



ATCO Electric Ltd.

Rycroft 730S Substation Expansion Project

August 11, 2020

Alberta Utilities Commission

Decision 25181-D01-2020

ATCO Electric Ltd.

Rycroft 730S Substation Expansion Project

Proceeding 25181

Applications 25181-A001 and 25181-A002

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Contents

1	Decision summary	1
2	Introduction	1
2.1	The Commission’s consideration of the applications	3
3	Proposed expansion area	4
3.1	Views of ATCO Electric	4
3.2	Views of the Woronuks	5
3.3	Commission findings	7
4	Temporary and permanent land rights	8
4.1	Views of ATCO Electric	8
4.2	Views of the Woronuks	8
4.3	Commission findings	9
5	Proposed new access road	9
5.1	Views of ATCO Electric	9
5.2	Views of the Woronuks	10
5.3	Commission findings	10
6	Consultation	11
6.1	Views of ATCO Electric	11
6.2	Views of the Woronuks	11
6.3	Commission findings	12
7	Conclusion	12
8	Decision	13
	Appendix A – Summary of Commission directions and conditions requiring further submissions	14
	Appendix B – Proceeding participants	15

List of figures

Figure 1.	Proposed site layout for Rycroft 730S Substation alteration	2
Figure 2.	Woronuks’ proposed site plan	6

1 Decision summary

1. In this decision, the Alberta Utilities Commission considers whether to approve applications from ATCO Electric Ltd. to alter and operate the Rycroft 730S Substation and Transmission Line 7L10 and for the temporary line bypass between transmission lines 7L68 and 7L10. After consideration of the record of the proceeding, and for the reasons outlined in this decision, the Commission finds that approval of the proposed development is in the public interest, having regard to the social, economic, and other effects of the project, including its effect on the environment.

2 Introduction

2. ATCO Electric, pursuant to Permit and Licence 21781-D06-2016¹ and Permit and Licence 21781-D04-2016,² is the operator of the Rycroft 730S Substation and Transmission Line 7L10.

3. The Commission approved a needs identification document (NID) application for this project in Proceeding 23105 on May 3, 2019, in Decision 23105-D01-2019.³ The need for the substation upgrade was to reduce constraints and accommodate load growth in the Rycroft area. The Alberta Electric System Operator assigned ATCO Electric to submit a facility application for the substation upgrades in response to the approved need.

4. ATCO Electric filed applications with the AUC seeking approval to add one dynamic reactive power support system, rated at +/- 50 megavolt ampere reactive, and two 144-kilovolt circuit breakers. ATCO Electric also proposed to extend the existing 144-kilovolt bus and reconfigure the termination point of Transmission Line 7L10. To accommodate the substation alteration, ATCO Electric proposed to expand the existing fenced area by 70 metres to the south. ATCO Electric also proposed to expand the site boundary by an additional 96 metres to the south and by 69 metres to the west to accommodate a new access road, soil and snow stockpiles and operational workspace areas. ATCO Electric also applied to alter Transmission Line 7L10 by dismantling a short segment of transmission line within the existing substation and reconnecting it at a new tie-in location within the expanded substation area. The applications were filed pursuant to sections 14 and 15 of the *Hydro and Electric Energy Act* and registered on December 11, 2019, as applications 25181-A001 and 25181-A002.

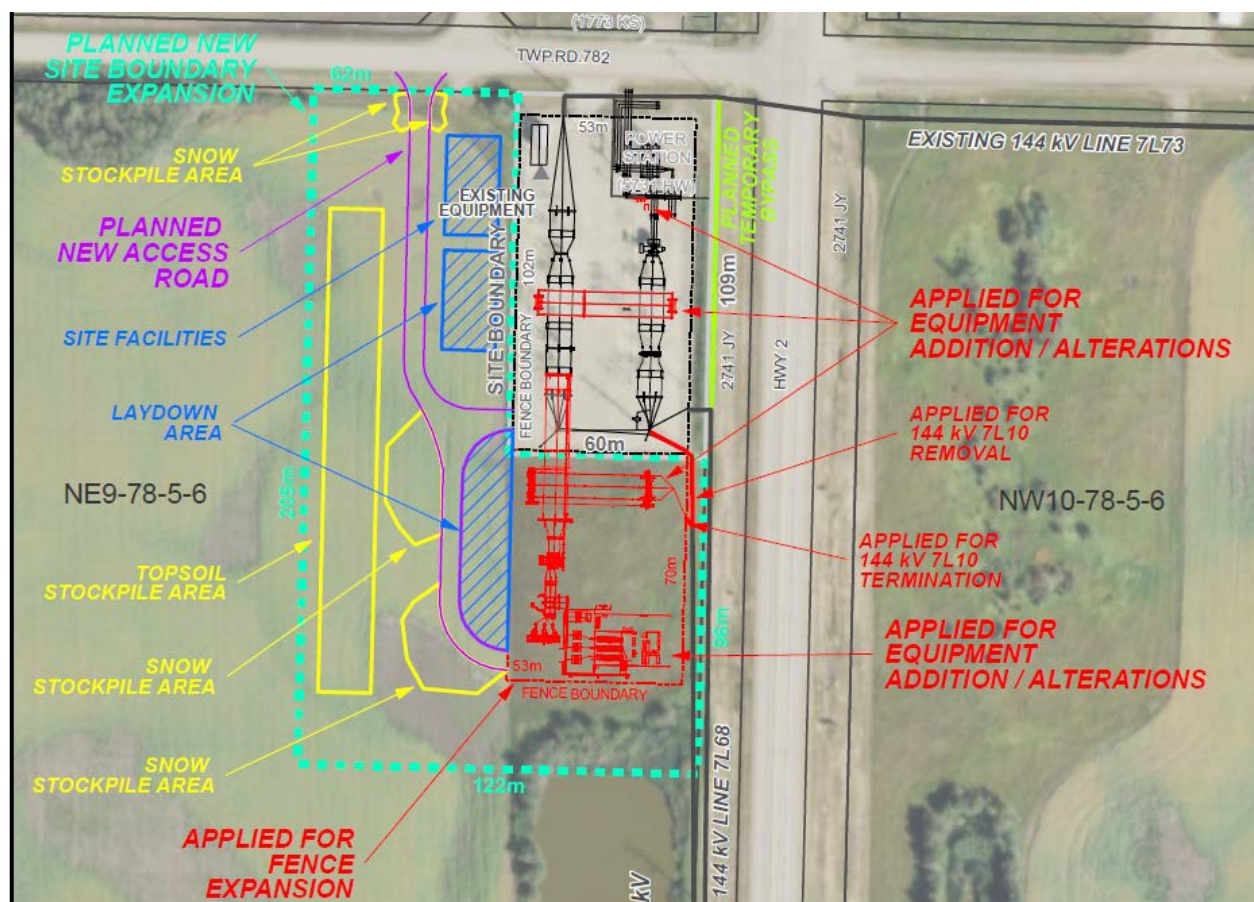
¹ Substation Permit and Licence 21781-D06-2016, Proceeding 21781, Application 21781-A005, September 7, 2016.

² Transmission Line Permit and Licence 21781-D04-2016, Proceeding 21781, Application 21781-A003, September 7, 2016

³ Decision 23105-D01-2019: Alberta Electric System Operator – Rycroft 730S Substation Voltage Support Needs Identification Document, Proceeding 23105, Application 23105-A001, May 3, 2019.

5. ATCO Electric submitted amendments to the applications on June 5, 2020. ATCO Electric reduced the proposed boundary expansion area, reconfigured the new access road and applied for the addition of a temporary line bypass between transmission lines 7L68 and 7L10. ATCO Electric reduced the westward site boundary expansion by seven metres, to 62 metres, by redesigning the access road. The temporary bypass between transmission lines 7L68 and 7L73 would be located just east of the substation site and would be required for approximately one month during construction, to maintain energization of Transmission Line 7L73 during construction. Figure 1 shows the proposed site layout for the substation.

Figure 1. Proposed site layout for Rycroft 730S Substation alteration⁴



6. ATCO Electric submitted that the project is in the public interest and represents the economic, orderly, and efficient development and operation of electric transmission facilities in Alberta.

7. ATCO Electric conducted a desktop evaluation of the study area to identify the potential environmental concerns related to the property or the substation expansion area. ATCO Electric stated that the area immediately adjacent to the substation is primarily agricultural land used as cropland. There is a water body to the south of the project area; however, ATCO Electric stated that no construction activities are planned that would directly impact it. ATCO Electric indicated that no polychlorinated biphenyl (PCB) spills have been recorded and that it would install

⁴ Exhibit 25181-X0059, ATCO_Amendment_Application_Rycroft Substation Expansion_June 5, 2020, PDF page 9.

secondary containment for both the 144-kilovolt area upgrades and the dynamic reactive power support system. ATCO Electric confirmed the project will be constructed and maintained in accordance with Alberta Environment and Parks guidelines.

8. ATCO Electric conducted a noise impact assessment (NIA) for the substation expansion.⁵ The NIA predicted that the proposed expansion would increase sound levels at nearby receptors but would comply with daytime and nighttime permissible sound levels (PSLs) without the need for additional noise control measures. The cumulative sound level at Receptor R01 during the nighttime was predicted to be 48 decibels A-weighted (dBA), which is equal to the nighttime PSL (i.e., compliance margin at R01 was predicted to be zero). Receptor R02 was predicted to have a nighttime compliance margin of 3.4 decibels (dB).⁶ ATCO Electric committed to conducting a post-construction comprehensive sound level (CSL) survey at receptors R01 and R02 to demonstrate compliance, should a CSL survey be directed by the Commission.⁷ Receptors R01 and R02 are located approximately 58 metres and 500 metres from the project, respectively.

9. ATCO Electric anticipated construction to commence by November 2021 with a targeted in-service date of October 2022.

10. The Commission issued a notice of applications on December 20, 2019, and received statements of intent to participate from Dennis Woronuk, Bryan Woronuk and Kelly Woronuk. The interveners raised concerns with the size of the proposed expansion area, the proposed new access road, and the permanent acquisition of the land. Dennis Woronuk owns the land that is required for the substation boundary expansion and Bryan and Kelly Woronuk farm that land. ATCO Electric submitted that while the interveners raised concerns with some aspects of the project, they did not establish that the project was not in the public interest or that it should not be approved by the Commission. The Commission granted standing to all parties and held a virtual oral hearing followed by written argument and reply.

2.1 The Commission's consideration of the applications

11. The Commission considered the applications pursuant to sections 14 and 15 of the *Hydro and Electric Energy Act*. In accordance with Section 17 of the *Alberta Utilities Commission Act*, the Commission must assess the social, economic, environmental and other effects of the project when deciding if approval is in the public interest.

12. The Commission considers that the public interest will be largely met if an application complies with existing regulatory standards and the public benefits of the project 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 The Commission must also 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

⁵ Exhibit 25181-X0008, Atch07_Rycroft Substation Expansion_Noise Impact Assessment.

⁶ Exhibit 25181-X0026, 25181_ATCO_AUC_2020JAN13_InformationResponse FINAL, PDF page 5.

⁷ Exhibit 25181-X0070, ATCO-Undertaking 001.

⁸ EUB Decision 2001-111: EPCOR Generation Inc. and EPCOR Power Development Corporation 490-MW Coal-Fired Power Plant, Application 2001173, December 21, 2001, page 4.

⁹ *Hydro and Electric Energy Act*, RSA 2000 c H-16, ss 2, 3.; *Electric Utilities Act*, SA 2003, c E-5.1.

Rule 012: *Noise Control*. In addition, an applicant must obtain all approvals required by other applicable provincial or federal legislation.

3 Proposed expansion area

3.1 Views of ATCO Electric

13. ATCO Electric stated that it is not seeking Commission approval for the specific configuration of the site boundary. ATCO Electric submitted that it does not typically include, and Rule 007 does not require, the level of detailed land use that ATCO Electric presented in this proceeding. It stated this detail was provided to address the concerns raised by the interveners regarding the size of the proposed expansion area. ATCO Electric stated that the size of the expansion area is reasonable and justified and although minor changes could be made to the overall site plan, ATCO Electric anticipated that it would not result in any change to the proposed site boundary.

14. ATCO Electric submitted that the expansion area is required to accommodate a new access road, on-site top soil storage, snow storage, and operational workspaces. It stated while it is possible to alter the design to change the expansion area, such changes must be weighed against the prudence of expenditures, engineering constraints, the operational needs of the project, and the ability to operate the substation in a safe and efficient manner. ATCO Electric submitted that the total expansion area is necessary to construct, operate and maintain the substation in a safe and efficient manner and that it did not propose the area simply as a matter of convenience.

15. ATCO Electric acknowledged that there were differences between the expansion areas shown in the NID application that was previously approved by the Commission and those shown in the facility applications in this proceeding. ATCO Electric stated that the NID application only referred to the expansion of the fenced area of the site. It added that in the facility applications, the expansion area depicts both the fenced area and the entire site boundary, and is the result of more detailed engineering and design.

16. ATCO Electric estimated the reduction of farmable land resulting from the proposed site expansion to be approximately 4.5 acres and submitted that the expanded site was consistent in size with comparable sites of this nature. ATCO Electric added that some of the expansion land is not currently farmed due to access limitations of the farming equipment. ATCO Electric stated that the landowner would be entitled to compensation for the loss of the land and crops. ATCO Electric submitted that it was open to allowing the Woronuks to farm some unused portions of the expansion area on an annual basis, however, it stated that only preliminary discussions about that had taken place.

17. ATCO Electric stated that it has a statutory obligation under the *Environmental Protection and Enhancement Act* to reclaim the land and so it is required to store topsoil for reclamation. It estimated that 2,489 cubic metres of soil would be stored on the expanded site. It also stated that although on-site storage is not required, it is preferable to do so to minimize tracking issues, transportation costs and replacement costs. ATCO Electric added that Alberta Environment and Parks preferred that topsoil be stored on-site. In response to the Woronuks' proposal to redistribute the topsoil to fill in low spots on the land, ATCO Electric stated that this would create soil supply issues when the site is reclaimed. ATCO Electric

submitted that if the topsoil stockpile was moved from the western boundary to the southern boundary, as the Woronuks also suggested, that would result in a larger expansion area and create potential issues with surface water runoff.

18. ATCO Electric submitted that snow stockpile areas were required in the expansion area and it proposed two locations. ATCO Electric disagreed with the Woronuks that snow cleared from the access road could be stored in the adjacent ditches. It added that snow cleared from the existing and expanded substation areas would also need to be stored and consolidating the stockpile into a single area would not reduce the total area required.

19. While ATCO Electric opposed the late submission of the Woronuks' proposed site plan, it addressed the plan in its reply argument. ATCO Electric submitted that the hand-drawn plan was not accurately surveyed or scaled, and did not provide adequate space for the permanent operational workspaces that were required. ATCO Electric also submitted that soil storage could not be accommodated south of the expanded substation's fenceline because that area is needed for ground grid and surface water management. ATCO Electric also questioned whether the size of the suggested topsoil and snow storage areas were adequate because there were no dimensions on the Woronuks' site plan and it did not seem to account for the amount of clearing needed or the presence of existing trees.

20. ATCO Electric argued that inclusion of a condition of approval requiring the expansion area to reflect what may be possible should be dismissed. It stated that it may be possible to further reduce the expansion size; however, any such consideration must be weighed against the prudence of expenditures, engineering constraints, operational needs and safety.

3.2 Views of the Woronuks

21. Dennis Woronuk stated that he has owned the subject lands for 43 years and the lands are currently cultivated by the Woronuks. The Woronuks raised concerns with the size of the proposed expansion area that ATCO Electric requested to take on a permanent basis. The Woronuks stated that ATCO Electric has not provided sufficient justification for the amount of land that it states it requires for construction, operation and maintenance. The Woronuks also submitted that ATCO Electric is requesting a much larger expansion area than what was contemplated in the NID application.

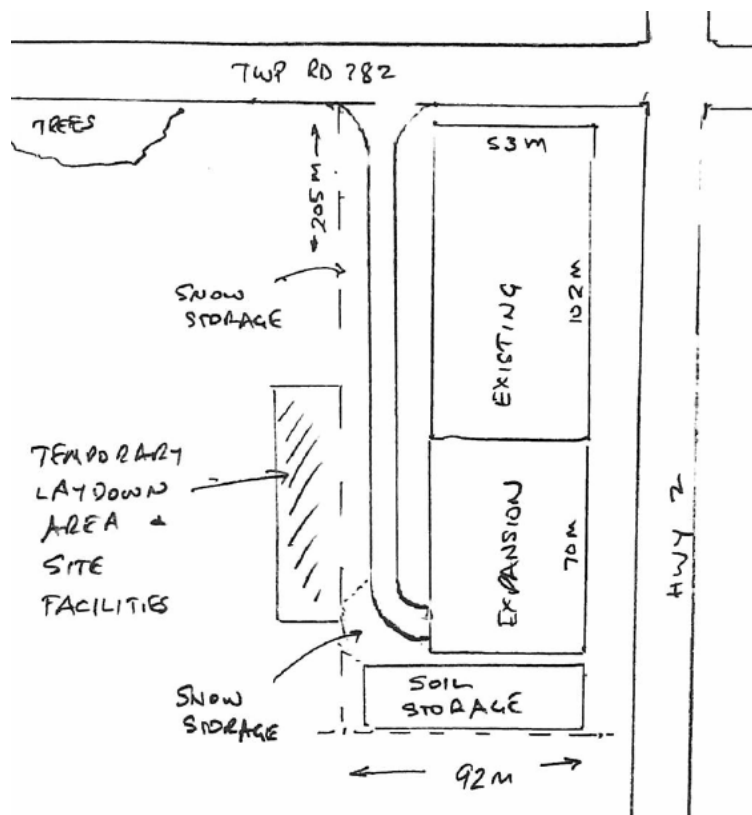
22. Dennis Woronuk testified that ATCO Electric has reduced the expansion area twice; from the preliminary layout to the original application layout and then in the application amendment layout. Prior to each revision, ATCO Electric submitted that the area could not be reduced. Mr. Woronuk submitted that the expansion area can be further reduced.

23. The Woronuks stated that the expansion area could be reduced by the removal of on-site soil storage. Dennis Woronuk testified that when the substation site was expanded in 1983, he was able to take the topsoil to distribute across his farmland. He originally suggested that the same thing could be done this time, but later indicated that he understands that regulations require the soil be kept for reclamation. Dennis Woronuk suggested that the soil could be stored in low spots on his land, off the substation site, and then brought back when required. Mr. Woronuk also suggested that an agreement be made providing that the land does not need to be reclaimed; however, ATCO Electric responded that such an agreement was not possible due to regulatory requirements.

24. The Woronuks also disagreed with ATCO Electric's estimate of the amount of snow storage required and they submitted that snow could be stored in the ditch adjacent to the road. The Woronuks disagreed with ATCO Electric's statement that the snow had to be removed from within the substation and stated that they do not recall this ever happening for the existing substation. Dennis Woronuk testified that ATCO Electric could put the snow stockpile on top of the soil stockpile to free up more farmable land.

25. The Woronuks submitted a proposed site plan in their written argument that would reduce the amount of land required. The Woronuks proposed to relocate the soil storage to an area south of the substation expansion. They stated that the land slopes to the south from the existing substation, which would allow for higher and wider soil stockpiles. The Woronuks proposed that the snow stockpile be located to the south of the expansion area as well as in the ditches on the sides of the access road. The Woronuks also proposed to locate a temporary laydown area and a temporary area for site facilities needed during construction to the west of the expansion area, as shown in Figure 2.

Figure 2. Woronuks' proposed site plan¹⁰



26. The Woronuks submitted that the expansion area would not only remove that land from farming, but would also create other areas that would be impossible to access with farming equipment and therefore result in additional financial loss and weed control problems. Dennis Woronuk testified that the area northeast of the topsoil stockpile could not be farmed due to the size of modern farming equipment. He added that the expansion area also creates

¹⁰ Exhibit 25181-X0071, Woronuk Written Argument, PDF page 12.

significant unfarmable areas west of the site boundary along Township Road 782 and south of the boundary.

27. The Woronuks requested that the Commission's approval include a provision to change the boundary of the proposed expansion area to mitigate the Woronuks' concerns and reflect other reductions that are possible.

3.3 Commission findings

28. In regard to ATCO Electric's concerns about the Woronuks' late submission of their proposed site plan, the Commission notes that the plan is hand-drawn and more conceptual than technical in nature, and the site features depicted within it are consistent with the Woronuks' oral and written evidence in the proceeding. ATCO Electric also had an opportunity to provide written comments on the plan in its reply argument. The Commission therefore allows the plan to remain on the record as part of the written argument filed by the Woronuks.

29. The Commission agrees with ATCO Electric that the Commission is not considering approving a specific layout of the expanded substation facility, but that it is deciding whether the overall footprint of the proposed expansion area is suitable and reasonably required for the project, and if the locations proposed avoid or minimize negative impacts to the extent that is practicable. The Commission understands that specifics of the layout, such as the particular location of soil and snow storage and facilities needed during construction, are not fixed and can continue to change in response to stakeholder concerns, site conditions and further engineering and logistical assessment.

30. The Commission finds that the proposed expansion area, as amended by ATCO Electric in its June 5, 2020 submission, is reasonably required to construct and operate the expanded Rycroft substation, and the resulting site footprint is consistent with similar facilities located on cultivated land. The Commission finds that an access road, stockpile areas, laydown areas and site facilities are required to better ensure the safe and efficient construction, operation, and maintenance of the expanded substation. The Commission also finds that ATCO Electric has provided sufficient justification for the proposed expansion area that accounts for its reclamation obligations and avoids or minimizes potential impacts on nearby sensitive environmental features such as the dugout south of the substation.

31. The Woronuks requested that any approval issued by the Commission include a provision that permitted or required the boundaries of the proposed expansion area to be amended in order to mitigate the Woronuks' concerns about the overall size of the expansion area or to reflect specific site reductions that may be possible, such as reducing the size of the soil stockpile (or eliminating it by storing the soil off-site), and redesigning the snow stockpile or access road.¹¹ The Commission expects ATCO Electric and the Woronuks to continue discussions about the need for and exact locations of the various components associated with the expanded substation, and if possible, to agree to reduce or modify the site boundary to minimize impacts on the Woronuks without compromising ATCO Electric's ability to safely and effectively construct, operate and maintain the substation. However, as these are matters to be discussed between the parties as and when construction and operating plans are refined and finalized, the Commission

¹¹ Exhibit 25181-X0071, Woronuk Written Argument, paragraphs 27 and 28.

is not prepared to impose such obligations on either of the parties at this time by including the condition requested by the Woronuks.

4 Temporary and permanent land rights

4.1 Views of ATCO Electric

32. ATCO Electric stated that while it is possible to acquire temporary access and temporary workspaces for construction purposes, over the lifetime of the substation it is neither feasible nor efficient for it to negotiate access with a landowner or occupant each time it requires access to areas outside of the fenced substation in order to respond to a matter or issue within the substation. ATCO Electric submitted that it needs permanent access rights over the entire expanded boundary area to provide for the safe and efficient construction, operation, and maintenance of the substation. ATCO Electric also submitted that for ongoing operations and maintenance, permanent land rights are needed for laydown areas and site facilities such as parking, construction offices, and washrooms. ATCO Electric confirmed that the amount of land it requested on a permanent basis was the minimum amount that it genuinely required and that convenience was not factored into its request.

33. ATCO Electric submitted that the expanded substation would need to be accessed more frequently than in the past to monitor and maintain the newly-installed equipment during the warranty period and for ongoing routine operations and maintenance of the substation. ATCO Electric submitted that any requirement to negotiate temporary access each time would be problematic. In response to Dennis Woronuk's proposal of a predetermined temporary workspace agreement with predefined compensation, ATCO Electric submitted that this proposal would not be feasible because ATCO Electric would not have a registerable interest in land and therefore the agreement could not be enforced if the land was transferred to a third party. ATCO Electric also expressed that it was not confident that the parties could reach such an agreement, given the current state of surface lease negotiations.

4.2 Views of the Woronuks

34. The Woronuks were opposed to ATCO Electric being granted access to the full extent of the expansion lands on a permanent basis. The Woronuks submitted that temporary workspaces should be utilized for construction needs and then returned to the landowner once construction was completed. Dennis Woronuk stated that he had entered into a temporary workspace agreement with ATCO Electric in the past to construct a tower, and that the same approach should be done for the substation expansion.

35. Dennis Woronuk submitted that a pre-existing temporary workspace agreement could be created that would allow ATCO Electric to access the land outside the substation as needed for a predetermined compensation, which would eliminate the need to negotiate access every time. The Woronuks argued that ATCO Electric wanted to take the full expansion lands on a permanent basis for the sake of convenience only, which they submitted was not a valid justification.

36. The Woronuks requested that the Commission permit ATCO Electric to take land that was required for construction purposes only on a temporary basis, and that such land be returned to the landowner once the construction phase was completed.

4.3 Commission findings

37. The Commission reiterates its previous finding that the proposed expansion area, as amended by ATCO Electric in its June 5, 2020 submission, is reasonably required by ATCO Electric to construct and operate the expanded Rycroft substation, and that the resulting site footprint is consistent with similar facilities located on cultivated land. The Commission accepts that ATCO Electric will need more frequent access to the substation to monitor and maintain the newly-installed equipment, and it may be required to use land outside the fenced area to conduct maintenance and repair operations. The Commission also notes that the amount of land in question is relatively modest in size; comparing Figure 1 and Figure 2 above, the area the landowners suggest be taken on a temporary rather than permanent basis appears to be no more than 30 metres by 205 metres.

38. Given the foregoing, the Commission considers that ATCO Electric's request for permanent access over the entire proposed expansion area is reasonable. The Commission also considers that any delay responding to an urgent situation at the Rycroft substation that might result from ATCO Electric attempting to first secure temporary land access from the landowner, who may in fact be agreeable but simply absent, could negatively impact the safe and reliable operation of the facility and is unacceptable.

39. The Commission considers that the Woronuks' proposed pre-existing temporary workspace arrangement is something that could be agreed upon by the parties, however, at this point it remains a proposal only and so does not address ATCO Electric's need for certain and timely access to the substation lands. The Commission also understands ATCO Electric's need to have such an agreement enforceable against transferees of the lands, and therefore its reluctance to enter into such an arrangement for the expected lifespan of the substation.

5 Proposed new access road

5.1 Views of ATCO Electric

40. ATCO Electric submitted that a new permanent access road is required for the construction, operation and maintenance of the expanded substation. It stated that larger vehicles and equipment are needed to install and service the new substation equipment and that the new equipment requires more frequent preventative maintenance and repair. ATCO Electric stated that equipment such as cranes, picker trucks, man lifts and off-road forklifts will be required.

41. ATCO Electric stated that the existing access point through the middle of the substation could not be used to facilitate the construction and maintenance of the expanded substation. In addressing photos of the substation, which the Woronuks submitted demonstrated that there was sufficient access through the existing substation, ATCO Electric stated that the photos do not account for the new equipment to be installed within the existing substation. It also submitted that off-loading equipment within the substation fenceline raises safety concerns that do not arise when equipment is off-loaded outside the fenced boundary. It added that if a mobile substation is required on-site when the transformer is being maintained, the 30 metres by five metres mobile unit would block access through the existing substation, whereas the proposed new access road would ensure that ATCO Electric has continuous and unencumbered access to the substation.

42. ATCO Electric stated that its amendment application adjusted the proposed new access road to reduce the size of the expansion area. It stated that the access road could not be placed

immediately adjacent and parallel to the fenceline, as suggested by the Woronuks, because such an alignment would have too tight a turning radius into the substation and would result in an inadequate amount of space for site facilities and laydown areas and not enough separation distance from the fence. ATCO Electric also stated that existing constraints such as anchors for existing transmission line structures and fence posts would obstruct vehicles if the Woronuks' proposed alignment was adopted. It added that placing the access road adjacent to the fenceline would not reduce the overall size of the expansion area.

43. ATCO Electric stated that it will work with the Woronuks to ensure their farming equipment can access their land.

5.2 Views of the Woronuks

44. The Woronuks stated that no access road was required when the substation was originally constructed and subsequently expanded, nor was an access road required to maintain the existing substation, and they questioned why a new access road was needed now. The Woronuks submitted that ATCO Electric had not provided sufficient justification for why the proposed new access road is required for this expansion. They acknowledged that a tight turning radius could make it difficult to deliver large loads to the site during construction but added that issue could be addressed with a temporary access road. The Woronuks also expressed concerns about being able to continue to access their land with farming equipment.

45. The Woronuks submitted that if a new access road is required, it should be located parallel and directly adjacent to the existing substation fenceline to minimize the amount of land taken. Dennis Woronuk stated that the site facilities that ATCO Electric proposed to locate west of the fenceline could be located on the south end of the expanded boundary area, closer to the expanded fenceline.

5.3 Commission findings

46. The Commission finds that a new access road is reasonably required for the construction and maintenance of the expanded substation. The Commission accepts that the current site access through the middle of the existing substation may not be sufficient to safely allow new equipment to be delivered to and installed at the expanded substation, particularly if a mobile substation is placed on-site during transformer maintenance operations. The Commission also accepts that the new substation equipment will require more frequent visits for maintenance and repair, further justifying the need for safe and permanent access.

47. With regard to the location and design of the new access road, although the Commission's role in this proceeding does not include deciding or ruling on the exact location and design of any new surface access, the Commission considers that ATCO Electric has demonstrated the need for a new permanent access route to the expanded substation. The Commission also considers that ATCO Electric's proposed access road is a reasonable design and its location accounts for both the landowner's concern that minimal land be taken for the project and functional space requirements such as large vehicles' turning radii, separation distances between equipment and related facilities and constraints arising from the landscape itself. The Commission finds that ATCO Electric fairly considered the Woronuks' proposed new access road alignment and provided a reasonable explanation for why it could not accept that proposal.

48. The Commission expects that as detailed site design and engineering progresses, ATCO Electric will continue to be open to refining the new access road design and location to address the Woronuks' concerns as far as practicable.

6 Consultation

6.1 Views of ATCO Electric

49. ATCO Electric stated that its consultation program included notification of the project to potentially interested parties within 800 metres of the proposed boundary site expansion. ATCO Electric also stated that it conducted personal consultation with landholders and occupants about the project and how it will change the substation. ATCO Electric submitted that it listened to feedback from stakeholders and made changes to the project, where reasonably practicable.

50. ATCO Electric submitted that it conducted a comprehensive participant involvement program that included multiple exchanges with the Woronuks to understand and attempt to resolve their concerns. It stated that it weighed those concerns against the needs of the project to determine whether the stakeholder feedback could be incorporated. It also stated that it was able to reduce the size of the expansion area by changing the design of the project and the proposed access road.

51. ATCO Electric submitted that although the Woronuks remain opposed to the project, it was able to minimize impacts on them. ATCO Electric also submitted that there is no consultation obligation that requires an applicant to address a stakeholder's concerns to the stakeholder's complete satisfaction. It submitted that a successful consultation program allows parties to understand the project, communicate potential issues, and provide a reasonable opportunity for parties to address these concerns. ATCO Electric submitted that its consultation program achieved those objectives.

6.2 Views of the Woronuks

52. The Woronuks submitted that ATCO Electric's consultation program did not consider landowner concerns properly, and that instead of working to address concerns, ATCO Electric only listened to concerns without the intention to incorporate any feedback.

53. The Woronuks submitted that ATCO Electric had the ability to amend its site design to address the Woronuks' concerns but chose not to, stating that changes could not be done or that it was not reasonable or practicable to do so. ATCO Electric made amendments to the project late in the proceeding which the Woronuks indicated they appreciated, however, the Woronuks submitted that these changes showed that ATCO Electric could have done more during consultation to address their concerns and that more could still be done.

54. The Woronuks submitted that the Commission's participant involvement program guidelines reference problem solving and planning to address concerns. Dennis Woronuk stated that he requested to meet with ATCO Electric's designers and engineers to understand the need for the proposed access road and to work on a solution. The Woronuks argued that ATCO Electric did not follow the Commission's guidelines and simply rejected requests from Dennis Woronuk to discuss possible resolutions or mitigation measures.

6.3 Commission findings

55. The Commission finds that ATCO Electric's consultation program complies with the requirements laid out in Rule 007. While the Woronuks continue to have objections to the project, they were provided with information to understand the project and were given an opportunity to provide feedback. The Woronuks were also given an opportunity through the Commission's proceeding to question ATCO Electric about the application, provide evidence in support of their position and provide the Commission with written argument in support of their position. While ATCO Electric was not able to resolve the Woronuks' concerns with the project, the Commission has previously recognized that resolution of all concerns is not always possible.¹²

56. The Commission agrees with the Woronuks, however, that ATCO Electric could have done more to address stakeholder concerns earlier in the proceeding when parties had more time and opportunity for open discussion about concerns and potential solutions. It appears to the Commission that earlier and possibly more serious consideration of the Woronuks' concerns and proposed measures may have resolved some issues quicker and perhaps even avoided the need for a hearing. That there was an opportunity for ATCO Electric to better address the Woronuks' concerns is demonstrated by the application amendment that it made late in the process.

7 Conclusion

57. The Commission has considered the applications having regard to the applicable legislative and regulatory framework. For the reasons that follow, the Commission finds that the project is in the public interest having regard to its social, economic, environmental and other effects.

58. The Commission notes that while the Woronuks' objected to the applications, they did not oppose to the proposed alteration of the substation: their main concern was that the amount of land proposed to be taken for the expansion project was excessive.

59. The Commission is satisfied that the incremental impacts arising as a result of the proposed alteration result in the technical, siting, emissions, environmental and noise aspects of Rycroft 730S Substation continuing to meet the Commission's Rule 007 and Rule 012 requirements.

60. The Commission notes that ATCO Electric has committed to conducting a post-construction CSL survey at receptors R01 and R02 to verify compliance with Rule 012. The Commission understands that R01 is located approximately 58 metres from the project and the cumulative sound level for R01 was predicted to be exactly equal to the nighttime PSL. The Commission considers that R01 is an appropriate location for the post-construction CSL survey. The Commission has attached a condition to the approval that requires ATCO Electric to complete a post-construction CSL survey at R01 to ensure compliance with Rule 012.

61. The Commission does not consider that Receptor R02 is a suitable monitoring location for the CSL survey. The Commission understands that R02 is located about 500 metres from the

¹² Decision 2011-436: AltaLink Management Ltd. and EPCOR Distribution & Transmission Inc. – Heartland Transmission Project, Proceeding 457, Application 1606609, November 1, 2011, page 57, paragraphs 283 and 284.

project and the cumulative sound level at R02 was predicted to be 39.6 dBA, which is 3.4 dB lower than the nighttime PSL of 43 dBA. Based on the predicted result, the Commission finds that the project is expected to be compliant at R02. In addition, the Commission believes that if a post-construction CSL survey demonstrates compliance at R01, where the NIA predicted a compliance margin of zero, it is reasonable to assume that noise levels at a more-distant dwelling with a larger predicted compliance margin would also be compliant.

62. The Commission finds that the environmental impacts of the project are minor and are acceptable. The proposed substation fence expansion and project boundary expansion are into land that was previously disturbed and is being actively cultivated.

63. The Commission finds that the temporary bypass between transmission lines 7L68 and 7L73 is justified to maintain energization of Transmission Line 7L73 during construction. The Commission notes that this bypass is minor in nature and is expected to be required for approximately one month.

64. In conclusion, the Commission approves the proposed alteration to Rycroft 730S Substation, subject to the following condition:

- a. ATCO Electric Ltd. shall conduct a post-construction comprehensive sound level survey, including an evaluation of low frequency noise, at Receptor R01. The post-construction comprehensive sound level survey must be conducted under representative conditions and in accordance with Rule 012: *Noise Control*. ATCO Electric Ltd. shall file a report summarizing measurements and results of the post-construction comprehensive sound level survey with the Commission within one year after the substation alterations commence operations.

8 Decision

65. Pursuant to sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 25181-A001 and grants ATCO Electric Ltd. the approval set out in Appendix 1 – Substation Permit and Licence 25181-D02-2020 – August 11, 2020.

66. Pursuant to sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 25181-A002 and grants ATCO Electric Ltd. the approval set out in Appendix 2 – Transmission Line Permit and Licence 25181-D03-2020 – August 11, 2020.

67. The appendices will be distributed separately.

Dated on August 11, 2020.

Alberta Utilities Commission

(original signed by)

Neil Jamieson
Commission Member

Appendix A – Summary of Commission directions and conditions requiring further submissions

This section is intended to provide a summary of those directions and conditions that require follow-up with the Commission, for the convenience of readers. It is not intended to summarize all of the conditions imposed on the applicant. 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 this decision that require follow-up with the Commission and will be tracked as conditions of Substation Permit and Licence 25181-D02-2020 using the AUC's eFiling System.

- ATCO Electric Ltd. shall conduct a post-construction comprehensive sound level survey, including an evaluation of low frequency noise, at Receptor R01. The post-construction comprehensive sound level survey must be conducted under representative conditions and in accordance with Rule 012: *Noise Control*. ATCO Electric Ltd. shall file a report summarizing measurements and results of the post-construction comprehensive sound level survey with the Commission within one year after the substation alterations commence operations.

Appendix B – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
ATCO Electric Ltd. (ATCO Electric) Jeff Sansom Raj Goutam Ryan Makela Tim Myers
Dennis Woronuk Bryan Woronuk Kelly Woronuk Patrice Brideau

Alberta Utilities Commission
Commission panel Neil Jamieson, Commission Member
Commission staff Gary Perkins (Commission counsel) Victor Choy Laura Fukuda