

Régie de l'énergie du Canada

# 2020–21 Departmental Results Report

## **Canada Energy Regulator**

The original version was signed by

The original version was signed by

Gitane De Silva Chief Executive Officer Canada Energy Regulator The original version was signed by

The Honorable Jonathan Wilkinson, P.C., M.P. Minister
Natural Resources



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## **Table of contents**

Message from the Chairperson	1
Message from the Chief Executive Officer	3
Results at a glance and operating context	5
Results: what we achieved	9
Energy Adjudication	9
Safety and Environment Oversight	13
Energy Information	17
Engagement	22
Internal Services	25
Analysis of trends in spending and human resources	29
Actual expenditures	29
Actual human resources	33
Expenditures by vote	34
Government of Canada spending and activities	34
Financial statements and financial statements highlights	35
Additional information	37
Organizational profile	37
Raison d'être, mandate and role: who we are and what we do	37
Reporting framework	37
Supporting information on the program inventory	38
Supplementary information tables	38
Federal tax expenditures	38
Organizational contact information	39
Appendix: definitions	
Endnotes	

## Message from the Chairperson

The Canada Energy Regulator (CER) has been tasked to build an energy regulatory system that inspires trust and public confidence on the part of Canadians. The CER does this through robust communications, transparency, collaboration and inclusive engagement.

Setting the strategic direction for the organization is central to the role of the Board of Directors and I am very pleased that in 2020-21, the Board delivered its first Strategic Plan for the CER. The Plan was developed through consultation with the CER's Commission, Indigenous Advisory Committee, as well as a variety of other stakeholders.



The Plan establishes a clear path forward for the organization and is a road map of what Canadians can expect from the CER in the years ahead. It features bold Vision and Mission Statements as well as four Strategic Priorities that focus on improving how the CER delivers its mandate. These Priorities are Trust and Confidence, Reconciliation, Competitiveness, and Data and Digital Innovation.

The Board of Directors takes great pride in the CER's new Strategic Plan as it positions the CER to fulfill our important role and secure the confidence of Canadians in the Regulator.

Advancing Reconciliation with Canada's First Nations, the Métis and the Inuit is a key component of the <u>Canadian Energy Regulator Act</u> (CER Act)<sup>i</sup> and the CER continues to strive to meet that commitment. For the first time ever, Canada's federal energy regulator established an Indigenous Advisory Committee (IAC) to enhance the involvement of Indigenous peoples in the CER's regulated infrastructure.

Launched in August 2020, the IAC is an integral part of the CER's governance structure. The Committee provides broad and strategic advice directly to the Board about how the CER can build a renewed relationship with the Indigenous peoples of Canada. Members of the IAC are leaders at the local, regional and national level, are respected voices of their communities, and bring significant experience in the natural resource sector.

I want to personally welcome and thank the Members of the IAC for their commitment to this important initiative. The journey has been a rewarding work in partnership for the Board of Directors.

It is hard to believe that CER staff, Commissioners, IAC and Board Members all worked from home for the entire 2020-21 fiscal year due to the COVID-19 pandemic. Over the course of the year, we saw how the whole CER family rose to the challenge and responded with resilience and determination. The organization adapted, delivered on its mandate in a collaborative way and found new ways to connect with each other, Indigenous communities, and stakeholders.

We learned how to navigate virtual meetings, town halls and hearings. We continued to deliver on our oversight processes and never compromised on our commitment to public safety and environmental protection. While the pandemic has not been easy, it made us stronger as an organization.

2020-21 also brought a dynamic new leader to the organization, as Gitane De Silva became CEO of the CER. Her passion and deep understanding of energy issues had an instant impact on the entire organization and the Board looks forward to working with Gitane for many years to come.

The Board also extends its thanks to Sandy Lapointe, who capably filled the role as Acting CEO for the first several months of the fiscal year; expertly leading the organization through the early days of the pandemic. Her rich experience and commitment to the organization continue to make a lasting legacy on the Canada Energy Regulator.

The 2020-21 fiscal year was a time of significant achievement and rising to the challenge at the CER. There was much accomplished, and I would like to thank the staff of the CER for all of their work over the year. The CER's greatest strength is its people. Their professionalism, values and passion make the CER an effective and responsive regulator.

The original version was signed by

Cassie J Doyle Chairperson Board of Directors of the Canada Energy Regulator

# Message from the Chief Executive Officer

I had the great privilege of taking the reins as CEO of the Canada Energy Regulator in August 2020 when I was sworn in at a small ceremony in a park, near the CER's head office in Calgary, Alberta. It was deeply meaningful for me, as Elder Eldon Weasel Child, the former leader from the Siksika Nation of the Blackfoot Confederacy, welcomed me to Treaty 7 land. The City of Calgary is also home to Métis Nation of Alberta, Region III.



The Canada Energy Regulator works to keep energy moving safely and efficiently through our country's pipelines and powerlines. It sits at the nexus of a number of critical issues for

our country, which include resource development, climate change and Reconciliation. We have the opportunity to demonstrate that the CER can balance a set of diverse interests and move our country forward, advancing the social and economic well-being of Canadians as well as protecting the environment.

While 2020-21 was an exciting time to be at the CER, it was also a year of uncertainty. We have all been personally impacted by the COVID-19 pandemic and it has changed our way of being in the world. From the Regulator's perspective, our responsibilities did not go away and we worked in real time to ensure the continued safe delivery of our regulatory oversight. I want to thank the entire CER family for their tremendous support and hard work over the past year. The CER's greatest asset remains its people and our successes are thanks to them.

We demonstrated organizational agility in shifting from an office-based work site to working from home. We also adjusted many aspects of our regulatory monitoring, without compromising our commitment to safety.

The CER's oversight of pipeline construction and operational activities continued, while always keeping safety and public health measures front of mind. For example, technological solutions were used for connection, engagement and oversight. Staff worked collaboratively with Indigenous Advisory Monitoring Committees and other regulators to create new ways of working safely in the field during the pandemic.

Over the past year, the CER made significant progress in how we oversee the <u>Trans Mountain Expansion Project</u><sup>ii</sup> (TMX/TMEP) and the <u>Line 3 Replacement program</u><sup>iii</sup> in partnership with their respective Indigenous Advisory Monitoring Committees. This work shapes and guides our

broader approach to incorporating Indigenous perspectives into our monitoring and oversight activities.

In November, it was exciting to see CER inspection officers and Indigenous monitors complete the 50th joint compliance verification activity<sup>iv</sup> of the Trans Mountain Expansion Project and existing line. Through this innovative collaboration, CER Inspection Officers learn about Indigenous values and world views with respect to risk, while Indigenous Monitors learn about the CER's inspection process.

Unfortunately, there were several serious incidents in 2020-21 on sites that the CER regulates, including a tragic fatality on a construction project near Edmonton. Any incident is one too many. Every day, on every work site, people have the right to feel and stay safe. The CER and all regulated companies are committed to redoubling their efforts to help ensure safe and healthy workplaces for Canadians working on CER regulated sites.

The CER publication of its <u>Energy Futures 2020 Report</u><sup>v</sup> had an immediate impact on the energy dialogue in Canada. The report's outlook considered two scenarios with different rates of technological and government policy change, projected to the Year 2050, and modelled towards a Net Zero scenario. The report explored how new technologies and climate policy will impact Canadian energy consumption and production trends over the next thirty years.

Making the CER a place where everyone feels like they belong is my personal commitment to everyone who works in our organization. We have work to do to ensure that all Canadians see themselves reflected at all levels of the public service. In order to build further trust and confidence in the CER, we continued to take action to address systemic racism and barriers in 2020-21. An organization is stronger when there is a diversity of thought, experience and perspective. It makes us better.

The CER is an energy regulator with an exemplary workforce that earns the confidence of Canadians, is dedicated to ensuring safety and environmental sustainability, works as partners with Indigenous peoples, and enhances Canada's global competitiveness. Once again, I would like to thank the members of the CER's workforce for all their dedicated public service in 2020-21.

The original version was signed by

Gitane De Silva Chief Executive Officer Canada Energy Regulator

## Results at a glance and operating context





Number of Staff: 522

Launched in the summer of 2019, the Canada Energy Regulator's first full fiscal year in operation was 2020-21. In that relatively short period of time, the CER has established its footing and made great strides to fulfil the scope and intent of its authority and responsibilities under the organization's founding legislation, the *Canada Energy Regulator Act*.

While the CER's first full fiscal year in operation was overshadowed by the pandemic, the organization made significant progress in advancing its important work as the country's national energy regulator.

### • Strategic Plan

One of the CER's most significant achievements in 2020-21 was the completion of a new Strategic Plan that includes an updated CER Mission, Vision and four

Mission to an provide the state of the state

Regulating infrastructure to ensure safe and efficient delivery of energy to Canada and the world, protecting the environment, recognizing and respecting the rights of the Indigenous peoples of Canada, and providing timely and relevant energy information and analysis.

An energy regulator with an exemplary workforce that has the confidence of Canadians; is dedicated to ensuring safety and environmental sustainability; builds strong relationships with First Nations, the Métis, and the Inuit; and enhances Canada's global competitiveness.

Strategic Priorities. The new Strategic Plan takes effect on April 1, 2021.

The Vision is aspirational, capturing the type of regulator the CER strives to be and furthering commitments outlined in the preamble of the CER Act. The Mission aligns with the CER's mandate, as described in its enabling legislation. The organization's Mission also states that safety is at the core of the CER's mandate and is further framed with a commitment to respecting the rights of Indigenous peoples of Canada and continuing the CER's work in energy information.

For the past several years, the CER has identified priorities in which it would strategically focus program activities. These Focus Areas extended beyond the outcomes of any one program or core responsibility. They required cross organizational leadership to drive a systematic shift in the way the CER delivered services to Canadians.

The term 'Focus Area,' which was incorporated in the organization's previous Strategic Plans, has been replaced in the CER's new Plan with the term 'Strategic Priority.' The organization's new Strategic Plan has four Strategic Priorities, which include Trust and Confidence, Reconciliation, Competitiveness, and Data and Digital Innovation. These Strategic Priorities build and expand upon the exceptional work done to date in the CER's Focus Areas.

Two of the Focus Areas from 2020-21 - 'Reconciliation with Indigenous Peoples' and 'Data Transformation' - are included in the CER's new Strategic Plan as Strategic Priorities. The third Focus Area - 'People and Workforce' - has been elevated in the new Strategic Plan, as it is now made permanent in the organization's Vision statement. The Focus on 'People and Workforce' will also continue to form a critical element of the Trust and Confidence Strategic Priority.

Setting the strategic direction for the organization is central to the role of the Board of Directors. Once the Board set the new Strategic Plan, which took effect on April 1, 2021, it became the role of the CEO to lead its implementation as part of the day-to-day business of the organization.

### Establishment of the Indigenous Advisory Committee

The CER's Indigenous Advisory Committee is a key component of the organization's commitment to advance Reconciliation with Indigenous Peoples. The IAC was established in August of 2020 to fulfil a legislative requirement to establish an advisory committee to enhance the involvement of Indigenous peoples in the CER's regulated infrastructure.

The IAC is made up of nine members, three of whom are appointed by national Indigenous organizations: the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami. Committee members reflect Canada's diversity of Indigenous communities, languages, genders, geographies, and skills and expertise. They are leaders at the local, regional and national level, and respected voices of their communities with significant experience in the energy and natural resources sectors.

The overarching role of the IAC is to provide broad and strategic advice directly to the Board of Directors about how the CER can build a renewed relationship with First Nations, the Métis Nation and Inuit communities.

Through its initial meetings, the IAC provided sound advice on the CER's new Strategic Plan, the Reconciliation Strategic Priority and the organization's ongoing work on its approach to Crown consultation.

Looking ahead, the CER will seek the Indigenous Advisory Committee's advice on approaches to Indigenous peoples' involvement in CER regulatory oversight and on the implementation of the <u>United Nations Declaration on the Rights of Indigenous Peoples</u>vi. This advice will bring meaningful change to the way the CER works, including its oversight of the industries it regulates.

### • Pipeline Safety

The Canadian Energy Regulator Act states that the CER's absolute priority is safety. It notes that pipelines, power lines and offshore renewable energy projects have to be constructed, operated and abandoned in a safe and secure manner that protects people, property and the environment. That is what the CER focused on delivering in 2020-21, and that is what it will continue to do.

The CER dedicated significant resources and efforts to the oversight of construction of TMX. This included consideration of TMX condition-compliance and in-field inspections carried out with Indigenous monitors. Its work with both the TMX and Enbridge Line 3 Indigenous Advisory Monitoring Committees also shaped the CER's approach to incorporating Indigenous perspectives in its oversight activities.

### **Operating Context**

The COVID-19 pandemic continued to have an impact throughout the world for the entire

2020-21 fiscal year. For the CER, this meant that its staff would serve the public every day from

## **Indigenous Advisory and Monitoring Committees and Indigenous Monitors**

The CER recognizes the critical importance of learning about and applying Indigenous expertise in traditional land use, sacred sites and historical knowledge as a part of safety and environment regulatory oversight.

In 2016, the Government of Canada announced the creation of Indigenous Advisory and Monitoring Committees (IAMCs) for both the Trans Mountain Expansion Project and the Enbridge Line 3 Replacement Program. The IAMCs bring together Indigenous representatives and Government of Canada counterparts to provide strategic oversight advice to government and regulators, and to monitor the construction and operation of the projects.

As a part of its strategic oversight role, the IAMCs have Monitoring sub-committees. With the guidance of the broader IAMC, trained Indigenous Monitors work in the field with CER Inspection Officers before, during and after the inspections, enhancing the expertise of the inspection team.

Indigenous Monitors help with scoping for the inspections, accompany inspection officers in the field, and provide observations to be included in the CER's inspection report.

Involving Indigenous monitors has enhanced the ability of CER's staff to gain awareness and understanding of the diversity of Indigenous traditional and cultural worldviews, including specific expertise in traditional land use, sacred sites and historical knowledge.

To date, Indigenous Monitors have participated in more than 114 joint inspections with CER staff, strengthening our safety and environmental oversight to prevent harm, help protect Indigenous interests and build relationships.

about 500 locations across Canada, working from kitchen tables, makeshift home offices and in the field with additional safety protocols and gear.

Every single day, CER staff got the job done: inspections were conducted, regulations were enforced, applications were reviewed, engagement with Indigenous peoples and stakeholders continued, and energy trends were compiled, analyzed and released to the public.

Oversight of CER-regulated energy infrastructure also continued in 2020-21, as the CER adapted how it conducted its compliance verification activities - including inspections - to protect the health and safety of CER staff, regulated companies, and all those it works closely with.

As the CER considered COVID-19 a hazard that companies needed to identify and manage, the organization worked to verify that companies were taking all steps required to protect their workers from the impacts caused by the pandemic.

Most importantly, all of this work and these modified processes were carried out without compromising safety, oversight or environmental monitoring.

The Commission of the Canada Energy Regulator also adjusted a number of its adjudicative processes to replace in-person hearings with alternative formats, such as written or virtual proceedings, to allow participants to fully adhere to applicable public health measures. Revised and flexible processes allowed the Commission to operate in a fair, efficient, transparent and accessible manner, while also respecting the open-court principle. This enabled the Commission to continue making timely decisions while keeping safe everyone who relied on and participated in its proceedings.

Thanks to an enormous team effort and solid business continuity planning, CER business operations continued uninterrupted throughout the entire year.

Looking back, the people of the CER learned a lot about their ability to harness individual and collective strengths to adjust how the organization works and effectively serves Canadians. The CER still does not know exactly what its workplace will look like beyond the pandemic, but the CER team does know that it will continue to be dedicated to the safety and well-being of its staff, Indigenous communities, the public, and the companies it regulates.

For more information on the CER's plans, priorities and results achieved, see the "Results: what we achieved" section of this report.

### Results: what we achieved

## **Energy Adjudication**

**Description:** Making decisions or recommendations to the Governor in Council on applications, which include impact assessments, using processes that are fair, transparent, timely and accessible. These applications pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, compensation dispute resolution, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.

### Results

The CER regulates Canada's federal energy infrastructure over its complete lifecycle. During the design and application assessment phase of projects, it reviews and imposes conditions. Companies must satisfy the CER that they are fulfilling the conditions set in an application

review, and that they are taking every available action to anticipate, prevent, and mitigate any potential harms associated with their activities. When a project has reached the end of its useful life, the CER reviews abandonment applications to ensure that they are abandoned in a safe and environmentally responsible manner.

The CER Act outlines the way resource projects are assessed by the CER. The legislation focuses on early planning and engagement during project reviews, Indigenous engagement and the incorporation of Indigenous knowledge and rights, as well as an emphasis on public participation opportunities.

Advancing Canada's global competitiveness is core to the CER's mandate. The organization is committed to making decisions in a predictable way and within time limits, providing certainty to investors and stakeholders, driving innovation and enabling the carrying out of sound projects that create jobs for Canadians.

### • Crown Consultation Process

The CER consults in a way that is fully consistent with Canada's obligations under the *Constitution Act*, 1982 and the Government's commitments to advance Reconciliation with

### **CER Commission**

One of the highlights of the modern governance structure of the CER is the establishment of an independent Commission to adjudicate upon energy projects.

The Commission is part of the CER and, although its adjudicative role is independent, it contributes to the overall effective delivery of the CER's mandate and Departmental Results Framework, in particular the CER's Core Responsibilities of Energy Adjudication and Safety and Environment Oversight.

For further details on adjudicative decisions and recommendations to the Governor in Council from the CER, please see the 2020-21 Annual Report of the Commission of the Canada Energy Regulator.

Indigenous peoples. We undertake and coordinate federal Crown consultation with a goal to fulfill the Crown's duty to consult, and where appropriate, accommodate Indigenous peoples, as well as to support meaningful two-way dialogue.

The CER's new Crown consultation responsibilities are part of project reviews and support the Commission's hearing process for new pipelines, powerlines or offshore renewable energy projects, as well as for activities the CER regulates over the lifecycle of energy infrastructure. The duty to consult and, when required, accommodate, is triggered when there is a potential impact to Indigenous or treaty rights and where a decision of the Government might adversely affect the exercise of those rights.

The CER tailors the federal Crown consultation vii activities to the scope and potential impacts of proposed projects and the needs of potentially affected Indigenous peoples. The CER Commission's hearing process is a key component of CER-led Crown consultation approach and activities. For projects where the Commission is the final decision maker, the CER's intent is to fulfill the Crown's duty to consult through the Commission's regulatory process. The Commission has the technical expertise and mandate to consider and address project impacts, including those affecting the rights and interests of Indigenous peoples. For projects where the Governor-in-Council is the final decision maker, the CER will carry out additional Crown consultation activities that support the Commission's hearing process. As Crown Consultation Coordinator, the CER will also work as necessary with other federal departments to determine how any issues or concerns raised by Indigenous peoples that may involve other areas of federal responsibility can be addressed.

In 2020-21, the CER delivered Crown consultation activities with the guiding principle of advancing Reconciliation with Indigenous peoples. For the team, this meant emphasizing early and collaborative exchanges with Indigenous peoples based on a recognition of rights and enhancing the transparency of the Crown consultation process. The CER's Crown Consultation Team consulted Indigenous communities in relation to several applications throughout 2020-21, including:

- o ITC's application for a variance to the ITC Lake Erie IPL viii certificate sunset clause,
- $\circ~$  TC Energy's NGTL application for the <u>Westpath 2023 ix</u> pipeline project, and
- o Trans Mountain's <u>West Alternative route variance</u><sup>x</sup> application.

At year-end, these review processes and corresponding Crown activities were still ongoing. As the CER implements its Crown consultation role, it will look for opportunities to continually improve its approach - listening and learning from Indigenous peoples.

### • Improvements to the Participant Funding Program

The CER administers a <u>Participant Funding Program</u><sup>xi</sup> to facilitate the participation of the public - in particular, the Indigenous peoples of Canada and Indigenous organizations - in public hearings and any steps leading to those hearings.

In 2020-21, a gap was identified in the Program whereby the CER was unable to provide participant funding for CER-led hearings of non-designated projects conducted under the <u>Canadian Oil and Gas Operations Act</u>xii and the <u>Northwest Territories Oil and Gas Operations Act</u>xiii, which could create a legal risk of the CER failing to fulfil the duty to consult.

CER staff worked with colleagues from several federal government departments to assess the gap, identify options and obtain support across government to amend the Participant Funding Program's Terms and Conditions to allow the CER to provide participant funding to Indigenous groups for such hearings. The CER is offering participant funding to Indigenous groups for two project application hearings in 2021-22: the <u>Inuvialuit Energy Security</u> Project<sup>xiv</sup> and the Norman Wells Waste Management Facility.<sup>xv</sup>

### • Orphan Pipelines

The CER Act introduced provisions for dealing with pipelines where the company that holds the pipeline certificate is unknown, insolvent, dissolved or cannot be located. The CER established a Designated Officer and can now take necessary measures to abandon an orphaned pipeline, if required.

## Gender-based analysis Plus

There are GBA Plus requirements for assessment in the CER Act. Section 183.2 (c) of CER Act outlines what factors need to be considered in Commission recommendations to the Minister.

Filing guidance has been issued on assessing GBA Plus requirements in applications and staff have started assessing applications using this guidance. These actions support the Minister's mandate<sup>xvi</sup> to apply GBA Plus in decision-making. The CER has continued to provide staff with training on this topic to ensure that people are competent and qualified to provide those GBA Plus analyses.

In 2020-21 all applications submitted for physical projects were assessed against the new guidance.

## **Experimentation**

The CER continued its partnership with the not-for-profit Code for Canada<sup>xvii</sup> to update our public regulatory document system, REGDOCS. The team implemented incremental design

changes in REGDOCS, including descriptive text and improved document access, to better align the repository with the Government of Canada's Web Experience Toolkit principles of accessibility, usability and interoperability.

The CER is also progressing on work to create analytical metrics to understand variables affecting application processing times. In the summer of 2020, the CER partnered with the University of British Columbia to deliver two prototypes for meta-tagging data in high-value regulatory documents: a dataset of facility and short pipeline applications, and metadata from letters of comments, including main topics and feeling patterns, which can improve insight for future engagement. This work has paved the way for broader metadata-tagging initiatives in REGDOCS to improve the searchability and usability of historical data documents at the CER.

### Results achieved

Departmental results	Performance indicators	Target	Date to achieve target	2018–19 Actual results	2019–20 Actual results	2020–21 Actual results
Energy adjudication processes are fair.	Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness.	Exactly 0%	March 2021	0%	0%	0%
Energy adjudication processes are timely.	Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards.	Exactly 100%	March 2021	100%	100%	97%
Energy adjudication processes are transparent.	Percentage of surveyed participants who indicate that adjudication processes are transparent.	At least 75%	March 2021	73%	79%	80%
Energy adjudication processes are accessible.	Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.	At least 90%	March 2021	100%	100%	100%

## **Budgetary financial resources (dollars)**

2020–21 Main Estimates	2020–21 Planned spending	Total authorities	Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
19,870,310	19,870,310	22,100,126	20,864,381	994,071

## **Human resources (full-time equivalents)**

	Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
108.2	129.43	21.23

Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase<sup>xviii</sup>.

## Safety and Environment Oversight

**Description:** Setting and enforcing regulatory expectations for regulated companies over the full lifecycle—construction, operation and abandonment— of energy-related activities. These activities pertain to pipelines and related facilities, international power lines, offshore renewable energy, tolls and tariffs, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.

### Results

Preventing harm is the foundation of how the CER keeps people safe and protects the environment. The CER aims to achieve zero incidents that harm people or the environment on the 73,000 km of pipeline it regulates. The CER follows a risk-based approach in planning and conducting compliance verification activities (CVAs) and when the activities of regulated companies have the potential to pose greater harm to people or the environment, the CER focuses increased oversight through engagement, inspections, investigations, audits and enforcement, when necessary.

### **Compliance Verification Activities**

In 2020-21, the CER conducted 215 CVAs, which included:

- 86 Inspections
- 11 Emergency Response Exercises
- 6 Management System Audit Reports
- 9 Compliance Screening Meetings
- 44 Implementation Assessment Meetings
- 55 Information Exchange Meetings
- 4 Manual Reviews

Overall, there were about 35 fewer CVAs in 2020-21 due to the COVID-19 pandemic.

In support of the Safety and Environment Oversight core responsibility in 2020-21, the CER committed to enhanced oversight of major construction projects by both enforcing mandatory compliance with regulations and creating a stronger focus on the use of Indigenous Monitors and perspectives through IAMCs. IAMCs bring together Indigenous representatives and Government of Canada counterparts to provide advice to government and regulators and to monitor the construction and operation of the projects.

In addition, the CER committed to new data initiatives within the Safety and Environment Oversight core responsibility, to support proactively addressing safety matters and provide improved web-based information tools for the public.

# • Trans Mountain Expansion Project (TMX/TMEP)

In 2020-21, <u>Trans Mountain continued its</u> construction activities on the <u>TMX pipeline</u>. As planned, the CER throughout the year worked to hold the company accountable and verify that it was meeting its requirements and commitments through compliance verification activities and ensuring that Trans Mountain was satisfying all 156 conditions of the pipeline's approval. The CER's efforts were informed by its participation in the Trans Mountain Indigenous Advisory Monitoring Committee and in collaboration with Indigenous Monitors.

During the course of the year, the CER undertook over 50 Compliance Verification Activities on TMX, covering pipeline integrity, safety, environmental protection, damage prevention, and emergency management. The activities included 32 inspections, two emergency response exercises and 20 compliance meetings.

### **CER Tests Trans Mountain Fire Response Preparedness**

The CER requires companies to be ready at all times to respond to any emergency.

In 2019, the CER directed Trans
Mountain to improve its fire
preparedness. This included requiring
the company to reduce its response
target to four hours from the original six,
and to incorporate regular unannounced
exercises into its emergency
management program. The CER also
committed to testing Trans Mountain's
fire response preparedness once these
changes were made.

In March 2021, the CER conducted its first ever, unannounced exercise to evaluate a regulated company's emergency readiness.

On that day, CER Inspection Officers and an Indigenous Monitor arrived at Trans Mountain's Burnaby facility with no prior warning given to the company that the CER would be initiating the exercise. Trans Mountain was directed to simulate a response to a full surface crude oil tank fire. The company had to show that it could get the needed personnel and equipment on site and ready to start putting out the fire within four hours to allow ample time to control a potential boil-over from the tank itself.

During the course of the exercise, Trans Mountain demonstrated that it was able to respond to the potential scenario at its Burnaby facility in 2.5 hours, well within the four-hour target. Tragically, a contract worker was fatally injured in October 2020 at a Trans Mountain construction site in Edmonton, Alberta. Later in December of the same year, another contract worker was seriously injured on a Trans Mountain construction site in Burnaby, BC. CER Inspection Officers were deployed to the field to oversee company investigations and conduct regulatory oversight at both worksites.

An Inspection Officer Order was issued during the course of the CER fatality oversight work which focused on Trench box operations and competency and training of Trans Mountain Inspectors. In light of the incidents, Trans Mountain voluntarily halted construction on the pipeline in mid-December 2020. Construction was restarted in mid-January 2021.

Trans Mountain later submitted their root cause analyses for the incidents, which included - but were not limited to – issues stemming from inadequate supervision and oversight of field level work activities, inadequate hazard identification, risk assessment and safety communication processes and ineffective assessment of supervisor competency and training programs.

Subsequently, CER safety oversight activities have focused on high-risk construction activities and Trans Mountain contractor oversight and supervision. Further enforcement action, such as AMPs, are currently being evaluated.

### • Enbridge Line 3 Replacement Project

<u>Construction on the Line 3 replacement project</u><sup>xx</sup> was largely completed during the 2020-21 fiscal year, therefore the CER's compliance oversight in that time focused on post-construction operational matters. Compliance Verification Activities on Line 3 were carried out in the field with Indigenous Monitors and were informed, in part, through feedback from the Line 3 Indigenous Advisory Monitoring Committee.

### • CER Oversight of Keystone XL

Construction activity on the Keystone XL pipeline xxi occurred in the latter part of 2020 and during that period, the CER conducted operational oversight activities on the line with the assistance of Indigenous Monitors. In January 2021, the United States' federal government revoked the Presidential permit for the Keystone XL Project. TC Energy began winding down construction activities in Canada, officially suspending construction in May 2021, while the CER continued its regulatory oversight activities.

### NGTL 2021

Construction activity on the <u>NOVA Gas Transmission Ltd. 2021 System Expansion</u>

<u>Project</u><sup>xxii</sup> began in early 2021. At that time, the CER put in place a process to ensure the involvement of Indigenous Monitors in its regulatory oversight work of the Project.

### **Gender-based analysis Plus**

The CER conducts a GBA Plus analysis pursuant to the Cabinet Directive on Regulation for its regulation development projects. The CER continues to strengthen its regulatory framework by assessing the impact that proposed regulations could have on Canadians from identifiable groups. This year, the CER has further developed our GBA Plus approaches to assessing regulatory framework changes by developing a template and work instructions to incorporate GBA Plus into regulatory development. The CER will use this template in upcoming planned regulatory reviews over 2021-22.

### **Experimentation**

The CER, through years of collecting environmental and socio-economic assessments (ESAs) from our regulated companies, has amassed a great deal of raw data that can be used by researchers, scientists and academics in many fields.

In 2020-21 the CER initiated work on a newly created data bank with information on communities, the environment and the economy compiled from ESAs received between the years 2003 and 2019. BERDI, which stands for Biophysical, Economic, Regional Data Information, supports our mission to provide relevant energy information, and aligns with our strategic priorities to increase trust and confidence and advance data and digital innovation. The new interface is expected to launch publicly in the 2021-22 fiscal year.

The CER also initiated work on a database to capture environmental data from post-construction monitoring reports (PCMRs). When developed, the PCMR database will show trends in post-construction issues in relation to land uses and ecological components and enable a visual interface for data interactions. The project will allow the CER to evaluate outstanding environmental issues and trends after pipeline construction, informing future improvements to data collection and compliance verification.

### Results achieved

Departmental results	Performance indicators		Date to achieve target	2018–19 Actual results	2019–20 Actual results	2020–21 Actual results
Harm to people or the environment, throughout the lifecycle of energy-related	Number of serious injuries and fatalities related to regulated infrastructure.	Exactly 0	March 2021	13	81	12

<sup>&</sup>lt;sup>1</sup> Amended after 2019-20 year-end to 8. As a part of routine reporting and assessment procedures, quarterly and annual numbers can vary slightly as companies or CER employees validate data that has been submitted.

16 Results: what we achieved

activities, is prevented.	Number of incidents related to regulated infrastructure that harm the environment.	Exactly 0	March 2021	13	2	6
	Percentage of unauthorized activities on regulated infrastructure that involve repeat violators.	At most 15%	March 2021	18%	12%	10%

## **Budgetary financial resources (dollars)**

2020–21 Main Estimates	Planned	Total authorities	(authorities used)	2020–21 Difference (Actual spending minus Planned spending)
17,875,000	17,875,000	29,060,400	23,152,134	5,277,134

## **Human resources (full-time equivalents)**

2020–21 Planned full-time equivalents	Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
114.0	142.46	28.46

Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase<sup>xxiii</sup>.

## **Energy Information**

**Description:** Collecting, monitoring, analyzing and publishing information on energy markets and supply, sources of energy, and the safety and security of pipelines and international power lines.

### Results

The increasing pace of change in Canadian and global energy markets and climate policy suggest that the need for up-to-date analysis on energy trends is greater than ever. The CER plays a vital role in conveying objective and neutral information to Canadians and is at the forefront on energy markets monitoring and analysis. Staff work feeds into regulatory hearings on pipeline projects in Canada, provides analysis on important policy developments, models Canada's energy supply and demand projections, and provides Canadians with reports and dashboards to help make informed choices on energy matters.

### • Informing Canada's Energy Conversation

Providing access to relevant, accurate and timely energy data and information gives Canadians tools they need to do their own research, make decisions and understand the energy landscape around them. By increasing energy awareness, the CER supports Canada's global competitiveness in energy markets. In support of this, the CER released several high-profile energy analysis publications in 2020-21:

 What is in a Canadian Residential Electricity Bill? Report<sup>xxiv</sup>, released in July 2020, is an analysis of electricity generation, consumption and cost. The report included

## CER's Energy Information products in 2020-21 included:

- 60 new online energy information products
- 14 Reports and 46 Market Snapshots
- More than 1.1 million energy information web page views
- 208 responses to information requests
- 113 collaborative engagements with energy stakeholders
- 119 citations of energy and pipeline information sourced as a reference in major online publications
- provincial and territorial information on electricity generation and consumption and details on electricity providers and energy charges for each jurisdiction. The report included an interactive tableau component where users could calculate the cost of household appliances and electronics based on the amount of usage and the province and territory of residence.
- <u>Energy Futures 2020\*\*\*</u>, released in November 2020, is the CER's long-term energy supply and demand outlook. The report introduced a new scenario that explored Canada's energy transition and examined the opportunities and challenges for Canada associated with net-zero GHG emissions by 2050.
- Canada's Renewable Power Report<sup>xxvi</sup>, released in March 2021, is an overview of electricity generation and capacity. The report included a short-term outlook of capacity changes in Canada and illustrated the path forward for the decarbonization of Canada's electricity grids.
- O Provincial & Territorial Energy Profiles xxvii, which was developed over 2020-21 and released in April 2021, is an overview of energy production, transportation and trade, as well as consumption and GHG emissions. The report included all sources of energy, from crude oil and refined products, to natural gas and LNG, to uranium and renewables. This year's release included a modernized layout and "look and feel" of

the product, expanded content, and engagement with provinces and territories in the review process.

Reception of the CER's energy information reports demonstrates their relevance to Canadians, generating considerable dialogue in the media, on social media and with energy experts. The Provincial & Territorial Energy Profiles had the highest web-hits of our energy information products. Within 24 hours of the public release of Energy Futures 2020, there were over 770 social media posts and 450 news articles and broadcast mentions of the report. The release of Canada's Renewable Power was mentioned by more than 250 news platforms - with a combined audience reach of 240 million people.

### • Providing Data on CER-regulated infrastructure

To build the trust in the CER and the facilities it regulates, Canadians need access to accurate and comprehensive data on the performance of CER-regulated facilities. The CER is investing in compiling and releasing as much data as possible on the safety, environmental and economic performance of pipelines and powerlines it regulates. We are releasing the data in various formats to reach a broad range of Canadians, from open data files to interactive visualizations.

Core to this effort is the <u>Pipeline Profiles</u><sup>xxviii</sup> web portal – a one stop shop for detailed information and regularly updated data on Canada's major oil and natural gas pipelines regulated by the CER. Several new datasets and visualizations, including pipeline incidents and pipeline project conditions were added to the portal. These new sections include interactive maps, summary statistics and trends, and new functionality to locate incidents that are 'near you'.

The CER also developed its <u>International Power Lines Dashboard</u><sup>xxix</sup>, which for the first time provides a detailed dataset of all powerlines that cross the Canada-U.S. border, accessible through an interactive map.

### • Broadening the CER's Reach

Policymakers, regulators and stakeholders need high quality energy information for a modernized energy system to work well. For that reason, the CER worked to develop deeper connections and broader collaboration with stakeholders and partners in 2020-21.

The CER undertook a collaborative research project and paper with CanmetENERGY, Natural Resources Canada, and the National Research Council on Open and common approaches for evaluating marginal emission factors: a case study of the Alberta electric grid<sup>xxx</sup>.

The CER also engaged with the First Nations Technology Council, the University of Alberta's Department of Native Studies and the CER Indigenous Advisory Committee to discuss incorporating Indigenous perspectives and information needs into the CER publications.

### **Gender-based analysis Plus**

Energy Information will continue initiatives to improve its content; accommodating the diverse needs of Canadians so that it is equally accessible to all audiences including Indigenous, ethno-cultural and official language minority communities:

- Our content is published in both official languages;
- We use and promote gender neutral terminology;
- We depict in images the diverse nature of Canadians in a fair, representative and inclusive manner, including a balance of gender and ethnicity;
- We adhere to all Government of Canada accessibility guidelines and web accessibility standards: colour-blind friendly, use of whitespace and shorter paragraphs and bulleted lists, plain language, all images/charts have alternative text and/or descriptions that explain what is being shown;
- We improve page load speeds and make data sets available for download in addition to high-bandwidth interactive charts so that people in remote communities can still access and use our content; and,

### Focus on Collaboration - the Canadian Centre for Energy Information

The CER collaborated with several federal departments - including Natural Resources Canada, Environment & Climate Change Canada, and Statistics Canada - on the Canadian Energy Information Portal, which has a mandate to develop a modern, Pan-Canadian energy information system that provides easy-to-access, comprehensive, and credible information.

The CCEI provides Canadians with a single point of access to a wide variety of statistics and measures of the country's energy sector. Its website, launched in October 2020, offers an array of information on topics such as energy production, consumption, international trade, transportation and prices.

The CER continued data validation and reconciliation work with Statistics Canada to improve the quality of monthly energy commodity trade data. Learnings from this work were shared with the CCEI and will inform a joint CER-Statistics Canada paper on Crude Oil Exports, to be published in 2021-22.

• We share content that is aimed at different identity groups through our diverse array of Snapshots. Topics are always changing and target general consumers, industry, academia, and Indigenous audiences.

## **Experimentation**

The CER seeks new ways to use data, analytics and information management to improve the accessibility and relevance of energy information products. In 2020-21 the CER undertook a redesign of the Energy Futures visualization platforms. The interface was designed with users to ensure closer alignment with the 2020 report. It is now connected to source data for easier maintenance and includes a new visualization for oil and gas data.

### Results achieved

Departmental results	Performance indicators	Target	Date to achieve target	2018–19 Actual results	2019–20 Actual results	2020–21 Actual results
Canadians access and use energy information for	Number of times the energy information is accessed.	At least 750,000	March 2021	1,216,873	1,273,727	1,169,612
knowledge, research or decision-making.	Percentage of surveyed web users who agree that energy information is useful for knowledge, research or decision- making	At least 75%	March 2021	90%	92%	n/a²
Canadians have access to community-specific regulated infrastructure information.	Increased information specific to regulated infrastructure in communities.	At least 5	March 2021	15	6	15
Canadians have opportunities to collaborate and provide feedback on Canada Energy Regulator information products.	Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.	At least 80	March 2021	105	56	113

<sup>&</sup>lt;sup>2</sup> Result not available: survey was not conducted in 2020-21 due to technical issues and low response rates in previous years.

## **Budgetary financial resources (dollars)**

	Planned spending	Total authorities	Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
4,459,939	4,459,939	6,457,741	5,934,378	1,474,439

## **Human resources (full-time equivalents)**

2020–21 Planned full-time equivalents	Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
29.00	30.43	1.43

Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase<sup>xxxi</sup>.

## **Engagement**

**Description:** Engaging nationally and regionally with Indigenous Peoples and stakeholders through open dialogue, asking questions, sharing perspectives, and collaboration. These activities pertain to all decisions and actions related to the Canada Energy Regulator's legislated mandate.

### Results

Despite the challenges the pandemic brought in 2020-21, the CER was able to engage with stakeholders and Indigenous peoples by adapting its processes to deliver engagement virtually. Over the course of the year, the CER held 110 unique engagement events. In those meetings, the CER was able to identify issues and work to resolve them through communication and coordinated efforts across the organization, with regulated companies and provincial bodies. Despite the limitations from the pandemic, 80% of stakeholder and Indigenous groups who completed the CER's stakeholder survey indicated they had meaningful engagement with the CER.

Engagement activities were conducted across all CER programs to inform decisions, regulations, products and other work. Feedback gathered during our engagement efforts indicates that engagement is making a difference: our work with partners improves the CER's products (such as Energy Information publications), processes (notably, compliance oversight joint work with Indigenous Peoples during the pandemic), and programs.

The organization noted that it needs to continue to improve the ways in which it coordinates and aligns its engagement efforts. In 2020-21 the CER focused on its collaborative activities with the diverse Indigenous Peoples and stakeholder groups across Canada. Some of the highlights included:

- Completing 53 joint inspections with Indigenous Monitors on the Trans Mountain Expansion, Keystone XL, Line 3 and NGTL 2021 projects.
- Finalizing our commitment to a one-year pilot project with the BC Oil and Gas Commission <u>Aboriginal Liaison Program<sup>xxxii</sup></u>. The CER's involvement will create new opportunities for collaboration with participating Indigenous communities and provincial agencies as we develop meaningful partnerships and relationships.
- Engaging the Indian Resource Council to seek their input on energy information that is published in the CER's market snapshots.
- Broadening the membership of the <u>Land Matters Group</u>
  <u>Advisory Committee</u> xxxiii to create a more national
  forum where issues of interest to landowner
  associations, agricultural advocacy groups, industry and
  government representatives are discussed;
- Collaborating with the Canadian Electricity Association to facilitate the reporting in contraventions of the CER event reporting system;
- Working as part of a stakeholder group on publication of the <u>Frame of Reference – Pipeline Response</u><sup>xxxiv</sup> initiative, which will increase collaboration among first responders in Québec; and,
- Developing an Ontario stakeholder engagement strategy.

## Advancing Cultural Competency at the CER

During 2020-21, the CER advanced its commitment to building cultural competence throughout the organizational.

Drawing from the Truth and Reconciliation Commission's Calls to Action, the CER's Indigenous Cultural Competency Training (ICCT) initiative is a foundational component of our Reconciliation Strategic Priority. It provides staff with the training, tools and knowledge to help Indigenous and non-Indigenous peoples work more effectively together, and better accept and understand people with different backgrounds.

The ICCT initiative will also set expectations for staff performance and professional standards using several methods of training, continual learning delivery, and policy development.

## **Gender-based analysis Plus**

The CER performs an annual survey with those with whom the Regulator has engaged. The survey checks their self-perception as to whether they have felt meaningfully engaged. The CER collects information on the participant's general location (keeping the individual non-identifiable) as well as self-identification as an Indigenous person. The CER uses this information to tailor our future engagements to better serve a diverse population.

## **Experimentation**

The CER uses data collection technology to help us better identify and share information at the community level, so that we have the right information when meeting with Indigenous communities and stakeholders about community-specific issues. In 2020-21, the CER implemented a new issues management feature in our Customer Relationship Management tool. Public request case tracking enables us to better monitor concerns and questions from Indigenous groups and stakeholders, as well as corresponding CER responses.

### Results achieved

Departmental results	Performance indicators	Target	Date to achieve target	2018–19 Actual results	2019–20 Actual results	2020–21 Actual results
Input provided by Indigenous Peoples and stakeholders influences the Canada Energy Regulator's decisions and work.	Indigenous Peoples and stakeholders influences the	Narrative	March 2021	n/a <sup>3</sup>	n/a	Target met – refer to Results Achieved text.
Indigenous Peoples and stakeholders provide feedback that engagement with the Canada Energy Regulator is meaningful.	participants in engagement activities who indicate that the	At least 75%	March 2021	89%	84%	80%

<sup>&</sup>lt;sup>3</sup> Indicator is new for 2020-21 – results from previous years is not available.

## **Budgetary financial resources (dollars)**

	Planned spending	Total authorities	Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
7,898,891	7,898,891	12,711,040	9,611,208	1,712,317

## **Human resources (full-time equivalents)**

2020–21 Planned full-time equivalents	Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
39.30	56.86	17.56

Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase<sup>xxxv</sup>.

### **Internal Services**

**Description:** Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are:

- ▶ Acquisition Management Services
- **▶** Communication Services
- ▶ Financial Management Services
- ► Human Resources Management Services
- ▶ Information Management Services
- ► Information Technology Services
- Legal Services
- ▶ Material Management Services
- Management and Oversight Services
- ▶ Real Property Management Services

### Results

During the past year, the CER demonstrated the ability of its Internal Service support programs to adapt nimbly and efficiently to the needs of the organization's greatest asset – its employees – under the unexpected and extraordinary circumstances of the COVID pandemic.

The CER's Information Technology program facilitated organizational collaboration and workat-home during COVID via a variety of technological improvements, including Microsoft Teams and scaling of Internet Bandwidth and Remote Desktop capacity. Communications augmented that support by launching a new internal website platform to improve remote accessibility, functionality and design and enable use of collaboration tools available through Microsoft Teams. Successful delivery of IT-enabled business projects ensured seamless delivery of the CER's core responsibilities.

Bettering its people management practices through training remained a cornerstone of the CER's Human Resources approach, as the organization developed and offered training on staffing processes, Employment Equity and unconscious bias. The organization also launched a new Harassment and Violence Prevention Policy to ensure compliance with legislative changes to the Canada Labour Code.

In support of its people, the CER enhanced employee engagement opportunities, internal communications and training, while continuing to deliver staffing, compensation, training, awards and recognition programs.

## Gender-based analysis Plus

In response to the public health measures required by the COVID-19 pandemic, the entirety of the CER's workforce was working at home during the majority of FY 2020-21. The CER created a pandemic response team to coordinate the internal response and employee support as well as determine an appropriate return to office plan. The CER undertook a detailed GBA Plus analysis of the impacts of the pandemic on employees. Additionally, the CER began an analysis of the future of our workplace: the GBA Plus lens was explicitly incorporated in that analysis when considering the possibility of increased work at home or remote work arrangements.

As a direct result of the use of the GBA Plus lens in the above surveying, specific measures were implemented to support the diverse needs of employees. This included the following:

- introduction of MS Teams closed captioning, supporting those with disabilities such as hearing impairments;
- domestic violence training for employees and management; and,
- the planned introduction of a trial hybrid remote working model, developed in response to concerns raised by diverse employees. For instance, this included interest by

Indigenous employees to be closer to their communities, those with caregiving responsibilities disproportionately indicating their desire to work from home, and those with disabilities indicating the benefits of minimizing commutes.

### **Experimentation**

The CER is committed to increasing the organization's capacity to use data as a strategic asset. In 2020-21, our Data and Information Management and Information Technology programs explored the use of Near Communication technology, which enables people to access direct information about CER events by tapping their phones at QR barcodes. The technology was successfully piloted at CER Energy Information events.

The CER also partnered with Mitacs (Canadian Science Policy Fellowship) to explore delivery of a digital platform that bridges gaps in the Canadian energy dialogue, enabling an information exchange between the CER and Indigenous Peoples, stakeholders, academia, landowners and Canadians. As a part of this project, a grey paper was developed which provided extensive research on two key topics: foundational principles of citizen science, the work of other governments, and challenges and lessons, and a synopsis of the activities of other Canadian government departments regarding Indigenous knowledge, including how knowledge is shared and co-produced, and incorporating principles under the UN Declaration on the Rights of Indigenous Peoples (e.g. Free, Prior, and Informed Consent). The research and project information are potential building blocks that could support the future development of a digital citizen science platform.

## **Budgetary financial resources (dollars)**

Main	Planned		Actual spending	2020–21 Difference (Actual spending minus Planned spending)
29,445,190	29,445,190	37,875,705	40,270,827	10,825,637

## **Human resources (full-time equivalents)**

Planned full-time equivalents	Actual full-time	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
162.5	162.44	(0.06)

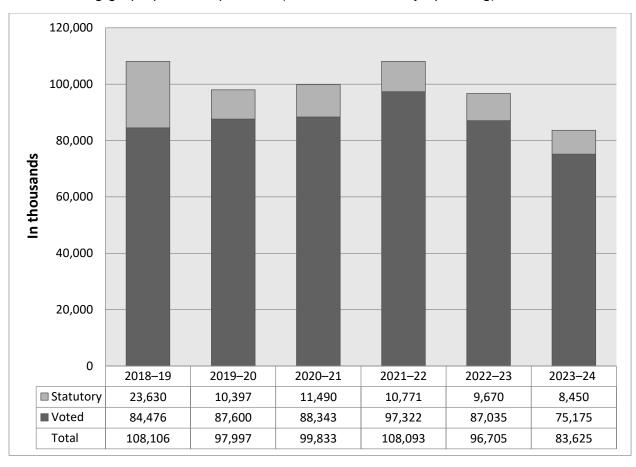
Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase<sup>xxxvii</sup>.

## Analysis of trends in spending and human resources

## **Actual expenditures**

## Departmental spending trend graph

The following graph presents planned (voted and statutory spending) over time.



The CER is funded through Parliamentary appropriations. The Government of Canada currently recovers approximately 99% of the appropriation from the industry the CER regulates. All collections from cost recovery invoices are deposited to the account of the Receiver General for Canada and credited to the Consolidated Revenue Fund.

Pipeline and power line companies that hold authorizations under the Canadian Energy Regulator Act are subject to cost recovery. Applications before the CER for new facilities are not subject to cost recovery until the facility is placed into service, unless the company does not have any prior facilities regulated by the CER in which case a one-time levy is assessed following the authorization of construction.

Cost recovery is carried out on a calendar year basis.

# **Budgetary performance summary for Core Responsibilities and Internal Services (dollars)**

Core responsibilities and Internal Services	2020–21 Main Estimates	2020–21 Planned spending	2021–22 Planned spending	2022–23 Planned spending	2020–21 Total authorities available for use	2018–19 Actual spending (authorities used)	2019–20 Actual spending (authorities used)	2020–21 Actual spending (authorities used)
Energy Adjudication	19,870,310	19,870,310	19,419,562	18,914,053	22,100,126	23,372,250	21,550,144	20,864,381
Safety and Environment Oversight	17,875,000	17,875,000	25,473,425	24,081,579	29,060,400	22,648,545	24,588,408	23,152,134
Energy Information	4,459,939	4,459,939	8,112,706	5,335,109	6,457,741	9,554,137	9,235,424	5,934,378
Engagement	7,898,891	7,898,891	10,789,048	9,958,236	12,711,040	5,811,773	7,611,046	9,611,208
Subtotal	50,104,140	50,104,140	63,794,741	58,288,977	70,329,307	61,386,705	62,985,022	59,562,101
Internal Services	29,445,190	29,445,190	44,298,450	38,415,591	37,875,705	32,009,262	35,011,968	39,028,902
Internal Services  – GIC Remission Levy						14,710,000		1,241,925
Total	79,549,330	79,549,330	108,093,191	96,704,568	108,205,012	108,105,967	97,996,990	99,832,928

### Variance between 2018–19 Actual spending and 2019–20 Actual spending

The 2019-20 actual spending is \$10.11 million lower than the 2018-19 actual spending is primarily due to:

- an increase of \$2.35 million related to Budget 2019 CER transition cost;
- an increase of \$9.19 million mainly related to Budget 2018 transition to new impact assessment and regulatory processes;
- a decrease of \$14.71 million related to a levy remission to Northern Gateway Pipelines Limited Partnership;
- a decrease of \$4.51 million related to TMX Project reconsideration; and,
- a net decrease of \$2.03 million related to compensation adjustments made to terms and conditions of service or employment of the federal public administration.

### Variance between 2019-20 Actual spending and 2020-21 Actual spending

The 2020-21 actual spending is \$1.84 million higher than the 2019-20 actual spending is primarily due to:

- a decrease of \$2.33 million related to Transportation as a result of restriction of COVID-19:
- an increase of \$1.24 million related to remission to Vector Pipeline Limited Partnership;
- an increase of \$1.0 million mainly related to SAP implementation project; and,
- a net increase of \$1.93 million related to information and technology hardware updates.

### Variance between 2020-21 Planned spending and 2020-21 Actual spending

The 2020-21 actual spending is \$20.28 million higher than the 2020-21 planned spending is primarily due to:

- an increase of \$3.75 million related to operational budget carry-forward; and,
- a net increase of \$16.53 million mainly related to funding to stabilize the Canadian Energy Regulator's operations and improve its ability to interpret and make data available digitally to Canadians.

# Variance between 2020-21 Total authorities available for use and 2020-21 Actual Spending

The 2020-21 actual spending is \$8.37 million lower than the 2020-21 total authorities is primarily due to:

- a decrease of \$2.4 million travel expenses primarily related to the restriction of the COVID-19 pandemic;
- a decrease of \$3.9 million related to Budget 2018 transition to new impact assessment and regulatory processes;
- a decrease of \$0.7 million in funding to improve its ability to interpret and make data available digitally to Canadians; and
- a net decrease of \$1.37 million mainly related to compensation allocation as a result of adjustments made to terms and conditions of service or employment of the federal public administration adjustment.

# Variance between 2020-21 Total authorities available for use and 2020-21 Planned spending

The 2020-21 total authorities available for use is \$28.66 million higher than the 2020-21 Main Estimates primarily due to:

• an increase of \$3.75 million related to operating budget carry forward from 2019-20 to 2020-21;

- an increase of \$0.38 million related to compensation allocation as a result of adjustments made to terms and conditions of service or employment of the federal public administration;
- an increase of \$25.07 million mainly related to funding to stabilize CER's operations, and improve its ability to interpret and make data available digitally to Canadians;
- an increase of \$1.24 million related to a remission of a total sum paid to Vector Pipeline Partnership; and,
- a decrease of \$1.78 million related to 2020-21 employee benefit plan.

### Variance between 2021-22 Planned Spending and 2020-21 Planned spending

The 2021–22 planned spending is \$28.54 million higher than the 2020-21 planned spending is primarily due to:

- an increase of \$29.54 million mainly related to funding to stabilize CER's operations, and improve its ability to interpret and make data available digitally to Canadians;
- a decrease of \$2.23 million related to 2020-21 employee benefit plan; and,
- an increase of \$1.24 million related to compensation allocation as a result of adjustments made to terms and conditions of service or employment of the federal public administration.

### Variance between 2022-23 Planned Spending and 2021-22 Planned spending

The 2022-23 planned spending is \$11.39 million lower than the 2021-22 planned spending primarily due to:

- a decrease of \$1.76 million related to Budget 2017 Indigenous Advisory and Monitoring Committees;
- a decrease of \$1.0 million related to Budget 2018 transition to new impact assessment and regulatory processes;
- a decrease of \$7.53 million in funding make data available digitally to Canadians; and,
- a net decrease of \$1.1 million related to compensation adjustments made to terms and conditions of service or employment of the federal public administration.

2020–21 Budgetary actual gross spending summary (dollars)

Core responsibilities and Internal Services	2020–21 Actual gross spending	2020–21 Actual revenues netted against expenditures	2020–21 Actual net spending (authorities used)
Energy Adjudication	20,864,381	-	20,864,381
Safety and Environment Oversight	23,152,134	-	23,152,134
Energy Information	5,934,378	-	5,934,378
Engagement	9,611,208	-	9,611,208
Subtotal	59,562,101	-	59,562,101
Internal Services	40,270,827	-	40,270,827
Total	99,832,928	-	99,832,928

### **Actual human resources**

## Human resources summary for core responsibilities and Internal Services

Core responsibilities and Internal Services	2018–19 Actual full- time equivalents	2019–20 Actual full- time equivalents	2020–21 Planned full-time equivalents	2020–21 Actual full- time equivalents	2021–22 Planned full-time equivalents	2022–23 Planned full-time equivalents
Energy Adjudication	103.9	119.2	108.20	129.43	107	103.5
Safety and Environment Oversight	120.2	131.0	114.00	142.46	144.5	133.5
Energy Information	47.8	43.8	29.00	30.43	54.4	32.4
Engagement	34.0	37.8	39.30	56.86	47.6	43.6
Subtotal	305.9	331.8	290.50	359.18	353.5	313
Internal Services	170.6	162.2	162.50	162.44	191.5	173.5

and Internal Services	Actual full- time	Actual full- time	Planned	Actual full- time	Planned full-time	2022–23 Planned full-time equivalents
Total	476.5	494.0	453.00	521.62	545	486.5

## Variance between 2018–19 Actual full-time equivalents and 2019–20 Actual full-time equivalents

The increase of 17.5 full-time equivalents from 2018–19 actual to the 2019–20 actual is due to funding related to Budget 2018 Transition to New Impact Assessment and Regulatory Processes to assist the organization in implementing the transition to the Canada Energy Regulator.

## Variance between 2020-21 Actual full-time equivalents and 2020-21 Planned full-time equivalents

The increase of 68.78 full-time equivalents from 2020-21 actual to the 2020-21 planned is mainly due to funding related to the Stabilize the Canadian Energy Regulator's Operations and Data and Information Innovation Initiative.

# Variance between 2021–22 Planned full-time equivalents and 2022–23 Planned full-time equivalents

The decrease of 58.5 full-time equivalents from 2021–22 planned full-time equivalents to 2022–23 planned full-time equivalents is mainly attributed to the following:

- a decrease of 10 full-time equivalents related to Budget 2017 Indigenous Advisory and Monitoring Committee;
- a decrease of 6 full-time equivalents related to Budget 2018 Transition to New Impact Assessment and Regulatory Processes;
- a decrease of 30 full-time equivalents related to the Data and Information Innovation Initiative; and,
- a decrease of 12.5 full-time equivalents related to changes in funding levels.

## **Expenditures by vote**

For information on the CER's organizational voted and statutory expenditures, consult the <u>Public</u> Accounts of Canada 2020–2021. \*\*xxviii

## **Government of Canada spending and activities**

Information on the alignment of the CER's spending with the Government of Canada's spending and activities is available in GC InfoBase. xxxix

## Financial statements and financial statements highlights

#### **Financial statements**

The CER's financial statements (unaudited) for the year ended March 31, 2021, are available on the departmental website<sup>xl</sup>.

#### Financial statement highlights

# Condensed Statement of Operations (audited) for the year ended March 31, 2021 (dollars)

Financial information	2020–21 Planned results		Actual results	Actual results minus 2020–21 Planned	Difference (2020–21 Actual results minus 2019–20 Actual results)
Total expenses	96,794,722	115,678,025	117,383,336	18,883,303	(1,705,311)
Total revenues	-	-	-	-	-
Net cost of operations before government funding and transfers	96,794,722	115,678,025	117,383,336	18,883,303	(1,705,311)

The actual net cost of operations before government funding and transfers in 2020-21 was \$18.88 million higher than the planned results for the same fiscal year. The net increase is primarily due to the Stabilize the Canadian Energy Regulator's Operations and Data and Information Innovation Initiative.

The actual net cost of operations before government funding and transfers in 2020-21 was \$1.5 million lower than the actual results for the previous fiscal year. The net decrease is mainly due to:

- a decrease of \$2.4 million travel expenses primarily related to the restriction of the COVID-19 pandemic; and,
- a net increase of \$0.9 million professional services primarily related to the SAP implementation project, and information and technology hardware updates.

# Condensed Statement of Financial Position (audited) as of March 31, 2021 (dollars)

Financial information	2020–21	2019–20	Difference (2020–21 minus 2019–20)
Total net liabilities	30,801,754	27,221,392	3,580,362
Total net financial assets	17,666,410	15,718,933	1,947,477
Departmental net debt	13,135,344	11,502,459	1,632,885
Total non-financial assets	14,020,372	15,294,728	(1,274,356)
Departmental net financial position	885,028	3,791,269	(2,907,241)

## **Additional information**

#### Organizational profile

**Appropriate minister[s]:** The Honourable Jonathan Wilkinson, P.C., M.P.

Institutional head: Gitane De Silva

Ministerial portfolio: Natural Resources

Enabling instrument[s]: Canadian Energy Regulator Act (CER Act)<sup>xli</sup>

Year of incorporation / commencement: 2019

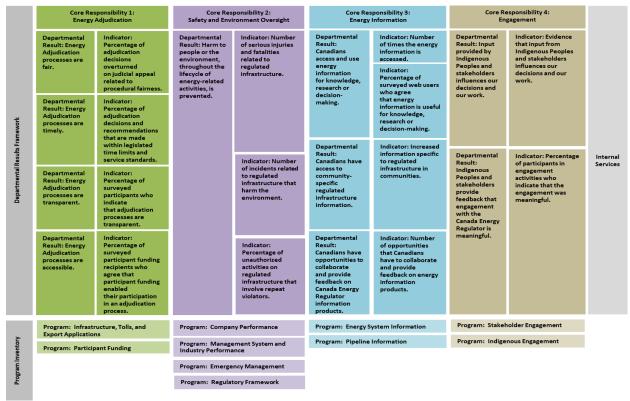
#### Raison d'être, mandate and role: who we are and what we do

"Raison d'être, mandate and role: who we are and what we do" is available on the <u>CER's</u> website<sup>xlii</sup>.

For more information on the department's organizational mandate letter commitments, see the Minister's mandate letter. xliii

## Reporting framework

The CER's Departmental Results Framework and Program Inventory of record for 2020–21 are shown below.



## Supporting information on the program inventory

Financial, human resources and performance information for the CER's Program Inventory is available in GC InfoBase. xliv

## Supplementary information tables

The following supplementary information tables are available on the CER's website:

- ▶ Reporting on Green Procurement<sup>xlv</sup>
- Details on transfer payment programs xlvi
- Gender-based analysis Plus<sup>xlvii</sup>

## Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the Report on Federal Tax Expenditures. This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs as well as evaluations and GBA Plus of tax expenditures.

## **Organizational contact information**



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You Tube https://www.youtube.com/c/CanadaEnergyRegulator

https://www.facebook.com/CER.REC/

## **Appendix: definitions**

#### appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

#### budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

#### core responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

#### **Departmental Plan** (plan ministériel)

A report on the plans and expected performance of an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

#### departmental priority (priorité)

A plan or project that a department has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

#### departmental result (résultat ministériel)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

#### departmental result indicator (indicateur de résultat ministériel)

A quantitative measure of progress on a departmental result.

#### departmental results framework (cadre ministériel des résultats)

A framework that connects the department's core responsibilities to its departmental results and departmental result indicators.

#### Departmental Results Report (rapport sur les résultats ministériels)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

#### **experimentation** (expérimentation)

The conducting of activities that seek to first explore, then test and compare the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works, for whom and in what circumstances. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

#### full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. For a particular position, the full-time equivalent figure is the ratio of number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

**gender-based analysis Plus (GBA Plus)** (analyse comparative entre les sexes Plus [ACS Plus)

An analytical process used to assess how diverse groups of women, men and genderdiverse people experience policies, programs and services based on multiple factors including race ethnicity, religion, age, and mental or physical disability.

#### **government-wide priorities** (priorités pangouvernementales)

For the purpose of the 2019–20 Departmental Results Report, those high-level themes outlining the government's agenda in the 2019 Speech from the Throne, namely: Fighting climate change; Strengthening the Middle Class; Walking the road of Reconciliation; Keeping Canadians safe and healthy; and Positioning Canada for success in an uncertain world.

#### **horizontal initiative** (initiative horizontale)

An initiative where two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

#### **non-budgetary expenditures** (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

#### performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

#### **performance indicator** (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

#### **performance reporting** (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

#### plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally, a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead to the expected result.

#### planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

#### program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

#### program inventory (répertoire des programmes)

Identifies all the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

#### result (résultat)

A consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

#### **statutory expenditures** (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

#### target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

#### voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an appropriation act. The vote wording becomes the governing conditions under which these expenditures may be made.

#### **Endnotes**

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- xi Participant Funding Program, <a href="https://www.cer-rec.gc.ca/en/applications-hearings/participate-hearing/participant-funding/index.html">https://www.cer-rec.gc.ca/en/applications-hearings/participate-hearing/participant-funding/index.html</a>
- xii Canada Oil and Gas Operations Act, <a href="https://laws-lois.justice.gc.ca/eng/acts/0-7/index.html">https://laws-lois.justice.gc.ca/eng/acts/0-7/index.html</a>
- xiii OROGO, https://www.orogo.gov.nt.ca/en/legislation-and-guidance
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- xviii GC InfoBase, https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start
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- xxvi Canada's Renewable Power, <a href="https://www.cer-rec.gc.ca/en/data-analysis/energy-commodities/electricity/report/canadas-renewable-power/canadas-renewable-power/index.html">https://www.cer-rec.gc.ca/en/data-analysis/energy-commodities/electricity/report/canadas-renewable-power/canadas-renewable-power/index.html</a>
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- xiiii Minister of Natural Resources Letter, https://pm.gc.ca/en/mandate-letters/2019/12/13/minister-natural-resources-mandate-letter
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