



Canada Energy Régie de l'énergie  
Regulator du Canada

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File OF-Fac-Gas-N081-2018-03 03  
18 June 2021

Mr. Jaron Dyble  
Regulatory Project Manager  
Regulatory Facilities, Canada Gas  
NOVA Gas Transmission Ltd.  
450 – 1 Street SW  
Calgary, AB T2P 5H1  
Email [jaron\\_dyble@tcenergy.com](mailto:jaron_dyble@tcenergy.com)

Dear Mr. Dyble:

**NOVA Gas Transmission Ltd. (NGTL)  
2021 NGTL System Expansion Project (Project)  
Certificate of Public Convenience GC-129 (Certificate)  
Order AO-001-XG-001-2020 (Order)  
Condition Compliance Letter No. 11  
Certificate Condition 14 and Order Condition 11 – Report on Engagement with  
Indigenous Peoples**

On 23 October 2020, the Commission of the Canada Energy Regulator (**Commission**) issued Certificate GC-129 ([C09098](#)) pursuant to Section 52 of the *National Energy Board Act* (**NEB Act**), and on 5 November 2020, the Commission provided Orders XG-001-2020 and AO-001-XG-001-2020 ([C09385](#)) pursuant to Section 58 of the NEB Act<sup>1</sup> in relation to the Project. The Project includes the construction and operation of approximately 344 kilometres of new gas pipelines in eight pipeline section loops and related facilities in Alberta, and the construction and operation of three compressor station unit additions, a control valve, launcher and receiver facilities, and related infrastructure including tie-ins, and temporary infrastructure required for pipeline construction.

On 6 May 2021, NGTL filed its Report on Engagement with Indigenous peoples pursuant to Condition 14 of the Certificate and Condition 11 of the Order ([C12977](#)). On 7 May 2021, NGTL filed confirmation of notification to Indigenous peoples pursuant to part b) of Condition 14 of the Certificate and Condition 11 of the Order ([C12993](#)).

Certificate Condition 14 and Order Condition 11 requires NGTL to file a report, every six months until construction is complete, a report summarizing NGTL's engagement with all potentially affected Indigenous peoples. The full text of the condition can be found in Appendix 1 to this letter.

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<sup>1</sup> On 28 August 2019, the *Canadian Energy Regulator Act* (**CER Act**) came into force and the National Energy Board (**NEB**) became the Canada Energy Regulator (**CER**). Pursuant to Section 36 of the transitional provisions associated with the CER Act, the assessment of the Project was taken up by Commission and continued in accordance with the NEB Act.

The Commission has considered the filings listed above and notes the following:

- NGTL's filing included summaries of its engagement activities with the respective Indigenous communities, including:
  - a table describing the information and notifications provided to all potentially affected Indigenous communities during the reporting period of 1 October 2020 to 16 April 2021;
  - a summary of the discussions regarding capacity to review filings related to conditions;
  - a summary of the concerns raised by Indigenous peoples; and
  - a description of how NGTL addressed or will address the concerns raised;
- NGTL submitted an appendix with Project related issue summary tables in response to traditional knowledge reports received and the issues and concerns contained within from seven Indigenous communities; and
- NGTL also submitted, in response to the Commission's direction of 1 December 2020 and 26 January 2021, a second appendix with a table identifying outstanding concerns raised by potentially affected Indigenous communities, and NGTL's response on how the concern will be addressed, and if not, why not.

In consideration of these factors, the Commission is of the view that the requirements of Certificate Condition 14 and Order Condition 11 have been met. The Commission approves the conditions.

The Commission directs NGTL to serve a copy of this letter and appendix 1 on all interested parties to the GH-003-2018 hearing, including Indigenous peoples who have expressed an interest in receiving a copy.

Yours sincerely,

*Signed by*

Jean-Denis Charlebois  
Secretary of the Commission

Attachment

## **Appendix 1**

### **Report on Engagement with Indigenous Peoples**

- a) NGTL must file with the Commission, for approval **at least 30 days prior to commencing construction of the Section 52 Pipeline and Related Facilities / Section 58 Facilities and Activities<sup>2</sup>**, and every six months thereafter until **completing construction**, a report summarizing NGTL's engagement with all potentially affected Indigenous peoples. These reports must include but not be limited to:
- i) the methods, dates, and locations of consultation activities, including site visits;
  - ii) a list of Indigenous peoples who have expressed an interest in receiving a copy of filings related to conditions, a list of those filings, and a summary of the discussions NGTL has had with Indigenous peoples regarding capacity to review filings related to conditions. Should Indigenous groups express a requirement for funding to review NGTL's filings related to conditions, NGTL must offer Indigenous groups a reasonable amount of capacity funding to support their review;
  - iii) a summary of the concerns raised by Indigenous peoples;
  - iv) a description of how NGTL has addressed or will address the concerns raised;
  - v) a description of any outstanding concerns; and
  - vi) a description of how NGTL intends to address any outstanding concerns, or an explanation as to why no further steps will be taken,
- b) NGTL must also provide a copy of the report to all Indigenous peoples who expressed an interest in receiving a copy; and NGTL must, within 7 days of the filing in a), provide confirmation to the Commission that it has provided those copies.

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<sup>2</sup> Text in yellow represents the only difference between Certificate Condition 14 and Order Condition 11.