AUC
Alberta Utilities Commission

December 23, 2025

Marcc Ma
Nandina Energy Ltd.
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Calgary, Alta. T3Z 3S8

Attention: Marcc Ma

Nandina Energy Ltd.
Irricana Natural Gas Power Generation Facility
Proceeding 30501
Application 30501-A001

Application closure

1. On December 9, 2025, Nandina Energy Ltd. registered an application with the Alberta Utilities Commission for approval of the Irricana Natural Gas Power Generation Facility near Irricana, Alberta.

2. As stated in Section 17 of Rule 001: *Rules of Practice*:

> 17.1 The Commission may, at any time during a proceeding,
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> (a) place an application into abeyance and suspend the proceeding; or
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> (b) in the case where the Commission determines that it cannot continue to process an application, dismiss the application with an explanation of the dismissal and close the proceeding.

3. Upon review of the submitted application documents, the Commission has decided to close the application without prejudice to Nandina reapplying in the future. The application, including the supporting documents, contains numerous deficiencies and does not comply with Rule 007: *Facility Applications*.[1]

4. These deficiencies include, but are not limited to, errors, insufficient or incomplete information, and internal inconsistency among the application documents. Collectively, the deficiencies create a significant lack of clarity as to whether application requirements have been met. For example:

- On November 6, 2025, the latest version of Rule 007 came into effect. The application was filed under the previous version of the rule and is missing several information

[1] Rule 007: *Facility Applications* came into effect on November 6, 2025. Previously, the rule was named Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.

requirements, such as project benefits, cumulative effects, municipal land use information, municipal engagement, end-of-life management and reclamation security, and visual impact assessment. In particular:

  - Nandina did not describe public benefits that will be generated by the project;
  - Nandina did not submit a cost estimate prepared by a third party which describes the estimated costs of reclaiming the proposed project;
  - Nandina did not confirm whether the proposed project area complies with the applicable municipal planning documents; and
  - Nandina did not confirm a municipal engagement form was provided to the applicable municipality before filing the application.

- The environmental submissions for this proceeding do not adhere to the requirements of TP26. Generally, deficiencies appear present throughout environmental submissions. Especially of note are the missing qualifications and details of practice areas (e.g., wetlands, soils, wildlife, air) for environmental professionals overseeing environmental submissions. The AUC assesses whether qualified professionals were appropriately consulted when determining the suitability of submissions.

- The participant involvement program (PIP) document lacked detail and is insufficient to address information requirements TP36 to TP42 of Rule 007. As a result, it is unclear what rights holders, local authorities, or municipalities were included in the PIP and what specific concerns were discussed.

- The radius used for notification and consultation during the PIP appears to be smaller than the radius specified in Appendix A1 of Rule 007 for thermal power plants with a capability of 10 megawatts or greater.

- The information in the PIP report is inconsistent with what Nandina proposed in the current proceeding. A copy of the project-specific information package that Nandina provided to stakeholders during the PIP was not submitted along with the PIP report.

- Nandina did not specify whether it has consulted the Aboriginal Consultation Office documentation or made any effort to identify Indigenous groups for consultation and notification.

- The contact information of persons contacted as part of the PIP, as described in Appendix A1 of Rule 007, was not provided in a Microsoft Excel spreadsheet nor using the document type “Mailing list.”

- The project does not qualify to submit a noise impact assessment (NIA) summary form and therefore, a full NIA is required. In the NIA, receptors must be properly identified, and ambient sound levels, baseline sound levels, and cumulative sound levels must be established or calculated in accordance with Rule 012: *Noise Control*.

5. The Commission would need to issue significant information requests to Nandina to clarify the errors, inconsistencies and insufficient information on the record, simply to assess whether Nandina has filed a complete application that may be processed and decided. The Commission expects that application materials, when filed, will be clear and consistent, and that the applicant will identify how it has met the requirements in Rule 007 and explain any exceptions for the Commission's consideration. The application also lacked sufficient information to proceed with the issuance of a notice of application.

6. Given the number of deficiencies, proceeding with the current application would not be efficient for either the Commission or Nandina. Nandina is requested to review its application materials and the information requirements in Rule 007 and reapply in the future when it is ready.

7. When deciding on a submitted application, the Commission reviews and considers the application, as well as the rest of the record before it. However, clarity of the record is also essential for others. Pursuant to Section 9 of the *Alberta Utilities Commission Act*, this includes any person whose rights may be directly and adversely affected, as well as any persons granted standing or participation rights in a hearing before the Commission.

8. As noted above, the Commission's closure of this proceeding is without prejudice to any future application. The Commission strongly encourages Nandina to refamiliarize itself with the legislative and regulatory requirements applicable to power plants, including the requirements of the new Rule 007.

9. Should you have any questions, please contact Joan Yu by email at joan.yu@auc.ab.ca.

Yours truly,

Matthew Oliver, CD
Commission Member