



Canada Energy
Regulator

Régie de l'énergie
du Canada

2021-22 Annual Report of the Commission of the Canada Energy Regulator



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Table of Contents

Message from the Lead Commissioner	1
Role of the Commission.	3
What We Achieved	4
What the Future Holds	8
Summary of CER Commission Decisions and Recommendations	9
Appendix A: Commissioner Biographies	14
Appendix B: Application Activity in 2021-22.	17
Appendix C: Time Limits	20
Appendix D: Leave to Open Orders Issued in 2021-22	24
Appendix E: Commission Orders and Directions 2021-22	25
Appendix F: Post-Approval Compliance	28
Appendix G: Abandonment Funding	30
Appendix H: Financial Resources Requirements	34
Appendix I: Abbreviations and Definitions	38

Note:

The 2021-22 Annual Report of the Commission 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 work of the Canada Energy Regulator as a whole, please see the 2021-22 Annual Report of the Canada Energy Regulator.

Message from the Lead Commissioner

On behalf of the Commission of the Canada Energy Regulator (the Commission), I submit to the Honourable Jonathan Wilkinson, Minister of Natural Resources, and to Canadians, the 2021-22 Annual Report of the Commission of the Canada Energy Regulator (CER).

This report is a full year account of the Commission's activities and of how the Commission regulates infrastructure to ensure the safe and efficient delivery of energy to Canada and the world. It encompasses the 2021-22 activities carried out by the Commission in fulfilling its mandate pursuant to governing legislation, including the *Canadian Energy Regulator Act (CER Act)*, the *Canada Oil and Gas Operations Act* and the *Canada Petroleum Resources Act*.

The Commission and its mandate are defined and characterized in the CER Act. The Commission's independence in the exercise of its adjudicative functions is a feature of the CER's governance structure.

The Commission's adaptability and resilience during the pandemic laid the foundation for success during 2021-22. In the past year, the Commission continued to fulfill its mandate and responsibilities to Canadians by building upon the previous year's learnings. The second-year experience of assessing energy projects in a virtual environment resulted in the successful adjudication of a wide range of proceedings within established legislated time limits. The Commission appreciates the understanding and flexibility shown by all participants in its adjudicative proceedings of 2021-22.

Applications for pipelines, powerlines, tolls, and tariffs were adjudicated using transparent and accessible processes. The Commission's productivity and breadth of work is shown through the issuance of 771 decisions across a wide range of energy projects. In addition, the Commission engaged in ongoing regulatory oversight that occurs for approved facilities, including but not limited to condition compliance for certain pipeline projects and the assessment of financial resource requirements for companies in relation to the abandonment of facilities.



On April 1, 2021, the CER's Strategic Plan took effect. The plan guides the CER's work over the next three years outlining what Canadians can expect from the CER moving forward. While independent in the discharge of its functions, the Commission is supportive of the CER's four strategic priorities: Trust and Confidence, Reconciliation, Competitiveness, and Data and Digital Innovation.

Highlighting the important priority of Reconciliation, on June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act (Act)* came into force. This Act is a plan for the Government of Canada and Indigenous peoples to work together to implement the *United Nations Declaration on the Rights of Indigenous Peoples* based on lasting Reconciliation, healing, and cooperative relations. This aligns with the CER Act preamble which emphasizes the importance of Reconciliation with Indigenous peoples. In 2021-22, the Commission engaged with Elders and Knowledge

Keepers through virtual oral Indigenous Knowledge sessions and, beyond the adjudicative setting, also participated in various learning opportunities in furtherance of Reconciliation.

Another area of activity during the reporting year was Canada's commitments with respect to climate change. In particular, the Government of Canada committed to achieving net-zero emissions by 2050 through the *Canadian Net-Zero Emissions Accountability Act*, which became law on June 29, 2021. Given the Commission's obligation to consider, during adjudication, the extent to which a proposed project hinders or contributes to the government of Canada's ability to meet its commitments in respect of climate change, this will be an area of ongoing interest for the Commission.

Finally, I am pleased to welcome Ramona Sladic, the new Vice-President, Secretary of the Commission.

In closing, I am grateful for my colleagues who continue to rise to new challenges, always with their steady professionalism, hard work, and collegiality. They have been instrumental in achieving the Commission's success and fulfilling its mandate. I also wish to acknowledge and thank the CER staff and leadership for their support over the past year. The commitment shown by both Commissioners and the CER staff in their service of Canadians is both commendable and deeply appreciated.

Original signed by

Damien A. Côté,
Lead Commissioner
Canada Energy Regulator



Role of the Commission

The Commission renders decisions as set out by its mandate described in the CER Act and other legislation. In its adjudicative role, it adheres to the purpose and provisions of the CER Act, recognizing and respecting the rights of Indigenous peoples pursuant to section 35 of the *Constitution Act, 1982*.¹ As well, the Commission adheres to the requirements found in Part III of the *Official Languages Act*,² the rules of natural justice and relevant jurisprudence. Pursuant to the CER Act, neither the Board of Directors nor the Chief Executive Officer (CEO) may provide direction (nor advice, in the case of the Board) with respect to any decision, order, or recommendation that is made by the Commission or a commissioner. While its adjudicative role is independent, the Commission contributes to the overall effective delivery of the CER's mandate.

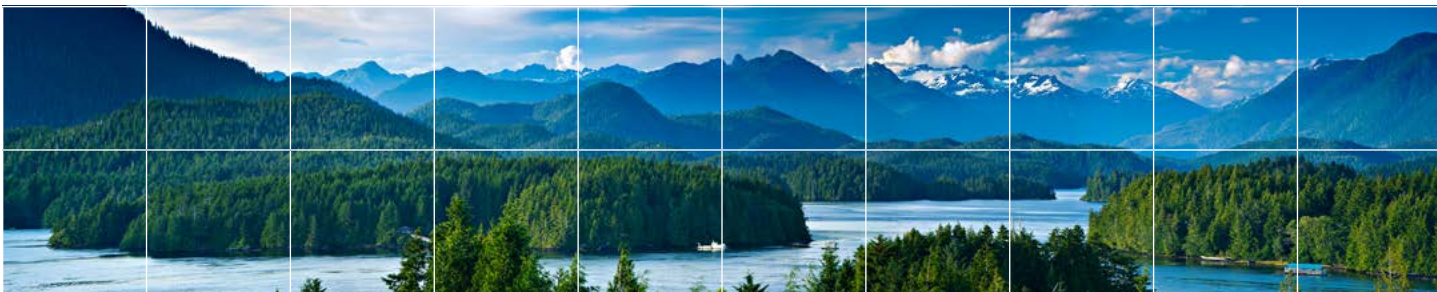
The Commission is a court of record with all the powers, rights and privileges vested in a superior court of record with respect to any matters within its jurisdiction. It can adjudicate (including on its own initiative) any matter where a person has done or failed to do anything required by the CER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

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

In 2021-22, the Commission consisted of seven full-time Commissioners appointed by the Governor in Council, including the Lead Commissioner and Deputy Lead Commissioner. For more details on the CER's Commissioners, please refer to Appendix A : Commissioner Biographies.

1 Schedule B to the Canada Act 1982, 1982, c. 11 (U.K.).

2 R.S.C. 1985, c.31 (4th Supp.)



What We Achieved

Improving Regulatory Proceedings

During its second full year, the Commission’s adjudicative and regulatory processes continued with limited pandemic disruption. The Commission maintained regulatory stability, predictability, certainty, and process continuity despite COVID-19 restrictions. In particular, the Commission continued its adjudicative proceedings, both written and virtual, which allowed the Commission to make timely decisions for those who rely on and participate in its proceedings.

As required by the CER Act (section 6 (d)), the Commission’s proceedings were fair, inclusive, transparent and efficient; they were also accessible, and respected the open-court principle.

The Commission also worked closely with a variety of stakeholders seeking to re-imagine certain aspects of the participants’ experience in a hearing process; this action led to the CER’s creation of the Participation Portal (portal). The portal improves the participants’ access to the hearing process, its transparency, and generally helps better and more efficiently meet the needs of hearing participants.

Benefiting from public comments, the Commission issued updates to the Filing Manual sections related to abandonment and decommissioning. Ongoing reviews and technical updates to the Filing Manual will continue throughout 2022 and 2023 and will include – among others - sections related to supply and markets, confidentiality, and variance applications. These updates are collectively aimed at increasing transparency, clarifying filing requirements, and facilitating efficient decision-making.

During 2021-22, the Commission also completed its adjudication of all applications filed under the *National Energy Board Act*. All matters now adjudicated by the Commission were filed under the CER Act.

The Commission is committed to efficiency and a timely rendering of decisions. In 2021-22, the Commission met all applicable legislated time limits. Under the CER Act, the Lead Commissioner sets a time limit for certain types of applications which must not exceed the maximum number of days specified in the CER Act; the Commission must complete its assessment and make its recommendation or decision within this time limit. The Commission continues to explore all opportunities to improve timing and efficiencies. Appendix C provides further detail on applications that were subject to Time Limits.

Seeking to enhance transparency, the Commission began identifying the names of decision makers on all its regulatory decisions. Effective January 17, 2022, all issued correspondence relating to a Commission final decision identifies the specific decision makers.

With the aim of providing easier access to all to Commission decisions, the groundwork was laid to have these decisions available in the Canadian Legal Information Institute database. In addition, the CER inaugurated the decision-in-brief format (accompanies the reasons for decision), which provides a short summary of a Commission decision.

The Commission exercises its power and performs its duties and functions in a manner that respects the Government of Canada's commitments with respect to the rights of the Indigenous peoples of Canada. Throughout 2021-22, the Commission welcomed the active participation of numerous Indigenous peoples in its regulatory hearing processes and received Indigenous Knowledge orally at multiple occasions from Elders and Knowledge Keepers in respect of the impacts of various proposed projects. The Commission acknowledges and values the diversity of cultural practices, traditions and worldviews held by various Indigenous peoples and continues to encourage their meaningful participation in its regulatory proceedings.

The Commission is committed to continuous improvement. To this end, the Commission engaged in regular dialogues with counterparts across Canada and the globe, and continued attending, organizing, and hosting virtual conferences, webinars and other educational offerings through Canada's Energy and Utility Regulators Association, the National Association of Regulatory Utility Commissioners, and the Canadian Council of Administrative Tribunals. Participation in the Council of Federal Tribunal Chairs, the Commission de régulation de l'énergie via Regule. Fr (an international French speaking network of energy regulators) and other networks of adjudicators has benefited the Commission by providing a setting for dialogue, learning, and the sharing of best practices. These liaisons also enable Commissioners to tap into the expertise from those in the regulatory and administrative law community, all while contributing some of its own expertise.

The Commission received positive participant feedback concerning their virtual hearing experiences; the Commission will consider participant feedback and what it has learned, to discern what should be included in hearing processes going forward.

To learn more about work in 2021-22 of the CER, please see the 2021-22 Annual Report of the Canada Energy Regulator.

Highlights from Regulatory Proceedings

Last year, Commissioners adjudicated and released decisions on 771 pipeline applications, powerlines, tolls and tariffs, export and import licences, exploration, and production, leave to open and other matters that spanned the energy infrastructure lifecycle (please see Appendix B and the Summary of CER Commission Decisions and Recommendations for more details). For the year 2021-22, the Commission issued:



Overall, there was a small decline in the number of applications received by the Commission compared to the previous year. This was seen in the smaller number of Infrastructure Applications, Export and Import Applications, Exploration and Production Applications, and Leave to Open Applications. While the appendices contain further information related to all Commission decisions and recommendations, some key highlights are provided below.

For the Trans Mountain Expansion Project, the Commission completed the detailed route hearings for the entirety of the project, namely 100 per cent of the nearly 1000 km long route. The Commission issued decisions related to two Notices of Constitutional Question in which Trans Mountain Pipeline ULC (Trans Mountain) sought relief from the requirement to obtain certain municipal bylaw authorizations from the City of Burnaby. The Commission also received and adjudicated multiple minor route deviations, right of entry, and utility crossing applications related to the project. During the last fiscal year, the Commission also completed its first facilities hearing pursuant to the CER Act, namely Trans Mountain's Coldwater West Alternative Route Variance.

The Commission regulates pipeline tolls and tariffs under its jurisdiction so that they are just and reasonable and to ensure no unjust discrimination in tolls, service, or facilities. Applications and complaints about traffic, tolls and tariffs may be filed with the CER at any time. In 2021-22, the Commission adjudicated on several tolls and tariff applications, including the Enbridge Application for Canadian Mainline Contract Service, noteworthy for being the first time a major existing Canadian oil pipeline company applied to convert a large portion of its capacity to long-term contracts in the absence of a proposed expansion project. It included a hearing process, with 39 intervenor participants, during which oral cross examination was completed entirely in a virtual environment.

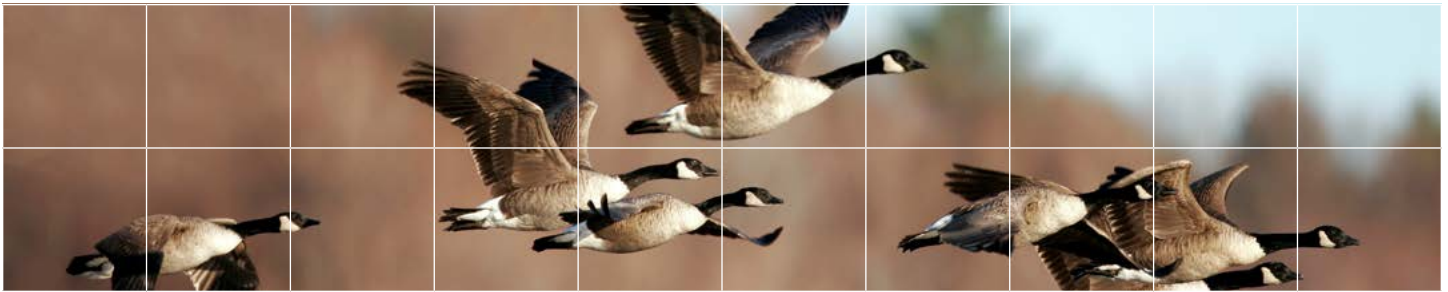
In December 2021, the Commission launched a five-year review of the abandonment cost estimates and set aside mechanisms. The review is focusing on the appropriateness of company abandonment cost estimates and set aside and collection mechanisms. Appendices G and H provide additional information related to abandonment funding and financial resource requirements for regulated companies.

The CER received 1858 post-approval compliance documents during the last fiscal year. Appendix F provides a detailed breakdown of the post-approval compliance documents submitted.

Companies are required to seek permission from the Commission before opening a pipeline or a section of pipeline for the transmission of hydrocarbons or any other commodity. The Commission issued 20 such Leave to Open Orders in the 2021-22 fiscal year to five different companies related to five different projects. Applications for this leave are made after approved construction is complete and the company can demonstrate that the facility can begin operations safely.

The Commission plays an important role in the CER's safety and environment oversight. The Commission can issue Directions or Orders (sometimes called Safety Orders) pursuant to section 95 of the CER Act, to ensure the safety and security of persons and facilities and/or for the protection of property or the environment. In the 2021-22 fiscal year, the Commission did not issue any new Safety Orders. However, 4 Safety Orders issued in previous fiscal years are still active and monitored by the CER. Appendix E provides detailed information on the four Safety Orders that are currently in effect.





What the Future Holds

The world is changing. There are many new and heightened pressures and forces in Canadian society today that will be instrumental in shaping the world of tomorrow. Amidst these pressures and forces, the work of the Commission continues, aimed at providing certainty, transparency, efficiency, and enhanced guidance.

As an expert tribunal, the Commission will continue to build expertise by staying on top of leading developments in the energy, regulatory, and adjudicative spaces and by ensuring involvement in annual continuing education on these subjects.

Over the next year, additional Filing Manual updates aimed at improving filing requirements, clarity and at enhancing guidance are expected. Adjudicative process improvements will also continue to be a primary focus for the Commission as will the Commission's pursuit of greater regulatory process accessibility, efficiency, and transparency by improving its information and data systems.

Globally, an energy transformation is underway, and Canada is very much a part of it. In particular, the Government of Canada has laid out an extensive energy transition to net-zero in its *2030 Emissions Reduction Plan: Clear Air, Strong Economy* and enacted the *Canadian Net-Zero Emissions Accountability Act*. For its part, the Commission will continue to monitor this evolving policy area (and others such as energy security, etc.) and adapt where required for purposes of decision-making in respect of the CER's regulated energy infrastructure.

Canada's journey towards Reconciliation with Indigenous peoples will continue. The Commission will again seek respectful and effective ways of hearing and considering Indigenous Knowledge in its proceedings. Work is underway to bring a consistent and clear approach as to how confidential Indigenous Knowledge can be considered in adjudicative processes and when or how the disclosure of this Indigenous Knowledge may occur.

As always, the Commission's mandate will continue to be discharged in adherence with the evolution and guidance of relevant jurisprudence. One recent example is the British Columbia Supreme Court's decision in *Yahey v. British Columbia*, 2021 BCSC 287. This decision will help inform the Commission in respect to procedural and substantial decision-making for some time to come.

During the upcoming year, the Commission expects to return to in-person hearings. The Commission is committed to communicate in advance and transparently, wishing to maximize predictability and certainty of its processes. Also, the Commission will strive to identify, reduce, and where feasible, remove barriers to accessibility in the hearing environment.

Ultimately, the mandate of the Commission remains the same: working to ensure safe and efficient delivery of energy to Canada and the world, protecting the environment, and recognizing and respecting the rights of the Indigenous peoples of Canada, both now and into the future.



Summary of CER Commission Decisions and Recommendations

Decision Reports and Recommendations Issued by the Commission from 1 April 2021 to 31 March 2022 include the following:

Note that REGDOCS files can be found on the CER website (www.cer-rec.gc.ca) by clicking in the top banner: “Applications and hearings” then “View Regulatory Documents”. Then enter the REGDOCS File number below “Search by Document Number”.

Tolls and Tariffs:

Campus Energy Partners Operations Inc. Application for Approval of Tolls and Terms and Conditions of service for the Suffield Pipeline System

Decision: The Commission established maximum tolls that Campus may charge for different services on the pipeline and decided on terms and conditions of service.

- Terms and conditions of service (CER Act, Part 3, s. 225-240)
- Campus Energy Partners Suffield LP by its general partner Campus Energy Partners Operations Inc. (Campus) application for Tolls and Terms and Conditions of Service for the Suffield North Pipeline (Application) and Rockpoint Gas Storage Canada Ltd., Pine Cliff Energy Ltd., and Torxen Energy Ltd. complaints regarding Suffield Processing Limited Partnership and its general partner 2133151 Alberta Ltd. (the Complaint)
 - Hearing Order number: RH-002-2020

- The Commission released its letter decision and order in April 2021
 - Order number: TG-003-2021
 - REGDOCS File number: [\[C12297\]](#)
- Panel of Commissioners: Kathy Penney (Presiding), Stephania Luciuk, Mark Watton, Damien Côté (Alternate)

Canadian Natural Resources (Canadian Natural) Application for Access and Tolls

Decision: The Commission recognized that the total capacity of the Pierson pipeline is fully contracted to Tundra Oil and Gas Limited. The Commission denied Canadian Natural’s application for access and tolls on the Pierson pipeline. However, the Commission ordered Nottingham Midstream Limited to provide interruptible service for the Pierson pipeline.

- Access and Tolls Application pursuant to section 226 and 239 (2) of the CER Act

- CNRL application seeking access on the Pierson Pipeline and seeking just and reasonable tolls from 6720471 Canada Ltd. owned by Nottingham Midstream Limited, collectively referred to as Nottingham.
- The Commission released its letter decision and order in June 2021
 - Order number: TG-006-2021
 - REGDOCS File number: [\[C13736\]](#)
- Panel of Commissioners: Mark Watton (Presiding), Kathy Penney, Mélanie Chartier, Damien Côté (Alternate)

Secure Energy - Application for Transmission Service on the Westspur Pipeline

Decision: The Commission ordered Kingston Midstream Westspur Limited (Kingston) to provide service to Secure Energy Services Inc.'s (Secure) Alida Crude Oil Terminal, and to provide the facilities necessary to do so. Kingston subsequently filed a review and variance application, and the Commission granted several stays of its order. At the end of the fiscal year, the Commission was considering a joint request from Kingston and Secure, to amend the order and discontinue consideration of Kingston's review and variance application.

- Transmission service (CER Act, Part 3, s. 225-240)
- Application by Secure Energy for service and suitable and adequate interconnection facilities on the Westspur Pipeline
 - Hearing Order number: RH-003-2020
- The Commission released its reasons for decision in July 2021
 - Order number: MO-020-2021
 - REGDOCS File number: [\[C13917\]](#)
- Panel of Commissioners: Stephania Luciuk (Presiding), Trena Grimoldby, Wilma Jackknife, Kathy Penney (Alternate), Mark Watton (Alternate)

Enbridge Canadian Mainline Contracting Application Transmission service

Decision: Application denied. The Commission concluded that if long-term contracting were allowed on the Canadian Mainline, access to the pipeline would change suddenly and dramatically. Overall, Western Canadian oil producers could suffer too many negative consequences.

- Transmission service (CER Act, Part 3, s. 225-240)
- Enbridge Mainline Application for approval of Long-term Contracting and Tolls
 - Hearing Order number: RH-001-2020
- The Commission released its reasons for decision in November 2021
 - Order number: N/A
 - REGDOCS File number: [\[C16317\]](#)
- Panel of Commissioners: Stephania Luciuk (Presiding), Wilma Jackknife, Trena Grimoldby, Damien Côté (Alternate)

NOVA Gas Transmission Ltd. – Application for Firm Transportation – Linked North Montney Service

Decision: The Commission considered all the evidence and submissions on the record:

- Denied the Firm Transportation -Linked North Montney (FT-L (NM)) Service and tolling methodology
- Denied the Rate Schedule FT-L (NM) Service
- Approved designating the Willow Valley as a Group 1 delivery point for the purpose of Firm Transportation – Delivery service and other delivery services in accordance with the rate design approved for the NGTL System, as may change from time to time
- Denied affirming that the tolling methodology approved in the RH-001-2019 Decision and Order TG-00202020 will be maintained for existing NGTL System services that utilize the North Montney Mainline

- Transmission service and tolling methodology pursuant to the tolls and tariff and public interest provisions under Parts 1 and 3 of the CER Act
- NGTL FT-L (NM) Service Application for Firm Transmission service and tolling methodology for the for the Service, designation of the Willow Valley Interconnect delivery point as a Group 1 delivery point, and affirmation of the tolling methodology approved in the RH-001-2019 Decision for existing services that utilize the North Montney Mainline.
 - Hearing Order number: RH-001-2021
- The Commission released its letter decision in January 2022, and its reasons for decision in March 2022
 - Order number: MO-011-2022
 - REGDOCS File number: [\[C18261\]](#)
- Panel of Commissioners: Trena Grimoldby (Presiding), Stephania Luciuk, Mark Watton, Wilma Jacknife (Alternate)

Powers of the Commission and Variances:

Trans Mountain Expansion Project (TMEP) – Coldwater West Alternative Route

Decision: The Commission of the Canada Energy Regulator determined that the West Alternative Route – an approximately 18-km-long realignment of the TMEP pipeline corridor in the Coldwater Valley area of British Columbia, was in the public interest.

- Powers of the Commission and Variances (CER Act, Part 3, s. 190).
- Trans Mountain variance application to construct and operate the Coldwater West Alternative Route
 - Hearing Order number: MH-032-2020
- The Commission released its letter decision in July 2021, and its reasons for decision in August 2021
 - Order number(s): AO-008-OC-065, AO-002-XO-T260-007-2016, and AO-003-XO-T260-009-2016
 - REGDOCS File numbers: [\[C14136\]](#), [\[C14356\]](#)

- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

TMEP – Notice of Motion and Constitutional Question dated 3 August 2021

Decision: The Commission ordered that i) Trans Mountain could proceed with certain tree clearing within Burnaby without obtaining tree cutting permits from the city; and ii) Trans Mountain could proceed with constructing and using the North Road (South) Access in Burnaby without receiving an access permit from the city.

- Powers of the Commission and Variances (CER Act, Part 1, s.32, s.34, Part 6, s.313)
- Trans Mountain filed a Notice of Motion and Constitutional Question, as to whether:
 - the requirement for municipal approval under section 3 of Burnaby’s Bylaw No. 10482 prior to conducting certain defined tree clearing and any additional tree clearing within Burnaby that Trans Mountain may determine to be reasonably necessary for the construction or operation of the project is inapplicable, invalid, or inoperative under the doctrines of interjurisdictional immunity and/or federal paramountcy; and
 - the requirement for municipal approval under section 24(1) of Burnaby’s Bylaw No. 4299 prior to Trans Mountain constructing the North Road (South) Access is inapplicable, invalid, or inoperative under the doctrines of interjurisdictional immunity and/or federal paramountcy.
- Hearing Order number: MH-003-2021
- The Commission released its letter decision (with reasons) in October 2021
 - Order numbers: AO-001-MO-002-2021 and MO-031-2021
 - REGDOCS File number: [\[C15556\]](#)
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

TMEP – Notice of Motion and Constitutional Question dated 2 December 2021

Decision: The Commission ordered that Trans Mountain could proceed with all work related to buildings and structures at the Burnaby Terminal and Westridge Marine Terminal without obtaining certain permits, occupancy certificates, or other authorizations from the city.

- Powers of the /Commission and Variances (CER Act, Part 1, s.32, s.34, Part 6, s.313)
- Request for a Commission determination that the requirement for Trans Mountain to acquire permits, occupancy certificates, and other authorizations under certain provisions of the City's Bylaw No. 13658, Burnaby Building Bylaw 2016; Bylaw No. 11148, Burnaby Plumbing Bylaw 2000; and Bylaw No. 6494, Burnaby Electrical Bylaw 1974 for certain work at the Burnaby Terminal and Westridge Marine Terminal is inapplicable, invalid, or inoperative under the doctrines of interjurisdictional immunity and/or federal paramountcy.
 - Hearing Order number: MH-005-2021
- The Commission released its letter decision in February 2022, and its reasons for decision in March 2022
 - Order number: MO-010-2022
 - REGDOCS File numbers, [[C17897](#), [C18191](#)]
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

Exploration and Production:

Inuvialuit Petroleum Corporation - Development Plan for the proposed Inuvialuit Energy Security Project

Decision: The Commission evaluated Inuvialuit Petroleum Corporation's approach to develop and manage the gas resource and potential impacts of the Inuvialuit Energy Security Project and concluded that the Development Plan as submitted was acceptable.

- Development Plan Approval (NWT's *Oil and Gas Operations Act*, s. 14)
- Application from Inuvialuit Petroleum Corporation – Development Plan for the proposed Inuvialuit Energy Security Project. Part One provides a description of the general approach of developing the pool. Part Two provides all technical or other information and proposals necessary for a comprehensive review and evaluation of the proposed development.
 - Hearing Order number: MH-002-2021
- The Commission released its letter decision in March 2022
 - REGDOCS File number: [[C18061](#)]
- Panel of Commissioners: Mark Watton (Presiding), Kathy Penney, Wilma Jacknife, Stephania Luciuk (Alternate)

Detailed Route:

Trans Mountain Expansion Project (TMEP)

Decision: The Commission decided that Trans Mountain's detailed route is the best possible detailed route, and its methods and timing of construction are the most appropriate, for the lands at issue in each of the five detailed route hearings around Chilliwack, British Columbia.

Chilliwack Board of Education, District Parent Advisory Council, City of Chilliwack

- Determination of detailed route and approval (CER, Part 3, s. 201-210)
 - Hearing Order number: MH-010-2020
- The Commission released its letter decision in June 2021
 - REGDOCS File number: [[C13836](#)]
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

MH-010-2020 - Christine Bloom, City of Chilliwack

- Determination of detailed route and approval (CER, Part 3, s. 201-210)
 - Hearing Order number: MH-011-2020
- The Commission released its letter decision in June 2021
 - REGDOCS File number: [\[C13839\]](#)
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

Rudolf Enns, City of Chilliwack

- Determination of detailed route and approval (CER, Part 3, s. 201-210)
 - Hearing Order number: MH-013-2020
- The Commission released its letter decision in June 2021
 - REGDOCS File number: [\[C13835\]](#)
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

Michael Hale, City of Chilliwack

- Determination of detailed route and approval (CER, Part 3, s. 201-210)
 - Hearing Order number: MH-015-2020
- The Commission released its letter decision in June 2021
 - REGDOCS File number: [\[C13838\]](#)
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

City of Chilliwack

- Determination of detailed route and approval (CER, Part 3, s. 201-210)
 - Hearing Order number: MH-026-2020
- The Commission released its letter decision in June 2021
 - REGDOCS File number: [\[C13834\]](#)
- Panel of Commissioners: Damien Côté (Presiding), Kathy Penney, Mark Watton, Trena Grimoldby (Alternate)

Appendix A: Commissioner Biographies



Damien A. Côté, Lead Commissioner

Damien A. Côté served as a temporary Member of the National Energy Board since October 2016 (reappointed in April 2019). He has a wealth of expertise related to Indigenous and regulatory law and more than ten years of senior executive leadership. Prior to joining the organization, he worked for the Department of Justice Canada and the Public Prosecution Service of Canada, both in Iqaluit (Nunavut). He then served as the Executive Director of the Nunavut Water Board in Gjoa Haven (Nunavut), and as Chief Operating Officer of the Inuvialuit Regional Corporation in Inuvik (Northwest Territories). Prior to his appointment as Lead Commissioner, he served briefly as a Member of the Immigration and Refugee Board of Canada. Mr. Côté holds a Juris Doctor and a Licentiate of Laws from the University of Ottawa, a Master of Arts (Economics) from the University of Toronto, as well as a Bachelor of Engineering (Environmental) and a Bachelor of Arts (Economics) from Carleton University.



Kathy Penney, Deputy Lead Commissioner

Kathy Penney was a permanent member of the Canadian Nuclear Safety Commission until her appointment as a Commissioner in 2019. She has over 25 years of regulatory, environmental, health and safety (HSE) experience in the public and private sectors. Ms. Penney has expertise in environmental assessments, HSE assurance and compliance processes, quasi-judicial and federal government project hearings, community consultation, and engagement with Indigenous peoples. Her career includes roles with Jacques Whitford, in Newfoundland and Labrador and in Western Canada, and with Royal Dutch Shell, both in Canada and in Australia. Recently she was on the Assessment Review Board for the Rocky View County. She holds a Master of Science from the University of British Columbia and a Bachelor of Science from the University of Toronto. Ms. Penney is a Pearson College scholar and holds an Executive Management Certificate from Queen's University.



Mélanie Chartier, Commissioner

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



Trena Grimoldby, Commissioner

Trena Grimoldby was appointed as a Commissioner in 2019. She is a lawyer and an adjudicator. Prior to her appointment as Commissioner, she was a Public Chairperson at the Insurance Councils Appeal Board of Alberta (ICAB). She has also previously served as in-house counsel to two multi-national energy companies (Shell Canada and PETRONAS Canada), a midstream energy company (Pembina Pipelines Ltd.), the provincial oil and gas regulator in Alberta (the Alberta Energy Regulator (AER)), and in a private practice setting. She is the CER's representative at CAMPUT (the Association of Canada's Energy and Utility Regulators), where she is a member of the Executive Committee, Chair of the Regulatory Affairs Committee and Lead of the Women in Energy Community of Interest. She holds a Bachelor of Laws from the University of Alberta and a Bachelor of Arts with a specialization in English from the University of Alberta.



Wilma Jacknife, Commissioner

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



Stephania Luciuk, Commissioner

Stephania Luciuk was appointed as a Commissioner in 2019. Prior to her appointment, Ms. Luciuk was in legal practice for over 20 years, with extensive experience in the energy sector, serving as in-house counsel at Imperial Oil Limited and Canadian Oil Sands Limited and in private practice with Macleod Dixon and Fasken Martineau DuMoulin. Her legal practice has spanned regulatory, commercial, and environmental work as well as engagement with Indigenous peoples related to conventional/unconventional oil and gas development and pipelines. In 2017, Ms. Luciuk was appointed as an assistant professor in the Bissett School of Business at Mount Royal University. She also served part-time as a commissioner of the Appeals Commission for Alberta Workers' Compensation and as a mediator for the Provincial Court of Alberta. She is currently the CER representative to NARUC (the National Association of Regulatory Utility Commissioners). Ms. Luciuk holds a Juris Doctor from Osgoode Hall Law School at York University and a Master of Laws in international environmental law, focused on freshwater protection, from Dalhousie University.



Mark Watton, Commissioner

Mark Watton has extensive experience in regulatory law and public policy. He was first called to the bar in Ontario and practiced as a litigator in the Toronto office of Fasken Martineau DuMoulin. He relocated to Calgary to join the National Energy Board where he was legal counsel for seven years, advising on multiple major project applications. Before his appointment as a Commissioner with the Canada Energy Regulator, he held the position of Senior Legal Counsel with TC Energy. He also worked in executive and policy advisory roles for numerous cabinet ministers in several federal government departments, and in the office of the Prime Minister. Mr. Watton holds an LL.B. from Dalhousie University and a Bachelor of Social Sciences (Political Science) from the University of Ottawa.

Appendix B: Application Activity in 2021-22

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

An application under the *National Energy Board Act* (NEB Act) or *Canadian Energy Regulator Act* (CER Act) may be submitted with requests under several parts of the NEB Act or CER Act or Regulations. Each application submitted is counted only once in the table as received and only once as having a decision or recommendation issued.

The two visualizations below show the application activity for the NEB and CER for the fiscal year 2021-22.

Visualization B.1 (Summary of Application Activity in 2021-22) is a high-level summary representation of the information in visualizations B.2 and B.3. It shows the grand total of all application activity.

Visualizations B.2 and B.3 (Detailed Application Activity in 2021-22 and Detailed Decision / Recommendation Activity in 2021-22) provide a detailed listing of all applications received, as well as decisions and recommendations issued in 2021-22.

Visualization B.1-Summary of Application Activity in 2021-22:

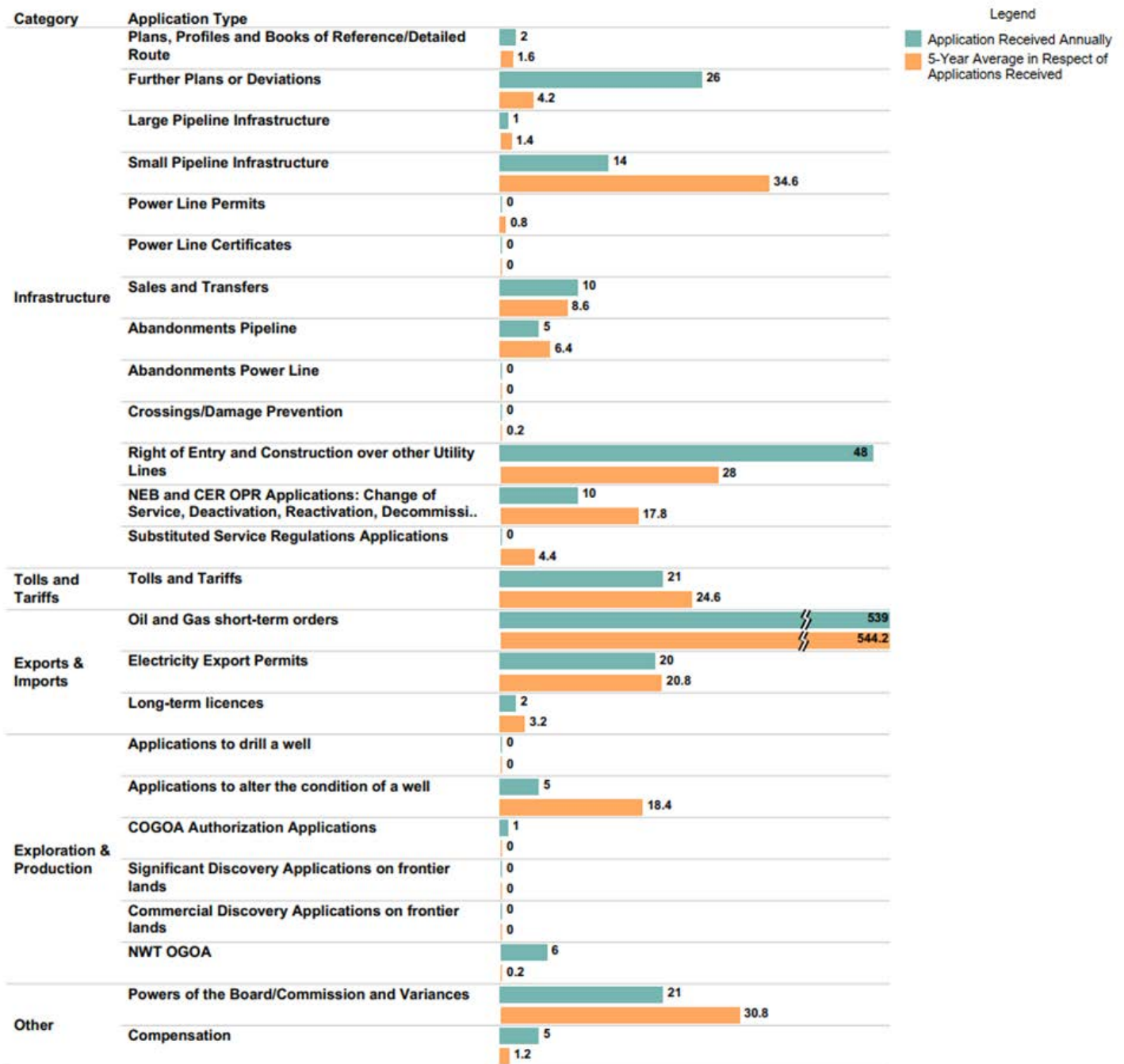
Applications Received and Decisions or Recommendations Issued Annually



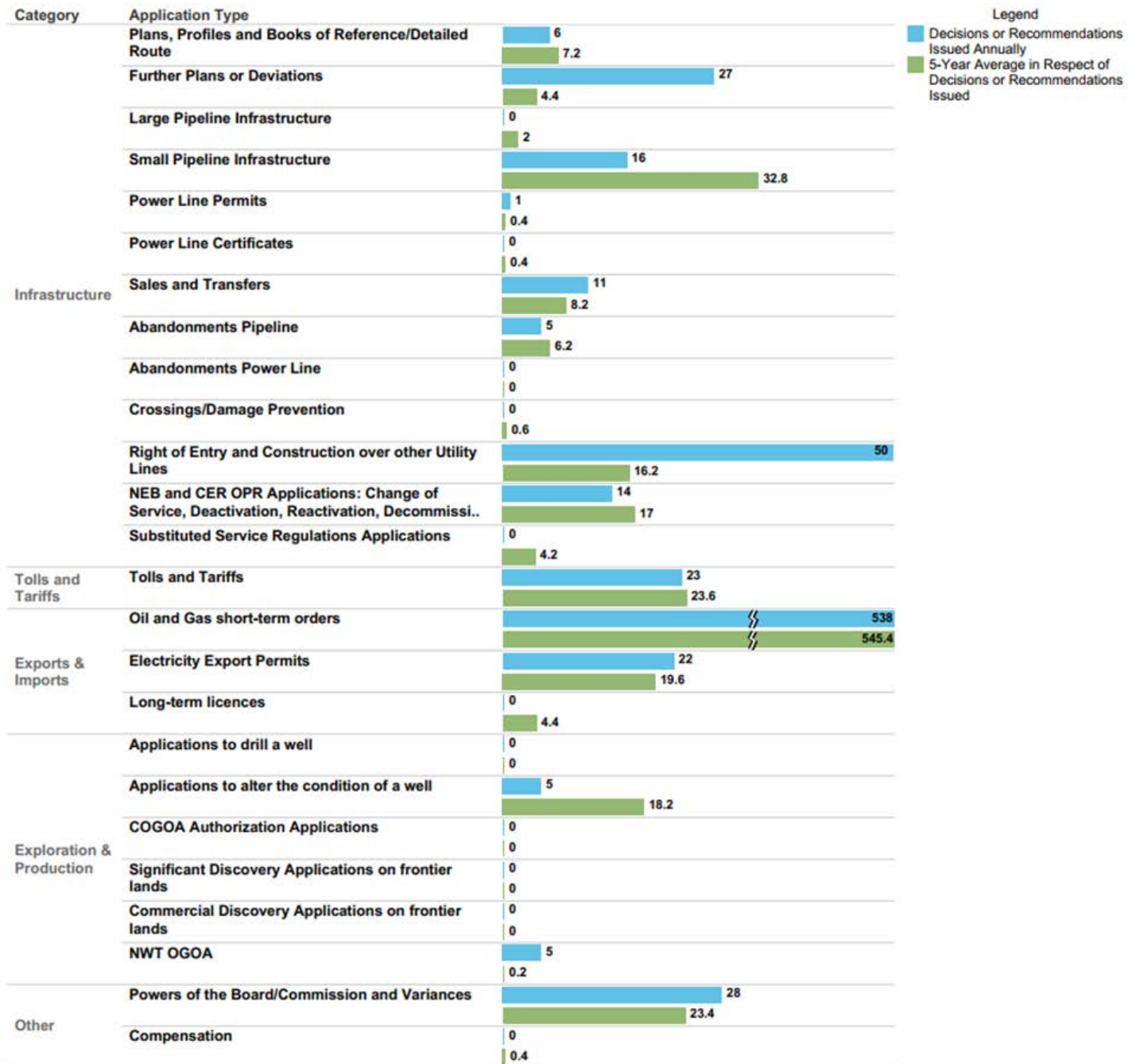
Legend

- Applications Received Annually
- Decisions or Recommendations Issued Annually
- 5-Year Average in Respect of Applications Received
- 5-Year Average in Respect of Decisions or Recommendations Issued

Visualization B.2-Detailed Application Activity in 2021-22



Visualization B.3-Detailed Decision/Recommendation Activity in 2021-22

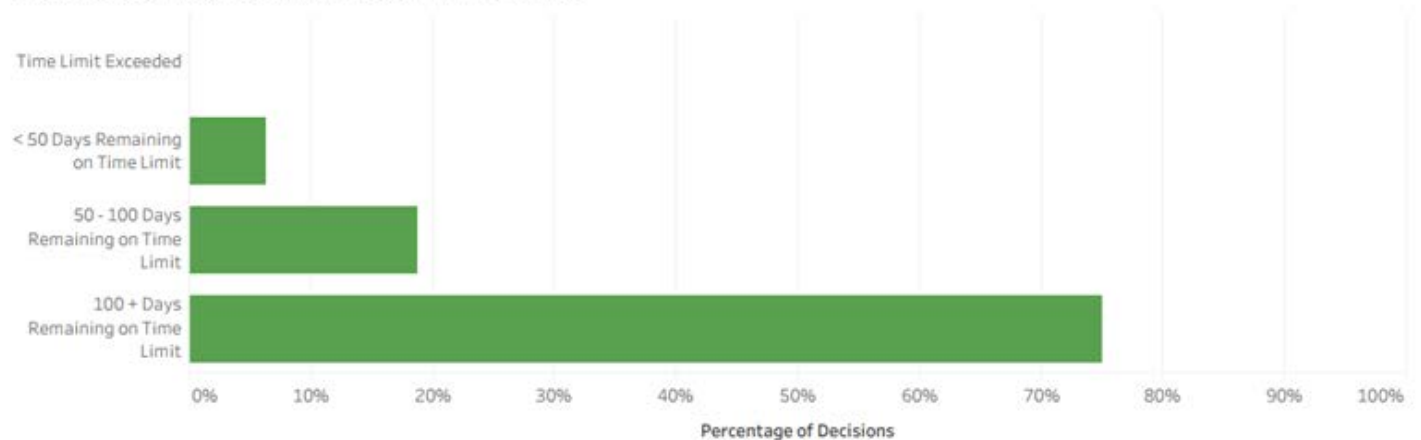


Appendix C: Time Limits

2021-22 Time Limits

The following table shows applications which were subject to time limits for processing as per the *Canadian Energy Regulator Act* (CER Act). All 16 CER Act section 214 application legislated time limits were met in 2021-22.

Percentage of Decisions
Grouped by Days Remaining on Time Limit



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

Applications processed by the CER subject to time limits:

Legislation	Application Type	Time Limit	Application	Days from Completeness to Decision Issued	Decision	Date of Decision (YYYY-MM-DD)
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	NOVA Gas Transmission Ltd. - NGTL West Path Delivery 2022 Project	252	C12756	2021-04-27
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	Trans Mountain Pipeline ULC - application to construct and operate - Sumas River Crossing Replacement Project	64	C13003	2021-05-07

Legislation	Application Type	Time Limit	Application	Days from Completeness to Decision Issued	Decision	Date of Decision (YYYY-MM-DD)
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	NOVA Gas Transmission Ltd.- application to construct and operate the Groundbirch Mainline Loop (Saturn Section) and Saddle Hills Compressor Station C4 Unit Addition	113	C13065	2021-05-12
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	Alliance Pipeline Ltd - Bigstone HDD Pipe Replacement Project	30	C13142	2021-05-14
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. -application to construct and operate - North Central Corridor Remediation Project	124	C13467	2021-06-01
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	Westcoast Energy Inc. application regarding CS-06A and CS-07 Station Piping Replacement	60	C16043	2021-11-08
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	Trans-Northern Pipelines Inc. - application to construct and operate - TNPI Dorval Tunnel Relocation Project	71	C16169	2021-11-17
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. - application to construct and operate - Chambers Creek Receipt Meter Station	64	C16304	2021-11-23

Legislation	Application Type	Time Limit	Application	Days from Completeness to Decision Issued	Decision	Date of Decision (YYYY-MM-DD)
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. -application to install new cooling systems at the existing Hidden Lake and Hidden Lake North Compressor Stations	76	C16718	2021-12-08
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	NOVA Gas Transmission Ltd. - application for the Pioneer South Pipeline Acquisition-continued operation of the Project	63	C16961	2021-12-17
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. - application to construct and operate - Emerson Creek Compressor Station	124	C16958	2021-12-21
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. - application to construct and operate - Smoky River South Sales Meter Station	50	C16997	2021-12-22
CER Act s.214	Small Pipeline Infrastructure - Category B	210 days from application complete	NOVA Gas Transmission Ltd. - application to construct and operate - McLeod River Sales Meter Station	59	C17440	2022-01-21
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	Foothills Pipe Lines (South B.C.) Ltd. - Foothills Zone 8 West Path Delivery 2023 Project	250	C17973	2022-02-07

Legislation	Application Type	Time Limit	Application	Days from Completeness to Decision Issued	Decision	Date of Decision (YYYY-MM-DD)
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	Enbridge Pipelines Inc. (on behalf of Westover Express Pipeline Ltd.) application for Mechanical and physical separation of Line 10 from the existing Enbridge assets to allow Westover Express Pipeline Ltd.	73	C17953	2022-02-28
CER Act s.214	Small Pipeline Infrastructure - Category C	300 days from application complete	Westcoast Energy Inc. - application to construct and operate - Grizzly Valley Mainline Crossing Project	111	C18336	2022-03-23

Appendix D: Leave to Open Orders Issued in 2021-22

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

The table below shows the number of Leave to Open Orders granted in the 2021-22 fiscal year, by company.

Company/Project	Number of Leave to Open Orders
Alliance Pipeline Inc. / Bigstone HDD Pipe Replacement Project	2
County of Vermilion River No. 24 Gas Utility / County of Vermilion River No. 24 Gas Utility	1
Many Islands Pipe Lines (Canada) Limited / Pierceland Supply Project	1
NOVA Gas Transmission Ltd. / NGTL 2021 System Expansion Project	15
Westcoast Energy Inc. / Chetwynd Loop Project	1
Grand Total	20

Appendix E: Commission Orders and Directions 2021-22

The following table summarizes Commission of the Canada Energy Regulator (the Commission) Orders (sometimes referred to as Safety Orders) and Directions that were active in 2021-22. The Commission can issue these Orders pursuant to section 95 of the *Canadian Energy Regulator Act*, to ensure the safety and security of persons and facilities and/or for the protection of property or the environment. Previously, the National Energy Board issued these Orders pursuant to section 48 of the *National Energy Board Act*.

Many Orders will remain in effect for several years, in which case CER staff will continue to monitor compliance with the Order. The existence of a Safety Order in many cases establishes/imposes safe thresholds for continued operation (e.g., pressure restrictions). It is necessary to keep these restrictions in place until such time as the Commission is of the opinion that the company has sufficiently addressed underlying issues.

Commission Orders and Directions active in 2021-22

Order Number	Date Issued	Company	Region	Description/ reason for Order/Direction	Resulting Action/Status
SG-C293-01-2011	2012-09-18	Centra Transmission Holdings Inc	Sections through Ontario, Fort Francis	Non-compliances resulting from compliance verification activity.	Pressure restriction of 80% of the Maximum Operating Pressure (MOP) Status 31 March 2022: Order is still open and Conditions 3 and 4 are still active.
SG-N081-005-2013	2013-12-20	NOVA Gas Transmission Ltd	Ukalta Lateral	Issued due to Incident # 2013-141, leak on Ukalta Lateral line.	Pressure restriction not exceeding 6,570 kPa, must perform weekly above ground leak detection surveys, inline inspection validation Status 31 March 2022: The Safety Order is still in effect.

Order Number	Date Issued	Company	Region	Description/ reason for Order/Direction	Resulting Action/Status
AO-001-SO-T217-03-2010	2020-07-17	Trans-Northern Pipelines Inc.	Ontario and Quebec	<p>Amending Order issued as a result of several overpressure incidents from 2010-2016. Replaced three existing Safety Orders from 2009-10 including a system wide Safety Order. Imposed 10% pressure restriction in addition to the 20% pressure restriction from the system wide safety order.</p> <p>Further amended by Order AO-002-SO-T217-003-2010 on 24 October 2016 to reflect revised authorized and related reduced operating pressures previously imposed.</p> <p>Further amended by Order AO-003-SO-T217-003-2010 on 12 April 2017 to vary conditions 4 and 7 and add condition 8, as well as a new Schedule D for two pipelines.</p> <p>Further amended by Order AO-004-SO-T217-003-2010 on 17 July 2020 to vary reporting timelines for conditions 2.c, 3.c, 7.d and 8.e</p>	<p>Operate the pipeline sections at reduced pressures-10% as per Schedule A and 30% MOP as per Schedules B and C. Multiple other conditions including requirement for hydraulic analysis, Bronte Creek release remediation, providing annual engineering assessments and watercourse crossing management program.</p> <p>Status 31 March 2022:</p> <p>Two conditions remain for approval.</p>

Order Number	Date Issued	Company	Region	Description/ reason for Order/Direction	Resulting Action/Status
AO-015-SG-N081-001-2014	2021-02-01	NOVA Gas Transmission Ltd. (NGTL)	NGTL System	Leaks and ruptures have occurred on NGTL pipelines that are not able to be internally inspected using automated tools.	<p>Pressure restriction on twenty-five unpiggable NGTL pipelines that TransCanada has calculated to have the highest societal risk</p> <p>Status 31 March 2022:</p> <p>Two pipelines remain on the Order. One was decommissioned under CER MO-020-2019.</p>

Appendix F: Post-Approval Compliance

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

If a project is approved, the CER will oversee the construction and operation of the project through a variety of post-approval matters, that inform safety and environmental oversight. Condition compliance and related documents were received by the CER for 51 different projects in 2021-22. When any of the filings received require a regulatory decision, the matter is brought to the Commission for decision.

The table below outlines the projects for which many post-approval filings were received. Many projects are not listed for brevity purposes.

Company and Project Name	Number of Company Documents Filed in Post-Approval Compliance
Trans Mountain Expansion Project	534
NOVA Gas Transmission Ltd. - 2021 System Expansion Project	318
Westcoast Energy Inc. - T-South Expansion and Reliability Project	237
Westcoast Energy Inc. - Spruce Ridge Program	148
NOVA Gas Transmission Ltd. - North Corridor Expansion Project	134
EnCana Corporation - Leave to Abandon Deep Panuke Pipeline	80
Enbridge Inc. - Line 3 Replacement Program	75
NOVA Gas Transmission Ltd. - Edson Mainline Expansion Project	71
ITC Lake Erie Connector LLC - Lake Erie Connector Project	47
NOVA Gas Transmission Ltd. - North Montney Project	35
NOVA Gas Transmission Ltd. - Approval to Abandon Meter Stations and Lateral Pipelines on the NGTL System	32
NOVA Gas Transmission Ltd. - 2017 System Expansion	24
Westcoast Energy Inc. - Wyndwood Pipeline Expansion Project	13
TransCanada Keystone Pipeline GP Ltd. - Keystone XL Pipeline	13
Trans Mountain - Edmonton Terminal Expansion Project	12
Manitoba Hydro - Manitoba Minnesota Transmission Project	10
NOVA Gas Transmission Ltd. - Peace River Mainline Abandonment	7
Trans Mountain - Coquihalla Crossing No. 15 and 16 Replacement Project	7
NOVA Gas Transmission Ltd. - Northwest Mainline Loop (Boundary Lake North Section)	7
Trans Québec & Maritimes Pipeline Inc - TQM Reinforcement and Asset Purchase	6
Trans Mountain - Sumas River Crossing Replacement Project	6
NOVA Gas Transmission Ltd. - Exemption Order for the NPS 16 Marten Hills Producer Tie In Rehabilitation Project	6
Milk River Pipeline Ltd. - Transfer of Ownership of the Milk River Pipeline System from Plains Midstream Canada ULC to Milk River Pipeline Ltd.	4

Company and Project Name	Number of Company Documents Filed in Post-Approval Compliance
NOVA Gas Transmission Ltd. - Sundre Crossover	4
ExxonMobil Canada Ltd. - Goldboro Gas Plant and 26" Gathering Pipeline Abandonment	4
Vantage Pipeline Canada ULC - Vantage Pipeline Project	3
Foothills Pipe Lines (South BC) Ltd. - Foothills Zone 8 West Path Delivery 2023 Project	3
Trans Mountain - Edmonton Terminal Facility Piping Relocations	3
Trans Mountain - Burnaby Terminal Facility Piping Relocations	3
NOVA Gas Transmission Ltd. - Saddle Lake Lateral Loop (Cold Lake Section) Project	3
NOVA Gas Transmission Ltd. - Integration Asset Transfer	3
Westcoast Energy Inc. - Silverstar Project	2
NOVA Gas Transmission Ltd. - NPS 16 Mildred Lake North Lateral Relocation	2
Many Islands Pipe Line (Canada) Limited - Pierceland Supply Project	2
Grand Total	1858

Appendix G: Abandonment Funding

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

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

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

Companies using Letters of Credit or Surety Bonds

Table G.1 lists all CER-regulated companies that are using a Letter of Credit or Surety Bond to fund their abandonment cost estimate and the amount of each associated financial instrument. The Amount of Instrument column reflects the latest abandonment cost estimates in 2018 dollars.

Table G.1

Company	Financial Instrument	Amount of Financial Instrument (in 2018 dollars except where noted)
1057533 Alberta Ltd.	Letter of Credit	855,173
2670568 Ontario Limited	Surety Bond	171,694
6720471 Canada Ltd.	Letter of Credit	45,000
Altagas Holdings Inc. for and on behalf of Altagas Pipeline Partnership	Surety Bond	1,875,849
ARC Resources Ltd.	Letter of Credit	1,893,204
Bonavista Energy Corporation	Letter of Credit	18,185
Caltex Resources Ltd.	Letter of Credit	291,292
Campus Energy Partners	Surety Bond	27,234,710
Canadian Natural Resources Limited	Surety Bond	909,876
Canadian-Montana Pipe Line Company	Surety Bond	300,000
Canlin Energy Corporation	Letter of Credit	101,557
Cenovus Energy Inc.	Letter of Credit	1,845,917
Champion Pipe Line Corporation Limited	Letter of Credit	14,009,422
Cona Resources	Letter of Credit	1,320,396
Crescent Point Energy Corp.	Letter of Credit	346,878
Enercapita Energy Ltd.	Letter of Credit	1,527,861
ExxonMobil Canada Properties	Letter of Credit	7,985,252

Company	Financial Instrument	Amount of Financial Instrument (in 2018 dollars except where noted)
FortisBC Huntingdon Inc.	Letter of Credit	115,754
Gear Energy Ltd.	Letter of Credit	217,155
Glenogle Energy Inc.	Letter of Credit	80,156
Great Lakes Pipeline Canada Ltd.	Letter of Credit	12,586,000
Husky Oil Operations Limited	Letter of Credit	8,387,654
Imperial Oil Resources Limited	Letter of Credit	1,414,710
ISH Energy Ltd.	Letter of Credit	3,046,923
Kiwetinoak Energy Corp.	Letter of Credit	362,000
LBX Pipeline Ltd.	Letter of Credit	3,198,336
Leucrotta Exploration Inc.	Letter of Credit	241,490
Lignite Pipeline Canada Corp.	Surety Bond	1,426,320
NorthRiver Midstream G and P Canada Pipelines Ltd.	Letter of Credit	1,462,274
Obsidian Energy	Letter of Credit	922,150
Omimex Canada, Ltd.	Letter of Credit	132,950
OVINTIV Canada ULC	Surety Bond	2,063,970
OVINTIV Canada ULC	Letter of Credit	11,700,000
Pembina Energy Services Inc.	Letter of Credit	6,004,973
Pembina Prairie Facilities Ltd.	Letter of Credit	31,102,297
Pieridae Alberta Production Ltd.	Letter of Credit	332,477
Pine Cliff Border Pipelines Limited	Letter of Credit	704,000
Pine Cliff Energy Ltd.	Letter of Credit	127,250
Pipestone Energy Corp.	Letter of Credit	11,600
Pouce Coupé Pipe Line Ltd.	Letter of Credit	172,343
Prospera Energy Inc. (Note: 2019 dollars)	Letter of Credit	90,726
Shell Canada Energy	Letter of Credit	4,920,047
Shell Canada Products Limited	Letter of Credit	259,288
Shiha Energy Transmission Ltd.	Letter of Credit	192,026
Steel Reef Pipelines Canada Corp.	Surety Bond	470,613
Sunoco Logistics Partners Operations GP LLC	Surety Bond	1,003,925
Tamarack Acquisition Corp.	Letter of Credit	43,980
TAQA North Ltd.	Letter of Credit	1,450,075
Tidewater Midstream	Letter of Credit	1,857,506
Tundra Oil & Gas Limited for and on behalf of Tundra Oil & Gas Partnership	Letter of Credit	72,812
Veresen Energy Pipeline Inc.	Letter of Credit	3,326,412
Veresen NGL Pipeline Inc.	Letter of Credit	1,761,889
Vermilion Energy Inc.	Letter of Credit	242,462

Company	Financial Instrument	Amount of Financial Instrument (in 2018 dollars except where noted)
Whitecap Resources Inc.	Letter of Credit	1,255,752
Windmill Dream	Letter of Credit	221,568
Winslow Resources	Letter of Credit	54,000
Yoho Resources Inc.	Letter of Credit	50,000
Zibi Community Utility	Letter of Credit	268,070

Companies using Trusts

Table G.2 lists all CER-regulated companies that are using a trust to fund their abandonment cost estimate, each associated abandonment cost estimate and the funds collected as of 31 December 2020. Note: Company annual trust filings, containing 2021 year closing balances, will be filed 30 April 2022.

Table G.2

Company	Abandonment Cost Estimate (\$)	Collection Period (Years)	2020 Close balance (\$) - Actual
2193914 Canada Limited	6,689,261	35	1,347,000
Alliance Pipeline Ltd.	364,940,000	40	75,592,599
Aurora Pipeline Company Ltd. (Plains)	57,840	40	20,551
Centra Transmission Holdings Inc.	22,226,090	40	6,346,182
Emera Brunswick Pipeline Company Ltd.	12,781,000	20	5,512,000
Enbridge Bakken Pipeline Company Inc., on behalf of Enbridge Bakken Pipeline Limited Partnership	22,300,000	25	4,265,000
Enbridge Pipelines (NW) Inc.	45,000,000	12	16,909,000
Enbridge Pipelines Inc.	1,743,200,000	40	315,809,000
Enbridge Southern Lights GP Inc. on behalf of Enbridge Southern Lights LP	177,900,000	40	26,214,000
Express Pipeline Ltd.	99,300,000	40	10,952,264
Foothills Pipe Lines Ltd.	244,720,000	30	61,194,000
Genesis Pipeline (Canada) Ltd.	3,114,576	40	1,389,678
Kingston Midstream Westspur	51,931,666	25	11,725,000
PKM Cochin ULC	28,000,000	20	11,536,459
Kinder Morgan Utopia Ltd.	1,104,300	21	275,652
Maritimes & Northeast Pipeline Management Limited	166,800,000	20	82,730,102
Montreal Pipe Line Limited	19,873,239	40	4,913,914
Niagara Gas Transmission Limited	6,871,346	35	1,353,000
Nova Gas Transmission Ltd.	2,535,333,000	30	663,643,000

Company	Abandonment Cost Estimate (\$)	Collection Period (Years)	2020 Close balance (\$) - Actual
Plains Midstream Canada ULC	50,347,731	40	15,731,207
Pouce Coupé Pipe Line Ltd.	7,597,783	15	7,358,721
Souris Valley Pipeline Limited	3,309,572	FF	3,835,146
St. Clair Pipelines Management Inc.	1,359,792	35	298,005
Trans Mountain Pipeline Inc.	367,820,000	35	92,731,442
Trans Québec & Maritimes Pipeline (TQM) Inc.	115,500,000	25	37,597,000
TransCanada Keystone Pipeline GP Ltd.	268,100,000	25	84,614,000
TransCanada Pipelines Limited	2,904,930,000	25	1,013,555,000
Trans-Northern Pipelines Inc.	87,020,000	40	18,637,053
Union Gas Limited	103,187	FF	107,266
Vector Pipeline Limited Partnership	8,500,000	35	1,141,000
Westcoast Energy Inc.	809,700,000	40	99,059,286
Westover Express Pipeline Limited (Note: 2021 dollars)	34,588,117	38	3,260,000

*FF = fully funded

Appendix H: Financial Resources Requirements

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

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

- Insurance policy.
- Escrow agreement.
- Letter of credit.
- Line of credit.
- Participation in a pooled fund, as referred to in subsection 139(1) of the CER Act.
- Parent company guarantees.
- Surety bond or pledge agreement, or indemnity bond or suretyship agreement; and,
- Cash or cash equivalents.

The Regulations also state that only authorized in-service pipelines will be considered in the determination of a company's absolute liability class. Therefore, those pipelines that are not in service are exempt from filing an absolute liability limit and financial resources plan currently.

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

CER Regulated Companies Financial Resource Plan Evaluation Status:

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

Company	Class	Absolute Liability Limit (A.L.L.)	Status of Financial Resource Plan Filing
Foothills Pipe Lines Ltd.	Gas Class 1	\$200 Million	Approved
FortisBC Huntingdon Inc.	Gas Class 1	\$200 Million	Under review
Forty Mile Gas Co-op	Not applicable		
Gear Energy Ltd.	Gas Class 4	\$10 Million	Under review
Genesis Pipeline Canada Ltd.	Oil Class 2	\$300 Million	Under review
Glencoe Resources Ltd.	Not applicable		
Glenogle Energy Inc.	Gas Class 2	\$50 Million	Under review
Great Lakes Pipeline Canada Ltd.	Gas Class 1	\$200 Million	Approved
Husky Oil Operations Limited	Oil Class 2	\$300 Million	Approved
ISH Energy Ltd.	Oil Class 3	\$200 Million	Conditionally Approved
Kinder Morgan Utopia Ltd.	Oil Class 2	\$300 Million	Approved
Kingston Midstream Westspur Limited	Oil Class 2	\$300 Million	Conditionally approved
LBX Pipelines Ltd.	Oil Class 2	\$300 Million	Under review
Leucrotta Exploration Inc.	Not applicable		
Lignite Pipeline Canada Corp	Not applicable		
Many Islands Pipe Lines (Canada) Ltd.	Gas Class 1	\$200 Million	Approved
Maritimes & Northeast Pipeline Management Limited	Gas Class 1	\$200 Million	Approved
Milk River Pipeline Ltd.	Oil Class 2	\$300 Million	Under review
Minell Pipeline Ltd.	Gas Class 2	\$50 Million	Approved
Montreal Pipe Line Limited	Oil Class 2	\$300 Million	Approved
Niagara Gas Transmission Limited	Gas Class 1	\$200 Million	Approved
Northriver Midstream Canada Pipelines Inc.	Gas Class 2	\$50 Million	Under review
Northriver Midstream G and P Canada Pipelines Inc.	Gas Class 1	\$200 Million	Under review
NOVA Gas Transmission Ltd.	Gas Class 1	\$200 Million	Approved
Obsidian Energy Inc.	Gas Class 2	\$50 Million	Approved
Omimex Canada Ltd.	Not applicable		
Ovintiv Canada ULC	Gas Class 2	\$50 Million	Approved
Pembina Energy Services Ltd.	Gas Class 2	\$50 Million	Approved
Pembina Prairie Facilities Ltd.	Gas Class 2	\$50 Million	Approved
Pieridae Alberta Production Ltd.	Gas Class 2	\$50 Million	Under review
Pine Cliff Energy Ltd. & Pine Cliff Border Pipelines Ltd.	Gas Class 2	\$50 Million	Under review
Pipestone Energy Corp.	Not applicable		
PKM Cochin ULC	Oil Class 2	\$300 Million	Approved
Plains Midstream Canada ULC	Oil Class 1	\$1 Billion	Approved

Company	Class	Absolute Liability Limit (A.L.L.)	Status of Financial Resource Plan Filing
Portal Municipal Gas Company Canada Inc. c/o SaskEnergy	Gas Class 4	\$10 Million	Granted filing extension
Pouce Coupé Pipe Line Ltd.	Oil Class 2	\$300 Million	Approved
SCL Pipeline Inc.	Gas Class 2	\$50 Million	Approved
Shiha Energy Transmission Ltd.	Not applicable		
Souris Valley Pipeline Limited	CO ₂ or Water Class	\$5 Million	Approved
St. Clair Pipelines Management Inc.	Gas Class 1	\$200 Million	Approved
Steel Reef Pipelines Canada Corp.	Gas Class 2	\$50 Million	Conditionally approved
Strategic Oil & Gas (Strategic Transmission)	Not applicable		
Sunoco Pipeline LP	Gas Class 2	\$50 Million	Conditionally approved
Surge Energy Inc.	Gas Class 3	\$50 Million	Under review
Tamarack Acquisition Corp.	Not applicable		
TAQA North Ltd.	Gas Class 2	\$50 Million	Approved
Tidewater Midstream & Infrastructure Ltd.	Gas Class 4	\$10 Million	Under review
TransCanada Pipelines Limited	Gas Class 1	\$200 Million	Approved
TransCanada Keystone Pipeline GP Ltd.	Oil Class 1	\$1 Billion	Approved
Trans Mountain Pipeline ULC	Oil Class 1	\$1 Billion	Approved
Trans-Northern Pipelines Inc.	Oil Class 2	\$300 Million	Under review
Trans Québec & Maritimes Pipeline Inc.	Gas Class 1	\$200 Million	Approved
Tundra Oil & Gas Limited	Oil Class 3	\$200 Million	Under review
Twin Rivers Paper Company Inc.	Other Commodity Class 1	\$10 Million	Under review
Vector Pipeline Limited	Gas Class 1	\$200 Million	Approved
Veresen Energy Pipeline Inc.	Gas Class 1	\$200 Million	Under review
Veresen NGL Pipeline Inc.	Gas Class 2	\$50 Million	Approved
Vermillion Energy Inc.	Not applicable		
Westcoast Energy Inc.	Gas Class 1	\$200 Million	Approved
Westover Express Pipeline Ltd.	Oil Class 2	\$300 Million	Approved
Whitecap Resources Inc.	Oil Class 2	\$300 Million	Approved
Yoho Resources Inc./ SanLing Energy Ltd.	Not applicable		
Zibi Community Utility LP	CO ₂ or Water Class	\$5 Million	Approved

Appendix I: Abbreviations and Definitions

A.L.L.

Absolute Liability Limit

CCAT

Council of Canadian Administrative Tribunals

CER

Canada Energy Regulator

CER Act

Canadian Energy Regulator Act, S.C. 2019, c.28, s.10

COGOA

Canada Oil and Gas Operations Act,
R.S.C., 1985, c.O-7

Commission

Commission of the Canada Energy Regulator

CFTC

Council of Federal Tribunal Chairs

NEB

National Energy Board

NEB Act

National Energy Board Act R.S.C., 1985, c. N-7,
Repealed (2019, c.28, s.44)

OGOA

Oil and Gas Operations Act

OPR

*Canadian Energy Regulator Onshore
Pipeline Regulations*

Governor In Council

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

Quasi-Judicial Tribunal

The Commission of the CER is a quasi-judicial tribunal, meaning that it is an administrative tribunal with all the powers, rights, and privileges of a superior court of record with respect to matters within its jurisdiction. It is obliged to deal with applications and proceedings before it expeditiously and respecting the principles of procedural fairness and natural justice.

REGDOCS

REGDOCS is the collection of publically accessible documents that are filed onto the legal record for any CER hearings or other written regulatory proceedings.

To Learn More about the CER

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