



Brooks Solar II GP Inc.

Brooks Solar II Project Amendments and Ownership Transfer

August 25, 2021

Alberta Utilities Commission

Decision 26661-D01-2021

Brooks Solar II GP Inc.

Brooks Solar II Project Amendments and Ownership Transfer

Proceeding 26661

Application 26661-A001

August 25, 2021

Published by the:

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

Telephone: 310-4AUC (310-4282) in Alberta
1-833-511-4AUC (1-833-511-4282) outside Alberta

Email: info@auc.ab.ca

Website: www.auc.ab.ca

The Commission may, no later than 60 days of the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

1 Decision summary

1. In this decision, the Alberta Utilities Commission approves an application from Brooks Solar II GP Inc. (Brooks Solar) for amendments to the Brooks Solar II Project and to transfer ownership of the project. After consideration of the record of the proceeding, and for the reasons outlined in this decision, the Commission finds that approval of the amendment portion of the application and ownership transfer 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. Brooks Solar, pursuant to Approval 26296-D02-2021,¹ is the owner of a power plant designated as the Brooks Solar II Power Plant, located in Newell County. Brooks Solar, pursuant to Order 25524-D03-2020,² has approval to connect the Brooks Solar II Power Plant to FortisAlberta Inc.'s distribution system.

3. Brooks Solar filed an application with the AUC for approval to alter and operate the power plant, and transfer the associated approvals to Brooks Solar II Corporation. The application was registered on July 7, 2021, as Application 26661-A001, and the ownership transfer request was filed on August 11, 2021.

4. Brooks Solar also applied to designate the power plant as two community generating units pursuant to the *Small Scale Generation Regulation*. In a letter issued on August 25, 2021, the Commission determined that Brooks Solar has not fulfilled the necessary requirements to have the Brooks Solar II Power Plant qualified as two community generating units at this time and suspended its review of the community generation portion of the application.

3 Discussion

3.1 Amendments

5. Brooks Solar applied to vary the design of the project by using an alternative inverter model, which it anticipated would provide additional technical and commercial benefits. Brooks Solar also noted that, although the solar panels remain the same model, the capability of the individual panels has changed due to a confirmation from the manufacturer. Brooks Solar explained that, instead of the originally approved 72,000 solar panels, the project would now consist of approximately 73,450 solar panels.

¹ Power Plant Approval 26296-D02-2021, Proceeding 26296, Application 26296-A001, February 18, 2021.

² Connection Order 25524-D03-2020, Proceeding 25524, Application 25524-A001, August 12, 2020.

6. Brooks Solar consulted with Alberta Environment and Parks (AEP) and received confirmation that an amendment application was not required. Brooks Solar also engaged McCallum Environmental, which confirmed that the amendments would not increase the environmental impacts of the project. Green Cat Renewables Canada Corporation updated its noise impact assessment (NIA) for the project and concluded that the amendments would result in minimal changes to sound levels at certain receptors but would not affect the project's compliance with the permissible sound levels set out in Rule 012: *Noise Control*.

7. Brooks Solar also proposed a minor increase to the project's site plan. In alignment with AEP's fence design policy, Brooks Solar planned to increase the fenced area on the northern side of the project by approximately 0.3 hectares to include Torxen Energy Ltd.'s gas lease area, as opposed to building the fence around the lease. Brooks Solar confirmed that the project's environmental and community setbacks remain unchanged.

8. Brooks Solar submitted that the finalized design of the project would not materially increase the land, noise, glare or environmental impacts beyond those previously approved by the Commission. Brooks Solar confirmed that the total generating capability of the power plant would remain the same.

9. In June 2021, Brooks Solar mailed a construction update newsletter to nearby stakeholders which included updated project timelines. Brooks Solar stated that construction for the project started in December 2020 and is anticipated to be completed on time as specified in the current power plant approval with a stipulated construction completion date of March 31, 2022.

3.2 Ownership transfer

10. As part of the update, Brooks Solar notified the Commission that, effective August 23, 2021, Brooks Solar II Corporation would assume ownership of the power plant and associated approvals.^{3,4} Both companies requested the transfer of the project's power plant approval and connection order from Brooks Solar to Brooks Solar II Corporation. As part of the request, Brooks Solar provided a certificate confirming that Brooks Solar II Corporation is incorporated under the Alberta *Business Corporations Act*.⁵

4 Findings

11. The Commission has reviewed the application and has determined that the technical, siting, environmental and noise aspects of the power plant amendments have been met.

12. The Commission is satisfied that the proposed amendments are not likely to result in adverse environmental impacts. The Commission notes that Brooks Solar consulted with AEP and was advised that the amendments do not fall under AEP's amendment process for renewable energy projects.

13. The Commission accepts the conclusions contained in the updated NIA and considers the project will remain compliant with Rule 012. The updated NIA concluded that changes to

³ Exhibit 26661-X0018, 2021.08.11-AUC Transfer Approval Request.

⁴ Exhibit 26661-X0020, 2021.08.12-AUC Approval Transfer Supplemental Info.

⁵ Exhibit 26661-X0019, Attachment A - Brooks Solar II Corporation - Certificate of Incorporation.

cumulative sound levels resulting from the proposed amendments will be minimal and that the project will remain compliant with the daytime and nighttime permissible sound levels set out in Rule 012.

14. The Commission also accepts Brooks Solar's submission that there have not been changes to the location and orientation of the panels or racking that would result in changes to the previously completed glint and glare assessment. Further, while there will be a relatively small increase in the number of panels, the Commission is satisfied with Brooks Solar's explanation that this increase will not result in any material change to the land affected by the project.

15. Brooks Solar explained that additional notification was conducted specific to the proposed amendments. Given the minor nature of the amendments, which are not anticipated to result in any incremental adverse effects, the Commission is satisfied that Brooks Solar has taken reasonable steps to notify stakeholders. In accordance with Section 23 of the *Hydro and Electric Energy Act*, Brooks Solar has demonstrated that Brooks Solar II Corporation is eligible to hold the power plant approval and connection order.

16. The Commission considers the requested amendments to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act* and grants approval of the power plant approval and connection order ownership change.

5 Decision

17. Pursuant to sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approves the amendments and ownership transfer and grants Brooks Solar II Corporation the approval set out in Appendix 1 – Power Plant Approval 26661-D02-2021 – August 25, 2021, to alter and construct and to operate the Brooks Solar II Power Plant.

18. Pursuant to Section 18 of the *Hydro and Electric Energy Act*, the Commission approves the ownership transfer and grants Brooks Solar II Corporation the approval set out in Appendix 2 – Connection Order 26661-D03-2021 – August 25, 2021, to connect the Brooks Solar II Power Plant to FortisAlberta Inc.'s distribution system.

19. The appendices will be distributed separately.

Dated on August 25, 2021.

Alberta Utilities Commission

(original signed by)

Vera Slawinski
Commission Member