

Calgary

July 18, 2024

Brad Gilmour  
Direct Dial: 403.260.7050  
bgilmour@osler.com  
Our Matter Number: 1253911

Toronto

Montréal

**Filed Electronically**

Ottawa

Canada Energy Regulator  
Suite 210, 517 Tenth Avenue SW  
Calgary, AB T2R 0A8

Vancouver

New York

**Attention: Ms. Ramona Sladic  
Secretary of the Commission**

Dear Ms. Sladic:

**Re: Imperial Oil Resources N.W.T. Limited ("Imperial")  
Application for Variance of Operations Authorization OA-1210-001  
Application for Line 490 Replacement Activities  
Hearing Order OH-001-2023  
Motion to Compel Full and Adequate Responses – K'ahsho Got'ine  
Committee ("KGC") Information Requests ("IRs")**

In accordance with the Commission's letter dated July 15, 2024 ([C30692-1](#)) and within the timelines amended by letter dated July 17, 2024 ([C30723-1](#)), Imperial is providing its comments on the KGC's July 15, 2024 revised motion to compel full and adequate responses to IRs ([C30684-1](#); the "Motion").

Imperial responds below to certain of the arguments set out in the KGC's Motion and addresses each IR that is subject to the KGC's Motion in the attached motion chart. For the reasons set out in this submission and the attached motion chart, Imperial submits that its responses to the IRs referenced in this Motion were reasonably responsive, considering the scope of the hearing established by the Commission.

We refer to Imperial's previous responses to Délı̄ne Got'ı̄ne Government and Sahtú Renewable Resources Board motions to compel regarding the Commission's test for a motion to compel ([C29958-1](#); [C29933-1](#)).<sup>1</sup> As shown in the attached motion chart, specific

---

<sup>1</sup> See e.g. National Energy Board, Proceeding GH-5-94 regarding Westcoast Energy Inc Fort St John Expansion Project/Grizzly Valley Expansion Project, [Transcript Volume 3](#) at PDF 6 of 123; see also, Tsleil-Waututh Nation v Canada (Attorney General), 2018 FCA 153 at paras 260-77; Canada Energy Regulator Ruling No. 1 regarding Trans-Northern Pipelines Inc. Application for Approval of Incentive Tolls Settlement Agreement (May 17, 2023) (Filing ID [C24525-1](#)) at PDF 2 of 5.

additional information requested in the Motion is not relevant, significant or reasonable to require in this proceeding for the following reasons:

- (i) *The information sought exceeds the scope of the present proceedings.* The near-term regulatory submissions to conduct the Line 490 Corridor Replacement Activities and to extend the operating term for the current operation are not intended to address the closure plan for the Norman Wells Operation ("NWO"). Similarly, this is not an opportunity to revisit the investigation of the Line 490 incident. The CER and other regulatory authorities have review and investigatory processes in place that are separate from these proceedings and Imperial has followed, and continues to follow, those processes. Imperial submits that it has provided sufficient information throughout the record and in response to KGC's IRs to reasonably address questions concerning the Line 490 incident for the purposes of considering the filed Applications. Detailed information regarding closure and reclamation plans or the Line 490 incident investigation is either not relevant or is not significant to this proceeding.
- (ii) *The information sought has already been provided in this or is otherwise available to the public generally and to the KGC specifically.* Information in the IR responses provided by Imperial to the KGC relies on and incorporates information that is publicly available or has been provided elsewhere in this proceeding.

Imperial has affirmed on many occasions in this proceeding that it strongly supports engagement and information sharing with the KGC and other community groups, and further supports community involvement in business opportunities resulting from continued operations, including business opportunities in relation to environmental Replacement Activities monitoring. The engagements that Imperial has previously undertaken, and has committed to continuing to undertake going forward, are open discussions that provide the KGC and other communities opportunities to ask additional specific questions about Imperial's NWO as these arise.

- (iii) *The information sought is beyond what Imperial has available.* It is not possible for Imperial to provide greater detail at this time regarding mechanisms to address closure and reclamation plans, the proposed waste management facility, and how Imperial will work with KGC monitors, as these matters must be determined in collaboration with Indigenous communities and stakeholders.

Despite the forgoing, Imperial has sought, where appropriate and possible, to clarify its responses and provide additional information in the attached motion chart.

Based on the foregoing and Imperial's comments in the enclosed motion chart, Imperial respectfully requests that the Commission deny the relief requested in the Motion.

Yours truly,

A handwritten signature in blue ink, appearing to be "Brad Gilmour", written over a horizontal line.

Brad Gilmour

Encl.

cc: Nathan Baines, Supervising Counsel, Imperial Oil Limited  
OH-001-2023 Participants