In the Court of Appeal of Alberta

Citation: Reference Re *Clean Electricity Regulations* (Canada), 2026 ABCA 22

Date: 20260123
Docket: 2503-0079AC
Registry: Edmonton

In the Matter of the *Clean Electricity Regulations*, SOR/2024-263, under subsection 93(1), sections 286.1 and 326, and subsection 330 (3.2) of the *Canadian Environmental Protection Act*, 1999, SC 1999, c 33

- and -

In the Matter of a Reference by the Lieutenant Governor in Council to the Court of Appeal of Alberta under the *Judicature Act*, RSA 2000, c J-2, s 26

Reasons for Decision of
The Honourable Justice Kevin Feehan

Application for Advice and Directions #4

Reasons for Decision of
The Honourable Justice Kevin Feehan

I. Introduction

[1] These directions arise out of the fourth case management Advice and Directions meeting of January 19, 2026.

II. Schedule

[2] The modified future deadlines are:

March 6, 2026	Any cross-examinations on affidavits to be completed.
April 10, 2026	The Attorney General of Quebec to advise as to the timing of the filing of Quebec's integrated energy resource management plan.
April 17, 2026	Canada to file and serve its Factum.
April 17, 2026	Those Intervenors granted permission to file evidence to file and serve their Records.
April 23, 2026	Fifth Case Management meeting to be held at 1:00 pm via Webex.
May 15, 2026	Intervenors to file and serve their Facta.
June 26, 2026	Alberta to file and serve its Reply Factum to Canada's Factum. Alberta to file and serve its Reply Factum to Intervenor Facta. Canada to file and serve its Reply Factum to Intervenor Facta.
September 3, 2026	Sixth Case Management meeting to be held at 1:00 pm via Webex.
Fall 2026, subject to approval by the Chief Justice	Date for hearing (4 days) of Reference.

III. Deadline for filing of Quebec's integrated energy resource management plan

[3] Quebec will advise in writing by April 10, 2026 if a modified deadline is required for the filing of its integrated energy resource management plan, currently scheduled to be filed with its other supplements to the Record, on April 17, 2026.

IV. Procedural Directions for Intervenor Submissions

[4] The Intervenors' submissions are subject to the following directions:

Intervenor	Factum page limit	Cover page colour	Oral submission time limit
Quebec	25 pages	Yellow	30 minutes
Ontario	25 pages	Orange	30 minutes
Saskatchewan	25 pages	Blue	30 minutes
Clean Energy Canada	15 pages	Brown	20 minutes
David Suzuki Foundation	15 pages	Magenta	20 minutes
Pembina Institute for Appropriate Development	15 pages	Purple	20 minutes
Athabasca Chipewyan First Nation	25 pages	Grey	30 minutes

V. Page Limit for Parties' Reply Facta

[5] Subject to revisiting the page limit following cross-examinations and service of intervenor facta, the page limit for Canada and Alberta's reply facta is 20 pages.

VI. Time Limit for Parties' Oral Submissions

[6] Subject to the panel's direction, the time limit for Alberta's oral submissions is set at one day and the time limit for Canada's oral submissions is set at one day.

VII. Mode of Hearing

[7] Counsel for the Intervenors the Attorney General of Quebec, Clean Energy Canada, David Suzuki Foundation, Pembina Institute for Appropriate Development and Athabasca Chipewyan First Nation expressed an interest in the opportunity to attend the hearing virtually.

[8] The decision as to the mode of hearing is deferred to the panel. After the hearing is scheduled, request for a hybrid hearing to facilitate virtual attendance should be made to the panel by submitting an Application to Change Hearing method form.

VIII. Condensed Books

[9] Pursuant to r 14.30, *Alberta Rules of Court*, Alta Reg 124/2010, Alberta, Canada, and Intervenors may each file a condensed book of key documents intended to be referred to during the oral argument. On the joint request of Canada and Alberta, the general rule regarding the inclusion of an outline in the *Consolidated Practice Directions of the Court of Appeal of Alberta*, Part G is varied for this proceeding: the parties are permitted to include in their condensed books an outline/table of contents of the oral argument of no longer than two pages that relates to the contents of the condensed book and does not constitute a supplementary factum.

[10] The timing for the provision of Condensed Books will be left for determination by the panel.

IX. Speaking Order for Hearing

[11] Subject to the panel's direction, the speaking order for the hearing is:

1. Alberta (one day);
2. Canada (one day);
3. Quebec (30 minutes);
4. Ontario (30 minutes);
5. Saskatchewan (30 minutes);
6. Clean Energy Canada (20 minutes);
7. David Suzuki Foundation (20 minutes);
8. Pembina Institute for Appropriate Development (20 minutes);
9. Athabasca Chipewyan First Nation (30 minutes);
10. Reply.

X. Matters deferred to Case Management Meeting #5, April 23, 2026

[12] The following matters will be deferred to Case Management Meeting #5 of April 23, 2026:

1. any issues arising from cross-examinations on affidavits; and
2. any issues arising from the filing of Intervenor Records.

[13] The following matters will be left for determination by the panel appointed to hear the Reference:

1. the timing for the provision of Condensed Books for the assistance of the panel;
2. start and end times for each day;
3. availability for hybrid hearing; and,
4. final determination of the speaking order and time limits for oral submissions.

Application heard on January 19, 2026

Reasons filed at Edmonton, Alberta
this 23rd day of January, 2026

Feehan J.A.

Appearances:

N. Parker
R.L. Martin
K. M. Whittleton
A.L. Ollenberger
for the Appellant, Attorney General of Alberta

S.M. Telles-Langdon
K.E. Boyd (No appearance)
D. B. Shiroky (No appearance)
J.C. Milne
for the Respondent, Attorney General of Canada

E. Owens
J.M. Hunter
for the Intervenor, Attorney General of Ontario

S. Chayer
F. Perreault (No appearance)
A. Papaioannou (No appearance)
for the Intervenor, Attorney General of Quebec

P.M. McAdam, KC
T.J. Litowski
for the Intervenor, Attorney General of Saskatchewan

K. Hille (No appearance)
L.D. Innes (No appearance)
A. Attaran
for the Intervenor, Athabasca Chipewyan First Nation

N. Chalifour (No appearance)
S.A.G. Elgie
for the Intervenor, Clean Energy Canada

C.E. Hatt
Hayden King (Student-at-law)
A.R.N. McIntosh (No appearance)
for the Intervenor, David Suzuki Foundation

M. Olszynski
A. Nanda (No appearance)
for the Intervenor, Pembina Institute for Appropriate Development