



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

## **Pre-application Meetings Guidance Notes**

# Pre-application Meetings Guidance Notes

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## 1. Introduction

The Canada Energy Regulator (CER) is committed to ensuring that our prospective applicants are provided with opportunities to fully understand the CER's processes. Pre-application meetings between prospective applicants and CER staff are one of the options we offer to promote a better understanding of the CER's application process and regulatory requirements. Pre-application meetings give everyone the opportunity to:

- Share process information and establish contacts;
- Discuss filing requirements; and
- Identify resources.

We also find that these meetings can lead to more complete applications, which facilitates the review process and improves response times.

To assist prospective applicants in determining whether a pre-application meeting would be beneficial, the CER has prepared these Pre-application Meeting Guidance Notes, which includes an applicant checklist in Appendix 1.

## 2. Purpose of the Guidance Notes

The intent of the Guidance Notes is to assist prospective applicants to determine whether and when a meeting with CER staff would be beneficial. The Guidance Notes provide details on the objectives of pre-applications meetings, the steps that should be taken to request a meeting, the content and who should participate in a pre-application meeting with CER staff.

## 3. Objectives of Pre-application Meetings

Pre-application meetings are held to assist a prospective applicant to gain a better understanding of application processes and regulatory requirements, and to facilitate the application review process.

While respecting natural justice principles and the CER's [Code of Conduct](#) for its employees, there are a number of matters that can appropriately be addressed through pre-application meetings. These include the following:

- **Share Process Information and Establish Contacts:** A prospective applicant can obtain information regarding CER processes and associated typical timelines for processing of an application.<sup>1</sup> The meeting may also serve to identify appropriate contacts at the CER for further procedural and timing enquiries or updates. Accordingly, a pre-application meeting could be requested to discuss CER processes or where an application might involve:
  - Matters considered non-routine or new to the applicant;
  - Anticipated engineering, environmental, commercial or policy issues of significant scope, number or complexity; and
  - Timing sensitivities such as construction windows or timing of baseline studies

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<sup>1</sup> Actual processing time will depend upon application completeness, timely response to any CER information requests, procedures established for third-party participation, etc.

In some cases, this process may be modified to be more responsive to the needs of your specific pre-application. Please discuss application-specific details with the appropriate Director.

- **Filing Requirements:** CER staff may direct a prospective applicant to the Filing Manual, applicable CER precedent and other policies or guidelines to provide guidance regarding elements of an application and associated information requirements.
- **Identify Resources:** The CER can be advised of significant elements of the application, which may assist the CER in planning staff resources or agency coordination requirements. Such information may also assist CER staff in identifying or suggesting potential options for alternative dispute resolution. The CER can also be advised of significant pre-application activities involving third parties (e.g. public and stakeholder consultation initiatives, discussions with other government departments, etc.).

The purpose of a pre-application meeting is not to promote the project or, beyond a short project description, discuss the need for the project.

#### 4. Request a Meeting

The CER recommends that pre-application meetings be requested early in the preparation phase of an application. Direction to applicable requirements, guidance, CER precedents, and information on CER processes and associated typical timelines may be of most assistance at that time. When requesting a meeting, a prospective applicant must identify the objectives of the meeting and provide sufficient detail regarding the proposed application to allow the CER to consider whether the meeting and proposed timing is appropriate. The request should be made in a timely manner to facilitate such consideration and to permit CER staff to properly prepare for the meeting. It is suggested that the request be made a minimum of ten days prior to the meeting date.

Prospective applicants are welcome to contact the applicable Director directly to request a pre-application meeting. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

You will be able to discuss with the Director whether and when it would be appropriate to have a meeting based on the proposed meeting objectives.

#### 5. Pre-reading Materials

Prior to requesting and attending a meeting with CER staff, it is recommended that the prospective applicant review the relevant sections of the [Canadian Energy Regulator Act](#) (CER Act); [CER Early Engagement Guide](#); the [Filing Manual](#); the [Electricity Filing Manual](#); the CER's [Circumstances for Excluding Periods from Time Limits Regulations](#), [CER Time Limits and Service Standards](#) the [Rules of Practice and Procedure](#); the [Canadian Energy Regulator Onshore Pipeline Regulations](#) (OPR); the [Electricity Regulations](#); the [Cost Recovery Regulations](#); and other relevant regulations, guidelines or policies. These documents, as well as other helpful materials, can be found on the CER web site at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca), or through the CER's library.<sup>2</sup> This preparation will help the applicant or other party to gain a better understanding of CER processes and the type of information required when an application is filed.

The prospective applicant should also consult the [Physical Activities Regulations](#) and whether the project may be a designated project subject to the [Impact Assessment Act](#) and the CER Act.

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<sup>2</sup> The CER library is located on the 2nd floor, 510 Tenth Avenue SW, Calgary, Alberta, T2R 0A8 and can be reached at 403-292-4800 or toll free at 1-800-899-1265 or via e-mail at [library@cer-rec.gc.ca](mailto:library@cer-rec.gc.ca).

If this may be the case, the CER will notify staff at the Impact Assessment Agency of Canada to hold a joint pre-application meeting with the prospective applicant.

## 6. Preparation for a Meeting

It is recommended that the prospective applicant prepare for the meeting by reviewing the relevant guidance documents, and legal and regulatory requirements.

Prior to the meeting, an agenda is prepared by the prospective applicant in collaboration with a CER Director. The agenda should include the names, roles and responsibilities, and email addresses of the attendees, and be constructed from the template in Appendix 2.

The prospective applicant must submit any materials they intend to present at the meeting to the CER a minimum of three days before the meeting.

Note that once an application has been filed with the CER, all communication with CER staff should be directed through Legal Services or the Office of the Secretary.

## 7. Content of Pre-application Meeting

The prospective applicant must be prepared to leave copies of documents presented at the pre-application meeting with CER staff at the conclusion of the meeting, as all materials presented at a pre-application meeting will be retained by the CER and available to the public upon request.

Examples of information that may be presented and left with the CER include:

- Project overview and scope;
- Purpose of the project;
- Timing of the application and proposed construction schedule;
- Maps at an appropriate scale (e.g., topographical, access, human use, etc.) or photos illustrating environmental settings; and
- Hard copies of presentations (e.g., PowerPoint, etc.)

The above information will assist CER staff in directing the prospective applicant to the relevant sections of the Filing Manual/Electricity Filing Manual, CER precedent, or other relevant guidance documents. The information may also assist the CER in better appreciating internal resource issues that may be associated with the filing.

CER staff could also verify that the prospective applicant is aware of other regulatory processes, such as those associated with the *Impact Assessment Act*, which may have an impact on the proposed application.

CER staff should also provide perspective applicants new to CER jurisdiction a summary of how the CER cost recovery is executed in accordance with the Cost Recovery Regulations. For more information on cost recovery, please refer to the CER website on [Cost Recovery](#).

In accordance with natural justice principles and the CER's Code of Conduct for its employees, CER staff cannot provide the regulated company or the prospective applicant with any specific guidance on the proposed project or any substantive issues.

## **8. Participants**

It may be helpful to have the applicant's project manager or another representative familiar with the project present the information to CER staff. Supporting personnel may include specialists in:

- engineering and technical issues;
- environmental and socio-economic matters;
- health and safety;
- Indigenous, landowner and public consultations;
- tolls and tariffs, finance and economics;
- market and supply issues; and
- regulatory and community affairs

It may also be helpful for the regulated company or the prospective applicant to have its legal counsel present at the meeting.

CER staff present at the pre-application meeting will generally include the Director accountable for the proposed project, CER legal counsel and appropriate CER specialists. Note that CER staff attending such meeting may or may not be assigned to work on the application once it is filed.

## **9. After a Meeting**

Pre-application meeting notes recorded by CER staff will be forwarded to the prospective applicant for review (see template in Appendix 3). Any discrepancies found between the prospective applicant's meeting notes and the CER's, as well as any other comments, are to be brought to the attention of the meeting chairperson. The finalized meeting notes will be sent to the prospective applicant within thirty days of the pre-application meeting.

Meeting notes and any other documentation provided at the meeting would be retained by the CER and available to the public upon request.

## **10. Appendices**

Appendix 1: Prospective Applicant Checklist

Appendix 2: Agenda Template

Appendix 3: Meeting Notes Template



## Appendix 1: Prospective Applicant Checklist

This checklist is intended to aid the prospective applicant follow the procedure outlined in these notes. Any questions should be addressed to the CER Director responsible for the application.

Activity	Timeline	Task	Done
<b>Request a Meeting</b>	Minimum 10 days before proposed meeting date	Review relevant regulations, guidelines, and policies (found through the CER website or library)	<input type="checkbox"/>
		Submit request, identifying meeting objectives and providing sufficient detail	<input type="checkbox"/>
<b>Preparation for a Meeting</b>	Minimum 3 days before meeting	Prepare agenda in collaboration with CER Director; include names, roles and responsibilities, and email addresses of attendees	<input type="checkbox"/>
		Submit all materials to be brought to the meeting	<input type="checkbox"/>
<b>Content of Pre-application Meeting</b>		Information/concerns presented to CER staff, usually by representative chosen by prospective applicant	<input type="checkbox"/>
		Provide copies of all documents brought to meeting to CER staff	<input type="checkbox"/>
<b>After a Meeting</b>	Within 30 days of meeting	Finalize meeting notes (i.e., draft from CER to applicant, comments from applicant, CER finalizes notes)	<input type="checkbox"/>



## Appendix 2: Agenda Template

Pre-application Meeting XXXX Project		DD MM YYYY Room XXXX	XX:XX to XX:XX	
<b>Pre-reading:</b> Pre-application Meetings Guidance Notes				
<b>Chairperson:</b>				
<b>Proposed Participants from [Company Name]</b>				
XXX – Legal Counsel				
XXX – Title, Department, Email Address				
XXX – Title, Department, Email Address				
XXX – Title, Department, Email Address				
<b>Proposed Participants from CER</b>				
XXX, Director [Team]				
XXX, Communications Officer				
XXX, Fin/Econ Specialist (could include Economics/Financial/Market /Supply Analyst)				
XXX, Engagement Specialist				
XXX, Engineer				
XXX, Environmental Specialist				
XXX, Legal Counsel				
XXX, Socio-economist Specialist				
Agenda				
Item	Description	Who	Time (min)	Expected Outcome
1	Introductions	Chairperson		
2	Present Agenda <ul style="list-style-type: none"> <li>Appropriate scope of discussion (Objectives of Pre-application Meetings)</li> <li>Meeting notes to be recorded (available to the public upon request)</li> </ul>	Chairperson		
3	Overview/Presentation of the XXXX Project	Representative from external stakeholder		
4	Discussion of: <ol style="list-style-type: none"> <li>Application timing</li> <li>CER process</li> <li>Process timing</li> </ol>			



<p>5 (for pipelines)</p>	<p>Discussion of application structure and regulatory requirements</p> <ul style="list-style-type: none"> <li>a. Application under section 183/214 of the CER Act</li> <li>b. Application under section 45 of the OPR</li> <li>c. Filing Manual</li> </ul>			
<p>5 (for IPLs)</p>	<p>Discussion of application structure and regulatory requirements</p> <ul style="list-style-type: none"> <li>a. CER Act requirements</li> <li>b. Electricity Regulations</li> <li>c. Electricity Filing manual</li> </ul>			
<p>6</p>	<p>Next steps</p>			



### Appendix 3: Meeting Notes Template

<b>Pre-application Meeting</b> XXXX Project		<b>DD MM YYYY</b> <b>XX:XX to XX:XX</b> <b>Room XXXX</b>
<b>Chairperson:</b>		
<b>Attendees - Participants from [Company Name]:</b> Name, Position, Responsibilities, Email Address Name, Position, Responsibilities, Email Address Name, Position, Responsibilities, Email Address		
<b>Attendees - Participants from the CER:</b> XXX, Director [Team] XXX, Communications Officer XXX, Fin/Econ Specialist (could include Economics/Financial/Market /Supply Analyst) XXX, Engagement Specialist XXX, Engineer XXX, Environmental Specialist XXX, Legal Counsel XXX, Socio-economist Specialist		
<b>Meeting Notes</b>		
<b>Date of the request for this meeting:</b>		
<b>Meeting date:</b>		
<b>Time:</b>		
<b>Location:</b>		
<b>Meeting called by:</b>		
<b>Chairperson:</b>		
<b>Note Taker:</b>		
<b>Item</b>	<b>Discussion</b>	
1		
2		
3		
4		

Reviewed by:

- Legal Counsel
- Prospective Applicant
- Legal Counsel (after sent to prospective applicant)