AUC
Alberta Utilities Commission

UK Solar East Ltd. and UK Solar West Ltd.

Oyen 1 and Oyen 2 Solar Projects

January 9, 2026

Alberta Utilities Commission
Decision 29307-D01-2026
UK Solar East Ltd. and UK Solar West Ltd.
Oyen 1 and Oyen 2 Solar Projects
Proceeding 29307
Applications 29307-A001 to 29307-A004

January 9, 2026

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

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1 Executive summary

1. In this decision, the Alberta Utilities Commission approves, with conditions, applications from UK Solar East Ltd. and UK Solar West Ltd. (collectively, UK Solar) to build and operate two solar power projects: the Oyen 1 Solar Project, and the Oyen 2 Solar Project (collectively, the Oyen solar projects or the projects). The Oyen 1 and Oyen 2 solar projects are within Special Area No. 3, approximately 13 and 15 kilometres northwest of the town of Oyen, respectively.

2. The Oyen Solar Opposition Group (OSOG) intervened in this proceeding. OSOG expressed concerns about the projects and requested that the Commission deny UK Solar's applications or, if approved, include specific conditions as outlined in their submissions.

3. Special Area No. 3 and the Town of Oyen did not intervene in this proceeding. They neither supported nor opposed the project. The Commission notes UK Solar's commitment to continued consultation with the Special Areas Board and Municipal Planning Commission, including securing all necessary approvals and permits prior to construction of the projects.[1, 2, 3, 4]

4. The Commission has weighed the concerns raised by the interveners against the benefits of the projects and various mitigative measures proposed by UK Solar. The Commission's reasons for finding the projects to be in the public interest are set out in detail in this decision and summarized below:

- Alberta Environment and Protected Areas assigned an overall low risk ranking to wildlife and wildlife habitat.
- The risks to wetlands can be further mitigated through the Commission's direction to increase setbacks for select wetlands in the project areas.
- UK Solar's commitment to consider wildlife-friendly fencing in the final project designs.
- The projects are sited on agricultural land that is not considered high quality under the *Electric Energy Land Use and Visual Assessment Regulation*, with Land Suitability Rating System ratings of Class 4, 5 and 6.

[1] Exhibit 29307-X0007, Appendix F - 3050_UK_Environmental_EvaluationFINAL_20240830, PDF page 108.
[2] Exhibit 29307-X0066, Appendix G - Environmental Evaluation, PDF page 118.
[3] Exhibit 29307-X0219, UK Solar-Updated Oyen II Commitment List, PDF page 1.
[4] Exhibit 29307-X0218, UK Solar-Updated Oyen I Commitment List, PDF page 1.

- UK Solar has committed to managing weeds and pests, including working collaboratively with neighbouring landowners.

- The projects are not located within a visual impact assessment zone, as defined by the *Electric Energy Land Use and Visual Assessment Regulation*.

- That visual and property value impacts of the projects have been appropriately balanced against the public benefits of the projects and have been further mitigated through conditions imposed in this decision.

- The predicted glare at the Oyen 1 Solar Project can not be adequately mitigated through limiting the resting angle of the solar panels alone, but UK Solar East Ltd. is required to eliminate, or reduce to the Commission's satisfaction, yellow glare on nearby roads. The mitigation plan directed by the Commission shall consider adjusting resting angles, installing visual screens and/or rearranging solar panels as potential mitigation measures.

- The predicted glare at the Oyen 2 Solar Project can be adequately mitigated through limiting the resting angle of the solar panels.

- The fire risks associated with the projects will be mitigated through UK Solar's emergency response plans and the conditions imposed by the Commission.

- UK Solar's participant involvement programs generally achieved the purposes of consultation and notification. The Commission acknowledges UK Solar's commitment to ongoing engagement with stakeholders throughout the projects' development, construction, operation and end-of-life.

- The projects are predicted to comply with the permissible sound levels as defined in Rule 012: *Noise Control*.

- UK Solar has committed to mitigate noise during construction operations, including limiting noise-generating activities to daytime hours.

- Safe road use can be achieved through the commitments made by UK Solar and further discussions about the concerns raised by the interveners with the Special Areas Board, as directed by the Commission.

- UK Solar's approach to reclamation is sufficient and UK Solar will provide reclamation security directly to the Government of Alberta.

5. Overall, the Commission finds that approval of the applications, as conditioned, is in the public interest, having regard to the social, economic, environmental and other effects of the projects.

2 Introduction

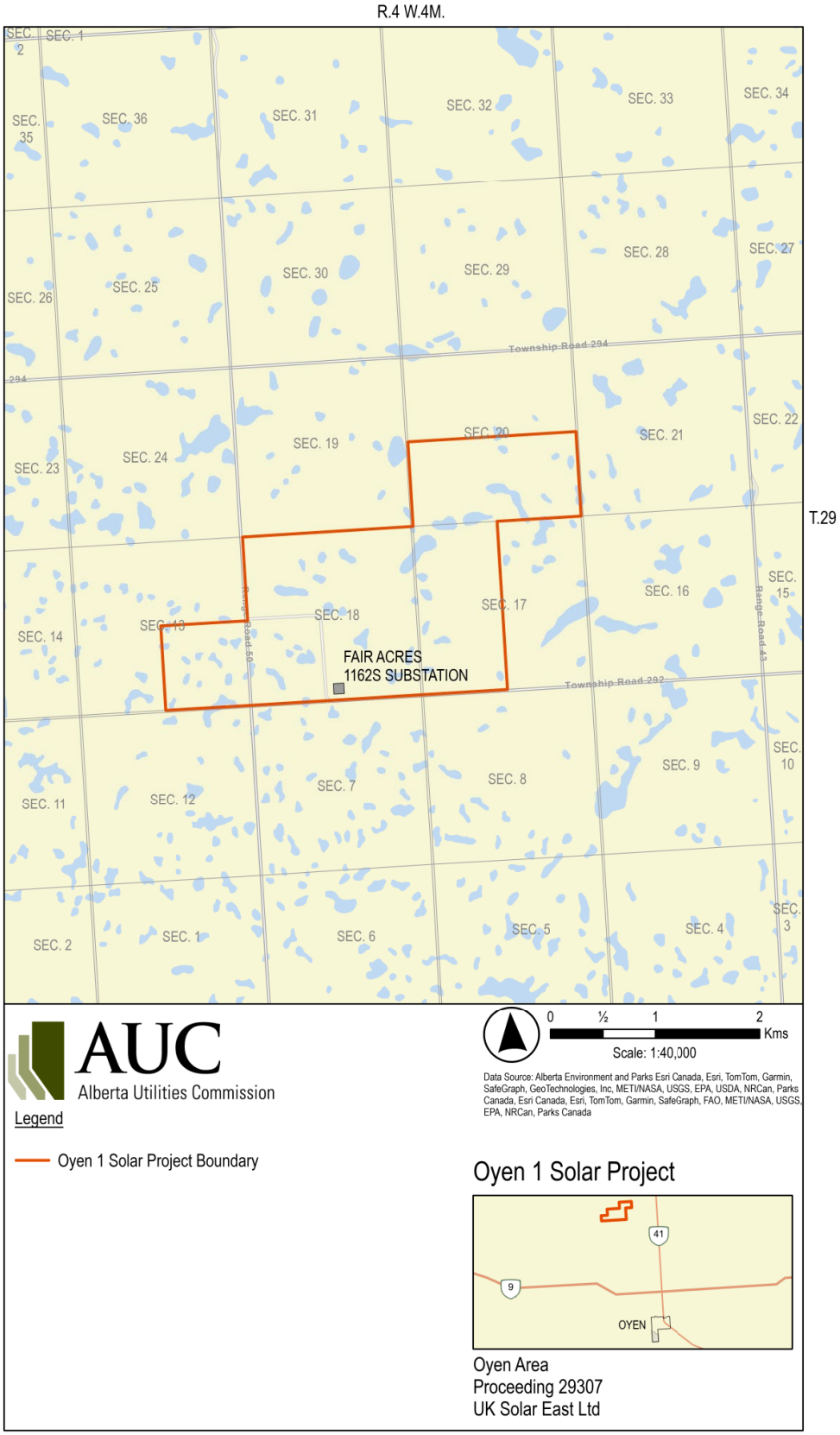
2.1 Summary of UK Solar East Ltd.'s applications for the Oyen 1 Solar Project and UK Solar West Ltd.'s applications for the Oyen 2 Solar Project

2.1.1 The Oyen 1 Solar Project

6. UK Solar East Ltd. applied to the Commission to construct and operate the 268.4-megawatt (MW) Oyen 1 solar power plant and associated 240-kilovolt (kV) Fair Acres 1162S Substation (collectively, the Oyen 1 Solar Project). UK Solar explained that a future application will be filed by the transmission facility owner to connect the project to the Alberta Interconnected Electric System. The construction of the Oyen 1 Solar Project is expected to begin in June 2026, with commercial operations expected in June 2028.

7. The Oyen 1 Solar Project will consist of approximately 538,044 bi-facial solar photovoltaic modules mounted on a single-axis tracker system, collector lines, access roads and fencing, as further described in the applications. The project is sited on approximately 1,450 acres of privately owned cultivated land within Township 29, ranges 4 and 5, west of the Fourth Meridian, as shown in Figure 1.

Figure 1. Proposed Oyen 1 Solar Project boundary



2.1.2 The Oyen 2 Solar Project

8. UK Solar West Ltd. applied to the Commission[5, 6] to construct and operate the 162-MW Oyen 2 solar power plant and associated 240-kV Robin 1135S Substation (collectively, the Oyen 2 Solar Project). UK Solar explained that a future application will be filed by the transmission facility owner to connect the project to the Alberta Interconnected Electric System. The construction of the Oyen 2 Solar Project is expected to begin in September 2026, with commercial operations expected in May 2028.

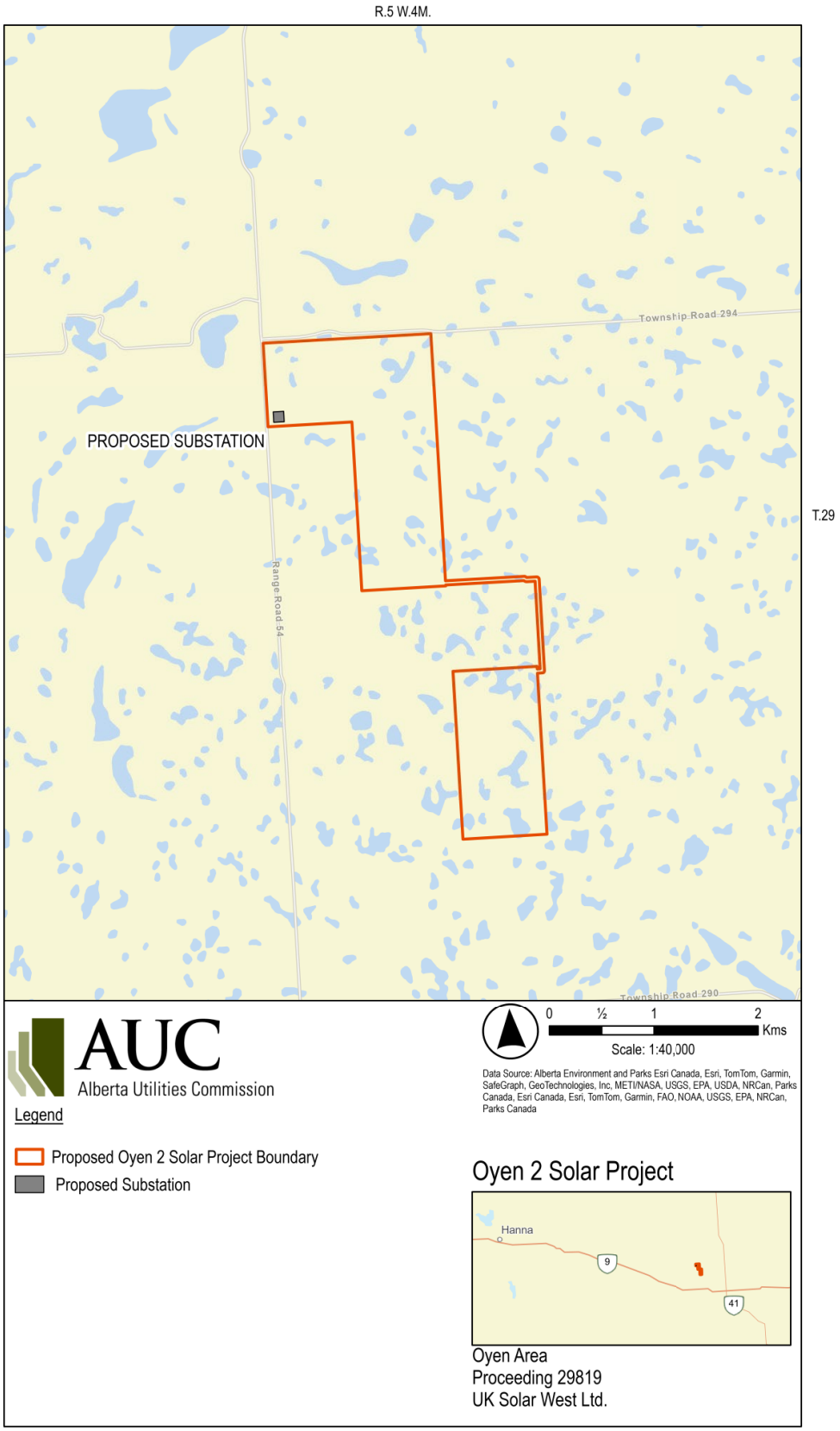
9. The Oyen 2 Solar Project will consist of approximately 306,618 bi-facial solar photovoltaic modules mounted on a single-axis tracker system, collector lines, access roads and fencing, as further described in the applications. Some of the project components will pass through native grasslands. To minimize impacts to the native grasslands, UK Solar has committed to using low impact installation methods including plow-in and directional drilling methods while complying with grassland bird restricted activity periods.[7] Otherwise, the project is sited on approximately 959 acres of privately owned cultivated land within Township 29, Range 5, west of the Fourth Meridian, as shown in Figure 2.

[5] Proceeding 29307, Application 29307-A003, Oyen 2 Solar Project - Power Plant & Substation Application – Power plant.

[6] Proceeding 29307, Application 29307-A004, Oyen 2 Solar Project - Power Plant & Substation Application – Substation.

[7] Exhibit 29307-X0073, Appendix N - AEPA Submission, PDF page 58; Exhibit 29307-X0066, Appendix G - Environmental Evaluation, PDF pages 20 to 21.

Figure 2. Proposed Oyen 2 Solar Project boundary



10. On April 29, 2025, the Commission, on its own motion, merged Proceeding 29819 (Oyen 2 Solar Project) into Proceeding 29307 (Oyen 1 Solar Project). The Commission determined that merging both proceedings would be more efficient considering the parties involved, the proximity and capacities of the projects, the common issues raised by interveners, the applications filed, and the status of the proceedings.[8]

2.2 Interveners

11. The Commission issued a notice of applications in accordance with Rule 001: *Rules of Practice* and received statements of intent to participate from members of the Oyen Solar Opposition Group (OSOG). The Commission granted standing to four members of the OSOG group for the Oyen 1 Solar Project[9] and one member of the OSOG group for the Oyen 2 Solar Project.[10]

12. OSOG is a group comprised of landowners who own and/or occupy lands near the projects. The concerns raised by OSOG include impacts related to agriculture, fire risks and safety, visual changes, residential and social considerations, project construction and operation, environmental factors, noise, property values, glare, decommissioning and reclamation, adequacy of consultation, and cumulative effects.

13. The Commission held an oral hearing for this proceeding from August 19 to 21, 2025.

3 The approval process for the projects

14. In this section of the decision, the Commission describes the legal framework in which its decisions are made. First, the Commission explains its mandate and powers when considering facility applications. Then, the Commission describes how it assesses the public interest, the applicability of provincial regulations and the AUC Rule 007 amendment that came into effect after the filing of the applications.

3.1 What is the role of the Commission?

15. The Commission is an independent regulator responsible for considering applications for power plants and substations in accordance with the legislative framework.[11]

16. The Commission must consider whether the proposed project is in the public interest, having regard to its social, economic, environmental and other effects.[12]

17. The applicant bears the onus of demonstrating that approval of its project is in the public interest. Interveners may attempt to show the applicant has not met its onus by demonstrating the effects of the project on their interests and explaining what a better balancing of the public interest might be. The Commission's role is to test and assess the evidence before it and engage in a multifaceted analysis established by the regulatory regime, to determine if the project should be approved, and if so, whether any conditions should apply.

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8 Exhibit 29307-X0089, AUC letter - Merging of Proceeding 29819 into Proceeding 29307.
9 Exhibit 29307-X0038, AUC letter - Ruling on standing.
10 Exhibit 29307-X0087, AUC Ruling on standing.
11 *Hydro and Electric Energy Act*, sections 11, 14, 15 and 19.
12 *Alberta Utilities Commission Act*, Section 17.

3.2 How does the Commission assess the public interest?

18. When the Commission receives an application to construct and operate a power plant, Section 17(1) of the *Alberta Utilities Commission Act* is engaged. This provision states that, in addition to any other matters it may or must consider, the Commission must give consideration to whether the proposed project is in the public interest, having regard to its social, economic, environmental and other effects.

19. As a starting point, a power plant application filed with the Commission must comply with Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*[13] and Rule 012: *Noise Control*. These rules set out a comprehensive set of requirements that a facility application must contain.

20. The Commission also balances a variety of public interest considerations, taking into account the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*. These statutes provide for the economic, orderly and efficient development of facilities and infrastructure, including power plants, that are in the public interest. They also set out a framework for a competitive generation market, where decisions about whether and where to generate electricity are left to the private sector.[14]

21. Conducting a public interest assessment requires the Commission to assess and balance the competing elements of the public interest in the context of each specific application before it. Part of this exercise is an analysis of the nature of the impacts associated with a particular project, and the degree to which the applicant has addressed these impacts. Balanced against this is an assessment of the project's potential public benefits. The assessment includes the positive and adverse impacts of the project on those nearby, such as landowners.

22. The Commission has previously affirmed that the public interest will be largely met if an application complies with existing regulatory standards, and the project's public benefits outweigh its negative impacts.

3.2.1 Provincial regulations and the AUC Rule 007 amendment that came into effect after UK Solar's applications

23. On December 6, 2024, the *Electric Energy Land Use and Visual Assessment Regulation* was enacted. The regulation was established to protect high-quality agricultural land, irrigable land and valued viewscapes from the impacts of electric energy generation development. Also, on June 4, 2025, the Government of Alberta issued the *Code of Practice for Solar and Wind Renewable Energy Operations*, effective May 31, 2025, which sets out the requirements for reclamation security provided directly to the government.

24. The *Electric Energy Land Use and Visual Assessment Regulation* came into effect after UK Solar had filed its applications for the Oyen 1 Solar Project and before it filed its applications for the Oyen 2 Solar Project. The *Code of Practice for Solar and Wind Renewable Energy Operations* came into effect after UK Solar had filed its applications for both projects, but before this decision was issued. The Commission addresses how it applies the

[13] On November 6, 2025, a new version of Rule 007 came into effect. Among other changes, the name of the rule was revised to Rule 007: *Facility Applications.*

[14] *Hydro and Electric Energy Act*, sections 2 and 3; *Electric Utilities Act*, Section 5.

Electric Energy Land Use and Visual Assessment Regulation and the *Code of Practice for Solar and Wind Renewable Energy Operations* in more detail below in the agricultural impacts section.

25. On October 6, 2025, the Commission amended its Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines* (with a new name "*Facility Applications*") and the amendments are effective November 6, 2025. The Commission addresses the applicability of its updated Rule 007 in detail below in the glare section.

3.3 How does the Commission consider cumulative effects from the projects?

26. At the time of this decision, there are two existing wind power plants and one solar power plant in the Oyen area. These projects are the Lanfine wind power plant, the Sharp Hills wind power plant and the Oyen Community solar power plant.

27. In addition to the existing power plants, three new power plants have been proposed in the Oyen area. The proposed projects are the Oyen 1 Solar Project (268.4-MW solar power plant), the Oyen Wind Project (466-MW wind power plant), and the Oyen 2 Solar Project (162-MW solar power plant).

28. The table below provides the approximate relative distances from the projects to other power plants in the area. The approximate distance to the town of Oyen is also provided for reference.

Table 1. Approximate relative distances of other power plants in the area

	Approximate distance to:	
Project	Oyen 1 Solar (km)*	Oyen 2 Solar (km)*
Lanfine Wind Project (Turbine T6)	>14	> 12
Sharp Hills Wind Project (Turbine T87)	>16	>18
Oyen Community Solar Project	>15	>17
Oyen Wind Project (Turbine T6 / T1)	<1	>3
Oyen 1 Solar	N/A	>3
Town of Oyen	>13	>14

* Distances approximated using the Google Earth Pro application.

29. First, because of the capacity and location of the Oyen Community Solar Project relative to the Oyen solar projects, the Commission determined that the Oyen Community Solar Project's contribution to the Oyen solar projects' cumulative impacts is negligible.

30. Next, because of the different technologies used and relative distances between the projects, the Commission considered the cumulative visual impact contributions of the Lanfine and Sharp Hills wind projects as being limited to impacts to the broader Oyen area viewscape, with negligible cumulative impacts on the specific lands adjacent to the Oyen solar projects.

31. The Commission considered the potential for contributory visual and noise impacts from the Oyen Wind Project when considering the Oyen solar projects, due to the proximity of the

projects. Other impacts of the Oyen Wind Project, that were not considered as cumulatively contributing to the Oyen solar projects, are discussed in Decision 29377-D01-2025.[15]

32. Finally, due to the technologies used and location of the Oyen 2 Solar Project relative to the Oyen 1 Solar Project, the Commission considered the additional contributions of the Oyen 1 Solar Project concerning noise, glare, certain environmental impacts and visual impacts when considering the Oyen 2 Solar Project.

33. Accordingly, the cumulative impacts related to the Oyen solar projects are discussed in the relevant sections below.

4 Discussion and findings

34. For the reasons outlined below and subject to the conditions set out below, the Commission finds the projects to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act* and other applicable enactments.

4.1 How were environmental impacts considered for the Oyen solar projects?

35. In this section, the Commission discusses the projects' impacts to the environment, specifically risks to wildlife, native grasslands and wetlands. The Commission finds that while the projects pose an elevated risk to wetlands, this is balanced against other important siting considerations such as the avoidance of native grasslands, reduced agricultural impacts, and mitigation of glare and noise impacts to neighbouring receptors. With the commitments made by UK Solar and conditions imposed below, the Commission finds the projects are unlikely to cause significant adverse impacts to the environment.

4.1.1 How does the Commission consider referral reports prepared under the Wildlife Directive for Alberta Solar Energy Projects in its public interest assessment?

36. In the following paragraphs, the Commission outlines how the AUC and Alberta Environment and Protected Areas (AEPA) share responsibilities, how the Commission considers AEPA renewable energy referral reports generally and how it considered the referral report for UK Solar's applications.

37. The AUC and AEPA have defined roles and responsibilities in managing wildlife-related matters during the approval and monitoring of wind and solar power plants in Alberta.[16]

38. Before applying to the AUC, applicants must provide project details related to wildlife and environmental matters to AEPA to ensure compliance with wildlife policies. AEPA assesses the completeness and sufficiency of the information and, if necessary, identifies any additional information that may be required. Following AEPA's receipt and review of the project details, it will prepare a standardized referral report under the *Wildlife Directive for Alberta Solar Energy Projects* (Wildlife Directive).

[15] Decision 29377-D01-2025: Oyen Wind Alberta Inc. – Oyen Wind Power Project, Proceeding 29377, Applications 29377-A001 and 29377-A002, October 20, 2025.

[16] Alberta Environment and Parks and Alberta Utilities Commissions, "Roles and Responsibilities of Alberta Environment and Parks (AEP) and the Alberta Utilities Commission (AUC)" https://media.auc.ab.ca/prd-wp-uploads/regulatory_documents/Reference/AEP-AUC-rolesReponsibilities-windSolar.pdf.

39. An applicant must file the AEPA referral report as part of its application and the Commission, considers the referral report as part of its public interest determination.

40. The AEPA referral report includes a tiered risk ranking used to quantify the risk of a project to wildlife and wildlife habitat based on how closely a project aligns with the standards contained in the Wildlife Directive. For the Oyen solar projects, AEPA assigned an overall low risk to wildlife and wildlife habitat because of project siting and commitments made by UK Solar.[17] The Commission interprets this ranking as confirmation that these projects have been assessed in accordance with the intent and desired outcomes of the Wildlife Directive.

41. The Commission notes that the Renewable Energy Risk Framework from which the referral report conclusions are based does not define risk thresholds.[18] Therefore, while the AEPA referral report has provided a low risk ranking for the Oyen solar projects, the report does not identify specific risks to standards and best management practices including those relating to wetlands. However, consistent with the Commission public interest determination, the Commission can accept risk and determine project-specific risk thresholds. To this end, the Commission finds that despite the overall low risk ranking provided in the AEPA referral report there are risks to wetlands as identified by OSOG that require consideration.

4.1.2 What specific risks to wetlands need to be addressed?

42. The development of a solar facility has the potential to impact wetland function, and the existing function of a wetland may be disturbed by agriculture and other land uses. The Commission will discuss the risks posed to wetlands by the Oyen solar projects and the effectiveness of the proposed setbacks in protecting these wetlands.

43. UK Solar retained Pesca Environment (Pesca) to perform the environmental assessment for the projects including to review and respond to OSOG's evidence on environmental impacts of the projects.

44. OSOG retained Cottonwood Consultants Ltd. (Cottonwood) as environmental experts and the evidence prepared by Cottonwood describes specific risks to wildlife habitat (wetlands and wetland setbacks) and wildlife (fencing) that the Commission discusses below, including what conditions are necessary for the Commission to accept these risks.

45. Cottonwood submitted that the Standards of the Wildlife Directive are mandatory[19] and of these Standards, encroachments to wetland setbacks (Standard 100.1.9) is of primary concern.[20]

46. The main positions presented by Cottonwood are that encroachment of wetland setbacks is not justified by existing agricultural disturbance and wetland setbacks must be honoured, especially for wetlands wholly or partially within native grasslands.

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17 Exhibit 29307-X0014, Appendix M - 2024-08-07 EPA-FWS Referral Report_Oyen1Solar_UKCR_signed; Exhibit 29307-X0072, Appendix M - AEPA Referral Report.

18 Government of Alberta. 2023. Renewable Energy Risk Framework. Alberta Environment and Protected Areas. PDF page 4.

19 Exhibit 29307-X0121, Appendix E - Evidence of Cliff Wallis, PDF page 31.

20 Transcript, Volume 2, page 368, lines 23 to 25; page 369, lines 1 to 5.

47. In contrast, in its applications, UK Solar has proposed wetland setbacks based on Alberta's *Stepping Back From the Water* guidelines.[21] These guidelines define a setback distance between a development and a water body, and these distances are informed by topography, parent material, groundwater, floodplains, bank stability, habitat, biodiversity and vegetation. In this case, 20 metres was selected as the setback distance.

48. In the context of renewable energy operations, the starting point for the Commission's consideration of applicable wetland setbacks is provided in the Wildlife Directive. Appendix A of the Wildlife Directive specifies the desired outcomes for the Wildlife Directive, and from this list, the Commission highlights "Conserve and protect habitat" and "Maintain the ecological conditions necessary for naturally sustainable wildlife populations to exist throughout Alberta and conserve the habitats they require" as particularly relevant.[22]

49. The Commission understands that the setbacks established in Standard 100.1.9 of the Wildlife Directive serve to broadly protect the desired outcomes of the Wildlife Directive as they relate to the functions of wetlands. The Commission accepts that setbacks help protect wetland functions, and increased setback distances improve that protection.

4.1.3 Is the encroachment of wetland setbacks justified by existing agricultural disturbance?

50. In this section, the Commission will discuss wetlands that have been disturbed by agricultural activity and if this disturbance justifies a reduction in the wetland setback described in the Wildlife Directive.

51. Pesca submitted that many of the wetlands in the project areas have significant agricultural disturbance within the wetland boundaries and sometimes, within the wetlands themselves. These agricultural activities included current and historical cultivation of annual crops.[23]

52. Instead of a 100-metre setback (as specified in the Wildlife Directive for Class III and above wetlands) the Oyen solar projects have proposed a 20-metre setback to all Class III+ wetlands, and UK Solar submits that these setbacks "[…] are reasonable to protect wetland function and ecological value given the current on-site conditions, which are highly disturbed by agricultural cultivation activities […]."[24]

53. The Commission accepts that agricultural activities within the setback area and wetland boundaries reduce the value of these areas for wildlife habitat; therefore, strict adherence to the Wildlife Directive in such cases is not necessary.

54. Accordingly, the Commission finds UK Solar's proposed reduced setbacks for Class III and above wetlands to be reasonable for wetlands in the project areas that are significantly impacted by agricultural activities. The Commission accepts most of the setbacks documented in

[21] Alberta Environment and Sustainable Resource Development. 2012. Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region.
[22] *Wildlife Directive for Alberta Solar Energy Projects*, Alberta Environmental and Parks, effective October 4, 2017, PDF page 27.
[23] Transcript, Volume 1 page 70, lines 17 to 19 and page 177, lines 20 to 25.
[24] Exhibit 29307-X0146, Appendix B - PESCA Reply Evidence, PDF page 22.

Table 5 of Exhibit 29307-X0031 and Table 7 of Exhibit 29307-X0073, but, as discussed below, does not accept the setbacks for wetlands that are wholly or partially within native grassland.

4.1.4 Should wetland setbacks be honoured for wetlands wholly or partially within native grasslands?

55. In contrast to UK Solar's submissions about agricultural disturbance to wetlands, the Commission also received evidence from Cottonwood,[25] which Pesca clarified,[26] that some wetlands are not entirely disturbed by agricultural cultivation and exist wholly or partially within native grasslands. Cottonwood provided a list of these wetlands, and the Commission accepts that these wetlands require further consideration. Discussion of this issue is limited to those listed wetlands.[27]

56. The Commission understands that for these wetlands, the portion of the setback that intersects the project is disturbed; however, the remaining portion of the wetland boundary and setback is not. This has prompted the Commission to reconsider the appropriateness of accepting the 20-metre setback informed by the Alberta's *Stepping Back From the Water* guidelines and necessitates a closer examination of approving any variance to Standard 100.1.9 of the Wildlife Directive.

57. The Commission has reviewed the evidence on the wetlands wholly or partially within native grasslands and imposes the setbacks listed in Table 2 on all infrastructure except fencing and collector lines based on Pesca's evaluation of the quality of the wetlands.

Table 2. Commission imposed setbacks on wetlands within Oyen solar projects

Project	Wetland name	Wetland quality	Infrastructure	Setback (metres)
Oyen 1	WET047	Low	solar panels, road	20
Oyen 1	WET166	Low	solar panels, road	20
Oyen 1	WET134	Low	solar panels	20
Oyen 1	WET030	Moderate	solar panels, road	50
Oyen 1	WET034	Moderate	solar panels, road	50
Oyen 1	WET019	Moderate	solar panels	50
Oyen 1	WET161	Moderate	solar panels	50
Oyen 1	WET035	Moderate	solar panels	50
Oyen 1	WET044	Moderate	solar panels	50
Oyen 1	WET042	Moderate	solar panels	50
Oyen 2	WET004	Moderate	solar panels, road	50
Oyen 2	WET014	Moderate	solar panels, road	50
Oyen 2	WET150	Moderate	road	50
Oyen 2	WET183	Moderate	solar panels	50
Oyen 2	WET185	Moderate	solar panels	50

[25] Exhibit 29307-X0121, Appendix E - Evidence of Cliff Wallis, PDF pages 36 and 37.
[26] Exhibit 29307-X0210, Response to AUC request for clarification regarding wetland setbacks, PDF pages 6 to 9.
[27] Exhibit 29307-X0121, Appendix E - Evidence of Cliff Wallis, PDF page 36 and 37.

58. The Commission has imposed these increased setback distances as a precautionary measure to meet the desired objectives of the Wildlife Directive. The Commission has chosen not to apply the full 100-metre setback recognizing the siting efforts from UK Solar to avoid native habitat and direct impacts to Class III and above wetlands. The Commission imposes the following condition of approval for each project:

a. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall provide an update describing the total generating capability of the project and revise the layout accounting for the Commission-imposed setbacks provided in Table 2 of Decision 29307-D01-2026, no later than July 31, 2026. The update shall also include updated construction and project completion dates.

59. Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants* requires approval holders to submit to AEPA and the Commission annual post-construction monitoring survey reports. Therefore, the Commission imposes the following condition of approval for each project:

b. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 31 of the year following the mortality monitoring period and submit the post-construction monitoring survey report and Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission no later than March 31 of the year following the mortality monitoring period. Following Bulletin 2025-17,[28] a minimum of one year of annual post-construction monitoring is required for the Oyen 1 and Oyen 2 solar projects. Any additional reporting and response letters, if required by Alberta Environment and Protected Areas, shall be filed on or before the same date every subsequent year pursuant to Section 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.

4.1.5 Can fencing measures address identified wildlife risks?

60. The Commission understands that power plant operators are constrained in choice of fence based on what is allowable under the Alberta Electrical Utility Code.[29] From UK Solar's evidence, the Commission understands there are best practices to design wildlife-friendly fencing and that these best practices may be applicable to certain project components of a solar facility while a more rigorous barbed wire chain-link fence may be required for specified infrastructure (e.g., the substation).[30]

61. The issue before the Commission is how permissible and feasible it is to customize and condition specific fencing types for individual components of the Oyen solar projects. In Alberta, wildlife fencing is typically guided by provincial and in some cases federal agencies when projects intersect with national parks or federally protected lands.

[28] Alberta Utilities Commission. 2025. Bulletin 2025-17, End of suspension and changes to post-construction mortality monitoring requirements at solar power plants. https://media.auc.ab.ca/prd-wp-uploads/News/2025/Bulletin%202025-17.pdf.

[29] Safety Codes Council. 2022. Alberta Electrical Utility Code. Sixth Edition. Electrical Utilities Sub-Council Safety Codes Council. August 2022.

[30] Exhibit 29307-X0032, Attachment D - UK_Oyen1_EPA_IR Responses_20240726, PDF page 12.

62. While the Commission may consider wildlife fencing as part of its broader review, fencing standards and implementation may require input from agencies with jurisdiction in this regard. Without input from these agencies with jurisdiction over the fencing standards and Alberta Electrical Utility Code, and given that the publicly available regulatory documents, specifically the Alberta Electrical Utility Code does not directly address fencing requirements for solar facilities,[31] the Commission is constrained in determining the specific fencing types for individual components of the Oyen solar projects.

63. Therefore, the Commission expects UK Solar to comply with fencing requirements under the Alberta Electrical Utility Code and to honour its commitments to consider wildlife friendly fencing when finalizing their project design. The Commission encourages UK Solar to report, in its final project update, any successes or limitations encountered in implementing these measures.

64. The Commission notes that UK Solar has not finalized the project equipment. Accordingly, the Commission imposes the following as a condition of approval for each project:

> c. Once UK Solar East Ltd. or UK Solar West Ltd., as applicable, has finalized its equipment selection and project layout, it must file a final project update with the Commission to confirm that the project has stayed within the final project update allowances for solar power plants. The final project update must be filed at least 90 days prior to the start of construction.

65. There were specific concerns raised relating to pronghorn and evidence that the Oyen solar projects are proposed to be sited beside a known pronghorn migratory corridor.[32] The Commission recognizes that multiple wind and solar projects have been built or are approved in this pronghorn migration corridor and more wind and solar projects may be built along this corridor in the future.

66. Unlike other wind and solar projects, the Commission heard evidence that the Oyen solar projects are adjacent to the pronghorn migratory corridor but did not receive conclusive evidence that the projects are within habitat critical for the survival of pronghorn.[33] The Oyen solar projects were reviewed by AEPA with no comment about pronghorn and were assigned an overall low project risk to wildlife and wildlife habitat.[34] For these reasons, the Commission accepts that the risks from the Oyen solar projects on pronghorn are low and would be further mitigated by advancements in wildlife friendly fencing for solar facilities.

4.1.6 Are there concerns with the use of high-quality agricultural land for this project?

67. In this section, the Commission addresses whether the Oyen solar projects create unreasonable impacts to high-quality agricultural lands. The Commission also considers weed and pests concerns and UK Solar's obligation to manage these risks. For the reasons below, the Commission is satisfied that agricultural risks are adequately addressed.

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31 Exhibit 29307-X0200, UK Solar Response to Undertaking 1 - Alberta Electrical Code - Section 8-302 and 8-304.

32 Exhibit 29307-X0121, Appendix E - Evidence of Cliff Wallis, PDF pages 84 and 91.

33 Exhibit 29307-X0146, Appendix B - PESCA Reply Evidence, PDF page 17; Exhibit 29307-X0121, Appendix E - Evidence of Cliff Wallis, PDF page 26.

34 Exhibit 29307-X0146, Appendix B - PESCA Reply Evidence, PDF page 17.

68. The application process for the Oyen solar projects occurred alongside major revisions on how the province and the AUC addresses agricultural land use for renewable energy generation.

69. On December 6, 2024, the Government of Alberta issued the *Electric Energy Land Use and Visual Assessment Regulation*,[35] which defines high-quality agricultural land under the Land Suitability Rating System (LSRS) as land classified as Class 1 or Class 2, as well as Class 3 land located within municipalities listed in Schedule 1 of the regulation.

70. The *Electric Energy Land Use and Visual Assessment Regulation* came into effect after UK Solar had filed its applications for the Oyen 1 Solar Project and before it filed its applications for the Oyen 2 Solar Project.

71. The LSRS for the project lands are Class 4, 5 and 6 lands,[36] which are classes not considered high-quality agricultural land under the *Electric Energy Land Use and Visual Assessment Regulation*. Since the Oyen solar projects are not proposed on high-quality agricultural land as defined in the *Electric Energy Land Use and Visual Assessment Regulation*, the Commission accepts that considerations for high-quality agricultural land under the *Electric Energy Land Use and Visual Assessment Regulation* do not apply and no Agricultural Impact Assessment is required.

72. Also, UK Solar submitted conservation and reclamation plans[37] that include measures to reduce impacts on agricultural assets (e.g., vegetation management and impact mitigation practices, soil management and impact mitigation practices, weed and pest prevention). The Commission accepts the revegetation proposals as outlined in these plans.

73. Given that the Oyen solar projects are not proposed on high-quality agricultural land as defined under the *Electric Energy Land Use and Visual Assessment Regulation*, and considering the revegetation measures outlined by UK Solar in its conservation and reclamation plans, the Commission finds that the Oyen solar projects will have low impact to the province's agricultural land.

74. OSOG raised concerns that the Oyen solar projects would increase weed and pests risks which would impact agricultural operations in the region. Expert evidence concerning weeds and pests were prepared for OSOG by Circle T Consulting Inc. (Circle T) and by Pesca for UK Solar.

75. The Commission understands that the highest risk for weed colonization and establishment is in areas of bare soil,[38] and one of the most effective measures to prevent weeds is to establish vegetation across these bare areas.[39] At the hearing, parties discussed whether seeding before or after construction would be more effective in establishing vegetation cover and

[35] Province of Alberta, Order in Council – Electric Energy Land Use and Visual Assessment Regulation, https://kings-printer.alberta.ca/documents/Orders/Orders_in_Council/2024/2024_368.pdf.

[36] Exhibit 29307-X0007, Appendix F - 3050_UK_EnvironmentalEvaluationFINAL_20240830, PDF pages 41 and 42; X0066, PDF page 46.

[37] Exhibit 29307-X0011, Appendix J - 3050_Oyen1_CRPlanFINAL_20240823; Exhibit 29307-X0069, Appendix J - Conservation & Reclamation Plan.

[38] Exhibit 29307-X0119, Appendix C - Circle T Consulting Report, PDF page 7.

[39] Exhibit 29307-X0011, Appendix J - 3050_Oyen1_CRPlanFINAL_20240823, PDF page 31; Exhibit 29307-X0069, Appendix J - Conservation & Reclamation Plan, PDF page 35.

preventing weed growth and establishment. Similarly, parties discussed the importance, timing and location of equipment cleaning in preventing weed introduction and dispersion.

76. The Alberta *Weed Control Act*[40] and *Weed Control Regulation*[41] define the responsibilities of UK Solar as it pertains to weed management. Noxious and prohibited noxious (see marsh thistle - *Cirsium palustre*)[42] weeds have been observed in the project areas.[43]

77. Since UK Solar is statutorily obligated to control all noxious weeds and ensure all prohibited noxious weeds (currently limited to marsh thistle) are eradicated on site under the *Weed Control Act* and relevant weed regulations,[44] the Commission finds the mitigations presented by UK Solar in its weed management plans and the additional commitments regarding revegetation and weed management acceptable to mitigate any weed related concerns.

78. The Commission emphasizes that seeding strategies can be determined by the developer of the project. Regardless of the timing of seeding, the Commission expects UK Solar to complete revegetation in a manner that proactively supports its obligations under the *Weed Control Act* and *Weed Control Regulation*.

79. Likewise, the Commission expects UK Solar to clean and maintain equipment to prevent weed spread within the project areas and to minimize any off-site movement of weeds into surrounding areas or jurisdictions. This obligation extends to equipment in transit, which should be similarly maintained to ensure it is not a source of soil, debris or weed seeds that may be deposited on public roadways.

80. Accordingly, the Commission directs UK Solar, and by extension its third-party contractors, to exercise due care and sound judgement in completing an appropriate level of cleaning prior to transporting equipment. Doing so is in the interest of proactive compliance with pest and weed regulations while also maintaining safe conditions on Alberta roadways.

81. Inaction on weed and pest management could have direct impacts to members of OSOG, which could include increased farming costs.[45] Adjacent lands are at higher risk from the spread of weeds; however, this risk is common to any adjacent land use if weeds are unmanaged. To address this risk, the Commission accepts UK Solar's commitment to work collaboratively with neighbouring landowners, including JNS Farms Inc., to address concerns and treat weeds that may have spread from the project lands.[46]

82. The Commission finds OSOG's request for compensation due to potential weed and pest impacts from the project lands to be unsubstantiated and based on speculative outcomes. The Commission is satisfied that weed and pest concerns are well understood, not exclusive to solar

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40 *Weed Control Act*.
41 *Weed Control Regulation*.
42 Exhibit 29307-X0148, Appendix D - Oyen 2 Solar Project Weed Management Plan, PDF page 10.
43 Exhibit 29307-X0147, Appendix C - Oyen 1 Solar Project Weed Management Plan; Exhibit 29307-X0148, Appendix D - Oyen 2 Solar Project Weed Management Plan.
44 Transcript, Volume 1, page 188, lines 5 to 12; Exhibit 29307-X0148, Appendix D - Oyen 2 Solar Project Weed Management Plan, PDF page 6; Exhibit 29307-X0147, Appendix C - Oyen 1 Solar Project Weed Management Plan, PDF page 6.
45 Exhibit 29307-X0116, 2025-06-18_OSOG Group Submissions_FINAL, PDF page 9.
46 Exhibit 29307-X0218, UK Solar-Updated Oyen I Commitment List, PDF page 6; Exhibit 29307-X0219, UK Solar-Updated Oyen II Commitment List, PDF page 5.

developments and mitigable through UK Solar's weed and pest management statutory obligations, compliance with its weed management plan, relevant cleaning protocols and its commitment to work with neighbouring properties to treat weeds that may have spread from the project lands.

4.1.7 What other concerns were raised by OSOG?

83. OSOG expressed concerns and made submissions related to "heat island effects." OSOG's concerns included large-scale solar farms impacting the "microclimate" and increasing the risk of dry soils and altering the growth pattern of crops on adjacent lands. OSOG acknowledged that there was no expert participating in the hearing who could provide evidence related to "heat island effects" but emphasized that concerns related to heat island effects should be considered by the Commission.[47]

84. OSOG requested that, if the projects were approved, the Commission impose a condition that UK Solar conduct a post-construction study focussed on the impacts of heat island effects on the local temperatures, vegetation and crops.[48]

85. The Commission finds there is insufficient project-specific evidence related to heat island effects to deny the projects, or to warrant imposing additional mitigations or conditions.

86. OSOG also expressed concerns and made submissions related to contaminants or toxic elements leaching from the solar panels into the environment. OSOG stated that "solar panels are built with highly toxic minerals" and expressed concerns that weathering of the panels or hail damage could result in toxins being leached into the soil or groundwater.

87. OSOG requested that, if the projects were approved, the Commission impose a condition that water wells and sloughs accessed by livestock in the area be tested prior to construction and then annually for the life of the projects. OSOG further requested that the Commission direct UK Solar to implement protective measures to mitigate against leaching, including selecting solar panels that meet a minimum of IP68 ingress protection rating.[49, 50]

88. UK Solar stated that the final IP rating will be determined once the panels are procured. Further, UK Solar committed that the panels selected will meet a minimum of IP64 ingress protection rating.[51]

89. The Commission finds there is insufficient evidence related to toxic leaching of solar panels to deny the projects, or to warrant imposing additional mitigations or conditions. The Commission emphasizes that UK Solar is required to comply with all applicable environmental regulations during the construction, operation and reclamation phases of the projects.

90. The Commission further emphasizes that UK Solar's consultation responsibilities to stakeholders do not end with an approval of a project. UK Solar is encouraged to further engage

47 Transcript, Volume 2, page 236, lines 1-17.
48 Transcript, Volume 3, page 442, lines 3-25, page 443, lines 1-7.
49 Transcript, Volume 3, page 450, lines 12-17.
50 Transcript, Volume 2, page 269, lines 6-12.
51 Exhibit 29307-X0100.01, UK Solar East Ltd. - Responses to OSOG IRs re Oyen I, PDF page 34.

with stakeholders and explore options, such as baseline water well testing, that may help address any current or future concerns.

4.2 Will the projects have visual impacts on the viewscape or affect property values?

91. Notwithstanding that the Oyen 1 Solar Project pre-dated and Oyen 2 Solar Project post-dated the enactment of the *Electric Energy Land Use and Visual Assessment Regulation*, the Commission nonetheless considered the underlying policy intent of the regulation's visual impact provisions in its assessment of the projects.

92. The Commission recognizes that the *Electric Energy Land Use and Visual Assessment Regulation* intends to ensure applicants proposing power plants within a visual impact assessment zone submit a visual impact assessment (VIA) with their application. Neither the Oyen 1 Solar Project nor the Oyen 2 Solar Project is located within a visual impact assessment zone under the *Electric Energy Land Use and Visual Assessment Regulation* and considering the regulation's policy intent, the Commission finds that VIAs are not required.[52]

93. OSOG members raised concerns about property value impacts from the development of the Oyen solar projects, and that the projects will impact the rural nature of the area including OSOG's recreational enjoyment of the land. Specifically, David McKinstry stated that the projects would impact his hobby for landscape photography.

94. UK Solar stated that visual impacts to D. McKinstry's residence will be negligible or non-existent in many instances depending on the viewing location within D. McKinstry's yard. UK Solar also provided satellite images to highlight existing vegetation on the western boundary of D. McKinstry's residence which acts as an existing visual screen.

95. D. McKinstry submitted that while the existing caraganas on his property provide a visual screen during the summer months, they do not offer the same coverage in winter. He suggested that transplanting 25-year-old spruce trees along the west shelterbelt could serve as a more effective year-round visual barrier.

96. On May 13, 2025, the Commission conducted an on-site assessment of both project areas in part to assess the visual impacts of the projects. No representatives of any party were present during the site assessment, and the review was conducted from public roads and areas. The closest residence to the Oyen 1 Solar Project is D. McKinstry's residence, which is approximately 1.4 kilometres from the eastern most project boundary. D. McKinstry's residence is greater than eight kilometres from the easternmost project boundary of the Oyen 2 Solar Project. There are no residences within 1.5 kilometres from the Oyen 2 Solar Project.

97. The Commission recognizes that the distance from D. McKinstry's residence to the Oyen 1 Solar Project and the existing vegetation provide some mitigation for the visual impacts of the project. Despite this, the Commission finds that the visual impacts D. McKinstry will experience from the Oyen 1 Solar Project warrant additional mitigation when considered cumulatively with the other energy development, which includes wind turbines to be located within one to three kilometres to the north, northeast, south and southeast of D. McKinstry's residence. The Commission also considered the potential visual impacts of the glare mitigations conditioned in this decision. In this circumstance, the Commission finds it is in the public interest

[52] *Electric Energy Land Use and Visual Assessment Regulation*, sections 7(2) and 8.

to direct UK Solar to design and implement appropriate visual screening for the Oyen 1 Solar Project to mitigate the visual concerns raised by D. McKinstry. The Commission's decision to require visual screening for D. McKinstry's residence is specific to this proceeding, based on the project layout, relative distances, evidence presented and cumulative impacts. Accordingly, the Commission imposes the following condition of approval for the Oyen 1 Solar Project:

> d. UK Solar East Ltd. shall file a visual screening plan with the Commission, detailing discussions with D. McKinstry, at least 90 days prior to the start of construction. The visual screening plan is to include consideration for maintenance, watering and replacement of dead vegetation. If the plan has not been agreed upon by D. McKinstry, UK Solar East Ltd. shall include consultation logs and an explanation of why the proposed plan was not agreed upon.

98. Considering the Oyen 2 Solar Project's specific and cumulative visual impacts and the nature and use of the neighbouring lands, the Commission finds that conditioning additional visual screening or other visual mitigations is not required for the Oyen 2 Solar Project.

99. The Commission acknowledges that utility scale solar projects alter the landscape and may result in visual impacts for nearby residents but overall finds that visual impacts for the Oyen solar projects do not outweigh the projects' benefits.

100. With respect to property value impacts, the Commission accepts that change to viewscapes is one factor that may influence an individual's perception of the area as a place to reside. The Commission finds that there can be a negative public perception of a project's effects on viewscapes, and this may translate into a negative effect on property value for some properties. However, the Commission had no evidence on the record on which to assess any quantitative property value impacts.

101. In this case, the Commission is satisfied that visual and property value impacts of the projects have been appropriately balanced against the public benefits of the projects and have been further mitigated through conditions imposed in this decision.

4.3 What are the potential glare impacts from the projects?

102. OSOG raised concerns about glare impacts from the project solar panels on drivers' safety and on OSOG members' farming operations.[53] OSOG requested the Commission impose conditions that require UK Solar to implement mitigation measures to eliminate all yellow glare on roadways surrounding the projects.

103. UK Solar retained RWDI to conduct two solar glare assessments for the projects,[54] and retained Ryan Danks from RWDI to respond to OSOG's concerns regarding glare.

104. RWDI identified a number of local roads within 800 metres of the Oyen 1/Oyen 2 solar project boundary as receptors for their respective glare assessment. The Commission notes that because there are no overlapping receptors for these projects, an assessment for cumulative glare effects is not required.

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[53] Exhibit 29307-X0116, 2025-06-18_OSOG Group Submissions_FINAL, PDF page 23.

[54] Exhibit 29307-X0045, Appendix D - Solar Glare Hazard Assessment; Exhibit 29307-X0068, Appendix I - Solar Glare Hazard Assessment.

105. The projects' solar panels will have an anti-reflective coating and use a single-axis tracking system, which has a backtracking function to tilt the solar panels gradually back to horizontal or near-horizontal during periods when the sun is low in the sky. The resting angle is defined as the minimum rotation angle between the solar panels and the horizontal (i.e., the resting angle sets the lower limit for rotation during backtracking periods). As further discussed below, as some glare would occur during projects' backtracking operation, adjusting resting angles is considered as one of the mitigation measures to reduce or eliminate glare from the projects.[55]

106. The glare assessments used ForgeSolar's GlareGauge software to model and assess potential glare impacts from the projects. The Commission notes that the amount of glare predicted for a given road receptor is sensitive to the field of view (FOV)[56] used in the glare model, and that the nature and effectiveness of glare mitigation measures are also directly related to this parameter. FOV is measured horizontally from the centreline of the road and represents the angle within which a driver is assumed to be sensitive to glare. Before discussing prediction results and mitigation options, the Commission must clarify which FOVs are appropriate for evaluating glare impacts on local roads.[57]

107. In Decision 27842-D01-2024,[58] the Commission analyzed the recommendations in Federal Aviation Administration studies on potential glare effects affecting pilots and the requirements in Alberta Transportation's *Assessment Requirements for Solar Development Near Provincial Highways*, and the Commission considers it appropriate for applicants to select the following FOVs for local roads in a glare assessment:

- a 15-degree FOV to represent the critical region where a driver's vision will be most focused (i.e., critical FOV);
- a 25-degree FOV to represent a conservative extended visual range where a driver may be impacted by glare (i.e., conservative FOV); and
- in the current decision, the Commission continues to consider the above FOVs to be reasonable and conservative for assessing potential glare impacts on local roads.

108. In the updated Rule 007, the Commission implemented standard limits on solar glare levels and duration and specified requirements about glare mitigation for solar power plants. The Commission believes these new requirements promote a platform where glare impacts and mitigation are evaluated in a consistent and efficient way. The requirements in the updated version of Rule 007 do not apply to these applications; however, from a policy standpoint, the Commission considers it appropriate to require UK Solar to eliminate yellow glare within the

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55 Exhibit 29307-X0068, Appendix I - Solar Glare Hazard Assessment, PDF page 17.
Exhibit 29307-X0228, Attachment A - Updated Oyen I Glare Modelling and Responses to AUC IR No. 5, PDF page 2, Table 1: Yellow Glare Summary (15° FOV).

56 Field of view (FOV) is defined as the view angle on the left and right sides from an observer's heading. An FOV of +/- 180 degrees implies the observer sees glare in all directions. An FOV of +/- 50 degrees implies the observer sees glare within 50 degrees to the left and right, i.e., a total view angle of 100 degrees.

57 No highways, railways or aerodromes were identified within the study area for the project solar glare assessments. Therefore, field of views for modelling other route receptors besides local roads are not discussed in the current decision.

58 Decision 27842-D01-2024: Aira Solar Project and Moose Trail 1049S Substation, Proceeding 27842, Applications 27842-A001 and 27842-A002, March 21, 2024.

15-degree FOV on local roads, because this approach is consistent with Commission's review of glare impacts for other solar projects.

109. Accordingly, in its review of the glare impacts of the projects, the Commission focused on UK Solar's consideration of effective mitigation measures to eliminate, or at a minimum, significantly reduce any yellow glare affecting nearby roads. As further discussed below, the Commission requested additional glare assessments so that the Commission could better consider UK Solar's mitigations and residual glare impacts, most notably at the Oyen 1 Solar Project.

110. In this section, the Commission makes the following findings regarding glare:

- For the Oyen 2 Solar Project, the Commission finds that adjusting resting angles is an effective and adequate mitigation to eliminate predicted glare from the Oyen 2 Solar Project. UK Solar West Ltd. is required to configure the project solar panels with a resting angle limit at which predicted yellow glare (i.e., glare with potential for temporary after-image)[59] will be eliminated within the 15-degree FOV on nearby roads.

- For the Oyen 1 Solar Project, UK Solar East Ltd. is required to develop a mitigation plan to eliminate, or reduce as much as possible, yellow glare within the 15-degree FOV on nearby roads. The mitigation plan shall consider adjusting resting angles, installing visual screens and/or rearranging solar panels as potential mitigation measures.

- For both Oyen solar projects, the Commission has reviewed RWDI's evidence concerning sun masking effects. However, it is not persuaded that this argument justifies exempting UK Solar from implementing mitigation measures to reduce or eliminate glare from the project on nearby roads.

- The Commission requires UK Solar to promptly address glare concerns or complaints (if it receives any) and implement mitigation wherever practical.

111. Given UK Solar's commitments and the Commission's conditions of approval, the Commission finds that residual glare impacts from the projects are unlikely to create hazardous glare conditions for drivers on nearby roads.

4.3.1 How will glare impacts from the Oyen 2 Solar Project be mitigated?

112. For the Oyen 2 Solar Project, RWDI used the 50-degree FOV in the glare assessment and no other FOVs were modelled. The Commission did not request prediction results for other FOVs, because (i) a 50-degree FOV is a more conservative value than a 25-degree or 15-degree FOV, and (ii) UK Solar West Ltd. committed to eliminate all predicted glare within the 50-degree FOV on nearby roads for the Oyen 2 Solar Project.

113. Based on RWDI's modelling, in the worst-case scenario (when the project solar panels are allowed to tilt to fully horizontal during the backtracking periods and no mitigation is

[59] The glare assessment used colour codes to categorize effects of glare to a person's eyes.
- Green glare: glare with low potential for temporary after-image.
- Yellow glare: glare with potential for temporary after-image.
- Red glare: glare with potential for permanent eye damage.

implemented), only one road, Range Road 54, will receive up to 241 minutes of yellow glare per year within the 50-degree FOV from the Oyen 2 Solar Project.[60]

114. RWDI indicated that at a resting angle limit of four degrees, glare will be eliminated within the 50-degree FOV on Range Road 54.[61] As Range Road 54 is the only road that is predicted to have glare from the Oyen 2 Solar Project, this means adjusting resting angles is an effective and adequate mitigation to eliminate predicted glare from the Oyen 2 Solar Project on roads.

115. UK Solar West Ltd. committed to use a resting angle limit during the backtracking periods to eliminate all glare on the roads for the Oyen 2 Solar Project.[62]

116. The Commission is satisfied that with implementation of a resting angle limit, the Oyen 2 Solar Project can achieve zero yellow glare on nearby roads. Therefore, no further mitigation is required for the project.

117. Given that the project design has not yet been finalized, the Commission imposes the following condition of approval for the Oyen 2 Solar Project:

e. UK Solar West Ltd. shall, at the time it submits the final project update for the Oyen 2 Solar Project, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall determine a resting angle limit to eliminate yellow glare from the project within the critical 15-degree FOV on nearby roads. UK Solar West Ltd. shall configure the project solar panels with this resting angle limit during the backtracking operation.

4.3.2 How will glare impacts from the Oyen 1 Solar Project be mitigated?

118. For the Oyen 1 Solar Project, RWDI used the 50-degree FOV in the glare assessment and provided prediction results for 25-degree and 15-degree FOVs in response to the Commission's requests. The Commission reviewed the modelling results for all of these FOVs, but the Commission's focus is on yellow glare within the critical 15-degree FOV.

119. Based on RWDI's modelling, in the worst-case scenario, four roads, Range Road 45A, Range Road 50, Township Road 292 and Township Road 292A, will receive yellow glare from the Oyen 1 Solar Project. Among them, Range Road 45A, the most affected receptor, is predicted to receive up to 2,204 minutes of yellow glare per year within the 15-degree FOV.[63]

120. RWDI indicated that three mitigation options could be used to reduce or eliminate glare:[64]

- adjusting resting angles during backtracking operation,
- installing visual screens (e.g., fences, barriers or walls) along the affected roads, and/or

[60] Exhibit 29307-X0068, Appendix I - Solar Glare Hazard Assessment, PDF page 12.
[61] Exhibit 29307-X0068, Appendix I - Solar Glare Hazard Assessment, PDF page 17.
[62] Exhibit 29307-X0219, UK Solar-Updated Oyen II Commitment List, PDF page 2.
[63] Exhibit 29307-X0212, Appendix A - RWDI Responses to Undertaking 7 8 10 11 and 14, PDF page 1.
[64] Exhibit 29307-X0068, Appendix I - Solar Glare Hazard Assessment, PDF page 17.

- removing/rearranging some solar panels, especially increasing setbacks from the affected roads.

121. RWDI modelled multiple resting angles to test the effectiveness of these mitigation measures. For the Oyen 1 Solar Project, at a resting angle limit of seven degrees, glare will be eliminated within the 15-degree FOV on all assessed roads, except range roads 45A and 50.[65]

122. RWDI indicated that regardless of which resting angle is selected, yellow glare from the Oyen 1 Solar Project will not be reduced at range roads 45A and 50 because potential glare occurs during normal sun-tracking operation when backtracking (and thus resting angle limits) would not be engaged. As such, adjusting resting angles is not a mitigation option for these roads.

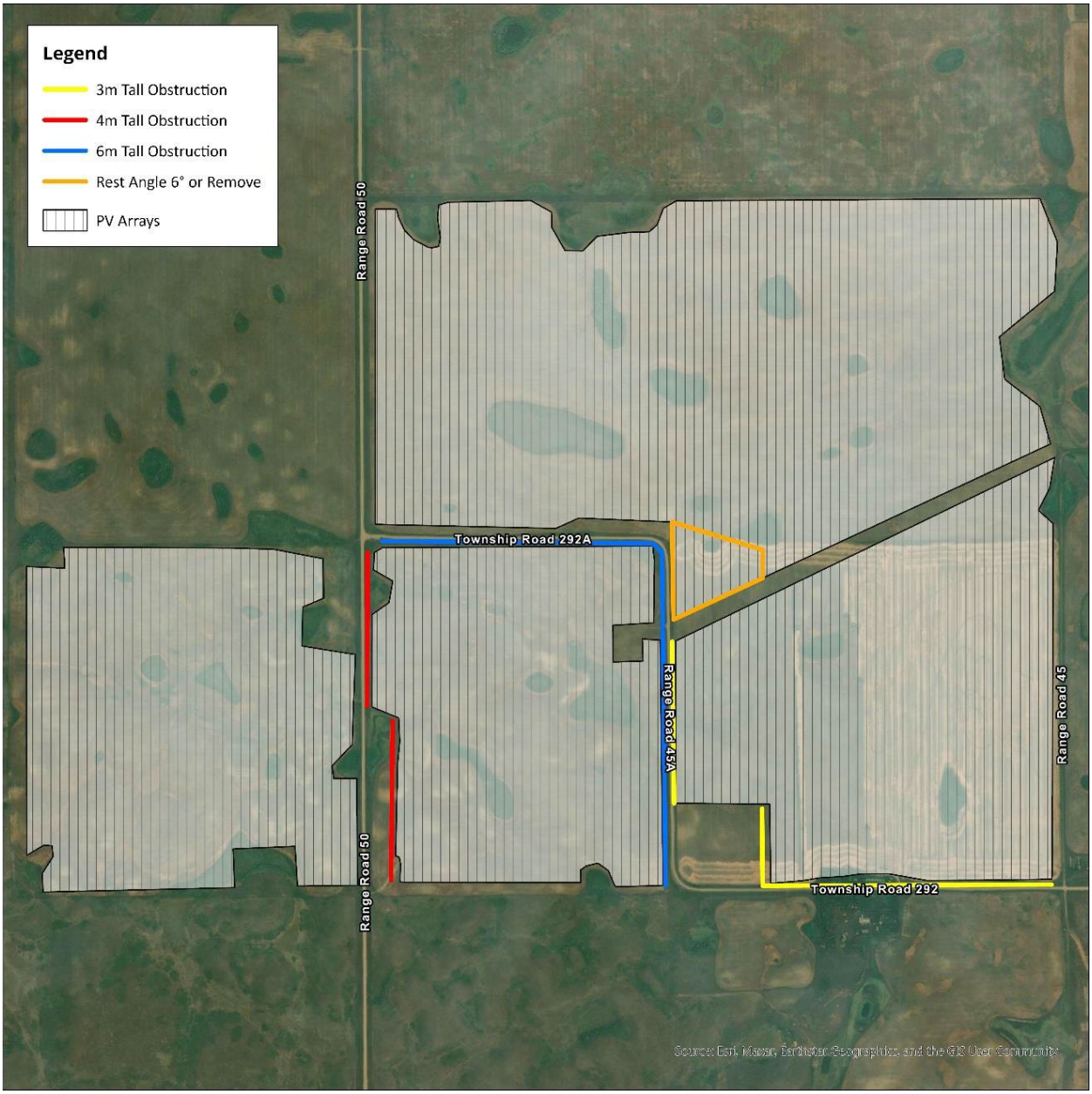
123. UK Solar East Ltd. committed to use a resting angle limit during the backtracking periods to eliminate yellow glare on the roads where adjusting resting angles is an effective mitigation.[66]

124. However, with implementation of a resting angle limit of three degrees, the Oyen 1 Solar Project is still predicted to have yellow glare within the critical 15-degree FOV on two roads. Specifically, Range Road 45A is predicted to have 1,121 minutes of yellow glare per year and Range Road 50 is predicted to have 609 minutes of yellow glare per year.[67] As such, the following paragraphs are focused on further mitigation expectation for the Oyen 1 Solar Project.

125. RWDI built glare models and tested the effectiveness and feasibility of visual screens as a potential mitigation measure for range roads 45A and 50. The visual screens considered in RWDI's modelling are illustrated in the figure below.

[65] Exhibit 29307-X0228, Attachment A - Updated Oyen I Glare Modelling and Responses to AUC IR No. 5, PDF page 2, Table 1: Yellow Glare Summary (15° FOV).
[66] Exhibit 29307-X0218, UK Solar-Updated Oyen I Commitment List, PDF page 7.
[67] Exhibit 29307-X0228, Attachment A - Updated Oyen I Glare Modelling and Responses to AUC IR No. 5, PDF page 2, Table 1: Yellow Glare Summary (15° FOV), PDF page 4.

Figure 3. Mitigation measures to achieve zero predicted yellow glare within 15-degree field of view for roads



126. Based on modelling, RWDI indicated that visual screens ranging in height from three to six metres and ranging in length from 440 to 760 metres would be required to eliminate all yellow glare within the 15-degree FOV on range roads 45A and 50.

127. UK Solar East Ltd. explained that it cannot commit to install the three-metre to six-metre high screens because (i) screens with such heights would be impractical or unfeasible with respect to operation and maintenance of the project, (ii) screens would result in shading and therefore impact production, (iii) screens may create visual impacts, (iv) screens could impact emergency response access to the site, and (v) screens could create wildlife impacts.

128. RWDI also modelled screens with a height of 2.4 metres along the roads of concern, which RWDI believes to be a more practical mitigation measure. Based on this modelling, RWDI concluded that installation of 2.4-metre screens would significantly reduce, although not eliminate, predicted glare within the 15-degree FOV. With this more practical mitigation, yellow glare would be reduced to 1,121 minutes per year for Range Road 45A and to 609 minutes per year for Range Road 50. As such, UK Solar East Ltd. committed to installing a 2.44-metre (eight-foot) opaque fence at the designated locations along Range Road 50 (and not Range Road 45A).[68]

129. UK Solar East Ltd. asserted that Range Road 50 is the most frequently travelled route within the study area. However, the Commission has no evidence on the record to make a finding as to which roads are most frequently travelled. Moreover, the Commission is not convinced that glare mitigation is unnecessary for infrequently travelled roads.

130. In addition to adjusting resting angles and installing screens, the Commission notes that RWDI also considered rearranging solar panels in the project area to increase setbacks from the affected roads as a potential mitigation measure. However, neither RWDI nor UK Solar East Ltd. provided information about how much glare could be reduced by rearranging the solar panels (i.e., modelling results to quantify this mitigation measure were not provided on the record).

131. In Section 4.1.4, the Commission requires UK Solar East Ltd. to update the Oyen 1 Solar Project layout to meet the required setbacks for some wetlands wholly or partially within native grassland. The Commission expects UK Solar East Ltd. to use the layout update as an opportunity to rearrange solar panels to eliminate, or reduce as much as possible, predicted glare impacts within the 15-degree FOV on the roads where adjusting resting angles is not a mitigation option and installing screens is not practical.

132. Given OSOG's concerns about glare impacts on drivers' safety and R. Danks' confirmation that glare has the potential to distract drivers, the Commission requires UK Solar East Ltd. to take all reasonable and practical mitigation measures to eliminate, or reduce as much as possible, yellow glare from the Oyen 1 Solar Project within the critical 15-degree FOV on nearby roads. In the final project update, the Commission requires UK Solar East Ltd. to complete an updated glare assessment that includes a detailed glare mitigation plan. More specifically, the Commission requires UK Solar East Ltd. to take the following steps when developing the mitigation plan:

- For the roads where adjusting resting angles is an effective mitigation, the Commission requires UK Solar East Ltd. to determine a resting angle limit based on the final project design to eliminate yellow glare from the project within the critical 15-degree FOV. The Commission requires UK Solar East Ltd. to configure the project solar panels with this resting angle limit.

- For the roads where adjusting resting angles is not a mitigation option, the Commission requires UK Solar East Ltd. to design reasonable and practical screens that eliminate, or reduce as much as feasible, project yellow glare within the critical 15-degree FOV. The design of visual screens can and should consider and account for other factors, including wildlife impacts and access for emergency response vehicles/personnel. Wherever

[68] Exhibit 29307-X0227, UK Solar - Responses to AUC IR No. 5, PDF page 3.

feasible, the Commission requires UK Solar East Ltd. to install screens for the affected roads during project construction.

- For the roads where adjusting resting angles is not a mitigation option and installing screens is not practical, the Commission expects UK Solar East Ltd. to rearrange solar panels to increase setbacks and eliminate, or reduce as much as possible, yellow glare within the critical 15-degree FOV.

- If it is not feasible to eliminate all yellow glare from the project within the 15-degree FOV for one or more roads, the Commission requires UK Solar East Ltd. to provide detailed explanation or justification for why glare mitigation cannot be implemented.

- An approval for the Oyen 1 Solar Project will not be issued if in the final project update UK Solar East Ltd. fails to satisfy the Commission that the predicted yellow glare on nearby roads will be sufficiently mitigated.

133. Therefore, the Commission imposes the following conditions of approval for the Oyen 1 Solar Project:

f. UK Solar East Ltd. shall, at the time it submits the final project update for the Oyen 1 Solar Project, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall include a mitigation plan to eliminate, or reduce as much as possible, yellow glare within the 15-degree field of view on nearby roads. The mitigation plan shall consider adjusting resting angles, installing visual screens and rearranging solar panels as potential mitigation measures. UK Solar East Ltd. shall verify the effectiveness and feasibility of these mitigation measures by modelling. If it is not feasible to eliminate all yellow glare from the project within the 15-degree field of view, UK Solar East Ltd. shall provide detailed explanation or justification.

g. During construction or operation (as appropriate), UK Solar East Ltd. shall implement the glare mitigation measures as determined and described in the final project update.

4.3.3 How does the Commission consider sun masking effects when evaluating glare impacts from the projects?

134. In this section, the Commission considers sun masking effects when evaluating residual glare impacts from the mitigated projects.

135. RWDI submitted that during most of the time periods when yellow glare was predicted from the projects to the nearby roads, the sun is also within the driver's FOV (i.e., the driver would receive glare from the project and the sun simultaneously). RWDI explained that as the sun is orders of magnitude brighter than any reflection from project solar panels, the sun is expected to mask potential glare from the projects. Therefore, any reflection from the solar array would not materially change a driver's current experience (i.e., incremental glare impacts from the projects are expected to be negligible compared to direct viewing of the sun).[69]

[69] Exhibit 29307-X0152, UK Solar - Reply Evidence, PDF pages 10 and 11;
Exhibit 29307-X0149, Appendix E - RWDI Reply Evidence, PDF page 1;
Exhibit 29307-X0227, UK Solar - Responses to AUC IR No. 5, PDF page 2.

136. When asked how he determined whether and when both the sun and glare from the project are in the FOV for a given road (i.e., when sun masking should be expected), R. Danks explained that the glare model predicted the specific dates and times when yellow glare is predicted from the project, and then information about the azimuth and elevation of the sun was obtained from the modelling software. Based on the modelling results and sun position information, R. Danks determined whether the sun is (or is not) within the FOV for a driver on the road.[70] R. Danks further explained that because UK Solar has not yet finalized the exact backtracking logic, a specific calculation for the sun masking analysis was not conducted; instead, a generic approach based on a default setting in the glare modelling software was used.[71]

137. OSOG submitted that UK Solar's explanation about sun masking trivializes the issue of glare and safety impacts on drivers. Specifically, OSOG does not believe that UK Solar and RWDI provided any correlation between the duration of the naturally occurring glare and the duration of the glare from the projects, and this correlation would be required for the Commission to determine if sun-masking plays a role in reducing glare impacts from the project.[72]

138. The Commission notes that during periods when the glare spot from a solar array and the sun are simultaneously located within a receptor's FOV (e.g., drivers heading west towards a solar project at or near sunset), the effect of glare from the sun is likely to dominate glare from the solar array. The Commission's view is that sun masking may be considered as a mitigating factor in cases where applicants can provide a clear explanation of when (i.e., how many minutes per day and/or per year) project glare to a receptor will be masked by the sun itself.

139. With respect to the correlation between the duration of glare from the sun and the duration of glare from the project, the Commission accepts RWDI's explanation that sun masking effects are likely to dominate glare from the projects during most of the time yellow glare is predicted at receptors; however, the Commission does not consider the evidence about sun masking effects sufficient to exempt UK Solar from implementing mitigation to reduce or eliminate project glare on roads.

140. In Condition f as specified above, UK Solar East Ltd. is required to submit an updated glare assessment for the Oyen 1 Solar Project. The Commission emphasizes that in the updated solar glare assessment for the Oyen 1 Solar Project based on the final project design, UK Solar East Ltd. shall take the following steps to eliminate yellow glare from the Oyen 1 Solar Project within the 15-degree FOV on nearby roads:

- first, adjust resting angles for the solar panels;
- second, if adjusting resting angles is not adequate to eliminate yellow glare within the 15-degree FOV, install visual screens along the affected roads; and
- third, if adjusting resting angles is not adequate and installing visual screens is not practical, rearrange some solar panels to increase setbacks from affected roads.

141. If it is not feasible to eliminate yellow glare with the above mitigation measures, UK Solar East Ltd. shall include in their updated glare assessment justification for why none of these

[70] Transcript, Volume 1, page 94, lines 2-9, page 95, lines 20-25, page 96, lines 1-5, and page 156, lines 1-10.
[71] Transcript, Volume 1, page 159, lines 3-19.
[72] Exhibit 29307-X0116, 2025-06-18_OSOG Group Submissions_FINAL, PDF pages 22 to 23.

mitigation measures are feasible. Further, UK Solar East Ltd. may also submit, separate from the glare assessment, additional evidence related to sun masking to explain whether glare impacts from the project are mitigated by sun-masking effects; however, in this case, the Commission requires UK Solar East Ltd. to provide detailed information about sun-masking effects including how it determines the specific dates/times when the sun will be located within the 15-degree FOV on impacted roads.

4.3.4 What are the Commission's expectations for handling glare complaints or concerns?

142. For both Oyen solar projects, UK Solar committed to respond to complaints or concerns from stakeholders about glare from the projects and implement appropriate mitigation measures.[73] The Commission requires UK Solar to promptly respond to any complaints or concerns regarding glare during project operations and implement mitigation measures if glare is determined to be an issue. The Commission imposes the following condition of approval for the Oyen solar projects:

> h. UK Solar East Ltd. and UK Solar West Ltd., as applicable, shall promptly address any complaints or concerns regarding glare from the projects. UK Solar East Ltd. and UK Solar West Ltd. shall file an annual report with the Commission which details any glare complaints/concerns during the first three years of project operation, and their response to the complaints/concerns. In particular, the report shall specify if mitigation measures have been implemented in response to the complaint/concern. UK Solar East Ltd. and UK Solar West Ltd. shall file the first report no later than 13 months after the project becomes operational.

143. In conclusion, given UK Solar's commitments and the Commission's conditions of approval, the Commission finds that residual glare impacts from the mitigated projects are unlikely to create hazardous glare conditions for drivers on nearby roads.

4.4 How does the Commission consider fire risks and emergency response planning?

144. For the reasons outlined below, the Commission finds that fire and safety risks associated with the projects are sufficiently mitigated through the measures and procedures outlined in the site-specific emergency response plans (ERPs) and the conditions imposed by the Commission, and that the risks can be further reduced through UK Solar's commitment to ongoing consultation with the Special Areas Board and the Oyen Fire Department.

145. OSOG members expressed concerns regarding fire safety and adequacy of the ERPs. OSOG stated that UK Solar's position not to install fire guards, misinformation about emergency fire response time, the absence of a water source plan and no consultation with the Oyen Fire Department are fundamental gaps in the ERPs proposed by UK Solar.

146. UK Solar submitted site-specific ERPs for both Oyen solar projects.[74] UK Solar explained that its understanding is that the Special Areas Board is responsible for overall emergency management in Special Area No. 3. A copy of the ERPs was provided to the Special Areas Board Fire Chief and feedback received from the Special Areas Board was incorporated into the ERPs.

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[73] Exhibit 29307-X0218, UK Solar-Updated Oyen I Commitment List, PDF page 5; Exhibit 29307-X0219, UK Solar-Updated Oyen II Commitment List, PDF page 2.

[74] Exhibit 29307-X0067, Appendix H - ERP; Exhibit 29307-X0008, Appendix G - 2024-01-17 Oyen 1 - ERP_DRAFT.

UK Solar also stated that the Special Areas Board confirmed by email that the request to review the ERPs had also been forwarded to the Oyen Fire Department Chief.

147. UK Solar committed to updating the ERPs, as required, prior to the start of construction and periodically throughout the operation of the projects. UK Solar also committed to including the Oyen Fire Department in on-site training prior to the start of construction and periodically throughout the operations of the projects.[75]

148. The Commission recognizes that ERPs are living documents which require updating through the planning, construction and operation phrases of projects and finds emergency response planning to be an integral part of mitigating fire risks. While UK Solar has taken reasonable steps and made commitments to address OSOG's fire safety concerns, the Commission finds it necessary to impose the following conditions of approval to further mitigate fire- and safety-related risks:

i. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall continually, and at a minimum annually, update the site-specific emergency response plan and incorporate input received from the Special Areas Board and Oyen Fire Department. Updated emergency response plans are to be provided to the Special Areas Board and Oyen fire departments.

j. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall provide on-site training to the Oyen Fire Department and relevant local first responders prior to the start of construction and subsequently upon request.

149. Regarding fire guard installation, UK Solar stated that fire guards are not necessary for the projects to operate safely, that they are not a typical design feature for utility-scale solar projects and the Special Areas Board did not raise any concerns or requirements for it. Despite this, UK Solar stated that "if a fireguard is requested by the Special Areas Board or the Oyen fire department, UK Solar commits to working with them to understand where a fireguard would be an effective measure and how they could be implemented around the projects."[76]

150. The Commission considers the effectiveness of fire guards to be siting and project specific, and that local fire codes and emergency response practices should be considered in determining whether fire guards or near-site water storage should be implemented. The Commission expects the applicant, the municipality and local fire authority to work together to ensure that local requirements are considered and reflected in the ERP.

151. However, the Commission is not persuaded by UK Solar's position that because the issues of fire guards and on-site water storage were not specifically raised during initial consultation with the Special Areas Board Fire Chief, they should not be required for the projects. Consequently, the Commission imposes the following condition of approval:

k. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must consult with the Special Areas Board regarding the use of fire guards and water source planning and if fire guards or additional water storage is reasonably required, UK Solar East Ltd. or UK Solar West Ltd., as applicable, must incorporate the use of fire guards and a water

[75] Exhibit 29307-X0152, UK Solar - Reply Evidence, PDF page 9.
[76] Transcript, Volume 1, pages 217 to 218, lines 22 to 9.

storage plan in the project designs. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must also provide the Commission with an update on this issue, including updated consultation logs, in its final project update.

152. Finally, OSOG also expressed concerns about increased liability and insurance costs due to fire risks and requested the Commission direct UK Solar to maintain an insurance policy throughout the life of the projects that would cover adjoining landowners and their farm operations in the event of a fire caused by or to the projects' infrastructure.[77]

153. The Commission finds that, given the conditions it has imposed and in the absence of evidence supporting OSOG's claim of increased liability and insurance costs, the Commission finds it unjustified to require UK Solar to maintain an insurance policy that would cover adjoining landowners and their farm operations. However, the Commission does consider it reasonable to require UK Solar and subsequent operators to maintain suitable insurance coverage throughout the life of the project consistent with other solar power plants. Consequently, the Commission imposes the following condition of approval:

l. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall at all times during the construction and operation of the project, maintain insurance coverage that is sufficient to protect against any reasonably foreseeable liabilities.

4.5 Is UK Solar's consultation adequate?

154. In this section, the Commission concludes that UK Solar's participant involvement program (PIP) generally achieved the purposes of consultation and notification set out in Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.

155. UK Solar submitted a PIP report for each project.[78, 79] The PIP reports detail the steps taken by UK Solar to satisfy the Rule 007 notification and consultation requirements. UK Solar stated in their PIP reports that the Development Officer for Special Area No. 3 confirmed by email that there were no questions or concerns regarding the projects[80, 81] and that no concerns have been raised by Special Area No. 3.

156. OSOG expressed concerns about the adequacy of UK Solar's consultation efforts and stated that UK Solar's open house presentation did not facilitate proper, meaningful and transparent engagement and discussions with the pubic.

157. UK Solar submitted that it "undertook PIPs starting in 2024, as a means of informing the community about the proposed Projects and to create an opportunity for stakeholders to ask questions, identify concerns, and engage in open discussion regarding the Projects." UK Solar further stated that it "recognizes that public consultation is an ongoing process and therefore

[77] Exhibit 29307-X0116, 2025-06-18_OSOG Group Submissions_FINAL, PDF page 19.
[78] Exhibit 29307-X0005, Appendix D - 2024-06-08 Oyen 1 - PIP Report_FINAL (Reduced).
[79] Exhibit 29307-X0064, Appendix E - 2024-10-28 Oyen 2 - PIP Report.
[80] Exhibit 29307-X0005, Appendix D - 2024-06-08 Oyen 1 - PIP Report_FINAL (Reduced), PDF page 12.
[81] Exhibit 29307-X0064, Appendix E - 2024-10-28 Oyen 2 - PIP Report, PDF page 15.

commits to continue engaging with stakeholders throughout the Projects development, construction, operation and end-of-life."[82]

158. UK Solar argued that the Commission has previously confirmed that parties failing to come to a resolution relative to a concern does not mean that consultation was inadequate – "it merely reflects the fact that the parties do not agree." The Commission maintains this position but emphasizes that it holds this view to be true only after good faith consultation efforts have failed to achieve agreement among parties.

159. The Commission expects project developers to engage in active consultation and emphasizes that UK Solar's consultation responsibilities to stakeholders do not end when the applications are submitted or approved. The Commission is satisfied with UK Solar's commitment to ongoing engagement with stakeholders throughout the projects' development, construction, operation and end-of-life. The Commission expects UK Solar to uphold its commitments and continue consulting stakeholders proactively and in good faith as it constructs and operates the projects.

4.6 Is noise from the project expected to comply with Rule 012?

160. OSOG expressed concerns about potential noise impacts from the construction and operation of the projects.[83]

161. UK Solar retained RWDI to conduct a combined noise impact assessment (NIA) to assess cumulative effects from the Oyen solar projects and the adjacent Oyen Wind Project.[84] RWDI identified one dwelling (D. McKinstry's residence) within 1.5 kilometres of the project boundaries as the only noise receptor for the projects.

162. The Commission finds that the NIA conducted by UK Solar meets the requirements of Rule 012 and accepts that cumulative sound levels from the projects are expected to comply with permissible sound levels as set out in Rule 012.

163. With respect to construction noise, the Commission expects UK Solar to uphold its commitment to implement mitigation measures recommended in Rule 012. More specifically, the Commission expects UK Solar to conduct noise-generating construction activities between the hours of 7 a.m. and 10 p.m. (i.e., daytime) and to promptly respond to noise complaints associated with project construction.[85]

4.7 How does the Commission consider construction impacts and road use?

164. The Commission heard concerns from OSOG members regarding increased traffic specifically during construction activities. OSOG members shared details of past road safety incidents and stated that prior requests to upgrade the roads surrounding the Oyen 2 Solar Project have been denied by the Special Areas Board. OSOG further stated concerns regarding dust control and the availability of water for dust control.

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82 Exhibit 29307-X0152, UK Solar - Reply Evidence, PDF page 14.

83 Exhibit 29307-X0116, 2025-06-18_OSOG Group Submissions_FINAL, PDF pages 25 to 26.

84 Exhibit 29307-X0044, Appendix C - Noise Impact Assessment; Exhibit 29307-X0071, Appendix L - Noise Impact Assessment; Exhibit 29307-X0130, Appendix B - Oyen 1 and 2 Solar Projects Combined NIA.

85 Exhibit 29307-X0218, UK Solar-Updated Oyen I Commitment List, PDF page 2; Exhibit 29307-X0219, UK Solar-Updated Oyen II Commitment List, PDF page 2.

165. In its evidence, UK Solar stated that it will enter into a Road Use Agreement with the Special Areas Board if required, as part of the development permit. UK Solar also indicated that a traffic safety plan will be implemented as part of the development permit requirements, if required.

166. Furthermore, the Commission notes UK Solar's commitment to implement appropriate dust control measures during the construction of the projects.[86] UK Solar also committed to safely transporting and accessing equipment during construction, by maintaining and upgrading roads used to ensure all-weather access. Any such road maintenance or upgrades, if required, will be undertaken in consultation with Special Area No. 3 and other relevant municipal stakeholders.

167. The safe and responsible development of power plants remains an important consideration in the Commission's assessment of the public good. The Commission expects UK Solar to meet its commitments regarding safe road use and additionally imposes the following condition of approval:

m. UK Solar East Ltd. and UK Solar West Ltd., as applicable, must disclose to the Special Areas Board the concerns stated by OSOG in this proceeding regarding traffic, road safety, and specifically the suitability of Township Road 294 for heavy use during construction, in its application for a development permit or road use agreement.

4.8 Is it likely that the project will be adequately reclaimed at its end of life?

168. For reasons provided below, the Commission finds that UK Solar's approach to reclamation is sufficient for the purposes of satisfying the Commission that the approval of the projects is in the public interest.

169. The Commission expects applicants to fully reclaim projects and to bear the costs of doing so. Applicants are required to explain how they will ensure that sufficient funds are available at a project's end of life to cover the cost of decommissioning and reclamation.

170. OSOG retained Circle T to review UK Solar's environmental evaluations, environmental protection plans, and conservation and reclamation plans. Many of the concerns raised by Circle T focused on revegetation and weed management and are previously discussed in Section 4.1 of this decision.

171. The Commission also heard concerns from OSOG members regarding reclamation of solar projects in general and that the cost of reclamation should not burden landowners and municipalities.

172. The Commission notes that UK Solar has committed to following all applicable regulations and requirements of the municipal, provincial, and federal regulatory bodies at the time of decommissioning, for both Oyen solar projects.[87, 88] Currently, the decommissioning, reclamation and certification requirements are captured in the *Conservation and Reclamation Directive* (C&R Directive) and overseen by Alberta Environment and Protected Areas.

[86] Exhibit 29307-X0152, UK Solar - Reply Evidence, PDF page 12.
[87] Exhibit 29307-X0070, Appendix K - Decommissioning & Reclamation Estimate, PDF page 5.
[88] Exhibit 29307-X0012, Appendix K - Decom Rev_0, PDF page 3.

173. Therefore, the Commission accepts UK Solar's commitment to continuously monitor reclamation and vegetation re-establishment for a minimum of three growing seasons and its commitment to repairing identified reclamation deficiencies required to allow the desired end land use for the area[89, 90] and that areas where seed establishment is not successful will be reseeded.[91, 92]

174. Effective May 31, 2025, applicants for wind and solar energy projects in Alberta – including UK Solar – must obtain a registration under the *Environmental Protection and Enhancement Act*.[93] One of the requirements to obtain registration, set out in the *Code of Practice for Solar and Wind Renewable Energy Operations*, is to provide reclamation security either to: (i) the Government of Alberta; or (ii) landowners as part of a negotiated agreement, as long as the Commission considers that security adequate; or (iii) a combination of the two options.

175. UK Solar has confirmed that it will provide security directly to the Government of Alberta.[94] This means that the Commission will not assess the adequacy of UK Solar's proposed reclamation security under the *Code of Practice for Solar and Wind Renewable Energy Operations*, and that the Commission can be reasonably assured that funds will be available to reclaim the project at its end of life. Accordingly, the Commission imposes the following condition of approval:

n. UK Solar East Ltd. and UK Solar West Ltd. must provide security to the Government of Alberta in accordance with the *Code of Practice for Solar and Wind Renewable Energy Operations* and otherwise comply with all conditions and terms of UK Solar East Ltd. and UK Solar West Ltd.'s registration with respect to the Oyen 1 Solar Project and Oyen 2 Solar Project, respectively.

4.9 What are some of the stated benefits of the Oyen solar projects?

176. UK Solar submitted that the projects would bring numerous benefits to the local community and to Albertans more broadly, including creating approximately 270 direct jobs and 120 indirect jobs. UK Solar estimates that seven full-time operational jobs, supported by periodic local service contracts, would also be created over the life of the projects.[95]

177. UK Solar further submitted that the increased activity would boost the local economy with benefits for hotels, restaurants, fuel stations and service providers, and that the projects will contribute substantial tax revenue to the Special Areas. For example, UK Solar estimates that the Oyen 2 Solar Project alone will pay approximately $2.5 million per year in property taxes to the Special Areas.[96]

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89 Exhibit 29307-X0069, Appendix J - Conservation & Reclamation Plan, PDF page 40.
90 Exhibit 29307-X0011, Appendix J - 3050_Oyen1_CRPlanFINAL_20240823, PDF page 36.
91 Exhibit 29307-X0007, Appendix F - 3050_UK_Environmental_EvaluationFINAL_20240830, PDF page 54.
92 Exhibit 29307-X0066, Appendix G - Environmental Evaluation, PDF page 61.
93 *Code of Practice for Solar and Wind Renewable Energy Operations*, Government of Alberta, Effective May 31, 2025.
94 Exhibit 29307-X0132, UK Solar East Ltd. and UK Solar West Ltd. - Cover Letter re Responses to AUC IR No. 3, PDF page 2.
95 Transcript, Volume 1, page 13, lines 19-25.
96 Exhibit 29307-X0064, Appendix E - 2024-10-28 Oyen 2 - PIP Report, PDF page 44.

178. UK Solar also highlighted a donation to the Oyen Minor Ball Association in support of the new baseball facilities[97] and the Commission observes UK Solar's commitment to holding a job fair prior to construction to assist in sourcing and training local workers.[98]

179. Additional benefits include the annual generation of an estimated 900,000-megawatt hours of emissions-free electricity from the combined projects, which UK Solar stated will meaningfully contribute to Alberta's efforts to diversify its energy mix and reduce greenhouse gas emissions.[99]

180. The Commission observes that the estimated job opportunities provided by the project varied between what was originally stated by UK Solar in the applications[100, 101] and what was later stated in UK Solar's opening statement in the oral hearing.[102] The Commission requires UK Solar to confirm the expected number of jobs to be provided by the projects including details on the opportunities available to local individuals and businesses, in the final project update.

4.10 Conclusion

181. The Commission assesses each project based on its demonstrated benefits and potential adverse effects at the time of final submission, considering alignment with industry best practices and applicable regulations.

182. The Commission is satisfied that, subject to the setback modifications for wetlands described in Section 4.1.4 and the mitigations and commitments proposed by UK Solar or otherwise required by the Commission, the projects' benefits outweigh their negative effects.

5 Decision

183. For reasons outlined in the decision, and subject to the conditions in this decision, the Commission finds that, in accordance with Section 17 of the *Alberta Utilities Commission Act*, approval of UK Solar East Ltd. and UK Solar West Ltd.'s applications are in the public interest having regard to the social, economic, environmental and other effects of the projects. Under sections 11, 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves applications 29307-A001 to 29307-A004.

184. Approvals and permits and licences will be distributed separately at a later date, after UK Solar East Ltd. and UK Solar West Ltd. provide an update on the total generating capability of the projects, revised site layouts and responses to certain conditions, as directed above.

[97] Transcript, Volume 1, page 14, lines 1-10.
[98] Exhibit 29307-X0064, Appendix E - 2024-10-28 Oyen 2 - PIP Report, PDF page 44.
[99] Transcript, Volume 1, page 14, lines 4-18.
[100] Exhibit 29307-X0005, Appendix D - 2024-06-08 Oyen 1 - PIP Report_FINAL (Reduced), PDF page 25.
[101] Exhibit 29307-X0064, Appendix E - 2024-10-28 Oyen 2 - PIP Report, PDF page 44.
[102] Transcript, Volume 1, page 13, lines 20-25.

Dated on January 9, 2026.

Alberta Utilities Commission

(original signed by)

Vera Slawinski
Panel Chair

(original signed by)

Cairns Price
Commission Member

Appendix A – Summary of Commission conditions of approval in the decision

This section is intended to provide a summary of all conditions of approval specified in the decision for the convenience of readers. Conditions that require subsequent filings with the Commission will be tracked as directions in the AUC's eFiling System. In the event of any difference between the conditions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail.

The following are conditions of Decision 29307-D01-2026 that require subsequent filings with the Commission and will be included as conditions of Power Plant Approval 29307-D02-2026:

a. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall provide an update describing the total generating capability of the project and revise the layout accounting for the Commission-imposed setbacks provided in Table 2 of Decision 29307-D01-2026, no later than July 31, 2026. The update shall also include updated construction and project completion dates.

b. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 31 of the year following the mortality monitoring period and submit the post-construction monitoring survey report and Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission no later than March 31 of the year following the mortality monitoring period. Following Bulletin 2025-17,[103] a minimum of one year of annual post-construction monitoring is required for the Oyen 1 and Oyen 2 solar projects. Any additional reporting and response letters, if required by Alberta Environment and Protected Areas, shall be filed on or before the same date every subsequent year pursuant to Section 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.

c. Once UK Solar East Ltd. or UK Solar West Ltd., as applicable, has finalized its equipment selection and project layout, it must file a final project update with the Commission to confirm that the project has stayed within the final project update allowances for solar power plants. The final project update must be filed at least 90 days prior to the start of construction.

d. UK Solar East Ltd. shall file a visual screening plan with the Commission, detailing discussions with D. McKinstry, at least 90 days prior to the start of construction. The visual screening plan is to include consideration for maintenance, watering and replacement of dead vegetation. If the plan has not been agreed upon by D. McKinstry, UK Solar East Ltd. shall include consultation logs and an explanation of why the proposed plan was not agreed upon.

f. UK Solar East Ltd. shall, at the time it submits the final project update for the Oyen 1 Solar Project, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall include a mitigation plan to

[103] Alberta Utilities Commission. 2025. Bulletin 2025-17, End of suspension and changes to post-construction mortality monitoring requirements at solar power plants. https://media.auc.ab.ca/prd-wp-uploads/News/2025/Bulletin%202025-17.pdf.

eliminate, or reduce as much as possible, yellow glare within the 15-degree field of view on nearby roads. The mitigation plan shall consider adjusting resting angles, installing visual screens and rearranging solar panels as potential mitigation measures. UK Solar East Ltd. shall verify the effectiveness and feasibility of these mitigation measures by modelling. If it is not feasible to eliminate all yellow glare from the project within the 15-degree field of view, UK Solar East Ltd. shall provide detailed explanation or justification.

h. UK Solar East Ltd. and UK Solar West Ltd., as applicable, shall promptly address any complaints or concerns regarding glare from the projects. UK Solar East Ltd. and UK Solar West Ltd. shall file an annual report with the Commission which details any glare complaints/concerns during the first three years of project operation, and their response to the complaints/concerns. In particular, the report shall specify if mitigation measures have been implemented in response to the complaint/concern. UK Solar East Ltd. and UK Solar West Ltd. shall file the first report no later than 13 months after the project becomes operational.

k. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must consult with the Special Areas Board regarding the use of fire guards and water source planning and if fire guards or additional water storage is reasonably required, UK Solar East Ltd. or UK Solar West Ltd., as applicable, must incorporate the use of fire guards and a water storage plan in the project designs. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must also provide the Commission with an update on this issue, including updated consultation logs, in its final project update.

The following are conditions of Decision 29307-D01-2026 that require subsequent filings with the Commission and will be included as conditions of Power Plant Approval 29307-D04-2026:

a. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall provide an update describing the total generating capability of the project and revise the layout accounting for the Commission-imposed setbacks provided in Table 2 of Decision 29307-D01-2026, no later than July 31, 2026. The update shall also include updated construction and project completion dates.

b. UK Solar East Ltd. or UK Solar West Ltd., as applicable, shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 31 of the year following the mortality monitoring period and submit the post-construction monitoring survey report and Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission no later than March 31 of the year following the mortality monitoring period. Following Bulletin 2025-17,[104] a minimum of one year of annual post-construction monitoring is required for the Oyen 1 and Oyen 2 solar projects. Any additional reporting and response letters, if required by Alberta Environment and Protected Areas, shall be filed on or before the same date every subsequent year pursuant to

[104] Alberta Utilities Commission. 2025. Bulletin 2025-17, End of suspension and changes to post-construction mortality monitoring requirements at solar power plants. https://media.auc.ab.ca/prd-wp-uploads/News/2025/Bulletin%202025-17.pdf.

Section 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.

c. Once UK Solar East Ltd. or UK Solar West Ltd., as applicable, has finalized its equipment selection and project layout, it must file a final project update with the Commission to confirm that the project has stayed within the final project update allowances for solar power plants. The final project update must be filed at least 90 days prior to the start of construction.

e. UK Solar West Ltd. shall, at the time it submits the final project update for the Oyen 2 Solar Project, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall determine a resting angle limit to eliminate yellow glare from the project within the critical 15-degree FOV on nearby roads. UK Solar West Ltd. shall configure the project solar panels with this resting angle limit during the backtracking operation.

h. UK Solar East Ltd. and UK Solar West Ltd., as applicable, shall promptly address any complaints or concerns regarding glare from the projects. UK Solar East Ltd. and UK Solar West Ltd. shall file an annual report with the Commission which details any glare complaints/concerns during the first three years of project operation, and their response to the complaints/concerns. In particular, the report shall specify if mitigation measures have been implemented in response to the complaint/concern. UK Solar East Ltd. and UK Solar West Ltd. shall file the first report no later than 13 months after the project becomes operational.

k. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must consult with the Special Areas Board regarding the use of fire guards and water source planning and if fire guards or additional water storage is reasonably required, UK Solar East Ltd. or UK Solar West Ltd., as applicable, must incorporate the use of fire guards and a water storage plan in the project designs. UK Solar East Ltd. or UK Solar West Ltd., as applicable, must also provide the Commission with an update on this issue, including updated consultation logs, in its final project update.

The following are conditions of Decision 29307-D01-2026 that do not require subsequent filings with the Commission:

g. During construction or operation (as appropriate), UK Solar East Ltd. shall implement the glare mitigation measures as determined and described in the final project update.

i. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall continually, and at a minimum annually, update the site-specific emergency response plan and incorporate input received from the Special Areas Board and Oyen Fire Department. Updated emergency response plans are to be provided to the Special Areas Board and Oyen fire departments.

j. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall provide on-site training to the Oyen Fire Department and relevant local first responders prior to the start of construction and subsequently upon request.

l. UK Solar East Ltd. or UK Solar West Ltd., as applicable, and any subsequent operator, shall at all times during the construction and operation of the project, maintain insurance coverage that is sufficient to protect against any reasonably foreseeable liabilities.

m. UK Solar East Ltd. and UK Solar West Ltd., as applicable, must disclose to the Special Areas Board the concerns stated by OSOG in this proceeding regarding traffic, road safety, and specifically the suitability of Township Road 294 for heavy use during construction, in its application for a development permit or road use agreement.

n. UK Solar East Ltd. and UK Solar West Ltd. must provide security to the Government of Alberta in accordance with the *Code of Practice for Solar and Wind Renewable Energy Operations* and otherwise comply with all conditions and terms of UK Solar East Ltd. and UK Solar West Ltd.'s registration with respect to the Oyen 1 Solar Project and Oyen 2 Solar Project, respectively.