



Province of Alberta

## HYDRO AND ELECTRIC ENERGY ACT

# HYDRO AND ELECTRIC ENERGY REGULATION

### **Alberta Regulation 409/1983**

With amendments up to and including Alberta Regulation 136/2015

### Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
7<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

### **Copyright and Permission Statement**

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 136/2015)

## **ALBERTA REGULATION 409/83**

### **Hydro and Electric Energy Act**

#### **HYDRO AND ELECTRIC ENERGY REGULATION**

**1** In this Regulation, “Act” means the *Hydro and Electric Energy Act*.

AR 409/83 s1

**2** On application the Commission may exempt an applicant from any of the provisions prescribed in this Regulation.

AR 409/83 s2;170/2012

**3** The holder of an order, approval or permit to construct a hydro development, power plant or transmission line shall, if directed to do so by the Commission, submit to the Commission in writing once every 3 months, a progress report on construction that includes a discussion of delays or changes in conditions from those outlined in the application.

AR 409/83 s3;170/2012;116/2013

#### **Statistics and Other Reporting Requirements**

**4 to 7** Repealed AR 116/2013 s3.

**8** The holder of an approval, permit or licence for an electric distribution system, a power plant having a capability of 500 kilowatts or greater or a transmission line shall file with the Commission each month or at the intervals directed by the Commission a record in the form required by the Commission for the preceding month or the period specified by the Commission that includes the following, where applicable:

- (a) in the case of power plants using an energy source other than hydro, the amount of energy generated in gigawatt-hours or kilowatt-hours, the energy source and the energy content of the energy source;
- (b) in the case of hydro power plants
  - (i) the amount of energy generated in gigawatt-hours or kilowatt-hours,

- (ii) the average head in metres,
  - (iii) the average flow in cubic metres per second,
  - (iv) the average spill in cubic metres per second,
  - (v) the reservoir level at month end, in metres, and
  - (vi) the energy stored in the reservoir in gigawatt-hours or kilowatt-hours at month end;
- (c) the details of all energy receipts from other sources within and outside Alberta, showing for each source of receipt the
- (i) amount of energy received in gigawatt-hours or kilowatt-hours,
  - (ii) maximum hourly rate in kilowatt-hours per hour, and
  - (iii) name and location of supplier;
- (d) the details of all energy deliveries to the power pool as defined in the *Electric Utilities Act* and other electric systems within and outside Alberta, showing for each delivery
- (i) the amount of energy delivered in gigawatt-hours or kilowatt-hours,
  - (ii) the maximum hourly rate in kilowatt-hours per hour,
  - (iii) whether the deliveries are firm or interruptible,
  - (iv) the point of delivery and nominal operating voltage at point of delivery, and
  - (v) the name and location of the recipient;
- (e) the details of all energy consumed for power plant use, transmission line losses and distribution losses in its own operations;
- (f) the sales to ultimate customers by the general end use classifications of residential, commercial and industrial, with as much detail as is available for sub-classifications as farm, street lighting, transportation and large industry;
- (g) total revenue from sales;

- (h) in the case of power plants, the maximum capability of the power plants.

AR 409/83 s8;144/98;170/2012;116/2013

**8.1(1)** The holder of an approval, permit or licence for an electric utility shall file with the Commission each month or at the intervals directed by the Commission a report for the preceding month or for the period specified by the Commission, as the case may be, showing in gigawatt-hours or kilowatt-hours the amount of energy purchased in the month or period from each power plant, if any, that is connected to the approval holder's, permit holder's or licence holder's electric distribution system or transmission line.

**(2)** In this section,

- (a) "electric utility" has the meaning given to it in the *Electric Utilities Act*;
- (b) "power plant" means a power plant, as defined in the Act, having a capability of 500 kilowatts or greater.

AR 144/98 s3;170/2012;116/2013

**9** Repealed AR 116/2013 s6.

**10** The holder of an approval, permit or licence for a transmission line or electric distribution system shall file with the Commission each month or at the intervals directed by the Commission a report of its system during the preceding calendar year or for the period specified by the Commission, as the case may be, showing the

- (a) circuit kilometres of transmission and distribution lines according to the following breakdown:
  - (i) all lines over 60 kV;
  - (ii) all lines up to and including 60 kV;
  - (iii) all lines owned by a rural electrification association;
  - (iv) all electrical utility owned farm lines;
- (b) total number of farm customers served by
  - (i) rural electrification associations, or
  - (ii) directly by electric utilities;
- (c) total number of customers according to the following classifications:

- (i) residential;
  - (ii) commercial;
  - (iii) industrial;
  - (iv) farm;
- (d) total revenue from sales.

AR 409/83 s10;170/2012;116/2013

### Letter of Enquiry

**11** Unless the Commission directs otherwise, if a person proposes to make minor alterations to a power plant, transmission line or electric distribution system other than minor alterations to which section 18.2 applies, the person may apply for an approval or permit or an amendment to an approval or permit referred to in section 11, 14 or 25 of the Act, as the case may be, by submitting a Letter of Enquiry to the Commission in accordance with AUC Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designations as published by the Commission and amended from time to time.

AR 409/83 s11;170/2012;116/2013

**12** A letter of enquiry shall contain information respecting the following, where applicable:

- (a) the need for the proposed work;
- (b) the nature and extent of the proposed work;
- (c) the land affected by the proposed work, and its ownership;
- (d) the timing of the proposed work;
- (e) any environmental impact that may result from the proposed work.

AR 409/83 s12

**13 to 15** Repealed AR 116/2013 s9.

**15.1** Repealed AR 116/2013 s9.

**16** Repealed AR 144/98 s6.

**17** Repealed AR 116/2013 s9.

**18** Repealed AR 293/88 s2.

### **Exclusions for Small Power Plants**

**18.1(1)** In this section, “small power plant” means a power plant consisting of all of the generating facilities located or, in the case of the construction of a small power plant, to be located at a site that has or, when constructed, will have a total capability of less than one megawatt.

**(2)** Unless the Commission directs otherwise, a small power plant that is or is to be connected to a transmission line or electric distribution system is excluded from the application of sections 11 and 18 of the Act if

- (a) the construction or operation of the small power plant, as the case may be,
  - (i) does not directly and adversely affect any person, and
  - (ii) does not have any adverse environmental impact,
- (b) the small power plant is constructed or operated, as the case may be, in compliance with AUC Rule 012, Noise Control, as published by the Commission and amended from time to time, and
- (c) the person constructing or operating or proposing to construct or operate the small power plant has entered into an operating agreement with the owner or operator of the transmission line or electric distribution system to which the small power plant is or is to be connected relating to the connection.

AR 116/2013 s10

### **Exclusions for Minor Alterations**

**18.2** Unless the Commission directs otherwise, an alteration to a power plant is excluded from the application of section 11 of the Act, an alteration to a transmission line is excluded from the application of section 14 of the Act and an alteration to an electric distribution system is excluded from the application of section 25 of the Act if the alteration

- (a) is minor,
- (b) does not directly and adversely affect any person, and
- (c) does not have any adverse environmental impact.

AR 116/2013 s10

### Exclusions for Isolated Generating Units

**18.3(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)** Unless the Commission directs otherwise, for purposes of maintaining a reliable supply of electric energy to an isolated community or industrial area, an owner of the electric distribution system in whose service area an isolated community or an industrial area is located may replace or add to an isolated generating unit in an existing power plant without an application to the Commission under section 11 of the Act if

- (a) the total generating capability of the power plant, including the replacement or addition, is less than 10 megawatts, and
- (b) the replacement of or addition to the isolated generating unit in the power plant
  - (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: Noise Control, as published by the Commission and amended from time to time.

AR 136/2015 s2

### Alteration or Modification of a Hydro Development

**19** The alteration of or modification to a hydro development referred to in section 42 of the Act is excluded from the provisions of section 9(4) to (9) of the Act.

AR 385/84 s2;293/88;251/2001

**20** Repealed AR 178/98 s3.

### Expiry

**22** 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, 2018.

AR 212/90 s2;170/2012;116/2013







Printed on Recycled Paper 