



Canada Energy
Regulator

Régie de l'énergie
du Canada

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

517, Dixième Avenue S.-O.
bureau 210
Calgary (Alberta)
T2R 0A8

File 4668651
20 October 2025

Lee Nanos
Trans-Northern Pipelines Inc.
310 – 45 Vogell Road
Richmond Hill, ON L4B 3P6

Dear Lee Nanos:

**Trans-Northern Pipelines Inc.
Application dated 20 June 2025 to vary Order AO-001-SO-T217-03-2010 to
remove Schedule B, Lines 3 and 4**

**Before: T. Grimoldby, Commissioner; J.-D. Charlebois, Commissioner;
M. Watton, Commissioner**

On 20 June 2025, the Canada Energy Regulator (**CER**) received an application from Trans-Northern Pipelines Inc. (**TNPI**) pursuant to section 69 of the *Canadian Energy Regulator Act (CER Act)*, requesting the following (**Application**):

- vary Order AO-001-SO-T217-03-2010 (**Order**) to remove Lines 3 and 4 (the **West Line**) from Schedule B effective 29 September 2025;
- grant such further and other relief as TNPI may request and the Commission of the CER may consider appropriate.

On 11 July 2025, TNPI filed its responses to CER information request (**IR**) No. 1 respecting the Application. TNPI provided clarification related to the status of the West Line, including operating and integrity conditions and the process and measures taken by TNPI to ensure the pipeline is safe until deactivation.

The Commission has reviewed the information regarding the Application. For the reasons set out below, the Commission denies TNPI's request to remove the West Line from Schedule B of the Order and grants TNPI relief from filing the engineering assessments required for 2025 pursuant to Condition 2.c of the Order.

Test for applications to review and vary previous decisions or orders

Subsection 69(1) of the CER Act provides that the Commission may review, vary, or rescind any decision or order it makes. Section 44 of the *National Energy Board Rules of Practice and Procedure, 1995* sets out the required content of an application for this type of relief.

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There is no automatic right of review. Rather, the Commission has a discretionary power to review its decisions, which it must exercise sparingly and with caution.¹

The Commission considers applications for review through a two-step process.² In step 1, the Commission considers whether the applicant has raised a doubt as to the correctness of the decision. The Commission will consider any ground that raises a doubt, including an error of law or of jurisdiction, changed circumstances or new facts that have arisen since the close of the original proceeding, or facts that were not placed in evidence in the original proceeding and that were then not discoverable by reasonable diligence. A review application must also include the nature of the prejudice or damage that has resulted or will result from the decision or order. If the Commission finds that the applicant has met step 1, then it will proceed to step 2 and determine whether the decision should be confirmed, amended, or overturned.

Application to vary Order AO-001-SO-T217-03-2010 to remove the West Line from Schedule B effective 29 September 2025

The Commission denies TNPI's request to remove the West Line from Schedule B of Order AO-001-SO-T217-03-2010, based on the following:

- a. the new circumstances of the West Line since the issuance of Order AO-001-SO-T217-03-2010 do not support the removal of the West Line from the Order;
- b. some recommendations of the 2024 engineering assessments related to pipeline integrity hazards remain outstanding; and
- c. uncertainty regarding TNPI's decision on the reversal of the Oakville to North Toronto pipeline section.

When Order AO-001-SO-T217-03-2010 was issued on 20 September 2016 to address safety concerns related to a number of TNPI's pipelines, the West Line was restricted to 5 793 kPa.

The Commission has considered TNPI's statements regarding the change in circumstances since Order AO-001-SO-T217-03-2010 was issued, namely TNPI's decision to cease the receipt of additional deliveries to the West Line effective 1 July 2025. The Commission acknowledges TNPI's statement in the Application that the West Line will be "idled", which was further clarified by TNPI on 11 July 2025 to mean that it would be deactivated. The Commission also acknowledges that the internal pressure of the West Line as of 1 July 2025 will be 450 psi (equivalent to 3 103 kPa) or less during purging, that the West Line will be emptied of service fluid by September 2025, and that deactivation is expected to be complete by the end of 2025. After examining the Application and the related information submitted on 11 July 2025, the Commission is of the view that this change in circumstances does not support the request to remove the West Line from Schedule B effective 29 September 2025.

¹ See Guide N of the [Filing Manual](#). See also, for example: Trans Mountain Expansion Project Detailed Route Hearing MH-027-2020, Ruling on Semá:th First Nation's request for review of the Commission's Geographic Scope Decision, PDF page 2 ([C09373](#)); AO-001-RH-005-2020, Letter Decision on review and variance application of TransCanada Keystone Pipeline GP Ltd. concerning the Commission's decision in RH-005-2020, PDF page 2 ([C25670](#)).

² *National Energy Board Rules of Practice and Procedure*, 1995, Part III.

The *Canadian Energy Regulator Onshore Pipeline Regulations (OPR)* defines “operate” as including deactivation. While the OPR goes on to define “deactivate” to mean “to remove temporarily from service”, the Commission notes that a deactivated pipeline is considered by the OPR to be in a state of operation. The Commission also notes that Order AO-001-SO-T217-03-2010 orders that TNPI may continue to **operate** (emphasis added) its pipelines, subject to the conditions set out in the Order. The Commission therefore finds that the conditions of Order AO-001-SO-T217-03-2010 are intended to apply to all operational pipelines and that under the OPR, the West Line remains in operation throughout its deactivation. Additionally, before the West Line is purged of service fluid, the West Line remains operating under internal pressure and therefore the requirements of Order AO-001-SO-T217-03-2010 remain relevant. It follows that the new circumstances claimed by TNPI in the Application (i.e., cessation of deliveries and a future deactivated state) do not support removal of the West Line from the Order.

Additionally, TNPI’s responses to CER IR No. 1 confirmed that some recommendations related to pipeline integrity hazards from the 2024 engineering assessments for the West Line are pending completion. The Commission is of the view that TNPI has not provided sufficient information on its actions to address the outstanding recommendations, specifically if TNPI elects to reactivate the West Line in the future.

The Commission also acknowledges that TNPI is assessing whether to deactivate or reverse the flow in the future operation of the North Toronto to Oakville pipeline section of the West Line, with an anticipated decision on the reversal prior to the second quarter of 2026. A flow reversal on the North Toronto to Oakville pipeline section of the West Line will result in a change in operation, necessitating further demonstration of its integrity condition under these new operating conditions. A flow reversal would require an updated demonstration of compliance with Condition 4.f.i of the Order and a reassessment of the acceptability of resident anomalies under the new operating conditions. The requirements of Condition 4.f.ii remain essential in demonstrating the safe operation of the North Toronto to Oakville pipeline section should TNPI elect to return it to service in reversed flow.

Annual engineering assessments under Condition 2.c of Order AO-001-SO-T217-03-2010

The Commission grants TNPI relief from its obligation to file the annual engineering assessments for the West Line required under Condition 2.c for 2025 on the basis presented below.

TNPI submitted that due to the change in circumstances, the purpose of Order AO-001-SO-T217-03-2010 will no longer be relevant to the West Line. In addition, it will be prejudiced as a result of expending significant operational and financial resources to facilitate ongoing compliance to its requirements in relation to the West Line. The Commission has also considered TNPI’s response to IR No. 1 respecting the 2024 engineering assessment results, the current operating status of the West Line at a reduced operating pressure, and the integrity measures implemented after 1 July 2025 until deactivation is complete.

The Commission is not persuaded that the Order will be irrelevant during deactivation nor that the resources required for the engineering assessments are unwarranted during deactivation. However, the Commission finds that since TNPI’s 2024 engineering assessments demonstrate the safe operation of the West Line at a higher pressure (5 793 kPa) than its current reduced operating pressure (3 103 kPa or less) until completion of deactivation, a reassessment of the integrity of the West Line by 30 September 2025, as

required by Condition 2.c of the Order, is not necessary at this time. The Commission relieves TNPI from the obligation to conduct and file the engineering assessments for the West Line required under Condition 2.c of the Order for 2025. Based on TNPI's uncertainty concerning the future operation of the West Line, the Commission is of the view that annual engineering assessments for years beyond 2025 would be required to ensure its ongoing safe operation. The Commission emphasizes that annual filing of engineering assessments for the West Line under Condition 2.c of the Order will resume in 2026.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

c.c. Jane Keast, TNPI
Gail Sharko, TNPI