

**FILED ELECTRONICALLY**

December 09, 2024

Canada Energy Regulator  
Suite 210, 517 Tenth Avenue SW  
Calgary, Alberta T2R 0A8

Dear Rules of Practice and Procedure Review Team:

**Re: Canada Energy Regulator Rules of Practice and Procedure Review Discussion Paper  
– Alberta Department of Energy and Minerals Written Submission**

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I am providing comments on behalf of the Alberta Department of Energy and Minerals (ADOE or Alberta) in response to discussion paper released by the Canada Energy Regulator (CER or Commission) on the National Energy Board Rules of Practice and Procedure Review (Rules Review).

Alberta is an interested party to this consultation and will ultimately be impacted by the outcome of the CER's consultation. Alberta is responsible for the stewardship of significant Crown energy resources, including responsibilities for the administration of royalties. As the owner of significant Crown resources, Alberta has a direct interest in the efficiency, certainty, and clarity of regulatory processes pertaining to these resources. Moreover, Alberta has routinely registered as an intervenor in CER proceedings, has direct and practical experience as a result and will be impacted by the outcomes of this consultation. As such, Alberta has reviewed the CER's discussion paper and respectfully requests that the Commission consider the material concerns outlined below.

**GENERAL COMMENTS**

- Administrative updates to the National Energy Board Rules of Practice and Procedure (Rules) should not add additional administrative burden to parties who will participate in future proceedings.
- Time limits should not be unnecessarily extended. Applicants are entitled to a fair and reasonable process that is completed in a timely manner. The extension of timelines creates regulatory uncertainty for proponents and will ultimately negatively impact the Canadian public interest.
- The proposals considered must have a clear linkage to the improvement of regulatory processes, efficiency, and certainty.

**ENSURING ALIGNMENT WITH THE CER ACT**

Alignment with the CER Act to create clarity and ensure coherence of process steps is important to developing regulatory certainty and ensuring stakeholder confidence in regulatory processes.

Administrative updates which provide this certainty are beneficial to stakeholders. With this consideration in mind, the proposed administrative updates should, at minimum, reduce the administrative burden and, subsequently, decrease administrative costs to proponents involved in regulatory processes. For example, clarifying the compensation and cost apportionment timelines is beneficial to ensure process certainty for

project stakeholders and proponents, but its incorporation in the Rules must not inappropriately increase the requirements of these parties beyond what is recommended by the guidance provided.

## **REGULATORY CERTAINTY**

### ***Review of Time Limits***

Predictable and timely processes are correctly identified in the discussion paper as key elements to developing and maintaining a healthy competitive environment. The review of time limits should not result in increased timelines. By extending timelines, stakeholders and project proponents are exposed to more risk, uncertainty, and costs. The proposed extensions to the discussed timeline counterproductively result in a less attractive competitive environment. Administrative updates and changes to the rules that unwarrantedly extend timelines, increase regulatory uncertainty, and add complexity to regulatory processes create obstacles to the competitive environment within Alberta and Canada at large. The challenges posed by this dynamic prove to negatively impact the ability of proponents to execute projects that are being built out of necessity and public interest.

### ***Updating Processes***

As currently practiced, the process for giving notice of a motion does not appear to create significant inefficiencies. Changes to the Rules which are made to reflect current proceedings practices may be appropriate for clarity and regulatory certainty but should not augment the administrative or regulatory burden on parties involved in proceedings. Areas where guidance has proven to be a sufficient and effective tool to ensure regulatory certainty without attaching additional binding requirements to parties engaged in regulatory processes before the CER do not need to be added to the Rules unless doing so inherently creates shorter timelines and greater certainty for project proponents.

## **MODERNIZING PRACTICES AND PROCEDURES**

The modernization of processes and procedures should improve procedural efficiency. Regarding accessibility, the interests of rural communities and the necessity of publications for these communities must be weighed. For those with limited internet access or usage, publishing and serving documents in their physical form acts as the primary tool for ensuring parties are adequately informed on applications and processes that may impact their interests. Removing the requirements for physical documentation to be served in these scenarios would risk meaningful engagement with potentially impacted communities without adequate access to project-specific information to ensure informed participation in the Commission's regulatory processes.

## **ADDITIONAL CONSIDERATIONS**

- Amendments to the Rules can be drawn from the Alberta Energy Regulator's Rules of Practice and the Alberta Utilities Commission's Rules of Practice. Comparatively, the processes under the AER and AUC have more truncated timelines, yield faster decisions by the regulator, and result in greater efficiency and certainty within regulatory processes.
- The ADOE is supportive of the release of additional guidance which provides clarity and direction but does not otherwise add unnecessary requirements and thus generates inefficiencies for parties to a regulatory process or proceeding.

## **CONCLUDING REMARKS**

- It would be beneficial to stakeholders for the CER to specifically outline how the proposals would enhance regulatory certainty and efficiency. The proposals that are adopted into the Rules should be transparently and directly linked to clarity, efficiency, and certainty in regulatory processes.

- The proposals should clearly consider the administrative costs and impacts to industry who will ultimately bear these costs. A thorough cost-benefit analysis should be done to determine if the administrative changes proposed glean a commensurate benefit to the costs incurred.
- Justifications for the proposals should be provided. If there are not material concerns supporting the CER's proposals to amend certain aspects of the Rules from parties participating in regulatory processes under the CER, it may be prudent to leave these elements unchanged to ensure procedural consistency and subsequently maintain certainty.
- Effective guidance does not need to be moved into the Rules unless doing so reduces timelines or otherwise generates efficiencies.

Should you have any questions or would like to discuss Alberta's concerns with the proposal outlined within the Rules of Practice and Procedure's discussion paper, please contact Callie Clonch at 403.478.3786 or [em.regulatory.affairs@gov.ab.ca](mailto:em.regulatory.affairs@gov.ab.ca).

Sincerely,

*<original signed by>*

Colin King  
Barrister and Solicitor  
Alberta Justice and Solicitor General