



September 3, 2024

**Alberta Utilities Commission**

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

**Attention:**

Dear Laura Johnson,

**RE: ENMAX Corporation's Response on Bulletin 2022-08 regarding Rule 007: Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines**

On May 2, 2024, the Alberta Utilities Commission ("AUC" or "Commission") issued *Bulletin 2024-08 Initiation of stakeholder consultation process for AUC Rule 007: Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines* ("Rule 007"). This bulletin initiated a review of Rule 007 resulting from the Commission's report for Module A of its inquiry into the ongoing economic, orderly and efficient generation of electricity generation in Alberta ("Module A").

ENMAX Corporation ("EC") is the parent company of both ENMAX Energy Corporation and ENMAX Power Corporation. ENMAX Energy Corporation owns and operates generation assets across Alberta and acts as a retail service provider. ENMAX Power Corporation is a distribution and transmission facility owner in the City of Calgary and as such is able to build and own energy storage in certain circumstances. Accordingly, regulatory and policy matters arising from this consultation may have a direct impact on EC, ENMAX Energy Corporation and ENMAX Power Corporation. EC was an active participant in the oral consultation held on May 29, 2024, on power plant applications and renewable power plant application and at the June 3, 2024, oral consultation on energy storage facilities.

In this correspondence, EC provides its responses regarding the topics posted on the AUC Engage website which are as follows:

**EC RESPONSE TO POTENTIAL RULE 007 REVISIONS**

**Draft Municipal Engagement Form**

EC recognizes that municipalities play a key role in the development of generation projects. Under the current Rule 007, proponents are required to consult with local jurisdictions including municipalities. EC believes proponents should try to address municipalities' concerns as part of



this consultation and that the Draft Municipal Engagement Form should not act as a substitute for this process.

Ideally, a proponent will resolve all the concerns of a municipality during consultation and prior to filing its Facility Application and details of municipal consultation will be contained in the application. In the case where municipal concerns about the project are not resolved prior to Facility Application filing, EC is of the view that the Draft Municipal Engagement Form provides a useful tool in which municipalities can vocalize their concerns efficiently and effectively. As such, EC proposed that the Draft Municipal Engagement form be filled out by the municipality as part of their Statement of Intent to Participate in the proceeding.

It is logical that the municipalities complete and submit the Draft Municipal Engagement Form because it allows for the municipality to confirm that the development aligns with the Municipal Development Plan, Intermunicipal Development Plan, and any applicable Land-Use Bylaws. The municipal Engagement Form also allows for municipalities to raise any outstanding concerns that were not addressed in the consultation process.

Making the Draft Municipal Engagement form a requirement of the facility application may lead to unintended consequences. For example, a proponent may be held up filing its Facility Application while it waited for a municipality (who had no issues with the proposed project) to fill out the form.

Regarding the form itself, EC believes that the content of the form is adequate for its purpose and does not propose any changes.

### **Methodology for Visual Impact Assessment**

EC has reviewed the submissions provided by Green Cat Renewables Inc. (“Green Cat”) for Visual Impact Assessment (“VIA”) in Module A of the AUC inquiry and is generally aligned with the methodology proposed.<sup>1</sup> However, there is a need for greater clarity as to what would qualify as a “valued viewscape”<sup>2</sup> and on the methodologies outlined in the VIA submission.<sup>3</sup>

Green Cat suggested that a study area should be determined based on the height of the proposed equipment. A baseline analysis should then be conducted to identify valued viewscales within the established study area. If no valued viewscales are identified, then an assessment would not be required. If valued viewscales are identified, then a Zone of Theoretical Visibility (ZTV) map should be produced to identify potential areas where the development may impact the identified valued viewscales.

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<sup>1</sup> Exhibit 28501-X0419.

<sup>2</sup> Section 2.2.2 of the Green Cat Report.

<sup>3</sup> Section 3.2 of the Green Cat Report.



Green Cat recommended that the AUC be responsible for providing a list of valued viewsapes. EC agrees with this suggestion and is of the view that a standardized list would allow consistent and objective treatment of “valued viewsapes” in Commission proceedings. EC recommends that this list be made with the input of all relevant stakeholders and not done purely through internal AUC processes. EC also recommends that Rule 007 include an explicit exemption for Urban viewsapes and views within 35 kilometers of a city.<sup>4</sup>

EC disagrees with Green Cat’s suggestion that the ZTV be a bare earth scenario with no trees, buildings, and other features. EC believes that excluding these features would be overly conservative and may not reflect actual visual impact considerations such as existing infrastructure.

### **Setbacks for Renewable Energy Facilities**

There are a number of existing setbacks for renewable energy facilities that already exist. Specifically, Alberta Environment and Protected Areas (AEPA) has a number of setbacks based on specific environmental sensitivities. Setbacks are also imposed on projects through the use of AUC Rule 012: *Noise Control*, which sets cumulative sound limits for all technologies. Additionally, many municipalities currently have their own rules regarding setbacks in their respective municipal development plans. Consequently, EC is of the view there is no need for additional AUC implemented setbacks as such setbacks would cause confusion and inefficiency in the regulatory process.

### **Land Suitability Rating System (LSRS)**

EC generally agrees with the use of the LSRS to assess renewable generation projects understanding the current limitations that land suitability may vary within a specific polygon being considered for development. Consequently, a proponent should be allowed to submit a supplemental project-specific assessment of the lands if there is a large discrepancy between the LSRS land classification for the polygon and the site-specific characteristics of the project. This would allow for a more granular and accurate assessment of the land when developing generation projects.

EC appreciates the opportunity to participate in this consultation process. Should you have any questions, please contact Wesley Manfro at (403) 390-7748 or by email at [wmanfro@enmax.com](mailto:wmanfro@enmax.com).

Sincerely,

A handwritten signature in black ink that reads "Wesley Manfro". The signature is written in a cursive, flowing style.

Wesley Manfro

ENMAX Energy Regulatory Manager, ENMAX Corporation

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<sup>4</sup> EC recommends that city be a defined term as per the *Municipal Government Act*.