AUC
Alberta Utilities Commission

Alberta Electric System Operator
Needs Identification Document Application and Section 15(2) Application

AltaLink Management Ltd.
Facility Applications

Vauxhall Area Transmission Development

September 19, 2023

Alberta Utilities Commission
Decision 27776-D01-2023: Vauxhall Area Transmission Development

Alberta Electric System Operator
Needs Identification Document Application and Section 15(2) Application
Proceeding 27776
Application 27776-A001

AltaLink Management Ltd.
Facility Applications
Proceeding 27776
Applications 27776-A002 and 27776-A003

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1 Decision summary

1. For the reasons outlined in this decision, the Alberta Utilities Commission approves applications from the Alberta Electric System Operator and AltaLink Management Ltd. for the Vauxhall Area Transmission Development.

2. The Commission finds the Alberta Electric System Operator's assessment of the need for the Vauxhall Area Transmission Development to be correct. The Commission accepts that there is a need for transmission development based on the fact that real-time congestion is occurring on transmission lines 610L and 879L and is anticipated to occur in approximately eight to nine per cent of all hours in 2023. The Commission finds that approval of the preferred transmission development is in the public interest.

3. The Commission approves an application from AltaLink Management Ltd. to restore Transmission Line 879L. Transmission Line 879L was initially constructed in 1960. The Commission acknowledges that there are significant agricultural impacts from the segment of the transmission line that travels diagonally cross-country. However, the Commission finds that given the costs of rerouting the transmission line and the impacts from delaying alleviation of the congestion, it is not in the public interest to reroute the transmission line at this time. In making this conclusion, the Commission considered that many of the landowners would have known and accepted many of the impacts of the transmission line when they obtained their properties and that the transmission line has approximately 10 to 15 years left before it reaches its end of life. The Commission expects that full consideration will be given to rerouting the transmission line when it reaches its end of life.

4. The Commission approves AltaLink's application to rebuild Transmission Line 610L. The Commission finds that the preferred route is in the public interest based on its lower cost and reduced impacts to stakeholders and the environment, which are primarily a result of the preferred route's shorter length and its paralleling of Township Road 102.

5. The Commission also finds that an exception filing under Section 15(2) of the *Transmission Regulation* to the matters described in Section 15(1)(f) of the *Transmission Regulation* is required given the congestion currently occurring on transmission lines 610L and 879L. The Commission approves the Section 15(2) application made by the Alberta Electric System Operator until the preferred transmission development is energized.

2 Introduction and background

6. The Alberta Electric System Operator (AESO) filed a needs identification document (NID) application with the Commission, pursuant to Section 34 of the *Electric Utilities Act*, for approval of the need for the Vauxhall Area Transmission Development. The AESO's preferred transmission development would remove thermal criteria violations observed under normal operating conditions and thereby allow for the unconstrained dispatch of all anticipated in-merit electricity.

7. The AESO also requested an exception under Section 15(2) of the *Transmission Regulation* from its duties to make arrangements for the expansion or enhancement of the transmission system so that, under normal operating conditions, all anticipated in-merit electricity can be dispatched without constraint.

8. AltaLink filed two facility applications to meet the need identified by the AESO:

- In Application 27776-A002, AltaLink applied to restore the capacity of Transmission Line 879L by replacing 21 structures, modifying 38 structures and removing 1.6 kilometres of underbuilt distribution line.

- In Application 27776-A003, AltaLink applied to rebuild Transmission Line 610L. AltaLink proposed a preferred and an alternate route for the transmission line.

9. The Commission issued a notice of applications in accordance with Section 7 of Rule 001: *Rules of Practice*. The Commission granted standing to a number of landowners in the vicinity of the proposed projects as well as to the 879L Landowners Group in respect of the NID application and the facility applications. The Commission granted standing to the Consumers' Coalition of Alberta (CCA), BHE Canada Rattlesnake G.P. Inc., and ENMAX Energy Corporation in respect of the NID application only.

10. In response to requests to create a generic proceeding or to separate out the Section 15(2) application, the Commission created a separate module within Proceeding 27776 to consider the Section 15(2) application, which was conducted entirely in writing. For this module, the Commission granted participation rights to a number of market participants[1] as well as to the CCA.[2]

11. On May 24, 2023, the Commission granted a request to conduct the NID application by written process; however, argument was still held orally. The CCA opposed the NID application and was the only intervener to provide argument in response to the NID application.

12. The 879L Landowners Group was the only intervener to participate in the hearing for the facility applications, and filed evidence and made argument regarding the restoration of

[1] BHE Canada Rattlesnake G.P. Inc., Capstone Infrastructure Corporation, ENMAX Energy Corporation, ATCO Power (2010) Ltd., Capital Power Corporation, Heartland Generation Ltd., Northland Power Inc., Suncor Energy Inc., TransAlta Corporation, and TransCanada Energy Ltd.

[2] Exhibit 27776-X0152, AUC Ruling on standing and on request to consider generic Section 15-2 application issues.

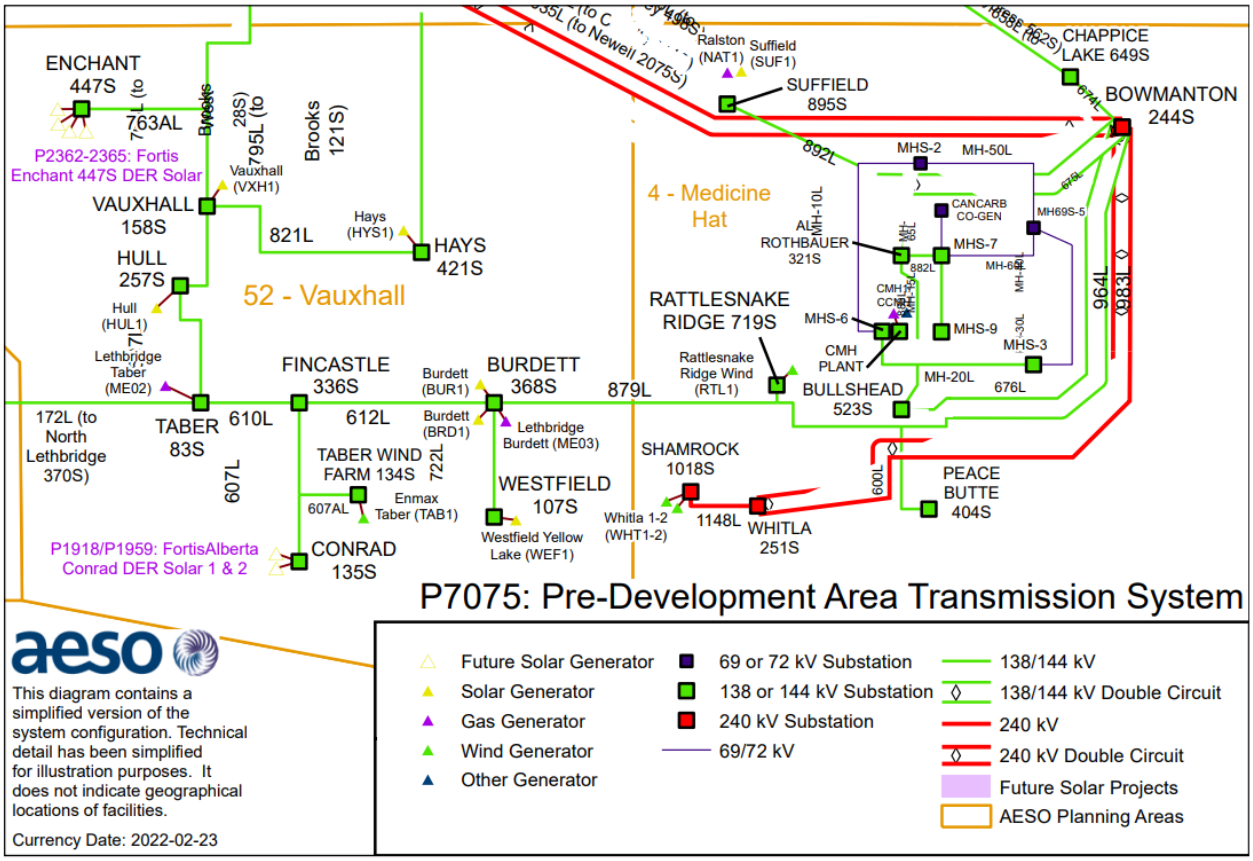
Transmission Line 879L. No party filed evidence or attended the hearing in relation to AltaLink's application to rebuild Transmission Line 610L.

13. The structure of this decision considers the AESO's NID application, followed by each of AltaLink's facility applications, and finally the AESO's Section 15(2) application.

3 Needs identification document application

14. The AESO described that existing 138-kilovolt (kV) transmission lines 610L and 879L act as a transfer-out path for excess power from generating units in the Vauxhall and Medicine Hat areas. Due to clearance issues, the summer and winter thermal line ratings of these lines are constrained to 85 megavolt ampere (MVA) and 90 MVA, respectively, despite their normal maximum capacities being 120 MVA. Figure 1 shows the current system configuration of the AESO's NID application study area, including transmission lines 610L and 879L.

Figure 1. NID application study area[3]



[3] Exhibit 27776-X0002, Vauxhall Area Transmission Development NID, PDF page 6.

15. The AESO stated that real-time congestion is occurring in the AESO's Vauxhall and Medicine Hat planning areas, and that generation curtailment is necessary to address Category A thermal criteria violations on transmission lines 610L and 879L. There were a total of 57 real-time congestion events involving those transmission lines from March 2022 until the end of July 2022.[4] The AESO conducted a congestion assessment, which indicated that congestion is anticipated on the transmission lines with a frequency of approximately eight to nine per cent of all hours in 2023.[5] It stated that approximately 98 megawatts (MW) of generation curtailment is required to mitigate the Category A thermal criteria violations observed on the transmission lines.[6]

16. To address real-time congestion and generation curtailment, to remove thermal criteria violations observed under Category A conditions, and to enable additional generation integration capability in the Vauxhall area, the AESO evaluated the following seven transmission development options.

- Option 1 - Upgrade transmission lines 610L and 879L to 118 MVA, and add one static synchronous series capacitor per phase on Transmission Line 610L.
- Option 2 - Upgrade transmission lines 610L and 879L to 118 MVA, and add two static synchronous series capacitors per phase on Transmission Line 610L.
- Option 3 - Upgrade Transmission Line 610L to 173 MVA and upgrade Transmission Line 879L to 118 MVA.
- Option 4 - Upgrade Transmission Line 610L to 173 MVA, upgrade Transmission Line 879L to 118 MVA, and add one static synchronous series capacitor per phase on Transmission Line 610L.
- Option 5 - Construct a new 138-kV, 173-MVA circuit, discontinue Transmission Line 610L, and upgrade Transmission Line 879L to 118 MVA.
- Option 5A - Construct a new 138-kV, 120-MVA circuit bundled with Transmission Line 610L, and upgrade Transmission Line 879L to 118 MVA.
- Option 5B - Construct a new 138-kV, 173-MVA circuit bundled with Transmission Line 610L, and upgrade Transmission Line 879L to 118 MVA.

17. The AESO evaluated these options through Category A generation integration capability studies. Options 1 and 2 were eliminated because they would not allow for reliable generation connection without Category A thermal violations occurring. Further assessment of the remaining options was conducted based on cost, environmental impact, and land use effects.

[4] Exhibit 27776-X0002, Vauxhall Area Transmission Development NID, PDF page 9.
[5] Exhibit 27776-X0004, Appendix B – Congestion Assessment, PDF page 12.
[6] Exhibit 27776-X0003, Appendix A – Planning Report, PDF page 24. The Commission understands that this level of curtailment would not occur in all hours with congestion.

18. AltaLink assisted the AESO in evaluating options by preparing cost estimates. Based on AltaLink's cost estimates, options 3, 4 and 5A were not recommended for further consideration due to their higher total cost, which included the replacement of Transmission Line 610L at its end of life. To evaluate options 5 and 5B, AltaLink conducted a net present value assessment considering the future cost of replacing the end-of-life 610L. AltaLink's assessment showed that options 5 and 5B have nearly equal net present value, considering Option 5B's requirement of a new control building, at Taber 38S Substation, which would negate any cost savings from deferring the discontinuation of Transmission Line 610L.

19. AltaLink also compared the options for their environmental and land use effects. AltaLink concluded that all options are viable without any precluding features. Option 5 has slightly lower potential effects compared to Option 5B due to the removal of Transmission Line 610L.

20. The AESO selected Option 5 as the preferred transmission development based on the lower potential environmental and land use effects compared to Option 5B. The preferred transmission development includes the following major transmission system elements:

- Add a 138-kV circuit, approximately 15 kilometres in length, between the existing Fincastle 336S and Taber 83S substations with a minimum capacity of approximately 173 MVA.

- Discontinue the use of the existing 138-kV Transmission Line 610L between Fincastle 336S and Taber 83S substations only after the new 138-kV circuit is in service.

- Increase the minimum capacity of the existing 138-kV Transmission Line 879L, between Transmission Line 879AL and the Bowmanton 244S Substation, to approximately 118 MVA.

- Add or modify associated equipment as required for the above transmission developments.

21. The AESO stated that the frequency and magnitude of congestion will be reduced to zero per cent after the energization of the proposed transmission development.

22. The Commission must consider the NID application in accordance with Section 38(e) of the *Transmission Regulation*, which requires the Commission to consider the AESO's assessment of the need to be correct unless an interested person satisfies it that the AESO's assessment of the need is technically deficient, or approval of the application is not in the public interest.

23. ENMAX Energy Corporation and BHE Canada Rattlesnake G.P. Inc. supported the AESO's NID application. ENMAX Energy is an owner of the Taber Wind Farm and BHE Canada is the owner of the Rattlesnake Ridge Wind Power Plant. These facilities are located in the Vauxhall area and are experiencing congestion. In its statement of intent to participate, ENMAX Energy stated that it "has a vested interest in the expedited resolution and approval of the AESO's Vauxhall Area Transmission Development NID."[7] BHE Canada stated that "the need described by the AESO in the NID Application is real and pressing."[8]

[7] Exhibit 27776-X0117, EEC SIP Letter, PDF page 1.
[8] Exhibit 27776-X0096, BHE Canada Letter to AUC re SIP, PDF page 2.

24. The CCA filed a statement of intent to participate objecting to the NID application and retained BEMA Enterprises Ltd. to file evidence in response to the application.

25. In Section 3.1, the Commission determines that the AESO's NID considered the CCA's alternative transmission development option, and that the AESO's preferred transmission development option is superior to the CCA's. In Section 3.2, the Commission finds that the AESO acted in the public interest in evaluating and preparing its NID. In Section 3.3, the Commission determines that right-of-way requirements are facility application, not NID, matters. In Section 3.4, the Commission concludes that the NID is in the public interest.

3.1 Reconductoring versus rebuilding Transmission Line 610L

26. The CCA submitted that affordability of electricity and project costs are crucial factors in determining the public interest. The CCA questioned the need to rebuild Transmission Line 610L and submitted that a less expensive option would be to uprate the capacity of Transmission Line 610L. It suggested reconductoring Transmission Line 610L with 266 Partridge Aluminum Conductor Steel Supported (ACSS) High Temperature High Strength Low Sag conductor (HTLS) instead of rebuilding it. The CCA submitted that this could result in substantial savings for ratepayers and reduce many other impacts of constructing a new greenfield transmission line.

27. The AESO stated that it considered increasing the minimum capacity of Transmission Line 610L to 173 MVA as part of its Option 3. The AESO explained that it provides general requirements for transmission development options and does not dictate design specifics, but rather it relies on the expertise of the transmission facility owner (TFO) for detailed design parameters. In the case of Option 3, AltaLink considered the use of 266 Partridge ACSS HTLS conductor, i.e., the CCA's proposed conductor, to reconductor Transmission Line 610L to meet the AESO specification.

28. Transmission Line 610L is 60 years old and replacement is expected in the next 10 to 15 years. As such, the AESO identified that the CCA's proposed option, as well as its own Option 3, would require two separate mobilizations for construction: once in the near future to restring the conductor and a second time to complete the life cycle structure replacement. AltaLink estimated that the initial transmission cost for Option 3 would be $12.4 million, plus an additional $18.7 million for end-of-life replacement costs, as well as $3.5 million in distribution costs, for a total of $34.6 million. In comparison, Option 5 (the AESO's preferred transmission development) was estimated to cost $22.2 million, which also included the $3.5 million in distribution costs.

29. The $3.5 million in distribution costs relate to relocating a distribution line underbuilt on Transmission Line 610L. The CCA claimed that reconductoring Transmission Line 610L would not require the removal of the underbuilt distribution line and that the $3.5 million in costs should not be included.[9] The CCA stated that multiple options exist to mitigate circuit-to-circuit and circuit-to-ground issues with the 25-kV underbuild, including replacing cross-arms with post insulators, using interphase spacers, and employing the Havard Method.[10] The CCA asserted that these options should undergo a value-engineered or cost-benefit analysis before considering structure replacement, aiming to improve clearance and optimize the system.

[9] Exhibit 27776-X0282, CCA-AUC IR Responses – 27776, PDF page 2.
[10] Exhibit 27776-X0282, CCA-AUC IR Responses – 27776, PDF pages 2-4.

30. The AESO responded that it relied on AltaLink's expertise and AltaLink advised that removal of the underbuild is required to achieve the 173-MVA rating specified by the AESO. AltaLink's assessment assumed the underbuild would be removed because it limits the capacity of the existing line and the underbuild would similarly limit the capacity of an HTLS conductor. It expected that if the underbuild remained, that there would have been more strength issues likely requiring additional structure replacements and costs. AltaLink added that restringing without removing the underbuild would require outages to the distribution facility and significant impacts on the customers who are supplied by the underbuild.[11]

31. The CCA initially estimated that its reconductoring option would result in $11 million in savings to ratepayers relative to the AESO's preferred transmission development. That estimate did not account for having to rebuild Transmission Line 610L in 10 to 15 years at its end of life. In response to information requests, the CCA updated its estimated savings to $8.4 million and conducted a simplified net present value assessment to compare the cost of reconductoring Transmission Line 610L now and rebuilding it at its end of life relative to rebuilding the entire line immediately.[12] The CCA submitted that the net present value assessment shows that replacing Transmission Line 610L after 10, 15, 20 or 25 years and reconductoring using the CCA's proposed option would be more cost effective than the AESO's preferred transmission development option of rebuilding the transmission line right away.[13]

32. The AESO argued that the number of assumptions and the various approaches the CCA used over the course of the proceeding make it difficult to assess the CCA's cost estimates. The AESO also pointed out that AltaLink advised that the existing Transmission Line 610L will require end-of-life replacement in the next 10 to 15 years and the CCA's net present value assessment indicates that AESO Option 5, when compared to AESO Option 3, is the overall lowest cost option when Transmission Line 610L end-of-life replacement is completed in the next 10 to 15 years.[14]

33. The Commission finds that the AESO's preferred transmission development will have lower overall costs than the CCA's proposed option to reconductor the transmission line. The CCA's cost estimate for its proposed alternative is in part based on the costs AltaLink provided to restore Transmission Line 879L, and then applying a proportional adjustment based on the length of the lines. While this provides a simple high-level cost estimate, the Commission considers that AltaLink's estimate of Option 3 is a more detailed and accurate cost estimate. Further, the Commission finds in favour of the evidence of the AESO and AltaLink regarding the need for the relocation of the understrung distribution line and, therefore, it is necessary to include the $3.5 million in the cost estimates. Accordingly, the Commission places greater weight on the cost estimates provided in the AESO's NID application than on those provided by the CCA. The Commission finds that the AESO's cost estimates demonstrate that its preferred transmission development is a lower cost alternative.

34. The Commission finds that the AESO's NID included consideration of the very alternative proposed by the CCA and that it was rejected for appropriate reasons. The Commission is satisfied that the AESO's preferred transmission development option is superior to the CCA's proposed option, in particular because it will have lower costs. The Commission

[11] Exhibit 27776-X0303, AESO Rebuttal Evidence, PDF page 5.
[12] Exhibit 27776-X0282, CCA-AUC IR Responses – 27776, PDF pages 4-8.
[13] Exhibit 27776-X0282, CCA-AUC IR Responses – 27776, PDF page 7.
[14] Exhibit 27776-X0303, AESO Rebuttal Evidence, PDF page 4.

also recognizes that the CCA's proposal would require outages of Transmission Line 610L, which would have associated impacts including potential congestion on other lines in the area.

3.2 Has the AESO met its public interest mandate?

35. The CCA submitted that the AESO, both in the past and on its website, mentioned its commitment to ensuring that Albertans receive value from the power system while effectively managing future expenses. The CCA asserted that the AESO has a legal obligation to obtain reasonable cost estimates from AltaLink for each viable option. It submitted that according to Section 25(1) of the *Transmission Regulation*, the AESO is responsible for ensuring that cost estimates provided by a TFO like AltaLink are reasonable and appropriate for system planning decisions.

36. The CCA asserted that the AESO has a broad responsibility to serve the public interest, including considering cost-effective solutions and assessing proposals from TFOs for optimal designs and reasonable schedules and costs. The CCA submitted that the AESO overly relied on its transmission cost benchmark tool, which has limitations and does not account for upgrade or restoration expenses. Further, the CCA stated that the AESO excessively relied on the analysis and recommendations conducted by AltaLink, neglecting its own responsibility to evaluate whether all feasible alternatives for constructing transmission infrastructure had been sufficiently considered.[15]

37. The CCA also submitted that the AESO's assessment of AltaLink's work to meet the functional specification requirements does not adequately consider options that could optimize cost benefits and value-engineered designs. The CCA suggested that evidence, such as cost-benefit analyses or value-engineered studies, should be provided to support decisions related to land acquisition, conductor selection, clearance mitigation, structure modification, and operational maintenance. The AESO's response to the CCA's information requests indicated that it relies on the Association for the Advancement of Cost Engineering (AACE) Class 4 cost estimates and benchmarking for reasonableness. However, the CCA argued that relying solely on internal benchmarking is insufficient to ensure the quality and suitability of the estimates for their intended purpose.

38. In addition, the CCA submitted that there is ambiguity regarding the roles of the AESO and TFOs, but both should prioritize the public interest, aiming for a safe and reliable system at the lowest reasonable cost. The CCA stated that the exchange of drafts for the functional specification during the NID and facility application process is an iterative and collaborative process. The AESO does not simply direct the TFOs; instead, iterations occur as they exchange specifications. This is necessary due to the complex interaction between the AESO as a transmission planner and the TFOs as responsible for designing, procuring, and constructing projects. Planning options may emerge from understanding the opportunities and limitations involved in project design, procurement, and construction.

39. The AESO also discussed its legislated public interest mandate, which is informed by Section 34(1) of the *Electric Utilities Act* and subsection 38(a) of the *Transmission Regulation*. The AESO submitted that fulfilling its public interest mandate involves balancing various factors, including cost, reliability, and market access. Regarding cost estimates, the AESO is required by the *Transmission Regulation* to establish practices and rules that ensure the

[15] Exhibit 27776-X0341, CCA Oral Argument Summary, PDF page 5.

reasonableness, consistency, and appropriate level of detail of the prepared estimates, project scope documents, and schedule documents. The AESO asserted that these requirements have been met in the case of its proposed preferred transmission development. It argued that the preferred transmission development is in the public interest because it meets Alberta's reliability standards, aligns with the AESO's long-term forecasts and area transmission system plans, fosters an efficient and competitive market, and maintains options for future growth.

40. The Commission finds that the AESO, in evaluating the need and preparing its NID application, reasonably discharged its public interest mandate by balancing several factors, including cost, reliability and market access. The Commission recognizes that there is overlap in the responsibilities of the AESO and TFOs. The Commission agrees with the CCA that communication between the parties is crucial. However, the Commission does not consider that the AESO failed to act prudently in preparing its NID. The CCA suggested that the AESO failed to consider options, yet the only alternative the CCA proposed is one that the AESO very clearly considered and rejected.

3.3 Right-of-way requirements

41. BEMA, on behalf of the CCA, expressed concern that the width of the right-of-way proposed by AltaLink is greater in size than required by the *Alberta Electrical Utility Code*. In the Commission's view, determining the right-of-way width of a transmission line is a facility application matter. The CCA was not granted standing on the facility applications.

3.4 Conclusion

42. The Commission finds that the AESO's NID application contains all the information required by the *Electric Utilities Act*, the *Transmission Regulation* and Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.

43. The Commission accepts the evidence that the existing transmission system in the Vauxhall area is thermally constrained due to the limited transfer out capability, as illustrated in the AESO's planning studies and congestion analysis.

44. The Commission recognizes the pressing need to address real-time congestion in the Vauxhall area. It agrees with the AESO's reasoning that the CCA's proposed option would be costlier and require multiple construction mobilizations. The Commission finds that the AESO's assessment was adequate and that the preferred transmission development is superior to other alternatives, considering its lower estimated costs, lower environmental impact, and ability to integrate generation. The Commission finds that the preferred transmission development will remove the thermal criteria violations and allow for the unconstrained dispatch of all anticipated in-merit electricity in the Vauxhall area. Therefore, the Commission finds the AESO's need assessment to be correct and considers the preferred transmission development to be in the public interest.

4 Facility applications

45. AltaLink filed two facility applications to address the need identified by the AESO. In Section 4.1, the Commission addresses the restoration of Transmission Line 879L. In Section 4.2 the Commission considers the rebuild of Transmission Line 610.

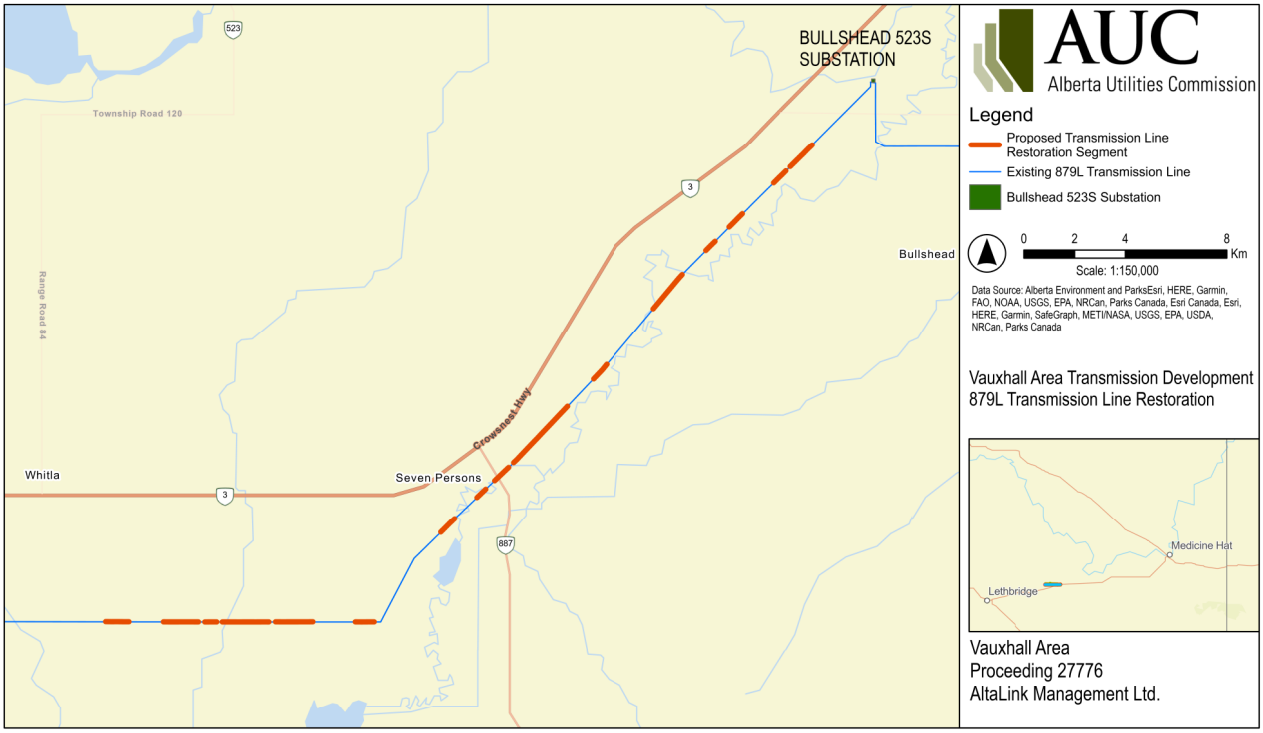
4.1 Restoration of Transmission Line 879L

46. To meet the AESO's identified need to increase the capacity of Transmission Line 879L, AltaLink proposed to increase line clearances along the transmission line by:

- Replacing 21 existing structures.
- Modifying a total of 38 structures, including 19 existing structures to address the NID and 19 structures as part of AltaLink's Capital Replacement and Upgrades program.[16]
- Removing of approximately 1.6 kilometres of EQUS distribution line underbuild.
- Undertaking supervisory control and data acquisition (SCADA) and telecommunications modifications.

47. AltaLink determined that the only segment of Transmission Line 879L requiring modification is between the 879AL tap-point and the beginning of the 879L/676L double-circuit transmission line near the Bullshead 523S Substation. Figure 2 shows this segment and indicates the specific locations along the segment that require modifications.

Figure 2. Proposed Transmission Line 879L restoration



48. Transmission Line 879L was initially constructed in 1960. Much of the proposed work occurs on an approximately 19-kilometre section near Seven Persons and the Bullshead 523S Substation that has a diagonal cross-country alignment. Generally, modern routing practice avoids such routing, instead favouring siting along linear disturbances such as road allowances

[16] To reduce impacts on landowners and achieve cost efficiencies, the structure modifications required under the Capital Replacement and Upgrades program are being planned to occur at the same time as the work required to meet the AESO's NID.

and quarter section boundaries. Modern siting methodology is intended to reduce impacts to lands and stakeholders, but has the corresponding result of transmission lines being lengthier and more costly.

49. The 879L Landowners Group is a group of landowners who live or work along the portion of Transmission Line 879L that has a diagonal cross-country alignment. The 879L Group consisted of the following landowners: Adriaan Kriel, Arlin Cash, Bruce Johnson, Clay Westerlund, Curtis Ensminger, Dale Elliott, David Green, Dustin Vossler, Judy Dickson, Nancy and Paul Rafa, Rashid Bhatti, Rick Porter, Steve and Tracy Haupt, Stuart Scott, and Travis Rafa.

50. The Commission's reasons for its decision on this application for Transmission Line 879L are structured as follows. In the preliminary matters section, the Commission dismisses AltaLink's argument that it could not consider a reroute based on the AESO's direction. The Commission also confirms that compensation to landowners is outside its jurisdiction. Next, the Commission finds that AltaLink's participant involvement program was adequate. The Commission then finds that the incremental impacts from the alterations to restore the transmission line are not significant. It then considers the impacts of the transmission line's continued presence in its current alignment, and in particular, finds that this will result in significant agricultural impacts. Finally, the Commission weighs the impacts of restoring the transmission line against the impacts of relocating it and finds that the agricultural and other impacts of the current alignment are outweighed by the additional costs and delays, including those associated with prolonging congestion in the area, that would result from rerouting the transmission line. As such, the Commission finds that AltaLink's application is in the public interest.

4.1.1 Preliminary matters

4.1.1.1 Whether AltaLink could consider a reroute of Transmission Line 879L

51. In its argument,[17] AltaLink discussed the direction it received from the AESO to "Increase the minimum capacity of the existing transmission line 879L." AltaLink emphasized the importance of the term "existing" in that direction and argued that "there is no prospect, there is no direction to look – to conduct a detailed route process because the existing route is to be used."[18] Essentially, AltaLink argued that it could not consider a reroute of the existing transmission line without explicit direction from the AESO.

52. The Commission does not accept this argument and finds that it is inconsistent with the actions AltaLink previously undertook. In particular, AltaLink, prior to filing its application and in response to stakeholder concerns, assessed the potential for rebuilding the transmission line along a new alignment and specifically conducted a high-level estimate of what such a route would cost. It would be inconsistent for AltaLink to conduct such an assessment if it believed that the direction from the AESO did not allow it to consider rerouting the transmission line. Further, AltaLink stated that "[f]ollowing the assessment, AltaLink determined that at this time, a realignment of the 879L is not a cost effective alternative as a result of the remaining useful life of the 879L and additional cost."[19] (emphasis added) This clearly indicates that AltaLink considered a reroute as an option and elected to not pursue it. Additionally, both the Commission

[17] Transcript, Volume 3, page 491, lines 1-10.
[18] Transcript, Volume 3, page 567, lines 15-18.
[19] Exhibit 27776-X0013.01, AML VATD 879L Restoration D.0859 – Application, PDF page 18.

and 879L Group asked a number of information requests about a rerouting alternative as part of this proceeding; AltaLink directly responded to those questions and at no point, until argument, did it identify that such an alternative was outside the scope of what it could consider.

53. Given AltaLink's earlier actions, the Commission finds that AltaLink could have proposed a reroute of Transmission Line 879L but chose not to. The Commission considers whether AltaLink *should* have proposed such an option in greater detail in Section 4.1.5 of this decision, in particular, in the context of weighing the agricultural impacts to the 879L Group against the costs of relocating the transmission line.

4.1.1.2 Compensation

54. The 879L Group members expressed concerns about the compensation they received for having the transmission line on their properties. In particular, the group members submitted that the amounts they receive for annual structure payments do not come anywhere close to offsetting the financial impacts they experience from the presence of the transmission line.

55. The Land and Property Rights Tribunal, not the Commission, has the authority to set annual structure payments. The Commission does not have the authority to determine or approve other types of financial compensation for members of the 879L Group, aside for costs related to their participation in this proceeding under Rule 009: *Rules on Local Intervener Costs*. As such, the Commission has not considered this issue as part of its decision.

4.1.2 Consultation

56. AltaLink's participant involvement program for the restoration of Transmission Line 879L was conducted between June 2022 and December 2022 and included landowners, encumbrance holders, government officials and agencies, industry, and oil and gas stakeholders. AltaLink stated that project-specific information packages were sent to these stakeholders via regular mail or email, and also posted the project-specific information on its website. Personal consultation occurred with stakeholders located within 100 metres of the proposed transmission line replacements and modifications.

57. AltaLink also held a meeting on August 30, 2022, with landowners who formed the 879L Landowners Group. Fourteen landowners were in attendance at the meeting, which provided the attendees the opportunity to discuss the project, ask questions and raise concerns. At this meeting, the 879L Group decided that all communications between AltaLink and the group would go through its group representatives, Bruce Johnson and Dustin Vossler.[20]

58. During the proceeding, several members of the 879L Group expressed concerns with the adequacy of AltaLink's consultation on the project. This included concerns related to lack of communication from AltaLink and AltaLink's failure to address landowner concerns. Several members raised concerns that AltaLink did not contact them or visit their properties to discuss the project and hear their concerns. The 879L Group also took issue with AltaLink's submissions in its application that most of the concerns raised by landowners had been resolved.

59. The Commission finds that AltaLink's participant involvement program for the restoration of Transmission Line 879L meets the requirements of Rule 007. The Commission

[20] Transcript, Volume 3, page 499; Exhibit 27776-X0200.01, ALTA-879LGROUP-2023APR10-016 Attachment (Consultation Records) Pt 2 of 2, PDF page 18.

considers a participant involvement program to be effective if it meets Rule 007 minimum requirements and has allowed stakeholders an opportunity to understand the project and its potential impacts, express their concerns about the project, and to provide site-specific input to improve the project. The Commission acknowledges that even an effective participant involvement program may not resolve all stakeholder concerns. This is not necessarily the fault of AltaLink or the stakeholders, as parties may have different views.

60. While AltaLink was unable to resolve all outstanding concerns raised by stakeholders, the Commission is satisfied, on the basis of the consultation records and the evidence in this proceeding, that AltaLink's participant involvement program generally achieved the purposes of consultation set out in Rule 007. AltaLink provided evidence that some 879L Group members wished for all communication with AltaLink to go through their group representatives, and that AltaLink communicated with B. Johnson and D. Vossler in this capacity.[21] The Commission is satisfied that based on AltaLink's consultation records with 879L Group members and the evidence in this proceeding, that AltaLink's participant involvement program was sufficient to communicate to potentially affected parties the nature, details, and potential impacts of the project and that parties had an opportunity to share their concerns.

4.1.3 Incremental impacts from alteration of Transmission Line 879L

61. For the most part, the 879L Group was not concerned about the particular alterations to the transmission line proposed by AltaLink, but rather with the transmission line's continued existence in its current alignment.

62. Maskwa Environmental Consulting, on behalf of AltaLink, prepared an environmental evaluation and an environmental protection plan for the project. Primary environmental concerns included high soil erosion and compaction risk, the need for three crossings of Seven Persons Creek, the crossing of an irrigation canal, the presence of native grasslands, the potential presence of three rare plant species, and the potential for sensitive wildlife.[22]

63. The 879L Group retained professional biologist Cliff Wallis to provide expert opinion on the project's potential for environmental impacts and mitigations to reduce these potential impacts. C. Wallis opined that the current routing was outdated as it ran diagonally through lands instead of adjacent to existing linear disturbances, which is common practice today.

64. C. Wallis recommended conditions to mitigate effects if the transmission line were to remain in its current location. One such condition required that construction occur during winter and fall when frozen ground conditions would protect wildlife, streams, wetlands, and native grassland. In addition, C. Wallis recommended conditions requiring AltaLink adhere to clubroot procedures, utilize appropriate native seed mix during reclamation, develop a snake protection protocol, and submit a post-construction monitoring report to the AUC.[23]

65. AltaLink generally agreed with the mitigations proposed by C. Wallis and stated that it has proposed similar mitigation measures in its environmental protection plan. However, AltaLink submitted that imposing conditions may overly restrict development and the ability to

[21] See, for example, Exhibit 27776-X0200.01, ALTA-879LGROUP-2023APR10-016 Attachment (Consultation Records) Pt 2 of 2, PDF pages 81-96.

[22] Exhibit 27776-X0025, Appendix TS24 Environmental Evaluation. Exhibit 27776-X0026, Appendix TS26 Environmental Protection Plan.

[23] Exhibit 27776-X0237, Appendix D - Evidence of Cliff Wallis.

complete work and the Commission should be cognizant of this given the urgency to alleviate congestion. AltaLink stated that no clubroot infestations have been documented in the vicinity of the proposed project and the risk of spreading clubroot is considered low.

66. Both Maskwa and C. Wallis identified that scheduling construction during winter is the best mitigation for protecting sensitive environmental features along the Transmission Line 879L project. The Commission considers this will also mitigate impacts associated with rutting within agricultural fields. While the Commission acknowledges the mitigations proposed in AltaLink's environmental protection plan should it need to construct outside dry or frozen conditions, the Commission expects AltaLink to make all reasonable efforts to construct only during dry or frozen conditions in the winter and fall. The Commission considers that given the limited construction that will occur for structure replacement, adhering to winter and fall construction timing and the application of mitigations outlined in the environmental protection plan will appropriately mitigate the environmental risks of the project.

67. The Commission is satisfied that by implementing the measures in AltaLink's environmental protection plan the proposed alterations will not result in significant environmental effects. As a result, the Commission does not consider it necessary to impose the conditions proposed by C. Wallis.

68. The Commission finds that the impacts of the proposed alterations themselves are not significant. The structure replacements, modifications, and removal of the distribution underbuild will not result in materially different impacts to area landowners or the environment than what currently exist.

69. While the Commission typically only considers the incremental impacts when considering applications to amend an existing facility, in this case, the Commission finds that the cross-country alignment results in significant agricultural impacts to the 879L Group, given the amount of irrigation infrastructure in the area. As such, it is reasonable to consider whether it is in the public interest to reroute the transmission line prior to investing the additional capital, estimated at $5.82 million, that restoring the transmission line would require.

4.1.4 Impacts from the continued presence of Transmission Line 879L

70. In response to concerns raised by stakeholders, and prior to filing the application, AltaLink assessed rebuilding the transmission line in a new alignment. AltaLink completed an order of magnitude cost estimate to relocate the line and determined that it would cost more than three times the cost of restoring the transmission line. Based on this assessment, AltaLink did not propose such an alternative in its application. AltaLink stated that the proposed clearance mitigation approach provides a low impact and cost-effective solution to meet the need to increase the capacity of the transmission line.[24]

71. Absent a proposed alternative route to consider, it is difficult to compare the impacts of the continued operation of the transmission line in its current alignment with the impacts of rerouting the transmission line. As such, the Commission conducted an evaluation based on the information that it had available, which focused on the impacts of the current alignment and the costs of restoring versus rerouting the transmission line. Had this evaluation determined that rerouting the transmission line would be in the public interest, the Commission would have

[24] Exhibit 27776-X0013.01, AML VATD 879L Restoration D.0859 - Application, PDF pages 18 and 19.

needed to direct AltaLink to bring forward an application that included potential routing to be able to complete a comprehensive assessment of whether and where the transmission line should be relocated. However, as discussed in more detail below, the Commission does not find this to be the case.

72. The Commission considers that the agricultural impacts are the only impacts that warrant considering relocating the existing transmission line in the near future and on their own do not justify relocating the transmission line for the reasons set out in Section 4.1.5. The Commission considers that other impacts are either not significant or that rerouting the line would not significantly decrease the other impacts and would merely transfer the impacts from one landowner to another. The Commission discussed transfer of impacts in Decision 2012-120:

> The transfer of impacts from one landowner or group of landowners to another is not a mitigation of landowner impacts. Accordingly, route options that simply move the alignment of a transmission line from one group of affected individuals to another group of affected individuals does not mitigate any impacts.[25]

73. In making these findings, the Commission notes that a route that does not cut diagonally across the lands will necessarily be longer, and therefore, in addition to higher costs, has the potential to impact more lands and more landowners.

74. Further, the Commission recognizes that all members of the 879L Group obtained their property with the transmission line already on it. Transferring the impacts of the transmission line from someone who chose to accept those impacts when they acquired the property to a new party is not in the public interest. The Commission acknowledges that some members of the 879L Group have had the impacted lands in their families for decades, including prior to the construction of the transmission line. As further discussed in the agricultural impacts section, some impacts, such as those related to the evolution of irrigation technology, would not have been reasonably anticipated decades ago.

75. The Commission also recognizes that some members of the 879L Group believed that, on multiple occasions, they were made promises that the transmission line would be relocated within a certain time frame and that those time frames have elapsed. The Commission acknowledges that members of the group have indicated they relied on those promises in making decisions about their property; however, the Commission cannot place significant weight on this for two reasons.

76. First, the evidence submitted by the 879L Group containing correspondence from 1990 between TransAlta Utilities, the Energy Resources and Conservation Board (ERCB) and counsel for area landowners does not contain any explicit commitment about relocating the transmission line or the time frame for doing so. The ERCB stated:

> As indicated by TransAlta, the age and condition of the subject line is such that the replacement and hence possible relocation is not expected to be necessary for 10 or more years.[26]

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[25] Decision 2012-120: AltaLink Management Ltd. and ATCO Electric Ltd. – Hanna Region Transmission Development, Proceeding 979, Applications 1606831, 1606787, 1606888, 1606951, 1607005, 1607074, 1607093, 1607128, 1607150 and 1607188, May 8, 2012, paragraph 145.

[26] Exhibit 27776-X0234, Appendix A – Landowners Submissions, PDF page 54.

77. Second, as AltaLink correctly identified, neither AltaLink nor TransAlta could promise that the line would be relocated, let alone within a certain time frame, because that is ultimately the Commission's decision. While the Commission understands this is frustrating for the group members, their reliance on these statements is not on its own sufficient to require the line to be moved.

78. In the following sections, the Commission assesses various types of impacts of the transmission line and concerns raised by interveners. This includes agricultural impacts, addressed at the end of these sections, which made up a significant portion of the intervener evidence.

4.1.4.1 Visual impacts, noise and proximity to residences

79. The 879L Group expressed concerns about visual impacts, noise, and the proximity of the transmission line to their residences. These concerns were expressed generally and were not accompanied by evidence.

80. The Commission does not expect the restoration of the transmission line would materially increase any of these impacts and recognizes that the group members would have been experiencing these impacts for as long as they have had the lands. To a certain extent, they may have become accustomed to them or adapted their behaviours or lands to mitigate them. Further, these types of concerns and impacts would have been foreseeable when they acquired the lands with the transmission line on it.

81. The Commission is also not convinced that relocating the transmission line would result in an overall reduction of these impacts. While the Commission does not consider the visual impacts and noise of the transmission line are significant, it recognizes that any route would have some level of these impacts. The Commission is not persuaded that the cross-country alignment has sufficiently greater impacts of this nature as to justify relocating it. As previously stated, any alternative location would necessarily be longer and have a greater cost to ratepayers.

4.1.4.2 Health and safety

82. In response to concerns about static charges, AltaLink stated that it would install mitigation measures to remove any charge build-up on metallic objects near the line that could result in nuisance shocks. In response to concerns about grounding electric fences, Joe Gilbert of AltaLink testified that electric fences can be grounded using AC filters and that this is a common practice. AltaLink committed to reaching out to 879L Group members that raised concerns with static charge. The Commission considers that AltaLink has demonstrated that it will reasonably mitigate issues regarding static charge.

83. The Commission finds that the evidence before it does not support a conclusion that the electric and magnetic fields (EMF) from the transmission line will result in adverse health effects. AltaLink included a report by Exponent that provides a summary and overview of recent scientific research related to extremely low frequency EMF exposure and health. The report concluded that "when recent studies are considered in the context of previous research, they do not provide evidence to alter the conclusion that [extremely low frequency] EMF exposure at the levels we encounter in our everyday environment is not a cause of cancer, or any other disease

development, in children, adults, or susceptible populations."[27] The Commission places significant weight on the conclusions of Health Canada, which has stated:

> The potential health effects of extremely low frequency EMF has been studied extensively. While some people are concerned that long term exposure to extremely low frequency EMF may cause cancer, the scientific evidence does not support such claims.
>
> The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued guidelines for limiting exposure to extremely low frequency EMF. These guidelines help ensure that exposures to extremely low frequency EMF do not create electric currents that are stronger than the ones made naturally in your body. The electric signals used by your brain and nervous system make it possible for you to move, think and feel.
>
> Extremely low frequency EMF exposures in Canadian homes, schools and offices are far below the limits recommended in the ICNIRP guidelines. You don't need to take precautions to protect yourself from these kinds of exposures.[28]

4.1.4.3 Environment

84. The Commission recognizes the environmental benefits of routing along existing linear disturbances. However, the Commission finds that in the case of Transmission Line 879L, any additional environmental impacts from the cross-country alignment have largely already occurred, primarily when the transmission line was initially constructed. The continued operation of the transmission line for another 10 to 15 years is not expected to result in any significant additional environmental impacts. Further, as discussed above, the Commission finds that the environmental risks associated with the alterations to restore the transmission line can be appropriately mitigated.

85. Based on the foregoing, the Commission considers that environmental impacts are not a persuasive factor when considering whether to reroute the transmission line.

4.1.4.4 Property value

86. The 879LGroup members expressed concerns about the impacts of the transmission line to their property values. In response to these concerns, AltaLink retained Glen Doll of Serecon Inc. to provide evidence on the transmission line's impacts to property value.

87. The Commission has historically found that determination of an adverse impact on property values requires project-specific evidence from individuals with sufficient specialized expertise. In this regard, the Commission places greater weight on the evidence of G. Doll. In particular, the Commission agrees with the submissions of G. Doll that the alterations will not result in any change to property value and that "[a]ny potential market value impact from the existing line is and has been considered in the subject market since its existence."[29] The Commission finds that there is not sufficient evidence to suggest that either the proposed alterations, or the continued existence of the transmission line in its current alignment, will result in a decrease in property values to the 879L Group members.

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[27] Exhibit 27776-X0019, Appendix TS14 Electrical Interaction Documents, PDF page 95.
[28] Exhibit 27776-X0019, Appendix TS14 Electrical Interaction Documents, PDF page 4.
[29] Exhibit 27776-X0297, Appendix 1 (Serecon Market Value Impact Letter), PDF page 2.

88. The Commission acknowledges that if Transmission Line 879L were moved from its current cross-country alignment, that there would likely be a positive effect to the property value of the 879L Group members' lands. However, given that the 879L Group members obtained their properties with knowledge of the transmission line, the Commission is not persuaded that this justifies relocating the transmission line. If anything, this would simply result in transferring impacts to different landowners.

89. Based on the above findings, the Commission does not consider that property value impacts provide a compelling reason to consider relocating the transmission line from its current alignment ahead of the transmission line's end of life.

4.1.4.5 Agricultural impacts

90. Unlike the concerns discussed above, the Commission considers that the agricultural impacts of the existing alignment are significant and that relocating the line to follow linear disturbances would not just be a transfer of impacts but would likely decrease those impacts overall.

91. The 879L Group retained Scott Gillespie of Plants Dig Soil Consulting Ltd. to provide evidence on the agricultural impacts of the transmission line. S. Gillespie concluded that power lines that run along existing linear disturbances have less impact on growers than diagonally across a field and that "[m]oving the line now will enable the region as a whole to do more with the land they have."[30]

92. In his report, S. Gillespie discussed that when the transmission line was originally constructed in the 1960s, the impacts to farming would have been minimal. Farming equipment was much smaller and irrigation did not occur or was limited to fields that were near canals. Where irrigation was used, flood irrigation was common, which could be done with little or no impact from the transmission line poles.

93. S. Gillespie stated that since that time, farming practices have advanced significantly, with farming equipment two to four times as big and irrigation practices evolving considerably. The 879L Group members reported that they cannot use new irrigation technology effectively on their farms or they must pay higher costs for machinery, labour, and operation to cover the same area that would be covered with no transmission line running through their land. They are also missing opportunities to grow, or rent to growers that grow, high value crops such as potatoes and seed canola.

94. Cypress County also commented on agricultural impacts. In its statement of intent to participate, Cypress County submitted that the project is in misalignment with the Cypress County Municipal Development Plan. It stated that the redevelopment of the transmission line unnecessarily fragments and restricts farming operations throughout Cypress County. Cypress County did not participate in the proceeding beyond its statement of intent to participate.

[30] Exhibit 27776-X0235, Appendix B - Evidence of Scott Gillespie, PDF page 10.

4.1.4.5.1 Irrigation

95. S. Gillespie explained that flood irrigation was inefficient and labour intensive, and eventually gave way to wheel irrigation systems. He stated that this type of irrigation works well for short crops, but is limited for taller crops because the machines cannot be easily moved through these fields once they reach a certain height or density. Further, when a power line runs through the field, the units must be pulled apart to get past the line and then reassembled on the other side.

96. Irrigation continued to evolve with the use of pivot irrigation. S. Gillespie stated that pivot irrigation is more water efficient and also has a height advantage that allows it to pass over tall crops, such as corn, and crops that would easily entangle with a wheel line, such as canola and peas. S. Gillespie submitted that the most important factor is that pivots require much less labour and time to monitor compared to any other available irrigation. For a wheel system, a person needs to be in the field at least twice a day to shut down the water, move the wheels, and restart them, which can mean early mornings and late evenings. However, once a pivot is started, the control panel runs it automatically and most pivots can run for days on end without someone physically present. S. Gillespie also discussed that pivot systems are less efficient when they cannot complete a full circle because they have to stop, then go back over crops they just watered.

97. Members of the 879L Group discussed their own experiences with the impacts of the existing transmission line.

98. Steve and Tracy Haupt, Nancy and Paul Rafa, and Travis Rafa described their experiences with having to use wheel irrigation systems. All testified that if the transmission line were removed, they would irrigate the lands using a pivot system instead.

99. S. and T. Haupt stated that their wheel systems are 45 years old and that the life of those wheel systems is coming to an end. They stated that it takes five sets to cross the field, and the field is typically watered five times in a season. At one and a half hours each time, that is 37.5 hours of just moving their wheel systems. There is additional time spent on maintenance and repairs of the equipment. They submitted that energy costs are higher for wheel systems, which also translates to a higher carbon footprint. Wheel systems are also more vulnerable to the wind and less efficient with water. They stated that wheel systems apply so much water at one time, that the water often runs off, carrying nutrients with it.

100. S. and T. Haupt also have two pivot irrigation systems on their properties. One pivot could irrigate 135 acres, but can only cover 110 acres because of the transmission line interference. They irrigate the remaining 25-acre parcel using the wheel irrigation system discussed above. The other pivot is capable of irrigating 40 acres, but it is only irrigating 30 acres because of the transmission line. The other 10 acres has irrigation water rights, but no irrigation equipment and so is currently dryland.

101. N. and P. Rafa stated that they move their wheel system five times per year at eight days each time for a total of 160 hours a year. Working around the structures requires an additional 28 hours of work a year from having to disassemble the wheels to get by the poles and reassemble to continue watering. At a $70 per hour working rate, they estimated this amounts to more than $13,000 a year. They submitted that there is also chemical, fertilizer and seeding overlap as going around the poles is extremely inefficient.

102. T. Rafa stated that moving the irrigation wheel lines is a very labour-intensive task which could be eliminated if the transmission line is relocated. He stated he waters his field four times a year at nine days each watering, totalling 36 days a year. He estimated that the total costs incurred in 2022 from the additional time from moving the wheel irrigation system, having to farm around the structures, and extra fertilizer, chemical, and seed used was more than $25,000.

103. Both G. Doll, who AltaLink also retained to provide expertise on agricultural impacts, and S. Gillespie confirmed that they considered wheel irrigation systems obsolete. S. Haupt, P. Rafa, and T. Rafa all testified about the difficulties of maintaining and finding parts for wheel systems. P. Rafa submitted that the portion he irrigates using a wheel system generates an income of $22,000 a year and expressed concern about losing that if he could no longer irrigate that parcel.

104. Arlin Cash, David Green, and Dustin Vossler detailed the additional costs of installing and maintaining the pivot irrigation systems on their lands.

105. The transmission line bisects D. Vossler's quarter section such that he has had to install two irrigation pivots instead of one to irrigate his property. He submitted that the additional maintenance costs of requiring an extra pivot is roughly $2,000 a year. He provided a quote that stated it would cost $329,000 to replace the irrigation pivots once they are worn out; without the transmission line, he would only need to replace a single pivot at half the cost.

106. D. Green indicated that the power line prevents him from irrigating approximately 27 acres of property with one of his pivots. He submitted that if the transmission line were removed, he could irrigate those remaining acres by slightly altering the location of his pivot. He stated that to irrigate those acres with the transmission line in place would require him to install an additional pivot at a cost of approximately $150,000.

107. A. Cash discussed the additional time and labour required to use wheel irrigation systems, estimating it requires an additional 100 hours of unnecessary labour a year to move the system. A. Cash stated that it is time to move to a pivot irrigation system to be able to fertilize and irrigate more efficiently and responsibly in the future as the government is asking for reductions in carbon footprint. A. Cash included quotes for two scenarios for installing irrigation pivots on his lands. The first scenario requires two pivots systems due to the transmission line and has a cost of approximately $220,000; the second system is based on the transmission line being removed and requires only a single pivot at a cost of approximately $110,000.

108. At the hearing, 879L Group members testified about the age of their irrigation pivots and when they may have to potentially replace them. Pivot system lifetimes were estimated to be between 15 and 25 years. Some members' pivot systems are likely to require replacement in the next 10 to 15 years, which is AltaLink's estimate for the remaining life of Transmission Line 879L.

109. The Commission finds that the 879L Group has demonstrated that the presence of the transmission line results in significant impacts related to irrigation. The Commission also considers that the evolution of irrigation has resulted in impacts to the 879L Group that could not necessarily have been foreseen when the transmission line was initially constructed.

4.1.4.5.2 Aerial spraying

110. The 879L Group submitted that the transmission line prevents them from using aerial spraying. T. Rafa submitted that the inability to use aerial spraying resulted in decreased yield in a previous crop year because the fields could not be sprayed in the necessary time frame. S. Gillespie stated that while aerial applicators can work around power lines, this is much easier where they are on the sides of fields and that crop spraying is best done with the direction of the rows. He added that ground sprayers can be used effectively as an alternative early in the season, as crops may bounce back if you drive over them; however, using ground sprayers later in the season would result in damage to the crops.

111. The Commission finds that the transmission line limits the ability to use aerial spraying. While ground spraying is an alternative in some situations, the Commission recognizes the evidence of S. Gillespie and the 879L Group members about its limitations and impacts. The Commission notes that G. Doll also acknowledged that ground moisture content could affect the ability to use ground spraying as, if the ground is too wet, a ground sprayer could leave significant rutting or may not be able to access the field at all.

4.1.4.5.3 Rutting

112. A. Cash, N. and P. Rafa, and T. Rafa discussed rutting on their lands from previous work AltaLink had performed on the transmission line that they submitted has never been completely fixed. They expressed concerns that rutting would occur again in the future if the line remains in place. AltaLink stated that in 2019, work on the transmission line was planned during frozen conditions but that when conditions changed and equipment needed to be removed, some rutting occurred. It stated that it entered into agreements with landowners to resolve their concerns and compensated them for their time and efforts to repair the ruts to their satisfaction. In the case of A. Cash, AltaLink agreed to review the state of the damage three years from signing the agreement to determine whether any further action would be required.

113. The resolution of 879L Group members' concerns about previous damage to their lands is outside the scope of this proceeding. The Commission expects that AltaLink will complete the work in dry or frozen conditions and acknowledges that AltaLink's environmental protection plan contains additional measures to mitigate impacts, such as rutting. This should mitigate any future impacts. Given the history of rutting, the Commission expects AltaLink to be diligent in its application of mitigation measures in relation to activities that may result in damage to land. The Commission does however recognize that relocating the transmission line adjacent to a road would allow for easier access to the transmission line and reduce the likelihood of rutting and other damages.

4.1.4.5.4 Electric and magnetic fields, GPS interference, and other concerns

114. Several members of the 879L Group identified concerns with the effect of the transmission line on their livestock. Clay Westerlund submitted that when his cattle were located in the pasture near the transmission line, 25 per cent of them did not conceive. When the cattle were moved to a field away from the line, all of the cattle conceived.

115. As noted previously, AltaLink retained Exponent regarding EMF exposure and health. The Exponent report stated that cattle have been one of the most studied species in EMF research and that "[o]verall, research does not conclude that EMF from transmission lines or the presence of power lines and structures result in adverse effects on the health, behavior, or productivity of

domestic or wild animals."[31] The Commission notes that the health effects of EMF is a complex topic; as such, the Commission provides greater weight to the evidence provided by Exponent, considering the qualifications and expertise of the Exponent independent witnesses in relation to EMF,[32] relative to opinion evidence from C. Westerlund. The Commission cannot conclude without further evidence that the transmission line was the cause of the reduction in fertility of C. Westerlund's cattle. The Commission is persuaded by the evidence of Exponent that EMF from transmission lines do not result in adverse effects to animals.

116. Members of the 879L Group expressed concern about the transmission line interfering with their GPS equipment. D. Vossler stated that he receives a substantial amount of interference on his GPS equipment when it is in close proximity to the transmission line. He submitted that he is unable to structure any variable rate of application in a particular area, which affects his crops' health and his bottom line. He indicated he has spent a considerable amount of time and money with GPS technicians to try and correct the problem to no avail.

117. AltaLink stated that historically, radio frequency interference has not been an issue for AltaLink's transmission lines. It submitted that investigations, research, and discussions with agricultural autonomous vehicle manufacturers and suppliers demonstrate that interference from transmission lines on GPS or global navigation satellite system (GNSS) signal reception and equipment operation is unlikely during the transmission lines normal operation. AltaLink committed to performing post-construction measurements of radio frequency interference levels to ensure compliance with Innovation, Science and Economic Development (ISED) Canada requirements. The Commission requires AltaLink to continue to work with landowners, if they identify GPS interference, to try to determine mitigations.

4.1.4.5.5 Conclusion

118. The Commission finds that the agricultural impacts of the transmission line in its current alignment are significant. The 879L Group members have provided compelling evidence about the additional time it takes them and the expenses they incur from having the transmission line on their properties. The Commission considers that the impacts to many of the individual members of the group are significant and that the cumulative impacts to the group members are substantial.

119. Transmission lines along linear disturbances and therefore along the edge of fields can still have agricultural impacts; however, the Commission considers these impacts are generally much less; there are generally less restrictions to aerial spraying, generally less impacts from having to farm around structures and there is generally easier access to the transmission line for construction, as well as for maintenance. Most significantly, transmission lines along roads and quarter section boundaries generally have much lower impacts to pivot irrigation.

120. Further, the Commission recognizes that moving the line to linear disturbances would not only likely result in a reduction of impacts, but would also result in broader public benefits from increased crop production and more efficient water usage on the lands impacted by the Transmission Line 879L infrastructure.

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[31] Exhibit 27776-X0019, Appendix TS14 Electrical Interaction Documents, PDF page 77.

[32] Exhibit 27776-X0319, AML Witness CV - Gary Johnson; Exhibit 27776-X0320, AML Witness CV – Pamela Dopart.

4.1.5 Whether to restore Transmission Line 879L along its existing alignment or rebuild along a new alignment

121. The 879L Group submitted that the proposed alterations would in effect, extend the lifetime of the transmission line. It expressed concern that in another 10 years AltaLink would apply to further modify the line, resulting in the transmission line's lifetime being extended into perpetuity.

122. AltaLink explained that if the project were approved and completed, 82 of 453 structures between the Burdett and Bullshead substations will have been replaced since 2008 and more specifically, 40 of the 117 structures will have been replaced along the diagonal section near Seven Persons.

123. The Commission finds persuasive AltaLink's statement that the condition of the approximately 370 remaining transmission poles will be a key determinant for the timing of a future rebuild. Based on that, the Commission finds that the project should not extend the expected remaining life of the transmission line.

124. AltaLink's initial analysis estimated the cost to reroute the diagonal cross-country portion of the transmission line as more than three times its proposed restoration alternative. In response to information requests from the Commission, AltaLink conducted a further cost analysis, which included the cost to rebuild the transmission line at its end of life, which AltaLink had estimated as 10 to 15 years.

125. The net present value analysis estimated that the proposed restoration, in combination with a 10-year deferral of rebuilding the transmission line, would result in a savings of $3.7 million compared with rebuilding the transmission line in a new alignment right away. Those savings would increase to $7.3 million if the transmission line were not rebuilt for 15 years.[33] At the hearing, AltaLink indicated that the rebuild of the transmission line is not in its 10-year plan and suggested that a rebuild is more likely in the 12-to-15-year time frame.[34]

126. AltaLink submitted that a decision directing AltaLink to bring forward an application to reroute the transmission line would result in a delay of approximately two years and three months to three years to the in-service date.[35] The Commission must also consider the impacts that such a delay would cause.

127. As further discussed in Section 5 of this decision, a "congestion free" transmission system is a key principle of Alberta's transmission policy. It sends a signal that if generation is built, it will be able to get its energy to market. The Commission recognizes that any delay to alleviating congestion not only has direct financial impacts but also potentially creates uncertainty in that signal.

128. The AESO, AltaLink and some market participants have discussed the urgency of the need for this project. Congestion is occurring in real-time resulting in curtailment to market participants. Any delays to the project would extend this congestion, causing financial impacts to market participants. This congestion also results in greater costs to ratepayers as the AESO must

[33] Exhibit 27776-X0124, AML IR Responses to AUC Round 1 (1-7), PDF page 6. Neither estimate includes potential maintenance costs.
[34] Transcript, Volume 2, page 210, lines 6-21.
[35] Transcript, Volume 1, page 211, lines 2-15.

dispatch additional generation to offset the curtailed generation; in 2022, these payments, known as Transmission Constraint Rebalancing, totalled $1.80 million.[36] As discussed earlier, the AESO forecasted congestion could occur in eight to nine per cent of all hours in 2023. The Commission considers this to be material and expects similar numbers would occur in subsequent years if a transmission development to alleviate the congestion did not progress on a timely schedule.

129. The Commission finds that the agricultural and other impacts to the 879L Group do not outweigh the additional costs that rerouting the transmission line now, instead of at its end of life, would cause and the impacts that a delay to alleviating congestion would have.

130. The affordability of transmission continues to be a significant issue in Alberta, and the Commission cannot take additional costs lightly. The Commission must find ways to optimize the existing system to the greatest extent possible. The Commission considers that the proposed project is cost effective and an efficient method to increase the capacity of Transmission Line 879L.

131. The fact that all of the 879L Group members obtained their properties with the existing transmission line already on it is material to the Commission's decision. The Commission recognizes that a few 879L Group members have owned or had their properties' in their families for decades. In those instances, the Commission acknowledges that the impacts resulting from evolution in irrigation technology would not have been known. However, for the most part, 879L Group members, especially those who recently acquired their property, knew, or ought to have known, the additional impacts, including the agricultural impacts, that the transmission line would have on the property. The landowners may have received a discount when purchasing their property that reflected these additional impacts.

132. In making this decision, the Commission is aware that it is not approving a new transmission line with a lifetime of 60 to 80 years, but is considering modifications to a transmission line near its end of life. The Commission is conscious of the potential for the transmission line to be relocated in 10 to 15 years. The Commission emphasizes that its decision is not intended to be read as a suggestion that the impacts of the current transmission line alignment are lower than a route that more closely follows linear disturbances. Instead, the Commission finds that based on the costs to rebuild the transmission line now as opposed to at its end of life and the impacts of a delay to alleviating the congestion, it is not in the public interest to reroute the transmission line at this time. The Commission acknowledges that there are impacts as a result of the current alignment and expects that AltaLink will consider route alternatives when it proposes to rebuild the transmission line at its end of life. The Commission notes that AltaLink committed to doing just that.[37]

4.1.6 Conclusion

133. Based on the foregoing, the Commission considers AltaLink's application to restore the capacity of Transmission Line 879L to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act.*

[36] Exhibit 27776-X0261, Attachment 1 – 2022 AESO Annual Market Statistics, PDF page 43.
[37] Transcript, Volume 1, page 57, line 25 to page 58, line 7.

4.2 Rebuild of Transmission Line 610L

134. In this section, the Commission approves an application from AltaLink to rebuild Transmission Line 610L in the Taber area. For the reasons below, the Commission finds that approval of AltaLink's application, and specifically the preferred route, is in the public interest having regard to the social, economic, and other effects of the proposed facilities, including their effect on the environment.

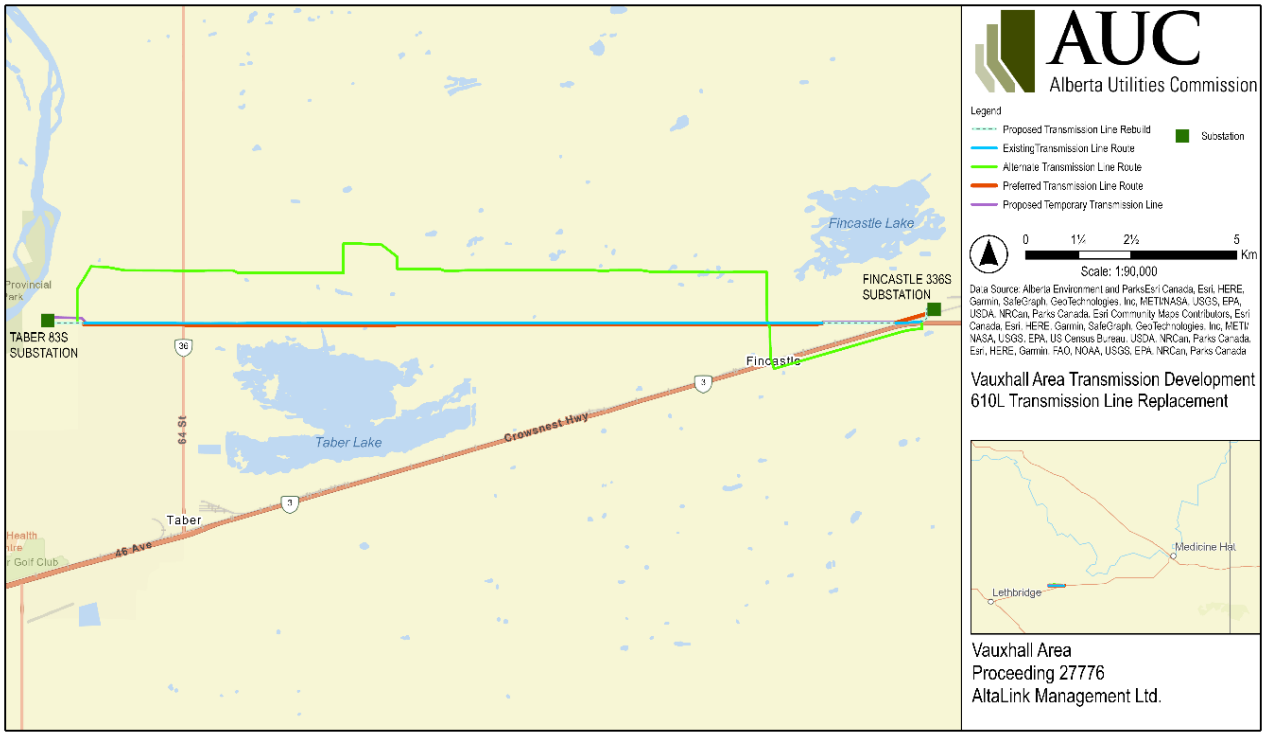
135. To meet the need identified in the Vauxhall Area Transmission Development NID, AltaLink applied to rebuild the existing 138-kV Transmission Line 610L between the Taber 83S Substation and the Fincastle 336S Substation. The existing line has a summer rating of 85 MVA and a winter rating of 90 MVA. The AESO directed AltaLink to replace the transmission line with a new line with a minimum rating of 173 MVA.

136. The majority of the existing transmission line runs along the north side of Township Road 102. AltaLink reviewed options to rebuild the transmission line in the current alignment; however, the AESO determined that extended outages to accommodate the required construction would not be feasible as they would place the electrical system in the immediate area at risk. Similarly, AltaLink stated that many shorter outages or a parallel temporary line would extend the construction timeline beyond the required in-service date or significantly increase costs. AltaLink, therefore, began a process to establish the best potential route for the rebuild.

137. AltaLink conducted a participant involvement program that included landowners, encumbrance holders, government officials and agencies, industry, and oil and gas stakeholders. In April and September of 2022, AltaLink sent information packages to stakeholders within 800 metres of the edge of the project. Between April and December 2022, AltaLink directly consulted with stakeholders within 100 metres of the proposed routes, the proposed temporary line and the existing transmission line. AltaLink also consulted with seven Indigenous groups and after submitting its consultation records to the Aboriginal Consultation Office (ACO), the ACO concluded AltaLink's consultation with the First Nations was adequate. Based on the foregoing, the Commission is satisfied that AltaLink's participant involvement program complies with the requirements of Rule 007.

138. Through its routing process, AltaLink developed a preferred and alternate route, shown in Figure 3. AltaLink considered and rejected other route options based on their greater overall length, which resulted in higher costs and greater overall impacts.

Figure 3. Proposed Transmission Line 610L



139. The preferred and alternate routes share a common alignment for 500 metres as they exit the Taber 83S Substation. After assessing the area for alternate routes, AltaLink determined that rebuilding the route in its current alignment would be the best option. AltaLink stated that if it cannot obtain sufficient outages to rebuild the transmission line, that it may require approximately 0.6 kilometres of temporary transmission line for this segment.

140. From the common alignment outside the Taber 83S Substation, where the two routes diverge, the preferred route runs east predominantly along the south side of Township Road 102, directly across the road from the current alignment. The alternate route runs predominantly along quarter sections, located approximately 800 metres north of Township Road 102 with some deviation from the quarter line to accommodate irrigation pivots and other pre-existing features. After approximately 11 kilometres, the two routes intersect with the alternate route travelling south before it then crosses Highway 3 and follows the road in a northeastern direction to reach the Fincastle 336S Substation. The preferred route continues east within road allowance. After approximately 700 metres, Township Road 102 ends and the preferred route shifts to the north side of the road allowance and follows the alignment of the existing transmission line to Fincastle substation. AltaLink stated that it may require approximately 1.2 kilometres of temporary line to facilitate rebuilding the current alignment.

141. The preferred route is 13.7 kilometres in length with an estimated cost of $13.99 million and the alternate route is 16.7 kilometres in length with an estimated cost of $17.3 million. Table 1 compares the preferred and alternate routes as set out in AltaLink's application.

Table 1. Comparison of preferred route and alternate route[38]

Major aspects and considerations		Preferred route	Alternate route
Agriculture and native prairie impacts			
Agricultural land crossed by centreline (km)	Crop	1.5	6.5
	Tame pasture	0.6	1.7
	Rough pasture	0.0	0.0
	Native upland	0.0	1.7
Irrigation parcels crossed by centreline (#)		4	31
Irrigation parcels crossed by centreline (km)		1.9	9.9
Residential considerations			
Residences within 150 m of centreline (#)		20	8
Residences within 150 m now closer to centreline (#)		8	7
Residences within 800 m of centreline (#)		38	44
Residences within 800 m now closer to centreline (#)		16	29
Shelterbelts crossed by centreline (km)		0.2	0.1
Shelterbelt area within right-of-way (ROW) (ha)		0.0	0.2
Environmental impacts			
Surface water crossed by centreline (km)		0.00	0.00
Surface water within 800 m from centreline (ha)		113.6	22.6
Wetlands crossed by centreline (km)		0.0	1.7
Wetlands within 800 m of centreline (ha)		237.0	255.5
Watercourse crossings on centreline (#)		0	0
Canal crossings on centreline (#)		3	6
Provincially designated environmentally sensitive areas crossed by centreline (km)		0.9	0.0
Provincially designated environmentally sensitive areas in or within ROW (#)		1	1
Electrical considerations			
Parallel existing transmission lines (km)[1]		14.3	1.3
Existing distribution line crossings (#)		29	24
Parallel railway (km)		0.5	0.0
Special constraints			
Active oil or gas wells within 50 m of centreline (#)		0	2
Parallel route to pipelines within 250 m of centreline (km)		6.2	4.6
Number of pipeline crossings on centreline (#)		19	20
Historical resource values (HRV) within ROW (#)	HRV 1-3	0	0
	HRV 4	0	1
	HRV 5	3	6
Length of routes within road allowance (km)	Developed road allowance	11.6	2.2
	Partially developed road allowance	0.9	0.0
	Undeveloped road allowance	0.8	0.0
Length of routes on quarter line (km)		0.0	3.5
Crown land quarters crossed by centreline or ROW (#)		1	0
Protected notations (PNTs) crossed by centreline or ROW (#)		1	0
Technical considerations			
Total route length (km)		13.7	16.7
Number of corners (#)		19	34
Temporary transmission line route length (km)		1.9	0.6
Temporary transmission line ROW area (ha)		0.0	0.0
Rebuild/reuse of existing 610L route length (km)		1.8	0.8
Total ROW area (ha)		12.1	30.7

[1] This metric includes the existing 610L transmission line that will be removed at the end of the project.

[38] Exhibit 27776-X0047, Appendix TS16 Project Maps and Route Determination Report, PDF page 39.

142. The Commission received two statements of intent to participate related to Transmission Line 610L, from Amanda Feldbusch and from Russell and Gloria Neufeld. These parties opposed the preferred route but did not participate in the proceeding after filing a statement of intent to participate. Both A. Feldbusch and R. and G. Neufeld live on the south side of Township Road 102 and do not want to see the current line moved closer to their respective properties. In their statements of intent to participate they expressed concerns regarding health impacts, property damage, fire risk, tree clearing, noise, visual impacts and property devaluation. In their view, the line should be located along the alternate route, which has fewer residential impacts.

143. While the Commission acknowledges the interveners' concerns about the preferred route, the Commission finds that the preferred route has lower overall impacts. The preferred route follows existing linear infrastructure thus reducing impacts to land, agriculture and environmental features. Its siting also represents an incremental change given that it largely follows the same alignment as the existing transmission line, albeit on the opposite side of the road. It is material to the Commission that the preferred route is also shorter and has a lower cost.

144. The preferred route has fewer agricultural impacts than the alternate route as it better avoids cultivated fields and irrigation pivots. The alternate route predominantly follows quarter lines but nevertheless creates new adverse impacts for farming operations in proximity to the route. The alternate route also leaves the quarter line in certain locations to avoid existing irrigation canals and irrigation pivots, which increases the overall cost and impacts. The Commission also accepts AltaLink's evidence that relocating the route to the alternate alignment would increase impacts related to aerial spraying.[39]

145. While both the preferred and alternate routes are located within disturbed lands, the preferred route is expected to have fewer environmental impacts, primarily because it is sited in road allowance. The environmental evaluation filed with AltaLink's application indicates that the preferred route is anticipated to have a lesser impact on soils and terrain, surface water, groundwater, vegetation and wildlife. Many of these impacts are less significant on the preferred route because the existing roadway has already disturbed the natural environment and additionally, the roadway can be used for access to reduce any further disturbance.

146. There are a greater number of residences within 150 metres of the preferred route, including the Feldbusch and Neufeld residences, compared to the alternate route; however, there are also fewer residences within 800 metres. The Commission recognizes that the residences on the preferred route already have existing transmission infrastructure in close proximity to their properties and considers that the impacts to residences would largely be incremental. In contrast, the transmission line would result in new impacts to the residences in proximity to the alternate route.

147. Further, the Commission notes that many of the residences in proximity to the preferred route have existing shelterbelts to help mitigate the visual, sound and property value impacts. The Commission recognizes that along portions of the route, AltaLink will use a vertical conductor arrangement to reduce the right-of-way width and minimize impacts to shelterbelts.

[39] Exhibit 27776-X0047, Appendix TS16 Project Maps and Route Determination Report, paragraph 129.

148. Currently, there is a FortisAlberta Inc. distribution line underbuilt on Transmission Line 610L. Some stakeholders expressed concerns during the participant involvement program about the potential for lines running down both sides of Township Road 102 if the preferred route were approved. In response, AltaLink investigated underbuilding the distribution line on the preferred route. AltaLink stated that to co-locate the lines, the span lengths between structures would have to be reduced from an average of 150-160 metres to 90 metres, which would increase costs by approximately $3 million. Combined with the cost to relocate the distribution line, the total cost to add the Fortis underbuild to the preferred route would be approximately $5.7 million. This would cost roughly twice as much as rebuilding the Fortis line along the north side of Township Road 102, which would cost an estimated $3 million. Further, both Fortis and AltaLink agree there are operational constraints to co-locating lines as both need to be deenergized for repairs and maintenance, leading to more outages overall. Given these considerations, the Commission will not require the distribution underbuild.

149. The Commission has reviewed the application and has determined that the information requirements specified in Rule 007 have been met.

150. The Commission considers the application, and specifically the preferred route, to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act.*

5 Exception filing under Section 15(2) of the Transmission Regulation

5.1 Summary

151. The Alberta Interconnected Electric System is experiencing real-time congestion under normal system conditions on 138-kV transmission lines 610L and 879L in the AESO planning areas of Vauxhall and Medicine Hat. The AESO is currently curtailing generation in the area to address thermal criteria violations on those transmission lines. The preferred transmission development, as approved by the Commission in Section 3 of this decision, will alleviate the congestion and is expected to be fully energized by Q3 2024.[40]

152. Under Section 15(1)(f) of the *Transmission Regulation*, the AESO must make arrangements for the expansion or enhancement of the transmission system so that, under normal operating conditions, all anticipated in-merit electricity referred to in sections 15(1)(e)(i) and (ii) of the *Transmission Regulation* can be dispatched without constraint. Section 15(2) of the *Transmission Regulation* gives the AESO discretion to make or provide for specific and limited exceptions to the matters described in Section 15(1)(f) and, if it does, it must file the exceptions for a Commission approval.

153. The AESO made a Section 15(2) exception filing (15(2) application) to the matters described under Section 15(1)(f) in relation to excess congestion occurring on transmission lines 610L and 879L until the preferred transmission development is energized. Alternatively, the AESO argued that it would also be reasonable for the Commission to find that a 15(2) application is not required in the circumstances.

[40] The restoration of Transmission Line 879L is expected to be completed by January 2024, while the rebuild of Transmission Line 610L is expected to be completed by September 30, 2024.

154. For the reasons that follow, the Commission finds a 15(2) application is required in the circumstances and approves the application.

155. The Commission's reasons are structured as follows. First, the Commission sets out the scope of the 15(2) application in this proceeding and summarizes the statutory framework. Then the Commission provides its findings regarding when a 15(2) application is required, when the application should be filed, and the minimum information required in the application, all in the context of this particular 15(2) application. Finally, the Commission addresses other matters raised by parties in relation to the 15(2) application.

5.2 Scope of the Section 15(2) application

156. Some interveners requested that the scope of the 15(2) application in this proceeding be broadened to include 15(2) application matters generally. While the Commission denied the requests,[41] it acknowledged that this is the first Commission decision on a 15(2) application and, therefore, the Commission's decision in this proceeding may influence the Commission's treatment of future 15(2) applications.[42] As such, the Commission stated that, in adjudicating this particular application, it intended to consider the following issues:

a) The purpose of a Section 15(2) application and under what circumstances a 15(2) application is required; in particular, is a Section 15(2) application required in the present circumstances, where the AESO has indicated that congestion is already occurring and the AESO does not appear to be proposing to delay any transmission development.

b) The timing of the AESO's Section 15(2) application; in particular, whether the AESO must obtain approval of an exception under Section 15(2) prior to congestion actually occurring on the system.

c) The information required in the AESO's Section 15(2) application; in particular, what level of detail is required if the AESO is planning for transmission development to resolve congestion.[43]

157. The Commission emphasized that its focus is on the facts and impacts of this particular 15(2) application but with some consideration of underlying general principles. The Commission advised that it did not intend to address the impacts to rates and markets in a general sense.[44]

5.3 Legislative framework

158. The relevant statutory provisions are sections 17 and 33(1) of the *Electric Utilities Act* and sections 15(1) and (2) of the *Transmission Regulation.*

159. Section 15(1) begins by stating "… in exercising its duties under sections 17 and 33(1) of the Act, the ISO must …" Under sections 17(i) to (j) of the *Electric Utilities Act*, the AESO has a

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41 Exhibit 27776-X0152, AUC Ruling on standing and on request to consider generic Section 15(2) application issues.

42 The AESO has previously made four Section 15(2) exception filings. This includes the Hatterman exception filing (Proceeding 2341), the Peace River exception filing (Proceeding 3591), the Riverview exception filing (Proceeding 2402), and the Oldman exception filing (Proceeding 964). This is the first Section 15(2) application made in which excess congestion is occurring in real-time.

43 Exhibit 27776-X0152, paragraph 9.

44 Exhibit 27776-X0152, paragraph 10.

duty to assess the current and future needs of electricity market participants and plan the capability of the transmission system to meet those needs. It must also make arrangements for the expansion of and enhancement to the transmission system. Under Section 33(1) of the *Electric Utilities Act*, the AESO must forecast the needs of Alberta and develop plans for the transmission system to provide efficient, reliable and non-discriminatory system access service and the timely implementation of required transmission system expansions and enhancements.

160. Under sections 15(1)(e)(i) and (ii) of the *Transmission Regulation*, the AESO must plan a transmission system so that, 100 per cent of the time, transmission of all anticipated in-merit electric energy can occur when all transmission facilities are in service, and on an annual basis and 95 per cent of the time, transmission of all anticipated in-merit electric can occur when operating under abnormal operating conditions.[45] This also known as the "100-95 requirement." Congestion in excess of the 100-95 requirement is known as "excess congestion."

161. Under Section 15(1)(f), the AESO must make arrangements for the expansion or enhancement of the transmission system so that the 100-95 requirement is met.[46]

162. Under Section 15(2) of the *Transmission Regulation*, the AESO may make or provide for specific and limited exceptions to the matters described in sections 15(1)(e) and (f) and, if it does, it must file the exceptions with the Commission for time-limited approval.[47]

5.4 When is a Section 15(2) application required?

163. The first issue the Commission addresses is the purpose of Section 15(2), and under what circumstances a 15(2) application is required.

164. Parties provided three views in response.

165. All parties, excluding ENMAX, submitted that a 15(2) application is necessary in the current circumstances and should be approved. These parties argued that the AESO and the Commission have previously interpreted sections 15(1)(e) and (f) as establishing a duty for the AESO to achieve the 100-95 requirement, and Section 15(2) as providing a temporary exception to that duty. The parties continued to support this interpretation. In addition, these parties indicated that while the AESO has the responsibility to fairly and economically manage the timing for the construction of an uncongested system, the legislature has provided the Commission with the overall authority to provide relief to the AESO in meeting this obligation.

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[45] *Transmission Regulation,* Section 15(1): "In making rules under section 20 of the Act, and in exercising its duties under sections 17 and 33(1) of the Act, the ISO must … (e) taking into consideration the characteristics and expected availability of generating units, plan a transmission system that (i) is sufficiently robust so that 100% of the time, transmission of all anticipated in-merit electric energy referred to in section 17(c) of the Act can occur when all transmission facilities are in service, and (ii) is adequate so that, on an annual basis, and at least 95% of the time, transmission of all anticipated in-merit electric energy referred to in section 17(c) of the Act can occur when operating under abnormal operating conditions."

[46] *Transmission Regulation,* Section 15(1): "In making rules under section 20 of the Act, and in exercising its duties under sections 17 and 33(1) of the Act, the ISO must… (f) make arrangements for the expansion or enhancement of the transmission system so that, under normal operating conditions, all anticipated in-merit electricity referred to in clause (e)(i) and (ii) can be dispatched without constraint."

[47] *Transmission Regulation,* Section 15(2): "In planning and arranging for enhancements or upgrades to the transmission system, the ISO may make or provide for specific and limited exceptions to the matters described in subsection (1)(e) and (f) and in section 16(1), or any of them, and if it does so, must (a) file the exceptions with the Commission for approval, and (b) specify the periods of time the exceptions apply."

These parties submitted that Commission oversight must be meaningful. Some perspectives on the scope of meaningful oversight included ensuring the proposed exception complies with Section 15(2) requirements, establishing a hearing process, and issuing a decision that could change the AESO's proposed course of action.

166. Alternatively, the AESO advised that it would also be reasonable for the Commission to find that a 15(2) application is not required in the circumstances.[48] The AESO argued that "making arrangements" in Section 15(1)(f) could be broadly interpreted to include a range of steps that occur as it transitions plans in its long-term transmission plan into system projects, including the development of NIDs and participation in the associated regulatory approval process.

167. In contrast, ENMAX interpreted "making arrangements" as being a finalized NID and the transmission upgrades outlined in AltaLink's facility applications. In ENMAX's view, because the AESO filed a NID in this proceeding, the AESO is currently in compliance with Section 15(1)(f), and a 15(2) application is not necessary. However, ENMAX submitted that the AESO should have filed a 15(2) application at the time it reasonably anticipated congestion.

168. The objective of an uncongested system is a cornerstone of Alberta's competitive electricity market. Despite this, the statutory scheme contemplates that congestion may occur from time to time.[49]

169. The AESO has the statutory duty to fairly and economically manage the timing for the construction of an uncongested system. The AESO also has statutory discretion in terms of the timing to achieve this objective.[50] The AESO's statutory discretion is limited by two key provisions.

170. First, the AESO must exercise its powers and carry out its duties, responsibilities and functions in a timely manner that is fair and responsible.[51]

171. Second, Section 15(1)(f) of the *Transmission Regulation* establishes a duty for the AESO to make arrangements for enhancements or upgrades to the transmission system in order to avoid excess congestion. The Commission interprets this to be a duty to ensure the 100-95 requirement is met. The AESO necessarily requires some flexibility in carrying out its mandate. If the AESO is not able to arrange for enhancements or upgrades to the transmission system to be constructed quickly enough to avoid excess congestion, then Section 15(2) provides the Commission with the authority to exempt the AESO from that duty on a temporary basis.

172. The Commission is not persuaded by the AESO's submissions that "making arrangements" should be interpreted generously, to include steps such as the AESO initiating a

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48 The AESO submitted it took a prudent approach and requested approval of a Section 15(2) exception given the existence of congestion and the time it will take for the preferred transmission development to be energized. Exhibit 27776-X0164, AESO IR responses, AESO-AUC-2023MAR15-001(a); Exhibit 27776-X0286, AESO argument, paragraphs 34-35.

49 For example, some congestion is allowable under abnormal operating conditions, so long as it is not in excess of the 100-95 requirement, and congestion in excess of the 100-95 requirement is allowable if the Commission approves it under Section 15(2).

50 *Electric Utilities Act*, sections 17, 33(1); *Transmission Regulation*, sections 15(1)(e), 15(1)(f). There is no prescribed deadline in the statutory scheme.

51 *Electric Utilities Act*, Section 16(1).

project. The Commission understands "arrangements" to refer to putting things into order, in accordance with a plan.[52] The AESO's interpretation is compelling from the perspective that the AESO necessarily requires a degree of flexibility and discretion to carry out its statutory duties, and such an interpretation would make 15(2) applications even more exceptional, thereby reducing regulatory burden. However, this interpretation would result in the Commission having effectively no oversight role in relation to the AESO's Section 15(1)(f) duty.

173. The legislature's desire for the Commission to have an oversight role is evident in comparing Section 15(2) and Section 15(3). Both of these sections provide the AESO with discretion to make or provide for specific and limited exceptions to certain matters or requirements. However, under Section 15(2) the Commission oversight is required, and under Section 15(3), Commission oversight is not.

174. The Commission is also not persuaded by ENMAX's argument that 15(2) applications are not required once the AESO files a NID. The legislature uses the terms "needs identification document" elsewhere in the *Transmission Regulation* and could have used this term in Section 15(2) if that was its intention. Further, the AESO's role in making arrangements for expansion of enhancement of the transmission system does not end once the AESO files a NID, as is evident by the inclusion of milestones in some NIDs and post-approval NID amendment applications.

175. Some interveners argued that the purpose of a 15(2) application is to provide notice of or otherwise communicate forecasted congestion. The Commission does not find this argument compelling. There are far more efficient ways for the AESO to communicate forecasted congestion than through a 15(2) application. The Commission notes that in response to some interveners submitting that they would benefit from earlier notice of forecasted congestion than what occurred in the present case, the AESO committed to sharing congestion information earlier and in better ways.[53] The Commission expects the AESO to follow through on this commitment and to take proactive measures to share relevant information related to potential congestion earlier and more broadly. Doing so should help generation facility proponents make timely and better-informed decisions in relation to choosing to develop in areas that may not require transmission system upgrades.

176. In the present circumstances, the AESO has indicated that excess congestion is already occurring on transmission lines 610L and 879L, and that it needs additional time to achieve the 100-95 requirement. In the Commission's view, a 15(2) application is required for the Commission to provide the AESO with temporary, specific and limited relief from meeting its obligations under Section 15(1)(f).

5.5 When should a Section 15(2) application be filed?

177. The second issue the Commission addresses is the timing of the AESO's 15(2) application.

178. The AESO submitted Section 15(2) does not require, on its face or by necessary implication, that an application be filed prior to excess congestion occurring. As support, the AESO pointed to the broad language in Section 15(2), the constraints on its discretion under Section 16(1) of the *Electric Utilities Act*, the considerations it must balance when planning and

[52] Black's Law Dictionary, 11th ed, 2019.
[53] Exhibit 27776-X0211, AESO reply evidence, paragraphs 6, 29.

arranging for the expansion and enhancement of a complex transmission system, and its view that Section 15(2) provides the AESO with some flexibility in carrying out its mandate.

179. For context, the AESO pointed to the reasons for excess congestion occurring in the area, including the rapid energization of generation projects in the study area, the large total megawatt size of these projects served by two 138-kV lines, and a lack of certainty with respect to the timing of energization for these generation projects.[54] The AESO advised that it originally started studying the need for transmission development in the area in Q1 2020. It initiated a congestion assessment for the area in 2021 and obtained preliminary congestion results in late 2021 confirming congestion was reasonably anticipated to arise. It then initiated its congestion assessment for the 15(2) application in November 2021. Real-time congestion first occurred in the study area in March 2022.[55] The AESO submitted that before making a 15(2) application, it also needed to confirm how long it would take to energize the preferred transmission development.

180. The CCA and the Generator Alliance[56] shared the view that a Section 15(2) exception filing *could* be filed after congestion occurred. However, both the CCA and the Generator Alliance expressed concern that the AESO's proposed broad scope of discretion would render the Commission's Section 15(2) oversight function meaningless. The CCA proposed that the AESO should exercise due diligence and implement reasonable processes to ensure it identifies potential congestion and informs impacted market participants as soon as possible.

181. The Generator Alliance, Capstone, ENMAX, and BHE Canada favoured interpreting Section 15(2) as requiring the AESO to file an exception as soon as the AESO becomes aware that excess congestion is "reasonably anticipated."

182. The Commission finds that Section 15(2) does not require the AESO to make a 15(2) application prior to excess congestion occurring on the system. There are three reasons for this.

183. First, Section 15(2) does not include express language in relation to when the AESO must make an exception filing to the Commission.

184. Second, the Commission is persuaded by the AESO's submissions that congestion can arise quickly and unexpectedly. In these circumstances, interpreting Section 15(2) as requiring the AESO to make an application prior to excess congestion occurring (including according to the suggested "reasonably anticipated" standard) is neither reasonable nor practical. The AESO may need additional time after that point to prepare its 15(2) application, including determining its plan to alleviate the excess congestion, and the period of time that an exception would be required.

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[54] Exhibit 27776-X0203.01, AESO-Capstone-2023MAR29-009(a).

[55] Exhibit 27776-X0164, AESO IR responses, AESO-AUC-2023MAR15-002(a), (c); Exhibit 27776-X0286, AESO argument, paragraphs 8, 12-13.

[56] The Generator Alliance is made up of ATCO Power (2010) Ltd., Capital Power Corporation, Heartland Generation Ltd., Northland Power Inc., Suncor Energy Inc., TransAlta Corporation, and TransCanada Energy Ltd.

185. Third, transmission costs are paid by load customers.[57] The Commission does not find it to be in the public interest to move forward with transmission projects until the AESO is sufficiently certain that they will be needed. Where transmission is being driven by generation, the AESO must be sufficiently satisfied that the generation will indeed move forward at a reasonable pace.

186. The Commission expects that the AESO would file a 15(2) application before excess congestion occurs, when it is reasonable and practical to do so. The AESO will need to determine when to make a 15(2) application on a case-by-case basis, balancing several key factors. The application should be made as early as possible so that the Commission has a meaningful opportunity to consider the application and potentially alter the AESO's proposed course of action. An application that is made too late erodes transparency of the AESO's actions and the Commission's oversight. Conversely, the AESO should be wary of filing 15(2) applications without sufficient certainty of congestion. Such applications would be overly speculative and would be an inefficient use of time and resources for the AESO, the Commission and potentially affected parties. Further, the timing of an application will depend on how quickly the AESO can provide information on the amount and duration of the excess congestion and the proposal to alleviate the congestion. An application that does not provide sufficient detail is not of use to the Commission and will not allow the Commission to properly considers its merits.

187. The AESO identified that it could have filed its application three months earlier but waited to file it in conjunction with the NID and facility applications to allow for greater regulatory efficiency. The Commission does not consider regulatory efficiency to be as significant a factor as those discussed above, but still considers that it is a factor that should be considered, and finds the AESO's decision was reasonable in this case.

188. BHE Canada submitted that a "secondary purpose" of Section 15(2) is to provide a fair process to potentially impacted parties, which includes process *before* the potential impact from excess congestion materializes. The Commission does not find this argument compelling. The Commission has broad authority to set a fair and efficient process for adjudicating applications.[58] If the AESO makes a 15(2) application in advance of excess congestion, and if the AESO were proposing to delay activities related to remedying forecasted excess congestion, then the Commission would have the opportunity to set process steps to test the proposed delay, and potentially to find that the AESO needs to accelerate its activities. If the AESO makes a 15(2) application in advance of excess congestion, but the AESO does not propose to delay activities related to remedying forecasted excess congestion, then the Commission anticipates less process may be required to adjudicate the filing. In the current proceeding, the Commission held a written proceeding in the context of real-time congestion. As discussed earlier in this decision, the Commission had an expanded process in this proceeding (including information requests, evidence on limited matters, and argument) because this decision, as the first

[57] This refers to customers who withdraw energy from the transmission system.

[58] Section 9 of the *Alberta Utilities Commission Act* requires the Commission to give notice of applications and to ensure that any person who may be directly and adversely affected by the Commission's decision on an application has a reasonable opportunity of "learning the facts bearing on the application as presented to the Commission by the applicant and other parties to the application." Section 76(0.1)(1)(e) of the *Alberta Utilities Commission Act* authorizes the Commission to make rules of practice governing "the Commission's procedure and hearings." Rule 001: *Rules of Practice* gives the Commission broad discretion to set the process for its hearings.

Commission decision on a 15(2) application, may influence the Commission's treatment of future 15(2) applications.

189. Overall, the Commission is persuaded that, in this case, by the time the AESO was sufficiently certain that generation projects were moving forward, there was not adequate time to study, apply for, and construct the required transmission facilities before excess congestion occurred. The Commission finds that the timing of the 15(2) application was reasonable.

5.6 What information should be included in a Section 15(2) application?

190. The third issue the Commission addresses is the information required in the AESO's 15(2) application.

191. The AESO submitted that the information should be sufficient to confirm that the AESO has satisfied the requirements of Section 15(2) and specify the time that the exception would apply. The AESO advised that, to demonstrate that the exception would not continue indefinitely, it would need to provide some evidence regarding its plans to resolve the reasonably anticipated congestion. This evidence may be less rigorous depending on when the AESO makes a 15(2) application in relation to when the excess congestion is forecasted to occur. Intervening parties provided a range of submissions in relation to what information the AESO should or must file in a 15(2) application.

192. The Commission finds that the information that the AESO must include, at minimum, is determined based on the statutory scheme. Considering that the AESO has flexibility in terms of the timing to achieve its duties under Section 15(1)(f); the Commission's oversight role under Section 15(2) in granting temporary, specific and limited exceptions; and the wording in Section 15(2); the Commission finds that a 15(2) application should, at minimum, contain sufficient information for the Commission to assess:

- The excess congestion forecasted or currently occurring.
- The AESO's plan to remedy the excess congestion.
- The time period that the exception will apply.

193. All intervening parties requested that the AESO provide additional information, beyond these minimum requirements. The AESO advised that it found some of the requests to be reasonable and reported that it would endeavour to incorporate them in the future.[59] The Commission will not direct the AESO to include additional information in future 15(2) applications. This is because the AESO must make its case in each application based on the particular circumstances. However, the Commission encourages the AESO to follow through on its statement that it will endeavour to incorporate the additional information requested by parties in future applications, to the extent that it is relevant to the application.

194. In relation to this 15(2) application, the AESO submitted that the information provided in the NID provides necessary and valuable context. The AESO argued that this particular Section 15(2) application is a targeted arrangement under Section 15(1)(f) that describes the excess congestion that is currently occurring, the AESO's plan to address it, and the timeline for

[59] Exhibit 27776-X0311, AESO 15(2) Reply Argument, paragraphs 22, 24, 29, 32.

resolving the excess congestion. The AESO indicated that the NID sets out the specific arrangement, being the preferred transmission development, needed to resolve the excess congestion and the various options considered by the AESO to arrive at the preferred option.

195. In contrast, Capstone and BHE Canada submitted that the 15(2) application is materially deficient and should be denied. Capstone submitted that the Commission should direct the AESO to refile the application to include information about how the AESO will manage congestion in the area until the preferred transmission development is energized. BHE Canada submitted that the information filed fails to establish the time that the proposed exception is intended to begin, and the market impacts of excess congestion to affected stakeholders.

196. The Commission agrees with BHE Canada that the expected time period that the Section 15(2) exception applies should be included in a 15(2) application. This includes the start date of the exception. However, in cases where excess congestion is occurring (as in this case), the Commission does not consider that the AESO's 15(2) application is deficient for lack of a stated start date.

197. The Commission is not persuaded by arguments made by Capstone and BHE Canada that a 15(2) application must include additional information regarding how the AESO operates the transmission system to avoid or mitigate the effects of excess congestion on affected stakeholders.[60] These concerns relate to matters including the content and requirements of certain ISO rules and reliability standards and are outside the stated scope of the proceeding.

198. In this case, the AESO is not proposing to delay transmission development. The preferred transmission development appears to alleviate the congestion as soon as reasonably practical. No party suggested any alternative solution that would more quickly resolve the congestion and reduce the amount of time an exception would be needed. As such, the Commission considers that the market impacts of the excess congestion are more or less set and the Commission's decision on the 15(2) application has no opportunity to mitigate those impacts further. If the AESO were to file a 15(2) application where it was proposing to delay transmission development, the Commission would expect to see an analysis of the market impacts so that they could be weighed against the merits of delaying the transmission development.

199. The Commission finds that the AESO has provided adequate information to demonstrate that excess congestion is already occurring on transmission lines 610L and 879L, and to support the AESO's plan to remedy the excess congestion, being the preferred transmission development. Further, the Commission finds there is adequate information to support the time period the exception will apply, being until the preferred transmission development is energized, which is anticipated to occur by the end of Q3 2024. Accordingly, the Commission finds that the AESO has provided adequate information to demonstrate that a Section 15(2) exception is needed in the circumstances and approves the filing.

200. The AESO requested the Commission approve the exception until the preferred transmission development is fully energized, rather than until a specific date.[61] The Commission agrees with this approach, as it should reduce the regulatory burden associated with making additional Section 15(2) applications to adjust the period that the exception applies for. The Commission still finds a need for continued Commission oversight of the Section 15(2)

[60] Exhibit 27776-X0304, Capstone argument, paragraph 2.
[61] Exhibit 27776-X0311, AESO 15(2) Reply Argument, paragraph 29.

exception until the excess congestion is remedied, and provides additional guidance regarding a compliance filing in Section 5.7.1 of this decision.

5.7 Other matters

5.7.1 Should the AESO make a compliance filing?

201. The Generator Alliance requested that the Commission require that the AESO, as a condition of approval to the 15(2) application or the NID application, file a compliance filing within 180 days of the preferred transmission development energizing, demonstrating that the excess congestion is resolved. The AESO stated it is willing to accept this as a condition of approval.[62] BHE Canada requested that the Commission direct the AESO to require personal notification to potentially impacted parties, including BHE Canada, if it anticipates a delay in the preferred transmission development's energization date.

202. The Commission sees merit in the compliance filing approach, given that the Commission is approving an exception until the preferred transmission development is energized, rather than a specific date. Considering factors related to regulatory burden and Commission oversight, the Commission finds that the appropriate balance is for the AESO to file an update on the record of this proceeding by September 30, 2024, advising if the excess congestion is remedied and, if not, when the AESO reasonably expects the excess congestion to be remedied. The Commission directs the AESO to do so.

5.7.2 Is a Section 15(2) application required for Section 15(1)(e)?

203. Capstone submitted, and ENMAX expressed "serious concerns," that the AESO was in contravention of Section 15(1)(e) of the *Transmission Regulation*. The AESO indicated that it has planned the transmission system to meet the requirements in Section 15(1)(e) and therefore that a 15(2) application to the matters described in Section 15(1)(e) is not triggered in this case. The AESO submitted that it considers planning to be a continuous process that is documented every two years in its long-term plan. The AESO advised that its 2022 Long-term Transmission Plan specifically identified the need for transmission system development in the Vauxhall area, and listed the following planned developments: increase the capacity of 610L, increase the capacity of 879L, and add flow control device if needed.[63]

204. The Commission observes that, under Section 15(2), the AESO may make or provide for specific and limited exceptions to the matters described in Section 15(1)(e), and if it does, must file the exceptions with the Commission for approval. The AESO has not filed such an exception with the Commission for approval.

205. In addition, the statutory scheme establishes duties for the AESO in relation to both developing a transmission plan and publishing a plan publicly every two years.[64] The transmission upgrades needed are identified in the AESO's 2022 Long-term Transmission Plan.

206. Accordingly, the Commission is not persuaded that the AESO must make a Section 15(2) exception filing to the matters described in Section 15(1)(e) in the circumstances.

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[62] Exhibit 27776-X0311, AESO 15(2) Reply Argument, paragraph 24(a).
[63] Exhibit 27776-X0164, AESO IR responses, AESO-AUC-2023MAR15-001(a)-(b).
[64] *Electric Utilities Act*, sections 17(j), 33; *Transmission Regulation*, sections 10(1), (2).

6 Decision

207. The Commission approves the need outlined in Needs Identification Document Application 27776-A001 and grants the Alberta Electric System Operator the approval set out in Appendix 1 – Needs Identification Document Approval 27776-D02-2023, under Section 34 of the *Electric Utilities Act*.

208. The Commission approves Application 27776-A002 and grants AltaLink Management Ltd. the approval set out in Appendix 2 –Transmission Line Permit and Licence 27776-D03-2023 to alter and operate Transmission Line 879L, under sections 14, 15, 19 and 21 of the *Hydro and Electric Energy Act*.

209. The Commission approves Application 27776-A003 and grants AltaLink Management Ltd. the approval set out in Appendix 3 – Transmission Line Permit and Licence 27776-D04-2023 to rebuild and operate Transmission Line 610L along the preferred route, under sections 14, 15 and 19 of the *Hydro and Electric Energy Act*.

210. The appendixes will be distributed separately.

211. Pursuant to Section 15(2) of the *Transmission Regulation*, the Commission approves specific and limited exceptions to the matters described in Section 15(1)(f) for transmission lines 610L and 879L, until energization of the preferred transmission development.

Dated on September 19, 2023.

Alberta Utilities Commission

(original signed by)

Cairns Price
Panel Chair

(original signed by)

Vera Slawinski
Commission Member

Appendix A – Proceeding participants

Name of organization (abbreviation) Name of counsel or representative
Alberta Electric System Operator Laura Estep Dan Collins Jodi Marshall
AltaLink Management Ltd. Rob Lonergan Bryan Hunter
Consumers' Coalition of Alberta Jim Wachowich
879L Landowners Group Heather Beyko
Wade Watson
Russell Neufeld
Amanda Feldbusch
Cypress County
ATCO Power (2010) Ltd.
BHE Canada Rattlesnake G.P. Inc.
Capital Power Corporation
Capstone Infrastructure Corporation
ENMAX Energy Corporation
Heartland Generation Ltd.
Northland Power Inc.
Suncor Energy Inc.
TransAlta Corporation
TransCanada Energy Ltd.

Alberta Utilities Commission Commission panel Cairns Price, Panel Chair Vera Slawinski, Commission Member Commission staff Jaimie Graham (Commission counsel) Dale Johnston (Commission student-at-law) Trevor Richards Mohib Khan

Appendix B – Oral hearing – registered appearances

Name of organization (abbreviation) Name of counsel or representative	Witnesses
Alberta Electric System Operator Laura Estep Dan Collins Jodi Marshall	
AltaLink Management Ltd. Rob Lonergan Bryan Hunter	Patrick McKenna Pamela Dopart Joe Gilbert Colin Harvey Gary Johnson Glen Doll Mark Van Wyk
879L Landowners Group Heather Beyko	Bruce Johnson Curtis Ensminger David Green Steve Haupt Nancy and Paul Rafa Travis Rafa Stuart Scott Dustin Vossler Clay Westerlund Scott Gillespie Cliff Wallis
Consumers' Coalition of Alberta Jim Wachowich	

Appendix C – Summary of Commission directions

This section is intended for the convenience of readers. In the event of any difference between the directions 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 directions of Decision 27776-D01-2023 that require subsequent filings with the Commission:

a. The AESO shall file an update on the record of this proceeding by September 30, 2024, advising if the excess congestion is remedied and, if not, when the AESO reasonably expects the excess congestion to be remedied.