



Canada Energy
Regulator

Régie de l'énergie
du Canada

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File 4668651
12 March 2024

Gail Sharko
Trans-Northern Pipelines Inc.
109-5305 McCall Way NE
Calgary, AB T2E 7N7

Dear Gail Sharko:

Trans-Northern Pipelines Inc.
Application dated 14 July 2023 pursuant to Condition 4.f of Order
AO-001-SO-T217-03-2010, as amended, section 69 of the *Canadian Energy*
Regulator Act*, and Part III of the *National Energy Board Rules of Practice and
Procedure, 1995
Application for Raising of Restricted Maximum Operating Pressure
Order AO-001-SO-T217-03-2010, Schedule B, Line 8, NPS 20 Clarkson Junction
to Toronto Airport Loop

Before: K. Penney, Presiding Commissioner; T. Grimoldby, Commissioner;
W. Jackknife, Commissioner

On 14 July 2023, the Commission of the Canada Energy Regulator received an application from Trans-Northern Pipelines Inc. (**TNPI**), pursuant to Condition 4.f of Order AO-001-SO-T217-03-2010, to raise the restricted maximum operating pressure (**MOP**) for Line 8 in Schedule B of Order AO-001-SO-T217-03-2010 (the NPS 20 Clarkson Junction to Toronto Airport Loop) for a return to service at the authorized MOP, and to vary Order AO-001-SO-T217-03-2010, pursuant to section 69 of the *Canadian Energy Regulator Act* (**CER Act**), to remove that line segment from Schedule B.

The authorized MOP is 8274 kPa and the restricted MOP is 5793 kPa.

For the reasons set out below, the Commission approves TNPI's application.

Application to raise the restricted MOP, pursuant to Condition 4.f of Order
AO-001-SO-T217-03-2010

The Commission grants TNPI's application to raise the restricted MOP for the NPS 20 Clarkson Junction to Toronto Airport Loop, on the basis that it has met the Order AO-001-SO-T217-03-2010 Condition 4.f requirements.

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Condition 4.f, as varied,¹ states:

- f. TNPI shall, at least 45 days before it would like any increases to the restricted MOP of any pipeline or section of the pipeline to take effect, file a request for approval to increase the restricted MOP, with information that includes, but is not limited to:
 - i. Information demonstrating that TNPI has implemented Conditions 4.a to 4.e of this Order;
 - ii. Evidence that, as a result of lifting the pressure restriction, the integrity condition on the pipeline or section of pipeline will not be negatively affected within 36 months after the date of the return to service application;
 - iii. An Engineering Assessment prepared in accordance with CSA Z662-15 Clause 10.1 that demonstrates that the pipeline or section of pipeline is safe to operate at its maximum operating pressure. The Engineering Assessment must include, but not be limited to, the following items:
 - 1. A Risk Assessment guided by CSA Z662 Annex B including guidelines for documented reporting by CSA Z662 Annex B Clause B.6;
 - 2. An imperfection assessment including, but not be limited to, pressure cycling, tool validation (Probability of Detection, Probability of Identification, and Sizing Accuracy), representative material properties, defect interaction, time-to-failure calculations, Safety Factor targets, revised defect growth rates and Probability of Exceedance; and
 - 3. Required mitigative, preventive and monitoring measures.
 - 4. A schedule for implementation of all mitigation, preventive and monitoring programs identified in Condition 4.f.iii.3.

With respect to Condition 4.f.i, the Commission finds that TNPI provided sufficient information to demonstrate that it has implemented Conditions 4.a to 4.e of Order AO-001-SO-T217-03-2010 as they pertain to the NPS 20 Clarkson Junction to Toronto Airport Loop. TNPI provided a summary of the documentation that it submitted prior to this application to meet the requirements of Conditions 4.a to 4.e, which the Commission or its predecessor, the National Energy Board, considered and, where appropriate, approved.

TNPI submitted an engineering assessment to meet the Condition 4.f.iii requirements and stated that it also provides evidence to meet the requirements of Condition 4.f.ii. The engineering assessment was prepared in accordance with the newest edition of CSA Z662-23 Clause 10.1 and concludes that the integrity condition of the NPS 20 Clarkson Junction to Toronto Airport Loop will not be negatively affected within 36 months of the date of TNPI's application. The Commission finds that TNPI has met the requirements of Condition 4.f.ii.

The Commission is satisfied that the engineering assessment includes all of the information required by Condition 4.f.iii and demonstrates that the NPS 20 Clarkson Junction to Toronto Airport Loop is safe to operate at the authorized MOP. The Commission finds that the engineering assessment meets the requirements of Condition 4.f.iii.

Application to vary the ASO to remove the NPS 20 Clarkson Junction to Toronto Airport Loop from Schedule B, pursuant to section 69 of the CER Act

The Commission grants TNPI's request to vary Order AO-001-SO-T217-03-2010 to remove the NPS 20 Clarkson Junction to Toronto Airport Loop from Schedule B.

¹ The Commission varied Condition 4.f of Order AO-001-SO-T217-03-2010 on 8 June 2022 through its issuance of amending order AO-005-SO-T217-03-2010.

Subsection 69(1) of the CER Act provides that the Commission may review, vary, or rescind any decision or order it makes. There is no automatic right of review; rather, the Commission has a discretionary power to review its decisions, which it must exercise sparingly and with caution.²

The Commission considers applications for review through a two-step process.³ In the first step, the Commission considers whether the applicant has raised a doubt as to the correctness of the decision based on an error of law or jurisdiction, changed circumstances or new facts that have arisen since the close of the original proceeding, or facts that were not placed in evidence in the original proceeding and that were then not discoverable by reasonable diligence.⁴ The application must also include the nature of the prejudice or damage that has resulted or will result from the decision or order.⁵ If the Commission finds that the applicant has met the first step, then it will proceed to the second step and review the decision on its merits.

The Commission finds that TNPI has met the first part of the test on the basis that the information TNPI provided to meet the Condition 4.f requirements of Order AO-001-SO-T217-03-2010 demonstrate a change in circumstances for the NPS 20 Clarkson Junction to Toronto Airport Loop relative to those that existed at the time that it was listed in Schedule B.

The Commission further finds that TNPI would be prejudiced if Order AO-001-SO-T217-03-2010 was not varied to remove the NPS 20 Clarkson Junction to Toronto Airport Loop from Schedule B, because Condition 2 of Order AO-001-SO-T217-03-2010 requires TNPI to operate the pipelines and pipeline segments listed in Schedule B at 70 per cent of their approved MOPs, such that TNPI would be required to operate the NPS 20 Clarkson Junction to Toronto Airport Loop at 70 per cent of its MOP. Given that the Commission has approved TNPI to operate the NPS 20 Clarkson Junction to Toronto Airport Loop at the authorized MOP, based on TNPI's demonstration that it is safe to do so, there is no reason for Order AO-001-SO-T217-03-2010 to continue to apply to the NPS 20 Clarkson Junction to Toronto Airport Loop.

Accordingly, the Commission has decided to grant TNPI's request to vary Order AO-001-SO-T217-03-2010 to remove the NPS 20 Clarkson Junction to Toronto Airport Loop from Schedule B in attached Amending Order AO-010-SO-T217-03-2010.

² [Filing Manual](#), Guide O at page 5O-2; MH-052-2018, Trans Mountain Expansion Project (**TMEP**) (Reconsideration), NEB Ruling No. 22 at page 3 ([A96969](#)); GH-002-2017, NOVA Gas Transmission Ltd. Application for the Sundre Crossover Project, NEB Ruling No. 3 at page 3 ([A87308](#)); MH-023-2020, TMEP detailed route hearing, Commission ruling at page 6 ([C07025](#)).

³ *National Energy Board Rules of Practice and Procedure*, 1995, Part III.

⁴ *National Energy Board Rules of Practice and Procedure*, 1995, para 44(2)(b).

⁵ *National Energy Board Rules of Practice and Procedure*, 1995, para 44(2)(c).

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachment

c.c. Jane Keast, TNPI



ORDONNANCE AO-010-SO-T217-03-2010

RELATIVEMENT À la *Loi sur la Régie canadienne de l'énergie* (« LRCE ») et à ses règlements d'application;

RELATIVEMENT À une demande datée du 14 juillet 2023 déposée auprès de la Régie de l'énergie du Canada par Pipelines Trans-Nord Inc. (« PTNI ») aux termes de l'article 69 de la LRCE (dossier 4668651).

DEVANT la Commission de la Régie de l'énergie du Canada, le 11 mars 2024.

ATTENDU QUE la Régie réglemente la construction et l'exploitation du réseau pipelinier de PTNI;

ATTENDU QUE, le 20 septembre 2016, l'Office national de l'énergie avait délivré une lettre de décision et l'ordonnance AO-001-SO-T217-03-2010, à laquelle il a apporté des changements les 24 octobre 2016 et 11 avril 2017, puis qui a été modifiée de nouveau par la Commission les 17 juillet 2020, 8 juin, 6 septembre, 1^{er} et 30 novembre ainsi que 1^{er} décembre 2022, puis 5 septembre 2023;

ATTENDU QUE la Commission a reçu une demande de PTNI datée du 14 juillet 2023, visant à faire ce qui suit :

- a) accroître la pression maximale d'exploitation restreinte (« PME ») du doublement NPS 20 Clarkson Junction-Aéroport de Toronto en vue d'une remise en service à sa PME autorisée, conformément à la condition 4.f de l'ordonnance AO-001-SO-T217-03-2010, dans sa version modifiée;
- b) modifier l'ordonnance AO-001-SO-T217-03-2010, dans sa version modifiée, pour supprimer le doublement NPS 20 Clarkson Junction-Aéroport de Toronto de l'annexe B aux termes de l'article 69 de la LRCE;

ATTENDU QUE, le 12 mars 2024, la Commission a approuvé la demande de PTNI visant à accroître la PME, actuellement restreinte, à 8 274 kPa pour le doublement NPS 20 Clarkson Junction-Aéroport de Toronto;

ATTENDU QUE, le 12 mars 2024 toujours, la Commission a acquiescé à la demande de PTNI de modifier l'ordonnance AO-001-SO-T217-03-2010, dans sa version déjà modifiée;

ATTENDU QUE l'ordonnance AO-001-SO-T217-03-2010, dans sa version modifiée, demeure en vigueur et est ici modifiée une nouvelle fois;

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IL EST ORDONNÉ, en vertu du paragraphe 69(1) de la LRCE, que l'ordonnance AO-001-SO-T217-03-2010, dans sa version modifiée, soit à nouveau modifiée en supprimant la ligne 8 de l'annexe B consacrée au doublement NPS 20 Clarkson Junction-Aéroport de Toronto. L'annexe B modifiée est jointe à la présente.

LA COMMISSION DE LA RÉGIE DE L'ÉNERGIE DU CANADA

La secrétaire de la Commission,

Signé par

Ramona Sladic

ANNEXE B

Ordonnance AO-010-SO-T217-03-2010
Pipelines Trans-Nord Inc.
Modification de l'ordonnance de sécurité AO-001-SO-T217-03-2010

Annexe B – Réduction de pression de 30 % de la PME approuvée (comme précisé)

Numéro	Section du pipeline	Diamètre extérieur (mm)	Épaisseur de paroi (mm)	PME approuvée (kPa)	PME réduite (kPa) (70 % de la PME)
1	Montréal-Sainte-Rose NPS 10	273,1	7,8	8 275	5 793
2	Pipeline latéral Dorval NPS 10	273,1	6,35	9 653	6 757
3	Farran's Point-Cummer Junction NPS 10	273,1	7,8	8 275	5 793
4	Cummer Junction-Oakville NPS 10	273,1	7,8	8 275	5 793
5	Nanticoke-Hamilton NPS 16	406	6,35, 7,14	8 094, 9 067	5 665, 6 347
6	Hamilton Junction-Oakville NPS 10	273,1	7,8	9 067, 8 860	6 347, 6 202
7	Latéral Clarkson NPS 10	273,1	7,8	8275	5793
8	Doublement Clarkson Junction-Aéroport de Toronto NPS 20	508	7,14	8274	5793
9	Doublement Oakville-Clarkson NPS 16	406	7,14	9067	6347
10	Latéral Aéroport de Toronto NPS 10	273,1	6,35	8894	6226
11	Latéral CAFAS NPS 8	219,1	6,35	6412	4488
12	Pipeline d'aménée Montréal NPS 10	273,1			70 % de la PME