



National Energy
Board

Office national
de l'énergie

National Energy Board

Report on Plans and Priorities

2010-2011

Part III Estimates

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Chair and CEO
National Energy Board

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Canada

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Message from the Chair and CEO

I am pleased to present this Report on Plans and Priorities to the people of Canada. The National Energy Board's (NEB or Board) mandate is to make energy related decisions in the public interest. In doing so, the Board considers the interests of all Canadians in relation to economic, environmental and social matters.

All of the Board's decisions are made in the context of whether a given course of action contributes to the public interest, both in the present and in the future. In the coming year, the NEB will exercise its regulatory decision making mandate when considering a number of significant energy infrastructure applications, including the Mackenzie Gas Project and the TransCanada PipeLines Keystone XL and Groundbirch Pipeline projects. The Board is also expecting an increasing number of contested toll and tariff matters to be filed.

The NEB provides Canadians with regulatory leadership by addressing difficult issues. For example, the NEB is clarifying its expectations for the regulated industry's public engagement programs. The NEB is also developing regulatory expectations for pipeline abandonment and right of way reclamation and related financial issues. With respect to potential oil and gas development in the North, the NEB is working in partnership with northern communities and governments on regulatory processes to continually improve environmental, social and economic outcomes. The NEB continues to work with the Major Projects Management Office, with the goal of providing industry with a single, efficient point of entry into federal processes while ensuring that projects, which are approved, are built in a safe manner while protecting the environment.

The Board provides oversight of safety, integrity, environment and economic issues throughout the lifecycle of all of its regulated facilities. With the addition in 2009 of the TransCanada Alberta System to the NEB's regulatory jurisdiction, the NEB became responsible for an additional 23,500 km of pipeline and associated facilities.

The NEB is focusing its energy information program on ensuring that Canadians have the information they need to make informed decisions.

As we embark on a new decade, I look forward to continuing to actively and effectively fulfill our energy mandate for the benefit of all Canadians.

Gaétan Caron
Chair and CEO

Section I

Agency Overview

I.1 Summary Information

Raison d'être

The NEB's primary purpose is to regulate pipelines and power lines, energy development and trade in the Canadian public interest.

Responsibilities

Established by Parliament in 1959, the NEB is an independent federal agency that regulates a portion of Canada's energy industry. The NEB regulates the construction and operation of pipelines that cross international or provincial borders, international power lines and designated interprovincial power lines, and pipeline tolls and tariffs. The NEB also regulates natural gas imports and exports, oil and natural gas liquid exports, electricity exports, and certain oil and gas exploration activities on frontier lands, particularly in Canada's North and certain offshore areas. In addition, the NEB provides Canadians with information about Canadian energy markets. The NEB reports to Parliament through the Minister of Natural Resources.

The main functions of the NEB are set out in the *National Energy Board Act* (NEB Act). The Board has additional regulatory responsibilities under the *Canada Oil and Gas Operations Act* (COGO Act) and under certain provisions of the *Canada Petroleum Resources Act* (CPR Act) for oil and gas exploration and activities on frontier lands not otherwise regulated under joint federal/provincial accords. In addition, some Board inspectors are appointed Health and Safety officers by the Minister of Labour to administer Part II of the *Canada Labour Code* as it applies to facilities regulated by the Board.

The NEB's regulatory responsibilities for public safety, security and protecting the environment are set out in the NEB Act and the COGO Act. The NEB must also meet the requirements of the *Canadian Environmental Assessment Act* (CEA Act) and the *Mackenzie Valley Resource Management Act*. The Board's environmental responsibilities span three distinct phases: evaluating potential environmental effects of proposed projects; monitoring and enforcing terms and conditions during and after construction; and monitoring and regulating ongoing operations, including deactivation and abandonment. Through the *Public Safety Act, 2002* the NEB has legislative authority for the security of pipelines and international power lines.

The NEB is an independent regulatory tribunal guided by the principles of natural justice and procedural fairness. The Board is a court of record and has certain powers of a superior court of record including those for the attendance, swearing and examination of witnesses; the production and inspection of documents; the enforcement of its orders; and the

inspection of property. Aside from rare exceptions provided for in law, the Board’s regulatory decisions and the accompanying Reasons for Decision are issued as public documents.

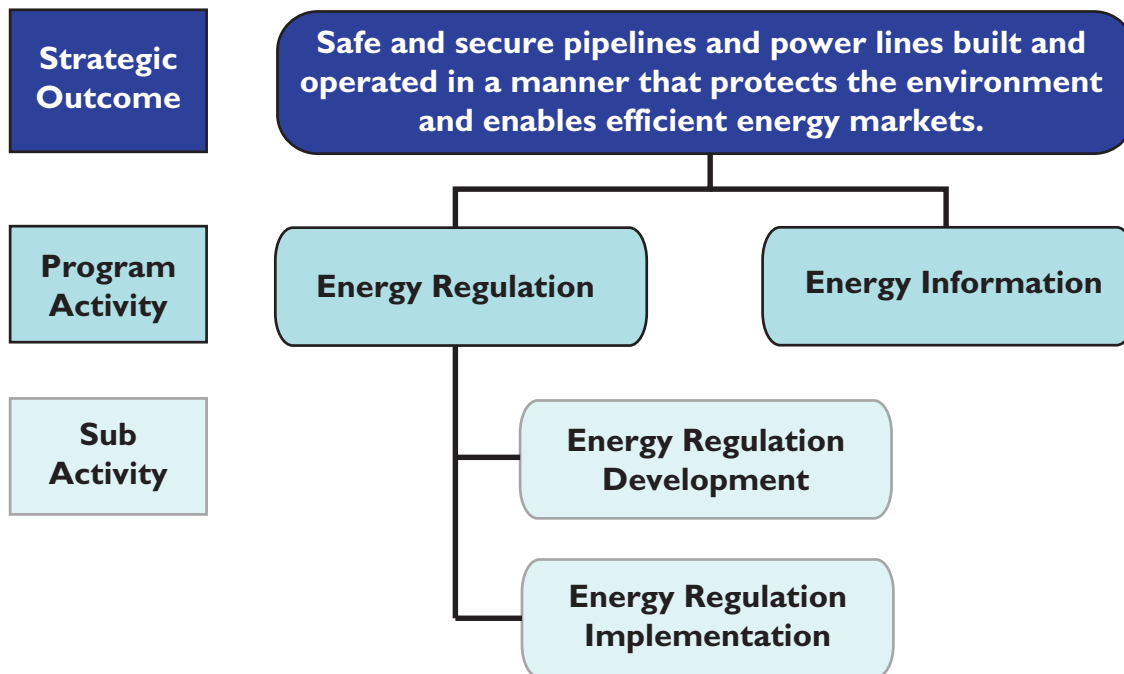
Strategic Outcome

The NEB strives to achieve the following strategic outcome in order to fulfill its purpose:

Program Activity Architecture

Safe and secure pipelines and power lines built and operated in a manner that protects the environment and enables efficient energy markets.

The chart below illustrates the 2010-2011 NEB program framework.



An Internal Services program activity also supports the strategic outcome and related activities.

I.2 Planning Summary

The table below provides a summary of total planned spending for next three fiscal years.

Financial Resources and Human Resources

	2010-2011	2011-2012	2012-2013
Financial Resources (million \$)	52.2	50.4	47.2
Human Resources (Full Time Equivalents)	392.6	392.6	392.6

Strategic Outcome: Safe and secure pipelines and power lines built and operated in a manner that protects the environment and enables efficient energy markets.						
Performance Indicators			Targets			
Frequency of disabling injuries and pipeline failures			0 disabling injuries and 0 pipeline failures; assessed via reported incidents and year by year improvement			
Frequency of major releases into the environment (Major release = greater than 100 m ³ of liquid hydrocarbon)			0 releases; assessed via reported incidents and year by year improvement			
Canadian energy and transportation markets are working well			Adequate oil and natural gas pipeline capacity in place based on pipeline utilization; similar Canadian and US energy markets have equivalent pricing; pipeline companies provide services which meet the needs of shippers			
Program Activity	Expected Results	Forecast Spending (million \$)	Planned Spending (million \$)			Alignment to Gov't of Canada Outcomes
		2009-10	2010-11	2011-12	2012-13	
Energy Regulation	<ul style="list-style-type: none"> • NEB-regulated facilities and activities are safe and secure • The environment is protected throughout the lifecycle of NEB-regulated facilities and activities • Canadians benefit from efficient energy infrastructure and markets • The rights and interests of those affected by NEB-regulated facilities and activities are respected 	29.24	23.9	22.9	21.4	Strong economic growth
Energy Information	<ul style="list-style-type: none"> • Canadians benefit from efficient energy infrastructure and markets 	4.96	4.0	3.8	3.6	
Total		34.2	27.9	26.7	25.0	

Contribution of Priorities to Strategic Outcome

Operational Priorities

Priorities	Type	Link to Strategic Outcome	Description
Provide a clear and coherent regulatory framework	New	SO-1	A clear and coherent regulatory framework, with supporting processes and tools, is essential for the successful delivery of the NEB's mandate and to support the Government of Canada's regulatory streamlining efforts. To meet this priority, the NEB will continue to develop its public participation program to ensure that the rights and interests of those affected by NEB-regulated facilities and activities are respected. The NEB will continue to modernize, align and streamline its regulations and activities, including more efficient coordination of federal environmental assessments. The NEB will also review its incident and investigation practices with the goal of allowing root causes of safety loss to be identified and resolved.
Improve performance of regulated companies	New	SO-1	The NEB's ability to influence the behaviors of regulated companies in key public interest areas (i.e., safety, environment, public participation, financial, integrity, emergency management, security, energy trade and conservation of resources) can significantly contribute to the achievement of the strategic outcome. The NEB will focus on measuring the performance of regulated companies to determine trends and need for regulatory action.
Provide timely regulatory decisions in the Canadian public interest.	New	SO-1	The Board's ability to provide timely regulatory decisions is the cornerstone of delivering on its strategic outcome. To meet this priority, the NEB will work toward increasing the effective engagement of stakeholders in its processes. The Board will also continue to improve its application assessment processes, including the use of further automation and continued support for improved environmental assessment coordination.
Provide relevant, neutral and credible energy information.	New	SO-1	Through its Energy Information Program, the NEB provides a range of energy information products to Canadians, including government and industry. To meet this priority, the NEB will continue to build and maintain capacity to collect and analyze energy market information. The NEB will provide timely, objective and relevant information to assist Canadians in making informed decisions on sustainable energy choices. The NEB will also enhance the accessibility of energy information products to external stakeholders, including the provision of historical frontier data in electronic format (subject to funding approval).

Management Priorities

Priorities	Type	Link to Strategic Outcome	Description
Ensure the NEB has the capacity to effectively deliver on its mandate.	New	SO-1	To support the delivery of its mandate and enhance its organizational performance during the upcoming period, the NEB will focus on effectively managing its resources, providing a positive working environment, and utilizing clear and consistent corporate processes, tools and behaviours.

Risk Analysis

The NEB proactively considers economic, environmental, safety and societal trends that may influence its ability to carry out its responsibilities and to deliver results to Canadians.

A number of factors are affecting emerging energy trends in Canada, including lower workforce and population growth, slower economic growth, additional demand management programs, and a heightened awareness of the environmental impacts of energy consumption. Unconventional sources of oil and gas are expected to contribute a larger proportion of the supply mix, with a projected increase in the oil sands contribution to Canadian oil exports as well as a projected increase in shale and tight gas production. Due to lower oil prices and availability of capital, several oil sand projects have been delayed. Further commercialization of this resource primarily depends on the speed of recovery from the global recession, oil price, construction costs and environmental requirements. Hydroelectric and nuclear capacity is projected to increase in the future, with the electricity supply in Canada becoming cleaner.

Overall, Canadians can expect energy markets to function well with energy prices balancing demand and supply. The integration of energy, environmental and economic considerations will continue to be essential elements of the decisions to be taken by the NEB.

Applications for physical development are becoming more complex due to increasingly scarce, remote or difficult to access energy reserves and rapidly developing technology. This increase in complexity heightens the need for safety, security and environmental expertise to enable the NEB to continue to provide regulatory leadership. As always, the NEB is highly concerned with any potential threat to public safety and the environment such as construction related injuries or oil spills.

While applications for the development of energy facilities and infrastructure slowed in 2009-2010, the NEB is expecting a steady and high rate of industry applications in the next few years, albeit with a shift in emphasis from facility applications to financial and toll hearings. The later are expected to be contentions but critical in order to provide rate certainty to the industry.

Non-industry stakeholders are increasingly raising concerns in a variety of venues and jurisdictions. Growing concern about the impacts of greenhouse gases and of implications of a carbon-constrained world contributes to public debate affecting energy choices. The NEB hears from these stakeholders through direct feedback as well as through evidence submitted at hearings on large infrastructure projects. These considerations all become a part of what the Board considers when it makes decisions in the public interest.

While addressing these societal challenges, the Board continues to streamline regulation for its own processes and for processes involving other federal agencies. Following recommendations received through its Land Matters Consultation Initiative, the NEB is addressing abandonment, clarification of land owner rights and interests, and company commitment to public engagement in proposed energy infrastructure development. The NEB is supporting the strategic and responsible development of the emerging energy sector in the North and offshore areas by working proactively with other government departments and stakeholders.

The NEB continues to support regulatory streamlining by providing technical and regulatory expertise to the Government of Canada's Major Projects Management Office. Related endeavors include the pursuit of substitution¹ under the CEA Act, implementing participant funding to support an effective and inclusive public hearing process for major facilities projects, and ensuring that the NEB's regulatory and environmental review process can be relied upon by the Crown to the extent possible in meeting its duty to consult with Aboriginal groups.

Expenditure Profile

Parliament determines the NEB's overall allocation and oversees the Board's spending. The Board recovers approximately 90 percent of its costs from regulated industry. The Board's financial statements, anticipated expenditures and performance results are presented to the NEB's Cost Recovery Liaison Committee, made up of industry's major associations and companies, at regularly scheduled meetings. The NEB's work in the North and non-accord frontier areas under the COGO and CPR Acts is not cost-recovered.

In 2007, the NEB received temporary additional funding through Treasury Board to address increased industry activity for 2007 – 2010. Due to a sustained and continued requirement for resources to meet workload demand, the NEB has determined these resources will be required on a continuing basis and will present a submission to this effect to Treasury Board in 2010.

In 2009, the NEB assumed jurisdiction over the TransCanada Alberta System (NOVA Gas Transmission Ltd). In April 2009, the NEB received approval from Treasury Board for an increase to its ongoing reference level and its cost recovery process to allow the additional funds required to provide regulatory oversight for the system as well as to enhance public participation and aboriginal engagement programs.

The NEB has identified the need to preserve and make accessible data related to its mandate under the COGO and CPR Acts for oil and gas exploration and production in Canada's North and non-accord frontier areas². The NEB is the sole source of historical well drilling, geophysical, geological, and environmental reports and data sets for these frontier areas. The historical paper and Mylar holdings, some of which date from 1920, are growing increasingly fragile and are difficult to access by interested parties. The data contained within these holdings is fundamental to ongoing and future oil and gas investment in the north. In 2010, the NEB will be seeking financial support from the Government of Canada to transfer these holdings into electronic format, thereby making the information readily accessible via the Internet.

1 Under the CEA Act, the Minister of Environment can substitute a hearing by the NEB for a CEA Act review panel or joint review panel process. Substitution was endorsed by the External Advisory Committee on Smart Regulation in its report entitled *Smart Regulation: A Regulatory Strategy for Canada* (September 2004) as a viable means to provide the substitute authority greater control over the design and the broader regulatory approval process. Substitution could make the review processes more efficient and timely without reducing the quality of the environmental assessment or compromising the public's ability to participate.

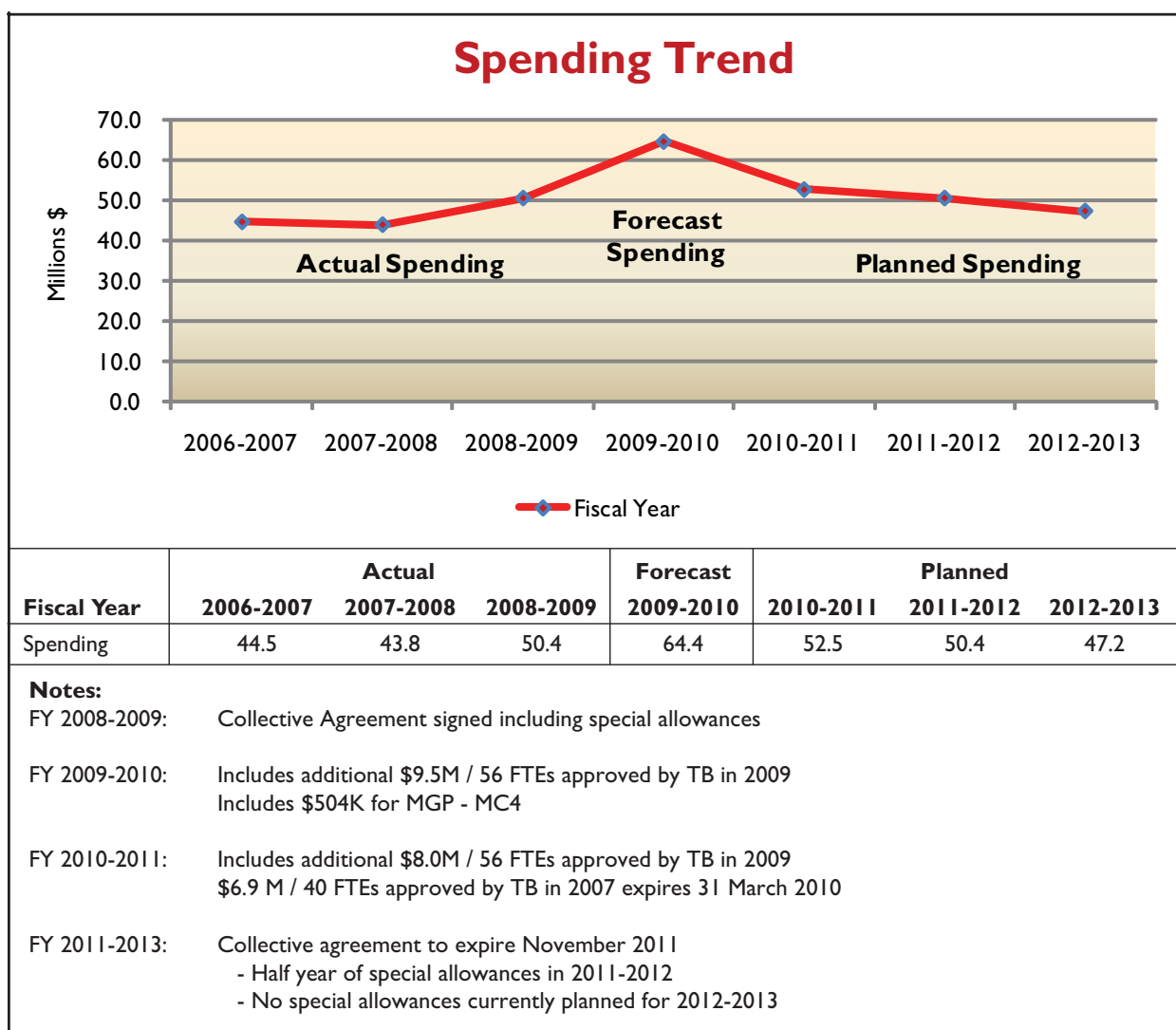
2 The North and non-accord frontier areas include: the British Columbia West Coast offshore, Northwest Territories (both onshore and offshore), Beaufort Sea, Nunavut (both onshore and offshore), Eastern Arctic offshore (Baffin Bay and Davis Strait), Hudson Bay, the Gulf of St. Lawrence, Bay of Fundy and Sable Island.

In 2009, the NEB conducted an in-depth Strategic Review of its spending to ensure Canadians receive highly effective programs and services.

The current federal capacity funding for the Mackenzie Gas Project will expire at the end of fiscal 2009-2010. The NEB is participating in the Mackenzie Gas Project Office's review of priorities and funding requirements.

Spending Trend

(million \$)	Forecast Spending 2009-2010	Planned Spending 2010-2011	Planned Spending 2011-2012	Planned Spending 2012-2013
Energy Regulation	29.24	23.9	22.9	21.4
Energy Information	4.96	4.0	3.8	3.6
Internal Services	30.20	24.6	23.7	22.2
Total Planned Spending	64.4	52.5	50.4	47.2



Voted and Statutory Items

Vote # or Statutory Item	Truncated Vote or Statutory Wording	2009-2010 Main Estimates (million \$)	2010-2011 Main Estimates (million \$)
30	Program Expenditures	39.4	46.2
(S)	Contributions to Employee Benefit Plans	5.0	6.3
	Total	44.4	52.5

Section II

Analysis Of Program Activities by Strategic Outcome

2.1 Strategic Outcome

Safe and secure pipelines and power lines built and operated in a manner that protects the environment and enables efficient energy markets.

The NEB's two main program activities (Energy Regulation and Energy Information) are supported by a third program activity (Internal Services). The following sections provide detail on the program activities, including expected results and the financial and non-financial resources required for each.

As part of its measurement plan, the NEB has established service standards which identify specific delivery targets or timelines for key services. Meeting service standard targets consistently and with quality results reflects the NEB's commitment to efficient and effective regulatory processes. More information on the NEB's Strategic Plan and NEB service standards is available on the NEB's website (<http://www.neb-one.gc.ca>).

2.2 Program Activity: Energy Regulation

Program Activity Expected Results	
<ul style="list-style-type: none"> • NEB-regulated facilities and activities are safe and secure • The environment is protected throughout the lifecycle of NEB-regulated facilities and activities • Canadians benefit from efficient energy infrastructure and markets • The rights and interests of those affected by NEB-regulated facilities and activities are respected 	
Performance Indicators	Targets
Companies have adequate and effectively implemented safety, integrity and environmental management systems and programs	100% of companies regulated by the NEB have safety, integrity and environmental systems and programs in place
Percent of planned compliance activities completed	100% of planned compliance activities are completed
The Board's regulatory processes are measurably efficient and effective	All NEB service standards for its regulatory services are met (service standards are available on the NEB's internet site at: http://www.neb-one.gc.ca under "Who we are and our governance")
Percent of planned financial regulatory audits completed	100% of planned financial regulatory audits are completed
Stakeholders are satisfied with NEB processes, information and interaction	80% of stakeholders who provide feedback are satisfied with NEB processes, information and interaction

Financial Resources (\$ millions)			Human Resources (FTEs)		
2010-2011	2011-2012	2012-2013	2010-2011	2011-2012	2012-2013
23.9	22.9	21.4	178.24	178.24	178.24

Program Activity Summary: This program provides the Canadian public, project proponents and other government agencies with regulation of the construction and operation of international and designated inter-provincial power lines; construction, operation, and tolls and tariffs on international and inter-provincial pipelines; energy trade; and exploration and development in certain frontier and offshore areas. The companies regulated by the Board create wealth for Canadians through the transport of oil, natural gas and natural gas liquids, and through the export of hydrocarbons and electricity. As a regulatory agency, the Board's role is to help create a regulatory framework which allows these activities to occur when they are in the public interest. The public interest is inclusive of all Canadians and refers to a balance of economic, environmental and social interests that change as society's values and preferences evolve over time.

The **Energy Regulation** program has two sub-program activities:

- **The Energy Regulation Development** program provides the regulatory expectations for applications and compliance with regulatory decisions. In order to make decisions in the Canadian public interest and to provide regulatory leadership that is responsive, proactive and innovative, the NEB must continually develop, improve and communicate regulations, regulatory and compliance tools, guidance, and processes. Related activities include developing and maintaining Memorandums of Understanding and workplans, providing regulatory and technical expertise through standards associations, and sharing best practices.
- **The Energy Regulation Implementation** program provides assessment and processing of regulatory applications submitted under the Acts administered by the NEB. It also provides regulatory oversight of energy infrastructure and markets through monitoring and enforcement activities. Responsibilities are pursuant to the NEB Act, COGO Act, CPR Act and the Canada Labour Code. Related services include stakeholder engagement and liaison, addressing landowner complaints, and facilitating appropriate dispute resolution.

Planning Highlights: To achieve the expected results, the NEB plans to:

Continue to develop a clear and coherent regulatory framework, with supporting processes and tools to achieve the NEB's public interest mandate, by:

- Coordinating federal environmental assessments of facilities and activities which, if approved, would fall under NEB regulation.
- Continuing the development of a public participation program to respect the rights and interests of those affected by NEB-regulated facilities and activities.
- When updating or creating NEB regulations and guidance materials, ensure that they are modern, goal oriented and effective.
- Ensuring compliance processes are coordinated with each other and aligned with the NEB's goal oriented approach to regulation.
- Ensuring incident and investigation practices allow root causes of safety loss to be identified and resolved.

Improve performance of regulated companies by:

- Measuring the performance of regulated industry to determine trends and to identify need for regulatory action.

Provide timely regulatory decisions in the Canadian public interest by:

- Engaging stakeholders to enable effective participation in NEB processes.
- Continually improving application assessment processes, including increased use of internet-based tools.
- Ensuring that Board Members and staff are informed of current and emerging issues in energy and related regulatory areas.

Benefits for Canadians: This program activity contributes to safe, secure and economically efficient energy infrastructure that is built and operated in a manner that protects the environment. The NEB contributes to Canada’s energy future by creating a regulatory framework that balances economic, environmental and social dimensions of the facilities and the activities it regulates in the public interest. This framework enables procedural fairness and streamlining in regulatory processes. It provides regulatory expectations for industry to achieve through a goal oriented approach, which encourages innovation and cost effective solutions. The NEB’s Quality Management System provides the basis for continual improvement as it works toward its regulatory outcomes.

2.3 Program Activity: Energy Information

Program Activity Expected Results	
<ul style="list-style-type: none"> • Canadians benefit from efficient energy infrastructure and markets 	
Performance Indicators	Targets
The Board’s advice and energy information products are relevant and timely <ul style="list-style-type: none"> • Feedback from internal and external clients on Energy Information Program products via questionnaires after workshops, comments cards with publications, interviews with clients • NEB website provides timely and relevant energy market information 	<ul style="list-style-type: none"> • 80% of feedback from clients indicates they find Energy Information Program products useful and relevant • 5% increase in visits to content on the NEB website from previous year

Financial Resources (\$ millions)			Human Resources (FTEs)		
2010-2011	2011-2012	2012-2013	2010-2011	2011-2012	2012-2013
4.0	3.8	3.6	30.23	30.23	30.23

Program Activity Summary: The NEB’s Energy Information program provides the Board, industry, policy makers, and the Canadian public with energy information. This includes providing an outlook for supply and demand of energy commodities in Canada to assist in decision-making regarding energy infrastructure and markets by policy makers, industry and the public.

This program meets requirements under Part II of the NEB Act by informing Canadians about energy market developments and issues related to the Board’s regulatory mandate,

which are primarily in the gas, oil and electricity market sectors, and under Part VI of the NEB Act by providing market analysis to determine whether exports are surplus to Canadian needs and Canadians are able to access energy at fair market prices.

Planning Highlights: The NEB will *provide relevant, neutral and credible energy information* through the following activities:

- Continuing to build and maintain capacity to collect and analyze energy market information.
- Providing information that is timely, objective and relevant to Canadians to assist them in making informed decisions on sustainable energy choices.
- Enhancing the accessibility of energy information products to external stakeholders.
- Making historical frontier data available in a readily accessible format while maintaining data integrity (pending funding approval).

Benefits for Canadians: Providing energy advice, information and market monitoring contributes to efficient Canadian energy markets, and economic growth for Canada, by allowing policy makers, industry and the Canadian public to have access to expert knowledge and energy market information so that they can make informed choices about energy options. This program focuses on providing Canadians with information that is timely, objective and relevant. Through its monitoring of energy exports, the Board ensures that Canadian energy users have access to domestically produced energy on terms and conditions at least as favourable as those available to export buyers, and ensures that energy markets are functioning properly.

2.4 Program Activity: Internal Services

Financial Resources (\$ millions)			Human Resources (FTEs)		
2010-2011	2011-2012	2012-2013	2010-2011	2011-2012	2012-2013
24.6	23.7	22.2	184.13	184.13	184.13

Program Activity Summary: Internal Services enable the NEB’s mandate by providing, managing and maintaining necessary support services, including overseeing and administering the application of associated legislation and regulations. They include: Management and Oversight, Human Resources Management, Financial Management, Supply Chain Management, Facilities/Asset Management, Information Management, Information Technology, Evaluation Services, and Internal Audit Services.

Planning Highlights: To *ensure the NEB has the capacity to effectively deliver on its mandate*, the NEB will focus on the following activities:

- Proactively assessing and addressing current and emerging resource needs (e.g., human, financial, materiel, information, technology).
- Executing the NEB’s People Strategy to create a positive working environment, thereby enhancing productivity and improving staff retention.

- Providing and promoting clear and consistent corporate processes, tools and behaviours to enhance organizational performance.

The highlights of the Internal Services program activity are linked to the NEB's management priorities, which include proactively addressing human resource needs and retention, improving information management systems, and developing tools to facilitate organizational effectiveness.

Section III

Supplementary Information

3.1 Financial Information

(million \$)	Forecast Spending 2009-2010	Planned Spending 2010-2011	Planned Spending 2011-2012	Planned Spending 2012-2013
Energy Regulation	20.2	23.9	22.9	21.4
Energy Information	3.4	4.0	3.8	3.6
Internal Services	20.8	24.6	23.7	22.2
Budgetary Main Estimates (gross)	44.4	52.5	50.4	47.2
Total Main Estimates	44.4	52.5	50.4	47.2
Supplementary Estimates	18.1			
Operating budget carry forward	1.9			
Total Planned Spending	64.4	52.5	50.4	47.2
Total Planned Spending	64.4	52.5	50.4	47.2
Less: Non-Respendable revenue	63.4	54.45	52.0	49.3
Plus: Cost of services received without charge	6.0	7.6	7.6	7.6
Net cost of Program	7.0	5.65	6.0	5.48
Full Time Equivalents	347.6	392.6	392.6	392.6

In 2007, the NEB received additional funding through Treasury Board to address increased industry activity for 2007 – 2010. Due to a sustained and continued requirement for resources to meet workload demand, the NEB has determined these resources will be required on a go-forward basis and will present a submission to this effect to Treasury Board in 2010.

(million \$)	Forecast Spending 2009-2010	Planned Spending 2010-2011	Planned Spending 2011-2012	Planned Spending 2012-2013
Energy Regulation	29.24	23.9	22.9	21.4
Energy Information	4.96	4.0	3.8	3.6
Internal Services	30.20	24.6	23.7	22.2
Total Non-Respendable Revenue	63.4	52.5	50.4	47.2