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February 19, 2025

The Honourable Steven Guilbeault,

Minister of Environment and Climate Change

The Honourable Arif Virani, Minister of Justice and Attorney General

The Honourable Jonathan Wilkinson, Minister of Energy and Natural Resources

House of Commons

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Re: Powering Canada Forward: A Clean Electricity Strategy

Dear Honourable Ministers:

The Saskatchewan Environmental Society (SES) wishes to extend heartfelt gratitude for the development of *Powering Canada Forward: A Clean Electricity Strategy*. SES recognizes that we cannot stop global warming without replacing essential energy needs from fossil fuels with clean electric power. SES applauds the vision outlined in the *Clean Electricity Strategy* for an ambitious transition to clean energy. This strategy and the recently proclaimed *Clean Electricity Regulations* (CERs) are important steps toward transforming our energy system and delivering meaningful climate action. SES also recognizes that Alberta and Saskatchewan are sowing fear, uncertainty, and politicization of our energy future. Accordingly, the SES urges the federal government to respond with a constitutional reference hearing to question and evaluate the legitimacy of the legislation in Saskatchewan and Alberta that is helping to drive this.

Saskatchewan and Alberta are undermining the objectives of the *Clean Electricity Strategy* and CERs. Politicians in both Alberta and Saskatchewan are claiming the CERs are unconstitutional. Alberta has publicly signalled its intention to challenge the CERs in court. Similarly, SES is also concerned that recently proclaimed provincial statutes (the *Saskatchewan First Act*, and the *Alberta Sovereignty within a United Canada Act*) threaten the environment and the economy, and will forestall the transition to clean renewables. The issues at stake here go well beyond electricity generation. Saskatchewan and Alberta are claiming that their respective provincial governments have exclusive jurisdiction over the regulation of greenhouse gas emissions in the oil and gas sector, the forestry sector, and the electricity generation sector. This contravenes the shared jurisdiction of the environment between federal and provincial governments and must be challenged. Both provinces are asserting that the federal government has no role to play with respect to climate change policy in these sectors, which would violate the longstanding interpretation of the Canadian constitution and seriously erode federal powers with respect to criminal law, peace, order, good governance, trade and commerce, taxation, and others. If Saskatchewan and Alberta's position is allowed to stand, the federal government's ability to achieve the national greenhouse gas reduction targets set for 2030 will also be seriously eroded.



Returning to the matter of electricity generation, the polarization and division surrounding our electricity future is growing in Saskatchewan. The province recently directed SaskPower to consider extending operation of its coal-fired generation indefinitely. SES has advocated for the shutdown of coal-fired generation in Saskatchewan for decades. SES is concerned that the Saskatchewan government intends to breach federal law by running coal well beyond 2030. SES notes that the recently re-negotiated (signed November 29, 2024) federal-provincial equivalency agreement on coal-fired generation only extends the agreement to December 31, 2026. Furthermore, the new equivalency agreement allows 29.4 MT CO_{2e} emissions from January 1, 2025 to December 31, 2026 (14.7 MT/yr), compared to the prior agreement allowing 64.5 MT CO_{2e} for the years 2025 – 2029 inclusive (12.9 MT/yr). By signalling that Saskatchewan intends to extend coal-fired generation, Saskatchewan is undermining investment in renewable energy, undermining the national ambition to decarbonize electricity, and is on course to violate the federal law.

The politicization of energy and the uncertainty around electricity generation in western Canada threatens our economy, energy security, and our international climate commitments. To address the legislative uncertainty, the Governor in Council may wish to refer to the Supreme Court of Canada a question of the constitutionality of the following pieces of legislation:


1. Clean Electricity Regulations: SOR/2024-263 (annexed under the Canadian Environmental Protection Act, 1999, S.C. 1999 c.33)
2. The Saskatchewan First Act, SS 2023, c 9
3. Alberta Sovereignty within a United Canada Act, SA 2022, c A-33.8

The rule of law is undermined by misinformation. A timely reference decision on the constitutionality of the above statutes should address legislative uncertainty and increase investor confidence in the Canadian electricity sector. As stated in the *Clean Electricity Strategy*, "We must act swiftly and decisively." Failure to address the growing uncertainty will lead to stranded assets and lost economic opportunity, not to mention escalating climate impacts.

In sum, SES welcomes the *Clean Electricity Strategy* and expresses gratitude to the Honourable Ministers and their staff. However, SES witnesses Alberta and Saskatchewan sowing fear, uncertainty, and doubt while amplifying the politicization of our energy future. Despite Saskatchewan and Alberta having some of the best wind and solar resources in the world, clean energy investor confidence here is waning. SES urges the federal government to respond with a constitutional reference hearing to determine the legitimacy of the legislations or prompt necessary revision. SES also suggests a sustained public education campaign to inform the public about the *Clean Electricity Strategy* and how the Canadian economy will benefit from this strategy. SES is prepared to contribute to such a campaign in any way that it can to help realize the vision of the Clean Electricity Strategy.


Sincerely,


Margret Asmuss, SES President


Peter Prebble, SES Board Member


Sarah Valentine, SES Board Member


Glenn Wright, SES Board Member


Oluwamuyiwa Ajileye,
SES Youth Affiliate