Enel Green Power Canada, Inc.

May 22, 2025

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

RE: Draft blackline Rule 007 Comments

Dear Alberta Utilities Commission,

Enel Green Power Canada, Inc. (Enel) appreciates the opportunity to provide feedback to the Alberta Utilities Commission (AUC) regarding the draft blackline Rule 007.

In the draft blackline Rule 007, the AUC has proposed many substantive changes that will affect the development and operation of power plants and facilities in the province of Alberta. Enel understands that some of the proposed changes are in response to Government of Alberta regulatory changes; however, Enel is concerned that some of the proposed changes include information requirements that exceed what is reasonably required for the AUC to evaluate potential affects to people and the environment and make fair and unbiased public interest decisions.

Please find attached Enel's comments and suggestions pertaining to the proposed draft blackline Rule 007.

Sincerely,

Enel Green Power Canada, Inc.

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2.3 Application deemed complete	Does this include the full Record of Consultation? Typical practice is to describe the consultation process and only include the Record of Consultation for those individuals if they are requested by the AUC or Intervenors.
4.2 Checklist applications	The Renewable Energy Project (REP) Submission Report may contain sensitive information that AEPA may not want publicly disclosed (e.g., exact nest locations for sensitive species). Has the AUC coordinated with AEPA regarding redaction of sensitive wildlife data in the REP Submission Report?
4.3.2 Shadow flicker - WP17 and WP18	A shadow flicker threshold of 30min/day is very punitive. A requirement to use the worst-case scenario for mitigation purposes is excessively conservative because it is not representative of the entire year. The adjusted case scenario is a more reasonable estimate of potential conditions during operations. Shadow flicker assessments are completed on a hypothetical situation. A modeled shadow flicker prediction that exceeds a threshold is not necessarily indicative of an actual impact. Actual complaints and issues are best addressed during operations. It is not clear why modelling mitigation measures is a useful exercise.
4.3.2 Municipal land use - WP19	The intent of this requirement is not clear. Is it to ensure consultation with municipalities or to ensure that proponents are compliant with municipal documents? It is typical practice for proponents to engage with municipalities and review local planning documents as part of the project development process. 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 other provincial regulatory, federal requirements and stakeholder requests/feedback. It is not clear why an AUC application must justify compliance/non-compliance with processes under municipal jurisdictions when municipal permit or variance request outcomes may not be known at the time of application to the AUC. Real concerns exist about how differences in opinion or requests for relaxations would be viewed and used by groups/municipal

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	politicians opposing projects during a Proceeding. What does the AUC intend to do if municipalities amend Land Use Bylaws to conflict with an AUC Rules and direction?
4.3.2 Municipal land use - WP20	Development permits are not necessarily applied for before applicants have AUC Permit and License because they have shorter duration approvals, usually 1-2 years.
4.3.2 Agricultural information - WP24	Siting a project versus the time required to complete all assessments and submit an AUC application takes multiple years in which time the AGRASID data may change. Flexibility is required with this information given the long timelines to develop a project, the coarse quality of the data and the risk of AGRASID revisions leading up to or during a Proceeding.
4.3.2 Agricultural information - WP27	The information requested in this section is excessive given that a very small percentage of land is affected by surface infrastructure for the duration of a wind project. It is also inefficient to have to provide soil information in multiple locations of an application and within multiple standalone reports. These information requirements incorporate considerable uncertainty and costs to projects. What is the expectation/process if at the time of siting and through development AGRASID shows poor quality soils and then at a point prior to submission, but after significant investment has been made by the project, the data is updated, and soil quality is altered? Information requested in subsection (a) and (b) is redundant and already included in the Environmental Evaluation (EE), Conservation and Reclamation Plan and/or Pre-disturbance Site Assessment (PDSA). It is inefficient to have to provide soil information in multiple locations of an application and within multiple standalone reports. Information requested in subsection (c) is already provided in the EE or Environmental Protection Plan (EPP). Information requested in subsection (d) includes the provision of private or confidential business information pertaining to land

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	productivity and land use (i.e., yield, revenue, marketability). This information should not be expected or required by the AUC. Information requested in subsection (e) requires proponent to publicly evaluate and co-locate its activities with agricultural as part of its project activities. We note that other commercial and industrial projects in Alberta do not have this requirement. Information requested in subsection (e) and (f) are reasonable. Overall, Enel is not aware of another commercial or industrial enterprises in Alberta that are required to publicly evaluate, integrate and co-locate of its activities with agricultural as part of its project activities.
4.3.2 Visual impact assessment - WP28	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 not a reasonable standard.
4.3.2 Approvals, reports and assessments from other agencies - WP34	The Renewable Energy Project (REP) Submission Report may contain sensitive information that AEPA may not want publicly disclosed (e.g., exact nest locations for sensitive species). Has the AUC coordinated with AEPA regarding redaction of sensitive wildlife data in the REP Submission Report?
4.3.2 Approvals, reports and assessments from other agencies - WP35	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.
4.3.2	These sections are duplicative information requirements pertaining consultation with municipalities has been added. All consultation

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Participant involvement program - WP40 and WP41	information is best provided in the PIP and does not need to be duplicated.
4.4.2 Glare - SP16	These assessments are completed on a hypothetical situation. It is concerning that industry is being asked to mitigate and confirm mitigation before a potential impact occurs (i.e., a complaint has been expressed). Actual complaints and issues are best addressed during operations. It should be noted that a modelled effect does not necessarily translate into an effect at a receptor or a complaint. Therefore, the requirement for mitigation of solar glare based on a worst-case modelled scenario is not justifiable.
4.4.2 Municipal land use - SP17	What is the intent of this requirement? Is it to ensure consultation with the municipality or that proponents are compliant with municipal documents? It is typical practice for proponents to engage with municipalities and review local planning documents as part of the project development process. 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 other provincial regulatory, federal requirements and stakeholder requests/feedback. It is not clear why an AUC application must justify compliance/non-compliance with processes under municipal jurisdictions, because municipal permitting or variance request outcomes may not be known at the time of application to the AUC. Potential instances of non-compliance may be best integrated into the PIP. Real concerns exist about how differences in opinion or requests for relaxations would be viewed and used by groups/municipal politicians opposing projects during a Proceeding. What does the AUC intend to do if municipalities amend Land Use Bylaws to conflict with an AUC Rules and direction?

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4.4.2 Municipal land use - SP18	Note: Development permits are not necessarily applied for before applicants have AUC P&L because they have shorter duration approvals, usually 1-2 years.
4.4.2 Agricultural Information - SP22	Siting a project versus the time required to complete all assessments and submit an AUC application takes multiple years in which time the AGRASID data may change. Flexibility is required with this information given the long timelines to develop a project, the coarse quality of the data and the risk of AGRASID revisions leading up to or during a Proceeding.
4.4.2 Agricultural Information - SP25	The information requestion in this section is excessive given that a very small percentage of leased lands are affected by surface infrastructure for the duration of the project. It is also inefficient to have to provide soil information in multiple locations of an application and within multiple standalone reports. These information requirements incorporate considerable uncertainty and costs to projects. What is the expectation/process if at the time of siting and through development AGRASID shows poor quality soils and then at a point prior to submission, but after significant investment has been made by the project, the data is updated, and soil quality is altered? Information requested in subsection (a) and (b) is redundant and already included in the Environmental Evaluation (EE), Conservation and Reclamation Plan and/or Pre-disturbance Site Assessment (PDSA). Information requested in subsection (c) is already provided in the EE or EPP. Information requested in subsection (d) include the provision of private or confidential business information pertaining to land productivity and land use (i.e., yield, revenue, marketability). This information should not be expected or required by the AUC. Information requested in subsection (e) requires proponent to publicly evaluate and co-locate its activities with agricultural as part

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	of its project activities. We note that other commercial and industrial projects in Alberta do not have this requirement. (f) There are many reasons for poor productivity that may not be caused by a solar facility. Also, if there is an agrivoltaics plan, there is incentive for it to be successful because it has a cost. Proponents and landowners should be able to make financial decisions independent of AUC Rule 007. Private property rights and private business information needs to be respected.
4.4.2 SP26 Visual impact assessment - SP26	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 Approvals, reports and assessments from other agencies - SP34	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.
4.5.2 Thermal power applications	If the Government of Alberta is focusing on an agriculture first approach to development, thermal power 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

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	agricultural requirements that have been added for wind and solar. This would not be in line with the values of fairness at the AUC.
5.1 Time extension for power plants	Given the challenges in the AB Market and changes that are taking place at the AESO into 2026, five years from the power plant approval date to complete construction is too short. Ten (10) years would be reasonable as this would allow for time to go through the interconnection process and procurement. Procurement for various components is in excess of 2 years and given the risks associated with permitting and geopolitics, it is not reasonable to engage in procurement until an AUC Permit and License is acquired. Tariffs will have an impact on timing for procurement – items previously available from the USA may no longer be available and supply for certain components may be limited. Ten (10) years is more realistic. If the AUC selects five years, then there needs to be more flexibility. Having to file a new application would increase project timelines and add considerable project expense.
7.2.1 Municipal land use - TS26	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 for wind and solar.
7.2.1 Historical resources - TS35	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

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	before construction. This would account for potential layout changes.
10.3 Municipal land use - ES30	What is the intent of this requirement? Is it to ensure consultation with the municipality or that proponents are compliant with municipal documents? It is typical practice for proponents to engage with municipalities and review local planning documents as part of the project development process. 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 other provincial regulatory, federal requirements and stakeholder requests/feedback. It is not clear why an AUC application must justify compliance/non-compliance with processes under municipal jurisdictions, because municipal permitting or variance request outcomes may not be known at the time of application to the AUC. Potential instances of non-compliance may be best integrated into the PIP. Real concerns exist about how differences in opinion or requests for relaxations would be viewed and used by groups/municipal politicians opposing projects during a Proceeding. What does the AUC intend to do if municipalities amend Land Use Bylaws to conflict with an AUC Rules and direction?
10.3 Historical resources - ES40	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. This may put additional, undue burden on Alberta Culture.
10.7 Time extension ES	Given the challenges in the Alberta Market and changes to the market by AESO, five years from the power plant approval date to complete construction is too short. Ten (10) years would be

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	reasonable as this would allow for time to go through the interconnection process and procurement. Procurement for various components is in excess of 2 years and given the risks associated with permitting and geopolitics, it is not reasonable to engage in procurement until an AUC Permit and License is acquired. Tariffs will also have an impact on timing for procurement. Items previously procured from the USA in the past may no longer be available 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. If the AUC selects five years, then there needs to be more flexibility. Having to file a new application would increase project timelines and add considerable project expense.
Appendix A-1 Section 2.1	The language in the revised Rule 007 suggests that there is a requirement to confirm with the Government of Canada (GoC) with which Indigenous groups proponents must consult. It is not clear that this 'requirement' is limited to crown land or specific instances where there is a duty to consult. A duty to consult is typically only required on crown lands. The revised Rule 007 already suggests a requirement to consult with the Aboriginal Consultation Office (ACO) (e.g., WP36 or SP35). The decision to engage / consult with Indigenous groups should be determined by, or be the responsibility of, proponents, in line with requirements that align with the Crown's duty to consult.