

**IN THE MATTER OF THE *ENVIRONMENTAL ASSESSMENT ACT*
S.B.C. 2018, c. 51 (the Act)**

AND

**IN THE MATTER OF ENVIRONMENTAL ASSESSMENT CERTIFICATE #E98-01
HELD BY WESTCOAST POWER INC. AND CU POWER CANADA LTD.**

**FOR THE
MCMAHON COGENERATION PROJECT
(PROJECT)**

**AMENDMENT 2 (AMENDMENT)
TO CERTIFICATE #E98-01**

WHEREAS:

- A. On May 29, 1991, the Minister of Energy, Mines and Petroleum Resources and the Minister of Environment issued an Energy Project Certificate, under the *Utilities Commission Act* (S.B.C. 1980, c. 60), to West Coast Energy Inc. and CU Power;
- B. The Energy Project Certificate authorized West Coast Energy Inc. and CU Power to construct and operate a 120-megawatt natural gas-fired power plant located near Taylor, British Columbia;
- C. On February 1, 1991, West Coast Energy Inc. assigned and transferred its right, title, and interest in the Project to Westcoast Power Inc. (Inc. #396600);
- D. On April 19, 1991, CU Power assigned and transferred its right, title, and interest in the Project to its wholly owned subsidiary, CU Power Canada Limited;
- E. On June 30, 1995, the former *Environmental Assessment Act* (1996) came into force, and Section 93(8) deemed that the Energy Project Certificate was issued under the *Environmental Assessment Act* and continued into force as Project Approval Certificate #E98-01;
- F. On March 31, 1998, the Minister of Environment, Lands, and Parks issued an amendment to change the holder of Project Approval Certificate # E98-01 from Westcoast Power Inc. (Inc. #396600) and CU Power Canada Limited to Westcoast Power Inc. (Inc. #302789-9) and CU Power Canada Limited;
- G. Under transition provisions in the *Environmental Assessment Act* (2018) (Act) and predecessor Acts, a Project Approval Certificate is deemed to be an Environmental Assessment Certificate (Certificate) under the Act;
- H. On April 23, 1999, CU Power Canada Limited changed its name to ATCO Power Canada Ltd. (APCAN);
- I. Heartland Generation Ltd., which purchased the shares of APCAN on September 30, 2019, is a holder of the Certificate and is the successor by amalgamation of APCAN;
- J. On August 1, 2002, per Utilities Commission Order Number G-58-02, Westcoast Power Inc. (Inc. #302789-9) transferred its ownership in the Project to McMahon Power Holdings Ltd. Partnership;

- K. On August 19, 2021, Heartland Generation Ltd. applied to the Chief Executive Assessment Officer under Section 32 of the Act to amend the Certificate to be held by Heartland Generation Ltd. and McMahon Power Holdings Inc.;
- L. Pursuant to Section 4 of the Act, the Chief Executive Assessment Officer has delegated to the undersigned, powers and duties under the Act, including the power to consider requests for Certificate amendments.

NOW THEREFORE,

I amend the Certificate as follows:

1. McMahon Power Holdings Inc. and Heartland Generation Ltd. replace Westcoast Power Inc. (Inc. #302789-9) and CU Power Canada Limited as holders of the Certificate and are responsible for upholding all Certificate terms and conditions.



Michael Shepard
Acting Deputy Chief Executive Assessment Officer
Environmental Assessment Office

Issued this 10th day of February, 2022