



Canada Energy
Regulator

Régie de l'énergie
du Canada

Suite 210
517 Tenth Avenue SW
Calgary, Alberta
T2R 0A8

517, Dixième Avenue S.-O.
bureau 210
Calgary (Alberta)
T2R 0A8

File 5904522
26 July 2024

Tracy Young
Supervisor, Regulatory, Development
& Reclamation
Pembina Pipeline Corporation
4000, 585 – 8 Avenue SW
Calgary, AB T2P 1G1
Email tryoung@pembina.com

Stephanie Ridge
Legal Counsel
Pembina Pipeline Corporation
4000, 585 – 8 Avenue SW
Calgary, AB T2P 1G1
Email stridge@pembina.com

Sander Duncanson
Osler, Hoskin & Harcourt LLP
Suite 2700, 225 – 6 Avenue SW
Calgary, AB T2P 1N2
Email sduncanson@osler.com

Dear Tracy Young, Stephanie Ridge, and Sander Duncanson:

**Pouce Coupé Pipe Line Ltd.
Taylor to Gordondale Pipeline Project
Application under section 182 of the *Canadian Energy Regulator Act*
Notice of Public Hearing OH-001-2024, Registration to Participate, and Written
Comment Process on Filing Requirements for Completeness Determination**

**Before: T. Grimoldby, Presiding Commissioner; W. Jacknife, Commissioner;
M. Chartier, Commissioner**

A. Background

On 23 April 2024, Pouce Coupé Pipe Line Ltd. (**Pouce Coupé**) filed an application with the Canada Energy Regulator (**CER**) for approval to construct and operate the Taylor to Gordondale Pipeline project (**Project**), pursuant to section 182 of the *Canadian Energy Regulator Act* (**CER Act**) (**Application**) ([C29302](#)). Pouce Coupé also requested exemptions from the application of certain provisions of the CER Act in relation to the Project, pursuant to section 214 of the CER Act.

The proposed Project consists of approximately 89 kilometres of nominal pipe size 16 pipeline from east of Taylor, British Columbia, to Gordondale, Alberta, and upgrades to the existing Taylor Tank Farm Facility, including two new electric booster pumps and two new electric mainline pumps. Pouce Coupé requested that the Commission of the CER issue a report pursuant to section 183 of the CER Act recommending approval of the Project in a timely manner to allow the Governor in Council to issue a certificate of public convenience and necessity no later than 30 April 2026. Pouce Coupé's planned Project in-service date is the second quarter of 2027.

.../2

The Commission is currently assessing the completeness of the Application. If the Commission finds the Application to be sufficiently complete, it will issue a Hearing Order outlining the hearing steps, setting deadlines, and giving guidance, and it will hold a hearing to collect evidence from the public and Indigenous Peoples.¹

All current and future documents related to this Application can be found in the CER's online [public registry](#).² Filings that were received prior to the Application being filed will also be taken into consideration and can be found in the [Project Notification folder](#)³ for the Project.

B. Participating in the Hearing

There are two ways to participate in this hearing – as either an **intervenor** or a **commenter** – each of which is fully described below. Indigenous Peoples may also provide input to, and discuss concerns with, the CER's Crown Consultation Coordinator (**CCC**) at crownconsultationpoucecoupe@cer-rec.gc.ca.

The Commission notes comments in the CCC's Early Engagement Report (**EER**) that some Indigenous Peoples prefer not being referred to as intervenors. The term, which comes from the *National Energy Board Rules of Practice and Procedure, 1995 (Rules)*, is meant to convey someone who has established an interest in a matter before the Commission. As it pertains to Indigenous Peoples, the term is meant to acknowledge their established interest in a proceeding without the requirement to establish such an interest. The Commission also notes that the term *party*, as explained in the Rules,⁴ can also mean an intervenor.

Intervenors

Intervenors in the hearing process may file written evidence, ask questions about Pouce Coupé's and other intervenors' evidence, and provide argument. An intervenor who files written evidence must answer any questions asked about their evidence.

Registration will be open for four weeks, beginning on **31 July 2024**. Registrations must be submitted **on or before 28 August 2024**. Indigenous Peoples potentially impacted by the Project who register to participate as an intervenor will automatically be granted intervenor status. **Indigenous Peoples may register to participate after the deadline but, if they do so, the hearing steps that are already completed will not be repeated.**

Anyone else registering to participate as an intervenor must justify to the Commission the reason why they should be granted intervenor status. The Commission will confirm, as intervenors, those who demonstrate that their interests may be impacted by the Project, and those that have relevant information to provide about the Project that cannot provide it by only filing a letter of comment. The CER website provides further guidance on the information required to request intervenor status, under [“How to Participate as an Intervenor”](#).⁵ Anyone who is **not** granted intervenor status will still be able to participate as a commenter.

¹ 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.

² <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/4445359>

³ <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/4418865>

⁴ [SOR-95-208.pdf \(justice.gc.ca\)](#)

⁵ <https://www.cer-rec.gc.ca/en/applications-hearings/participate-hearing/participant-toolbox/presentation/how-to-participate-as-intervenor.html>

Commenters

Commenters in the hearing process may share their views with the Commission in a letter of comment. They cannot be asked questions about their letter of comment, nor can they ask questions about Pouce Coupé's or intervenors' written evidence or provide argument. Commenters are not eligible for participant funding.

Commenters are **not** required to register to participate. After the registration to participate deadline has passed, the Commission will issue correspondence that will provide more information on how to file letters of comment, including the deadline for doing so. Further information on how to participate in a hearing process as a commenter can be found under "[How to Participate as a Commenter](#)" on the CER website. Commenters can sign up to be notified by email when commenting opens, at www.cer-rec.gc.ca/participate.

C. Notice of Public Hearing

The Commission has prepared and attached, as **Appendix 1** to this letter, a Notice of Public Hearing (**Notice**), which Pouce Coupé is directed to publish and serve as described below.

Publications

Pouce Coupé must **immediately** place the Notice on its Project website and publish the Notice, **on or before 20 August 2024**, in the publications and languages listed in the table below.

Publication	Language of Publication	Region	Frequency of Publication
Energy City	English	Fort St. John, BC	Digital (Daily)
Taylor Times	English	Taylor, BC	Digital (Daily, post in news and notices section)
Windspeaker	English	Edmonton, AB	Digital (Daily)
Le Franco	French	Edmonton, AB	Monthly (cut-off 1 st of the month)
La Source	French	Vancouver, BC	Digital (once a month July and August) Cut off is one week before publication
Glacier Media (various outlets)	English	Fort St. John, BC; Dawson Creek, BC; Taylor, BC	Digital (Daily)

Each published copy of the Notice must meet the requirements of the Government of Canada's Federal Identity Program. For assistance, contact FIP@cer-rec.gc.ca or visit the CER's website (<https://www.cer-rec.gc.ca/prtcptn/hmg/hrngntfctn-eng.html>).

Pouce Coupé must file confirmation that the Notice was published as required, including the dates of publication, **within two business days after the final publication**.

Service

Pouce Coupé must **immediately** serve a copy of the Notice and this letter on:

- all potentially affected landowners along the proposed Project route;
- all interested participants;
- all municipalities and first responders likely to be impacted by the Project;
- all Indigenous Peoples engaged by Pouce Coupé with respect to the Project; and
- all persons listed in **Appendix 2** to this letter.

Pouce Coupé must file with the CER, **within two business days after the above service is completed**, confirmation of that service, including the dates and methods of service and who was served.

D. Public access to the Application

The Application is available on the CER's regulatory documents (**REGDOCS**) repository, [C29302](#).⁶ In addition, Pouce Coupé must make copies of the Application available for public viewing at its offices and at locations along the proposed Project route. Pouce Coupé must also make a list of these locations available on its Project website **on or before 8 August 2024**. This list must indicate:

- the addresses where the Application is available;
- the hours the Application is accessible at each location;
- whether the Application is available in hard copy and/or electronic format at each location; and
- the language(s) in which the Application is available at each location.

E. Participant Funding

Participant funding is available to facilitate the participation of eligible intervenors in this hearing process and is administered independently of the Commission and the CCC.

Indigenous Peoples not involved in Crown consultation activities, individuals (such as landowners), and non-industry not-for-profit groups with a direct local interest or expertise on the anticipated effects of the Project that are registering to participate as an intervenor may apply for participant funding. The funding application form is located on the CER's website (<http://www.cer-rec.gc.ca/pfp>) Funding applications must be sent by email to pfp.pafp@cer-rec.gc.ca **on or before 28 August 2024**. Funding determinations will be communicated after the Commission confirms the list of intervenors.

Indigenous Peoples participating in Crown Consultation activities should already have a funding agreement in place and do not need to follow the process described above. Questions about participant funding can be emailed to pfp.pafp@cer-rec.gc.ca.

⁶ <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/4449176>

F. Decision on including a process to receive comments on filing requirements for completeness determination

For the reasons set out below, the Commission has decided to hold a process to receive comments on filing requirements to inform the Commission's completeness determination.

Submissions

The Commission is aware of the CCC's EER addressed to Pouce Coupé, dated 5 April 2024,⁷ which suggested that the Commission consider providing Indigenous communities on the Crown List with:

- information on how it will determine whether an application is complete enough to proceed to assessment; and
- sufficient time after the filing of the Application for Indigenous communities to review the Application and provide input to inform the Commission's completeness determination.

The Commission has taken into account filings from the CCC, Sucker Creek First Nation, Driftpile Cree Nation, Whitefish Lake First Nation, Louis Bull Tribe, O'Chiese First Nation, and Pouce Coupé. The first filing dated 20 June 2024 from Sucker Creek First Nation, Driftpile Cree Nation, Whitefish Lake First Nation, and Louis Bull Tribe (**the Nations**) expressed concerns about the completeness of the Application, the Project's cumulative effects, the Environmental and Socio-economic Assessment (**ESA**) completed without participation from potentially affected Indigenous communities, and a lack of offset measures plan ([C30139](#)). The second filing dated 3 July 2024 from Pouce Coupé responded to the Nations. Pouce Coupé stated that the Application met all the requirements of the CER's Filing Manual and no additional information was required to determine the completeness of the Application ([C30555](#)). The third filing dated 11 July 2024 from O'Chiese First Nation expressed concerns related to its Inherent and Treaty rights, gaps in the Application related to the ESA not adequately incorporating Indigenous perspective or traditional knowledge, and differing jurisdictional requirements relevant to Inherent and Treaty rights ([C30655](#)). The fourth filing dated 15 July 2024 from the CCC provided a summary of the key themes discussed at the 11 June 2024 information session in Enoch, Alberta, and included concerns with the lack of traditional knowledge and lack of involvement of Indigenous communities in informing the Project application ([C30691](#)).

Information on completeness determination

The Commission determines that an application is complete or incomplete by checking the information in an application against the [checklist in Appendix 1 of the CER Filing Manual](#) and the CER Act subsection 183(2) factors. The Commission can also consider any issues raised in the EER or the CER Public Early Engagement Summary of Issues. The determination of a complete application is not a final recommendation as to whether a certificate of present and future public convenience and necessity should be issued for this a Project. Rather, a completeness determination is an initial threshold determination where the Commission forms an opinion on whether the Application is sufficiently complete to proceed to the assessment process.

For an application pursuant to section 182 of the CER Act, the Commission conducts its assessment through a public hearing. During a hearing, participants can express their views

⁷ [C29156-1](#), PDF page 11 of 56.

about a proposed project and ask questions about, among other things, what they consider to be deficiencies in an application. The hearing process for the Application will include the opportunity for participants to provide comments on a Preliminary List of Issues that the Commission will consider in relation to the Project. This commenting period is also an opportunity for participants to raise concerns early in the process. Further, the hearing process will include time for participants to review the Application and provide input that informs the Commission's recommendation report.

Specifically, the hearing process can fully address any concerns raised about Indigenous engagement, traditional lands and resource use, and rights and interests of Indigenous Peoples. The hearing process includes opportunities to request additional information through information requests, filing of evidence, making final argument, and both propose and comment on draft conditions. The CER also provides Process Advisory assistance to all parties taking part in the hearing process.

The Commission views completeness as an initial threshold determination and takes a holistic approach to assessing completeness and considers whether there is material information missing from the Application that would not allow participants to meaningfully engage in debate at the public hearing.

Reasons for the Commission's decision to provide an opportunity for written comments on filing requirements for completeness determination

The Commission has decided that, in advance of making its determination on the completeness of the Application, it will hold a written comment process to gather further input from Indigenous Peoples on the Project's Crown List and Louis Bull Tribe into what filing requirements, if any, may still be necessary and why, to inform the Commission's decision on completeness.

Pouce Coupé will have the opportunity to respond after the comment process has concluded. The Commission will then determine whether the Application is complete enough to proceed with the Application assessment.

The Commission has heard from the CCC, the Nations, and O'Chiese First Nation that in their view, there may not be sufficient information provided in the Application to determine completeness, including concerning:

- site identification, Traditional Lands and Resource Use and/or Traditional Knowledge studies, as described in the CCC's EER ([C29156](#));
- cumulative effects methodologies, the ESA, and offset measures planning, as described in the Nations' letter ([C30139](#)); and
- Inherent and Treaty rights and baselines, input into the ESA, and offset measures plan, as described in the O'Chiese First Nation's letter ([C30655](#)).

Pouce Coupé responded to the Nations, and the CCC's recommendation saying that it provided all of the information required in the Filing Manual in its Application. Any comments on potential filings required before the Commission determines whether the Application is complete must be provided no later than **14 August 2024**. To take part in the written

comment process, go to the [Project webpage](#)⁸ and follow the instructions or go to the Participation Portal⁹ and click on “participate” for this hearing.

G. Next Steps

After these deadlines have passed, the Commission will issue a list of participants, which will include those granted intervenor status, and the completeness determination of the Application. The Commission will also issue additional correspondence on the subsequent hearing steps, including an updated schedule and associated guidance.

The Commission directs Pouce Coupé to serve this letter and attachments on the Indigenous Peoples it engaged with on the Project as listed in Table 11-1 of the Application.¹⁰

To learn more about the Project, please visit the CER’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>

The Process Advisory Team is available to answer questions and provide process information and assistance on how to effectively participate in the hearing. The role of a Process Advisor is fully described on the [CER’s website](#).¹¹ The Process Advisory Team can be reached by phone at 1-800-899-1265, or by email at PouceCoupeT2Gproject@cer-rec.gc.ca.

Yours sincerely,

K. McAllister for

Ramona Sladic
Secretary of the Commission

Attachments

c.c. Crown Consultation Coordinator,
Email crownconsultationpoucecoupe@cer-rec.gc.ca

⁸ <https://www.cer-rec.gc.ca/en/applications-hearings/view-applications-projects/pouce-coupe-pipe-line-taylor-gordondale-pipeline-project/index.html>

⁹ www.cer-rec.gc.ca/participate

¹⁰ C29302-1, Page 123 of 155 (PDF pages 127-128 of 159).

¹¹ <https://www.cer-rec.gc.ca/en/applications-hearings/participate-hearing/hearing-process/process-advisor-support-hearing-participants.html>

Appendix 1

Notice of Public Hearing OH-001-2024

**Canada Energy Regulator
Pouce Coupé Pipe Line Ltd.
Taylor to Gordondale Pipeline Project**

The Project

On 23 April 2024, Pouce Coupé Pipe Line Ltd. (**Pouce Coupé**) filed an application (**Application**) with the Canada Energy Regulator (**CER**) for approval to construct and operate the Taylor to Gordondale Pipeline Project (**Project**), pursuant to section 182 of the *Canadian Energy Regulator Act (CER Act)* ([C29302](#)). Pouce Coupé also requested exemptions from the application of certain provisions of the CER Act in relation to the Project, pursuant to section 214 of the CER Act. The Project consists of approximately 89 kilometres of nominal pipe size 16 pipeline from east of Taylor, British Columbia, to Gordondale, Alberta, and upgrades to the existing Taylor Tank Farm Facility, including two new electric booster pumps and two new electric mainline pumps.

[Pouce Coupé to insert a map(s) of the Project route, the scale of which must be sufficient to indicate with reasonable accuracy the location of the proposed pipeline segments, including the proposed right-of-way, and facilities]

Participation in the hearing

The Commission of the CER will hold a public hearing for the Project if the Application is found to be sufficiently complete. If so, a Hearing Order will be issued outlining the hearing steps and deadlines, as well as guidance.

There are two ways in which to participate in this public hearing:

1. An **intervenor** may file written evidence, ask questions about Pouce Coupé's and other intervenors' evidence, and provide argument. An intervenor who files written evidence must answer any questions asked about their evidence. Anyone who wishes to participate in the hearing as an intervenor must register to participate at www.cer-rec.gc.ca/participate. Registration will be open for four weeks, beginning on **31 July 2024**. Registration must be completed **on or before 28 August 2024**.
2. A **commenter** may share their views with the Commission in a letter of comment. They cannot be asked questions about their letter of comment, nor can they ask questions about Pouce Coupé's or intervenors' written evidence, or provide argument. Commenters are **not** required to register to participate in the hearing; however, commenters can sign up to be notified by email when commenting opens at www.cer-rec.gc.ca/participate.

Indigenous Peoples may register to participate at any time during the hearing. Those registering will be confirmed to participate as an intervenor in any process steps remaining at the time of registration. The Commission encourages early registration to maximize participation opportunities.

The Commission invites Indigenous People's on the Project's Crown List and on Pouce Coupé's engagement list in Table 11-1 of the Application ([C29302-1](#), Page 123 of 155), as described in the Commission's letter, dated 26 July 2024, to include in their registration to participate form at www.cer-rec.gc.ca/participate an explanation of what filing requirements for completeness determination may still be necessary, and why. The deadline for submissions is **on or before 14 August 2024**.

Participant funding is available to facilitate the participation of eligible intervenors in this hearing process. For more information about eligibility and to access the funding application form go to the CER's website (<http://www.cer-rec.gc.ca/pfp>) or email pfp.pafp@cer-rec.gc.ca. Funding applications must be received **on or before 28 August 2024**.

Need Help?



<https://www.cer-rec.gc.ca/en/applications-hearings/view-applications-projects/pouce-coupe-pipe-line-taylor-gordondale-pipeline-project/index.html>



PouceCoupeT2Gproject@cer-rec.gc.ca



1-800-899-1265

Appendix 2

List of Interested Persons to be Served with the Notice of Public Hearing Liste des personnes intéressées à qui l'avis d'audience publique doit être signifié

(Ministers of Justice / Attorneys General Ministres de la Justice / Procureurs Généraux)

The Honourable Arif Virani
Minister of Justice and Attorney General of Canada
Telephone/téléphone : 613-992-4621
Email/courriel : arif.virani@parl.gc.ca

The Honourable Shalene Curtis-Micallef
Deputy Minister of Justice and Deputy Attorney General of Canada
Telephone/téléphone : 613-957-4998
Email/courriel : shalene.curtis-micallef@justice.gc.ca

The Honourable Niki Sharma
Attorney General
Province of British Columbia
Telephone/téléphone : 250-387-1866
Email/courriel : AG.Minister@gov.bc.ca

The Honourable Mickey Amery
Minister of Justice
Province of Alberta
Telephone/téléphone : 780-427-2339
Email/courriel : ministryofjustice@gov.ab.ca

(Other Government Departments or Agencies / Ministères et autres organismes gouvernementaux)

The Honourable Josie Osborne
Minister of Energy, Mines and Low Carbon Innovation
Province of British Columbia
Telephone/téléphone : 250-953-0900
Email/courriel : EMPR.Minister@gov.bc.ca

The Honourable Brian Jean
Minister of Energy and Minerals
Government of Alberta
Telephone/téléphone : 780-427-3740
Email/courriel : minister.energy@gov.ab.ca

Patrick Wruck
Commission Secretary
British Columbia Utilities Commission
Telephone/ telephone: 604-660-4700
Email/courriel: Commission.Secretary@bcuc.com

Stephanie Thrasher
Director, Regulatory Affairs
Alberta Department of Energy and Minerals
Telephone/téléphone: 587-836-9869
Email/courriel: Stephanie.Thrasher@gov.ab.ca

JP Mousseau
General Counsel
Alberta Utilities Commission
Telephone/téléphone : 403-592-4452
Email/courriel : jp.mousseau@auc.ab.ca

Terence Hubbard
President
Impact Assessment Agency of Canada
Telephone/téléphone : 613-948-2671
Email/courriel : terence.hubbard@iaac-aeic.gc.ca

Éric Landry
Vice-President, Operations Sector
Impact Assessment Agency of Canada
Telephone/téléphone : 613-618-0214
Email/courriel : eric.landry@canada.ca

Environment and Climate Change Canada
Environmental Assessment Division
Prairie and Northern Region
Telephone/téléphone : 1-800-668-6767
Email/courriel : ec.enviroinfo.ec@canada.ca

Fisheries and Oceans Canada
Fisheries Protection Program
Telephone/téléphone : 1-855-852-8320
Email/courriel : FisheriesProtection@dfo-mpo.gc.ca

(Associations)

David R. Core
Director of Special Projects
Canadian Association of Energy and Pipeline Landowner Associations (CAEPLA)
Telephone/téléphone : 306-522-5000
Email/courriel : davecore@caepla.org

Nancy Bérard-Brown
Director, Tolls and Tariffs
Canadian Association of Petroleum Producers
Telephone/téléphone : 403-267-1114
Email/courriel : nancy.berardbrown@capp.ca

Francis Bradley
President and CEO
Canadian Electricity Association
Telephone/téléphone : 613-230-9263
Email/courriel : bradley@electricity.ca

Paul Cheliak
Vice President, Strategy and Delivery
Canadian Gas Association
Telephone/téléphone : 613-748-0057
Email/courriel : PCCheliak@cga.ca

Shahrzad Rahbar
President
Industrial Gas Users Association
Telephone/téléphone : 613-236-8021
Email/courriel : srahbar@igua.ca

Tristan Goodman
President and CEO
Explorers and Producers Association of Canada
Telephone/téléphone : 403-269-3454
Email/courriel : info@explorersandproducers.ca /
tristan.goodman@explorersandproducers.ca

(Federal Government Departments / Ministères fédéraux)

Scott Clausen
Acting Director, Petroleum and Biofuels Division
Pipelines, Gas and LNG Division
Natural Resources Canada
Telephone/téléphone : 613-808-7998
Email/courriel : sclausen@nrcan-rncan.gc.ca