

Email to: opr-rpt@cer-rec.gc.ca

June 30, 2022

Canada Energy Regulator
210, 517-10th Avenue S.W.
Calgary, Alberta T2R 0A8

Attention: Dan Barghshoon, Regulatory Policy

RE: OPR Review
Inputs on the Discussion Paper
Comments of Pembina Pipeline Corporation ("Pembina")

Dear Mr. Barghshoon,

Pembina is in receipt of the Canada Energy Regulator ("CER") 12 January 2022 invitation for input on the discussion paper on the Onshore Pipeline Regulations ("OPR"). Pembina is pleased to provide input.

Where Pembina has not responded directly to a discussion paper question, no comments should not be inferred and Pembina may wish to provide comments later in the OPR Review.

Pembina supports the establishment of an efficient process to allow all interested parties to further engage on this review and the opportunity to comment on any draft new requirements.

Section 2. Reconciliation with Indigenous Peoples

Pembina supports the CER's commitment and its priority to enhance the involvement of Indigenous Peoples.

2. How can the OPR contribute to the advancement of Reconciliation with Indigenous peoples?

Pembina Comment: The question is very narrow, but the preamble is broad. The OPR is not the appropriate place to prescribe CER expectations of a company regarding the advancement of reconciliation with Indigenous peoples. It is up to the communities to inform what reconciliation should look like and not the CER. Reconciliation is important and any steps forward must include the proponent and the relationships they have in place with the communities.

3. How can the OPR contribute to the protection of heritage resources on a pipeline right-of-way during construction, and operations and maintenance activities?

Pembina Comment: Heritage Resources are protected by provincial bodies and is not appropriate for the CER to create an additional layer within the OPR creating duplication, jurisdictional issues and conflicts. A recommendation would be to review the Heritage Resources requirements that exists in the CER Filing Manual to avoid duplicative efforts.

4. How can the OPR contribute to the protection of traditional land and resource use, and sites of significance for Indigenous peoples on a pipeline right-of-way, during construction, and operations and maintenance activities?

Pembina Comment: This information is already required in the CER Filing Manual & the ESA Manual. Mitigation Measures provided by the proponent are used to protect these aspects of Traditional Land



Use and significant sites on the pipeline right-of-way. A recommendation would be to review the traditional land use requirements that exists in the CER Filing Manual.

5. How can the use of Indigenous knowledge be addressed in the OPR?

Pembina Comment: The CER Filing Manual notes that traditional knowledge needs to be included in the application where relevant, available and applicable. A recommendation would be to review these sections in the CER Filing Manual to avoid duplicative efforts.

6. How can the OPR address the participation of Indigenous peoples in pipeline oversight?

Pembina Comment: The CER regulates the complete life cycles of pipelines. If the CER wishes to include Indigenous peoples in the oversight process it is free to so. As noted above, the OPR is not the appropriate place to prescribe CER expectations of a company regarding Indigenous peoples in pipeline oversight. Participation of Indigenous peoples in pipeline oversight is important and must include the proponent and the relationships they have in place with the communities. Therefore, participation of Indigenous peoples in pipeline oversight should not be codified in regulation.

Section 3. Engagement and Inclusive Participation

10. Gender and other intersecting identity factors may influence how people experience policies and initiatives. What should the CER consider with respect to:

a. those people implementing the OPR;

Pembina Comment: Pembina appreciates the opportunity to comment on the CER’s approach to gender and other intersecting identity factors. Pembina is committed to diversity, equal opportunity and ensuring that its employees have the ability to thrive in an inclusive environment. In 2019, Pembina announced its Equity, Diversity and Inclusion (“EDI”) Stand and more recently, in 2021, Pembina established EDI targets. These targets support the work being done across the organization to advance ESG priorities, including to increase representation of women and other underrepresented groups at all levels of the organization. Pembina does not feel that there is a requirement for regulation of Pembina EDI programming through the OPR. To the extent that the CER continues to consider implementing regulation in this area, Pembina would look forward to further participation in engagement opportunities.

Conclusion

Pembina is supportive of continuing the OPR Review. Pembina appreciates the opportunity to provide these comments and looks forward to participating in the process as it continues. Please contact [REDACTED] at [REDACTED] as this OPR Review continues.

If you have any questions or comments on the attached, please contact the below at [REDACTED] or by email at [REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

Specialist, Regulatory

PEMBINA PIPELINE CORPORATION