



## ORDER MO-034-2022

**IN THE MATTER OF** the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

**IN THE MATTER OF** an application made by Trans-Northern Pipelines Inc. (**TNPI**), pursuant to section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations* (**OPR**), dated 8 June 2022, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-Oil-T217-2022-01 01.

**BEFORE** the Commission of the CER (**Commission**) on 20 October 2022.

**WHEREAS** on 12 January 2005, the National Energy Board issued Order MO-01-2005 to TNPI, granting leave to deactivate the Mirabel Meter Station;

**AND WHEREAS** TNPI filed an application pursuant to section 45.1 of the OPR, dated 8 June 2022 for the Mirabel Meter Station Decommissioning Project (**Project**);

**AND WHEREAS** on 21 September 2022, TNPI filed a response to the Commission's Information Request;

**AND WHEREAS** TNPI submitted that the Mirabel Meter Station has not been in operation for 12 months or more and TNPI has determined that it will not be returned to active service;

**AND WHEREAS** the Commission has had regard to all considerations that are directly related to the Project and relevant, including environmental matters;

**AND WHEREAS** the Commission has considered any adverse effects that this Order may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*<sup>1</sup>;

**AND WHEREAS** the Project occurs on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects;

**AND WHEREAS** the Commission concluded that the Project, with the proposed mitigation measures and conditions imposed by the Commission, is not likely to cause significant adverse environmental effects;

**AND WHEREAS** the Commission has examined the application and subsequent filings, and considers it to be in the public interest to grant the relief requested by TNPI;

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<sup>1</sup> The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982* which states:

In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit, and Métis peoples of Canada.

**IT IS ORDERED** that, pursuant to section 45.1 of the OPR, the applied-for Project is approved subject to the following conditions:

1. TNPI must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. TNPI must decommission and maintain the Mirabel Meter Station in its decommissioned state in accordance with the specifications, standards, commitments made and other information referred to in its application or in its related submissions.
3. TNPI must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in its application or in its related submissions.
4. TNPI must file with the CER, at least 14 days prior to commencing construction, a Project-specific Environmental Protection Plan (**EPP**), which TNPI must implement. The EPP must describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in TNPI's application and subsequent filings. The EPP shall include relevant contingency plans as well as detailed environmental alignment sheets.
5. TNPI must, at least 14 days prior to the commencement of construction of the approved facilities, file with the CER a detailed construction schedule or schedules identifying major construction activities and must notify the CER of any modifications to the schedule or schedules as they occur.
6. Within 30 days of the date that the decommissioning is completed, TNPI must file with the CER a confirmation that the Project was completed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, TNPI must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is the accountable officer of TNPI, appointed as Accountable Officer pursuant to s. 6.2 of the OPR.
7. This Order shall expire on 31 October 2025 unless construction of the Project has commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

*Signed by*

Ramona Sladic  
Secretary of the Commission

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