

## Confidential Filing, Filing Manual Section 1.5

The proposed draft references Order MO-006-2016 but there are no references to the AO-001-MO-006-2016 which Varies Order MO-006-2016 by clarifying and granting certain confidentiality in Compelling Publication of Emergency Procedures Manuals. The Order AO-001-MO-006-2016 granted additional confidentiality for the section 1.a. 1.c. of the MO-006-2016.

CER references:

***“FYI – Order MO-006-2016 Compelling Publication of Emergency Procedures Manuals required under subsection 32(1.1) of the OPR***

*With respect to Emergency Procedures Manuals, applicants are reminded that, subject to redaction and exemption provisions set out in Order MO-006-2016 (Filing A79720), companies are required to publish the entirety of their emergency procedures manuals applicable to their CER-regulated facilities on their or their affiliate’s internet site for public viewing.*

*The CER anticipates that the version of the Emergency Procedures Manual published on a company’s website would be sufficient for filing in most regulatory proceedings. Requests from regulatory proceeding participants for a version to be filed other than the version published on a company’s website would be considered on an individual basis by the Commission and be subject to the considerations noted above in Section 1.5 Confidential Filing. “*

Does this mean that under proposed draft, amended Order AO-001-MO-006-2016 is no longer applicable for confidentiality of the Section 1.a. and 1.c?

### **Milk River Ltd. Suggestion:**

The Order AO-001-MO-006-2016 confidentiality provisions should be honored as removal of this could impose more work on CER and companies for applying to keep certain confidential parts of Emergency Procedures Manual.

## Guide O

**Proposed Section O.1.2 Filing Requirements for Corporate Name Changes (without a change in ownership, lease, or amalgamation) pursuant to section 181 of the CER Act (information to be provided):**

CER references:

*Provide the following:*

1. *State the name change, including all previous known names;*
2. *A list of all regulatory instruments including orders and certificates that will require changes;*
3. *An update of all documents associated with Financial Resource Requirements and Abandonment Funding as needed to reflect the name change, including:*
  - a. *Financial instruments used for abandonment funding including as applicable, updated letter of credit, surety bonds, and/or abandonment trusts;*
  - b. *Financial instruments used for demonstration of proof of financial resources; and*
4. *A map (or maps) detailing all facilities for which the corporate name change applies. (see section 1.12 of the Filing Manual)*
5. *These documents should be submitted by the company’s Accountable Officer.*

### **Milk River Ltd. Feedback:**

Typically, one of the documents to be provided is Certificate of Title or Certificate of Amalgamation as a proof of name change. This is not listed in required documents to be provided to the CER.

- Are these types of Certificates still required as a proof for name change?

The point 5 suggests that these documents should be submitted by Accountable Officer (AO). This is not feasible as these individuals are busy for such type of clerical duties. Suggestion is to either eliminate this or have the statement to have application and/or cover letter signed by AO.

**Milk River Ltd. Suggestion:**

From the practicability perspective, it is easier for all parties involved to provide incorporation documents and remove the requirement for AO submission of these documents. The filing of the application and associated documents should rest with other responsible parties (lower company representatives than AO).

CER references “Guidance”:

*Where the company that is authorized under the order or certificate to own the pipeline has not changed (e.g., in the event of a mere corporate name change), the Commission expects companies to notify the Commission and request a change to their order or certificate. At a minimum, and if not done at the time the name is changed by the company, the changes should be noted when filing certain annual compliance information each January, such that the Commission can update certificates and orders accordingly[1].*

*In either instance, in the event of variances because of a change in ownership or corporate name, signage on facilities and emergency contact information for landowners must be updated within 30 days of the name change to facilitate communication and safety reporting (see OPR, paragraph 36(f)).*

**Milk River Ltd. Feedback:**

The 30 days’ time frame to change signage on facility and emergency contact information for the landowners might be too short time frame to fully complete both. Typically, the landowners are informed within 30 days, but signage might take the time especially with long pipelines. Most of the companies in the past would commit to change the signage within first two months of acquiring the asset.

**Milk River Ltd. Suggestion:**

Suggestion is to give some consideration to temporally signage change within 30 days and permanently changing the signage within 120 or 90.

**O.3 Project updates**

One of the examples of project updates in the section “General” is stating following:

*“non-substantive expansion of a previously-approved temporary workspace”*

**Milk River Ltd. Feedback:**

Previously any additional land being acquired for the project would be substantial changes from the perspective of environmental assessment, socio-Economic assessment, external approvals etc.

- What does it mean “non-substantive” in the terms of Variance required versus Project Update requirements?
- Does this mean expansion within previously assessed and approved parameters, or does it include certain expansion beyond assessed and approved expansion?

**Recommendation:** Please clarify or define non-substantive expansion.

## **Filing Manual - A.3.1 Supply**

### **Description of the market**

Clarification is needed to elaborate on that statement to provide machine-readable data in the CER preferred format.

### **Ability of Upstream and Downstream Facilities to Accept Incremental Volumes**

*In cases where the applied-for facilities would be receiving product(s) from an upstream facility or delivering product(s) to downstream facilities, provide evidence that the connecting facilities are physically able to accept the additional volumes being received or delivered.*

### **Milk River Ltd. Feedback:**

Above statement requires applicants to provide evidence of connecting infrastructure that can accept additional volumes. Such evidence would be contractual agreements and the main concern arises for confidentiality and competitiveness if these agreements are revealed/submitted at the time of project being applied for. Often at the time of the application, the contractual agreements are only preliminary and highly confidential that could result in lawsuits.

### **Milk River Ltd. Suggestion:**

This section should keep existing wording of “assurance” in the Filing Manual instead of “evidence”. The assurance can be number of statements to assure the Commission that there are abilities for additional volumes without requesting confidential filing for the contractual agreement and to keep the project competitive without revealing contracts ahead of project being approved and built.

Machine-readable data in the CER preferred format – Suggestion is to elaborate on type of preferred format or potentially provide these template/charts in preferred format.