



Public Comment Period on revised CER Filing Manual section 1.5 and Electricity Filing Manual section 1.4 Confidential Filing

Regulatory Context

Edits to the Filing Manual were published on the CER website on 6 August 2020. These resulted from Royal Assent of the CER Act (2019) and related updates, including the CER's Early Engagement Guide. A series of technical updates to the Filing Manual are now underway in a process anticipated to occur over the next two years.

Public Comment Opportunity

The purpose of this note is to announce a 60-day public comment period from 1 December 2021 to 31 January 2022 on the proposed technical revisions affecting Filing Manual section 1.5 and Electricity Filing Manual section 1.4 Confidential Filing. A feedback page has been created on the CER website, providing links to the draft revised sections, and versions tracking the proposed changes: <https://www.cer-rec.gc.ca/en/applications-hearings/submit-applications-documents/filing-manuals/filing-manual/filing-manual-updates/index.html>. Development of specific processes relating to Indigenous knowledge will occur as part of a separate CER initiative that will include consultation with Indigenous peoples.

Proposed updates

Filing Manual section 1.5 and Electricity Filing Manual section 1.4 require updating because:

- requests for confidential treatment of filings often do not include sufficient justification to make a decision, so additional IRs are often required;
- the legislation refers to a “proceeding” which is not defined in the CER Act. Confusion can result in relation to what type of application is appropriate for condition compliance and lifecycle regulation (which may not be “proceedings”); and
- sections 58-62 of the CER Act have changed from the previous NEB Act, including the addition of confidentiality for Indigenous knowledge.

The following proposed updates will improve clarity around the filing requirements and guidance for confidential filings:

- add more specific filing requirements, based on Commission rulings that explain the key factors;
- distinguish between requirements for filings during and outside of a “proceeding”, and those relating to Indigenous knowledge;
- note that Indigenous knowledge must be treated differently than, for example, commercial confidentiality.

Benefits will include improved clarity of filing requirements. This should reduce the need for information requests because applicants will be able to more fully justify requests for confidentiality.

The CER welcomes written feedback regarding Confidentiality filing requirements in the Filing Manual and Electricity Filing Manual during the comment period ending 31 January 2022, via

the feedback page at: <https://www.cer-rec.gc.ca/en/applications-hearings/submit-applications-documents/filing-manuals/filing-manual/filing-manual-updates/index.html>.

Please contact filingmanual@cer-rec.gc.ca if you would like to request a meeting to discuss your feedback or concerns.