



Canada Energy Regulator Régie de l'énergie du Canada

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22 September 2022

To: Attached Distribution List

**Kingston Midstream Westspur Limited (Kingston) and Secure Energy Services Inc. (Secure)
Joint Submission on Disposition of Kingston's Review Application and Order MO-020-2021 (Joint Submission)
Letter Decision**

**Before: S. Luciuk, Presiding Commissioner; T. Grimoldby, Commissioner;
W. Jacknife, Commissioner**

1. Summary of Request and Disposition

In the Commission of the Canada Energy Regulator's (**Commission**) previous Reasons for Decision RH-003-2020 (**RH-003-2020 Decision**) and Order MO-020-2021 (**Order**) Kingston was found to be in breach of common carrier obligations and was ordered to provide new facilities for connection at its Westspur Pipeline ([C13917](#)). The Commission encouraged all parties to find a way to use existing facilities, regardless of jurisdiction. The Commission also provided additional direction and recommendations.

Kingston, its affiliates and Secure subsequently negotiated an agreement to use existing provincially regulated facilities to access the Westspur Pipeline. Kingston and Secure filed a Joint Submission ([C18135](#)) requesting that the Commission amend certain aspects of its Order, provide tariff direction, and discontinue the review and variance application filed by Kingston in July 2021 (**Review Application**) ([C14211](#)). A number of shippers on the Westspur Pipeline raised concerns regarding the relief requested in the Joint Submission.

As detailed in the reasons below, the Commission has decided to:

- amend the Order to remove Conditions 2 and 4 as Kingston and Secure requested;
- direct Kingston to include the Kingston Saskatchewan Pipeline Alida Interconnection as receipt and delivery points in the Westspur Tariff; and
- discontinue the proceedings related to the Review Application.

Accordingly, the Commission has issued the attached Amending Order. The conditions requiring Kingston to provide access under subsection 239(1) of the *Canadian Energy Regulator Act* (**CER Act**) and to file comments on regulation as a Group 1 or Group 2 company remain.

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2. Background

On 30 December 2019, the Canada Energy Regulator (**CER**), received an application from Secure for an order to allow Secure to receive crude oil from, and deliver crude oil to, the Westspur Pipeline owned by Kingston. Specifically, Secure requested access to the Westspur Pipeline at Secure's Alida Crude Oil Terminal (**Secure Alida Terminal**). To access the Westspur Pipeline, Secure had previously used interconnecting pipelines which serve no other purpose (**Connection Facilities**) owned by Kingston's affiliate Kingston Midstream Saskatchewan Limited (**Kingston Saskatchewan**). The Connection Facilities are under provincial jurisdiction. Kingston Saskatchewan declined to renew Secure's access to the Connection Facilities as it was incompatible with the 2019 Settlement Agreement.¹

The Commission decided the following in the RH-003-2020 Decision and Order:

1. Pursuant to subsection 239(1) of the CER Act, the Commission directed Kingston to provide Alida Delivery² and accept Alida Receipt³ on the Westspur Pipeline.
2. Pursuant to subsection 239(3), the Commission directed Kingston to provide adequate and suitable facilities connecting the Westspur Pipeline to the Secure Alida Terminal in the form of the Delivery Connection⁴ and Receipt Connection⁵.
3. Pursuant to section 226, the Commission directed Kingston to file an updated Westspur Tariff that includes Secure's Alida Terminal as a receipt and delivery point, as well as the tolls to and from the Secure Alida Terminal.
4. Pursuant to sections 226 and 230, \$0.10/cubic metre was a just and reasonable toll for the Receipt Connection and the Delivery Connection.
5. Pursuant to sections 32 to 34 and 226, a process to determine whether the Westspur Pipeline should continue to be designated as a Group 2 Company for the purpose of financial regulation under the CER Act was initiated by the Commission. The Commission also recommended a financial regulatory audit for the Westspur Pipeline.

After the Commission issued the RH-003-2020 Decision, Kingston filed the Review Application on 23 July 2021. Litigation actions were also commenced in the Federal Court of Appeal and Court of Queen's Bench of Alberta by Kingston, Kingston Marketing Limited and Secure.

¹ A previous complaint regarding operational practices on the Westspur Pipeline had been filed by Crescent Point Energy. A proceeding, RHW-002-2017, was set down by the National Energy Board. Subsequently a settlement was reached amongst certain parties to that complaint (**2019 Settlement Agreement**) with the result being that the complaint was withdrawn.

² The RH-003-2020 Decision defined **Alida Delivery** as the "Delivery of oil from the Westspur Pipeline to the Secure Alida Terminal via the Delivery Connection".

³ The RH-003-2020 Decision defined **Alida Receipt** as the "Receipt, transport, and delivery of crude oil offered by Secure via the Receipt Connection for transmission on the Westspur Pipeline."

⁴ The RH-003-2020 Decision defined **Delivery Connection** as "An interconnection of the Secure Alida Terminal to the Westspur Pipeline for the purpose of delivering crude oil from the Westspur Pipeline to the Secure Alida Terminal."

⁵ The RH-003-2020 Decision defined **Receipt Connection** as "An interconnection of the Secure Alida Terminal to the Westspur Pipeline for the purpose of receiving, transmitting and delivering oil offered by Secure for transmission on the Westspur Pipeline."

On 11 August 2021, Kingston and Secure requested a stay of the Review Application and a stay of the Order to help facilitate settlement discussions between the parties ([C14411](#), [C14413](#)). The Commission granted the stay requests on 12 August 2021 ([C14433](#)) and subsequently granted several extensions.

On 14 March 2022, Kingston and Secure filed a joint submission with the CER indicating they had reached a settlement agreement and jointly requested that the Commission:

- (a) amend the Order to remove Conditions 2 and 4 from the Order;
- (b) confirm that Kingston may file an updated Westspur Tariff which does not include the Secure Alida Terminal as a Westspur Pipeline receipt point or delivery point; and
- (c) discontinue the proceedings related to the Review Application.

Kingston and Secure indicated that if the Commission grants the requested relief, Kingston and Kingston Marketing Limited will discontinue their court applications and Secure will discontinue litigation that it commenced.

On 6 April 2022, the Commission set out a comment process in relation to the Joint Submission ([C18460](#)). The Commission was of the view that the requested relief in (a) and (b) constitutes an application for a review and variance of a decision or order pursuant to subsection 69(1) of the CER Act. The Commission found that the threshold for Phase I was met. The Commission was of the view that the resulting settlement negotiated by Secure, Kingston and their affiliates constituted changed circumstances and new facts that have arisen since the close of the original proceeding, which raised a doubt as to the correctness of the RH-003-2020 Decision or Order. The Commission proceeded to Phase II of the review and set out a process inviting comments on the merits of the relief requested in (a) and (b).⁶

The Commission received comments on 19 April 2022 from a group representing seven entities (**Producer Group**): Allied Energy Corporation, Canadian Natural Resources Limited, Crescent Point Energy Corp., Enerplus Corporation, Ridgeback Resources Inc., Vermillion Energy Inc., and Whitecap Resources Inc ([C18644](#)). These entities are parties to the 2019 Settlement Agreement made with Kingston and its affiliates. Kingston and Secure filed replies on 25 April 2022 ([C18738](#), [C18741](#)) and included a copy of their settlement agreement (**Westspur Settlement Agreement**).

The Commission set out further steps to provide the Producer Group with an opportunity to respond to the additional information ([C19020](#)). The Producer Group responded on 13 May 2022 ([C19114](#)). Kingston and Secure replied on 20 May 2022 ([C19209](#), [C19211](#)).

On 12 July 2022, the Commission issued an information request (**IR**) to Kingston and Secure and set out the associated response process ([C20082](#)). Kingston and Secure responded to the IR on 22 July 2022 ([C20204](#), [C20205](#)). The Producer Group filed comments on 2 August 2022 ([C20365](#)). Kingston and Secure replied on 9 August 2022 ([C20441](#), [C20442](#)).

⁶ No comments were necessary for the relief requested in (c).

3. Submissions of Secure and Kingston

In the Joint Submission, Secure and Kingston indicated that they and their affiliates have agreed to terms which will ensure that the matter of Secure's access to the Westspur Pipeline is resolved in a manner consistent with the intent of the Order. Secure and Kingston submitted that the three aspects of the relief requested are needed to give effect to these terms.

Condition 2 required Kingston to provide new facilities connecting the Westspur Pipeline to the Secure Alida Terminal. Kingston and Secure submitted that the RH-003-2020 Decision left open the possibility that the Connection Facilities could be used to provide Alida Receipt and Alida Delivery. As a result of commercial negotiations, Secure and Kingston and their non-CER-regulated affiliates agreed to terms whereby the Secure Alida Terminal would be served in the same manner as it historically had been, using the Connection Facilities. Because Kingston and Secure no longer intend to rely on the construction of new facilities to provide Alida Receipt and Alida Delivery, they submitted that section 2 of the Order is no longer required.

Kingston and Secure stated that Condition 4 of the Order is inextricably linked to section 2 of the Order as it sets the tolls for the use of the new facilities. Given the intention to provide Secure access to the Westspur Pipeline without new interconnection facilities, there is no need for the Order to set tolls for the use of such facilities, nor would such tolls apply on the existing Connection Facilities.

Section 3 of the Order required Kingston to file an updated Westspur Tariff that includes the Secure Alida Terminal as a receipt and delivery point, as well as the tolls to and from the Secure Alida Terminal. Kingston filed that updated Westspur Tariff on 5 August 2021. In the interests of transparency, Secure and Kingston advised the Commission that Kingston intends to file a further updated Westspur Tariff that does not list the Secure Alida Terminal as a Westspur Pipeline receipt or delivery point. Third parties that wished to access the Secure Alida Terminal from the Westspur Pipeline would be able to do so via the existing Connection Facilities in the same manner that they did historically, by negotiating mutually agreeable commercial terms with Secure.

In the 22 July 2022 IR response, Kingston and Secure clarified that their preference was to maintain the historical practice for transferring crude as part of the Notice of Shipment process, as this achieves the same outcome and gives shippers the same access to the Secure Alida Terminal. To enhance transparency with respect to the transfer process, Kingston intended to modify the notation regarding "Volumes directed to the Alida Terminal" in the Westspur Tariff. Alternatively, Kingston proposed that Westspur Tariff No. 112 be revised to replace the Secure Alida Terminal with the Kingston Saskatchewan Pipeline Alida Interconnection as a separate receipt and delivery point to transport crude to and from the Kingston Alida Terminal and the Secure Alida Terminal. These receipt and delivery points would denote the interconnection points with the Connection Facilities. Kingston also provided two alternate draft tariffs for consideration in its IR response.

4. Submissions of the Producer Group

The Producer Group was provided with three opportunities for comment on the relief requested and the additional filings provided by Secure and Kingston. It raised a number of concerns.

In its 19 April 2022 comment letter, the Producer Group argued that it is unknown whether, and to what extent, any of the terms of the settlement impact the rights and obligations of other shippers and producers who intend to continue to use the Kingston pipelines, including the opportunity to access all Westspur Pipeline receipt and delivery points and the terms and conditions governing such access. The Producer Group expressed concerns regarding upstream blending, blending without shipper consent, monitoring of volumes received and delivered, and how upstream blended volumes will be equalized.

Although Kingston and Secure subsequently disclosed the Westspur Settlement Agreement, the Producer Group indicated in its 13 May 2022 letter that this did not ease the Producer Group's concerns. It provided no assistance in assessing whether the settlement addresses the Commission's concerns that gave rise to the Order and whether common carrier transportation services will be provided in accordance with the CER Act. The Producer Group argued that the material terms of settlement are contained in another agreement or agreements that have not been provided. The combined effect of the agreements made in the related contracts could mean that obligations to conduct fair and proper equalization in the manner set forth in that Tariff would be undermined or removed at the cost of shippers. The Producer Group believed all settlement terms should be disclosed.

The Producer Group also submitted that the fact that Kingston would only provide an indirect connection through its affiliate does not reduce or limit the need for Kingston to have and maintain receipt and delivery points at the point of interconnection. Removal of Secure Alida receipt and delivery points casts doubt on how volumes to this location will be equalized.

In its 2 August 2022 letter, the Producer Group stated that while it did not oppose removal of Conditions 2 and 4 to the Order, it did not support the Commission altering its intentions of asserting regulatory oversight of transportation service afforded to the Kingston Alida and Secure Alida terminals. While the Producer Group agreed that the construction of redundant facilities may not provide an optimal result, it questioned whether one of the purposes of Conditions 2 and 4 was to ensure open access and transparency regarding the transportation service offered to all shippers using the Westspur Pipeline to the Terminal delivery points and for the receipt of volumes received from the Terminal delivery points. The Producer Group noted that the Commission made significant findings in the RH-003-2020 Decision regarding the need for greater regulatory oversight over Kingston's affairs (e.g., the issue of Group 2, complaint-based regulation).

The Producer Group understood that Kingston has requested that the Secure Alida Terminal receipt and delivery point be excluded so that Kingston can introduce a new receipt and delivery point at a point of interconnection made between the Kingston Westspur Pipeline and the existing facilities owned by a Kingston affiliate. The Producer Group argued that attempts to create artificial demarcation points in order to reduce the scope of the CER's regulatory jurisdiction are not new and made reference to the Altamont Decision and Westcoast Decision. In the Producer Group's view, the approach appears to be a way to allow blending or commercial arrangements associated with the pipeline operations at the existing receipt and delivery points but without full transparency or a means to challenge or raise concerns over such operations.

Kingston's alternate approach of relying upon its nomination and Notice of Shipment process to avoid express inclusion of receipt and delivery points, provided the Producer Group little assurance that operations of the Westspur Pipeline would remain transparent and subject to audit and oversight, particularly as it concerns equalization. The Producer Group submitted that the Commission should require inclusion of the Secure Alida and Kingston Alida Terminals as receipt and delivery points in the Westspur Tariff going forward.

5. Response of Secure and Kingston to Concerns of the Producer Group

In its 20 May 2022 letter, Secure submitted that the Producer Group raised concerns that were canvassed and addressed in proceeding RH-003-2020 such as equalization and impacts to the 2019 Settlement Agreement. Secure clarified that the related contracts noted in the Westspur Settlement Agreement set out terms and conditions of access to the provincially regulated Connection Facilities. Secure stated that the terms and conditions of those contracts do not affect or bind Kingston Westspur, nor do they affect, relate to or influence the terms and conditions of service on the Westspur Pipeline.

Kingston also argued, in its 20 May 2022 letter, that the outstanding concerns raised by the Producer Group regarding Westspur Pipeline equalization and the economic interests of the Producer Group's members do not relate to the requested relief. The Producer Group had an opportunity to participate in the RH-003-2020 proceeding where the impact of upstream blending was fully canvassed and this process is not intended to revisit that.

Kingston argued that the Westspur Settlement Agreement is the only agreement relevant to the Westspur Pipeline. Kingston submitted that commercial arrangements upstream of the Westspur Pipeline cannot and do not affect Kingston's regulatory obligations in operating and administering the Westspur Pipeline. According to Kingston, the crude delivered to the Westspur Pipeline from the Secure Alida Terminal via the Connection Facilities will be subject to the same rules and must comply with the same specifications as any other crude delivered to the Westspur Pipeline. The interconnect will not be treated differently from an equalization standpoint.

In its 9 August 2022 reply, Secure submitted that the settlement between the parties is not about reducing the Commission's regulatory oversight; rather, the settlement responds to the direction of the Commission in the RH-003-2020 Decision to consider utilizing the existing facilities to provide Alida Delivery and Alida Receipt. All crude delivered to or from the Secure Alida Terminal via the Connection Facilities will be subject to the Westspur Tariff and the Commission would be able to enforce Condition 1 of the Order if any issues arise with respect to the Secure Alida Terminal's access to the Westspur Pipeline. Furthermore, the request to remove the Secure Alida Terminal delivery and receipt points from the Westspur Tariff is meant to address the reality that the Secure Alida Terminal is not connected at the plant gate to the Westspur Pipeline.

Similarly, Kingston's 9 August 2022 reply stated that granting the requested relief will not reduce the Commission's regulatory oversight as it will continue to be exactly what it has historically been; Secure and all other shippers will have all the same rights and access that they have historically had. Kingston also argued that since it will not be constructing a new connection to the Secure Alida Terminal, the Secure Alida Terminal will not be located on the Westspur system and should be removed as a receipt and delivery point in the Westspur Tariff.

6. Commission Analysis and Findings

Secure and Kingston have applied for a review and variance of a previous Commission Order under subsection 69(1) of the CER Act. Given that the Commission previously found that the threshold for Phase I of a review and variance application has been met⁷, at issue currently is Phase II: the merits of the relief requested by Secure and Kingston. As stated above, the relief requested involved:

- (a) Amending the Order to remove Conditions 2 and 4. Condition 2 was a requirement for Kingston to provide new facilities connecting the Westspur Pipeline to the Secure Alida Terminal. Condition 4 of the Order directed the toll for the new facilities.
- (b) Confirmation that Kingston may file an updated Westspur Tariff which does not include Secure Alida Terminal as a Westspur Pipeline receipt point or delivery point.
- (c) Discontinuing the proceedings related to the Review Application.

(a) Should the Commission remove Conditions 2 and 4 of its previous Order?

Yes, the Order should be amended to remove Conditions 2 and 4. New facilities are no longer required and without new facilities there is no need to set tolls for such facilities.

In the RH-003-2020 Decision the Commission encouraged all parties to find a way to utilize existing facilities. Specifically, the Views of the Commission stated:

[T]he Commission encourages all parties to find a way to utilize the existing facilities regardless of jurisdiction. It is in the public interest to use existing facilities as much as possible, particularly in this case where the existing facilities are relatively new. How the facilities may be utilized would be up to the parties or their affiliates. Kingston stated that it, and its affiliate Kingston Saskatchewan, would not negotiate to facilitate Secure's access to the Westspur Pipeline because it would jeopardize the Settlement Agreement. Given the Commission's findings above regarding the breach of common carriage requirements, it may be possible that such a position could be reconsidered. Other solutions, such as the purchase of these facilities by Secure or the transfer of these facilities to Kingston from its affiliate, may be viable options. The Commission leaves these matters to the parties to consider.⁸

Secure and Kingston and its affiliate did what the Commission encouraged them to do and reached an agreement that allows Secure to access the Westspur Pipeline. Kingston must provide access to the Westspur Pipeline in accordance with the requirements of the CER Act and Condition 1 of the Order. Common carrier obligations must be followed. The Commission finds that utilizing existing facilities, as the Commission previously encouraged, removes the need for new facilities and associated tolls. As a result, the Commission is

⁷ In a letter to the parties on 6 April 2022, the Commission found that the settlement agreement by Secure, Kingston and their affiliates constitutes changed circumstances and new facts arising since the original proceeding. The Commission also said that in the Decision it had encouraged all parties to find a way to utilize existing facilities.

⁸ CER, *Kingston Midstream Westspur Limited: Secure Energy Services Inc. Application for Service and Suitable and Adequate Interconnection Facilities on the Westspur Pipeline RH-003-2020 Reasons for Decision*, Filing ID [C13917](#) (July 2021) at 28.

persuaded that Conditions 2 and 4 of the Order should be removed, as reflected in the attached Amending Order.

In its submissions of 2 August 2022, the Producer Group conceded that the construction of redundant facilities may not provide an optimal result. The Commission agrees. In particular, the Commission finds that it would not be in the public interest to require the construction of redundant facilities when an agreement has been reached to use the existing facilities and Kingston remains subject to common carrier obligations for the Westspur Pipeline.

Importantly, this relief is unopposed as the Producer Group stated that removal of Conditions 2 and 4 of the Order is not opposed by them. Nevertheless, the Commission will briefly address the other main concerns raised by the Producer Group in its submissions.

Jurisdiction and Regulatory Oversight

The Producer Group's argument that the removal of Conditions 2 and 4 of the Order would alter the Commission's assertion of regulatory oversight over transportation service afforded to the Kingston Alida and Secure terminals is unfounded. The Commission does not have jurisdiction over the existing Connection Facilities, and in the RH-003-2020 Decision the Commission expressly stated that it encouraged "all parties to find a way to utilize the existing facilities **regardless of jurisdiction**". [Emphasis added.] This quote clearly shows that the Commission supported utilizing the relatively new provincial facilities regardless of jurisdiction. As stated above, Kingston must follow its common carrier obligations and provide open access to the Westspur Pipeline.

The Producer Group pointed out the findings in the RH-003-2020 Decision regarding the need for greater regulatory oversight over Kingston's affairs.⁹ The Commission confirms that the relief granted in this decision does not detract from the importance of these findings. The Commission's recommendation regarding a financial regulatory audit of Kingston, including specific areas of focus, still stands. The Commission will also be proceeding with its examination into Kingston's current Group 2 company status. The condition of the Order requiring Kingston to file with the CER comments as to whether it should be regulated as a Group 1 or Group 2 company remains.

Disclosure of Commercial Agreements

In earlier submissions, the Producer Group raised concerns that the disclosed details of the settlement agreement were not sufficient to justify alteration of the RH-003-2020 Decision and Order. Taking into consideration that the Westspur Settlement Agreement was provided, the Commission is of the view that there is no demonstrated need for related contracts to also be provided since terms of service must be included in a public tariff. As stated in the RH-003-2020 Decision:

The Commission is generally supportive of parties resolving or reaching settlement agreements as long as those agreements do not negatively impact statutory obligations. All terms and conditions of access to a pipeline must be reflected in a public tariff. Otherwise, such terms and conditions, even if negotiated, cannot be relied on.¹⁰

⁹ See for example *ibid* at Chapter 7, pages 53-55.

¹⁰ *Ibid* at 52.

Blending and Equalization

With respect to concerns raised by the Producer Group about the impacts of Secure's access to the Westspur Pipeline, or potential access by others, on upstream blending and equalization, these topics were considered in the RH-003-2020 Decision in detail. The Commission found that common carriage access must be provided to Secure. Westspur Pipeline equalization must still be carried out according to tariff requirements. The relief granted in this decision does not change these aspects of the RH-003-2020 Decision. The Producer Group had an opportunity to comment on the proposed tariffs in relation to the requested relief. As discussed below, the Commission accepts the Producer Group's request to require Kingston to explicitly include the appropriate receipt point and delivery point in the Westspur Tariff.

(b) Should the Commission confirm that Kingston may file an updated Westspur Tariff which does not include Secure Alida Terminal as a Westspur Pipeline receipt point or delivery point?

The Commission directs Kingston to revise the Westspur Tariff to replace the Secure Alida Terminal with the Kingston Saskatchewan Pipeline Alida Interconnection as a separate receipt and delivery point to transport crude to and from the Kingston Alida Terminal and the Secure Alida Terminal.

The Commission agrees with Secure and Kingston that it is not appropriate to list the Secure Alida Terminal as a receipt or delivery point as the terminal is not directly connected to the Westspur Pipeline. Accordingly, the Commission approves the request to not include the Secure Alida Terminal as a receipt point or delivery point.

However, the Commission also agrees with the Producer Group that the fact that Kingston would only provide an indirect connection through its affiliate does not reduce or limit the need for Kingston to have and maintain receipt and delivery points at the point of interconnection. Kingston acknowledged that the points of interconnection with the existing Connection Facilities are receipt and delivery points on the Westspur Pipeline. Kingston and Secure's joint preference was to maintain the historical practice for transferring crude as part of the Notice of Shipment process. The Commission's direction to include the Kingston Saskatchewan Pipeline Alida Interconnection as a receipt and delivery point reflects the alternate approach that was proposed by Kingston if the Commission did not accept the historical process. The Commission took into consideration Kingston and Secure's confirmation that there would be no implications to their negotiated resolution if the Commission were to require the points of interconnection with the existing Connection Facilities to be listed as receipt and delivery points.

The Commission does not accept the historical practice for transferring crude as part of the Notice of Shipment process. This process has resulted in confusion in at least two regulatory proceedings, including concerns about equalization and nomination procedures in this review proceeding, and the "order of operations" argument in the RH-003-2020 proceeding. As the Commission found in the RH-003-2020 Decision:

The relief Secure seeks would enable two distinct operations. Oil could be received at a receipt point on the Westspur Pipeline, transported, and delivered to Secure's requested delivery point at the Secure Alida Terminal. Oil could also be received from Secure's requested receipt point at the Secure Alida Terminal, transported on Westspur, and delivered with the final delivery likely being at the end of the Westspur Pipeline where it interconnects with the Enbridge Mainline.¹¹

The Commission also stated in the RH-003-2020 Decision that "all shippers and potential shippers must be able to rely on the public tariff" and "it is the public tariff that must include all terms and conditions of access." The Commission is of the view that including the Kingston Saskatchewan Pipeline Alida Interconnection as a separate receipt and delivery point in the Westspur Tariff increases clarity and transparency for all shippers. This direction regarding the Westspur Tariff is reflected in Condition 2 of the attached Amending Order.

(c) Should the Commission discontinue the proceedings related to the Review Application?

Yes, the Commission discontinues Kingston's earlier Review Application. The Review Application was initiated by Kingston and Kingston is now requesting its discontinuance. Given Kingston and Secure's negotiated settlement and the relief granted in (a) and (b), the relief sought in the Review Application is no longer relevant.

7. Next Steps

In light of the settlement reached and the relief granted in this decision, the Commission's stay of the Order is no longer in effect. The attached Amending Order is effective immediately, which means:

- Kingston must file with the CER an updated Westspur Tariff that includes Kingston Saskatchewan Pipeline Alida Interconnection as a receipt and delivery point, as well as the tolls to and from the Kingston Saskatchewan Pipeline Alida Interconnection by 21 October 2022.
- Kingston must file with the CER comments as to whether it should be regulated as a Group 1 or Group 2 Company by 21 November 2022.

Kingston is directed to serve this decision and the Amending Order on all shippers and interested persons, including participants to the RH-003-2020 hearing and Kingston Marketing Limited.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachments

¹¹ *Ibid* at 15.

DISTRIBUTION LIST

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