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November 29, 2024

Commission of the Canada Energy Regulator
Attention: Rules Review Team
210–517 10th Avenue SW
Calgary, AB T2R 0A8

Dear Commission of the Canada Energy Regulator,

Re: Feedback on the Review of the National Energy Board Rules of Practice and Procedure (1995)

We are writing to provide feedback on the ongoing review of the National Energy Board Rules of Practice and Procedure (the Rules) as part of the Commission's efforts to align the Rules with the Canadian Energy Regulator Act (CER Act). This review presents an important opportunity to update and modernize the regulatory framework to better reflect current practices, enhance the participation of all stakeholders, and support the CER's ongoing commitment to reconciliation with Indigenous Peoples.

One of the key objectives of the review is to align the Rules with the CER Act's preamble, particularly the commitment to reconciliation and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). As the review progresses, it is crucial that the specific needs of Métis communities, alongside those of other Indigenous groups, are thoroughly considered. In particular, the Rules must ensure that Métis rights and interests are fully recognized and protected within the regulatory processes, including hearings, consultations, and the handling of Indigenous knowledge.

The current framework for participation and the consideration of Indigenous knowledge has evolved since the introduction of the Rules in 1995. The Commission has appropriately acknowledged the importance of flexibility in the process to allow Indigenous Peoples to choose how and what information to share with the CER. However, the Rules should be updated to provide more explicit guidance on how Indigenous knowledge will be incorporated and protected during hearings, particularly with regard to confidentiality, which is a key concern for many Indigenous communities. This includes ensuring that the processes for submitting, considering,

and protecting Indigenous knowledge are clear, transparent, and respectful of Indigenous Peoples' cultural and governance practices.

Additionally, we would like to emphasize the importance of meaningful consultation with Métis communities throughout the review process. While the Commission has made provisions for engagement, including funding for Indigenous participants, it is essential that Métis communities are adequately supported to ensure they can participate fully in the review. Consultation efforts should be responsive to the distinct needs of Métis communities, including those living in urban centers or more remote areas, and should be designed to facilitate genuine two-way dialogue.

In terms of procedural updates, we support the proposed modernization of certain practices, particularly the shift toward electronic filing and service of documents. This change would greatly improve accessibility, reduce unnecessary administrative burdens, and support more timely and efficient processes. Similarly, we agree that the Commission should consider removing the requirement for hard copy project applications to be available for public inspection, and instead allow interested parties to request access or view applications online. This would modernize the process and reflect the realities of the digital age.

Moreover, we believe that the Commission's efforts to streamline timelines and clarify procedures for compensation and cost apportionment disputes are valuable. However, it is essential that these updates be implemented in a manner that is fair and equitable, particularly for Métis communities, who may face unique challenges in navigating these processes. Clear, consistent timelines for such disputes, as well as the provision of accessible information, will be critical to ensuring that Métis rights holders are able to effectively participate and have their concerns addressed.

Finally, we would like to reiterate the importance of ensuring that the amended Rules align not only with the CER Act but also with the broader objectives of reconciliation and respect for Indigenous rights. This includes ensuring that the Commission's processes are both transparent and inclusive, and that the participation of Métis and other Indigenous communities is supported at every stage.

Thank you for the opportunity to provide feedback on the Rules Review. We look forward to continued engagement on this important process and trust that the CER will take all necessary steps to ensure that the final amended Rules are reflective of the evolving regulatory landscape, and that they promote fairness, accountability, and respect for Indigenous rights.

Sincerely,

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Alana Copeland
President Fort St. John Métis Society