

December 13, 2024

Via email: [RPPR@cer-rec.gc.ca](mailto:RPPR@cer-rec.gc.ca)

Canada Energy Regulator  
210, 517 10 Avenue SW  
Calgary, AB T2R 0A8

Attention: Rumu Sen, Regulatory Policy

**RE: Canada Energy Regulator (“CER”) Rules of Practice and Procedure Review  
Comments of Pembina Pipeline Corporation (“Pembina”)**

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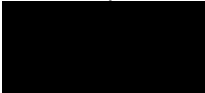
Dear Rumu Sen,

Pembina reviewed the Rules of Practice and Procedure discussion paper and attended the Information Session on November 21, 2024. In light of these activities, Pembina submits the enclosed comments.

Pembina expresses appreciation and endorsement for CER’s continuous review of the Rules of Practice and Procedure. We are thankful for the opportunity to provide our insights and actively participate in the ongoing process.

For any further questions or comments, please contact Shylah O’Connor at [shoconnor@pembina.com](mailto:shoconnor@pembina.com) or 587-223-0539.

Sincerely,



Chuck (Marianne) Davies  
Director, Project Development and Land

**PEMBINA PIPELINE CORPORATION**

Enclosure



**Sub-Topic 1: Align with the CER Act, including the objectives outlined in the Act’s preamble, such as the commitment to Reconciliation.**

***Would you like to see the role of the Crown Consultation Coordinator, and the nature of its participation in Commission hearings reflected in the Rules? If so, how?***

**Response:**

Pembina believes that the role of the Crown Consultation Coordinator (“CCC”), and the nature of its participation in Commission hearings should be reflected in the Rules. Currently the definition of the role is relatively vague. This introduces uncertainty for the proponent as to when the CCC should participate and how they should be participating.

**Sub-Topic 2: Enhance competitiveness through predictable and timely processes.**

***Do you have feedback with regards to any timelines set in the Rules, additional timelines you would like to see added to the Rules, or the approach for computation of time (Rules, s. 5-7)?***

**Response:**

With regards to Right of Entry (“RoE”), s 55(1), Pembina advises that the requirement to wait 30 days after providing notice to a landowner of intent to seek RoE before being able to file an associated application reduces the effectiveness of this remedy. This is especially apparent in the context of operations and maintenance work, where execution schedules may be only a matter of months or even weeks, RoE may be necessary on much shorter timelines than the current process allows. Combined with section 56(1), landowners effectively have 40 days to consider objecting to a RoE application. This timeline is far too long given RoE is generally the fallback position of companies, and is only pursued if negotiations fail, in which case landowners are usually already aware of the project timelines and information. Pembina proposes the notice period be shortened to 10 business days, which mirrors the amount of time the landowner has to register an objection. Section 55(2) is also impractical and consideration should be made to remove it as section 56(1) already references the date of service, not filing with the regulator.

Overall, Pembina is supportive of implementing “business days” as basis for timelines, instead of calendar days.

***Do you have feedback related to the notice of motion process or suggested changes to support efficiency? Do you have feedback on the use of oral notice of motion processes to support efficiency?***

**Response:**

With regards to section 35(4), Pembina suggests the amount of time allowed for a response to a motion should be left to the discretion of the CER and be circumstance specific, with 10 business days being the default limit on response time.



***Do you have feedback regarding changes that could be made to the information request process to clarify its use and support efficiency?***

**Response:**

Information requests often come without warning and contain numerous questions across many disciplines with short response timelines. Consider providing standardized formatting and include business day timelines for information requests in procedural documents so that parties can ensure staff is available to respond or alternatively provide some advance notice prior to issuing IR's.

***Do you have other feedback related to how the Commission can update the Rules to enhance competitiveness through predictable and timely processes?***

**Response:**

To ensure predictable and timely processes, measures should be implemented to address repeated attempts by participants to unreasonably delay processes.

**Sub-Topic 3: Modernize practices and procedures.**

***Do you have feedback regarding the modernization of requirements to allow for electronic filing and service in most instances?***

**Response:**

Electronic filings should be implemented as the preferred method for submissions.

***Do you have feedback regarding the potential removal of signature requirements in certain instances (e.g., physical signatures on applications and notice of motions)?***

**Response:**

Pembina does not believe that physical signatures should be required on applications and notice of motions; however, we would appreciate receiving clarification as to the rationale for requiring signatures in certain instances.

***Do you have feedback regarding removal of the current requirement for the company/applicant and the CER to have a hard copy of project applications on site for public inspection (Rules, s. 24)?***

**Response:**

As electronic versions of project applications are publicly and readily accessible. Upon request, Proponents can provide a hard copy to requesting parties.



***Do you have feedback regarding what type of notice publication requirements are appropriate in a digital age and where Commission approval is necessary?***

**Response:**

Pembina suggests that the Commission refresh and modernize the required publication lists and considers both print and digital media outlets equally to ensure accessibility of notice publications. Digital media outlets and social media pages are often primarily the source of information for rural and remote areas. Further, consideration should be made to include local options such as community websites and websites of Indigenous groups.

***Do you have other feedback on how the Commission can update the Rules to modernize practices and procedures?***

**Response:**

Signature on receipt requirements should be removed.

**Other Feedback**

***Is there other feedback or suggestions you have related to the Rules Review?***

**Response:**

Pembina requests more detailed guidance setting out clearer parameters in the test for granting intervenor status so to ensure that only relevant parties are given intervenor status, understanding that other parties may participate through letters of comment (as set out in section 30 of the Rules).

Under section 28 of the Rules, any interested person may intervene in a proceeding before the Commission provided that they are able to establish that “the person’s interest justifies intervenor status in the proceeding”. Pembina submits that the present wording of parties who qualify to intervene in a proceeding is expansive.

The current test for intervenor status is broad enough to capture persons who may not be directly affected by the issues contemplated in a proceeding. This will result in inefficiencies in the hearing process that could also result in unnecessarily increased hearing costs. However, Pembina understands that a clarified test for intervenor status should specifically account for Indigenous Peoples and traditional territories. Accordingly, Pembina requests the Commission provide more guidance on intervenor status in the revised Rules.

Further, Pembina suggests the following to be considered for Process for amending documents that have been uploaded to REGDOCS:

For example, the Rules do not provide a process for how responses to Information Requests may be amended once they have been uploaded to REGDOCS. The current process requires parties to contact the Commission to request that documents be removed and/or replaced from REGDOCS. However, as this extra step is time consuming, the documents will remain publicly available on REGDOCS until the Commission is able to remove it. This means that errors contained in those

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documents (including, potentially, confidential and/or prejudicial information that was inadvertently included) will remain public until the Commission removes it.

Pembina requests that the Commission consider establishing procedures for amending documents (including, but not limited to, responses to information requests) once they have been uploaded to REGDOCS.