



COURT FILE NUMBER           **1801 – 16746**

COURT                           **COURT OF QUEEN'S BENCH OF ALBERTA**

JUDICIAL CENTRE           **CALGARY**

PLAINTIFFS                   **ALTIUS ROYALTY CORPORATION, GENESEE ROYALTY LIMITED PARTNERSHIP and GENESEE ROYALTY GP INC.**

DEFENDANTS                 **HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA and ATTORNEY GENERAL OF CANADA**

DOCUMENT                  **RESPONSE TO REQUEST FOR PARTICULARS**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT   **Code Hunter LLP**  
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**TAKE NOTICE THAT** the Plaintiffs, ALTIUS ROYALTY CORPORATION, GENESEE ROYALTY LIMITED PARTNERSHIP and GENESEE ROYALTY GP INC., hereby reply to the Request for Particulars of the Defendant, HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA, as follows:

1. Genesee Royalty Limited Partnership acquired its royalty interest from Prairie Mines & Royalty ULC.
2. The parties to the 24 April 2014 Second Amended and Restated Genesee Coal Mine Dedication and Unitization Agreement, as amended, are as follow:
  - (a) Capital Power LP;
  - (b) Prairie Mines & Royalty ULC;
  - (c) a joint venture comprised of Capital Power LP and Prairie Mines & Royalty ULC;  
and
  - (d) Genesee Royalty Limited Partnership.

3. The particular representation relied on by Altius Royalty Corporation in acquiring the royalty interest is found at paragraph 41 of its Amended Statement of Claim. Additionally, Altius Royalty Corporation understood that Alberta:
  - (a) had a highly competitive business and tax environment;
  - (b) was projected to continue its strong economic growth;
  - (c) held a Triple A credit rating since 2001;
  - (d) respected property rights;
  - (e) was one of the most economically free jurisdictions in North America;
  - (f) had transparent expropriation laws and fair awards of resulting compensation;
  - (g) was one of the world's top investment destinations; and
  - (h) did not have a law or policy which sought to phase out coal-fired electrical generation earlier than as contemplated by the Regulations.
  
4. The benefits that Alberta will obtain are of the sort set out in the "Regulatory Impact Analysis Statement" referenced at paragraph 39 of the Amended Statement of Claim. For further particulars, discovery is required as that information is within the Defendants' knowledge.