

October 26, 2020

Decision 25915-D01-2020

BHEC-RES AB Renewables GP Corp.
5605 Avenue de Gaspé, Bureau 508
Montréal, Que. H2T 2A4

Attention: Patrick Henn
Development Manager

**Forty Mile Wind Power Project Ownership Transfer and Time Extension
Proceeding 25915
Applications 25915-A001 and 25915-A002**

Ownership transfer and time extension

1. BHEC-RES Alberta G.P. Inc., pursuant to Approval 22966-D02-2018¹ and Permit and Licence 22966-D03-2018,² has approval to construct and operate the Forty Mile Wind Power Project and the Forty Mile 516S Substation, located within the County of Forty Mile No. 8 approximately five kilometres east of Bow Island, Alberta. Construction of the power plant and the substation was stipulated to be completed on or before December 1, 2020.
2. BHEC-RES AB Renewables GP Corp. (BHEC-RES), by applications 25915-A001 and 25915-A002, registered with the Alberta Utilities Commission on October 1, 2020, requested approval to transfer ownership of the power plant approval and the substation permit and licence from BHEC-RES Alberta G.P. Inc. to BHEC-RES pursuant to sections 11, 18, 19 and 23 of the *Hydro and Electric Energy Act*.
3. BHEC-RES stated that as part of a corporate reorganization, the project assets were transferred to BHEC-RES AB Renewables L.P. on October 22, 2018. BHEC-RES was registered as a general partner of BHEC-RES AB Renewables L.P. on December 20, 2019. BHEC-RES provided a proof of filing dated December 20, 2019, showing that BHEC-RES is the only valid general partner of BHEC-RES AB Renewables L.P.
4. Additionally, BHEC-RES requested that the construction completion date for the power plant and the substation be extended to December 1, 2021.

¹ Power Plant Approval 22966-D02-2018, Proceeding 22966, Application 22966-A001, August 30, 2018.

² Substation Permit and Licence 22966-D03-2018, Proceeding 22966, Application 22966-A001, August 30, 2018.

5. BHEC-RES explained that it has been working on securing turbine purchase agreements with potential off-takers and considering potential new turbine technology, while staying within permitted turbine locations and permitted rights-of-way for associated infrastructure. BHEC-RES requested a one-year time extension to finish the above work.³

6. BHEC-RES submitted that it has continued its engagement with Alberta Environment and Parks (AEP). The project's AEP referral report is valid until August 10, 2022. The required wildlife surveys are current and pre-construction wildlife surveys of the turbine locations and associated infrastructure will be completed and reported to AEP before construction. BHEC-RES will consult AEP during construction and post-construction to address any issues should new wildlife features be identified.

7. BHEC-RES clarified that it is not applying to change the turbine technology for the project in the current applications, and that it will file a new application if it decides to change the project turbine technology.

8. The Commission finds that BHEC-RES has provided information respecting the need, nature and the duration of the requested ownership transfer and time extension. Based upon the information provided, BHEC-RES has demonstrated that the requested ownership transfer and time extension are of a minor nature.

9. In accordance with the requirements of Section 23 of the *Hydro and Electric Energy Act*, BHEC-RES is incorporated under the *Business Corporations Act*. Based upon the information provided, BHEC-RES has demonstrated that it is eligible to hold the power plant approval and the substation permit and licence in its name.

10. The Commission grants the approval of the requested power plant ownership transfer and the substation permit and licence ownership transfer outlined in the application, and approves a time extension to December 1, 2021, for the completion of the Forty Mile Wind Power Project and the Forty Mile 516S Substation.

11. The Commission reconsidered conditions in Approval 22966-D02-2018 and made the following updates:

- a. Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants* came into force on July 1, 2019, and applies to all wind projects approved after September 1, 2019. Accordingly, BHEC-RES AB Renewables GP Corp. must comply with the requirements of Rule 033. As such, to reflect requirements of the recently published Rule 033, conditions 5, 10, 12 and 15 of Approval 22966-D02-2018 have been removed and Condition 11 of Approval 22966-D02-2018 has been updated.

³ Exhibit 25915-X0004, Forty Mile Wind Project - BHEC-RES AB Renewables transfer_time extension request 20201002, PDF page 1.

- b. Alberta Environment and Parks published the *Conservation and Reclamation Directive for Renewable Energy Operations* on September 14, 2018. As such, Condition 23 of Approval 22966-D02-2018 has been removed.
 - c. The Alberta Utilities Commission issued Bulletin 2020-11⁴ on March 30, 2020 stating that “future power plant approvals from the Commission will not include a condition to submit construction progress reports”. As such, Condition 19 of Approval 22966-D02-2018 has been removed.
12. Approval 25915-D02-2020 and Permit and Licence 25915-D03-2020 are attached.
13. The Commission may, within 30 days of 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.

Alberta Utilities Commission

(original signed by)

Douglas A. Larder, QC
Acting Commission Member

Attachments

⁴ Bulletin 2020-11, Reducing regulatory burden by eliminating power plant construction progress reports and simplifying compliance reporting for electric and gas facilities, the Alberta Utilities Commission, March 30, 2020.