for transmission design, the MSSC, and routing and siting to determine the transmission facility design. Municipal considerations like setbacks can be taken into account however, the regulations for transmission lines in Alberta are more flexible than say for wind and solar. There is even a process through the surface rights board for transmission. No major concerns with this addition, however, how does the AUC plan to use this information if there are deviations?
7.2.1: TS27 (Previously TS24), Environmental information	No comment
7.2.1: TS31 (Previously TS28), Noise	No comment
7.2.1: TS32 (NEW), Noise	No comment
7.2.1: TS35 (Previously TS31), Historical resources	Based on the timing of development* and Alberta Culture review times, an "approval" may not be available at the time of the facility application submission. The previous Rule 007 requirement is sufficient since construction cannot take place without this permit in place. Alternatively, the requirement could be to provide the HRA results in the project update that is required 90 days before construction. This would account for potential layout changes. *HRA applications are based on a layout and it is not ideal to submit multiple revisions of an HRA application so this is best done when the project is confident on the layout which sometimes happens with too little time to have an approval in hand prior to an AUC application. This may put additional, undue burden on Alberta Culture.
7.2.1: TS36 (NEW), Engagement	No comment
7.2.1: TS40 (NEW), Engagement	No comment
7.2.2: Amendment process	No comment
9.1: Decommission and salvage	No comment

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10: Energy storage	No comment
10.3: ES10	No comment
10.3: ES13 (NEW)	No comment
10.3: ES19 (NEW)	No comment
10.3: ES20 (NEW)	No comment
10.3: ES21 (NEW)	No comment
10.3: ES22 (NEW)	No comment
10.3: ES24 (NEW)	No comment
10.3: ES25 (NEW)	No comment
10.3: ES26 (NEW)	No comment
10.3: ES27 (NEW)	No comment
10.3: ES28 (NEW)	No comment
10.3: ES29 (NEW)	This should be done with vendor information but completed in consultation with the local emergency responders. If they need advice or suggestions, this can be sought for the ERP. Developers do not always have vendor specific information, or final information at the time of the Application. What type of third party monitoring are you referring to?
10.3: ES30 (NEW), Municipal land use	This depends on what is in the municipal documents. If the AUC implements a setback to a residence to be dictated by Rule 012 but a Land Use Bylaw has a larger setback there is potential that the project does not meet the County setbacks. What does the AUC intend to do if Municipalities intentionally create a Land Use Bylaw to conflict with an AUC direction? What is the ultimate intent here? Is it to ensure we consult with the MD or that we are compliant with the MD. Can the AUC put a timeframe on this? Developers spend a considerable amount of time developing projects for submission. It would be unreasonable to restart development if a planning document changed after a significant amount of effort was put into development or near AUC submission. However, we understand the importance of the LUBs and consulting and developing projects in consultation with local planning documents and these documents are typically reviewed very early on in the development process.
10.3: ES31 (NEW)	No comment
10.3: ES32 to 35, Environmental information	No comment
10.3: ES36, End of life	Our preference would be to having the project fund an escrow account over the project's lifespan. If an LC is posted instead of an escrow account, then it would be sized to step-up over the project's lifetime to ensure sufficient capacity for decommissioning. Such funds are set aside progressively to cover end-of-life obligations to ensure that they are independent from the developer's future financial status.

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10.3: ES37, Noise	No comment
10.3: ES38, Noise	No comment
10.3: ES40, Historical resources	Based on the timing of development* and Alberta Culture review times, an "approval" may not be available at the time of the facility application submission. The previous Rule 007 requirement is sufficient since construction cannot take place without this permit in place. Alternatively, the requirement could be to provide the HRA results in the project update that is required 90 days before construction. This would account for potential layout changes. *HRA applications are based on a layout and it is not ideal to submit multiple revisions of an HRA application so this is best done when the project is confident on the layout which sometimes happens with too little time to have an approval in hand prior to an AUC application. This may put additional, undue burden on Alberta Culture.
10.3: ES42 to ES44, PIP	No comment
10.3: ES45 (NEW), PIP	No comment
10.3: ES46 (NEW), PIP	No comment
Table 10.2	No comment
10.5: Decommission ad salvage of energy storage facilities	No comment
10.7: Time extension, 10.7.1 (NEW)	Given the challenges in the AB Market and changes that are taking place at the AESO in 2026 five years from the approval date is too short. 10 years (with possibility of extension) would be agreeable as this allows for time to go through the interconnection process and procurement. Procurement right now for some components is over 2 years and for many developers do not begin until P&L is in hand. Tariffs will have an impact on timing for procurement – items we may have gotten from the US in the past may not be applicable now and supply for certain components may be limited. Stand alone energy storage may not have the same timeline restrictions as wind and solar however, if it is paired with one of those technologies, the approval timeline should match the power plant. Ten years is better but if its five then there needs to be more flexibility. Filing a new application would be potentially time consuming and expensive. What is the AUC hoping to get out of this timeline and limiting extensions?
11: Interconnection application	No comment
Appendix A1 - PIP	No comment
Appendix A2 – PIP for Indigenous groups 4 – benefits (NEW)	No comment
5: Projects on FN reserve (NEW)	No comment
6: Environmental impacts and historical resources	No comment

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