



File OF-Tolls-TollsGen 16  
22 February 2017

To: All Pipeline Companies regulated under the *National Energy Board Act*

**Section 15(1) Member Authorization: Review of the Exemptions from Filing Requirements in the *Toll Information Regulations***

On 12 June 2002, the National Energy Board (Board) issued its latest revised *Guidelines for Negotiated Settlements of Traffic, Tolls, and Tariffs*. The Board welcomes negotiated toll settlements, as they provide parties an opportunity to resolve tolling issues without resorting to a hearing process. However, companies and their customers sometimes negotiate away certain tolling-related filing requirements as part of their settlements, often providing other information in lieu. Meanwhile, Group 2 companies have varying reporting requirements, depending on their circumstances.

Recently, Guide BB of the *Filing Manual* was updated. The Board indicated on 22 December 2016 that companies would be required to file quarterly surveillance reports by 1 March 2017 in accordance with the new requirements. On 9 January 2017, Enbridge Pipelines Inc. (EPI) submitted that it believes it is exempt from these updated requirements. On 16 January 2017, TransCanada Keystone Pipeline GP Ltd., as general partner on behalf of TransCanada Keystone Pipeline Limited Partnership, submitted that the new Guide BB requirements, specifically the provisions of Sections BB.2 and BB.4 represent clear additions to and a marked departure from the previous Guide BB, and that allowing EPI such an exemption would be discriminatory to Keystone. On 13 January 2017, Alliance Pipeline Limited Partnership submitted that the provisions of Guide BB of the Board's *Filing Manual* do not presently apply to it.

The Chairperson of the National Energy Board has initiated a review of exemptions to the filing requirements of the *Toll Information Regulations* to ensure the Board has sufficient information to carry out its regulatory and energy information functions, and to provide key information to stakeholders. Accordingly, Board Member R. George has been authorized pursuant to subsection 15(1) of the *National Energy Board Act*, to review the exemptions from certain filing requirements of the *Toll Information Regulations*, with a focus on the recent updated requirements on integrity spending and throughput data, and explore what actions, if any, to take both going forward and for companies that currently have exemptions from these filing requirements. Mr. George will also review the comments submitted to date regarding the updates to Guide BB of the *Filing Manual* and explore what actions to take in response. After the review, he will report and make recommendations to the Board on any question or matter arising in connection with the above matters.

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The Board is not inviting comments on these matters at this time, but will issue a letter outlining process steps and seeking comments as required.

If you require any additional information you may contact Andrew Hudson, Board Counsel, at 403-299-2708.

Yours truly,

*Original signed by*

Sheri Young  
Secretary of the Board