



Heartland Power Generation LP and Northbridge Power GPC Inc.

**Beacon AI Centers – Heartland Project
Thermal Power Plant**

October 23, 2026

Alberta Utilities Commission

Decision 30518-D01-2026

Heartland Power Generation LP and Northbridge Power GPC Inc.

Beacon AI Centers – Heartland Project Thermal Power Plant

Proceeding 30518

Application 30518-A001

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1 Decision summary

1. In this decision, the Alberta Utilities Commission approves, with conditions, an application from Heartland Power Generation LP by its general partner Northbridge Power GPC Inc. to construct and operate the Beacon AI Centers – Heartland Project Thermal Power Plant (referred to as “power plant” or “project” throughout this decision). The power plant is intended to supply power to a co-located data centre for artificial-intelligence and high-performing-computing facilities.

2. While the power plant is designed to serve a co-located data centre and the two facilities would be functionally connected, the Commission’s jurisdiction extends only to the power plant. The Commission does not regulate or approve data centres themselves. However, where relevant, the Commission considered the broader Beacon AI Centers development, comprising the power plant and the associated co-located data centre.

3. The Commission’s reasons for finding the power plant to be in the public interest are set out in detail in this decision and summarized below:

- The power plant’s location within the Alberta Industrial Heartland supports a co-ordinated, regional approach to cumulative effects management.
- The power plant’s environmental, social and Indigenous effects can be appropriately mitigated through project design, regulatory oversight, approval conditions and Heartland Power’s commitments.
- The power plant’s noise can be managed in accordance with Rule 012: *Noise Control* through mitigation measures, final design verification, post-construction monitoring and ongoing engagement with Samson Cree Nation (Samson Cree).
- The power plant’s contribution to cumulative effects can be appropriately managed and the existing regulatory framework provides reasonable assurance that project impacts will continue to be monitored and addressed.
- The duty to consult was triggered for Samson Cree, the potential adverse impact of the power plant on the exercise of their rights under Section 35 of the *Constitution Act*, 1982 is likely to be low, the required consultation lay no higher than the middle of the consultation spectrum, and the duty was fulfilled.
- The power plant will provide employment, associated economic activity and on-site electricity supply.

- The power plant's emergency response planning is protective of the public and project-related emergency risks will be managed to an acceptable level.
- The power plant's reclamation security plan provides assurance that sufficient funds will be available for decommissioning and reclamation.

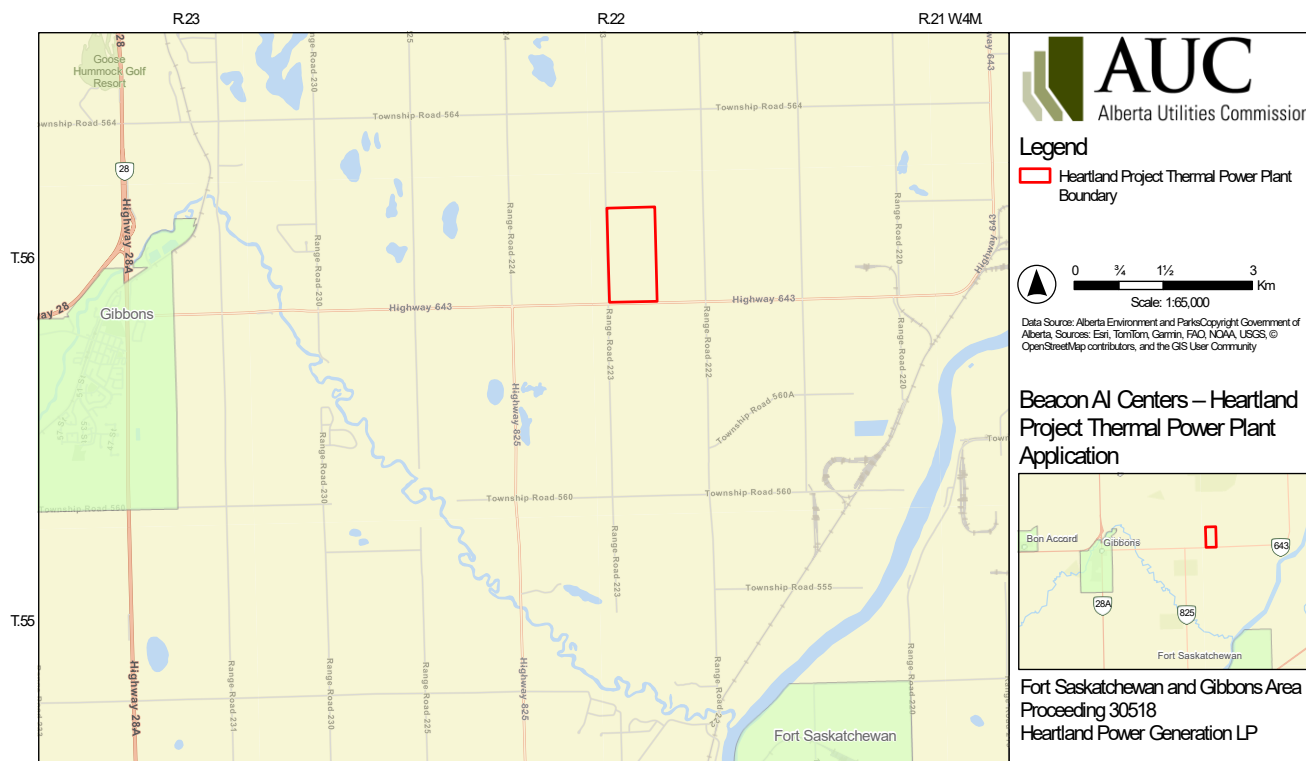
4. On balance, the Commission finds that the benefits of the power plant outweigh its adverse effects and approval of the power plant, with conditions, is in the public interest.

2 Introduction

2.1 Summary of the application

5. Heartland Power Generation LP, by its general partner Northbridge Power GPC Inc., applied under sections 11 and 19 of the *Hydro and Electric Energy Act* for approval to construct and operate the Beacon AI Centers – Heartland Project Thermal Power Plant. The power plant is located within the Industrial Heartland – Designated Industrial Zone (IH-DIZ, also known as the Industrial Heartland), approximately seven kilometres east of Gibbons, in Sturgeon County, Alberta. The power plant's footprint is approximately 13 hectares.¹ The power plant will be located in Section 15, Township 56, Range 22, west of the Fourth Meridian, as shown in Figure 1.

Figure 1. Proposed power plant location



¹ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, PDF page 6.

6. Northbridge Power GPC Inc., as the general partner of Heartland Power Generation LP, is the proposed holder of the power plant approval. The approval conditions in this decision are therefore directed to Northbridge Power, which will also be responsible for carrying out the commitments made by Heartland Power in this proceeding.²

7. The power plant will consist of a natural gas-fired generating facility with a nominal generating capability of 920 megawatts (MW). It will include 200 natural gas engines, each with a nominal capability of approximately 4.6 MW, arranged in 40 modules, together with associated equipment and ancillary facilities. Under normal operating conditions, the power plant will supply approximately 800 MW to the proposed co-located data centre.

8. The power plant is intended to connect to the Alberta Interconnected Electric System in the future. The final connection and associated transmission facilities have not yet been designed and will be considered through separate regulatory applications as required.

9. Heartland Power expects construction to begin in the fourth quarter of 2026 with an in-service date in the fourth quarter of 2027.³ It requested a construction completion date of December 31, 2028, to allow for potential delays or other contingencies during construction.⁴

2.2 Intervention

10. The Commission issued a notice of application in accordance with Rule 001: *Rules of Practice*.⁵ The Commission granted standing to Stuart and Karen Shaw (the Shaws) and five Indigenous groups: Ermineskin Cree Nation (Ermineskin), Samson Cree, Lac Ste. Anne Métis Community Association, Louis Bull Tribe, and Whitefish (Goodfish) Lake First Nation #128.⁶ Friends of Michel Society and Ashleigh Flisberg were not granted standing but were permitted to file letters of comment.⁷

11. The Commission established a written hearing process that included information requests, intervener evidence, reply evidence and written argument.⁸

12. In June 2026, the Commission held oral Indigenous Knowledge sessions with Ermineskin, Louis Bull Tribe and Samson Cree. The Commission is grateful for the opportunity to hear directly from the Elders and Knowledge Holders.

13. The Shaws withdrew their participation from the proceeding advising that their concerns with the project had been resolved.⁹ Ermineskin, Lac Ste. Anne Métis Community Association, Louis Bull Tribe and Whitefish (Goodfish) Lake First Nation #128 also withdrew their participation from the proceeding, advising that they did not object to the project as applied for.¹⁰

² Exhibit 30518-X0294, Letter to the AUC re Power Plant Approval Holder.

³ Exhibit 30518-X0169, Heartland Project Summary, PDF page 2.

⁴ Exhibit 30518-X0003, Rule 007_ Thermal Power Plant Application Form, PDF page 3.

⁵ Exhibit 30518-X0017, Notice of application - Beacon AI Centers - Heartland Project Thermal Power Plant.

⁶ Exhibit 30518-X0090, AUC letter - Ruling on standing and process direction.

⁷ Exhibit 30518-X0090, AUC letter - Ruling on standing and process direction;
Exhibit 30518-X0133, AUC letter - Second ruling on standing.

⁸ Exhibit 30518-X0090, AUC letter - Ruling on standing and process direction.

⁹ Exhibit 30518-X0168, 2026-05-20 LT AUC re Shaws' withdrawal of SIP.

¹⁰ Exhibit 30518-X0174, Letter of Non-Objection and Withdrawal on behalf of Lac Ste. Anne Metis Community Association;

Ermineskin's letter of non-objection came late in the proceeding, after it filed written argument, but before this decision.

14. The Commission understands the Indigenous groups' withdrawals to mean that the concerns articulated in their statements of intent to participate or submissions have been addressed to their satisfaction, and that they are no longer requesting or relying on the Commission to address those concerns. The Commission respects the ability of these groups to determine for themselves that their concerns have been adequately addressed by the applicant. However, to the extent that submissions are relevant to the Commission's broader public interest assessment, including whether the construction and operation of the proposed power plant is in the public interest, the Commission has considered those concerns.

15. Samson Cree remained an active intervener and raised concerns regarding environmental degradation and potential impacts to Aboriginal and Treaty rights. Samson Cree requested that the power plant be denied.

16. The Commission weighed the concerns raised by Samson Cree regarding the power plant, as well as the commitments and mitigation measures proposed by Heartland Power in reaching its decision.

17. The Commission reviewed the letters of comment filed by Friends of Michel Society and A. Flisberg.¹¹ The letters raised concerns similar to those from the interveners with standing, including concerns about environmental effects, cumulative effects, Aboriginal and Treaty rights, regulatory oversight, the proposed data centre, noise and emergency response.

3 The regulatory framework and the Commission's public interest assessment of the power plant

18. In this section, the Commission discusses the legislative and regulatory framework applicable to the power plant and the broader Beacon AI Centers development. The Commission then explains its mandate and powers when considering facility applications, in this case the power plant application, and describes how it assesses whether a project is in the public interest. Finally, the Commission discusses the role of other provincial regulators in overseeing project-related impacts, such as wetlands, wildlife, water use, air emissions and greenhouse gas emissions.

3.1 Regulatory framework

19. In this proceeding, interveners raised environmental concerns relating to both the power plant and the broader Beacon AI Centers development. The proposed Beacon AI Centers development requires approvals or decisions from several different regulatory bodies.

Exhibit 30518-X0175, 2026-05-22 - Feltmate (JFK) to Yu (AUC) - WLFN 128 Withdrawal of Statement of Intent to Participate;

Exhibit 30518-X0271, Letter of Non-Objection and Withdrawal on behalf of Louis Bull Tribe;

Exhibit 30518-X0299-Letter of Non-Objection, Ermineskin Cree Nation.

¹¹ Exhibit 30518-X0176, Letter of Comment from FMS;

Exhibit 30518-X0251, Flisberg_Letter_of_Comment;

Exhibit 30518-X0252, Flisberg_Letter_of_Comment Supplementary Document - Simpson 2013 Citation.

20. At the federal level, Heartland Power submitted an initial project description to the Impact Assessment Agency of Canada (IAAC). The IAAC conducted an assessment and determined that no further assessment is required for the project.¹² The IAAC was of the view that the potential adverse effects within federal jurisdiction, or other adverse effects from the project, would be either limited or addressed through existing federal and provincial legislative and regulatory frameworks.

21. At the provincial level, project impacts such as air quality, wetlands, water use, wildlife and groundwater are subject to the regulatory oversight of Alberta Environment and Protected Areas (AEPA) pursuant to the *Environmental Protection and Enhancement Act* and the *Water Act*. For example, the *Water Act* is intended to promote the conservation and management of Alberta's water resources while supporting its sustainable use. It establishes a framework for water management planning, protects the aquatic environment, governs the allocation and use of water, and provides mechanisms for licensing, approvals and water allocation transfers. The *Water Act* also establishes the priority system for water rights, sets water conservation objectives, and provides enforcement tools to ensure compliance. The *Water Act* is supported by regulations and codes of practice administered by AEPA. AEPA also oversees the *Technology Innovation and Emissions Reduction Regulation*, which is designed to reduce greenhouse gas emissions from large industrial facilities.

22. The Government of Alberta recently established a regulatory framework under the *Electric Utilities Act* and the *Data Centre Regulation* governing how large data centres access and use Alberta's electricity system. This framework is administered primarily by the Alberta Electric System Operator and is intended to manage electricity demand, maintain grid reliability, and prioritize data centre projects that provide or support additional power generation.

23. At the municipal level, the power plant is located within Sturgeon County. As part of the broader Beacon AI Centers development, Heartland Power will need to engage with Sturgeon County to obtain any required municipal development permits and approvals.

3.2 How does the Commission consider project impacts within Alberta's broader regulatory framework?

24. The current legislative and regulatory framework for power plant applications requires the Commission to determine whether construction and operation of a proposed power plant is in the public interest, while recognizing the jurisdiction and oversight of other regulators with respect to certain project impacts. This reflects the allocation of regulatory responsibilities under Alberta's existing regulatory framework and forms part of the Commission's public interest determination.

25. As considered in the relevant sections of this decision, the Commission recognizes that certain project impacts fall within the jurisdiction and expertise of other regulators. In those instances, the Commission relies on those regulators' oversight rather than undertaking a duplicative review.¹³ This promotes an efficient and co-ordinated regulatory process while

¹² Exhibit 30518-X0169, Heartland Project Summary, PDF page 3.

¹³ Decision 28132-D01-2025: Federation Group Inc. – Marguerite Lake Compressed Air Energy Storage Project, Proceeding 28132, Applications 28312-A001 and 28312-A002, June 5, 2025, paragraphs 13, 21, 22 and 23; Decision 30375-D01-2026: Strathcona Resources Ltd. – Tucker Organic Rankin Cycle Power Plant and Industrial System Designation, Proceeding 30375, Applications 30375-A001 to 30375-A003, February 25, 2026, paragraph 21.

respecting the mandates of other regulatory authorities. The Commission's findings do not replace any approvals, permits, licences, authorizations or oversight required from those authorities.

3.3 What is the role of the Commission?

26. The Commission is an independent regulator responsible for considering power plant applications under the *Hydro and Electric Energy Act*. Under the *Hydro and Electric Energy Act* and the *Alberta Utilities Commission Act*, the Commission's approval is required to construct and operate a power plant.

27. In deciding whether to approve an application to construct and operate a power plant, in addition to any other matters it may or must consider, the Commission must determine whether it is in the public interest, having regard to its social, economic, environmental and other effects.¹⁴ Applicants bear the burden of demonstrating that an approval is in the public interest.

28. The Commission does not regulate or approve data centres. Nevertheless, the impacts of a proposed data centre may be relevant when the Commission considers cumulative effects as part of its public interest assessment of a power plant.

3.4 How does the Commission assess the public interest?

29. As a starting point, power plant applications filed with the Commission must comply with Rule 007: *Facility Applications* and Rule 012. These rules provide a comprehensive set of requirements for a facility application.

30. The Commission balances a variety of public interest considerations, taking into account the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*. A project that is in the public interest will, at a minimum, comply with all applicable regulatory approvals, including those outside the Commission's jurisdiction. The Commission therefore generally considers the existence of applicable approvals, regulatory requirements, or oversight by other regulators as supporting its public interest assessment and relies on the oversight of those regulators on matters within their jurisdiction.

31. Conducting a public interest assessment requires the Commission to assess and balance the competing elements of the public interest in the context of each specific application before it. Part of this exercise is an analysis of the nature of the impacts associated with a particular project, and the degree to which the applicant has addressed these impacts. Balanced against this is an assessment of the project's potential public benefits. The assessment includes the positive and adverse impacts of the project on those nearby, and on the environment, including air, water and wildlife. The Commission has previously affirmed that the public interest will be largely met if an application complies with existing regulatory standards and the project's public benefits outweigh its negative impacts.

32. Additionally, when the Commission approves a project, it does so having considered the entirety of the proceeding record including the representations and commitments made by an applicant. The Commission's determination that a project is in the public interest is informed by, and in many cases contingent on, the commitments made by an applicant. In some cases, where the Commission finds it necessary to supplement or clarify the terms of a commitment, the

¹⁴ *Alberta Utilities Commission Act*, Section 17(1).

Commission may include a commitment or a version of it as a condition of approval. However, the Commission considers commitments to be binding on an applicant regardless of whether the commitment is made a condition of approval or not.¹⁵

4 Findings

4.1 Are the power plant's impacts to the environment acceptable?

33. In this section, the Commission discusses the environmental evidence focusing on specific environmental impacts due to the power plant, predicted residual effects to the environment, and how the Commission formed its decision on these residual effects.

34. The Commission finds that the power plant's overall residual effects to the environment are acceptable. This finding is in part because the power plant is located within the Industrial Heartland, an area zoned for heavy industrial use that includes significant existing industrial developments and established monitoring safeguards.

35. This finding is also informed by federal, provincial and municipal requirements that apply to the power plant, including the requirement for other approvals. For example, thermal power plants require approvals under the *Environmental Protection and Enhancement Act* (EPEA) and the *Water Act*.

36. EPEA approvals consider a range of environmental impacts, including air quality, surface and groundwater protection (including wastewater), soil management, contamination, and conservation and reclamation planning.¹⁶ *Water Act* approvals consider both the use of water and impacts to wetlands. Together, the EPEA and *Water Act* processes add another layer of independent regulatory review. AEPA can require further conditions or mitigations, or deny approvals, if environmental impacts are unacceptable. The Commission also considers environmental impacts in its public interest test; the Commission's review complements, but does not replace, the review and approvals from other regulators.

4.1.1 Are the power plant's risks to water quality or quantity acceptable?

37. This section discusses the power plant's water use, the existing relevant water regulations, and their role for the protection of water. While wetlands have an important role in protecting water quality and quantity, proposed wetland impacts are discussed in the habitat section below.

38. The power plant will use a closed-loop glycol cooling system requiring 0 to 1 cubic metres (m³) of water per day for power plant operation. Potable water for ancillary uses will be supplied through Sturgeon County's existing municipal water distribution system pursuant to a water services agreement. The project does not seek a new water allocation, does not propose a separate diversion of water, and does not alter the water allocations held by existing *Water Act* licensees. In total, the anticipated water use of the power plant is estimated at 0 to 1 m³/day, or up to 365 m³ of water annually.¹⁷ The Commission understands that

¹⁵ Decision 27240-D01-2023: ENGIE Development Canada GP Inc. – Buffalo Trail Wind Power Project, Proceeding 27240, Applications 27240-A001 to 27240-A003, February 8, 2023, paragraph 17.

¹⁶ Province of Alberta, Environmental Protection and Enhancement Act – Approvals and Registrations Procedure Regulation, 1993 – current as of June 17, 2013.

¹⁷ Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026); Exhibit 30518-X0266, Heartland Power Response to AUC IR No. 4, PDF pages 14 and 22.

Sturgeon County has authority and discretion to enter into water use agreements for the power plant.

39. Water quality and quantity concerns were raised by Samson Cree. The Commission appreciates Samson Cree's insights on the important and complex connections water has for the health of ecosystems and humans. Their concerns primarily focused on cumulative water use of both the data centre and the power plant, contamination risks, the absence of a finalized or approved groundwater or surface water monitoring program, and connections of surface water and groundwater to the North Saskatchewan River and other ecosystems. Concerns for impacts to the North Saskatchewan River primarily focused on the potential of contamination to the river due to the migration of project contaminated surface water, groundwater or wastewater. The project is located approximately five kilometres from the North Saskatchewan River.¹⁸

40. Alberta's water use regulations have protections in place for both water quality and quantity. The Commission considers water use in the context of assessing whether the power plant is in the public interest, but it does not issue approvals or authorizations for water use for the power plant.

41. Alberta's regulatory framework includes comprehensive watershed monitoring, with monthly water quality monitoring at more than 30 stations on Alberta's major rivers, groundwater quality monitoring in approximately 70 wells per year, and continuous water level monitoring at more than 300 wells and over 400 hydrometric stations.¹⁹ Heartland Power committed to developing a groundwater monitoring program to be submitted to the director of AEPA, for approval prior to commencement of operations. The monitoring program will be designed in consultation with AEPA as part of the EPEA approval process and will track water levels and ensure compliance with regulatory standards.

42. Regarding surface water and groundwater protection, Heartland Power detailed that surface drainage from the power plant is managed through an industrial runoff pond, with discharge occurring only after testing confirms compliance with EPEA approval limits, and no water will be discharged into the North Saskatchewan River.²⁰ The EPEA approval process will assess the proposed water management plans. AEPA can refuse approval or identify further conditions if it considers that the project poses risks to water quality or quantity. Additionally, Heartland Power committed to engineering controls designed to prevent substance releases to groundwater, supported by routine inspection, monitoring, secondary containment, and spill prevention and response measures.²¹

43. Based on the power plant's predicted water use, project design and location including distance from the river, and the mitigations and commitments from Heartland Power, the Commission finds a low likelihood for the power plant to cause impacts to water and the North Saskatchewan River and its habitat.

¹⁸ Exhibit 30518-X0004, TP5 – kmz for Heartland Beacon Project.

¹⁹ Exhibit 30518-X0290, Heartland Power Written Reply Argument (July 31 2026), PDF pages 27-28.

²⁰ Exhibit 30518-X0290, Heartland Power Written Reply Argument (July 31 2026), PDF pages 27-28.

²¹ Exhibit 30518-X0290, Heartland Power Written Reply Argument (July 31 2026), PDF pages 27-28; and Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), PDF pages 13-15.

4.1.2 Are the power plant's impacts to air quality acceptable?

44. The project will result in an incremental increase in air emissions within the Industrial Heartland. Stantec Consulting Ltd. was retained by Heartland Power to complete air dispersion modelling which determined that the power plant will meet the emissions standards of the *Alberta Ambient Air Quality Objectives* (AAAQOs) for all applicable air emissions, except particulate matter 2.5 (PM_{2.5}). The modelling determined that maximum concentrations of PM_{2.5} could be as high as twice that of the limits prescribed in the AAAQO (198 per cent to 213 per cent).²² Stantec submitted that a majority of PM_{2.5} emissions occur due to existing background sources and the power plant itself would only account for a small increase in the overall emissions (0.2 per cent to 0.4 per cent of the total).²³ The Commission must consider whether effects from project emissions are acceptable, considering the cumulative emission sources in the region.

45. Samson Cree raised concerns over the addition of the power plant to an airshed already seeing significant industrial emissions.²⁴ Additionally, Samson Cree raised concerns that models are not real-world scenarios.

46. The Commission understands that the power plant will contribute to regional emissions in an airshed that is experiencing exceedances. However, the Province of Alberta has identified the Industrial Heartland as an area for industrial development, and an advantage of concentrating development is that better planning and monitoring efforts can be used to confirm projects adhere to requirements in real-world operation. For air emissions, this includes the *Industrial Heartland Designated Industrial Zone Directive*, the Air Emissions Requirement Policy for the IH-DIZ, and the Capital Region Air Quality Management Framework. Air emissions are also considered in EPEA approval processes and AEPA can refuse approval or impose conditions if it deems risks to air quality a concern.

47. Additionally, the Heartland Air Monitoring Partnership provides air quality monitoring within the Industrial Heartland. Monitoring is an important tool for identifying actual impacts to air quality and evaluating project-related effects. Heartland Power's commitment to participate in this program and monitoring in the vicinity of the project is an important consideration given the anticipated potential for exceedances of the AAAQO.²⁵

48. The Commission also notes that Samson Cree requested that they be included in airshed monitoring efforts, and Heartland Power committed to provide copies of monitoring data to Samson Cree upon request.²⁶

49. Given the AEPA's regulatory oversight of air emissions, the existing Industrial Heartland planning and monitoring frameworks, and the commitments made by Heartland Power, the Commission finds the power plant's contributions to air emissions acceptable given its siting in the Industrial Heartland.

²² Exhibit 30518-X0007, TP25 – Air Quality Assessment, PDF page 33.

²³ Exhibit 30518-X0007, TP25 – Air Quality Assessment, PDF page 1.

²⁴ Exhibit 30518-X0286, 2026-07-24 - Proceeding 30518 - Samson Cree Nation Final Written Argument, PDF pages 15 and 16.

²⁵ Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), PDF pages 22-23.

²⁶ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF page 3.

4.1.3 How are greenhouse gas emissions managed?

50. Samson Cree raised concerns about the power plant's contribution to climate change, the impacts climate change has on the environment and their way of life, and the lack of climate change analysis in the cumulative effects analysis presented by Heartland Power.²⁷

51. The power plant must comply with all applicable federal and provincial decarbonization requirements, which includes Alberta's *Technology Innovation and Emissions Reduction Regulation* (TIER). TIER is an industrial carbon pricing and emissions system designed to reduce industrial greenhouse gas emissions over time by increasing benchmarks and carbon prices to drive continuous greenhouse gas decreases over time. The ultimate goal of TIER is to achieve net-zero greenhouse gas emissions by 2050. While TIER is a provincial regulation, it is backstopped by federal regulations.²⁸ Heartland Power has quantified the power plant's operational greenhouse gas emissions at approximately 4,401 kilotonnes per year of carbon dioxide equivalent, at an emission intensity of 628 tonnes per gigawatt-hour.²⁹

52. Heartland Power stated that the power plant had been designed to reduce climate change impacts by using lean-burn natural gas-powered engines, and selective catalytic reduction. Heartland Power identified potential pathways to net-zero emissions by 2050, including hydrogen blending, the use of offsets, and carbon capture and storage infrastructure.³⁰ However, since these identified pathways are future considerations, and it is uncertain whether they will actually be implemented, the Commission has only considered the power plant as proposed.

53. The Commission accepts that TIER considers and encourages greenhouse gas reductions over time. Considering these regulations and the power plant's design, the Commission finds that the power plant's proposed contributions of greenhouse gases will be managed within the existing regulatory framework.

4.1.4 What are the power plant's impacts on habitat and wildlife?

54. In this section, the Commission finds that the power plant is unlikely to cause significant adverse impacts to habitat and wildlife having regard to the cultivated nature of approximately half of the project site, the private ownership of the land, the mitigations proposed for the reduction of impacts to wildlife, and the siting of the project in the Industrial Heartland.

55. The environmental evaluation described the land cover within the project site as being predominantly cultivated in the south (57.1 hectares; 45 per cent), wooded deciduous in the north (50.8 hectares; 40 per cent), and wetland habitat sporadically throughout (13.3 hectares; 10 per cent). Wooded deciduous habitat was described as land that was not native aspen forest but instead was historically cultivated and later planted as a tree farm.³¹

56. Samson Cree disagreed with the characterization that the wooded deciduous habitat has low to moderate biodiversity value, describing this characterization as a western scientific assessment of ecological value that did not meaningfully engage with the Indigenous Knowledge.

²⁷ Exhibit 30518-X0286, 2026-07-24 - Proceeding 30518 - Samson Cree Nation Final Written Argument, PDF pages 16 and 31.

²⁸ Exhibit 30518-X0266, Heartland Power Response to AUC IR No. 4, PDF pages 7-8.

²⁹ Exhibit 30518-X0140, Heartland Power Response to WLFN IR No. 1, PDF pages 17-18.

³⁰ Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), PDF page 24.

³¹ Exhibit 30518-X0008, TP26 – Environmental Evaluation, PDF page 45.

From their site investigations and review of information on the power plant site, Samson Cree views the wooded deciduous habitat as being suitable for species at risk and native and traditionally significant plant species. Samson Cree submitted that Heartland Power's proposed mitigations do not address the permanent removal of the wooded deciduous habitat.³²

57. The Commission recognizes Samson Cree's views of the value of the wooded deciduous habitat. The loss of this habitat is an adverse effect that cannot be fully addressed by characterizing the site as previously cultivated or by comparing it with native intact habitat. However, in considering this effect, the Commission also considered the project's location within the Industrial Heartland, and Heartland Power's proposed measures to reduce impacts to wildlife. For example, Heartland Power committed to removal of trees outside of the migratory breeding bird period (April 15 to August 31).³³ While this mitigation does not address removal of this higher quality habitat, the Commission considers that, outside of avoidance, tree clearing in the winter months is a best-case mitigation for reducing impacts to wildlife in this habitat. The Commission finds that, on balance, loss of this habitat does not support denial of this project.

58. Regarding wetlands, Heartland Power submitted that the power plant requires the removal of 16 wetlands and 13 ephemeral waterbodies, as well as three ephemeral drainages, totalling 9.469 hectares of waterbody impacts. Five wetlands and one ephemeral drainage on the north end of the power plant area will be retained. Samson Cree raised concerns about the wetland loss and viewed Heartland Power's approach to wetland management to be insufficient.

59. Two large wetlands (WL15 and WL19) were identified in the north of the power plant area which the Commission expressed early concerns about due to their size and the presence of western toad in the northeast wetland (WL19). Heartland Power indicated that site constraints and the estimated size of soil stockpiles made further wetland avoidance difficult. Instead, Heartland Power proposed relocating the soil stockpile farther from WL19 to maintain the full recommended 100-metre western toad setback. However, this would shift more impacts to WL15. To reduce impacts to WL15, Heartland Power committed to:

- Prioritize constructing the topsoil stockpile on available upland soils first and avoid stockpiling over the wetland until space constraints require.
- If the topsoil stockpile must utilize the WL15 wetland area, topsoil will be salvaged from the wetland first, and a stable and level surface will be built.
- Having an environmental inspector on site during soil salvage and storage to confirm and document final placement of soil stockpiles.
- Documenting the process and placements.³⁴

60. In response to concerns from Samson Cree about the protection of WL19 if the project expanded in the future, Heartland Power stated that any future expansion of the project would

³² Exhibit 30518-X0286, 2026-07-24 - Proceeding 30518 - Samson Cree Nation Final Written Argument, PDF pages 21-24.

³³ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF page 4.

³⁴ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, PDF pages 43-44.

require further regulatory review, environmental assessment, and consultation. Heartland Power committed to engaging with Samson Cree to ensure that WL19 and the ancillary habitat can be developed and maintained to remain as a healthy and contributing habitat.³⁵ The Commission expects Heartland Power to consult with Samson Cree regarding the natural functions of the wetland and to incorporate, where appropriate, Samson Cree's guidance on maintaining and protecting the wetland's existing functions and habitat, while avoiding developing WL19 and its associated setback.

61. AEPA has provided a *Water Act* approval in regard to the wetland impacts. The Commission accepts that AEPA's approval means that the power plant is in alignment with the *Alberta Wetland Mitigation Directive*. That approval required Heartland Power to pay compensatory offsets for wetland impacts in accordance with the *Alberta Wetland Mitigation Directive*, which is used for wetland replacement initiatives to address cumulative wetland impacts.

62. Given the mitigations listed in the environmental protection plan, the *Water Act* approval, and the commitments detailed above, the Commission is satisfied that the power plant is unlikely to cause significant adverse wetland impacts.

4.1.5 Environmental summary

63. The Commission finds that locating the power plant within the Industrial Heartland, in combination with adherence to applicable frameworks and regional management plans, will minimize the power plant's environmental impacts to an acceptable level. The power plant is unlikely to cause significant residual adverse environmental effects due to the identified mitigation measures and commitments from Heartland Power, and the existing environmental regulatory processes and regulations.

4.2 Is Indigenous consultation adequate and what is the potential to impact Aboriginal and Treaty rights?

4.2.1 Legal framework

64. The Commission has the authority to consider and address potential adverse impacts to Aboriginal and Treaty rights as set out in Section 35 of the *Constitution Act*, 1982, when deciding whether approval of a project is in the public interest. This includes determining whether the duty to consult potentially affected Indigenous communities is triggered and satisfied.

65. The duty to consult is triggered when the Crown has real or constructive knowledge of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it. The Commission is not the Crown or an agent of the Crown. However, the Commission is the final decision maker for applications to construct and operate a power plant in Alberta. This type of decision may trigger the duty to consult.

66. The scope of the duty to consult is based on a preliminary assessment of the strength of the claim or right asserted and the extent of the alleged infringement. Where the claim or right asserted is weak or the perceived infringement is less serious or relatively minor, the content of

³⁵ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF page 2.

the duty will be at the lower end of the spectrum. If a strong prima facie case for the claim is established and the potential infringement is of higher significance, the duty is more extensive, and in some cases, includes a duty to accommodate Aboriginal concerns. However, the duty to consult does not confer a veto power on Aboriginal groups.

67. Where the duty to consult is triggered, the Crown may rely on steps undertaken by a regulatory agency to fulfil the duty, provided that the regulatory agency has the necessary statutory powers and duties to provide an appropriate level of consultation and, where required, accommodation. The Commission has the necessary statutory powers and duties, and the Government of Alberta has confirmed that where the duty to consult is triggered by an application before the Commission, the Government of Alberta will rely on the Commission's process to address potential impacts to Aboriginal and Treaty rights. The Commission is committed to ensuring that its processes and decisions are consistent with Section 35 of the *Constitution Act*, 1982.

4.2.2 Overview of Samson Cree Nation and their concerns

68. Samson Cree, also known as Nipisihkopahk, is one of the Maskwacis Cree Nations, a signatory to Treaty 6, and their members are Aboriginal peoples of Canada within the meaning of Section 35(1) of the *Constitution Act*, 1982. Samson Cree has approximately 9,600 registered members, many of whom live on reserve land (Samson IR 137, Samson IR 137A and Pigeon Lake).

69. Samson Cree assert that their members historically used, and continue to use, the area near the project lands.³⁶ Samson Cree stated that they are the protectors of the land and are entitled to practice their rights to harvesting, travel, cultural practices and the transmission of knowledge between generations throughout Treaty 6 and that by signing the treaty they did not surrender any rights, including their inherent rights or their relationship to the land. They assert that the area near the project lands is part of a broader cultural, ecological and traditional land-use landscape that remains central to Samson Cree's culture, way of life and the meaningful exercise of Samson Cree's rights.³⁷ Samson Cree indicated that the North Saskatchewan River watershed is of significant ecological and cultural importance for Samson Cree as the lands and waters provide their members with opportunities to harvest plants, animals and fish; engage in ceremony; and continue their culture between generations.³⁸

4.2.3 Findings

70. In assessing whether the duty to consult has been met, the Commission must determine: (a) whether the duty to consult is triggered; (b) the strength of Samson Cree's asserted rights; (c) the seriousness of potential impacts; (d) the content of the duty; and (e) whether the duty was fulfilled.

71. For the reasons that follow, the Commission finds that the duty to consult was triggered for Samson Cree, that the potential adverse impact of the project on the exercise of their rights under Section 35 of the *Constitution Act*, 1982 is likely to be low, that the required consultation

³⁶ Exhibit 30518-X0052, Samson Cree Nation Statement of Intent to Participate, PDF page 6.

³⁷ Exhibit 30518-X0286, 2026-07-24 - Proceeding 30518 - Samson Cree Nation Final Written Argument, PDF page 11.

³⁸ Exhibit 30518-X0245, Samson Cree Nation Written Evidence – Traditional Land Use Assessment – Statement of Qualifications, PDF page 4.

lay no higher than the middle of the consultation spectrum, and that the duty was fulfilled. In reaching these conclusions, the Commission considered the project siting, the project-specific evidence regarding the connection between the proposed project and the asserted rights, the consultation undertaken, the potential project impacts, and the mitigation measures proposed.

4.2.3.1 What is the strength of the case supporting the existence of the rights asserted?

72. Samson Cree's traditional land use report identified a number of cultural sites, historical trails and harvesting areas in the region where the project is located. The report indicated that Samson Cree members use the project region for harvesting game through hunting, fishing and trapping as well as harvesting berries and medicines. However, the report was general and did not include detailed information regarding the specific location of these activities and how the project might impact Samson Cree members' use of the project region.

73. During the oral Indigenous Knowledge session, Samson Cree Elders and Knowledge Holders shared information about their deep and sacred connection to the land, emphasizing that they have long relied on the project region for hunting, gathering, and passing along cultural knowledge across generations.³⁹ Knowledge Holders shared first-hand observations from a recent site visit, including the plants and wildlife they observed.

74. The Commission accepts that Samson Cree has historically, and may currently, exercise their Aboriginal and Treaty rights in the vicinity of the project lands (e.g., North Saskatchewan River and other sites farther away like provincial parks and natural areas). However, the Commission has insufficient evidence to make more specific findings on the contemporary exercise of such rights, including where such activities are taking place, when they are taking place, and how approval of the project may interfere with or prevent them from occurring. This results in some uncertainty about where, when and how the exercise of their rights may potentially be impacted by the project.

4.2.3.2 Is there potential to impact rights under Section 35 of the Constitution Act, 1982?

75. The absence of detailed information about contemporary use makes it challenging for the Commission to assess the likelihood of impacts. The Commission finds that the evidence supports a lower likelihood of impacts, and more specific evidence would be required to support a higher likelihood of impacts. While Samson Cree documented a number of culturally significant plants such as cranberry, fireweed, yarrow, raspberry, strawberry, willow and cattails on the project site, these plants are considered representative of common vegetation in the region.

76. Samson Cree's evidence acknowledged that the proposed project site is on private land and that their access has already been impacted and reduced within the project region, along with their members' ability to exercise rights-related activities.⁴⁰ While Samson Cree asserts that their members have Aboriginal and Treaty rights to access and use this land at any time, they did not indicate that their members have permission from the landowner.⁴¹ Samson Cree's position is

³⁹ Exhibit 30518-X0234, Vol 02_2026-06-03 Samson Cree OIK transcript.

⁴⁰ Exhibit 30518-X0265, SCN Information Response to AUC, PDF page 4.

⁴¹ Exhibit 30518-X0265, SCN Information Response to AUC, PDF page 7.

that private land ownership barriers to Samson Cree member access is a product of illegal land privatization and industrial zoning.⁴²

77. The Commission is not persuaded by Samson Cree’s argument that the project constitutes a new taking up of land under the treaty or that it would result in a direct reduction in the lands available to Samson Cree members for rights-related activities. The project lands are privately held and have been used for agricultural purposes since approximately the 1950s, and they lie within the Industrial Heartland which the Alberta government has designated for heavy industrial uses.⁴³

78. The evidence establishes general regional use and cultural connection but provides limited information indicating that the project footprint is currently used by Samson Cree members or explaining how a particular exercise of rights would be displaced. In response to the Commission’s request for more information about Samson Cree members’ traditional land use in the project region, Samson Cree stated that it is not possible for them to outline specific areas of use by Samson Cree members (both currently and in the past) within the scope of the investigation based on limited timelines.⁴⁴ However, absent such information, the Commission is unable to conclude that Samson Cree members are using the project site or lands near the project for traditional land use.

79. The Commission accepts that the project may have off-site effects on air, water, wildlife, vegetation and habitat. As explained in the environmental, water, air quality and noise sections of this decision, the Commission finds that project effects will be avoided, minimized or mitigated through the project design, applicable regulatory requirements, approval conditions and Heartland Power’s commitments. The record does not demonstrate that any effects on the North Saskatchewan River, located approximately five kilometres from the project, would materially interfere with Samson Cree members’ ability to hunt, fish, gather or conduct cultural practices.

80. The Commission finds that Heartland Power’s commitments help to address Samson Cree’s primary concerns with protecting water, minimizing habitat loss and preventing contamination.⁴⁵ The Commission considers these commitments to be responsive to the concerns raised by Samson Cree, and finds that they will reduce any potential infringement to their asserted rights, particularly in relation to Samson Cree’s environmental and asserted traditional land use concerns.

81. Heartland Power committed to ongoing consultation throughout the project life cycle with Samson Cree and other Indigenous communities. Heartland Power also committed to notify Samson Cree in the event of an incident that could affect the water quality of the North Saskatchewan River system.⁴⁶ Continued engagement will be important for shared learning, trust building, and to achieve the shared goal of environmental protection.

⁴² Exhibit 30518-X0245, Samson Cree Nation Written Evidence – Traditional Land Use Assessment - Statement of Qualifications, PDF page 8.

⁴³ Exhibit 30518-X0281, Heartland Power Written Argument, PDF page 22.

⁴⁴ Exhibit 30518-X0265, SCN Information Response to AUC, PDF page 2.

⁴⁵ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument.

⁴⁶ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument.

82. While large-scale power generation facilities are not a new development in Alberta, a generating facility of this magnitude (920 MW) is relatively uncommon, and the associated data centre represents an emerging industry within the province. As the project advances, Heartland Power and the First Nations could work together on information sessions and educational opportunities regarding the power plant, data centre and its operations. Such efforts could support relationship building, foster trust, and promote a shared understanding of the project and its potential effects.

83. Samson Cree also raised concerns that the project may impact historic resources like burial sites. The Commission notes that the Ministry of Tourism and Sport⁴⁷ has authority in relation to historic resources under the *Historical Resources Act* and Heartland Power must comply with the conditions outlined in the relevant approval and any future directions that the ministry may have related to historic resources. If there is a chance of finding historic resources, this should be communicated to Samson Cree, where permitted by the ministry responsible.

84. Considering the project's siting on private land in the Industrial Heartland, the absence of specific evidence that the project's footprint is currently used by Samson Cree members, the limited evidence of interference with a particular rights practice, and the mitigation measures and regulatory oversight described in this decision, the Commission finds that any adverse effect of the project on Samson Cree's exercise of their rights under Section 35 of the *Constitution Act*, 1982 is likely to be low.

4.2.3.3 Was the duty to consult fulfilled?

85. Given the findings above with respect to the strength of Samson Cree's asserted claim and the extent of the potential infringement arising from the project on that claim, the Commission finds that the duty to consult in relation to the project lies no higher than the middle of the spectrum. Generally speaking, this requires a process that includes giving notice, providing information, affording opportunities to present concerns, understanding and responding to concerns, and affording opportunities for discussion and comment, all with a view to preserving asserted Aboriginal and Treaty rights from adverse project impacts.

86. The Commission finds that the Crown's duty to consult Samson Cree was fulfilled. Samson Cree has been provided with significant consultation opportunities, notwithstanding the Commission's determination that the content of the duty in relation to the project lies no higher than the middle of the spectrum and that any infringement arising from the project on Samson Cree members' asserted rights to exercise their Aboriginal and Treaty rights is likely to be low.

87. Heartland Power provided the project notification package to Samson Cree, as well as other Indigenous groups, on November 14, 2025. The record of consultation includes email correspondence, meetings and capacity funding.⁴⁸

88. The Commission notified Samson Cree of the project application on January 19, 2026, and granted Samson Cree standing with full participation rights and access to participant funding to hire legal counsel and experts. Samson Cree Elders and Knowledge Holders also attended a site visit.

⁴⁷ Formerly known as the Minister of Arts, Culture and Status of Women.

⁴⁸ Exhibit 30518-X0267, HeartlandPower-AUC-2026JUL02-001(b)-Heartland Power Indigenous Commitment List.

89. Throughout the proceeding, the Commission sought to facilitate Samson Cree's meaningful participation in the process. The Commission's notice of hearing offered an opportunity for oral Indigenous Knowledge (OIK) sessions to enable Elders, Knowledge Holders, leaders and community members to share Indigenous Knowledge directly with the Commission in a manner consistent with oral traditions, customs and protocol.

90. OIK sessions were held on June 2 and June 3, 2026, at the Nipisihkopahk Cultural Hall, in Maskwacis. Samson Cree, Louis Bull Tribe and Ermineskin participated in the OIK sessions, which were organized in collaboration with consultation staff from all three First Nations. Representatives from Heartland Power attended the OIK sessions.

91. The Commission appreciated the opportunity to hear directly from Samson Cree, Louis Bull Tribe and Ermineskin Elders and Knowledge Holders during the OIK sessions. The Commission found it helpful to learn more about each First Nation, their history and connection to the land, as well as their concerns about the environment and how the project may adversely affect their harvesting and traditional land use. The Commission thanks Samson Cree, Louis Bull Tribe and Ermineskin for welcoming the Commission into their community.

92. Samson Cree raised concerns about Heartland Power's participant involvement program, particularly informing them about the project close to when the application was filed and considered that inadequate time was provided for Samson Cree to respond.

93. While the Commission is satisfied that its process provided parties with a meaningful opportunity to participate and engage, it acknowledges that earlier engagement in the project planning process may provide additional opportunities for relationship building, including collaborative discussion of potential measures to address concerns. The Commission encourages proponents to engage with potentially impacted parties early, so that their input may be able to shape proposals prior to submitting an application, which can improve relationships, mitigate potential effects on rights under Section 35 of the *Constitution Act*, 1982 and support an efficient regulatory process. However, the Commission recognizes that not all timelines were within Heartland Power's control; Samson Cree has a reciprocal onus to respond with any concerns in a timely and reasonable manner and to work with the project proponent on resolving issues as they arise during consultation.

94. Although the duty to consult lies no higher than the middle of the spectrum, the Commission considered that Samson Cree was afforded consultation at the higher end of the spectrum. The Commission finds that Heartland Power's engagement with Samson Cree, including as part of the Rule 007 requirements; the Commission's regulatory process, which included the opportunity for Samson Cree to provide written and oral evidence; and the Commission's provision of written reasons fulfilled the Crown's duty to consult owed to Samson Cree. Heartland Power's commitments and the Commission's conditions in response to Samson Cree's engagement contribute to minimizing any infringement on Samson Cree's asserted Aboriginal and Treaty rights arising from the project.

95. The Commission considers Heartland Power's commitment to ongoing engagement with Samson Cree to be reasonable and responsive given the concerns raised.⁴⁹ These discussions may

⁴⁹ Exhibit 30518-X0266, Heartland Power Responses to AUC IR No. 4; Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument.

include developing a chance find protocol, incident response (spills that could impact the North Saskatchewan River) as well as Indigenous advisory and monitoring, as appropriate. These could also include discussing opportunities such as pre-construction vegetation harvesting by traditional land users.

4.3 What is the expected noise from the power plant and how will it be mitigated and monitored?

96. In this section, the Commission finds that the power plant is expected to comply with Rule 012 and that project-related noise can be adequately mitigated and monitored.

97. Heartland Power retained Stantec Consulting Ltd. to prepare a noise impact assessment (NIA) for the power plant in accordance with Rule 012. The NIA assessed cumulative sound levels from the proposed power plant, the associated Beacon AI Centers development, and other relevant energy-related facilities in the area. The NIA results were subsequently updated to include additional nearby facilities and revised receptor information. No dwellings were identified within 1.5 kilometres of the project boundary. Because of this, noise compliance was assessed at the unoccupied location L1 on the 1.5-kilometre criteria boundary. Residences R2 to R5 are located more than 1.5 kilometres from the project boundary but were assessed for information purposes.

98. Cumulative sound levels at L1 are predicted to be 45.8 A-weighted decibels (dBA) during the daytime and 38.4 dBA during the nighttime, which are compliant with the applicable permissible sound levels of 50 dBA and 40 dBA, respectively. Compliance is predicted at all assessed locations.⁵⁰

99. The NIA relied on mitigation measures and acoustic-performance requirements for the power plant and associated data centre, including silencers, acoustic louvres, enhanced enclosure components, an acoustic barrier and specified building-envelope performance. EnergyLink International was retained by Heartland Power to review the NIA. It concluded that the design of the project's noise control measures and the supply of acoustic mitigation equipment are technically achievable.⁵¹

100. While the associated data centre is not regulated under Rule 012, the Commission assesses noise in a cumulative context, including existing noise sources, and approved but not constructed energy facilities. The Commission considers their noise contribution to be relevant because the power plant is intended to supply electricity to the co-located data centre and the facilities are expected to operate concurrently. The Commission finds that the NIA appropriately included noise from both the power plant and associated data centre in the assessment of cumulative sound levels.

⁵⁰ Exhibit 30518-X0010, TP31 – Noise Impact Assessment;
Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, PDF pages 17-27;
Exhibit 30518-X0094, Heartland Power Information Response Round 2, PDF pages 8-12;
Exhibit 30518-X0155, Heartland Response to AUC IR No. 3, PDF pages 10-12;
Exhibit 30518-X0274, Attachment 2 - Stantec Consulting Ltd. (Y. Ma and J. Chui) Reply Evidence Noise (July 14, 2026).

⁵¹ Exhibit 30518-X0277, Attachment 5 - EnergyLink International_ Heartland Power Generation LP - Noise Mitigation Confirmation (July 13, 2026).

101. The Commission is satisfied that the power plant is expected to comply with Rule 012. However, because project design and mitigation measures are not finalized, the Commission requires an NIA based on the final project design, implementation of the relied-upon mitigation measures, and post-construction verification. Accordingly, the Commission imposes the following conditions of approval:

- a. Once Northbridge Power GPC Inc. has finalized the equipment selection and detailed design for the power plant, it shall file a final project update with the Commission confirming that the power plant remains within the final project update allowances for thermal power plants specified in Rule 007: *Facility Applications*. The final project update must be filed at least 90 days before the start of construction.
- b. As part of the final project update, Northbridge Power GPC Inc. shall submit a noise impact assessment based on the final design and acoustic-performance information for the power plant and associated data centre. The final noise impact assessment must assess cumulative sound levels from the power plant and associated data centre operating concurrently, identify the mitigation measures and acoustic-performance requirements relied upon to achieve compliance, and demonstrate that the power plant is predicted to comply with Rule 012: *Noise Control*.
- c. Northbridge Power GPC Inc. shall implement the mitigation measures relied upon in the final noise impact assessment, or measures providing equal or better acoustic performance. Within 30 days after the power plant and associated data centre commence concurrent operation, Northbridge Power GPC Inc. shall file a report identifying the implemented mitigation measures, confirming whether they are consistent with those relied upon in the final noise impact assessment, and describing any deviations and, where alternative measures were implemented, demonstrating that they provide equal or better acoustic performance.

102. Heartland Power committed to conduct a post-construction comprehensive sound level survey at residences R2 and R5.⁵² The Commission does not require that survey because those residences were assessed for information purposes and the results would not verify compliance at L1, the location at which compliance was assessed. Although results from a comprehensive sound level survey at L1 could be compared with the applicable permissible sound level, L1 is an unoccupied criteria-boundary location and access to the location is uncertain.

103. The Commission considers source-specific verification and an updated NIA to be a more effective and practical means of post-construction verification because this approach can verify the source-emission levels and acoustic-performance assumptions relied upon in the NIA and allows cumulative sound levels at L1 and the other assessed locations to be reassessed. Therefore, the Commission imposes the following condition of approval:

- d. Within six months after the power plant and associated data centre commence concurrent operation, Northbridge Power GPC Inc. shall complete a field study using near-field measurements of a representative selection of the principal power plant and data-centre equipment under representative operating conditions. Northbridge Power GPC Inc. shall prepare an updated noise impact assessment incorporating the measured source levels and

⁵² Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF page 5.

reassessing cumulative sound levels at L1 and the other locations assessed in the final noise impact assessment. It shall file the results of the field study and the updated noise impact assessment with the Commission, demonstrating continued compliance with Rule 012: *Noise Control*. If additional mitigation is required to achieve compliance, Northbridge Power GPC Inc. shall also file a mitigation plan identifying the additional measures and their implementation timelines.

104. The Commission recognizes that Samson Cree’s noise concerns extend beyond compliance with Rule 012. Samson Cree expressed concern that compliance with Rule 012 would not necessarily address noise impacts on harvesting, ceremony and other traditional land use activities and emphasized the importance of ongoing communication and follow-up.⁵³ Heartland Power indicated a willingness to consider post-construction monitoring locations relevant to Samson Cree’s harvesting activities.⁵⁴ The Commission encourages Heartland Power to continue discussions with Samson Cree to consider and identify potential locations for a noise monitoring survey. If such a survey is conducted, the Commission assumes Heartland Power would share the results with Samson Cree.

105. In summary, the Commission finds that the NIA, as supplemented by Heartland Power’s information request responses and reply evidence, provides a reasonable basis to conclude that the power plant is expected to comply with Rule 012.

4.4 What are the cumulative effects of the power plant?

106. The Commission accepts that the power plant’s contribution to cumulative effects is limited and acceptable, given the mitigation measures incorporated into the power plant design and measures required as part of broader regional frameworks applicable to development in the Industrial Heartland. The Industrial Heartland is designated for heavy industrial use and contains significant existing development; however, this context does not eliminate the need to assess the power plant’s incremental contribution to cumulative effects.

107. The Commission considered cumulative effects in the sections addressing water, air quality, greenhouse gas emissions, wetlands, wildlife and habitat, noise, and potential effects on the exercise of Aboriginal and Treaty rights. It also considered Indigenous Knowledge regarding cumulative changes to lands, waters, plants, medicines and wildlife and the continued exercise of rights in an extensively developed area. The findings in those sections inform the Commission’s conclusions below.

108. Samson Cree raised concerns about cumulative environmental effects and habitat fragmentation in its traditional territory and the resulting effects on harvesting, cultural practices and the exercise of Aboriginal and Treaty rights. Samson Cree submitted that Heartland Power’s assessment did not adequately evaluate existing cumulative effects or the project’s contribution to effects on Samson Cree’s rights.⁵⁵ Samson Cree also submitted that cumulative effects of the

⁵³ Exhibit 30518-X0245, Samson Cree Nation Written Evidence - Traditional Land Use Assessment - Statement of Qualifications, PDF page 12.

⁵⁴ Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF pages 2-4.

⁵⁵ Exhibit 30518-X0245, Samson Cree Nation Written Evidence and Traditional Land Use Assessment, PDF pages 5-14 and 33-60; Exhibit 30518-X0286, 2026-07-24 - Proceeding 30518 - Samson Cree Nation Final Written Argument, PDF page 32.

power plant should be assessed in the context of the broader data centre development rather than in isolation.

109. Heartland Power assessed the power plant's incremental contribution to cumulative effects through its environmental evaluation and a cumulative effects review prepared in accordance with Bulletin 2025-12.^{56, 57} It also considered the broader development context by incorporating noise from the proposed co-located data centre into the assessment of cumulative sound levels.⁵⁸

110. The Commission acknowledges that approval of the data centre will be considered in different regulatory processes. However, this reflects the existing legislative and regulatory framework, where different aspects of the power plant and data centre development may fall under the jurisdiction or regulatory oversight of other regulators.

111. The Commission has considered the broader development context in assessing the power plant's effects and benefits, including the concerns raised by Samson Cree. The Commission finds the power plant's siting in the Industrial Heartland to be suitable. Development within the Industrial Heartland supports a co-ordinated, regional approach to cumulative effects management through established, zone-specific plans designed to manage residual effects at a broader scale. The Commission expects the power plant to comply with, and contribute to, the objectives and requirements of Industrial Heartland management plans. Locating the power plant within the Industrial Heartland, in combination with adherence to applicable frameworks and regional management plans, will minimize its contribution to cumulative effects to an acceptable level.

112. Based on the record and the findings in this decision, the Commission is satisfied that the power plant's contribution to cumulative effects can be appropriately managed. The Commission has considered these effects in its overall public-interest assessment and finds that they do not weigh against approval of the power plant application.

4.5 Is the emergency response plan protective of the public?

113. For the reasons set out below, the Commission finds that, subject to the conditions below, the proposed approach to emergency response is protective of the public.

114. Heartland Power identified potential project hazards, including traffic incidents, electrical hazards, fires, hazardous substances, spills or releases, and hazardous waste. It also identified preliminary mitigation measures, including worker training, evacuation procedures, emergency contacts, first-aid and spill-response equipment, lockout and tagout procedures, fire-prevention protocols and firefighting equipment.⁵⁹

115. A project-specific emergency response plan (ERP) has not yet been completed. Heartland Power committed to developing a site-specific ERP that would establish monitoring,

⁵⁶ Bulletin 2025-12: *Introduction of interim information requirements for the consideration of cumulative effects and recent guidelines to evaluate agricultural land for renewable generation*, August 26, 2025.

⁵⁷ Exhibit 30518-X0272, Heartland Power - Corporate Reply Evidence, paragraphs 11-16 and 57-58; Exhibit 30518-X0143, Cumulative Effects Review, PDF pages 1-8.

⁵⁸ Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), paragraph 72.

⁵⁹ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, IR HeartlandPower-AUC-2026JAN28-015, PDF pages 28-31.

communication and response procedures and be finalized before construction.⁶⁰ Sturgeon County Emergency Services would provide first-response services, with regional mutual-aid support and ambulance services available as required. The Commission considers co-ordination with these emergency-response authorities necessary to ensure that the ERP is practical and effective.

116. Samson Cree raised concerns that a spill, leak or release could affect groundwater, the North Saskatchewan River system, and resources used for fishing and harvesting.⁶¹ In response, Heartland Power committed to notify Samson Cree of any incident that could affect water quality in the North Saskatchewan River system and to engage with Samson Cree regarding potential effects on fishing, harvesting and cultural use.⁶²

117. Emergency response planning is an integral part of mitigating fire and other risks. ERPs are living documents requiring periodic review and updating throughout the planning, construction and operation of the project. A project's ERP must be completed before construction begins, reviewed with the appropriate emergency response authorities, and maintained by periodic review throughout the construction and operation of the project.

118. Accordingly, the Commission imposes the following condition of approval:

- e. At least 90 days before the start of construction, Northbridge Power GPC Inc. shall file a project-specific emergency response plan for construction and operation of the project. The filing must confirm that the plan has been provided to and reviewed with Sturgeon County Emergency Services and any other emergency-response authorities identified through that review. Northbridge Power GPC Inc. shall review and update the emergency response plan throughout construction and operation to address material project-design changes, operational experience and reasonable recommendations from applicable emergency-response authorities. The plan must include notification to Samson Cree Nation of any incident that could affect water quality in the North Saskatchewan River system.

119. The Commission finds that the identified hazards and mitigation measures, the availability of municipal and regional emergency-response services, and the requirements to complete, co-ordinate and maintain the ERP provide assurance that emergency response planning for the project will be appropriate.

4.6 Will there be a suitable reclamation security program in place?

120. Heartland Power filed a third-party decommissioning and reclamation cost estimate and stated that, once the power plant design and detailed engineering are finalized, it would retain a third-party consultant to prepare a comprehensive decommissioning plan and revised cost estimate.⁶³ For the reclamation security, Heartland Power proposed to post one-twentieth of the

⁶⁰ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, IR HeartlandPower-AUC-2026JAN28-015, PDF page 31; Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF page 4.

⁶¹ Exhibit 30518-X0245, Samson Cree Nation Written Evidence – Traditional Land Use Assessment – Statement of Qualifications, PDF pages 8-10 and 33-36.

⁶² Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31) - Appendix to Written Reply Argument, PDF pages 3-4.

⁶³ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, PDF pages 35-38; Exhibit 30518-X0155, Heartland Response to AUC IR No. 3, PDF page 4.

estimated reclamation cost by the end of the first year of commercial operation and increase the security annually until the full estimated amount is secured by the end of year 20. The cost estimate would be updated every five years, without deducting anticipated salvage or scrap value, and the security and subsequent annual increases would be adjusted accordingly.⁶⁴

121. Heartland Power proposed that the security take the form of a letter of credit. Beacon Data Centers Inc. is the intended landowner and proposed beneficiary of the letter of credit.⁶⁵ Beacon Data Centers Inc. is a wholly owned subsidiary of Heartland Power's parent company. Heartland Power stated that neither AEPA nor Sturgeon County was willing to act as beneficiary of the security and therefore proposed that the registered owner of the power plant lands serve as beneficiary of the letter of credit. Heartland Power is willing to continue discussions with Sturgeon County as the County was uncertain on its ability to accept the security.

122. The Commission accepts the proposed 20-year funding schedule. However, given the affiliation with the proposed beneficiary and the project owner or operator, the Commission requests that Heartland Power continue discussions with Sturgeon County about whether the County is willing to act as beneficiary. If Sturgeon County is not willing to do so, Heartland Power should consider if there is a non-affiliated third party that could hold the reclamation security. Heartland Power may also provide further information on how, if the affiliated landowner holds the security, the funds will be protected in the event of insolvency of the parent company of Heartland Power and its affiliate.

123. Given the importance of having sufficient reclamation security in place and a suitably protective security arrangement, the Commission imposes the following conditions of approval:

- f. As part of its final project update, Northbridge Power GPC Inc. shall file, for Commission approval, its proposed reclamation security arrangement, including the proposed beneficiary, the proposed form of security and an explanation of how the arrangement will ensure sufficient funds are available for the power plant's decommissioning and reclamation obligations. If the reclamation security arrangement includes one or more letters of credit, each letter of credit must be irrevocable, provide for automatic renewal and be issued by a qualified financial institution acceptable to the Commission.
- g. By the end of the first year of operation, Northbridge Power GPC Inc. shall provide the reclamation security in an amount equal to five per cent of the most recent third-party decommissioning and reclamation cost estimate. The security must increase annually and equal the full amount of the most recent third-party decommissioning and reclamation cost estimate by the end of year 20 of operation.
- h. On the fifth anniversary of the date the power plant commences operation and every five years thereafter for the duration of the project's operational life, Northbridge Power GPC Inc. shall obtain an updated third-party decommissioning and reclamation cost estimate that does not deduct anticipated salvage or scrap value. It shall adjust the security and subsequent annual increases based on the updated estimate and file the cost estimate and confirmation of the security amount with the Commission.

⁶⁴ Exhibit 30518-X0155, Heartland Response to AUC IR No. 3, PDF pages 4-5.

⁶⁵ Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), PDF pages 25-26.

- i. Northbridge Power GPC Inc. shall maintain the reclamation security until a reclamation certificate has been issued.
- j. Northbridge Power GPC Inc. shall notify the Commission of any proposed material change to the reclamation security arrangement, including a change to the form of security, beneficiary, project ownership or ownership of the project lands, and explain how uninterrupted security will be maintained.

124. Subject to these conditions, the Commission finds that Heartland Power's approach to reclamation is sufficient to demonstrate that approval of the project is in the public interest.

4.7 What are the power plant's benefits?

125. For the reasons set out below, the Commission finds that the power plant's benefits include employment, associated economic activity and on-site electricity supply. While there may be benefits associated with the broader Beacon AI Centers development, the Commission's focus is on the benefits attributable to the power plant.

126. Heartland Power submitted that the power plant and broader development would provide employment, economic activity, municipal tax revenue and on-site electricity-supply benefits and support economic diversification and investment in Alberta's Industrial Heartland.⁶⁶ As part of its reply evidence, Heartland Power filed economic and fiscal impact assessments to substantiate these benefits.⁶⁷ Samson Cree submitted that the assessments should be given little or no weight because they were filed late in the proceeding and did not account for certain potential economic costs.⁶⁸ Heartland Power responded that economic benefits had been addressed throughout the proceeding and that the assessments provide independent expert quantification of benefits previously identified on the record.⁶⁹ Since an oral hearing was not held, Samson Cree did not have an opportunity to test the assessments. As a result, the Commission places less weight on the specific forecasts in the assessments but accepts that the power plant will provide employment and associated economic activity. Prior to filing the assessments, Heartland Power estimated that the power plant would create approximately 150 to 300 construction jobs and 15 to 30 permanent jobs.⁷⁰

127. The power plant will add 920 MW of generating capacity, of which approximately 800 MW is intended under normal operating conditions to supply the proposed co-located data centre.⁷¹ Heartland Power's proposed on-site generation is consistent with the Alberta government's "Bring Your Own Generation" policy introduced through amendments to the

⁶⁶ Exhibit 30518-X0272, Heartland Power - Corporate Reply Evidence, PDF page 25;

Exhibit 30518-X0281, Heartland Power Written Argument (July 17, 2026), PDF page 30.

⁶⁷ Exhibit 30518-X0275, Attachment 3 – Nichols Applied Management Inc. – Heartland Project Economic Impact Analysis (July 14, 2026);

Exhibit 30518-X0276, Attachment 4 – Nichols Applied Management Inc. – Heartland Project Fiscal Impact Assessment (July 14, 2026).

⁶⁸ Exhibit 30518-X0289, Samson Cree Nation Submission re Treatment and Weight of Heartland Power Fiscal Impact Assessment, PDF pages 7-9.

⁶⁹ Exhibit 30518-X0290, Heartland Power Written Reply Argument (July 31, 2026), PDF pages 18-19.

⁷⁰ Exhibit 30518-X0062, Heartland Power Response to AUC Round 1 IRs, response to HeartlandPower-AUC-2026JAN28-006, PDF pages 10-11;

Exhibit 30518-X0275, Attachment 3 – Nichols Applied Management Inc. – Heartland Project Economic Impact Analysis (July 14, 2026), PDF page 6, tables 3-4 and 3-5 revised this to 40 direct operations jobs.

⁷¹ Exhibit 30518-X0003, Rule 007 Thermal Power Plant Application Form, PDF page 1.

Electric Utilities Act and associated regulations. Among other things, this policy encourages data centres to meet their electricity needs through self-supplied generation. This policy is a consideration for the Commission’s public interest assessment.

128. Heartland Power also identified the potential benefits of a future connection to the Alberta Interconnected Electric System, including the sale of excess electricity and backup supply to the data centre.

129. The Commission accepts that construction and operation of the power plant may create procurement opportunities for local, regional and Indigenous businesses, as well as potential Indigenous training, education, employment and environmental monitoring opportunities.⁷² While the record does not establish specific targets or guaranteed outcomes, the Commission finds these opportunities potentially beneficial and encourages Heartland Power to pursue them where reasonable and practical.

130. On balance, the Commission finds that the employment, associated economic activity and on-site electricity supply attributable to the power plant contribute positively to its public-interest assessment. The Commission gives less weight to specific economic forecasts and to benefits that depend on the data centre, a future grid connection or other facilities not before it.

5 Decision

131. The Commission considers the application to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*.

132. Under sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 30518-A001 and grants Northbridge Power GPC Inc. the approval set out in Appendix 1 – Power Plant Approval 30518-D02-2026 to construct and operate the Beacon AI Centers – Heartland Project Thermal Power Plant.

133. The appendix will be distributed separately.

Dated on October 23, 2026.

Alberta Utilities Commission

Renée Marx
Panel Chair

Michael Arthur
Commission Member

⁷² Exhibit 30518-X0291, Heartland Power Updated Commitment List (July 31, 2026), PDF pages 2-4.

Appendix A – Summary of Commission conditions of approval in the decision

This section is intended to provide a summary of all conditions of approval specified in the decision for the convenience of readers. Conditions that require subsequent filings with the Commission will be tracked as directions in the AUC’s eFiling System. In the event of any difference between the conditions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail.

The following are conditions of Decision 30518-D01-2026 that require subsequent filings with the Commission and will be included as conditions of Approval 30518-D02-2026:

- a. Once Northbridge Power GPC Inc. has finalized the equipment selection and detailed design for the power plant, it shall file a final project update with the Commission confirming that the power plant remains within the final project update allowances for thermal power plants specified in Rule 007: *Facility Applications*. The final project update must be filed at least 90 days before the start of construction.
- b. As part of the final project update, Northbridge Power GPC Inc. shall submit a noise impact assessment based on the final design and acoustic-performance information for the power plant and associated data centre. The final noise impact assessment must assess cumulative sound levels from the power plant and associated data centre operating concurrently, identify the mitigation measures and acoustic-performance requirements relied upon to achieve compliance, and demonstrate that the power plant is predicted to comply with Rule 012: *Noise Control*.
- c. Northbridge Power GPC Inc. shall implement the mitigation measures relied upon in the final noise impact assessment, or measures providing equal or better acoustic performance. Within 30 days after the power plant and associated data centre commence concurrent operation, Northbridge Power GPC Inc. shall file a report identifying the implemented mitigation measures, confirming whether they are consistent with those relied upon in the final noise impact assessment, and describing any deviations and, where alternative measures were implemented, demonstrating that they provide equal or better acoustic performance.
- d. Within six months after the power plant and associated data centre commence concurrent operation, Northbridge Power GPC Inc. shall complete a field study using near-field measurements of a representative selection of the principal power plant and data-centre equipment under representative operating conditions. Northbridge Power GPC Inc. shall prepare an updated noise impact assessment incorporating the measured source levels and reassessing cumulative sound levels at L1 and the other locations assessed in the final noise impact assessment. It shall file the results of the field study and the updated noise impact assessment with the Commission, demonstrating continued compliance with Rule 012: *Noise Control*. If additional mitigation is required to achieve compliance, Northbridge Power GPC Inc. shall also file a mitigation plan identifying the additional measures and their implementation timelines.

- e. At least 90 days before the start of construction, Northbridge Power GPC Inc. shall file a project-specific emergency response plan for construction and operation of the project. The filing must confirm that the plan has been provided to and reviewed with Sturgeon County Emergency Services and any other emergency-response authorities identified through that review. Northbridge Power GPC Inc. shall review and update the emergency response plan throughout construction and operation to address material project-design changes, operational experience and reasonable recommendations from applicable emergency-response authorities. The plan must include notification to Samson Cree Nation of any incident that could affect water quality in the North Saskatchewan River system.
- f. As part of its final project update, Northbridge Power GPC Inc. shall file, for Commission approval, its proposed reclamation security arrangement, including the proposed beneficiary, the proposed form of security and an explanation of how the arrangement will ensure sufficient funds are available for the power plant's decommissioning and reclamation obligations. If the reclamation security arrangement includes one or more letters of credit, each letter of credit must be irrevocable, provide for automatic renewal and be issued by a qualified financial institution acceptable to the Commission.
- h. On the fifth anniversary of the date the power plant commences operation and every five years thereafter for the duration of the project's operational life, Northbridge Power GPC Inc. shall obtain an updated third-party decommissioning and reclamation cost estimate that does not deduct anticipated salvage or scrap value. It shall adjust the security and subsequent annual increases based on the updated estimate and file the cost estimate and confirmation of the security amount with the Commission.

The following are conditions of Decision 30518-D01-2026 that do not require subsequent filings with the Commission:

- g. By the end of the first year of operation, Northbridge Power GPC Inc. shall provide the reclamation security in an amount equal to five per cent of the most recent third-party decommissioning and reclamation cost estimate. The security must increase annually and equal the full amount of the most recent third-party decommissioning and reclamation cost estimate by the end of year 20 of operation.
- i. Northbridge Power GPC Inc. shall maintain the reclamation security until a reclamation certificate has been issued.
- j. Northbridge Power GPC Inc. shall notify the Commission of any proposed material change to the reclamation security arrangement, including a change to the form of security, beneficiary, project ownership or ownership of the project lands, and explain how uninterrupted security will be maintained.

Appendix B – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Heartland Power Generation LP and its general partner Northbridge Power GPC Inc. Joseph Shovlin Bennett Jones LLP Martin Ignasiak Larissa Lees
Samson Cree Nation Kaylyn Buffalo Gowling WLG (Canada) LLP Graham Reeder
Friends of Michel Society Gil Goerz
Ashleigh Flisberg
Alberta Utilities Commission Commission panel Renée Marx, Panel Chair Michael Arthur, Commission Member Commission staff Peju Anozie (Commission counsel) Taylor Campbell (Commission counsel) Glenn Harasym Kloria Wen Joan Yu