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April 15, 2021

Ms. Sandy Lapointe  
Executive Vice President, Regulatory  
Canada Energy Regulator  
517 10 Ave SW #210  
Calgary, AB T2R 0A8

**RE: CEPA Feedback, Proposed Updates to Filing Manual, Guides B and K**

Dear Ms. Lapointe:

The Canadian Energy Pipeline Association (CEPA) appreciates the opportunity to comment on the Canada Energy Regulator's (CER) Proposed Updates to the Filing Manual, Guides B and K. CEPA represents Canada's transmission pipeline companies who operate approximately 118,500 kilometres of pipeline in Canada and 14,000 kilometres in the United States. CEPA members move approximately 1.7 billion barrels of liquid petroleum products and 5.6 trillion cubic feet of natural gas each year.

CEPA supports the continual improvement of CER guidelines and has attached comments to specific sections in both Guides B and K for the CER's consideration. We look forward to continued engagement on this matter and discussing how the feedback provided will be considered. Please do not hesitate to contact the undersigned if you have any questions or require clarification regarding the attached feedback.

Yours sincerely,

Original signed by

Kai Horsfield  
Manager, Regulatory and Policy



**CER Filing Manual Guide B, Pipeline Abandonment – CEPA Feedback**

Section # and Section Name	CER Proposed Wording	Issue	Recommendation
Environmental and Socio-economic Assessment, Lands (Page 8)		Guide B describes acquisition of land rights, which is unclear as the land rights for the pipeline facilities would already be in place.	Recommend the CER clarify what acquisition of land rights would be required. Would this be for temporary workspace to safely abandon the pipe?
B.1 Funding for Abandonment		Direction on how funds set aside in Abandonment Trusts can be accessed through pre-approval and/or access funds from Letter of Credit/Surety Bonds to fund activities in advance.	<p>Recommend the CER provide direction as to how companies can receive pre-approval or access funds in advance of doing eligible abandonment work. For example, in the case of Abandonment Trusts as set aside mechanisms, such pre-approval can be in the form of pre-approving reimbursement amounts for approved abandonment activities such that funds can be accessed as work is completed. In the case of Letters of Credit or Surety Bonds as set aside mechanisms, the funds could be accessed in advance to fund the abandonment activities.</p> <p>Providing this clarity would be useful and align with the approach contemplated in the NEB Final Technical Conference</p>



			Report from the 2016 ACE Review (Filing ID: A92857-3).
B.1.1. Cost Estimates	Any changes to an ACE must also be approved by the Commission. Companies must include Tables A-1 through A-4 from the National Energy Board's letter dated <a href="#">4 March 2010</a> , along with a description of the methodology and assumptions used to estimate costs.	The abandonment cost estimates for some companies are not based on a format of Table A-3 but on a different unit-cost presentation, as submitted and approved in the MH-001-2012 Proceeding and the 2016 ACE Review. This proposed revision would allow for a reasonable level of flexibility.	Recommend revising as follows:  Companies must include Tables A-1 through A-4 ( <u>or reasonable alternatives</u> ) from the National Energy Board's letter dated <u>4 March 2010</u> , along with a description of the methodology and assumptions used to estimate costs.
B.1.2.1 Trusts	Companies using trusts must file a statement of investment policies and procedures for Commission approval, the minimum requirements for which can be found in Section 3.4.1 on PDF page 61 of Reasons for Decision <a href="#">MH-001-2013</a> .	The proposed wording is inconsistent with existing practice and prior guidance that only requires the statement of investment policies and procedures (SIPP) be filed with the Commission; not to be approved by the Commission (see the MH-001-2013 Decision, Section 3.4.3 and Order MO-029-2014, Condition 3).  The NEB Letter on SIPP Compliance ( <a href="#">A610C3</a> ) "As part of the MH-001-2013 Reasons for Decision (Decision or MH-001-2013) ( <a href="#">Filing A60675</a> ), the National Energy Board (Board) required all companies setting aside funds in a trust to file a Statement of Investment Policies and Procedures (SIPP) <b>for information</b> ( <i>emphasis added</i> ) by 1 December 2014."	Recommend revising as follows:  Companies using trusts must file a statement of investment policies and procedures <del>for with</del> <u>the</u> Commission <del>approval</del> , the minimum requirements....
B.1.2.2 Letter of Credit	If a company is using a letter of credit in regard to their funding for abandonment, the financial instrument must meet the criteria included in the checklist	Due to the administrative nature and costs of issuing a letter of credit, CEPA feels it would be helpful to clarify that consultations prior to finalizing and issuing an irrevocable letter of credit are encouraged.	Recommend revising as follows:  If a company is using a letter of credit in regard to their funding for abandonment, the financial



	below. Companies must file the letter of credit with the CER for approval by the Commission.		instrument must meet the criteria included in the checklist below. Companies must file the letter of credit with the CER for approval by the Commission <u>and are strongly encouraged to consult on the draft contents of the letter of credit with Commission staff prior to finalizing with the issuer.</u>
B.1.2.2 Letter of Credit	Letter of Credit Checklist: Ensure that the physical letter of credit is filed with the CER. It must be the original signed letter of credit and not a duplicate copy nor a draft.	Propose to add guidance based on prior guidance from the Commission (see Filing IDs <a href="#">A4H9R0</a> and <a href="#">A4D4H0</a> ), and also to protect confidential banking information included in a letter of credit.	Recommend revising as follows:  Ensure that the physical letter of credit is filed <u>by mail</u> with the CER. It must be the original signed letter of credit and not a duplicate copy nor a draft. <u>Submit the cover letter electronically on the Electronic Document Submission System (System). Do not file a copy of the letter of credit on the System.</u>
B.1.2.3 Surety Bonds	Surety Bond Checklist: The surety must be regulated by the Office of the Superintendent of Financial Institutions (OSFI).	Propose to follow the letter of credit checklist for this one provision and also add guidance previously provided by the Commission (see Filing IDs <a href="#">A4H9R0</a> and <a href="#">A4D4H0</a> ), and also to protect the confidential insurance information included in a surety bond.	Recommend revising as follows:  Surety Bond Checklist: <u>Ensure that the physical surety bond is filed by mail with the CER. It must be the original signed surety bond and not a duplicate copy nor a draft. Submit the cover letter electronically on the Electronic Document Submission System (System). Do</u>



			<p><u><a href="#">not file a copy of the surety bond on the System.</a></u></p> <p>The surety must be regulated by the Office of the Superintendent of Financial Institutions (OSFI).</p>
B.1.3 Regular Reporting	<p>All companies must file an annual update with respect to abandonment funding. The annual reporting form for companies using a trust must be filed by 30 April each year and can be found here: <a href="#">Reporting Form – Companies using Trusts for Set-aside mechanism</a>. The annual reporting form for companies using a letter of credit or surety bond must be filed by 31 January and can be found here: <a href="#">Reporting Form – Companies using Set-aside mechanisms other than Trusts, and Exempt Companies</a>.</p>	<p>Proposed wording to account for potential/periodic amendments to the forms.</p>	<p>Recommend revising as follows:</p> <p>All companies must file an annual update with respect to abandonment funding. The annual reporting form <u><a href="#">in effect at the time of filing</a></u> for companies using a trust must be filed by 30 April each year and can be found here: <a href="#">Reporting Form – Companies using Trusts for Set-aside mechanism</a>. The annual reporting form <u><a href="#">in effect at the time of filing</a></u> for companies using a <u><a href="#">set aside mechanisms other than trusts and exempt companies (such as a</a></u> letter of credit or surety bond) must be filed by 31 January and can be found here: <a href="#">Reporting Form – Companies using Set-aside mechanisms other than Trusts, and Exempt Companies</a>.</p>
B.1.3 Regular Reporting	<p>All companies must file an annual update with respect to abandonment funding. The annual reporting form for companies using a trust must be</p>	<p>Frequency of reporting for companies using set aside mechanisms other than trusts and exempt companies</p>	<p>Recommendation to only file the form for companies using set aside mechanisms other than trusts and exempt companies when there is a</p>



	<p>filed by 30 April each year and can be found here: <a href="#">Reporting Form – Companies using Trusts for Set-aside mechanism</a>. The annual reporting form for companies using a letter of credit or surety bond must be filed by 31 January and can be found here: <a href="#">Reporting Form – Companies using Set-aside mechanisms other than Trusts, and Exempt Companies</a>.</p>		<p>change to reporting from the prior year to reduce redundancy in filing and for administrative efficiency for all parties.</p>
<p>B.2.1 Filing Requirements</p>	<p><b>Economics and Finance</b>        ...        3. Indicate whether any service would be terminated as a result of the proposed abandonment. If a commercial party or other user could be negatively impacted by the termination of service, provide evidence that:</p> <ul style="list-style-type: none"> <li>a. the Company has been responsive to the needs, inputs, and concerns of commercial parties or other users;</li> <li>b. the relative impacts to all parties from the abandonment of the facilities versus continuation of service have been considered;</li> </ul>	<ul style="list-style-type: none"> <li>b. The proposed changes recognize that information on possible third-party costs is not directly available to CER-regulated pipelines.</li> <li>c. CEPA does not believe that applicants should be required to demonstrate that abandonment is the optimal outcome. For example, in some cases, tolling alternatives may be preferable, but realistically those can only be implemented if a mutually acceptable solution can be negotiated. The revised wording would nonetheless require a description of the alternatives that were considered and why they were not pursued, thus ensuring the Commission would have an evidentiary record of such alternatives.</li> <li>d. CEPA recognizes that evidence related to possible impacts on third parties is relevant with respect to abandonment or decommissioning applications that may result in termination of service and that reasonable lead time needs to be provided to provide</li> </ul>	<p>Recommend revising as follows:</p> <p>3. Indicate whether any service would be terminated as a result of the proposed abandonment. If a commercial party or other user could be negatively impacted by the termination of service, provide evidence that:</p> <ul style="list-style-type: none"> <li>a. the Company has been responsive to the needs, inputs, and concerns of commercial parties or other users;</li> <li>b. <u>to the extent reasonably possible</u>, the <u>estimated</u> relative impacts to all parties from the abandonment of the facilities versus</li> </ul>



	<p>c. alternatives to the abandonment of the facilities were considered (including physical and tolling alternatives) and that abandonment is the optimal outcome; and</p> <p>d. impacted parties will be able to wait until after the Commission issues its decision on the application to make any potentially costly, irreversible choices to continue their business operations after abandonment activities have been completed. If this is not the case, provide evidence justifying why not.</p>	<p>third parties with a reasonable opportunity to assess and implement any alternative in order to minimize the impacts associated with potential disruptions. However, the draft wording is problematic because it would require an applicant to make representations related to investment decisions being made by third parties and because it is linked to the timing of the eventual decision for which applicants have no control over and for which no service standard currently exists. The proposed revisions address these concerns while ensuring the Commission has an adequate evidentiary record related to these matters as part of any application involving termination of service.</p> <p>In addition to the above, the determination of whether the public interest is best served by approving an abandonment application that could impact a third-party is a matter to be decided at the conclusion of regulatory proceedings, not at the outset. The draft wording appears to suggest a pre-disposition for certain outcomes, which raises concerns over apprehension of bias. CEPA observes that the Commission has the power to mandate that termination of service occurs at a different date than proposed by an applicant if, based on the evidentiary record in a particular case, it determines that it would be in the public interest to postpone termination of service (See for example, the MH-3-2000 Decision). The Commission may also impose conditions</p>	<p>continuation of service have been considered;</p> <p>c. alternatives to the abandonment of the facilities were considered (including physical and tolling alternatives), <u>including the reason the alternatives were not pursued and that abandonment is the optimal outcome</u>; and</p> <p>d. impacted parties <del>will be able to wait until after the Commission issues its decision on the application to make any potentially costly, irreversible choices to continue their business operations after abandonment activities have been completed. If this is not the case, provide evidence justifying why not.</del> <u>were provided reasonable time prior to the proposed termination of service date to minimize possible impacts on their operations.</u></p>
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		associated with such postponement (subject to the third-party paying a reasonable share of the incremental costs associated with extending operations beyond the proposed termination date; or subject to the third party contracting for a minimum quantity over a minimum number of years). The revised wording ensures that an appropriate evidentiary record related to third-party impacts is provided in relation to termination of service as part of applications to support any decision to be made by the Commission, while removing wording that would suggest certain predisposition.	
B.2.1 – Filing Requirements and Guidance General Requirements – Point 3	The GPS data coordinates of the locations of pipeline right of way and the facility(ies) to be abandoned	The accuracy of this data will vary as companies may not have survey data for legacy assets and may have to acquire this data through field verification. CEPA notes that this has not been a previous filing requirement, nor has it been previously provided in past abandonment applications or been requested by the CER. Therefore, we recommend that the potential requirement to submit GPS data be removed. In the alternative, the provision desktop assessed data would enable companies to provide approximate locations.	Recommend removing or in the alternative revise as follows:  The GPS data coordinates of the locations of pipeline right of way and the facility(ies) to be abandoned. <u>The GPS coordinates will be derived from the best available source which may include desktop assessment.</u>
B.2.1 – Filing Requirements and Guidance Engineering Point 2, Second Bullet	purged and cleaned and left in a state of minimal residual contamination, including the pipe cleaning procedures and standards to be used	Suggested edit to clarify this section and indicate that companies can rely on cleaning plans, procedures or standards as there are currently no industry standards available.	Recommend revising as follows:  purged and cleaned and left in a state of minimal residual contamination, including the pipe cleaning <u>plans</u> , procedures <del>and</del> <u>or</u> standards to be used.





<p>B.2.1 – Filing Requirements and Guidance Engineering Point 2, Sixth Bullet</p>	<p>a description of the potential soil subsidence, pipe exposure, water conduit, corrosion, and pipe collapse effects for pipelines to be abandoned in place, including anticipated duration to failure, and a plan to monitor these potential effects</p>	<p>Suggested edits proposed to the requirements to align with previously submitted conditions on past abandonment projects/programs. Prediction of time of failures and anticipated duration to failure, if any, or more gradual in-fill and subsidence, is site-specific dependent and may be difficult to predict and would rely on the 1996 PARSC report and 2015 Det Norske Veritas (DNV) reports. The DNV report indicated that the risks for medium/small diameter (i.e., less than 12 inches) are not as critical and the timing for failure would be longer.</p>	<p>Recommend revising as follows:</p> <p><del>a description</del> <u>an evaluation</u> of the potential <u>hazards that may arise as a result of abandonment activities, such as, potential soil subsidence <u>due to pipe collapse and/or abnormal erosion along the right-of-way</u>, pipe exposure, <u>possible</u> water conduit <u>effects</u>, <u>and potential contamination within the right-of-way as a result of pipe</u> corrosion, <del>including anticipated duration to failure</del>, and a plan to monitor these potential effects.</u></p> <p>Alternatively:</p> <p><del>a description</del> <u>an evaluation</u> of the potential <u>hazards that may arise as a result of abandonment activities, such as, potential soil</u> subsidence <u>due to pipe collapse and/or abnormal erosion along the right-of-way</u>, pipe exposure, <u>possible</u> water conduit <u>effects</u>, <u>and potential contamination within the right-of-way as a result of pipe</u> corrosion, including anticipated duration to failure <u>on large diameter</u></p>
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			<u>pipe</u> , and a plan to monitor these potential effects
B.2.1 – Filing Requirements and Guidance Engineering, Point 4	A description of ruptures, leaks and other loss of containment incidents that have occurred on the pipeline and the facility(ies), including the dates and volumes of the substance releases.	Suggested edits proposed as data associated with the volumes of substance releases may not be readily available for historical releases.	Recommend revising as follows:  A description of ruptures, leaks and other loss of containment incidents that have occurred on the pipeline and the facility(ies), including the dates and volumes of the substance releases, <u>if available</u> .
B.2.1 Filing Requirements and Guidance Environmental and Socio-economic Assessment (ESA) – Point 1	Describe the ecological and socio-economic setting found at the project location. For projects that are situated in a forested or native prairie setting, additional detailed baseline vegetation information may be required.	The level of information provided is scaled in accordance with potential environmental interactions. Because of this, the detailed ESA guidance provided elsewhere in the Filing Manual (i.e., the depth of analysis should be commensurate with the nature of the project and the potential for effects) already ensures that in native prairie or forested settings, additional information would be provided. As a result, singling out those land uses is not required as they are covered elsewhere.	Recommend revising as follows:  Describe the ecological and socio-economic setting found at the project location. <del>For projects that are situated in a forested or native prairie setting, additional detailed baseline vegetation information may be required.</del>
B.2.1 Filing Requirements and Guidance Environmental and Socio-economic Assessment (ESA) – Point 5	Provide an environmental and socio-economic assessment for the preferred abandonment method when the circumstances outlined in Table A-1 of the Filing Manual indicate that additional detailed biophysical and socio-economic information is required. The filing requirements are outlined in Table A-2 (Biophysical Elements) and Table	Suggested edits proposed to align this requirement with that of a Section 214 application and propose an ESA requirement be subject to scale and scope of the abandonment project/program. While companies would complete the requirement to conduct an ESA, it would generally be provided upon request.	Recommend revising as follows:  <u>Provide Confirm</u> an environmental and socio-economic assessment <u>has been conducted</u> for the preferred abandonment method when the circumstances outlined in Table A-1 of the Filing Manual indicate that additional detailed biophysical and socio-economic



	A-3 (Socio-Economic Elements) of the Filing Manual.		information is required. The filing requirements are outlined in Table A-2 (Biophysical Elements) and Table A-3 (Socio-Economic Elements) of the Filing Manual. <u>This information does not normally have to be submitted but must be available for audit purposes.</u>
B.2.1 Filing Requirements and Guidance Environmental and Socio-economic Assessment (ESA) – Point 8	Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures and measures that will be implemented during the physical abandonment, remediation, and reclamation activities to avoid or minimize potential adverse environmental and socio-economic effects. The level and detail of information should be commensurate with the nature and scale of the project.	Suggested edits proposed to the requirements to align with previously submitted abandonment projects/programs. Not all mitigation procedures/measures are for environmental protection. The text at the end of this paragraph considers potential adverse socio-economic effects. Thus, the need to make a distinction between “mitigation measures”, which may include socio-economic mitigation, and “environmental protection procedures.”	Recommend revising as follows:  Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures, <u>mitigation measures, and commitments that will to be implemented considered</u> during the physical abandonment <u>activities</u> , remediation, <u>reclamation</u> , and reclamation <u>activities monitoring</u> , to avoid or minimize potential adverse environmental and socio-economic effects. The level and detail of information should be commensurate with the nature and scale.
B.2.1 Filing Requirements and Guidance Environmental and Socio-economic		Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures and measures that will be implemented during the physical abandonment, remediation, and reclamation activities to avoid	Recommend the CER provide clarity on when reclamation plans are required.



<p>Assessment (ESA) – Point 8</p>		<p>or minimize potential adverse environmental and socio-economic effects. The level and detail of information should be commensurate with the nature and scale of the project.</p>	
<p>B.2.1 Filing Requirements and Guidance Environmental and Socio-economic Assessment (ESA) - Point 10 and Guidance Section</p>		<p>The Guide describes the reclamation/restoration parameters to be monitored. There is now long term monitoring, goals for reclamation and monitoring of progress to those goals.</p>	<p>Recommend the CER confirm that this would not apply to within the fence line locations (MLBV sites, Pump Stations, Terminals, etc.).</p>
<p>Environmental and Socio-economic Assessment (ESA)</p>		<p>Clarification of the circumstances in which companies need to undertake a comprehensive ESA or not (scalability).</p>	<p>Recommend the CER identify what types and sizes of projects will require comprehensive ESAs as this is not clearly understood.</p>
<p>B.3 Applications to Access Funds from the Trust to Fund Abandonment</p>	<p>1. Provide a justification for requesting access to funds from the trust. Include:</p> <ul style="list-style-type: none"> <li>a. Why other revenue is not sufficient to undertake the work;</li> <li>b. The impact on future tolls or abandonment surcharges, relative to other funding options; and</li> <li>c. Any impacts on the abandonment cost</li> </ul>	<p>a. and b.</p> <p>Since funds are set aside in abandonment trusts for the purpose of funding abandonment and other qualifying activities, it would not be appropriate if access to the funds set aside for these activities required a demonstration that “other revenue is not sufficient.” Imposing such a requirement would effectively require toll payers to fully fund the estimated cost of pipeline abandonment through the amounts collected and set aside in abandonment trusts while also paying for the same activities through tolls, if reimbursement from the abandonment trust is not available on the basis that “other</p>	<p>Recommend revising as follows:</p> <p>1. Provide a justification for requesting access to funds from the trust. Include:</p> <ul style="list-style-type: none"> <li>a.—Why other revenue is not sufficient to undertake the work;</li> <li>b.—The impact on future tolls or abandonment surcharges, relative to other funding options; and</li> </ul>



	<p>estimate and annual contribution amount from removing funds for end of life work.</p>	<p>revenue is sufficient." Whether or not a company has access to other sources of revenue to fund abandonment activities should not be a consideration as to whether a particular reimbursement should be approved.</p> <p>The requirement to demonstrate that "no other revenue" is available is not consistent with the CER's fundamental tolling principles. If shippers are required to pay into an abandonment fund and to also pay to abandon facilities for which abandonment funding was set aside for, current shippers would pay twice for the same abandonment activity, while future shippers could pay less into the abandonment fund. The abandonment toll calculated under this circumstance would not be consistent with cost-causation principle and therefore not be just and reasonable.</p> <p>The Commission recognized that abandonment activities represent prudent costs incurred to provide service to customers of a pipeline. Whether these funds are paid for through the revenue requirement of the pipeline or funded through the abandonment trust, which in turn is funded through tolls or surcharges from customers, does not change the quantum of the cost nor their impact on future tolls or abandonment surcharges. As such, the information sought in part b. is not particularly informative.</p>	<p><u>Any-any</u> impacts on the abandonment cost estimate and annual contribution amount from removing funds for end of life work.</p>
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		<p>Parts 4, 5 and 6 of section B3 each relate to information that could be relevant in the consideration of specific reimbursement applications for costs incurred for abandonment and other qualifying activities, and that these provisions are sufficient to address matters that may have been intended to be covered by requirement a. and b. of this draft provision. Also, while the MH-001-2013 Reasons for Decision (PDF 47) included similar wording, such wording was specific to decommissioning and deactivation activities and was not applicable to abandonment activities. In cases where decommissioning costs were approved for reimbursement, confirmation was provided to the CER that the activities performed during decommissioning will not need to be repeated at time of abandonment and therefore the costs that have been incurred will not need to be repeated, as addressed in the proposed requirement under Section B.3, paragraph 6.</p>	
<p>B.3 Applications to Access Funds from the Trust to Fund Abandonment</p>	<p>2. Provide the actual costs of the project, broken down by cost category and abandonment activity, as reflected in Table A3 and A4 of the <a href="#">MH-001-2013 Reasons for Decision</a></p>	<p>While Tables A3 and A4 may be useful in the development of abandonment cost estimates, actual costs cannot typically be broken down in the same level of detail since many costs are incurred in relation to overall programs and cannot be broken down. For example, third party contractors will often submit bids for a comprehensive set of activities but do not break down their bids for each subset of activities. Requiring contractors to do so, and companies to track each of the sub-categories of costs in Tables A3 and A4 would undoubtedly increase the overall cost to perform abandonment</p>	<p>Recommend revising as follows:</p> <p>2. Provide the actual costs of the project, broken down by cost category and abandonment activity, as reflected in Table A3 and A4 of the <a href="#">MH-001-2013</a> <a href="#">MH-001-2012 Reasons for Decision</a> or <a href="#">reasonable alternatives or aggregation by broad category of costs (e.g., engineering and project management, abandonment</a></p>



		activities. The proposed revisions would ensure that actual cost information would be provided, while permitting a reasonable level of aggregation.	<u>preparation, pipeline abandonment and removal of above ground facilities).</u>
B.3 Applications to Access Funds from the Trust to Fund Abandonment	5. Provide an abandonment funding plan, which includes:	Proposed change addresses situations where a current funding plan was previously filed, as is the case for Group 1 companies that took part in the last ACE Review.	Recommend revising as follows:  5. <u>Unless an abandonment funding plan that remains applicable was previously filed,</u> pProvide an abandonment funding plan, which includes: ...
B.3 Applications to Access Funds from the Trust to Fund Abandonment	6. ... will not be need to be repeated at time of abandonment and therefore the costs that have been incurred will not be need to be repeated.	Typographical error	Recommend revising as follows:  6. ... will not <del>be</del> need to be repeated at time of abandonment and therefore the costs that have been incurred will not <del>be</del> need to be repeated.

### CER Filing Manual Guide K, Pipeline Decommissioning – CEPA Feedback

Section # and Section Name	CER Proposed Wording	Issue	Recommendation
K.1 Filing Requirements	Indicate whether any service would be terminated as a result of the proposed decommissioning. If a commercial party or other user could be negatively impacted by the termination of service, provide evidence that:	(See comment under Guide B, Section B.2.1 Filing Requirements).	(See comment under Guide B, Section B.2.1 Filing Requirements).



	<p>a) the Company has been responsive to the needs, inputs, and concerns of commercial parties or other users;</p> <p>b) the relative impacts to all parties from the decommissioning of the facilities versus discontinuation of service have been considered;</p> <p>c) alternatives to the decommissioning of the facilities were considered (including physical and tolling alternatives) and that decommissioning is the optimal outcome; and impacted parties will be able to wait until <i>after</i> the Commission issues its decision on the application to make any potentially costly, irreversible choices to continue their business operations after decommissioning activities have been completed. If this is not the case, provide evidence justifying why not.</p>		
<p>K.1 – Filing Requirements General Requirements - Point 3</p>	<p>The GPS data coordinates of the locations of pipeline right of way and the facility(ies) to be decommissioned.</p>	<p>The accuracy of this data will vary as companies may not have survey data for legacy assets and may have to acquire this data through field verification. This has not been a previous filing requirement, nor has it been previously provided</p>	<p>Recommend removing or in the alternative revise as follows:</p>





		in past abandonment applications or been requested by the CER. Therefore, CEPA recommends that the potential requirement to submit GPS data be removed. In the alternative, the provision desktop assessed data would enable companies to provide approximate locations.	The GPS data coordinates of the locations of pipeline right of way and the facility(ies) to be abandoned. <u>The GPS coordinates will be derived from the best available source which may include desktop assessment.</u>
K.1 - Filing Requirements General Requirements - Point 12	Provide the anticipated timing of future abandonment activities for each pipeline and facility being decommissioned	A pipeline decommissioning may consist of pipelines that share a right-of-way or be a partial pipeline decommissioning. As such, the timing of future abandonment activities may not be known at the time of decommissioning, as this will in part be dependent on when operations will permanently cease on the full pipeline and/or adjacent pipeline, resulting in the discontinuance of service for an entire pipeline right-of-way or facility site.	Recommend revising as follows:  Provide the anticipated timing of future abandonment activities for each pipeline and facility being decommissioned, <u>if known.</u>
K.1 - Filing Requirements Engineering - Point 1, Second Bullet	purged and cleaned and left in a state of minimal residual contamination, including the pipe cleaning procedures and standards to be used	Suggested edit to clarify that companies could rely on cleaning plans, procedures or standards as there are currently no industry standards available.	Recommend revising as follows:  purged and cleaned and left in a state of minimal residual contamination, including the pipe cleaning <u>plans,</u> procedures <u>and or</u> standards to be used.
K.1 - Filing Requirements Engineering - Point 1, Fourth Bullet	a description of the potential soil subsidence, pipe exposure, water conduit, corrosion, and pipe collapse effects for pipelines to be decommissioned in place, and a plan to monitor these potential effects;	Suggested edits proposed to the requirements to align with previously submitted conditions on past abandonment and decommissioning projects/programs.	Recommend revising as follows:  <u>a description an evaluation</u> of the potential <u>hazards that may arise as a result of decommissioning activities,</u>



			<p><u>such as, potential soil subsidence due to pipe collapse and/or abnormal erosion along the right-of-way, pipe exposure, and possible water conduit effects</u>, and a plan to monitor these potential effects/</p>
<p>K.1 - Filing Requirements Environmental and Socio-economic Assessment (ESA) – Point 1</p>	<p>Describe the ecological and socio-economic setting found at the project location. For projects that are situated in a forested or native prairie setting, additional detailed baseline vegetation information may be required.</p>	<p>The level of information provided is scaled in accordance with potential environmental interactions. Because of this, the detailed ESA guidance provided elsewhere in the document (i.e., the depth of analysis should be commensurate with the nature of the project and the potential for effects) already ensures that in native prairie or forested settings, additional information would be providing. Singling out those land uses is not required.</p>	<p>Recommend revising as follows:</p> <p>Describe the ecological and socio-economic setting found at the project location. <del>For projects that are situated in a forested or native prairie setting, additional detailed baseline vegetation information may be required.</del></p>
<p>K.1 - Filing Requirements Environmental and Socio-economic Assessment (ESA)– Point 3</p>	<p>Provide an environmental and socio-economic assessment when the circumstances outlined in Table A-1 of the Filing Manual indicate that additional detailed biophysical and socio-economic information is required. The filing requirements are outlined in Table A-2 (Biophysical Elements) and Table A-3 (Socio-Economic</p>	<p>Suggested edits proposed to align this requirement with that of, Section 214 applications and propose an ESA requirement be subject to scale and scope of the abandonment project/program. While companies would complete the requirement to conduct an ESA, it would generally be provided upon request.</p>	<p>Recommend revising as follows:</p> <p><del>Provide</del> <u>Confirm</u> an environmental and socio-economic assessment <u>has been conducted</u> when the circumstances outlined in Table A-1 of the Filing Manual indicate that additional detailed biophysical and socio-economic information is</p>



	<p>Elements) of the CER's Filing Manual</p>		<p>required. The filing requirements are outlined in Table A-2 (Biophysical Elements) and Table A-3 (Socio-Economic Elements) of the Filing Manual. <u>This information does not normally have to be submitted but must be available for audit purposes.</u></p>
<p>K.1 - Filing Requirements Environmental and Socio-economic Assessment (ESA) – Point 6</p>	<p>Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures and measures that will be implemented during the decommissioning, remediation, and reclamation activities to avoid or minimize potential adverse environmental and socio-economic effects. The level and detail of information should be commensurate with the nature and scale of the project.</p>	<p>Suggested edits proposed to the requirements to align with previously submitted abandonment and decommissioning projects/programs. Not all mitigation procedures/measures are for environmental protection. The text at the end of this paragraph considers potential adverse socio-economic effects. Thus, the need to make a distinction between “mitigation measures”, which may include socio-economic mitigation, and “environmental protection procedures.”</p>	<p>Recommend revising as follows:</p> <p>Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures, <del>and mitigation measures, and commitments that will to be implemented</del> <u>considered</u> during the decommissioning <u>activities</u>, remediation, <u>reclamation</u>, and reclamation <u>activities monitoring</u>, to avoid or minimize potential adverse environmental and socio-economic effects. The level and detail of information should be commensurate with the nature and scale.</p>