

Plains Midstream Canada ULC
Suite 1400, 607 8 Avenue S.W.
Calgary, Alberta T2P 0A7

Regulatory Affairs
RegulatoryAffairs@plainsmidstream.com

November 18, 2025

BY ELECTRONIC FILING

Attn: Rumu Sen
Regulatory Policy
Commission of the Canada Energy Regulator

Re: Plains Comments on *Rules of Practice and Procedure*

Plains Midstream Canada ULC ("Plains") is pleased to provide comments on the Canada Energy Regulator's (CER) summary report regarding *Rules of Practice and Procedure* ("the Rules"). Over the public comment period announced by the CER, Plains has engaged relevant internal stakeholders to review the updated regulatory processes that will impact the company and its assets.

Plains appreciates the CER's ongoing efforts to modernize its practices and procedures to improve regulatory efficiency, predictability, and accessibility for all participants. However, Plains has concerns regarding the proposed amendments, particularly around compensation and cost apportionment disputes. Additionally, Plains seeks clarification on how the specific timelines will be determined to ensure the regulatory framework supports both operational effectiveness and industry growth.

Plains would appreciate consideration on the following comments:

- **Compensation and Cost Apportionment**

Plains has concerns regarding the proposed amendments that would formalize detailed dispute resolution procedures and timelines within the Rules. While greater process transparency is valuable, embedding prescriptive requirements in regulation could reduce flexibility, create unintended administrative complexity, and increase compliance burden, particularly for operators. Plains recommends that the Rules maintain a principles-based approach, supported by guidance that allows the Commission to adapt procedures to the scale and complexity of individual cases. Timely and efficient resolution should remain the primary objective, with flexibility to tailor processes where disputes are straightforward or where parties agree to alternative arrangements.

Additionally, Plains raises two suggestions as part of the Alternative Dispute Resolution process. First, the concept of cultural competency was raised in the Summary Report. Plains has experienced various definitions of cultural competency across regulators, Indigenous communities and industry, and would appreciate consideration on a clear definition under the CER. Plains understands that defining this in the Rules may not be the correct place, however, Plains seeks guidance on this term. Second, a suggestion was raised for the CER to provide training to Indigenous communities on navigating the cost apportionment and compensation processes. Plains suggests this training be provided to all parties involved to fully understand the process and the CER expectations.

- **Reconciliation and Implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

Plains recommends that the provisions of the Truth and Reconciliation Commission's Calls to Action #92, particularly those related to meaningful consultation, be reflected in the CER's Expectations for Companies during the Early Engagement Phase. The CER Act already provides a strong legislative foundation for the consideration of Indigenous rights and knowledge. Building on these provisions through clear, practical guidance rather than prescriptive regulatory amendments would best support the CER's reconciliation objectives while maintaining flexibility and ensuring efficient, predictable, and transparent review processes.

- **Indigenous Knowledge**

Plains supports the CER's ongoing commitment to ensuring Indigenous participation in regulatory processes and recommends additional measures to reduce barriers to participation. Plains recommends that Indigenous intervenors—such as Elders, Knowledge Keepers, or community representatives—be given the option to provide comments through recorded video submissions in addition to written submissions. This would provide a more accessible means of participation for those who may face challenges with travel or written communication.

To address concerns regarding the protection of Indigenous Knowledge, Plains emphasizes that these video submissions could be made and reviewed confidentially, consistent with section 58 of the Canadian Energy Regulator Act, which provides for the protection of Indigenous Knowledge that is confidential. The intent is not for these submissions to be posted publicly, but rather to offer an additional, culturally appropriate means for Indigenous Peoples to contribute their perspectives within the established confidentiality safeguards. Additionally, Plains suggests the CER consider the inclusion of project assessment documents from Indigenous communities that incorporate traditional knowledge within the Environmental and Socio-Economic Assessment review, provided this occurs concurrently with proponent submissions and does not extend review timelines.

- **Crown Consultation**

Plains recommends that the CER establish clear guidance outside the Rules which outline the Crown Consultation Coordinator's (CCC) mandate, authorities, and interactions with both Indigenous Peoples and hearing participants. Plains recognizes that the CCC's role continues to evolve and embedding requirements directly into the Rules could provide inadvertent implications while the role continues to develop. Accordingly, a formal guidance document may provide greater flexibility while ensuring accountability and clarity.

- **Enhancing Competitiveness**

To promote transparency, consistency and competitiveness of Canadian operators, Plains recommends that the CER establishes clear criteria and publishes the rationale used to determine process timelines. Predictable timelines are essential to maintaining investor confidence, supporting efficient project planning, and ensuring regulated companies can align internal resources with regulatory milestones. Additionally, the creation of the Major Projects Office ensuring a transparent and consistent process will help further streamline any major projects under the CER.

To strengthen accountability, Plains further recommends that the CER publicly report on performance against established service standards and identify opportunities for continuous improvement. Benchmarking CER timelines against provincial regulatory agencies should also be considered to identify efficiencies and best practices.

Plains supports the removal of requirements for hard copies and physical signatures in favour of secure digital submissions and electronic authentication methods. These changes reflect current industry practice, reduce administrative burden, and improve accessibility for all participants. However, Plains cautions that expanding the



use of oral notices of motion (e.g., through voicemail, phone, or text) could introduce procedural uncertainty, create challenges for maintaining a verifiable record, and increase the risk of appeal. To uphold efficiency and procedural integrity, Plains recommends that procedural communications and filings continue to be made in written or electronic form.

Plains supports the development, review, and update of compliance requirements, as well as service standards or other guidance provided by the CER. Properly designed, documents such as these enhance federal regulatory process clarity, predictability, and timing certainty. Please consider the comments and suggestions raised by Plains when undergoing the final review of the Rules.

Sincerely,

Plains Midstream Canada ULC