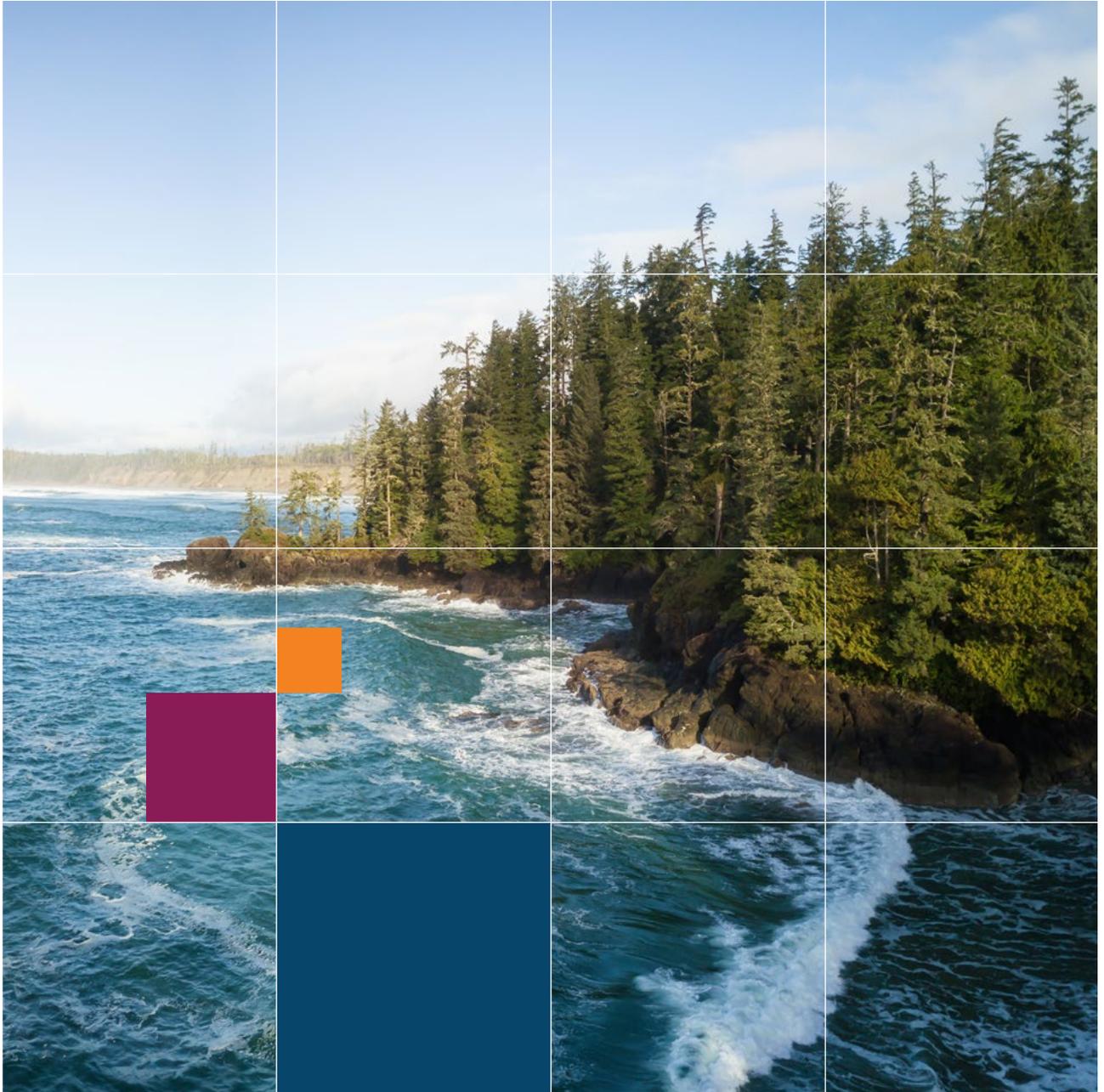




Canada Energy  
Regulator

Régie de l'énergie  
du Canada

# 2022-23 Annual Report of the Commission of the Canada Energy Regulator



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Cat No. NE2-25E-PDF  
ISSN 2563-3171  
Key title: Annual Report of the Commission of the Canada Energy Regulator.

This report is published separately in both official languages. This publication is available upon request in multiple formats.

### Copies are available on request from:

The Publications Office  
Canada Energy Regulator  
Suite 210, 517 Tenth Avenue SW  
Calgary, Alberta, T2R 0A8

E-Mail: [publications@cer-rec.gc.ca](mailto:publications@cer-rec.gc.ca)  
Fax: 403-292-5503  
Phone: 1-800-899-1265

For pick-up at the office:  
Library  
2nd floor  
Printed in Canada

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N° de cat. NE2-25F-PDF  
ISSN 2563-318X  
Key title: Rapport annuel... de la Commission de la Régie de l'énergie du Canada.

Ce rapport est publié séparément dans les deux langues officielles. On peut obtenir cette publication sur supports multiples, sur demande.

### Demandes d'exemplaires:

Bureau des publications  
Régie de l'énergie du Canada  
517, Dixième Avenue S.-O., bureau 210  
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Courrier électronique : [publications@cer-rec.gc.ca](mailto:publications@cer-rec.gc.ca)  
Fax : 403-292-5503  
Téléphone : 1-800-899-1265

Des exemplaires sont également disponibles à la bibliothèque  
Deuxième étage  
Imprimé au Canada



# Table of Contents

|   |    |
|---|----|
| Message from the Lead Commissioner . . . . .  | 1  |
| Role of the Commission. . . . .   | 3  |
| The Commission’s achievements in 2022-23 . . . . .  | 4  |
| What the Future Holds . . . . .   | 9  |
| Appendix A: Commissioner Biographies . . . . .  | 11 |
| Appendix B: Application Activity . . . . .  | 14 |
| Appendix C: Summary of Released Commission Decisions, Recommendations and<br>In Progress Hearing Applications . . . . . | 20 |
| Appendix D: Time Limits . . . . .   | 26 |
| Appendix E: Leave to Open Orders Issued . . . . .   | 29 |
| Appendix F: Commission Orders and Directions . . . . .  | 30 |
| Appendix G: Post-Approval Condition Compliance Filings and Decisions . . . . .  | 32 |
| Appendix H: Compensation Applications . . . . .   | 34 |
| Appendix I: Abandonment Funding and Set-Asides. . . . .   | 35 |
| Appendix J: Financial Resources Requirements. . . . .   | 39 |
| Appendix K: Abbreviations and Definitions . . . . .   | 43 |

## Note:

The *2022-23 Annual Report of the Commission of the Canada Energy Regulator* is one of three **Annual Report documents that summarize the Canada Energy Regulator’s achievements of the past year**. To learn more about the work of the Canada Energy Regulator as a whole, please see the *2022-23 Annual Report of the Canada Energy Regulator*, or the *Departmental Results Report 2022-23* (to be published in fall 2023).

# Message from the Lead Commissioner

On behalf of the Commission of the Canada Energy Regulator, I am pleased to submit to the Honourable Jonathan Wilkinson, Minister of Natural Resources, and to Canadians, the 2022-23 Annual Report of the Commission of the Canada Energy Regulator (CER).

The Commission and its mandate are defined in the *Canadian Energy Regulator Act* (CER Act). The Commission's independence in the exercise of its adjudicative functions is a feature of the CER's governance structure, now in its fourth year. This report is a full year account of the Commission's 2022-23 activities in fulfilling its mandate pursuant to governing legislation, including the CER Act, the *Canada Oil and Gas Operations Act* and the *Canada Petroleum Resources Act*.

Mid way through this reporting year, on 28 August 2022, I was appointed Lead Commissioner. I would like to acknowledge the contributions of my predecessor Damien Côté, who finished his term with the Commission after a combined six years of service, first with the National Energy Board and then with the CER. Damien's role in steering the Commission forward from the time of its inception in 2019 cannot be overstated. On behalf of my colleagues, I thank Lead Commissioner Côté for his leadership, his commitment, and his service to the CER and to Canada.

The Commission's productivity and breadth of work is shown through the issuance of its 738 decisions released this past year, with respect to a range of energy project applications, economic and lifecycle regulation. While our work for the year is described in greater detail in the report which follows, as Lead Commissioner I would highlight the following milestones and achievements.

On 25 May 2022, the Commission released its recommendation report for the NOVA Gas Transmission Ltd. West Path Delivery 2023 Project, the first hearing process conducted entirely under the CER Act for a certificate of public convenience and necessity, which the Governor in Council subsequently approved on 20 November 2022. The second such major facilities application, the NorthRiver Midstream NEBC Connector Project, is currently before the Commission for consideration.



As COVID-19 restrictions began to be lifted, the Commission was able to adjust its adjudicative processes to return to elements of in-person work, while maintaining the accessibility that virtual and hybrid processes has afforded Commissioners, CER staff and hearing participants during the pandemic. For the NEBC Connector Project, we held our first in-person activities with Oral Indigenous Knowledge sessions in Fort St. John, British Columbia, on 24-27 January 2023 and convened a subsequent in-person technical workshop related to the same hearing in Grande Prairie in February. Earlier in the year, the return to office allowed Commissioners to convene, and CER staff to participate in, several toll and tariff proceedings from our hearing room in Calgary. It was good to be back, and we look forward to the return of hearing parties and the public to our hearing room in the coming year.

All applications for pipelines, powerlines, tolls, and tariffs and other matters before the Commission are adjudicated using transparent and accessible processes. The Commission intends to rely on a range of hearing formats and technology going forward, as the circumstances permit, taking into account the requirements of natural justice, procedural fairness, the CER's strategic priority of Reconciliation with Canada's Indigenous Peoples, and the safety, efficiency and accessibility of our hearings.

In addition to facilities applications and toll and tariff matters, the Commission is tasked with ongoing regulatory oversight of approved facilities. Condition compliance related to pipelines currently under construction, including the Trans Mountain Expansion Project, remains a significant part of our workload. We are also regularly reviewing the assessment of financial resource requirements of pipeline companies as well as the requirements for setting aside funds in relation to the future abandonment of their facilities. Canadians will hear more from the Commission in the coming months with respect to the work undertaken this year to update Abandonment Cost Estimates for CER-regulated pipelines.

Through the Commission's hearing processes, we hear from local communities, Indigenous Peoples, and the companies we regulate, all of whom consistently offer a range of ideas, concerns, improvements, and considerations to help us make more informed decisions on matters important to Canadians.

Over the past year the Commission has released numerous updates to the CER Filing Manual, including guidance to support the Government of Canada's 2050 net-zero emission targets. The Filing Manual helps applicants navigate evolving regulatory requirements and is a key tool to communicate when regulatory expectations, such as net-zero targets, are put into action. The Filing Manual is continually updated with input from industry, Indigenous advisory groups, Environment and Climate Change Canada and other interested parties.

During the 2022-23 reporting year, the Commission contributed to the CER's Strategic Priorities by meeting all service standard timelines (the expected length of time to reach a decision once an application is deemed complete) and legislated timelines (the maximum time allocated to reach a decision under the CER Act). This important achievement supports the Strategic Priority to enhance Canada's global competitiveness through transparency, predictability, and efficiency throughout the regulatory lifecycle, and is in keeping with the priorities set out by the Minister or Natural Resources Canada's letter addressed to the CER's Board Chairperson on 1 February 2023.<sup>1</sup>

These are but a sample of the work and the decisions completed by the Commission this past year. While applications for new major pipelines may not command Canadians' attention as they did in recent years, we remain quite busy as a regulatory body comprised of seven (or at times six) decision-makers. Maintaining the trust and confidence of Canadians as we deliver on the CER's core function of regulatory decision-making remains a priority for the Commission. With a full complement of Commissioners planned for the upcoming year, the Commission will continue to deliver on service standards and legislated timelines and will remain focused on making process improvements to promote regulatory efficiencies.

I am grateful for my colleagues who continue to undertake new challenges in a spirit of openness and fairness. I would also like to acknowledge and thank CER staff and leadership for their tremendous support over the past year. Their wise counsel and invaluable expertise provide a solid foundation on which the Commission can carry out its adjudicative duties. In this my first year as Lead Commissioner, I am proud of what we have accomplished together.

Original signed by

Mark Watton, Lead Commissioner  
Canada Energy Regulator

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<sup>1</sup> The letter from the Minister is found on the CER website at <https://www.cer-rec.gc.ca/en/about/news-room/whats-new/2023/minister-letter-to-cer-1-february-2023.pdf>



## Role of the Commission

The Commission renders decisions pursuant to its mandate as set out in the CER Act and other legislation. In its adjudicative role, it adheres to the purpose and provisions of the CER Act, while recognizing and respecting the rights of Indigenous Peoples protected by section 35 of the *Constitution Act, 1982*<sup>2</sup>. The Commission adheres to the requirements found in Part III of the *Official Languages Act*<sup>3</sup>, as well as the rules of natural justice and relevant jurisprudence.

The Commission is responsible for adjudicative decisions and operates as a quasi-judicial body that is at arm's length from other branches of the CER governance structure as well as from and the Government of Canada. The Commission is part of the CER and, although its adjudicative role is independent, it contributes to the overall effective delivery of the CER's mandate, the CER's Strategic Priorities, and corporate outcomes, where applicable.

Pursuant to the CER Act, neither the Board of Directors nor the Chief Executive Officer (CEO) may provide direction (nor advice, in the case of the Board) with respect to any decision, order, or recommendation that is made by the Commission or a Commissioner. Additionally, interactions with the Indigenous Advisory Committee are governed by the Protocol for Protection of Adjudicative Independence of the Commission.

The Commission has all the powers, rights and privileges vested in a superior court of record with respect to any matters within its jurisdiction. It can adjudicate (including on its own initiative) any matter where a person has done or failed to do anything required by the CER Act and can also inquire into any incident involving a pipeline or other CER-regulated facility.

The Commission has the power to make orders for the enforcement of its decisions. It may make rules for carrying out its work and managing its internal affairs, including rules respecting the powers, duties and functions of Commissioners; its procedures and practices; its sittings; and its decisions, orders, and recommendations.

In 2022-23, the Commission consisted of seven full-time Commissioners from April to August 2022, and then six full-time Commissioners from August 2022 to March 2023. Commissioners are appointed by the Governor in Council (GIC), including the Lead Commissioner and Deputy Lead Commissioner. For more details on the CER's Commissioners, please refer to [Appendix A](#) - Commissioner Biographies.

<sup>2</sup> Indigenous Peoples has the meaning assigned by definition aboriginal peoples in subsection 35(2) of the *Constitution Act, 1982*, enacted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K).

<sup>3</sup> R.S.C., 1985, c.31 (4<sup>th</sup> Supp.).



# The Commission's achievements in 2022-23

## Improving Regulatory Proceedings

Under the CER Act, the Lead Commissioner sets service standards for the completion of section 214 applications and time limits for other types of applications, which must not exceed the maximum number of days specified in the CER Act. The CER and the Commission continually pursue efficiency gains and process enhancements to meet legislated time limits. In 2022-23, the Commission exceeded all service standards and legislated time limits, achieving a success rate of 100% on all service standards and legislated time limits. [Appendix D](#) provides further detail on applications that were subject to these service standards and time limits.

These goals were achieved in an environment where timely decisions are required to ensure the Canadian energy sector remains globally competitive, as aligned with the CER's Strategic Priorities, while preserving Canada's reputation as a responsible energy producer that respects safety, the environment, and the rights of all interested parties, including Indigenous Peoples and others.

The Commission attributes this success to its continual monitoring of application timelines and its attention to communicating regulatory expectations to proponents throughout the application process.

During 2022-23, the CER introduced an Applications Dashboard which provides a quick-access portal that applicants, hearing participants and interested parties can consult to interact with application timelines, major milestones (past and upcoming), documents, related forms, and regulatory requirements. This new tool has been rolled out to some application types, with more being added in the future. The Applications Dashboard increases transparency and certainty regarding the CER's and Commission's expectations during the application process.

A purpose of the CER Act as stated in section 6 is to regulate certain energy matters and to ensure regulatory hearings and decision-making processes are fair, inclusive, transparent, and efficient, as defined in paragraph 6(d). Following the Fall 2022 hearing schedule, the Commission focused its attention on how hearing formats have evolved since COVID-19 with respect to virtual, hybrid and in-person hearings. The Commission conducted research and gathered learnings on how other adjudicators adapted their hearing formats as health restrictions eased and will continue to refine technologies and define best-fit formats for hearings, workshops, and information sessions.

Workshops and information sessions provide a valuable tool to gain input from interested parties, stakeholders, and Indigenous Peoples on the impacts of a project. The Commission employs these processes to inform its understanding of the issues, possible mitigation strategies, cumulative effects, and to collect local knowledge in affected areas. All these processes were employed on the NorthRiver Midstream NEBC Connector Project, which included a Workshop on Process and List of Issues; a multiday Technical Workshop on Cumulative Effects; and a Technical Workshop on the Revised Offset Plan.

During the 2022-23 reporting period, the Commission released its Draft Phase 1 Report on Abandonment Cost Estimates and Set-Aside and Collection Mechanisms, which was posted for comment on 24 February 2023. The Commission undertakes a regular review of abandonment funds every five years to ensure that each pipeline company regulated by the CER can safely cease operations of pipelines when the time comes, and they can fund continued monitoring upon abandonment. This five-year review cycle began in 2021 and included a series of comment processes and workshops to discuss the development of a new calculation method that companies would use to set aside funds for the abandonment of their pipelines. It is important to note that the list of participants and commentators in this process expands beyond affected companies to include landowners and Indigenous Peoples who may be affected.

Also, during the reporting period the Federal Court of Canada dismissed an appeal filed in 2021 in relation to the Commission's decision on the implementation and tracking of commitments made in connection with the Manitoba Hydro – Manitoba-Minnesota Transmission Project (MMTP).<sup>4</sup> The MMTP had been recommended for GIC approval by the National Energy Board on 15 November 2018, and GIC approved the project on 14 June 2019. The Federal Court of Appeal's decision upheld the Commission's decision. This appeal dismissal illustrates that the Commission makes thorough and balanced decisions, which contribute to achieving the expectations laid out in the CER's Departmental Results Framework.

Transparency is a key pillar of delivering fair adjudicative processes. The Commission began planning for a comprehensive review of the National Energy Board Rules of Practice and Procedure, 1995 (the Rules), as authorized by the CER Act, to better align with the CER Act, including meeting objectives outlined in the Act's preamble. The Rules govern the procedures to be followed during Commission proceedings and sets out the mechanisms for complaints, the conduct of public hearings and determining the way applications are assessed. The goal is to thoughtfully modernize related practices and procedures, including enhancing competitiveness through predictable and timely processes. Public engagement will be a key aspect of the Rules update.

The Commission also engaged in regular dialogues with counterparts across Canada and the globe, and continued attending meetings, conferences, webinars and other educational offerings such as Canada's Energy and Utility Regulators Association, the United States' National Association of Regulatory Utility Commissioners, the Canadian Institute for Administration of Justice, and the Canadian Council of Administrative Tribunals. Additionally, participation in organizations such as the Council of Federal Tribunal Chairs, the network of French-speaking energy regulators, and other networks of energy mandated adjudicative bodies has benefited the Commission by providing a setting for dialogue, learning, and the sharing of best practices. These connections also enable Commissioners to tap into the expertise from others in the regulatory community while sharing their own expertise with these valuable organizations.

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4 Manitoba Métis Federation Inc. v. The Canada Energy Regulator and The Manitoba Hydro-Electric Board 2023 FCA 24.

## Highlights from Regulatory Proceedings

During 2022–23, Commissioners adjudicated and released 738 decisions on applications related to pipelines, powerlines, tolls and tariffs, export and import licences, exploration and production, leave to open and other matters that spanned the energy infrastructure lifecycle. [Appendix B](#) (Application Activity) and [Appendix C](#) (Summary of Released Commission Decisions, Recommendations and In Progress Hearing Applications) provide additional details.

Below is the 2022-23 summary of CER Commission decisions and recommendations:



**88**

Infrastructure decisions



**14**

Tolls and Tariffs decisions



**553**

Export and Import decisions



**11**

Exploration and Production decisions



**30**

Other decisions

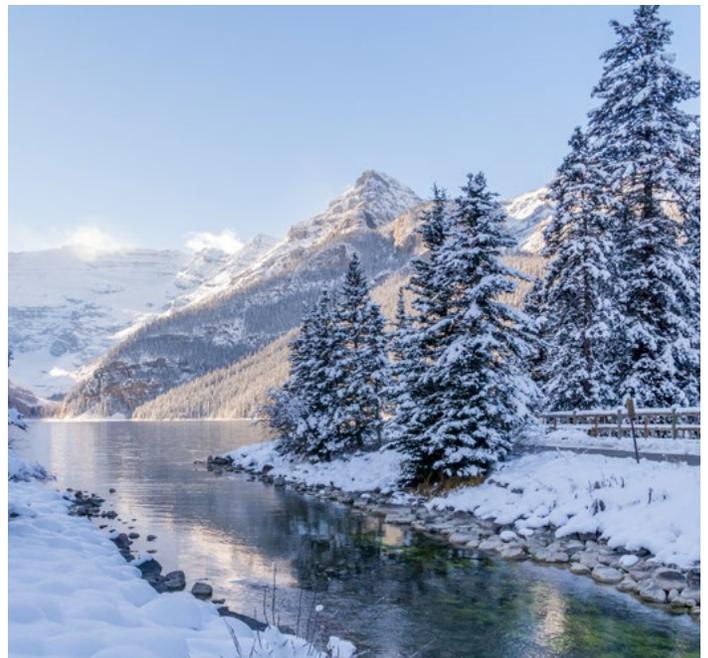


**42**

Leave to Open orders

The overall number of applications reviewed by the Commission decreased in 2022-23 (738 decisions compared to 771 decisions in 2021-22). The largest reduction in applications was noted in the infrastructure category, followed by tolls and tariffs decisions, and export and import applications being filed with the CER. Offsetting this difference was an increase in the complexity of both infrastructure and tolls and tariff applications, and the assessment steps required to ensure robust consultation with Indigenous Peoples, concerned stakeholders and impacted parties.

While the appendices contain further information related to all Commission decisions and recommendations, some highlights are provided below.



During 2022-23, the largest ongoing construction project that the CER oversaw – the Trans Mountain Expansion Project – continued construction activities across all pipeline spreads, including at terminals and pump stations. Oversight also continued for construction activities on three major NOVA Gas Transmission Line (NGTL) projects during this period, including NGTL’s 2021 System Expansion Project (NGTL 2021), the Edson Mainline Expansion Project, and the North Corridor Expansion Project. NGTL’s construction on both the 2021 and Edson Mainline projects concluded this past fiscal year.

During the post-approval and construction phases of projects, the Commission adjudicates on an assortment of condition compliance activities and all variance requests. Conditions are attached to most Commission decisions whether related to legislated requirements, CER regulations, the terms and conditions of service or as outlined in a decision or order. During the reporting period, the CER received 1357 post-approval compliance documents, some of which required Commission decisions. [Appendix G](#) provides a detailed breakdown of the compliance documents submitted.



In situations of unsatisfactory compliance with conditions, Commission orders or decisions, or provisions of legislation or regulations, an Administrative Monetary Penalties (AMP) Officer may issue a notice of violation (NOV) with a penalty against a non-compliant company or individual. If the company or individual requests a review of the violation and / or the penalty, the Commission is required to hear the matter. On 22 March 2022, Trans Mountain Expansion Project requested the review of an NOV and \$88,000 penalty issued to it on 24 February 2022, which was the first AMP review hearing conducted by the Commission since the establishment of the CER in 2019. The Commission held a proceeding to review this request, and on 22 December 2022 issued its decision upholding the AMP, but reduced the penalty to \$4,000.

Proposed projects and developments can also impact landowners. Since the CER’s inception and within its jurisdictional boundaries, affected parties including landowners, can submit compensation disputes for a decision by the Commission. During 2022-23, the CER received four applications related to compensation disputes. Including applications submitted in previous years, there were two active compensation applications with assigned Panels, two applications were in adjournment, two applications were withdrawn, two were placed in abeyance at the applicant’s request, and two applications in the preliminary comment process as of 31 March 2023. Please see [Appendix H](#) for more information on compensation disputes.

The Commission also regulates pipeline tolls and tariffs under its jurisdiction to ensure they are just and reasonable. In 2022-23, the Commission adjudicated several tolls and tariff complaint applications, including an application by CNOOC Marketing Canada (CNOOC), that requested the Commission determine CNOOC's right to access certain facilities at Trans Mountain's Edmonton Terminal and whether those rights were being unfairly impeded, as further described in [Appendix C](#). The hearing and final oral argument was the first held by the Commission in person since the easing of the pandemic restrictions. The Commission chose a hybrid hearing format where parties attended both virtually and in person while members of the Commission and CER staff attended in person.

As the complaint involved an alleged denial of access, the Commission was mindful of the impact the length of the hearing would have on participants. In response, the Commission chose to deal with the process steps expeditiously to shorten the overall hearing length. These types of process efficiencies will be considered for future applications, when appropriate.

Companies are required to seek permission from the Commission before opening a pipeline or a section of pipeline for the transmission of hydrocarbons or any other commodity. The Commission issued 42 Leave to Open Orders in 2022-23 to nine different companies related to 18 different projects. Applications for leave to open are made after approved construction on a facility segment is complete and the company can demonstrate that the facility can begin operations safely.

The Commission also plays an important role in the CER's safety and environment oversight. The Commission can issue Directions or Orders to ensure the safety and security of persons and facilities and/or for the protection of property or the environment. In 2022-23, the Commission issued one order in relation to safety, while four orders issued in previous fiscal years were still active and being monitored by the CER. [Appendix F](#) provides more information on these orders as of 31 March 2023.

During this reporting period, it should be noted that there were no assessments ongoing or completed for applications designated under the *Impact Assessment Act*, which would require a joint review with the Impact Assessment Agency. The Commission stands ready to undertake any joint reviews with the Agency should any such projects be submitted in the future.





## What the Future Holds

The role of energy in Canada, and across the world, is evolving. The trend to more sustainable and greener energy will continue as the goal of net-zero emissions, defined by the *Canadian Net-Zero Emissions Accountability Act*, is put into action. The CER Act has provisions to ensure more sustainable energy development. Subsections 183 (2) and 262 (2) state that the Commission, when deciding to issue a certificate for a pipeline or powerline, respectively, must consider the extent to which the effects of the pipeline or powerline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.

Future revisions to the Filing Manual, as planned for 2023-24, will outline and refine criteria for both the Commission and applicants to consider as projects are planned and adjudicated to support net-zero emission goals. During this transition, the Commission will continue to ensure that Canadians are provided safe and dependable transport of energy, while providing certainty, transparency, efficiency, and enhanced guidance for industry and Canadians.

The energy transition to low carbon is also being modelled by the CER for inclusion in its Energy Futures reports. While this work is being undertaken by the CER rather than the Commission, these models help all Canadians anticipate potential energy shifts and new technologies and provide a window to future energy applications. This forward-looking information helps the Commission proactively gather insights as regulatory procedures, best practices and new insights develop and evolve. The information will also support updates to Filing Manual guidance.

It should be noted that during the reporting period the Commission did not receive any applications for offshore renewable energy or carbon capture projects. Applications for hydrogen pipelines that cross international or inter-provincial borders are within the CER's mandate for regulatory oversight; however, no such applications have been received to date. It is expected that the Commission's role in this area will likely grow over time.

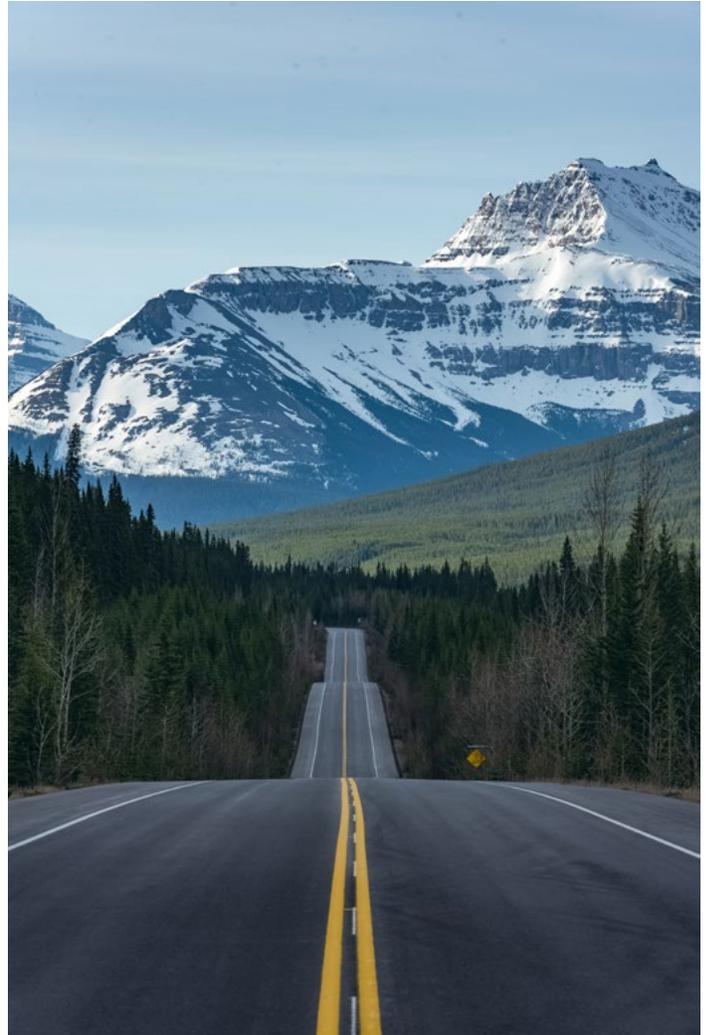
As with all its processes, the Commission will continue its practice of collecting "lessons learned" to determine improvements to its systems and processes, which includes implementing learnings from its work with Indigenous Peoples and stakeholders, growing and building relationships, and furthering the Government of Canada's journey towards Reconciliation. The Commission will provide respectful and effective ways of hearing and considering Indigenous knowledge in its proceedings and decisions and will utilize learnings from past processes.

As an expert tribunal, the Commission will also continue to build expertise by staying on top of leading developments in the energy, regulatory, and adjudicative spaces and by ensuring involvement in annual continuing education. This includes learning from its collective experiences to improve and refine its hearing formats. The Commission will also strive to identify, reduce, and where feasible, remove barriers to accessibility in the hearing environment, as guided by the CER's Accessibility Plan.

The Commission will continue to increase process efficiencies while also looking at new ways to achieve this goal. To achieve this, some of its processes provide flexibility which can greatly reduce administrative burden. For example, using Alternate Dispute Resolution (ADR) allows CER staff to act as a mediator on certain files, such as compensation matters, which often results in settlement and enables parties to achieve outcomes prior to the need for the Commission to adjudicate on an application. The Commission also considered several applications filed pursuant to the Negotiated Settlement Guidelines in 2022-23. These Guidelines provide a framework to expeditiously consider applications when toll applications are negotiated in advance and are unopposed by parties. These efficiencies in turn foster competitiveness and innovation within the Commission's processes, and this will continue in the coming year.

The Commission will also continue to use early engagement and agreement tools such as the above noted Negotiated Settlement Guidelines and technical workshops to assist in resolving issues early on, and incorporating inputs from Indigenous Peoples and stakeholders into designs and mitigations as ways to support streamlined processes.

Many of the Commission's ongoing initiatives were mentioned in a recent letter to the CER Chairperson from the Minister of Natural Resources.<sup>5</sup> This letter highlighted that the Commission is a leader in managing the public interest with government priorities. The Commission will continue to focus on working to ensure safe and efficient delivery of energy to Canada and the world, protecting the environment, enhancing Canada's global competitiveness, and recognizing and respecting the rights of landowners, Indigenous Peoples, and regulated companies, within the mandate set by Parliament.



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5 The letter from the Minister is found on the CER website at <https://www.cer-rec.gc.ca/en/about/news-room/whats-new/2023/minister-letter-to-cer-1-february-2023.pdf>

# Appendix A: Commissioner Biographies



## **Mark Watton, Lead Commissioner**

Mark Watton was named Lead Commissioner in August 2022. He was first appointed as a Canada Energy Regulator (CER) Commissioner in 2019. Mark Watton has twenty-five years of experience in government and public policy development, litigation and regulatory law. First called to the bar in Ontario, he practiced as a litigator in the Toronto office of Fasken Martineau DuMoulin before relocating to Calgary to join the CER's predecessor, the National Energy Board, as legal counsel, where he advised on multiple major project applications. Before he was appointed a Commissioner with the CER, he held the position of Senior Legal Counsel with TC Energy. He has also worked in executive and policy advisory roles for numerous cabinet ministers in several federal government departments and the Prime Minister's office. He graduated from Dalhousie University Law School (LL.B.) with specializations in Marine Law and Business Law. Mr. Watton also holds a Bachelor of Social Sciences (Political Science) from the University of Ottawa and is a member of the Alberta Law Society.



## **Kathy Penney, Deputy Lead Commissioner**

Kathy Penney was a permanent member of the Canadian Nuclear Safety Commission until her appointment as a Commissioner. She has over 25 years of regulatory, environmental, health and safety (HSE) experience in the public and private sectors. Ms. Penney has expertise in environmental assessments, HSE assurance and compliance processes, quasi-judicial and federal government project hearings, community consultation, and engagement with Indigenous Peoples. Her career includes roles with Jacques Whitford, in Newfoundland and Labrador and in Western Canada, and with Royal Dutch Shell, both in Canada and in Australia. Recently she was on the Assessment Review Board for the Rocky View County. She holds a Master of Science from the University of British Columbia and a Bachelor of Science from the University of Toronto. Ms. Penney is a Pearson College scholar and holds an Executive Management Certificate from Queen's University.



### **Mélanie Chartier, Commissioner**

Mélanie Chartier is a lawyer, with more than 20 years of experience in a variety of areas, including aboriginal, environmental, and administrative law, having practiced primarily with the Department of Justice. Ms. Chartier also served as a Member of the Immigration and Refugee Board of Canada from 2016 to 2019. Most recently, Ms. Chartier served as Crown Counsel at the Public Prosecution Service of Canada where she prosecuted regulatory offences. She is a passionate advocate for official languages and has occupied various roles promoting official languages within the federal public service as well as in her community. Ms. Chartier holds a Bachelor of Laws (civil) from Laval University, a Certificate of Qualification in common law from the National Committee on Accreditation, and a Master of Laws from the University of British Columbia, focused on the Crown's duty to consult with Indigenous Peoples.



### **Trena Grimoldby, Commissioner**

Trena Grimoldby was re-appointed as a Commissioner in 2022. She is a lawyer and an adjudicator. Prior to her appointment as Commissioner, she was a Public Chairperson at the Insurance Councils Appeal Board of Alberta (ICAB). She has also previously served as in-house counsel to two multi-national energy companies (Shell Canada and PETRONAS Canada), a midstream energy company (Pembina Pipelines Ltd.), the provincial oil and gas regulator in Alberta (the Alberta Energy Regulator (AER)), and in a private practice setting. She is the CER's representative at CAMPUT (the Association of Canada's Energy and Utility Regulators), where she is a member of the Executive Committee, Chair of the Regulatory Affairs Committee and Lead of the Women in Energy Community of Interest. She holds a Bachelor of Laws from the University of Alberta and a Bachelor of Arts with a specialization in English from the University of Alberta.



### **Wilma Jacknife, Commissioner**

Wilma Jacknife served as a temporary member of the National Energy Board until December 2018. She has more than 20 years of experience in practicing law, both in private practice and as legal counsel for Cold Lake First Nation in Alberta. She specializes in First Nations governance and law-making, consultation and negotiation of impact benefits agreements, business development, administrative law and employment and estates law. Ms. Jacknife also has participated in joint task forces to develop legislative frameworks for First Nations in Canada (*Specific Claims Tribunal Act, Indian Oil and Gas Act* and regulations). Ms. Jacknife holds a Doctor of Juridical Science in Indigenous Peoples Law and Policy and a Master of Laws in Indigenous Peoples Law and Policy from the University of Arizona – College of Law and a Bachelor of Laws from the University of British Columbia and two Bachelor of Art degrees from the University of Alberta.



### **Stephania Luciuk, Commissioner**

Stephania Luciuk was re-appointed as a Commissioner in 2022. Prior to her appointment, Ms. Luciuk was in legal practice for over 20 years, with extensive experience in the energy sector, serving as in-house counsel at Imperial Oil Limited and Canadian Oil Sands Limited and in private practice with Macleod Dixon and Fasken Martineau DuMoulin. Her legal practice has spanned regulatory, commercial, and environmental work as well as engagement with Indigenous Peoples related to conventional / unconventional oil and gas development and pipelines. In 2017, Ms. Luciuk was appointed as an assistant professor in the Bissett School of Business at Mount Royal University. She also served part-time as a commissioner of the Appeals Commission for Alberta Workers' Compensation and as a mediator for the Provincial Court of Alberta. She is currently the CER representative to NARUC (the National Association of Regulatory Utility Commissioners). Ms. Luciuk holds a Juris Doctor from Osgoode Hall Law School at York University and a Master of Laws in international environmental law, focused on freshwater protection, from Dalhousie University.



## Appendix B: Application Activity

The following charts include those applications that are subject to a routine application assessment process (where no one other than the applicant has expressed interest in providing input) and those applications where the CER has established a public hearing process for receiving input from people other than the applicant as part of its assessment process.

An application under the CER Act may be submitted with requests under several parts of the CER Act or Regulations. Each application submitted is counted only once in the table as received and only once as having a decision or recommendation issued.

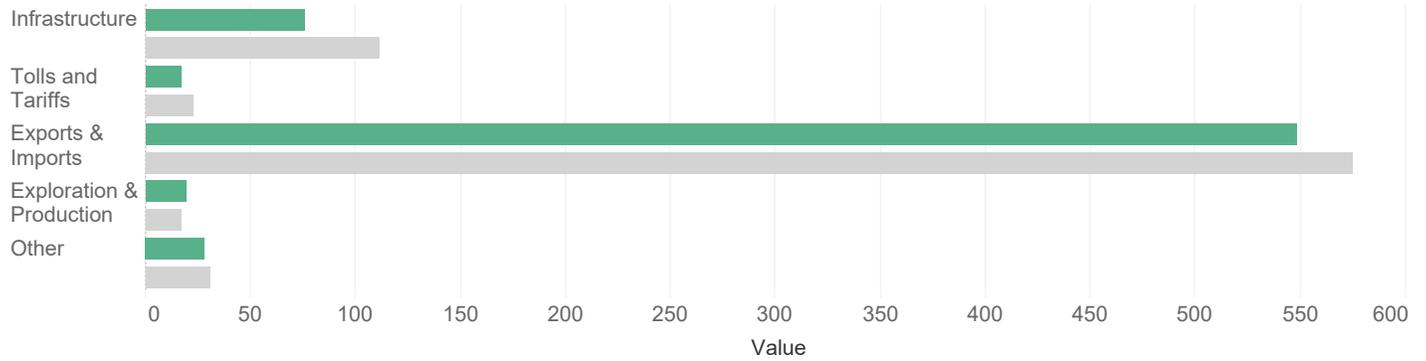
The two visualizations below show the application activity for the CER for the fiscal year 2022-23.

Visualization B.1 (Summary of Application Activity in 2022-23) is a high-level summary representation of the information in visualizations B.2 and B.3. It shows the grand total of all application activity.

Visualizations B.2 and B.3 (Detailed Application Activity in 2022-23 and Detailed Decision / Recommendation Activity in 2022-23) provide a detailed listing of all applications received, as well as decisions and recommendations issued in 2022-23.

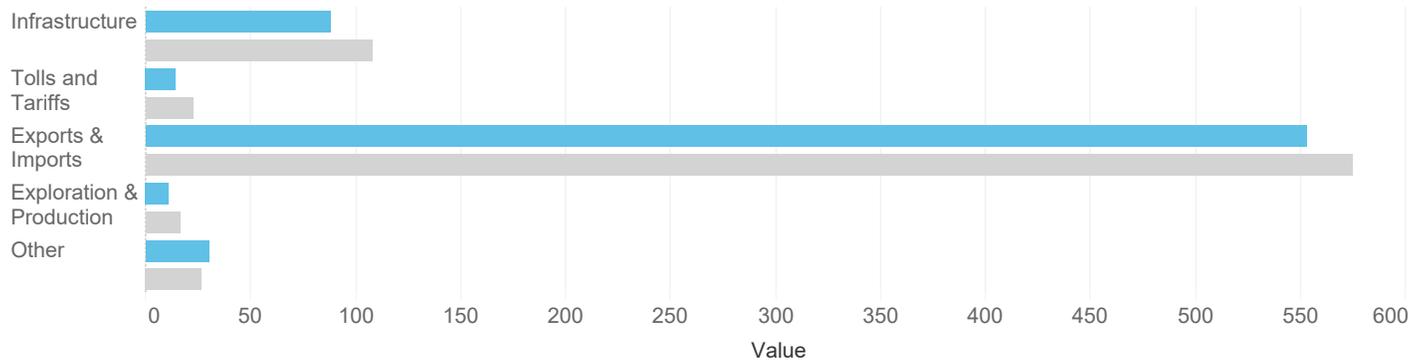
Visualization B.1 - Summary of Application Activity in 2022-23:

### Applications Received FY 2022-2023 vs 5-year average



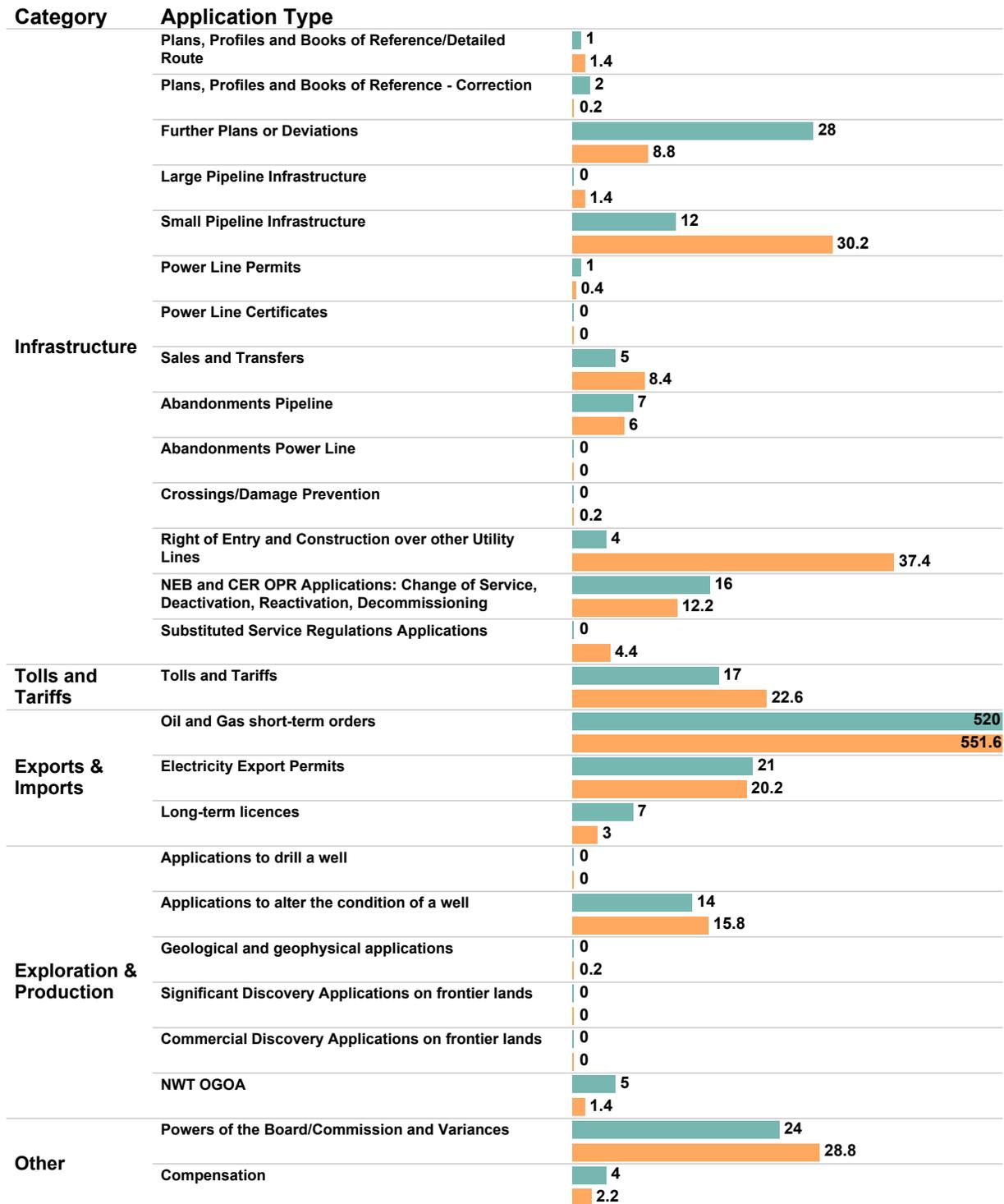
■ Number of Applications Received FY 2022-2023  
 ■ 5-year Average Applications Received

### Decisions or Recommendations Issued FY 2022-2023 vs 5-year average



■ Number of Decisions or Recommendations Issued FY 2022-2023  
 ■ 5-year Average Decisions or Recommendations Issued

## Visualization B.2 – Detailed Application Activity in 2022-23:

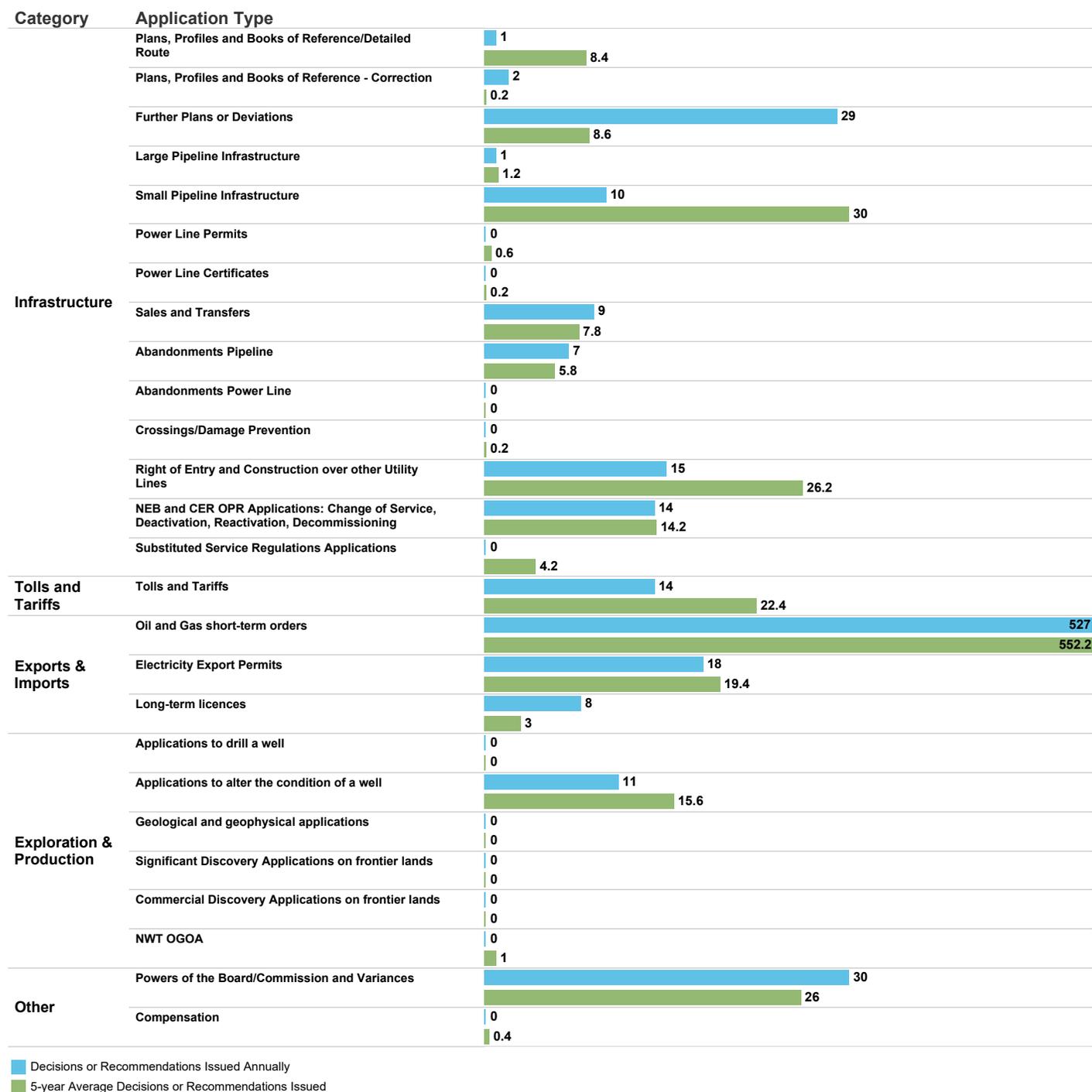


■ Applications Received Annually  
■ 5-year Average Applications Received

## Detailed Application Activity in 2022–23

| Category                 | Application Type   | Number of applications received | 5-year average |
|--------------------------|--|---------------------------------|----------------|
| Infrastructure           | Plans, Profiles and Books of Reference/Detailed Route  | 1                               | 1.4            |
|                          | Plans, Profiles and Books of Reference - Correction  | 2                               | 0.2            |
|                          | Further Plans or Deviations  | 28                              | 8.8            |
|                          | Large Pipeline Infrastructure  | 0                               | 1.4            |
|                          | Small Pipeline Infrastructure  | 12                              | 30.2           |
|                          | Power Line Permits   | 1                               | 0.4            |
|                          | Power Line Certificates  | 0                               | 0.0            |
|                          | Sales and Transfers  | 5                               | 8.4            |
|                          | Abandonments Pipeline  | 7                               | 6.0            |
|                          | Abandonments Power Line  | 0                               | 0.0            |
|                          | Crossings/Damage Prevention  | 0                               | 0.2            |
|                          | Right of Entry and Construction over other Utility Lines                                     | 4                               | 37.4           |
|                          | NEB and CER OPR Applications: Change of Service, Deactivation, Reactivation, Decommissioning | 16                              | 12.2           |
|                          | Substituted Service Regulations Applications   | 0                               | 4.4            |
| Tolls and Tariffs        | Tolls and Tariffs  | 17                              | 22.6           |
| Exports & Imports        | Oil and Gas short-term orders  | 520                             | 551.6          |
|                          | Electricity Export Permits   | 21                              | 20.2           |
|                          | Long-term licences   | 7                               | 3.0            |
| Exploration & Production | Applications to drill a well   | 0                               | 0.0            |
|                          | Applications to alter the condition of a well  | 14                              | 15.8           |
|                          | Geological and geophysical applications  | 0                               | 0.2            |
|                          | Significant Discovery Applications on frontier lands   | 0                               | 0.0            |
|                          | Commercial Discovery Applications on frontier lands  | 0                               | 0.0            |
|                          | NWT OGOA   | 5                               | 1.4            |
| Other                    | Powers of the Board/Commission and Variances   | 24                              | 28.8           |
|                          | Compensation   | 4                               | 2.2            |

## Visualization B.3 – Detailed Decision/Recommendation Activity in 2022-23:



## Detailed Decision/Recommendation Activity in 2022-23

| Category                 | Application Type   | Number of Decisions or Recommendations issued | 5-year average |
|--------------------------|--|---|----------------|
| Infrastructure           | Plans, Profiles and Books of Reference/Detailed Route  | 1   | 8.4            |
|                          | Plans, Profiles and Books of Reference - Correction  | 2   | 0.2            |
|                          | Further Plans or Deviations  | 29  | 8.6            |
|                          | Large Pipeline Infrastructure  | 1   | 1.2            |
|                          | Small Pipeline Infrastructure  | 10  | 30.0           |
|                          | Power Line Permits   | 0   | 0.6            |
|                          | Power Line Certificates  | 0   | 0.2            |
|                          | Sales and Transfers  | 9   | 7.8            |
|                          | Abandonments Pipeline  | 7   | 5.8            |
|                          | Abandonments Power Line  | 0   | 0.0            |
|                          | Crossings/Damage Prevention  | 0   | 0.2            |
|                          | Right of Entry and Construction over other Utility Lines                                     | 15  | 26.2           |
|                          | NEB and CER OPR Applications: Change of Service, Deactivation, Reactivation, Decommissioning | 14  | 14.2           |
|                          | Substituted Service Regulations Applications   | 0   | 4.2            |
| Tolls and Tariffs        | Tolls and Tariffs  | 14  | 22.4           |
| Exports & Imports        | Oil and Gas short-term orders  | 527   | 552.2          |
|                          | Electricity Export Permits   | 18  | 19.4           |
|                          | Long-term licences   | 8   | 3.0            |
| Exploration & Production | Applications to drill a well   | 0   | 0.0            |
|                          | Applications to alter the condition of a well  | 11  | 15.6           |
|                          | Geological and geophysical applications  | 0   | 0.0            |
|                          | Significant Discovery Applications on frontier lands   | 0   | 0.0            |
|                          | Commercial Discovery Applications on frontier lands  | 0   | 0.0            |
|                          | NWT OGOA   | 0   | 1.0            |
| Other                    | Powers of the Board/Commission and Variances   | 30  | 26.0           |
|                          | Compensation   | 0   | 0.4            |

# Appendix C: Summary of Released Commission Decisions, Recommendations and In Progress Hearing Applications

The Commission adjudicates a myriad of matters under the CER Act. These range from smaller facilities applications, such as those assessed under section 214 of the CER Act, abandonment of facilities that are no longer required, land matters complaints, compensation matters and large-scale pipeline projects assessed under section 183 of the CER Act, to decisions on shipper complaints, company tolls hearings, Abandonment Costs Estimates and section 248 electricity permits and section 261 electricity certificates. All these processes require decisions to be made in the public interest, with engagement with Indigenous Peoples and stakeholders, and are important to keeping Canada's energy infrastructure safe and competitive.

## 2022-23 Commission Decisions and Recommendations

Decision Reports and Recommendations are the result of larger, more formal proceedings (such as applications under section 183 of the CER Act, tolls and tariff complaints, etc.). Applicable decisions issued by the Commission from 1 April 2022 to 31 March 2023 include the following:

### **Tolls and Tariffs Decisions:**

*CNOOC Marketing Canada application for access to connection facilities at the Trans Mountain Edmonton Terminal on reasonable terms*

Decision: The Commission directed Pembina to consent to the receipt, transportation and delivery of oil offered by CNOOC on the connection facilities if operationally feasible and also directed that Pembina and CNOOC negotiate in good faith to determine reasonable terms for such connectivity. Further, the Commission determined that additional clarity in Trans Mountain's tariff would be appropriate and directed Trans Mountain to amend its tariff to clarify its nomination verification process at the Edmonton Terminal (Parts 1 and 3, subsections 32, 34, 226, 235 and 239 of the CER Act).

Background: CNOOC Marketing Canada (CNOOC) application dated 14 April 2022 in respect of PKM Canada North 40 Limited Partnership (Pembina) for access to Connection Facilities at the Trans Mountain Pipeline ULC (Trans Mountain) Edmonton Terminal on reasonable terms.

Hearing Order number: RH-001-2022

The Commission released its Reasons for Decision on 17 January 2023

REGDOCS File number: [\[C22856\]](#)

Panel of Commissioners: Stephania Luciuk (Presiding), Mark Watton, Mélanie Chartier, Trena Grimoldby (Alternate)

*Complaints by Phillips 66 Canada Ltd. and Cenovus Energy Inc. regarding Keystone's proposed 2020 and 2021 Tolls*

Decision: The Commission found that tolls resulting from proper interpretation of Keystone's original Transportation Service Agreements (TSAs) would be just and reasonable; a departure from these TSAs was not warranted. The Commission also found that some costs for drag reducing agents (DRA) can be considered a cost of increasing or expanding the Keystone system's nominal capacity, and not all DRA commodity expense is recoverable in Variable Tolls under the TSAs. The Commission also found that some, but not all, capital costs are recoverable in Variable Tolls. As part of Phase 1 of the proceeding, Keystone was directed to remove certain costs and refile its 2020 and 2021 tolls. Phase 2 of the proceedings will consider 2022 and later tolls after hearing comments from Keystone and interested persons.

Background: Phillips 66 Canada Ltd. and Cenovus Energy Inc. filed a complaint regarding Keystone's 2020 and 2021 Variable Tolls. The complaint included the issue of whether the proposed tolls were calculated in accordance with the terms of the TSAs. The complainants opposed Keystone's proposed recovery of certain costs in Variable Tolls, notably any expenses for DRA and any ongoing capital costs.

Hearing Order number: RH-005-2022

The Commission released its decision and order on 14 December 2022

Order number: AO-001-TO-005-2022

REGDOCS File number: [\[C22525\]](#)

Panel of Commissioners: Trena Grimoldby (Presiding), Wilma Jacknife, Stephania Luciuk, Mélanie Chartier (Alternate)

### **Administrative Monetary Penalties:**

#### *Request for Review of AMP-001-2022*

Decision: The majority of the Commission determined that Trans Mountain committed the violation, and the amount of the penalty for the violation was not determined in accordance with the *Administrative Monetary Penalties Regulations*. The amount was corrected to reflect a gravity value of -5, resulting in a penalty of \$4,000. The dissent would not have upheld the violation.

Background: On 24 February 2022, the Administrative Monetary Penalties Officer issued NOV AMP-001-2022 pursuant to section 125 of the CER Act. The NOV stated that Trans Mountain failed to establish, develop, implement, maintain, and document processes as required under paragraphs 6.5(1)(k) and 6.5(1)(q) of the *Canadian Energy Regulator Onshore Pipeline Regulations*. The penalty amount imposed in the NOV was \$88,000.

On 22 March 2022, Trans Mountain requested that the Commission review both the penalty amount and the facts of the violation.

Hearing Order number: MH-001-2022

Decision release: 22 December 2022

#### [Letter Decision](#)

Panel of Commissioners: Kathy Penney (Presiding), Stephania Luciuk, Mélanie Chartier, Wilma Jacknife (Alternate)

## Infrastructure:

### *NOVA Gas Transmission Ltd. Application for the NGTL West Path Delivery 2023 Project*

Recommendation: Having regard to all considerations that appear to be directly related and relevant to the Application, the Commission found that the Project is and will be required by the present and future public convenience and necessity and recommended that the GIC direct the CER to issue a certificate with conditions under paragraph 186(1)(a)(i) of the CER Act, for the construction and operation of the Project.

Background: NOVA Gas Transmission Ltd. (NGTL) applied pursuant to section 183 to construct and operate approximately 39 kilometres of natural gas pipeline loop in three pipeline sections. The Project would expand the existing NGTL System to meet incremental delivery requirements at the Alberta/British Columbia Border Export Point and would satisfy the market demand to connect the Western Canada Sedimentary Basin supply with long-term markets. The Project is located wholly in Alberta and runs south of Calgary between Turner Valley and Lundbreck.

Hearing Order number: GH-002-2020

The Commission released its Recommendation Report on 24 May 2022. The GIC issued Order in Council P.C. 2022-1248 on 25 November 2022, directing the CER to issue a certificate for the Project.

Certificate number: GC-134

REGDOCS File number: [\[C19229\]](#)

Panel of Commissioners: Damien Côté (Presiding), Trena Grimoldby, Mark Watton, Stephania Luciuk (Alternate)

### *ITC Lake Erie Connector LLC (ITC) Lake Erie Connector International Power Line (Project) 2021 Variance Request to Conditions 2 and 5 of Certificate of Public Convenience and Necessity EC-056 (2021 Variance Application)*

Decision: The Commission approved the 2021 Variance Application granting the requested variances to Conditions 2 and 5 of Certificate EC-056 (Part 4, subsections 280(1)(2)(3) CER Act).

Background: ITC filed the variance application to extend the expiration clause in Condition 2 of the Certificate by two years (to 26 June 2024) and to vary Condition 5 of the Certificate to replace “ITC Lake Erie LLC” with “LEC GP Inc. on behalf of Lake Erie LP” as the owner and operator of the Project.

The Commission released its letter decision and order on 25 August 2022.

Order number: AO-002-EC-056

REGDOCS File number: [\[C20667\]](#)

Panel of Commissioners: Mélanie Chartier (Presiding), Wilma Jackknife, Stephania Luciuk, Trena Grimoldby (Alternate)

## Exports and Imports:

*AltaGas LPG General Partner Inc. on behalf of AltaGas LPG Limited Partnership application for a licence authorizing the export of butane*

Decision: The Commission decided, pursuant to section 344 of the CER Act, to issue a 25-year Licence to AltaGas, subject to certain terms and conditions. The issuance of this Licence required the approval of the Minister of Natural Resources. The Minister approved the Licence on 21 September 2022.

Section 344 of the CER Act

Background: On 15 October 2021, AltaGas applied pursuant to section 344 of the CER Act for a Licence to export butane.

The Commission released its letter decision on 23 June 2022. The Licence was issued on 23 September 2022.

Licence: GL-345

REGDOCS File number: [\[C19687\]](#)

Panel of Commissioners: Mark Watton (Presiding), Damien Côté, Mélanie Chartier, Kathy Penney (Alternate)

*Ksi Lisims LNG GP Ltd., on behalf of Ksi Lisims LNG Limited Partnership application for a licence to export natural gas in the form of liquefied natural gas*

Decision: The Commission decided, pursuant to section 344 of the CER Act, to issue a 40-year Licence to Ksi Lisims LNG, subject to certain terms and conditions. The issuance of this Licence required the approval of the Minister of Natural Resources. The Minister approved the Licence on 15 March 2023.

Background: On 25 April 2022, Ksi Lisims LNG GP Ltd., on behalf of Ksi Lisims LNG Limited Partnership applied pursuant to section 344 of the CER Act, for a Licence to export natural gas in the form of liquefied natural gas.

The Commission released its letter decision on 14 December 2022. The Licence was issued on 15 March 2023.

Licence GL-346

REGDOCS File number: [\[C22526\]](#)

Panel of Commissioners: Trena Grimoldby (Presiding), Stephania Luciuk, Mélanie Chartier, Kathy Penney (Alternate)

## Powers of the Commission and Variances:

*Kingston Midstream Westspur Limited (Kingston) and Secure Energy Services Inc. (Secure) Joint Submission on Disposition of Kingston's Review Application and Order MO-020-2021 (Joint Submission)*

Decision: The Commission amended Order MO-020-2021 and discontinued review proceedings so that Secure, Kingston, and their affiliates could ensure Secure's access to the Westspur Pipeline in a manner consistent with the intent of the Order.

Terms and conditions of service (Part 3, subsections 225-240 CER Act)

Background: The Commission issued Order MO-020-2021 following its RH-003-2020 hearing in relation to a request for an order to allow Secure to receive crude oil from, and deliver crude oil to, the Westspur Pipeline owned by Kingston. Following a request to review the decision, Secure and Kingston negotiated a solution and filed a corresponding application with the Commission.

The Commission released its letter decision on 22 September 2022.

Order number: AO-001-MO-020-2021

REGDOCS File number: [\[C21030\]](#)

Panel of Commissioners: Stephania Luciuk (Presiding), Trena Grimoldby, Wilma Jacknife, Kathy Penney (Alternate)

## In Progress Hearing Applications

The following are applications that were in the process of being assessed by the Commission in 2022-23 that will result in future Decisions or Recommendations:

### **Tolls and Tariffs:**

*Trans-Northern Pipelines Inc. ("TNPI") Application for Approval of Incentive Tolls Settlement Agreement*

Section: Part 3, sections 225-240 CER Act

Background: TNPI requests an Order or Orders pursuant to Parts 1, 3, and 9 of the CER Act and the 2002 Revised Guidelines for Negotiated Settlements of Traffic, Tolls and Tariffs adopted by the CER, approving the Incentive Tolls Settlement Agreement (ITSA).

Hearing Order number: RH-001-2023

REGDOCS file number: [\[C22197\]](#)

Panel of Commissioners: Kathy Penney (Presiding), Stephania Luciuk, Trena Grimoldby, Mélanie Chartier (Alternate)

### **Infrastructure:**

*NorthRiver Midstream NEBC Connector GP Inc. NEBC Connector Project*

Section: Part 3, section 183 CER Act

Background: NorthRiver Midstream NEBC Connector GP Inc. application pursuant to section 183 of the CER Act to construct and operate two parallel 215 km pipelines from northwest of Wonowon, British Columbia to the Gordondale area of Alberta.

Hearing Order number: OH-001-2022

REGDOCS File number: [\[C16186\]](#)

Panel of Commissioners: Kathy Penney (Presiding), Mark Watton, Wilma Jacknife, Stephania Luciuk (Alternate), Mélanie Chartier (Alternate)

## **Abandonments:**

*Westcoast Energy Inc. Pointed Mountain Abandonment Project*

Section: Part 3, section 241(1) CER Act

Background: Westcoast application requesting approval for leave to abandon the Pointed Mountain pipeline situated near the British Columbia/Yukon Territory/Northwest Territories border.

Hearing Order number: MH-004-2022

REGDOCS File number: [\[C17537\]](#)

Panel of Commissioners: Mélanie Chartier (Presiding), Wilma Jacknife, Stephania Luciuk, Kathy Penney (Alternate)

## **Exploration and Production:**

*Inuvialuit Energy Security Project Ltd. (IESPL) Application for Operations Authorization - Early Site Works and Well Workover*

Section: Part 1, paragraph 10 (1)(b) *Northwest Territories Oil and Gas Operations Act (OGOA)*

Background: IESPL application to conduct early site works (road construction, culvert placement, bridge installation, construction of energy centre pads, installation of adfreeze piles) in relation to the Inuvialuit Energy Securities Project within the Inuvialuit Settlement Region in the Northwest Territories.

Hearing Order number: MH-002-2022

REGDOCS File number: [\[C19712\]](#)

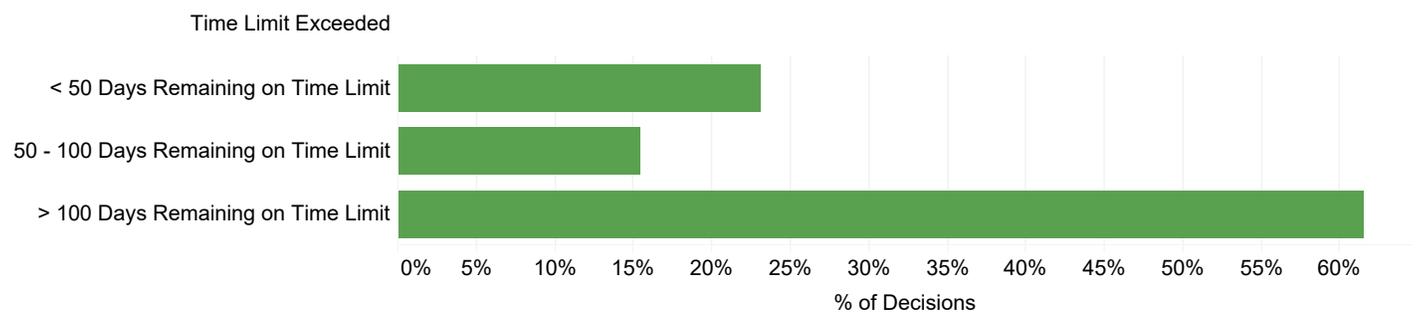
Panel of Commissioners: Mark Watton (Presiding), Kathy Penney, Wilma Jacknife, Stephania Luciuk (Alternate)

# Appendix D: Time Limits

## 2022-23 Time Limits

The following graphic and table shows applications which were subject to time limits for processing as per the CER Act. All time limits were met in 2022-23.

### Percentage of Decisions – Grouped by Days Remaining on Time Limits



Under the CER Act, the Lead Commissioner must set a time limit for certain types of applications. The time limit must not exceed the maximum number of days stated in the CER Act. The Commission must complete its assessment and make its recommendation or decision within this time limit. The standard time limits set by the Lead Commissioner can be found on the CER [website](#).

### Applications processed subject to time limits:

| Legislation          | Application Type                           | Time Limit                         | Application   | Days from Completeness to Decision Issued | Decision               | Date of Decision (YYYY-MM-DD) |
|----------------------|--|------------------------------------|---|---|------------------------|-------------------------------|
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | Westcoast Energy Inc - application to construct and operate - Meter Station 21 Replacement Project          | 62  | <a href="#">C18469</a> | 2022-04-05                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category A | 130 days from application complete | Enbridge Pipelines Inc. - application to construct and operate - Edmonton Terminal Trap Enhancement Project | 29  | <a href="#">C18470</a> | 2022-04-06                    |

| Legislation          | Application Type                           | Time Limit                         | Application  | Days from Completeness to Decision Issued | Decision               | Date of Decision (YYYY-MM-DD) |
|----------------------|--|------------------------------------|--|---|------------------------|-------------------------------|
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | Trans Mountain Pipeline ULC application to install two (2) new NPS 12 meter runs at Meter Bank 4 and the associated piping for transfer of product to tankage and proving activities | 49  | <a href="#">C18727</a> | 2022-04-22                    |
| CER Act, section 183 | Large Pipeline Infrastructure              | 450 days from application complete | NOVA Gas Transmission Ltd. - Application to construct and operate the NGTL West Path Delivery 2023 Project   | 406                                       | <a href="#">C19229</a> | 2022-05-05                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category C | 300 days from application complete | Steel Reef Pipelines Canada Corp.- application for the construction and operation of the Sinclair Pipeline Project   | 115                                       | <a href="#">C19189</a> | 2022-05-13                    |
| CER Act, section 344 | Export or Import Licences                  | 6 months from application complete | AltaGas LPG General Partner Inc. on behalf of AltaGas LPG Limited Partnership application for a licence authorizing the export of butane   | 143                                       | <a href="#">C19687</a> | 2022-06-13                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | Westcoast Energy Inc. application to construct and operate - CS-08B Piping Replacement   | 61  | <a href="#">C20016</a> | 2022-07-04                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | Steel Reef Pipelines Canada Corp application to construct and operate - North Portal Pipeline Lateral Project  | 38  | <a href="#">C20222</a> | 2022-07-22                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category A | 130 days from application complete | NOVA Gas Transmission Ltd. - Leismer Ethane Extraction Plant Tie-in Project  | 30  | <a href="#">C21194</a> | 2022-09-29                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | NOVA Gas transmission Ltd - Albersun Horse River HDD Replacement Project   | 55  | <a href="#">C21682</a> | 2022-10-26                    |
| CER Act, section 344 | Export or Import Licences                  | 6 months from application complete | Ksi Lisims LNG GP Ltd., on behalf of Ksi Lisims LNG Limited Partnership - Application for a 40-year Gas Export Licence   | 152                                       | <a href="#">C22526</a> | 2022-12-14                    |

| Legislation          | Application Type                           | Time Limit                         | Application   | Days from Completeness to Decision Issued | Decision               | Date of Decision (YYYY-MM-DD) |
|----------------------|--|------------------------------------|---|---|------------------------|-------------------------------|
| CER Act, section 214 | Small Pipeline Infrastructure - Category B | 210 days from application complete | TransCanada PipeLines Limited - Geraldton Meter Station Expansion Project       | 47  | <a href="#">C23446</a> | 2023-02-28                    |
| CER Act, section 214 | Small Pipeline Infrastructure - Category A | 130 days from application complete | Trans Mountain Pipeline ULC - Application for the Meter Bank 2 Expansion (MB2X) | 37  | <a href="#">C23497</a> | 2023-03-02                    |

# Appendix E: Leave to Open Orders Issued

Under the CER Act, a company requires permission from the Commission before opening a pipeline or a section of pipeline for the transmission of hydrocarbons or any other commodity. The Commission may grant leave under section 213 of the CER Act (formerly section 47 of the *National Energy Board Act*) if satisfied that the pipeline can be safely opened for transmission. Applications for this leave are made after approved construction is complete and the company can demonstrate that the facility can begin operations safely. Note that companies may apply for partial leaves to open if, for example, the pipeline is being constructed in phases or sections. The Commission may also, by order, exempt a company under section 214 of the CER Act from the requirement to file a leave to open application.

The table below shows the number of Leave to Open Orders granted in the 2022-23 fiscal year, by company.

| Company/Project  | Number of Leave to Open Orders |
|--|--------------------------------|
| <b>Foothills Pipe Lines (South B.C.) Ltd.</b>                            | <b>1</b>                       |
| British Columbia Mainline Loop No. 2 Yahk Section (Yahk Section) Project | 1                              |
| <b>NOVA Gas Transmission Ltd.</b>  | <b>25</b>                      |
| 2021 NGTL System Expansion Project                                       | 7                              |
| Edson Mainline Expansion Project   | 3                              |
| Leismer Ethane Extraction Plant Tie-in Project                           | 1                              |
| North Central Corridor Remediation Project                               | 1                              |
| North Corridor Expansion Project   | 7                              |
| Saddle Hills Compressor Station C4 Unit Addition                         | 1                              |
| Smoky River South Sales Meter Station Project                            | 2                              |
| West Path Delivery 2022  | 3                              |
| <b>Steel Reef Pipelines Canada Corp.</b>                                 | <b>1</b>                       |
| Sinclair Pipeline Project  | 1                              |
| <b>Trans Mountain Pipeline ULC</b>                                       | <b>6</b>                       |
| Trans Mountain Expansion Project   | 5                              |
| Coquihalla Crossing No. 15 and 16 Replacement Project                    | 1                              |
| <b>Trans Québec and Maritimes Pipeline Inc.</b>                          | <b>2</b>                       |
| Reinforcement and Asset Purchase (Project)                               | 2                              |
| <b>TransCanada PipeLines Limited</b>                                     | <b>1</b>                       |
| Station 802 B3 Unit Addition Project                                     | 1                              |
| <b>Westover Express Pipeline Limited</b>                                 | <b>5</b>                       |
| Westover Facility Project  | 5                              |
| <b>Zibi Community Utility</b>  | <b>1</b>                       |
| Zibi Utility Project   | 1                              |
| <b>Grand Total</b>   | <b>42</b>                      |

# Appendix F: Commission Orders and Directions

The following table summarizes the Commission Orders and Directions that were issued in 2022-23. The Commission can issue these Orders to ensure the safety and security of persons and facilities and/or for the protection of property or the environment.

Many Orders will remain in effect for several years, in which case CER staff will continue to monitor compliance with the Order. It is necessary to keep these restrictions in place until such time as the Commission is of the opinion that the company has sufficiently addressed underlying issues.

There was one new order issued in 2022-23 with respect to safety. Variances to existing Orders were issued for the following Orders below. All Commission Order and Directions can be found on the [Compliance and Enforcement website](#) under “Commission Order and Directions”.

| Order Number           | Date Issued | Company                       | Description/ reason for Order/ Direction   | Resulting Action/Status  |
|------------------------|-------------|-------------------------------|--|--|
| Ad-GA-RG-CSA 0101      | 2022 10 31  | All Oil and Gas Companies     | Requires companies under the CER’s jurisdiction to procure and incorporate only components, pipe and pipe coating and coating applications that comply with the latest editions of several CSA Z245 standard.  | The Order is in force until the next edition of <i>CSA Z662 Oil and gas pipeline systems</i> referencing the updated Z245 standards is published.  |
| AO-005-SO-T217-03-2010 | 2022 06 08  | Trans-Northern Pipelines Inc. | Variance order. Trans-Northern Pipelines Inc. - Application for raising of restricted maximum operating pressure ASO Schedule B, Line 11 – NPS 8 ASIG Lateral-Amending Safety Order AO-001-SO-T217-03-2010, as amended   | Order still in place as of 31 March 2023. The Order granted TNPI to increase the pressure on Line 11 to a new MOP and subsequently remove the line segment from the Order. No conditions for company to meet other than a clarification in the wording for an existing (old) condition (4f). |
| AO-006-SO-T217-03-2010 | 2022 09 06  | Trans-Northern Pipelines Inc. | Variance order. Trans-Northern Pipelines Inc.- Application pursuant to Condition 4.f of Amending Safety Order AO-001-SO-T217-03-2010, as amended (ASO), for Raising of Restricted Maximum Operating Pressure ASO Schedule B, Line 9 – NPS 16 Oakville to Clarkson Loop | Order still in place as of 31 March 2023. The Order granted TNPI to return to MOP on Line 9 and subsequently remove the line segment from the Order. One condition to be met in 2023 is still open.  |

|                        |            |                               |  |   |
|------------------------|------------|-------------------------------|--|---|
| AO-007-SO-T217-03-2010 | 2022 11 01 | Trans-Northern Pipelines Inc. | Variance order. Trans-Northern Pipelines Inc. variance application of reporting frequency - ASO Condition 7.D, Safety Orders AO-001-SO-T217-03-2010 dated 20 September, 2016, AO-002-SO-T217-03-2010 dated 24 October, 2016, AO-003-SO-T217-03-2010 dated 11 April, 2017, AO-004-SO-T217-03-2010 dated 17 July, 2020 and AO-005-SO-T217-03-2010 dated 8 June, 2022 | Order still in place as of 31 March 2023. The Order varied the requirements for an existing order condition (7d) which is still open.     |
| AO-008-SO-T217-03-2010 | 2022 11 30 | Trans-Northern Pipelines Inc. | Variance order. Trans-Northern Pipelines Inc. application for Raising of Restricted Maximum Operating Pressure for NPS 10 Clarkson Lateral (Line 7 in Schedule B of the ASO) to the authorized MOP and remove that line segment from the ASO. DM# 1401345  | Order still in place as of 31 March 2023. The Order granted TNPI to return to MOP on Line 10 and subsequently removing it from the Order. |

# Appendix G: Post-Approval Condition Compliance Filings and Decisions

The CER expects that companies identify and mitigate risks before they begin a project. When a risk is identified during the assessment of an application, the Commission may impose project-specific conditions to reduce risks, prevent harm, promote safety, and protect the environment.

If a project is approved, the CER will oversee the construction and operation of the project through a variety of post-approval matters, that inform safety and environmental oversight. Commission decisions will normally contain a list of conditions. Conditions can require submission of documents for filing, in which case the company submits their filing, which will be evaluated by CER staff. Conditions can require submission of documents for approval, in which case the Commission assesses and either approves or rejects the filing through a regulatory decision.

The table below shows the number of post-approval filings in relation to each project received for the reporting year 2022-23.

| Company and Project Name  | Number of Company Documents Filed in Post-Approval Compliance |
|---|---|
| Trans Mountain Expansion Project  | 828   |
| NOVA Gas Transmission Ltd. - North Corridor Expansion Project   | 181   |
| Enbridge Pipelines Inc. - Line 3 Replacement Program  | 73  |
| NOVA Gas Transmission Ltd. - 2021 System Expansion Project  | 64  |
| NOVA Gas Transmission Ltd. - Edson Mainline Expansion Project   | 62  |
| NOVA Gas Transmission Ltd. – West Path Delivery 2023 Project  | 45  |
| Trans Québec & Maritimes Pipeline Inc - TQM Reinforcement and Asset Purchase  | 32  |
| ITC Lake Erie Connector LLC - Lake Erie Connector Project   | 23  |
| Manitoba Hydro - Manitoba Minnesota Transmission Project  | 17  |
| Milk River Pipeline Ltd. - Transfer of Ownership of the Milk River Pipeline System from Plains Midstream Canada ULC to Milk River Pipeline Ltd. | 16  |
| Westcoast Energy Inc. - Spruce Ridge Program  | 13  |
| Trans Mountain - Coquihalla Crossing No. 15 and 16 Replacement Project  | 5   |
| Westcoast Energy Inc. - Wyndwood Pipeline Expansion Project   | 3   |
| Vantage Pipeline Canada ULC - Vantage Pipeline Project  | 3   |
| Westcoast Energy Inc. - T-South Expansion and Reliability Project   | 3   |
| NOVA Gas Transmission Ltd. – Saddle West Expansion Project  | 3   |
| TransCanada PipeLines Limited – Station 802 C1 Unit Addition  | 2   |
| Trans Mountain – North Thompson 6 Crossing Replacement  | 2   |
| NOVA Gas Transmission Ltd. - Exemption Order for the NPS 16 Marten Hills Producer Tie-In Rehabilitation Project                                 | 2   |

| Company and Project Name  | Number of Company Documents Filed in Post-Approval Compliance |
|---|---|
| Enbridge Pipelines Inc. - Deactivate the Relief Line between Lines 5, 78B and 95 into Tank 202 at Sarnia Terminal               | 1   |
| NOVA Gas Transmission Ltd. - Approval to Abandon Meter Stations and Lateral Pipelines on the NGTL System                        | 1   |
| TransCanada PipeLines Limited – Vaughan Mainline Expansion Project  | 1   |
| NOVA Gas Transmission Ltd. - Sundre Crossover   | 1   |
| TransCanada PipeLines Limited – Station 148 E1 Addition   | 1   |
| NOVA Gas Transmission Ltd. - Peace River Mainline Abandonment   | 1   |
| Lignite Pipeline Canada Corp. – North Portal Pipeline Reactivation  | 1   |
| NOVA Gas Transmission Ltd. – McLeod River Sales Meter Station   | 1   |
| TransCanada PipeLines Limited – King’s North Connection Pipeline Project  | 1   |
| Westcoast Energy Inc. – Grizzly Valley Mainline Crossing Project  | 1   |
| Enbridge Pipelines Inc. – Edmonton Terminal Trap Enhancement Project  | 1   |
| NOVA Gas Transmission Ltd. – Chambers Creek Receipt Meter Station   | 1   |
| Kiwetinohk Energy Corp. – Amalgamation of Distinction Energy Corp. with Kiwetinohk Resources Corp. into Kiwetinohk Energy Corp. | 1   |
| NOVA Gas Transmission Ltd. – Reactivation of Brewster Creek and Baptiste River Crossings  | 1   |
| NOVA Gas Transmission Ltd. - Northwest Mainline Loop (Boundary Lake North Section)  | 1   |
| Milk River Pipeline Ltd. – Leave to Abandon the Red Coulee Pipeline   | 1   |
| NOVA Gas Transmission Ltd. – Approval to Decommission Pipelines and Associated Facilities on the NGTL System                    | 1   |
| Grand Total   | 1394  |

# Appendix H: Compensation Applications

The table below reflects the compensation hearing applications filed and being dealt with by the CER during 2022-23. Compensation hearing applications filed with the CER can be found on the CER's [public registry](#).

| Date of Application | Status as of 31 March 2023                            |
|---------------------|---|
| 3 January 2021      | Adjourned by the Commission                           |
| 25 February 2021    | Withdrawn   |
| 24 September 2021   | Hearing process adjourned at request of the Applicant |
| 20 October 2021     | Hearing Process initiated                             |
| 5 November 2021     | Withdrawn   |
| 25 February 2022    | Placed in abeyance at the request of the Applicant    |
| 4 May 2022          | Hearing Process Initiated                             |
| 2 August 2022       | Placed in abeyance at the request of the Applicant    |
| 15 February 2023    | Preliminary comment process                           |
| 17 March 2023       | Preliminary comment process                           |

# Appendix I: Abandonment Funding and Set-Asides

All pipeline companies are required to follow the *Canadian Energy Regulator Onshore Pipeline Regulations*, which include a systematic approach to pipeline management, including abandonment. The Commission adjudicates applications for abandon pipelines (section 241 of the CER Act) and ensures that companies have sufficient funds to pay for the eventual abandonment of pipelines (section 242 of the CER Act).

Companies' management includes the proactive management of their obligations relating to the set aside and collection of abandonment funds. The Commission assesses companies' abandonment cost estimates, which must be submitted every five years, and ensures that financial instruments are in place for those funds.

Canadians can be confident that the resources required to properly abandon CER-regulated pipelines have been, and continue to be, assessed, and set aside for that purpose.

## Companies using Letters of Credit or Surety Bonds

Table I.1 lists all CER-regulated companies that are using a Letter of Credit or Surety Bond to fund their abandonment cost estimate and the amount of each associated financial instrument. The Amount of Instrument column reflects the latest abandonment cost estimates.

Table I.1

| Company   | Financial Instrument | Amount of Financial Instrument |
|---|----------------------|--------------------------------|
| 1057533 Alberta Ltd.  | Letter of Credit     | 855,173                        |
| 2670568 Ontario Limited   | Surety Bond          | 171,694                        |
| 6720471 Canada Ltd.   | Letter of Credit     | 45,000                         |
| Altagas Holdings Inc. for and on behalf of Altagas Pipeline Partnership | Surety Bond          | 1,875,849                      |
| ARC Resources Ltd.  | Letter of Credit     | 1,893,204                      |
| Astara Energy Corp.   | Letter of Credit     | 80,156                         |
| Bonavista Energy Corporation  | Letter of Credit     | 18,185                         |
| Campus Energy Partners  | Surety Bond          | 17,462,044                     |
| Canadian Natural Resources Limited                                      | Surety Bond          | 1,649,028                      |
| Canadian-Montana Pipe Line Company                                      | Surety Bond          | 300,000                        |
| Canlin Energy Corporation   | Letter of Credit     | 101,557                        |
| Cenovus Energy Inc.   | Letter of Credit     | 1,845,917                      |
| Champion Pipe Line Corporation Limited                                  | Letter of Credit     | 14,009,422                     |
| Cona Resources  | Letter of Credit     | 1,320,396                      |
| Crescent Point Energy Corp.   | Letter of Credit     | 346,878                        |
| Enercapita Energy Ltd.  | Letter of Credit     | 1,527,861                      |

| <b>Company</b>   | <b>Financial Instrument</b> | <b>Amount of Financial Instrument</b> |
|--|-----------------------------|---------------------------------------|
| ExxonMobil Canada Properties   | Letter of Credit            | 7,985,252                             |
| FortisBC Huntingdon Inc.   | Letter of Credit            | 115,754                               |
| Gear Energy Ltd.   | Letter of Credit            | 217,155                               |
| Great Lakes Pipeline Canada Ltd.   | Letter of Credit            | 12,586,000                            |
| Husky Oil Operations Limited   | Letter of Credit            | 8,387,654                             |
| Imperial Oil Resources Limited   | Letter of Credit            | 1,414,710                             |
| ISH Energy Ltd.  | Letter of Credit            | 3,046,923                             |
| Kiwetinohk Energy Corp.  | Letter of Credit            | 362,000                               |
| LBX Pipeline Ltd.  | Letter of Credit            | 3,198,336                             |
| Leucrotta Exploration Inc.   | Letter of Credit            | 241,490                               |
| Lignite Pipeline Canada Corp.  | Surety Bond                 | 1,426,320                             |
| NorthRiver Midstream G and P Canada Pipelines Ltd.                         | Letter of Credit            | 1,462,274                             |
| Obsidian Energy  | Letter of Credit            | 922,150                               |
| Omimex Canada, Ltd.  | Letter of Credit            | 132,950                               |
| Ovintiv Canada ULC (Mid-Tupper and Tupper-Hythe Pipelines)                 | Surety Bond                 | 2,063,970                             |
| Ovintiv Canada ULC (Deep Panuke Pipeline)                                  | Surety Bond                 | 1,850,000                             |
| Pembina Energy Services Inc.   | Letter of Credit            | 6,004,973                             |
| Pembina Prairie Facilities Ltd.  | Letter of Credit            | 31,102,297                            |
| Pieridae Alberta Production Ltd.   | Letter of Credit            | 332,477                               |
| Pine Cliff Border Pipelines Limited  | Letter of Credit            | 704,000                               |
| Pine Cliff Energy Ltd.   | Letter of Credit            | 127,250                               |
| Pipestone Energy Corp.   | Letter of Credit            | 11,600                                |
| Pouce Coupé Pipe Line Ltd.   | Letter of Credit            | 172,343                               |
| Prospera Energy Inc.   | Letter of Credit            | 90,726                                |
| Shell Canada Energy  | Letter of Credit            | 4,920,047                             |
| Shell Canada Products Limited  | Letter of Credit            | 259,288                               |
| Shiha Energy Transmission Ltd.   | Letter of Credit            | 192,026                               |
| Steel Reef Pipelines Canada Corp.  | Surety Bond                 | 470,613                               |
| Strathcona Resources Ltd.  | Letter of Credit            | 291,292                               |
| Spartan Delta Corp.  | Letter of Credit            | 54,000                                |
| Surge Energy Inc. (Northend to Green Glades Fuel Gas Pipeline)             | Letter of Credit            | 48,897                                |
| Surge Energy Inc. (Hayter-Eye Hill Pipeline)                               | Letter of Credit            | 31,795                                |
| Sunoco Logistics Partners Operations GP LLC                                | Surety Bond                 | 1,003,925                             |
| Tamarack Acquisition Corp.   | Letter of Credit            | 43,980                                |
| TAQA North Ltd.  | Letter of Credit            | 1,450,075                             |
| Tidewater Midstream and Infrastructure Ltd.                                | Letter of Credit            | 1,857,506                             |
| Tundra Oil & Gas Limited for and on behalf of Tundra Oil & Gas Partnership | Letter of Credit            | 72,812                                |

| Company                      | Financial Instrument | Amount of Financial Instrument |
|------------------------------|----------------------|--------------------------------|
| Veresen Energy Pipeline Inc. | Letter of Credit     | 3,326,412                      |
| Veresen NGL Pipeline Inc.    | Letter of Credit     | 1,761,889                      |
| Vermilion Energy Inc.        | Letter of Credit     | 242,462                        |
| Whitecap Resources Inc.      | Letter of Credit     | 1,255,752                      |
| Yoho Resources Inc.          | Letter of Credit     | 50,000                         |
| Zibi Community Utility       | Letter of Credit     | 268,070                        |

## Companies using Trusts

Table I.2 lists all CER-regulated companies that are using a trust to fund their abandonment cost estimate, each associated abandonment cost estimate and the funds collected as of 31 December 2021.

Note: Company annual trust filings, containing 2022 year closing balances, were filed by 30 April 2023.

Table I.2

| Company  | Abandonment Cost Estimate (\$) | Collection Period (Years) | 2021 Close balance (\$) - Actual |
|--|--------------------------------|---------------------------|----------------------------------|
| 2193914 Canada Limited   | 6,689,261                      | 35                        | 1,483,000                        |
| Alliance Pipeline Ltd.   | 364,940,000                    | 40                        | 85,224,000                       |
| Aurora Pipeline Company Ltd.   | 57,840                         | 40                        | 21,029                           |
| Centra Transmission Holdings Inc.  | 22,226,090                     | 40                        | 7,443,000                        |
| Emera Brunswick Pipeline Company Ltd.  | 12,781,000                     | 20                        | 6,700,000                        |
| Enbridge Bakken Pipeline Company Inc., on behalf of Enbridge Bakken Pipeline Limited Partnership | 22,300,000                     | 25                        | 5,232,000                        |
| Enbridge Gas Inc.  | 103,187                        | FF                        | 111,000                          |
| Enbridge Pipelines (NW) Inc.   | 45,000,000                     | 12                        | 16,909,000                       |
| Enbridge Pipelines Inc.  | 1,743,200,000                  | 40                        | 322,800,000                      |
| Enbridge Southern Lights GP Inc. on behalf of Enbridge Southern Lights LP                        | 177,900,000                    | 40                        | 31,100,000                       |
| Express Pipeline Ltd.  | 99,300,000                     | 40                        | 15,300,000                       |
| Foothills Pipe Lines Ltd.  | 244,720,000                    | 30                        | 71,700,000                       |
| Genesis Pipeline (Canada) Ltd.   | 3,114,576                      | 40                        | 1,738,074                        |
| Kingston Midstream Westspur Limited  | 51,931,666                     | 25                        | 12,800,000                       |
| PKM Cochin ULC   | 28,000,000                     | 20                        | 12,837,000                       |
| Kinder Morgan Utopia Ltd.  | 1,104,300                      | 21                        | 292,000                          |
| Maritimes & Northeast Pipeline Management Limited  | 166,800,000                    | 20                        | 100,025,000                      |

| Company                                      | Abandonment Cost Estimate (\$) | Collection Period (Years) | 2021 Close balance (\$) - Actual |
|--|--------------------------------|---------------------------|----------------------------------|
| Milk River Pipeline Ltd.                     | 2,751,021                      | 40                        | 1,004,000                        |
| Montreal Pipe Line Limited                   | 19,873,239                     | 40                        | 5,445,000                        |
| Niagara Gas Transmission Limited             | 6,871,346                      | 35                        | 1,504,000                        |
| NorthRiver Midstream Canada Partner Limited  | 1,001,761                      | 40                        | 210,000                          |
| Nova Gas Transmission Ltd.                   | 2,535,333,000                  | 30                        | 747,400,000                      |
| Plains Midstream Canada ULC                  | 47,596,710                     | 40                        | 15,160,300                       |
| Pouce Coupé Pipe Line Ltd.                   | 13,938,676                     | 15                        | 8,337,000                        |
| Souris Valley Pipeline Limited               | 3,309,572                      | FF                        | 4,096,591                        |
| St. Clair Pipelines Management Inc.          | 1,359,792                      | 35                        | 371,000                          |
| Trans Mountain Pipeline Inc.                 | 367,820,000                    | 35                        | 99,837,000                       |
| Trans Québec & Maritimes Pipeline (TQM) Inc. | 115,500,000                    | 25                        | 41,000,000                       |
| TransCanada Keystone Pipeline GP Ltd.        | 268,100,000                    | 25                        | 92,700,000                       |
| TransCanada Pipelines Limited                | 2,904,930,000                  | 25                        | 1,149,600,000                    |
| Trans-Northern Pipelines Inc.                | 87,020,000                     | 40                        | 22,440,000                       |
| Vector Pipeline Limited Partnership          | 8,500,000                      | 35                        | 1,317,000                        |
| Westcoast Energy Inc.                        | 809,700,000                    | 40                        | 119,449,000                      |
| Westover Express Pipeline Limited            | 34,588,117                     | 38                        | 4,500,000                        |

FF = fully funded

# Appendix J: Financial Resources Requirements

The CER Act requires companies operating oil and gas pipelines to set aside financial resources to cover the costs of any unintended or uncontrolled release from a pipeline, such as a spill. The financial resources sections of the CER Act reinforce the “polluter pays” principle. Companies are required to maintain financial resources that, at a minimum, match the absolute liability limit applicable to the company. The *Pipeline Financial Requirements Regulations* (Regulations), which came into force in July 2019, set out absolute liability limits for CER-regulated companies. These absolute liability limits range from \$200 million to \$1 billion for oil pipelines, \$10 million to \$200 million for gas pipelines, and \$5 to \$10 million for other commodity pipelines, depending on factors such as pipeline capacity, diameter, and commodity transported.

The Regulations outline the specific types of financial instruments that the Commission may order companies to maintain, as well as the minimum portion of the financial resources required to be readily accessible to the company. The financial resource types prescribed by the Regulations are as follows:

- Insurance policy;
- Escrow agreement;
- Letter of credit;
- Line of credit;
- Participation in a pooled fund, as referred to in subsection 139(1) of the CER Act;
- Parent company guarantees;
- Surety bond or pledge agreement, or indemnity bond or suretyship agreement;
- Cash or cash equivalents.
- The Regulations also state that only authorized in-service pipelines will be considered in the determination of a company’s absolute liability class. Therefore, those pipelines that are not in service are currently exempt from filing an absolute liability limit and financial resources plan.

To ensure compliance with the Regulations, the CER developed filing guidance, and required all companies to file financial resources plans for evaluation. These plans set out the financial resources each company has available to respond to spills or incidents and demonstrate how companies meet the financial resources requirements in the CER Act and Regulations. If the plans are insufficient, the Commission has the authority to order companies to maintain additional financial resources.

**CER Regulated Companies Financial Resource Plan Evaluation Status:**

| <b>Company</b>   | <b>Class</b>      | <b>Absolute Liability Limit (ALL)</b> | <b>Status of Financial Resource Plan Filing</b> |
|--|-------------------|---------------------------------------|---|
| 1057533 Alberta Ltd.   | Oil Class 3       | \$200,000,000                         | Conditionally approved                          |
| 2193914 Canada Limited   | Gas Class 1       | \$200,000,000                         | Approved  |
| 2670568 Ontario Limited<br>(formerly Resolute FP Ltd)                        | Commodity class 1 | \$10,000,000                          | Not Applicable                                  |
| 6720471 Canada Ltd.  | Gas Class 4       | \$10,000,000                          | Approved  |
| Alliance Pipeline Ltd.   | Gas Class 1       | \$200,000,000                         | Approved  |
| Altagas Holdings Inc.  | Gas Class 2       | \$50,000,000                          | Not Applicable                                  |
| ARC Resources Ltd.   | Gas Class 2       | \$50,000,000                          | Approved  |
| Astara   | Gas Class 2       | \$50,000,000                          | Under Review                                    |
| Aurora Pipeline Company Ltd.   | Oil Class 2       | \$300,000,000                         | Approved  |
| Bellatrix Exploration Ltd.   | Not Applicable    |                                       |   |
| Bonavista Energy Corp.   | Not Applicable    |                                       |   |
| Bow River Energy Limited   | Not Applicable    |                                       |   |
| Campus Energy Partners Operations Inc.<br>(formerly 2133151 Alberta Ltd.)    | Gas Class 1       | \$200,000,000                         | Under Review                                    |
| Canada Border Services Agency  | Gas Class 4       | \$10,000,000                          | Approved  |
| Canadian Montana Pipeline Ltd.   | Gas Class 2       | \$50,000,000                          | Approved  |
| Canadian Natural Resources Ltd.  | Oil Class 2       | \$300,000,000                         | Approved  |
| Canlin Energy Corporation  | Not Applicable    |                                       |   |
| Cenovus Energy Inc.  | Gas Class 1       | \$200,000,000                         | Approved  |
| Centra Transmission Holdings Inc.  | Gas Class 2       | \$50,000,000                          | Approved  |
| Champion Pipe Line Corporation Limited                                       | Gas Class 2       | \$50,000,000                          | Approved  |
| Chief Mountain Gas Co-op   | Gas Class 4       | \$10,000,000                          | Approved  |
| Commandité gestion energy Windmill<br>DREAM Québec inc.                      | Not Applicable    |                                       |   |
| County of Vermillion River No. 24 Gas Utility                                | Gas Class 4       | \$10,000,000                          | Approved  |
| Crescent Point Energy Corp.  | Gas Class 3       | \$50,000,000                          | Approved  |
| Delphi Energy Corp.  | Not Applicable    |                                       |   |
| Emera Brunswick Pipeline Company Ltd.  | Gas Class 1       | \$200,000,000                         | Approved  |
| Enbridge Bakken Pipeline Company Inc.  | Oil Class 2       | \$300,000,000                         | Approved  |
| Enbridge Gas Inc.  | Gas Class 2       | \$50,000,000                          | Approved  |
| Enbridge Pipelines (NW) Inc.   | Oil Class 3       | \$200,000,000                         | Approved  |
| Enbridge Pipelines Inc   | Oil Class 1       | \$1,000,000,000                       | Approved  |
| Enbridge Southern Lights GP Inc. on behalf<br>of Enbridge Southern Lights LP | Oil Class 2       | \$300,000,000                         | Approved  |
| Enercapita Energy Ltd.   | Gas Class 2       | \$50,000,000                          | Approved  |
| Express Pipeline Ltd.  | Oil Class 1       | \$1,000,000,000                       | Approved  |

| Company  | Class          | Absolute Liability Limit (ALL) | Status of Financial Resource Plan Filing |
|--|----------------|--------------------------------|--|
| ExxonMobil Canada Ltd.   | Not Applicable |                                |  |
| Foothills Pipe Line Ltd.   | Gas Class 1    | \$200,000,000                  | Approved                                 |
| FortisBC Huntingdon Inc.   | Gas Class 1    | \$200,000,000                  | Under Review                             |
| Forty Mile Gas Co-op   | Not Applicable |                                |  |
| Gear Energy Ltd.   | Gas Class 3    | \$50,000,000                   | Under Review                             |
| Genesis Pipeline Canada Ltd.   | Oil Class 2    | \$300,000,000                  | Conditionally approved                   |
| Glencoe Resources Ltd.   | Not Applicable |                                |  |
| Great Lakes Pipeline Canada Ltd.   | Gas Class 1    | \$200,000,000                  | Approved                                 |
| Husky Oil Operations Limited   | Oil Class 2    | \$300,000,000                  | Approved                                 |
| ISH Energy Ltd.  | Oil Class 3    | \$200,000,000                  | Approved                                 |
| Kinder Morgan Utopia Ltd.  | Oil Class 2    | \$300,000,000                  | Approved                                 |
| Kingston Midstream Westpur Limited (formerly TEMPL Westspur Pipelines Limited) | Oil Class 2    | \$300,000,000                  | Conditionally approved                   |
| LBX Pipelines Ltd.   | Oil Class 2    | \$300,000,000                  | Approved                                 |
| Leucrotta Exploration Inc.   | Not Applicable |                                |  |
| Lignite Pipeline Canada Corp (used to be ONEOK)                                | Gas Class 2    | \$50,000,000                   | Conditionally approved                   |
| Many Islands Pipe Lines (Canada) Ltd.  | Gas Class 1    | \$200,000,000                  | Approved                                 |
| Maritimes & Northeast Pipeline Management Limited                              | Gas Class 1    | \$200,000,000                  | Approved                                 |
| Milk River Pipeline Ltd.   | Oil Class 2    | \$300,000,000                  | Under Review                             |
| Minell Pipeline Ltd.   | Gas Class 2    | \$50,000,000                   | Approved                                 |
| Montreal Pipe Line Limited   | Oil Class 2    | \$300,000,000                  | Approved                                 |
| Niagara Gas Transmission Limited   | Gas Class 1    | \$200,000,000                  | Approved                                 |
| NorthRiver Midstream Canada Pipelines Inc.                                     | Gas Class 2    | \$50,000,000                   | Conditionally approved                   |
| NorthRiver Midstream G and P Canada Pipelines Inc.                             | Gas Class 1    | \$200,000,000                  | Conditionally approved                   |
| NOVA Gas Transmission Ltd.   | Gas Class 1    | \$200,000,000                  | Approved                                 |
| Obsidian Energy  | Gas Class 2    | \$50,000,000                   | Approved                                 |
| Omimex Canada Ltd.   | 0              | \$-                            | Not Applicable                           |
| Ovintiv Canada ULC   | Gas Class 2    | \$50,000,000                   | Approved                                 |
| Pembina Energy Services Ltd.   | Gas Class 2    | \$50,000,000                   | Approved                                 |
| Pembina Prairie Facilities Ltd.  | Gas Class 2    | \$50,000,000                   | Approved                                 |
| Pieridae Alberta Production Ltd.   | Gas Class 2    | \$50,000,000                   | Under Review                             |
| Pine Cliff Energy Ltd. & Pine Cliff Border Pipelines Ltd.                      | Gas Class 2    | \$50,000,000                   | Under Review                             |
| Pipestone Energy Corp.   | Not Applicable |                                |  |
| PKM Cochin ULC   | Oil Class 2    | \$300,000,000                  | Approved                                 |
| Plains Midstream Canada ULC  | Oil Class 1    | \$1,000,000,000                | Approved                                 |

| <b>Company</b>   | <b>Class</b>                   | <b>Absolute Liability Limit (ALL)</b> | <b>Status of Financial Resource Plan Filing</b> |
|--|--------------------------------|---------------------------------------|---|
| Portal Municipal Gas Company Canada Inc. c/o SaskEnergy      | Gas Class 4                    | \$10,000,000                          | Conditionally approved                          |
| Pouce Coupe Pipe Line Ltd.                                   | Oil Class 2                    | \$300,000,000                         | Approved  |
| SCL Pipeline Inc.  | Gas Class 2                    | \$50,000,000                          | Approved  |
| Shiha Energy Transmission Ltd.                               | Not Applicable                 |                                       |   |
| Souris Valley Pipeline Limited                               | CO <sub>2</sub> or Water Class | \$5,000,000                           | Approved  |
| St. Clair Management Inc.                                    | Gas Class 1                    | \$200,000,000                         | Approved  |
| Steel Reef Pipelines Canada Corp.                            | Gas Class 2                    | \$50,000,000                          | Conditionally approved                          |
| Strategic Oil & Gas (Strategic Transmission)                 | Not Applicable                 |                                       |   |
| Strathcona Resources Ltd.                                    | Gas Class 3                    | \$50,000,000                          | Under Review                                    |
| Sunoco Pipeline LP   | Gas Class 2                    | \$50,000,000                          | Approved  |
| Surge Energy Inc.  | Gas Class 3                    | \$50,000,000                          | Approved  |
| Tamarack Acquisition Corp.                                   | Not Applicable                 |                                       |   |
| TAQA North Ltd.  | Gas Class 2                    | \$50,000,000                          | Approved  |
| Tidewater Midstream & Infrastructure Ltd.                    | Gas Class 2                    | \$50,000,000                          | Under Review                                    |
| TransCanada Pipelines Limited                                | Gas Class 1                    | \$200,000,000                         | Approved  |
| TransCanada Keystone Pipeline GP Ltd. (Keystone)             | Oil Class 1                    | \$1,000,000,000                       | Approved  |
| Trans Mountain Pipeline ULC                                  | Oil Class 1                    | \$1,000,000,000                       | Approved  |
| Trans-Northern Pipelines Inc.                                | Oil Class 2                    | \$300,000,000                         | Under Review                                    |
| Trans Quebec & Maritimes Pipeline Inc.                       | Gas Class 1                    | \$200,000,000                         | Approved  |
| Tundra Oil & Gas Limited                                     | Oil Class 3                    | \$200,000,000                         | Under Review                                    |
| Twin Rivers Paper Company Inc.                               | Other Commodity Class 1        | \$10,000,000                          | Under Review                                    |
| Vector Pipeline Limited                                      | Gas Class 1                    | \$200,000,000                         | Approved  |
| Veresen Energy Pipeline Inc.                                 | Gas Class 1                    | \$200,000,000                         | Conditionally approved                          |
| Veresen NGL Pipeline Inc.                                    | Gas Class 2                    | \$50,000,000                          | Approved  |
| Vermillion Energy Inc.                                       | Not Applicable                 |                                       |   |
| Westcoast Energy Inc.  | Gas Class 1                    | \$200,000,000                         | Approved  |
| Westover Express Pipeline Ltd. (used to be Enbridge Line 10) | Oil Class 2                    | \$300,000,000                         | Approved  |
| Whitecap Resources Inc.                                      | Oil Class 2                    | \$300,000,000                         | Approved  |
| Yoho Resources Inc./SanLing                                  | Not Applicable                 |                                       |   |
| Zibi Community Utility LP                                    | CO <sub>2</sub> or Water Class | \$5,000,000                           | Approved  |

# Appendix K: Abbreviations and Definitions

## Abbreviations

**ADR**

Alternate Dispute Resolution

**ALL**

Absolute Liability Limit

**AMP**

Administrative Monetary Penalty

**CEO**

Chief Executive Officer

**CER**

Canada Energy Regulator

**CER Act**

*Canadian Energy Regulator Act*, S.C. 2019, c.28, section10

**CNOOC**

CNOOC Marketing Canada

**Commission**

Commission of the Canada Energy Regulator

**GIC**

Governor in Council

**MMTP**

Manitoba-Minnesota Transmission Project

**NEB**

National Energy Board

**NEB Act**

*National Energy Board Act* R.S.C., 1985, c. N-7 [Repealed 2019, c.28, section44]

**NGTL**

NOVA Gas Transmission Line

**NOV**

Notice of Violation

**OGOA**

*Oil and Gas Operations Act*

**OPR**

*Canadian Energy Regulator Onshore Pipeline Regulations*

## Definitions

### **Governor In Council**

A Governor in Council appointment is one made by the Governor General, on the advice of the Queen's Privy Council of Canada (i.e., the Cabinet). The appointments are made through an Order in Council and range from heads of agencies and chief executive officers of Crown corporations to members of quasi-judicial tribunals.

### **Quasi-Judicial Tribunal**

The Commission is a quasi-judicial tribunal, meaning that it is an administrative tribunal with all the powers, rights, and privileges vested in a superior court of record with respect to any matters within its jurisdiction. All applications and proceedings before it must be dealt with as expeditiously as the circumstances and procedural fairness and natural justice permit, but, in any case, within any time limit provided for under the CER Act.

### **REGDOCS**

REGDOCS is the collection of publicly accessible records that are filed in relation to any CER regulatory proceeding.

## To Learn More about the CER

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