



Canada Energy
Regulator

Régie de l'énergie
du Canada

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File OF-Gen-06 FRR
8 March 2021

Mr. Kevin Thrasher
Associate General Counsel
Trans Mountain Canada Inc.
Suite 2700, 300 5th Avenue SW
Calgary, AB T2P 5J2
Email kevin_thrasher@transmountain.com

Dear Mr. Thrasher:

**Trans Mountain Pipeline ULC (Trans Mountain)
Request for Confidential Treatment
Amended Order AO-001-FRO-002-2017 (Amended Order)**

On 22 February 2021, Trans Mountain filed [a request](#) for an order pursuant to section 60 of the *Canadian Energy Regulator Act* (CER Act), permitting it to file in confidence information in its certificate of insurance disclosing the names of its insurers. Trans Mountain also requested that the confidential treatment of the names of its insurers be applied to all future filings of its certificate of insurance. Trans Mountain included a letter of support from the Canadian Association of Petroleum Producers.

Trans Mountain requested a decision by 15 March 2021 to provide Trans Mountain with sufficient time prior to filing its Financial Resources Plan update on or before 30 April 2021.

On 28 February 2021, [a letter](#) from a member of the public (Robyn Allan) was filed opposing Trans Mountain's request. On 4 March 2021, an environmental group, Stand.earth, filed [a letter](#) opposing Trans Mountain's request.

Comment Process

The Commission of the Canada Energy Regulator (the Commission) has decided to establish the following process to solicit comments on Trans Mountain's request for the confidential treatment of the names of its insurers.

Trans Mountain's request relates to the annual filing it must make as part of its Financial Resources Plan, as required by condition 6 of the Amended Order. All pipeline companies regulated by the Canada Energy Regulator (CER) must have a Financial Resources Plan which is a set of filings that detail how a company complies with the requirements in the CER Act and [Pipeline Financial Requirements Regulations](#). A Financial Resources Plan provides details about a company's financial resources, including the types, terms, timing of access and how the financial resources maintained allow a company to pay the amount of applicable Absolute Liability.¹

.../2

¹ Additional details regarding Financial Resources can be found in [Pipeline Financial Requirements Guidelines](#) on the CER's website.

All companies must file annual updates to their Financial Resources Plans by 30 April each year. If insurance is maintained as part of a company's Financial Resources Plan, the annual filing must include an updated certificate of insurance, which would include the names of the insurance providers, the amount of insurance coverage applicable to each provider, and the providers' respective A.M. Best Ratings. Trans Mountain has requested confidential treatment of the names of its insurers for 2021 and for all future filings.

Financial Resource Requirements do not apply to a pipeline under construction that does not contain any commodity. Therefore, the Commission is only seeking comments related to Trans Mountain's request concerning the current operating Trans Mountain pipeline, and not in relation to the Trans Mountain Expansion Project.

Trans Mountain must post a copy of this letter on its website by **4:00 pm MT on 9 March 2021**.

The Commission will post this letter to the CER website, and permit comments from the public to be filed until **4:00 pm MT on 22 March 2021**.

Trans Mountain must file any reply comments with the Commission by **4:00 pm MT on 25 March 2021**.

The Commission will consider all comments filed during this comment process, as well as the comments already submitted by Robyn Allan and Stand.earth, in its determination of this matter.

The CER is dedicated to the safety and well-being of its staff, Indigenous communities, the public, and all those with whom we work closely. For more information on how the CER is continuing its regulatory oversight during the COVID-19 pandemic, please refer to the following update issued 11 December 2020: www.cer-rec.gc.ca/CovidProcessUpdate.

The CER's preferred filing method is online through its [e-filing tool](#), which provides step-by-step instructions. If unable to file a document online, it may be filed by email to Secretary@cer-rec.gc.ca.

Yours sincerely,

Signed by

Jean-Denis Charlebois
Secretary of the Commission