

Energy and Environmental Regulators Look to Balance Health, Safety, and Participation

April 6, 2020

CER Update 2020-03-16

Constraints Faced by Hearing Participants

companies are reaching out

Creative Alternate Solutions

- Replacing oral cross-examination with written Information requests (IR) or video-conferences;
- Replacing oral arguments with written submissions or oral submissions via telephone or video-conferences; and
- Replacing site visits with video or photographic evidence.

C05525

Procedural Updates Released by Regulators

Regulator	Update	Procedural Directions
Canada Energy Regulator	CER Precautionary Measures and Business Continuity Plans Related to COVID-19 March 16, 2020	<ul style="list-style-type: none">• Oral portions of hearings will not be held as planned.• Planned meetings with stakeholders will take place by webinar or conference call.
Impact Assessment Agency	COVID-19 Update Undated	<ul style="list-style-type: none">• Updates to assessments or consultation plans will be posted as soon as they are available. The Agency has suspended time limits in

Alberta Energy Regulator	AER Response to COVID-19 March 17, 2020	respect of certain projects. <ul style="list-style-type: none">• Meetings with stakeholders will be held virtually, instead of in person.• Oral portion of hearings are cancelled, and AER is reviewing their procedures.• All public hearings, consultations, or information sessions are deferred until further notice, unless there is an essential economic requirement to proceed. In these cases, written or remote-participation options will be explored.• Surface Rights Board and Land Compensation Board hearings will proceed as scheduled and Telephone Mediation and Dispute Resolution Conferences will not be affected.• For oral hearings, parties will be contacted to determine whether there are unique issues that can be addressed by postponement or proceeding on the basis of written submission, or virtual conference.• For hearings that proceed in person, risk mitigation steps will be taken.• All public events, including oral hearings, are cancelled until further notice. Amended regulatory timetables for current proceedings with public
Alberta Utilities Commission	Bulletin 2020-06 March 12, 2020	
Alberta Surface Rights Board	COVID-19 Update Undated	
British Columbia Utilities Commission	BCUC Response to COVID-19 March 13, 2020	

British Columbia Environmental
Assessment Office

The Environmental Assessment
Office and COVID-19 March 20,
2020

British Columbia Oil and Gas
Commission

Information Bulletin 2020-03 March
19, 2020

Ontario Energy Board

OEB COVID-19 March 18, 2020

processes will be made
available.

- In-person engagement activities have been suspended and will be rescheduled or adjusted to be virtual engagements, which will be held by telephone or over the Internet.
- Operations are being maintained including all emergency services.
- Oral hearings and technical conferences will not be scheduled in the near term.
- Other events at OEB's offices will be conducted via webinar, conference call or rescheduled.
- The requirement to submit hard copies with each electronic filing in regulatory proceedings is waived.

The authors of this article gratefully acknowledge the contributions of articling student Marie Kiluu-Ngila

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.