



Plains Midstream Canada ULC

March 31, 2025

BY ELECTRONIC FILING

Attn: [REDACTED]
Canada Energy Regulator

Re: Plains Comments on the Review of the Onshore Pipeline Regulations and Filing Manuals

Plains Midstream Canada ULC and Aurora Pipeline Company Ltd. ("Plains") are pleased to provide comments on the Canada Energy Regulator's (CER) proposed changes to the: Onshore Pipeline Regulations (OPR) as well as the Environmental and Socio-economic Assessment and Land sections of the Filing Manuals (FM). Over the public comment period announced by the CER, Plains has engaged relevant internal stakeholders to review the updated regulatory processes that will impact the company and its assets.

Plains appreciates the CER's commitment to engaging industry in conducting a thorough review of the OPR and the accompanying FMs. This review and engagement opportunity represents an important opportunity to enhance the regulatory framework governing pipeline operations in Canada. However, Plains aligns with the perspectives shared by Energy Connections Canada (ECC) and our industry peers, particularly regarding the need for regulatory efficiency and clarity. The current regulatory environment, characterized by uncertainty, delays, and inefficiencies, poses significant challenges. The proposed changes to the OPR risk exacerbating these issues by introducing additional regulatory burdens without clear evidence of benefits.

The timing of this review presents the CER with an important opportunity to implement meaningful regulatory reform that could improve Canada's investment climate. Such reform is essential to ensure domestic energy security and enable Canadian energy to reach global markets. To remain competitive in global energy markets, Canada must ensure its regulatory framework is efficient, predictable, and aligned with international standards.

Regulatory Efficiency

The existing regulatory framework, which relies on comprehensive and effective tools such as management systems, guidance, and compliance mechanisms, has proven to be robust and adaptable. The OPR in its current form is an efficient regulatory tool that addresses the unique hazards associated with pipelines while protecting the environment, safety, and security of Canadians. Plains believes these tools and the current OPR structure should remain the foundation of the CER's approach to regulating pipeline operations, as they provide the necessary flexibility and effectiveness without introducing unnecessary prescriptive changes.

Plains shares the concerns raised by ECC and industry stakeholders regarding the potential for duplication of efforts under the proposed changes. Many of the new requirements appear to overlap with existing regulatory obligations, including management system processes, national codes and standards, and areas of provincial jurisdiction. This duplication could lead to inefficiencies for both operators and the CER. Streamlining these requirements would reduce administrative burden while maintaining the integrity of the regulatory framework.



Additionally, Plains notes that the current themes and the suggested language within the Topic Papers, in some instances, are overly prescriptive. Greater clarity and flexibility in the language would help operators better align with the CER's objectives while addressing operational realities. Prescriptive requirements, especially at a time when laws and policies are evolving, may hinder effective solutions to complex problems. They could also lead to the creation of programs that are more relevant to specific phases of a pipeline's lifecycle (e.g., construction) but must be maintained throughout the pipeline's lifecycle, regardless of need. This would result in increased costs for little benefit, further disadvantaging federally regulated pipelines as they compete against pipelines in jurisdictions with more streamlined regulatory regimes.

Indigenous Reconciliation

Plains supports the CER's commitment to advancing reconciliation and implementing Rights of Indigenous Peoples, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the OPR. While Plains recognizes this as a key driver of the OPR review, Plains believes relationships with Indigenous communities are best managed through direct engagement, mutual respect and collaboration - approaches that have been successfully practiced for years without prescriptive regulation. This relationship development, which includes helping communities receive meaningful benefits, represents both responsible development and good business practices. However, Plains maintains that regulation of these relationships falls outside the CER's mandate.

Plains acknowledges the thoughtful considerations throughout Topic Papers I, K and M, which propose the creation of an Indigenous protection program, new management system requirement for identification of Indigenous laws and policies, and a socio-economic protection program. While these proposals are well-intentioned, the CER should carefully consider whether the OPR and the existing FMs, in their current form, already achieve the desired outcomes. In Plains' view, they do, as evidenced through the responsible operation of pipeline systems.

The current themes and suggested language within the Topic Papers lack clarity, particularly with respect to the reference to Indigenous Laws and Policies. Clear definitions and guidance from the CER would help operators better understand their obligations and ensure consistent interpretation and implementation across the industry. Without such clarity, there is a risk of inconsistent interpretations by operators, Indigenous People, and auditors, which could lead to challenges in compliance and enforcement.

Lack of Data and Clarity

Plains echoes ECC's recommendation that the CER provide quantitative data to support the objectives outlined in the topic papers. Data is essential to identify whether there is a gap requiring regulatory change, explore alternative solutions, and measure the effectiveness of proposed changes over time. Without clear data, it is difficult to assess whether the proposed changes will achieve the intended outcomes or if they are the most efficient way to address the identified issues.

Furthermore, Plains is concerned about the lack of clarity regarding the specific gaps the CER is aiming to address with the proposed changes. Greater transparency on the rationale behind these changes, including the identified gaps in the current framework, would help stakeholders better understand the need for the revisions and ensure that the proposed changes are targeted, effective, and aligned with the CER's objectives.

Conclusion

Plains supports the development, review, and update of compliance requirements, as well as service standards or other guidance provided by the CER. Properly designed, regulatory documents such as these enhance federal regulatory process clarity, predictability, and timing certainty. Please consider the comments and suggestions raised by Plains and its various stakeholders when undergoing the final review of the OPR and the FMs.



Sincerely,

Plains Midstream Canada ULC