



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

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File OF-Fac-Oil-T260-2013-03 61  
5 December 2023

Dorothy Golosinski  
Trans Mountain Canada Inc.  
Suite 2700, 300 – 5 Avenue SW  
Calgary, AB T2P 5J2  
Email [dorothy\\_golosinski@transmountain.com](mailto:dorothy_golosinski@transmountain.com)

Dear Dorothy Golosinski:

**Trans Mountain Pipeline ULC  
Trans Mountain Expansion Project  
Certificate of Public Convenience and Necessity OC-065  
Application pursuant to subsection 69(1) of the *Canadian Energy Regulator Act*  
Mountain 3 Horizontal Directional Drill Variance Application  
Decision of the Commission of the Canada Energy Regulator**

**Before: K. Penney, Presiding Commissioner; T. Grimoldby, Commissioner;  
S. Sajnovics, Commissioner**

**A. Background**

On 31 October 2023, Trans Mountain ULC (**Trans Mountain**) filed a variance application pursuant to subsection 69(1) of the *Canadian Energy Regulator Act* (**CER Act**) requesting approval to vary Schedule A of Certificate of Public Convenience and Necessity OC-065 for the Trans Mountain Expansion Project (**TMEP**) with respect to the diameter, wall thickness and coating of pipe for the Mountain 3 segment (**Variance**). Trans Mountain requested that the Commission of the Canada Energy Regulator issue an order granting the variance, conditional on Trans Mountain providing confirmation to the Commission on or before 22 November 2023 that it intends to proceed with the change in pipe diameter, wall thickness and coating pursuant to section 67(1) of the CER Act, and such further relief as the Commission may consider appropriate ([C27032](#)).

On 16 November 2023, the Commission issued Information Request (**IR**) No. 1 requesting further information from Trans Mountain pertaining to engineering, engagement, lands, and geographic information system matters. The Commission also directed Trans Mountain to invite parties, including Indigenous communities noted in its Variance application to file any comment they may have by 20 November 2023 ([C27303](#)).

On 20 November 2023, PetroChina Canada Ltd. (**PetroChina**) filed a letter with the Canada Energy Regulator (**CER**) asking for further information from Trans Mountain pertaining to engineering and finance matters ([C27347](#)).

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On 22 November 2023, Trans Mountain filed its responses to IR No. 1 and to PetroChina's questions. Trans Mountain also provided confirmation that Trans Mountain intends to proceed with the change in pipe diameter, wall thickness and coating ([C27372](#)).

On 23 November 2023, the Commission established an oral hearing process to ask questions of Trans Mountain and hear argument ([C27399](#)). The oral hearing was held on 27 November 2023 in Calgary, Alberta ([C27448](#)).

On 30 November 2023, Trans Mountain filed responses to undertakings committed to during the oral hearing session on 27 November 2023 ([C27483](#)).

On 30 November 2023, Canadian Natural Resources Limited (**CNRL**) filed a letter on behalf of stakeholders in the TMEP, including CNRL, Marathon Petroleum Canada Trading & Supply ULC, Parkland Refining (B.C.) Ltd., PetroChina, and Suncor Energy Inc. ([C27485](#)). The letter urges the CER to ensure that any actions taken do not contribute to delays in the TMEP's in-service date. The letter also states that, should the variance lead to any adverse effects or unforeseen impacts affecting the shippers, it is imperative that Trans Mountain bears all responsibility for rectifying these issues in a timely and reasonable manner and at its sole cost, risk, and expense.

## **B. Commission decision**

In its Variance application and subsequently in argument, Trans Mountain requested a decision by 30 November 2023 to advance the timely completion of the Mountain 3 Horizontal Directional Drill and the overall TMEP. As such, the Commission conducted an expedited process for this application. For reasons of certainty, the Commission also considers it appropriate to take the exceptional step of issuing its decision with reasons to follow as soon as possible.

Having thoroughly and carefully considered all written and oral submissions received, the Commission denies the Variance.

## **C. Direction**

The Commission directs Trans Mountain to serve a copy of this letter on all interested parties to the Variance application, including shippers and the Indigenous communities listed in **Table 2** of the Variance application.

Yours sincerely,

*Signed by*

Ramona Sladic  
Secretary of the Commission

c.c. Trans Mountain Canada Inc., General Inbox, Email [info@transmountain.com](mailto:info@transmountain.com)