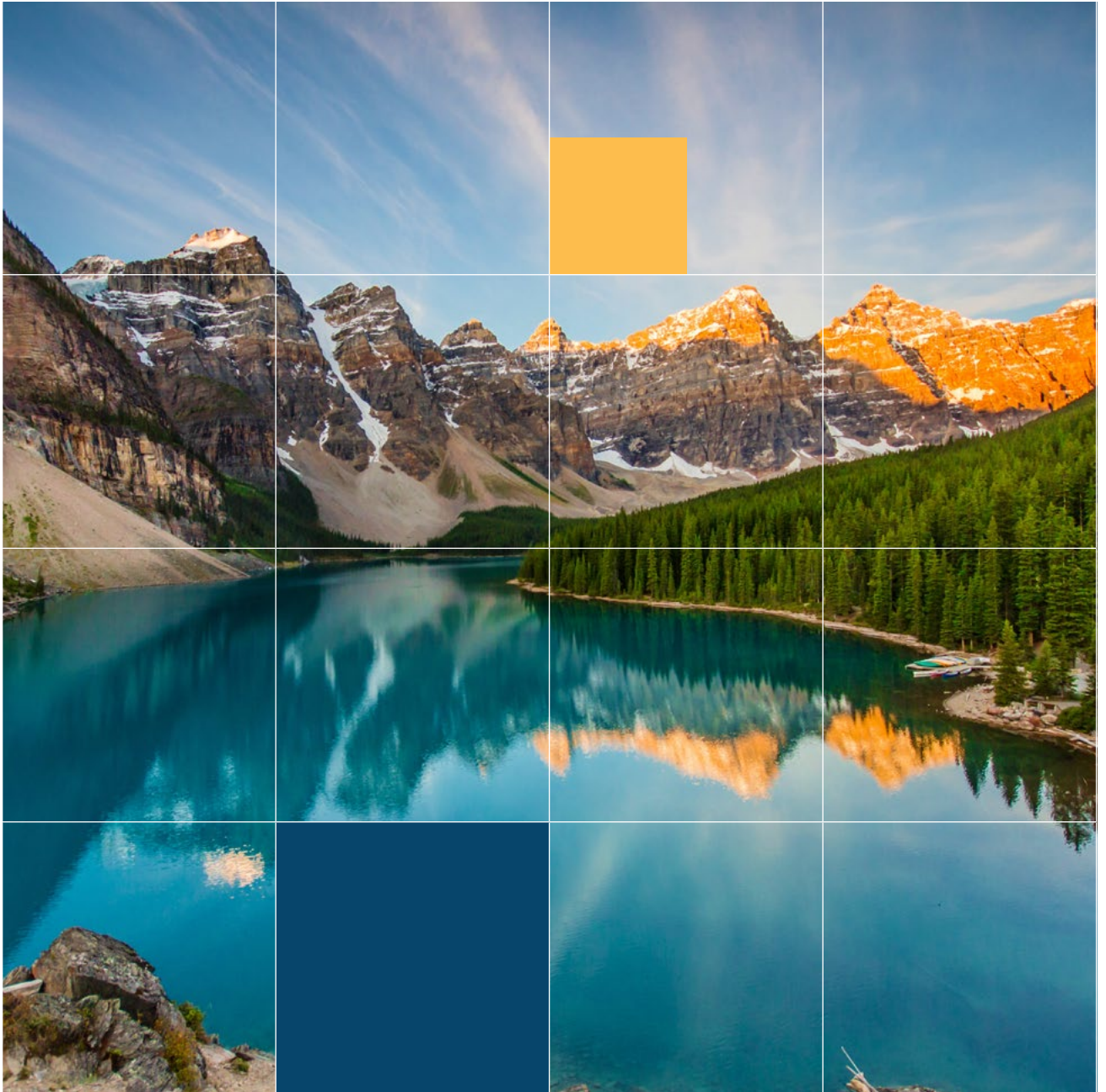




Canada Energy  
Regulator

Régie de l'énergie  
du Canada

# 2020-21 Annual Report of the Canada Energy Regulator



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## Note:

The 2020-21 Annual Report of the Canada Energy Regulator is one of two Annual Report documents that summarize the Canada Energy Regulator’s achievements of the past year. To learn more about the adjudicative work of the Canada Energy Regulator, please see the 2020-21 Annual Report of the Commission of the Canada Energy Regulator.

# Message from the Chairperson

The CER is Canada's federal energy regulator. It has been tasked to build an energy regulatory system that inspires trust and public confidence on the part of Canadians. The CER does this through robust communications, transparency, collaboration and inclusive engagement.

The Board of Director's Annual Report for 2020-21 is an overview of the Regulator's activities for the first full fiscal year of operation of the Canada Energy Regulator.

Setting the strategic direction for the organization is central to the role of the Board of Directors and I am very pleased that in 2020-21, the Board delivered its first Strategic Plan for the CER. The Plan was developed through consultation with the CER's Commission, Indigenous Advisory Committee, as well as a variety of stakeholders.

The Plan establishes a clear path forward for the organization and is a road map of what Canadians can expect from the CER in the years ahead. It features bold Vision and Mission Statements as well as four Strategic Priorities that focus on improving how the CER delivers its mandate: Trust and Confidence, Reconciliation, Competitiveness and Data and Digital Innovation.

The Board of Directors takes great pride in the CER's new Strategic Plan as it positions the CER on the right footing to fulfill our important role on behalf of Canadians.

Advancing reconciliation with First Nations, the Métis and the Inuit is a key component of the *Canadian Energy Regulator Act* (CER Act) and the CER continues to strive to meet that commitment.

For the first time ever, Canada's federal energy regulator established an Indigenous Advisory Committee (IAC) in August 2020 to enhance the involvement of Indigenous peoples in the CER's regulated infrastructure.



The IAC provides broad and strategic advice directly to the Board about how the CER can build a renewed relationship with the Indigenous peoples of Canada.

The IAC, along with the Board of Directors and Commission, are now all integral components of the Canada Energy Regulator's governance structure.

I want to personally welcome and thank the Members of the IAC for their commitment to this important initiative. The journey has been a rewarding work in partnership for the entire Board of Directors.

It is hard to believe that most CER staff, Commissioners, IAC and Board Members worked from home for the entire 2020-21 fiscal year due to the COVID-19 pandemic. Over the course of the year, we saw how the whole CER family rose to the challenge and responded with resilience and determination. The organization adapted, delivered on its mandate in a collaborative way and found new ways to connect with each other, Indigenous communities and stakeholders.

We learned how to navigate virtual meetings, town halls and hearings. Safety remained at the core of our mandate as we continued to deliver on our oversight processes, conducting field inspections, and ensuring compliance. While the pandemic has not been easy, it made us stronger as an organization.

The fiscal year 2020-21 also brought a dynamic new leader to the organization, as Gitane De Silva became CEO of the CER. Her passion and deep understanding of energy issues had an instant impact on the entire organization and the Board looks forward to working with Gitane for many years to come.

The Board also extend their thanks to Sandy Lapointe, who filled the role as Acting CEO for the first several months of the fiscal year; expertly leading the organization through the early days of the pandemic. Her rich experience and commitment to the organization continue to make a lasting legacy on the Canada Energy Regulator.

The 2020-21 fiscal year was a time of significant achievement and rising to the challenge at the CER. There was much accomplished and on behalf of the entire Board, I would like to thank the staff of the CER for all of their work over the year. The CER's greatest strength is its people. Their professionalism, values and passion make the CER an effective and responsive regulator.

On behalf of my colleagues on the Board of Directors, I respectfully submit to the Honourable Seamus O'Regan Jr., Minister of Natural Resources, and provide to Canadians the 2020-21 Annual Report of the Canada Energy Regulator.

*Original signed by Cassie J Doyle*

Cassie J Doyle  
Chairperson  
Board of Directors of the Canada Energy Regulator

# Message from the Chief Executive Officer

I had the great privilege of taking the reins as CEO of the Canada Energy Regulator in August 2020 when I was sworn in at a small ceremony in a park, near the CER's head office in Calgary, Alberta. It was deeply meaningful for me, as Elder Eldon Weasel Child, the former leader from the Siksika Nation of the Blackfoot Confederacy, welcomed me to Treaty 7 land. The City of Calgary is also home to Métis Nation of Alberta, Region III.

The CER works to keep energy moving safely and efficiently through our country's pipelines and powerlines. It sits at the nexus of a number of critical issues for our country, which include resource development, climate change and Reconciliation. The opportunity we have is to demonstrate that the CER can balance a set of diverse interests and move our country forward, advancing the social and economic well-being of Canadians, as well as protecting the environment.

While 2020-21 was an exciting time to be at the CER, it was also a year of uncertainty. We have all been personally impacted by the COVID-19 pandemic and it has changed our way of being in the world. No one does these jobs alone, and I want to thank the entire CER family for their tremendous support and hard work over the past year. The CER's greatest asset remains its people and our successes are thanks to them.

From the regulator's perspective, our responsibilities did not go away and we worked in real time to alter many aspects of our regulatory oversight.

We demonstrated organizational agility in shifting from an office-based work site to working from home. We also adjusted many aspects of our regulatory monitoring. Preventing harm and keeping people safe is at the core of who we are and the work we do, so we adapted to our new circumstances while maintaining our commitment to safety.



- The CER's oversight of pipeline construction and operational activities continued and whenever possible, technological solutions were used to reduce in-person interactions.
- The CER adapted its procedures to ensure onsite inspections and compliance verification activities were conducted safely.
- Staff worked collaboratively with both Indigenous Advisory Monitoring Committees (IAMC) and other regulators to create new ways of working safely in the field during the pandemic.

Over the past year, the CER made significant progress in how we oversee the Trans Mountain Expansion Project and the Line 3 Replacement Program in partnership with their respective Indigenous Advisory Monitoring Committees. This work is helping to shape and guide our broader approach to incorporating Indigenous perspectives into our monitoring and oversight activities.

In November, it was exciting to see CER Inspection Officers and Indigenous Monitors complete the fiftieth joint compliance verification activity of the Trans Mountain Expansion Project and existing line. Through this innovative collaboration, CER Inspection Officers learn about Indigenous values and world views with respect to risk, while Indigenous Monitors learn about the CER's inspection process.

Unfortunately, there were several serious workplace incidents in 2020-21 on sites that the CER regulates, including a tragic fatality on a construction project near Edmonton, Alberta.

Any incident is one too many. Every day, on every work site, people have the right to feel and be safe. The CER and all regulated companies are committed to redoubling their efforts to help ensure safe and healthy workplaces for Canadians working on CER regulated sites.

One of the CER's core responsibilities is Energy Information and in 2020-21, the organization published its Energy Futures 2020 Report, which had an immediate impact on the energy dialogue in Canada. The report's outlook considered two scenarios with different rates of technological and government policy change: the Evolving Energy System Scenario and the Reference Energy System Scenario. The report explored how new technologies and climate policy will impact Canadian energy consumption and production trends over the next thirty years.

Making the CER a place where everyone feels like they belong is my personal commitment to everyone who works in our organization. All Canadians should see themselves reflected at all levels of the public service and in order to build further trust and confidence in the CER, we continued to take action to address systemic racism and barriers. An organization is stronger when there is a diversity of thought, experience and perspective. It makes us better.

The CER is an energy regulator with an exemplary workforce that earns the confidence of Canadians, is dedicated to preventing harm, ensuring safety and environmental sustainability, works as partners with Indigenous peoples, and enhances Canada's global competitiveness. Once again, I would like to thank the members of the CER's workforce for all of their dedicated public service in 2020-21.

*Original signed by Gitane De Silva*

Gitane De Silva  
Chief Executive Officer  
Canada Energy Regulator

# Message from the Indigenous Advisory Committee Chairperson

It has been a privilege and an honour to serve as the first Chairperson of the CER Indigenous Advisory Committee. While we are still in early days, the Committee provides a tremendous opportunity to bring Indigenous worldviews and voices into the governance and work of the federal energy regulator. The IAC is comprised of First Nation, Inuit, and Métis individuals and representatives from across Canada. I am pleased to provide a forward to the CER's 2020-21 Annual Report, on behalf of the IAC.

Since its establishment, the Committee has focused on building strong, long-term relationships, with the Board of Directors and CER staff. This has been uniquely challenging in the virtual environment we have been working in during the COVID-19 pandemic. Taking the time to build these relationships however, will provide a solid grounding for the important work ahead.

Three of the six meetings that the Committee held virtually in 2020-21, were joint with the Board of Directors. One of our early and significant achievements through these meetings was to co-develop the IAC Terms of Reference. It is through collaborations like this that we will begin to meet the shared goals of the IAC and Board of Directors – to develop strong relationships and to ensure that the Committee's advice has a meaningful, timely and measurable impact on the CER's work.

Through its initial meetings, the Committee also provided advice on a number of initiatives including the CER's Strategic Plan, with resulting changes being made to strengthen the Plan's language and Strategic Priorities, including Reconciliation. Although the IAC does not provide advice on the adjudication of specific projects, our advice will help shape deep systemic changes to how future projects are assessed and promote positive systemic change with the CER and its regulated industry.



The IAC also had the opportunity to engage in a number of joint learning sessions with the Board of Directors on the UN Declaration on the Rights of Indigenous Peoples (UN Declaration), and to begin discussions on how to implement the UN Declaration within the CER's mandate. This is deeply important work, and the Committee notes the CER's commitment to the UN Declaration, set out in the preamble to the CER Act, and in the CER's Reconciliation Strategic Priority. The Committee looks forward to working closely with the Board and CER staff, as the organization develops tools to implement the UN Declaration within its mandate.



One other area I would highlight from our inaugural year, is the preliminary advice that the Committee provided on the CER's ongoing work to strengthen its approach to Crown consultation and accommodation. This is a new role for the CER under the CER Act and will be a focus of the IAC's advice moving forward.

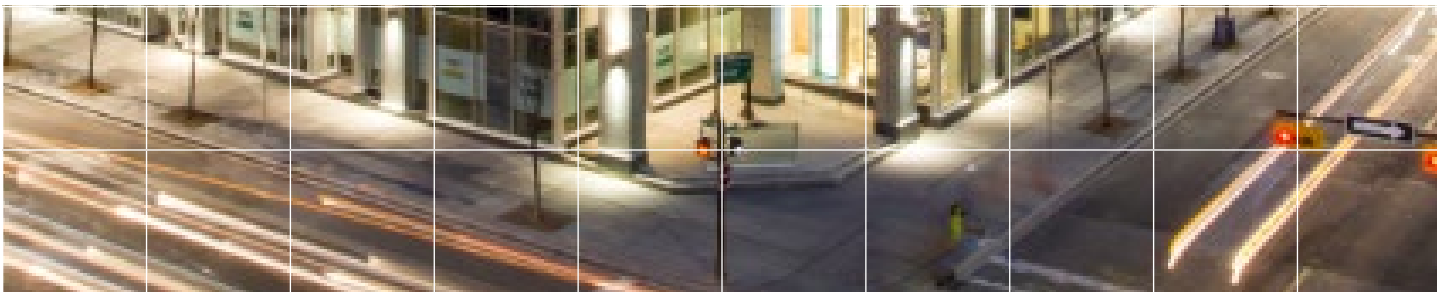
The work of the IAC will build on, and support, other work and initiatives that the CER has undertaken over the past few years with Indigenous partners, such as the Indigenous Advisory and Monitoring Committees for the Trans Mountain Existing Pipeline and Expansion and the Line 3 Replacement Program. It will be important for the Committee to find ways to bring the lessons learned through the IAMCs, into the strategic advice of the IAC.

More recently, we started the important task of jointly developing a very ambitious three-year work plan for the IAC. This work plan will see us focus our efforts broadly and locally on relationships, communications and governance, the UN Declaration, cultural competency, Indigenous peoples' involvement in regulatory oversight, and Crown consultation and accommodation. Our work plan, while aligning with the Board's work plan, is designed to bring new and meaningful perspectives to our role as advisors who inform the Board's decision-making.

I am very hopeful and excited about the work that the IAC is carrying out as part of the CER. The work ahead is complex and challenging, but with willing partners at the table, we have a real opportunity to help realize the human rights-based principles in the UN Declaration, and navigate what Reconciliation means to a federal regulator.

*Original signed by Tribal Chief Tyrone McNeil*

Tribal Chief Tyrone McNeil  
Chairperson  
Indigenous Advisory Committee



# CER Overview

## Governance

### Board of Directors

The Board of Directors is responsible for governance of the CER, including providing strategic advice and direction. The Board's oversight is focused on results and outcomes.

### CEO

The CEO is responsible for the management and daily operations and affairs of the organization, including the supervision of its employees and their work, and has the responsibilities of a deputy head.

### Commission

The Commission is responsible for making independent adjudicative decisions and recommendations pursuant to the CER Act and other legislation. 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.

### Indigenous Advisory Committee

The Indigenous Advisory Committee provides broad and strategic advice directly to the Board of Directors that is focused on how to enhance the involvement of the Indigenous peoples of Canada in CER-regulated infrastructure. The Committee does not provide advice on any particular matter before the CER Commission.

## Context

The CER regulates infrastructure to ensure safe and efficient delivery of energy to Canada and the world, protecting the environment, recognizing and respecting the rights of the Indigenous peoples of Canada, and providing timely and relevant energy information and analysis.

## Expected Results

- Energy adjudication processes are fair, timely, transparent, and accessible.
- We prevent harm to people and the environment throughout the lifecycle of energy-related activities.
- Canadians have access to relevant energy and pipeline information for knowledge, research or decision-making.
- Feedback provided by stakeholders and Indigenous peoples informs our decisions and our work.
- The right governance, resources, management systems, programs and services are in place to deliver on our program results.



# Canada Energy Regulator – The First Full Year

Launched in the summer of 2019, the Canada Energy Regulator's first full fiscal year in operation was 2020-21. In that relatively short period of time, the CER has established its footing and made great strides to fulfil the scope and intent of its authority and responsibilities under the organization's founding legislation, the *Canadian Energy Regulator Act*.

While the CER's first full fiscal year in operation was overshadowed by the pandemic, the organization made significant progress in advancing its important work as the country's national energy regulator.

## Strategic Plan

One of the CER's most important achievements in 2020-21 was the completion of its first Strategic Plan. Setting the strategic direction for the organization is central to the role of the Board of Directors. Once the Board set the new Strategic Plan, which took effect on April 1, 2021, it became the role of the CEO to lead its implementation as part of the day-to-day business of the organization.

The CER's new Strategic Plan includes an updated CER Mission, Vision and four Strategic Priorities.

The Vision is aspirational, capturing the type of regulator the CER strives to be and furthering commitments outlined in the preamble of the CER Act.

The Mission aligns with the CER's mandate, as described in its enabling legislation. The organization's Mission also states that safety is at the core of the CER's mandate and is further framed with a commitment to respecting the rights of Indigenous peoples of Canada and continuing the CER's work in energy information.

## Vision

An energy regulator with an exemplary workforce that has the confidence of Canadians; is dedicated to ensuring safety and environment sustainability; builds strong relationships with First Nations, the Métis, and the Inuit; and enhances Canada's global competitiveness.

## Mission

Regulating infrastructure to ensure safe and efficient delivery of energy to Canada and the world, protecting the environment, recognizing and respecting the rights of the Indigenous peoples of Canada, and providing timely and relevant energy information and analysis.

## Strategic Priorities

For the past several years, the CER has identified priorities in which it would strategically focus program activities. These Focus Areas extended beyond the outcomes of any one program or core responsibility. They required cross organizational leadership to drive a systematic shift in the way the CER delivered services to Canadians.

For 2020-21, the term 'Focus Area,' which was incorporated in the organization's previous Strategic Plans, has been replaced in the CER's new Plan with the term 'Strategic Priority.'

The organization's new Strategic Plan has four Strategic Priorities, which include; Trust and Confidence, Reconciliation, Competitiveness and Data and Digital Innovation. These Strategic Priorities build and expand upon the exceptional work done to date in the CER's Focus Areas.

Two of the Focus Areas from 2020-21 – 'Reconciliation with Indigenous Peoples' and 'Data Transformation' – are included in the CER's new Strategic Plan as Strategic Priorities. The third Focus Area - 'People and Workforce' - has been elevated in the new Strategic Plan, as it is now made permanent in the organization's Vision statement. The Focus Area on 'People and Workforce' will also continue to form a critical element of the Trust and Confidence Strategic Priority.

### TRUST AND CONFIDENCE:

Fostering trust and confidence of Canadians in the CER through robust communications, transparency, collaboration and inclusive engagement; building respectful relationships with the Indigenous peoples of Canada; and fostering an engaged and empowered workforce.

### RECONCILIATION:

Transforming the way we work with the Indigenous peoples of Canada, with a commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples, by enhancing their involvement in how we discharge our mandate recognizing their unique cultures, knowledge and histories; building renewed relationships based on the recognition of rights, respect, co-operation and partnership; improving the cultural competency of the CER and its staff; and driving meaningful change in the CER's requirements and expectations of regulated industry.

### DATA AND DIGITAL INNOVATION:

Creating a data and digital innovation culture and systems that enable the effective delivery of the CER's mandate; allow for improved public access, use and analysis of accurate data and energy information for meaningful participation and informed decision-making; and enhance opportunities for digital engagement.

### COMPETITIVENESS:

Enhancing Canada's global competitiveness by improving transparency, predictability and efficiency throughout the regulatory lifecycle, while driving innovation that contributes to the transition to a low carbon economy.



## Strategic Priorities 2021-22

## **Strategic Priority: Trust and Confidence**

The Canada Energy Regulator is committed to delivering a regulatory system that Canadians trust.

The organization will earn that trust and the confidence of Canadians by being transparent, working collaboratively and being responsive to what it hears from stakeholders and Indigenous peoples. As the Canada Energy Regulator continues to improve and move forward in its work, it is committed to sharing its progress with Canadians in an open and transparent manner.

Having the trust and confidence of its own staff is critical to an empowered workforce. The CER will examine its own workplace practices to ensure that it is building a culture that is diverse and inclusive, where all staff feel valued and respected.

## **Strategic Priority: Reconciliation**

The CER is committed to the ongoing process of Reconciliation with the Indigenous peoples of Canada and will continue to take meaningful actions in that direction. The organization's efforts in advancing Reconciliation are supported by the tools found in the CER Act as well as a renewal of the CER's relationship with Indigenous peoples – which is based upon the recognition of rights, respect, co-operation and partnership.

Changing how the organization works with Indigenous peoples is fundamental to the CER's Reconciliation Strategic Priority; this new approach includes a commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples, as well as the Calls to Action of the Truth and Reconciliation Commission.

In 2020-21, the CER undertook a number of initiatives in support of Reconciliation, including:

- Establishing the Indigenous Advisory Committee.
- Establishing a CER Business Unit focused specifically on Indigenous Relations and Reconciliation. The new Unit serves as a centre of excellence with respect to Indigenous engagement and reconciliation activities across all CER programs.
- Evaluating and collaborating on responses to advice provided by the Trans Mountain and Enbridge Line 3 Indigenous Advisory and Monitoring Committees.
- Integrating Indigenous knowledge and insights from Elders and Knowledge Keepers into its compliance monitoring work.
- Collaborating with several government departments on the development of an Indigenous Knowledge Policy.
- Drafting an Indigenous Recruitment and Reconciliation Strategy: As one way to improve the cultural competency of the CER and its staff, the CER began to develop an Indigenous Recruitment and Retention Report. This approach sets a direction and establishes priorities to cultivate an Indigenous Inclusive workforce and attract, retain and advance Indigenous employees.
- Increasing the CER's individual and collective cultural competency through training that responded to Call to Action #57 of the Truth and Reconciliation Report.
- Establishing a CER Indigenous Employee Circle.

## Establishment of the Indigenous Advisory Committee

The CER's Indigenous Advisory Committee was launched in August 2020 to fulfil a legislative requirement to establish an advisory committee to enhance the involvement of Indigenous peoples in the CER's regulated infrastructure.

The overarching role of the IAC is to provide broad and strategic advice directly to the Board of Directors about how the CER can build a renewed relationship with First Nations, the Métis Nation and Inuit communities.

Through its initial meetings, the IAC provided sound advice on the CER's new Strategic Plan, the Reconciliation Strategic Priority and the organization's ongoing work on its approach to Crown consultation.

Looking ahead, the CER's Board of Directors will seek the IAC's advice on approaches to Indigenous peoples' involvement in CER regulatory oversight and on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. This advice will bring meaningful change to the way the CER works, including its expectations and oversight of the industries it regulates.

The IAC is made up of nine members, three of whom are appointed by national Indigenous organizations: the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami.

Committee members reflect Canada's diversity of Indigenous communities, languages, genders, geographies, and skills and expertise. They also are leaders at the local, regional and national level, are respected voices of their communities, bringing significant experience in the energy and natural resources sectors.

## Strategic Priority: Competitiveness

The *Canadian Energy Regulator Act* clearly outlines the ambition for the CER's regulatory system to enhance Canada's global competitiveness. The CER will deliver on that commitment by moving forward with improvements to the predictability, transparency and efficiency of its regulatory processes.

Canada's competitiveness will also be enhanced through innovations in the CER's oversight. This will include: delivering more clarity in its regulatory requirements, streamlining processes and creating new regulatory approaches to encourage innovation. The CER will also focus on engaging with stakeholders and explore the role of the regulator in the transition to a low carbon economy.



## Strategic Priority: Data and Digital Innovation

Accurate and accessible data is integral to an effective regulatory system. With a wealth of technical, environmental and socioeconomic information, the CER is determined to create a culture driven by data and digital innovation.

Building a data and innovation culture that allows for improved public access, use and analysis of data and energy information, supports more informed decision-making and better process transparency and efficiency.

By making regulatory data more structured and searchable, scientists, industry, municipalities, Indigenous peoples and Canadians from all walks of life are able to better access information for their own purposes. In turn, these communities and the CER are better equipped to gain insights on issues ranging from public safety to environmental protection to energy markets.

In 2020-21, the CER continued to build a foundation for data transformation by concentrating on three pillars:

- People – Enhancing the skills and competencies of the organization through training and recruitment. Advanced data training programs were developed to upskill staff in a wide range of data specializations.
- Data – Building the ground work to enable better analytics, decision making and public participation. New tools and practices helped streamline data and information management across the organization.
- Systems – Establishing integrated data and information systems for internal and external users. Regulatory filing systems were streamlined to improve regulatory effectiveness, while updates to digital engagement processes will help facilitate public participation.

## People and Workforce

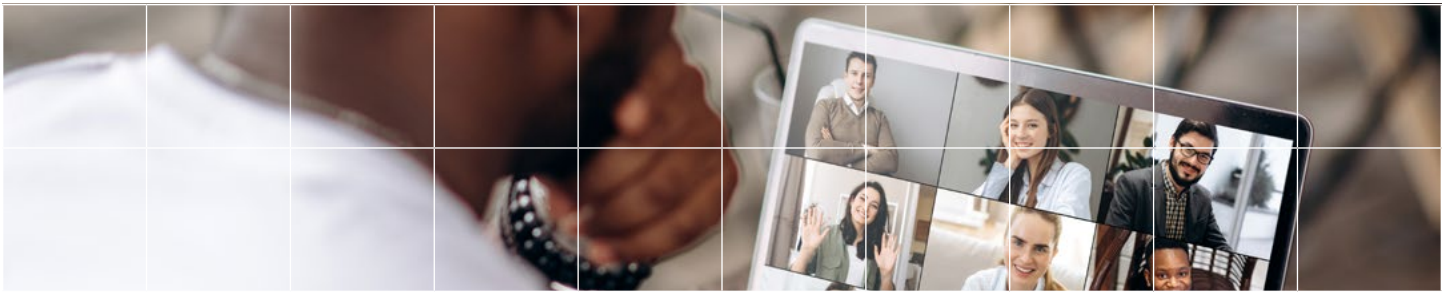
During the past year, the CER demonstrated the ability of its People and Workforce supports to adapt to meet the needs of the organization's greatest asset – its employees.

Bettering its people management practices through training remained a cornerstone of the CER's Human Resources approach, as the organization developed and offered training on staffing processes, Employment Equity and unconscious bias.

In support of its people, the CER enhanced employee engagement opportunities, internal communications and training, while continuing to deliver staffing, compensation, training, awards and recognition programs.

A new Labour Relations service delivery model was developed to better support CER leaders when addressing complex employee issues. The organization also launched a new Harassment and Violence Prevention Policy to ensure compliance with legislative changes to the Canada Labour Code.





## CER Pandemic Response

The COVID-19 pandemic continued to have an impact throughout the world for the entire 2020-21 fiscal year.

For the CER, this meant that many of its staff would serve the public every day from about 500 locations across Canada, working from kitchen tables, makeshift home offices and in the field with additional safety protocols and gear.

And every single day, CER staff got the job done; applications were reviewed, engagement with Indigenous peoples and stakeholders continued, and energy trends were compiled, analyzed and released to the public.

Oversight of CER-regulated energy infrastructure also continued in 2020-21, as the CER adapted how it conducted its compliance verification activities - including in person inspections - to protect the health and safety of CER staff, regulated companies, and all those it works closely with.

As the CER considered COVID-19 a hazard that companies needed to identify and manage, the organization worked to verify that companies were taking all steps required to protect their workers and nearby communities from the impacts caused by the pandemic.

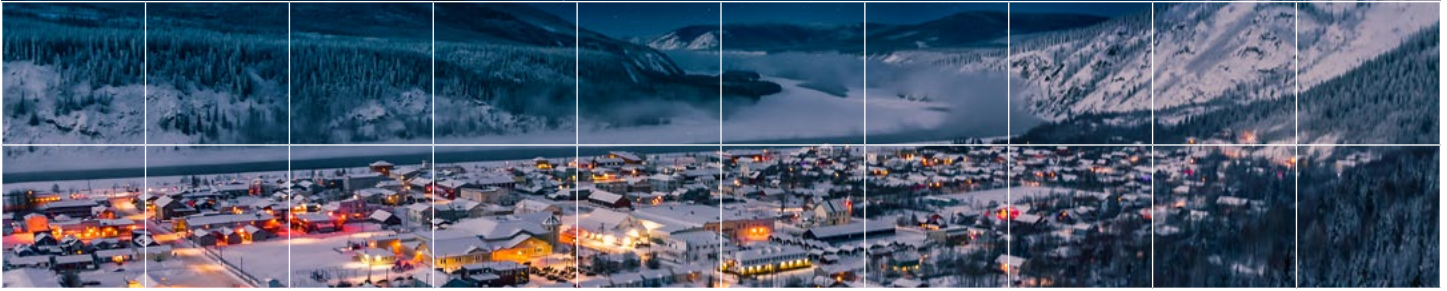
Most importantly, all of this work and these modified processes were carried out without compromising safety, oversight or environmental monitoring.

The Commission of the Canada Energy Regulator also adjusted a number of its adjudicative processes to replace in-person meetings with alternative formats, such as written or virtual proceedings. This allowed the Commission to continue to offer processes that were fair, timely, transparent and accessible, while also respecting physical distancing measures.

Thanks to an enormous team effort and solid business continuity planning, CER business operations continued uninterrupted throughout the entire year.

Looking back, the people of the CER learned a great deal about their ability to harness individual and collective strengths to adjust how the organization works and serves Canadians. While the CER continues to assess the future of the workplace beyond the pandemic, Canadians can be assured that the CER will continue to be dedicated to the safety and well-being of the public, Indigenous communities, its staff and the companies it regulates.





## What We Regulate: Energy in Canada

Energy plays a central role in all our lives. From the food we eat to the homes we live in to the clothes we wear, everything requires energy.

In 2019, the energy sector made up 10.2%, or \$219 Billion, of Canada's Gross Domestic Product (GDP). The energy sector directly employed 282,000 jobs of the national workforce and [total employment](#) - including indirect jobs - was estimated at 4.4% (or 832,500 jobs). Energy products made up 23% of Canada's total exports and were [valued at \\$134.3 billion](#).

The CER regulates over 73,000 km of pipeline, about 65% of the total length of all pipelines in Canada. If a pipeline system crosses provincial or international boundaries, it is regulated by the CER. If a pipeline system is contained within a province, it is generally under the jurisdiction of a provincial regulator.

The CER also regulates 85 operating international power lines that total 1,462 km in length. Those transmission lines transport power generated mostly from renewable sources.

Additionally, the CER regulates pipeline tolls and tariffs, energy exports and imports, oil and gas exploration and drilling in certain northern and offshore areas of Canada as well as offshore renewable energy.

Canada remains a land with immense natural resources - and that is a great advantage for Canadians - both today and for decades to come.





# Core Responsibilities: What we achieved

## Safety and Environment Oversight

The Canada Energy Regulator works for Canadians to keep energy moving safely and efficiently through our country’s pipelines and powerlines. The organization carries out this function by setting and enforcing regulatory expectations for companies over the full lifecycle – construction, operation and abandonment – of energy related activities.

The CER’s commitment to keeping people safe is at the core of who it is and the work it does. Regulated companies are also required by the CER to anticipate, manage, and mitigate any potential harm to safety

and the environment that may occur through the full lifecycle of their energy facilities.

The CER also promotes best practices to reduce the potential for harm and engages with the public, contractors, landowners, and municipalities to promote actions they can take to prevent damage to pipelines.

**Our Commitment:**

- Harm to people and the environment, through the lifecycle of energy-related infrastructure, is prevented.

**Performance Results Summary – Safety and Environment Oversight**

Performance Measure <sup>1</sup>	Target:	Results 2018-19	Results 2019-20	Results 2020-21
Number of serious injuries and fatalities related to regulated infrastructure.	0	13	8 <sup>2</sup>	12
Number of incidents related to regulated infrastructure that harm the environment.	0	13	2	6
Percentage of unauthorized activities on regulated infrastructure that involve repeat violators.	<15%	18%	12%	10%

1 The CER revised its performance measures for Safety and Environment Oversight for 2020-21.  
 2 This number differs from what was reported in the 2019-20 Annual Report as it was amended after year end.

## Compliance Activities

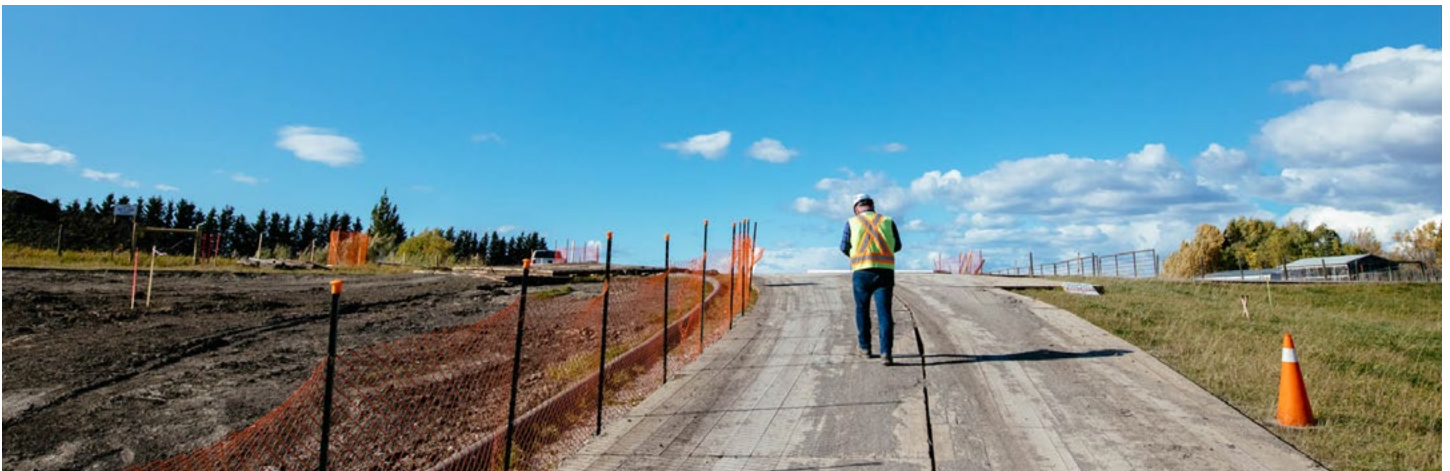
Preventing harm is the foundation of how the CER keeps people safe and protects the environment.

The CER aims to achieve zero incidents that harm people or the environment on the energy infrastructure it regulates. The CER follows a risk-based approach in planning and conducting compliance verification activities (CVAs) and when the activities of regulated companies have the potential to pose greater harm to people or the environment, the CER focuses increased oversight through engagement, inspections, investigations, audits and enforcement, when necessary.

In 2020-21, the CER conducted 215 CVAs, which included:



Overall, there were about thirty-five fewer CVAs in 2020-21 due to the COVID-19 pandemic.



## Trans Mountain Expansion Project (TMEP)

In 2020-21, Trans Mountain continued its construction activities on the TMEP pipeline. Throughout this time, the CER worked to hold the company accountable and verify that it was meeting its requirements and commitments through compliance verification activities and ensuring that Trans Mountain was satisfying all 156 conditions of the pipeline's approval.

The CER's efforts were informed by the Trans Mountain Indigenous Advisory Monitoring Committee and in collaboration with Indigenous Monitors.

During the course of the year, the CER undertook over fifty CVAs on the Trans Mountain Expansion Project; that work covered pipeline integrity, safety, environmental protection, damage prevention, and emergency management. The activities included thirty-two inspections, two emergency management exercises and twenty compliance meetings.

Tragically, a contract worker was fatally injured in October 2020 at a TMEP construction site in Edmonton, Alberta. In December 2020, a contract worker was seriously injured on a TMEP construction site in Burnaby, BC. In each case, CER staff were immediately deployed to conduct inspections and oversee the investigations conducted by the company and its contractor.

In response to the worker fatality, the CER issued an Inspection Officer Order to Trans Mountain, halting the use of trenching equipment and directing the company to conduct a comprehensive investigation of its contractor oversight practices.

In light of the incidents, Trans Mountain halted construction on the pipeline in mid-December 2020. Construction was restarted in February 2021.

Trans Mountain later submitted their root cause analyses for the incidents, which included but was not limited to, critical factors such as incorrect dismantling of the trench box by the contractor and contributing factors such as inadequate communication, inadequate leadership/supervision, and inadequate development of standards and procedures.

Subsequently, there were five compliance activities associated with these two events and an ongoing CER enforcement investigation of the fatality incident.



## CER Tests Trans Mountain Fire Response Preparedness

In March 2020, the CER conducted its first ever unannounced exercise to evaluate a regulated company's emergency readiness.

On that day, CER Inspectors and an Indigenous Monitor arrived at Trans Mountain's Burnaby facility with no prior warning given to the company that the CER would be initiating the exercise. Trans Mountain was directed to simulate a response to a full surface crude oil tank fire. The company had to show that it could get the needed personnel and equipment on site and ready to start extinguishing the fire within four hours to allow ample time to control a potential boil-over from the tank itself.

Initial findings indicated that Trans Mountain was able to respond to the potential scenario at its Burnaby facility in 2.5 hours, well within the four-hour target. Overall, no safety, or other issues including significant deficiencies or plan deviations were noted or observed by the CER or the Indigenous monitor. For more details see the [report](#) from the compliance activity.

The CER requires companies to be ready at all times to respond to any emergency related to their work and this new type of assessment demonstrates the CER's commitment to safety and innovation.

CER regulations outline what companies must do to prepare for an emergency. The CER makes sure that a company can respond effectively by evaluating emergency response exercises, reviewing emergency management programs, conducting emergency management inspections and by reviewing company Emergency Procedures Manuals. When companies do not meet requirements, the CER has the authority to take action to bring the company back into compliance so they are operating safely.

## Enbridge Line 3 Replacement Program

Construction on the Line 3 Replacement Project was largely completed during the 2020-21 fiscal year, therefore the CER's compliance oversight in that time focused on post-construction activities.

Compliance verification activities on Line 3 were carried out in the field with Indigenous Monitors from the Line 3 Indigenous Advisory Monitoring Committee.

## CER Oversight of Keystone XL

Construction activity on the Keystone XL pipeline occurred in the latter part of 2020. During that time, the CER conducted compliance verification activities with the assistance of Indigenous Monitors.

In January 2021, the U.S. federal government revoked the Presidential permit for the Keystone XL Project. Subsequently, TC Energy began winding down its construction activities in Canada while the CER continued its regulatory oversight activities.

## NOVA Gas Transmission Ltd. 2021 System Expansion Project

Construction activity on the NOVA Gas Transmission Ltd. 2021 System Expansion Project began in early 2021. In that time, the CER began a process to ensure the involvement of Indigenous Monitors<sup>3</sup> in its regulatory oversight work of the Project.



<sup>3</sup> IAMCs bring together Indigenous representatives and Government of Canada counterparts to provide strategic oversight advice to government and regulators, and to monitor the construction and operation of the projects. As a part of its strategic oversight role, the IAMCs have Monitoring sub-committees. With the guidance of the broader IAMC, trained Indigenous Monitors work in the field with CER Inspection Officers before, during and after the inspections, enhancing the expertise of the inspection team.

## Energy Adjudication

The CER regulates and adjudicates upon applications, which include environmental assessments, using processes that are fair, transparent, timely and accessible. These applications pertain to pipelines and related facilities, international power lines, tolls and tariffs, energy exports and imports, oil and gas exploration and drilling in certain northern and offshore areas of Canada as well as future offshore renewable energy projects.

Additionally, the CER regulates Canada's federal energy infrastructure over its complete lifecycle. During the design and application assessment phase of projects, it reviews and imposes conditions. Companies must satisfy the CER that they are fulfilling the conditions set in an application review, and that they are taking every available action to anticipate, prevent, and mitigate any potential harms associated with their activities. When a project has reached the end of its useful life, the CER reviews abandonment applications to ensure that they are abandoned in a safe and environmentally responsible manner.

The CER Act outlines the way resource projects are assessed by the CER. The legislation focuses on early planning and engagement during project reviews, Indigenous engagement and the incorporation of Indigenous knowledge and rights, as well as an emphasis on public participation opportunities.

Advancing Canada's global competitiveness is core to the CER's mandate. The organization is committed to making decisions in a predictable and timely manner, adhering to service standards, providing certainty to investors and stakeholders, driving innovation and enabling the carrying out of sound projects that create jobs for Canadians

For further details on adjudicative decisions and recommendations to the Governor in Council from the CER, please see the 2020-21 Annual Report of the Commission of the Canada Energy Regulator.

### Our Commitment

- Energy adjudication processes are fair, timely, transparent and accessible.



## Performance Results Summary – Energy Adjudication

Performance Measure	Target	Results 2018-19	Results 2019-20	Results 2020-21
Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness.	0%	0%	0%	0%
Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards.	100%	100%	100%	97% -Time Limits 100% -Service Standards
Percentage of surveyed participants who indicate that adjudication processes are transparent.	75%	73%	79%	80%
Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.	90%	100%	100%	100%

### CER Commission

One of the highlights of the modern governance structure of the CER is the establishment of an independent Commission to adjudicate upon energy projects.

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 and Departmental Results Framework. Specifically, the Commission contributes to the CER's core responsibilities of Energy Adjudication and Safety and Environment Oversight.

### Orphan Pipelines

The CER Act introduced provisions for dealing with pipelines where the company that holds the pipeline certificate is unknown, insolvent, dissolved or cannot be located. The CER established a Designated Officer and can now take necessary measures to abandon an orphaned pipeline, if required.



## Crown Consultation Process

In 2020-21, the CER delivered Crown consultation activities<sup>4</sup> with the guiding principle of advancing reconciliation with Indigenous peoples. For the CER, this meant emphasizing early and collaborative exchanges with Indigenous peoples based on a recognition of rights and enhancing the transparency of the Crown consultation process.

The CER's Crown Consultation Team consulted Indigenous communities in relation to a number of applications throughout 2020-21, such as;

- ITC's application for a variance to the ITC Lake Erie IPL certificate sunset clause;
- TC Energy's NGTL application for the Westpath 2023 pipeline project; and
- Trans Mountain's West Alternative route variance application.

At year-end, these review processes and corresponding Crown activities were still ongoing. As the CER implements its Crown consultation role, it will look for opportunities to continually improve its approach - listening and learning from Indigenous peoples.

## Improvements to the Participant Funding Program

The CER administers a Participant Funding Program to facilitate the participation of the public - in particular, the Indigenous peoples of Canada and Indigenous organizations - in public hearings and any steps leading to those hearings.

In 2020-21, a gap was identified in the Program whereby the CER was unable to provide participant funding for CER-led hearings of non-designated projects conducted under the *Canada Oil and Gas Operations Act* and the *Northwest Territories Oil and Gas Operations Act*, which could create a legal risk of the CER failing to fulfil the duty to consult.

CER staff worked with several federal government departments to assess the gap and identify options. On 24 March 2021 the Minister of Natural Resources approved amendments to the Participant Funding Program's Terms and Conditions to allow the CER to provide participant funding to Indigenous groups for such northern hearings. The CER is planning to issue grants to Indigenous groups for two northern project applications expected to require hearings in 2021-22.



<sup>4</sup> The duty to consult and, when required, accommodate, will be triggered when there is a potential impact to Indigenous or treaty rights and where a decision of the Government might adversely affect the exercise of those rights.

The CER's new Crown consultation responsibilities will be part of project reviews for new pipelines, powerlines or offshore renewable energy projects, as well as for activities it regulates over the lifecycle of energy infrastructure.



## Energy Information

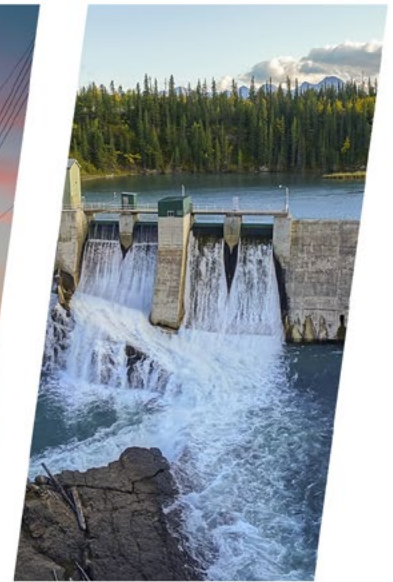
The CER collects, monitors, analyzes and publishes information on energy markets and supply, sources of energy and the safety and security of pipelines and international power lines.

The increasing pace of change in Canadian and global energy markets and climate policy suggest that the need for up-to-date analysis on energy trends is greater than ever.

The CER plays a vital role in conveying objective and neutral information to Canadians and is at the forefront on energy markets monitoring and analysis. Staff work feeds into regulatory hearings on pipeline projects in Canada, provides analysis on important policy developments, models Canada's energy supply and demand projections, and provides Canadians with reports and dashboards to help make informed choices on energy matters.

### Our Commitment

- Shape and strengthen the CER's contributions to the new Government of Canada energy information initiative, the Canadian Centre for Energy Information.
- Increase access to neutral and fact-based energy analysis to inform Canada's energy conversation.
- Broaden collaboration with stakeholders and partners.
- Publish informative products that are beneficial to a diverse audience, and reflect Canada's diversity of relevant energy issues in an engaging and transparent way.



## Performance Results Summary – Energy Information

Performance Measure	Target	Results 2018-19	Results 2019-20	Results 2020-21
Number of times CER Energy Information is accessed.	750,000	1,216,873	1,273,727	1,169,612
Increased information specific to CER-regulated infrastructure in communities.	5 new data sets	15	6	15
Percentage of surveyed web users who agree that energy information is useful for knowledge, research and decision-making.	75%	90%	92%	N/A <sup>5</sup>
Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.	80	105	56	113

### The Canadian Centre for Energy Information

The CER works to provide the energy information that the public and industry demand in order to make informed decisions.

As part of that commitment, the CER collaborated with several federal departments - including Natural Resources Canada, Environment & Climate Change Canada, and Statistics Canada - to establish the Canadian Centre for Energy Information (CCEI), which has a mandate to develop a modern, Pan-Canadian energy information system that provides easy-to-access, comprehensive, and credible information.

The CCEI provides Canadians with a single point of access to a wide variety of statistics and measures of the country's energy sector. Its website, launched in October 2020, offers an array of information on topics such as energy production, consumption, international trade, transportation and prices.

The initiative will benefit anyone interested in obtaining data on energy who may not have prior knowledge of where or how to find that information. It will also create a more efficient mechanism for both the CER and Canadians who regularly use energy data.

More and more, that information will focus on Canada's energy transition, including projections on energy production and consumption in our lower carbon future.

The CER works to provide the energy information that the public and industry demand in order to make informed decisions.

5 Survey was not conducted in 2020-21 due to technical issues and very low response rates in previous years.

## Informing Canada's Energy Conversation

The CER produces neutral and fact-based energy analysis to inform the energy conversation in Canada. Providing access to relevant, accurate and timely energy data and information gives Canadians tools they need to do their own research, make decisions and understand the energy landscape around them. By increasing energy awareness, the CER supports Canada's global competitiveness in energy markets.

Higher profile energy analysis that the CER released in 2020-21 included the Energy Futures 2020 Report as well as Canada's Renewable Power Report.

[Energy Futures 2020](#) is the CER's long-term energy supply and demand outlook. The report introduced a new scenario that explored Canada's energy transition and examined the opportunities and challenges for Canada associated with net-zero GHG emissions by 2050. The report generated considerable dialogue - in the media, on social media and with energy experts - about the future of energy in Canada. Within 24 hours of the public release of Energy Futures 2020, there were over 770 social media posts and 450 news articles and broadcast mentions of the report.

The CER also released [Canada's Renewable Power](#) in March, which is a national, provincial, and territorial level overview of electricity generation and capacity. The report included a short-term outlook of capacity changes in Canada and illustrated the path forward for the decarbonization of Canada's electricity grids. The release of Canada's Renewable Power attracted considerable national media attention, as over 250 news platforms - with a combined audience reach of 240 million people - mentioned the report.



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During the 2020-21 fiscal year, the CER's Energy Information products, reports and statistics included:



- 60 new online energy information products
- 14 Reports and 46 Market Snapshots
- More than 1.1 million energy information web page views
- 208 information request responses
- 113 collaborative engagements with energy stakeholders
- 119 citations of energy and pipeline information sourced as a reference in major online publications

## Increasing Collaboration – Broadening the CER’s Reach

Policymakers, regulators and stakeholders need high quality energy information for a modernized energy system to work well. For that reason, the CER worked to develop deeper connections and broader collaboration with stakeholders and partners in 2020-21.

The organization worked with other departments and agencies within the Government of Canada, as well as international institutions, to provide Canadians with greater access to data and data sets. The intent of this approach was to increase the scope and reach of CER energy information expertise and to improve the Canadian energy information landscape.

The CER worked with Statistics Canada to improve the quality of monthly trade data for both agencies and co-authored a publication on crude oil exports. The CER also collaborated with Statistics Canada and the Canada Border Services Agency to enhance the CER’s energy trade data holdings.

The CER undertook a collaborative research project and paper with CanmetENERGY, Natural Resources Canada, and the National Research Council on [“Open and common approaches for evaluating marginal emission factors: a case study of the Alberta electric grid.”](#)



## Engagement

The CER engages with stakeholders and Indigenous peoples on topics within the Canada Energy Regulator's mandate and role, beyond the engagement that occurs on specific projects.

To prevent harm, keep Canadians safe, protect the environment and prevent market inefficiencies, the CER is committed to listening and sharing the unique information it has as a regulator.

Engagement leads to more informed decisions and recommendations that prevent harm, keep people safe and the environment protected. Engagement also supports public transparency across every aspect of the CER's work.

Put simply, when the CER incorporates what it hears from Canadians, it builds relationships and awareness, it improves its own work, and it builds trust and confidence in its work as a regulator.

### Our Commitment

- The CER engages with Indigenous peoples and stakeholders.
- The CER is fundamentally transforming the way it works with the Indigenous peoples of Canada with a commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples by:
  - enhancing their involvement in how we discharge our mandate recognizing their unique cultures, knowledge and histories, and
  - building renewed relationships based on the recognition of rights, respect, co-operation and partnership.

### Performance Results Summary – Engagement

Performance Measure <sup>6</sup>	Target	Results 2018-19	Results 2019-20	Results 2020-21
Evidence that input from Indigenous Peoples and stakeholders influences CER's decisions and work.	Narrative	N/A	N/A	BC Oil and Gas Commission and the CER finalized a one-year pilot project with the Aboriginal Liaison Program. Each CEO has signed a Service Agreement and CER transferred \$150,000 to BCOGC.  The CER's involvement will create new opportunities for collaboration with participating Indigenous communities and provincial agencies as we develop meaningful partnerships and relationships.
Percentage of participants in engagement activities who indicate that the engagement was meaningful.	75%	89%	84%	80%

6 The CER revised its performance measures for Engagement for 2020-21.

## Engaging with Indigenous Peoples and Stakeholders

The CER's engagement programs support engaging nationally and regionally with Indigenous Peoples and stakeholders through open dialogue, asking questions, sharing perspectives, and collaboration.

Despite the challenges the pandemic brought in 2020-21, the CER was able to engage with stakeholders and Indigenous peoples by adapting its processes to deliver engagement virtually.

Over the course of the year, the CER held 110 unique engagement events. In those meetings, the CER was able to identify issues and work to resolve them through communication and coordinated efforts across the organization, with regulated companies and provincial bodies.

Despite the limitations from the pandemic, 80% of stakeholder and Indigenous groups who completed the CER's stakeholder survey indicated they had a meaningful engagement with the CER.

Engagement activities were conducted across all CER programs to inform decisions, regulations, products and other work. However, the organization noted that it needs to continue to improve the ways in which it coordinates and aligns its engagement efforts.

### Stakeholder Engagement

Some of the highlights of the CER's 2020-21 stakeholder engagement efforts included:

- Working with the BC Lower Mainland Municipalities to address issues such as cost apportionment and ground disturbance.
- Broadening the membership of the Land Matters Group Advisory Committee to create a more national forum where issues of interest to landowner associations, agricultural advocacy groups, industry and government representatives are discussed.
- Collaborating with the Canadian Electricity Association to facilitate the reporting of contraventions of the CER event reporting system.
- Improving internal systems to enable better delivery of stakeholder and Indigenous engagement on the Keystone XL and NGTL 2021 pipeline projects.
- Working as part of a stakeholder group on publication of the 'Frame of Reference – Pipeline Response' initiative, which will increase collaboration among first responders in Québec.
- Developing an Ontario stakeholder engagement strategy.

### Indigenous Engagement

Some of the highlights of the CER's 2020-21 Indigenous engagement efforts included:

- Implementing a plan for post-certificate engagement for the Keystone XL Pipeline – engaging six Indigenous Nations along the route before the U.S. federal government revoked the Presidential permit for the pipeline. A post-certificate engagement plan was also developed for the NGTL 2021 pipeline project, with engagement beginning in 2021-22.
- Completing 54 joint inspections with Indigenous Monitors on the Trans Mountain Expansion, Keystone XL, Line 3 and NGTL 2021 projects.
- Engaging the Indian Resource Council to seek their input on energy information that is included in the CER's Market Snapshot publication.
- Holding multiple Indigenous Awareness activities with CER staff featuring guest speakers.
- Delivering cultural competency training to CER staff.



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## What the Future Holds

What does the future hold for the Canada Energy Regulator?

In 2021-22, the CER will focus on executing its new Strategic Plan and truly delivering on the intent of the CER Act. With a bold Vision and priorities that focus the future direction of the CER, the Plan is a clear path forward for the organization.

The Strategic Plan is a road map of what Canadians can expect from the CER in the years ahead and its priorities are the shared lens that will focus its work. The Plan's strategic priorities have been established in four areas, including:

- **Trust and Confidence:** The organization will earn the trust and the confidence of Canadians by being transparent, working collaboratively and being responsive to what it hears from stakeholders and Indigenous peoples.
- **Reconciliation:** The CER is committed to the ongoing process of Reconciliation with the Indigenous peoples of Canada and will continue to take meaningful actions in that direction.
- **Competitiveness:** The CER is committed to enhancing Canada's global competitiveness by moving forward with improvements to the predictability, transparency and efficiency of its regulatory processes.
- **Data and Digital Innovation:** The CER is determined to create a culture driven by data and digital innovation to best deliver on its mandate.

Delivering on the new Strategic Plan will further set the tone for the Canada Energy Regulator and it will take the organization closer to establishing an energy regulatory system that inspires trust and public confidence on the part of all Canadians.

# Appendix A: Biographies

## Board of Directors



### **Cassie Doyle, Chairperson**

Cassie Doyle has had a distinguished career in the public service, where she served at the executive level of all three orders of government in Canada, including as Deputy Minister of Natural Resources Canada. She has gained a deep understanding of natural resource and environmental governance and management and has a strong track record of effective partnerships with non-governmental organizations, industry, First Nations, governments and academia. Ms. Doyle was recently the Chair of the Expert Panel on Integrated Natural Resource Management conducted by the Council of Canadian Academies and a Board Member of the Alberta Energy Regulator.



### **George Vegh, Vice-Chairperson**

Mr. Vegh is the Head of McCarthy Tétrault's Toronto energy regulation practice and co-leader of the firm's national energy regulatory practice. George is an Adjunct Professor of energy law and regulation at the Munk School of Global Affairs and Public Policy as well as the University of Toronto Law School, Mr. Vegh was previously General Counsel at the Ontario Energy Board.



### **Alain Jolicoeur, Director**

Alain Jolicoeur has served as a temporary member on the National Energy Board since 2016. He has more than 30 years of experience as an executive in the federal public service, including as the former President of the Canada Border Services Agency. Mr. Jolicoeur holds a Master of International Law and Customs from the University of Canberra, as well as degrees in Physics Engineering and Meteorology. He also holds an Institute of Corporate Directors Certificate from the Rotman School of Management.





**Ellen Barry, Director**

Ellen Barry is a former Deputy Minister with the Province of New Brunswick. As a career public servant she served as Deputy Minister with the Departments of Tourism & Parks, Wellness, Culture and Sport and the Department of Human Resources. Previous to these assignments, she served as Assistant Deputy Minister in the Department of Natural Resources and Finance. Her public service experience has provided her the opportunity to work extensively with multi-stakeholder groups. Since her retirement, Ms. Barry has worked on consulting assignments in New Brunswick as well as with the Institute of Public Administration (IPAC). She is a graduate of the University of New Brunswick.



**Melanie Debassige, Director**

Melanie Debassige has over 20 years of experience in Indigenous Economic Development and is a certified corporate director. She is currently employed as the Executive Director of the Ontario First Nations Technical Services Corporation and serves on the Board of Directors of the Ontario Clean Water Agency. She previously served as Chief of Staff for the British Columbia Assembly of First Nations and was an elected official with the M'Chigeeng First Nation. Ms. Debassige holds a Master of Business Administration from Cape Breton University and is a graduate of the Directors Education Program at the Institute of Corporate Directors and Rotman School of Management

**Karim Mahmud, Director**

Karim Mahmud has enjoyed a 30 year career as a leading energy lawyer in Canada and overseas. Originally from Alberta, and following law degrees at Oxford and Dalhousie Universities, Mr. Mahmud has practiced in major law firms in Calgary, London, Hong Kong, and Dubai. Most recently, he was partner and Head of Energy & Infrastructure for EMEA for a major international law firm. He has extensive experience in executing major energy, infrastructure, and privatization projects in Canada as well as over 45 countries overseas. This has included structuring innovative Indigenous investment partnerships and sustainable ESG compliant project structures.



### **François Tanguay, Director**

François Tanguay has been involved in environmental work for over 45 years. Co Founder of Friends of the Earth Québec, he was executive director for Greenpeace Quebec from 1992 to 1997, where his work centered on climate change issues.

Nominated as an administrative judge to the Quebec Energy Board in 1997, M. Tanguay served until 2007. He was then named Chair of the Quebec Energy Efficiency Agency. In 2008, he was asked by the Quebec Minister of Natural Resources to help put up a coalition for the promotion of wood in all sectors of construction. As director and main spokesperson of the Coalition Bois Québec, M. Tanguay worked closely with all levels of decision makers and investors.

M. Tanguay was nominated in July 2011 for a 30-month mandate to Quebec's Special Committee for a Strategic Evaluation Assessment on shale gas. In recent years he has worked on humanitarian projects in South Africa and with Oxfam-Québec in Peru.

Author of essays on environmental issues, including three on ecological housing, M. Tanguay was for five years columnist for The Sherbrooke Record on environmental issues. He has served as advisor to elected officials, private business, and labor unions.

## Chief Executive Officer



### **Gitane de Silva, CEO**

Ms. De Silva became the Chief Executive Officer of the CER in August 2020. Prior to joining the CER, she was a Special Advisor at TransAlta Corporation. She previously served as Alberta's Senior Representative to the United States and as Deputy Minister for Alberta International and Intergovernmental Relations. Before joining the Alberta Public Service, Ms. De Silva spent 12 years in Canada's Foreign Service as a specialist in Canada-U.S. relations, serving in a variety of roles, including as Consul General of Canada in Chicago and as Counsellor (Environment & Fisheries) at the Canadian Embassy in Washington, D.C. Ms. De Silva also served as Deputy Head of Agency at Status of Women Canada. Professional Affiliations, Degrees and Distinctions: Bachelor of Arts, International Relations, University of British Columbia 2013, recipient of The International Alliance for Women (TIAW) World of Difference Award.

## Indigenous Advisory Committee



### **Tribal Chief Tyrone McNeil, Chairperson**

Tribal Chief Tyrone McNeil is Stó:lō and a member of Seabird Island Band. He has extensive experience working to advance First Nations languages and education, collaborating with First Nations across the country, and developing agreements and partnerships with government. Tribal Chief McNeil manages a First Nation construction company that employs up to 70 Indigenous men and women, with expertise in Operational Health and Safety, safety audits, human resources management, operations and budgeting in civil construction and pipeline industries.

Tribal Chief McNeil works closely with the Indigenous Advisory and Monitoring Committee (IAMC) for the Trans Mountain Expansion and Existing Pipeline, including as a member of several leadership and sub-committees, driving changes to improve practices of regulators to better align with the United Nations Declaration on the Rights of Indigenous Peoples, and to advance reconciliation. He holds numerous leadership positions including, Tribal Chief Stó:lō Tribal Council, President of First Nation Education Steering Committee, AFN Chiefs Committee on Education rep for BC, Chair of Emergency Planning Secretariat, Chair of Seabird College, President of the Sqewqel (Seabird) Development Corporation and Standing Chair of Union of BC Indian Chiefs.

Tribal Chief Tyrone McNeil is an active hunter, fisher and gatherer and looks forward to teaching his four grandchildren as he has been taught and learned.



### **Kaella-Marie Earle, Vice-Chairperson**

Kaella-Marie Earle is an Anishinaabekwe from Wiikwemkoong Unceded Territory and Aroland First Nation. She is currently employed as an EIT at Enbridge Gas Inc. in Engineering Construction, System Improvement where she manages construction of natural gas pipeline projects. She holds an Advanced Diploma in Chemical Engineering Technology from Cambrian College as well as a Bachelor of Chemical Engineering from Laurentian University.

Ms. Earle's career goal is to weave her Indigenous cultural values into her engineering work in a way that will lead the oil and gas industry to a lower carbon energy future. She works toward this as a member of Young Pipeliners Association of Canada where she serves as Co-chair of YPAC's Indigenous Inclusion Committee.

Ms. Earle delivers regular speaking engagements at conferences to advocate for Indigenous people and women in energy and mining, is the Director and Founder of Maamiwi Gibeshiwin Indigenous cultural training and allyship retreat, and is a delegate on the NWMO Indigenous Council of Youth and Elders.



### **Marie Delorme**

Dr. Marie Delorme is CEO of The Imagination Group of Companies. She serves on the National Indigenous Economic Development Board, the Queen's University Board of Trustees, Donner Canadian Foundation, the Canadian Energy and Climate Nexus, and The Canadian Centre to End Human Trafficking. She is also an advisor to two Universities.

Dr. Delorme is a Member of the Order of Canada. She has received the Indspire Award in Business and Commerce; and was named as one of Canada's 100 Most Powerful Women. Other awards include: the University of Calgary Dr. Douglas Cardinal Award; Alberta Chamber of Commerce Business Award of Distinction; Calgary Chamber of Commerce Salute to Excellence Award, and Métis Nation Entrepreneurial Leadership Award.

Dr. Delorme holds a Bachelor of Science degree, a Master of Business Administration from Queen's University, and both a PhD and an Honorary Doctor of Laws from the University of Calgary.



### **Judy Gingell**

Ms. Judy Gingell is an Elder of the Kwanlin Dun First Nation and is from the Gaanaxteidi Raven Clan. She has worked to advance Indigenous rights within the Yukon and across Canada for more than 40 years, playing instrumental leadership roles in self-governance and land claims negotiations with the Government of Canada.

As the first female Chair of the Council of Yukon First Nations, Ms. Gingell facilitated the discussion among Yukon First Nations towards the signing of the Umbrella Final Agreement, a foundation for advances in self-governance. In 1995, she became the first Indigenous Commissioner of the Yukon Territory. Ms. Gingell sits on several Boards, including Yukon University and Aboriginal Peoples Television Network, and serves as Elder Representative on Kwanlin Dun First Nation Council. She is a Member of the Order of Canada and a recipient of the Queen Elizabeth II Diamond Jubilee Medal.



### **Chief Harvey McLeod**

Chief Harvey McLeod is Chief of the Upper Nicola Indian Band, Executive Director for the Interior Salish Employment & Training Society, and has nearly 40 years of executive, political and relationship and partnership development experience.

Chief McLeod sits on several Committees and Boards, including as a Director of the BC Assembly of First Nations, and is one of five Nicola Chiefs currently working with the Province of British Columbia to co-manage the Nicola Watershed. Chief McLeod has been extensively and directly involved in the development and operations of the Indigenous Advisory Monitoring Committee (IAMC) for the Trans Mountain Expansion and Existing Pipeline.



### **Nuka Olsen-Hakongak**

Nuka Olsen-Hakongak is a Nunavut Inuk originally from Cambridge Bay who now resides in Iqaluit. Ms. Olsen-Hakongak is currently working through a Juris Doctor Degree with the Nunavut Law Program of the University of Saskatchewan College of Law affiliated with Nunavut Arctic College. She has also worked with Nunavut Tunngavik Incorporated where she focused on legal research and worked closely with senior legal counsel on Article 23 matters. Article 23 of the Nunavut Agreement is to increase Inuit participation in government employment in the Nunavut Settlement Area to a representative level. Prior to that, Ms. Olsen-Hakongak has held roles with the Government of Canada and the Government of Nunavut, and has worked in the fields of social services, community justice, income assistance, and child and youth support.

Ms. Olsen-Hakongak holds a Social Service Worker Diploma and received, as part of that program, the award for Community Involvement and awards for Academic Excellence. She is the Co-President of the Nunavut Law Student Society.



### **Scott Patles-Richardson**

Mr. Scott Patles-Richardson is the founder of Indigenous Financial Solutions, a First Nations-owned company focused on economic development for Indigenous communities across Canada. He has extensive experience advising Indigenous communities, corporate finance, mergers and acquisitions, and has negotiated for First Nation and Métis communities in the area of land claims and Impact Benefit Agreements, specific to energy and resource development projects.

Mr. Patles-Richardson is also the CEO of an Indigenous private-equity fund, Métis Infinity Investments, and is the majority shareholder of Nations Translation Group (NTG) and acts as their Executive Chair. NTG is one of Canada's largest privately-held translation companies and is 100% First Nation owned and controlled with the balance of the shares held by the Little Red River Cree Nation's investment arm. He has previously worked in leadership roles with Ishkonigan Consulting and Mediation, Tribal Council Investment Group of Manitoba, Scotiabank, and Royal Bank of Canada. Mr. Patles-Richardson is a Mi'gmaq citizen from Pabineau First Nation in northern New Brunswick of which he has been active as a key senior advisor.



### **Chief Matthew T. Peigan**

Chief Matthew T. Peigan is Chief of the Pasqua First Nation. Chief Peigan is the youngest of 5 boys to parents Ronald Peigan Sr. and Grace L. Peigan. He was first elected in 1993-2001 and again in 2011, currently serving a fifth consecutive term. Upon his initial election in 1993, Chief Peigan was the youngest serving Chief in Canada at just 26. Chief Peigan has also served as Director of Operations and Housing Coordinator with Pasqua First Nation, and as Flood Claim Lead Negotiator for other First Nations.

Chief Peigan has been very active in engaging with industry as well as in interventions before the Canada Energy Regulator (formerly National Energy Board), including but not limited to the Energy East Project and Enbridge Line 3 Replacement Project. Chief Peigan is also a member of the Indigenous Advisory and Monitoring Committee (IAMC) for the Enbridge Line 3 Replacement Project. Chief Peigan is committed to both his home First Nation and to the advancement of all First Nations, and is a strong advocate for environmental, air and water protection measures. Chief Peigan was nominated to sit as a member of the Indigenous Advisory Committee by the Assembly of First Nations.



### **Marci Riel**

Marci Riel is the Senior Director of Energy, Infrastructure and Resource Management at the Manitoba Metis Federation (MMF). The department was created by the Metis government in Manitoba to address the development and management of energy projects and infrastructure constructed on lands utilized by the citizens and harvesters of the Manitoba Metis Community. The amalgamated department also manages the MMF's Resolution 8 engagement and consultation process and lands management files as well as the natural resources and conservation portfolios related to harvesting, environmental assessment, Metis monitoring, forestry, mining, migratory birds, commercial fisheries, wetland restoration, fish and fish habitat, environment and climate change.

Marci is not an elected representative of the Metis Nation. Her role on the Line 3 - Indigenous Advisory and Monitoring Committee is to best represent the needs of the citizens of the Metis Nation's Manitoba Metis Community and to assist Canada and the Canada Energy Regulator (CER) in better understanding the lifecycle impacts of projects on the collectively held rights, claims and interests of the Metis Nation. Ms. Riel holds a Master's Degree in Sociology and prior to joining the Manitoba Metis Federation in 2011, Marci worked in the field of public safety and crime prevention.

Marci is the mother of two active teenage boys and together with her husband Kevin is proud to be raising the next generation of citizens of the Metis Nation. Marci lives in Winnipeg, Manitoba – in the heart of the Homeland of the Metis Nation – on one of the original Red River lots next to the historic Riel House site.

## Appendix B: Financial Overview<sup>7</sup>

The CER and its predecessor, the NEB, is funded through parliamentary appropriations with approximately 99% of its costs recovered by the Government of Canada from the industry the CER, and formerly the NEB, regulates. Financial statements are prepared annually and audited by the Office of The Auditor General of Canada (OAG). The table below provides an overview of CER financial and human resources, as reported in the public accounts.

Fiscal Year (1 April to 31 March)	Expenditures (Million \$)	Staff (Full-time Equivalents)
2015-16 <sup>8</sup>	82.4	457.6
2016-17	84.6	474.5
2017-18	93.8	481.3
2018-19	108.1	476.5
2019-20 <sup>9</sup>	98.0	494.0
2020-21	99.83	522.0

7 Detailed information for fiscal year 2020-21 expenditures and human resources can be found in the CER's 2020-21 Departmental Results Report (DRR). The DRR is expected to be tabled in Parliament in the fall of 2021. Once tabled, the report will be posted on the CER's website.

8 Since the CER came into existence on 28 August 2019, information shown for fiscal years 2015-16 through 2018-19 are for the NEB only.

9 2019-20 results are \$10.1 M less than 2018-19 results primarily due to an exceptional remission of green field levy in 2018-19 related to Northern Gateway Pipeline Limited Partnership (NGPL) project certificates issued but later quashed. NGPL requested the levy be refunded and the Federal Government provided off-cycle funding in 2018-19 to enable the NEB to remit the \$14,710,000 to NGPL on behalf of the Federal Government.

# Appendix C: Service Standards Results

Service standards are not set out in legislation, although some of the CER's service standards apply to applications that are also subject to the legislated time limits.

Service standards are established for service delivery so that applicants and participants know what to expect and the CER's performance can be measured and reported. They identify specific delivery targets or timelines for key services.

## 2020-21 Service Standard Results

Service Standard	Measure	Target	2020-21 Result
Participant Funding	80% of funding decisions are provided within 30 days of a complete application or application deadline	80%	100%
Recommendation / Decision following a public hearing	80% of Reasons for Recommendation/Decision completed within 12 weeks following the close of record of a public hearing (all)	80%	83%
Export/ Import Authorizations	80% of short-term order decisions made within two working days (excludes renewals) of receipt of a complete application	80%	98%
Electricity Export Permits	80% of decisions released within target following the completion of the Notice of Application/Directions on Procedures period: - Category A within 40 calendar days - Category B within 90 calendar days	80%	87%
Landowner Complaints	100% of responses with initial course of action to land matter complaints back to initiator within 10 calendar days	100%	100%
	80% of complaints are resolved or closed by the target date from received date: -Level 1: within 21 days -Level 2: within 180 days	80%	95%
<i>Onshore Pipeline Regulations and Processing Plant Regulations Audits</i>	80% of draft audit reports will be sent to the audited company within 12 weeks of field work completion	80%	100%
	80% of the final audit reports will be sent to the audited company within 12 weeks of receiving the audited company's comments on the draft report	80%	100%
Financial Audits <sup>10</sup>	80% of draft financial audit reports will be sent to the audited company within eight weeks of field work completion	80%	N/A
	80% of final financial audit reports will be sent to company within three weeks of receiving the audited company's comments on the draft report	80%	N/A

<sup>10</sup> In 2020-21, no financial regulatory audits were completed and one financial regulatory audit commenced, which is presently underway.



Service Standard	Measure	Target	2020-21 Result
Non-hearing: NEB Act Section 58 CER Act Section 214	80% of decisions released by the target date from the application complete: - Category A within 40 calendar days - Category B within 90 calendar days - Category C within 120 calendar days	80%	100%
<i>Canada Oil and Gas Operations Act</i> Applications	Decisions are made by target date: -80% within 21 calendar days of receiving complete application to drill or alter condition of a well - 80% within 30 calendar days of receiving complete application for geological or geophysical	80%	100%
<i>Canada Petroleum Resources Act</i> Applications	80% of decisions will be made in 90 days from the day that all information is available to complete the evaluation process	80%	N/A <sup>11</sup>
Library Requests	90% of requests responded to within one working day	90%	97%

To learn more about the CER's Service Standards refer to the website under [CER Time Limits and Service Standards](#).

11 No decisions were made in 2020-21.



## Appendix D: Regulations

The Canada Energy Regulator operates under a variety of acts, regulations, rules and guidance notes. The authority to make regulations, as specified in various sections of the CER Act, may be the Governor in Council (GIC), the Minister of Natural Resources (Minister), or the CER.

Note that regulations made pursuant to the *National Energy Board Act* (NEB Act) continue to apply until they are repealed or replaced, to the extent that they are consistent with the CER Act.

No new regulations came into force in 2020-21.

To learn more about the [CER's Regulatory Framework](#) refer to the CER's website.

Information about the CER's planned initiatives to improve the Regulatory Framework can be found on the CER's website under [Regulatory Framework Plan](#).

# Appendix E: Audits

Audits evaluate how a company manages its activities. We expect every company we regulate to have management systems and protection programs that are effective and work well. Companies that manage their activities well can better anticipate, prevent, and mitigate issues that can affect safety, security, and the environment.

After an audit is done, a report is made public. We expect all companies to consider and review the findings in these reports and use them to improve their management systems.

## Management System Audits Conducted in 2020-21

File Number	Last Updated	Issued By	Description	Recipient	Region/ Facility
<a href="#">CV2021-479</a> OF-Surv-OpAud-E284-2020-2021 0101	2021-04-13	CER	Annual Report	Enercapita Energy Ltd.	Canada
<a href="#">CV2021-478</a> OF-Surv-OpAud-C933-2020-2021 0101	2021-03-26	CER	Annual Report	Genovus Energy Inc.	Canada
<a href="#">CV2021-477</a> OF-Surv-OpAud-P108-2020-2021 0101	2021-04-08	CER	Annual Report	Pembina Pipeline Corp.	Canada
<a href="#">CV2021-476</a> OF-Surv-OpAud-A083-2020-2021 0101	2021-03-26	CER	Annual Report	ARC Resources Ltd.	Canada

All operational audit reports and related documents can be found on the CER's website under [Reports on Compliance and Enforcement](#).

The CER considers financial regulatory audits to be an important regulatory tool to ensure compliance with the *Canadian Energy Regulator Act*, regulations, orders, and decisions, as well as documenting companies' current operations, management systems, procedures and internal controls.

Objectives of financial regulatory audits are:

- To determine whether the company has complied with the CER Act, regulations, decisions, toll orders and other accounting and reporting directives.
- To verify that the financial information contained in various company applications or submissions to the CER agrees with the company's records.
- To examine whether cross-subsidies have occurred.
- To obtain information on the company's current operations, management systems, procedures and internal controls.

In 2020-21, no financial regulatory audits were completed and one financial regulatory audit commenced, which is presently underway. This audit examines the calculation of the absolute liability limits (A.L.L.) of several pipeline companies regarding their Financial Resource Requirements to confirm it has been calculated correctly in accordance with the [Pipeline Financial Requirements Guidelines](#). The A.L.L. financial regulatory audit is expected to be completed during the 2021-22 fiscal year.

All financial regulatory audit reports and related documents can be found on the CER's website under [Financial Regulatory Audit Reports](#).

# Appendix F: Inspection Officer Orders in Effect

Inspections are a check at one point in time that a company is meeting requirements in acts, regulations, and conditions of a project's approval, certificate, order, or permit. Inspections focus on one or two areas of a company's operations.

If a situation requires immediate attention to keep people, property, and the environment safe, we may decide to issue an inspection officer order. The order will require a company to complete certain actions by a set date.

## Inspection Officer Orders in issued or in effect for 2020-21

File Number	Date Issued	Issued By	Description	Recipient	Region/ Facility
<a href="#">DRP-001-2021</a>	2021-03-11	CER	Missing labels on isolation points/valves and drawings which is not in conformance with the company's equipment naming standard.  Status: Active	Express Pipeline Ltd.	Hardisty, AB
<a href="#">DM-001-2021</a>	2021-02-02	CER	Failure to provide certification of worker supplied breathing air quality.  Status: Closed	Many Islands Pipe Lines (Canada) Limited	Pierceland, AB
<a href="#">LH-001-2020</a>	2021-01-05	CER	Not following the Trans Mountain COVID-19 Response Plan.  Status: Closed	Trans Mountain Pipeline ULC	Lower Mainland Region, BC
<a href="#">SLM-001-2020</a>	2020-12-10	CER	Not following the Trans Mountain COVID-19 Response Plan.  Status: Closed	Trans Mountain Pipeline ULC	Burnaby, BC
<a href="#">RRW-001-2020</a>	2020-10-30	CER	Trans Mountain shall ensure that contracting company, SA Energy Group, immediately cease use and operation of trench boxes until it can demonstrate that they can be used, assembled and disassembled safely. Trans Mountain shall undertake a root cause analysis of the fatality and identify and implement corrective and preventive actions.  Status: Active	Trans Mountain Pipeline ULC	Edmonton, AB
<a href="#">BL-001-2020</a>	2020-07-27	CER	Report of unauthorized activity on Line 10.  Status: Closed	Landowner	Ontario

All Inspection Officer Orders and related documents can be found on the CER's website under [Reports on Compliance and Enforcement](#).

# Appendix G: Warning Letters and Administrative Monetary Penalties

## Warning Letters

Sometimes, we may decide that it's important that a senior person in a company is aware of the seriousness of an issue. This person can then take action to stop it from happening again.

### Warning Letters issued in 2020-21

CER Action	Recipient	Description	Date issued
Warning Letter	Trans Mountain Pipeline ULC	Non-compliance with s.47.2 of the Canadian Energy Regulator Onshore Pipeline Regulations	2020-09-10 <a href="#">Warning Letter</a>

All warning letters can be found on the CER's website under [Reports on Compliance and Enforcement](#).

## Administrative Monetary Penalties (AMPS)

Both companies and individuals can get fined for actions that are unsafe. We may fine a company or individual if:

- serious harm has been caused or is likely to happen
- the nature and severity of the non-compliance is significant
- we need to escalate to a higher level of enforcement
- we need to change behavior to prevent an issue from happening again

There were 3 AMPs issued in the period from 1 April 2020 to 31 March 2021.

Reference Number	Last Updated	Recipient	Region/Facility	Description	Penalty Amount
<a href="#">AMP-001-2021</a>	2021-03-12	Trans-Northern Pipelines Inc.	Ontario	Failure to have an adequate Environmental Protection Program, particularly related to contaminated sites, as required by section 48 of the Onshore Pipeline Regulations	\$40,000
<a href="#">AMP-002-2020</a>	2020-11-12	Westcoast Energy Inc.	Near Prince George, BC	Violation of ss. 4(2) of the Onshore Pipeline Regulations – failure to ensure that the pipeline is operated in accordance with the programs, manuals, procedures, measures and plans developed and implemented by the company	\$40,000
<a href="#">AMP-001-2020</a>	2020-06-25	Trans-Northern Pipelines Inc.	Oakville, Ontario	s. 29 of the Onshore Pipeline Regulations – Failure to contract for services as prescribed	\$40,000

All warning letters and AMPS can be found on the CER's website under [Reports on Compliance and Enforcement](#).



# Appendix H: Acronyms and Definitions

## **AMPS**

Administrative Monetary Penalties

## **CER**

Canada Energy Regulator

## **CER Act**

*Canadian Energy Regulator Act*

## **IAC**

Indigenous Advisory Committee

## **NEB**

National Energy Board

## **NEB Act**

*National Energy Board Act*

## **Core Responsibility**

An enduring function or role performed by a department. The intentions of the department with respect to a Core Responsibility are reflected in one or more related Departmental Results that the department seeks to contribute to or influence.

## **Departmental Results Framework**

The Departmental Results Framework is a requirement of the 2016 Treasury Board Policy on Results, which supports a culture of measurement, evaluation and innovation in program and policy design and delivery. It is a key tool for tracking and communicating the department's results and financial information to parliamentarians and the public. It contains a clear and concise overview of what the organization does (core responsibilities), what it is trying to influence (departmental results) and how it will assess progress (departmental result indicators).

For more information on the CER's Departmental Results Framework refer to the CER's website.<sup>12</sup>

## **Departmental Results Report**

A report on an appropriated department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

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<sup>12</sup> <https://www.cer-rec.gc.ca/en/about/who-we-are-what-we-do/governance/departmental-results-framework/index.html>

**Performance Measure**

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**Program**

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

**Results**

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

**Target**

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.



## To Learn More about the CER

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