



Canada Energy
Regulator

Régie de l'énergie
du Canada

2022-23 Annual Report of the Canada Energy Regulator



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Note:

The *2022-23 Canada Energy Regulator Annual Report* is one of three 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 *2022-23 Commission Annual Report*, or the *Departmental Results Report 2022-23* (to be published in fall 2023).

Message from the Chairperson

The Canada Energy Regulator (CER) is Canada's federal energy regulator. The CER plays a critical role in keeping energy moving safely across the country and sharing important energy information in the public interest. The foundation of this work is rooted in the *Canadian Energy Regulator Act* (CER Act) and the CER advances its mandate with the support of the deep technical experience and expertise of its decision makers and staff.

This Board of Directors Annual Report for 2022–23 is an overview of the CER's activities and achievements from the past year, as we drive towards the final year of our three-year Strategic Plan. The CER's Board of Directors is responsible for the governance of the Regulator – setting the strategic direction of the organization with a keen focus on results and outcomes.

In 2022-23 the CER has continued to effectively deliver on its mandate, with safety at the core, and made significant progress towards advancing its Strategic Plan and delivering on its strategic priorities: trust and confidence; competitiveness; data and digital innovation; and Reconciliation. In each of these areas, as presented in this report, the organization has delivered results that demonstrate the strategic direction set by the Board.

Throughout the year the Board and the CER Indigenous Advisory Committee (IAC) have worked together to advance our shared work. Key among this is the co-development of a Statement of Reconciliation. This publicly states the CER's commitments, guiding principles and values as we continue our journey towards implementing the UN Declaration on the Rights of Indigenous People (UN Declaration). This work would not be possible without the Board and IAC coming together in partnership with a shared desire to lead an agenda of change to advance Reconciliation.



In February 2023, the Minister of Natural Resources, the Honourable Jonathan Wilkinson, provided the Government's key priorities to the Board, confirming that the CER's strategic priorities are well aligned with those of the Government of Canada.¹ The Board and organization also welcomed Minister Wilkinson's direction to "...undertake scenario analysis consistent with Canada achieving net-zero emissions by 2050...". This is a natural progression to the in-depth and objective analysis work included in the CER's flagship Energy Futures Reports. In spring 2023, the CER will release the newest iteration of the Report that responds to this request from the Minister.

¹ The letter from the Minister is found on the CER website at <https://www.cer-rec.gc.ca/en/about/news-room/whats-new/2023/minister-letter-to-cer-1-february-2023.pdf>

The CER's greatest strength is its people. During my time as Chair of the CER, I have always been impressed by the caliber, professionalism and agility of the Regulator's staff. I have been impressed with their creativity in addressing challenges and the commitment they bring to supporting the mandate of the organization and each other. On behalf of the whole Board, I would like to sincerely thank the entire CER staff for their hard work over the last year.

This will be my last Annual Report as Chair of the CER's Board of Directors. As appointed by the Governor in Council, on August 22, 2023, current Vice-Chair George Vegh will become Chair, and Director Melanie Debassige will move into the role of Vice-Chair. I am pleased to be staying on as a Director and will continue to support the strong continuity of governance. It has been a great honour to serve as the founding Chair of the CER, and I am proud of our strategic achievements over the past four years.

On behalf of my Board of Directors colleagues, I respectfully submit the Canada Energy Regulator's 2022–23 Annual Report to the Honourable Jonathan Wilkinson, Minister of Natural Resources.

Original signed by

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

Message from the Chief Executive Officer

Looking back on the last year, I am proud of the work the CER has done in overseeing federal energy systems on behalf of Canadians.

As an organization, we continue to adapt to meet the changing needs of those we serve, and to ensure readiness to regulate Canada's evolving energy landscape. In this transition to a net-zero future, our commitment to safety remains unwavering. Protecting people and the environment is at the heart of who we are and what we do – always.

The mission of the CER is to regulate infrastructure to ensure the safe and efficient delivery of energy to Canada and the world, to protect the environment, to recognize and respect the rights of Indigenous Peoples, and to provide timely and relevant energy information and analysis. We accomplish this through work in each of our core responsibilities: safety and environment oversight, energy adjudication, energy information and engagement.

In the last year, we held regulated companies accountable for the safe construction, operation, and abandonment of energy infrastructure that Canadians rely on by enforcing some of the strictest safety standards in the world. We are monitoring trends closely and reviewed reported incidents to identify ways to prevent further occurrences. We also shared what we learned with industry, other regulators and damage prevention associations and worked to improve safety culture awareness and understanding, both for safety and environmental protection.

In the field, CER Inspectors worked in partnership with Indigenous Monitors to expand our understanding of matters of importance to Indigenous communities impacted by energy projects, including places of spiritual significance and other valued resources. This collaborative approach is helping us learn how to better incorporate Indigenous perspectives in how we assess risk, ensure safety and verify compliance.

We have also been focused on gathering input from Canadians as part of updating the CER's regulatory framework. We completed the first phase of early engagement in our comprehensive review of the



Onshore Pipeline Regulations (OPR), our primary “rulebook” for onshore pipelines. We heard from Indigenous Peoples, regulated companies, and stakeholders about how they would like to be involved in our review, as well as on key areas for improvement. This review supports the highest level of safety, security and environmental protection; supports advancing Reconciliation provides for predictable and timely oversight; and encourages the innovation that we know will be required in Canada's energy transition to net-zero.

We continued to deliver timely and reliable data and analysis that contributed to the energy conversation in Canada. We expanded our pipeline information products to include new interactive maps and dashboards, and published a report to visualize pipeline throughput and capacity data across different

regions. As an example of the CER's commitment to advancing Reconciliation, the CER signed a jointly developed Memorandum of Understanding with the Saskatchewan First Nations Natural Resource Centre of Excellence to share energy information relevant to Indigenous Peoples.

Furthering our commitment to building a renewed relationship with Indigenous Peoples, we began important conversations with Indigenous community leaders as a first step towards co-developing a system-wide collaborative oversight mechanism for the NOVA Gas Transmission Line (NGTL) System. These conversations reflect one of many ways the CER is working differently to meaningfully involve Indigenous Peoples in all aspects of our work.

We also had important conversations with landowners, community members and those impacted by or interested in our work to better understand concerns, as well as gather valuable input into our decisions and how we approach our work. Ongoing engagement with stakeholders throughout the lifecycle of projects remains critical to our ability to build awareness, confidence and responsiveness in our regulatory processes.

With the stabilizing of the COVID-19 pandemic, the last year has allowed for a safe return to increased in-person compliance and oversight, hearing, and engagement activities, while continuing to leverage the benefits of virtual work. The CER launched the next phase of its hybrid workplace initiative, which has proven to be an opportunity to explore how a flexible workplace approach can benefit employees, and our work as a regulator.

Our work is only possible because of our dedicated employees. I want to thank the CER's staff from coast-to-coast-to-coast whose talents and expertise allow us to deliver on our mandate. We are committed to building a workplace where everyone thrives. We continue to implement the recommendations of our Diversity and Belonging Roadmap to create the workplace culture we aspire to, with an empowered and engaged workforce and an inclusive work environment – something to which I remain deeply committed to as CEO.

The CER looks forward to building on our accomplishments from 2022-23 to continue on our trajectory of a trusted regulator, ready to meet the needs of Canadians today, and for years to come, while always keeping safety at the core of everything we do.

Original signed by

Gitane De Silva
Chief Executive Officer
Canada Energy Regulator

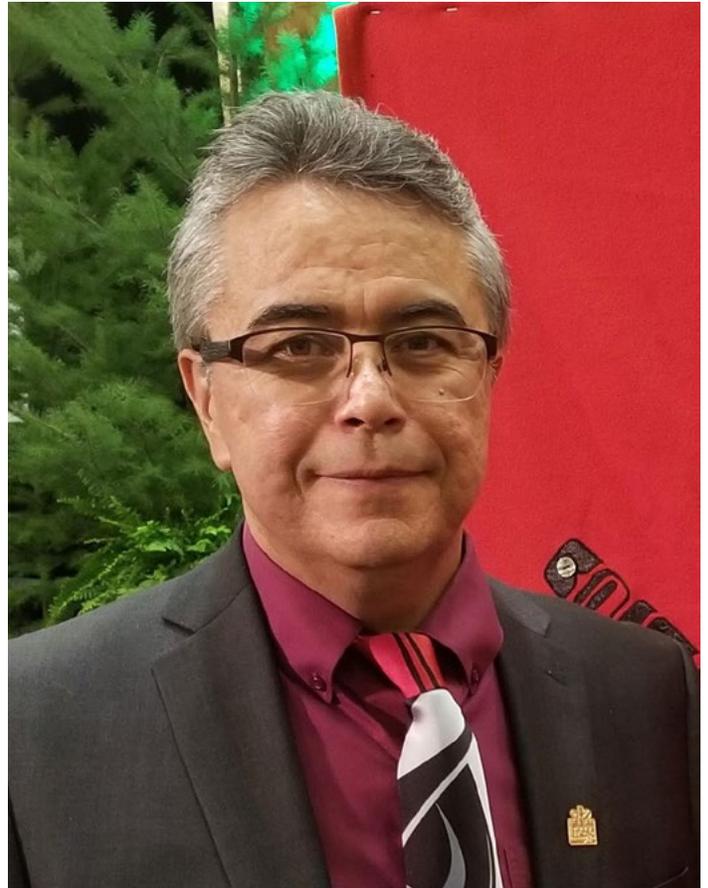
Message from the Indigenous Advisory Committee Chairperson

In August 2023, the CER's IAC marks its three-year anniversary. I'm proud of what the IAC has accomplished during this foundational period in particular the strength of relationships built between the IAC, CER's Board of Directors and CER leadership. This has laid the foundation for trust and open communication that builds common ground and cross-cultural understanding.

The Committee advises on strategic, systemic, and policy and program development matters relevant to the CER mandate, including the CER's oversight, expectations and requirements of regulated industry. Looking back on last year, our activities continued to be grounded by the IAC's multi-year work plan (2021-2024) which outlines our shared goals and work priorities. The work of the IAC feeds into – and directly supports – the goals of the CER in achieving its mission, vision and strategic priorities for the organization.

The five work priorities are: relationships and governance, the UN Declaration, cultural competency and change management, Indigenous Peoples' involvement in regulatory oversight and Crown Consultation and Accommodation. Each is a significant area of work and attention for the Committee.

The Statement on Reconciliation that the CER released in June 2022 was co-endorsed by the IAC and the Board. The statement, which was an important step forward, sets out a series of principles and values to help guide the CER's work as a regulator, recognizing the unique cultures, knowledge and histories of Indigenous Peoples. In addition, the IAC has guided the organization on its progress to implementing the UN Declaration within the CER mandate by engaging experts in the field and keeping connected with the federal government work on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).



The IAC has also recognized the growing Indigenous capacity within the CER. Two IAC Members participated in the hiring panel for the Professional Leader Reconciliation; a new position created to guide and support the CER's Reconciliation work. More broadly the IAC provided advice on a cultural competency framework for the organization as well as related work on Indigenous recruitment, retention and advance strategies and an Indigenous Procurement Strategy. The strategic advice of the IAC is being woven into the fabric of the organization with tangible impact being felt and seen.

Another highlight for me was the opening of an Elder's Room at the CER head office in downtown Calgary. My heartfelt thanks go to the members of the CER's Indigenous Relations and Reconciliation business unit and the Indigenous Employees Circle who put much thought into designing this dedicated space for special meetings and ceremonies.

We are on an important journey together, a once-in-a-generation opportunity to create a renewed relationship based on the recognition of rights, respect, co-operation and partnership to create transformative change with Indigenous Peoples.

I am honoured to be a part of the IAC and I look forward to making continued progress, one step at a time, towards a better future.

Original signed by

Tribal Chief Tyrone McNeil
Chairperson
Indigenous Advisory Committee



Overview of the Canada Energy Regulator (CER)

Governance

Board of Directors

The [Board of Directors](#) (Board) is responsible for the governance of the CER, including providing strategic advice and direction. The Board's oversight focuses on results and outcomes.

Chief Executive Officer

The [Chief Executive Officer](#) (CEO) is responsible for the management and daily operations and affairs of the organization, including the supervision of its employees and their work, and has the responsibilities of a deputy head.

Commission of the CER

The [Commission of the CER](#) (Commission) is responsible for adjudicative decisions and recommendations pursuant to the CER Act and other legislation. The Commission is part of the CER and, although its adjudicative role is independent, it contributes to the overall effective delivery of the CER's mandate and corporate outcomes.

Further information about the Commission can be found in the 2022-23 Annual Report of the Commission.

Indigenous Advisory Committee

The IAC provides broad and strategic advice directly to the Board, from how the CER can build new relationships with Indigenous Peoples to influencing the [Strategic Plan](#) and impacting how the entire organization works.

Indigenous Advisory Committee

The CER's IAC was established in August 2020 to provide strategic advice to the Board on building a renewed relationship with First Nations, the Métis Nation, and Inuit communities. The IAC's work is guided by a robust three-year Work Plan and terms of reference co-endorsed by the IAC and the Board. It has grown from developing relationships between the IAC, Board, and CER, and influencing the [Strategic Plan](#), to impacting the entire organization's work. The IAC, and its recommendations, are helping advance Reconciliation throughout the CER.

The IAC had previously developed an ambitious [three-year IAC Work Plan](#) that identifies five work priorities for 2021-2024: relationships and governance; the UN Declaration; cultural competency and change management; Indigenous Peoples' involvement in regulatory oversight; and Crown consultation and accommodation.

With the support of CER staff, the IAC and Board co-developed the [CER's Statement on Reconciliation](#) in 2022-23. The Statement helps ground the CER's Reconciliation work. It sets out a series of guiding principles and values that serve as guideposts for the CER as it moves forwards on its Reconciliation journey.

The IAC's advice has directly influenced the work of the CER in a variety of areas, including the CER's Crown consultation and accommodation approach, the engagement approach for the [comprehensive review of the OPR](#) and the [Filing Manual Update process](#), the [CER's National Indigenous Engagement Plan](#), and how the CER shapes and implements its Cultural Competency Framework, particularly with regards to the CER's Indigenous Retention, Recruitment and Advancement Initiative.

The CER released its first annual [IAC Progress and Impact Report](#) in March 2022. The second iteration will be published in summer 2023. As the IAC moves into the third year of its Work Plan, IAC Members turned their attention to the future of the Committee, including succession planning and future areas of work.



Context

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

Preventing harm is the foundation of how the CER keeps people safe and protects the environment. It enforces some of the strictest safety and environmental standards in the world, and this oversight goes beyond simply compliance. The CER expects companies to adopt new technologies and innovative approaches to improve the effectiveness and efficiency of their management system in preventing harm.

Expected Results

- There is no harm to people and the environment throughout the lifecycle of energy-related activities.
- Energy adjudication processes are fair, timely, transparent, and accessible.
- Canadians have access to relevant energy and pipeline information for knowledge, research or decision-making.
- Feedback provided by stakeholders and Indigenous Peoples informs the CER's decisions and work.
- The right governance, resources, management systems, programs and services are in place to deliver on program results.





Canada Energy Regulator – A Clear Path Forward

2022-23 was the second year of the CER's three-year [Strategic Plan](#), which sets out a clear path forward for the organization. The Strategic Plan has three parts:

- The **Mission** guides the organization's everyday actions under the CER Act, with safety remaining at the core of its mandate.
- The **Vision** is aspirational and sets a clear path for where the organization is headed.
- The four interconnected Strategic Priorities reflect areas of cross-organizational focus and improvement to help better deliver on the Mission and reach the Vision.

The four interconnected Strategic Priorities are [Trust and Confidence](#), [Reconciliation](#), [Competitiveness](#) and [Data and Digital Innovation](#).

The following is an update on the Strategic Plan and the Strategic Priorities Implementation Plans.



Trust and Confidence

The CER is committed to delivering a regulatory system that Canadians trust.

The organization is earning that trust and the confidence of Canadians by being transparent, working collaboratively and being responsive to what it hears from stakeholders and Indigenous Peoples. As the CER continues to improve and move forward in its work, it is committed to sharing its progress in an open and transparent manner.

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

In 2022-23, the CER undertook several initiatives in support of this Strategic Priority.

- **Develop a National Engagement Strategy and National Indigenous Engagement Blueprint:** The CER is committed to ensuring that its work is informed by stakeholders and Indigenous Peoples across Canada. This past year, the CER created a new National Engagement Strategy and Framework that will support staff across all CER Programs to engage in a coordinated way and share the information collected to improve its work.

The CER also developed a **National Indigenous Engagement Blueprint** to support Indigenous engagement by prioritizing activities and applying a distinctions-based approach. The Blueprint provides further guidance and support to CER staff as they set out to build and maintain relationships and engage in a meaningful way, and to support the continued transformation of culture and organizational behaviour.

- **Continue to foster an engaged, inclusive, and empowered workforce:** In 2022-23, the CER continued implementation of its hybrid work initiative to build a safe, more supportive, and inclusive workplace during and after the pandemic. The CER also made significant progress to foster diversity and a culture of belonging for all employees, including specific actions to address misconduct and to support recruitment and advancement of a workforce representative of Canadians.

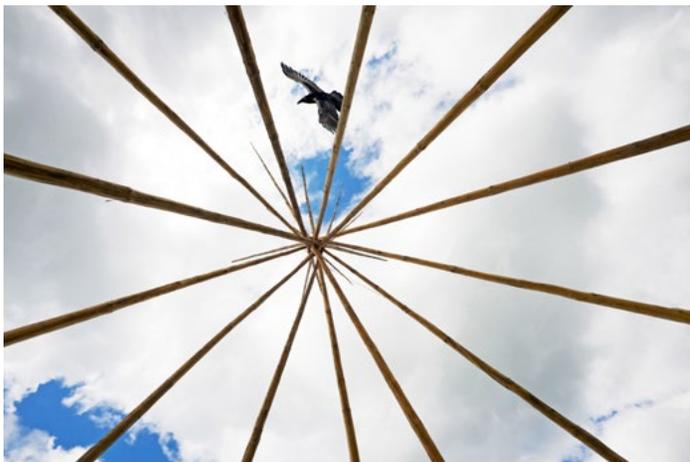
In addition to addressing issues like unconscious bias, systemic racism, gender-based discrimination and other inequities, this team is actively supporting the CER's **Hybrid Workplace Pilot**, including the introduction of an updated Telework Policy, the creation of Guidelines for Hybrid Work, development of a facilities management plan and the initiation of a Leaders' Community of Practice.

- **Strengthen connections with Canadians:** One of the ways the CER built stronger connections with people was to increase the number of authentic, two-way conversations on social media. CER staff actively engaged social media users and answered questions, participated in important energy conversations, and gave people the information they needed.
- **Create a barrier-free workplace:** In December 2022, the CER published its first [Accessibility Plan](#), which outlines a measured and thoughtful approach to policies, programs, practices, and services that will create a more inclusive environment for everyone, and a more accessible workplace for persons with disabilities. All CER leaders are now formally required to include diversity, belonging and inclusion components in their annual performance plans. The CER has been taking steps to re-design portions of its hiring process and to review its human resources policies to remove barriers to equity, diversity and inclusion.

Reconciliation

The CER recognizes that Reconciliation is a journey. It remains committed to implementing UNDA in support of the United Nations Declaration, both of which offer a framework for advancing Indigenous Reconciliation within the CER's mandate. One of the first steps toward Reconciliation is to renew relationships with Indigenous Peoples in a manner that recognizes and respects their inherent Treaty and constitutional rights, including their right to self-determination. The CER drives meaningful change through its requirements and expectations for regulated industry, which includes adjusting its regulatory approach to be more inclusive of Indigenous People and involving them in oversight activities. The CER also supports its staff in its Reconciliation journey by providing them with education and training.

In June 2022, the CER issued a public [Statement on Reconciliation](#) which committed the CER to co-develop with Indigenous communities a collaborative oversight mechanism between the NOVA Gas Transmission Ltd (NGTL) System and Indigenous communities along its network of pipelines. Throughout 2022-23, the CER met with 167 participants from 80 First Nations and Métis communities to advance this vital work.



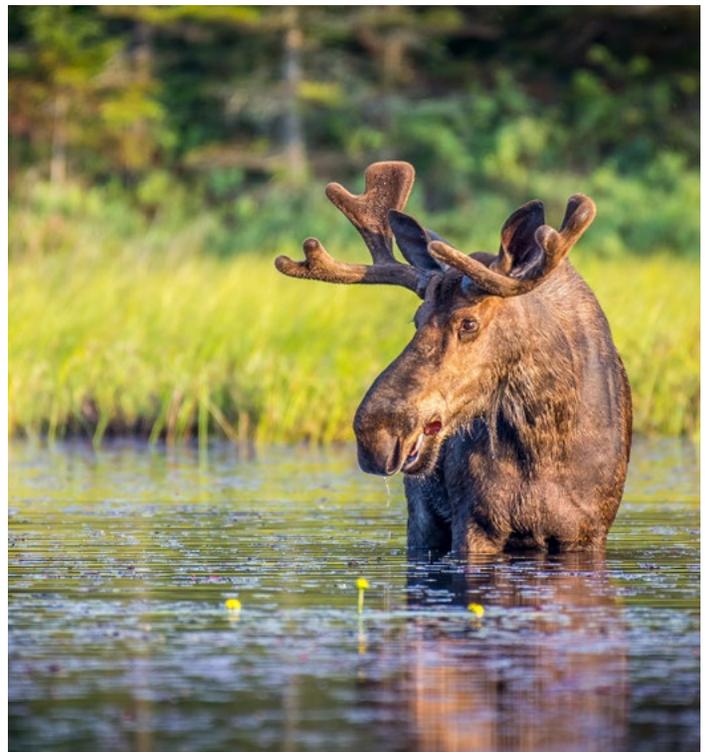
- **Strengthen relationships with Indigenous People and communities:** The CER continued to develop its plans, tools, and practices to guide its engagement with Indigenous Peoples, including the requirement to take a distinctions-based approach when engaging Indigenous communities. Key activities included the development of an Indigenous procurement strategy that would see Indigenous businesses hold a minimum of five percent of the total value of all CER contracts.

The CER was honoured in December 2022 to sign a memorandum of understanding with Saskatchewan First Nations Natural Resource Centre of Excellence, establishing a framework to better incorporate Indigenous knowledge and world views in developing the CER's Energy Information products. The CER is increasing the incorporation of Indigenous knowledge and world views to enhance its ability to create and share energy information relevant to Indigenous Peoples.

- **Implement *United Nations Declaration on the Rights of Indigenous Peoples Act*:** The CER is aligning its Indigenous rights initiatives with UNDA by completing an analysis of how the UN Declaration intersects with the CER's mandate. It has engaged experts to explore how to transform these intersections into specific commitments and actions. This initiative supplements the participation of the CER in the broader work of the Government of Canada to develop a draft [Action Plan](#) to implement UNDA. On National Indigenous Peoples Day on June 21, 2022, it shared its [Statement on Reconciliation](#) to describe what Reconciliation means to the CER and the principles and values that will guide the CER in its Reconciliation journey.

- **Enhance involvement of Indigenous Peoples in regulatory oversight:** Through the Indigenous Monitoring Programs, Indigenous monitors and CER Inspections Officers completed 57 compliance verification activities together in 2022-23. These programs also encourage the perspectives of Indigenous Peoples and Communities to be considered in a thoughtful way, ultimately meaning potential impacts are addressed much more effectively.
- The CER also continued to work closely with the Indigenous Advisory and Monitoring Committees (IAMCs) for the Trans Mountain Expansion (IAMC-TMX) and Line 3 Replacement (IAMC-Line 3) Projects throughout 2022-23. The partnerships developed with Indigenous Nations that participate in the IAMCs are helping transform the way the CER and its regulated companies work with Indigenous Peoples. They inform decision-making related to the oversight of both Line 3 and TMX projects in a manner that aligns with the UN Declaration and are a mechanism that support Indigenous Peoples to determine and develop priorities and strategies for the use of their lands or territories. CER's use of IAMCs help ensure that the world views and knowledge of Indigenous Peoples are meaningfully reflected in the construction, operation and decommissioning of both projects.
- One of the key accomplishments during 2022-23 was putting IAMC advice into practice. In response to a suggestion from both the Line 3 and TMX IAMCs and the Manitoba Métis Federation, the CER issued a [letter](#) in November 2022 to regulated companies outlining expectations for notifying Indigenous Nations and Communities when there is an incident, whether an emergency or not. The CER clarified that companies must know which Indigenous Nations and Communities to engage with, how they wish to be contacted, and have updated contact information for each.
- The CER has also considered feedback received from the IAMCs during the [OPR review](#), and the IAMCs continue to participate meaningfully in the reviews of the OPR and Filing Manual.

Improve the CER's capacity to engage in and lead Reconciliation: The CER is committed to cultivating an Indigenous-inclusive workforce and will increase efforts to recruit, retain and advance Indigenous employees. The CER also made progress in 2022-23 in developing and implementing an Indigenous Cultural Competency and Change Management Framework, which includes several distinct baskets of work such as the National Indigenous Engagement Blueprint, the Indigenous Procurement Strategy, the Elders In-Residence Program, and Indigenous Recruitment, Retention, and Advancement Strategy, and training and learning opportunities.



Competitiveness

The CER Act clearly states the Government of Canada's commitment to enhancing Canada's global competitiveness. The CER delivered on that commitment by improving the predictability, transparency, and efficiency of its regulatory processes.

In 2022-23, the CER undertook several initiatives in support of Competitiveness.

- **Implement the Regulated Industry Engagement Group:** The CER recognized the need to create a permanent engagement structure to support open and transparent dialogue with the industry it regulates. The CER hosted the inaugural meeting of the Regulated Industry Engagement Group (RIEG) at its Calgary offices in October 2022, where participants shared opportunities to drive competitiveness in the sector. The CER is applying the learnings from the session in anticipation of the next meeting scheduled for May 2023. [RIEG meeting minutes](#) are available on the CER's website.
- **Further explore the CER's role in Environmental, Social, and Governance:** The CER published its [Environmental, Social, and Governance \(ESG\) report](#) in October 2022, which explored the CER's position within the ESG arena. The CER contributes to the Canadian energy industry's ESG profile by being an effective, transparent, and trusted regulator. The organization will continue to share ESG-related information through energy information publications.

- **Update the Onshore Pipeline Regulations:** The CER continued its first-ever [comprehensive review of the OPR](#) in 2022-23, which includes updates to align the OPR with the CER Act and sets out how the CER will deliver on commitments to enhance Canada's global competitiveness. The OPR updates are part of how the CER and its regulated companies will transform the way they work with Indigenous Peoples across the lifecycle of regulated facilities. Reconciliation is a prominent theme within the review, building on important work previously completed with the CER's Indigenous partners, including the IAMCs.

The CER is reviewing the OPR in phases. During the first phase, the CER received input in the areas of Reconciliation with Indigenous Peoples, engagement and inclusive participation, global competitiveness, safety and environmental protection, and implementation. With the help of the Impact Assessment Agency of Canada, funding was made available to support the participation of Indigenous Peoples in the first phase of engagement. In response to input from Indigenous Peoples, the OPR Review has joined with the [Filing Manual Update](#) project to plan joint engagement on common issues.



CER's Hydrogen Plan

Hydrogen could deliver an important share of Canada's end-use energy by 2050 and could play a key role in helping Canada reach net-zero emissions. It could also fulfil up to 24% of global energy demand by 2050, presenting an opportunity for Canada to become an exporter of hydrogen to countries around the world.

While no interprovincial or international hydrogen pipelines are operating in Canada yet, the CER has developed its own Hydrogen Plan to ensure it is prepared to regulate the infrastructure as technology and projects become viable in the future. For example, the [OPR Review](#) is considering whether hydrogen-related updates could be used to apply the OPR to hydrogen. The CER has also conducted an internal filing manual review to determine whether updates to that guidance are needed and next steps are currently being developed. In addition, to inform the energy conversation as it relates to hydrogen, analyses of hydrogen supply and markets has been a significant focus for the CER's Energy Futures publication and within the Market Snapshot program in 2022-23.

As Canada and the world progress toward a low-carbon energy future, the CER is preparing to regulate the pipeline transportation of hydrogen as a new energy commodity in Canada, which is key part of Canada's global competitiveness in this emerging commodity

- **Prepare for the Transition to a Low Carbon Economy:** Throughout 2022-23, the CER continued to explore, understand, and prepare for its regulatory role within new emerging energy commodities, such as hydrogen. The CER has engaged with all levels of government and energy regulators domestically and internationally, industry, and other stakeholders to understand the rapidly evolving hydrogen aspects of the energy transition. The CER also provided advice to policymakers when needed and actively contributed the safety perspective to the development of hydrogen standards.

The CER also continued to provide Canadians, Indigenous People, and decision-makers with relevant energy information to help inform Canada's energy transition to a low-carbon economy. In 2022-23, the CER broadened the [scope of the Energy Futures 2023 report](#) (EF2023) to consider how different net-zero pathways to 2050 could impact Canadians. Once released in spring 2023, EF2023 will be the CER's first long-term outlook to fully model net-zero for the Canadian energy system by 2050. A summary of the engagement is available on the CER website at: [Discussion Paper Results – A Summary of What we Heard](#).

- **Improve Transparency and Predictability in Regulatory Processes:** The CER continued to focus on increased transparency and predictability for participants of CER application processes in 2022-23. The organization clarified its regulatory requirements through [updates to sections of the CER Filing Manual](#) related to supply and markets, confidentiality, and variance applications.

Data and Digital Innovation

The CER continued developing a data and digital innovation culture to support the effective delivery of all areas of its mandate. In 2022-23, this included improvements in public access, use, and analysis of accurate data. Further development of a data and digital innovation culture will enhance energy information from the CER, help with meaningful participation in its processes, and inform decision-making.

In 2022-23, the CER undertook several initiatives in support of Data and Digital Innovation.

- **Develop the CER Portal:** The CER continued to improve the efficiency of its regulatory process for applicants and participants. In 2022-23, discovery work began on the CER Portal, which will provide single-window access for applicants, participants, Indigenous Peoples, and Canadians to interact with the CER during a regulatory process. This digital solution will automate many manual steps to save time and effort and provide better access to regulatory process information, actions, and tools. The CER Portal will simplify applicant interactions with the CER through easier access and greater visibility of information, and will also help the CER to process applications more efficiently and to provide better access to data for regulatory decision-making and performance reporting visualizations.
- **Continue with new data foundation (data and tools) to enable analytics, decision-making, and public participation:** The CER continued data mining and structuring regulatory documents to make the CER's existing data more easily searchable and usable for researchers, analysts, and decision-makers.

- **Implement GCDOcs:** GCDOcs transition planning, system configuration and pilot migration were completed in 2022-23, which signaled a step towards updating the CER's records management system. GCDOcs will replace the current aging system allowing for increased stability in this area. Its implementation will not only modernize the CER's information management processes but create greater efficiencies in the organization's day-to-day work and allow for greater integration with new technologies.

The CER also released several new products and tools to improve the accessibility of application processes, including new interactive maps and a new search function to make finding information and participating in CER hearing processes easier. It also launched [BERDI](#) (Biophysical, Economic, Regional Data and Information), a tool to provide broader internal access across a wide range of topics, including Canada's land and water, weather and wildlife, species at risk, environmental protection, public safety and other data from Environmental and Socio-Economic Assessments. The CER improved its Operations Regulatory Compliance Application (ORCA) to make the data easier for regulated companies and staff to input, use, and share.

Finally, the Energy Futures 2022 visualization transformed complex material into visual platforms such as infographics and visualizations to make the content easier to understand



Hybrid Workplace

With the easing of COVID-19 public health restrictions in spring 2022, the CER launched its Hybrid Workplace Initiative to develop a diverse, inclusive and respectful hybrid work environment for all employees across the country to gradually return to the office.

The Hybrid Workplace Initiative provided CER employees access to flexible work arrangements (telework, remote hybrid work and in-person office presence) and a hybrid work environment that supported the CER's vision of having an exemplary workforce that delivers results for Canadians and meets its legislated mandate.

Based on the values of service excellence, health and safety, diversity and inclusion, management and leadership excellence, and federal alignment, the Initiative aligns with the CER's Strategic Workforce Plan and the Diversity and Belonging Roadmap.

The Hybrid Workplace Initiative Phase I (April 1 to October 31, 2022) pilot enabled staff to gradually return to the office (RTO), with the easing of some public health restrictions and health and safety measures, including masking and social distancing. Phase II (November 1, 2022 to March 31, 2023) encouraged all employees within commuting distance (150 km) from the Calgary office to return to the office for one day a week. Phase II focused on preparing for April 1, 2023 RTO, as staff were provided the opportunity to work remotely two to three days per week. Preparations focused on refitting facilities, updating the Telework Policy and creating Hybrid Work Guidelines, establishing a Leadership Community of Practice and pro-active communications and change management engagement with staff. Phase III (April 1, 2023 to March 31, 2024) activities include monitoring the impact of the RTO hybrid model on the CER workforce and conducting a Reflect and Learn for the Hybrid Workplace Initiative Phase II. Phase III will also provide consideration for a Regional Hub Strategy to provide office access to staff located within commuting distance of the CER's regional offices.





What the CER regulates: Energy in Canada

The CER works to keep energy moving in Canada while enforcing some of the strictest safety and environmental standards in the world.

In 2021, the direct energy sector made up 9.7 per cent, or \$180 billion, of Canada's Gross Domestic Product.² The sector directly employed nearly 265,000 jobs in Canada, and its share of total employment, including indirect jobs, was estimated at 3.4 per cent (or 634,600 jobs). The sector is estimated to directly employ about 15,000 Indigenous People who live off-reserve. In that same year, energy exports represented 32% of Canada's goods exports, valued at \$154.3 billion.

The CER regulates over 71,000 kilometres of pipeline in Canada.³ If a pipeline system crosses provincial or international boundaries, it is regulated by the CER. If a pipeline system is contained within a province, it is generally under the jurisdiction of a provincial regulator.

The CER also regulates 86 operating international power lines that total 1,546 km in length, many of which transport power generated from renewable sources.

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

The changing energy landscape – from increased involvement from Indigenous Peoples in regulatory oversight to a focus on increased energy security – has reinforced the importance and relevance of these priorities, and the spirit and intent of the CER's priorities remain unchanged from 2021-22. The plans extend beyond the outcomes of any one program and require cross-organizational focus and leadership to continue driving a systematic shift in how the CER works

2 With respect to these statistics, energy industries are generally considered to include oil and gas extraction; coal mining; uranium mining; electric power generation, transmission and distribution; pipeline transportation; natural gas distribution; biofuels production; petroleum refineries; and support activities for oil and gas extraction. The petroleum sector is a subset of these industries, and for the purposes of these statistics consists of oil and gas extraction and support activities, pipeline transportation and distribution of oil and gas, and petroleum refineries.

3 This includes operating, abandoned and decommissioned pipelines. This number can vary over time due to factors such as data quality, changes in pipeline status, and applications received.



Core Responsibilities: The CER's Achievements in 2022-23

Safety and Environment Oversight

The CER works for Canadians to keep energy moving safely and efficiently through the country's pipelines and powerlines. The organization performs this function by setting and enforcing regulatory expectations for companies over the entire lifecycle of federally regulated energy infrastructure - construction, operation, and abandonment.

The CER enforces some of the strictest safety and environmental standards in the world, and its oversight goes beyond simple compliance. The organization promotes best practices to reduce the potential for harm, adopting new technologies and innovative approaches to improve the effectiveness and efficiency of a company's management system to prevent harm.

Regulated companies must have emergency management programs, including a robust continuing education program for the police, fire departments, medical facilities, other agencies, and people who live or work near the pipeline. The CER also expects companies to engage with all people living and working near pipelines, including Indigenous Peoples, the public, contractors, landowners, and municipalities, to promote safe work practices and actions they can take to prevent damage to pipelines.

The CER's Commitment

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

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



Performance Results Summary 2022-23 – Safety and Environment Oversight

PERFORMANCE MEASURE	TARGET	RESULTS 2020-21	RESULTS 2021-22	RESULTS 2022-23
Number of serious injuries and fatalities related to regulated infrastructure.	0	12	22 ⁴	21 ⁴
Number of incidents related to regulated infrastructure that harm the environment.	0	7	20 ⁴	28 ⁴
Percentage of unauthorized activities on regulated infrastructure that involve repeat violators.	<15%	11%	10%	16% ⁴

Compliance Verification Activities

The CER aims to achieve zero incidents, meaning there is no harm to people or the environment on the energy infrastructure it regulates. The CER follows a risk-based approach in planning and conducting [Compliance Verification Activities](#) (CVAs). When the activities of regulated companies have the potential to pose greater harm to people or the environment, the CER increases oversight through engagement, inspections, investigations, audits, and enforcement, when necessary.

In 2022-23, the CER conducted 257 CVAs, which included:



⁴ The high number of incidents (e.g., serious injuries or incidents that resulted in harm to the environment)/repeat violators) were related to the high intensity of construction that occurred for the Trans Mountain Expansion Project and various NGTL projects. Most injuries were related to slips and trips; incidents that harmed the environment were primarily around sediment or drilling mud releases.

In 2022-23:

- 283 conditions were closed during 2022-23 and 323 new project specific conditions were issued.
- 1394 post-approval documents were filed with the CER.
- 541 Operations and Maintenance notifications were reviewed as part of ongoing oversight of operating facilities.
- 2467 active conditions.

In addition to CVAs, the CER provides oversight in other ways, such as:

- analyses of the root causes of incidents to ensure appropriate corrective actions or to identify preventive actions;
- examination of authorizations conditions to verify that companies are taking the necessary steps to comply with these conditions;
- responses to emergencies when they happen to verify that companies are protecting the safety of people and minimizing and remediating any environmental damage;
- reviews of Operations and Maintenance notifications as part of ongoing oversight of operating facilities;
- reviews of Notices of Contamination to oversee companies' management of contamination and remediation activities.



Construction Oversight of the Trans Mountain Expansion Project and NGTL Projects

TMX Project

In 2022-23, construction activities on the Trans Mountain Expansion Project (TMX) continued across all pipeline work areas, including at terminals, pump stations, and on portions of the project to be reactivated near Jasper, Alberta. The CER continues to hold the company accountable for fulfilling project conditions and for meeting its regulatory obligations and commitments, including as it transitions to the operational phase.

The CER completed 66 CVAs on TMX in 2022-23, including inspections, emergency response exercises, and compliance meetings. Indigenous Monitors from the IAMC-TMX participated in 57 Inspections with CER staff. Review of project condition compliance filings continued throughout the year, and consideration of applications such as route deviations and requests for leave to open to bring specific project components into service.

In 2022-23, the company was required to report serious injuries that occurred during construction, near-miss events, and incidents that harmed the environment. Injuries associated with TMX were predominantly due to slips and trips, and incidents that harmed the environment were typically associated with watercourse crossings. In all cases, the CER followed up with the company to ensure that it took appropriate follow-up or corrective actions.

CER Inspection Officers issued one Order during 2022-23 after having observed inconsistent practices for respiratory protective equipment by workers performing or participating in welding tasks.

See [Appendix F](#) for more information on Inspection Officer Orders issued in 2022-23.

NGTL Projects

Construction activity occurred on three major NGTL projects throughout 2022-23: NGTL's 2021 System Expansion Project (NGTL 2021), the Edson Mainline Expansion Project, and the North Corridor Expansion Project.

The company's construction on the NGTL 2021 and Edson Mainline projects concluded during the year. The CER completed 10 CVAs on those NGTL projects, including inspections, emergency response exercises, and compliance meetings, with Indigenous Monitors participating in nine of them.

During construction of the North Corridor Expansion project, a serious injury to a worker occurred while offloading pipe from a truck in August 2022. CER Inspection Officers attended the site and issued an Order to NGTL requiring it to cease that specific activity until corrective measures were in place.

Indigenous Monitoring

The CER is committed to advancing Reconciliation with Indigenous Peoples and finding new ways to include Indigenous Peoples in the oversight of federally regulated infrastructure, as it builds trust and confidence while strengthening environment and safety oversight. The CER continues to increase the involvement of Indigenous Monitors through several aspects of its compliance verification activities.

Indigenous Advisory and Monitoring Committees

IAMCs enable Indigenous Nations to oversee project construction and operation by “getting boots on the ground.” Examples during 2022-23 include the IAMC-TMX, which continued to conduct joint compliance verification activities with CER inspection staff, focusing primarily on protecting Sites of Indigenous Significance and watercourse crossings. The CER and IAMC-TMX worked together to respond to the input provided by Indigenous communities and ensure that their priorities are reflected in the monitors’ work.

IAMC-TMX Indigenous Monitors conducted 42 compliance verification activities jointly with CER Inspection Officers in 2022-23. These CVAs included 31 Field Inspections, three Implementation Assessment Meetings, five Information Exchange Meetings, and three Emergency Response Exercises.

For the Enbridge Line 3 project, the CER and Indigenous Monitors from the IAMC-Line 3 completed six Field Inspections.

CER’s NGTL Indigenous Monitoring Program

The CER has its own [Indigenous Monitoring Program for the NGTL system](#). The program continued through a critical phase in 2022-23, establishing contracts to enable the participation of Indigenous Monitors in safety and environmental compliance and oversight activities for the NGTL System. Indigenous Monitors completed nine Field Inspections of various construction spreads of NGTL project construction.

CER Indigenous Monitoring Bridging Program

The CER continued its Indigenous Monitor Bridging Program in 2022-23, which provides opportunities for Indigenous Monitors to join the CER as Regulatory Compliance Officers and trains them to become fully designated Inspection Officers. During 2022-23, the CER hired three Indigenous Monitors in Regulatory Compliance Officer positions.

Field Inspection conducted with a First Nation Chief and Council Present

Ensuring that environmental protection and engagement requirements are met is often multi-faceted and requires a team approach. In 2022-23, CER staff inspected a contaminated site on the traditional territory of a First Nation, after the Nation reached out to the CER with concerns about the company’s clean-up work and quality of engagement. Staff from the CER’s Indigenous Relations and Reconciliation Team were able to participate in the activity and add value to the developing relationship between the CER and the Chief and Council by supporting inspection planning, advising on and participating in protocol and speaking about the CER’s commitment to Reconciliation. Participants from the Council confirmed that the activity had been positive and appreciated that the CER had conducted the inspection. The CER continues to work with the Nation as the clean-up work continues at this location and others in the area.

Audits and Enforcement

Operational Audits

The CER's operational audits evaluate how a company manages its activities. The CER requires all regulated companies to have effective management systems and protection programs.

Companies that manage their activities well can better anticipate, prevent, and mitigate issues that can affect safety, security, and the environment.

In 2022-23, the CER conducted six operational audits: three addressing contaminated site management and three covering damage prevention. The CER publishes all audits on its website, under Reports on Compliance and Enforcement, however, only three of the completed 2022-23 audits were available for publication as of March 31, 2023.

Financial Regulatory Audits

Financial regulatory audits are an important regulatory tool to ensure company compliance. They help ensure companies' operations align with the CER Act, regulations, orders, and decisions as it relates to tolls and tariff matters, and assist the CER in documenting the management systems, procedures, and internal controls within company operations.

In 2022-23, the CER completed one focused financial regulatory audit regarding twelve companies' practices and procedures related to abandonment and collection mechanisms. [Appendix E](#) lists the companies that were included in this audit.

The CER publishes all operational audit reports and related documents on its [Compliance and Enforcement website](#), and financial regulatory audit reports and related documents on its [Financial Regulatory Audit Reports website](#).

Administrative Monetary Penalties

Administrative Monetary Penalties (AMPs) provide the CER with a flexible enforcement tool to promote compliance with legislation, regulations, decisions, permits, orders, licenses or certificate conditions.

The CER issued two AMPs in 2022-23. In addition, one AMP that had been issued in late 2021-22 was the subject of a review request, a process which carried over into 2022-23.

Further information is also found in [Appendix G](#). The CER also publishes all of its AMPs and related documents on its [Compliance and Enforcement website](#).



Remediation Oversight

The CER expects companies to follow strict environmental standards when addressing contamination.

Remediation oversight activities in 2022-23 focused on completing the review of the backlog of remediation events and on addressing company submissions from the last two years. These included reviewing 88 notifications of contamination, 24 remedial action plans, eight risk management plans and 24 closure reports. With this backlog eliminated, the CER remediation team will develop a new three-year plan in 2023-23.

As part of the continual evolution of the Remediation Process, the CER published a bulletin that [clarifies its expectations for reporting third-party contamination](#).

Safety Culture

The CER has committed to building an improved understanding of safety culture across the pipeline industry. To achieve this goal, the CER launched a [Safety Culture Learning Portal](#) to share practical tools and educational material. This year, additional resources were published including a guide to conducting safety culture assessments. In 2022-23, the CER also completed its fourth annual safety culture survey, which informed enhancements to the CER's three-year safety culture strategy and related activities. The CER also led several projects and communities of practice to support safety culture advancement, including chairing the North American Regulators Working Group on Safety Culture.

The CER augmented its safety culture efforts in 2022-23 by promoting increased awareness and education related to human and organizational factors impacting safety and environmental protection performance, including sponsorship of the Canadian Standards Association publication entitled [Human and Organizational Factors for Optimal Pipeline Performance](#).

Girth Welds Workshop

The CER hosted a Technical Workshop on undermatched and low-strength girth welds in 2022-23. The initiative for the workshop was linked to [Safety Advisory SA 2020-01](#). It intended to ensure a broader awareness of girth weld area strain-induced failures that occurred internationally on steel pipelines. The CER is currently developing an action plan based on the feedback and recommendations from the workshop.

Cyber Security

The CER's *Onshore Pipeline Regulations* already require companies to have a Security Management Program, which must include cyber security threats. The Canadian Standards Association expanded its standard Z246.1, *Security management for petroleum and natural gas industry systems* to include cyber security risk management requirements. In 2022-23, the CER began conducting more in-depth cyber security inspections to ensure regulated companies protect their operational technology networks (Industrial Control Systems).



Hydrogen

While no interprovincial or international hydrogen pipelines are currently operating in Canada, the CER worked on several initiatives in 2022-23 to ensure preparations would be in place to regulate hydrogen pipelines should projects become viable in the future. It conducted an internal review of its Filing Manual to determine whether it needed to update its filing guidance for hydrogen. The CER also worked with the Canadian Standards Association to develop new hydrogen-specific pipeline standards. In addition, the [OPR review](#), discussed above, is considering whether any hydrogen-related updates are required.

Regulatory Framework Program

The CER published its [Regulatory Framework Plan](#) to provide transparency on the CER's regulatory plans. The plan is updated annually and covers a three-year period and describes which regulations, guidance and other regulatory documents the CER intends to amend or develop further and sets out expected timelines for each.

Please see [Appendix D](#) for more information on Regulatory Framework Projects.

Regional Energy and Resource Tables

The CER participated in several meetings in 2022-23 where it was informed of the progress of the [Regional Energy and Resource Tables \(RERTs\)](#), which bring together federal, provincial, and territorial governments with Indigenous partners, municipalities, industry, workers, experts and the general public to advance economic priorities in the natural resources space. The CER expects to increase its involvement in the coming years once priorities and work plans become more fully established, including ongoing participation in the federal Regulatory Efficiency Community of Practice.

Abandonment Cost Estimates and Set Aside and Collection Mechanism Review

The [Abandonment Cost Estimates \(ACE\) and Set Aside and Collection Mechanism \(SAM-COM\) Review 2021](#) is the second [five-year review](#) of ACEs and the first review of SAM-COM elements. In Part 1 of the Review (2022-2023), the Commission considered and decided to apply a new CER-developed method based on Geographic Information Systems to calculate Base Case 2021 ACEs for each company. In February 2023, the Commission released a draft of the Part 1 Commission Report for comment.



Core Responsibility: Energy Adjudication

The CER's mandate includes making decisions and providing recommendations to the Governor in Council (GIC) on applications and environmental assessments through predictable and timely processes. These applications relate to pipelines and facilities, international power lines, tolls and tariffs, energy exports and imports, oil and gas exploration and drilling in certain northern and offshore areas of Canada, and future offshore renewable energy projects. Decisions and recommendations use fair and inclusive processes, supported by the CER's provision of participant funding, land matters complaint resolution services, and supporting Crown consultation. When a project has reached the end of its useful life, the CER reviews abandonment applications to ensure that companies abandon the energy projects in a safe and environmentally responsible manner.

The Commission's responsibilities include decisions on tolls and tariff applications and applications for pipelines under 40 km. Applications for pipelines over 40 km require GIC approval based on a Commission recommendation. Any project that proposes more than 75 km of new right-of-way would require an integrated review process led by the Impact Assessment Agency of Canada.

While the Commission carries out its responsibilities independently, it is part of the CER and contributes to the overall delivery of the CER mandate. The CER Act outlines how the Commission assesses energy projects. The legislation focuses on early engagement, and inclusive and meaningful participation, particularly with Indigenous Peoples, in project assessments and includes the mandatory consideration of Indigenous knowledge and a project's potential impacts on the rights of Indigenous Peoples.

For further details on adjudicative decisions and recommendations to the GIC from the CER, please see the 2022-23 Annual Report of the Commission of the Canada Energy Regulator.

The CER's Commitment

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



PERFORMANCE MEASURE	TARGET	RESULTS 2020-21	RESULTS 2021-22	RESULTS 2022-23
Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness.	0%	0%	0%	0%
Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards.	100%	83%	83%	100%
Percentage of surveyed participants who indicate that adjudication processes are transparent.	75%	80%	89%	83%
Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.	90%	100%	94%	94%

Tolls and Tariffs Applications

The Commission adjudicated several tolls and tariffs applications in 2022-23, including a [complaint by Phillips 66 Canada Ltd. \(Phillips\) and Cenovus Energy Inc. \(Cenovus\)](#) regarding Keystone Pipeline (RH-005-2020) and an application for access by [CNOOC Marketing Canada \(CNOOC\) regarding the Trans Mountain Edmonton terminal \(RH-001-2022\)](#). Both hearings piloted a novel hybrid approach to oral components, which included several instances of sharing oral confidential information.

The Commission’s project to improve Tolls and Tariffs processes continues to result in more consistent processes for efficient and transparent adjudication based on best practices. The next step is to finalize template letters to support such processes.

Crown Consultation

The CER’s approach to [Crown consultation](#) reflects the ongoing path toward Reconciliation with Indigenous Peoples. It is guided by the Crown’s obligations and commitments, including the UN Declaration on the Rights of Indigenous Peoples, the Calls to Action of the [Truth and Reconciliation Commission](#), and the [Principles respecting the Government of Canada’s relationship with Indigenous Peoples](#).

Throughout 2022-23, the CER continued to develop and enhance its approach to Crown consultation. The Commission’s hearing process is the primary forum for consultation with Indigenous communities. As Crown Consultation Coordinator, the CER supplements the consultation occurring through the hearing process by meeting directly with Indigenous Peoples and coordinating amongst federal authorities to provide a comprehensive, whole-of-government response. This direct, two-way dialogue with Indigenous Peoples is filed on the Commission’s hearing record and informs the Commission’s assessment of the project application.

Crown Consultation in 2022-23

Crown Consultation Coordinator is a relatively new role for the CER, as it became a responsibility when the CER Act came into force in 2019. The CER continued implementing its approach to Crown consultation in 2022-23, including for the NGTL West Path Delivery 2023 Project. Highlights include the following:

- The organization of a session with Indigenous Peoples to review the Commission's Recommendation Report;
- The continuation of consultations with Indigenous Peoples throughout the summer and early fall 2022 after issuance of the Commission's Recommendation Report while awaiting the GIC's decision;
- Submission of a request, on behalf of 13 Indigenous communities, for a Regional Assessment in Southwest Alberta for decision from the Minister of Environment and Climate Change;
- The completion of Crown consultations with 25 Indigenous communities;
- Preparation and submission of the CER's first Crown Consultation and Accommodation Report to help inform the GIC's decision; and
- For the first time, a \$5,000 grant was offered to each Indigenous community to support concluding consultation activities, including providing feedback to the CER on its consultations.

The CER is also acting as Crown Consultation Coordinator for NorthRiver Midstream's application for the [NEBC Connector Project](#), which was under assessment by the Commission at the end of 2022-23. The Crown Consultation Coordinator continues to consult with 35 Indigenous communities in 2023-24, and its activities will support and complement the consultation during the Commission's hearing process.



Applications Dashboard

A new user-experience web tool, the Applications Dashboard, was piloted for the [NorthRiver Midstream NEBC Connector Project](#) hearing process. The CER introduced the tool for all new hearing processes, applications under section 214 of the CER Act, and one tolls and tariff application. Driven by user feedback on the challenges of participating in adjudication processes, the Applications Dashboard provides an easy-to-use source of timeline information, and links to important documents, including templates. It allows stakeholders to stay current and informed of new process events.



Toll and Tariffs Decisions in 2022-23

In the [complaint by Phillips 66 Canada Ltd. and Cenovus Energy Inc.](#), the Commission found that the expenses for certain uses of drag reducing agents could be considered a cost of expanding or increasing pipeline capacity. The decision has implications specific to Keystone's tolling methodology and which costs are recoverable in tolls per their transportation contracts. Keystone was required to re-file 2020 and 2021 tolls by removing certain costs from the applied-for tolls. The decision focused on Phase 1 of the proceeding and considered tolls for 2020 and 2021. Phase 2 of the proceeding will consider 2022 and later tolls after hearing comments from Keystone and interested persons.

In its application, CNOOC requested the Commission to direct PKM Canada North 40 Limited Partnership (Pembina) to allow CNOOC to access pipeline facilities at Trans Mountain's Edmonton Terminal. The Commission found that Pembina's behaviour was unjustly discriminatory, and directed Pembina to provide CNOOC with access, and for Pembina and CNOOC to negotiate in good faith to determine reasonable commercial terms for CNOOC's use of the facilities. The Commission also found that while Trans Mountain did not violate the CER Act, it must revise its tariffs to clarify its nomination verification processes. Internally, the Commission pursued an expedited process to assess CNOOC's application. The assessment took about nine months, including information requests, evidence, oral hearing components, and decision writing.

Participant Funding Program

The CER's [Participant Funding Program](#) (PFP) facilitates the participation of all eligible Intervenor in public hearings, Indigenous Peoples during early engagement, and those involved in Crown consultation activities during the Commission's hearing process. In 2022-23, the PFP provided 24 grants for the ACE and SAM-COM Review 2021, the [Imperial Norman Wells Waste Management Facility](#) and the Pointed Mountain hearings, and post-Recommendation Report Crown consultation activities for NGTL West Path Delivery 2023 Project. One hundred percent of the grants went to Indigenous Peoples.

Contributions for NGTL's West Path Delivery 2023 Project were increased from \$1.3 million to \$1.9 million in December 2022 for additional workshops and Crown consultation activities with Indigenous Peoples. For NorthRiver Midstream's NEBC Connector Project, almost \$3 million has been awarded over the last two years. Ninety-nine percent of contributions paid in 2022-23 went to Indigenous Peoples.

In December 2022, the CER received approval to expand the use of grants and contributions to three additional funding streams: Policy Dialogue, Research, and Indigenous Capacity Support. As part of implementing these new funding streams, a Grants and Contributions service will replace the PFP beginning in April 2023. In response to feedback and learnings, the CER has been working to offer more and easier to process funding mechanisms, especially to support Indigenous Peoples involvement in CER work.

Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) plays a vital role in how the CER fulfills its mandate to help balance the interests of all Canadians in the stewardship of pipelines and energy development in Canada. By participating in the ADR process, regulated companies, landowners, Indigenous communities, and the public can directly address their specific concerns about the CER's regulated facilities.

The CER receives between 25 to 30 ADR cases annually pertaining to the CER's regulated facilities, such as pipeline maintenance and pipeline application hearings. Most of these issues are related to compensation, access to land, damage to property, crossings, construction noise, notification, applications, and detail route hearings.

Filing Manual Updates

The CER's Filing Manuals help applicants and interested parties understand what to include in submissions to the CER. While it is ultimately the applicant's responsibility to follow applicable legislation and regulations, the CER developed these manuals to provide further guidance about the information it expects in a filing. In the last year, the CER [completed updates](#) to sections of the Filing Manual relating to supply and markets, confidentiality, and variance applications.

Alternative Dispute Resolution: Highlights from 2022-23

- Management of 32 complaints (compared to 33 in the previous fiscal year),
- 20 complaints received, 100% of which the CER acknowledged receipt within the ten calendar day service standard, and
- 20 complaints resolved, which is 100% compliance with the service standards.

Core Responsibility: Energy Information

The CER collects, monitors, analyzes, and publishes information on energy markets and supply, energy sources, and the safety and security of pipelines and international power lines. The CER plays a vital role in conveying timely and relevant information to Canadians and is at the forefront of energy markets monitoring and analysis. Staff model Canada’s energy supply and demand projections, provide Canadians with reports and analysis to help inform daily choices on energy matters and support regulatory hearings on pipeline projects in Canada.

The CER’s Commitment:

- Canadians can access and use energy information for knowledge, research, or decision-making.
- Canadians have opportunities to collaborate and provide feedback on CER information products.

Performance Results Summary 2022-23 – Energy Information

PERFORMANCE MEASURE	TARGET	RESULTS 2020-21	RESULTS 2021-22	RESULTS 2022-23
Evidence that Canadians access and use CER Energy Information products and specialized expertise, including community-specific information, for knowledge, research, or decision-making.	Narrative*	NA ⁵	Target achieved*	Target achieved*
Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.	85	113	85	166

* Refer to the narrative within the Annual Report of the Canada Energy Regulator for the corresponding year.



5 New indicator introduced after fiscal year 2021-22

Informing Canada's Energy Conversation

The CER produces neutral and fact-based energy analysis to inform the energy conversation in Canada. Access to relevant, accurate, and timely energy data and information supports public dialogue on energy issues and decision-making by Canadians, governments, industry, and other stakeholders.

Over the 2022-23 fiscal year, a key energy information priority was development of the Canada's Energy Future 2023 (EF2023). The [Canada's Energy Future series](#) explores how possible energy futures might unfold for Canadians over the long term. Scheduled to be released in spring 2023, EF2023 will be the CER's first long-term outlook that models net-zero by 2050.

The CER's Energy Information products in 2022-23: Highlights

- 34 new online energy information products,
- 11 Reports and 23 Market Snapshots, which include:
 - Six Market Snapshots on electricity, and three on either renewables or hydrogen,
- More than 1.5 million energy and pipeline information web page views,
- 155 information request responses,
- 166 collaborative engagements with energy stakeholders,
- 173 citations of energy and pipeline information sourced as a reference in major online publications.



During the development of EF2023, the CER sought advice from technical experts within the federal government and top Canadian and international energy modellers on the study's design, assumptions, and preliminary results. The CER published a technical discussion paper to consult on the intended approach in spring 2022, for which [a summary is available](#). Engagement on the EF2023 consultation paper accounted for a significant increase in collaboration opportunities with Canadians on CER energy information products in 2022-23.

The CER continued investing in compiling and releasing data on the safety and the environmental and economic performance of the pipelines and powerlines it regulated in 2022-23. This data is released in various formats to reach a broad range of people, from open data files to interactive visualizations. Core to this effort is the [Pipeline Profiles](#) web portal – a single window portal for detailed information and regularly updated data on significant oil and natural gas pipelines regulated by the CER.

The CER added new features to the Pipeline Profiles during 2022-23. These include interactive pipeline maps which let users explore how oil and gas move around Canada, and new dashboards on contraventions of damage prevention regulations. The CER also published an online report that [visualizes pipeline throughput and capacity](#) data across different regions in Canada. This data is submitted to the CER by regulated companies and is the CER's most downloaded data set. The CER coordinated the launch of this content with the Canadian Centre for Energy Information.

The CER's Energy Information Products

A look at pipeline flow and capacity

This [new product](#) contains two interactive reports visualizing CER pipeline throughput and capacity data. The reports provide greater detail, regional trends analysis, and navigation to explore CER's most frequently downloaded dataset on Open Government – '[Pipeline Throughput and Capacity](#)'.

Energy Information and the Saskatchewan First Nations Natural Resource Centre of Excellence

In December 2022, the CER signed a jointly developed Memorandum of Understanding (MOU) with the Saskatchewan First Nations Natural Resource Centre of Excellence (SFNNRCOE) to share energy information relevant to Indigenous Peoples as part of the CER's commitment to advancing Reconciliation. The MOU will create opportunities for cooperation and collaboration to develop energy information products informed by Indigenous knowledge and expertise from SFNNRCOE. Opportunities include the co-development of an energy data project about energy production on Saskatchewan Treaty lands to help inform conversations about natural resource development.

New Interactive Pipeline Maps

In response to user research, the CER developed new interactive maps in 2022-23 which allow users to better understand the physical context within which CER-regulated pipelines operate. Features also allow users to add data and measure distances to pipelines. Where applicable, the maps contain pipeline data layers from provincial regulators related to the CER's commitment to advancing Reconciliation with Indigenous Peoples.

Publication of Damage Prevention Regulation Contravention (DPRC) reports

The [Damage Prevention Regulation Contravention \(DPRC\) reports dashboards](#) added visualizations to the DPRC data that had been published to Open Government in spring 2022. The DPRC was previously only available as a dataset on Open Government as a downloadable CSV (Comma Separated Values) file. The new dashboards allow users to explore the data more visually with interactive filters, a map, and search for DPRC events by location.



Energy Information and Data

The CER continued producing important energy information and data in 2022-23. Its [Provincial and Territorial Energy Profiles](#) remained an important source of energy information for Canadians at the provincial and territorial levels. In 2022-23, the CER updated the profiles to reflect the latest market events shaping each jurisdiction and 2020 greenhouse gas emissions data from Environment and Climate Change Canada. The CER's [Market Snapshots](#) continued to provide timely and relevant energy information to Canadians. In 2022-23, the CER published 23 Market Snapshots on various energy-related topics, ranging from crude oil imports to hydrogen production. The CER remained an important source of Canadian energy data on which the public and decision-makers rely. Statistics on energy commodity imports and exports, like the highly demanded [crude-by-rail data](#), [weekly refinery crude runs](#), [liquefied petroleum gas underground inventories](#), and production are some of the many data products the CER produced in 2022-23.

Stakeholder Outreach

In alignment with the CER's engagement plan, the Energy System Information Program and the Pipeline Information Program engaged stakeholders across knowledge areas, including federal partners, industry experts, environmental organizations, and other members of the public. The Feedback collected informed data compilation methods, modelling results, and the planning and delivery of online content.

Core Responsibility: Engagement

CER staff from across the organization engage with people and organizations impacted by or interested in the organization’s regulatory activities and mission. Building relationships and listening to Indigenous Peoples and stakeholders enables the CER to improve its regulatory system and take action to prevent harm. The CER recognizes that the unique information gathered through engagement leads to better regulatory results.

Over the past year, the CER has been working to address feedback on its Engagement Programs, including allowing more time to carry out meaningful engagement and proactively seeking opportunities to engage in two-way dialogue. The CER will continue to use transparent and accountable engagement practices to improve its operations.

The CER’s Commitment

- Input provided by Indigenous Peoples and stakeholders will influence the CER’s decisions and work, and
- Indigenous Peoples and stakeholders provide feedback that engagement with the CER is meaningful.

Performance Results Summary 2022-23 - Engagement

Performance Measure	Target	Results 2020-21	Results 2021-22	Results 2022-23
Evidence that input from Indigenous Peoples and stakeholders influence CER’s decisions and work.	Narrative	Target achieved*	Target achieved*	Target achieved*
Percentage of participants in engagement activities who indicate that the engagement was meaningful.	75%	80%	72% ⁶	92%

* Refer to the narrative within the Annual Report of the Canada Energy Regulator for the corresponding year.

Engaging with Indigenous Peoples and Stakeholders

The CER is committed to ensuring its work is informed by input from diverse Indigenous Peoples and stakeholders across Canada. Engagement is integral to the CER’s regulatory effectiveness in shaping CER programs and in delivering on the CER’s strategic priorities.

The CER is also committed to exploring ways to improve its approach to engagement planning and execution across the organization. It developed its National Engagement Strategy to organize its engagement efforts. The strategy comprises four areas of focus: a framework, an Engagement Centre of Expertise, a National Engagement Plan and a National Indigenous Engagement Blueprint. The framework identifies key audiences and provides organization-wide guidance. A new CER Engagement Centre of Expertise will support the implementation of the strategy, guided by the critical elements of the framework. The National Engagement Plan will provide a consolidated picture of the CER’s planned engagements and prioritize deliverables across the organization to strengthen its internal alignment and coordination of engagement efforts.

⁶ Survey results did not achieve target. Feedback indicated a need to allow more time for engagement, greater transparency of how input would be used, and a desire for more two-way dialogue.

Indigenous Engagement

The work underway with the IAMCs and the IAC represents essential steps toward building trust and mutual capacity between the CER and Indigenous Peoples and communities impacted by CER-regulated infrastructure. The CER is confident that the enhanced involvement of First Nations, the Métis Nations, and the Inuit will bring *meaningful changes to how the CER works*.

The CER launched in 2022-23 a multi-phased/multi-year initiative to co-develop, in partnership with Indigenous Nations, settlements and groups, a mechanism that would foster discussion and collaboration relating to pipeline oversight. The CER's senior leadership and leadership from interested Indigenous communities participated in six meetings to develop relationships and to discuss how to increase Indigenous oversight of the entire NGTL system. More intensive engagement will follow in 2023-24, aimed at co-developing the rules of engagement and collaborating on defining the governance, structure and approach for the collaborative mechanism.

The CER continued working with the Elders Knowledge Circle, through the United Way, to establish governance principles for historical transcripts and audio files of Treaty 7 Nations. Through the end of 2022-23, meetings were being held with Elders from all five Treaty 7 Nations: the Piikani, Siksika, Kainai, Stoney-Nakoda, and the Tsuut'ina, to explore how the regulator should manage current Indigenous knowledge records that it presently holds.



Stakeholder Engagement

During 2022-23, the CER's Engagement Team has supported several consultation initiatives designed to gather the input of Canadians. These ranged from collecting feedback on the approach to net-zero modelling for the CER's flagship EF2023 report to gathering input on changes to the CER's Filing Manual. More information about these consultations can be found on the Government of Canada's [Consulting with Canadians](#) website.

In addition, the Engagement Team provided support and guidance for the Regulated Industry Engagement Group (RIEG), which was created to engage in an ongoing dialogue with regulated companies to support the CER's commitment to enhancing Canada's global competitiveness. The CER is committed to enhancing Canada's global competitiveness by improving transparency, predictability, and efficiency throughout the regulatory lifecycle, while also driving innovation that supports the transition to a low-carbon economy. The CER [publishes the meeting minutes](#) from the RIEG for continued transparency with Canadians.

The CER also leads the Land Matters Group Advisory Committee (LMG AC), a virtual forum to discuss topics relevant to landowners, industry, lands professionals and different levels of government. The committee has identified access to lands and damage to property as two priority issues currently under consideration. The LMG News, a quarterly e-newsletter distributed to the membership, is posted on the CER website under the banner of the [Land Matters Group](#).

In response to unprecedented flooding in British Columbia in fall 2021, CER staff gave eight presentations to stakeholder groups, including landowners, on damage prevention in 2022-23. CER staff also published over a dozen posts and articles in various media to increase awareness and understanding of safety around CER regulated infrastructure.

Core Responsibility: Internal Services

Internal services are the services that are provided within a department so that it can meet its corporate obligations and deliver its programs. There are 10 categories of internal services:

- Management and Oversight Services
- Communications Services
- Legal Services
- Human Resources Management Services
- Financial Management Services
- Information Management Services
- Information Technology Services
- Real Property Management Services
- Materiel Management Services
- Acquisition Management Services

The CER's Internal Services directly enable the other Core Responsibility areas by supporting business and organizational requirements and initiatives.

Diversity and Belonging

The CER is committed to making its workplace more inclusive, diverse, and accessible. In 2022-23, the CER's newly-established Diversity and Belonging Team launched an innovative Leadership Community of Practice to align efforts and increase leadership capacity to address misconduct, discipline, accommodations, and to advance barrier-free, equitable management and hiring practices. Another key focus for the Diversity and Belonging Team over the year has been the continued impacts and change associated with the pandemic, and support for a hybrid workplace model that will work effectively for the CER.

The CER's first [Accessibility Plan](#) was approved and published in December 2022. The report was the product of several months of consultations with staff, as well as research into barriers to accessibility and the identification of possible solutions to those barriers. It takes a measured approach with realistic priorities that considers work already underway on policies, programs, practices, and services to create a more inclusive environment for everyone, and a more accessible workplace for persons with disabilities. The Accessibility Plan is also a flagship deliverable under the Trust and Confidence Strategic Priority in the CER's Strategic Plan. The CER will report on the progress of its plan annually.



Strategic Workforce Plan

During 2022-23, the CER made significant progress in developing its Strategic Workforce Plan. As a deliverable under the Trust and Confidence Strategic Priority, the overall intent of the Strategic Workforce Plan is to foster an engaged, inclusive, and empowered workforce that has the confidence of Canadians; is dedicated to ensuring safety and environmental sustainability; builds strong relationships with First Nations, the Métis, and the Inuit; and enhances Canada's global competitiveness.

In alignment with the CER's Strategic Plan and specific workforce aspirations and commitments, the Plan outlines three focused objectives:

- **Talent and Skills:** The CER recruits, retains, and advances the best talent representative of the people we serve.
- **Culture and Leadership:** The CER builds and maintains a work climate that embraces differences, regulatory excellence, and intelligent risk-taking.
- **Workplace:** The CER adapts its practices, tools, and policies that support a flexible and inclusive workplace.

Financial Systems Modernization – SAP Transition

In April 2022, the CER implemented SAP as its financial system. The SAP system is part of modernizing CER's financial systems and is used by many other federal departments and agencies. Implementing SAP will enable improvements in the timeliness and accuracy of information and decision making, as well as helping to deliver efficiencies in the financial management processes.

Creating Better Tools for Data: Operations Regulatory Compliance Application

In November 2022, the CER implemented enhancements to Operations Regulatory Compliance Application (ORCA) to improve the efficiency for companies to report geotechnical incidents and for the CER to use that reporting to prioritize follow up on high-risk events. Other efficiencies for companies and the CER that were achieved via ORCA include automation of Accountable Officer updates and implementing workflow so that one regulatory filing could be linked to multiple conditions.



What the Future Holds

In 2023-24, the CER will focus on executing the final year of its three-year [Strategic Plan](#) and delivering on its Core Responsibilities and will continue to share progress on its initiatives with Canadians. The CER Board of Directors will undertake a strategic planning exercise and review the current Strategic Plan and Priorities to determine updates for the 2024–25 to 2026–27 timeframe.

The current and renewed Strategic Plan will continue to guide the CER's work with a bold vision and priorities for the future of the organization.

The plan's strategic priorities are established in four areas and outline the plans for the next fiscal year:

- **Trust and Confidence:** The CER will continue to assess the implementation to date of the recommendations of the Diversity and Belonging Roadmap and continue working on the remaining recommendations. These include providing evidence-based training to prevent and respond to misconduct for staff and leaders, providing and publishing aggregated data on misconduct and actions taken, and creating CER-specific leadership development program to support career advancement of all staff members, including members of underrepresented groups. It will also begin implementation of the long-term Hybrid Workplace Approach and the multi-year Strategic Workforce Plan. Building on the National Engagement Strategy, the CER will develop an Engagement Centre of Expertise, and a National Engagement Plan. A new CER Engagement Centre of Expertise will support the implementation of the strategy, guided by the critical elements of the framework. The National Engagement Plan will provide a consolidated picture of the CER's planned engagements and prioritize deliverables across the organization to strengthen its internal alignment and coordination of engagement efforts. The CER will also leverage EF2023 to build Canadians' awareness and confidence in the CER through speaking events, trade shows, media interviews and other communications.
- **Reconciliation:** The CER will continue to take steps to implement the UN Declaration and UNDA Action Plan and advance the work of the IAMCs and the CER's Indigenous Monitoring Program under the guidance and advice of the Board and the IAC. It will also implement planning, training, and other supports and guidance for CER staff for the Indigenous Recruitment, Retention and Advancement Strategy and the Indigenous Procurement Strategy.
- **Competitiveness:** The CER will create more innovations to enhance clarity in regulatory requirements, streamlining processes, and new regulatory approaches. The CER will also solidify its newly-established engagement mechanism with regulated industry, share ESG-related information through energy information publications and increase its readiness for its regulatory role for hydrogen. The CER will publish EF2023, which will be a fully-modelled analysis of the pathways to net zero emissions for the Canadian energy system, thereby driving innovation to contribute to the transition to a low-carbon economy.
- **Data and Digital Innovation:** The CER will continue to invest in creating a data and digital innovation culture and systems to deliver its mandate more effectively. Among other vital projects planned for the next year will be the improvement of the CER's digital tools for interactions during adjudication processes, which will improve efficiency, transparency, and accessibility.

Appendix A: Biographies

Board of Directors



Cassie Doyle, Chairperson

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



George Vegh, Vice-Chairperson

Mr. Vegh is a Senior Fellow at the Munk School of Global Affairs and Public Policy. He is an Adjunct Professor of energy law and regulation at the Munk School as well as the University of Toronto and Osgoode Hall Law Schools. He is identified as a leading energy lawyer in several leading publications. Mr. Vegh was previously General Counsel at the Ontario Energy Board.



Ellen Barry, Director

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



Melanie Debassige, Director

Melanie Debassige is a member of the Anishinabek Nation and a band member of M'Chigeeng First Nation. Currently serves as the Executive Director of the Ontario First Nations Technical Services Corporation. Melanie was appointed to the Ontario Clean Water Agency Board of Directors in October 2013 where she serves as a Board Director and Chair of the First Nations Committee of the Board. In March 2018, she was appointed to the Board of Reconciliation Canada where she holds the position of Director/Treasurer. Melanie completed the Director's Education Program at the Rotman School of Management and is a certified corporate director which complements her Master's in Business Administration. Melanie was recognized in 2015 by the Canadian Board Diversity Council in the Diversity 50 which is a list of highly-qualified board candidates. In 2018, Melanie undertook the role as strategic advisor to the National Energy Board of Canada on Indigenous issues. In August 2019, she was appointed to the Board of Directors of the Canada Energy Regulator. In 2019, she was recognized in Canada's Most Powerful Women: Top 100. Most recently she was appointed to the Ontario Provincial Sectoral Audit Committee, Community Services.



Karen Leibovici, Director

Karen Leibovici's professional background includes personnel management, labour relations and social work. She has over 20 years of combined political and public service experience as a Member of the Legislative Assembly of Alberta and as an Edmonton City Councillor. While on City Council, Ms. Leibovici was involved in numerous key policy issues and led many city-wide initiatives. She served twice on the Edmonton Police Commission and was the Vice Chair of the Civilian Review and Complaint Commission for the RCMP. She was also a Board member of Alberta's Municipal Government Board. In addition, Ms. Leibovici has undertaken leadership positions in other organizations such as President of the Federation of Canadian Municipalities (FCM), Chair of the Green Municipal Fund and President of the Alberta Association of Former MLA's. Ms. Leibovici has a Master of Social Work Degree and a Post Graduate Diploma in Management.



Karim Mahmud, Director

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



François Tanguay, Director

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

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

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

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



Gitane De Silva, CEO

Ms. De Silva became the CEO of the CER in August 2020. Prior to joining the CER, she was a Special Advisor at TransAlta Corporation. She previously served as Alberta's Senior Representative to the United States and as Deputy Minister for Alberta International and Intergovernmental Relations.

Before joining the Alberta Public Service, Ms. De Silva spent 12 years in Canada's Foreign Service as a specialist in Canada-U.S. relations, serving in a variety of roles, including as Consul General of Canada in Chicago and as Counsellor (Environment and Fisheries) at the Canadian Embassy in Washington, D.C. She also served as Deputy Head of Agency at Status of Women Canada.

Ms. De Silva has a Bachelor of Arts in International Relations from the University of British Columbia and is a 2013 recipient of The International Alliance for Women (TIAW) World of Difference Award.

Indigenous Advisory Committee



Tribal Chief Tyrone McNeil, Chairperson

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

Tribal Chief McNeil works closely with the IAMC-TMX, including as a member of several leadership and sub-committees, driving changes to improve practices of regulators to better align with the UN Declaration, and to advance Reconciliation. He holds numerous leadership positions including, President of Stó:lō Tribal Council, President of First Nation Education Steering Committee, Assembly of First Nations Chiefs Committee on Education rep for BC, Chair of Emergency Planning Secretariat, Chair of Seabird College, President of the Sqewqel (Seabird) Development Corporation and Standing Chair of Union of BC Indian Chiefs.

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



Kaella-Marie Earle, Vice-Chairperson

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

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

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



Marie Delorme

Dr. Marie Delorme is CEO of The Imagination Group of Companies, an Indigenous corporation comprised of three national entities, each providing services to industry, governments, and Indigenous groups in the areas of brand management, business consulting, and ceremonial tobacco.

Dr. Delorme serves on the publicly traded boards of Canadian Western Bank and Premium Brands Holding, the board of the Donner Canadian Foundation, and the CN Indigenous Advisory Council. Dr. Delorme is a Member of the Order of Canada. She has received the Inspire Award in Business and Commerce; and was named as one of Canada's 100 Most Powerful Women. Other awards include: the University of Calgary Dr. Douglas Cardinal Award; Alberta Chamber of Commerce Business Award of Distinction; Calgary Chamber of Commerce Salute to Excellence Award, and Métis Nation Entrepreneurial Leadership Award.

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



Harvey McLeod

Harvey McLeod served as the Chief for the Upper Nicola Band for nine years with his last term concluding on March 20, 2023. He has approximately 40 years of experience in working on First Nations issues including developing and bridging communities on the executive, political, relationship and partnership level.

Harvey McLeod continues to serve as a Director for the BC Assembly of First Nations, and has contributed extensively and directly to the development and operations of the Indigenous Advisory Monitoring Committee (IAMC) for the Trans Mountain Expansion and Existing Pipeline.



Scott Patles-Richardson

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

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



Chief Matthew T. Peigan

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

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



Marci Riel

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

Marci is not an elected representative of the Métis Nation. Her role on the IAMC-Line 3 is to best represent the needs of the citizens of the Métis Nation's Manitoba Métis Community and to assist Canada and the CER in better understanding the lifecycle impacts of projects on the collectively held rights, claims and interests of the Métis Nation. Marci holds a Master's Degree in Sociology and prior to joining the MMF in 2011, Marci worked in the field of public safety and crime prevention.

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



Tristan Zachow

Tristan Zachow is the Chief Executive Officer (CEO) of SaskMétis Economic Development Corporation (SMEDCO) where he has been employed for over 20 years. SMEDCO is a Métis Capital Corporation that specializes in developmental lending for the start-up, acquisition, or expansion of Métis owned or controlled enterprises, and business advisory services. He is also the CEO of Muskwa Development Corporation, a wholly owned economic entity of the Métis Nation –Saskatchewan, mandated to engage in strategic investments through equity positions, strategic partnerships, and financial holdings. Recently, he was appointed as the inaugural Chair of the association of Métis Capital Corporations, which consists of four high-performing Métis Capital Corporations located throughout the Métis Homeland.

Tristan is a proud Saskatchewan Métis originally from the Prince Albert area where his ancestors go back well over a century. He is an avid hunter that provides for his family and friends throughout the year. His post-secondary education includes certification as an economic development officer from Dumont Technical Institute and a certificate in business administration from the University of Saskatchewan's Edwards School of Business.

Tristan's expertise includes developmental lending, Indigenous economic development leadership, intergovernmental affairs, corporate development and operations, capital attraction, business development and entrepreneurship, product frame-working and implementation, financial negotiations, governance, and delivering results in complex situations.

Appendix B: Financial Overview¹

The CER and its predecessor, the National Energy Board (NEB)², is funded through parliamentary appropriations with approximately 99 percent of its costs recovered by the Government of Canada from the industry the CER, and formerly the NEB, regulates. Financial statements are prepared annually and audited by the Office of The Auditor General of Canada. The table below provides an overview of CER financial and human resources, as reported in the public accounts.

FISCAL YEAR (1 APRIL TO 31 MARCH)	EXPENDITURES (MILLION \$)	STAFF (FULL-TIME EQUIVALENTS)
2017-18	93.8	481.3
2018-19	108.1	476.5
2019-20 ³	98.0	494.0
2020-21	99.83	522.0
2021-22	109.4	558.7
2022-23	112.4	571.2

1 Detailed information for fiscal year 2022–23 expenditures and human resources can be found in the CER's 2022–23 Departmental Results Report, which is expected to be tabled in Parliament in fall 2023. Once tabled, the report will be posted on the CER's website.

2 The NEB became the CER on August 29 2019.

3 2019-20 results are \$10.1 M less than 2018-19 results primarily due to an exceptional remission of green field levy in 2018-19 related to Northern Gateway Pipeline Limited Partnership (NGPL) project certificates issued but later quashed. NGPL requested the levy be refunded and the Federal Government provided off-cycle funding in 2018–19 to enable the NEB to remit the \$14,710,000 to NGPL on behalf of the Federal Government.

Appendix C: Service Standards Results

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

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

The CER met all service standards measures in 2022-23.

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

Non-hearing: CER Act Section 214	80% of decisions released by the target date from the application complete: Category A within 40 calendar days Category B within 90 calendar days	80%	
Canada Oil and Gas Operations Act Applications	Decisions are made by target date: - 80% within 21 calendar days of receiving complete application to drill or alter condition of a well - 80% within 30 calendar days of receiving complete application for geological or geophysical	80%	
Canada Petroleum Resources Act Applications	80% of decisions will be made in 90 days from the day that all information is available to complete the evaluation process	80%	
Library Requests	90% of requests responded to within one working day	90%	

Appendix D: Regulatory Framework Projects

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

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

Regulatory Framework Projects completed in 2022-23:

Regulatory Instrument	Type	Made by	Date Published	Link
Extensive revisions to: Guide A, Table A.2 Biophysical Requirements and Table A.4 Economics and Financing. New supplemental guidance for GHG Emissions and Climate Change	Filing Guidance – Manual	Regulator and Commission	Commission approved on 16 February 2023; publication on April 21, 2021.	Updates to Filing Manuals
FAQ for Order MO-036-2022	Regulatory Guidance – Webpage	Regulator	18 January 2023	Quality Assurance of Pipeline Fitting - FAQ
Industry Best Practices for Notifications to Indigenous Nations and Communities regarding CER-Reportable Incidents	Regulatory Guidance – All-Company Letter	Regulator	16 November 2022	File OF-Gen 10
Letter and Order to All Oil and Gas Pipeline Companies under the CER's Jurisdiction – Canadian Standards Z245 Standards for Components	Regulatory Document - General Order	Commission	31 October 2022	MO-036-2022, Filing C21733-1
The Canada Energy Regulator and Environmental, Social, and Governance (ESG)	Position Paper	CEO	14 October 2022	Executive Summary Report
Miscellaneous Amendments: <ul style="list-style-type: none"> Onshore Pipeline Regulations Administrative Monetary Penalties Regulations Processing Plan Regulations Pipeline Damage Prevention Regulations – Authorizations Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies International and Interprovincial Power Line Damage Prevention Regulations – Obligations of Holders of Permits and Certificates 	Regulations	GIC	27 September 2022	Regulations Amending Certain Canadian Energy Regulator Regulations (Miscellaneous Program): SOR/2022-199

Regulatory Instrument	Type	Made by	Date Published	Link
Financial Regulatory Audit Policy of the CER – Update	Regulatory Policy – Webpage	Regulator	22 September 2022	Audit Policy Update
Extensive revisions to: Guide O – Variances and Project Updates Guide N – Review, Rescind or Rehear Sections 1.5 and 1.4 (Electricity Filing Manual) Confidentiality Filings Sections A3.1 (Supply) and A3.3 (Markets)	Filing Guidance – Manual	Regulator and Commission	31 August 2022	Updates to Filing Manuals
CER Contaminated Site Management Audits: Lessons Learned	Information Advisory	Regulator	19 July 2022	CER IA 2022-001
Control of Hazardous Energy	Safety Advisory	Regulator	19 May 2022	SA 2022-02
Depth of Cover in Agricultural Areas	Safety Advisory	Regulator	13 April 2022	SA 2022-01

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

Appendix E: Audits

Management System Audits

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

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

Management System Audits completed in 2022-23:

Auditee	Audit Topic	Documents	Last Updated
Enbridge Pipelines Inc.	Contaminated Sites Management	Audit Report E101-2022-2023 01 [PDF]	2022-11-29
NOVA Gas Transmission Ltd.	Damage Prevention	Audit Report N081-2022-2023 01 [PDF]	2022-11-29
Trans-Northern Pipelines Inc.	Contaminated Sites Management	Audit Report T217-2022-2023 0101 [PDF]	2023-03-15

The CER completed six operational audits in 2022-23. However, only three were available for publication as of March 31, 2023. When they are available, all operational audit reports and related documents are published on the CER's website under [Reports on Compliance and Enforcement](#).

Financial Regulatory Audits

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

- In 2022-23, the CER completed one focused financial regulatory audit regarding twelve companies' practices and procedures related to abandonment and collection mechanisms such as trusts. This audit resulted in no findings or recommendations to companies.

The 12 companies that were audited were:

- Enbridge Pipelines (NW) Inc.
- Enbridge Pipelines Inc.
- Foothills Pipe Lines Ltd.
- Kingston Midstream Westspur Limited
- Maritimes & Northeast Pipeline Management Ltd.
- Montreal Pipe Line Limited
- NOVA Gas Transmission Ltd.
- Trans Mountain Pipeline ULC
- Trans Québec and Maritimes Pipeline Inc.
- TransCanada Keystone Pipeline GP Ltd.
- TransCanada PipeLines Limited
- Trans-Northern Pipelines Inc.

Appendix F: Inspection Officer Orders Issued in 2022-23

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

If a situation requires immediate attention to keep people, property, and the environment safe, the CER may decide to issue an Inspection Officer Order. The Order will require a company to complete certain actions by a set date.

Inspection Officer Orders in Effect for 2022-23:

Number	Issued	Recipient	Region/ Facility	Description
DRP-001-2022	2022-08-30	NOVA Gas Transmission Ltd.	AB, North Corridor Expansion	Unsafe pipe unloading practices observed and corrective actions required.
BL-001-2022	2022-12-06	Trans Mountain Pipeline ULC	AB and BC	During several inspections of the TMX in 2022, CER IOs identified inconsistent practices for respiratory protective equipment (RPE) by workers performing or participating in welding tasks.
DJM-001-2022	2022-11-29	NOVA Gas Transmission Ltd.	BC	A workplace inspection identified numerous deficiencies related to hazardous chemical management specific to a new mainline coating process.

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



Appendix G: Warning Letters and Administrative Monetary Penalties

Warning Letters

The CER, on occasion, may decide that it is important that a senior person in a company is aware of the seriousness of an issue. This person can then take action to stop it from happening again. This is accomplished through a Warning Letter.

There were no Warning Letters issued in 2022-23.

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

Administrative Monetary Penalties (AMPs)

Both companies and individuals can be issued monetary penalties for actions that are unsafe. The CER may issue a penalty to a company or individual if:

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

The CER issued two AMPs from April 1, 2022 to March 31, 2023:

Reference Number	Last Updated	Recipient	Region/Facility	Description	Penalty Amount
AMP-004-2022	2022-10-27	Trans Mountain Pipeline ULC	Spread 1, Trans Mountain Expansion Project	Failure to implement management system process for verifying that employees and other persons working with or on behalf of the company were trained and competent and for supervising them to ensure that they performed their duties in a manner that was safe, pursuant to paragraph 6.5(1)(k) of the Onshore Pipeline Regulations.	\$88,000
AMP-003-2022	2022-10-27	Trans Mountain Pipeline ULC	Spread 1, Trans Mountain Expansion Project	Failure to implement a management system process for identifying and analyzing all hazards and potential hazards pursuant to paragraph 6.5(1)(c) of the Onshore Pipeline Regulations, and comply with Condition 2 of OC-065, a designated violation under sub-section 2(3) of the AMPs Regulations.	\$76,000

In addition to the above, an AMP which had been issued in a previous year was reviewed in December 2022. All warning letters, AMPs, and related documents can be found on the CER's website under [Reports on Compliance and Enforcement](#).

Appendix H: Abbreviations and Definitions

AB

Alberta

ACE

Abandonment Cost Estimates

ADR

Alternative Dispute Resolution

AMP

Administrative Monetary Penalty

BC

British Columbia

BERDI

Biophysical, Economic, Regional Data and Information

CER

Canada Energy Regulator

CER Act

Canadian Energy Regulator Act

CNOOC

CNOOC Marketing Canada

CSV

Comma Separated Values

CVA

Compliance Verification Activity

DPRC

Damage Prevention Regulation Contravention

EF2023

Energy Futures 2023 report

ESG

Environment, Social and Governance

GIC

Governor in Council

IAC

Indigenous Advisory Committee

IAMC

Indigenous Advisory and Monitoring Committee

IAMC-TMX

Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project

IAMC-Line 3

Indigenous Advisory and Monitoring Committee for the Line 3 Replacement Project

LMG AC

Land Matters Group Advisory Committee

MOU

Memorandum of Understanding

NGTL

NOVA Gas Transmission Ltd.

NGTL 2021

NOVA Gas Transmission Ltd.'s 2021 System Expansion Project

OPR

Canadian Energy Regulator *Onshore Pipeline Regulations*

ORCA

Operations Regulatory Compliance Application

PFP

Participant Funding Program

RERT

Regional Energy Resource Table

RIEG

Regulated Industry Engagement Group

RTO

Return to Office

SAM-COM

Set Aside and Collection Mechanism

SFNNRCOE

Saskatchewan First Nations Natural Resource Centre of Excellence

TMX

Trans Mountain Expansion Project

UN Declaration

United Nations Declaration on the Rights of Indigenous Peoples

UNDA

United Nations Declaration on the Rights of Indigenous Peoples Act

Core Responsibility

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

Departmental Results Report

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

Performance Measure

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

Program

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

Results

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

Target

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

To Learn More about the CER

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