

National Energy
Board



Office national
de l'énergie

Annual Report
pursuant to the
Access to Information Act

1 April 2009 - 31 March 2010

Canada

National Energy Board

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Pursuant to the
Access to Information Act

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2010

as represented by the National Energy Board

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National Energy
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Office national
de l'énergie

Office of the Chair and CEO

Bureau du président et premier dirigeant

6 August 2010

The Honourable Christian Paradis, 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 2009 to 31 March 2010.

Yours sincerely,



Gaétan Caron
Chair and CEO

Attachment

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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 Chair of the Board as the Coordinator. The ATIP & Executive Support Officer position was created to assist the Secretary of the Board in Access to Information requests. In addition, the Board's legal counsel and staff members 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 18 day of March, 1983.

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

C.G. Edge
Chairman

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

National Energy
Board



Office national
de l'énergie

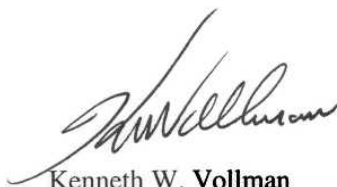
ACCESS TO INFORMATION ACT DESIGNATION REPLACEMENT ORDER

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 18th 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 27th 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 15th day of October 2002.



Kenneth W. Vollman
Chairman

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

**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

IV. Interpretation / Explanation

Received During Reporting Period

During the reporting period, the Board received twelve requests under the *Access to Information Act*. Of the 12 requests, eight were completed and four were carried forward to the next year.

Disposition of Requests Completed

The Board disclosed all documents in three cases, in two cases documents were disclosed in part, one request was transferred, one could not be processed and one was abandoned by the applicant.

Exemptions Invoked

The following exemption was invoked during the processing of the Access requests during this period: Section 19(1).

Completion Time and Extensions

Seven requests were completed within 30 days of receipt, while one request was completed within 60 days of receipt. Four requests were carried forward. The scope of Access requests received by the National Energy Board has become broader and has increased in complexity and number.

Fees and Costs

The application fees were waived for three requests. One requestor was asked for \$510 to cover costs relating to computer and paper file research and courier fees for retrieval of archived documents. The costs incurred for handling Access requests and administrative matters totaled \$17,469.00 for 391 hours.

The Board estimates that 391 hours equates to 0.20 person year.

V. Description of Education and Training Activities

An employee was given informal ATIP orientation and training. Basic ATIP awareness was incorporated into new employee information management training.

VI. New or revised policies and guidelines

The National Energy Board did not implement any new and/or revised access to information policies, guidelines or procedures during the reporting period.

VII. Complaints / Investigations

Discretionary exemptions made by the NEB in 2007 under section 23 (Solicitor-Client privilege) were the subject of one investigation that is still ongoing.