

National Energy  
Board



Office national  
de l'énergie

**Annual Report**  
**pursuant to the**  
***Access to Information Act***

**1 April 2008 - 31 March 2009**

**Canada**



**National Energy Board**

Annual Report  
Pursuant to the  
*Access to Information Act*

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2009

as represented by the National Energy Board

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©Sa Majesté la Reine du Chef du Canada 2009  
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Office national  
de l'énergie

Office of the Chair and CEO

Bureau du président et premier dirigeant

19 June 2009

The Honourable Lisa Raitt, P.C., M.P.  
Minister of Natural Resources Canada  
580 Booth Street  
Ottawa, Ontario  
K1A 0E4

Dear Minister:

In accordance with the provisions of Sections 72 of the *Access to Information Act*, I am pleased to submit the Annual Report of the National Energy Board on the administration of this Act for the period 1 April 2008 to 31 March 2009.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gaétan Caron'.

Gaétan Caron  
Chair and CEO

Attachment

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## **TABLE OF CONTENTS**

	Page
I. Introduction	1
II. Description of institution structure	2
III. Designation Orders	3
IV. Statistical Report	5
V. Interpretation / Explanation	8
VI. Description of Education and Training Activities	8
VII. Complaints / Investigations	8





## I. Introduction

The purpose of the *Access to Information Act* is to provide individuals with a right of access to that information in records under the control of a government institution in accordance with the principle that government information should be available to the public.

The National Energy Board (Board) is an independent federal regulatory agency that was established in 1959. The Board regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- Frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the Board has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the Board also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the Board's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

## **II. Description of institution structure**

Activities relating to the *Access to Information Act* are the responsibility of the Secretary of the Board, who has been designated by the Chairman of the Board as the Coordinator. The ATIP Analyst and Executive Support Officer position was created to assist the Secretary of the Board in Access to Information requests. In addition, the Board's Legal Counsels and staff members of Personnel are available to provide advice, as required. All the individuals have other responsibilities in addition to those described above.

### III. Designation Orders

#### APPENDIX I

NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

#### ACCESS TO INFORMATION ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Access to Information Act\* hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act save and except the power to refuse access to a record requested under the Act. Where the Secretary does not intend to give access to a record requested under the Act, he shall refer the request to the Standing Committee on Regulatory Process which Committee shall have the power to grant or refuse access to the record.

Dated at Ottawa this 16 day of March, 1983.

A handwritten signature in dark ink, appearing to read "C.G. Edge".

C.G. Edge  
Chairman

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\* S.C. 1980-81-82 c. 111

National Energy  
Board



Office national  
de l'énergie

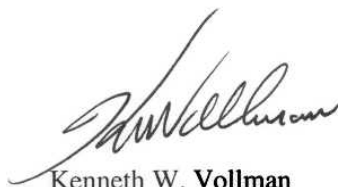
## ACCESS TO INFORMATION ACT DESIGNATION REPLACEMENT ORDER

The Chairman of the National Energy Board (the Board), pursuant to Section 73 of the *Access to Information Act*, (the Act) hereby replaces the *Access to Information Act Designation Order* made on the 18<sup>th</sup> day of March 1983, at the City of Ottawa in the Province of Ontario, as modified by the *Access to Information Act designation Amendment Order* made on the 27<sup>th</sup> day of May 1998, at the City of Calgary, in the Province of Alberta by the following text.

The Chairman of the Board, pursuant to Section 73 of *the Access to Information Act*\* hereby designates the person holding the office of Secretary of the Board to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act save and except the power to refuse access to a record requested based on a discretionary exemption under the Act. Where the Secretary does not intend to give access to a record requested based on a discretionary exemption under the Act, he shall refer the request to the Executive Team which Team shall have the power to grant or refuse access to the record.

The Discretionary exemptions are introduced in the Act by the phrase "the head of a government institution may refuse to disclose..."

Dated at the City of Calgary, in the Province of Alberta, this 15<sup>th</sup> day of October 2002.

  
 Kenneth W. Vollman  
 Chairman

---

\* S.C. 1980-81-82 c.111

## IV. Statistical Report

5



Government of Canada  
Gouvernement du Canada

### REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution National Energy Board / Office national de l'énergie				Reporting period / Période visée par le rapport April/avril 2008 - March/mars 2009	
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial 3	Organization / Organisme	Public 2

#### I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	5
Outstanding from previous period / En suspens depuis la période antérieure	2
<b>TOTAL</b>	<b>7</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	7
Carried forward / Reportées	0

#### II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	1	6. Unable to process / Traitement impossible	
2. Disclosed in part / Communication partielle	4	7. Abandoned by applicant / Abandon de la demande	
3. Nothing disclosed (excluded) / Aucune communication (exclusion)		8. Treated informally / Traitement non officiel	2
4. Nothing disclosed (exempt) / Aucune communication (exemption)		<b>TOTAL</b>	<b>7</b>
5. Transferred / Transmission			

#### III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)		S. Art. 16(1)(a)		S. Art. 18(b)		S. Art. 21(1)(a)	2
(b)		(b)		(c)		(b)	2
(c)		(c)	1	(d)		(c)	
(d)		(d)		S. Art. 19(1)	2	(d)	
S. Art. 14		S. Art. 16(2)		S. Art. 20(1)(a)		S. Art. 22	
S. Art. 15(1) International rel. / Relations intern.		S. Art. 16(3)		(b)		S. Art. 23	2
Defence / Défense		S. Art. 17		(c)		S. Art. 24	1
Subversive activities / Activités subversives		S. Art. 18(a)		(d)		S. Art. 26	

#### IV Exclusions cited / Exclusions citées

S. Art. 68(a)		S. Art. 69(1)(c)	
(b)		(d)	
(c)		(e)	
S. Art. 69(1)(a)		(f)	
(b)		(g)	

#### V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	3
31 to 60 days / De 31 à 60 jours	1
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	1

#### VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	1	3
Consultation		
Third party / Tiers		
<b>TOTAL</b>	<b>1</b>	<b>3</b>

#### VII Translations / Traduction

Translations requested / Traductions demandées		
Translations prepared / Traductions préparées	English to French / De l'anglais au français	
	French to English / Du français à l'anglais	

#### VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	5
Examination / Examen de l'original	
Copies and examination / Copies et examen	

#### IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande		Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		<b>TOTAL</b>	0.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		5	\$ 25.00
Over \$25.00 / De plus de 25 \$			\$

#### X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 27,000.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 2,500.00
<b>TOTAL</b>	<b>\$ 29,500.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.25



**Supplemental Reporting  
Requirements**
*Access to Information Act*

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

**Part III – Exemptions invoked**

## Section 13

 Subsection 13(e) 0

## Section 14

 Subsections 14(a) 0

 14(b) 0
**Part IV – Exclusions cited:**

 Subsection 69.1 (1) 0
**Exigences en matière de rapports  
supplémentaires**
*Loi sur l'accès à l'information*

En plus des exigences relatives à l'établissement de rapports dont on traite au formulaire TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit, en utilisant le présent formulaire :

**Partie III – Exceptions invoquées**

## Article 13

 Paragraphe 13(e) 0

## Article 14

 Paragraphes 14(a) 0

 14(b) 0
**Partie IV – Exclusions citées**

 Paragraphe 69.1 (1) 0

Discrepancies	Divergences

## **V. Interpretation / Explanation**

### Received During Reporting Period

During the reporting period, the Board received five requests under the *Access to Information Act*, and there were two requests outstanding from the previous period.

### Disposition of Requests Completed

The Board disclosed all documents in one case, in four cases documents were disclosed in part and two of the requests were treated informally.

### Exemptions Invoked

The following exemptions were invoked during the processing of the Access requests during this period: Section 16(1)(c); Section 19(1); Section 21(1)(a); Section 21(1)(b); Section 23; and Section 24.

### Completion Time and Extensions

Three requests were completed within 30 days of receipt, while one request was completed within 60 days of receipt. Two requests were completed between 61 to 120 days, and one request took over 121 days to complete. In all cases over 30 days time extensions were sought for records searching. The scope of Access requests received by the National Energy Board has become broader and has increased in complexity.

### Fees and Costs

For all five requests the application fees were waived.

The costs incurred for handling Access requests and administrative matters totaled \$29,500.00 for 489 hours.

The Board estimates that 489 hours equates to 0.25 person year.

## **VI. Description of Education and Training Activities**

Two employees were provided formal training related to the use of Privasoft for approximately three days during the reporting period.

## **VII. Complaints / Investigations**

At the end of the reporting period the National Energy Board was aware that an investigation, based on a complaint, was underway by the Office of the Information Commissioner.