

National Energy Board 2017-18 Results Framework - Draft

Core Responsibility	Energy Adjudication	Safety and Environment Oversight	Energy Information	Engagement	Internal Services
Core Responsibility Description	Making decisions or recommendations to the Governor in Council on applications, which include environmental assessments, using processes that are fair, transparent, timely and accessible. These applications pertain to pipelines and related facilities, international power lines, tolls and tariffs, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.	Setting and enforcing regulatory expectations for National Energy Board-regulated companies over the full lifecycle—construction, operation and abandonment— of energy-related activities. These activities pertain to pipelines and related facilities, international power lines, tolls and tariffs, energy exports and imports, and oil and gas exploration and drilling in certain northern and offshore areas of Canada.	Collecting, monitoring, analyzing and publishing information on energy markets and supply, sources of energy, and the safety and security of pipelines and international power lines.	Engaging with stakeholders and Indigenous Peoples on topics within the National Energy Board’s mandate and role, beyond engagement on specific projects.	Internal Services are those groups of related activities and resources that the Federal Government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refer to the activities and resources of the ten distinct services that support program delivery in the organization, regardless of the Internal Services delivery model in a department as per Section 6.2 of the Guide on Recording and Reporting of Internal Services Expenditures.
Departmental Result	Energy adjudication processes are fair. Energy adjudication processes are timely. Energy adjudication processes are transparent. Energy adjudication processes are accessible.	Harm to people or the environment, throughout the lifecycle of energy-related activities, is prevented.	Canadians access and use energy information for knowledge, research or decision-making. Canadians have access to community-specific National Energy Board-regulated infrastructure information. Canadians have opportunities to collaborate and provide feedback on National Energy Board information products.	Stakeholders and Indigenous Peoples share their perspectives and provide feedback regarding the National Energy Board mandate and role. National Energy Board engagement activities with stakeholders and Indigenous Peoples are meaningful.	
Result Indicators	Percentage of adjudication decisions overturned on judicial appeal related to procedural fairness. Percentage of adjudication decisions and recommendations that are made within legislated time limits and service standards. Percentage of surveyed participants who indicate that adjudication processes are transparent. Percentage of surveyed participant funding recipients who agree that participant funding enabled their participation in an adjudication process.	Number of incidents related to National Energy Board-regulated infrastructure that harm people or the environment. Percentage change of specific incident types on National Energy Board-regulated infrastructure. Percentage change of near misses on National Energy Board-regulated infrastructure.	Number of times the energy information is accessed. Percentage of surveyed web users who agree that energy information is useful for knowledge, research or decision-making. Increased information specific to National Energy Board-regulated infrastructure in communities. Number of opportunities that Canadians have to collaborate and provide feedback on energy information products.	Number of participants in National Energy Board engagement programs. Percentage of surveyed stakeholders who engaged with the National Energy Board who indicate that the engagement was meaningful. Percentage of surveyed Indigenous Peoples who engaged with the National Energy Board who indicate that the engagement was meaningful.	
Program Inventory	1. Infrastructure, Tolls and Export Applications 2. Participant Funding	1. Company Performance 2. Management System and Industry Performance 3. Emergency Management 4. Regulatory Framework	1. Energy System Information 2. Pipeline Information	1. Stakeholder Engagement 2. Indigenous Engagement	

Programs and Program Performance Indicators

Infrastructure, Tolls and Export Applications

The National Energy Board (NEB) makes decisions and recommendations, which include environmental assessments, on applications to construct, operate, decommission, and abandon pipelines and international and designated interprovincial power lines. The NEB also makes decisions on applications for pipeline tolls and tariffs so that they are just and reasonable, applications related to oil and gas exploration and drilling activities and infrastructure in certain northern and offshore areas of Canada, and applications for the export of oil, natural gas liquids, electricity and the export and import of natural gas. Participants in program processes include the applicant, interveners and commenters, or in the case of formal complaints received by the NEB, all parties to the complaint.

Outcomes:

1. Adjudication processes are supported by outreach activities.

Measured by: Numbers of adjudication-related outreach activities, Enhanced Indigenous Engagement opportunities, and Oral Traditional Evidence sessions and interactions by program and per facility adjudication process.

2. Landowner complaints are resolved in a timely manner.

Measured by: Percentage of landowner complaints resolved within established service standards.

3. Shippers receive pipeline services that meet their needs.

Measured by: Percentage of shippers that rate the overall quality of pipeline's services offering and delivery at three or higher on a five-point scale.

Participant Funding

The National Energy Board's (NEB) Participant Funding Program provides funding to facilitate the participation of interveners in hearings with respect to new or abandonment projects for pipelines or power lines and Environmental Assessments of designated projects.

Outcomes:

1. Participant funding enables the participation of eligible applicants.

Measured by: Percentage of Participant Funding Program recipients that claim their full award.

2. Program delivery is timely and efficiently managed.

Measured by: Percentage of Participant Funding Program service standards met.

Measured by: Percentage of applicants who are satisfied with the service provided by the NEB in its administration of the Participant Funding Program.

Company Performance

The National Energy Board (NEB) holds its regulated companies accountable for meeting regulatory requirements and project-specific conditions to prevent incidents and provide for the safety of Canadians and the protection of the environment during the construction, operation and abandonment phases of a project lifecycle. This includes requirements for companies to have adequate funds for abandonment. The NEB undertakes risk-based Compliance Verification Activities to determine company compliance with regulatory requirements in the technical areas of security, environmental protection, pipeline integrity, safety management, damage prevention, rights and interests, and financial regulation.

Outcomes:

1. Regulated companies operate facilities in compliance with regulatory requirements and project specific conditions throughout the full lifecycle.

Measured by: Percentage compliance with conditions attached to facility authorizations.

Measured by: Percentage of non-compliances and corrective actions addressed within timelines.

Measured by: Percentage of financial compliance audit findings addressed within timelines.

- 2. The NEB learns from non-compliances and all incidents and uses this information to drive company performance through risk-informed compliance verification activities (based on incident root cause analysis, company performance and consequence modelling).**

Measured by: Number of incident and investigation close-outs completed within timelines.

Measured by: Reduction of repeat non-compliances based on a three year rolling average.

Measured by: Percentage of compliance verification activities targeted towards key incident trends.

- 3. Regulated companies have adequate funds to pay for pipeline abandonment.**

Measured by: For companies using a trust, weighted average percentage of actual funds set aside compared to Abandonment Cost Amount.

Measured by: For companies using a letter of credit or surety bond, percentage of companies maintaining a letter of credit or surety bond that covers Abandonment Cost Estimate.

Management System and Industry Performance

The performance of the regulated industry results in energy infrastructure that is systematically reliable and safe for people, the environment, and property. The National Energy Board (NEB) requires companies to continually evaluate and improve the effectiveness of their management system and to implement corrective actions to prevent incidents. Where required, the NEB investigates and enforces regulatory requirements to prevent harm and acts to compel learnings for further system improvements. The NEB requires companies to promote a positive safety culture to effectively manage threats to worker health and safety, and process safety. Information acquired from this work is used by the NEB to continually improve its regulations and practices.

Outcomes:

- 1. NEB-regulated companies comply with regulatory requirements to have a management system that identifies and controls hazards and risks.**

Measured by: Percentage of management system non-compliances and corrective actions addressed within timelines.

Measured by: Reduction of repeat management system non-compliances based on a three year rolling average.

Measured by: Percentage of incidents where improvements to a company management system were made based on NEB's follow-up on all incidents.

- 2. NEB regulatory actions are management system focused and are informed by results of incident root cause, trending and analysis of pipeline performance information, and leading indicators, research, technology and industry best practices.**

Measured by: Downward trend of releases by cause (corrosion, third party damage, material defects, etc.) that impact people or the environment is linked to NEB regulatory actions.

Measured by: Downward trend of releases by severity (volumes, on/off company property, watercourse crossings) that impact people or the environment is linked to NEB regulatory actions.

Measured by: Reduction of number of unauthorized activities following NEB's specific regulatory actions.

- 3. NEB-regulated companies demonstrate an improved commitment to mitigating human and organizational threats, including those related to safety culture.**

Measured by: Percentage of NEB-regulated companies that have allocated resources to promote safety culture advancement.

Measured by: Percentage of compliance verification activities where safety culture data is collected.

Emergency Management

Through its Emergency Management program, the National Energy Board (NEB) holds its regulated companies responsible for anticipating, preventing, managing and mitigating conditions during an emergency and for cleaning up and remediating contamination to NEB requirements and expectations. This also includes requirements for companies to have financial resources to pay for spill costs and damages. The NEB promotes the effectiveness of the broader response through mutual agreements and information sharing with all levels of government, including municipalities and First Responders.

Outcomes:

1. Regulated companies are prepared for emergencies.

Measured by: Percentage of companies' emergency procedures manuals in compliance with NEB regulatory requirements on emergency management.

Measured by: Number of incidents where the NEB takes over the company emergency response.

Measured by: Percentage of regulated companies that are in compliance with the form and amount of financial responsibility ordered by the Board as required by the polluter pays principle.

Measured by: Percentage of companies that have emergency procedures manuals publicly available.

Measured by: Percentage of companies that have Emergency Management Program information publicly available.

2. Spills are cleaned up and contamination remediation is conducted in an efficient and effective manner.

Measured by: Percentage of spills cleaned-up in accordance with the requirements, including timelines, of the NEB Remediation Process Guide.

***Measured by:* Percentage of releases where monetary impacts are tracked and reported by the NEB.**

3. First Responders and municipalities have the information they need to respond to emergencies.

Measured by: Percentage of companies with effective liaison activities and continuing education programs (s.34 and 35 Onshore Pipeline Regulations).

Regulatory Framework

The National Energy Board's (NEB) regulatory framework applies to all core responsibilities and is comprised of applicable Acts, regulations, guidance materials, documents, as well as certificates, orders and other regulatory instruments used to regulate the industry. The NEB develops and communicates regulations, guidance materials, and related processes to regulated companies and the public. The NEB adopts a continual improvement approach and updates elements of its framework based on policy shifts, best practices, and input from stakeholders.

Outcome:

NEB's regulatory framework is robust, current and regulatory requirements and expectations are clear and publicly available.

Measured by: Percentage of recommendations following the program effectiveness review implemented within timelines.

Measured by: Stakeholders agree that regulatory requirements and expectations are clear and publicly available.

Energy System Information

The National Energy Board (NEB) studies energy systems to inform its regulatory decisions and share energy market information with the public. The scope of NEB energy market reporting is diverse and includes traditional oil, gas and electricity information, as well as renewable energy, the role of emerging technologies, and the links between energy, economic, social, and environmental issues.

Outcomes:

1. Energy system information is useful, accurate, neutral, and reflects the diversity of relevant energy issues in Canada.

Measured by: Percentage of stakeholders and website users surveyed who agree that NEB energy system information is useful, accurate, neutral, and reflects the diversity of relevant energy issues in Canada.

Measured by: Number of errors in published NEB energy information identified through external queries.

Measured by: Number of external queries related to NEB energy information.

2. Energy data visualizations, social media, and other tools are used to make energy system information accessible and interactive.

Measured by: Percentage change over previous years of energy information website indicators.

Measured by: Percentage change in social media interactions related to NEB energy system information.

Measured by: Increased amount of NEB energy system data and information published each fiscal year conveyed through interactive visualizations.

Pipeline Information

The National Energy Board (NEB) provides Canadians with information on pipelines including safety and environment issues in which the public is interested.

Outcomes:

1. Pipeline information is useful and up to date.

Measured by: Increased amount of pipeline information posted on the NEB website.

Measured by: Percentage of pipeline information users surveyed who agreed that the information is useful and up to date.

2. Pipeline maps, visualizations, social media, and other tools are used to make pipeline information accessible and interactive.

Measured by: Percentage change over previous years of pipeline information website indicators.

Measured by: Percentage change in interactions on social media related to NEB pipeline information.

Measured by: Increased amount of NEB energy pipeline data and information published each fiscal year conveyed through interactive tools.

Stakeholder Engagement

The National Energy Board (NEB) uses a regional and community approach to engage with stakeholders to build awareness, confidence and responsiveness in the NEB and NEB regulatory processes. The NEB engages with landowners, municipalities and other orders of government, industry, non-governmental organizations, and others. The views and insights gained inform improvements to NEB regulatory practices, processes, and information materials.

Outcome:

Regional engagement reflects and responds to the diversity of views and interests of stakeholders.

Measured by: Number of engagement activities by region.

Measured by: Number of meetings by the Land Matters Group Steering Committee.

Measured by: Percentage of participants in NEB regional engagement activities that indicate that they had the opportunity to adequately share their views and perspectives.

Indigenous Engagement

The National Energy Board (NEB) uses a cooperative and respectful approach to engage with Indigenous Peoples to build and enhance relationships, build NEB knowledge in Indigenous communities and of Indigenous matters, and improve NEB regulatory practices, processes, and information materials.

Outcome:

The interests of Indigenous Peoples are reflected in the NEB's processes and lifecycle oversight.

Measured by: Milestones are met on the development of an approach for the involvement of Indigenous Peoples in NEB processes, specifically lifecycle oversight.

Measured by: Percentage of Indigenous Peoples participating in NEB engagement activities that indicate that they had the opportunity to adequately share their views and perspectives.

Programs objectives and performance will follow, based on Treasury Board guidance and adapted for NEB needs.

Expected to be finalized for small departments and agencies by March 2017.