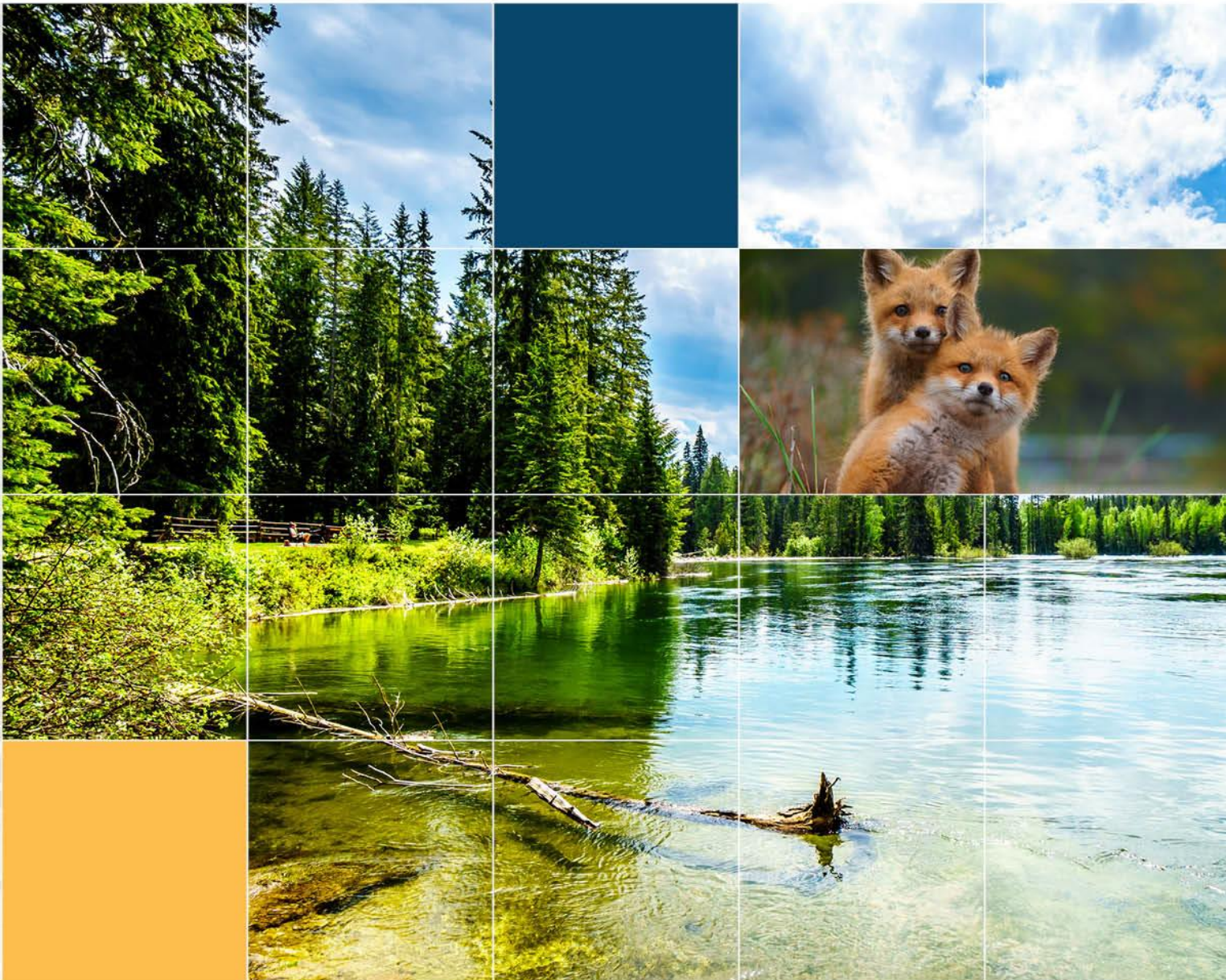




Canada Energy
Regulator

Régie de l'énergie
du Canada

Regulatory Framework Plan 2023 to 2026



Canada 

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Regulatory Framework Plan

2023 to 2026

Overview

The Regulatory Framework Plan (the Plan) is a tool produced by the CER that supports planning and communication.

The Plan describes which regulations, guidance material and other regulatory documents we intend to amend or develop over a three-year period and sets out expected timelines for each. The Plan also describes other Regulatory Framework improvements the CER is undertaking, such as:

- development of technical standard documents led by the CER as complementary guidance (e.g., [Canadian Standard Association Express Document No. 13:21 Quality assurance requirements for pipe and components](#));
- development of regulations led by other federal departments with our participation; and
- enterprise improvements such as changes to internal systems or processes in support of the Regulatory Framework (e.g., Regulatory Asset Data Project).

The Plan is updated every year through a review process that is informed by:

- strategic priorities that focus how we do our work and prioritize change;
- evaluation of performance data from across the CER's regulatory programs;
- input from stakeholders and Indigenous Peoples provided during the CER's engagement activities and participation in regulatory proceedings; and
- learnings from other jurisdictions and regulators within Canada and abroad.

Projects appearing in the Plan vary in scope and scale of effort but only those initiatives that are established with formal project plans and clear deliverables for the CER's Regulatory Framework are included in the Plan year to year.

All projects appearing in the Plan align with the strategic priorities identified in the CER's [Strategic Plan](#). Our priorities are the shared lens that focus our work. We anticipate additional projects will be added in future years, as we advance our work to:

- build the trust and confidence of Canadians;
- transform the way we work with Indigenous Peoples;
- enhance Canada's global competitiveness; and
- create a data and digital innovation culture and systems within the CER.

The Plan will be updated at the start of each new fiscal year (April) and throughout the year, as material changes occur.

More information may be obtained by calling toll free 1-800-899-1265 or faxing (403) 292-5503, sending an email to regulatory.framework@cer-rec.gc.ca or by contacting the project leads directly.

Development of Regulations

Regulations are laws made in support of acts. The Governor in Council, Cabinet Ministers and administrative tribunals like the CER are given authority to make regulations through legislation passed by Parliament.

In accordance with the [Cabinet Directive on Regulations](#), the development of regulations in Canada generally involves:

- i. Developing policy intent to inform the drafting of the regulations
- ii. Drafting regulations
- iii. Pre-publication in Canada Gazette, Part I
- iv. Public comment period on draft regulations
- v. Publication in Canada Gazette, Part II

CER-led development of regulations

The Plan includes a number of projects that involve review, improvement and development of CER regulations with an aim to:

- address legal issues;
- enhance regulatory outcomes; and
- make our existing regulatory stock current.

The following regulations are being reviewed, see Annexes for project details:

- ***Onshore Pipeline Regulations***
- ***Cost Recovery Regulations***
- ***Rules of Practice and Procedure***
- ***Export / Import Regulatory Framework***

The following regulations will be developed in future years, after the *Cost Recover Regulations* are finalized:

- ***Designated Companies Cost Recovery Regulations***

Under section 142 (1) of the CER Act, the CER is mandated to make regulations to recover costs, expenses and damages associated with a pipeline release when a company has been “designated” by the Governor in Council (GIC), appointed by Parliament.

In the event of a pipeline release, the GIC may, on the recommendation of the Minister of Natural Resources, “designate” the responsible company if it does not have or is not likely to have the financial resources necessary to pay the costs, expenses and damages associated with the release; or in instances where it does not comply with a CER Order with respect to the release.

CER participation in development of regulations led by Natural Resources Canada

There are several regulations made by the Governor in Council under the *Canadian Energy Regulator Act* (CER Act) or the *Canada Oil and Gas Operations Act* (COGOA) that are being developed by Natural Resources Canada. The CER actively participates in the development of these regulations.

The ongoing regulatory initiatives¹ led by Natural Resources Canada are detailed on that department's [Forward Regulatory Plan](#).

Regulatory Development Project	Project Type
Designated Officer Regulations	Development of new regulations
Frontier and Offshore Regulatory Renewal Initiative (FORRI) Framework Regulations	Major update to existing regulations
Indigenous Ministerial Arrangements Regulations	Development of new regulations
Offshore Renewables Energy Regulations	Development of new regulations

¹ An additional Regulatory Initiative appears on Forward Regulatory Plan (FRP) of Natural Resources Canada – i.e., [Pipeline Claims Tribunal Regulations](#). The project first appeared on the Forward Regulatory Plan in 2016, but there is no work under way currently. A note reads: “*timing for development of these regulations is to be confirmed*”.

Development of Guidance

We produce guidance materials for varying audiences, published in different formats, covering many topics related to the work of the CER but all serve the same essential functions to provide clarity and guide the actions of those who must comply with our requirements or processes.

We adopt an approach of continual improvement to ensure the quality of guidance materials. Reviews and updates occur in stages, on a periodic basis.

We are committed to meaningful and transparent engagement with stakeholders, Indigenous Peoples, and the public. Consult the CER website to obtain details of engagement opportunities.

Filing Manuals and Supplemental Filing Guidance

The Filing Manuals help applicants and interested parties understand what to include in an application to the Commission. The CER has a Filing Manual which details filings for pipelines and another which details filings for electrical power lines. While it is ultimately the responsibility of the applicant to follow applicable legislation and regulations, these manuals have been developed to provide guidance about the information we expect to see addressed in an application to the Commission.

The Filing Manuals are arranged into Chapters and Guides which align with different types of applications the Commission considers.

The following sections of the Filing Manual are being reviewed, see Annexes for project details:

- **Guide A: Environmental and Socio-economic Assessment and Lands Information sections**
- **Guide BB: Financial Surveillance Reports**
- **Guide P: Tolls and Tariffs**

The following sections of the Filing Manual will be updated for clarity purposes (e.g., making consequential changes, updating terms and references, simplifying language, refreshing format etc.):

- **Guide R: Transfer of Ownership, Lease and Amalgamation**

This guide of the Filing Manual (for pipelines) outlines the information required from regulated companies who enter transactions that alter the nature of responsibilities for their facilities – such as, sale, lease or amalgamation of assets. Filing requirements are defined for both parties to a transaction, including providing maps, business and financial records.

The update will address ambiguities that have been noted in portions of the text and incorporate into the filing guidance, existing best-practices and tools (e.g., templates).

Regulatory Guidance

The following regulatory guidance is being reviewed, see Annexes for project details:

- **Guidance materials for Emergency Management**
- **Event Reporting Guidelines**

The following regulatory guidance is new:

- **Public Access to Information Guidelines and Interpretation Notes Under the *Oil and Gas Operations Act***

The [Oil and Gas Operations Act](#) (OGOA) is a statute of the Northwest Territories; however, we are responsible for aspects of oil and gas exploration and development in parts of the Northwest Territories, in the *Inuvialuit Settlement Region*, in accordance with the CER Act (jurisdiction defined in section 12(1), until March 31, 2034).

OGOIA includes provisions (Section 22) which describe the overall approach to making information submitted to the CER available to the public and explains circumstances under which information may be kept confidential. The objectives of the [Public Access to Information Guidelines and Interpretation Notes Under the Oil and Gas Operations Act](#) are to:

- describe how information provided to the CER is handled resulting from the amendments to OGOIA which came into effect on 23 July 2020;
- provide information on the process for requesting that information provided to the CER be kept confidential;
- enhance certainty and predictability in regulatory decisions; and
- promote accessibility and transparency in oil and gas regulation.

The draft Guidelines have been released to the CER website for comment, for a period of 60 days ending May 12, 2023.

The following guidance will be updated for clarity purposes (e.g., making consequential changes, updating terms and references, simplifying language, refreshing format etc.):

- **Guidance materials for Damage Prevention**

Damage prevention involves providing proactive information and establishing procedures for the protection of buried pipes and cables. Not only to safeguard the energy transport infrastructure, but also the surrounding structures, roads and other property found near pipelines or power lines, also ensuring the safety of anyone living and working nearby.

The [damage prevention guidance materials](#) appear as CER webpages that are arranged into sections which align with different audiences and also as printable publications and regulatory Guidance Notes.

The CER is planning to update the [Guidance Notes – Canadian Energy Regulator Regulations for Pipeline Damage Prevention](#) and [Damage Prevention Guidance for Municipal Operations and Maintenance Activities](#) to improve plain and accessible language, and clarity. Input provided by regulated industry and the [Land Matters Group](#) will be integrated into the review.

- **Operations and Maintenance – Guidance Notes and Online Operations and Maintenance Notifications – User Guide**

Published as [Appendix A: Operations and Maintenance Activities on Pipelines Regulated under the National Energy Board Act. Requirement and Guidance Notes](#), the purpose of this regulatory document is to provide all parties with greater clarity about how operations and maintenance (O&M) activities on pipelines (including processing plants) under the National Energy Board Act (now CER Act) will be regulated; while promoting safety, security, environmental protection, economic efficiency, and respect for the rights of those that may be affected.

Routine O&M activities are evaluated by the Commission as part of the original application for the construction and operation of a pipeline; therefore, companies are not required to apply for additional approval to undertake most O&M activities. However, the CER requires notification of certain activities in accordance with Appendix A, via the Online Event Reporting System (OERS). The CER continues to regulate O&M activities and fulfills its mandate through inspection and audit programs, informed by company data stored to the OERS.

The CER is planning to update the Guidance Notes to align with the CER Act, [Fisheries Act](#) and [Species at Risk Act](#), and to improve clarity. In addition, the above-noted User Guide is to be streamlined and integrated into the OERS.

Other Regulatory Framework Improvements

Certain projects do not apply to our regulatory instruments (i.e., regulations, regulatory documents, and guidance) but concern other improvements to the Regulatory Framework – such as, changes to internal systems or processes in support of effective regulatory activity.

The following regulatory improvement initiatives are ongoing, see Annexes for project details:

- **Financial Requirement Improvement Project**
- **Regulatory Asset Data Project**

The CER is presently determining our next steps for the:

- **Pipeline Performance Measures Improvement Project**

In 2013, the CER directed regulated pipeline companies to report annually on pipeline performance measures (PPMs). The information reported focuses on company management systems and helps give us a picture of the operations of companies we regulate.

In 2021, the CER launched a review of PPMs to possibly remove, update, enhance, or introduce new measures. Engagement was conducted with regulated companies and input received is being carefully considered to determine what changes are to be made to the CER's annual report on performance and Pipeline Performance Measures Reporting Form for 2023.

To consult previous PPMs data reports, the 2020 Report on Performance Measures, or view the PPMs Reporting Form for 2022, consult the [PPMs webpage](#).

Engagement and Project Timelines

The CER is committed to ensuring that our work, and the decisions we make are informed by diverse input from people across Canada. We encourage those who may be impacted by our decisions and work to get involved.

We are committed to meaningful and transparent engagement with stakeholders, Indigenous Peoples, and the public. Engagement occurs at numerous stages in the process of regulatory development, whether developing regulations or drafting guidance materials.

The Regulatory Framework projects listed in the Plan are subject to change. In particular, the development of regulations is contingent on agencies external to the CER (e.g., Treasury Board of Canada Secretariat or Department of Justice).

The engagement and project timelines appearing in the table below are subject to change. Timelines are estimates, valid as of publication date (May 2023).

To obtain up to date details of engagement opportunities:

- consult the [CER Consultation and Engagement activities](#) webpages;
- subscribe to individual project pages, such as the [OPR Review project page on CER Dialogue](#);
- subscribe to the [CER RSS – Regulatory Improvements](#) feed to receive notifications; or
- [contact us](#).

Project	2023-24				2024-25				2025-26			
	Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring
<i>Cost Recovery Regulations</i>	Regulatory Options Paper for comment on CER Website				Draft for comment in Canada Gazette, Part I			Publication in Canada Gazette, Part II				
Damage Prevention Guidance	Input has been provided by industry Damage Community of Practice and Land Matters Group. Updates are administrative in nature; no further engagement is planned.			Publication								
Emergency Management Guidance	Draft for comment on CER website			Publication								
Event Reporting Guidelines		Draft for comment on CER website		Publication								
Export / Import Regulatory Framework		Draft for comment in Canada Gazette, Part I			Publication in Canada Gazette, Part II							
Filing Manual, Guides A.2, A.4	Engagement will coordinate with the OPR Review project, with additional engagement opportunities as needed but not known at this time.										Publication	
Filing Manual, Guide R	Engagement details and project timelines are not known at this time.											
Financial Requirements Project	Regulated Companies were consulted in 2020. Details on further engagement and project timelines are not known at this time.											
OGO A Guidelines	Publication											
<i>Onshore Pipeline Regulations</i>		Consultation on Phase-II engagement planning		Phase-II engagement on regulatory issues					Phase-III engagement on regulatory proposal			
Operations and Maintenance – Guidance Notes	Updates are administrative in nature; no engagement is planned.	Publication										
Pipeline Performance Measures	Regulated Companies were consulted in 2021-22, no further engagement is planned. Project timelines are not known at this time.											
Regulatory Asset Data Project	Consult regulated companies	Completion										
<i>Rules of Practice and Procedure</i>	Engagement details and project timelines are not known at this time.											

Contact Us

More information on Regulatory Framework projects may be obtained by calling toll free 1-800-899-1265, faxing (403) 292-5503 or sending an email to regulatory.framework@cer-rec.gc.ca, in addition to contacting the project leads listed below.

Project	Project Type	Estimated Completion	CER Contact
Event Reporting Guidelines	Regulatory review of existing regulatory guidance	2024	Debra Gilbert Research and Innovation, System Operations (403) 389-4664 debra.gilbert@cer-rec.gc.ca
Financial Requirements Improvement Project Includes review of the following: <ul style="list-style-type: none"> • Guide BB: Financial Surveillance Reports • Guide P: Tolls and Tariffs 	Regulatory review of existing filing guidance and CER processes	Not known at this time.	Michael Van Appelen Tolls and Tariffs Adjudication (403) 470-4837 michael.vanappelen@cer-rec.gc.ca
Public Access to Information Guidelines and Interpretation Notes under the <i>Oil and Gas Operations Act</i>	New regulatory guidance	2023	Christy Wickenheiser Energy Adjudication (403) 809-9352 christy.wickenheiser@cer-rec.gc.ca
Regulatory Asset Data Project	Enterprise improvement project	2023	Carson Bannon Research and Innovation, System Operations (403) 837-9213 carson.bannon@cer-rec.gc.ca
Review of <i>Cost Recovery Regulations</i>	Regulatory review of existing regulations	2024	Rumu Sen Regulatory Policy, System Operations (403) 390-6177 rumu.sen@cer-rec.gc.ca

Review of Damage Prevention Guidance	Technical updates to existing regulatory guidance	2024	Shannon Neufeld Safety and Damage Prevention, Field Operations (403) 389-6244 shannon.neufeld@cer-rec.gc.ca
Review of Emergency Management Guidance	Development of new regulatory guidance	2023	Dan Barghshoon Emergency Management, Field Operations (403) 629-6194 dan.barghshoon@cer-rec.gc.ca
Review of Export / Import Regulatory Framework	Regulatory review of existing regulations	2024	Jenni Low Regulatory Policy, System Operations (403) 607-3857 jenni.low@cer-rec.gc.ca
Review of Filing Manual Guide A, Section 2: Environmental and Socio-economic Assessment, and Guide A, Section 4: Lands Information	Regulatory review of existing filing guidance	2025	Erin Tabah Energy Adjudication (403) 390-2571 erin.tabah@cer-rec.gc.ca
Review of Filing Manual, Guide R: Transfer of Ownership, Lease or Amalgamation	Technical updates to existing filing guidance	2024	Michael Van Appelen Tolls and Tariffs Adjudication (403) 470-4837 michael.vanappelen@cer-rec.gc.ca
Review of <i>Onshore Pipeline Regulations</i>	Regulatory review of existing regulations	2026	Elliot McLauchlan Regulatory Policy, System Operations (403) 561-7435 elliot.mclauchlan@cer-rec.gc.ca
Review of Operations and Maintenance – Guidance Notes	Technical updates to existing regulatory guidance	2023	Katie Gillis Construction Oversight, Field Operations (587) 839-5790 katie.gillis@cer-rec.gc.ca

Review of Pipeline Performance Measures	Regulatory review of an existing regulatory tool and enterprise improvement project	2024	Justin Nesbitt Research and Innovation, System Operations (403) 470-4509 justin.nesbit@cer-rec.gc.ca
Review of <i>Rules of Practice and Procedure</i>	Regulatory review of existing regulations	Not known at this time.	Melissa Mathieson Regulatory Policy, System Operations (403) 542-9274 melissa.mathieson@cer-rec.gc.ca

Annex 1: Review of Onshore Pipeline Regulations

Background

The [Onshore Pipeline Regulations](#) (OPR) are made under the [Canadian Energy Regulator Act](#) (CER Act). The OPR is the CER's principal regulation for the physical (vs. financial) oversight of oil, gas and commodity pipelines that cross a national, provincial or territorial border.

The OPR provides for safety, security and environmental protection outcomes and includes management system requirements for regulated companies. Companies are responsible for meeting the requirements of the OPR throughout the entire lifecycle of their facilities, from design, through to construction, operation and abandonment.

Project Details

The CER is conducting a comprehensive review of the OPR to update the regulations. The project is referenced across the CER website, as the OPR Review.

The review of the OPR includes updates for alignment with the CER Act and represents part of how we will deliver our commitments to enhance Canada's global competitiveness and transform the way the CER and its regulated companies work with Indigenous Peoples across the lifecycle of regulated facilities.

The review will address all areas of the OPR and related regulatory documents and guidance, as needed (e.g., Guidance Notes for the OPR, the Filing Manual, Online Event Reporting Guidelines, Remediation Process Guide, Audit Protocol, Operations and Maintenance Activities on Pipelines – Requirements and Guidance Notes, and the Decommissioning Streamlining Order and Guidance Notes).

The new regulation-making authority in the CER Act for human and organizational factors, which is related to safety improvement, will also be addressed.

In broad terms, our objectives for the OPR Review are to deliver regulations that:

- support the highest level of safety, security and environmental protection;
- advance Reconciliation with Indigenous Peoples;
- address transparency and inclusive participation;
- provide for predictable and timely oversight; and
- encourage innovation.

Engagement

The CER is making use of the [CER Dialogue](#) online platform to engage on the OPR Review. Interested parties are encouraged to subscribe to the project page to receive updates. Engagement materials, What we Heard reports and submissions from regulatory consultation will be posted to CER Dialogue.

The CER conducted the first phase of engagement, from January through June 2022, with a [Discussion Paper](#) and engagement sessions. In total, 97 submissions were received – 76 from Indigenous Nations and communities, 12 from interested parties, and 9 from industry. Since April 2023, a [What We Heard report](#), providing a high-level summary of input received and all submissions, is available on the CER website and the CER Dialogue platform.

With the first phase of engagement completed in 2022, the next phase will be focused on specific issues, including those identified in the first phase of engagement. The CER will be seeking feedback on how best to structure and sequence the next phase of engagement.

Information on further engagement, including funding opportunities, will appear on the [CER Consultation and Engagement Activities](#) webpages and the CER Dialogue platform.

Project Timeline

The review of the OPR was first included in the [CER Forward Regulatory Plan](#) in January 2020. We estimate publication of updated regulations and related guidance to occur in 2026.

Contact us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

For enquiries on the OPR Review and information on engagement please email: opr-rpt@cer-rec.gc.ca

Elliot McLauchlan
Regulatory Policy, Systems Operations
403-561-7435
elliott.mclauchlan@cer-rec.gc.ca

Annex 2: Review of Cost Recovery Regulations

Background

The [Cost Recovery Regulations](#) (CRR) are made under the [Canadian Energy Regulator Act](#) (CER Act). Section 87 of the CER Act provides that regulations may be made with approval of Treasury Board, for recovering all or a portion of costs attributable to the CER's mandate.

The CRR sets out the manner of calculating fees, levies or charges for CER regulated companies and their payment to the Regulator.

Project Details

The review of the CRR includes updates to align with the CER Act and represents how the Regulator will deliver its commitments to enhance Canada's global competitiveness.

Regulatory development and analysis are under way to:

- expand cost recovery to allow the CER to recover costs directly from all applicants who are not already regulated by the CER, including those whose applications are denied or withdrawn; and
- reevaluate fixed levies for small and intermediate companies.

The proposed cost recovery framework aims to:

- achieve fair and equitable cost allocation;
- simplify the method of cost recovery and its administration;
- make costs predictable for industry;
- ensure cost recovery mechanisms can respond to change; and
- provide some flexibility in the application of methodologies.

Engagement

A project working group (PWG) was formed with members from the CER's standing Cost Recovery Liaison Committee (CRLC). The CRLC is comprised of representatives from CER regulated companies and industry associations representing those regulated companies.

In Fall 2020, a workshop was conducted by CER staff to gather initial feedback from the CRLC PWG on the elements and methodology for the cost recovery framework.

In November 2021, a [Regulatory Proposal](#), supported by [Frequently Asked Questions](#), was released on the CER and Consulting with Canadians websites to seek written feedback on proposed amendments for a 30-day comment period. The CER received 12 letters of comment:

- [Cost Recovery Regulations, Stakeholders Letters of Comment](#)

Information on future engagement opportunities will appear on the [CER Consultation and Engagement Activities](#) webpages.

Project Timeline

The review of the CRR was first included in the [CER Forward Regulatory Plan](#) in April 2019. We estimate publication of updated regulations to occur in spring 2025.

Contact us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

For enquiries on the CRR Review and information on engagement, please email: costrecoveryregulations@cer-rec.gc.ca

Rumu Sen
Regulatory Policy, Systems Operations
(403) 390-6177
rumu.sen@cer-rec.gc.ca

Annex 3: Review of Rules of Practice and Procedure

Background

The [Rules of Practice and Procedure](#) (the Rules) are made by the Commission, under the [Canadian Energy Regulator Act](#) (CER Act). They govern the procedures to be followed during proceedings and set out the mechanisms for complaints, the conduct of public hearings and determine the manner in which applications are to be reviewed.

Project Details

A comprehensive update to the Rules is needed to align with the CER Act, reflect the CER's new governance structure, and to formalize the practices, processes and terminology which have evolved in the years since the Rules were first in effect.

In broad terms, our objective for the Rules review is to deliver regulations that:

- align with the CER Act, including the objectives outlined in the Act's preamble, such as the commitment to Reconciliation;
- enhance competitiveness through predictable and timely processes; and
- modernize practices and procedures.

Engagement

The Commission intends to engage early with stakeholders and Indigenous Peoples – i.e., at the onset of regulatory development. The details of anticipated engagement are currently being developed.

Project Timeline

The review of the Rules was added to the [CER Forward Regulatory Plan](#) in April 2023. The estimated date of completion is not known at this time.

Contact us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Melissa Mathieson
Regulatory Policy, System Operations
(403) 542-9274
melissa.mathieson@cer-rec.gc.ca

Annex 4: Review of Export / Import Regulatory Framework

Background

Four existing regulations and associated guidance constitute the CER's Export and Import Regulatory Framework. These provide the CER with critical information necessary to assess export and import applications and to understand the functioning of energy markets in Canada.

- The [Part VI \(Oil and Gas\) Regulations](#) list the information that applicants for hydrocarbon orders and licenses must provide to the CER, and the terms and conditions that the CER may impose on orders and licenses.
- The [Electricity Regulations](#) list the information that applicants for international power line permits and electricity export permits must provide to the CER, and the terms and conditions the CER may impose on permits.
- The [Export and Import Reporting Regulations](#) list the information that holders of export or import orders, licenses and permits must regularly report to the CER.
- The [Toll Information Regulations](#) require pipeline companies that charge tolls to submit certain information (e.g., capital, traffic, revenues, and expenses) to the CER on a regular basis.

Project Details

These regulations require updates due to legislative changes passed in 2012 and with the CER Act in 2019. We are also making changes to these regulations in order to align with the names, terms and regulation making authorities in the CER Act.

The proposed changes to the Export and Import Regulations aim to:

- enhance clarity;
- ensure coherence of the CER Regulatory Framework; and
- simplify requirements for businesses involved in the export and import of oil, gas, or electricity.

Engagement

Proposed amendments to the Export and Import Regulatory Framework were posted on the NEB website for public comment from August to October 2013. The NEB received 11 letters of comment:

- [Letters of Comment regarding the proposed changes to the NEB Export and Import Regulatory Framework](#)
- [Letters of Comment regarding the proposed changes to the NEB Electricity Regulations](#)

Draft regulations will appear on the [Consulting with Canadians](#) website for pre-publication in the Canada Gazette, Part I and promoted on the CER website. This is anticipated to occur in fall 2023 or early in 2024.

Project Timeline

The review of the export and import regulations was first included in the [CER Forward Regulatory Plan](#) in April 2014. We estimated publication of updated regulations to occur in summer 2024.

Proposed amendments to the Export and Import Regulatory Framework were developed in 2014, after consultation with stakeholders. The proposed amendments were put on hold due to a federal election and the anticipated legislative changes resulting from the Government of Canada's environmental and regulatory reviews, launched in 2016 culminating in the introduction of the CER Act in 2019.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email:
regulatory.framework@cer-rec.gc.ca

Jenni Low
Regulatory Policy, System Operations
(403) 607-3857
jenni.low@cer-rec.gc.ca

Annex 5: Review of filing guidance – Filing Manual Guide A, Section 2: Environmental and Socio-Economic Assessment, and Section 4: Lands Information

Background

[Guide A](#) of the Filing Manual (for pipelines) establishes the information required by companies who propose projects that involves constructing or modifying facilities that require an application under the CER Act – such as, pipelines or tanks and reservoirs, pumps and compressors, and interstation communication systems etc.

The Commission must satisfy itself, or make recommendations to the Governor in Council, that the facilities are and will be required for the present and future public convenience and necessity.

The Commission considers information relating to engineering aspect of the facility, the lands, economic and financial matters, any public interest as well as environmental considerations relating to biophysical and human socio-economic aspects, over the life of the project.

Biophysical features include any aspect of land, water, or air, and any plants, animals, or other biota that use those environments or depend on them. Socio-economic considerations may include any biophysical features used by humans for food, shelter, cultural activity, or economic activity, or any features that may affect human health, well-being, or any other values or rights. Detailed examples are provided in [Table A-1](#) of the Filing Manual.

Section 2 of Guide A (Guide A.2) describes the CER's responsibilities and process for environmental and socio-economic assessments, including the assessment of impacts to the rights of Indigenous Peoples. Section 4 of Guide A (Guide A.4) defines the information the CER requires on the lands along a proposed project area, including a description of land rights and processes for entering into land agreements with rights holders.

The Commission's objectives for environmental and socio-economic assessment and review of land matters, are that:

- the potential effects of a project receive thorough consideration before any project is allowed to proceed;
- the residual effects of the project, including the cumulative effects, are not significant; and
- there is an opportunity for meaningful public participation and the participation of Indigenous Peoples.

Project Details

The CER is conducting a comprehensive review of Guide A.2, as it pertains to environment and socio-economic assessment and Guide A.4, as it pertains to land matters (ESA Review).

The Commission's assessment processes, and decision reports are often dominated by topics covered by the ESA and Lands sections of the Filing Manual. Clear guidance in the Filing Manual helps to avoid:

- the need for additional technical information and processes during assessments;
- project conditions to address elements not contained in the application; and
- lack of clarity and predictability in regulatory processes.

The ESA Review project will help provide clear expectations for industry. This does not necessarily mean additional filing requirements, as the objective will be to help applicants provide the Commission with the right information the first time.

Engagement

The ESA Review is informed by ongoing regulatory development on the [Onshore Pipeline Regulations](#) (OPR Review) and aims to address, ahead of updated regulations not estimated to occur until 2026, the known issues that have been raised during early engagement on the OPR Review.

A [What We Heard report](#), providing a high-level summary of input received on the OPR Review, and all submissions was released on the CER website and made available on the [CER Dialogue](#) online platform.

On matters relevant to the ESA Review, public feedback received to date on the OPR Review and from other public engagement includes calls for the CER to:

- expand incorporation of Indigenous knowledge into project planning and design, and better define how Indigenous knowledge is to be considered in ESAs;
- collaborate with Indigenous Peoples on criteria to assess impacts to rights;
- use plain and culturally relevant language;
- enhance requirements for early engagement;
- clarify timelines (e.g., Filing Manual to include service standards or process timelines); and
- provide better advance notice of upcoming changes to filing requirements.

The ESA Review for the Filing Manual will include parallel draft updates for the Electricity Filing Manual. The project will include extensive public consultation.

The work will continue to incorporate public feedback received through other CER engagement processes, including the OPR Review.

Background materials, draft updates, and further information related to the ESA Review, including engagement and funding opportunities will be posted to [Proposed updates to Filing Manuals](#) webpage as they become available.

Project Timeline

The review project for Guide A first appeared in the Regulatory Framework Plan in 2021. We anticipate completion of the project, resulting in publication of new filing guidance in 2025.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Erin Tabah
Energy Adjudication
(403) 390-2571
erin.tabah@cer-rec.gc.ca

Annex 6: Review of regulatory guidance – Emergency Management

Background

Emergency management involves taking the necessary action to protect people, property and the environment in case of a pipeline emergency. We expect the companies we regulate to stop a pipeline release, manage the incident, and clean-up and pay for damage done.

Emergency management guidance materials appear on the CER website in different formats:

- as CER [webpages containing general information on emergency management](#), which include details of CER emergency response;
- in regulatory Guidance Notes – specifically, [Guidance Notes for the Onshore Pipeline Regulations](#) which include [Annex A. Further Information for Emergency Management](#); and
- as guidance provided to all companies via formal correspondence issued by the CER's Chief Executive Officer, such as [Industry Best Practices for Notifications to Indigenous Nations and Communities regarding CER-reportable Incidents](#).

Project Details

The CER is developing new guidance materials regarding the involvement of Indigenous Peoples in emergency management.

In December 2019, the Indigenous Advisory and Monitoring Committee (IAMC) for Line 3 submitted the Line 3 IAMC Summary Report: Issues and Recommendations (L3 IAMC Report) to the CER. The Manitoba Métis Federation (MMF) provided a supplementary report/advice. The reports identified specific areas the CER should focus on to improve its processes to be more transparent and more inclusive of Indigenous Peoples. The report also advised how the CER can take concrete steps toward Reconciliation.

In May 2021, the CER issued its response to the L3 IAMC Report. One of the CER commitments was to develop best practices regarding involvement of Indigenous Peoples in emergency management.

A project, referred to as Indigenous Involvement in Emergency Management (IIEEM), has been launched to fulfill our commitments related to:

- sharing information on emergency management programs and emergency response plans;
- protection of cultural and heritage resources during an emergency;
- involvement of Indigenous Peoples in emergency response;
- inclusion of Indigenous knowledge and concerns in emergency response; and
- inclusion of Indigenous communities in emergency response training and exercises.

Engagement

We are currently conducting a review of existing input received from a variety of sources, concerning emergency management practices:

- advice provided to the CER from the IAMC for Line 3, contained in the L3 IAMC Report and MMF supplementary report;
- advice provided to the CER through our ongoing work with the IAMC for the Trans Mountain Expansion and Existing Pipeline (IAMC TMX);
- input provided during ongoing co-development of a collaborative mechanism with Indigenous Peoples relating to [pipeline compliance and oversight of the NOVA Gas Transmission Ltd. System](#) (NGTL System);

- feedback collected during early engagement on the [Onshore Pipeline Regulations Review](#); and
- learnings from compliance work and past engagement activities conducted by Field Operations.

Draft guidance materials will be shared for comment on the [CER Consultations and Engagement Activities](#) webpages in summer 2023.

Project Timeline

The project is added to the CER Regulatory Framework Plan this year (2023). We anticipate the release of new guidance materials in spring 2024.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Dan Barghshoon
Emergency Management – Field Operations
(403) 629-6194
dan.barghshoon@cer-rec.gc.ca

Annex 7: Review of regulatory guidance – Event Reporting Guidelines

Background

The [Event Reporting Guidelines](#) (ERG, or Guidelines) sets out the CER's expectations in relation to events that are reportable under regulations administered by the CER and provides examples of such events. It also explains the CER's expectations as to the timing of reporting and the information required in reports submitted by regulated companies through the CER's [Online Event Reporting System](#) (OERS).

Project Details

The ERG is being reviewed as part of our commitment to continual improvement. Since the Guidelines were last updated in 2020, the CER has tracked information requests, staff input, and external feedback which indicate improvements are needed for several sections of the ERG.

A multi-disciplinary project working group will be reviewing and updating the ERG in order to:

- clarify terminology;
- improve examples used for reportable events;
- refine definitions; and
- modernize the look and feel of the guidance material.

The OERS will be updated to align with changes made in the Guidelines as needed.

It is anticipated that improved Guidelines will reduce the administrative burden for regulated companies and the CER by resolving ambiguity, thereby reducing the number of information requests, and will strengthen event-related datasets by facilitating the consistent application of reporting requirements.

Engagement

Proposed revisions to the ERG will be posted for comment on the [CER Consultations and Engagement Activities](#) webpages in fall 2023.

Project Timelines

The project is added to the CER Regulatory Framework Plan this year (2023). We anticipate the release of new guidelines and related updates to the OERS User Guide, sometime in early 2024.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Debra Gilbert
Regulatory Compliance, System Operations
(403) 389-4664
debra.gilbert@cer-rec.gc.ca

Annex 8: Financial Requirements Improvement Project

Background

Pipeline companies regulated by the CER are divided into two groups for financial regulation purposes; Group 1 companies are generally identified as those with extensive pipeline systems under CER jurisdiction, whereas those with lesser operations are designated as Group 2 companies. All companies are required to report to the CER certain financial and commercial information. The frequency and type of reporting vary depending on the company (Group), and includes information such as:

- daily volumes of substance flow through a pipeline;
- company spending on pipeline integrity programs; and/or
- audited financial statements.

Financial reporting requirements are found in the Filing Manual [Guide BB: Financial Surveillance Reports \(Toll Information Regulations\)](#) and [Guide P: Tolls and Tariffs](#).

Project Details

The Financial Regulatory Improvement Project (FRIP) is established to improve the overall framework for CER oversight of financial requirements, in terms of – one, internal operations (e.g., work processes, records management, systems etc.) and – two, the Regulatory Framework instruments where those requirements and guidance for filings are found, currently in the Filing Manual and regulatory documents.

We propose to update relevant sections of the Filing Manual and, as the project advances, to develop or amend regulatory documents as required, in order to:

- ensure financial filing requirements are fair (i.e., align with potential harm and capacity by company type);
- ensure guidance materials on financial requirements is clear, integrated and appropriate for both Group 1 and 2 companies;
- reduce gaps in the information being gathered; and
- eliminate requirements resulting in duplicate reports.

Engagement

In 2020, the CER sought comments on financial and commercial requirements from all regulated pipeline companies [[Document C04489-1](#)]. The input provided is being considered and will inform plans for further engagement with regulated companies, shippers and other interested parties. Timelines are not known at this time.

Project Timeline

The FRIP was first included in the CER Regulatory Framework Plan in 2021. The estimated date of completion is not known at this time.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Michael Van Appelen
Tolls and Tariffs Adjudication
(403) 470-4837
michael.vanappelen@cer-rec.gc.ca

Annex 9: Regulatory Asset Data Project

Background

Regulated companies will be requested to submit to the CER, information on their physical assets (i.e., pipelines, pumps and compressor stations, meters etc.) which allows us to build a picture of all buried and above-ground energy infrastructure, across the geography of our jurisdiction. At present, this information is mostly submitted in text or detailed map formats.

Project Details

The Regulatory Asset Data (RAD) project has been established to develop a solution with regulated companies to acquire digital geospatial and physical asset information in a more systematic and streamlined way.

The RAD project is part of our commitment to continual improvement and includes updates to internal systems, processes, and possible updates to the Filing Manual. The end goal of the RAD project is to improve the quality and business value of asset data and geospatial information reported, collected and leveraged to support key CER activities, such as:

- compliance verification;
- general oversight planning and risk modeling;
- emergency management;
- Energy Information and the Pipeline Information Programs, including the CER interactive Pipeline Map; and
- verification of financial assessments, including abandonment cost estimates.

The project entails collaborating with regulated companies to define the digital geospatial and regulatory asset data to be collected.

In broad terms, our objective for the RAD project is to deliver rigorous management of asset data and geospatial information in order to:

- support the highest level of safety, security and environmental protection and
- provide for efficient and timely oversight.

Engagement

The RAD project will be addressed during the upcoming meeting of the [Regulated Industry Engagement Group](#) (RIEG), in May 2023. Regulated companies who have registered to participate will have an opportunity to receive an update from the project working group, have their questions answered and provide input on future dialogue to define digital geospatial and regulatory asset data. It is anticipated that the input provided by participants to the RIEG will inform further engagement plans. Interested parties are invited to contact us.

Project Timeline

The RAD project was first included in the CER Regulatory Framework Plan in 2021. We estimate completion by fall 2023.

Contact Us

The CER welcomes feedback on the content of the Regulatory Framework at any time, please email: regulatory.framework@cer-rec.gc.ca

Carson Bannon
Research and Innovation, System Operations
(403) 837-9213
carson.bannon@cer-rec.gc.ca