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File OF-Tolls-Group1-E101-2019-02 02
24 February 2020

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**Enbridge Pipelines Inc. (Enbridge)
Canadian Mainline Contracting Application (Application)
Notice of Public Hearing and Registration to Participate Instructions**

Dear Ms. Nichols, Ms. Fowke and Mr. Davies:

On 19 December 2019, the Canada Energy Regulator (CER) received Enbridge's [Application](#), requesting approval of a new service and tolling framework for the Canadian Mainline pipeline system.

The Application requested an order of the Commission of the CER (Commission):

- a) approving the implementation of firm service on 90 per cent of the available capacity of the Canadian Mainline to be provided in accordance with all terms and conditions, including the toll methodology, contained in the pro-forma transportation services agreements (TSAs) and the pro-forma rules and regulations tariffs for crude petroleum, natural gas liquids and refined petroleum products (Rules Tariffs), pursuant to sections 226, 230 and 231, and subsection 239(1) of the *Canadian Energy Regulator Act* (CER Act);
- b) approving the reservation of 10 per cent of the available capacity of the Canadian Mainline for uncommitted volumes and the implementation of uncommitted transportation service in accordance with all terms and conditions, including the toll methodology, contained in the Application, the pro-forma TSAs, the Rules Tariffs and the illustrative Canadian Mainline local and international joint uncommitted tolls tariffs, pursuant to sections 226, 230 and 231 of the CER Act;
- c) approving the methodologies to set the Canadian Mainline receipt and delivery tankage revenue requirement and receipt and delivery terminalling tolls as set out in the Application, pursuant to sections 226, 229, 230 and 231 of the CER Act;

- d) declaring that the applied-for open season procedures are appropriate and will lead to an open season that is fair, transparent and consistent with Enbridge's common carrier requirements, pursuant to sections 32, 226, 231 and 235, and subsection 239(1) of the CER Act;
- e) approving the continuation of Enbridge's exemption, formerly issued under subsection 129(1.1) of the *National Energy Board Act*, from the requirement to keep the system of accounts described by the *Oil Pipeline Uniform Accounting Regulations*, pursuant to subsection 389(2) of the CER Act; and
- f) granting such further and other relief as Enbridge may request or the Commission may consider appropriate, pursuant to section 68 of the CER Act.

On 16 January 2020, the CER released a letter setting out a comment process for the Application (Comment Process). The Commission directed interested parties to identify issues which they urge the Commission to consider and include submissions on procedural matters. The CER received 50 letters of comments from Mainline shippers and other interested persons. The CER also received a reply letter from Enbridge.

The Commission has determined that it will hold a public hearing to consider the Application. Below are details regarding the Notice of Hearing and Registration to Participate instructions.

Registration to Participate

The Commission has established the following participation process based on inclusive participation, meaningful engagement with the public and efficiency, in accordance with the CER Act. All persons who wish to participate in the CER's hearing must register.

To aid in the registration process, the Commission will use the Application to Participate (ATP) system. All persons wishing to participate are urged to use the ATP system to register. By registering through the ATP system persons will be able to make use of the Participation Portal to file documents and have those documents sent to other participants during the proceeding. Enbridge, the applicant, is automatically registered in the ATP system. See Appendix B for further information on registering using the ATP system. If preferred, interested persons can also register by e-filing a letter with the Secretary of the Commission expressing their interest and indicating the preferred level of participation on the CER's website ([Electronic Document Submission](#)).

Persons may participate as Intervenors and file evidence, ask information requests, cross examine, and present argument, or participate as Commenters and file a letter of comment. The ATP system requires you to indicate your preferred level of participation during your registration.

All Canadian Mainline shippers, persons who filed letters of comment during the Comment Process, and those Interested Persons found in Appendix C to this letter are granted Intervenor status in this proceeding, should they wish to participate at this level. The Commission is of the view that these persons have demonstrated that their interests may be sufficiently impacted by the Commission's decisions in the Application and/or that their participation will assist the Commission. These parties will still need to register through the ATP system in order to use the Participation Portal during the proceeding and should indicate whether they wish to participate as Intervenors or Commenters when they register.

Other members of the public who register to participate will be entitled to participate as a Commenter and file a written letter of comment during the proceeding, at a minimum. However, persons may also request to participate as Intervenors. Persons must provide information to demonstrate that their participation as an Intervenor is justified.

The Commission will consider whether a person's interest may be sufficiently impacted by the Commission's decision, and/or their participation as an Intervenor will aid the Commission in the proceeding, based on the proposed List of Issues (Appendix A).

If the Commission finds that persons have not demonstrated their interest, their request for Intervenor status may be denied and they may participate as Commenters.

The Registration to Participate process will run from **12-18 March 2020**.

The Commission will issue its hearing order, setting out process steps and the timetable of events, at a later date once a list of participants has been issued. The Commission notes that one of the procedural recommendations received during the Comment Process was to hold a multi-phase hearing. The Commission has made no decision regarding whether to hold a multi-phase hearing at this time. Therefore, any person registering through the ATP System from 12-18 March 2020 will be able to participate in all process steps decided on by the Commission associated with this Application, including a multi-phase hearing process.

Technical Conference

The Commission has decided to hold a technical conference where Enbridge will provide a presentation, on **8 April 2020**. This will be an opportunity for the Commission, CER staff and other interested persons to learn about the operations of the Enbridge Mainline pipeline system. The purpose of the Technical Conference is not to receive argument or intervenor evidence.

Parties may attend as observers and will not be entitled to cross-examination during the technical conference. Intervenors may test the evidence during the subsequent hearing process. The presentation, as well as transcripts of the technical conference, will form part of the record of the proceedings and will be made available to parties.

Interested persons that wish to attend the technical conference in person are required to register in advance. Due to limitations to the number of people attending (capacity of the venue), priority will be given to those parties on the List of Participants. Remote participation will be available so it is not necessary for parties to travel to Calgary, if preferable.

A letter regarding the preliminary details of the Technical Conference, as well as a registration form and dates of registration, will be released in a separate letter.

Enbridge is directed to serve a copy of this letter, including the Notice of Public Hearing and ATP instructions (Appendix B) no later than **11 March 2020** as follows:

1. Distribute to all shippers on the Enbridge Canadian Mainline system and other persons who participated in the negotiations of the Application;
2. Distribute to all persons who provided letters of comment in the Comment Process;
3. Distribute to the persons listed in Appendix C to this letter;
4. Distribute to any other interested parties not captured in items 1, 2 and 3 in this list;

5. Post on Enbridge's external website;
6. Publish the Notice of Public Hearing in the following newspapers:

| Publication | Location | Publication Type | Publication Date | Submission Deadline |
|---------------------|-----------------|-------------------------|--------------------------|---|
| Edmonton Journal | Edmonton, AB | English | Daily | n/a |
| Calgary Herald | Calgary, AB | English | Daily | n/a |
| Le Franco | Calgary, AB | French | Weekly (Thursday) | Sunday prior |
| La Source | Vancouver, BC | French | Bi-monthly (Tuesday) | March 3 & March 17 Submit by noon on Thursday prior |
| Regina Leader-Post | Regina, SK | English | Daily | n/a |
| L'Eau vive | Regina, SK | French | Bi-monthly (Thursday) | March 5 & 19 Submit one week prior |
| Winnipeg Free Press | Winnipeg, MB | English | Daily | n/a |
| La Liberté | Winnipeg, MB | French | Weekly (Wednesday) | Publish on: Feb. 12, 19 & 26 March 4, 11, 18 & 25 Submit one week prior |
| Globe and Mail | Toronto, ON | English | Daily | n/a |
| National Post | Toronto, ON | English | Daily | n/a |
| L'Express | Toronto, ON | French | Weekly (Friday) | Submit one week prior |
| Montreal Gazette | Montreal, QC | English | Daily | n/a |
| La Presse | Montreal, QC | French | Daily | n/a |

Yours sincerely,

Original signed by

L. George
Secretary of the Commission

Attachments

Appendix A

List of Issues

The Commission has identified but does not limit itself to the following issues for discussion in the proceeding, which relate to the specific proposals in Enbridge's application and may relate to any alternative proposal(s):

- 1) Whether offering any firm service on the Canadian Mainline at this time is in the public interest and consistent with the common carrier and other requirements of the *Canadian Energy Regulator Act*, having regard to relevant circumstances and considerations, including:
 - a. Whether there is a material need for firm service on the Canadian Mainline, including based on the importance to market participants of long-term certainty of priority access to pipeline capacity and Enbridge's risk exposure without contracting.
 - b. Appropriateness of converting existing uncommitted capacity to committed service in the absence of new or expanded Canadian Mainline facilities.
 - c. Appropriateness of allowing, or not, firm service on the Canadian Mainline in light of the presence of firm service on other existing and proposed Canadian oil pipelines.
 - d. Appropriateness of materially decreasing total uncommitted oil pipeline capacity out of western Canada.
 - e. The impacts of firm service on various stakeholders and the competitiveness of the Western Canadian Sedimentary Basin, including through impacts on factors such as:
 - i. commodity pricing,
 - ii. producer netbacks,
 - iii. commercial arrangements, and
 - iv. opportunities for new entrants.
 - f. Whether the Canadian Mainline's unique circumstances, including jurisdictional, operational and commercial, support or weaken the merits of implementing firm service.
 - g. Whether 10 per cent, or some other amount, is the appropriate amount of Canadian Mainline capacity that should be reserved for uncommitted service, in the event that firm service is implemented.
- 2) Appropriateness of the proposed terms and conditions of firm and uncommitted services.
- 3) Appropriateness of, and basis for, the proposed tolls and toll methodologies, including whether they should be reflective of cost of service and toll principles and if so, whether they are.
- 4) Appropriateness of the proposed Open Season Procedures.
- 5) Appropriateness of exempting Enbridge from the requirement to keep the system of accounts described by the *Oil Pipeline Uniform Accounting Regulations*.

Appendix B

Notice of Public Hearing and Registration to Participate

Enbridge Pipelines Inc. (Enbridge) Canadian Mainline Contracting Application (Application)

On 19 December 2019, the Canada Energy Regulator (CER) received an application from Enbridge for approval of a new service and tolling framework for the Canadian Mainline, pursuant to Parts 1, 3 and 9 of the *Canadian Energy Regulator Act* (CER Act).

Description of the Application

The Application requests an order of the Commission of the CER (Commission):

- a) approving the implementation of firm service on 90 per cent of the available capacity of the Canadian Mainline to be provided in accordance with all terms and conditions, including the toll methodology, contained in the pro-forma transportation services agreements (TSAs) and the pro-forma rules and regulations tariffs for crude petroleum, natural gas liquids and refined petroleum products (Rules Tariffs), pursuant to sections 226, 230 and 231, and subsection 239(1) of the CER Act;
- b) approving the reservation of 10 per cent of the available capacity of the Canadian Mainline for uncommitted volumes and the implementation of uncommitted transportation service in accordance with all terms and conditions, including the toll methodology, contained in the Application, the pro-forma TSAs, the Rules Tariffs and the illustrative Canadian Mainline local and international joint uncommitted tolls tariffs, pursuant to sections 226, 230 and 231 of the CER Act;
- c) approving the methodologies to set the Canadian Mainline receipt and delivery tankage revenue requirement and receipt and delivery terminalling tolls as set out in the Application, pursuant to sections 226, 229, 230 and 231 of the CER Act;
- d) declaring that the applied-for open season procedures are appropriate and will lead to an open season that is fair, transparent and consistent with Enbridge's common carrier requirements, pursuant to sections 32, 226, 231 and 235, and subsection 239(1) of the CER Act;
- e) approving the continuation of Enbridge's exemption, formerly issued under subsection 129(1.1) of the *National Energy Board Act*, from the requirement to keep the system of accounts described by the *Oil Pipeline Uniform Accounting Regulations*, pursuant to subsection 389(2) of the CER Act; and
- f) granting such further and other relief as Enbridge may request or the Commission may consider appropriate, pursuant to section 68 of the CER Act.

The Application can be found on the CER's website at <http://www.cer-rec.gc.ca> (click on "Applications & Filings, Major Applications and Projects and scroll down to Enbridge Pipelines Inc. – Application for Canadian Mainline Contracting).

Participation in the Commission's Hearing

The Commission has determined that it will hold a public hearing to consider the Application. The Commission has decided to use the Participation Portal for this proceeding. Therefore, all persons wishing to make use of the Participation Portal are encouraged to use the ATP system to register.

Appendix B (Continued)

All Canadian Mainline shippers, persons who filed letters of comment during the Comment Process, and those Interested Persons found in Appendix C to this are granted Intervenor status in this proceeding, should they wish to participate at that level. These parties will need to register through the ATP system, described below, to use the Participation Portal. Enbridge, the applicant, is automatically registered in the ATP system.

Other members of the public may participate in this proceeding by registering through the ATP system. You will be entitled to participate by filing a letter of comment, at a minimum. Should you wish to participate as an Intervenor, provide information to demonstrate that your interests may be sufficiently impacted by the Commission's decision, and/or that your participation as an Intervenor will aid the Commission.

The Commission encourages persons with similar interests in the Application to consider applying to Intervene as a group and having a common spokesperson to speak for that group. Repeating matters is not helpful to the Commission as it does not give that matter more weight and is not an efficient use of hearing time.

Registration will occur between **12-18 March 2020**. The Commission will release a List of Participants shortly after the close of registration in the ATP system.

To register, go to the CER's website: <http://www.cer-rec.gc.ca/>, select "Submit Applications and Regulatory Documents" under "Applications & Filings", select "Apply to Participate" and then "Enbridge Canadian Mainline Contracting". Follow the instructions to obtain a CER Account and complete your Application to Participate form.

Persons can also register by e-filing a letter to the Secretary of the Commission through the CER's website (Electronic Document [Submission](#)), expressing their interest and indicating the preferred level of participation. Please refer to file number OF-Tolls-Group1-E101-2019-02 02 on your filing.

Information on Hearing Procedures

Information on CER hearing processes is available by:

- Contacting the CER toll free at 1-800-899-1265; or
- Accessing the CER's website, select [Hearings and Information Sessions](#), and then click on *Participate in CER Hearings*.

Appendix C

List of Interested Persons to be Served with Notice of Public Hearing

(Ministers of Justice / Attorney Generals Ministres de la justice / procureur généraux)

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
Telephone/téléphone : 613-992-4621
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The Honourable Nathalie G. Drouin
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The Honourable David Eby, Q.C.
Minister of Justice and Attorney General
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The Honourable Doug Schweitzer
Minister of Justice and Solicitor General
Province of Alberta
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The Honourable Cliff Cullen
Minister of Justice and Attorney General
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The Honourable Don Morgan, Q.C.
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The Honourable Doug Downey
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L'Honorable Sonia LeBel
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The Honourable Andrew Parsons
Minister of Justice and Public Safety, Attorney General
Province of Newfoundland and Labrador
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The Honourable Mark Furey
Attorney General and Minister of Justice
Province of Nova Scotia
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The Honourable Bloyce Thompson
Minister of Justice and Public Safety and Attorney General
Province of Prince Edward Island
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The Honourable Caroline Wawzonek
Minister of Finance and Minister of Justice
Government of the Northwest Territories
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The Honourable Jeannie Hakongak Ehloak
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Government of Nunavut
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The Honourable Tracy-Anne McPhee
Minister of Justice and Education
Government House Leader
Yukon Legislative Assembly
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***(Other Government Departments or Agencies
/ Ministères et autres organismes gouvernementaux)***

The Honourable Bruce Ralston
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The Honourable Sonya Savage
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The Honourable Steven Myers
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Ms. Jennifer Saxe
Director General
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Environment and Climate Change Canada
Environmental Assessment Division
Prairie and Northern Region
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Fisheries and Oceans Canada
Fisheries Protection Program
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(Associations)

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**(Federal Government Departments/
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