

Discussion Paper:

DAMAGE PREVENTION FRAMEWORK FOR FEDERALLY REGULATED POWER LINES

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Introduction

Bill C-69, which creates the proposed *Canadian Energy Regulator Act* (CER Act)¹, updates the regulatory framework for safely conducting activities near federally regulated power lines. The purpose of this document is to seek feedback on related regulations. The document contains nine (9) questions for your consideration and comment. Appendix A found at the end of this document provides a glossary of terms used in this document.

Context

Federally regulated power lines

Power lines in Canada that cross international borders are federally regulated. The federal legislation that applies is the [National Energy Board Act](#) (NEB Act), in particular Part III.1, which requires a person to obtain either a certificate or permit from the National Energy Board (NEB or Board) to build and operate the power line.

Power lines that cross provincial borders may also be federally regulated under the NEB Act, through a Governor-in-Council (federal Cabinet) designation process. At this time, there are no designated interprovincial power lines and all interprovincial connections are regulated by provinces.

For power lines that cross the international border with the United States (U.S.), federally regulated certificate and permit holders (holders) must follow the NEB Act, the orders made under the authority of the NEB Act and its regulations, and any applicable laws of a province.

Today there are 85 federally regulated international power lines of varying lengths. They are located in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and New Brunswick, and have a total combined length of approximately 1,430 kilometers.

Current regulatory framework

The process for safely conducting activities near federally regulated power lines is provided in the *Power Line Crossing Regulations*² made by the NEB in 1995 under the NEB Act. Under

¹ The proposed CER Act was introduced in February 2018 through Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*. When Bill C-69 receives royal assent, the CER Act would come into force, replace the NEB Act, and introduce the Canadian Energy Regulator (the Regulator), with an adjudicative Commission, which would continue oversight of federally regulated power lines.

² The text of the current *Power Line Crossing Regulations* is provided in Appendix B.

the *Power Line Crossing Regulations*, ‘Leave of the Board’ (permission) is not required to conduct specified activities provided certain safety conditions are met.

This process exists for the safety of people conducting activities near these power lines and to prevent damage to power lines while the activity is being conducted.

Key safety considerations for conducting activities near power lines include contact with the power line, power outages, damage to the power line or related infrastructure, and maintaining the reliability of the electrical grid. Some examples of activities that may pose safety risks or damage to the power line are:

- Operating vehicles or equipment under overhead power lines (e.g. operating a boom-truck under a power line);
- Construction activities occurring around power lines (e.g. work on roads, pipelines, and communication lines); and
- Digging/ Excavation around buried power lines, or overhead power line infrastructure (e.g. pylons, towers).

Proposed updated regulatory framework

As a result of the proposed CER Act³, the [Power Line Crossing Regulations](#) will need to be changed. Below is a summary of the current and proposed regulatory framework for power lines.

	Current regulatory framework under the NEB Act⁴	Proposed regulatory framework under the CER Act
1.	Construction of a facility or conducting activities near a power line	
	No person shall construct a facility across, on, along or under a federally regulated power line or to excavate using power-operated equipment or explosives within 30 metres of a power line unless leave (permission) is first obtained from the Board. (section 58.31)	No facility can be constructed across, on, along or under a federally regulated power line unless the construction is authorized by an order or in regulations. (section 273(1)) No activity causing a ground disturbance can occur in a ‘prescribed area’ near the power line, unless the activity is authorized by an order or in regulations. (section 273(1)) The term ‘excavation using power equipment or explosives’ is removed and

³ The proposed CER Act text appears in Appendix C.

⁴ NEB Act, Sections 58.28, 58.31, 58.33; and the *Power Line Crossing Regulations*.

	Current regulatory framework under the NEB Act⁴	Proposed regulatory framework under the CER Act
	<p>Anyone who wishes to conduct these activities must comply with the <i>Power Line Crossing Regulations</i>:</p> <ul style="list-style-type: none"> • Design and execute these activities in accordance with the Canadian Standards Association (CSA) safety standards for overhead and underground electrical systems; • Obtain written permission from the holder to conduct these activities; and • Follow a written procedure and schedule for the work that is agreed to by the holder. <p>If this permission cannot be obtained, a person can apply to the Board for leave to conduct the activity (i.e. through an order, which can have safety conditions and other conditions attached to it).</p>	<p>replaced with the broader term ‘ground disturbance’.</p> <p>The prescribed area can be specified through an order or in regulations. (sections 275(1) and 275(2))</p> <p>Measures to be met for safely conducting activities and receive authorization to conduct a ground disturbance within the prescribed area, or to build a facility across, on, along or under a federally regulated power line, may be identified in an order or in regulations. (section 275(2)) In the regulations, the Regulator⁵, may also authorize the holder of a permit or certificate to give an authorization for these activities on any conditions the holder considers appropriate. (section 275 (3)(b)).</p> <p>If this authorization cannot be obtained, a person can apply to the Commission for authorization to conduct the activity (i.e. through an order, which can have safety conditions and other conditions attached to it). (section 275(1))</p>
2.	Operating a vehicle or mobile equipment across a federally regulated power line	
	Anyone who wishes to operate a vehicle or mobile equipment across the federally regulated power line in an area other than a highway or a public road, must first obtain leave	Authorization to operate a vehicle or mobile equipment across the federally regulated power line in an area other than the travelled portion of a highway or public road must be obtained through an order

⁵ Section 275(3)(b) of the CER Act provides the Regulator with the authority to make regulations, with the approval of the Governor in Council, pertaining to safety measures for construction and ground disturbance activities.

	Current regulatory framework under the NEB Act⁴	Proposed regulatory framework under the CER Act
	<p>(permission) from the holder. (section 58.31)</p> <p>If this permission cannot be obtained from the holder, a person can apply to the Board for leave to cross the power line (i.e. through an order, which can have safety conditions and other conditions attached to it).</p>	<p>from the Commission or be authorized in regulations. (section 273(2))</p> <p>Measures to be met for safely crossing under or over a federally regulated power line by a vehicle or mobile equipment may be identified through an order or in regulations. (sections 275(2) and 275(3)(b))</p> <p>In the proposed regulations, the Regulator⁶, may also authorize the holder to give an authorization for these activities on any conditions the holder considers appropriate. (section 275 (3)(b))</p>
3.	Construction of federally regulated power lines near facilities	
	<p>No federally regulated power line that passes on, over, along, or under a facility can be constructed unless a permit or certificate has been issued by the Board. (section 58.28)</p> <p>The permit or certificate must contain a term or condition relating to that facility. Otherwise the applicant must be granted leave by order from the Board. The federally regulated power line must be constructed in the circumstances specified in an order or in regulations. (section 58.28)</p>	<p>No federally regulated power line that passes on, over, along, or under a facility can be constructed unless a permit or certificate has been issued by the Commission. (section 272(1))</p> <p>The permit or certificate must contain a condition related to that facility. Otherwise the applicant must obtain authorization for construction by order from the Commission and the power line must be constructed in the circumstances specified in an order or in regulations. (section 272(1))</p>

⁶Section 275(3)(b) of the CER Act provides the Regulator with the authority to make regulations, with the approval of the Governor in Council, pertaining to safety measures for vehicle crossings.

	Current regulatory framework under the NEB Act ⁴	Proposed regulatory framework under the CER Act
4.	Damage Prevention Program	
		All holders must develop, implement, and maintain a damage prevention program that contains public awareness elements and process requirements to manage authorization and locate requests.

Description of proposed regulations

As new regulations will be required under the proposed CER Act; below is a description of the proposed approach.

1. Construction of a facility or conducting activities near a power line

The approach would be to continue the safety requirements from the current *Power Line Crossing Regulations* in the new regulations. These requirements would apply to anyone planning to conduct an activity causing a ground disturbance within the prescribed area, or to construct a facility across, on, along or under a federally regulated power line.

The proposed regulations would **maintain the following safety measures**:

- Thirty metres as the distance from the power line within which an authorization is required. This would be the “prescribed area”.
- The requirement to design and conduct work in accordance with the CSA safety standards for overhead and underground electrical systems⁷.
- The requirement to obtain a written authorization from the holder including any conditions identified by the holder.
- The requirement that a written procedure and schedule for the work have been agreed to by the holder, and the person conducting the activity.

The proposed regulations would **add new safety measures**:

- The person conducting the planned activity would be required to make a locate request to a one-call centre at least three working days before the start of the activity, or request a locate from the holder if there is no one-call centre in the geographical area where the activity will be conducted.

⁷ The standards address design measures such as maintaining electrical clearances, preventing mechanical contact, preventing undermining of exposed buried facilities or structure foundations, and preventing electrostatic, inductive, and conductive coupling between facilities.

- The person conducting the activity would be required to inform, before the start of the activity, all persons working on their behalf including employees, contractors, and subcontractors of their obligations under the regulations (i.e. the safety measures, the written procedures and schedule agreed to by the holder, etc.).

Examples of activities causing a ground disturbance include: digging, boring, trenching, excavating, grading, plowing, drilling, tree planting, blasting or any other activity that breaks the ground. In addition to the risks associated with contact with a power line, activities causing a ground disturbance near the base of overhead structures (e.g. towers, pylons) or appurtenances⁸ could potentially undermine these structures resulting in structural damage, or damage to the power line and its appurtenances.

1.a) Obtaining written authorization – ground disturbance

The process would require that anyone planning to conduct an activity causing a ground disturbance within the prescribed area, or to construct a facility across, on, along or under a federally regulated power line, contact the holder to apply for and obtain a written authorization. When planning the work, the safety requirements in the regulations must be followed, as well as any conditions required by the holder.

1.b) Notification requirements

For safety considerations and to maintain communication between the person conducting the activity and the holder, the following notifications would be required:

- If, during the planned and authorized activity, contact is made with the power line, to immediately notify the holder.
- Before backfilling over underground infrastructure related to a power line, the holder must be notified at least 24 hours in advance.

Question 1: Is a prescribed area of 30 metres on either side of the federally regulated power line adequate to maintain safety and prevent damage to the power line?

Question 2: Are the proposed safety measures adequate to maintain safety and prevent damage to the power line?

1.c) Responding to requests for authorization

Through the proposed regulations, the holder would be required to respond to a person's request for an authorization to conduct an activity near a power line. The holder must inform the person making the request whether the authorization has been granted or refused, and if refused, why.

⁸ See Appendix A for definitions.

If an authorization is not granted by the holder, the person requesting the authorization may file an application with the Commission to request review for authorization. The person would also need to provide a copy of the application to the holder.

Question 3: What other considerations, if any, need to be taken into account when a holder responds to a request for authorizations?

1.d) Making a locate request

A person planning to conduct an activity that will cause a ground disturbance within the prescribed area must contact a one-call centre where one exists in the geographical location of the planned activity. One-call centres currently operate in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec and portions of the Atlantic Provinces. Where there is no one-call centre, the person must contact the holder directly.

Contacting the one-call centre is necessary to determine whether there is underground infrastructure related to the power line, and to request a locate prior to starting an activity causing a ground disturbance. The proposed regulations would provide the process for making the locate request, including:

- The request must be made by the person (or designate) planning to conduct the activity at least three working days before the day on which the construction or activity is to start.
- During the three day notice period the holder will review and respond to the locate request, and will mark the location of any underground infrastructure related to the federally regulated power line.
- The holder must explain to the requestor the meaning and significance of the locate markings used.
- The requester must follow the regulations and the safety practices required by the holder.

Question 4: What other considerations, if any, need to be taken into account when making a locate request prior to conducting work near a federally regulated power line?

1.e) One-call centre membership

For the locate request process, the proposed regulations would require that all holders become members of a one-call centre, if there is one in the area where their power lines are located. Many holders across Canada are already members of one-call centres.

Question 5: Do you have any comments on the proposed requirement for a holder to be a member of a One-Call Centre?

2. Operating a vehicle or mobile equipment across a federally regulated power line

Currently, operating a vehicle or mobile equipment across a federally regulated power line (in an area other than a highway or public road) is not allowed unless the holder has provided leave (permission). This approach would be continued in the proposed regulations by requiring any person planning to operate a vehicle or mobile equipment across such a power line to obtain authorization from the holder. The authorization issued by the holder may contain any conditions the holder considers appropriate.

2.a) Obtaining written authorization – crossings

The process would require that anyone planning to operate a vehicle or mobile equipment across a federally regulated power line, contact the holder to apply for and obtain a written authorization. Any conditions required by the holder must be followed.

3. Construction of federally regulated power lines near facilities

Currently, no federally regulated power line that passes on, over, along, or under a facility (e.g. highway, irrigation ditch, drainage systems, sewer line, underground communication lines) can be constructed unless a permit or certificate for the power line has been issued from the Board that contains a condition related to that facility. A person may also be granted leave for construction through an order. The power line must be constructed in the circumstances specified in the order or in the *Power Line Crossing Regulations*. In the updated regulatory framework, this requirement would be maintained.

The proposed regulations would **maintain requirements**:

- That the power line is designed and constructed in accordance with the CSA safety standards for overhead and underground electrical systems.
- That the holder obtain written permission from the owner of the facility.
- That a written procedure and schedule for the work have been agreed to by the holder, and the owner of the facility.

Question 6: Do you have any other comments on the requirements for construction of federally regulated power lines near facilities?

4. Damage prevention program

For consistency across all federally regulated power lines, the proposed regulations would require that all present and future holders develop, implement and maintain a damage prevention program that meets the public awareness and process requirements outlined below.

4.a) Public awareness elements in damage prevention program

The damage prevention program would be required to have the following public awareness elements to inform the public about:

- the location of the power line
- how to work safely near the power line
- how to report an unexpected situation related to a power line that could endanger life or cause substantial property damage
- how to report any contact with or damage to a federally regulated power line
- services offered by a one-call centre if one exists in the geographical area of the underground federally regulated power line
- the necessity of applying for a written authorization from the holder when constructing a facility across, on, along or under a power line, engaging in an activity causing a ground disturbance within the prescribed area, or operating vehicles or mobile equipment across a federally regulated power line
- what information must be provided in a request for an authorization for any of these activities
- the requirement to make a locate request, and how to do so in the relevant geographical area for the federally-regulated power line.

4.b) Processes for managing authorization requests

As part of the damage prevention program, processes would need to be developed by the holder for the management of requests for authorizations for planned and locate requests, and for timely responses to locate requests.

Question 7: What other considerations, if any, need to be taken into account for a holder to have a damage prevention program for power lines?

Question 8: Is a period of three months from the coming into force of the proposed regulations to develop and implement a damage prevention program sufficient?

Question 9: Are there any other comments related to the proposed regulations that you would like to provide?

Next Steps

If you have feedback or comments on any of the nine (9) questions posed in this Discussion Paper, please submit them by email, fax, or mail to the address listed below. The deadline for providing comments is November 28, 2018.

After the close of the comment period, written comments will be posted on the NRCan Public Consultations Opportunities: A new Canadian Energy Regulator web page, at <https://www.rncanengagenrcan.ca/en/collections/new-canadian-energy-regulator>. Comments

received by the deadline will be reviewed and considered for use in the development of the damage prevention regulations for federally regulated power lines. The proposed regulations will then be pre-published in the Canada Gazette, Part I for a 30 day comment period. Information concerning the Canada Gazette, Part I comment period will be provided at a later date. Notice of this opportunity will be posted on this site.

Please visit <https://www.nrcan.gc.ca/21385> for information and updates on the proposed regulations. You may also sign up there to be included in an email distribution list for receiving updates as the regulations are developed, including information on public engagement opportunities.

Contact Information

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Appendix A.

Glossary of Terms

Proposed CER Act Definitions

Ground disturbance: means a ground disturbance other than one that

- (a) is caused by any activity that is specified in the orders or regulations made in respect of pipelines under section 335 or made in respect of international or interprovincial power lines under section 275;
- (b) is, in relation to a pipeline, caused by cultivation to a depth of less than 45 cm below the surface of the ground; or
- (c) is, in relation to a pipeline, caused by any other activity to a depth of less than 30 cm and that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was constructed. (CER Act, section 2)

Holder: the holder of a certificate or permit issued under Part III.1 of the NEB Act, and, in the future, under Part 2 and Part 4 of the CER Act in respect of a regulated facility. (CER Act, section 93, definition of *holder*)

International power line: means facilities that are constructed or operated for the purpose of transmitting electricity from a place in Canada to a place outside Canada or from a place outside Canada to a place in Canada. It does not however include an offshore power line. (section 2)

Interprovincial power line: means facilities that are constructed or operated for the purpose of transmitting electricity from a place in a province to a place in another province. (section 2)

Regulator means the corporation established under subsection 10(1) (section 2)

Other terms as used in this document

Appurtenance: Anything attached to a piece of land or building such that it becomes part of that property, and is passed onto a new owner when the property is sold. It may be something tangible like a garage, septic system, water tank or something abstract such as an easement or right of way⁹.

CSA means Canadian Standards Association (CSA)

CSA C22.3 NO 1, Overhead Systems: a standard developed by the Canadian Standards Association pertaining to the design of overhead crossings.

⁹ Source: The Business Dictionary. <http://www.businessdictionary.com/definition/appurtenance.html>

CSA C22.3 NO 7, *Underground Systems*: a standard developed by the Canadian Standards Association pertaining to the design of underground crossings.

One-Call Centre: an organization that, for the purpose of protecting underground infrastructure of its members from damage and ensuring public safety, receives locate requests from members of the public and notifies its members who may be affected by the proposed activity. (Source: *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies* s.2(2); *National Energy Board Pipeline Damage Prevention Regulations – Authorizations* s.3(4))

Working days: means any day that is not a Saturday or a Sunday or other holiday (Source: *National Energy Board Pipeline Damage Prevention Regulations – Authorizations* s.1; *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies* s. 2).

Appendix B.

Power Line Crossing Regulations SOR/95-500 (currently in effect)

Regulations Respecting Crossings of International Power Lines or Interprovincial Power Lines Constructed Without Leave of the National Energy Board

(These regulations were made in 1995, under the *National Energy Board Act*.)

Short Title

1 These Regulations may be cited as the Power Line Crossing Regulations.

Interpretation

2 In these Regulations,

Act means the National Energy Board Act; (Loi)

CSA means the Canadian Standards Association; (CSA)

holder means the holder of a permit or certificate issued in respect of a power line; (titulaire)

Crossings

3 Leave of the Board to construct a facility across, on, along or under a power line or to excavate using power-operated equipment within 30 m of a power line, pursuant to subsection 58.31(1) or subsection 112(1) of the Act, is not necessary where

(a) these activities are designed and executed in accordance with CAN/CSA-C22.3 No. 1-M87, Overhead Systems, as amended from time to time, in respect of overhead crossings;

(b) these activities are designed and executed in accordance with CAN3-C22.3 No. 7-M86, Underground Systems, as amended from time to time, in respect of underground crossings;

(c) written permission has been obtained by the owner of the facility or the owner's sub-contractor from the holder; and

(d) a written procedure and schedule for the work have been agreed to by the holder and the owner of the facility or the owner's sub-contractor.

4 For the purposes of paragraph 58.28(1)(c) of the Act, the circumstances in which a person may construct an international or interprovincial power line that passes on, over, along or under a facility are as follows:

(a) the power line is designed and constructed in accordance with CAN/CSA-C22.3 No. 1-M87, Overhead Systems, as amended from time to time, in respect of overhead crossings;

(b) the power line is designed and constructed in accordance with CAN3-C22.3 No. 7-M86, Underground Systems, as amended from time to time, in respect of underground crossings;

(c) written permission has been obtained by the holder or the holder's sub-contractor from the owner of the facility;

- (d) a written construction procedure and schedule have been agreed to by the holder or the holder's sub-contractor and the owner of the facility; and
- (e) the length of the power line will not be extended beyond all termini of that power line.

Appendix C.

Proposed *Canadian Energy Regulator Act*, Part 2 and Part 4 (Bill C-69, Part 2 as passed by the House of Commons on June 20, 2018)

The following are excerpted relevant sections from Parts 2 and 4 of the proposed *Canadian Energy Regulator Act*. Please refer to Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*¹⁰ for the full text and further details.

Part 2: Safety, Security, and Protection of Persons, Property, and Environment

Reasonable Care

94 The holder must take all reasonable care to ensure the safety and security of persons, the safety and security of regulated facilities and abandoned facilities and the protection of property and the environment.

Regulations

96 The Regulator may, with the approval of the Governor in Council, make regulations

- (a) respecting the design, construction and operation of pipelines, international power lines and interprovincial power lines designated by an order made under section 261;
- (b) respecting the abandonment of pipelines;
- (c) respecting surveillance or monitoring measures that, in relation to the activities referred to in paragraphs (a) and (b), are for the safety and security of persons and for the protection of property and the environment;
- (d) respecting abandoned facilities;
- (e) requiring holders to have management systems in place and to comply with them; and
- (f) providing for the elements to be included in those management systems — including human or organizational factors — and respecting any criteria to be met by those management systems.

¹⁰ Full text of Bill C-69 and proposed amendments can be obtained from the Parliament of Canada *LEGISinfo* website at the following link - <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=9630600>. On the website you'll note that there is a link to the text of the Bill on the upper right hand corner of the page. Click on the *Latest Publication* link to access the latest version of the Bill.

Part 4. International and Interprovincial Power Lines

Prohibition

247 A person must not construct or operate a section or part of an international power line except in accordance with a permit issued under section 248 or a certificate issued under section 262.

Construction — facility

272 (1) A person must not construct an international or interprovincial power line that passes on, over, along or under a facility unless a permit referred to in section 248, or a certificate, has been issued in respect of the power line and

- (a) the permit or certificate contains a condition relating to that facility;
- (b) the person has been granted leave under subsection (2); or
- (c) the person is constructing the power line in circumstances specified in an order or regulation made under subsection (4).

Authority to grant leave

272 (2) On application, the Commission may, by order, grant a person leave to construct an international or interprovincial power line that passes on, over, along or under a facility. It may require from the applicant any plans, profiles and other information that it considers necessary to consider the application.

Conditions

272 (3) The leave may be granted in whole or in part and be subject to conditions.

Circumstances

272 (4) The Regulator may specify circumstances for the purposes of paragraph (1)(c) by regulation, and the Commission may do so by order.

Leave in emergency cases

272 (5) The Commission may grant leave under subsection(2) after construction of the work has commenced if it is satisfied that the work was urgently required and, before the commencement of construction, it was notified of the person's intention to proceed with the work.

Prohibition — construction or ground disturbance

273 (1) It is prohibited for any person to construct a facility across, on, along or under an international or inter-provincial power line or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized by the orders or regulations made under section 275 and done in accordance with them.

Prohibition — vehicles and mobile equipment

273 (2) It is prohibited for any person to operate a vehicle or mobile equipment across an international or interprovincial power line unless

- (a) that operation is authorized by orders or regulations made under section 275 and done in accordance with them; or

(b) the vehicle or mobile equipment is operated within the travelled portion of a highway or public road.

Orders

275 (1) The Commission may, by order, give directions

- (a) governing the design, construction, operation and abandonment of facilities constructed across, on, along or under an international or interprovincial power line;
- (b) prescribing the area for the purposes of subsection 273(1);
- (c) authorizing the construction of facilities across, on, along or under an international or interprovincial power line;
- (d) authorizing ground disturbances within the prescribed area;
- (e) governing the measures to be taken in relation to
 - (i) the construction of facilities across, on, along or under an international or interprovincial power line,
 - (ii) the construction of an international or interprovincial power line across, on, along or under facilities, other than railways, and
 - (iii) ground disturbances within the prescribed area;
- (f) authorizing the operation of vehicles or mobile equipment across an international or interprovincial power line and governing the measures to be taken in relation to that operation;
- (g) governing the apportionment of costs directly incurred as a result of a construction or disturbance authorized under this subsection;
- (h) specifying activities for the purposes of paragraph (a) of the definition ground disturbance in section 2 in respect of international or interprovincial power lines; and
- (i) authorizing a holder of a permit or certificate to give an authorization referred to in paragraph (c), (d) or (f) on any conditions that the holder considers appropriate.

Regulations

275 (2) The Regulator may make regulations respecting any matter referred to in paragraphs (1)(a) to (f) and (h).

Regulations

275 (3) The Regulator may, with the approval of the Governor in Council, make regulations

- (a) governing the apportionment of costs directly incurred as a result of a construction or disturbance authorized under this section; and
- (b) authorizing a holder of a certificate or permit issued under this Part to give an authorization referred to in paragraph (1)(c), (d) or (f) on any conditions that the holder considers appropriate.