AUC
Alberta Utilities Commission

Cree Ative Datacenter Corp.

Mihta Askiy Data Center Power Plant

November 20, 2026

Alberta Utilities Commission
Decision 30787-D01-2026
Cree Ative Datacenter Corp.
Mihta Askiy Data Center Power Plant
Proceeding 30787
Applications 30787-A001 to 30787-A003

November 20, 2026

Published by the:
Alberta Utilities Commission
Eau Claire Tower
1400, 600 Third Avenue S.W.
Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282) in Alberta
1-833-511-4AUC (1-833-511-4282) outside Alberta
Email: info@auc.ab.ca
Website: www.auc.ab.ca

The Commission may, no later than 60 days from the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

Contents

1 Decision summary 1

2 Introduction 1
2.1 Summary of Cree Ative Datacenter Corp.'s applications 1
2.2 Interveners 4

3 Is approval of the power plant in the public interest? 4
3.1 Is noise from the power plant expected to comply with Rule 012? 5
3.2 Are the power plant's impacts to the environment acceptable? 7
3.2.1 Does the power plant pose an unacceptable risk to water quality or quantity? 7
3.2.2 Are the power plant's impacts to air quality acceptable? 8
3.2.3 How are greenhouse gas emissions managed? 9
3.2.4 What are the power plant's impacts on wildlife, wildlife habitat and biodiversity? 9
3.2.5 Has the power plant adequately addressed existing contamination and contaminated soil management? 10
3.2.6 What are the Environmental Protection and Enhancement Act approval transfer, renewal and reclamation requirements? 10
3.3 Is the power plant's reclamation security plan adequate? 11
3.4 Is the Commission satisfied with the emergency response planning? 12
3.5 Is the participation involvement program adequate? 13
3.6 Can the power plant provide electric energy to the data centre? 13
3.7 Conclusion 15

4 Does the power plant and the 34.5-kV data centre substation meet the requirements to be designated as an industrial system? 16

5 Decision 19

Appendix A – Summary of Commission conditions of approval in the decision 20

List of figures

Figure 1. Mihta Askiy Data Center Power Plant 3

1 Decision summary

1. In this decision, subject to certain conditions, the Alberta Utilities Commission approves applications from Cree Ative Datacenter Corp. to construct and operate a 650-megawatt (MW) combined cycle power plant and the associated 240-kilovolt (KV) Sunrise Substation. The Commission denies the application for an industrial system designation for the Mihta Askiy Data Center Project.

2. The power plant will be located on a previously permitted, cleared and partially constructed brownfield site on Crown land in Northern Sunrise County, Alberta. The Commission finds that approval of the power plant and Sunrise Substation, as conditioned and with the commitments made by Cree Ative, is in the public interest having regard to the social, economic and environmental effects of the power plant and substation.

2 Introduction

2.1 Summary of Cree Ative Datacenter Corp.'s applications

3. Cree Ative Datacenter Corp., as the general partner for and on behalf of Mihta Askiy Datacenter LP, applied for approval to construct and operate the Mihta Askiy Data Center Power Plant. The power plant will consist of a 650-MW power plant and a 240-kV Sunrise Substation to provide on-site power generation to the Mihta Askiy Data Center.[1] Cree Ative also applied for an industrial system designation (ISD) for the project including the power plant and a 34.5-kV data centre substation.

4. The project is planned to be constructed in three phases.

- Phase 1 (Grid Phase): Complete and commission the Sunrise Substation, supplying up to 200-MW of data centre load via the 34.5-kV data centre substation. The planned in-service date is February 15, 2027.

- Phase 2 (Simple Cycle Phase): Install two 200-MW simple cycle gas turbine generators, enabling an additional 200-MW of data centre load. The planned in-service date is October 15, 2028.

- Phase 3 (Combined Cycle Phase): Install one 250-MW steam turbine generator to convert the simple cycle power plant to a 650-MW combined cycle power plant with a condenser

[1] Cree Ative applied for the construction and operation of the power plant and substation separately. For the purpose of this decision, the term "power plant" refers to both the generating facility and its associated Sunrise Substation.

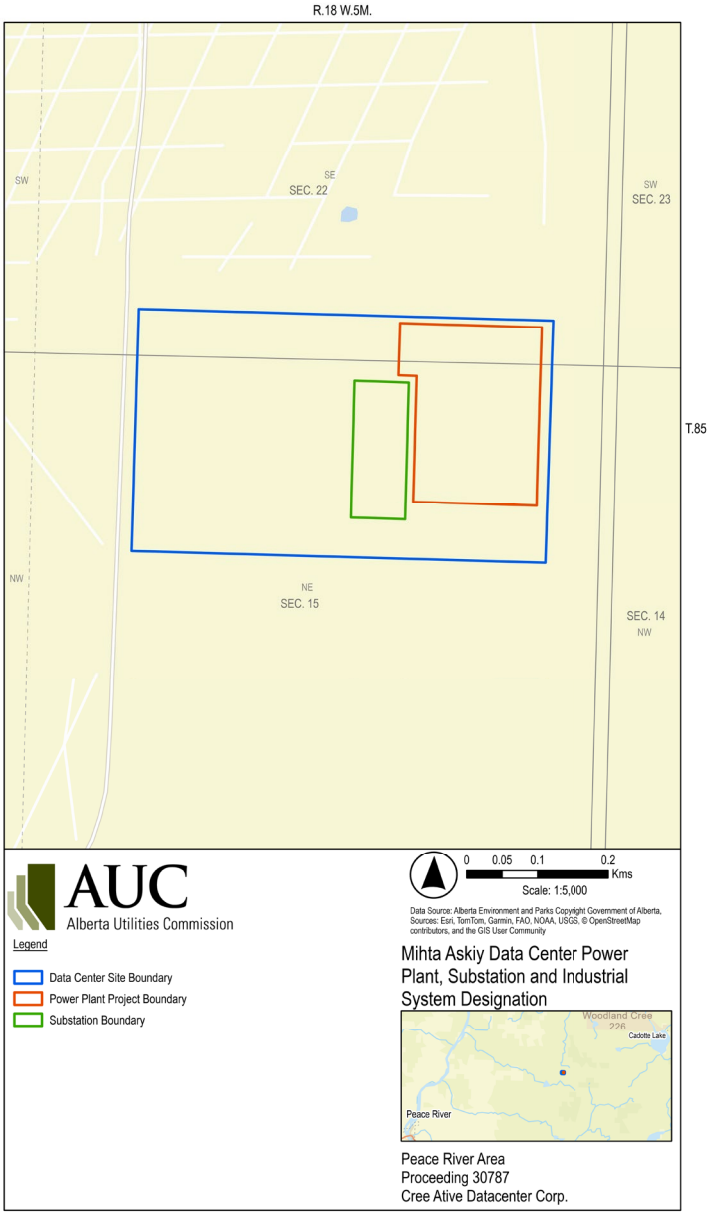
and cooling tower, supplying another 200 MW of data centre load. The planned in-service date is June 30, 2031.

5. The power plant will be located on a previously permitted, cleared and partially constructed brownfield site on approximately 20.6 hectares of Crown land in Northern Sunrise County, approximately 40 kilometres northeast of Peace River. The site was previously approved for construction of a thermal power plant but this was not completed and was never operational.[2] The current lease holder is Three Creeks Power GP. Cree Ative stated that the funds to transfer ownership will be in escrow until the Ministry of Environment and Protected Areas transfers the lease disposition from Three Creeks Power GP to Cree Ative which was anticipated to occur by October 30, 2026.

6. Cree Ative anticipates connecting the power plant to ATCO Electric Ltd.'s Wesley Creek Substation via two new 240-kV single-circuit transmission lines. A connection application will be filed by ATCO at a later date.

[2] Decision 25163-D01-2020 Three Creeks Power Plant – Ownership Change and Cancellation, January 27, 2020.

Figure 1. Mihta Askiy Data Center Power Plant



7. Cree Ative submitted that the project will deliver significant benefits to the local community, including:[3]

- Long-term employment: The project will have a peak site workforce of approximately 650 for phases 1 and 2 construction activities and 50 full-time positions in Phase 1 growing to 200 full-time positions at full build-out.

- Economic benefits: Repurposing a brownfield site will generate economic opportunities for local hospitality, lodging and construction services in the broader Peace River and

[3] Exhibit 30787-X0013, MihtaAskiy_PowerPlant_Sub_FA_04052026, PDF pages 14 and 15; Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF pages 18 to 20.

north of Edmonton region. There will also be tax contributions to the county and the Government of Alberta.

- Benefits to Indigenous communities: The project will dedicate a portion of the data centre compute capacity to preserve Indigenous language, culture and heritage for the Northern Alberta Cree Nations by fostering collaboration between interested Indigenous groups, artificial intelligence researchers, and leading Canadian research institutions. The project may also provide opportunities to connect Indigenous groups with organizations that support Indigenous data governance and community-led initiatives, creating opportunities to identify and advance projects with broad regional and national benefit.

- Development of technology infrastructure: The project will enable domestic infrastructure for data services, reducing reliance on foreign infrastructure.

2.2 Interveners

8. No party was granted standing by the Commission, but Northern Sunrise County[4] and the Town of Peace River[5] were granted full participation rights.[6] The Town of Peace River submitted that it had an interest in the proceeding, particularly with respect to potential effects on regional infrastructure, environment, and overall regional development. It indicated that it might provide comments if warranted but did not anticipate extensive participation. No further submission was received from the Town of Peace River. On August 10, 2026, Northern Sunrise County indicated that given the commitments agreed to by Cree Ative it would not be participating in the proceeding any further.[7]

9. The Commission closed the record of the proceeding on August 31, 2026, after reviewing the applications, information responses and submissions from the parties in the proceeding.[8]

3 Is approval of the power plant in the public interest?

10. For the reasons outlined below, the Commission finds that approval of the power plant, as conditioned and with the commitments made by Cree Ative, is in the public interest having regard to the social, economic and environmental effects of the power plant.

- The power plant is predicted to comply with the permissible sound levels as defined in Rule 012: *Noise Control*. The Commission requires Cree Ative to submit a final noise impact assessment (NIA) with each final project update.

- The power plant is unlikely to cause significant residual adverse environmental effects due to the repurposing of an existing brownfield site, Cree Ative committing to implement mitigation measures identified in the environmental protection plan and to adhere to relevant regulations, the imposed conditions of approval, and requirements under the *Environmental Protection and Enhancement Act* (EPEA). The Commission

[4] Northern Sunrise County is the municipality in which the proposed project site is located.
[5] The Town of Peace River is located approximately 40 kilometres from the proposed project site.
[6] Exhibit 30787-X0056, AUC letter - Ruling on standing and initial process steps.
[7] Exhibit 30787-X0061, Letter to AUC (agreed to commitments).
[8] Exhibit 30787-X0066, AUC letter - Close of record.

requires Cree Ative to provide details of the final water supply arrangements for the power plant.

- Cree Ative's approach to reclamation is reasonable. Cree Ative must establish a form of reclamation security that is designed to survive bankruptcy and must remain in place until the power plant is fully reclaimed.

- The fire risks associated with the power plant will be mitigated to an acceptable level by Cree Ative's emergency response planning. The Commission requires Cree Ative to continually review and update the site-specific emergency response plan in consultation with the Ministry of Forestry and Parks, Northern Sunrise County, and Alberta Environment and Protected Areas (AEPA).

- Cree Ative's participant involvement program generally achieved the purposes of consultation and notification set out in Rule 007: *Facility Applications*. The Commission acknowledges Cree Ative's commitment to continue to work with stakeholders throughout the life cycle of the power plant to address any concerns as they arise.

11. In the following sections, the Commission provides its findings regarding noise, environmental impacts, reclamation security, emergency response planning, and consultation. The Commission also discusses the power plant's eligibility to self-supply under the *Electric Utilities Act*.

3.1 Is noise from the power plant expected to comply with Rule 012?

12. The Commission finds that the power plant is expected to comply with Rule 012 and that project-related noise can be adequately mitigated.

13. The NIA prepared by Stantec Consulting Ltd. assessed the combined operational noise from the power plant and associated data centre. Because there are no dwellings within 1.5 kilometres of the project boundary, compliance was assessed at three unoccupied receptors on the 1.5-kilometre criterion boundary. The NIA predicts compliance with the applicable daytime and nighttime permissible sound levels at all receptors, although nighttime compliance is achieved with no compliance margin.[9]

14. For low frequency noise, the predicted C-weighted and A-weighted sound-level differences exceed the 20-decibel screening threshold in Rule 012 at all three receptors. However, the one-third-octave data needed to identify clear tones were unavailable. The NIA's supplementary assessment against Health Canada's guidance found levels below the relevant threshold and concluded that low frequency noise effects are not expected.[10]

15. Predicted compliance relies on the mitigation measures incorporated into the NIA. Cree Ative confirmed that the final equipment configurations and performance specifications will be consistent with, or more conservative than, those assumed in the NIA, and that the

[9] Exhibit 30787-X0008, Attachment H - Noise Impact Assessment, PDF page 28.
[10] Exhibit 30787-X0008, Attachment H - Noise Impact Assessment, PDF page 26.

mitigation measures will be incorporated into equipment procurement, project design and construction.[11]

16. Cree Ative proposed a post-construction comprehensive sound level survey to verify compliance with Rule 012.[12] However, the Commission does not consider a survey necessary as a condition of approval. There are no dwellings within 1.5 kilometres of the project boundary, compliance was assessed at unoccupied criterion-boundary locations and no participant requested post-construction verification.

17. The Commission finds that the NIA meets the requirements of Rule 012 and accepts its conclusion that the power plant is expected to comply with the rule. However, because the assessment relies on preliminary equipment information, compliance depends on mitigation, and low frequency noise must be reassessed using final equipment information, the Commission requires a final NIA with each final project update. Each final NIA must demonstrate predicted compliance with Rule 012, including its low frequency noise requirements, and identify the mitigation measures and acoustic-performance requirements relied upon to achieve compliance.

18. Accordingly, the Commission imposes the following conditions of approval:

a. Once Cree Ative Datacenter Corp. has finalized the equipment selection and detailed design for each phase of the power plant, it shall file a final project update with the Commission confirming that each phase remains within the final project update allowances for thermal power plants specified in Rule 007: *Facility Applications*. Each final project update must be filed at least 90 days before the start of construction of the applicable phase.

b. As part of each final project update, Cree Ative Datacenter Corp. shall submit a noise impact assessment based on the final design and acoustic-performance information for each phase and any previously constructed or operating phases. Each final noise impact assessment must: (i) assess cumulative sound levels from the power plant and associated data centre operating concurrently; (ii) demonstrate that noise from the power plant is predicted to comply with Rule 012: *Noise Control*, including its low frequency noise requirements; and (iii) identify the mitigation measures and acoustic-performance requirements relied upon to demonstrate predicted compliance.

c. Cree Ative Datacenter Corp. shall implement the mitigation measures relied upon in the applicable final noise impact assessment, or measures providing equal or better acoustic performance. Within 30 days after each phase of the power plant and associated data centre commence operation, Cree Ative Datacenter Corp. shall file a report identifying the implemented mitigation measures for that phase, confirming whether they are consistent with those relied upon in the applicable final noise impact assessment, and describing any deviations. Where alternative measures were implemented, the report must demonstrate that they provide equal or better acoustic performance.

[11] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 38.

[12] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 40.

19. Subject to these conditions, the Commission finds that project-related noise can be adequately mitigated and that the power plant is expected to comply with Rule 012.

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

20. In the following 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.

21. The Commission finds that the power plant's residual effects to the environment are acceptable. This finding is largely based on the power plant's location on a previously disturbed and partially developed brownfield site, the reuse of existing infrastructure, the associated benefit of minimizing new construction and avoiding or reducing new environmental impacts, and Cree Ative's adherence to existing environmental approvals. These factors make it unlikely that new significant environmental impacts will arise due to the power plant.

22. In addition, Cree Ative has identified federal, provincial and municipal requirements that apply to the power plant. The Commission considers a proponent's compliance with applicable environmental regulations to be an important factor in assessing whether a power plant is in the public interest. This is especially true of approvals under the *Environmental Protection and Enhancement Act* and the *Water Act* when considering thermal power plants.

23. The Commission is satisfied that Cree Ative has identified and committed to obtaining all required environmental regulatory approvals for the power plant.

3.2.1 Does the power plant pose an unacceptable risk to water quality or quantity?

24. This section discusses the power plant's water use, the use of existing water permits, and potential increased pressure on regional water supply from the thermal power plant and the data centre it would support.

25. The power plant is expected to require 5,000 cubic metres (m^3)/day of water for the operational life of the power plant, consumed primarily through evaporative cooling for the steam turbine. The required water allocation is proposed to be obtained from the Peace River through existing licensed allocations rather than a new diversion.[13] The power plant is not seeking any new water withdrawal licences and would not construct water withdrawal infrastructure on the Peace River. Cree Ative indicated that it is also discussing with local producers about acquiring additional non-potable water where there is excess supply under existing approved water licences, in exchange for which Cree Ative would offer power plant boiler and cooling tower blowdown water to local producers to offset freshwater needs. Cree Ative intends to reduce freshwater demand through reuse of stormwater on-site, and no water would be discharged from the power plant to the Peace River or other waterbodies.

26. Cree Ative stated that because water would be supplied under existing licensed allocations, no effects on downstream users of the Peace River are expected.[14] While the Commission acknowledges that the power plant's water will be sourced under an existing

[13] Exhibit 30787-X0006, Attachment F - Environmental Evaluation, PDF page 14.
[14] Exhibit 30787-X0006, Attachment F - Environmental Evaluation, PDF page 14.

licence, the water use would draw from an existing unused allocation which could reduce water availability to more junior licence holders during periods of water stress.

27. However, Alberta's water management framework contains regulatory protections for water quality and quantity, and Cree Ative must comply with those requirements throughout construction and operation. Cree Ative submitted that historical flow data for the Peace River indicates that the power plant's water requirements represent approximately 0.0001 per cent of the river's average flow and are unlikely to materially affect the river discharge or water levels.[15]

28. Cree Ative submitted that, should existing licensed allocations prove insufficient to meet the power plant's demand, it will consult with APEA, and any necessary applications under the *Water Act* would be undertaken. Given that Cree Ative has not finalized its water sourcing plans, the Commission imposes the following conditions of approval:

d. Cree Ative Datacenter Corp. shall, in each final project update, provide details of the final water supply arrangements for the power plant, including a summary of all water licences and reallocations relied upon and the associated water volumes.

e. Cree Ative Datacenter Corp. shall inform the Commission of any material changes proposed to the cooling systems, water use estimates or water sources. This information shall include the details of infrastructure, volumes of water, water sources, and applicable regulatory requirements for the changes.

29. Based on the power plant's relatively small water demand compared to the Peace River flow regime, the absence of direct discharges to the Peace River or other waterbodies, and the regulatory oversight provided through Alberta's water management framework, the Commission finds that the power plant's water use approach is acceptable.

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

30. Stantec Consulting Ltd. was retained by Cree Ative to conduct an air quality assessment for the power plant. The assessment included air dispersion modelling to evaluate potential effects of the power plant's emissions on air quality and was completed in accordance with Alberta's *Air Quality Modelling Guidelines.*[16] The Alberta Ambient Air Quality Objectives are intended to protect human health and the environment. The modelling predicted that maximum nitrogen dioxide (NO_2) concentrations from the power plant, both alone and cumulatively with regional emission sources, are below the Alberta Ambient Air Quality Objectives.[17]

31. AEPA is responsible for the review and approval of the power plant's emissions under the *Environmental Protection and Enhancement Act*, and Cree Ative will be required to comply with the conditions of that approval. Considering these factors, the Commission finds that the power plant is unlikely to result in significant impacts to air quality.

[15] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative, PDF page 3.
[16] Alberta Environment and Parks. 2021. Air Quality Modelling Guideline. Alberta Environment and Parks. Edmonton, Alberta. September 2021.
[17] Exhibit 30787-X0005, Attachment E - Air Quality Assessment, PDF page 3.

3.2.3 How are greenhouse gas emissions managed?

32. Cree Ative acknowledged that the power plant will generate greenhouse gas emissions, including carbon dioxide (CO_2), methane and nitrous oxides. It stated that the power plant emissions were expected to exceed the 100,000 tonnes of CO_2e/year threshold and that as a result, it is a mandatory *Technology Innovation and Emissions Reduction Regulation* (TIER) regulated facility, where greenhouse gas emissions from the power plant will be quantified, reported and verified annually.[18]

33. In response to questions regarding emissions reduction measures, Cree Ative explained that the power plant will repurpose the existing facility and continue to utilize the Siemens F-class turbine technology because the necessary foundations and electrical infrastructure are already in place. Cree Ative stated that although the F-class technology has improved since the previous power plant design, the heat output remains materially similar, and no viable alternatives have been identified that would materially improve performance. It further noted that the power plant will ultimately use a combined cycle configuration and incorporate the use of waste heat, which increases the overall efficiency of the facility compared to conventional, simple cycle generation technologies.

34. The Commission accepts that reusing existing infrastructure avoids the need for substantial new construction and associated environmental disturbances. The Commission also recognizes that the combined cycle design improves overall energy efficiency by recovering and utilizing heat that would otherwise be wasted. In the circumstances, the Commission is satisfied that Cree Ative had reasonably considered opportunities to improve efficiency and reduce emissions within the constraints of the proposed project design.

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

3.2.4 What are the power plant's impacts on wildlife, wildlife habitat and biodiversity?

36. Cree Ative stated that the power plant will utilize an existing industrial footprint, and that no additional land clearing, vegetation removal, soil salvage, or grading will be required for the development of the power plant, substation and associated facilities.[19]

37. The Commission finds that locating the power plant on a previously disturbed and partially developed industrial site substantially reduces the potential for adverse effects on wildlife, wildlife habitat and biodiversity that may otherwise occur with development on an undeveloped site (e.g., wetlands, waterbodies, native vegetation and other ecological features). By confining project activities to land that has already been cleared, graded, and partially developed, the power plant avoids many of the environmental effects commonly associated with

[18] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 7.

[19] Exhibit 30787-X0006, Attachment F - Environmental Evaluation, PDF page 9.

greenfield development. The Commission considers the reuse of this previously disturbed land to be a positive environmental attribute of the power plant's siting.

38. Given the existing condition of the site, the Commission finds that potential effects on wildlife, wildlife habitat and biodiversity are expected to be limited and can be managed through mitigation measures listed in the environmental protection plan, such as adhering to environmental setbacks, restricted activity periods, erosion and sediment control, spill prevention and response measures, and weed management practices.

39. The Commission finds that the power plant's location on an existing brownfield site weighs positively in its assessment of the public interest.

3.2.5 Has the power plant adequately addressed existing contamination and contaminated soil management?

40. Cree Ative indicated that a Phase I environmental site assessment conducted in 2025 identified a limited number of areas of potential environmental concern due to soil contamination. The assessment concluded that these areas present a low risk, although a Phase II environmental site assessment was recommended to further delineate the identified areas.[20]

41. Cree Ative updated its environmental protection plan to include a site-specific plan for delineation, handling, remediation and disposal of the related impacted soil and to identify known areas of soil contamination. Cree Ative has committed to remediating the impacted soil.[21]

42. The Commission finds that Cree Ative has appropriately assessed existing contamination and has established a reasonable plan to control and remediate the contaminated soil during project construction and operation.

3.2.6 What are the Environmental Protection and Enhancement Act approval transfer, renewal and reclamation requirements?

43. The power plant is subject to the reclamation requirements set out in EPEA Approval No. 396024-00-01, which currently applies to the Three Creeks Power Plant site. Cree Ative stated that, upon transfer of the approval to Cree Ative, it will assume all existing environmental liabilities and reclamation obligations associated with the site.[22] The existing EPEA approval is scheduled for renewal in 2027, and Cree Ative stated that the approval will be updated at that time to reflect the final project configuration.

44. Cree Ative expects construction to begin in the fourth quarter of 2026, and that Phase 1 of the project may be operational by early 2027,[23] prior to completion of the 2027 EPEA renewal process. As a result, portions of the power plant may operate under the existing EPEA approval for the previously approved Three Creeks Power Plant. However, Cree Ative stated that AEPA

[20] Exhibit 30787-X0006, Attachment F - Environmental Evaluation, PDF page 23.
[21] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF pages 9 and 10.
[22] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF pages 11 and 12.
[23] Exhibit 30787-X0007, Attachment G - Environmental Protection Plan, PDF page 8.

advised that an immediate amendment to the approval is not required given the similarities between the power plant and the previously approved facilities.[24]

45. The existing EPEA approval, together with the forthcoming renewal process, provides a regulatory framework for the management of matters such as air emissions, water management, contamination management, and reclamation obligations. The Commission emphasizes that its approval does not displace any requirements established under EPEA or other applicable legislation.

3.3 Is the power plant's reclamation security plan adequate?

46. The Commission expects applicants to fully reclaim projects and to bear the costs of doing so. Applicants are required to explain how they will ensure that sufficient funds are available at a project's end of life to cover the cost of decommissioning and reclamation.

47. In response to an information request from the Commission, Cree Ative proposed providing updated reclamation assessments[25] every five years and posting a letter of credit for one third of the total reclamation estimate on the date of first commercial operation of Phase 1. Cree Ative further proposed increasing the letter of credit to two thirds of the reclamation cost estimate on year 15 after the commercial operation date, and the entire amount of the reclamation cost estimate on year 20 after the commercial operation date.[26] Cree Ative initially proposed that Northern Sunrise County be the beneficiary; however, Northern Sunrise County ultimately declined to hold the security.[27]

48. In the case of power plants on privately-owned land, reclamation security is typically to the benefit of the landowner. Power plants on Crown land are less common and the Ministry of Environment and Protected Areas, as landowner, has not expressed a willingness to hold security for the power plant.[28] The Alberta Utilities Commission does not hold security for projects. This leaves the question of the appropriate beneficiary for any reclamation security instrument.

49. Cree Ative confirmed that it does not have a preferred entity to hold the security and will abide by any applicable Commission direction. It similarly indicated a willingness to proceed with other methods of reclamation security, including the establishment of a trust fund. Cree Ative requested guidance from the Commission to ensure that a trust meets the Commission's requirements and expressed a preference for a simple structure in order to minimize overhead and administrative burden associated with a trust fund.[29]

50. The guiding principle behind reclamation is the principle of restorative responsibility, with the goal being that a project site is closed safely and restored to its original or equivalent condition so that it may accommodate another use without imposing costs on the public. The risk if the reclamation plan is not carried out by the applicant is that the burden of reclamation then

[24] Exhibit 30787-X0006, Attachment F - Environmental Evaluation, PDF page 13.
[25] Cree Ative currently estimated $6,011,500 of decommissioning and reclamation costs for the power plant.
[26] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 15.
[27] Exhibit 30787-X0061, Letter to AUC (agreed to commitments), PDF page 3.
[28] Exhibit 30787-X0065, Response to AUC information request round 4 - Cree Ative-AUC-2026AUG24-001 to 004, PDF page 7.
[29] Exhibit 30787-X0065, Response to AUC information request round 4 - Cree Ative-AUC-2026AUG24-001 to 004, PDF page 7.

falls onto other stakeholders, such as local communities or taxpayers. Therefore, given the impacts of such an outcome, the Commission must be convinced that the applicant's reclamation approach is adequately protective and will result in completion of reclamation plans even in the situation where the owning entities become insolvent.

51. The Commission requires Cree Ative to establish a form of reclamation security that is designed to survive bankruptcy and must remain in place until the power plant is fully reclaimed. If Cree Ative establishes a trust, the Commission notes that other regulators, like the Canadian Energy Regulator, have published model trust agreements that may assist Cree Ative.

f. Cree Ative Datacenter Corp. must establish a form of reclamation security with a beneficiary that is designed to survive bankruptcy, and this must remain in place until the power plant is fully reclaimed. The reclamation security must be for one third of the reclamation estimate on the commercial operation date of Phase 1, and increase to two thirds of the reclamation cost estimate on year 15 after the commercial operation date, and the entire amount of the reclamation cost estimate on year 20 after the commercial operation date. The reclamation estimate is to be updated by an independent assessor every five years from the date of first commercial operation of Phase 1.

g. Cree Ative Datacenter Corp. must provide details of the selected form of reclamation security and beneficiary, describe precisely how the arrangement will ensure sufficient funds are available for the power plant's decommissioning and reclamation obligations, and is able to survive owner insolvency.

52. The Commission is of the view that this flexibility is appropriate and enables Cree Ative to adjust its approach in the event that a third-party beneficiary is identified. Subject to the condition, the Commission finds that the approach to reclamation is sufficient to demonstrate that approval of the project is in the public interest.

3.4 Is the Commission satisfied with the emergency response planning?

53. Cree Ative prepared a preliminary site-specific emergency response plan (ERP) outline[30] for construction and operation of the power plant which was shared with Northern Sunrise County Protective Services including the Fire Chief/Director of Protective Services. Cree Ative submitted that feedback received through this engagement focused on coordination with municipal emergency response, wildfire response considerations, regional medical response capabilities, and expectations for site-specific preparedness to be addressed during detailed ERP development.

54. The power plant is in an Alberta forest protection area,[31] which requires consultation with the Ministry of Forestry and Parks with respect to wildfire preparedness and suppression. Cree Ative engaged with provincial emergency response authorities, including the Peace River office of AEPA and Edmonton's office of the Ministry of Foresty and Parks as the Crown landowner, the Peace River Lands Officer of AEPA, as well as the Wildfire Division of Alberta Ministry of Forestry and Parks.[32] Cree Ative indicated that no concerns were raised.

[30] Exhibit 30787-X0004, Attachment D - ERP Outline.
[31] *Forest Protection Area Regulation*, Schedule 1.
[32] Exhibit 30787-X0065, Response to AUC information request round 4 - Cree Ative-AUC-2026AUG24-001 to 004, PDF pages 8 and 9.

55. Cree Ative committed to finalize the ERP prior to construction and operations and in co-ordination with local responders to ensure alignment with regional emergency management protocols and expectations. Cree Ative also made several commitments to Northern Sunrise County in relation to emergency management and its co-ordination with the municipality.[33]

56. Given the nature and location of the power plant, the Commission imposes the following condition of approval:

h. Cree Ative Datacenter Corp., and any subsequent operator, shall continually, and at a minimum annually, update the site-specific emergency response plan and incorporate input received from the Ministry of Forestry and Parks, Northern Sunrise County, and Alberta Environment and Protected Areas. Material updates to the emergency response plans are to be provided to the Ministry of Forestry and Parks, Northern Sunrise County, and Alberta Environment and Protected Areas.

3.5 Is the participation involvement program adequate?

57. Cree Ative conducted a public involvement program, including notification and consultation with potentially affected parties including landowners, Indigenous and Métis communities, caveat holders, disposition holders, emergency response services, government agencies, industry organizations, and government jurisdictions.[34]

58. There are no private landowners within the consultation and notification boundaries. Thirteen Indigenous groups were included in the public engagement. The Aboriginal Consultation Office determined that there was no required consultation for the power plant but a required Level 2: Standard Consultation Recommended for the associated transmission lines. The associated transmission lines are expected to be part of a separate application in the future.[35]

59. Feedback from the public involvement program included potential impacts on water, harvesting and traditional land use and cumulative impacts. Cree Ative responded to these concerns and indicated that there were no concerns related to the brownfield site itself, but concerns were raised regarding the associated transmission lines. Cree Ative committed to continuous engagement and mitigation where possible. Northern Sunrise County provided a letter supporting the power plant.

60. The Commission is satisfied, based on review of the consultation records and there being no outstanding concerns from Northern Sunrise County and the Town of Peace River, that Cree Ative's participant involvement program achieved the objectives of consultation and notification set out in Rule 007.

3.6 Can the power plant provide electric energy to the data centre?

61. The starting point under the *Electric Utilities Act* is that all electric energy must be exchanged through the power pool, and persons wishing to obtain electric energy must purchase it from the distribution system owner. In order to provide the electric energy to the co-located data centre, the power plant must be exempt from these requirements.

[33] Exhibit 30787-X0061, Letter to AUC (agreed to commitments), PDF page 2.
[34] Exhibit 30787-X0009, Attachment I - Participant Involvement Program.
[35] Exhibit 30787-X0013, MihtaAskiy_PowerPlant_Sub_FA_04052026, PDF page 9.

62. Section 18(2) of the *Electric Utilities Act* provides that all electric energy entering or leaving the Alberta Interconnected Electric System must be exchanged through the Power Pool of Alberta unless regulations made under sections 41, 99 or 142 provide otherwise.

63. Section 101(1) of the *Electric Utilities Act* states that a person wishing to obtain electricity for use on a property must make arrangements for the purchase of electric distribution service from the owner of the electric distribution system in whose service area the property is located.

64. A person seeking to generate electric energy for their own use must therefore be exempt from these provisions under the *Electric Utilities Act*.

65. Section 2(1) of the *Electric Utilities Act* sets the forms or types of electric energy that are exempt from the operation of the *Electric Utilities Act*. Cree Ative argues that the electricity produced on site that it intends to consume on site is exempt from the *Electric Utilities Act* in accordance with the exemption found in Section 2(1)(b.1). Section 2(1)(b.1) exempts the portion of electric energy that is produced by an industrial system and that is consumed by the industrial system. For the reasons discussed in Section 4 below, the Commission denies Cree Ative's request for an industrial system designation. The power plant therefore does not fall within the exemption under Section 2(1)(b.1) of the *Electric Utilities Act*.

66. The electric energy produced by the power plant must therefore fit within another exemption. Section 2(1)(b) provides an exemption for self-supply and states that the *Electric Utilities Act* does not apply to:

> the portion of electric energy that is self-supply produced on a property of which a person is the owner or a tenant and that is consumed solely on that property by that owner or tenant, except in respect of a rate included in a tariff approved by the Commission having regard to the principle set out in section 122(2)(b)

67. Cree Ative's understanding is that the exemption in Section 2(1)(b) would not apply. This understanding appears to be based on the fact that the power plant would be connected to the Alberta Interconnected Electric System and a portion of the electric energy would be exported to that system. Cree Ative also notes that the construction will be staged, and there will be times where the site may be consuming electric energy from the Alberta Interconnected Electric System, and other times where it may be exporting electric energy.[36]

68. Cree Ative has confirmed that it will operate all components of the Mihta Askiy Data Center Project, including the power plant, electrical infrastructure and data centre,[37] and that it

[36] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF pages 23 and 24; Exhibit 30787-X0060, Response to AUC information request round 3 - Cree Ative-AUC-2026AUG06-001 to 004, PDF page 11.

[37] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 17.

will be the tenant on the project lands.[38] However, it notes that there is potential that a third party or third parties may own or lease facilities within the data centre in the future.[39]

69. The Commission notes that Section 2(1)(b) was amended in 2022 to specifically allow for a portion of the electric energy to be used for self-supply, and a portion to be exported to the Alberta Interconnected Electric System. Further, the self-supply provision does not require Commission approval to benefit from the exemption in Section 2(1)(b). The Commission therefore makes no specific finding on the applicability of Section 2(1)(b) and reminds Cree Ative that it is responsible for complying with its legislative obligations, including the exemptions to the *Electric Utilities Act*, and the requirements in sections 18(2) and 101(1) of the *Electric Utilities Act*, as applicable. This is an ongoing obligation, such that Cree Ative is responsible for continuing to comply with the legislation in the event that a third party or third parties lease facilities within the data centre in the future.

70. Given that Cree Ative anticipated the lease transfer by October 30, 2026, the Commission imposes the following condition:

i. Cree Ative Datacenter Corp. must obtain consent from the Ministry of Environment and Protected Areas to transfer the lease disposition from the current holder to Cree Ative prior to commencing construction of the power plant.

3.7 Conclusion

71. In accordance with Section 17 of the *Alberta Utilities Commission Act*, and in addition to any other matters that the Commission may or must consider, the Commission must consider whether approval of the power plant is in the public interest having regard to its social, economic, environmental and other effects. The Commission considers an application to be in the public interest if it complies with existing regulatory standards and the public benefits of the project outweigh its negative impacts.

72. Given that the power plant will result in some negative impacts, the Commission must balance these impacts against the power plant's public benefits, in order to determine whether the power plant is in the public interest. The benefits of the power plant include its ability to create long-term employment, provide economic benefits and tax revenue, its goal of supporting the preservation of Indigenous languages and heritage and developing domestic technology infrastructure.

73. The Commission finds that Cree Ative has satisfied the requirements of Rule 007 and Rule 012 and that overall, the negative impacts associated with the power plant are, with the conditions and mitigations required, outweighed by the expected public benefits of the power plant. Accordingly, the Commission finds that applications 30787-A002 and 30787-A003 are in the public interest having regard to the purposes of the *Electric Utilities Act*, the *Hydro and Electric Energy Act*, and all other relevant considerations.

[38] Exhibit 30787-X0060, Response to AUC information request round 3 - Cree Ative-AUC-2026AUG06-001 to 004, PDF page 7.

[39] Exhibit 30787-X0060, Response to AUC information request round 3 - Cree Ative-AUC-2026AUG06-001 to 004, PDF page 7.

4 Does the power plant and the 34.5-kV data centre substation meet the requirements to be designated as an industrial system?

74. This section discusses the Commission's findings on Cree Ative's application for an industrial system designation (ISD). This is the first instance where the Commission has considered an ISD application for a power plant intended to supply a data centre under the self-generation approach. For the reasons that follow, the Commission denies Cree Ative's application for an ISD.

75. When considering an ISD application, the Commission must take into account the principles and criteria set out in Section 4 of the *Hydro and Electric Energy Act*. Section 4(2) lists the principles applicable to ISD applications. Section 4(3) sets out the specific criteria for an ISD. The Commission may only designate an electric system as an industrial system under Section 4(1) if it is satisfied that all of the criteria under Section 4(3) have been met or have been substantially met.

76. Section 4(2)(a) of the *Hydro and Electric Energy Act* states the ISD must be consistent with the objective of giving appropriate economic signals so that integrated industrial processes can develop their own internal supply of electricity where that is the most economical source of generation. Cree Ative stated that it was unable to prepare an economic comparison because it is not feasible to connect to the Alberta Interconnected Electric System due to electrical supply limitations.[40] Cree Ative's application for an ISD appears to be based on a feasibility assessment, and not an economic assessment. The Commission would have to determine whether the principle in 4(2)(a) can be met based on a feasibility assessment without any accompanying economic analysis. However, given the Commission's findings on other ISD requirements, it is unnecessary to make a finding on this issue. The Commission notes that Cree Ative indicated that it intends to construct a transmission line in the future to connect to the Alberta Interconnected Electric System. The Commission also acknowledges that the policies and legislation applicable to data centres in Alberta are evolving. For example, since the application was filed, the government of Alberta published the *Data Centre Regulation*, which identifies how large data centres may meet the government's "Bring Your Own Generation" policy.

77. Given the plain language of Section 4(3) of the *Hydro and Electric Energy Act,* the Commission concludes that the power plant and data centre do not substantively satisfy most elements of Section 4(3). The *Hydro and Electric Energy Act* requires that:

- "there is a high degree of integration," Section 4(3)(a);
- "industrial operations process a feedstock, produce a primary product or manufacture a product," Section 4(3)(b);
- "the whole of the output of each component within the industrial operation is used by that operation and is necessary to constitute its final products," Section 4(3)(d); and
- "there is a high degree of integration of the management of the components and processes of the industrial operations," Section 4(3)(e).

[40] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF pages 22 and 23.

78. Cree Ative submitted that the data centre would use natural gas and the on-site generated electricity as feedstock while producing compute capacity or data processing as a primary product.[41] The Commission's typical interpretation of feedstock, as outlined in examples below, is the initial, unprocessed input to the integrated industrial process. For example, in Decision 27616-D01-2023[42] the feedstock was raw gas treated by the integrated gas plant to produce an intermediate product, natural gas, which was used as fuel for a combined cycle process. Natural gas could be considered a feedstock when used to fuel a combined cycle power generation process which produces heat, steam and electricity as intermediate products in turn consumed in the integrated industrial processes. However, electricity alone has not been considered a feedstock in prior ISD decisions, and the Commission is not persuaded in this case that electricity is a feedstock.

79. The Commission is not satisfied that data processing, data storage or compute capacity constitutes a product for the purpose of an ISD. The language used in Section 4(3)(b) requiring processing of feedstock, or producing a primary product, or manufacturing a product leads to the conclusion that the output of the industrial operation is intended to be something material or tangible.[43] Compute capacity or data processing is therefore not a primary product or a manufactured product. Even if a primary product did capture compute capacity, for example if primary product was interpreted to include any economically beneficial output of an industrial process, this would not resolve the other Section 4(3) criteria that this project does not meet.

80. The Commission is not satisfied that Section 4(3)(d) of the *Hydro and Electric Energy Act* is met. This criterion requires the whole of the output of each component within the industrial operation be used by that operation and be necessary to constitute its final products. Often this involves more than just electric energy as a solitary intermediate product that is used in creating a final product. In a typical ISD application, one product of the electrical generation system is heat, which is used directly to support industrial processes. This is an example of the high degree of integration required for an ISD; it also illustrates how the whole output of each component is used by the operation. An example of this degree of integration is present in Decision 27616-D01-2023.[44] That application involved a cogeneration power plant with about 44 per cent of the annual power production sold off-site. An ISD was approved as the Commission concluded that the additional electrical generation was necessary to produce enough heat and steam to satisfy industrial process needs, allowing the replacement of traditional natural gas-fired steam boilers and providing operational efficiencies and cost savings.

81. With this project, waste heat from the turbine generators will ultimately be captured by a steam turbine to increase the efficiency of generation, but this integration involves only power generation and is separate from the data centre. In Decision 25117-D01-2020,[45] an ISD

---

41 Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021 PDF page 31.

42 Decision 27616-D01-2023, Tidewater Midstream and Infrastructure Ltd. – Brazeau Cogeneration Plant and Industrial System Designation, Applications 27616-A001 and 27616-A002, June 29, 2023.

43 Examples of products included in approved ISDs includes cement (Decision 30316-D01-2026), bitumen (Decision 2013-308, Decision 2013-217), crude oil (Decision 2012-196, Decision 24606-D01-2019), and propylene pellets (Decision 21541-D01-2016).

44 Decision 27616-D01-2023, Tidewater Midstream and Infrastructure Ltd. – Brazeau Cogeneration Plant and Industrial System Designation, Applications 27616-A001 and 27616-A002, June 29, 2023.

45 Decision 25117-D01-2020, TA Kaybob 3 Generation Facility Inc. – Generation Facilities Applications and SemCAMS Midstream ULC – Industrial System Designation Application, Kaybob 3 Generation Facilities Project, Applications 25117-A001, 25117-A002 and 25117-A004, September 25, 2020.

application for an industrial system which included a backup generator was found not to meet Section 4(3)(d), as the only backup generator output integrated into the process was electrical energy. This suggests that Section 4(3)(d) may not be met when only one intermediate output is used for the industrial process.

82. Lastly, and perhaps most compelling as it relates to this project, sections 4(3)(a) and (e) of the *Hydro and Electric Energy Act* require the electric system to include a generating unit located on the property of the one or more industrial operations it is intended to serve, there is a high degree of integration of the electric system with one or more industrial operations the electric system forms part of and serves, there is a high degree of integration of the components of the industrial operations, and the management of the components and processes of the industrial operation also have a high degree of integration. Cree Ative stated that the primary process of the power plant is the operation of turbines through either combustion of natural gas or the resulting steam recovery to generate electricity.[46] The Commission notes that this could be descriptive of any combined cycle power plant and finds that there is no compelling evidence to suggest a high degree of integration between the power plant and the industrial operations (i.e., the data centre), or of a high degree of integration in the management of the power plant and the data centre.

83. A common type of project that qualifies for an ISD is a cogeneration project associated with an oil sands development. In this example, the on-site cogeneration power plant provides power and steam for the extraction of the feedstock, bitumen, from the oil sands reservoir, while water and gas at a central processing facility are intermediate products separated from bitumen. Then, the gas is processed and used as a fuel for the power plant, and the water is treated and used for steam generation.[47] In this configuration, the oil sands operations support the operations of the power plant, and the power plant supports the operations of the oil sands operation. There are multiple integrated loops of process energy and intermediate products feeding back and forth. This is an example of how the Commission has interpreted "a high degree of integration" in Section 4(3)(a). It also reflects a deeper integration than only producing electric energy that will be used on site. Likewise, "a high degree of integration of the management" in Section 4(3)(e) is understood to mean that the entire integrated industrial process would typically be controlled and overseen by operators and managers, often in a single control room, monitoring all aspects of the industrial process. There was no evidence provided by Cree Ative on this aspect of the project.

84. The Commission does not see operational integration of components end-to-end within the project. Unlike many approved ISD projects, where the system demonstrates a looped system of energy flow, or where the industrial operations use a byproduct of the electricity generation or vice-versa, Cree Ative's proposed system demonstrates a one-way flow of electricity, which alone does not support the existence of a "high degree of integration." This lack of a high degree of integration in the power plant and data centre project means that this project does not satisfy sections 4(3)(a) and (e).

85. Under Section 4(5)(a), if the Commission is not satisfied that sections (3)(a) to (g) have been met, it may nonetheless make an ISD if it is satisfied that:

[46] Exhibit 30787-X0043, Response to AUC information request round 1 - Cree Ative-AUC-2026JUN10-001 to 021, PDF page 26.

[47] For examples, see Decision 2013-308, Decision 2013-217 and Decision 30375-D01-2026.

- sections (3)(a) to (g) and (4) have been substantially met; and
- there is a significant and sustained increase in efficiency in a process of the industrial operation or in the production and consumption of electric energy by the industrial operation as a result of the integration of the electric system with the industrial operations the electric system forms part of and serves.

86. For the sections above where the Commission has found that the criteria have not been met, it further finds that they have not been substantially met. This is primarily because this project does not process a feedstock and does not have substantial integration between the various operations. Without processing a feedstock and operational integration, there can be no significant and sustained increase in efficiency.

87. Overall, the Commission finds that Cree Ative's ISD application does not meet the principles and criteria outlined in Section 4 of the *Hydro and Electric Energy Act*. The application for an ISD is therefore denied.

5 Decision

88. Under sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 30787-A002 and grants Cree Ative Datacenter Corp. the approval set out in Appendix 1 – Power Plant Approval 30787-D02-2026, to construct and operate the Mihta Askiy Data Center Power Plant.

89. Under sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 30787-A003 and grants Cree Ative Datacenter Corp. the permit and licence set out in Appendix 2 – Substation Permit and Licence 30787-D03-2026, to construct and operate the Sunrise Substation.

90. The appendixes will be distributed separately.

Dated on November 20, 2026.

Alberta Utilities Commission

Matthew Oliver, CD
Panel Chair

Renée Marx
Commission Member

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 30787-D01-2026 that require subsequent filings with the Commission and will be included as conditions of Approval 30787-D02-2026:

a. Once Cree Ative Datacenter Corp. has finalized the equipment selection and detailed design for each phase of the power plant, it shall file a final project update with the Commission confirming that each phase remains within the final project update allowances for thermal power plants specified in Rule 007: *Facility Applications*. Each final project update must be filed at least 90 days before the start of construction of the applicable phase.

b. As part of each final project update, Cree Ative Datacenter Corp. shall submit a noise impact assessment based on the final design and acoustic-performance information for each phase and any previously constructed or operating phases. Each final noise impact assessment must: (i) assess cumulative sound levels from the power plant and associated data centre operating concurrently; (ii) demonstrate that noise from the power plant is predicted to comply with Rule 012: *Noise Control*, including its low frequency noise requirements; and (iii) identify the mitigation measures and acoustic-performance requirements relied upon to demonstrate predicted compliance.

c. Cree Ative Datacenter Corp. shall implement the mitigation measures relied upon in the applicable final noise impact assessment, or measures providing equal or better acoustic performance. Within 30 days after each phase of the power plant and associated data centre commence operation, Cree Ative Datacenter Corp. shall file a report identifying the implemented mitigation measures for that phase, confirming whether they are consistent with those relied upon in the applicable final noise impact assessment, and describing any deviations. Where alternative measures were implemented, the report must demonstrate that they provide equal or better acoustic performance.

d. Cree Ative Datacenter Corp. shall, in each final project update, provide details of the final water supply arrangements for the power plant, including a summary of all water licences and reallocations relied upon and the associated water volumes.

e. Cree Ative Datacenter Corp. shall inform the Commission of any material changes proposed to the cooling systems, water use estimates or water sources. This information shall include the details of infrastructure, volumes of water, water sources, and applicable regulatory requirements for the changes.

g. Cree Ative Datacenter Corp. must provide details of the selected form of reclamation security and beneficiary, describe precisely how the arrangement will ensure sufficient funds are available for the power plant's decommissioning and reclamation obligations, and is able to survive owner insolvency.

The following are conditions of Decision 30787-D01-2026 that do not or may require subsequent filings with the Commission:

f. Cree Ative Datacenter Corp. must establish a form of reclamation security with a beneficiary that is designed to survive bankruptcy, and this must remain in place until the power plant is fully reclaimed. The reclamation security must be for one third of the reclamation estimate on the commercial operation date of Phase 1, and increase to two thirds of the reclamation cost estimate on year 15 after the commercial operation date, and the entire amount of the reclamation cost estimate on year 20 after the commercial operation date. The reclamation estimate is to be updated by an independent assessor every five years from the date of first commercial operation of Phase 1.

h. Cree Ative Datacenter Corp., and any subsequent operator, shall continually, and at a minimum annually, update the site-specific emergency response plan and incorporate input received from the Ministry of Forestry and Parks, Northern Sunrise County, and Alberta Environment and Protected Areas. Material updates to the emergency response plans are to be provided to the Ministry of Forestry and Parks, Northern Sunrise County, and Alberta Environment and Protected Areas.

i. Cree Ative Datacenter Corp. must obtain consent from the Ministry of Environment and Protected Areas to transfer the lease disposition from the current holder to Cree Ative prior to commencing construction of the power plant.