



## LMG News



### May 2020

The CER announced on April 9, 2020 new international and interprovincial power line damage prevention regulations made under the [Canadian Energy Regulator Act](#) and amendments to certain other regulations made under the *National Energy Board Act*, the purpose of which was to ensure they align with the *Canadian Energy Regulator Act*. All the regulations, both new and amended, are now in force.

#### **International and Interprovincial Power Line Damage Prevention Regulations**

[International and Interprovincial Power Line Damage Prevention Regulations — Authorizations, SOR/2019-347](#)

[International and Interprovincial Power Line Damage Prevention Regulations – Obligations of Holders of Permits and Certificates, SOR/2020-49](#)

Preventing damage to power lines is a shared responsibility. The purpose of the new regulations is to ensure safety for all involved.

CER holders of permits and certificates of international and interprovincial power lines (holders) are required to ensure that people living and/or working near defined international and interprovincial power lines (power lines) fully understand how specific activities can be conducted safely. Prior to conducting activities near these power lines, people must first obtain an authorization from the holder and call before they dig. This first contact initiates key communication processes that will provide information on how to work safely around power lines.

In addition to describing the obligations of holders, the new regulations also provide details as to the requirements of anyone planning either one of the following activities:

- Construct a facility across, on, along or under (near) a power line or
- Engage in ground disturbance activities within a prescribed area, or
- Operate a vehicle or mobile equipment across a power line, unless the vehicle or mobile equipment is operated within the travelled portion of a highway or public road.

#### **The basic safety requirements include the following steps:**

If the construction of a facility or a ground disturbance activity is being considered, time must be allocated to obtain the required authorizations;

- Contacting the power line company will also entail a locate request to identify the underground portions of power lines;

If the plan is to cross a power line with a vehicle or other mobile equipment, unless the vehicle or mobile equipment is operated within the travelled portion of a highway or public road, the general requirement remains, as it was under the *National Energy Board Act*, that the holder's authorization is required prior to engaging in this type of activity.

More details are available in the CER letter sent on 9 April 2020:

[CER Letter – New Regulations for international and interprovincial power line damage prevention](#)

The CER is committed to continual improvement. Should you have questions or should you wish to provide feedback about the new [regulations](#), please contact Chantal Briand, Regulatory Drafting Specialist, at 403-389-1209 or [chantal.briand@cer-rec.gc.ca](mailto:chantal.briand@cer-rec.gc.ca), or Shannon Neufeld, Technical Leader, Damage Prevention at 403-389-6244, or [shannon.neufeld@cer-rec.gc.ca](mailto:shannon.neufeld@cer-rec.gc.ca).

## Amending Regulations

### Coming into force of Regulations Amending Certain Regulations made under the *National Energy Board Act*

The purpose of the Amending Regulations were to ensure alignment with the CER Act. As such, the following regulations are now in force, and are accompanied by their corresponding Regulatory Impact Analysis Statements:

- [Regulations Amending Certain Regulations Made Under the National Energy Board Act \(Miscellaneous Program\), SOR/2020-50](#) (the "Miscellaneous Program")
- [Regulations Amending Certain Regulations Made Under the National Energy Board Act, SOR/2020-51](#)
- [Regulations Amending the Oil Product Designation Regulations \(Miscellaneous Program\), SOR/ 2020-52](#)
- [Regulations Amending the National Energy Board Pipeline Damage Prevention Regulations – Authorizations \(Miscellaneous Program\), SOR/2019-349](#)

The Miscellaneous Program referenced above also includes name and term changes to the following five regulations:

- *National Energy Board Onshore Pipeline Regulations*, SOR/99-294
- *National Energy Board Processing Plant Regulations*, SOR/2003-39
- *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*, SOR/2016-133
- *Gas Pipeline Uniform Accounting Regulations*, SOR/83-190
- *Oil Pipeline Uniform Accounting Regulations C.R.C, c. 1058*, SOR/83-250

In addition to the name and term changes referenced in the Miscellaneous Program, other non-substantial amendments were also made to the *National Energy Board Onshore Pipeline Regulations* (OPR). These amendments were made in response to the review of the

*Regulations Amending the National Energy Board Onshore Pipeline Regulations, 1999*, SOR/2013-49, by the Standing Joint Committee for the Scrutiny of Regulations.

The *Regulations Amending Certain Regulations Made under the National Energy Board Act*, SOR/2020-51 include updates to the names of Group 1 regulated companies under the CER Act.

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