



Canada Energy Regulator (CER)
Suite 210, 517 10th Avenue SW
Calgary, AB T2R 0A8
Attention: Mr. Jean-Denis Charlebois Secretary of the Commission

March 22, 2021

Dear Mr. Charlebois,

RE: Trans Mountain Request for Confidential Treatment of Insurance Certificates Amended Order AO-001-FRO-002-217 (Amended Order) Request to treat Certificate of insurance information Confidentially

The Canadian Energy Pipeline Association ("CEPA") represents the majority of transmission pipelines in Canada. This industry is essential to Canada's energy supply and economy today and will remain so into the future.

The transmission pipeline system operates to the highest safety standards within a rigorous regulatory framework. Among other regulatory requirements, transmission pipeline operators regulated by the Canada Energy Regulator ("CER") are required to demonstrate financial capacity of up to one billion dollars that includes balance sheet capacity and insurance coverage *per* the CER Act. This financial capacity requirement is to ensure that if there is an incident, companies will have the financial capacity at hand to respond quickly and effectively, to mitigate the impacts of an incident and to restore the incident site fully. It is in the public's interest to know that companies have the financial capacity to fully address the environment, community and individuals impacted. Transmission pipelines under CER regulation must provide proof of their required level of financial capacity annually.

Under its 2021 upcoming financial capacity filing Trans Mountain Pipeline ("TMP") has requested that names of their insurance providers be held as confidential and redacted from documents posted on the CER website. CEPA submits that this request should be granted for the current filing and future filings for the following reasons:

- The CER will have the full filing and will determine whether the company meets the financial capacity requirements. That determination is the fundamental purpose of the filing and that determination is what is in the public interest.
- TMP's request for relief seeks a very narrow redaction (insurer identity only) of what is otherwise a robust and very public filing.
- There are legitimate business concerns around costs and competitive impacts with respect to the insurance providers that are sufficient for maintaining confidentiality.
- The operation, maintenance and construction of transmission pipelines are essential services for Canadians. These activities require the ability to acquire insurance coverage to be able to mitigate risks and is fundamental to their financial structure and required by law and regulation.



- The interest of the public is not served by disclosing the names of the insurance companies to be targeted by specific interest groups. It is in the broader public interest that Companies meet the regulatory financial capacity requirements.
- Among other regulatory requirements, transmission pipeline operators regulated by the Canada Energy Regulator ("CER") are required to demonstrate financial capacity of up to one billion dollars for large pipelines that includes balance sheet capacity and insurance coverage *per* the CER Act.

CEPA requests that the CER grant Trans Mountain's Request to treat certificate of insurance information confidentially now and in the future.

Sincerely,

Chris Bloomer
President and CEO