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**VIA E-MAIL SUBMISSION**

December 19, 2013

National Energy Board  
444 Seventh Avenue S.W.  
Calgary, Alberta T2P 0X8

To: Ms. Andrea Hardie, Regulatory Development Specialist, Regulatory Approaches

**Re: Notice of Proposed Regulatory Change (NOPRC) – NEB Damage Prevention Regulations  
National Energy Board Pipeline Crossing Regulations, Part I  
National Energy Board Pipeline Crossing Regulations, Part II  
Onshore Pipeline Regulations (OPR)**

We would like to thank the National Energy Board (“NEB” or “Board”) for providing an opportunity to comment on the NOPRC on the NEB’s Damage Prevention Regulations. Kinder Morgan Canada Inc. (KMC) supports the NEB’s efforts to reduce damage and mitigate risks of potential damage on energy pipelines.

The Canadian Energy Pipeline Association (“CEPA”) is submitting its comments in a concurrent letter representing the views of its member companies. As an active member of CEPA, KMC fully supports the position outlined in CEPA’s letter.

We want to underscore our concern that under the NEB’s current approach, regulated companies will not have sufficient opportunity to review and provide comments on the specific wording of the proposed regulated changes. KMC would like to offer constructive feedback but as the draft regulations will not be made public until mid-2014, it is unlikely that there will be time or opportunity to provide meaningful input.

Our review of the NOPRC raised many questions and potential concerns, many of which would likely be addressed if we had the benefit of seeing the specific wording of the proposed regulatory changes. For example:

- Regarding the proposed amendment to *address “ongoing monitoring of the use of the land on which the pipeline is located and the land adjacent to the pipeline right-of-way”*, KMC concurs with CEPA’s position that this language is vague and contains a number of terms that are open to interpretation.
- Due to the lack of detail on the intent of “...ongoing emergency responder education”, KMC agrees with CEPA’s position that this effort is a duplication of OPR section 35 being that it already requires companies to educate responders regarding the location of our pipeline.
- With respect to the addition of Damage Prevention Programs to the Management System requirements, these changes seem consistent with current requirements for other programs outlined in the OPR. However, we will only be able to conclude this once we are able to review of the draft wording of the proposed regulatory changes.

We hope the Board will reconsider the timing for its public release of the proposed regulatory changes before they are published in Canada Gazette I. Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



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cc: Mr. Ziad Saad, Canadian Energy Pipelines Association  
Mr. Thomas Linder, Canadian Energy Pipelines Association