

Commission Order 2024-001



March 4, 2024

The Alberta Utilities Commission, pursuant to section 5 of the *Hydro and Electric Energy Act*, RSA 2000 c.H-16, makes the *Hydro and Electric Energy Regulation* set out in the attached Appendix.

Alberta Utilities Commission

Carolyn Dahl Rees
Chair
Alberta Utilities Commission

APPENDIX

Hydro and Electric Energy Act

HYDRO AND ELECTRIC ENERGY REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Hydro and Electric Energy Act*;
- (b) “AUC Rule 007” means AUC Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments, Energy Storage Facilities, and Gas Utility Pipelines*, as published by the Commission and amended from time to time;
- (c) “AUC Rule 012” means AUC Rule 012: *Noise Control*, as published by the Commission and amended from time to time;
- (d) “Commission” means the Alberta Utilities Commission under the *Alberta Utilities Commission Act*.

Alterations

2(1) Subject to subsection (2), unless the Commission directs otherwise, a person who proposes to make alterations to a power plant, energy storage facility, transmission line or electric distribution system must apply to the Commission in accordance with AUC Rule 007.

(2) Subsection (1) does not apply to a power plant, energy storage facility, transmission line or electric distribution system if the alteration

- (a) does not directly and adversely affect any person,
- (b) does not have any adverse environmental impact,
- (c) does not result in non-compliance with AUC Rule 012,
and
- (d) does not require a change to the terms or conditions of any
existing approval, permit or licence.

**Exclusions for small power plants and
small energy storage facilities**

3(1) In this section,

- (a) “small energy storage facility” means an energy storage
facility
 - (i) consisting of all of the energy storage resources that
are or will be located at a site, and
 - (ii) that has or will have a total capability of less than
one megawatt but does not include an energy storage
facility to which section 25.1 of the Act applies;
- (b) “small power plant” means a power plant
 - (i) consisting of all of the generating units that are or
will be located at a site, and
 - (ii) that has or will have a total capability of less than
one megawatt.

(2) Subject to subsection (3), unless the Commission directs
otherwise, a small power plant or small energy storage facility that
is or is intended to be connected to a transmission line or electric
distribution system is excluded from the application of sections 11,
13.01 and 18 of the Act.

(3) Subsection (2) does not apply unless

- (a) the construction or operation of the small power plant or
small energy storage facility, as the case may be,
 - (i) does not directly and adversely affect any person,
and
 - (ii) does not have any adverse environmental impact,

and

- (b) the small power plant or small energy storage facility is constructed or operated, as the case may be, in compliance with AUC Rule 012.

Exclusions for isolated generating units

4(1) In this section, the following words and phrases have the meanings given to them in the *Isolated Generating Units and Customer Choice Regulation* (AR 165/2003):

- (a) industrial area;
- (b) isolated community;
- (c) isolated generating unit.

(2) Subject to subsection (3), unless the Commission directs otherwise, where, in order to maintain a reliable supply of electric energy or to provide more electric energy to an isolated community or industrial area,

- (a) an isolated generating unit is to be replaced, or
- (b) an additional generating unit or energy storage resource is required,

an owner of the electric distribution system in whose service area the isolated community or industrial area is located may replace an isolated generating unit or add a generating unit or energy storage resource without an application to the Commission under section 11 or 25.1 of the Act.

(3) Subsection (2) does not apply unless

- (a) either
 - (i) the total generating capability of the power plant,
 - (ii) the total storage capability of the energy storage facility, or
 - (iii) where a power plant and an energy storage facility are located on a common site, the combined total generating and storage capability

including any replacement or addition, as the case may be,
is less than 10 megawatts, and

(b) the replacement or addition

(i) does not directly and adversely affect any person,

(ii) does not have any adverse environmental impact, and

(iii) is constructed and operated in compliance with AUC
Rule 012.

Connections

5 Notwithstanding section 18(1) of the Act, unless the Commission directs otherwise, the owner or operator of a power plant, energy storage facility, transmission line or electric distribution system may connect its works with other works that it owns or operates, as the case may be, without an order referred to in that section.

Repeal

6 The *Hydro and Electric Energy Regulation* (AR 409/83) is repealed.

Expiry

7 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on January 31, 2033.

Coming into force

8 This Regulation comes into force on the coming into force of section 3 of the *Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022*.