



# Regulatory Agenda

The period covered in this *Regulatory Agenda* is the month of May 2003

## Public Hearing Applications

### Decision Rendered

- 1. *New Brunswick Power Corporation (NB Power) - International Power Line (IPL) - EH-1-2003 (File 2200-N088-1)***

On 29 May, the Board approved an application by NB Power to construct and operate a 95.5 kilometre, 345 kV international power line from the existing transmission terminal at the Point Lepreau Generating Station to a point on the Maine-New Brunswick border west of St. Stephen, NB.

The Board considered the application at a public hearing held on 24 March in Saint John, New Brunswick.

which would transport natural gas from Sumas, Washington to Vancouver Island. The proposed project is a joint undertaking by BC Hydro and Williams Gas Pipeline Company.

- 2. *TransCanada Pipelines Limited (TCPL) - 2003 Tolls - RH-1-2002 (File 4200-T001-18)***

The Board held a public hearing from 26 February to 16 May in Calgary, Alberta on an application from TCPL for approval of tolls that it may charge for transportation services on its Mainline for the year 2003.

### Hearings Completed

- 1. *Georgia Strait Crossing Pipeline Limited (GSCPL) - GSX Canada Pipeline Project - GH-4-2001 (File 3200-G049-1)***

The Joint Review Panel held a public hearing from 24 February to 19 March in Sidney, British Columbia on the GSX Canada Pipeline Project

### Hearing in Progress

- 1. *Sumas Energy 2, Inc. (SE2) - International Power Line (IPL) - EH-1-2000 (File 2200-S040-1)***

The Board is holding a public hearing which commenced on 26 May in Abbotsford, British Columbia on an application from SE2 to construct a proposed 230 kilovolt IPL originating in the United States and crossing the international boundary near Abbotsford.

## In This Issue

### Preface

The purpose of this agenda is to provide information on the Board's activities. Except where otherwise noted, jurisdiction over the items listed in the agenda is exercised pursuant to the *National Energy Board Act*, R.S.C. 1985, c. N-7, as amended.

*"We promote Safety,  
Environmental Protection and  
Economic Efficiency"*

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## Hearings Scheduled

**1. *Trans-Northern Pipelines Inc. (TNPI) - Capacity Expansion and Pipeline Flow Reversal - OH-1-2003 (File 3400-T002-56)***

The Board will hold a public hearing commencing on 9 June in Ottawa, Ontario on an application from TNPI to increase the capacity on its pipeline system from Montreal, Quebec to Farran's Point, Ontario and to reverse the direction of flow in the pipeline section between Farran's Point to Toronto, Ontario.

**2. *EnCana Ekwan Pipeline Inc. (EnCana) - Pipeline Construction (File 3200-E127-1)***

The Board will hold a public hearing commencing on 28 July, at a location to be announced, on an

application from EnCana to construct a sweet natural gas pipeline. The proposed pipeline would run from the EnCana Oil & Gas Partnership's Sierra Plant near Fort Nelson, British Columbia to a tie-in point on Nova Gas Transmission Ltd.'s northwest mainline, approximately four kilometres east of the Alberta/British Columbia border near Rainbow Lake, Alberta. EnCana Ekwan proposes to construct 82.5 kilometres (51 miles) of 610 millimetre (24 inch) natural gas pipeline, and associated facilities, during the winter of 2003/2004 with a proposed in-service date in April 2004. The estimated cost of the proposed project is \$55 million.

## Non Hearing Applications

### Electricity Matters

#### Matters Pending

**1. *Montenay Inc. (Montenay) - Export of Electricity (File 6200-M141-1)***

On 19 March, Montenay applied for approval to export up to 200,000 megawatt hours per year of firm or interruptible energy for a period of 10 years.

**2. *USGen New England, Inc. (USGen) - Export of Electricity (File 6200-U)***

On 23 April, USGen applied for approval to export up to 4 380 gigawatt hours of firm energy and 4 380 gigawatt hours of interruptible energy per year for a period of 10 years.

### Frontier Matter

- 1. *Petro Canada*** was given approval 8 May for the A Well Termination Record for the well PC Devon Nuna I-30 pursuant to section 203.(1) of the *Canada Oil and Gas Drilling Regulations*.

### Pipeline Matter

**1. *Section 58 Applications***

The Board has approved applications under section 58 of the *National Energy Board Act* involving routine pipeline facilities or the construction of pipelines not exceeding 40 kilometres in length. See Appendix I.

## Appeal

### Appeal

**1. *TransCanada PipeLines Limited (TCPL) - NEB Decision RH-R-1-2002***

On 21 March, TCPL applied to the Federal Court of Appeal for leave to appeal the Board's RH-R-1-2002

Decision issued on 20 February 2003. In this Decision, the NEB dismissed TCPL's September 2002 request for a Review and Variance of the Board's June 2002 RH-4-2001 Decision on the company's Fair Return application. In May, the Federal Court of Appeal granted TCPL leave to appeal.

# Amendments to Regulations and Guidelines

## Regulatory Initiatives Pursuant to the National Energy Board Act

### **1. *Guidelines for Filing Requirements, 1995 (GFR)***

The Board has launched a project to review and revise its GFR. The goals of the project are to provide clear direction about the information required for applications, improve cycle times, and improve communication with stakeholders.

### **2. *Onshore Pipeline Regulations, 1999 (OPR) - Decommissioning of Pipelines***

The Board is proposing to amend its OPR to provide for a regulatory process for applications to take pipelines permanently out of service but where this would not result in the discontinuation of service to end users.

### **3. *National Energy Board Pipeline Crossing Regulations, Part I and Part II - Damage Prevention Regulations (File 185-A000-36)***

The Board intends to replace the existing *Pipeline Crossing Regulations, Part II* with regulations targeted at damage prevention (to be known as *Damage Prevention Regulations*). The Board has been held meetings with stakeholders and plans to continue consultation with interested persons by holding focus meetings and open houses at various locations across Canada.

## Regulatory Initiatives Pursuant to the Canada Oil and Gas Operations Act

### **4. *Canada Oil and Gas Diving Regulations and Guidance Notes (File 2001-1)***

For more information on this matter, refer to item 4 under *Amendments to Regulations and Rules* in the May 2001 issue of the *Regulatory Agenda*.

### **5. *The Canada Oil and Gas Drilling Regulations and the Canada Oil and Gas Production and Conservation Regulations (File 0406-14)***

For more information on this matter, refer to item 5 under *Amendments to Regulations and Rules* in the May 2001 issue of the *Regulatory Agenda*.

## Regulatory Initiatives Pursuant to the Canada Labour Code

### **6. *Regulations and Guidance Notes Pertaining to Canada Labour Code, Part II***

For more information on this matter, refer to item 6 under *Amendments to Regulations and Rules* in the February 2003 issue of the *Regulatory Agenda*.

# Administrative Matters

## Instructions for Filing

All correspondence with the Board should be addressed to the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, AB T2P 0X8 - Fax: (403) 292-5503.

## Applications - Copies Required to be Filed

For a list of the number of copies required for the different types of applications, see our Internet site under the heading *Submit a Document*.

## Communication Numbers

### **General Information:**

(403) 292-4800  
1-800-899-1265

### **Publications Office:**

Telephone: (403) 299-3562  
Telecopier: (403) 292-5576  
Email: [publications@neb-one.gc.ca](mailto:publications@neb-one.gc.ca)

### **Web Site:**

[www.neb-one.gc.ca](http://www.neb-one.gc.ca)

### **Telephone Numbers:**

For a current list of the telephone numbers of Board Members and key staff, see our Internet site under the heading: *About Us, Our People*.

National Energy Board  
Michel L. Mantha  
Secretary

### **For information:**

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# Appendix I

## Section 58 Applications

### Gas Pipelines

Applicant	File/Order	Application	Est. Cost
Petrovera Resources Ltd.	File: 3400-P112-1 Order : XG-P112-21-2003	Application dated 8 April; approved on 30 May. Construct 3.64 kilometres of raw non-sour gas line and related facilities in the Lone Rock area of Saskatchewan to Alberta.	394 000
TransCanada PipeLines Limited	File: 3400-T001-212 Order: XG-T001-19-2003	Application dated 6 March; approved on 22 May. Pipe replacement crossing the North Trout Creek in northwestern Ontario.	325 000
Westcoast Energy Inc.	File: 3400-W005- 308 Order: XG-W005-20-2003	Application dated 2 May; approved on 22 May. Four casing upgrades, two on the Alaska Highway Pipeline and two on the Kobes Creek Lateral pipeline.	60 000

### Oil Pipelines

Applicant	File/Order	Application	Est. Cost
Enbridge Pipelines Inc.	Files: 3400-E101-44-2 and 3400-E101-44-3 Order: AO-2-XO-E101-5-2002	Two applications dated 11 March; approved on 23 May. Construct electrical control buildings and expand the fenced compounds at Line 9 Valves 42, 43, 44 and 45 and Line 9 Grand River Valve.	1 215 000

## Profile

The National Energy Board is a federal regulatory tribunal that was created on 2 November 1959 by an Act of Parliament.

The Board's regulatory powers under the *National Energy Board Act* include the granting of authorizations for the exportation of oil, natural gas and electricity, the certification of interprovincial and international pipelines and designated interprovincial and international power lines, and the setting of tolls and tariffs for oil and gas pipelines under federal jurisdiction.

In addition to its regulatory functions, the Board is responsible for advising the government on the development and use of energy resources.

The Act also requires that the Board keep under review the Canadian supply of all major energy commodities, with emphasis on electricity, oil,

natural gas, and the by-products derived from oil and natural gas, as well as the demand for Canadian energy in Canada and in export markets.

The Board's responsibilities under the *Canada Oil and Gas Operations Act* and certain provisions of the *Canada Petroleum Resources Act* encompass the regulation of exploration for and the development and production of oil and gas on Frontier Lands in a manner that promotes safety of the worker, protection of the environment, and conservation of hydrocarbon resources.

The Board also has specific responsibilities under the *Northern Pipeline Act* and the *Energy Administration Act*. In addition, Board inspectors have been appointed safety officers by Human Resources Development Canada to administer Part II of the *Canada Labour Code*.

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Cat. No. NE12-4/2003-05E  
ISSN 0821-8645

This document is published separately in both official languages. For further information, please contact:

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N<sup>o</sup> de cat. NE12-4/2003-05F  
ISSN 0821-865X

Ce document est publié séparément dans les deux langues officielles. Pour de plus amples renseignements :

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