

February 21, 2025

Via Email

Canada Energy Regulator
Suite 210, 517 – 10th Ave SW
Calgary, AB T2R 0A8

Attention: Rumu Sen, Regulatory Policy

Dear Rumu Sen,

**Re: South Bow GP (Canada) Ltd. (South Bow), as general partner on behalf of South Bow (Canada) Limited Partnership (formerly TransCanada Keystone Pipeline GP Ltd.)¹
Public Comment Period on the Rules of Practice and Procedure (the Rules) Discussion Paper**

South Bow appreciates the ability to submit comments for the Canada Energy Regulator's (CER) consideration, outside of the CER's established comment period. On November 12, 2024, the CER initiated engagement on the *National Energy Board's (NEB) Rules, 1995* (Rules). In general, South Bow has no concerns with the CER's intent to update the Rules to align with the Canadian Energy Regulator Act (CER Act), enhance competitiveness, modernize procedures, and improve guidance. South Bow agrees that the Rules should be revised in line with the evolution of practices and processes, however, certain aspects of the CER's proposal would benefit from a level of flexibility that the proposed Rules may not permit. The following are the comments of South Bow.

Flexibility of the Rules

As recognized in the CER's Discussion Paper, in order to meaningfully gather information, flexibility is required while also ensuring procedural fairness. It is South Bow's view that some matters regarding the sharing of Indigenous knowledge as well as landowner compensation and cost apportionment should remain in the guidance documents to allow flexibility in what and how information is shared, dependent on the scope and scale of the project. South Bow understands the importance of updating the Rules to align with the CER Act's objectives and to be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples Act* but notes that any language in the Rules should allow for scalability depending on the project or issue at hand. Firm administrative *timelines* in the Rules would promote regulatory efficiency and set procedural expectations that would benefit all participants. However, setting firm *procedures* in the Rules (i.e., what specific information should be shared) may

¹ Filing ID: C30027

inadvertently result in additional requirements that are not suitable for projects of all scopes or scale. South Bow suggests such procedures be left for guidance documents to direct to maintain flexibility.

Similarly, the role of the Crown Consultation Coordinator is described in the CER's Discussion Paper as 'relatively new' and one that 'continues to evolve'. It is South Bow's view that embedding requirements in the Rules for a role that has not yet been fully scoped out may result in inadvertent requirements for a role that continues to develop.

Enhance competitiveness

In general, South Bow agrees with the CER's suggestion in the Discussion Paper regarding same day service of right of entry (ROE) applications. However, in South Bow's experience, there are occasional circumstances that may pose a challenge to serving ROE applications on the same day as they are filed with the Commission. In order to overcome such circumstances, South Bow suggests increasing the timeline to "the same or following day after the application is filed with the Commission."

Modernizing practices

South Bow believes that certain elements, such as timelines for filing or serving a notice, application or evidence, should be standardized and incorporated into the Rules. South Bow is supportive of the reduction of paper copies where reasonable and possible. The practice of (i) following an electronic filing with a physical copy, (ii) submitting original signed documents to the commission, and (iii) maintaining a hard copy of project applications on site should be reduced or removed altogether. The use of email (where reasonable and available to the intended party), and the shift away from the reliance on physical signature requirements, would modernize the Commission's processes.

Also, in South Bow's experience, providing large files via USB drive² is cumbersome and potentially not secure. South Bow suggests the use of a secure file sharing website, which would also provide the Commission with a line of sight to the documents provided between parties.

If further information is required, please contact the undersigned at roselyn.chou@southbow.com or 587.318.6004.

Sincerely,

South Bow GP (Canada) Ltd.

Original Signed By

Roselyn Tierra Chou
Manager, Rates & Regulatory

² Section 1.12 of the Filing Manual.

