



**PACE Canada Development LP
Harvest Sky Solar Farm**

Costs Award

June 20, 2025

Alberta Utilities Commission
Decision 29951-D01-2025
PACE Canada Development LP
Harvest Sky Solar Farm
Costs Award
Proceeding 29951

June 20, 2025

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1 Introduction

1. In this decision, the Alberta Utilities Commission (AUC) considers applications by the Hanna Landowner Opposition Group (HLOG), the Hanna Flying Association (HFA) and the Town of Hanna (Hanna) for an award of costs for their participation in Proceeding 29274¹ (the original proceeding). For the reasons below, the Commission approves \$162,454.73 in costs for HLOG, \$102,103.83 in costs for the HFA and \$221,325.89 in costs for Hanna.

2. The original proceeding was convened by the Commission to consider an application from PACE Canada Development LP (PACE Canada) for approval of a 15-megawatt (MW) solar power plant connected to the ATCO Electric Ltd. distribution system. The HLOG, the HFA and Hanna participated in the proceeding and submitted their costs claims within the 30-day timeline permitted by Rule 009: *Rules on Local Intervener Costs*. The record for the costs proceeding closed on May 1, 2025, the date it was determined that no information requests were required.

3. After the close of record in this proceeding, a PACE Canada affiliate failed to comply with a Commission cost order in a separate proceeding. As a result, on May 28, 2025, the Commission issued an information request to PACE Canada in this proceeding requesting confirmation that PACE Canada has the necessary funds to pay the local intervener costs that may be awarded within 30 days of the Commission's issuance of an order to that effect, and that it will comply with the Commission's decision in this proceeding.² In response, PACE Canada confirmed that "it will comply with all legal obligations, including those under the *Alberta Utilities Commission Act* and any lawful orders issued by the Commission."³

2 Hanna Landowner Opposition Group's claim

4. The HLOG consists of 45 members, 33 of which were granted standing. The members primarily consisted of landowners and residents around the project area and in the town of Hanna. The group submitted evidence and argument on topics including residential impacts, visual impacts, noise impacts, environmental impacts, glare impacts, impacts from dust and weeds, reclamation, agricultural impacts, property value impacts and fire concerns.

¹ Proceeding 29274, Harvest Sky Solar Farm.

² Exhibit 29951-X0025, AUC Information Request to PACE.

³ Exhibit 29951-X0027, 20250602 Response from PACE to AUC IR Costs Proceeding.

5. Members of HLOG were granted standing in the original proceeding⁴ and the group is eligible to recover costs in accordance with sections 21 and 22 of the *Alberta Utilities Commission Act* and Section 5 of Rule 009.

6. The following is a breakdown of the costs claimed by HLOG:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
HLOG							
Ackroyd LLP	240.00	34.40	0.00	\$124,060.25	\$6,663.80	\$6,536.20	\$137,260.25
Cottonwood Consultants Ltd.	42.00	10.75	0.00	\$19,517.50	\$330.00	\$992.38	\$20,839.88
FDI Acoustics Inc.	16.50	0.00	0.00	\$4,290.00	\$0.00	\$214.50	\$4,504.50
Intervener honoraria	0.00	0.00	0.00	\$1,100.00	\$0.00	\$0.00	\$1,100.00
Total	298.50	45.15	0.00	\$148,967.75	\$6,993.80	\$7,743.08	\$163,704.63

7. PACE Canada Development LP raised the following issues with HLOG's costs application in its submission:

- While HLOG raised a large number of issues, some issues such as agricultural impacts, were not tied to specific concerns with no meaningful engagement with the evidence filed on the record.
- Unnecessary and repetitive cross-examination by HLOG's counsel and excessive time associated with preparing information requests and hearing prep.
- Cottonwood Consultants Ltd. raise the same issues every hearing, despite the Commission's consistent findings.
- With respect to noise, the issues challenged by FDI Acoustics Inc. did not result in any changes to the compliance with the provisions of Rule 012⁵ and was not helpful.

8. PACE Canada requested a 50 per cent reduction to the costs claimed for Ackroyd LLP and FDI Acoustics Inc. and a 25 percent reduction for Cottonwood Consultants Ltd.

9. The HLOG responded to PACE Canada's comments by stating that it acted responsibly in the original proceeding and that all of the evidence provided by it was relevant and contributed to the Commission's understanding of the issues raised by the HLOG. It added that the issues raised reflected the concerns of the group and that extensive information requests helped to reduce the amount of time required for cross-examination at the hearing. HLOG submitted that the costs claimed for its independent witnesses are in line with similar AUC proceedings and with the extent of work that was required to assess the project.

10. The Commission finds that HLOG generally acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. The Commission is

⁴ Exhibit 29274-X0172, AUC letter – Ruling on standing and process schedule.

⁵ Rule 012: *Noise Control*.

also satisfied that the costs claimed are consistent with the scale of costs in Appendix A of Rule 009.

11. HLOG claimed a \$100.00 attendance honorarium for each of the following six members: Martha Viste, Nancy Hudyma, Michael Hudyma, Brenda Best, Sandra Beaudoin and Fred Crowle; and claimed a \$375.00 group formation honorarium for M. Viste and a \$125.00 group formation honorarium for N. Hudyma. The Commission finds these claims were made according to the scale of costs and are approved. In total, the Commission approves \$1,100.00 in honoraria.

12. The Commission finds that the costs claimed for Ackroyd LLP are reasonable and approves those costs in full. Accordingly, the Commission approves HLOG's claim for legal fees in the amount of \$124,060.25, disbursements in the total amount of \$6,663.80⁶ and GST of \$6,536.20 for a total of \$137,260.25.

13. However, the Commission is unable to approve the full amount of the costs claimed for the consulting services performed by Cottonwood Consultants Ltd. and FDI Acoustics Inc. for the reasons below.

14. The Commission's interpretation on the applicability of the Wildlife Directive,⁷ specifically in regard to wetland setbacks has been consistent and informed by the recommendations from Alberta Environment and Protected Areas (AEPAs) whom support applicants to implement the standards and best management practices of the Wildlife Directive as much as possible.⁸

15. Cottonwood Consultants regularly argues that the standards and best management practices within the Wildlife Directive should be adhered to without apparent consideration for the nuance within AEPAs recommendations. The Commission has routinely accepted the siting of a project within an urban setting as preferable and a factor for variance from the Wildlife Directive.⁹ For these reasons, the Commission applies a 5 per cent reduction to the consulting fees claimed for Cottonwood Consultants.

16. HLOG also claimed a disbursement for Cottonwood Consultants of \$330.00 for aerial photography and LiDAR. The Commission finds the claim to be reasonable and approves it. Accordingly, the Commission approves HLOG's claim for consulting fees for Cottonwood Consultants in the amount of \$18,541.63,¹⁰ a disbursement of \$330.00 for aerial photography and LiDAR, and GST of \$943.58 for a total of \$19,815.21.

17. The Commission is also unable to approve the full amount of the costs claimed for consulting fees for FDI Acoustics. While the Commission denied PACE Canada's original application in the original proceeding, it is concerned that some of the issues raised by HLOG's

⁶ Claimed disbursements included: transcripts (\$6,634.80), LTO/On-Line searches (\$22.00) and Corporate On-Line searches (\$7.00).

⁷ <https://open.alberta.ca/dataset/directive-aep-fish-and-wildlife-2017-no-5>.

⁸ Exhibit 29274-X0003, PDF page 1.

⁹ Decision 29082-D01-2024: PACE Canada LP, on behalf of 2518365 Alberta Ltd., Peter Loughheed Solar Project, Proceeding 29082, November 15, 2024; Decision 28828-D01-2025: Town of Innisfail, Town of Innisfail Solar Project, Proceeding 28828, April 28, 2025; and Decision 28643-D01-2025: PACE Canada Development LP, on behalf of 2518365 Alberta Ltd., Killam (Old Bear) Solar Farm, Proceeding 28643, February 20, 2025.

¹⁰ $\$19,517.50 * 0.95 = \$18,541.63$.

consultants were unnecessary, as PACE Canada had, in fact complied with certain requirements of Rule 012. FDI Acoustics raised concerns that sound levels from the ATCO 763S substation were not characterized based on the noise impact assessment available for the substation. Rule 012 allows for other methods to consider this noise contribution, including the method used by PACE Canada's noise consultant and, as such, the Commission finds that FDI Acoustics did not need to spend the costs to raise this issue. Further, FDI Acoustics also raised concerns around the need for a construction mitigation plan. This is also unwarranted, as there is no requirement for a construction mitigation plan and, further, PACE Canada committed to implementing the mitigation measures recommended in Rule 012 to manage construction noise. For these reasons, the Commission applies a 5 per cent reduction to the consulting fees claimed for FDI Acoustics. Accordingly, the Commission approves HLOG's claim for consulting fees for FDI Acoustics in the amount of \$4,075.50¹¹ and GST of \$203.78 for a total of \$4,279.28.

18. For the reasons provided above, the Commission approves HLOG's claim for recovery of costs in the total amount of \$162,454.73, consisting of legal fees of \$124,060.25, consulting fees of \$22,617.13, honoraria of \$1,100.00, disbursements of \$6,993.80 and GST of \$7,683.56.

3 Hanna Flying Association's claim

19. The HFA consists of 6 members, 3 of which were granted standing. The members are pilots who use the Hanna Airport. The HFA submitted evidence and argument on impacts to the Hanna Airport and safety concerns associated with the project in proximity to the airport. Topics of concern including siting, glare, and aviation and pilot safety.

20. Members of the HFA were granted standing in the original proceeding¹² and the group is eligible to recover costs in accordance with sections 21 and 22 of the *Alberta Utilities Commission Act* and Section 5 of Rule 009.

21. The following is a breakdown of the costs claimed by the HFA:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
HFA							
Ackroyd LLP	151.20	43.20	0.00	\$78,246.00	\$83.00	\$3,916.45	\$82,245.45
Cottonwood Consultants Ltd.	2.75	0.00	0.00	\$1,017.50	\$0.00	\$50.88	\$1,068.38
SLR Consulting Australia Pty Ltd.	44.00	12.00	0.00	\$17,990.00	\$0.00	\$899.50	\$18,889.50
Intervener honoraria	0.00	0.00	0.00	\$800.00	\$0.00	\$0.00	\$800.00
Total	197.95	55.20	0.00	\$98,053.50	\$83.00	\$4,866.83	\$103,003.33

22. PACE Canada raised the following issues with the HFA's costs application:

- PACE Canada stated the HFA's concerns were unreasonable because the HFA did not advise PACE Canada that they took issue with the turbulence evidence until they filed

¹¹ \$4,290.00 * 0.95 = \$4,075.50.

¹² Exhibit 29274-X0172, AUC letter – Ruling on standing and process schedule.

their information requests and there are no applicable Canadian turbulence standards for the project.

- PACE Canada added that the concerns about AHS air ambulance were unfounded because AHS attended a meeting with HFA members and expressed their support for the project.
- Lastly, PACE Canada submitted that HFA's own glare experts did not find anything objectionable to PACE's solar glare evidence.

23. The HFA responded to PACE Canada's comments as follows. With respect to turbulence concerns, the fact that there are no applicable Canadian rules or standards on turbulence due to proximity of structures near airport runways does not mean that the position taken by the HFA was unreasonable. The HFA submitted that PACE Canada's description of its glare expert is incorrect. The glare expert was clear that a +/- 50 degrees field of view should be used in the glare assessment and mitigation measures that eliminate all yellow glare from all flight paths and flight circuits should be adopted. This position was not adopted by PACE Canada until after this evidence was on the record.

24. The Commission finds that the HFA acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. The Commission is also satisfied that the costs claimed are consistent with the scale of costs in Appendix A of Rule 009.

25. The HFA claimed a \$100.00 attendance honorarium for each of the following members: Rob Palmer, Jeff Fortna and Cody Williams, and claimed a \$250.00 group formation honorarium for each of R. Palmer and J. Fortna. The Commission finds these claims were made according to the scale of costs and are approved. In total, the Commission approves \$800.00 in honoraria.

26. The Commission finds that the costs claimed for Ackroyd LLP and Cottonwood Consultants Ltd. are reasonable and approves those costs in full. Accordingly, the Commission approves the HFA's claim for legal fees in the amount of \$78,246.00, disbursements in the total amount of \$83.00¹³ and GST of \$3,916.45 for a total of \$82,245.45; and approves consulting fees for Cottonwood Consultants in the amount of \$1,017.50 and GST of \$50.88 for a total of \$1,068.38.

27. The Commission also approves in full the consulting fees claimed for SLR Consulting Australia Pty Ltd. in the total amount of \$17,990.00. The HFA also claimed GST of \$899.50 on these professional fees. However, a review of the invoices shows there does not appear to have been any GST charged to the HFA.¹⁴ As a result, the Commission disallows the amount claimed for GST.

28. For the reasons provided above, the Commission approves the HFA's claim for recovery of costs in the total amount of \$102,103.83, consisting of legal fees of \$78,246.00, consulting fees of \$19,007.50, honoraria of \$800.00, disbursements of \$83.00 and GST of \$3,967.33.

¹³ Claimed disbursements were LTO/On-Line searches (\$80.00) and Corporate On-Line searches (\$3.00).

¹⁴ Exhibit 29551-X0008, PDF page 21, Invoice No. 60020794 shows no GST charged; and PDF page 22, Invoice No. 60022411 shows no GST was charged.

4 Town of Hanna's claim

29. The Town of Hanna's submissions related to both the Town's interest as a landowner and as the municipal authority, including its emergency service providers. Notably, this project was a complex and unique situation given the location of the project in close proximity to Hanna Airport. Hanna and its experts provide evidence about the concerns of proximity of the project to the airport, bird gatherings, electromagnetic interference, turbulence, and safety risks should an aircraft crash inside the solar array.

30. Hanna was granted standing in the original proceeding¹⁵ and is eligible to recover costs in accordance with sections 21 and 22 of the *Alberta Utilities Commission Act* and Section 5 of Rule 009.

31. The following is a breakdown of the costs claimed by Hanna:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
Hanna							
Brownlee LLP	349.30	21.00	1.00	\$158,752.00	\$7,276.03	\$8,301.40	\$174,329.43
WSP Canada Inc.	183.25	10.00	0.00	\$49,927.50	\$0.00	\$2,496.38	\$52,423.88
Circle T Consulting	19.50	0.00	0.00	\$5,265.00	\$0.00	\$263.25	\$5,528.25
Total	552.05	31.00	1.00	\$213,944.50	\$7,276.03	\$11,061.03	\$232,281.56

32. PACE Canada raised the following issues with Hanna's cost application:

- Hanna raised issues in the proceeding that it did not raise in the participant involvement process or in its letter objecting to the project.
- Despite asserting that the application in the original proceeding was incomplete, Hanna was unable to identify what information was missing.
- Hanna raised issues that the Commission previously found could and should be addressed outside of the AUC process.
- Hanna provided submissions regarding the *Municipal Government Act* despite the Commission previously finding that submissions of this nature are not helpful.
- Hanna refused to combine its efforts with members of the HFA.
- The hours claimed for legal services far exceed what is reasonable for the original proceeding.
- All of Circle T Consulting's work would have been avoided if weed concerns were raised during the consultation and PIP process, outside of the Commission's process.
- WSP spent excessive hours on glare concerns only to agree with PACE Canada's expert.

¹⁵ Exhibit 29274-X0172, AUC letter – Ruling on standing and process schedule.

33. Overall, PACE Canada requested that the Commission: (i) apply a 60 per cent reduction to the legal fees claimed for Brownlee LLP; (ii) disallow the entirety of the consulting fees claimed for Circle T Consulting; and (iii) apply a 50 per cent reduction to the consulting fees claimed for WSP.

34. Hanna responded to PACE Canada's comments as follows. Hanna's concerns in its December 2023 letter are broader than PACE Canada suggests and its statement of intent to participate was broad given the Town's position as a landowner, Regulatory/Planning Authority and provider of emergency services. Hanna submitted that all costs incurred for legal and experts were reasonable given the complexity of this matter. Hanna added that Circle T Consulting's work resulted in commitments being finalized prior to the hearing, therefore ensured that neither Dr. Osko, nor PACE's equivalent expert were required to attend the hearing to address Hanna's concerns. Hanna further stated that the evidence of WSP could be entirely determinative of this application and extensive time was required given the critical unknown factors associated with a solar project in close proximity to an uncontrolled airport.

35. The Commission finds that Hanna generally acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. The Commission is also satisfied that the costs claimed are consistent with the scale of costs in Appendix A of Rule 009.

36. The Commission finds that the costs claimed for Circle T Consulting are reasonable and approves those costs in full. Accordingly, the Commission approves Hanna's claim for consulting fees for Circle T in the amount of \$5,265.00 and GST of \$263.25 for a total of \$5,528.25.

37. However, the Commission is unable to approve the full amount of the costs claimed for the legal services performed by Brownlee LLP and for the consulting services performed by WSP Canada Inc. for the reasons below.

38. The Commission agrees with PACE Canada that the legal fees claimed by Hanna were disproportionate to the scope of the original proceeding. For example, Brownlee appears to have spent a considerable amount of time researching which has increased the legal costs claimed. Some of the research appears to relate to the application Hanna's municipal planning instruments, despite Brownlee having professionals from Hanna who would have been available to them to help with this matter. Further, the general descriptions of the research undertaken do not help the Commission understand the purpose of this research. For these reasons, it is not clear to the Commission why the research performed was necessary or how it contributed to a better understanding of the issues before the Commission.

39. However, the Commission disagrees with PACE Canada about the appropriate quantum of a reduction and with other issues PACE Canada raised with respect to Hanna's claim for legal fees. Specifically, the Commission finds that Hanna's submissions with respect to the jurisdictional overlap between Hanna and the Commission contributed to a better understanding of the issues before the Commission. As explained in recent decisions, submissions asserting that all or most concerns that are generally addressed through a municipality's permitting process must be fully addressed in the AUC's regulatory process due to the operation of Section 629 of the *Municipal Government Act* are generally not helpful. Fact-specific submissions about overlapping jurisdiction over concerns raised in a proceeding and potential areas of conflict

between the Commission's decision on an application and the municipality's decision on permitting are often of assistance.¹⁶ In the original proceeding, Hanna's participation was generally in the nature of the latter. Further, Hanna's brief submissions concerning the general application of the *Municipal Government Act* were appropriate in the circumstances.

40. For these reasons, the Commission applies a 5 per cent reduction to the legal fees claimed for Brownlee LLP. Hanna also claimed disbursements for Brownlee in the total amount of \$7,276.03.¹⁷ The Commission finds the claimed disbursements to be reasonable and approves them. Accordingly, the Commission approves Hanna's claim for legal fees in the amount of \$150,814.40,¹⁸ disbursements of \$7,276.03 and GST of \$7,904.52 for a total of \$165,994.95.

41. The Commission is also unable to approve the full amount of the costs claimed for consulting fees claimed for WSP Canada. The Commission found that extensive evidence about electro-magnetic interference was not warranted given that the concern could be easily mitigated by grounding and filtering. The power plant was also adequately setback from navigation and communication equipment to further minimize the risk of electro-magnetic interference. For this reason, the Commission applies a 5 per cent reduction to the consulting fees claimed for WSP Canada. Accordingly, the Commission approves Hanna's claim for consulting fees for WSP Canada in the amount of \$47,431.13¹⁹ and GST of \$2,371.56 for a total of \$49,802.69.

42. For the reasons provided above, the Commission approves Hanna's claim for recovery of costs in the total amount of \$221,325.89, consisting of legal fees of \$150,814.40, consulting fees of \$52,696.13, disbursements of \$7,276.03 and GST of \$10,539.33.

5 Order

43. The Commission approves applications 29951-A001, 29951-A002 and 29951-A003, under sections 21 and 22 of the *Alberta Utilities Commission Act* and Rule 009, and orders as follows:

- (1) PACE Canada Development LP shall pay intervener costs to the Hanna Landowner Opposition Group in the total amount of \$162,454.73 within 30 days of this Order. Payment shall be made to Ackroyd LLP on behalf of the Hanna Landowner Opposition Group.
- (2) PACE Canada Development LP shall pay intervener costs to the Hanna Flying Association in the total amount of \$102,103.83 within 30 days of this Order.

¹⁶ See for example Decision 29678-D01-2025, PACE Canada Development LP, Killam (Old Bear) Solar Farm Costs Award, February 25, 2025, paragraphs 9-10; Decision 28325-D01-2024, Proteus Alberta Solar 1 Ltd., Proteus Alberta Solar Projects, June 18, 2024, paragraphs 55-61, 63; Decision 28980-D01-2024, Proteus Alberta Solar 1 Ltd., Proteus Alberta Solar Projects Costs Award, June 26, 2024, paragraph 13; Decision 27842-D01-2024, Aira Wind Power Inc., Aira Solar Project and Moose Trail 1049S Substation, March 21, 2024, paragraphs 28-35 and sections 4.5.2, 4.5.3, 4.6.1, 4.6.2; Decision 27652-D01-2023, Creekside Solar Inc., Creekside Solar Project, July 14, 2023, paragraphs 131-133; Decision 27486-D01-2023, Foothills Solar GP Inc., Foothills Solar Project, April 20, 2023, paragraphs 23-29.

¹⁷ Claimed disbursements were transcripts (\$7,234.80), postage (\$1.23) and Land Titles Search (\$40.00).

¹⁸ $\$158,752.00 * 0.95 = \$150,814.40$.

¹⁹ $\$49,927.50 * 0.95 = \$47,431.13$.

Payment shall be made to Ackroyd LLP on behalf of the Hanna Flying Association.

- (3) PACE Canada Development LP shall pay intervener costs to the Town of Hanna in the total amount of \$221,325.89 within 30 days of this Order. Payment shall be made to Brownlee LLP on behalf of the Town of Hanna.

Dated on June 20, 2025.

Alberta Utilities Commission

(original signed by)

Michael Arthur
Commission Member