AUC
Alberta Utilities Commission

May 12, 2026

Arnie Hansen
CEO
NPS Industrial Power Corp.
1220, 700 Fourth Avenue S.W.
Calgary, Alta. T2P 3J4

Dear Arnie Hansen:

NPS Industrial Power Corp.
Natural Gas-Fired Power Plant
Proceeding 30724
Application 30724-A001

Application containing major deficiencies

1. On April 7, 2026, NPS Industrial Power Corp. filed an application for approval to construct and operate a thermal power plant, in Vulcan County. The Alberta Utilities Commission is closing the application because it contains major deficiencies, as described below.

2. Rule 007: *Facility Applications* states:

> **The Commission will not process an application that contains major deficiencies.**
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> If the application contains major deficiencies, it will be closed and the applicant will receive an explanation via the eFiling System. An example of a major deficiency is the omission of key information, such as neglecting to include participant involvement information…[1]

3. 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
>
> (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.[2]

[1] Rule 007: *Facility Applications*, PDF pages 5 and 6.
[2] Rule 001: *Rules of Practice*, PDF page 11.

4. Upon review of the submitted application documents, the Commission has decided to close the application without prejudice to NPS reapplying in the future. The applications, including the supporting documents, contain numerous deficiencies and do not comply with Rule 007.

5. These deficiencies include, but are not limited to, errors and insufficient or incomplete information. Collectively, the deficiencies create a significant lack of clarity as to whether application requirements have been met.

6. On April 16, 2026, the Commission issued information request round 1 to NPS,[3] consisting of seven information requests. On April 22, 2026, NPS filed its response, consisting of 21 documents, including information that was not requested in the Commission's information requests.[4] The submissions did not include a consolidated document responding to each information request. Moreover, NPS failed to provide complete responses to the requested information. It is NPS's responsibility to file complete responses to all of the requested information in an organized and coherent manner. As stated in Section 27 of Rule 001:

> 27.2 A response must
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> (a) be in writing;
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> (b) use the bookmark functionality of .pdf, .doc or .docx formatted documents to bookmark each response;
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> (c) start each response to a new question on a new page (responses to subparts of a question can continue on the same page);
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> (d) repeat the question prior to its response;
>
> (e) include the date on which the response is filed, in the top left corner of each page; and
>
> (f) include the full number of the original information request, following the format described in Section 26.2(e), in the top right corner of each page.[5]

7. It is unclear whether appropriate consultation was completed with Indigenous groups as per Appendix A1-B of Rule 007 as there were no details provided related to the nearest location of First Nation reserves, Metis Settlements or Crown land to the project.

8. It is unclear whether a *Historical Resources Act* approval for the project has been obtained or applied for.

9. The environmental submissions for this proceeding do not adhere to the requirements of Rule 007. Generally, deficiencies and omissions appear throughout environmental information request responses. Especially of note are the missing qualifications and details of practice areas

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3 Exhibit 30724-X0017, AUC information request NPS-AUC-2026APR16-001 to 007.
4 Exhibit 30724-X0018 to Exhibit 30724-X0038.
5 Rule 001: *Rules of Practice*, PDF page 16.

(e.g., wetlands, soil, wildlife, air) for environmental professionals overseeing environmental submissions. The Commission assesses whether qualified professionals were appropriately consulted when determining the suitability of submissions.

10. While NPS indicated that preliminary discussions have occurred relating to the *Environmental Protection and Enhancement Act*, NPS did not confirm when the applications for these approvals will be submitted and did not provide a response when asked if it would obtain the *Environmental Protection and Enhancement Act* approval in advance of project construction. Without such confirmation, the Commission is not assured that NPS intends on receiving all necessary approvals before the start of construction.

11. NPS stated that potential changes to air quality from the project are expected to be minimal on a local and regional scale, and the project is expected to meet the *Alberta Ambient Air Quality Objectives*. However, NPS noted that it is currently preparing air dispersion modelling.[6] Without this report, the Commission finds that NPS does not have the information needed to assess the project risks related to air quality.

12. The Commission would need to issue a significant volume of information requests to NPS to get a complete Rule 007 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.

13. Given the number of deficiencies, proceeding with the current application would not be efficient for either the Commission or NPS. NPS is requested to review its application materials and the information requirements in Rule 007 and reapply in the future when it is prepared to proceed with the project. Accordingly, the Commission has closed the application.

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

15. Should you have any questions, please contact Mustakimul Hoque at 403-592-4509 or by email at mustakimul.hoque@auc.ab.ca.

Yours truly,

Rita Chan
Director – Power Plants, Facilities Division
On behalf of the Alberta Utilities Commission

[6] Exhibit 30724-X0032, Rule007_PowerPlantChecklistApp Form April 22 2026.