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File 5904522
27 September 2024

To: Pouce Coupé Pipe Line Ltd., all intervenors, and the Crown Consultation Coordinator

**Pouce Coupé Pipe Line Ltd.
Taylor to Gordondale Pipeline Project
Application under sections 182 and 214 of the *Canadian Energy Regulator Act*
Completeness determination, List of Participants, draft List of Issues, draft
Timetable of Events, and comment process
Proceeding OH-001-2024**

**Before: T. Grimoldby, Presiding Commissioner; M. Chartier, Commissioner;
J.-D. Charlebois, Commissioner**

The Commission of the Canada Energy Regulator has determined that the Taylor to Gordondale Pipeline Project (**Project**) application (**Application**) ([C29302](#)), filed by Pouce Coupé Pipe Line Ltd. (**Pouce Coupé**), is complete to proceed to assessment. Consistent with subsection 183(4) of the *Canadian Energy Regulator Act* (**CER Act**) and a Record of Decision of the Lead Commissioner dated 5 July 2024, the Commission must submit a report to the Minister no later than 430 days after the date of this letter with the Commission's recommendation as to whether or not a certificate should be issued for the Project. The Commission's reasons for its completeness determination are set out in this letter.

This letter sets out a comment process to seek input from Pouce Coupé, intervenors, and the Crown Consultation Coordinator (**CCC**) [collectively, **Participants**] on the draft List of Issues and draft Timetable of Events for the hearing, which are **Appendix 1** and **Appendix 2**, respectively, to this letter. This letter also includes the Commission's decisions with respect to participation in the hearing following the registration to participate process. The List of Participants is **Appendix 3** to this letter.

A. How the Commission determines whether an application is complete

The Commission has discretion to determine what information an application for a certificate should include, consistent with subsection 183(2) of the CER Act. The Canada Energy Regulator's Filing Manual, including its checklist in Appendix 1, provides guidance for what information to include in an application.¹ The Filing Manual provides an indication of the considerations that guide the Commission's exercise of discretion and the criteria that the Commission will consider when recommending to the Minister whether or not a certificate should be issued. In this way, the Filing Manual promotes consistency in the Commission's determinations, including completeness determinations.

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¹ [Canada Energy Regulator Filing Manual](#)

The Commission takes a holistic approach to assessing completeness and considers as part of its determination whether there is material information missing from an application that would not allow participants to meaningfully engage in debate at the public hearing. Generally, the Commission has found that an application is complete to proceed to assessment when it includes information that addresses each item on the checklist in Appendix 1 of the Filing Manual in enough detail to enable the Commission and others to understand and begin to assess what the applied-for project entails and its potential impacts. When the Commission determines that a section 182 application is complete to proceed to assessment, it is not the same as recommending that a certificate should be issued for the applied-for project. Rather, at this stage, the Commission forms an opinion that the application is complete for the purpose of proceeding to assess the applied-for project to enable it to prepare a report with its recommendation.

If the Commission determines that a section 182 application is complete to proceed to assessment, it will hold a public hearing to assess the applied-for project. During the hearing, the Commission and participants may ask for clarification or further details about any of the information included in the application, and participants may file their own information for the Commission's consideration, including information that tests or counters the information in the application.

B. Completeness of the Application

On 26 July 2024, the Commission issued a letter ([C30832](#)) in which it invited Indigenous² Peoples on the Crown List for the Project, as well as Louis Bull Tribe,³ to file comments, and in a letter dated 9 August 2024 ([C30952](#)), for Pouce Coupé to file reply comments, to inform the Commission's completeness determination. The Commission received comments from the BC Métis Federation ([C31012](#)), the CCC ([C31002](#)), Doig River First Nation (**Doig River**) ([C31013](#)), the Otipemisiwak Métis Government ([C31153](#)), and Whitefish Lake First Nation #128 (**WLFN**) ([C31016](#)); and reply comments from Pouce Coupé ([C31085](#)). Comments received, and Pouce Coupé's responses, are summarized below, followed by the Commission's analysis and findings, which are organized by issues raised in the comments.

Submissions and Pouce Coupé's responses

BC Métis Federation

The BC Métis Federation submitted that it agrees with submissions of other communities regarding the need for an offset plan, and that Pouce Coupé needs to include a more robust Environmental and Socio-economic Assessment (**ESA**) in the Application. The BC Métis Federation listed specific concerns it would like to see added to the ESA, all of which relate to contracting and supply chain management.

² 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*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, which states:

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

³ Louis Bull Tribe was subsequently added to the Project's Crown List as set out in the Crown Consultation Coordinator's letter dated 14 August 2024 ([C31002](#)).

In response to the BC Métis Federation's comments about the need for more information in the ESA, Pouce Coupé identified sections of the Application in which some of the information is located and stated that the Filing Manual does not require other information that the BC Métis Federation would like Pouce Coupé to file.

Crown Consultation Coordinator

The CCC provided a submission on the record of this proceeding without being invited and without seeking the Commission's leave to do so. The submission is based on the CCC's own review of the Application, discussions with Indigenous communities at the CCC's 11 June 2024 information session ([C30691](#)), and subsequent consultation activities. The CCC did not provide a copy of its submission to Indigenous communities for their input before filing. As a result, the CCC's submission is not a summary of comments provided by Indigenous Peoples in response to the Commission's 26 July 2024 letter ([C30832](#)).

In its letter, the CCC suggested that the Commission request information from Pouce Coupé to meet the threshold determination on completeness. As it relates to the ESA, the CCC suggested a new or supplemental ESA with more information on Project impacts on community-specific rights and interests, cumulative effects, and supporting data. The CCC also suggested that Pouce Coupé include an offset plan or information on offsets, informed by a comprehensive cumulative effects assessment.

Regarding the suggestion for a new or supplemental ESA, the CCC articulated that the ESA provides a high-level description of the rights and values of each Indigenous community, but uses older studies that are not validated, or for which communities have not given consent to use, and therefore must be updated. The CCC also stated that Pouce Coupé's cumulative effects assessment is not specific enough: it does not include Indigenous communities' involvement in establishing baselines or enough details on mitigation measures to address cumulative effects, and it is unclear how Indigenous communities were involved in developing those measures. The CCC stated that Indigenous communities have said that the Application lacks data to support Pouce Coupé's conclusions about the impacts to low-income housing, short-term accommodation, and community services; and that Pouce Coupé needs to provide that information to instill confidence in its assessment.

With respect to offset plans, the CCC stated that Indigenous communities have requested that Pouce Coupé either file a Project-specific plan or supplemental information as to why one is not required. The CCC stated that Indigenous communities need information about a plan before the hearing process begins to allow them enough time to consider it.

In response, Pouce Coupé stated that, in many cases, the CCC's submissions are based on factual misunderstandings or misrepresentations of the Application and the Project. Pouce Coupé provided examples from the CCC's submissions, along with explanations for why they are incorrect, with specific references to the Application, including the ESA and Pouce Coupé's approach to cumulative effects. Pouce Coupé provided an example that the CCC incorrectly presumed that the ESA does not contain up-to-date, validated sources of information. Pouce Coupé also responded that the Filing Manual does not require an offset plan. Pouce Coupé stated that it is not proposing such a plan because the Project's contribution to cumulative effects will be addressed through the Province of British Columbia's cumulative effects management framework, supplemented by Project-specific mitigation measures.

Doig River First Nation

Doig River submitted that it agrees with the CCC's 14 August 2024 submission and the CCC's recommendations. Doig River submitted that Pouce Coupé should be required to provide an offset plan or information on offsets at the outset to provide Doig River and other Indigenous communities with the confidence and clarity that are prerequisites for free, prior, and informed consent.

In support of the comments made during the CCC's 11 June 2024 information session, Doig River provided additional information, including background on Doig River; implications of the *Yahey*⁴ decision for Doig River; comments on Pouce Coupé's methodology used to assess potential Project impacts on the environment, and ways to use Indigenous knowledge in this type of assessment; and comments on the study area used to assess cumulative effects, on determining the significance and severity of cumulative effects, and on the potential role of compensation in relation to the Project.

With respect to the methodology that Pouce Coupé used to assess environmental impacts of the Project, Doig River stated that the cumulative effects for all biophysical and socio-economic valued components must be considered through an Indigenous knowledge lens to ensure that potential interconnections and interrelation with Indigenous Peoples' rights are understood and assessed, and the severity is identified. Doig River submitted that the application of an Indigenous knowledge lens will result in an expansion to the scope of valued components and result in the need for offsetting measures. Doig River submitted that the study area to assess cumulative effects must be expanded to include, at a minimum, a cultural assessment area or areas to reflect Indigenous Peoples' interests. Doig River stated that the approach to cumulative effects must not only take an Indigenous knowledge landscape-level approach and apply broader study areas, but also make significance determinations based on landscape-level impacts and define the severity of those impacts for better contextualization. Doig River submitted that, where offset measures do not address all impacts to Doig River's rights, the Crown must be open to discussing compensation.

In response to Doig River's submissions, Pouce Coupé submitted that Doig River provided legal argument about how the Commission should decide the Application, and that the additional information requested does not refer to the Filing Manual standards and is largely already addressed in the ESA. According to Pouce Coupé, the Application, including the ESA, meets all Filing Manual requirements. In response to Doig River's submission that the ESA should include an Indigenous knowledge lens applied to all environmental components to promote landscape-level understanding, Pouce Coupé stated that it incorporated information received from Indigenous communities, including Indigenous knowledge, into each applicable valued component assessment in the ESA. In response to Doig River's submission that Pouce Coupé should have used different study area boundaries for its assessment of cumulative effects, Pouce Coupé stated that the Filing Manual does not prescribe a methodology, and the boundaries used in the ESA provide sufficient information to allow the Commission and others to understand the effects of the Project.

⁴ *Yahey v British Columbia*, 2021 BCSC 1287.

Otipemisiwak Métis Government

The Otipemisiwak Métis Government stated that it has limited concerns thus far with the Application. The Otipemisiwak Métis Government identified its primary concerns regarding the Project and feedback that it requests be added to the Application to include the following (as summarized):

- A mitigation plan for the portion of the Project that falls within the Grizzly Bear Support Zone and, if disturbance will occur, include ways that Pouce Coupé will provide offsets to other areas within grizzly bear habitat and range within the region.
- A mitigation plan, including offsets, for disturbance of harvesting areas and areas within the Project right-of-way that may impact the growth and habitat of medicinal plant species.
- Traditional ecological knowledge from Métis citizens and Elders from Grande Prairie Métis District 13, to ensure that long-term and short-term impacts to Métis traditional territory and any cultural use areas are understood and appropriately mitigated and/or accommodated.
- A long-term monitoring plan and socio-economic assessment that is informed by and co-developed with Métis citizens and Elders from Grande Prairie Métis District 13.
- A workshop to discuss cumulative effects that the Project may have on Métis citizens' rights and include Métis citizens in developing a plan that can ensure that long-term cumulative effects can be managed, mitigated, avoided, and/or accommodated, and include offsets where impacts are unavoidable.

Pouce Coupé did not have an opportunity to respond to the Otipemisiwak Métis Government's comments because they were filed late, and after Pouce Coupé's deadline to file its reply comments.

Whitefish Lake First Nation #128

WLFN submitted that, to date, Pouce Coupé has not adequately described the existing conditions that shape traditional use and the exercise of treaty rights in relation to the Project. WLFN submitted that a report it provided to Pouce Coupé on 4 April 2024 should be considered as an insufficient description of Project-specific Indigenous knowledge, use, and occupancy, because the information it is based on was not collected with direct reference to the Project. WLFN expressed concern that the Application does not adequately incorporate input from traditional knowledge holders, and that the ESA is incomplete because it lacks information on Project-specific impacts to WLFN members. WLFN submitted that there is reason to question the validity of the entire assessment of Project effects on the rights of Indigenous Peoples because the information that Pouce Coupé used in its assessment was largely based on publicly available literature from other projects and desktop studies, without new Project-specific interviews.

Pouce Coupé strongly disagreed with WLFN's statement that the Application does not adequately incorporate input from traditional knowledge holders because the process by which the information was sought was not comprehensive or adequately funded by Pouce Coupé. Pouce Coupé stated that the ESA and Application incorporate all information shared with Pouce Coupé and the CCC up to the time the Application was filed, including a desktop WLFN Project-specific Traditional Knowledge Report. Pouce Coupé stated that it also funded a field-based Traditional Knowledge Report. Pouce Coupé submitted that WLFN had the

opportunity to provide Indigenous knowledge to inform the Application, and that all information provided by WLFN has been incorporated.

Commission Analysis and Findings

While the CCC's submission was filed within the timeline set out for Indigenous Peoples to file their comments, the Commission notes that it was unsolicited, the CCC did not consult with Indigenous communities specifically in response to the Commission's request for comments from Indigenous communities, and the submission was not authorized by Indigenous communities. Notwithstanding these considerations, and because the submission was filed within the timeline set out for Indigenous Peoples, the Commission did consider the CCC's submission when determining whether the Application was complete.

The Commission considered all submissions received about the completeness of the Application. The Commission finds that the Application is complete for the following reasons:

- the Application follows the Filing Manual guidance;
- the ESA includes some of the information that commenters requested Pouce Coupé be required to file;
- Pouce Coupé considered all information provided to it by Indigenous Peoples when preparing the Application, and committed to continue to consider new information as it is provided, a commitment which may be examined and considered by the Commission during its hearing process;
- Indigenous Peoples, intervenors, and the CCC will have opportunities throughout the hearing process to file their own information, request further information, and test Pouce Coupé's information; and
- Arguments about the information on the hearing record tend to be of highest value for the Commission when they take place during the hearing, after all evidence has been submitted and subjected to testing.

Environmental and Socio-economic Assessment

The Commission is of the view that the specific comments raised about the ESA are appropriate for exploration during the hearing process. Pouce Coupé identified specific information included in its Application, including the ESA, about which other Participants can request further information or provide differing views. For example, Pouce Coupé identified where, in its Application, some of the information that the BC Métis Federation and the CCC identified as missing is located, as well as sections of its ESA that specifically incorporate the input of Indigenous Peoples that it has received to date, in response to Doig River's comments. Pouce Coupé also demonstrated how it has incorporated information in accordance with the Filing Manual guidance. The Commission finds it persuasive that Pouce Coupé addressed in the Application all comments provided to it in advance of filing the Application, including comments provided through the CCC's Early Engagement Report, demonstrating its willingness to improve upon the completeness of its Application prior to filing.

The Commission is of the view that, given the information contained in the ESA pertaining to contracting with Indigenous Peoples for Project construction, should the BC Métis Federation choose to do so, it may ask Pouce Coupé during the hearing for more information about that topic through the information request process, including more information about contracting or supply chain management. The BC Métis Federation can also request that Pouce Coupé

clarify any information in the sections of its Application. Additionally, should the BC Métis Federation choose to do so, it may file evidence related to any matter of importance to it, including contracting and supply chain management.

The Commission is persuaded by Pouce Coupé's response that it has incorporated Indigenous knowledge into its ESA and, specifically, a WLFN Project-specific Traditional Knowledge Report, because this information will allow WLFN to commence questioning Pouce Coupé on its approach to its ESA, and for WLFN to file its own evidence and make its own submissions related to the ESA in response to Pouce Coupé. The hearing process will afford all intervenors and the CCC the opportunity to articulate for the Commission their views on the evidence submitted by Pouce Coupé and to file their own evidence or make their own submissions related to the contents of the ESA.

Cumulative effects and offset plans

The Commission notes that the Filing Manual does not prescribe a methodology for assessing effects and cumulative effects of a project; nor does it prescribe the study area to apply. The Commission finds that the Application, as submitted, allows for intervenors and CCC to understand how Pouce Coupé conducted its analysis, such that they can submit their own views about an appropriate methodology and area of study, and about whether or not Pouce Coupé's cumulative effects assessment included an Indigenous lens.

The Commission is not persuaded that Pouce Coupé is required to submit an offset plan for the Commission to determine that the Application is complete to proceed to assessment. This is because it is incumbent upon an applicant to determine what information to include in its application, in accordance with the Filing Manual guidance. It is open to intervenors and the CCC, during the hearing, to identify or suggest additional mitigation or accommodation measures to include (such as offsets) for the Project. In this case, Pouce Coupé has proposed mitigation measures that it submitted address cumulative effects, which do not include offsets, in accordance with the Filing Manual guidance. During the hearing, intervenors and the CCC can examine and, if desired, dispute Pouce Coupé's evidence about how its proposed mitigation measures address the Project's contribution to cumulative effects, including through the Province of British Columbia's cumulative effects management framework, and supplemented by Project-specific mitigation measures.

Traditional land and resource use studies

The Commission is of the view that Pouce Coupé has provided information in its Application on traditional use and the exercise of treaty rights in relation to the Project, in accordance with the Filing Manual Guidance, and that the hearing process will allow all other Participants to provide further evidence on this topic, as well as be able to test evidence filed in the proceeding, should they choose to do so. In relation to WLFN's comments, the Commission finds that Pouce Coupé provided information to demonstrate that WLFN has had input into, for example, a field-based Traditional Knowledge Report that Pouce Coupé funded, upon which WLFN can continue to question Pouce Coupé. WLFN will have an opportunity to provide to the Commission its own assessment of the information Pouce Coupé has filed, as well as its view of why its own assessment ought to be preferred to that of Pouce Coupé's.

The Commission notes that it has, in the past, addressed the completion of such studies and the incorporation of Indigenous knowledge gained from them into a project, by imposing conditions on certificates that require studies to be funded and completed, and the resulting Indigenous knowledge to be incorporated into the project, prior to or during construction.

Moreover, the Commission will continue to assess and examine, during the hearing process, the level of completion of traditional land and resource use studies.

Comments about the Application not specifically related to completeness

As noted above, the Otipemisiwak Métis Government filed its comments late, and after Pouce Coupé's deadline to file reply comments. As a result, Pouce Coupé did not have an opportunity to respond in its comments to the Otipemisiwak Métis Government's comments. The Otipemisiwak Métis Government stated in its letter that it was providing written comment for the Application and did not assert that the Commission should require Pouce Coupé to file any of the information it would like to see added to the Application before the Commission finds that the Application is complete. As a result, the Commission concludes in relation to the Otipemisiwak Métis Government's comments that the Application is complete, and also concludes that Pouce Coupé did not suffer any prejudice by the Commission's consideration of the comments without first hearing from Pouce Coupé.

C. The Commission's analysis and findings with respect to participation in the hearing

Intervenors

The Commission received 31 registration to participate submissions and has decided to grant intervenor status to all those who registered, as listed in Appendix 3 to this letter.

Indigenous Peoples potentially impacted by the Project did not need to justify their participation as an intervenor. With respect to all other registrants, except Natural Resources Canada, the Alberta Department of Energy, and His Majesty the King in Right of the Province of British Columbia, the Commission is satisfied that their interests may be impacted by the Project, such that intervenor status is justified. For Natural Resources Canada, the Alberta Department of Energy, and His Majesty the King in Right of the Province of British Columbia, the Commission is satisfied that they may have relevant information to provide that cannot be provided by only filing a letter of comment.

Crown Consultation Coordinator

The Commission has included the CCC in the List of Participants, given the CCC's role as coordinator for Crown consultation with respect to the decision about whether or not to issue a certificate for the Project. The Governor in Council is responsible for making this decision, based on the Commission's recommendation report. The Commission will consider, as part of its recommendation, whether a decision by the Governor in Council to issue a certificate would be consistent with section 35 of the *Constitution Act, 1982*. In this way, the Commission's hearing process will serve as the primary forum for Crown consultation and, where appropriate, accommodation, in relation to the Governor in Council's decision, and will be important to the Governor in Council's determination of whether the duty to consult is met in relation to its decision. The CCC's role in relation to the Commission's recommendation report is to supplement the Crown consultation that the Commission will conduct through its hearing process, including by providing submissions in relation to appropriate mitigation and accommodation measures.⁵

⁵ [C29156-1](#), CCC, Early Engagement Report, PDF pages 3-4.

The Commission considered submissions from the CCC and comments from Pouce Coupé about the CCC's role in the Commission's hearing process, in relation to both the content of the CCC's submissions and the process steps in which the CCC may participate, as discussed below.

CCC submissions about its role in the Commission's hearing process

The CCC describes its role in Section 2, and Section 7, Subsection 9, of its April 2024 Early Engagement Report.⁶ The CCC explained that it conducts Crown consultation that is supplemental and complementary to the Commission's hearing process. The CCC stated that its submissions on the Commission's hearing record reflect discussions with Indigenous communities, including communities not participating in the hearing process, and include those communities' voices, ideas, and Project-related impacts and concerns. The CCC further stated that its submissions provide information on discussions and, where appropriate, resolution of issues between the CCC and the proponent (which the Commission understands to mean between Indigenous Peoples, through the CCC, and the proponent), and federal and provincial government departments and agencies. The CCC stated that its submissions may include suggestions for the Commission. The CCC stated that its role is neutral and that it is not adverse in interest to a proponent's project or any intervenors in the hearing process.

Pouce Coupé's comments about the role of the CCC in the Commission's hearing process

Pouce Coupé, in its reply comment letter, included comments on its understanding of the CCC's role in the Commission's hearing process. Pouce Coupé stated that it understands that the CCC's role is to conduct consultation on behalf of the Crown and to serve as a neutral party to discuss and develop potential mitigation and accommodation measures, and recommendations for the Commission's consideration. Pouce Coupé stated that the CCC does not have a mandate to determine the completeness of the Application. Pouce Coupé also raised concerns about the accuracy of the CCC's representations of the Project to Indigenous communities.

Commission direction about the content of the CCC's further submissions in the hearing

Having considered both the CCC's submissions and Pouce Coupé's comments about the CCC's role in the hearing process, the Commission directs the CCC to clearly identify in each of its submissions on the hearing record the portions that:

- the CCC heard directly from Indigenous communities (and identify the authorizing Indigenous communities);
- the CCC drafted and provided to Indigenous communities for review, and that are authorized or verified by Indigenous communities (and identify which Indigenous communities); and
- the CCC drafted and did not provide to Indigenous communities for review, such that they are not authorized or verified by any Indigenous communities.

This clarity from the CCC will assist the Commission in determining how much weight to assign to the content of the CCC's submissions.

⁶ [C29156-1](#), PDF pages 3-4 and 15-16 of 56.

Commission decision about the hearing process steps in which the CCC may participate

The Commission has indicated in the draft Timetable of Events (Appendix 2) the hearing steps in which the CCC may participate. The CCC is included in all process steps open to intervenors, other than the filing of evidence. The Commission has included two opportunities for the CCC to file submissions, in addition to its first submission (i.e., the Early Engagement Report filed on 5 April 2024), recognizing that the CCC's submissions may help to inform the Commission's consideration, as part of its recommendation report, as to whether the duty to consult has been met. The timing for the CCC to file its second submission is early in the hearing process, which will allow other Participants to ask questions about it and test it through written information requests and oral cross-examination. The timing for the CCC to file its third submission is later in the hearing process, to maximize the time that the CCC will have to conduct supplemental Crown consultation and inform the Commission. As a result of the later timing for this third submission, other Participants will have an opportunity to ask questions about it and test it through oral cross-examination only. Including the CCC in argument will allow the CCC to articulate at the end of the hearing process, should it choose to do so, views in relation to the duty to consult and, where appropriate, how to accommodate the rights and interests of Indigenous Peoples in relation to the Project.

As is the case for any hearing participant, the CCC may only file submissions on the hearing record in accordance with the Timetable of Events or, where an opportunity is not included in the Timetable of Events, by seeking the Commission's leave in advance.

D. Comment process on draft List of Issues and draft Timetable of Events

The Commission has included a draft List of Issues and a draft Timetable of Events for the hearing as Appendix 1 and Appendix 2, respectively, to this letter. The Commission is seeking input from hearing Participants on both documents through a written comment process.

Draft List of Issues

In a hearing, the Commission may develop a List of Issues to help frame the topics that will be addressed. The Commission developed the draft List of Issues for the Project to reflect topics that appear to be relevant and directly related to the Project, including those listed in subsection 183(2) of the CER Act. The List of Issues is intended to be inclusive of various topics under each issue and is not meant to be exhaustive or limiting. Through the hearing, the Commission will ultimately consider any issues raised on the record that it finds to be directly related to the Project and relevant to its public interest determination.

The Commission invites hearing Participants to respond to the following questions about the issues included in the draft List of Issues:

1. Should an issue be added to address a topic that is not currently included?
2. Should an issue be amended to clarify the topics that it covers or to include a topic that it does not cover?
3. Should an issue be removed because it is irrelevant or not related to the Project?

Draft Timetable of Events

The Commission has developed a draft Timetable of Events that reflects various opportunities for participation by Pouce Coupé, intervenors, and the CCC, as well as an opportunity for non-Participants to file letters of comment. The draft Timetable of Events also reflects the 430-day timeline within which the Commission must submit its recommendation report.

The Commission acknowledges that the CCC included in its Early Engagement Report a number of process-related suggestions for the Commission to include in its hearing process. Many of these suggestions are addressed by process steps that the Commission typically includes in hearing processes for section 182 applications under the CER Act, and the Commission has included such process steps in the draft Timetable of Events. The Commission also acknowledges that the Otipemisiwak Métis Government suggested in its letter that the Commission hold a workshop to discuss potential cumulative effects of the Project and related mitigation and/or accommodation measures. The Commission will consider the CCC's remaining suggestions and the Otipemisiwak Métis Government's request for a workshop, which are not included in the draft Timetable of Events, along with any other comments it receives from other hearing Participants through the comment process.

The Commission invites hearing Participants to comment on the draft Timetable of Events, including about any process steps that they would like to see deleted or added, and why, and the order and timing of any added steps. Note that all steps and timing in the draft Timetable of Events are subject to change; as such, Participants should not rely on them at this time for planning purposes. The Commission will issue a final Timetable of Events with the Hearing Order, after considering all comments received.

E. Next Steps

Hearing Participants may file comments on the draft List of Issues and draft Timetable of Events as follows:

- Intervenors and the CCC: by **7 October 2024**; and
- Pouce Coupé: by **15 October 2024**.

When filing comments, all Participants must serve their comments on each other. Comments filed through the Participation Portal will be automatically served on Participants, including the CCC. The CCC must serve all other Participants via email because the CCC is not able to use the Participation Portal at this time.

Following the comment process, the Commission will issue a Hearing Order with more information on process steps for the hearing and how to participate for all Participants, as well as those wishing to file a letter of comment about the Project.

To learn more about the Project, please visit the Canada Energy Regulator's website at <https://www.cer-rec.gc.ca/en/applications-hearings/view-applications-projects/pouce-coupe-pipe-line-taylor-gordondale-pipeline-project/index.html>.

For assistance, Participants may contact the Process Advisory Team by email at PouceCoupeT2Gproject@cer-rec.gc.ca or by telephone at 1-800-899-1265.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachments

Appendix 1 – Draft List of Issues

The Commission has identified the following issues for consideration in Proceeding OH-001-2024 with respect to the construction and operation of the proposed Pouce Coupé Taylor to Gordondale Pipeline Project (**Project**). The Commission will confirm the final List of Issues through future correspondence, after considering any comments received. The issues include, but are not limited to:

1. The purpose of and need for the Project.
2. The suitability of the design of the Project.
3. The economic feasibility of the Project.
4. The potential commercial impacts of the Project, including potential commercial impacts on Indigenous Peoples in Canada.
5. The existence of actual or potential markets for the Project.
6. The availability of gas and/or oil supply to the Project.
7. The financial resources, financial responsibility, and financial structure of the applicant; the methods of financing the Project; and the extent to which Canadians and Indigenous Peoples in Canada will have an opportunity to participate in the financing, engineering, and construction of the Project.
8. The involvement of Indigenous Peoples in Canada in the planning and design of the Project.
9. The environmental effects of the Project, including any cumulative environmental effects.
10. The effects of the environment on the Project, including consideration of relevant potential environmental events and climate change resilience.
11. The extent to which the effects of the Project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect to climate change.
12. The safety and security of persons and the protection of property and the environment, including contingency plans, during construction and operation of the Project.
13. The effects of accidents and malfunctions that may occur in connection with the Project.
14. The health, social, and economic effects, including any cumulative effects, of the Project, including with respect to the intersection of sex and gender with other identity factors, and any such effects on Indigenous Peoples.
15. The interests and concerns of Indigenous Peoples, including with respect to their current use of lands and resources for traditional purposes, and any cumulative effects of the Project on such lands and resources.

16. The effects of the Project on the Aboriginal and treaty rights of the Indigenous Peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*, including what methodology should be used to assess such effects.
17. Mitigation measures for addressing the Project's effects.
18. The appropriateness of the general route and siting, including the land and land rights requirements for the Project.
19. The potential impacts of the Project on rights holders, owners, and users of lands, including Indigenous Peoples in Canada.
20. The conditions to be included in any recommendation the Commission may have for the Project.
21. Alternatives to, and alternative means of carrying out, the Project.
22. Any relevant assessment completed pursuant to federal legislation.
23. Any public interest that the Commission considers may be affected by the issuance of the certificate or the dismissal of the application.

Appendix 2 – Draft Timetable of Events

Pouce Coupé Pipe Line Ltd. Taylor to Gordondale Pipeline Project	
Potential Process Step (responsible participant[s] in bold)	Potential Timing
Commission issues Hearing Order	31 October 2024
Pouce Coupé files supplemental evidence, affidavits, and, if not provided earlier, <i>curricula vitae</i> for experts	14 November 2024
CCC files second submission	21 November 2024
Intervenors and CCC file IRs regarding Pouce Coupé’s Application and any of its subsequent evidentiary filings (e.g., previous IR responses, supplemental evidence)	28 November 2024
Indigenous intervenors file notice of intent to provide oral Indigenous knowledge	5 December 2024
Pouce Coupé files responses to intervenors’ and CCC’s IRs	19 December 2024
Intervenors and CCC file notices of motion to compel full and adequate responses to their IRs asked of Pouce Coupé	January 2025
Pouce Coupé files comments on motions to compel full and adequate responses to IRs from intervenors and the CCC	January 2025
Intervenors and CCC file reply comments to Pouce Coupé’s comments on their respective motions to compel full and adequate responses to their IRs	February 2025
Intervenors file written evidence, affidavits, and, if applicable, <i>curricula vitae</i> for experts	February 2025
Commenters file letters of comment	February 2025
Oral sessions – Indigenous intervenors provide oral Indigenous knowledge	March/ April 2025 ¹
Pouce Coupé, intervenors adverse in interest to other intervenors,² and CCC file IRs regarding intervenor evidence;	March 2025

¹ To be confirmed, subject to available venues.

² Those who have a contrary or different view on a particular topic or issue or, generally, about the Project.

Pouce Coupé Pipe Line Ltd. Taylor to Gordondale Pipeline Project	
Potential Process Step (responsible participant[s] in bold)	Potential Timing
and Pouce Coupé and intervenors adverse in interest to the CCC file IRs regarding CCC submissions	
Commission issues draft potential conditions for comment	March - April 2025
Intervenors and CCC file responses to IRs from Pouce Coupé, other intervenors, and the CCC	April 2025
Pouce Coupé, intervenors, and CCC file notices of motion to compel full and adequate responses to their IRs	April 2025
Intervenors and CCC file comments on motions to compel directed at them	April 2025
Pouce Coupé, intervenors, and CCC file comments in reply to comments from intervenors and CCC on their respective motions to compel	May 2025
CCC files third submission	May 2025
Intervenors and CCC file written comments on draft potential conditions	May 2025
Pouce Coupé files written comments on draft potential conditions	May/June 2025
Pouce Coupé files reply evidence	early June 2025
Pouce Coupé, intervenors, and CCC participate in the final questioning phase regarding all Participants' evidence filings and the CCC's filings (either oral cross-examination or written IRs by Pouce Coupé and intervenors) The timing of this phase may depend on whether it is completed orally or in writing, with consideration given to comments received on this topic	June/July 2025
Argument phase (with written and/or oral components) for Pouce Coupé, intervenors, and CCC , including reply argument by Pouce Coupé	July to August 2025

Pouce Coupé Pipe Line Ltd. Taylor to Gordondale Pipeline Project	
Potential Process Step (responsible participant[s] in bold)	Potential Timing
The timing of this phase will depend on the timing of the final questioning phase	
Commission issues recommendation report	Within 430 days after the completeness determination ³

³ Subject to extensions or excluded time periods.