



## Proposed Changes to the National Energy Board Export and Import Reporting Regulations<sup>1</sup>

### SHORT TITLE

1. These Regulations may be cited as the National Energy Board Export and Import Reporting Regulations.

### INTERPRETATION

2. In these Regulations,

“Act” means the *National Energy Board Act*; (*Loi*)

“border accommodation transfer” means a transfer of power or energy for the purpose of providing electricity to

(a) a person in a foreign country who lacks ready access to services from a power system in that country,

(b) an international work, or

(c) a person in a foreign country who has lost service from a power system in that country as a result of an emergency; (*transfert en vue d'un service frontalier*)

“consignee” means the name of the person receiving or taking possession of the exported oil;

~~“electricity transfer” means a transfer of any of the following classes, namely,~~

~~(a) a sale transfer, being a transfer of power or energy under a contract of sale,~~

~~(b) an equichange transfer, being an interchange of equal quantities of power or energy within a stated period,~~

~~(c) a storage transfer, being a transfer of energy banked for the time being in the form of water in a reservoir of another power system, with the expectation that equivalent energy will be returned at a later time,~~

~~(d) an adjustment transfer, being a transfer of power or energy to adjust energy account balances or to compensate for services rendered, or~~

~~(e) a carrier transfer, being a transfer of power or energy wheeled from one power system, through the circuits of another power system that acts as a carrier, for delivery to a third party or to the original power system; (*transfert d'électricité*)~~

“energy” means the total quantity of energy in the form of electricity transmitted over a period of time, expressed in units of watt hours or multiples or sub-multiples of watt hours; (*énergie*)

“licence” means a licence issued under Part VI of the Act; (*licence*)

“order” means an order authorizing the exportation, ~~importation, exportation for subsequent importation or importation for subsequent~~

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<sup>1</sup> Proposed deletions are struck out. Proposed additions are underlined.

~~exportation~~ of gas or authorizing the exportation of oil issued by the Board under the National Energy Board Act Part VI (Oil and Gas) Regulations; (ordonnance)

“permit” means a permit for the exportation of electricity issued under Part VI of the Act; (permis)

“power” means the rate of transferring electric energy, expressed in units of watts or multiples or sub-multiples of watts; (puissance)

“power system” includes the generating stations, transformers, switching stations, transmission lines, substations, distribution lines and circuits necessary for the production, transmission and distribution of electricity; (réseau d’électricité)

~~“refined petroleum products” means~~

~~(a) oil recovered by the processing of oil sands;~~

~~(b) gasoline-type fuels for use in internal combustion engines;~~

~~(c) oil for use as a component in the blending of gasoline-type fuels referred to in paragraph (b);~~

~~(d) middle distillates, including the products commercially known as kerosene, stove oil, diesel fuel, furnace oil, diesel oil, gas oil, distillate heating oil, engine distillates and Nos. 1, 2, and 3 fuel oils;~~

~~(e) heavy fuels oils, including Nos. 4, 5 and 6 fuel oils, bunker “C” oil, “C” grade oil, residual fuel oil, heavy bunker oil, intermediate and thin bunker fuels and any blend of heavy fuel oils, and~~

~~(f) partially processed oil, whether commingled with crude oil or equivalent hydrocarbons or not. (produits pétroliers raffinés)~~

### **KEEPING REPORTS RETURNS**

3. A copy of each ~~report return~~ required to be submitted to the Board pursuant to these Regulations shall be kept by the person submitting the ~~report return~~ for a period of three years from the month to which the ~~report return~~ relates.

### **EXEMPTION**

3.1 Every person undertaking the following transactions are exempt from submitting reports to the Board pursuant to these Regulations:

(a) the exportation of any gas, propane, butanes, ethane or oil for subsequent importation; and,

(b) the importation of any gas, propane, butanes, ethane or oil for subsequent exportation.

### **GAS**

4. Subject to sections 5 and 6, every ~~person exporting or importing holder of a licence or an order for the exportation, importation, exportation for subsequent importation or importation for subsequent exportation of~~ gas shall submit to the Board, on or before the last day of each month, a ~~return report~~ for the previous month that contains, ~~for each licence or order,~~ the following information, set out by point of exportation or importation:

(a) the licence number or order number;

(b) the total quantity exported or imported;

~~(c) the highest quantity exported or imported in any one day during the month;~~

(c) the type of gas exported or imported;

(d) the average heating value of the gas exported or imported;

(e) the value or price, at the international border, of all gas exported or imported, expressed in Canadian currency;

~~(f) the name of the export customer of the gas exported or the name of the seller of the gas imported;~~

(f) the mode(s) of transport used in the exportation or importation;

(g) the province in which the gas was produced for all gas exported and the country and state in which the gas was produced for all gas imported;

~~(h) the transportation costs associated with the gas exported;~~

(h) the country to which the gas was exported;

~~(i) whether the exportation or importation of gas was firm or interruptible;~~

(j) the geographical region point of sale within a country of destination to which gas was exported or within Canada for gas that was imported; and

(k) the name and ~~telephone number~~ contact information of the person who prepared the ~~return~~ report.

#### **PROPANE AND BUTANES**

5. Every holder of a licence or an order for the exportation of propane or butanes shall submit to the Board, on or before the last day of each month, a report ~~return~~ for the previous month that contains, for each licence and order, the following information:

(a) the licence number or order number;

(b) the total quantity exported;

(c) the export price of the propane and butanes at the point of loading or injection into ~~a pipeline~~ the mode(s) of transport, expressed in Canadian currency;

(d) the province where the exportation occurs;

(e) the country to which the propane or butanes were exported and the destination within the importing country;

(f) the mode(s) of transport used in the exportation;

(g) information respecting

(i) the opening and closing inventory levels of the propane and butanes,

(ii) the supply sources of the propane and butanes,

(iii) the final disposition of the propane and butanes, and

(iv) inter-provincial transfers of the propane and butanes; and

(h) the name and ~~telephone number~~ contact information of the person who prepared the report; ~~return~~; and

#### **ETHANE**

6. Every holder of a licence or an order for the exportation of ethane shall submit to the Board, on or before the last day of each month, a report ~~return~~ for the previous month that contains, for each licence and order, the following information:

- (a) the licence number or order number;
- (b) the province where the exportation occurs;
- (c) the total quantity exported;
- (d) the total revenue generated by the exportation calculated at the point of loading or injection into ~~a pipeline~~ the mode(s) of transport, expressed in Canadian currency;
- (e) ~~the destination of the exportation of the ethane~~ the country to which the ethane was exported and the destination within the importing country;
- (f) the mode(s) of transport used in the exportation of the ethane; ~~and~~
- (g) the name and ~~telephone number~~ contact information of the person who prepared the ~~return~~ report;

## OIL

7. Every holder of a licence or an order for the exportation of oil shall submit to the Board, on or before the last day of each month, a report ~~return~~ for the previous month that contains, for each licence and order, the following information:

- (a) the licence number or order number;
- (b) in the case of crude oil ~~other than refined petroleum products~~,
  - (i) the name of the crude oil stream exported, including API and sulfur content,
  - (ii) ~~the consignee~~ for the exported oil, the country to which the oil was exported and the destination of the oil within the importing country,
  - (iii) the total quantity exported,
  - (iv) the mode(s) of transport used in the exportation,
  - (v) the point of sale,
  - (vi) the export price of the oil at the point of sale, expressed in Canadian currency, ~~and~~
  - (vii) the marine freight cost of the cost, insurance and freight (CIF) sales of the exports, expressed in Canadian currency,
  - (viii) the province where the exportation occurs, and
- (c) in the case of refined petroleum products,
  - (i) the type of petroleum product exported,
  - (ii) the total quantity exported, ~~expressed in cubic metres~~,
  - (iii) the export price of the products at the point of loading or injection into ~~a pipeline~~ the mode(s) of transport, expressed in Canadian currency,
  - (iv) the province where the exportation occurs,
  - (v) the mode(s) of transport used in the exportation, ~~and~~
  - (vi) the country to which the products were exported and the destination within the importing country, ~~and~~
  - (d) the name and ~~telephone number~~ contact information of the person who prepared the ~~return~~ report.

## ELECTRICITY

This draft is provided solely for stakeholder consultation, and in no way commits or binds the federal Department of Justice, now or in the future.

8. (1) Subject to subsection (2), every holder of a licence or permit for the exportation of electricity shall submit to the Board, on or before the ~~15th~~ 20th day of each month, a return report for the previous month that contains, for each licence or permit, the following information:
- (a) the ~~quantities and dollar value, in Canadian currency,~~ total quantity of electricity exported, ~~by customer,~~ by type (firm or interruptible) ~~and by class of electricity transfer;~~ and;
  - (b) the name and ~~telephone number~~ contact information of the person who prepared the return report;
  - (c) the licence number or permit number;
  - (d) the dollar value, at the international border, of the electricity exported, expressed in Canadian currency;
  - (e) the province where the electricity is produced; and
  - (f) the destination within the importing country to which the electricity was exported.
- (2) Where a permit is issued authorizing, as a border accommodation transfer, the exportation of 1 000 kW or less of power to each customer served pursuant to the permit, the returns reports referred to in subsection (1) shall be submitted to the Board every six months.

#### UNITS OF MEASUREMENT

9. (1) For the purposes of these Regulations, all gas shall be measured in units of measurement that meet the requirements of the *Electricity and Gas Inspection Act*, and
- (a) in the case of volume measurement, shall be expressed as the number of cubic metres the gas would occupy at the standard conditions, namely, at a temperature of 15°C and at an absolute pressure of 101.325 kPa; and
  - (b) in the case of thermal measurement, shall be computed as the number of joules on a dry basis, where dry gas has a moisture content of less than 110 mg/m<sup>3</sup>.
- ~~(2) Where volume is measured under conditions of temperature and pressure other than the standard conditions described in paragraph (1)(a), the volume shall be converted to the equivalent under the standard conditions, in accordance with the Ideal Gas Laws, and shall be corrected for deviations from the Ideal Gas Laws in accordance with subsection (3), where the amount of the deviation exceeds one per cent.~~
- ~~(3) Correction for deviation from the Ideal Gas Laws shall be based on the tables published in American Gas Association (AGA) Report No. 3, Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, as amended from time to time.~~
- (4) Notwithstanding subsections ~~(1) to (3)~~, propane, butanes and ethane may be measured in liquid form, in which case the volume measurement shall be computed in cubic metres.
10. For the purposes of these Regulations, the units of measurement of liquids, other than liquids determined by the Board to be cryogenic liquids, shall be computed at a temperature of 15°C.
11. For the purposes of these Regulations, power and energy shall be measured in units of measurement that meet the requirements of the *Electricity and Gas Inspection Act*.