



2113260 Alberta Ltd.

Oyen Community Solar Project Amendments

March 21, 2023

Alberta Utilities Commission

Decision 27962-D01-2023

2113260 Alberta Ltd.

Oyen Community Solar Project Amendments

Proceeding 27962

Application 27962-A001

March 21, 2023

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The Commission may, no later than 60 days from 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 2113260 Alberta Ltd., operating as Oyen Solar Partners (OSP), for the alteration of a power plant designated as the Oyen Community Solar Project, and to rescind the power plant's community generating unit designation.

2 Introduction and discussion

2. OSP, pursuant to Approval 27905-D02-2023,¹ has approval to construct and operate a 15-megawatt power plant designated as the Oyen Community Solar Project, located near the town of Oyen, Alberta.

3. OSP filed a letter of enquiry with the AUC for amendments to the power plant, to provide the final equipment selection, and to advise termination of the community benefits agreement with the Town of Oyen. The application was registered on January 19, 2023, as Application 27962-A001.

4. The proposed changes and final equipment selection include the following:

- a. Reduction of solar panels from 54,000 to 35,672 with a rating increase from 360 watts to 545 watts each. The model of the solar panels is the JA Solar JAM72D30-545/MB.
- b. Change of solar panel tracking system from fixed-tilt to single-axis tracking.
- c. Reduction of inverters from six to five, with a rating increase from 2,500 kilovolt ampere (kVA) to 3,600 kVA. The inverter model is the Sungrow SG3600UD-MV and includes an integrated transformer.

5. OSP stated that there are no changes to the project's fence line and the location of the solar array has not been relocated more than 100 metres from the approved location. OSP confirmed that the final project update has not resulted in new or increased impacts to local landowners or to the environment.

6. OSP completed a participant involvement program, which included consultation with stakeholders within 800 metres of the project site. OSP stated that no new concerns about the project were raised and that it is committed to keeping the Commission informed of any future stakeholder concerns.

¹ Power Plant Approval 27905-D02-2023, Proceeding 27905, Application 27905-A001, January 20, 2023.

7. OSP consulted with Hemmera (previously Hemmera EnviroChem Inc.), who conducted the project's original environmental evaluation. Hemmera confirmed that with the previously committed to environmental setbacks and mitigations, the unchanged project boundary, and any changes to layout happening inside the approved boundary, the final equipment selection and adjusted site plan do not increase the environmental impacts beyond those considered by the Commission.

8. A refresh of the wildlife surveys were carried out in 2021 by Shrike Environmental Consulting Ltd. as required under the Alberta Environment and Protected Areas referral report and AUC Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*. This confirmed the prior field observations that all observed designated wildlife including new raptor nests were outside the project setbacks.

9. RWDI Inc. updated the noise impact assessment based on the final equipment selection and concluded the predicted cumulative noise levels will comply with the daytime and nighttime permissible sound levels per Rule 012: *Noise Control*.

10. Green Cat Renewables Canada Corporation revised the solar glare hazard assessment, which concluded that the solar glare impact has not changed based on the final project update, including changing the technology from fixed-tilt to single-axis tracking. OSP confirmed it would implement mitigation measures in the event complaints or concerns arise specific to the Oyen Municipal Airport, to local roads/railway, or more generally.

11. OSP has provided information respecting the need, nature, extent, land affected, land ownership and the timing of the work, in accordance with the requirements of Section 12 of the *Hydro and Electric Energy Regulation*.

12. In accordance with the requirements of Section 10 of the *Small Scale Generation Regulation*, OSP notified the Commission that the community generating unit agreement had ended. It also submitted confirmation from the Town of Oyen that the community benefits agreement had been terminated.²

13. For reasons that follow, a notice of application was not issued and a hearing was not required as the Commission considered that its decision would not directly and adversely affect the rights of a person.

3 Findings

14. The Commission reviewed the application and determined that the information requirements specified in Rule 007 were met. Additionally, the Commission finds that OSP's participant involvement program satisfied the requirements of Rule 007.

15. Based upon the information provided, the Commission is satisfied that the changes to the project are of a minor nature, no person is directly and adversely affected by the proposal and no significant adverse environmental impact will be caused, thereby meeting the requirements of

² Exhibit 27962-X0029, Response to Information Request Round 2, OSP-AUC-2023MAR06-001(c), PDF page 5.

Section 11 of the *Hydro and Electric Energy Regulation* and Section 9 of the *Alberta Utilities Commission Act*.

16. Section 10(1) of the *Small Scale Generation Regulation* requires that the owner of a community generating unit provide notice to the Commission of any changes that may make the community generating unit cease to be a community generating unit including changes to the owner's community benefits agreement or community benefits statement. Upon receipt of notice under Section 10(1), the Commission must determine whether the small-scale generating unit continues to be a community generating unit.

17. The Commission finds that OSP provided notice to the Commission that the community benefits agreement had been terminated and not replaced, including confirmation from the Town of Oyen. Accordingly, the Commission rescinds the project's designation as a community generating unit under the *Small Scale Generation Regulation*.

4 Decision

18. Pursuant to sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approves the application and grants 2113260 Alberta Ltd., operating as Oyen Solar Partners, the approval set out in Appendix 1 – Power Plant Approval 27962-D02-2023 to alter, construct and operate the Oyen Community Solar Project (Appendix 1 will be distributed separately).

19. Pursuant to Section 10 of the *Small Scale Generation Regulation*, the Commission rescinds the Oyen Community Solar Project's designation as a community generating unit. As such, Condition 6 of Approval 27905-D02-2023 has been removed.

Dated on March 21, 2023.

Alberta Utilities Commission

(original signed by)

Matthew Oliver, CD
Commission Member