



# UNPLUGGING THE DIRTY ENERGY ECONOMY

# A CORPORATE PROFILE OF CANADIAN PIPELINE COMPANY TRANSCANADA



PHOTO CREDITS KRIS KRUG

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## Summary

The goal of this corporate profile is to dissect, analyze and present the component parts of the TransCanada Corporation in order to determine its strengths and vulnerabilities. Strategic information is presented to frontline communities and campaigners who are organizing activities to challenge the corporation. Divided into five sections, the profile covers TransCanada's operations, economic condition, political connections, social and environmental track record and its institutional shareholders. The profile contains a comprehensive and interactive Table of Contents that provides quick links to the numerous sections and sub-sections. We recommend that readers use the Table of Contents to easily and effectively navigate the profile.

This Summary outlines some of the main points from each of the five chapters:

**Chapter 1** – The profile begins with the Organizational Profile which outlines how the company is organized and where and how it operates. This chapter summarizes TransCanada's history and describes how it has amassed assets and operations that spread over the entire continent of North America and to a certain extent in South America. Information in this section also includes:

- Descriptions of the company's three business segments: Liquids Pipelines, Gas Pipelines and Energy, and data on its pipeline, energy and storage assets;
- TransCanada's Executives, Directors and advisors are profiled in order to show how the company is intimately connected politically. Board connections to other corporations including Devon Energy, Pengrowth Energy and Bell Media are also detailed;
- Case studies that show how TransCanada often uses litigation to achieve its business goals. A selection of past and ongoing lawsuits is presented;
- Information on TransCanada links to universities across Canada through the company's executives or board members. This section also explores how the company is strategically funding selected Indigenous communities through scholarships and education funding.

**Chapter 2** – This chapter presents an Economic Profile of the company and provides an analysis of TransCanada's present and future economic situation. This section also offers important historical data on the company's shifting focus towards transporting bitumen from the Tar Sands. Some highlights from chapter 2 include:

- TransCanada's segmented financial results.
- Highlights of TransCanada's main customers, markets, and competitors;
- An overview of the company's future plans and potential expansion projects in Canada, United States, Mexico and South America;

**Chapter 3** – The Political Profile details how TransCanada uses numerous methods - from lobbying and political contributions, to public relations and advertising campaigns - to ensure that its projects are approved. This chapter discusses TransCanada's lobbying and behind-the-scenes work in Canada and the U.S. The chapter includes the following information:

- TransCanada’s federal lobbying activities in Canada and the United States. In Canada, the company registered 411 reports of communications between 2008 and 2014. In the U.S., TransCanada spent \$7.35 million (USD) lobbying the federal government since 2001; approximately 80% of this total has been spent since 2009.
- Data related to TransCanada’s lobbying activities at the sub-national level in Canada and the U.S.;
- How Canadian Governments have consistently supported and lobbied for TransCanada’s projects in the United States;
- How the company receives support from industry groups, oil companies and the Koch Brothers;
- Details about the revolving door between the company, government and industry associations;
- Information and analysis about TransCanada’s greenwashing and use of ‘public interest’ and astroturf groups as well as advertising, public relations and law firms;
- The chapter also outlines how the company engages with the communities that will be impacted by pipeline projects.

**Chapter 4** – The Social and Environmental Profile provides a snapshot of how the company’s operations impact communities and the environment. Nine case studies tell the stories of communities that have been or will be affected by TransCanada’s projects. This chapter also provides data on TransCanada’s track record of spills, ruptures and explosions and explores how the company has colluded with law enforcement agencies to monitor civil society. Content from this chapter includes:

- Details on how TransCanada has collaborated with law enforcement agencies in Canada and the US to monitor community opposition to TransCanada’s pipelines.
- The chapter includes nine case studies that highlight TransCanada’s historic and ongoing track record in communities dealing with TransCanada pipeline projects:
  - Chile and Argentina – The GasAndes pipeline
  - Colombia – OCENSA Oil Pipeline
  - The Lubicon Cree First Nation
  - Port Arthur, Texas – Keystone XL, USA
  - Grand Rapids Pipeline – the Athabasca Chipewyan First Nation, Canada
  - Keystone XL – Gulf Coast Extension, Texas
  - Keystone XL – Landowners and Indigenous Peoples in Nebraska & South Dakota
  - The Energy East Tar Sands Pipeline – Canada
  - Coastal Gaslink and Prince Rupert Gas Transmission Pipelines – British Columbia
- The section on spills, ruptures and explosions demonstrates how TransCanada has been responsible for almost half of the serious breaches reported by Canada’s energy regulator, the National Energy Board, over the past two decades. In addition, even though the company only began shipping bitumen from the tar sands within the past 5 years, it is already responsible for 152 spills on its oil pipelines;
- The chapter also examines TransCanada’s Safety Standards as well as the environmental and health impacts of pipelines.

**Chapter 5** – The Shareholder/Stakeholder Profile provides information on TransCanada’s main shareholders, including which pension funds have investments in the company as well as information about some of the company’s suppliers. Content covered in this chapter includes:

- TransCanada’s top institutional Shareholders;
- Information and analysis on the ownership of TransCanada shares by Alberta Investment Management Corp (AIMCo), a provincial crown corporation that is responsible for managing a portion of Alberta’s long and short term funds (such as pension funds);
- Pension plans with shares in TransCanada include Canada Pension Plan Investment Board (CPPIB), Public Sector Pension Investment Board (PSP) and Ontario Teachers’ Pension Plan Board (OTPP), among others;
- University investments in TransCanada;
- Details of TransCanada’s Supply Chain and Service Subcontractors.

**Appendices** - The profile’s four appendices are comprised of a comprehensive glossary and list of acronyms as well as detailed data related to TransCanada’s lobby records, subsidiaries and a comprehensive list of the company’s office locations.



## Introduction

Pipelines have come to be regarded as symbolic of the choice between expanding the tar sands – called the most polluting industrial project on the planet – versus prioritizing less damaging alternatives. The ongoing debate about the construction of massive new oil and gas pipelines in North America, which would allow Canada to export ‘unconventional’ fossil fuels to countries other than the U.S., is at a critical stage. Many recognize that if these large-scale pipelines are constructed, allowing oil and gas companies to cheaply transport their product across vast distances and to coasts for export, they will enable the current plan to triple tar sands production by 2030, and to increase natural gas extraction in sensitive ecological zones.<sup>1</sup>

Proponents have insisted that pipelines will increase energy security for Canada and the US, and that they are not primarily export lines. Furthermore, proponents echo the Environmental Impact Statement for the Keystone XL project by the U.S. State Department, which concludes that the pipeline will not greatly increase carbon emissions.<sup>2</sup> However the Canadian petroleum industry has acknowledged that Canada’s crude output will double to 6.4 million bpd by 2030 provided new export conduits are built.<sup>3</sup> This would lock Canada into dependence on a high-emissions economy that will have local, national and global repercussions.

Among the pipeline infrastructure companies in North America, TransCanada is the third largest (after Kinder Morgan and Enbridge), with an estimated market value in 2014 of \$35.4 billion (USD).<sup>4</sup> While it has existed as a gas pipeline company for over 60 years, it has grown massively over the past decade and branched into oil transport. It now operates over 80,000 kilometres (48,000 miles) of pipeline networks across Canada, the U.S., and Mexico. TransCanada transports approximately 25% of Canada’s crude oil exports to the United States, and close to 20% of the natural gas consumed daily in North America.<sup>5</sup>

TransCanada owns the Canada-US Keystone pipeline, which since 2010 has carried “over 630 million barrels”<sup>6</sup> of diluted bitumen from the tar sands of Alberta to the U.S. and to refineries and export terminals on the coast of the Gulf of Mexico. The proposed expansion of this pipeline system, called Keystone XL – the southern part of which is complete – would double TransCanada’s capacity for daily exports to the U.S.<sup>7</sup> In 2013, TransCanada unveiled its plans to construct what would be the largest liquids pipeline ever in North America – the Energy East pipeline. It also, more quietly, is preparing to construct in the near future several massive gas pipelines that are sure to become controversial, such as the Coastal GasLink and Prince Rupert projects in British Columbia. Furthermore, TransCanada is planning on becoming involved in a consortium of companies that plans to, for the first time ever, develop large-scale gas extraction in the ecologically fragile Arctic region of Alaska, for export via Kitimat, British Columbia.

Although Keystone XL and Energy East are currently TransCanada’s most visible and contested projects, they represent only part of the company’s biggest investments. For example, the four pipelines being

developed by the company in British Columbia will, altogether, entail over \$12 billion<sup>i</sup> in investment (that is, about the same as Energy East).

TransCanada has gained notoriety for its aggressive tactics, whether it is pushing for official approvals for controversial pipelines, or influencing policymakers in the U.S. and Canada to remove environmental and other regulations that could stand in the way of making more profit. To these ends, TransCanada has ramped up its intense lobbying of political players in both countries, with a great deal of success. An investigation of reported lobbying efforts in Canada by the oil and gas industry showed that TransCanada was the single most active company between 2008 and 2012, having logged 279 official interactions with federal public office holders.<sup>8</sup> It is also a leading member of industry associations such as the Canadian Energy Pipelines Association (CEPA), which was the sixth-most active lobbyist in that time period. In the US, TransCanada is a key member of powerful lobby groups such as the American Petroleum Institute (API), which has been called a “de facto fourth branch of government” in the US, and which has spent \$22 million (USD) on pushing for the Keystone XL pipeline to receive presidential approval.<sup>9</sup>

Despite its immense financial power, political influence, and sophisticated advertising and misinformation campaigns, TransCanada has encountered unprecedented levels of public opposition and scrutiny (as have other pipeline builders like Enbridge and Kinder Morgan). This profile breaks down the constituent parts of the corporation, details its current and planned projects, and examines key staff, board members, investors, and other allies. The profile explores TransCanada’s tactics – both official and covert – for gaining political favour and for stifling opposition, and also analyses the ways in which the company ‘greenwashes’ its activities through strategic public relations. The company’s social and environmental impacts – including its history of human rights violations and environmental prosecutions/crimes – are examined as well. The report dissects the regulatory boards that are meant to ensure that TransCanada’s actions are in “the public interest”, and shows that for the most part, these boards (such as the NEB in Canada) have become ‘captured’ by industry, leading to a situation in which public participation in hearings is sidelined and companies can expect their projects to be rubber-stamped.

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<sup>i</sup> All dollar figures in this report are in Canadian dollars unless otherwise noted. U.S. dollars will be marked as ‘USD.’

## Chapter 1 - Organizational Profile

TransCanada Corp. operates primarily in the **U.S., Canada, and Mexico**. It is **headquartered in Calgary, Alberta**.

### Oil and Gas Pipelines

TransCanada transports approximately 25% of Canada's crude and tar sands oil exports to the U.S., and close to 20% of the gas consumed daily in North America.

It operates **57,000 km (35,500 miles) of wholly-owned gas pipelines, 11,000 km (6,600 miles) of partially-owned gas pipelines**, and the **4,247 km (2,639 mile) Canada-US Keystone oil pipeline system**. In 2015, the company has \$46 billion in planned projects over the next five years and has a stated goal of increasing its assets to more than \$90 billion by 2020.

### Power Generation

TransCanada – with ownership of **major nuclear, coal, and gas plants in the U.S. and Canada** – has become Canada's largest private-sector power generator.

### Size and Ranking in Industry

Global: TransCanada is the **2nd largest pipeline company in Canada**, after Enbridge. In 2014, it ranked #390 in Forbes' list of the world's 2000 biggest publicly traded companies.

Canada: In a ranking of the top 1000 Canadian corporations by profit in 2013, TransCanada Corp. placed *26th* and TransCanada Pipelines placed *25th*. In the rankings by revenue, TransCanada was *53rd* among the 100 biggest Canadian corporations.

### Financial Profile (in CDN Dollars)

**Annual sales in 2014 were \$10.18 billion, with profits of \$1.74 billion and assets valued at \$58.94 billion.** TransCanada Corp. trades under the symbol TRP on the New York and Toronto Stock Exchanges. Its biggest subsidiary TransCanada Pipelines, LP trades under the symbol TCP. Track at: <http://www.nasdaq.com/symbol/trp> and <http://www.nasdaq.com/symbol/tcp>

### Employees

TransCanada had **6,059 employees** in 2014, distributed in: Calgary, 3,186; Western Canada (excluding Calgary), 497; Eastern Canada, 315; Houston, 576; U.S. Southeast/Gulf Coast (excluding Houston), 319; U.S. Midwest, 464; U.S. Northeast, 451; U.S. West Coast, 86; Mexico and South America, 165

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For Regional Offices (US, Canada & Mexico) and Contacts: *See Appendix 4.*

## 1.1 TransCanada's Business Structure and Operations

As an energy infrastructure company, TransCanada's main activity is to construct and operate pipeline systems that pump oil and gas products across vast distances. Corporations that extract oil and gas from the ground (called 'shippers') sign contracts with TransCanada. In turn, TransCanada leases them 'space' on pipelines, and commits to transport specific quantities of their product to various locations, such as gas distribution systems, refineries, storage terminals, and export terminals. Although it has historically been a gas pipeline company, it plans to massively invest both in new oil and new gas projects over the next several years. TransCanada has a power generation division as well, which includes the Bruce nuclear plant in Ontario, Canada. In 2012, Bruce became the world's largest operating nuclear facility.<sup>10</sup>

TransCanada Corporation is the 'parent' of a network of companies that it either wholly or partly owns. The largest under this umbrella is TransCanada Pipelines Limited, formed in 1951. In 2003, TransCanada Corporation was created, and became the parent of TransCanada Pipelines.<sup>11</sup> These two companies are sometimes listed separately in statistics and lobbying records, as are many of TransCanada Corporation's subsidiaries, such as Nova Gas Transmission Ltd. However, TransCanada Corp. is ultimately responsible for the activities of all its corporate entities, including gas, liquids and power generation.

TransCanada Pipelines (TCP) operates many of TransCanada's biggest pipeline systems, such as the Canadian Mainline. Many of TransCanada's U.S. pipelines are owned by its subsidiary TransCanada Pipeline USA Ltd, which – through its own subsidiary TransCanada Keystone Pipeline GP Ltd. – operates the Keystone system in the U.S.<sup>ii</sup>

### TransCanada's Business Segments and Major Assets

TransCanada earns revenue and profits through three areas of operation: Gas Pipelines, Liquids Pipelines and Energy. In its annual reports and financial documents, the company calls these areas of operation either 'businesses' or 'segments.' This section describes these businesses and the contribution of each to the annual revenue of the company. Tables 1-4 below include information on all of the company's currently operational gas pipeline, oil pipeline, and energy production assets.<sup>iii</sup>

#### 1.1.1 Gas Pipelines

*- Responsible for 48 percent of TransCanada's 2014 annual revenue*

According to TransCanada, its network of gas pipelines transports approximately 20 percent of all natural gas consumed in North America.<sup>12</sup> Its giant system of pipelines and storage facilities satisfies 80 percent of Canadian gas demand and 15 percent of U.S. demand on a daily basis. It delivers gas that is extracted—through both conventional methods and hydraulic fracturing ('fracking')—from gas producing regions of North America to local distribution systems and businesses across the continent.

<sup>ii</sup> See Appendix 3 for a list of TransCanada subsidiaries.

<sup>iii</sup> Ch. 2.7 provides details on TransCanada's future pipeline and energy projects.

Historically, the majority of TransCanada’s revenues have been generated through its gas pipelines business; in 2014, it generated 48 percent.<sup>13</sup> Since 2004, it has accounted for an average of 56 percent of annual revenues, with a high of 76 percent in 2004.

## Name and Location of Pipeline

**Table 1 – Gas Pipelines<sup>14</sup>**

| Name and Location of Pipeline   | Characteristics   |
|---|---|
| <b>Wholly TransCanada-owned</b>   |   |
| <p><b>NGTL System</b><br/>Within Alberta and north-eastern B.C.</p>   | <p><u>Ownership:</u> 100% TransCanada, through its wholly owned subsidiary NOVA Gas Transmission Ltd.<br/><u>Operated by:</u> NOVA Gas Transmission Ltd.<br/><u>Pipelines:</u> 24,522 km (15,237 miles) network<br/>Gathers 66% of the natural gas produced in Western Canada, and delivers to provincial boundary points for connections with the Canadian Mainline, the Foothills pipeline, and gas pipelines of other companies.</p>   |
| <p><b>Canadian Mainline</b><br/>From Alberta/Saskatchewan border and the Ontario/U.S border to serve eastern Canada; connects with other gas systems in Canada and the U.S.</p> | <p><u>Ownership:</u> TransCanada Pipelines Ltd.<br/><u>Operated by:</u> TransCanada<br/><u>Pipeline:</u> 14,114 km (8,770 miles), 6 lines; <u>Capacity:</u> 1,887 billion cubic feet per day (Bcf/d) (2011)<sup>iv</sup><br/><u>Operational since:</u> The 1950s, expanded since then<br/>Moves gas to markets in eastern Canada and north-eastern U.S.</p>   |
| <p><b>Foothills System</b><br/>Central Alberta to the U.S. border<br/>www.foothillspipe.com</p>   | <p><u>Ownership:</u> TransCanada (through Foothills Pipe Lines Ltd.)<br/><u>Operated by:</u> Foothills Pipelines Ltd.<br/><u>Pipelines:</u> 1,241 km (771 miles); <u>Capacity:</u> ~4.7 Bcf/d.<sup>15</sup><br/>Carries gas from Alberta to U.S. border, for export to various U.S. markets</p>   |
| <p><b>ANR</b><br/>From Texas &amp; Oklahoma (Southwest leg) and from the Gulf of Mexico &amp; Louisiana (Southeast leg), to U.S. locations<br/>www.anrpl.com</p>                | <p><u>Ownership and operation:</u> TransCanada (through TC Offshore LLC (TCO) which is a wholly-owned subsidiary of ANR Pipeline Company, a U.S. TransCanada subsidiary)<br/><u>Pipelines:</u> 15,109 km (9,388 miles)<br/><u>Peak-day delivery capacity:</u> 6 Bcf. While the ANR Pipeline, ANR Storage and Blue Lake Gas Storage, located in Michigan, have a combined underground gas storage capacity of 250 Bcf<br/><u>Operational since:</u> 1945 (acquired in 2007)<br/>Transports natural gas from supply basins to markets throughout the mid-west and south to the Gulf of Mexico.<sup>16</sup></p> |
| <p><b>TC Offshore</b><br/>Seven offshore platforms in US Gulf of Mexico: feeds into facilities around Louisiana<br/>www.tcoffshorellc.com</p>                                   | <p><u>Ownership:</u> TC Offshore LLC (wholly owned subsidiary of ANR)<br/><u>Operation:</u> ANR<br/><u>Pipelines:</u> 958 km (595 miles), gas and associated liquids.<br/><u>Operational since:</u> the late 1960s<br/>Gathers and transports natural gas within the Gulf of Mexico with subsea pipeline and seven offshore platforms to connect in Louisiana with TransCanada’s ANR pipeline.<sup>17</sup></p>   |

<sup>iv</sup> Due to the various sources used, all indications of capacity should be read as approximate.

|  |   |
|--|---|
| <p><b>Guadalajara Pipeline, Mexico</b></p> <p>Connects natural gas supplies from the Manzanillo LNG terminal to power facilities in Manzanillo and other markets in Guadalajara and central Mexico.<sup>18</sup></p>   | <p><u>Ownership:</u> TransCanada</p> <p><u>Operation:</u> Energia Occidente de Mexico, S. de R.L. de C.V. (TransCanada affiliate in Mexico)<sup>19</sup></p> <p><u>Pipelines:</u> 310 km (193 miles), 30" LNG pipeline</p> <p><u>Capacity:</u> Provides 0.5 Bcf/day to Comisión Federal de Electricidad power plant, and 0.320 Bcf/day to Pemex-owned national pipeline system</p> <p><u>Operational since:</u> June 2011</p> |
| <p><b>Tamazunchale Pipeline, Mexico</b></p> <p>Transports natural gas from Naranjos, Veracruz in east central Mexico to Tamazunchale, San Luis Potosi and on to El Sauz, Queretaro.<sup>20</sup></p>   | <p><u>Ownership and operation:</u> TransCanada through Energía de Occidente de México, S. de R.L. de C.V.<sup>21</sup></p> <p><u>Pipelines:</u> 365 km (227 miles)<sup>22</sup></p> <p><u>Capacity:</u> 0.170 Bcf/d</p> <p><u>Operational since:</u> 2006 – A pipeline extension to El Sauze, Queretaro, went into service in 2014.<sup>23</sup></p> <p><u>Extension:</u> US\$600-million<sup>24</sup></p>                    |
| <p><b>Pipelines partially owned by TransCanada<sup>v</sup></b></p>   |   |
| <p><b>Great Lakes Gas Transmission Limited Partnership (GLGT)</b></p> <p>Connects with Canadian mainline near Emerson, Manitoba and St Clair, Ontario. Also interconnects with ANR at Crystal Falls and Farwell in Michigan to transport natural gas to eastern Canada, and the U.S. upper Midwest.<sup>25</sup></p> | <p><u>Ownership:</u> 66.77% TransCanada (effective) through the combination of TransCanada's 53.6% direct ownership and its 28.3% interest in TC Pipelines LP<sup>26</sup></p> <p><u>Operation:</u> TransCanada</p> <p><u>Pipelines:</u> 3,404 km (2,115 miles) (dual pipeline); <u>Capacity:</u> ~2.2 Bcf/d<sup>27</sup></p>   |
| <p><b>Northern Border Pipeline</b></p> <p>Transports Western Canadian Sedimentary Basin (WCSB) and Rockies natural gas with connections to Foothills and Bison to U.S. Midwest markets.</p> <p>www.northernborder.com</p>  | <p><u>Ownership:</u> TransCanada owns 14.2% of the system through its 28.3% interest in TC Pipelines, LP</p> <p><u>Operation:</u> TransCanada through Northern Border Pipeline Co.</p> <p><u>Pipelines:</u> 2,265 km (1,407miles); <u>Capacity:</u> 2.4 Bcf/d<sup>28</sup></p>  |
| <p><b>Bison Pipeline</b></p> <p>Transports natural gas from the U.S Rockies (the Powder River Basin, Wyoming) to Northern Border Pipeline in North Dakota</p> <p>www.bisonpipelinellc.com</p>  | <p><u>Ownership:</u> TransCanada owns 28.3% of the system through its interest in TC Pipelines, LP<sup>29</sup></p> <p><u>Operation:</u> TransCanada</p> <p><u>Pipeline:</u> 487 km (303 miles), 30", Capacity: 0.407 Bcf/d</p> <p><u>Operational since:</u> 2011<sup>30</sup></p>  |
| <p><b>Gas Transmission Northwest (GTN)</b></p> <p>Transports natural gas from the WCSB and the Rocky Mountains to Washington, Oregon and California. Connects with Tuscarora and Foothills.<sup>31</sup></p> <p>www.gastransmissionnw.com</p>  | <p><u>Ownership:</u> TransCanada effectively owns 49.8% of the system.<sup>32</sup></p> <p><u>Operation:</u> TransCanada (TransCanada acquired GTN LLC in 2004.)</p> <p><u>Pipeline:</u> 2,178 km (1,353 miles); <u>Capacity:</u> 2.7 Bcf/d;</p> <p><u>Operational since:</u> 1961</p>  |
| <p><b>Tuscarora Gas Transmission</b></p> <p>Transports natural gas from the GTN system in Oregon, to points in California and Nevada</p> <p>www.tuscaroragastransmission.com</p>   | <p><u>Ownership:</u> 28.3% TransCanada (effective) through TC Pipelines LP (which owns 100% of Tuscarora)<sup>33</sup></p> <p><u>Operation:</u> TransCanada</p> <p><u>Pipeline:</u> 491 Km (305 miles); <u>Capacity:</u> 0.230 Bcf/d<sup>34</sup>;</p> <p><u>Operational since:</u> 1995</p>  |

<sup>v</sup> Ownership figures in this profile are taken from: TransCanada Corp., "2014 Annual information form," February 12, 2015, <http://bit.ly/17Ys52n>.

|   |   |
|---|---|
| <p><b>Trans Québec and Maritimes Pipeline (TQM)</b></p> <p>Connects with Canadian Mainline near the Ontario/Quebec border to transport natural gas to the Montreal to Québec City corridor, also connects to the Portland system<br/>www.gazoductqm.com</p>   | <p><u>Ownership</u>: 50% TransCanada; 50% Gaz Métro LP<br/><u>Operated by</u>: TransCanada<br/><u>Pipelines</u>: 572 km (355 miles); <u>Capacity</u>: 0.4 Bcf/d (2011);<sup>35</sup><br/><u>Operational since</u>: 1982<sup>36</sup><br/>Serves more than half of Québec’s gas demand.</p>  |
| <p><b>Portland Natural Gas Transmission System</b></p> <p>Connects with TQM near East Hereford, Québec to deliver gas to north-eastern U.S.<br/>www.pngts.com</p>   | <p><u>Ownership</u>: TransCanada – 61.71% (through TCPL Portland, Inc.);<sup>37</sup> Gaz Métro – 38.29% (through Northern New England Investments)<sup>38</sup><br/><u>Operation</u>: TransCanada (PNGTS Operating Co., LLC)<br/><u>Pipeline</u>: Total - 474 km (295 miles)<sup>39</sup>; <u>Capacity Expansion</u>: 0.163 to 0.325 Bcf/d (Pittsburgh-Westbrook section) by 2016.<sup>40</sup><br/><u>Operational since</u>: 1999</p>   |
| <p><b>Iroquois Gas Transmission System</b></p> <p>Connects with Canadian mainline near Waddington, New York to deliver to north-eastern U.S.<sup>41</sup><br/>www.iroquois.com</p>  | <p><u>Ownership</u>: TransCanada – 44.5%; Dominion Resources – 24.7%; National Grid – 20.4%; New Jersey Resources – 5.5%; Iberdrola – 4.9%.<sup>42</sup><br/><u>Operation</u>: Iroquois Gas Transmission System, LP<sup>43</sup><br/><u>Pipelines</u>: 666 km (414 miles); <u>Capacity</u>: 0.9 Bcf/d (2011)<sup>44</sup><br/><u>Operational since</u>: 1992</p>  |
| <p><b>North Baja Pipeline (U.S/Mexico)</b></p> <p>Transports gas between Arizona &amp; California; connects to Gasoducto Rosarito pipeline on the California/Mexico border.<br/>www.northbajapipeline.com</p>   | <p><u>Ownership</u>: 28.3% TransCanada (effective) through TC Pipelines LP<br/><u>Operation</u>: TransCanada<br/><u>Pipeline</u>: 138 km (86 miles); <u>Capacity</u>: 0.6 Bcf/d (northbound), 0.5 Bcf/d (southbound)<sup>45</sup><br/><u>Operational since</u>: 2002<sup>46</sup> (bi-directional capability since 2008)</p>  |
| <p><b>Pipelines partially owned by TransCanada in South America</b></p>   |   |
| <p><b>GasPacífico Pipeline, Argentina-Chile</b></p> <p>(TransCanada <u>sold its interest</u> in this pipeline in November 2014, however the company’s earnings from this pipeline are included in its 2014 annual report)<br/>Lomo de la Lata, Argentina to Concepcion, Chile. Brings gas from an Argentinian network of pipelines and gas from the GNL QUINTERO terminal to Pemuco’s regasification plant at ENAP’s Bío Bío Refinery.<sup>47</sup></p> | <p><u>Ownership until November 2014</u>: Gasoducto del Pacifico S.A. (30% owned by TransCanada), Gasoducto del Pacifico (Cayman) Ltd (30% TransCanada) and Gasoducto del Pacifico (Argentina) S.A. (56.2% TransCanada). TransCanada also owns 30% of the Concepcion-based gas marketing company, INNERGY.<sup>48</sup><br/><u>Operation</u>: Gasoducto del Pacifico<br/><u>Pipeline</u>: 540 km (324 miles); <u>Capacity</u>: 0.851 Bcf /d in 2013<br/><u>Construction cost</u>: \$319 million (USD)</p>  |
| <p><b>TransGas Pipeline, Colombia</b></p> <p>Mariquita, Colombia to Cali, Colombia – with 48 delivery points including the Termovalle Power Station, and municipalities in Tomila, Caldes, Risaralda, Quindio and Valle</p>   | <p><u>Ownership</u>: 46.5% TransCanada. TransGas de Occidente S.A. (of which TransCanada is a major shareholder) operates the pipeline.<sup>49</sup><br/><u>Operational since</u>: 1997. TransGas signed a 20-year transportation contract with Ecopetrol in 1997; the project may later be transferred to Ecopetrol.<sup>50</sup><br/><u>Pipeline</u>: 344 km (214 miles) backbone with 417 km (250 miles) of branches, 20”; <u>capacity</u>: 168 million standard cubic feet/day.<sup>51</sup><br/>Crosses the Central Cordillera of the Andes at altitudes up to 3,800 m.<sup>52</sup></p> |

### 1.1.2 Liquids Pipelines

– Responsible for 15.1 percent of TransCanada’s 2014 annual revenue

For over 50 years, TransCanada focused primarily on gas pipelines and power generation. In 2005, however, the company announced its intent to develop the Keystone oil pipeline – a 3,000 km (1,800

mile) line from Alberta to Illinois, later extended to the Gulf Coast. From then onward, TransCanada remained focused on its traditional assets while also steaming ahead with its expansion into the delivery of crude oil for export. It was not until 2011 that the company began registering earnings from its new Oil Pipelines division, which in 2013 earned it \$1.2 billion, or 12.7% of its annual revenue. In 2014, the company changed the name of this division to liquids pipelines and it earned \$1.5 billion of the company's revenue for the year. TransCanada hopes to further expand its oil pipeline business by shipping tar sands bitumen across North America for export through its Keystone XL and Energy East pipelines.

**Table 2 – Liquids Pipelines**

| Name and Location of Pipeline   | Characteristics   |
|---|---|
| <p><b>Keystone Pipeline System</b></p> <p>Transports crude oil from Hardisty, Alberta to U.S. markets at Wood River and Patoka Illinois, Cushing, Oklahoma, and Port Arthur, Texas</p>                                | <p><u>Ownership</u>: wholly owned by TransCanada<br/> <u>Operation</u>: TransCanada Keystone Pipeline, LP<br/> <u>Pipeline</u>: 4,247 km (2,639 miles)</p> <p><i>Currently in development</i>: Keystone XL</p>  |
| <p><b>Cushing Extension</b> (Second phase of the Keystone Pipeline system and part of Keystone XL's Southern leg)</p>   | <p><u>Pipeline</u>: 480 km (298 miles);<br/> <u>Capacity</u>: Increases Keystone's nominal capacity to 591,000 barrels per day (Bbl/d)<br/> <u>Operational since</u>: February 2011<sup>53</sup><br/> Delivers crude oil to Cushing, Oklahoma from Steele City, Nebraska<sup>54</sup></p>   |
| <p><b>Gulf Coast Extension</b> (Phase 3 of the Keystone Pipeline System and part of Keystone XL's Southern leg)</p> <p>Phase 3 consisted of two parts: the Cushing Marketlink Project and Houston Lateral Project</p> | <p><u>Pipeline</u>: 780 km (485 miles), 36 inch crude pipeline;<br/> <u>Capacity</u>: increase pipeline capacity to 700,000 bpd<br/> <u>Operational since</u>: January 22, 2014<sup>55</sup><br/> Begins in Cushing, Oklahoma and extends to Nederland, Texas to serve the Gulf Coast marketplace.<sup>56</sup><br/> <u>Cushing Marketlink</u>: A 780 km (485 miles) pipeline that transports crude oil from Cushing, Oklahoma to the U.S. Gulf Coast using facilities that make up part of the Gulf Coast Project<sup>57</sup><br/> <u>Houston Lateral Project</u>: 77 km (48 mile) project to transport oil to refineries in Houston, Texas. (under development)<sup>58</sup></p> |
| <p><b>Keystone XL</b> (phase 4 of the Keystone Pipeline System)</p>   | <p><u>Pipeline</u>: 1,897 km (1,179 mile), 36 inch crude oil pipeline<br/> <u>Capacity</u>: Increase capacity to transport 830,000 bpd<br/> <u>Ownership</u>: Wholly owned by TransCanada<br/> Still in development<br/> Would transport crude oil from Hardisty, Alberta to Steele City Nebraska<sup>59</sup></p>  |

### 1.1.3 Energy

- Responsible for 36 percent of TransCanada's 2014 annual revenue

While TransCanada earns most of its revenue from its pipelines, it is also a major power generating company. It owns, controls, or is in the midst of developing approximately 10,900 megawatts (MW) of power generation capacity. This 10,900 MW is powered by natural gas (34%), natural gas and oil (21%), nuclear (21%), coal (14%), hydro-electricity (5%), wind (4%) and solar (1%).<sup>60</sup> These projects are located



primarily in Alberta, Ontario, Quebec, New York, New England and Arizona, and sell power to customers through long-term contracts. This segment also includes TransCanada’s ‘unregulated’ natural gas storage capacity in Alberta, which at 118 Bcf represents a third of all storage capacity in the province.

**Table 3 – Energy Generation Projects – new and proposed**

| Project   | Characteristics   |
|---|---|
| <p><b>Bruce Power</b><br/>(Restart complete as of 2012)<br/>Tiverton, Ontario<br/>www.brucepower.com</p>                                | <p>TransCanada is the majority owner, with 48.9% of Bruce A and 31.6% of Bruce B. Its share of the net capital cost projected to be \$2.4 billion.<sup>61</sup><br/>Operated by Bruce Power<br/>The ‘restart’ project was to refurbish the nuclear reactors of Units 1 and 2<br/>This is the world’s largest nuclear plant, producing 6200 MW (~30% of Ontario’s power); TransCanada’s proportionate share is 2,480 MW, with Bruce A generating 1,467 MW and Bruce B generating 1,022 MW.<sup>62</sup></p>                    |
| <p><b>Cartier Wind Energy</b><br/><b>Cartier Énergie Éolienne, Quebec</b><br/>www.transcanada.com/cartier-energie-eolienne-inc.html</p> | <p>The project’s assets are indirectly co-owned by TransCanada (62%) and Innergex II Income Fund (38%).<br/>Five wind power projects totalling 590 MW of wind power (TransCanada’s proportionate share is 365 MW). All power produced by Cartier Wind is sold to Hydro-Quebec under a 20-year Power Purchase Agreement (PPA) (expires 2032).<sup>63</sup><br/>Projects in the Gaspésie-Iles-de-la-Madeleine region and the RCM of Matane</p>  |
| <p><b>Napanee Generating Station, Napanee, ON.</b> (in construction)<br/>www.napaneeegs.com</p>   | <p>900 MW natural gas-fired plant to be built, operated and owned by TransCanada Energy Ltd. (TCE). Located on OPG’s existing Lennox Generating Station site.<br/>Intended to replace retired coal and nuclear capacity – on demand power<br/>Targets: Approvals by 2014, construction started 2015, commercial operation by late 2017 or early 2018. The Napanee station is a 20-year Clean Energy Supply contract with the Independent Electricity System Operator (IESO) (20 years from in-service date).<sup>64</sup></p> |
| <p><b>Portlands Energy Centre, Toronto, ON</b><br/>www.portlandsenergycentre.com</p>  | <p>550 MW. TransCanada is a 50% owner; its proportionate share is 275 MW. In Toronto, Ontario. Portlands Energy is a 20-year Clean Energy Supply contract with the IESO. Expires in 2029<sup>65</sup></p>   |
| <p><b>Kibby Expansion Wind Power Project, Franklin County, Maine</b></p>  | <p>132 MW.<br/>Owner: TransCanada<br/>Operator; TransCanada / Vestas (signed a 15 year contract in 2014).<sup>66</sup><br/>Located in Kibby and Skinner Townships, Maine.<sup>67</sup><br/>Original 44-turbine project operational 2010; 11-turbine expansion approved in 2011<sup>68</sup>.</p>  |

**Table 4 – Power Plants and Gas Storage**

| Project Name and Location  | Comments   |
|--|--|
| <b>Natural Gas and Hydro Plants</b>  |  |
| <b>Bear Creek</b> , Grande Prairie, AB   | A 80 MW natural gas cogeneration plant,<br>Owner: wholly owned by TransCanada Energy Ltd. (TCE) (TransCanada subsidiary)<br>Operator: TCE through contract with Weyerhaeuser <sup>69</sup>   |
| <b>Bécancour Power Plant</b> , Trois-Rivières, PQ  | A 550 MW natural gas cogeneration plant,<br>Owner: wholly owned by TCE<br>Operator: TransCanada Québec Inc. <sup>70</sup>  |
| <b>Carseland</b> , Carseland, AB   | A 80 MW natural gas cogeneration plant,<br>Owner: wholly owned by TCE through contract with Agrium <sup>71</sup>   |
| <b>TC Hydro</b> , New Hampshire, Vermont and Massachusetts (on the Connecticut and Deerfield rivers) | A 583 MW project with 13 hydroelectric facilities (including stations and associated dams and reservoirs)<br>Owner: wholly owned by TransCanada <sup>72</sup>  |
| <b>Coolidge</b> , Coolidge, AZ   | A 575 MW natural gas simple-cycle peaking facility<br>Owner: wholly owned by TransCanada, in a 20-year PPA with Salt River Project Agricultural Improvements & Power District. Agreement expires 2031 <sup>73</sup>                          |
| <b>Grandview</b> , Saint John, NB  | A 90 MW natural gas cogeneration plant<br>Owner: wholly owned/operated by TCE through contract with Irving Oil (20-year tolling agreement to buy 100% of heat and electricity output with Irving Oil, expires 2025) <sup>74</sup>            |
| <b>Halton Hills</b> , Halton Hills, ON   | A 683 MW natural gas combined-cycle plant<br>Owner: wholly owned/operated by TCE. Involved in a 20-year Clean Energy Supply Contract with IESO, which expires 2030 <sup>75</sup>   |
| <b>MacKay River</b> , Fort McMurray, AB  | A 165 MW natural gas cogeneration plant<br>Owner: wholly owned and operated by TCE<br>Operator: TCE through contract with Petro-Canada <sup>76</sup>   |
| <b>Ocean State</b> , Burrillville, RI  | A 560 MW natural gas combined-cycle plant<br>Owner: wholly owned by TransCanada OSP Holdings Ltd., a wholly owned subsidiary of TransCanada PipeLines Limited<br>Operator: TransCanada Power Operations Ltd. <sup>77</sup>                   |
| <b>Ravenswood</b> , Queens, NY   | A 2,480 MW Natural gas and oil Multiple-unit (21 unit) generating facility. The facility uses fuel-capable steam turbine, combined-cycle and combustion turbine technology.<br>Owner: wholly owned and operated by TransCanada <sup>78</sup> |
| <b>Redwater</b> , Redwater, AB   | A 40 MW natural gas cogeneration plant<br>Owner: wholly owned by TCE<br>Operator: TCE through contract with Williams Energy (Canada) <sup>79</sup>   |
| <b>Gas Storage</b>   |  |
| <b>ANR Storage Company</b> , US<br>www.gasnom.com  | Provides regulated underground natural gas storage service in the US (from facilities in Michigan). <sup>80</sup> It is part of the pipelines division. Customers on Great Lakes Gas Transmission and ANR system                             |
| <b>Edson Gas Storage Facility</b> , near Edson, AB   | Owned 100% by TransCanada. Non-regulated; 50 Bcf; storage in a depleted underground natural gas reservoir connected to the NGTL System <sup>81</sup>   |
| <b>CrossAlta Storage Facility</b> , Crossfield, AB   | Owned 100% by TransCanada; Non-regulated; 68 Bcf, storage in depleted underground natural gas reservoirs connected to NGTL System <sup>82</sup>  |

## 1.2 Executives

TransCanada's executive leadership team is made up of individuals with strong roots in the oil and gas industry. Many also have roles or connections to other organizations, some of which may be strategic targets for campaigning.

### **Russ Girling – President and Chief Executive Officer, 2014 compensation: \$7,865,000<sup>83</sup>**

Girling has worked for TransCanada for 20 years, and was previously President and Chief Operating Officer of TransCanada Pipelines Ltd before taking on his current position in 2010. Since 2006, he has also been on the board of directors of Calgary-based Agrium Inc. Agrium is an agricultural chemicals producer/supplier, and is Canada's 23<sup>rd</sup> largest corporation.<sup>84</sup> He is TransCanada's in-house registered lobbyist. In 2013, Girling reportedly earned \$8,700,009 making him the 29<sup>th</sup>-highest paid CEO in the biggest 100 Canadian publicly traded companies.<sup>85</sup> He is a former Director of the Canadian Energy Pipeline Association (CEPA), one of the most powerful industry lobbying groups in Canada. He is also former Chair of the Interstate Natural Gas Association of America (INGAA) and the Natural Gas Council (NGC). He graduated from the Haskayne School of Business at the University of Calgary.

### **Alexander J. Pourbaix – VP and President, Development, 2014 compensation: \$4,410,050<sup>86</sup>**

Pourbaix is responsible for leading and executing TransCanada's growth initiatives, and is accountable for corporate strategy. He is Chair of the Board of Directors of the Canadian Energy Pipelines Association (CEPA). He is also on the Board of Trican Well Services Ltd. (an international pressure pumping company). In 2013 McLean's Magazine named him one of the 50 most powerful Canadians.<sup>87</sup>

### **Karl Johansson – VP and President, Natural Gas Pipelines, 2014 compensation: \$2,580,900<sup>88</sup>**

Johansson is also a graduate of the Haskayne School of Business (University of Calgary).

### **Donald R. Marchand –VP and Chief Financial Officer, 2014 compensation: \$2,717,600<sup>89</sup>**

Other senior executives include: **Wendy Hanrahan**: Executive Vice-President, Corporate Services; **James (Jim) M. Baggs**: Executive Vice-President, Operations and Engineering; **William (Bill) C. Taylor**: Executive Vice-President and President, Energy; **Kristine L. Delkus**: Executive Vice-President and General Counsel; and **Paul Miller**: Executive Vice-President and President, Liquids Pipelines.

## 1.3 Notable advisors, employees, and former executives and board members

**Phil Fontaine, Advisor/Aboriginal Engagement** – Fontaine was National Chief of the Assembly of First Nations in Canada from 1997-2009. Since then, he has been active as an advisor to the energy industry on ways to manage Indigenous opposition. In September 2009 he became a 'Special Advisor' on aboriginal issues to the Royal Bank of Canada – a major funder of tar sands projects. In October 2013 he joined the Board of New Brunswick Power (similarly, to develop relations with First Nations). And in December 2013 he was hired by TransCanada to help win support for the Energy East pipeline from the

“180 aboriginal communities”<sup>90</sup> along the route. This work is being carried out through his consulting and mediation company, Ishkonigan (est. 2009).<sup>91</sup> An Ishkonigan presentation notes that Fontaine’s company (based in Akwesasne Mohawk Territory, near Cornwall, ON) was contracted by TransCanada to lead the aboriginal engagement process in six provinces—from Saskatchewan to Nova Scotia—with several goals listed, including to “Influence perceptions of oil pipelines” and “to ensure the project is permitted, approved and constructed.”<sup>92</sup> For taking on this controversial role with TransCanada, Fontaine has been ‘banned’ from the territories of some Indigenous communities (see Ch. [4.2.8](#) & [4.2.9](#)).

**Paul Elliott, Lobbyist** – Elliott is TransCanada’s primary U.S. lobbyist, based in Washington D.C.<sup>93</sup> As the company’s U.S. based director of government relations, Elliott engages with the Obama administration and members of Congress and the Senate. He also works with groups like the American Petroleum Institute and is on the Board of the Canadian American Business Council. Elliott also advises TransCanada’s leadership and manages a team of lawyers and political advisors.<sup>94</sup> Investigations of Elliott’s activities reveal that TransCanada had influence over the US Government’s review of Keystone XL. Elliott was a deputy director of Hillary Clinton’s presidential campaign in 2008/09 and TransCanada later hired him to lobby the U.S. State Department – overseen by Clinton – when it began its first environmental review of the pipeline.<sup>95</sup> Suspecting a conflict of interest, environmental groups filed a lawsuit to access correspondence between the State Department and TransCanada. Released documents show a close relationship between Elliott’s office and government policy makers involved in the review.<sup>vi</sup> Elliott was also discovered to have lobbied US politicians for at least a year and a half before registering—as required by law—as a lobbyist.<sup>96</sup>

**Bob Reid, President of the Aboriginal Pipeline Group (APG)** – The APG was formed in 2000, to represent the financial interests of First Nations in the Northwest Territories in the proposed Mackenzie Valley Gas Project. This \$16 billion project would include gas extraction and a 1,200 km (720 mile) pipeline. The companies developing the Mackenzie Project are Imperial Oil, ConocoPhillips, Shell, ExxonMobil and the APG (which owns one-third of the project). Three of the 4 Indigenous groups whose territory would be affected by the project are members of the APG. Despite heavy opposition from some Indigenous and environmental groups, the NEB approved the project in 2011 after a 7-year review process, however, it is on hold because of unfavourable business conditions (see Ch. [2.7.1](#)).

TransCanada has a strong financial stake in the project. In exchange for funding the APG since 2003, the company has stated that it is assured “a number of acquisition and expansion rights together with a financial return if the project goes ahead.”<sup>97</sup> The APG has been painted as an exemplary model for equitable inclusion of Indigenous people in extractive projects on their territories. Its ties with TransCanada, however, call this into question. Firstly, Bob Reid, a non-Indigenous person who had a 33-year career with TransCanada, including as President of Energy Transmission, is the current APG President.<sup>98</sup> Secondly, TransCanada will obtain an undisclosed part of the APG’s interest and profits from the project which could compromise any potential future benefits to Aboriginal communities.

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<sup>vi</sup> These documents are available via Friends of the Earth at: <http://www.foe.org/sites/default/files/FOIAdocuments.pdf>

**Wendy Dobson** – Dobson was on TransCanada’s Board of Directors for two decades, ending in 2012. She is a Professor and Co-Director at the University of Toronto’s Rotman Institute for International Business.<sup>99</sup> Her influence in Canada and internationally is considerable: among other roles, she was Canada’s Associate Deputy Minister of Finance, 1987-89. She was President of, and is now a Fellow at the C.D. Howe Institute, a pro-business think tank that claims credit for having “laid the intellectual ground” for continental free trade.<sup>100</sup> She is a member of influential international networks, including the Pacific Trade and Development network (PAFTAD). She is one of only 23 Canadian members of the invitation-only Trilateral Commission<sup>vii</sup> – a global policy group made up of government and business elites that, since the 1970s, has played a key role in shaping global economic policies to better serve the interests of transnational corporations.<sup>viii</sup> Several other individual members of the Trilateral Commission are also closely connected with TransCanada.

**Gordon Giffin** – former U.S. Ambassador to Canada, and current member of the Trilateral Commission. Giffin is a partner at McKenna Long & Aldridge, which is one of the two lobbying firms paid to lobby the U.S. Government on behalf of TransCanada.<sup>101</sup>

**Hal Kvisle** – President/CEO of TransCanada, 2001-2010. A member of the Trilateral Commission until 2012, he is currently President/CEO of Talisman Energy, and sits on the Boards of the Bank of Montreal and ARC Energy Trust. He is an Officer (and former Chair) of the Board of the Nature Conservancy of Canada, which has a strong relationship with TransCanada (see Ch. 3.8.8). He previously was Chair of the Boards of Mount Royal College and the Interstate Natural Gas Association of America (INGAA).

**Jim Prentice** – former Canadian Federal Minister of the Environment, former VP of CIBC bank, and Premier of the Province of Alberta from September 2014 until May 2015. He received sponsorship from TransCanada during his campaign for Premier.<sup>102</sup> And, as detailed in Chapter 3, Prentice remains the cabinet minister who has historically, been lobbied by TransCanada the most frequently. As North American Deputy Chairman for the Trilateral Commission (until 2014), he has had a leadership role in the Commission, and has consistently pressed for removal of regulations (or ‘impediments’) to free trade in energy in North America.<sup>103</sup>

## 1.4 TransCanada’s Board of Directors<sup>ix</sup>

TransCanada’s Directors are highly connected with other corporations, within and outside the energy sector. Many currently have, or have held influential government roles, and strong links with Universities. Although the Board is elected each year at the Annual Meeting of Shareholders, most have been in their positions for years. Individual Board members, as well as the other companies they represent, can be used as secondary targets for people and organizations campaigning against

<sup>vii</sup> The membership of the Trilateral Commission (June 2014) can be found on their website: <http://tinyurl.com/2014-trilateral>

<sup>viii</sup> For more, see: Tony Clarke, ‘The World Economy: Who’s Really in Charge? The Crisis of Global Economic Governance’ (Keynote Address, Group of 78 Annual Policy Conference), Ottawa, Sept. 23, 2011. <http://tinyurl.com/Clarke-GlobalGovernance>

<sup>ix</sup> Unless noted otherwise, the following information is taken from TransCanada’s ‘Management Information Circular’, Feb 19, 2014. Available at: <http://tinyurl.com/TC-2014-Circular>

TransCanada. Numerous successful campaigns have been waged against corporations using ‘secondary targets for action.’

**Kevin E. Benson, Director (corporate) since 2005** – Benson was President/CEO of Laidlaw International (2003-2007) and a Director of the Calgary Airport Authority from 2010-2013.

**Derek H. Burney, Director since 2005** – Burney is a Senior Strategic Advisor to Norton Rose Fulbright, a global business law firm that represents many of the world’s biggest energy, mining and financial firms. He chairs the international advisory board of Garda World, “the world’s largest privately-owned security firm,” that provides protection to clients in the diplomatic, development, defense and oil/gas sectors in “high threat and emerging markets.”<sup>104</sup> He is a Governor of the Ottawa Hospital, sits on the Advisory Board of Paradigm Capital (an investment dealer), and is Chancellor of Lakehead University (Thunder Bay, Ontario).

Before joining the corporate sector, Burney spent 3 decades in government. In early 2006, he headed the Conservative Transition Team for new Canadian Prime Minister, Stephen Harper. Previously, he was Chief of Staff to Prime Minister Brian Mulroney (1987-1989), and was a central player in the negotiations for the Canada-U.S. Free Trade Agreement and NAFTA. From 1989-1993, he was Canada’s Ambassador to the US.<sup>105</sup> As early as 2011, he began setting the stage for Energy East, by advocating exporting Alberta’s tar sands oil to Asia via a pipeline going east, rather than west, to skirt the regulation and opposition that pipelines like Northern Gateway (Enbridge) and Keystone XL are facing.<sup>106</sup>

**Paule Gauthier, Director since 2002** – Gauthier is a corporate and commercial lawyer (Senior Partner, Stein Monast L.L.P.). From 1996-2005, she chaired the Security Intelligence Review Committee (SIRC), which oversees Canada’s spy agency (CSIS). She is currently on the Boards of, among others, Metro Inc. (supermarket chain), Cosette Inc (marketing communications company), and RBC Dexia Investor Services Trust. She was formerly on the Boards of the Royal Bank of Canada and Rothmans. She has held various positions with Laval University, and is President of its Institut Québécois des Hautes Études Internationales.<sup>107</sup>

**Russell K. Girling, President and CEO, Director since 2010** – See Girling’s profile above.

**S. Barry Jackson, Chair of the Board, Director since 2002** – Jackson has worked in senior management positions in the oil and gas industry since 1974. He was the Chair of the Canadian Association of Petroleum Producers (CAPP) in 1997, former president of the Calgary Petroleum Club (a private club, particularly for oil and gas executives), and President/CEO of Crestar Energy Inc. from 1993-2000. He is a director of WestJet Airlines and Laricina Energy (oil and gas). He was formerly Chair of Resolute Energy and Deer Creek Energy.

**Paula Rospot Reynolds, Director since 2011** – Reynolds has been President/CEO of PreferWest, LLC (a business advisory group) since 2009, and is on the Boards of Anadarko Petroleum Corp. (oil & gas), Delta Air Lines, and BAE Systems Plc (aerospace, defence, information security). She was Vice-Chair and

Restructuring Officer of AIG Inc. (insurance/financial services) in 2008-09.

**John Richels, Director since mid-2013** – Since 2010, Richels has been the President/CEO of Devon Energy, an Oklahoma-based oil & gas production and energy infrastructure company. He is on the Board of BOK Financial Corp. (a financial services company), and is on the Board of Trustees of Oklahoma City University.<sup>108</sup> He Chairs the American Exploration and Production Council and previously was Vice-Chair of the Canadian Association of Petroleum Producers (CAPP).

**Mary Pat Salomone, Director (corporate) since Feb 2013** – Between 2010-2013, Salomone was Chief Operating Officer of Babcock & Wilcox (nuclear and fossil fuel energy technology). She is a trustee of the Youngstown State University Foundation (Youngstown, Ohio), and is on both the Advisory Boards of the University of Akron's School of Engineering (Akron, Ohio) and Youngstown State University's College of Science, Technology, Engineering and Mathematics.

**D. Michael G. Stewart, Director (corporate) since 2006** – He is on the Boards of Pengrowth Energy and Northpoint Resources (oil & gas), and the Canadian Energy Services and Technology Corp (oilfield services). A 40-year energy industry veteran, he was previously Director of C&C Energia and Orleans Inc. He is a member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta.

**Siim A. Vanaselja, Director since 2014** – As Executive VP & Chief Financial Officer of Bell Media and BCE Inc. since 2001, he has a long history with Bell, Canada's largest media/telecom company. He is on the Boards of Great-West Lifeco Inc. (its subsidiary, Great West Life Assurance, is Canada's largest insurance company); Maple Leaf Sports and Entertainment (which owns major sports franchises); and Bell Aliant Regional Communication.

**Richard ('Rick') E. Waugh, Director since 2012** – Waugh was President/CEO of Scotiabank ('The Bank of Nova Scotia') until November 2013. He is vice-chair of the Board of York University (Toronto), and a member of the Advisory Council of York's Schulich School of Business.<sup>109</sup> Through various roles, Waugh has been deeply involved in international efforts to reduce barriers for multinational corporations:

- He is a member of the Americas Society/Council of the Americas – an influential business society formed in 1965 by David Rockefeller to promote economic integration in the Americas and Caribbean— and is on the Chairman's International Advisory Council.<sup>110</sup>
- He is on the External Advisory Council of the Inter-American Development Bank (IDB).<sup>111</sup>
- He is Vice-Chair of the Institute of International Finance (Washington, DC), which is 'the Global Association of the Financial Industry'.<sup>112</sup>
- In 2006, Canadian PM Harper appointed Waugh to the 'North American Competitiveness Council', a group of 30 corporate leaders charged with guiding the work of the SPP (Security and Prosperity Partnership of North America).<sup>113</sup> The now-defunct SPP, aimed at deregulating trade, was widely denounced as undemocratic and pro-big business.
- Again in 2011, Harper appointed Waugh as co-chair of the new Canada-Brazil CEO Forum.<sup>114</sup>

## 1.5 University & College Links and Donations

**College of New Caledonia (CNC), British Columbia**<sup>115</sup> – In March 2015, CNC received \$250,000 in funding from TransCanada for its skills training programs and its Digital Delivery Initiative.<sup>116</sup>

**Northwest Community College (NWCC), British Columbia** – In March 2015, NWCC also received \$250,000 in funding from TransCanada for bursaries for Workforce Training & Continuing Studies and Trades students among other things.<sup>117</sup>

**University of Northern British Columbia (UNBC), British Columbia** – In August 2014, it was announced that TransCanada would contribute over \$80,000 to cover course costs for 24 students to undergo training.<sup>118</sup> British Columbia colleges and universities along the Coastal GasLink and Prince Rupert Transmission Project route were targeted by TransCanada for donations for training and education through their Pathway to Pipeline Readiness Program. These institutions include: the College of New Caledonia, Northern Lights College, Northwest Community College and the University of Northern BC.

**University of Calgary, Alberta** – The University’s **Haskayne School of Business** has intimate ties with TransCanada. In 2002 it was named after Richard Haskayne, in recognition of a \$16 million donation—the largest in the university’s history—by his family.<sup>119</sup> Haskayne was Chair of TransCanada from 1998 to 2005, and Chair of NOVA from 1992 to 1998, when the two companies merged. Current TransCanada CEO Russ Girling and his predecessor, Hal Kvisle, are both Haskayne graduates. By 2014, TransCanada had donated between \$250,000-\$500,000 to the School.<sup>120</sup>

Under Girling’s leadership, the company has made additional strategic donations to the University, including \$1 million to the School of Public Policy for the study of energy policy and regulation.<sup>121</sup> Gerald Maier, former CEO of TC Pipelines, donated \$1 million to the Schulich School of Engineering in 2007.<sup>122</sup> TransCanada has also supported the University’s International Resource Industries and Sustainability Centre (IRIS), and the School’s student co-op program.<sup>123</sup>

**Mount Royal University, Calgary** – In 2013, the company donated \$1 million, to fund the TransCanada Research Program for Learning Innovation and Collaborative Inquiry, and The TransCanada International Forum on Scholarship of Teaching and Learning.<sup>124</sup>

**University of Alberta, Edmonton** – TransCanada gave a \$1.5 million donation to the Faculty of Law in 2010, to fund the TransCanada Chair in Administrative and Regulatory Law.<sup>125</sup>

**University of Manitoba, Winnipeg** – TransCanada donated between \$100,000-\$500,000<sup>126</sup> to support the TransCanada Pipelines Graduate Fellowship, with two funds in engineering and science.<sup>127</sup>

**Brandon University, Manitoba** – By 2012, TransCanada had donated between \$10,000-\$50,000 to the university.<sup>128</sup>



**University of Waterloo, Waterloo** – In 2014, Adrian Gerlich, a professor at the University of Waterloo was named the NSERC/TransCanada Industrial Research Chair in Welding.<sup>129</sup>

**Ryerson University, Toronto** – Cumulative gift (as of 2010) of \$100,000-\$500,000<sup>130</sup>

**University of Toronto, Toronto** – Cumulative gift (as of 2008) of more than \$100,000.<sup>131</sup>

**Lakehead University, Thunder Bay, ON** – By 2006, TransCanada had donated over \$250,000 to Lakehead. Derek Burney, a TransCanada Board Member, is the Chancellor of Lakehead, as of 2013.

**Concordia University, Montréal, QC** – David O’Brien, former Chancellor of Concordia, and benefactor of its ‘David O’Brien Centre for Sustainable Enterprise’,<sup>132</sup> was on TransCanada’s Board from 2001-2011.

This list is not exhaustive. TransCanada also funds various specific projects, for example, in 2011; it funded research projects at the **University of Western Ontario, Windsor University, University of Alberta, and the University of British Columbia**.<sup>133</sup> It has also provided scholarships, including the TransCanada Pipeline Foundation Scholarships (2 x \$500, **College of the Rockies, BC**),<sup>134</sup> a TransCanada Pipelines apprenticeship Scholarship (**Province of Alberta**),<sup>135</sup> 3 scholarships in Power Engineering (\$60,000 **Cambrian College, ON**),<sup>136</sup> and a \$10,000 donation in 2013 (**Vermont Institute of Natural Science**).<sup>137</sup>

### 1.5.1 First Nations/Aboriginal grants and scholarships

**First Nations University of Canada, Regina, SK** - TransCanada has donated \$100,000 - \$250,000.<sup>138</sup>

TransCanada makes strategic investments in First Nations education and training. Some of these investments are listed below. [Chapter 3.8.9](#) lists other types of strategic investments in aboriginal communities.

The company has provided funding for Aboriginal students, especially those in programs related to the oil and gas industry, including:

- Partial funding for The Native Ambassador Post-Secondary Initiative (leadership training for youth 13-24) at the University of Calgary<sup>139</sup>
- TransCanada Aboriginal Education Scholarship, Mount Royal University, AB<sup>140</sup>
- TransCanada Aboriginal Education Program, Southern Alberta Institute of Technology
- TransCanada Award for Aboriginal Student, Grande Prairie Regional College, AB
- TransCanada Aboriginal Entrance Awards Program, Northern Alberta Institute of Technology<sup>141</sup>
- TransCanada Literacy Program (an 8-month employability skills program)<sup>142</sup>

## 1.6 Legal History (Selected Cases)

**Table 5 – Selected Cases**

| Case  | Description  | Status  |
|---|--|---|
| <p><b>CAEPLA vs. Enbridge and TransCanada (2007)</b></p> <p><i>Appellants: The Canadian Association of Energy and Pipeline Landowner Associations, et al. Respondents: Enbridge and TransCanada.</i></p> <p>Ontario Court of Appeal, 18 December 2007</p>   | <p>CAEPLA argued that the enactment of Pipeline Crossing Regulations by the National Energy Board in 1988 changed the responsibilities of and limitations on landowners in Canada. It argued that this created disadvantages for landowners and worked in favour of pipeline companies, in spite of easement agreements.</p>   | <p><i>Appeal dismissed, April 2008.</i><sup>143</sup></p>   |
| <p><b>Judicial Watch, Inc. vs. US Department of State (2012)</b></p> <p>US District Court for the District of Columbia, 12 July 2012</p>  | <p>Judicial Watch sought to compel the U.S. State Department to release the names of White House Officials and invitees to a “briefing on regulatory cooperation” on Keystone XL. It wished to know how involved Paul Elliott—a TransCanada employee and former deputy campaign director for Hillary Clinton—was in lobbying for Keystone XL.<sup>144</sup> (<i>See above, re: Paul Elliott, for documents that were acquired via FOIA.</i>)</p>   | <p><i>On request of the Department of State, the Judge dismissed the case, without a trial.</i></p> |
| <p><b>Sierra Club vs. Bostick (2013)</b></p> <p><i>Plaintiffs: Sierra Club, Clean Energy Future Oklahoma, East Texas Sub Regional Planning Commission. Defendants: Lt. Gen Thomas Bostick et al. (US Army Corps of Engineers); Intervenors: TransCanada Keystone Pipeline and TransCanada Corp.</i></p> <p>Trial court: US District Court (Western District of Oklahoma)<br/>Appeal Court: US Court of Appeals, Tenth Circuit</p> | <p>Sierra Club asked for an injunction against the construction of the Southern leg of KXL, on the grounds that the US Army Corps of Engineers had unlawfully granted the nationwide permit to TransCanada, and had violated the Clean Water Act, among others. TransCanada participated as an intervener in this case.</p> <p>The Oklahoma trial court denied the injunction (and the Appeal Court upheld their decision), ruling that it would cause greater economic harm to TransCanada than the ecological harm it would prevent.<sup>145</sup></p> <p>Through this decision, the lower court determined that the harm would be restricted to limited water bodies, and ignored the broader concerns raised by The Sierra Club.<sup>146</sup></p> | <p><i>Denied</i></p>  |
| <p><b>Centre for Biological Diversity et al vs. U.S. Department of State et al (2012)</b></p> <p><i>Plaintiffs: Centre for Biological Diversity, Western Nebraska Resources Council, Friends of the Earth. Defendants: US Department Of State, US Fish</i></p>  | <p>The plaintiffs alleged that the U.S. Fish and Wildlife Service was being unlawful when it concurred with the US State Department’s Environmental Review of Keystone XL, which stated that the pipeline was unlikely to harm endangered species like whooping cranes and American burying beetles.</p> <p>The Fish and Wildlife service issued, prior to a Presidential permit being issued for KXL, a permit for relocation of the burying beetles. The plaintiffs maintained that this was unlawful and irreversibly caused harm to the beetles.<sup>147</sup></p>   | <p><i>Dismissed</i></p>   |

|  |   |  |
|--|---|--|
| <p><i>And Wildlife Service, US Bureau Of Land Management, et al.</i></p> <p>Nebraska District Court</p>  | <p>On February 29 2012, the District Court dismissed the case.<sup>148</sup></p>  |  |
| <p><b>The Natural Resources Defense Council (NRDC) et al vs. The U.S. Department of State (2009)</b></p> <p>U.S. District Court for the District of Columbia</p>   | <p>This case was intended to stop the development of Keystone XL. The NRDC claimed that the limited scope of the State Department’s Environmental Impact Statement deprived the plaintiffs – the Natural Resources Defense Council, Dakota Resource Council, and Dakota Rural Action – of their right to participate fully in the process.<sup>149</sup></p>  | <p><i>Dismissed</i></p>  |
| <p><b>a. Thompson et al., vs. Dave Heineman et al. (February 19, 2014)</b></p> <p><i>Randy Thompson, Susan Leubbe, and Susan Dunavan (Plaintiffs) vs. Dave Heineman, Patrick Rice and Don Stenberg (Defendants)</i></p> <p>District Court of Lancaster County, Nebraska</p> <p><i>and</i></p> <p><b>b. Thompson et al., vs. Dave Heineman et al. (Jan 9, 2015)</b></p> <p>Nebraska Supreme Court</p> | <p>One of the most significant cases for TransCanada’s future in the U.S. concerns Nebraska landowners. Three landowners fought to prevent their land from being forcibly acquired by TransCanada for the proposed Keystone XL pipeline. They challenged a law passed by the Nebraska legislature, used to fast track the pipeline’s approval, and argued that it was especially created for TransCanada’s benefit, thus unconstitutional. The law, LB 1161, allowed Nebraska Governor David Heineman and TransCanada to avoid State regulators, by giving the Governor power to approve the use of eminent domain to acquire land.<sup>150</sup> In 2014 a Lancaster judge declared the Governor’s approval of the KXL route null and void, and struck down the law.<sup>151</sup></p> <p>The State appealed this ruling. In January 2015, 4 of the 7 Supreme Court judges found in favour of the landowners, while 3 declined to respond (citing a lack of standing by the landowners). Since a ‘supermajority’ of 5 judges was needed to overrule LB 1161, the law stood by default. In the majority opinion, the Court wrote: “We believe that Nebraska citizens deserve a decision on the merits. But the supermajority requirement ... coupled with the dissent’s refusal to reach the merits, means that the citizens cannot get a binding decision from this court.”<sup>152</sup> TransCanada promptly began eminent domain lawsuits against Nebraska landowners still opposed to allowing the pipeline through their land.<sup>153</sup> Also of note is that less than two weeks after the Nebraska Supreme Court ruling, two more lawsuits were put forward by landowners opposing the Keystone XL.<sup>154</sup></p> | <p><i>February 2014: Judgement in favour of landowners</i></p> <p><i>January 2015: Supreme Court allowed Keystone XL in Nebraska to go forward</i></p>     |
| <p><b>Crawford family partnership vs. TransCanada Keystone Pipeline, LP (2013-2014)</b></p> <p>6<sup>th</sup> Appellate Court of Texas</p> <p><i>and</i></p> <p>Texas Supreme Court</p>  | <p>Julia Trigg Crawford sued TransCanada for having illegally used eminent domain to take part of her land in Texas (for the Gulf Coast leg of KXL). The company was able to use eminent domain by declaring the pipeline a public ‘common carrier’. Crawford claimed, among other things, that because the pipeline would carry mostly Canadian bitumen (but no Texas oil), TransCanada could not use Texas’ ‘common carrier’ clause.</p> <p>TransCanada attempted to prevent Crawford from starting the appeals process, but in 2014, the Texas Supreme Court ruled in her favour, allowing her to do so.<sup>155</sup> The Court later denied rehearing the case, on May 9, 2014.<sup>156</sup></p>  | <p><i>Aug 2013: The 6<sup>th</sup> Appellate Court ruled in favour of TransCanada</i></p> <p><i>May 2014: Texas Supreme Court declined a rehearing</i></p> |

|   |  |   |
|---|--|---|
| <p><b>Michael Bishop vs. TransCanada (2012, 2013, 2014)</b></p> <p>Bishop v. TransCanada Keystone Pipeline LP, CV1213077, County Court at Law, Nacogdoches County, Texas (2012)</p> <p>Bishop vs. Army Corps of Engineers (2013)</p> <p>Bishop v. TransCanada Keystone Pipeline LP, 12<sup>th</sup> Court of Appeals District of Texas (2014)</p> | <p>Bishop is one of the Texas landowners who has engaged in multiple court battles with TransCanada. This has included restraining orders granted against each party. Bishop received a lawsuit for condemnation (the process of seizing property via eminent domain). In 2012, he was told that if he refused TransCanada’s final financial offer, the Veteran’s Land Board (which held his mortgage) would immediately foreclose his property. Bishop signed the easement contract, allowing TransCanada to access his land, but claimed that he was coerced into doing so.<sup>157</sup></p> <p>In January 2014, Bishop sought nullification of this contract but the County Court declined to hear the case.<sup>158</sup> Bishop also brought a case against government agencies that had issued permits to TransCanada, including the Railroad Commission of Texas, and the US Army Corps and Attorney General.<sup>159</sup></p>    | <p><i>Dismissed (2014)</i></p>                              |
| <p><b>Craig Barry vs. TransCanada Corp. and Jammin Dowd Land Services (October 2013-)</b></p>   | <p>Barry was one of 12 land agents hired to approach New Brunswick residents along the proposed Energy East pipeline route, and to offer them \$1,000 to let TransCanada survey their land. Barry was hired through a TransCanada subcontractor, Jammin Dowd Land Service. He claims that when he conveyed the worries of people he met (about the pipeline’s possible impacts), TransCanada was “perturbed” and said he was “in bed with the citizens of New Brunswick.” He claims that TransCanada got Jammin Dowd to fire him wrongfully, and began a lawsuit against both companies.<sup>160</sup></p>   | <p><i>Current Status: Unknown</i></p>                       |
| <p><b>Centre Québécois Du Droit De L'environnement vs. Oléoduc Énergie Est Ltée / Energy East Ltd. (2014)</b></p> <p><i>Plaintiffs: David Suzuki Foundation, Nature Quebec, the Canadian Parks and Wilderness Society, and the Quebec Centre for Environmental Law</i></p> <p>Superior Court of Quebec</p>  | <p>A coalition of Quebec organizations asked for an injunction to stop TransCanada’s exploratory drilling near Cacouna, Quebec (site of a proposed oil export terminal, to be fed by the Energy East pipeline), saying that it threatened a nursing ground for beluga whales.<sup>161</sup> The judge ruled that the Quebec Environment Ministry had granted TransCanada a permit for drilling without adequate information on potential impacts on the environment. The judge issued an injunction prohibiting TransCanada from working on the site until October 15, 2014.<sup>162</sup></p> <p>In late 2014, the Committee on the Status of Endangered Wildlife in Canada recommended that beluga whales be placed on the endangered species list. The company has stated that the decision had forced it to stop any further work at Cacouna, and ultimately influenced the decision to abandon the site altogether.<sup>163</sup></p> | <p><i>Injunction Granted in Favour of the Coalition</i></p> |

### TransCanada as Plaintiff

TransCanada brings frequent lawsuits against landowners in the course of clearing routes for pipelines. Given the high legal costs for individuals, many cases are settled out of court. This section, therefore, does not describe specific legal action by the Company against landowners. In Texas alone, TransCanada had brought over a hundred eminent domain claims by mid-2012; this means that it has sued over 10% of the 850 landowners on the Texas leg of Keystone XL. Only fifty ended up as judgments.<sup>164</sup>

**Table 6 – TransCanada as Plaintiff**

| Case   | Description  | Status   |
|--|--|--|
| <p><b>TransCanada vs. Great Plains Tar Sands Resistance et al (2013)</b></p> <p>District Court of Atoka County, Oklahoma</p> | <p>In May 2013, TransCanada filed for a temporary restraining order<sup>165</sup> against Great Plains Tar Sands Resistance and 21 individual protestors. The judge granted a limited restraining order only against three of the named individuals, who had previously been arrested.</p>   | <p><i>Partially granted</i></p>                        |
| <p><b>TransCanada vs. Beebe (2012)</b></p> <p>402th Texas Judicial District Court (Wood County)</p>                          | <p>TransCanada won a permanent injunction against 3 groups - Tar Sands Blockade, Rising Tide North America and Rising Tide Texas - and 20 protestors. The parties settled out of court on January 25, 2013. Under threat of a Strategic Lawsuit Against Public Participation (SLAPP) for \$5 million in damages, the defendants agreed to not trespass on TransCanada pipeline easements or offices.<sup>166</sup></p> | <p><i>Injunction granted; settled out of court</i></p> |

### First Nations lawsuits

Two high-level court cases brought by Indigenous Nations in Canada are discussed below. Both revolved around their right to be consulted about major TransCanada pipeline projects affecting them.

**Table 7 – First Nations lawsuits**

| Case  | Description  | Status                  |
|---|--|-------------------------|
| <p><b>Brokenhead Ojibway First Nation vs. Canada, the NEB, TransCanada and Enbridge (2009)</b></p> <p><i>Applicants: the Treaty One First Nations (Brokenhead Ojibway, Long Plain, Swan Lake, Fort Alexander, Roseau River Anishinab, Peguis and Sandy Bay)</i></p> <p><i>Respondents: Attorney General of Canada, The National Energy Board, TransCanada Keystone Pipeline GP Ltd. and Enbridge Pipelines Inc.</i></p> <p>Federal Court of Canada, 12 May 2009</p> | <p>The Treaty One First Nations assert claims over large areas of southern Manitoba. They challenged the approval by the NEB and Cabinet of three pipelines: Keystone (TransCanada), Southern Lights, and the Alberta Clipper Expansion (Enbridge). They argued that the Crown had failed—including by ignoring their repeated requests for meaningful consultations about impacts on their communities—in its duty to adequately consult them before granting approvals.</p> <p>The judge acknowledged that the attempt by the First Nations to engage with the Crown had been met with no response, but denied their claim, partly because he found the NEB and company-led consultation and accommodation process sufficient. The implication was that notifying the community of a project could be considered adequate. He conceded that they had a credible land claim, but decided that the pipelines would have minimal impact for the communities.</p> <p>The decision is important, however, because the judge asserted that certain projects can have a profound cumulative impact on Aboriginal interests, and that <i>“It follows from this that the NEB process may not be a substitute for the Crown’s duty to consult where a project under review directly affects an area of unallocated land which is the subject of a land claim or which is being used by Aboriginal peoples for traditional purposes.”</i><sup>167</sup></p> | <p><i>Dismissed</i></p> |

|  |  |                         |
|--|--|-------------------------|
| <p><b>Sweetgrass and Moosomin vs. Canada, NEB and TransCanada (2009, 2010)</b></p> <p><i>Applicants: Sweetgrass and Moosomin First Nations</i></p> <p><i>Respondents: Attorney General of Canada, NEB, TransCanada Keystone Pipeline GP Ltd.</i></p> <p>Federal Court of Appeal (Oct. 2009)<br/>and<br/>Federal Court of Canada (May 2010)</p> | <p>The First Nations had brought a motion for an interim stay of the NEB hearing on the Keystone XL pipeline. They asserted that the decision by the Crown to not consult with them about the construction of an Alberta-Saskatchewan segment of the pipeline was a violation of their rights. They also asserted that the Crown’s ‘discharging’ of its duty to consult to the NEB was not appropriate. In May 2010, The Federal Court dismissed the case.<sup>168</sup></p> <p>In the previous year, the same applicants had been involved, together with other First Nations in four appeals (considered together) to set aside the decisions of the NEB approving three separate pipelines. On October 23, 2009, the Federal Court of Appeal dismissed the appeals with costs to the Respondents.<sup>169</sup></p> | <p><i>Dismissed</i></p> |
| <p><b>ACFN vs. Alberta (2015)</b></p> <p>Applicant: Athabasca Chipewyan First Nation<br/>Respondents: Alberta, as represented by the Minister of Aboriginal Relations (Alberta Consultation Office)</p> <p>Court of the Queen’s Bench of Alberta</p>   | <p>The Athabasca Chipewyan First Nation (ACFN) is challenging Alberta’s decision to not consult the ACFN over TransCanada’s Grand Rapids Pipeline Project.<sup>170</sup> The Alberta Energy Regulator approved this major bitumen pipeline in 2014, soon after the ACFN had withdrawn from the hearings process in protest of alleged bias. (See case study, Ch. <a href="#">4.2.5</a>).</p> <p>In July 2014, the Alberta Consultation Office determined that the ACFN had no right to be consulted. According to Chief Adam of the ACFN, Alberta had advised TransCanada of this decision without informing the community.<sup>171</sup></p>  | <p><i>Ongoing</i></p>   |

## 1.7 Government agencies that regulate TransCanada’s projects

Energy regulators are government agencies that review proposals for energy related projects—such as pipelines, LNG plants or refineries—to determine whether to approve their construction. They also monitor projects during their ‘lifetimes’ to ensure that safety and environmental regulations are followed.

- In the U.S., the main pipeline regulators are: the Federal Energy Regulatory Commission (FERC), the Pipeline Hazardous Materials Standard Administration (PHMSA), and the State Department. State bodies also have strong roles.
- In Mexico, the National Hydrocarbon Commission (Comisión Nacional de Hidrocarburos) and the Energy Regulatory Commission (Comisión Reguladora de Energía) play the same roles. However, the end of 2013 saw the start of reforms that will ‘open up’ and re-work Mexico’s entire energy sector.
- Canada’s energy and pipeline regulators are as follows:

**The National Energy Board (NEB), Canada** – The NEB has a mandate to be an independent, impartial regulator of pipelines and energy development and trade. It is responsible for reviewing inter-provincial

pipelines, or those longer than 40km, and for making recommendations to the Cabinet of the Canadian Government. In 2012, limits were put on public participation in NEB hearings, and a 15-month window was enforced for reviewing projects. Correspondingly, the role of the Canadian Environmental Assessment Agency was reduced, with the NEB taking on environmental oversight of pipelines. The NEB is 90% industry-funded, and according to the founder of CAEPLA (Canadian Association of Energy and Pipeline Landowner Associations) in 2011, four pipeline companies—TransCanada, Enbridge, Spectra and Kinder Morgan—provide most of its budget.<sup>172</sup>

In June 2014, the Federal government appointed a new Chair and Vice Chair of the NEB for seven-year terms. Peter Watson, a senior Alberta government insider, was named the new Chair/CEO. Lyne Mercier was named Vice Chair; she is a long-time industry insider, having worked at Gaz Métro, a major pipeline company, for decades.<sup>173</sup> Aside from the Board's leadership, its members are meant to have a range of expertise in environment, economics, safety, etc, in order to judge the impacts of projects. Yet the majority (in 2014-2015) have backgrounds in the energy sector.<sup>174</sup> One example is Bob Vergette, a former Vice President at Trans Mountain Pipelines.<sup>175</sup>

A Polaris Institute study in 2012 of lobbying in Canada noted the “revolving door” between powerful industry associations and the NEB. For example, six employees and executives of the Canadian Association of Petroleum Producers (CAPP) had held positions at the NEB. The current President/CEO of the Canadian Energy Pipelines Association (CEPA) is Brenda Kenny, who, immediately before joining CEPA, spent nearly 10 years at the NEB.<sup>176</sup> Canada's lobbying registry indicates that CEPA is now the most frequent lobbyist of the National Energy Board (see Ch. [3.1.2](#)).

**The Alberta Energy Regulator (AER)** – The AER oversees projects within Alberta. It was created in 2013, to take on all environmental regulation, as well as allocation of water for use in fracking. It is 100% industry funded.<sup>x</sup> Other provincial agencies, such as the **Ontario Energy Board** and the **BC Oil and Gas Commission**, also play roles in regulating particular projects.

[Chapter 3.4](#) explores how some personnel used the industry/government revolving door at the AER, putting more doubt in its ability to serve the public interest. For instance, the AER's approval of TransCanada's Grand Rapids pipeline in 2014 has been pointed to as demonstrating the extent to which it caters to industry at the expense of affected communities (see Ch. [4.2.5](#)).

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<sup>x</sup> For more information on the Alberta Energy Regulator see: <http://www.aer.ca>

## Chapter 2 - Economic Profile

This chapter discusses TransCanada’s financial performance and its economic vulnerabilities, lists its main competitors, markets, and joint ventures and details the company’s plans for new pipeline projects.

### 2.1 Financial Results

(All dollar figures in Canadian dollars unless otherwise noted)

**Size and sales:** TransCanada is the second-largest pipeline company in Canada by revenue after Enbridge. By late 2014, TransCanada had plans to spend \$46 billion to build new pipelines (and power plants), all of which it claims are “underpinned by long-term contracts” with companies that want to use the pipelines to ship their products.<sup>177</sup>

Globally, it was ranked 390<sup>th</sup> in Forbes’ list of the world’s 2000 biggest companies in 2014.<sup>178</sup> In Canada, TransCanada Corp. placed 26<sup>th</sup> while its main subsidiary TransCanada Pipelines placed 25<sup>th</sup> in the top 1000 corporations, ranked by profit in 2012.<sup>179</sup> In the rankings by revenue, TransCanada was 49th among the 500 biggest Canadian corporations in 2013.<sup>180</sup>

In 2014, it had sales (revenues) of \$10.19 billion, of which \$1.99 billion was profit, and its assets were estimated to be worth \$58.9 billion.<sup>181</sup>

**Table 8 – Revenues by region, 2012, 2013 and 2014**

| Region                | Annual revenue (\$CND) |                     |                     |
|-----------------------|------------------------|---------------------|---------------------|
|                       | 2014                   | 2013                | 2012                |
| Canada – Domestic     | 4.02 billion           | 4.66 billion        | 3.53 billion        |
| Canada – Export       | 1.31 billion           | \$997 million       | 1.12 billion        |
| United States         | 4.65 billion           | 3.03 billion        | 3.25 billion        |
| Mexico                | 197 million            | 112 million         | 107 million         |
| <b>Total revenues</b> | <b>10.18 billion</b>   | <b>8.79 billion</b> | <b>8.00 billion</b> |

**Table 9 – Revenues by business segment, 2004-2014**

| Year        | Gas Pipelines  | Oil Pipelines  | Energy         | Total annual revenue |
|-------------|----------------|----------------|----------------|----------------------|
| <b>2014</b> | \$4.91 billion | \$1.55 billion | 3.73 billion   | \$10.19 billion      |
| <b>2013</b> | \$4.49 billion | \$1.12 billion | \$3.17 billion | \$8.79 billion       |
| <b>2012</b> | \$4.26 billion | \$1.03 billion | \$2.70 billion | \$8.00 billion       |
| <b>2011</b> | \$4.50 billion | \$827 million  | \$3.81 billion | \$9.13 billion       |
| <b>2010</b> | \$4.37 billion | ---            | \$3.69 billion | \$8.06 billion       |
| <b>2009</b> | \$4.72 billion | ---            | \$3.45 billion | \$8.18 billion       |
| <b>2008</b> | \$4.65 billion | ---            | \$3.96 billion | \$8.61 billion       |



|             |                |     |                |                |
|-------------|----------------|-----|----------------|----------------|
| <b>2007</b> | \$4.71 billion | --- | \$4.11 billion | \$8.82 billion |
| <b>2006</b> | \$3.99 billion | --- | \$3.53 billion | \$7.52 billion |
| <b>2005</b> | \$3.99 billion | --- | \$2.13 billion | \$6.12 billion |
| <b>2004</b> | \$3.91 billion | --- | \$1.19 billion | \$5.10 billion |

## 2.2 TransCanada's Financial Vulnerabilities

**Profitability** – TransCanada's profit margin of around 20% is considered strong, but according to at least some, unacceptably inconsistent, as profits have ranged from 16.9–20.3% over recent years.<sup>182</sup> Moreover, in October 2014, the Globe and Mail noted that this margin was lower than for comparable companies in the industry, showing that it is less effective at turning revenues into profit.<sup>183</sup> According to one analyst, the justifications for TransCanada's current 'expensive' stock prices (in relation to the earnings they generate) rely on excessively optimistic projections of future revenue.<sup>184</sup> As explored below, even small cost increases for pipeline companies can affect their bottom lines.

**Debt** – TransCanada is carrying a long-term debt of \$23.51 billion (in late 2014).<sup>185</sup> Its twelve-month Debt-to-Equity ratio of 121.2% is high, indicating that it has to borrow money in order to grow. For investors, high debt can mean high risk.<sup>186</sup>

**Growth and Uncertainty** – TransCanada's growth, while significant, has been dogged by delays to KXL. Compared to Enbridge, it is expected to grow at a slower rate.<sup>187</sup> From 2009 to 2013, Enbridge stock has returned 133%, compared with TransCanada's 45%.<sup>188</sup>

According to current CEO Russ Girling, the company will be able to maintain its historical pace of growth if just half of its proposed projects come into service by 2020.<sup>189</sup> From another point of view, this means that delays to its proposed projects would seriously slow the company's growth. Moreover, delays vastly increase the costs of already expensive projects. Years of delays to KXL have almost doubled its projected cost, from \$5.4 billion (USD) to \$8 billion (USD).<sup>190</sup>

Keystone XL and Energy East alone represent almost half of the company's \$46 billion in plans. Most of its planned projects cannot begin earning revenues for several years, and many have not received formal approval. This means that much of its future success relies on approval and successful construction of mega-projects that are in regulatory limbo or have uncertain futures, due to public opposition.

One reason TransCanada needs to push new mega-pipelines is that some of its old pipelines are becoming obsolete. Its historical backbone, the Canadian gas mainline, is ill positioned to tap into the new shale gas discoveries.<sup>191</sup> This shows that TransCanada cannot solely bank on the strength of its past successes.

## 2.3 Economic Vulnerabilities of the Pipeline Industry

Aside from its specific weaknesses, TransCanada is subject to economic uncertainties that especially affect the largest pipeline companies working in transportation of ‘extreme energy’ products. Guided by business-as-usual assumptions, industry predicts ever-increasing growth for fossil fuel producers and pipeline companies. This assumption is losing credibility.

Pipeline companies depend on the strength of the oil & gas extraction industry, and vice versa. In addition to rapidly declining oil prices, the shortage of export pipelines is a serious problem for Canada’s energy industry. This “chokepoint” (along with the inferior quality of the oil) means that companies sell Alberta bitumen for \$24/barrel less than West Texas Intermediate crude.<sup>192</sup> Chevron Canada’s president has complained that the discounts caused by pipeline bottlenecks mean “losses” in profits of \$18 billion/ year.<sup>193</sup> Export Development Canada says that the discount will fall to \$18/barrel by the end of 2015, but will only fall more if “substantial” new pipelines are built.<sup>194</sup>

In addition, tar sands projects and pipelines may be too marginal to be profitable if governments take steps to reduce the climate footprint by putting a price on greenhouse gas (GHG) emissions. In an internal document, employees from the Canadian Association of Petroleum Producers (CAPP) concluded that if Alberta imposed stronger climate regulations it would “increase costs, possibly lowering investments and reducing production.”<sup>195</sup> According to the NRDC, this confirms that industry is bluffing when it claims publicly that if pipelines are not built, oil will instead simply be moved by the more dangerous option of rail. This is because rail transport costs \$5-\$20 more per barrel than pipelines.<sup>196</sup> One estimate is that it costs \$31/barrel to transport bitumen from Alberta to the Gulf Coast by rail, compared to \$8-\$9.50/barrel by pipeline.<sup>197</sup> This seems to indicate that pipelines are ultimately the only vehicle that could allow the tar sands industry to grow while remaining profitable.

Finally, the industry myth that new individual pipelines will *not* lead to increased tar sands extraction—a myth particularly embraced by Keystone XL advocates—seems to be easily disproven. Each new major pipeline would allow oil to be exported more cheaply, making its extraction more appealing to new investors. In 2013, the International Energy Agency calculated that if the KXL and Alberta-BC pipelines were built quickly, **“oil sands production could easily grow 1 Mbd (million barrels per day) higher than we project.”**<sup>198</sup>

**Unburnable carbon** – Oil and gas extraction and pipeline companies base their visions of their future growth on all ‘recoverable assets’ – including what the Canadian Centre for Policy Alternatives (CCPA) calls ‘unburnable carbon.’ This refers to reserves that must be left untouched, for the sake of avoiding catastrophic climate change. The CCPA estimates that 78% of Canada’s proven reserves are ‘unburnable’, and argues that Canada is experiencing a ‘carbon bubble’ (meaning that fossil fuel companies have vastly overvalued share prices).<sup>199</sup> Investment advisors and others are developing ways to quantify the dangers of investing in fossil fuels, particularly unconventional fuels. The concepts of

‘unburnable carbon’ and ‘stranded assets’ allow a clear understanding of these risks, and are useful in campaigning for divestment and alternatives.

**Stranded Assets**—The Carbon Tracker Initiative (CTI)<sup>200</sup> has used economic modelling to show that many fossil fuel projects will have to be abandoned, and will become worthless. CTI found that trillions of dollars are already invested in such projects, in places where extraction and exploration is difficult and expensive. These investments may become ‘stranded’ if the price of and demand for oil and gas does not follow predictions, if costs rise, or if investment falls.<sup>201</sup> This has already happened in the tar sands. For example, Total E&P closed the \$11 billion Joslyn mine in mid-2014 due to unfavourable economics (including shortage of pipelines). The concept has made it into mainstream debate, and Canada’s Finance Minister used the term to stress the need for export pipelines.<sup>202</sup>

## 2.4. Divestment Tools

Many investors are already stepping away from the industry, for practical as well as environmental reasons. The petro-divestment movement has been called ‘unstoppable’<sup>203</sup> and has received high-profile support. However, some divestment campaigns target only extractive companies, and so it is important to press for their inclusion of pipeline companies like TransCanada. Campaigns focus mostly on university, pension, and philanthropic funds.

Oxford University’s Stranded Assets Programme found that the ‘stigmatisation process’ that divestment campaigns create pose a far-reaching threat to the entire value chain. Divestment can also influence legislation—such as the imposition of a carbon tax—that could have major direct impacts on industry.<sup>204</sup> See [Chapter 5](#) for details on TransCanada’s shareholders, including banks, hedge funds, universities and pension funds, as well as shareholder activism and divestment campaigns specifically targeting TransCanada.

The following is a list of existing campaign tools, such as divestment advisors and campaigns, fossil-free stock indexes, and carbon valuation tools:

- Socially responsible investment firms can enable divestment from pipeline companies. For example, Trillium Asset Management offers guidance on how to divest from fossil fuels and reinvest in sustainable areas.<sup>205</sup>
- Divestinvest.org offers support for universities, philanthropic funds and individuals. In 2014, funds worth \$2 billion pledged to divest from fossil fuels and redirect the funds to clean energy. See: <http://divestinvest.org/resources/>
- 350.org created Fossil Free, a global divestment campaign that focuses on the biggest 200 extractive companies. Many prominent universities, cities, counties, religious and other institutions have already divested. See: <http://gofossilfree.org/commitments/>. In Canada, the

McGill Students Society has committed to divest, and at least 15 groups at universities (including those with shares in TransCanada) are campaigning to do so. See: <http://gofossilfree.ca>.

- Stock market indexes help investors track the performance of a group of stocks. Several fossil free stock indexes have been developed to enable the transition to a low-carbon economy. See: <http://fossilfreeindexes.com>.
- Mainstream financial groups are also developing tools, based on the understanding that many investors increasingly want to protect themselves from the stranded assets/carbon bubble threat. To this end, Bloomberg is working on a carbon risk valuation tool.<sup>206</sup> BlackRock (the world's biggest fund manager) and FTSE (the global index provider) developed the 'ex Fossil Fuels' series of stock market indexes,<sup>207</sup> to help fund managers accommodate fossil fuel-averse clients.<sup>208</sup>

## 2.5 TransCanada's main customers and markets

**Institutional customers** – Companies that book capacity on proposed pipelines, in refineries and in export terminals, have a stake in their successful construction. Companies that have engaged TransCanada to build pipelines to supply their oil or LNG facilities, such as Shell and Petronas, are its major customers (see 'future plans' below).

Canadian Natural Resources Ltd (CNRL), the country's biggest heavy oil producer, has committed to shipping 80,000 barrels per day (bpd) on Energy East, 120,000 bpd on KXL, and 75,000 bpd on Kinder Morgan's Trans Mountain.<sup>209</sup> Other Energy East shippers include Irving Oil,<sup>210</sup> Suncor, Cenovus, and potentially Husky Energy and Imperial Oil.<sup>211</sup> Many of the biggest producers could use all the new pipelines. For example, Cenovus has booked up to 450,000 bpd of oil capacity on the KXL, Energy East, Trans Mountain, and Northern Gateway pipelines.<sup>212</sup> Total E & P is 'a confirmed shipper' on KXL<sup>213</sup> and other shippers include Suncor, Imperial Oil and Cenovus, and CNRL is a probable KXL customer.<sup>214</sup>

Alberta has thrown its political support behind Energy East, and to prove it, the province "has committed to ship 100,000 barrels per day of its royalty crude for 20 years on Energy East—an agreement worth \$5 billion in tolls over the period."<sup>215</sup>

**Major markets and key future markets** – TransCanada's major markets are in Canada, the US and to a lesser extent Mexico, and Latin America. A recent explosion in shale production in the United States has enabled the country to produce most of its own energy needs. This means that TransCanada and its Canadian shippers must find new markets beyond the US.

Future markets for TransCanada's shippers include Pacific Rim Asian countries for LNG, and India, Europe, and the US East and Gulf Coasts for oil.<sup>216</sup> In addition, ExxonMobil is upgrading its Belgium refinery to process bitumen,<sup>217</sup> and Spain<sup>218</sup> and Italy<sup>219</sup> have already received tankers of bitumen. These countries are likely to be future markets for bitumen shipped on the proposed Energy East pipeline.

## 2.6 Main Competitors

TransCanada's main competitors in the North American pipeline industry are:

**Oil & Gas Producers** – Many major global producers such as Chevron operate their own pipeline companies. For example, ExxonMobil transports 2.7 million bpd in the US,<sup>220</sup> and BP also moves 1.6 million bpd of oil/gas in the US.<sup>221</sup>

**Enbridge** – Based in Calgary, Enbridge is Canada's largest pipeline company. It runs the Canadian mainline and Lakehead systems, transporting oil across Canada and to the US, as well as gas networks. It has 10,000 employees,<sup>222</sup> with a total revenue of \$37.6 billion in 2014.<sup>223</sup> Among its planned bitumen pipelines are the Northern Gateway (BC) and Line 9 reversal (Ontario-Quebec). By modifying its Alberta Clipper and Line 3 pipelines, it aims to ship more diluted bitumen to the U.S. Both Enbridge and TransCanada plan to develop massive gas projects in the McKenzie Valley area (NWT). Through its Flanagan South and Seaway pipelines, it will access the same Gulf Coast refineries as KXL.<sup>224</sup> Enbridge and others are campaigning against Energy East, arguing that it will raise natural gas prices for consumers,<sup>225</sup> and that its promise to reduce Quebec's reliance on imported oil is not needed, as Enbridge's Line 9 will fill that need.<sup>226</sup> Web: [www.enbridge.com](http://www.enbridge.com)

**Kinder Morgan** – Based in Houston, Texas with Canadian headquarters in Calgary. It has 11,075 employees,<sup>227</sup> and its total revenue for 2014 was \$16.2 billion (USD).<sup>228</sup> Its most controversial Canadian project is its Trans-Mountain pipeline (the only current Alberta-West Coast tar sands pipeline) expansion, to triple its capacity to 900,000 bpd. Web: [www.kindermorgan.com](http://www.kindermorgan.com)

**Plains GP Holdings** – Based in Houston, and has 4,900 employees.<sup>229</sup> Its 2014 total annual revenue was \$43.5 billion (USD).<sup>230</sup> It is the parent of *Plains All American Pipeline* ([www.paalp.com](http://www.paalp.com)), of which *Plains Midstream Canada* (Calgary) is a subsidiary. ([www.plainsmidstream.com](http://www.plainsmidstream.com))

**Spectra Energy** – Based in Houston and operates in the US/Canada. It has 5,800 employees,<sup>231</sup> and in 2014 had a total revenue of \$5.9 billion (USD).<sup>232</sup> **West Coast Energy** is its Canadian subsidiary, active mostly in B.C.. Web: [www.spectraenergy.com](http://www.spectraenergy.com)

**Gaz Métro (VNR)** – Based in Quebec and has \$5 billion in assets, including a 10,000 km (6,000 miles) gas network in Quebec. Enbridge owns 38.89% of the company. Web: [www.gazmetro.com](http://www.gazmetro.com)

**The Williams Companies** – Based in Tulsa, Oklahoma and works in all aspects of the gas and oil industry. It has 4,909 employees,<sup>233</sup> and its total revenue for 2014 was \$7.6 billion (USD).<sup>234</sup> It operates one of the largest US/Canada gas networks. Web: <http://co.williams.com>

**Enterprise Products Partners** – Houston-based pipeline/producer company. Its total revenue for 2014 was \$47.95 billion.<sup>235</sup> It has more than 85,000 km (51,000 miles) of oil & gas pipelines, and is involved in offshore drilling. Web: <http://enterpriseproducts.com>

**Koch Pipeline Co.** – Based in Wichita, Kansas, and is a subsidiary of Koch Industries (privately owned by the Koch family). It operates 6,500 km (4,000 miles) of pipelines (crude oil, NGL, chemicals, etc.) in the US. Web: <http://kochpipeline.com>

**Inter Pipeline Ltd.** – Based in Calgary and formerly known as Koch Pipelines Canada,<sup>236</sup> Inter Pipeline had a total revenue of \$1.6 billion in 2014.<sup>237</sup> In Western Canada, it piped 35% of tar sands volumes, and processed 40% of gas exports in 2013. Web: [www.interpipeline.com](http://www.interpipeline.com)

**Energy Transfer Partners** – Texas-based company, with a 2014 total revenue of \$51.2 billion.<sup>238</sup> It owns over 114,000 km (71,000 miles) of gas and liquids pipelines. Web: <http://energytransfer.com>

**Pembina Pipeline Corp.** – Based in Calgary and has 904 employees,<sup>239</sup> Pembina Pipeline Corp. has a total revenue of \$6.07 billion for 2014.<sup>240</sup> Web: [www.pembina.com](http://www.pembina.com)

## 2.7 Future Plans

TransCanada aspires to grow on what it calls an “unprecedented” scale. Its \$46 billion expansion plan includes \$24 billion of oil projects, \$20 billion of gas projects and \$2 billion of power generation.<sup>241</sup> If successful, TransCanada would be able to grow its assets from \$54 billion to \$80 billion, and its earnings (after expenses) from \$4.9 billion to \$9.5 billion, by 2020.<sup>242</sup>

Most of this increase will come from the company’s oil pipelines division. By 2020, TransCanada plans to increase its oil assets from about 22% to almost 40% of its total. Similarly, it expects the proportion of its earnings from shipping oil to grow from about 10% to 40%.<sup>243</sup> Indeed, it plans to own 11,400 km (7,000 miles) of high-capacity oil pipelines by 2020, which would be able to carry 2.5 million barrels per day – half of Western Canada’s forecasted production – to refineries and export terminals in Canada and the United States.<sup>244</sup>

TransCanada’s four largest projects will cost at least \$30 billion, and include the Keystone XL (\$8 billion) and Energy East (\$12 billion) oil pipelines, and the Prince Rupert (\$5 billion) and Coastal GasLink (\$4.7 billion<sup>245</sup>) gas pipelines. This does not include the upcoming Alaska Gas Project. The company’s other large projects include expanding its Alberta gas system (\$4 billion) and its Alberta oil system (\$3.5 billion), as well as Mexican gas pipelines (\$2 billion) and new power generation (\$1.5 billion).<sup>246</sup>

Just as its oil pipelines will increase tar sands production, it is important to note that many of TransCanada’s new gas pipelines will enable huge increases in shale gas extraction through fracking.

TransCanada has waded heavily into the race to get shale gas from the Montney reserves (British Columbia/Alberta) to the west coast for export, by winning contracts to build the Coastal GasLink and Prince Rupert pipelines. While still not fully confirmed, these pipelines would transport Montney shale gas to coastal LNG facilities owned by Shell and Petronas respectively. As many as 18 competing LNG export projects have popped up in the last few years on the west coast.<sup>247</sup>

TransCanada's expansion in the Montney region also aims to bring that gas to Alberta markets, which inevitably includes fuelling the tar sands. TransCanada's projects in B.C. will account for approximately \$13 billion of its \$46 billion expansion plan, making the province a critical staging area for TransCanada's future.<sup>248</sup> Similarly, in the US, the ANR reversal and potential Alaska LNG pipeline projects aim to ship newly developed sources of gas, most often through booming shale gas fields, to market.<sup>249</sup> Many of these intended future markets are in Asia.

TransCanada's CEO has stated that the company plans to wait for new opportunities, while maintaining its core assets in the US and Canada.<sup>250</sup> Its recent expansion in Mexico combined with having considered a major project in Peru (see below), show that it is keeping an eye open for opportunities in Latin America. Mexico is starting to open its energy sector, including untapped oil and gas fields, to foreign companies. This will require new pipelines and TransCanada is the most established Canadian pipeline company operating in the country. Indeed, Girling has indicated that TransCanada is interested in expanding into oil pipelines in Mexico.<sup>251</sup>

## 2.7.1 Expansion Projects - Canada

### Oil Pipelines – Canada

**Energy East:** In August 2013, TransCanada announced its plans to build a pipeline that would cross six provinces, making it the biggest pipeline in North America and the third largest in the world.<sup>252</sup> The 106 centimeter in diameter pipeline will be able to transport 1.1 million barrels per day of diluted bitumen – more than half of the tar sands' current output. The 4,500 km (2,800 miles) system would link Hardisty, AB and Moosomin, SK to Québec and New Brunswick. The delivery points include three existing refineries in Eastern Canada and a new marine terminal. TransCanada had planned to build a new export terminal at Cacouna, Quebec, however, after intense public pressure and a recommendation from the Government of Canada's Committee on the Status of Endangered Wildlife in Canada that the beluga population in the St. Lawrence River will be declared endangered with full protection of their habitat, the company deemed the site unworkable.<sup>253</sup> While the company will explore other options in the province of Quebec, it has claimed that it will build a terminal in Saint John New Brunswick that will allow for export of bitumen to international markets.<sup>254</sup>

Two thirds of the pipeline will be re-purposed from the partial conversion of TransCanada's gas mainline from Burstall, SK, to Cornwall, ON. The remainder of the pipeline will be constructed from new steel pipe, pumping stations and terminals.<sup>255</sup> TransCanada filed for regulatory approval with the

NEB on October 30<sup>th</sup> 2014. The review process will take up to 18 months, after which a recommendation will be made to the Federal Cabinet who will make the final decision.<sup>256</sup> Crude deliveries are currently expected to start in 2018.<sup>257</sup> (See Ch. [4.2.9](#)).

**Grand Rapids Pipeline:** This large-diameter, high capacity 460 km (285 miles) pipeline will carry oil and diluent from the mines near Fort McMurray, AB, to terminals in the Edmonton/Heartlands region. From there, the oil will make its way to Enbridge, TransMountain and other pipelines.<sup>258</sup> Grand Rapids is a \$3 billion joint project between TransCanada and Brion Energy,<sup>259</sup> a subsidiary of PetroChina.<sup>260</sup> The project was rushed through approval by the Alberta Energy Regulator in October 2014. Construction is planned to begin by late 2014, with operations starting mid-2016.<sup>261</sup>

**Heartland Pipeline & TC Terminals:** This \$900 million project consists of a 200 km (120 miles) oil pipeline from Fort Saskatchewan to Hardisty in Alberta, and an oil storage terminal near Edmonton.<sup>262</sup> Operations are expected to begin in 2016.<sup>263</sup>

**Northern Courier Project:** Located in Wood Buffalo, north of Fort McMurray (AB), this will include 90 km (50 miles) diluent and bitumen pipelines. It will connect the Fort Hills bitumen-mining project (owned by Suncor, Total and Teck) to Suncor's East Tank Farm.<sup>264</sup> Fort Hills selected TransCanada to build and operate the project.<sup>265</sup> It received regulatory approval in July 2014, and could be operational by 2017.<sup>266</sup>

**Stony Mountain Pipeline Project:** Grand Rapids GP, jointly owned by TransCanada and Brion Energy (formerly Phoenix), obtained licenses in 2013 to build parallel 194 km (120 miles) bitumen pipeline and diluent pipelines, to be complete by 2015.<sup>267</sup> It would connect Laricina's Saleski Project (West Athabasca Oil Sands) to Statoil's Cheecham Terminal.<sup>268</sup>

**Keystone Hardisty Terminal:** Part of the Keystone system, this terminal would add storage capacity at an increasingly important energy hub in Hardisty, Alberta. Announced in 2012, the project could be completed in 2016.<sup>269</sup>

## **Gas Pipelines – Canada**

The proposed Coastal GasLink and Prince Rupert pipelines will supply LNG liquefaction and export plants on the West Coast. They would also be connected to TransCanada's NGTL System in the Montney B.C. shale formation region, as will many of its other new projects. These two projects are part of a series of gas transmission projects in the same area. (More info below and also Ch. [4.2.10](#) for a case study of Coastal GasLink and Prince Rupert pipelines)

**Coastal GasLink Pipeline Project:** This 650 km (403 miles) \$4.7 billion LNG pipeline aims to transport shale gas from the Montney region near Dawson Creek, BC, to the proposed LNG Canada (50% owned by Shell in a co-venture with KOGAS, 15%, Mitsubishi, 15%, and PetroChina, 20%<sup>270</sup>) facility in Kitimat,



B.C. In 2012, Shell chose TransCanada to build the pipeline, with plans to export 1.5 to 3.1 billion cubic feet of LNG<sup>271</sup> to Asia.<sup>272</sup> A final decision on whether Shell will go ahead with the project is expected in 2015.<sup>273</sup> In October 2014, Coastal GasLink was issued an Environmental Assessment Certificate by the B.C. Environmental Assessment Office, with 32 conditions. It still had other regulatory processes to complete at the time. The lifespan of the pipeline is expected to be 30 years.<sup>274</sup>

**Prince Rupert Gas Transmission Project:** This 750 km (465 miles), \$5 billion LNG pipeline will transport shale gas from the Montney region near Hudson's Hope. It would supply the proposed Pacific Northwest LNG facility at Lelu Island, near Prince Rupert, BC. The LNG facility is a joint venture (owned 62% by Petronas, Japex, 10%, Petroleum Brunei, 3%, Indian Oil Corp, 10%, and Sinopec, 15%).<sup>275</sup> In January 2013, TransCanada was chosen by Progress Energy (a Canadian company bought by Malaysian state company Petronas in 2012<sup>276</sup>) to build the pipeline that aims to export 1.5 to 2.3 billion cubic feet of LNG per year to Asia.<sup>277</sup> Some see Pacific Northwest LNG as the leader of the race to build an LNG facility on the West Coast. But in October 2014, the CEO of Petronas warned that tax and regulatory barriers could mean delaying the project for 15 years.<sup>278</sup>

**Alberta NGTL Expansion:** The NGTL (or NOVA Gas Transmission Ltd., wholly-owned subsidiary of TransCanada) System is an established pipeline network. Primarily located in Alberta, the expansion plans are partly to create a series of loops and compression stations to increase capacity by 2017. This includes 8 small projects plus the Wolverine River Lateral Loop, a 61 km (36 miles) pipeline northeast of Peace River (NEB application submitted in March 2014). A further objective is to expand its capacity in the B.C. Montney shale gas reserves.<sup>279</sup>

**North Montney Mainline Project:** A 301 km (187 miles) expansion to the Groundbirch Mainline to connect the Montney reserves to the NGTL System.<sup>280</sup> If the Prince Rupert pipeline is built, it will connect to this line.<sup>281</sup> Pending an NEB decision in early 2015, construction could start in 2015, and operations in 2019.<sup>282</sup> The cost of this pipeline is evaluated at \$1.7 billion.<sup>283</sup>

**Merrick Mainline Pipeline:** A \$1.9 billion, 260 km (160 miles) extension to the Groundbirch Mainline between Dawson's Creek and Summit Lake, where it will connect with Chevron/Apache's proposed Pacific Trails Pipeline to feed their Kitimat LNG facility. Operations are projected to start in 2020.<sup>284</sup> An NEB project description was filed in June 2014, and a formal application was expected in the first quarter of 2015, but no application had yet been submitted by the end of April 2015.<sup>285</sup>

**Towerbirch Expansion Project:** A 106 km (65 miles) gas pipeline, also to increase TransCanada's capacity in the Montney region. The final route selection and NEB application is slated for 2015; operations could start in 2017.<sup>286</sup>

**Canadian Mainline expansions:** Part of TransCanada's Mainline between Burstall, SK and Cornwall, ON will be converted into an oil pipeline for the Energy East project.<sup>287</sup> Two expansions are planned, in part to compensate for the loss of the converted segment, but also to consolidate markets:

- **Eastern Mainline Project:** A 250 km (155 miles) pipeline from Markham to Iroquois in Ontario, alongside two other TransCanada pipelines, as part of its Mainline System. TransCanada expects construction to start in 2016.<sup>288</sup> The company filed an application with the NEB in October 2014 and the application to participate process closed at the end of March 2015. More information on the NEB website.<sup>289</sup>
- **King's North Connection Project:** A new gas pipeline project to serve the communities of Vaughan, Brampton and Toronto. TransCanada expects the construction to be completed in 2015.<sup>290</sup> The company filed an application with the NEB in August 2014, and the application to participate process closed in December 2014.<sup>291</sup>

**Mackenzie Gas Project:** A proposed 1,196 km (743 miles) gas extraction and pipeline joint venture in the Northwest Territories, to bring gas from the Mackenzie Delta through the Mackenzie Valley to Alberta. After decades of planning, a long joint review process and intense opposition, the project received NEB approval in 2011. However, unfavourable market conditions put it on hold in 2013, to be revived at a future date. The partners are Imperial Oil, ConocoPhillips, Shell, ExxonMobil and the Aboriginal Pipeline Group (APG). TransCanada has a stake through its funding of the APG.<sup>292</sup>

## Energy Projects – Canada

**Bruce Power Nuclear Plant Re-start:** Bruce Power, near Kincardine, ON, consists of two stations (A & B) each housing four nuclear reactors. TransCanada (40%) and Borealis (56.1%) are the main shareholders, while the Government of Ontario owns Bruce Power assets.<sup>293</sup> Following the refurbishment/re-start of units 1 and 2, which were built in the 1970s and re-launched in 2012 for another 25-30 year lifespan, a \$15 billion plan was put forward for units 3-8. The re-start of unit 4 could begin in 2016. Pending approvals and investor commitments, re-starts are in the works for units 3 and 5-8 between 2019-2028.<sup>294</sup>

**Napanee Generating Station:** A contract was signed with Ontario Power Authority for the plant in 2012. The Napanee Generating Station would be a 900 MW gas-fuelled power plant, and operations could start in 2017 or 2018.<sup>295</sup> In March 2015, TransCanada reported that it had received all the necessary permits and was now moving into the construction phase. Land near the Lennox Generating Station was purchased for this purpose and construction contracts were awarded to two companies: Matrix North American construction for the construction of the generating station and E.S. Fox Ltd. for shared services with the Lennox Generating Station.<sup>296</sup> It is interesting to note that the Napanee Generating Station was relocated from Oakville to near Napanee, ON, following a determined public outcry (see Ch. [4.2.6](#)).

## 2.7.2 Expansion Projects – United States

### Oil Pipelines and Terminals – United States

All of TransCanada's American oil projects are additions to the Keystone/Keystone XL system. The original Keystone pipeline, completed in 2010, ships Alberta bitumen south from Hardisty to Steele City, Nebraska and to other regions in Illinois. In 2011, an extension added more pipe between Steele City and Cushing, Oklahoma.<sup>297</sup> Maps can be seen at: <http://keystone-xl.com/home/keystone-xl-kxl-oil-pipeline-maps/>

**Keystone XL (Canada-US segment):** This \$8 billion<sup>298</sup> project aims to get an additional 830,000 barrels per day of oil from Hardisty, AB to US Gulf Coast refineries in Texas. KXL is split into two parts: the northern leg and southern leg. The northern leg is a proposed 1,897 km (1,170 miles) pipeline from Hardisty, AB to Steele City, Nebraska. This cross-border segment, originally proposed in 2008, is awaiting a US presidential permit. It has also most recently been delayed by a legal battle over the approval of its route in Nebraska.<sup>299</sup> The completed southern leg runs 780 km (485 miles) and is called the Gulf Coast Project (or 'Southern KXL'). It connects terminals in Cushing, Oklahoma to Gulf Coast refineries in Texas (near Port Arthur and Houston), and began shipping oil in January 2014.<sup>300</sup> (See case study: 4.2.4 Port Arthur, Texas – Keystone XL, USA)

**Bakken Marketlink Receipt Facility:** This facility will be built alongside KXL in Baker, Montana and will receive and transport about 100,000 bpd of 'Bakken crude oil' from Montana and North Dakota to refineries in Cushing and Houston, using the KXL pipelines. Preliminary steps have been taken to secure land and contracts.<sup>301</sup>

**Houston Lateral and Terminal:** This pipeline, currently under construction, branches off from the Southern KXL pipeline. It will ship liquids 77 km (48 miles) west to Houston's Refinery Row, to supply more of the largest US refineries.<sup>302</sup> Houston's LyondellBasell and Valero refineries are looking to this project to increase their heavy crude intake. LyondellBasell is currently upgrading its facilities, while Valero is considering an upgrade, in order to process bitumen.<sup>303</sup> The project is expected to be completed by mid-2015.<sup>304</sup>

**Upland Pipeline:** Announced in mid-2015, the 460 km (285 mile) Upland Pipeline is being designed to transport crude oil from, and between, North Dakota and the Energy East Pipeline at Moosomin, Saskatchewan.<sup>305</sup> The company submitted its application to the U.S. State Department for the \$600-million pipeline in April 2015.<sup>306</sup>

### Gas Pipelines – United States

**Alaska LNG Project:** This is a \$45 billion (USD) to \$65 billion (USD) joint venture between the State of Alaska, Exxon Mobil, TransCanada, BP and ConocoPhillips. This consortium plans to begin extracting

untapped Arctic Circle gas reserves in Alaska’s North Slope. TransCanada is slated to construct a large-diameter 1,287 km (800 miles) pipeline, to connect the area near Prudhoe Bay (Sagavanirktok) to a new LNG plant and export point, possibly at Nikiski, Alaska. The plan is to export 20 million tonnes of LNG annually, for 30 years. In late 2014, it was still in preliminary phases, with confirmation slated for the end of 2015.<sup>307</sup> In September 2014, the FERC (US) approved a pre-request made by the consortium.<sup>308</sup>

**Reversal of the ANR Southeast Mainline:** This pipeline connects Lebanon, Indiana to Louisiana’s Gulf Coast. The purpose of the reversal is to transport gas from the Marcellus and Utica shale regions to southern US and export markets. The Lebanon Lateral pipeline reversal has been operational since April 2014. Smaller portions remain to be completed.<sup>309</sup> Full capacity could be reached in 2015.<sup>310</sup>

### 2.7.3 Expansion Projects – Mexico

TransCanada’s extension of the Tamazunchale gas pipeline began operating in November 2014.<sup>311</sup> It is also constructing two new pipelines that will connect US gas to demand centres along Mexico’s Pacific Coast. The pipelines are expected to be complete by 2016. See below:

**Mazatlan Pipeline:** This pipeline will deliver gas from El Oro to Mazatlan in the state of Sinaloa in north-western Mexico. It will connect to the Topolobampo Pipeline at El Oro.<sup>312</sup>

**Topolobampo Pipeline:** This pipeline will deliver gas to Topolobampo, Sinaloa, from interconnects with third-party pipelines in El Oro, Sinaloa and El Encino, Chihuahua.<sup>313</sup>

### 2.7.4 Expansion Projects – South America

TransCanada has a history in South America—including a history of human rights violations—dating from the 1990s. Some of its main projects were GasAndes in Argentina/Chile; CentrOriente, Colombia’s largest gas pipeline; and (with BP and Enbridge) OCENSA, Colombia’s largest oil pipeline. GasAndes and OCENSA have been associated with human rights violations, including spills, displacement, repression of opposition, and kidnappings and killings related to forces ‘protecting’ the pipeline. The company sold many of its South American assets in 2000. (See Ch. [4.2.1](#) – GasAndes and Ch. [4.2.2](#) – OCENSA) Its current presence in South America is in Colombia, having sold its last holdings in Argentina/Chile at the end of 2014.

**TransGas Pipeline, Colombia** – 46.5% owned by TransCanada through its involvement in the TransGas de Occidente S.A. consortium which operates the pipeline.<sup>314</sup> It is Colombia’s second-largest gas pipeline, and one of the world’s highest, climbing up to 3,800 metres over the Andes.<sup>315</sup> The \$320 million, 343 km (213 miles) pipeline links Mariquita to Cali, transporting gas to power stations and to

municipalities in Tolima, Caldes, Risaralda, Quindio and Valle. Minority partners include BP (20%), Gas Natural del Oriente (14%) and Global Environment L.P. (10%).

**GasPacífico Pipeline, Argentina-Chile** (Gasoducto del Pacífico S.A.). Until 2014, TransCanada owned 30% of this 540 km (335 miles) gas pipeline, which stretches from Lomo de la Lata, Argentina to Concepción, Chile. It also owned 30% of INNERGY, a company based in Concepción that markets the gas transported through Gas Pacífico.<sup>316</sup> TransCanada sold its interest in both of these pipelines in November 2014.<sup>317</sup>

Future Involvement in South America: With TransCanada set to increase its activities in Mexico, there are hints that it could expand further south, into other parts of Latin America. As mentioned above, TransCanada has shown interest in Peru, where in 2008 TransCanada and PetroBras (Brazil) were hoping to win a bid for a major gas pipeline.<sup>318</sup>

Another possibility is Brazil, where massive oil resources have been opened up to foreign companies. Canada was discovered in 2013 to have spied on Brazil's Energy Ministry,<sup>319</sup> and in 2012/2013, Export Development Canada gave \$750 million – \$1.5 billion in financing to Brazil's oil company PetroBras to support the future procurement of Canadian oil and gas goods and services.<sup>320</sup>

## 2.8 Joint Venture Partnerships

**Irving Oil** and TransCanada partnered in late 2013 to build the Canaport Energy East Marine Terminal at St. John, New Brunswick. This \$300 million terminal would facilitate year-round bitumen exports through a deep-water, ice-free port. It could accommodate very large tankers (carrying 2 million barrels each); this would lower shipping costs on the Energy East pipeline. Irving owns the Canaport oil import terminal, the Canaport LNG liquefaction/ export terminal (which in 2014 remains Canada's only LNG plant), and the nearby St. John Irving Oil Refinery. The Irving Oil Refinery is the largest refinery in Canada, producing up to 300,000 bpd, but it cannot process tar sands crude.<sup>321</sup>

## 2.9 Climate Change Strategy – Carbon Capture and Storage

In TransCanada's corporate reports, it emphasizes certain accomplishments, such as its carbon reporting index ranking, sustainability awards, and funding wetlands conservation. In 2008, it joined "Project Pioneer", a \$1.4 billion carbon capture and storage plant in Wabamun, AB.<sup>322</sup> In 2012, the leading partner, TransAlta, cancelled the project, citing cost ineffectiveness under Alberta's weak carbon pricing scheme.<sup>323</sup> One of TransCanada's main misleading arguments is that by creating gas infrastructure, it is supporting "less carbon-intensive energy."<sup>324</sup> It also cites its large investments in nuclear energy, and smaller investments in wind and solar. Insofar as it has a Climate Change policy, it focuses on regulatory unity across North America, based on intensity of GHG emissions per unit, rather than absolute reductions, and on "technological solutions".<sup>325</sup>

## Chapter 3 - Political Profile

TransCanada uses every method in the book - from lobbying and political contributions, to public relations and advertising campaigns - to ensure that its projects are approved. TransCanada also exploits its membership in powerful business associations, and benefits from industry front groups designed to manufacture social license for pipelines. Furthermore, energy lobbyists and influential friends will advocate on the company's behalf as many of the world's largest energy corporations stand to profit from shipping bitumen and gas through new mega-pipelines. This chapter discusses TransCanada's lobbying and behind-the-scenes work in Canada and the US, and shows how that has paid off for the company.

### 3.1 TransCanada's Lobbying Disclosures in Canada

TransCanada is one of the most active corporations in Canada when it comes to lobbying federal bureaucrats and members of parliament. From 2008<sup>xi</sup> to 2014, the company registered 411 reports of 'communications' between in-house and hired consultant lobby firms and Designated Public Office Holders (DPOH).<sup>xii</sup> A single communication between a lobbyist and a DPOH could represent a quick one-on-one meeting or a meeting between the lobbyist and a group of DPOHs.

During that same time period, 689 contacts with designated public office holders (DPOHs) were reported as a part of those 411 logged communications. Table 10 below details year by year which type of DPOHs TransCanada's 'in-house' lobbyists had contact with. Disclosure rules require the reporting of oral or arranged communications including the topics discussed. More details are not required,<sup>xiii</sup> meaning that a single 'communication' could describe anything from a phone call to a large corporate event. TransCanada uses both 'in-house' (its own staff) and consultant lobbyists.

TransCanada's disclosures show that it has privileged access to the highest levels of government, including Cabinet Ministers, the Prime Minister's Chief of Staff, the US Ambassador and the head of the National Energy Board.

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<sup>xi</sup> The Lobbying Act was amended in July 2008 which is when communications reports with DPOH were first included. See footnote 3.

<sup>xii</sup> Designated Public Office Holder (DPOH) definition (from Office of the Commissioner of Lobbying's website): Ministers of the Crown or Ministers of State and any person employed in their offices who are appointed under subsection 128(1) of the Public Service Employment Act; public office holders, who occupy senior executive positions, whether by the title of deputy minister, chief executive officer or by some other title, or associate deputy ministers, assistant deputy ministers, or occupy a position of comparable rank. A further 11 positions were designated by regulation. More Information: <http://laws.justice.gc.ca/PDF/SOR-2008-117.pdf>

<sup>xiii</sup> Only after Canada's Lobbying Act was amended in July 2008 was information on specific lobbying communications made available to the public. The amendments required companies and organizations to report any oral or arranged (but not e-mail, letter and fax) communication with DPOHs, including the name, title and position of the DPOH and subject category discussed (no details). Prior to this date, only broad "registrations" by the lobbyist about an intention to lobby during a prolonged time period were required.

### 3.1.1 Federal Lobbying Topics

A close look at the subjects discussed in the company's lobby records show that:

- In 2013 and 2014, TransCanada focused on getting quick regulatory approval for Energy East (“as it relates to the proposed project schedule”) and on “the federal government's proposed greenhouse gas regulations” affecting their industry.
- Common recurring topics were: support for Keystone XL, climate change policy, and the “economic benefits” of the Mackenzie Valley pipeline.
- Company executives have met frequently with DPOHs to discuss bitumen exports via the east coast.
- TransCanada has lobbied for “regulatory approvals from the National Energy Board” for the Coastal GasLink and Prince Rupert gas pipelines in British Columbia.
- The company is worried about (and is coordinating strategies to deal with) Aboriginal opposition to pipelines. It lobbied the government on the proposed BC LNG and Energy East pipelines “as they relate to aboriginal consultation.”
- TransCanada has targeted environmental laws in terms of their relation to energy projects, including: the Canadian Environmental Assessment Act; the Clean Air Act – Bill C30; and the Waters Protection Act. The company also focused its lobbying on “The Species at Risk Advisory Committee regarding [the] Species at Risk Act” from 2011 onward.

### 3.1.2 Cabinet Ministers and other notable meetings

Since 2008, TransCanada representatives met with Cabinet Ministers 68 times, including:

- 14 meetings with Jim Prentice (then-[Federal] Minister of the Environment) from 2008-2010, and 5 meetings with Peter Kent (then-Minister of the Environment)
- 12 meetings with Joe Oliver (then-Minister of Natural Resources) between 2011-2013
- 8 meetings with John Baird (then-Minister of Foreign Affairs)
- 6 meetings with the Minister for Aboriginal Affairs (4 John Duncan: 2010-2013, 2 Chuck Strahl: 2007-2010)
- 6 meetings with Jim Flaherty (then-Minister of Finance)
- 6 meetings with Jason Kenney (then-Minister of Employment & Social Development, CIC)
- One meeting with Greg Rickford, Minister of Natural Resources, in 2014
- One meeting with James Moore, Minister of Industry, in 2014

Other notable meetings:

- Two meetings with Nigel Wright, the Prime Minister's then-Chief of Staff in 2011 and 2013
- The single most frequently lobbied person was Gary Doer, Canada's ambassador to the US, with 20 meetings between 2011 and 2014.

- TransCanada also had several meetings with National Energy Board (NEB) personnel, including two meetings with its Chair, Gaetan Caron. It must be noted that no environmental or citizens' organizations have ever been granted an audience with Caron.
- CEPA officials met the NEB Chair – Gaetan Caron – 14 times from 2008-2014.<sup>326</sup>
- CEPA has been the most frequent overall lobbyist of the NEB, followed by CAPP, the Canadian Gas Association, and large fossil fuel companies.
- Among the bureaucrats lobbied, TransCanada had many meetings with senior staff in the Departments of: Natural Resources, Environment, Transport, Aboriginal Affairs and Northern Development, Fisheries and Oceans, the Environmental Assessment Agency, and the NEB.

Ministries Lobbied: NRCan – Natural Resources Canada; FIN – Finance; DFAIT – Department of Foreign Affairs and International Trade; IC – Industry Canada; AANDC – Aboriginal Affairs and Northern Development Canada; EC – Environment Canada; ESDC – Employment and Social Development Canada, CIC – Citizenship and Immigration Canada; SWC – Status of Women Canada; TBS – Treasury Board of Canada Secretariat; TC – Transport Canada; HC – Health Canada; VAC – Veterans Affairs Canada



**Table 10 – Summary: TransCanada’s lobbying details for the Government of Canada: 2008–2014**

|   | 2008  | 2009  | 2010  | 2011  | 2012   | 2013   | 2014  |
|---|---|---|---|---|--|--|---|
| <b>Number of registered Communications</b>  | 50  | 62  | 43  | 84  | 53   | 85   | 34  |
| <b>Total number of DPOHs named in all Communications</b><br><i>(Many DPOHs meet with TransCanada more than once, and more than one DPOH can be involved in a single registered communication)</i> | 58  | 83  | 59  | 139   | 81   | 193  | 76  |
| <b>Total number of individual DPOHs involved in registered communications</b> <i>(No repetitions)</i>   | 25  | 41  | 31  | 93  | 53   | 156  | 55  |
| <b>Number of Members of Parliament named in registered communications</b>   | 5   | 11  | 9   | 35  | 23   | 40   | 14  |
| <b>Number of Senators named in registered communications</b>  | 0   | 0   | 0   | 1   | 2  | 24   | 0   |
| <b>Number of bureaucrats named in registered communications</b>   | 20  | 30  | 22  | 57  | 28   | 92   | 41  |
| <b>Cabinet Ministers named in registered communications</b><br><i>(Number of communications - Ministry)</i>   | <ul style="list-style-type: none"> <li>• Jim Prentice (5, EC)</li> <li>• Chuck Strahl (1, AANDC)</li> <li>• Jim Flaherty (2, FIN)</li> <li>• Gary Lunn (1, NRCAN)</li> <li>• Lisa Raitt (2, NRCAN)</li> </ul> | <ul style="list-style-type: none"> <li>• Lisa Raitt (2, NRCAN)</li> <li>• Jim Prentice (8, EC)</li> <li>• Jim Flaherty (2, FIN)</li> <li>• Rob Merrifield (2, Minister of State, TC)</li> <li>• Rona Ambrose (1, HRSDC)</li> <li>• Diane Albonczyk (1, Minister of State, IC)</li> <li>• Jason Kenney (1, CIC)</li> </ul> | <ul style="list-style-type: none"> <li>• Jim Prentice (2, EC)</li> <li>• Stockwell Day (1, TBS)</li> <li>• Rob Merrifield (1, Minister of State, TC)</li> <li>• Lisa Raitt (1, NRCAN)</li> <li>• Chuck Strahl (1, AANDC)</li> <li>• John Baird (1, TC)</li> <li>• Leona Aglukkaq (1, HC)</li> <li>• Christian Paradis (1, NRCAN)</li> </ul> | <ul style="list-style-type: none"> <li>• Jim Flaherty (1, FIN),</li> <li>• Joe Oliver (4, NRCAN)</li> <li>• John Duncan (3, AANDC)</li> <li>• Ted Menzies (2, Minister of State, FIN)</li> <li>• Jason Kenney (4, CIC)</li> <li>• Peter Kent (2, EC)</li> <li>• Lawrence Cannon (1, DFAIT)</li> <li>• Rona Ambrose (1, SWC)</li> <li>• John Baird (1, DFAIT)</li> </ul> | <ul style="list-style-type: none"> <li>• Joe Oliver (4, NRCAN)</li> <li>• John Baird (2, DFAIT)</li> <li>• Ed Fast (1, DFAIT)</li> <li>• Bruce Winchester (1, IC)</li> <li>• John Duncan (1, AANDC)</li> <li>• Peter Kent (1, EC)</li> </ul> | <ul style="list-style-type: none"> <li>• Joe Oliver (4, NRCAN)</li> <li>• John Baird (3, DFAIT)</li> <li>• Steven Blaney (1, VAC)</li> </ul> | <ul style="list-style-type: none"> <li>• Jason Kenney (1, ESDC)</li> <li>• Greg Rickford (1, NRCAN)</li> <li>• James Flaherty (1, FIN)</li> <li>• John Baird (1, DFAIT)</li> <li>• James Moore (1, Industry)</li> </ul> |

### 3.1.3 Consultant lobbyists

While TransCanada primarily uses in-house lobbyists to influence Federal politicians and bureaucrats in Canada, it has also hired numerous consultant lobbyists since the mid-1990s. Consultant lobbyists are employees of third party public relations or lobby firms hired by the company to lobby on its behalf.

**Table 11 – Consultant lobbyists hired by TransCanada since 1996**

| Consultant Lobby firm             | Lobbyists involved and period of registration   |
|-----------------------------------|---|
| PVF Consulting INC.               | Phil Von Finckenstein (2008-05-20 to present)   |
| Ryan Affaires Publiques           | Isabelle Fontaine (2014-06-13 to present)<br>Alexandre Borduas (2013-08-19 to 2014-02-02)   |
| Borden Ladner Gervais LLP         | Gar Knutson (2005-08-19 to 2011-01-05)<br>Colin MacDonald (2001-10-14 to 2011-01-05)<br>Jack Hughes (2005-08-26 to 2009-06-21)<br>Greg Schmidt (2003-08-14 to 2004-08-13) |
| Price Waterhouse Coopers LLP LLP  | Nicola Pantaleo (2009-01-14 to 2013-04-01)  |
| Strategic Results Consulting Inc. | Larry Charach (2006-02-28 to 2010-04-28)  |
| High Park Advocacy Group Inc.     | Timothy Egan (2007-11-16 to 2009-05-01)<br>Kathleen McGinnis (2007-11-14 to 2009-01-15)   |
| Rundle Energy Services Ltd.       | John E. Jenkins(2008-01-31 to 2009-07-15)   |
| Felesky Flynn                     | Sandra Jack (1999-03-26 to 2005-06-10)<br>Blair Nixon (1996-04-04 to 2005-06-10)  |
| J.R. Jenkins Consultants Inc.     | John Jenkins (1996-04-26 to 1999-06-09)   |

### 3.1.4 Lobbying in Canada's Provinces and Municipalities

Quebec, Ontario, Manitoba, Alberta, British Columbia, and Ottawa have public lobbying registries that reveal an ongoing push by TransCanada to neutralize environmental, legal and social hurdles that could impede the success of its projects, such as Energy East. The following presents a snapshot of TransCanada's provincial lobbying activities, for more details please see Provincial and Municipal Lobbying Data in Appendix 2.

**Quebec** – TransCanada executives and seven consultants have registered to lobby provincial and municipal officials for 'legislative changes to ease Energy East', with four priorities:

- Land Expropriation: TransCanada is trying to influence laws on land acquisition and protection, including "permits under farmland protection laws for expropriation, subdivision and non-agricultural use of farmland."
- For governments to help TransCanada gain social acceptability for its pipeline projects;
- To affect legislative process on carbon trading and GHG emission caps;
- Seeking approval for the planned Cacouna terminal.

**Ontario** – Senior TransCanada executives are registered lobbyists in the provincial registry. The company has already conducted a major pro-Energy East campaign in the city of Ottawa, and its representatives have met at least 19 City Councillors (including for Wards 5, 6 and 21 at least twice) and many city bureaucrats, including bylaw writers, city managers, and planners.<sup>xiv</sup>

**Alberta** – TransCanada currently has 24 lobbyists registered in the province’s lobbyist registry.<sup>327</sup> Some of its targets for 2014-2015 include: Aboriginal Affairs, Energy and Pipeline Development and Operations, as can be seen by the lobbying of the Premier’s office on development of pipeline projects, and the Department of Aboriginal Relations on “implementation of the Aboriginal Consultation Office.”<sup>328</sup> According to the Alberta lobbyist registration records, TransCanada plans to continue lobbying the Attorney General and other departments on Climate Change/emissions regulations, and on Carbon Capture/Storage.

**British Columbia** – TransCanada representatives have had meetings with eight Ministers and with the Premier’s staff, since 2012. In March 2014, 22 new TransCanada lobbyists registered with the provincial registry.

### 3.2 How Canadian Governments lobby in support of TransCanada

Canada’s diplomatic advocacy on behalf of TransCanada is at its most aggressive in the U.S. Over the past 3 years, the Federal government along with the government of Alberta have, on numerous occasions, directly pressured U.S. politicians to approve the Keystone XL pipeline.

Some recent examples include:

**January 2015** – The Canadian government’s ambassador in Washington, Gary Doer, has consistently pressed U.S. lawmakers and politicians to approve the Keystone Pipeline. This is no surprise given that between 2011 and January 1<sup>st</sup> 2015 TransCanada lobbied Doer more than any other Canadian government official. Doer regularly makes public comments supporting TransCanada and the Keystone XL pipeline. One high profile example of Doer’s cheerleading took place in January 2015 when he appeared at a Washington news conference with the two U.S. senators who sponsored a bill that would bypass the U.S. State Departments approval process, an action which would give the go-ahead for the pipeline. Regardless of his presence and clear support for a piece of U.S. legislation, Doer stated at the press conference that the Canadian Government would not get involved in the political process of the Keystone XL pipeline.<sup>329</sup>

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xiv Including: Pierre Poirier – Chief of Security and Emergency Mgmt; Jim Montgomery – Program Manager, emergency management; John Moser – GM Planning and Growth Mgmt; Kent Kirkpatrick – City Manager; Derrick Moodie – Manager for Development Review (rural); Nancy Shepers – DCM, Planning and Infrastructure; Michael Mizzi – Chief, Development Review Services; Rob Maclachlan – Bylaw Writer; Eric Cooper – Program Manager, Legislative and Technical Services.

**June 2014** – On a trip to New York in June 2014, Canada’s Ministers of Finance, Natural Resources and Foreign Affairs (Joe Oliver, Greg Rickford and John Baird, respectfully) made high profile statements to the media to criticize U.S. President Obama’s inaction on approving the Keystone XL pipeline. At a meeting organized by Goldman Sachs, John Baird stated that the U.S. was intentionally delaying Keystone for political purposes.<sup>330</sup>

**February 2014** – During the North American Leaders’ Summit — a meeting between the leaders of the U.S., Canada and Mexico — Prime Minister Stephen Harper pushed President Obama for the approval of the Keystone pipeline. En route to the summit, Harper reportedly visited with TransCanada executives in the boardroom of the company’s Mexico City headquarters. The meeting occurred hours before he met with President Obama.<sup>331</sup>

Here are a few other examples:

- Using Canadian taxpayer money, the Canadian government has funded multimillion-dollar advertising campaigns in the US to promote Keystone XL—such as billboards on public transit and newspaper ads—including one featuring a picture supplied by TransCanada.<sup>332</sup>
- TransCanada’s CEO has publicly threatened that if the US government continues to resist approving KXL, he is prepared to ask the Canadian government to bring a legal challenge against the US under the North American Free Trade Agreement (NAFTA).<sup>333</sup>
- In 2013 TransCanada fired back at the US Environmental Protection Agency (EPA), after the EPA asked the US State Department to work with Canada to address climate change in the tar sands. TransCanada said: “legislators and others would not appreciate other countries interfering in issues of American federal or state sovereignty.”<sup>334</sup>

### 3.2.1 Alberta’s support to TransCanada

In Alberta, lobby records show that TransCanada has frequently tried to influence top levels of government. In addition, the company has also made numerous political donations to provincial politicians. Between 2004 and 2010, TransCanada was the single largest donor to the ruling Progressive Conservative party in Alberta donating \$115,470 to the Party. This figure does not include donations to constituency-level groups.<sup>335 xv</sup>

**Public Relations campaign** – In 2013, the Alberta government paid a PR Firm approximately \$54,000 to mount a “war” against environmentalists.<sup>336</sup> A media investigation uncovered a confidential agreement signed between the PR Firm FeverPress and Alberta’s ambassador to Washington, David Manning, that showed that the Province wanted to quickly neutralize the environmental argument against Keystone. To promote the pipeline, it would use the argument of job creation as well as

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<sup>xv</sup> Other major donors to the Alberta government were the oil and gas companies Encana, Penn West Petroleum, Enbridge, and Suncor.

economic & national security. Their plan was to get certain journalists including Paul Kane and Ezra Klein of The Washington Post; Matthew Bishop at The Economist, Ed Crooks at the Financial Times and Mike Allen at Politico to cover the issue from their perspective.<sup>337</sup>

### 3.2.2 How Industry defeated tar sands legislation in the US

From 2009 onward, there was a wave of support across the U.S. for proposals to implement low carbon fuel standards (LCFS) which would have applied higher taxes to the most polluting vehicle fuels, in turn making Canadian oil less welcome.<sup>338</sup> Canadian officials, energy lobbyists, and oil companies launched a massive effort to defeat the legislation.<sup>339</sup> The coordinators of the anti-LCFS campaign were Michael Whatley, Director of the lobby group Consumer Energy Alliance (CEA) and Gary Mar, Alberta's top diplomat at the Canadian Embassy in Washington (the CEA is an industry-funded organization that has promoted the approval of the Keystone XL pipeline see Ch. 3.6 for details).

Whatley and Mar coordinated a campaign to flood the media with pro-tar sands propaganda, while lobbying politicians to reject every single LCFS proposal. The CEA paid for multimillion-dollar ad campaigns condemning fuel standards as disastrous for ordinary Americans.<sup>340</sup> Not surprisingly, Whatley's lobby firm HBW Resources also had links with Alberta, as was seen during the height of the campaign in 2010/2011 when HBW was paid \$35,693 by the Alberta Government for undisclosed 'Environment' services.<sup>341342</sup> Eventually, almost all the LCFS proposals were abandoned or defeated.

### 3.3 TransCanada's lobbying in the US

Unlike in Canada, lobbying rules in the United States mandate that corporations disclose the amount of money they spend on lobbying the Federal government. Given TransCanada's interest in building the Keystone XL pipeline from Alberta to the Gulf of Mexico, the company has spent large amounts of money to convince U.S. politicians to approve the pipeline.

Since 2001, TransCanada, together with its subsidiary TransCanada Pipelines, has spent \$7.35 million (USD) lobbying the U.S. federal government. Approximately 80% of this total has been spent since 2009. Lobby records show that TransCanada lobbied on issues such as the approval of KXL, the Alaska gas pipeline, climate change and general U.S. pipeline permit policy. It also lobbied in favour of pro-industry bills, such as the Oil and Gas Facilitation Act and the Energy Tax Prevention Act which would have prevented the US environmental agency from considering greenhouse gases as contributing factors to climate change, or taking any action to lower those emissions.<sup>xvi</sup>

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<sup>xvi</sup> The Energy Tax Prevention Act was proposed to amend the Clean Air Act to prevent the Environmental Protection Agency from "promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change". The bill did not pass the Senate. Retrieved from <https://www.govtrack.us/congress/bills/112/hr910>

**Table 12 – U.S. lobby expenditures for TransCanada and its subsidiaries since 2001<sup>xvii</sup>**

| Year                      | TransCanada (Parent Corporation) | TransCanada Pipelines (Subsidiary) | Total              |
|---------------------------|----------------------------------|------------------------------------|--------------------|
| 2014                      | \$0                              | \$1,060,000                        | \$1,060,000        |
| 2013                      | \$20,000                         | \$1,050,000                        | \$1,070,000        |
| 2012                      | \$80,000                         | \$850,000                          | \$930,000          |
| 2011                      | \$200,000                        | \$1,330,000                        | \$1,530,000        |
| 2010                      | \$180,000                        | \$540,000                          | \$720,000          |
| 2009                      | \$420,000                        | \$50,000                           | \$470,000          |
| 2008                      | \$30,000                         | \$160,000                          | \$190,000          |
| 2007                      | \$20,000                         | \$60,000                           | \$80,000           |
| 2006                      | \$40,000                         | \$0                                | \$40,000           |
| 2005                      | \$60,000                         | \$0                                | \$60,000           |
| 2004                      | \$120,000                        | \$200,000                          | \$320,000          |
| 2003                      | \$80,000                         | \$360,000                          | \$440,000          |
| 2002                      | \$0                              | \$280,000                          | \$280,000          |
| 2001                      | \$0                              | \$160,000                          | \$160,000          |
| <b>Overall since 2001</b> | <b>\$1,250,000</b>               | <b>\$5,830,000</b>                 | <b>\$7,350,000</b> |

### 3.3.1 Support from Industry Groups, Oil Companies and the Koch Brothers

TransCanada’s lobby expenditures are only one part of a massive industry campaign to push for the approval of the Keystone XL Pipeline. Many industry associations and individual corporations, including Shell and Exxon, have spent millions lobbying the U.S. government with Keystone as a primary focus.<sup>343</sup>

Some examples of oil and pipeline lobbying in the United States include:

- In May 2013, Congress voted 241-175 for a bill declaring that a U.S. Presidential Permit is *not* needed to approve the KXL pipeline. Members of Congress who supported the bill had taken \$56 million (USD) from the fossil fuel industry in the lead up to the vote. According to Oil Change International, each congressperson who supported the bill had, on average, accepted six times more money—over \$150,000 (USD)—from the oil industry than those who opposed it.<sup>344</sup>
- Charles and David Koch are co-owners of Koch Industries, the US’s second largest private company.<sup>345</sup> The brothers have a net worth of more than \$100 billion (USD), making them the

<sup>xvii</sup> All US lobbying data is from OpenSecrets.org unless otherwise noted. Lobbying data for the US federal government can be tracked at the US lobby registry – disclosures filed with the US Senate: <http://disclosures.house.gov/ld/ldsearch.aspx> and at OpenSecrets: <https://www.opensecrets.org/lobby/>

fifth and sixth wealthiest people in the world.<sup>346</sup> Koch Industries are lease holders of 1.12 to 1.47 million acres of tar sands territory in Alberta (making Koch Industries the largest American and foreign holder of leases in the tar sands, on a net acreage basis).<sup>347</sup> Therefore, the approval of the KXL is key for the company.<sup>348</sup> The Kochs have spent over \$50 million (USD) on political and strategic donations in order to push for the passage of the KXL.<sup>349</sup> A recent study by the International Forum on Globalization found that 38 interest groups who are pushing for KXL in Washington have received Koch funding. These groups have released more than 1000 pro-KXL pieces of media (i.e. articles, reports, blogs etc.) in two years. In addition, the study found that of the 62 senators who have taken action in favour of KXL, 80% have received money from Koch.<sup>350</sup>

### 3.3.2 TransCanada's lobbying in Nebraska (dollar figures in USD)

The U.S. state of Nebraska is a major battlefield for TransCanada, where it faces public opposition, lawsuits, and regulatory blocks in its planned route for the Keystone XL pipeline. In response, the company has lobbied extensively in the state. Common Cause Nebraska, a non-profit, grassroots organization advocating for a more accountable and accessible government for Nebraskans, found that TransCanada was the biggest spender on lobbying in the State between 2011 and 2013.<sup>351</sup> Moreover, it was the only non-U.S.-based corporation among the major lobbyists. In total, TransCanada reported spending \$766,527 between 2011 and June 2013.<sup>352</sup> About \$580,000 of that was spent in 2011, approximately \$95,000 in 2012 and \$92,000 in the first half of 2013.<sup>353</sup>

Many of the reported expenses are known to be on things such as gifts, travel, tickets, and entertainment, but companies are not obligated to reveal those details. Common Cause called TransCanada's spending "legalized bribery," and pointed out that because of loopholes in reporting, "we cannot track the money to specific events or specific recipients." The reported expenses are only part of the total TransCanada spent on lobbying, as what the company spent on advertising and lobbying county officials is not included and does not have to be reported to the state.<sup>354</sup> During the last quarter of 2011, the Nebraska Legislature held a special session on the KXL pipeline, during which TransCanada reported almost \$530,000 in lobbying and legal expenses.<sup>355</sup>

In Nebraska, at least, it appears that TransCanada's efforts were so successful that it was able to indirectly 'write' a bill favourable to its interests. The evidence for this comes from an investigation of a controversial bill that made it easier to get the route for KXL in Nebraska approved. The bill was passed by the Nebraska legislature in 2012, and granted power of eminent domain to Gov. Dave Heineman.<sup>356</sup> Therefore, the legislation provides a different method, other than the Public Service Commission, to approve pipelines, by removing the need for hearings and analysis before the state can use 'eminent domain' to approve a pipeline, thus giving the governor the power to approve a pipeline.<sup>357</sup> This bill was challenged in court by landowners.<sup>358</sup> However, in January 2015, the Nebraska Supreme Court failed to overturn the bill. Although the court voted 4-3 to uphold a lower court's decision that the

legislation violated the state constitution, the Supreme Court needed a supermajority of five votes to enforce the ruling, so the legislation remains.<sup>359</sup>

Jim Smith, the Republican Nebraska senator who drafted the bill, stated that he did so after numerous talks with TransCanada representatives.<sup>360</sup> During hearings by a legislative committee examining the bill in 2012, Smith “was unable to explain several aspects of how the bill would work, telling the committee that representatives from TransCanada, scheduled to appear right after him, had the detailed answers.”<sup>361</sup> This led environmentalists to question the integrity of the process, and a representative of the advocacy group Bold Nebraska said: “It was obvious that he did not write that bill.”<sup>362</sup>

### 3.4 The Revolving Door

*(See Ch. 1.3 and 1.4 for more information on the revolving door between certain TransCanada’s directors and advisors and various government agencies.)*

**U.S.** – TransCanada has hired lobbyists who were former aides to Secretary of State John Kerry, and former Secretary of State Hilary Clinton.<sup>363</sup> Most of the company’s lobby records list Paul Elliott as TransCanada’s in-house lobbyist in the U.S. (and it is believed that he lobbied on behalf of TransCanada for over a year before actually registering as a lobbyist).<sup>364</sup> Elliott also has strong political ties, as he was the deputy campaign manager for Hillary Clinton’s 2008 presidential run.<sup>365</sup> In addition to its lobbyists in Washington, the company’s lobbyist in Oklahoma, James Dunlap,<sup>366</sup> is a former State of Oklahoma Senator.<sup>367</sup>

**Alberta Energy Regulator** – Gerard Protti, the current chair of Alberta Energy Regulator, the province’s regulatory body for energy developments, was previously employed as an executive at EnCana Corporation and is a founding member of the Canadian Association of Petroleum Producers. Before assuming his current position, Protti was a federally registered lobbyist for the Energy Policy Institute of Canada ((see Ch. 3.5.1 below for more information on EPIC). Protti has also worked as an assistant deputy minister with the Government of Alberta’s Energy Department and has held senior positions with the Alberta Treasury Department and the Canadian Energy Research Institute.<sup>368</sup>

### 3.5 Industry Associations

TransCanada is a member of the biggest oil and pipeline industry associations in North America.



### 3.5.1 Canadian based Industry Associations

**CEPA - Canadian Energy Pipeline Association** (www.cepa.com) – CEPA is a powerful industry lobby group, with 12 ‘full members’ including TransCanada.<sup>xviii</sup> Alexander Pourbaix, TransCanada’s President of Development, is the Chair of CEPA’s Board of Directors. The President and CEO of CEPA, Brenda Kenny, worked for the National Energy Board from 1996 until 2006.<sup>369</sup>

**CGA – Canadian Gas Association** (www.cga.ca) – TransCanada is a member, and Karl Johannson, TransCanada’s President for Natural Gas Pipelines, is one of the CGA’s ‘Executive Members.’

**EPIC – Energy Policy Institute of Canada** (www.canadasenergy.ca) – TransCanada is a founding member of EPIC, a now defunct industry group whose stated purpose was to develop a pan-Canadian approach to energy that would include a reduction in the regulation of the industry.<sup>370</sup> It created a document outlining its vision for a National Energy Strategy, and used this to target all government authorities responsible for energy and environment.

EPIC’s recommendations were presented to government officials, who soon turned them into federal law through changes to Bill C-38, the 2012 omnibus budget bill.<sup>371</sup> Forest Ethics compared EPIC’s report with the budget bill, and found that the government had adopted many of EPIC’s recommendations.<sup>372</sup> Bill C-38, among other things, removed environmental protections, restricted public participation in pipeline project assessments, and declared that wider impacts such as climate change and downstream effects would not be considered for individual projects during NEB hearings.

EPIC’s successful influence on public policy is linked to the activity of Bruce Carson, a former co-chair and founder of EPIC, who was a top adviser to Prime Minister Stephen Harper until 2009.<sup>373</sup> Carson left politics to join EPIC and to become head of the now discontinued Canada School of Energy and Environment (CSEE) in Alberta. In 2011, Carson left both jobs after an investigation by the RCMP was carried out on his alleged illegal lobbying.<sup>374</sup> However, a few months later, at a meeting organized by Carson, EPIC presented its vision document to federal and provincial ministers.<sup>375</sup>

In 2014, Carson was charged with having used his political contacts in the Conservative party to engage in the lobbying of senior government officials on behalf of EPIC during the government mandated 5-year prohibition period before former Federal Designated Public Office Holders can lobby the government.<sup>376</sup> He denied the charges, but a media investigation showed that during his prohibition period, he worked closely with government to promote pro-industry policies.<sup>377</sup> This included accompanying Jim Prentice, then-Minister of Environment, to international meetings. Other EPIC members in positions of political power include its current President, Daniel Gagnier, who is co-chair of the Liberal Party’s election campaign, and its founding President, Bob Black, who is a Conservative Senator.

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<sup>xviii</sup> The other full members are Enbridge, Access, Alliance, ATCO, Inter Pipelines, Kinder Morgan Canada, Pembina, Plains, Spectra, TransGas, and Trans Northern, which together transport 97% of Canada’s oil and gas.

In Canada, TransCanada also participates in these industry organizations: Canadian Society for Unconventional Resources (CSUR); Construction Owners of Alberta; EXCEL Partnership; Ontario Energy Association; Western Energy Institute; Alberta Pipeline Environmental Steering Committee and the National Pipeline Environmental Committee.<sup>378</sup>

### 3.5.2 U.S. based industry associations

**API - American Petroleum Institute** ([www.api.org](http://www.api.org)) – TransCanada Pipelines is a member of API,<sup>379</sup> which has been called a “de facto fourth branch of government” for its powerful sway over U.S. energy policy-making.<sup>380</sup> API represents the American oil industry and lists the approval of KXL as one of the three ‘urgent’ lobbying issues.<sup>381</sup> API spent \$9.3 million (USD) in 2013<sup>382</sup> on lobbying the U.S. Government on numerous issues related to the oil and gas industry, including the KXL pipeline.<sup>383</sup> The industry association also spent \$40,000 (USD) for an educational session on the pipeline for members of the American Legislative Exchange Council.<sup>384</sup>

**ALEC - American Legislative Exchange Council** ([www.alec.org](http://www.alec.org)) – Formed in 1973, ALEC connects businesses with US politicians and has among its members hundreds of corporations and about 2,000 state legislators. While TransCanada is not a dues-paying member of ALEC, it has sponsored ALEC conferences and events.<sup>385</sup> Internal records revealed that ALEC asked its elected members to speak out in support of KXL, and ran workshops to teach politicians how to create doubt on the scientific evidence for climate change, how to create obstacles for alternative energy development, and how to fight environmental policies and regulations.<sup>386</sup>

In 2012, TransCanada was a financial sponsor of ALEC’s ‘Oil Sands Academy’, which involved flying a group of US politicians and industry lobbyists to Alberta for a tour of the tar sands over several days.<sup>387</sup> Jim Smith, Nebraska state senator and the state chairman for ALEC in Nebraska,<sup>388</sup> went on this tour. Soon after, he wrote controversial legislation that allowed TransCanada to clear a major hurdle in Nebraska (discussed above in Ch. [3.3.2](#)). The bill allows Nebraska’s pro-Keystone Governor to unilaterally approve the pipeline’s route. Rep. John Adams from Ohio also reportedly “returned from the trip and sponsored a bill given to him by a TransCanada lobbyist calling for the approval of KXL.”<sup>389</sup> <sup>xix</sup> Furthermore, the wording of legislation tabled in Missouri and other states appeared to have been lifted directly from a draft pro-KXL bill authored by ALEC.<sup>390</sup>

**CABC - Canadian American Business Council** ([www.cabc.co](http://www.cabc.co)) – TransCanada and Enbridge are members of CABC,<sup>391</sup> which describes itself as “the voice of business in the world’s most prosperous relationship.” Paul Elliott, TransCanada’s main lobbyist in the US (based in Washington), is a member of CABC’s Board of Directors, and Derek Burney, a TransCanada Director, is on the advisory council. The CABC is a member of the Consumer Energy Alliance and is housed in the offices of McKenna, Long &

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xix The draft bill was sent to Adams from Steve Dimon of 21 Consulting LLC, which represents TransCanada.

Aldridge LLP, a Washington-based PR firm that has worked for TransCanada to lobby for the approval of KXL.<sup>392</sup>

In the US, TransCanada is also a member of the following organizations: **American Gas Association (AGA)**,<sup>393</sup> the **Association of Oil Pipelines (AOPL)**<sup>394</sup> and the **Interstate Natural Gas Association of America (INGAA)**.

### 3.5.3 Mexican based industry associations

#### **Asociación Mexicana de Gas Natural (AMGN) (Mexican Natural Gas Association) –**

TransCanada’s fully owned subsidiary in Mexico, Transportadora de Gas Natural de la Huasteca, which is developing the 235 km (141 miles) Tamazunchale pipeline extension, is a member of the AMGN.<sup>395</sup>

**Canadian Chamber of Commerce in Mexico** – TransCanada is a prominent member of this influential group. One of the Chamber’s Directors is Brandon Anderson, a Senior Vice President and Director General at TransCanada and is one of its main registered federal lobbyists in Canada.<sup>396</sup>

## 3.6 ‘Public Interest’ and Astroturf Groups

The energy industry often works to influence policies and the public debate through pro-industry ‘astroturf’ organizations. Astroturf groups are groups or coalitions that are primarily conceived, created and/or funded by corporations, industry associations and public relations firms, among others, to appear like grassroots based organizations.<sup>397</sup> They work to manufacture public support (or the appearance of public support) for pro-industry viewpoints. TransCanada’s relationships with two such groups are detailed below.

**The Partnership for Resource Trade (Canada)** ([www.powerofcanada.ca](http://www.powerofcanada.ca)): After EPIC’s lobbying scandal (See Ch. 3.5.1 for more information), it became less active. Many of its members joined the astroturf group, the Partnership for Resource Trade, which was launched in 2014. The group is attempting to gain ‘social license’ and to create an image of an industry backed by widespread grassroots support, in order to get projects approved. The group is chaired by David Emerson,<sup>398</sup> the former chair of EPIC and a former cabinet minister. It does not disclose its funders, but its advisory board includes TransCanada CEO Russ Girling and executives Peter Kruselnicki, Chris Breen and James Millar.<sup>399</sup> Other members of note are Al Monaco, CEO of Enbridge, and David Collyer, President of Canadian Association of Petroleum Producers. Moreover, one of the Partnership’s main complaints—that the lack of pipelines cost industry \$50 million per day—is derived from a report that was sponsored by energy companies, including TransCanada and Enbridge.<sup>400</sup>

The Partnership’s main focus is to praise the LNG and pipeline industries. Its stated goals include working to “reinforce pride in Canada’s natural resource and trading-based economy,” and to mobilize a

“countrywide fast-to-action, grassroots public education and advocacy campaign.”<sup>401</sup> To achieve this, it uses social media campaigns and the language of grassroots advocacy, encouraging people to ‘speak up!’ by emailing politicians a form letter about how crucial natural resource trade is for ‘good Canadian jobs’.<sup>402</sup>

**CEA – Consumer Energy Alliance (U.S.)** (<http://consumerenergyalliance.org/>): The Consumer Energy Alliance, an industry front group, bills itself as ‘the voice of the energy consumer.’ Most of its members are energy companies and business associations. Its major funders include companies that profit from the tar sands, such as BP, Chevron, ExxonMobil, and Shell.<sup>403</sup> Michael Whatley, an oil lobbyist and former Republican politician, created the CEA and founded HBW Resources, a lobby firm with ties to Alberta’s tar sands industry.<sup>404</sup> Whatley was one of the coordinators of the lobbying campaign that defeated crucial environmental legislation that would have reduced or stopped the sale of Canadian bitumen in the U.S. The CEA is now mainly concerned with the approval of KXL<sup>405</sup> and it recently commissioned its own Economic Impact Study of the Keystone XL pipeline, which claimed that in Nebraska alone the KXL would create “an average of 916 new jobs per year over 16 years,” a figure that has been widely disputed.<sup>406</sup>

Although the CEA claims to work exclusively for the benefit of American consumers, it has been perhaps the most active defender of TransCanada’s interests in the U.S. CEA and TransCanada co-sponsored the 2013 ‘North American Energy Security Dialogue,’ hosted by the Canadian embassy in Washington where high-ranking Canadian and US officials came together “to promote the [Keystone] pipeline to improve U.S. energy security.”<sup>407</sup> TransCanada has also been a consistent financial sponsor of the CEA’s main public event, an annual festival in Houston celebrating ‘energy awareness’ for children.<sup>408</sup>

### **3.6.1 Advertising, PR Firms and Law Firms**

As part of its campaign to get Keystone XL approved in the U.S., TransCanada enlisted the help of advertising, law and PR firms, especially those with ties to the Democrats.<sup>409</sup> This was evident, (as discussed above in Ch. 3.4) when TransCanada hired Paul Elliott, who had formerly worked on Hillary Clinton’s 2008 presidential campaign.<sup>410</sup> TransCanada had also used lobbyists Mehlman Vogel Castagnetti and the PR firm Rasky Baerlein Strategic Communications, both with ties to the Obama administration.<sup>411</sup>

#### **Edelman and Energy East – Building ‘Grassroots’ Support and Targeting Critics**

As pro-Energy East advertisements continue to flood the internet and Canadian airwaves, the blatantly rosy portrayal of the project has been recast by the publication of damning information on TransCanada’s aggressive public relations strategy. Documents<sup>412</sup> leaked to Greenpeace in November 2014 prompted questions about the ethics of TransCanada’s tactics, as set out by the PR firm Edelman, which included plans to smear its critics.

TransCanada hired Edelman in early 2014 to lead an Energy East campaign. Edelman is the world's largest PR firm, and has led aggressive campaigns in the US—such as to defeat climate legislation on behalf of the American Legislative Exchange Council<sup>413</sup>, and to cast doubt on the health risks of tobacco.<sup>414</sup> The leaked documents contain the strategic plans for Energy East and outline a 3-pronged approach to promote the pipeline, respond to criticism, pressure opponents and “inoculate TransCanada from potential attacks.”<sup>415</sup> Specifically, they recommend:

- Adding “layers of difficulty for our opponents, distracting them from their mission and causing them to redirect their resources.”<sup>416</sup>
- Investigating critics of the pipeline (such as Ecology Ottawa and David Suzuki Foundation), and spreading information on them—including by giving material to “supportive third parties, who can in turn put pressure on, especially when TransCanada can't.”<sup>417</sup>
- Connecting with third party ‘influencers’—such as pro-energy groups, free-market think tanks, former government officials and pundits—to create a pro-pipeline “echo chamber of aligned voices.”<sup>418</sup>
- Saturation-level advertising and online campaigns to mobilize a large pool of public supporters.<sup>419</sup> This would be part of building a ‘permanent advocacy’ campaign. Campaigns of this type by oil companies such as Exxon-Mobil and Chevron are described as providing a “good roadmap” for TransCanada.<sup>420</sup>
- Bulking up the ‘grassroots’ supporter base strategically; for example: “we should build a digital toolkit for companies like Cenovus Energy to use in activating their thousands of employees.”<sup>421</sup>
- Deflecting environmental criticism about Energy East by emphasizing economic gains, like job creation.<sup>422</sup>
- Monitoring what opponents say, and counteracting criticism as quickly as possible.<sup>423</sup> This is detailed in the Quebec strategy document, which shows acute awareness that TransCanada faces extra hurdles in Quebec, where people are “more preoccupied with the environment.”<sup>424</sup>

TransCanada seems to have spared little expense on the PR campaign, which required 40 Edelman staff in Washington, 9 TransCanada employees, and a new team in Quebec.<sup>425</sup> After the documents were leaked, a TransCanada spokesperson defended the partnership with Edelman, saying “They’ve done a good job for us.”<sup>426</sup> TransCanada confirmed that it had started implementing the plan, including creating a network of allies and an online hub. In addition, it had started investigating its critics, but claimed to have rejected the idea of paying third parties to discredit them.<sup>427</sup>

After days of public backlash, the company suddenly announced that its contract with Edelman would not be renewed after 2014. Edelman explained: “Unfortunately, the conversation about our efforts has become so loud in certain areas that it is impossible to have an open and honest conversation about the Pipeline project.”<sup>428</sup> The end of its partnership does not mean that TransCanada has disavowed the aggressive tactics described above. Indeed, Edelman stated that after the end of its contract, it “will

support the transition of work.”<sup>429</sup> This implies that TransCanada will continue to implement the PR campaign created by Edelman.

**SKD Knickerbocker** – TransCanada’s hiring of Anita Dunn, from SKD Knickerbocker, a public relations and political consulting firm specifically specializing in working for Democratic Party politicians, was controversial as she had many ties with the Obama administration (her former employer). SKD Knickerbocker had placed ads in U.S. TV, radio and print, which pushed the Canadian ‘ethical oil’ viewpoint, with misinformation such as: KXL will create “40,000 good American jobs” when in fact it will only create about 35-50 full-time jobs, and 3,950 temporary construction jobs.<sup>430</sup>

### **Law Firms:**

**Perkins Coie LLP** – Robert Bauer, a former White House Counsel and President Obama’s personal attorney is a Partner at Perkins Coie LLP’s, which has done work for TransCanada’s Alaska Gas Pipeline Project (now named the South-Central LNG project).<sup>431</sup>

**McKenna, Long & Aldridge, LLP** – TransCanada hired Andrew Shaw to lobby on the topic of “permitting issues regarding the Keystone XL pipeline.” Shaw is a registered lobbyist with the firm, a major “law and lobbying” firm. Shaw also works for the Canadian American Business Council (CABC), which is housed in McKenna, Long & Aldridge, LLP’s Washington office. The CABC not only has close ties with the Democrats (considering Paul Elliot is a director at CABC)<sup>432</sup> but also has close ties with the Harper Government: Kyle MacDonald, the executive director at CABC, worked in the Prime Minister’s Office up until 2013.

### **Advertising:**

Both Keystone supporters and anti-Keystone organizations have bought airtime and ad space to affect the public perception of TransCanada’s Keystone pipeline. NextGen, an organization founded by billionaire Tom Steyer, which aims to bring climate change to the forefront of U.S. politics, spent \$340,000 (USD) on local broadcast airtime in 2013 to run 90-second ads against the U.S. approval of KXL.<sup>433</sup>

TransCanada responded by spending \$300,000 (USD) on local broadcast and cable TV ads and in 2013 spent approximately \$700,000 (USD) in the Washington media market.<sup>434</sup> However, TransCanada isn’t fighting the battle alone, the American Petroleum Institute spent more than \$250,000 (USD) in July 2013 alone for pro-Keystone ads on Washington local broadcast and cable stations.<sup>435</sup> Furthermore, beginning in May 2003, the Canadian government has spent \$24 million-taxpayer dollars on a pro-Keystone XL advertising campaign in the United States.<sup>436</sup> The campaign includes ads in U.S political publications and online, and also in Washington bus stops and subway stations.

### 3.6.2 TransCanada's engineered positive environmental reviews of Keystone XL

In August 2011, The U.S. State Department released an environmental impact study of the Keystone XL pipeline. The study concluded that the pipeline would have limited adverse environmental impacts. The legitimacy of the impact study is questionable, given that the company (Cardno Entrix) that was contracted by the State Department to conduct the assessment was recommended by TransCanada itself.<sup>437</sup> In fact, as an October 2011 New York Times exposé revealed, TransCanada did more than 'influence' the process. It managed the bidding process for the subcontractor and recommended that Cardno Entrix be awarded the contract, in addition to paying the company directly for the work. The New York Times exposed that the State Department hired Cardno Entrix even though the Houston based environmental contractor had previously worked on projects with TransCanada.<sup>438</sup>

Numerous independent studies, including one from Cornell University, have disputed the validity of the Cardno review. The US Environmental Protection Agency criticized Cardno's report saying that it was seriously flawed based on incorrect economic modelling, and containing a glaring gap by not studying the unique characteristics of diluted bitumen (dilbit), which sinks in water unlike conventional oil.<sup>439</sup> Cardno would have been well aware of this, as it had been contracted by Enbridge after its massive dilbit spill in Michigan to assess the clean-up response. Instead, the Cardno review treated the product that Keystone XL would carry as identical to conventional oil.

After the links between Cardno Entrix and TransCanada were made public, and the report was widely challenged and considered discredited, a supplemental review was commissioned. US President Obama had rejected Keystone XL, citing a lack of time to do a proper environmental review. Although the State Department then hired Environmental Resources Management (ERM) to replace Cardno, it retained the Cardno report as valid. While Cardno had not concealed its ties with TransCanada, environmental groups maintained that ERM withheld information about its previous significant and ongoing work with TransCanada.<sup>440</sup>

## 3.7 Corporate Welfare

In a 2014 *Canadian Business* study on the Canadian corporations that pay the least tax,<sup>441</sup> TransCanada appears in the top 15 of 241 companies. This study looked at the average amount of total tax paid in *cash* by companies over the past decade. It used this figure in order to get a sense of the *actual* taxes paid, because corporate financial statements often use accounting rules and abstractions (such as 'deferred tax' – tax it expects to pay in the future) to make it appear that they pay more tax than they actually do.

**State Financing of U.S. Operations** – Under the State of Alaska Gas Inducement Act, TransCanada has received approximately \$59,600,000<sup>442</sup> (USD) in State funds for the company's role in the development and export of liquid natural gas from Alaska's North Slope.<sup>443</sup>

**Export Development Canada (EDC)** – EDC is Canada’s export credit agency and a crown corporation. The extractive sector, pipelines included, is the largest beneficiary of EDC funding. EDC’s goal is to facilitate Canadian exports and overseas investments through financing and insurance.<sup>xx</sup> In a 13-month period between 2012 and 2013, TransCanada received between \$500 million and \$1.1 billion, as direct foreign investment, for ‘general’ purposes and to sell pipeline equipment in Mexico.<sup>444</sup>

EDC does not disclose details of its transactions, and only reveals the names of projects supported if they are classified as Category A projects (projects likely to have significant adverse environmental and social effects that could affect larger regions and may be irreversible) or Category B projects (projects with possible impacts). Under these categories, EDC reports that it has provided financing to two pipeline projects in the USA:<sup>445</sup>

- November 2009: TransCanada, for a Category A project – the Keystone Pipeline and Keystone Gulf Coast Expansion Projects.
- September 2008: Enbridge, for a Category B Project – the construction of the Southern Lights Pipeline.

### 3.8 Community Engagement

*“When [our people] sit at a landowner’s kitchen table and make a promise, meet with Aboriginal elders to listen and learn, or stand up in a community hall to take questions, they’re following through on our commitment to responsible development.”<sup>446</sup>*  
— Russ Girling, CEO of TransCanada

This section details TransCanada’s engagement with communities, landowners and aboriginal people and lists the company’s main community investments. It shows how the company strategically funds initiatives that allow it to clean up its image related to the environment and Indigenous Peoples’ rights. Much of this section relates to Energy East, but is typical of TransCanada’s general approach.

When TransCanada built the original Keystone pipeline in 2009, it did so with relatively little high-profile resistance. Five years later, the situation has changed and community resistance has helped delay the approval of the Keystone XL. To manage this threat, TransCanada has invested heavily in community engagement and public relations to suppress local opposition, often through legal action or intimidation. It has a sophisticated set of strategies for proving that it is actively engaging ‘stakeholders’. Similarly, the company has been negotiating with communities along the Energy East pipeline route since well before the public became aware of details about the project. The company works directly in communities to obtain public approval, and local and provincial level legal agreements and permits. This is accomplished through direct negotiations, lobbying, and strategic community investments.

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<sup>xx</sup> For an explanation of the types of financing EDC provides see: <http://www.edc.ca/EN/Our-Solutions/Financing/Pages/default.aspx>



### 3.8.1 Municipalities, Local Organizations and the Public

TransCanada's Energy East application<sup>447</sup> states that it has reached out to groups that include:

- Municipal governments, including towns, cities, villages, rural municipalities, and regional and municipal districts;
- Community authorities, including elected and non-elected municipal officials;
- Planning commissions and land agencies—from local to provincial levels—dealing with issues such as land use planning, zoning, and water/waste management;
- Emergency agencies such as fire and environmental responders;
- 'NGOs' including chambers of commerce, and economic development, industry, trade and environmental organizations.
- The general public, engaged through 'open houses'. People within 10 km (6 miles) of the pipeline are considered 'neighbouring' stakeholders, and those within 25 km (15 miles) as 'adjacent'.

#### Municipalities and Local Organizations

Between April 2013 and April 2014, TransCanada held 1,120 meetings related to Energy East, including over 450 with municipalities.<sup>448</sup> During these meetings the company works to persuade local governments that it can be trusted to operate responsibly, that the project is a 'done deal', and that pipelines are in their best interests because of tax and other revenues to be gained. TransCanada also donates funds to local organizations such as emergency responders, to help win support. Ch. [3.1.4](#) shows how it has lobbied city officials in Quebec to try to change land acquisition laws in order to ease the way for the project.

The company has leveraged political support at the municipal level; for example, the Federation of Northern Ontario Municipalities (FONOM)<sup>449</sup> and the Northwestern Ontario Municipal Association (NOMA)<sup>450</sup> have passed pro-Energy East resolutions. Supporters were featured prominently at TransCanada's press conference<sup>451</sup> announcing its application to the NEB. Among the supporters were the President of FONOM, Mayors of towns such as Cacouna, QC, and officials from unions and business groups, such as Canadian Manufacturers and Exporters and Ontario's Chamber of Commerce.

Conversely, the Mayors of the Ontario cities of Thunder Bay and North Bay, where public opposition is strong, are opposed to Energy East, and the latter has declared that he will apply to be an intervenor.<sup>452</sup> In addition, the Alberta Federation of Labour opposes Energy East on the basis that it will not deliver the promised energy independence to Eastern Canada because the region's refineries cannot process diluted bitumen, and therefore, most of it will be exported unrefined.<sup>453</sup>

### 3.8.2 Local Resistance to Regulators

The following examples show that even if a project has political support at the ‘highest’ levels, it is crucial for pipeline critics and NGOs to engage with local politicians, councils and candidates, share information on the issues, and ask them to take a formal stance:

**South Dakota** – In 2014, the South Dakota Public Utilities Commission began considering whether to renew TransCanada’s expired permit to build KXL in the State. Dozens of South Dakota and Nebraska citizens and tribal nations registered to participate in the hearings. TransCanada did its best to shut them out by filing paperwork to prevent them from participating. The Commission rejected TransCanada’s request.<sup>454</sup>

**Ontario** – In Ottawa, the non-governmental organization Ecology Ottawa engaged with candidates for city council elections; it found that most candidates were concerned about Energy East, and believed that Ottawa should intervene in the NEB process.<sup>455</sup>

**Quebec** – In June 2014, the town of Saint-Augustin de Desmaures passed a resolution against Energy East.<sup>456</sup> Twenty municipalities in Quebec had passed similar resolutions by October 2014. Such local resolutions against specific types of developments, or against specific projects, can be very effective.<sup>457</sup>

**Plebiscites and referendums** – Plebiscites or referendums can also crystallize opposition to pipelines. In 2014, a plebiscite on Enbridge’s proposed Northern Gateway export terminal was organized in Kitimat, BC.<sup>458</sup> Knowing that the vote would be powerfully symbolic, Enbridge lobbied citizens to vote in favour of the project. Ultimately, almost 60% voted against it. The Kitimat plebiscite has implications for other pipelines such as TransCanada’s Coastal GasLink, which is expected to supply a new LNG terminal at Kitimat. The Dogwood Initiative is sponsoring a citizens’ initiative to ‘Let BC Vote’ in a province-wide referendum on plans to expand pipelines and oil tanker traffic off the coast.<sup>459</sup>

Municipalities and citizen groups can also petition higher levels of government to cancel or impose conditions on projects, or to order Environmental Impact Assessments (EIAs). For example, provincial Ministers of Environment have the power to order EIAs for projects crossing provincial borders. In 2010, Oakville residents convinced the Ontario government to cancel a TransCanada power plant and in 2014, Toronto’s City Council passed a motion asking the Ontario Environment Ministry to undertake an EIA of Enbridge’s Line 9 proposal.<sup>460</sup>

### 3.8.3 Open Houses and the ‘General Public’

According to TransCanada’s 2014 Annual Report, it has held over 100 open houses related to the energy east project and has consulted with more than 7,000 community members, 5,500 landowners and 155 First Nations and Métis communities across six provinces about the proposed pipeline.<sup>461</sup> The

company claims that open houses allow it to provide information about the project, and allow people to express their concerns. With public participation now limited at NEB hearings, open houses are the only opportunity for people to engage directly with TransCanada. However, TransCanada has implemented a new 'trade show' format for its open houses, with staff quietly engaging attendees one-on-one. This has been denounced as a way to smother opposition, and in some places, groups have challenged the format to amplify their collective concerns.<sup>462</sup>

TransCanada's most-attended Energy East events have taken place in: Winnipeg, Manitoba; in North Bay, Thunder Bay, North Gower, Kemptville, and Stittsville, Ontario; in Saint-Basil-de-Portneuf, St-Augustine-de-Desmaures, and Cacouna, Quebec; and in Edmundston, Saint John, Hampton, and Stanley, New Brunswick.<sup>463</sup>

### 3.8.4 Land Acquisition and Landowner Consultation

To build a pipeline, companies must acquire rights to every single parcel of land where new pipeline segments and pump stations (72, for Energy East) will be constructed, including land for temporary work camps. These parcels can be on privately held ('freehold'), municipal, provincial or federal ('crown') land. 'Crown land' can overlap with traditional Indigenous territories. Each type of ownership can pose different challenges to the company. The company gains access to land for its pipelines through purchase or long-term lease agreements. Individual landowners, such as farmers and ranchers, sign contracts that allow companies to build and maintain pipelines on their land. According to TransCanada, the breakdown of land ownership along the Energy East route is:

- Alberta: 63% (179 km, 107 miles) private, 31% municipal, 6% provincial
- Prairies segment: 85% (901 km, 540 miles) private, 14% provincial
- Ontario west, Northern Ontario and North Bay shortcut segments: 39% (759 km, 455 miles) private, 59% (1,148 km, 688 miles) provincial, 1% municipal
- Ontario East: 97% (101 km, 60 miles) private, 3% provincial
- Quebec: 79% (571 km, 342 miles) private, 16% provincial, 3% federal, 2% municipal, and
- New Brunswick: 68% (282 km, 169 miles) private, 32% provincial.<sup>464</sup>

TransCanada engages landowners, such as farmers and ranchers, by mailing them corporate materials and through meetings, open houses, phone calls and personal visits. It claims that since early 2013, it has communicated with 90% of the 6,000 landowners on the Energy East route.<sup>465</sup>

Typically, land agents who work for a contractor first approach landowners, asking them to sign an agreement to let the company conduct surveys on their land. For example, sample survey agreements in New Brunswick show that TransCanada offers \$1,000 in exchange for the right to clear trees and to use a drilling rig for soil sampling. A landowner in New Brunswick has publicly refused to sign the

agreement and objected to the idea that a company would eventually be given the right to clear a permanent 300 foot-wide swath through their forested lands.<sup>466</sup>

At the last stage, they are asked to sign ‘easements’ or ‘right-of-way’ agreements. Through these contracts, landowners are paid a lump sum in exchange for accessing and constructing pipelines on their properties for the lifetime of the project. As detailed earlier in the chapter (See Ch. [3.1.4](#)), TransCanada has been lobbying in Quebec to induce changes to the law that governs acquisition of farmland.

In cases where landowners cannot be persuaded to sign easements, companies can forcibly expropriate the land. In Canada, this happens through the National Energy Board, which routinely grants Right-of-Entry orders that give companies immediate access to the land.<sup>467</sup> Because lawsuits related to expropriation of land are time-consuming, expensive and potentially damaging to its reputation, TransCanada prefers to get landowners to sign voluntary agreements, through any means necessary. In some states in the US, companies can override landowners who do not voluntarily sign by using Eminent Domain. In essence, this law allows the state to ‘condemn’ and seize private land for public use, and allows the state to delegate the land to corporations, “in the public interest.”<sup>468</sup>

The Canadian Association of Energy and Pipeline Landowners Associations (CAEPLA) has said that the legal system and the use of ‘divide and conquer’ tactics by companies give landowners no real choice to refuse pipelines. On the other hand, landowners can defend their interests by joining together, because pipeline companies generally “do not want to expropriate en masse.”<sup>469</sup>

On the Southern arm of Keystone XL, TransCanada VP Corey Goulet claimed, “98% of landowners signed up freely to our easements ... and had a very good relationship with us.”<sup>470</sup> This suggests that 2% of the 1000 landowners had their land expropriated. TransCanada’s track record with landowners complicates the assertion that they freely sign up. For example, some have said that they were threatened with lawsuits if they did not sign agreements and that they were not given important information (see the Keystone Gulf Coast and Keystone XL case studies: Ch. [4.2.7](#) and [4.2.8](#)), and that company negotiators demanded that agreements be kept confidential (see Grand Rapids case study, Ch. [4.2.5](#)).

After a pipeline is in the ground, peoples’ use of the overlying land is restricted, and much liability lies with the landowner. The KXL easement presented to Nebraska landowner Jim Tarnick left him responsible for costs if an “Act of God” damaged the pipeline.<sup>471</sup> In Canada, CAEPLA argues that the NEB Act<sup>472</sup> harms landowners, as their rights have been eroded in favour of industry. A discussion between New Brunswick landowners and TransCanada about Energy East showed that landowners could face serious liabilities, such as bearing the costs of historical contamination caused by TransCanada’s pipelines.<sup>473</sup>

Some landowners have used creative tactics to engage with pipeline companies: for example, in Alberta, Peter von Tiesenhausen has used art to keep the energy industry off his land for 21 years. He

created large pieces, such as nest-like structures in trees, and then copyrighted the surface of his land as a work of art. This meant that disturbance of his land could result in copyright infringement. He would then be entitled to vastly increased payments from companies trying to cross through or extract resources from his land. Although he was threatened with lawsuits, no companies “have risked a winner-take-all court case that would attract public attention and start other landowners thinking.”<sup>474</sup>

### 3.8.5 Aboriginal Groups

*“How we separate ourselves is really quite simple — we respect traditional territory”<sup>475</sup>*

— Lou Thompson, manager, U.S. Tribal Relations, TransCanada

From the perspective of industry, Indigenous communities are arguably the main barriers to new pipelines. On the global level, Free, Prior and Informed Consent (FPIC) is a pillar of the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 32 (2) of the Declaration states that Indigenous peoples should be consulted “through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”<sup>476</sup> Canada is the only State that still objects to FPIC in the Declaration. Nevertheless, the principle has become entrenched in global dialogues and as an international standard, and has helped to raise the bar for consultation in Canada.

In Canada, the Supreme Court has ruled that Aboriginal Peoples have both inherent and constitutionally protected collective rights over their territories. This is based on the *Delgamuukw* (1997)<sup>477</sup> and the *Haida Nation and Taku River Tlingit First Nation* (2004) cases.<sup>478</sup> The Court ruled that the Federal and Provincial Governments have a duty—based on ‘the honour of the Crown’—to consult and accommodate Aboriginal Peoples about projects on their lands.<sup>479</sup> Crucially, this applies not just to treaty land, but to unceded lands and those subject to a land claim, and to traditional territories, regardless of whether legal title has been established. The 2014 *Tsilhqot’in Nation vs. British Columbia* Supreme Court case has established even more clearly that Aboriginal people have absolute legal title over their unceded lands.

In Canada, ‘consultation’ is taken by the courts to mean that negotiations must be done in good faith, but the type of ‘accommodation’ necessary is based on the strength of the claims and the extent of potential adverse effects on the communities. In the case of pipelines, the Crown ‘discharges’ its duty through the NEB and provincial processes. The NEB’s Aboriginal consultation process calls for direct consultation between companies and affected Aboriginal groups, and Aboriginal participation in hearings.<sup>480</sup> However, the ‘discharging’ of consultation to regulators and to companies fuels uncertainty.<sup>481</sup>

Many Aboriginal groups feel that the consultation and accommodation process is biased in favour of industry, and several have brought legal challenges against the NEB and pipeline companies. These

have mostly settled in favour of the NEB and industry.<sup>482</sup> In the past, consultations run by pipeline companies have been enough to satisfy the courts that the Crown has discharged its duty, even when Aboriginal groups argue otherwise.<sup>483</sup> For Aboriginal and other stakeholders with concerns, it can seem as if the best they can hope for is some mitigation and compensation.

TransCanada has invested massive resources in proving that it has done its duty. It has a 90-person Aboriginal Relations Team in Canada and the US,<sup>484</sup> and claims to be engaging Indigenous communities along its pipelines in Mexico. TransCanada's history, however, shows that the wishes of communities—especially those with very little power—have never been a genuine priority. Examples are the GasAndes pipeline in Chile, where community demands for basic accommodation were answered with police violence, and the Lubicon Lake Nation in Alberta, whose attempts to be heard by TransCanada and the Alberta Regulator were dismissed (see Ch. [4.2.1](#) and Ch. [4.2.3](#)).

TransCanada's Energy East application contains thousands of pages documenting the company's engagement with Aboriginal communities. It says that it has met with 155 First Nations, 60 of which have signed letters of agreement.<sup>485</sup> In the case of Coastal Gaslink, TransCanada submitted a 114-page report to the B.C. Environmental Assessment Office (EAO) documenting such consultations.<sup>486</sup> Four Treaty 8 First Nations sent a report to the EAO outlining problems with the process.<sup>487</sup> These included poor attention to mitigation and cumulative effects. The Office of the Wet'suwet'en also critiqued the process in a letter to the EAO.<sup>488</sup> Although many affected Aboriginal groups objected to the consultation process and refused to engage with the company, or even evicted TransCanada surveyors from their lands, Coastal GasLink was given a certificate of approval by the EAO in October 2014.

### 3.8.6 TransCanada's Aboriginal Engagement Process

During the pre-application period, TransCanada determines which Aboriginal groups may be affected, and sends them information. After the community responds, company representatives begin meeting with certain leaders. Discussions are usually about how to engage, capacity funding, local employment, financial compensation, and how to resolve concerns about projects.

As with landowners, TransCanada has expertise in bringing Aboriginal communities onside and cutting through initial resistance. Influential advisers such as Phil Fontaine (former head of the Assembly of First Nations) represent TransCanada in community meetings.<sup>489</sup> By controlling information, and with financial and legal power on its side, TransCanada is often able to win deals and to divide communities without resorting to legal actions. Strategic investments are commonly used. For example, Fort Nelson First Nation was given funding for a school computer lab and offered a youth training program in the lead-up to its signing of a 10-year communications and engagement funding protocol with TransCanada.<sup>490</sup>

Unlike Enbridge, which offered First Nations along the Northern Gateway route a 10% ownership stake in the project, TransCanada rejected the idea that it should offer an equity stake to the communities

affected by Energy East. In Russ Girling’s words, this is because the company wants to find solutions “that are unique to each of those individual communities.”<sup>491</sup>

In regards to Energy East, a spokesperson said in mid-2014 that TransCanada had already “signed letters of agreement with almost half” of the more than 150 aboriginal communities along the route.<sup>492</sup> Such agreements can be misinterpreted as evidence of broad local support for a project. In fact, the various initial agreements that aboriginal authorities make with companies developing a project are typically only to begin, or to design, a consultation process. They do not imply consent to a project.

**Table 13 – Agreements Aboriginal communities make with companies**

|   |   |
|---|---|
| <b>Letters of Agreement (LOA)</b>                                   | These spell out how the consultation process will happen.   |
| <b>Communications and Engagement Funding Agreements (CEFA)</b>      | These involve receiving funding and negotiating the terms of engagement. The Métis Nation of Ontario—which will see 5 of its regions crossed by Energy East—signed a 2-year CEFA that it says will allow Métis communities to assess the impacts on their interests and “ultimately make informed decisions.” <sup>493</sup>  |
| <b>Memorandums of Understanding (MOU)</b>                           | TransCanada regularly funds communities to collect data or conduct Traditional Ecological Knowledge (TEK) and Traditional Land Use (TLU) studies. TLU studies gather information on how Aboriginal people use their traditional territories (or what TransCanada calls ‘Crown land’) “for subsistence, spiritual and traditional purposes.” <sup>494</sup> They are used to assess potential impacts on Aboriginal interests, and to suggest mitigation options. <sup>495</sup> TLU data is often incorporated into project applications. <sup>496</sup>  |
| <b>Benefits Sharing Agreements</b>                                  | For industry and government these agreements prove Aboriginal consent to projects. The agreements may include financial payouts, signing bonuses, and job provision commitments by the company, and concessions by the signing community. Governments may impose other accommodation measures, by adding conditions to the project approval. <sup>497</sup> [See the case study of Coastal Gaslink and PRGT, for agreements that have been signed by First Nations, in Ch. 4.2.10] TransCanada’s agreements with Aboriginal communities are highly secretive. Because they include non-disclosure clauses, it is difficult to determine how fair the terms are. There is no transparency, and individual communities are left with little bargaining power as they cannot compare the terms they are offered against those offered to others, whereas the company has this information. Companies generally engage with band councils and officials (e.g. of Development Corporations) who have jurisdiction only on reserve lands, rather than with traditional leadership or the wider community. |
| <b>National Energy Board and Alberta Energy Regulator Processes</b> | Groups who are judged to have ‘Aboriginal Interest’ in a project are sent notifications by regulators. If they apply, they may be granted intervenor status and given capacity funding, and can contribute written, oral and ceremonial testimony. The Federal Environmental Impact Assessment, which used to be another avenue of Aboriginal engagement, was integrated into the NEB’s process in 2012. The value of engaging in Canadian regulatory hearings is debatable. Many coastal First Nations refused to participate or withdrew from the NEB’s Northern Gateway Review, to “keep our powder dry for court.” <sup>498</sup> In Alberta, the Athabasca Chipewyan First Nation withdrew from AER hearings for TransCanada’s Grand Rapids Pipeline in 2014, in objection to a process that it said was designed to rubber-stamp the project (See Ch. 4.2.5).<br><br>A strongly worded denunciation of the NEB by an energy industry veteran showed that the process is biased in favour of industry. In October 2014, Marc Eliesen, former CEO of BC   |

|   |
|---|
| Hydro and former Director of Suncor, withdrew from the NEB’s Kinder Morgan hearings. <sup>499</sup> He called the NEB “a truly industry captured regulator” overseeing a fraudulent process, and lacking basic standards. His examples included companies not having to face oral questioning; dismissal of almost all questions put by intervenors to the company; and undemocratic exclusion of the public from hearings. |
|---|

### 3.8.7 Corporate Social Responsibility – Strategic Community Investments

TransCanada is eager to protect its image by funding projects that “enhance our reputation, increase awareness of our brand.”<sup>500</sup> In 2013, it donated \$12.7 million to 1,600 North American non-profits, representing only 0.14% of its revenue.<sup>501</sup> Most of its current community investments are in BC, Alberta, and Texas. As the Energy East project matures, TransCanada will likely announce many new initiatives for Indigenous and local communities in Ontario, Quebec and New Brunswick.

**Silencing criticism through community investments** – The town of Mattawa is located along the Energy East route, in Ontario. In mid-2014, after long negotiations, TransCanada gave the town council a modest grant of \$30,000 for a new fire truck under its community engagement program. The contracts that underpin TransCanada’s community investments are generally kept confidential, but this one was accidentally revealed—it was found attached to the agenda of a council meeting. The text contained a five-year ‘gag order’ clause: “the Town of Mattawa will not publicly comment on TransCanada’s operations or business projects.”<sup>502</sup> This gag order shows that TransCanada’s motivation for being a community benefactor is not just to enhance its reputation. The investments also allow it to forbid local criticism.

After the scandal was widely reported, TransCanada defended itself with the far-fetched claim that the clause was actually included “so that the Town of Mattawa did not feel pressured to make public statements regarding parts of our operations that they may not have direct knowledge or familiarity with.”<sup>503</sup> Because TransCanada’s community investments agreements are generally secret, it is impossible to know what sort of demands the company usually makes. However, in responding to the scandal, TransCanada said that it will replace the “vague” phrasing of the clause, and that “we will amend our contract language to ensure communities know they retain the full right to participate in an open and free dialogue about our projects.”<sup>504</sup> This suggests that the ‘gag order’ clause had previously been a standard part of its community investment agreements.

### 3.8.8 Greenwashing: TransCanada’s Green Investments and Strategic Community Partners

TransCanada’s main community partners, listed below, are mostly business-friendly charities and by supporting them, TransCanada is able to ‘greenwash’ its image.



**The Nature Conservancy of Canada (NCC)** – The NCC calls itself the leading ‘private’ conservation organization. There is a revolving door between the energy industry and the NCC. Hal Kvisle, TransCanada’s CEO until 2010, has been on the NCC’s Board of Directors since at least 2010 (and was its Chair since 2011). Pat Daniel, former Enbridge CEO, is on its national Force for Nature fundraising campaign leadership team. Also represented in the leadership team are current/former executives from other corporations with questionable environmental and social track records such as RBC and Cargill.<sup>505</sup> In 2009, TransCanada committed up to \$11.4 million to the NCC, making it the recipient of the company’s largest-ever community investment.<sup>506</sup>

**Ducks Unlimited (DU)** – This large charity conserves wetlands and bird species, and has a pro-hunting mandate. TransCanada has partnered with DU for over 15 years, and in 2013 contributed \$1 million to projects in Louisiana and Saskatchewan.<sup>507</sup> TransCanada claims that by supporting DU, it has helped conserve thousands of acres of land and to store over a quarter of a million tonnes of carbon for decades. However it also acknowledges that in 2013 alone, its pipeline and power operations resulted in 12 million tons of CO2 equivalent emissions.<sup>508</sup>

**Engineers Without Borders Canada (EWB)** – TransCanada is investing at least \$545,000 in EWB over 5 years.<sup>509</sup> EWB conducts business-oriented international development work in Africa, and is funded largely by extractive industries. Its biggest donors include Suncor, TransCanada, the Canadian Energy Pipeline Association, IamGold, and Agrium.<sup>510</sup> Since 2011, two TransCanada employees have annually been seconded to EWB in Africa for 6 months.

**Various in Texas, including Houston Energy Day** – In 2014, TransCanada was a sponsor for the fourth year running of this festival, organized by Consumer Energy Alliance. The Day promotes ‘energy awareness’ for children, teaching them that pipelines are fun and safe.<sup>511</sup> It also sponsored Houston’s ‘TransCanada Theater District Open House’ in 2013 and 2014. The company has also pledged \$125,000 to 18 Texas counties over four years, channelled through the East Texas Communities Foundation.<sup>512</sup>

**The International Association of Fire Chiefs (IAFC)** – TransCanada donated \$825,000 to a multiyear partnership with the IAFC, to improve pipeline safety awareness for emergency responders in the US and Canada.<sup>513</sup>

**University of Northern British Columbia (UNBC): Green Energy (Biomass) Project** – In 2014, TransCanada donated \$400,000 to this project. UNBC is in Prince George, close to where TransCanada’s LNG pipelines are being pushed forward, and where it faces opposition from environmentalists. Coastal GasLink and Prince Rupert project staff identified the Green Energy (Biomass) Project as something of strategic interest.<sup>514</sup> This example illustrates how TransCanada’s community investments are targeted where it faces the most opposition.

**Other Recent Strategic Investments:**<sup>515</sup> (See Ch. [1.5](#) for more on Donations)

- In cities along the Energy East route, it is donating large-diameter 42-inch steel pipe to the Association of the Pipe Fitting Industry (UA). It will be used for welding training.
- TransCanada has a power plant near New York City. In NYC, it donated \$326,000 for a mobile paediatric asthma-care unit in 2013, and \$300,000 to Children’s Aid for a charter school.
- \$250,000 to the Pollinator Partnership to promote awareness of Monarch butterflies.
- Contributions towards a wildlife rehabilitation facility in Île-des-Chenes, Manitoba in 2014.
- Emergency donations in 2013 of \$25,000-\$50,000 to: Rapid City, Manitoba’s Fire Station and to the Mexican, Canadian, and American Red Cross.
- \$25,000 to a dive rescue team in Delta County, Michigan, and \$100,000 to the Swim to Survive+ program in Ontario (2013).
- Title sponsor of the 2014 World Triathlon Grand Final in Edmonton, AB.
- In March 2015, TransCanada donated \$20,000 to Rhode Island Good Neighbour Energy Fund to assist those in temporary crisis who can’t pay their energy bills.<sup>516</sup>

### 3.8.9 Strategic Investments in Aboriginal Communities

(See Ch. [1.5.1](#) for information of First Nations/Aboriginal grants and scholarships)

TransCanada also spends large sums to win social license in Indigenous communities located near pipelines. These investments in cultural, health, sports, education, and relief activities build its image as a good corporate ‘neighbour’. TransCanada’s CSR materials emphasize its donations to environmental causes and Indigenous beneficiaries. Many of its current investments are near its proposed gas pipelines in BC, as those are closest to ‘breaking ground.’

In September 2014, TransCanada, along with Enbridge and RBC, sponsored the Aboriginal Peoples Choice Awards<sup>517</sup> and a cultural festival in Manitoba.<sup>518</sup> In response, Indigenous activist Clayton Thomas-Muller warned that it is dangerous to accept such sponsorship that allows greenwashing by companies that are “committing genocide and ecocide on Indigenous peoples and our sacred lands and waters,”<sup>519</sup> including by funding the lobby effort to undermine collective land rights. For Thomas-Muller, their agenda is “to blind First Nations, Inuit and Metis as well as Canadians into thinking these companies are all good” and to “redwash” the fact that the negative costs of their operations are borne by communities, such as the many whose “water ways and hunting grounds will be effected by TransCanada pipeline's Energy East project currently being peddled to our peoples.”<sup>520</sup>

**Some of TransCanada’s recent Aboriginal investments include:**<sup>521</sup>

- On the Prince Rupert pipeline route: \$1 million over 10 years to the Upper Skeena Recreation Centre (Hazleton, BC), which will be operated by local and Gitksan governments.<sup>522</sup>
- Sponsorship of the 2014 North American Indigenous Games in Regina, SK.
- 2013, Alberta: \$250,000 to the Slave Lake Disaster Recovery Fund, in the wake of wildfires, and \$50,000 of goods to Siksika residents affected by flooding.

- Participating in wetlands clean-up and trail creation in Prince George, BC.
- TransCanada claims that in 2013 it spent \$66.5 million on Aboriginal Businesses or their partners via its Aboriginal Contracting and Employment Program.<sup>523</sup>
- Through the Coastal GasLink Project in 2013, it co-launched the BC Aboriginal Business Association Marketplace, with the Industry Council for Aboriginal Business.
- In 2012, it launched the Aboriginal and Native American Employee Network.
- In 2014, TransCanada gave \$100,000 to the Indigenous charity *Indspire*, for education grants<sup>524</sup> to students in the Oil & Gas, Trades & Technology field.
- Since 2009, it has funded a 6-month 'Literacy First' program for the Louis Bull, Montana, and Samson Cree First Nations (Alberta).<sup>525</sup>
- TransCanada's Carrier Sekani Award gives the University of British Columbia scholarships to students from the 8 Nations under the Carrier Sekani Tribal Council.<sup>526</sup> It will give 2 students annual \$2,500 scholarships, for 3 years—during construction of Coastal GasLink—totalling only \$15,000 in actual funding.
- Coastal GasLink and PRGT donated \$250,000 to the Prince George Nechako Aboriginal Employment and Training Association, to meet the demand for labour by pipeline companies.

## Chapter 4 - Social and Environmental Profile

This chapter describes TransCanada’s social and human rights record in South America, the US and Canada. It details public opposition to various past and current projects, as well as questionable tactics for undercutting opposition.

### 4.1 Monitoring of Civil Society – TransCanada’s Collaboration with State Spy and Police Agencies in the US and Canada

In recent years, NGOs and the media have used Access to Information (ATIP) legislation to uncover documents that give insight into how closely TransCanada has worked with government spy and police agencies. Most collaboration appears to centre on monitoring and dealing with groups and individuals identified as critics of the energy industry.

In the US, documents related to Keystone XL show that TransCanada had access to the highest levels of security services, including the Federal Bureau of Investigation (FBI). The company also worked to influence how local police forces dealt with activists, such as suggesting the use of specific criminal charges—including terrorism charges—against them. In Canada, the Canadian Security Intelligence Service (CSIS) and Royal Canadian Mounted Police (RCMP) have closely monitored environmental and Indigenous groups, and shared intelligence with the energy industry. The NEB, an ostensibly independent regulator, has actively participated in this monitoring. Moreover, classified briefings for the energy industry—where federal agencies share information with company representatives—have been held regularly since 2005.

Information on TransCanada’s activities in other countries such as Mexico is not available. In Colombia, TransCanada was part of the OCENSA pipeline consortium during a period of armed conflict. As described in the case study below (See Ch. [4.2.2](#)), the consortium was accused of having enabled human rights violations through its security arrangements.

**Evidence of Surveillance of Civil Society in the USA** – Documents retrieved through Access to Information show that TransCanada met with the FBI in Oklahoma City in April 2012. An agenda for the day-long meeting (available [here](#)) describes it as a TransCanada-FBI ‘Training Session’. Participants included local and state law enforcement agencies, over 30 FBI agents, and the Department of Homeland Security.<sup>527</sup> According to a former Chief of Police from Oklahoma, the main concerns raised at the meeting were “opposition to the pipeline as well as terrorism and environmental activism.”<sup>528</sup>

The company also gave presentations to Nebraska law enforcement authorities; copies (dated December 11, 2012) were obtained from the Nebraska state patrol. These show how TransCanada worked behind the scenes to influence police to deal as strongly as possible with Keystone XL protestors. It profiled individuals that the police were to look out for, including people linked with

groups like Rainforest Action Network and 350.org.<sup>529</sup> In the presentations,<sup>530</sup> the company detailed serious charges that police could use against non-violent protestors, including criminal trespass, criminal conspiracy, criminal instrument or device, or “federal/state anti-terrorism statutes.” In another presentation,<sup>531</sup> TransCanada set out specific criminal charges that could be used in Texas, Oklahoma and Nebraska. Moreover, the NGO Bold Nebraska pointed out that TransCanada had falsely and inaccurately tried to label its opponents in Nebraska as ‘abusive’ and ‘aggressive.’<sup>532</sup>

**Evidence of Surveillance of Civil Society in Canada** – In recent years, the RCMP and CSIS have spied on environmental and aboriginal groups across Canada, identifying them “as a potential source of domestic terrorism, thereby justifying the monitoring and infiltration of such groups.”<sup>533</sup> Groups that have been targeted include ForestEthics Advocacy, LeadNow, Idle No More, and Dogwood Initiative.<sup>534</sup>

Moreover, documents obtained through Access to Information in 2013 by the Blacklock Group, revealed that the NEB had directly worked with the RCMP and CSIS before the hearings on Enbridge’s Northern Gateway pipeline “to monitor the risk posed” by such groups.<sup>535</sup> According to a lawyer associated with ForestEthics, this represents “a light-year leap in the level of paranoia and government action to protect the profits of private companies.”<sup>536</sup> Internal NEB emails from 2012-2013 show that it gathered intelligence on opponents and “actively coordinated” with Enbridge and TransCanada officials.<sup>537</sup>

More documents obtained through Access to Information by Press Progress, show that the energy industry has had long-term discussions with government, intelligence and police agencies on ‘challenges’, such as opposition by environmental groups.<sup>538</sup> Security briefings for energy industry representatives have taken place twice a year since 2005; an agenda for the November 2011 ‘Classified Briefing for Energy & Utilities Sector Stakeholders’ showed that the full-day meeting was held in collaboration with Natural Resources Canada, CSIS and the RCMP at CSIS headquarters in Ottawa.<sup>539</sup> Networking receptions are held prior these meetings; in mid-2013, the reception was co-sponsored by Bruce Power (partly owned by TransCanada).<sup>540</sup>

Another indication that ‘anti-terrorism’ rationales are being used to create extraordinary structures to pre-emptively monitor civil society is that in mid-2014, the federal government set up a counter-terrorism unit in Alberta, ostensibly to protect its energy industry from “extremists”.<sup>541</sup>

Overall, the various documents obtained through Access to Information show that information based on the monitoring of civil society is shared with the energy industry, but the nature and volume of information shared is unknown. However, it is clear that company representatives are given access to highly classified intelligence. The Dominion notes that as far back as 2007, Canada’s former Minister of Natural Resources “boasted” at the International Pipeline Security Forum that his ministry had facilitated high-level security clearance for over 200 industry representatives, which “enables us to share information with industry and their associations.”<sup>542</sup>

In early 2014, the B.C. Civil Liberties Association filed an official complaint to challenge the monitoring of civil society by CSIS, and to find out what information is shared with industry. The Security Intelligence

Review Committee (SIRC), the watchdog responsible for CSIS, announced in September 2014 that Yves Fortier, an SIRC member, would lead the investigation of the complaint. However, the influence of the energy industry appears to reach even this level; Fortier is a former member of TransCanada's Board of Directors, and a shareholder in the company.<sup>543</sup>

## 4.2 CASE STUDIES

### 4.2.1 Chile and Argentina – The GasAndes pipeline

In 1995, Chileans learned that the Canadian company Nova Gas International would lead a consortium of companies in the construction of the largest-ever pipeline in the region. The GasAndes pipeline is 463 km (287 miles) and climbs high over the Andes Mountains to bring gas from Argentina to Santiago, Chile.<sup>544</sup> At the time of the pipeline's approval, Nova Gas International was a wholly owned subsidiary of Canadian energy and pipeline company Nova Corporation. Nova Corporation merged with TransCanada in July 1998, less than a year after the pipeline was completed. TransCanada operated and retained 46.5% ownership in the pipeline until May 2000, when it sold its interest in GasAndes to Total Fina Elf (now known as Total).<sup>545546</sup>

In the year after the pipeline was approved intense opposition to the project emerged, with communities along the pipeline route bringing a number of lawsuits against the company in attempts to block construction.<sup>547</sup> Many expressed alarm about the danger of explosions (as the pipeline was to pass through one of the world's most earthquake-prone regions), and concern that the contract was awarded before an environmental assessment had been completed.<sup>548</sup>

In Pirque, south of Santiago, activists from the environmental group Corpique protested NOVA's disregard of basic standards of practice. Instead of avoiding residential zones, the pipeline would pass only 30 metres from homes in some places, run through orchards and parks, and operate at high pressures.<sup>549</sup> For Chilean environmental activists the injustice was that the company was being allowed to operate in Chile in ways that would be impossible in Canada.<sup>550</sup> In early 1996, Corpique leaders called for an investigation into the months of intimidation they had experienced since the pipeline protests began. One leader needed police protection because of death threats, and another, Patricia Iturriaga, had been beaten and thrown into a canal.<sup>551</sup> Frank Wong, a GasAndes manager, responded by urging the authorities to investigate the anonymous threats.

In February 1996, hundreds of activists began to practice passive civil disobedience. In response Elena Serrano, a company spokeswoman, warned protestors and sympathetic officials not to interrupt construction. She absolved GasAndes of responsibility for conflict, saying: "if this opposition escalates and gets to the point where we cannot build, it is not our problem. It is a problem of public order, not ours."<sup>552</sup>

The tension peaked in San Alfonso (near Santiago). Locals had been protesting for days, as the pipeline was still expected to run alongside neighbourhoods. On June 13, 1996, protestors blocked a road, hoping to get a company manager to consider a proposal to reroute the pipeline to an unpopulated area. This would have raised construction costs by only 2%. On that day, police responded against the protestors with unusual brutality. Among the 11 people injured was a 14-year old girl, Natacha Chandía Torres, who had been taking the bus to school. She later died.<sup>553</sup>

Four days later, 300 people occupied a construction zone in San Alfonso, and disabled the suspension bridge that allowed access to it. Witnesses reported that when company personnel arrived to take back the area, 150 members of the special police force accompanied them.<sup>554</sup> During the crisis, appeals to the Chilean government to intervene, in relation to local concerns about the pipeline, were rejected.<sup>555</sup>

By 1997, GasAndes had been built as originally planned.<sup>556</sup> For the communities, speaking out had brought consequences, including serious rights violations. However, for the company, the communities were merely ‘difficulties’ to be overcome. The company successfully fought dozens of injunctions – some of which reached Chile’s Supreme Court. This led GasAndes employees to jokingly state that theirs was the first pipeline to be built by lawyers.<sup>557</sup>

A financially troubled TransCanada sold many of its South American assets, including GasAndes, in 2000.<sup>558</sup> But despite a history of human rights violations, the company has touted its Latin American track record; in one document, TransCanada boasts of having “built and operated a number of natural gas pipelines, including GasAndes in Argentina and Chile [...] [Those pipelines] remain part of our proud history of industry-leading pipeline construction and operation.”<sup>559</sup>

In mid-1998, NOVA and TransCanada combined their assets in a \$14 billion “merger of equals.”<sup>560</sup> Both were already energy giants, with TransCanada’s mainlines and NOVA’s gas line monopoly in Alberta (now the ‘NGTL’ system). Upon the merger, the long-time Chair of NOVA’s Board, Richard Haskayne, became Chair of the amalgamated company, showing continuity in leadership. In short, while TransCanada has not yet attempted to distance itself from the conflict associated with the GasAndes pipeline, it cannot—if challenged in the future—legitimately claim that NOVA’s assets or legacy came to an end upon the merger, or deny that NOVA’s history is part of its own.

#### 4.2.2 Colombia – OCENSA Oil Pipeline

Colombia’s notorious OCENSA (Oleoducto Central S.A.) is the country’s biggest oil pipeline. Completed in 1996, the pipeline links BP’s oil fields to the Caribbean coast. BP is the major shareholder. TransCanada and Enbridge each owned 17.5% of the OCENSA consortium, and the two jointly operated the pipeline until late 2000, when TransCanada sold its shares. The 829 km (515 miles) pipeline travels through some of the regions that have historically been most affected by armed conflict. In Colombia, there have been tens of thousands of politically-motivated murders by paramilitaries and many bodies are reportedly buried near the pipeline.<sup>561</sup>

Investigations by Amnesty International implicated the consortium in atrocities in the late 1990s. These atrocities, Amnesty concluded, resulted from consortium's arrangements with security forces and militias.<sup>562</sup> For example, agreements with Colombia's Defense Ministry for protection of the pipeline went further than just defense. The military would "terrorise anyone suspected of sympathizing with local guerrillas or opposing BP's operations."<sup>563</sup> OCENSA also bought military equipment for the army's 14th Brigade, which has been linked to some of Colombia's worst mass human rights violations.<sup>564</sup>

According to Amnesty International, OCENSA paid agents to gather intelligence on 'subversive' people in the region, such as community and union organizers. It then shared that information with the Colombian military, which has "frequently targeted those considered subversive for extrajudicial execution and 'disappearance'."<sup>565</sup> The OCENSA pipeline has also had devastating environmental impacts for surrounding communities. See The Polaris Institute's profile of Enbridge Corp.<sup>xxi</sup> for details on oil spills and damage to water and land resources.

#### **4.2.3 The Lubicon Cree First Nation – North Central Corridor Pipeline, Canada**

Since at least 1990, the UN Human Rights Committee has repeatedly concluded that Canada has violated the rights of the Lubicon Cree First Nation (also known as Lubicon Lake) in Alberta—in part because fossil fuel operations have destroyed their way of life.<sup>566</sup> The small community is surrounded by thousands of oil and gas wells; by 2010, almost 70% of its territory had been leased to extractive industries.<sup>567</sup> In 2008, TransCanada applied to build the North Central Corridor Pipeline to Fort McMurray, Alberta. This \$800 million gas mega-pipeline would be the largest to cross Lubicon territory, and would come close to areas of cultural importance.<sup>568,569</sup>

Unlike most Indigenous Peoples in Alberta, the Lubicon have no agreements or treaties with the Canadian government. When Lubicon representatives met with TransCanada to discuss their concerns about the pipeline they first asked the company to acknowledge Lubicon rights to their territory; TransCanada refused to do so.<sup>570</sup> Lubicon representatives later attended an Alberta Utilities Commission (AUC) pre-hearing to assert that if built, the pipeline would violate their land rights. Unmoved, the AUC denied the Lubicon standing to participate in the hearings process, on the basis that they had not explained exactly how the pipeline would affect specific aboriginal rights such their ability to hunt and trap.<sup>571</sup> Ultimately, at least 15 separate industry groups testified at the final pipeline hearing, but not a single First Nation was represented.<sup>572</sup>

In April 2008, Lubicon supporters protested outside TransCanada's Annual General Meeting. Inside, faith-based shareholders, including KAIROS (Canadian Ecumenical Justice Initiative), confronted then TransCanada CEO Hal Kvisle. One concern they raised was that TransCanada had falsely claimed in its AUC application that "no objections were raised in extensive consultation with landowners, native

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<sup>xxi</sup> See: [http://www.polarisinstitute.org/enbridge\\_profile](http://www.polarisinstitute.org/enbridge_profile)



communities” and others.<sup>573</sup> The company made this claim despite the Lubicon having repeatedly raised objections and having asked TransCanada for information that was never provided.<sup>574</sup> Kvisle denied any wrongdoing, saying “We have confidence in the regulatory process” and that “The Lubicon do ask us to make a statement that we recognize that Lubicon land is Lubicon land [...] it’s not appropriate for TC to make that declaration.”<sup>575</sup> So confident was TransCanada in the process that it moved construction equipment into the area before the pipeline was approved.<sup>576</sup> Lubicon Councilors asked the company to pause construction and to attend a meeting to discuss concerns. TransCanada refused, writing that it had all necessary approvals and needed to adhere to a timetable “to meet the public interest.”<sup>577</sup>

James Anaya, the former UN Special Rapporteur on the Rights of Indigenous Peoples, investigated this case and his report makes clear that from the perspective of the Lubicon Cree, their fundamental rights were violated.<sup>578</sup> Despite the wealth of resources extracted from their territories, living standards remain dire; the community has no running water, and deals with extreme health, environmental and economic deprivation. Since its completion in 2010, the pipeline has had at least one major rupture, in October 2013.<sup>579</sup> The Lubicon Cree remain politically marginalized. Even though Canada’s government has had no talks with them since 2003, the community has been targeted for surveillance by the RCMP, which has kept ‘industry partners’ informed.<sup>580</sup>

#### 4.2.4 Port Arthur, Texas – Keystone XL, USA

The southern branch of Keystone XL ends near Port Arthur on the Gulf Coast of Texas, one of the most concentrated oil refining zones in the world. If the northern branch were approved, 830,000 extra barrels of diluted bitumen would flow towards Port Arthur and US Midwest refineries (and to coastal ports). Those who live in the shadow of the refineries are mostly low-income, African-American communities that would absorb the increased externalities of the new pipeline. TransCanada is also building a lateral pipeline link to Houston, Texas—where, similarly, low-income residential areas surround the refineries.<sup>581</sup> This will allow even more refineries to begin processing tar sands crude (see ‘Houston Lateral and Terminal’ in Ch. [2.7](#)).

Port Arthur has been called a ‘sacrifice zone’ – a place devastated by, and essentially abandoned to the effects of industry.<sup>582</sup> Although Port Arthur houses Motiva, Valero, Chevron Phillips, Total and other refineries, community members have not benefited from refinery jobs.<sup>583</sup> Instead the costs, especially in terms of health, have been tremendous. Among African Americans in Jefferson County, cancers occurs 15% more frequently than the state average.<sup>584</sup> Moreover, Port Arthur’s residents are four times more likely than those just 60 km (100 miles) upwind to suffer from serious heart, respiratory and other conditions.<sup>585</sup>

Hilton Kelley is a prominent activist in West Port Arthur, which has some of the highest poverty levels in Texas.<sup>586</sup> On the local impact of the proposed Keystone XL, he writes: “our chief concern is that we will be the ones receiving the tar sands crude, which is heavy in sulfur, benzene -- a known carcinogen -

- and heavy metals. Levels of toxic emissions will definitely increase, and the low-income communities of color near the refineries in Port Arthur and Houston will bear the brunt of the pollution. [...] the KXL pipeline will only add insult to injury.”<sup>587</sup>

A TransCanada executive has assured the US Congress that if Keystone XL were approved, “Effects on minority and low-income populations would generally be small and short term. Risks associated with potential releases would not be disproportionately borne by minority or low-income populations.”<sup>588</sup> This statement almost certainly refers only to pipeline spills.<sup>589</sup> Port Arthur’s health crisis shows that this narrow focus is inadequate, and that the effects on communities at the end points of pipelines must be counted.<sup>590</sup>

#### 4.2.5 The Athabasca Chipewyan First Nation – Grand Rapids Pipeline, Canada

The Athabasca Chipewyan First Nation (ACFN) is an Indigenous Dene community based in Fort Chipewyan, Alberta. Located just 200 km (120 miles) downstream from the centre of tar sands extraction, its members have already been subjected to severe health and environmental harm. Now the community faces a new threat in its territory: TransCanada’s Grand Rapids project, which the ACFN has called the “mother of all pipelines.”<sup>591</sup> This 460 km (285 miles) dual pipeline will cross 56 major waterways, pumping 900,000 barrels of diluted bitumen daily from the mines. It is a key piece of tar sands infrastructure, as it will feed major export pipelines, including the proposed Energy East line.

Landowners, environmental groups and the ACFN alleged that the Alberta Energy Regulator (AER) was trying to fast-track approval of the pipeline, without adequate environmental assessments and consultation.<sup>592</sup> In testimony to the AER, Michelle Mitchell, who lives along the proposed route, called TransCanada’s approach to landowners “insulting,” as it had insisted that she sign a non-disclosure agreement for the rights to cross her land in exchange for \$20,000. According to Mitchell, other pipeline companies she had dealt with do not demand secrecy.<sup>593</sup>

The Chief of the ACFN, Allan Adam, likewise accused TransCanada of dealing with his community in bad faith, saying that instead of taking aboriginal concerns seriously, it was more focused on what it would cost to “buy us off.”<sup>594</sup> In July 2014, the ACFN formally pulled out of the AER approval hearings. Citing industry prejudice and impossible timelines, Chief Adam explained that the AER had refused to give them enough time to study new documents submitted by TransCanada. Previously, the company had submitted incomplete environmental, safety, spill contingency and caribou protection plans.<sup>595</sup> Nevertheless, only three months later, the AER approved the pipeline.<sup>596</sup>

#### 4.2.6 Cancelled LNG and Power Generation Projects

**Broadwater LNG terminal, Long Island Sound (New York, US):** This was a joint venture by TransCanada and Shell to construct a massive offshore LNG terminal in Long Island Sound, which is an

estuary between Connecticut and Long Island, New York.<sup>597</sup> The Federal Energy Regulatory Commission unanimously approved the project in 2008.<sup>598</sup> Soon after, both New York’s Governor and the US Department of Commerce blocked it, citing the long-term environmental harm that would result.<sup>599</sup> Although environmentalists had opposed the project, other actors were significant in its downfall. It was unpopular with local elites – Long Island Sound is surrounded by expensive residential properties – and was opposed by prominent politicians, including New York Senators Charles Schumer and Hillary Rodham Clinton.<sup>600</sup>

**TransCanada Power Plant, Oakville (ON, Canada):** In September 2009, TransCanada won a contract from the Ontario Power Authority to build a \$1.2 billion gas-fired power plant West of Toronto in Oakville, Ontario.<sup>601</sup> After mounting opposition to the plant from the local population over concerns related to air quality,<sup>602</sup> the Premier of the Province of Ontario abruptly cancelled the project.<sup>603</sup> Later it was announced that the plant would be built in Napanee instead (See Ch. [2.7.1](#) for details).<sup>604</sup>

#### 4.2.7 Opposition to TransCanada – Gulf Coast Extension, USA

Despite well-organized public opposition, the southern leg of Keystone XL, from Oklahoma to the Gulf Coast of Texas, began operating in 2014. The following examples show how TransCanada used various methods for responding to the opposition to the Gulf Coast Extension:

**Lawsuits** – With the intent to dissuade further direct action, TransCanada used the strategy of suing individual activists who had been arrested for physically blockading the pipeline. The company sought hefty damages over lost construction time.<sup>605</sup> TransCanada brought a \$5 million (USD) Strategic Lawsuit Against Public Participation (SLAPP) against 19 people and several environmental groups, including Tar Sands Blockade and Rising Tide. A SLAPP is an intimidating tactic often used by companies against those with few financial resources. The defendants, “threatened with losing their homes and life’s savings,”<sup>606</sup> agreed in 2013 to cease opposition.

#### Local and State law enforcement and security firms

- An attorney with the Civil Liberties Defense Center said in reference to TransCanada’s alleged encouraging of police to use strong tactics,<sup>607</sup> that the company had tried “to bring the full weight of the police state upon nonviolent activists ... using mace, tasers, and physical brutality.”<sup>608</sup> A journalist investigating its tactics found that TransCanada and Michels Corp. (its major contractor for Keystone XL) had “hired entire sheriffs’ departments to work as [private] security” to protect equipment. Calling this “a brazen conflict of interest”, the author Will Potter reported that off-duty police were being paid “during their off hours by the same corporation that is asking them to arrest protesters while they are on the job.”<sup>609</sup>

- Among the landowners TransCanada sued under eminent domain was Julia Trigg Crawford, who consequently became a prominent opponent of the company (see Ch. [1.6](#)). Contracted security guards installed across from her house remained in place even after all pipeline equipment was removed. They were reportedly instructed by Michels Corp. to videotape all Crawford’s movements, possibly as a pressure tactic.<sup>610</sup>
- In another instance, TransCanada avoided taking responsibility after pipeline crews working on the property of a family in East Texas destroyed the family’s septic system in 2012. Only after raw sewage made the home permanently unlivable was the family offered modest compensation. When the family hired the Domina Group—a law firm currently leading major litigation against KXL in Nebraska<sup>611</sup>—TransCanada’s offers immediately jumped eightfold, and it finally settled with them for \$479,000 in 2014.<sup>612</sup>

#### 4.2.8 Landowners and Indigenous Peoples in Nebraska & South Dakota – Keystone XL, USA

*“Next to your family, we know there’s nothing closer to your heart than your land. We’re TransCanada and we understand how you feel about your land.”*  
 — Keystone Pipeline advertisement<sup>613</sup>

The northern arm of KXL is slated to run from Alberta through Saskatchewan, Montana, South Dakota, and Nebraska. Although national groups in the US have campaigned against the pipeline, local opposition has been perhaps the most effective barrier to the pipeline. TransCanada proposed building through the Nebraska Sandhills—one of the most vital wetland ecosystems in the U.S. as it sits atop the Ogallala Aquifer. This massive aquifer underlies 8 states; it provides much of the region’s water for domestic and agricultural use, and could be permanently damaged by a tar sands oil spill. Because this delicate ecosystem is critical to livelihoods in the largely agricultural region, landowner and environmental opposition grew quickly. When the route was eventually rejected by the US State Department in 2011, TransCanada quickly proposed another route, skirting the Sandhills but still crossing the aquifer.<sup>614</sup>

In 2012, a new law enabled Nebraska’s Governor (rather than the Public Service Commission) to apply eminent domain to approve KXL’s route in Nebraska. In 2014, three landowners successfully argued that the law was unconstitutional. The case reached Nebraska’s Supreme Court where landowners asked justices to uphold a lower court’s nullification of the route, but TransCanada’s lawyers maintain its legality. In January 2015, the Supreme Court ruled to uphold the pipeline’s proposed route.<sup>615</sup> (See Ch. [1.6](#) for more details)

Paralleling its efforts to influence state-level policy making, TransCanada has worked to undermine local political processes. Company officials regularly made local appearances, with lawyers at county zoning hearings in Nebraska where farmers were attempting to apply zoning regulations to the pipeline.<sup>616</sup> In 2014, the company was given access to draft zoning regulations in Nebraska’s York

County, allowing it to submit objections to the County Board.<sup>617</sup> Its position prompted the US federal pipeline regulator (PHMSA) to give the company a “friendly warning” that counties have a critical role in pipeline safety; TransCanada disagreed, responding that counties were overstepping their authority.<sup>618</sup>

TransCanada’s reported manipulation of landowners—in contrast with its PR campaigns portraying it as a good neighbour—has harmed the company’s reputation and entrenched distrust among the public. In Nebraska, its pressure tactics ran from religious appeals to threats. Reverend Myron Stafford, one of TransCanada’s main land agents in Nebraska from 2008 on, also served as a church minister until 2012. He is accused of using his status to persuade landowners to sign deals, for example by praying with them during negotiations.<sup>619</sup> Furthermore, in other cases, threats were used as a pressure tactic. For example, after Scott Onnen refused to sign an easement with Stafford, he received a phone call from a TransCanada Vice President that caused him to give in. He says the VP told him that if TransCanada had to seize his land through eminent domain, it would run the pipe “right through” his house.<sup>620</sup>

TransCanada also uses ‘soft’ engagement tactics such as advertising campaigns. In Nebraska, where it faces its most organized opposition, the company created ‘straight talk’ TV ads to reassure locals that it shares their values. The ads show idyllic rural and domestic scenes, featuring TransCanada employees talking about being proud Nebraskans, sports fans and farmers.<sup>621</sup> One stars a farmer, Charles Barber, saying that he is happy to have the Keystone mainline run under his farm, and praising TransCanada officials for being courteous. Overall, he says, encapsulating the simplified message TransCanada would like people to accept: “I don’t know what all the fuss is.”<sup>622</sup>

Since 2009, the group [Nebraskans for Jobs & Energy Independence](#) (NJEI) has been a prominent KXL/TransCanada advocate, and likewise works to undermine pipeline critics. It is often described as a creation of TransCanada. Although NJEI has denied this claim, it was co-founded by a TransCanada director, Beth Jensen.<sup>623</sup> Its spokesperson has said: “Are we a front group for building the pipeline? Sure, proud to be.”<sup>624</sup>

Nonetheless, a number of local groups have been successful in rallying influential opposition against Keystone XL. These include the small NGO, [Bold Nebraska](#). This success, according to its Director Jane Kleeb, has been based on prioritizing strong farmer/indigenous alliances, education, local concerns, and direct legal and financial support to landowners. Instead of emphasizing broader pipeline impacts such as climate change—that might not be top concerns in a conservative state—Bold Nebraska focused on local issues, like TransCanada’s violation of people’s property rights, and impacts on lands and water. The company’s treatment of locals and the fact that Nebraskans would be taking on the risks of Canada’s tar sands expansion were also motivators of opposition.<sup>625</sup> Bold Nebraska built community relationships over years, educating groups like farmers unions on the risks of bitumen pipelines.

In addition, the [Nebraska Easement Action Team](#) (NEAT) has effectively organized landowners to demand fair treatment for those who do sign easements, or to band together to resist doing so. This undermines TransCanada's typical approach of keeping landowners isolated from each other and the terms of agreements private. NEAT is a non-profit education and legal defense fund that contacts landowners along the pipeline and provides them support by demanding fairness and a standard easement agreement. The Domina Group represents many landowners mobilized through NEAT. In 2012-2013, Jane Kleeb and Dave Domina united a quarter of the landowners on the new route in order to resist TransCanada.<sup>626</sup> Consequently, over 100 Nebraska landowners had rejected large financial offers from the company by mid-2014.<sup>627</sup>

The Keystone XL experience shows how important it is for landowners to form associations as early as possible, both to be able to lobby governments and to work around possible attempts to keep agreements secret and landowners isolated from each other. Had there not been years of delays, the successes of KXL opponents and alliances in Nebraska and elsewhere could not have been possible. It is important also for allies to provide legal and other support to landowners, who are otherwise isolated, intimidated, and unable to afford legal battles against industry. It also shows that for NGOs, it is valuable to work with and emphasize the issues of concern to those directly impacted (such as landowners, Indigenous and otherwise), and to target local political processes, rather than focusing mainly on federal politics and on cumulative impacts of pipelines.

### **Keystone XL and Opposition from New Alliances**

Along the pipeline route, TransCanada has generally neutralized dissent through political processes, astroturf groups and PR. It has necessarily engaged directly with landowners, but appears to have been less able to engage Indigenous groups. In South Dakota for example, TransCanada representatives visited the Cheyenne River Sioux reservation in 2013. At a packed meeting, community members reiterated Lakota concerns about KXL, and asked the representatives to leave.<sup>628</sup> The Pine Ridge (Oglala Sioux) tribe has banned TransCanada and its consultant Phil Fontaine from its territory.<sup>629</sup> And in November 2014, responding to efforts at the US Congress to approve KXL, President Cyril Scott of the Rosebud Sioux Tribe in South Dakota declared that authorization of the pipeline would be seen as "an act of war against our people," and that the tribe "will close our reservation borders to Keystone XL."<sup>630</sup>

If built, the pipeline will cut through Great Sioux Nation (Oceti Sakowin) Treaty lands, and approach the Rosebud Sioux and Cheyenne River Sioux Reservations.<sup>631</sup> Concerned by threats to water, land rights, and sovereignty, as well as a lack of consultation or resolution of their concerns, many Sioux Peoples have mobilized in opposition against KXL. The National Congress of American Indians has adopted a formal resolution opposing the pipeline,<sup>632</sup> as have the Rosebud Sioux, the Black Hills Sioux Nation Treaty Council,<sup>633</sup> and the Pine Ridge (Oglala Sioux) Reservation.<sup>634</sup> Various 'spiritual camps' have also been erected along the route.<sup>635</sup>

Major alliances against KXL have formed, based on the shared concerns of Indigenous groups, non-native groups (such as ranchers) and NGOs. In 2013, The Rosebud Sioux formed 'Shielding the People'

as an avenue to create alliances. Its stated reasons for opposing KXL are: the potential loss of clean water; violation of treaty rights; violence associated with ‘man camps’; cancer affecting people near pipelines; and biodiversity loss caused by hot bitumen pipes.<sup>636</sup> ‘Owe Aku’ is a grassroots alliance of Lakota Peoples that have explicitly withheld consent to the pipeline.<sup>637</sup> ‘Protect the Sacred’ is an alliance of Indigenous and other groups from Canada and the US, which signed an International Treaty to block KXL in 2013.<sup>638</sup> In South Dakota, ‘No KXL Dakota’ was launched in 2014, bringing together many allies including Protect the Sacred, the Indigenous Environmental Network and Dakota Rural Action, a farmer/landowner group.<sup>639</sup>

All of these alliances added momentum to a historic action in April 2014, led by The Cowboy Indian Alliance—a strong non-traditional coalition of farmers, ranchers and tribal nations along the KXL route. Indigenous elders and their allies rode into Washington D.C. on horseback, led rallies and created a 6-day ‘Reject and Protect’ encampment<sup>640</sup> which was supported by allies, NGOs, celebrities and thousands of members of the public. The effect was to visibly unite groups usually dealt with separately by pipeline companies and to put a spotlight on the scale of opposition, increasing pressure on the US President to reject the pipeline.

#### 4.2.9 The Energy East Tar Sands Pipeline – Canada

TransCanada formally applied in late 2014 to build the world’s largest bitumen pipeline. If constructed, it will pass through or near the traditional territories of at least 180 Indigenous communities, as well as many towns and cities. A list of municipalities and of federally recognized First Nations along the pipeline route is available from the Council of Canadians [here](#).<sup>641</sup> Upcoming Energy East ‘open house’ events can be found on its website [here](#).

Most of the project would involve the conversion of TransCanada’s ‘backbone’ – the gas mainline from Alberta to the Quebec/Vermont border, where it then feeds other systems – to transport bitumen. The gas pipeline is made up of multiple parallel 40-60 year old underground steel pipes which in recent years has become less profitable for the company. Conversion would turn an aging gas pipeline into a higher-risk tar sands pipeline; many accidents have already occurred on TransCanada’s gas mainline (See Ch. [4.3.1](#) for examples of incidents).

While the pipeline has political backing from the governments of Alberta, Saskatchewan, Manitoba and New Brunswick, as well as all major federal political parties, there appears to be some ambivalence in Ontario and Quebec. Ontario ordered a separate review of the pipeline by the Ontario Energy Board in 2013 with community consultations taking place in January 2015 (details can be found [here](#)). Quebec’s bureau d’audiences publiques sur l’environnement (BAPE) – an environmental watchdog – is also conducting a review of Energy East. Provincial bodies such as BAPE and the OEB can participate in NEB hearings processes.

In November 2014, Quebec gave TransCanada seven new conditions that it requires to be fulfilled before the province will approve Energy East.<sup>642</sup> Ontario and Quebec's Premiers announced plans to harmonize their responses to Energy East, with the implication that they would consider the entire lifecycle of emissions of the project, not just those from the pipeline itself. However, in late 2014 after meetings with then Alberta Premier Jim Prentice (who was the most lobbied cabinet minister by TransCanada when he was Minister of the Environment – see Ch. [3.1.2](#)), the premiers backed down from those demands.<sup>643</sup>

There seems to be less public support for the pipeline in Quebec. 'Coule pas chez nous!' ('Don't Spill in Our Home!') is a citizen-driven campaign to raise awareness of Energy East, and of Enbridge's Line 9B. The breadth of public concern about the pipelines is reflected in the fact that a public campaign to raise funds for the group raised \$200,000 in a single day.<sup>644</sup>

In Ontario, Quebec and New Brunswick, land claims and the significant size of unceded Indigenous territories may also give strength to Indigenous opponents. Notably in 2014, the federal government ramped up pressure on First Nations in Ontario and elsewhere to settle 'Comprehensive Land Claims'; these oblige First Nations to permanently give up their rights over most of their traditional territories.<sup>645</sup>

Near the end points of the pipeline, TransCanada's plans to build export terminals have also fuelled opposition. One terminal is planned on New Brunswick's Bay of Fundy. People involved in the region's important fishing industry have specifically raised concerns that they could be impacted negatively by tanker traffic and spills.<sup>646</sup> One of TransCanada's biggest challenges in its quest to build Energy East was the pushback against its other planned terminal at a port on the St. Lawrence River near Cacouna, Quebec. The terminal was being designed to receive and export bitumen, which would have brought heavy tanker traffic through the calving grounds of the beluga whale population.

In 2014, there were several protests and lawsuits by NGOs and environmental groups in Quebec to stop TransCanada from continuing work (including seismic surveys) on the Cacouna site, which it began before getting a permit to do so.<sup>647</sup> Eventually, TransCanada was forced to 'stand down' after the Committee on the Status of Endangered Wildlife re-assessed the beluga whales in late 2014. Citing population declines and "unexplained deaths of calves", it revised their status from threatened to endangered.<sup>648</sup> Ultimately, the company decided to abandon its plans to build its terminal at Cocouna.

In the city of North Bay, ON, there is broad political and community opposition to Energy East because of its proximity to Trout Lake, the only local source of drinking water. Moreover, TransCanada's approach has raised suspicions; according to one landowner, "when TransCanada people have refused to answer questions, or treat people who have asked (questions) with contempt, they have made those on the fence believe that Energy East isn't good for us."<sup>649</sup>

Ironically, TransCanada has called social acceptance "critical" to its operations, insisting that the company's dedication to responsibility and safety will be the foundation of its efforts to build and



maintain social acceptance.<sup>650</sup> Yet it works to delegitimize the very idea that social license is a legitimate expectation for industry. For example, it gave \$1 million to the University of Calgary (School of Public Policy) to create the 'TransCanada Corporation Program in Energy Policy & Regulatory Frameworks.'<sup>651</sup> In October 2014, the University Of Calgary School Of Public Policy hosted a conference titled 'Is Social License a License to Stall?' Ostensibly a forum for debate, it was actually framed to delegitimize civil society. The conference description starts by stating: "Canada's regulators act in the public interest .... are guided by procedural fairness and follow a transparent application, review and hearing process". It ends by asking if social license is a meaningful addition to the regulatory process, or if it is used as a moving goal post to, among other things, "frustrate energy infrastructure expansion and even enrich those advocates who promote it."<sup>652</sup> Similar to the Calgary conference, a conference titled "Positive Energy – Building a path to social acceptance and support of energy development in Canada" was organized at the University Ottawa in March 2015 where TransCanada was a participant.<sup>653</sup>

TransCanada generally does not acknowledge public opposition, except to publish rebuttals to what it calls 'myths' on its websites and in PR campaigns. Instead it tends to frame the volume of its engagement efforts as successful public consultation. For example, responding to a question about public perception, a TransCanada Executive said that they had met thousands of stakeholders, and that "the message I'm getting very strongly is most people recognize that there are very significant benefits to this project and very significant benefits to Canada."<sup>654</sup>

### **Indigenous Responses to Energy East**

A TransCanada spokesperson has claimed that the company has good relationships with aboriginal communities along the Energy East route, and that by early 2014 it had already signed several 'letters of agreement' with aboriginal communities. The company's CEO Russ Girling has said in May 2014, that he expects Energy East to face a relatively easy ride through the NEB process, and that, "We don't think [the review process] can be hijacked by environmental activists."<sup>655</sup>

Aboriginal opposition to Energy East is coming from many affected actors, including band councils. For example, the pipeline will cross the traditional territories of the Mohawk Nation in Kanehsatàke, Quebec. TransCanada has started engaging with the community.<sup>656</sup> Serge Simon, the elected grand chief, has questioned the economic and environmental justification for signing pipeline benefits agreements, and plans to intervene at the NEB.<sup>657</sup> Ellen Gabriel, a prominent activist from Kanehsatàke, has said that TransCanada's "unscrupulous manner to impress upon our community that Energy East is a 'done deal' is unethical and coercive."<sup>658</sup> She writes that the NEB is obligated to reject Energy East, because genuine consultations must recognize the principles of free prior and informed consent (FPIC), collective rights and customary laws.<sup>659</sup>

Indigenous peoples across Canada are also organizing joint approaches to counteract TransCanada's preferred 'divide and rule' tactics. In May 2014 a coalition of 70 First Nations leaders (both elected and otherwise) met in Winnipeg to plan and launch a campaign to build opposition to the pipeline. And in December 2014 a coalition of Indigenous activists representing regions across the country, supported by many allies, created the Kanehsatà:ke Declaration Against TransCanada's Energy East Pipeline. The Declaration reads in part: "Resource extraction and their accompanying pipeline by companies like TransCanada, Enbridge, Gazoduc ... violate the land rights of the Kanehsatà:ke Mohawks and threaten the health of the environment."<sup>660</sup>

There are few forums for affected communities outside the formal consultation processes to formally express concerns about projects (for example, people who do not live on the pipeline route and thus cannot participate in NEB hearings, and Indigenous community members and traditional leaders who are not party to discussions with TransCanada). This has led to more grassroots actions, including at TransCanada's open houses or government/industry energy meetings.

For example, in Kenora (Ontario), Anishinaabe people, with NGO and local community allies, attended an Energy East open house en-masse in August 2014.<sup>661</sup> At the venue, many company staff were in place to engage people one-on-one. Instead, Indigenous women addressed all present, explaining their concerns—such as the inevitability of spills, which would contaminate water sources. A TransCanada VP who had been confronted later responded on the Energy East website, writing, "it is unfortunate that the disruption of the Kenora open house by a small group made some members of the public ... feel uncomfortable and hindered their ability to get the information they were seeking."<sup>662</sup> The action was documented and widely disseminated by the media; it proved an effective way to raise awareness of Indigenous perspectives on the risks of the pipeline.

In Halifax (Nova Scotia), Mi'kmaq women and over 100 supporters protested against Energy East and fracking in March 2014, to raise awareness of the threats to water.<sup>663</sup> They "shut down" a Maritimes Energy Association event, where the province's Energy Minister was to speak to industry. An elder conveyed a message to the Minister from her community, that the Mi'kmaq Nation rejects the pipeline on their territories. Phil Fontaine was informed that he is unwelcome in Mi'kmaq territory.

#### **4.2.10 Coastal Gaslink and Prince Rupert Gas Transmission Pipelines – British Columbia**

In northwest British Columbia, mountainous topography and protected areas mean that many proposed pipelines have relatively inflexible route options, and would pass through multiple Indigenous territories if built. In recent years, broad-based resistance to pipelines, both Indigenous and otherwise, particularly tar sands pipelines, has intensified in BC.<sup>664</sup> Although some NGOs, landowners and sectors of the public in the province have been critical of LNG expansion,<sup>665</sup> Indigenous resistance appears to be the biggest bottleneck to such projects. One source of resistance is fear that these LNG pipelines are 'Trojan horses' that will be converted to transport tar sands bitumen in the future.

The provincial government is actively intervening to solve this bottleneck for TransCanada and other companies, in ways that are violating the principles of free, prior and informed consent (FPIC), including by promising financial benefits in exchange for potentially undemocratic assurances of seemingly blanket cooperation in the future. In addition, benefits agreements that have been signed by some First Nations with TransCanada appear to violate the rights of the community to consultation and FPIC, as members of at least one community (see below, on the Nisga'a Nation) cannot access basic facts about the agreement.

In northwest BC, TransCanada is proposing to build two LNG mega-pipelines: Coastal Gaslink and Prince Rupert Gas Transmission (PRGT). The first would link the fracking fields near Dawson Creek to a planned LNG plant on the Pacific coast, near Kitimat. Coastal Gaslink – along with Chevron's Pacific Trails LNG pipeline and Enbridge's Northern Gateway bitumen pipeline – would traverse Wet'suwet'en traditional territory. The PRGT, further north, would link the fracking fields near Hudson's Hope to a planned LNG plant near Prince Rupert. It is one of three LNG pipelines slated to cross Gitksan traditional territories. The BC Environmental Assessment Office approved both TransCanada pipelines in 2014, and initial work could start sometime in 2015.

Local communities typically negotiate benefits agreements with companies, however in BC communities are being asked to sign agreements with both industry and the provincial government. These agreements provide monetary benefits to First Nations, but in exchange, the Province has insisted on clauses that shield it from future legal challenges (such as claims that it violated any Aboriginal rights), and spell out explicitly that the community will not impede the projects in any way.<sup>666</sup>

By the end of 2014, several First Nations had formalized benefits agreements with TransCanada and with the Province. These include the Nisga'a Nation (for PRGT), and the Nee-Tahi-Buhn, Wet'suwet'en First Nation/Broman Lake, and Skin Tyee (for Coastal GasLink).<sup>667</sup> The conditions of the agreements with TransCanada appear to be confidential; and it is not clear if First Nations community members have any access to the information. On the other hand, the agreements with the BC government are public, and appear to come with a standard set of conditions (most of which are duplicated in all the agreements). Two examples are discussed below.

**The Wet'suwet'en First Nation (WFN)** – Formerly known as Broman Lake, WFN is a small community of about 240 members. Despite the duplication in names, the WFN is only one of the five communities grouped under the Wet'suwet'en Nation.<sup>668</sup> The elected leadership of the WFN signed a benefits agreement with the Province in December 2014, through which it will receive about \$2.8 million in immediate and future payments, plus a share of other future benefits.<sup>669</sup> In exchange, its Chief and Council consented to the Coastal GasLink pipeline and various conditions, on behalf of the community. These include clauses ensuring that it will never bring any (direct or indirect) legal challenges against the Province, to claim that it infringed any Aboriginal rights or failed to properly consult or accommodate the WFN in relation to the project. It also agreed to not "support or

participate in any acts that frustrate, delay, stop or otherwise physically impede” the Province or TransCanada from carrying out any pipeline-related activities. These restrictions apply to all community members, as is made clear by a follow-up clause that the WFN will help the Province to “resolve any action that may be taken by any Member that is inconsistent with this Agreement.”<sup>670</sup>

**Nisga’a Lisims** – The Nisga’a Lisims Government (on behalf of the Nisga’a Nation, a community of about 7000) concluded a benefits agreement with TransCanada for the PRGT pipeline in November 2014. A brief public document<sup>671</sup> outlines the agreement, stating that the Nation will receive “significant” financial benefits, payments based on future success, contracting opportunities, etc. One concession made by the Council was to shrink the boundaries of the Nisga’a Memorial Lava Bed Park (considered a sacred burial ground) to allow the pipeline to cross through it. This removed a major obstacle for TransCanada. Through a separate agreement with the Province, the Nisga’a will receive \$6 million in immediate and future payments, and a share of other future benefits.<sup>672</sup>

News of the agreement was met with immediate concern by sectors of the community. According to some Nisga’a citizens, there was little information shared or consultation with the community prior to the benefits agreements being signed. Nisga’a citizens organized several protests against the pipeline agreement, and against the redrawing of the park boundaries.<sup>673</sup>

Indigenous communities along the routes that have not signed benefits agreements are under pressure to do so. For example, several LNG pipelines are planned to cross Gitxsan territory, which covers 33,000 km<sup>2</sup> in northern BC.<sup>674</sup> In efforts to speed the process, provincial negotiators have courted different Gitxsan authorities; in mid-2014, letters were sent to both the Gitxsan Treaty Society<sup>675</sup> (with which the Province normally engages) and individual hereditary chiefs.<sup>676</sup> In exchange for consent to two pipelines, these letters offered \$12 million—including \$5.8 million for TransCanada’s PRGT—and a bonus of over \$2 million for signing without delay.<sup>677</sup>

While some First Nations authorities have authorized pipelines, various Indigenous groups in the same regions have rejected all pipelines. Yet the benefits agreements that commit First Nations authorities to “resolve” community opposition have possible implications for groups supporting anti-pipeline initiatives, such as the Madii Lii and Unist’ot’en Camps (discussed below). For instance, they could mean that First Nations authorities will be held responsible for quashing community opposition or legal challenges, allowing the Province and industry to avoid the appearance of being involved.

In 2009, the Unist’ot’en Camp was built within Wet’suwet’en territory as a barrier to pipeline development. This camp was constructed in the GPS paths of 3 proposed pipelines, including Coastal GasLink. Here, community members have set up permanent residential structures, and carry out activities that reflect constitutionally protected Indigenous rights (such as hunting, fishing and trapping) on their traditional territory. In this effort, members of the Unist’ot’en Clan whose territories total about two-thirds of the 22,000 km<sup>2</sup> Wet’suwet’en territories,<sup>678</sup> are actively supported by allies from other Wet’suwet’en Clans, as well as many other Indigenous and non-Indigenous allies. As part of a policy to enforce Free, Prior and Informed Consent, community members peacefully “evicted”

TransCanada representatives from the territory after Coastal GasLink workers were found to be doing survey work in the area.<sup>679</sup>

A similar camp has been set up in the path of the PRGT pipeline. In August 2014, hereditary chiefs from the Gitxsan house of Luutkudziiwus constructed the Madii Lii Camp at the entrance to their territory, and declared it closed to LNG activity, thus blocking 32 km (19 miles) of the pipeline route. Their action was prompted by a number of concerns including: lack of adequate consultations; concerns about environmental impacts, particularly on salmon; concerns about negotiations being carried out in a non-transparent manner by individuals and organizations claiming to be legitimate Gitxsan representatives; objections to the conditions offered by the Province; and concerns that new LNG pipelines will be converted into bitumen pipelines, based on suggestions that some companies are actively planning to do so within 5 years, among other issues.<sup>680, 681</sup>

These permanent camps demonstrate to governments, industry, regulators and the courts that despite some agreements, Indigenous people who are directly affected are not only rejecting projects, but are using their traditional territories and constitutionally-protected rights to create a legally-defensible barrier to pipeline development. The camps have added significance because the *Delgamuukw* (1997) Supreme Court case was brought by an alliance of Gitxsan and Wet'suwet'en hereditary chiefs. The case decision confirmed that aboriginal title to land exists, and is held communally; this strengthened the rights of hereditary leaders and community members over traditional territories. Supporters of Indigenous groups opposed to pipeline expansion can assist them by providing practical supports, like legal support or raising legal defense funds.<sup>682</sup>

## 4.3 TransCanada's Environment and Safety Track Record

### 4.3.1 Spills, Ruptures and Explosions on TransCanada's pipelines

According to the National Energy Board, 17 of the 39 major pipeline accidents in Canada (from 1992 to 2014) were on pipelines owned by TransCanada or its subsidiary NGTL.<sup>683</sup> TransCanada-owned pipelines thus account for almost half of the serious breaches reported by the NEB on federally regulated pipelines in over two decades. The NEB only discloses 'reportable' breaches and many pipeline incidents never come to public attention.<sup>684</sup> A 2013 investigation by CBC News found that from 2000-Nov. 2012, there were 1,047 pipeline incidents in Canada and of these, 364 were related to TransCanada or NGTL.<sup>685</sup>

Revelations by a former TransCanada engineer and an audit of its operations (see Ch. [4.3.2](#) below), confirm that TransCanada has frequently violated industry codes. Despite this history, the company's strategy is to insist that its record is among the best, and that its new pipelines will be unrivalled in quality. The company claims that Energy East "will be the most technologically advanced pipeline

TransCanada has ever built,<sup>686</sup> while Keystone XL “will be the safest pipeline ever constructed in the United States.”<sup>687</sup>

Such promises are not borne out in its proposals and the company reportedly “shunned” the idea of using of high-tech oil spill detectors for the Keystone XL Pipeline. Under its current system, the pipeline could spill over 12,000 barrels a day (1.5 percent of its daily capacity) before an alarm was triggered.<sup>688</sup> An independent study of Energy East, which would use a similar spill detection system, raised a similar concern.<sup>689</sup> In 2014, The Wall Street Journal studied four years of US data, and found that nearby residents or company workers were almost three times more likely to detect pipeline leaks, whereas “Leak-detection software, special alarms and 24/7 control room monitoring discovered leaks just 19.5 percent of the time.”<sup>690</sup>

## Oil Spills

TransCanada is a relative newcomer to oil pipelines, but has had several oil spills since 2010. According to the company’s own data, it has spilled 441.7 barrels (70,416 litres) of oil from its pipelines into the environment 2010 and the end of 2013.<sup>691</sup>

**Table 14 – Spills on TransCanada owned oil pipelines, 2010 – 2013**

| Year         | Number of Spills (U.S. and Canada) | Number of barrels spilled | Volume spilled (in Litres) |
|--------------|------------------------------------|---------------------------|----------------------------|
| 2010         | 33                                 | 4                         | 688                        |
| 2011         | 46                                 | 416                       | 66,250                     |
| 2012         | 44                                 | 1.7                       | 283                        |
| 2013         | 29                                 | 20                        | 3,199                      |
| <b>TOTAL</b> | <b>152</b>                         | <b>441.7</b>              | <b>70,416</b>              |

Again, these figures contrast with external reports. Keystone I (the mainline) notoriously spilled 12 times in its first year of operation alone (on the US side); the biggest was in North Dakota on May 7, 2011. Here, failure at a pump station caused a sixty-foot eruption of oil, totalling a staggering 21,000 gallons (about 79,500 litres / 400 barrels).<sup>692</sup> According to TransCanada, this did not count as a spill because the oil did not come from the pipe itself.<sup>693, 694</sup> Later that month in Kansas, a similar failure at another pump station caused a 10-barrel spill.<sup>695</sup>

Before building the Keystone I pipeline, TransCanada received the first-ever federal waiver from the US regulator (PHMSA) which allowed it to use slightly thinner steel to reduce its costs, among other exemptions. The company’s risk analysis for Keystone had envisioned only one 50-barrel leak in seven years.<sup>696</sup>

On Keystone XL’s Southern Leg (Oklahoma to Texas), a ‘citizen audit’, released in 2013, found alarming rates of damage along 250 miles of pipeline, even before it began pumping oil. Public Citizen compiled

evidence that it was riddled with dents, bad welds, improper patching and repairs, unintentional sags, insufficient pipe support, and poor soil management. During construction, “an unusually high number” of new pipeline segments had to be dug up and replaced.<sup>697</sup> The US regulator was also concerned, and sent TransCanada a letter of warning, in which it noted that: “During the first week 26.8% of the welds required repairs, 32.0% the second week, 72.2% the third week and 45.0% the fourth week.”<sup>698</sup>

This record likely factored into PHMSA’s decision, in mid-2014, to pre-emptively put two extra conditions on Keystone XL<sup>699</sup>; if construction goes ahead, the company will have to hire third-party inspectors to ensure the quality of construction. This condition is not the norm for the US, and seems to indicate that PHMSA considers TransCanada’s own inspection process substandard.

## **Gas Pipeline Ruptures and Explosions**

Industry proponents generally present ‘natural gas’ pipeline ruptures as not particularly dangerous, compared to oil spills, since gas evaporates. However, high-pressure gas pipeline ruptures occur frequently, and often with violent impact and explosions. These can cause injuries, death, environmental and property damage, and health effects from exposure to gas. Despite a number of incidents over the years, TransCanada does not acknowledge its gas pipeline accidents in its 2010-2013 CSR reports, and only mentions oil spills. The list below captures selected incidents from 2009-2014. Four, which occurred between October 2013 and February 2014, are still being investigated by the NEB.

Even though many of TransCanada’s historical ruptures have been on its Lines 1 and 2 (100-1 and 100-2), two of the several that make up its gas mainline, this is the pipeline that it intends to convert in order to carry high-pressure diluted bitumen from the Tar Sands.<sup>700</sup>

**September 15, 2014, Benton Harbor, Michigan** – A rupture on TransCanada’s ANR pipeline resulted in a leak that could be heard a mile away, which resulted in roadblocks and the emergency evacuation of everyone in a 1-mile radius, as leaking gas can easily ignite.<sup>701</sup>

**February 18, 2014, Rocky Mountain House, Alberta** – A rupture on NGTL’s Ferrier North Lateral.<sup>702</sup>

**January 25, 2014, Otterburne, Manitoba** – This occurred on the mainline. The escaping gas exploded, with flames nearly 1,000 feet high; a state of emergency was called.<sup>703</sup>

**November 26, 2013, Boyle, Alberta** – A rupture on the Flat Lake Lateral pipeline (NGTL).

**October 17, 2013, 60 km North of Wabasca, Alberta** – A rupture on the North Central Corridor pipeline (NGTL). The NEB later ordered TransCanada to reduce pressure in the pipeline, to protect public safety.<sup>704</sup>

**October 17, 2012, Sarnia, Ontario** – A leak of 7,440 litres on the gas mainline at Station 211 (Lincoln Compressor Station).<sup>705</sup>

**July 20, 2011, near Gillette, Wyoming** – A major explosion on the new Bison pipeline caused property damage of \$6,700,000. The PHMSA discovered that the source was “a gouged dent containing cracks” caused by severe damage during construction.<sup>706</sup> The US regulator had previously sent TransCanada a letter about the Bison pipeline, warning that it was committing probable violations of construction and quality rules.<sup>707</sup>

**Feb 19, 2011, near Beardmore, Northern Ontario** – A mainline (Line 100-2) explosion left behind a large crater, and 790,000 m<sup>3</sup> of gas leaked.<sup>708</sup> The Transportation Safety Board (TSB) investigation found many problems, including that an anomaly had caused pipe coating to disband, allowing Stress Corrosion Cracking (SCC) to develop, which grew over time.<sup>709</sup> SCC occurs when a pipeline’s environment, material, and internal pressure cause ‘stress’ and reduce its strength.<sup>710</sup> The TSB noted that it had been difficult to pinpoint the cause of the rupture, and that there would not have been obvious external signs of problems. This illustrates an inherent risk of pipelines: many problems cannot be predicted through even careful external inspections. Damage can accumulate over years with little sign, meaning that the older a pipeline is, the greater the chances of accidents.

**October 28, 2010, Burstall, Saskatchewan** – A gas leak of 11 million litres on Line 100-1.<sup>711</sup>

**September 26, 2009, near Marten River, Ontario** – A rupture on Line 100-1 left a large crater.<sup>712</sup>

**September 12, 2009, near Englehart, Ontario** – Stress corrosion cracking caused a rupture and immediate explosion on Line 100-2, leaving a 20-foot crater. 3,420,000 metres<sup>3</sup> of gas leaked, and the fire, which took 2 days to extinguish, burned 25 hectares of forest and grassland.<sup>713</sup>

**July 20, 2009, NGTL Peace River mainline, Alberta** – An explosion sent 50-meter flames into the air and destroyed a two-hectare wooded area, near the Dene Tha’ First Nation of Chateh. Nearby residents only learned about it when an NEB investigation report was released in 2014 after the Canadian Broadcasting Corporation filed an Access to Information Request. The NEB said the delay was caused by an “administrative error.”<sup>714</sup> The report states that the rupture was caused by deep external corrosion. The pipeline discharged 1.45 million metres<sup>3</sup> of gas before the fire and leak were contained. Corrosion was also named as the basic cause of 6 other ruptures and 16 leaks on the same pipeline before 2009. The report called TransCanada’s field inspections “inadequate” and its management “ineffective.” It concluded that the company knew about the problems with the pipeline, but did not do enough to prevent them.<sup>715</sup>



### Track pipeline incidents and investigations of their causes at:

- [Incidents in the US – PHMSA](#)
- [National Energy Board, Canadian Regulated Pipelines – Reportable Pipeline Ruptures \(1992-\)](#)  
(Last updated 17 March 2014)
- [CBC – Detailed Pipeline Incident Database, Canada \(2000-2012\)](#)
- [Transportation Safety Board \(Canada\) – Investigation Reports](#)

#### 4.3.2 TransCanada's Safety Standards/ 'Culture of Non-Compliance'

TransCanada's official line is that its employees are rewarded for encouraging caution. However, company records released by Senate of Canada's Energy and Environment Committee illustrate how several employees have had their concerns dismissed by senior staff for years.<sup>716</sup> The records, for example, show that engineers were told to stop searching for potential defects, and include internal reports revealing problems with pipeline construction in the U.S., and an LNG project in Mexico.<sup>717</sup>

Eventually, the NEB audited TransCanada's operations, and in 2014 confirmed that it was breaking Federal pipeline regulations in 4 of 9 areas, including: hazard identification, risk assessment and control; operational control in upset or abnormal operating conditions (how to respond when there is a breach); inspection, measurement and monitoring; and management review.<sup>718</sup> It found that TransCanada did not properly protect employees who tried to report problems internally.<sup>719</sup> Despite these serious conclusions, the NEB did not impose penalties or demand strong action; instead, TransCanada was only required to develop plans on how to address the violations.<sup>720</sup>

Evan Vokes, a TransCanada engineering specialist-turned-whistleblower, had previously filed complaints to the NEB, the Prime Minister's Office and the U.S. regulator, claiming that the company "routinely cut corners, let business decisions undermine engineering practices, and did not uphold the law governing pipeline safety."<sup>721</sup> In 2013, he testified to Canada's Standing Senate Committee on Energy, the Environment and Natural Resources about the company's culture of non-compliance, and documented violations of codes he had observed over 5 years. These practices can be traced to the preventable malfunctions of certain pipelines.

#### Highlights from the testimony of Evan Vokes about TransCanada's safety violations:<sup>722</sup>

- While at TransCanada, he experienced "intimidation and coercion" from management when he reported concerns. He persisted up the hierarchy, finally contacting the CEO, but got "serious pressure to step into unsound practice." In 2012, he was fired "without cause."
- The culture of non-compliance was seen in "entrenched business practices that ignored legally required regulations and codes." Vokes stated that what he had documented were "false public claims of exceptional industry practice, when the reality is that industry ... [is] operating as a risk-based industry with no enforcement or accountability."

- On the Keystone and Bison projects, major engineering scandals “resulted in substandard materials being used in the Keystone project and a brand new pipeline that blew up.”
- There was a lack of effective inspection, and a low “integrity budget”.
- TransCanada’s 100-1 and 100-2 (Lines 1 and 2 of the mainline) have been the most accident-prone. On the risks of converting part of the mainline<sup>723</sup> into a bitumen pipeline (for Energy East), Vokes said: “Line 1 ... has known hard spots on it and we cannot find it with in-line inspection ... the majority of the ruptures recorded on the National Transportation Safety Board’s website have to do with Line 1 and Line 2 ... Those are about the last pipelines on earth that I think should be converted to carry bitumen. I do not have a problem with what is in the pipeline. I have a problem if it comes outside the pipeline.”
- “The reality from both my formal complaints and looking at various submissions on the National Energy Board website shows serious violations occur repeatedly and no follow-up action is taken.”
- Vokes identified Keystone and two Enbridge pipelines as “demonstrations of the breach of social responsibility the public can expect in the future.” The lack of enforcement during construction meant that the pipelines needed to be repaired either before or soon after coming into service.
- Asked why there have not been more accidents, Vokes said: “I have been on several projects that were very nearly disastrous ... There are thousands of cracks in the system; it is just which ones will become the problem. It is low probability and high consequence.”

**History of criminal charges and fines—The Iroquois Pipeline:** Built in 1991, the Iroquois Gas Transmission Line is partially owned by TransCanada and serves the northeast U.S. Following complaints from landowners, public officials and contractors who built the line, the U.S. Attorney’s office conducted a four-year criminal investigation that ended in 1996. The investigation found TransCanada subsidiary Iroquois Pipeline Operations and four of its executives guilty of failing to restore 188 streams, and failing to install proper pipeline supports on hills near wetlands. Contractors reported that they were told not to use many of the planned pipeline supports, in order to save time. At the time, this was the largest environmental prosecution and the largest fine in U.S. history, other than the penalty associated to the Exxon Valdez disaster.<sup>724</sup>

## 4.4 Environmental and Health Impacts of Pipelines

### 4.4.1 Risks associated with aging pipelines

A report from the INGAA foundation in the U.S. indicated that older pipelines can present higher risk of failure if certain kinds of threats are not properly assessed and mitigated. Examples of these threats include: external corrosion, rains/floods, excavation damage, manufacturing defects, component defects, girth welds, seam welds and stress corrosion cracking.<sup>725</sup> An August 2013 Alberta Energy Regulator performance report mentioned age as one factor contributing to pipeline failure and stated

that “[e]xternal corrosion is the second leading cause of pipeline failures, at 12.7 per cent, and is primarily due to external pipeline coatings failing from either age or excessive production temperatures.”<sup>726</sup> In 2013, the Pembina Institute suggested that one of the reasons for federal pipeline safety incident rate doubling over the last decade might be because of aging infrastructure.<sup>727</sup> Indeed, experts say that steel pipes have a life expectancy of about 50 years,<sup>728</sup> and it seems evident that unless there is adequate inspection and repairs, the risks associated with the age of a pipeline will be that much higher.

#### 4.4.2 Risks of Dilbit Pipelines

Diluted bitumen (dilbit) is a very different product from conventional crude oil, and shipping it through pipelines poses specific risks. A report<sup>729</sup> by the Natural Resources Defense Council (NRDC) and others found that:

- Pipelines that transport dilbit must operate at higher temperatures (up to 70 C or 158F) given the viscosity of the bitumen. The mixture of light condensate<sup>xxii</sup> and bitumen can, therefore become unstable and could release bursts of high pressure that can deform pipeline metal, rendering pipes susceptible to ruptures. Gas bubbles can also impede the flow of oil, presenting the same signs as a leak and this can make actual leaks harder to detect.<sup>730</sup>
- Dilbit also has vast differences in acidity, viscosity, temperature and pressure (in pipelines), sulfur, abrasives (sand and quartz) and amounts of heavy metals, than what occurs in conventional crude.<sup>731</sup> Tar Sands crude oil contains high levels of sulfur and residual metals levels and requires specially modified refineries for processing.<sup>732</sup>

These differences can increase the chances of leaks and damage, pose different and greater risks to people and the environment if spilled, and have greater upstream impacts.

**Impacts on water and cleanup of spills:** Pipelines typically traverse bodies of water such as aquifers, rivers, and lakes. The inevitable spills could cause potentially irreversible impacts on water resources and aquatic ecology. In the case of Keystone XL, TransCanada consistently denied that crossing the Ogallala Aquifer in the state of Nebraska would entail risk; it downplayed a report by Plains Justice that stated that any spill would endanger the Aquifer, and that the company’s emergency safety measures are inadequate to deal with such threats.<sup>733</sup>

The mechanics and effects of exposure to dilbit, and the challenges of spills are still unclear. Research commissioned by the Government of Canada (unreleased) noted that understanding on the toxicology of bitumen is lacking and that “better understanding of the fate and behaviour of these products is critical for assessing the potential risk to aquatic organisms.” It also found that the impact of sunlight,

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<sup>xxii</sup> Diluents, or condensates, are used by pipeline companies to mix with bitumen in order to aid in the transportation of dense Alberta crude oil.

which can make some chemicals in bitumen more harmful, is unknown and that Orimulsion (Venezuelan heavy oil) tends to sink in fresh water but remain suspended throughout the column in salt water, and is 300 times more toxic to fish embryos than heavy fuel oil.<sup>734</sup>

Recent spills seem to indicate that when dilbit spills, the volatile diluent evaporates, creating hazardous gases, while the bitumen tends to sink in water, making clean up attempts vastly more difficult. In 2010 Enbridge's Line 6B spilled approximately 900,000 gallons (3.4 million litres) of dilbit into a tributary of the Kalamazoo River (Michigan). After three years and a \$1 billion clean-up effort, bitumen was still found on the riverbed,<sup>735</sup> and Enbridge was ordered to perform more dredging.<sup>736</sup>

However, TransCanada has dismissed concerns about this risk with a blunt "clarification" on its Energy East website: "diluted bitumen (dilbit) behaves the same way as conventional crude oil and does not pose any additional risk when transported through pipelines. Cleaning up dilbit poses the same challenges as cleaning up conventional oil."<sup>737</sup>

**Greenhouse Gas Emissions:** According to conservative estimates, tar sands oil creates 17% more GHG life cycle emissions than conventional US crude.<sup>738</sup> A 2014 estimate for the Keystone XL pipeline published by the US State Department stated that its lifecycle CO<sub>2</sub> equivalent emission could be up to 27 million metric tons a year. However a study of the same lifecycle impacts in Nature Climate Change found that it could cause up to four times more emissions —up to 110 million metric tons per year of CO<sub>2</sub> equivalent emissions.<sup>739</sup> Similarly, the Carbon Tracker Initiative estimated that the Keystone XL pipeline would produce up to 5.3 billion metric tons of CO<sub>2</sub> equivalent emissions by 2050.<sup>740</sup>

#### 4.4.3 Impacts of Gas Pipelines

Many environmental organizations focus more on tar sands pipelines, with gas pipelines considered relatively benign. But when factoring in the several environmentally damaging aspects of extracting, transmitting, processing, and combusting gas (whether sourced via conventional or fracking methods), it is not necessarily a cleaner source of energy.

LNG is often touted as 'clean energy' based on the fact that burning 'natural gas' at its end-point produces about 25-40% fewer emissions than oil or coal. But lifecycle emissions mean that natural gas is possibly no better than coal or oil. Methane is an important contributing factor in pollution since it is 86 times more effective at trapping heat than carbon dioxide over a 20 year period. A study by Cornell University researchers in 2011 demonstrated that emissions from fracking may be equal to or higher than emissions from coal. This is partly due to methane leaks; up to "8 percent of the methane in shale gas leaks into the air during the lifetime of a hydraulic shale gas well – up to twice what escapes from conventional gas production."<sup>741</sup> It has been discovered that the overall leakage from very small gas pipeline leaks is much more significant than previously known. In the US, for example, according to the EPA, over \$192 million worth of gas was lost in 2011 this way.<sup>742</sup>

#### 4.4.4 Health Impacts

New tar sands and gas pipelines – and the corresponding expansion in extraction of tar sands – increase the health impacts on communities at the beginning and ends of pipelines. Major pipeline projects will have cumulative impacts on human and environmental health. Alberta doctor, John O’Connor, raised alarms about the high rates of rare (including types of bile duct and cervical) cancers he witnessed in Fort Chipewyan, a small community on the shore of Lake Athabasca.<sup>743</sup> In response, the Province of Alberta conducted a survey and claimed both that overall cancer rates were on par for the province and that the higher rates of rare cancers were not linked to environmental factors.<sup>744</sup> In reaction the Athabasca Chipewyan First Nation (ACFN), Mikisew Cree First Nation, and scientists from the University of Manitoba carried out another study. The researchers measured environmental toxins in water, air and food sources. They found high concentrations of arsenic, cadmium and mercury in animals, and established that eating traditional foods and locally caught fish was a significant risk factor.<sup>745</sup>

A study of pollution and cancer rates near Canada’s major tar sands production areas, by UC Irvine and University of Michigan scientists, showed that the number of men with leukemia and non-Hodgkin’s lymphoma was greater in communities closest to the pollution plumes.<sup>746</sup> Similarly, the case of Port Arthur Texas (see Ch. 4.2.4) illustrates the health impacts on communities living near refineries and export zones at the end points of pipelines.

#### 4.5 Greenwashing

Many definitions exist of what strategies can be categorized as greenwashing. Broadly speaking, greenwashing refers to corporations deliberately misusing information in order to mislead the public or public officials while presenting a responsible environmental, or social, public image. Here are examples of some strategies used by TransCanada (For other examples of greenwashing through partnerships and community investments, see Ch. 3.8.8)

**Corporate Social Responsibility:** Similar to other corporations in the oil industry, TransCanada does not acknowledge environmental risks related to its industry such as oil spills, gas explosions and climate change. Instead, it refers to itself as having had “strong safety and environmental record for more than 60 years”,<sup>747</sup> and claims to be a responsible company that has won various prizes or recognitions in public relations documents.<sup>748</sup>

**Dow Jones Sustainability Index:** TransCanada prominently trumpets its having been ranked for 12 years in a row on the Dow Jones Sustainability World Index (DJSI).<sup>749</sup> The intention behind this index is to list companies according to economic sustainability, but also by including some social and environmental parameters. However, the DJSI relies mainly on reports by the companies themselves and has been criticized as biased towards economic criteria.<sup>750</sup> Furthermore, the DJSI was criticized for

listing British Petroleum (BP) as an environmentally conscientious company prior to its Deepwater Horizon Spill in 2010 where it was established that BP had a pattern of putting profit ahead of safety concerns.<sup>751</sup>

**Climate leadership award:** Similarly to the Dow Jones Sustainability Index, TransCanada likes to mention the award that was given to them by the Climate Disclosure Project (CDP).<sup>752</sup> The CDP gave special recognition to TransCanada in 2012 for improving its carbon disclosure practices. TransCanada presents this as an example of its commitment to sustainability and transparency.<sup>753</sup>

## Chapter 5 - Shareholder Profile

This chapter introduces TransCanada's main shareholders – including major banks, hedge funds, investment funds, insurance companies, pension funds and universities. It discusses divestment campaigns and examples of shareholder activism and details TransCanada's supply chain.

### 5.1 TransCanada's Institutional Shareholders

It is difficult to fully track all of TransCanada's investors due to the fact that the company trades its stock in both the United States (New York Stock Exchange) and in Canada (Toronto Stock Exchange) which has different rules regulating disclosure by institutional investors. However, the government of the United States mandates that all institutional investment managers (banks, pension funds, etc.) disclose the amount of stock held in companies or other entities whose stock is traded on U.S. stock exchanges.

Based on the data provided by the Security and Exchange Commission of the Government of the United States, in late 2014, 49.2% of TransCanada's shares traded on the New York Stock Exchange (NYSE) were owned by 391 institutions (i.e. banks, investment funds, etc.).<sup>754</sup>

**Table 15 – Largest holders of U.S. traded TransCanada stock<sup>755</sup>**

| Top Shareholders  | Number of Shares Held |
|---|-----------------------|
| Royal Bank of Canada (RBC)  | 62,985,591            |
| Bank of Montreal (BMO)  | 27,232,082            |
| TD Asset Management Inc.  | 25,530,653            |
| Deutsche Bank AG  | 22,078,275            |
| L.G. Investment Management, Ltd. (subsidiary of Investors Group Inc.) | 17,513,321            |
| Bank of Nova Scotia (Scotiabank)                                      | 17,107,937            |
| 1832 Asset Management L.P. (subsidiary of Scotiabank)                 | 15,809,340            |
| Toronto Dominion Bank   | 12,211,219            |
| CIBC World Markets Inc.   | 11,941,291            |
| OZ Management LP  | 8,545,344             |
| CIBC Asset Management Inc.  | 7,708,780             |
| Franklin Resources Inc.   | 6,051,255             |

|   |           |
|---|-----------|
| Connor, Clark & Lunn Investment Management Ltd. | 5,765,799 |
| FMR LLC   | 5,402,600 |
| Magnetar Financial LLC                          | 5,169,925 |
| Norges Bank                                     | 4,948,663 |
| Great West Life Assurance Company               | 4,926,629 |
| Pointstate Capital LP                           | 4,382,217 |
| Legal & General Group PLC                       | 4,315,913 |
| Mackenzie Financial Corp                        | 4,287,425 |
| Energy Income Partners                          | 4,139,275 |
| Tortoise Capital Advisors LLC                   | 4,044,249 |
| JPMorgan Chase & Company                        | 3,754,872 |
| Credit Suisse AG                                | 3,329,375 |
| Scotia Capital Inc.                             | 2,692,969 |

### 5.1.1 Alberta Investment Management Corp, AIMCo

One of TransCanada's notable institutional shareholders is AIMCo, the Alberta based provincial crown corporation that is responsible for managing a portion of the Province of Alberta's long and short term funds (such as pension funds). AIMCo manages over \$75 billion in assets including approximately \$123.5 million (USD) worth of TransCanada's U.S. traded shares. The crown corporation is regulated by the Province of Alberta and is sometimes referred to as 'Her Majesty The Queen In Right Of The Province Of Alberta As Represented By Alberta Investment Management Corp' or as 'the Provincial Crown' in legal documents.<sup>756</sup>

The fact that AIMCo invests funds in TransCanada for the province of Alberta – which is tasked with regulating the company – presents a potential conflict of interest. The potential for a conflict of interest is further heightened by the fact that the province also invests in Enbridge, and Richard Bird, the CFO of Enbridge, is a Director of AIMCo. While it is not unusual for governments to invest in corporations, the fact that Alberta has both a strong interest in the financial success of TransCanada and is responsible for regulating its environmental behaviour, means that the province may not have a strong incentive to impose environmental regulations that could impact the corporation's profitability.



## 5.1.2 Pension plans with stakes in TransCanada

### Canada Pension Plan Investment Board (CPPIB) - Canada Pension Plan

The Canada Pension Plan Investment Board is the firm that manages the investments of the Canada Pension Plan. The Canada Pension Plan (CPP) provides retirement and disability benefits to people in Canada who have contributed to the CPP. The CPP through the CPPIB has significant investments in hundreds of Canadian and multinational corporations including TransCanada. According to the CPPIB, the CPP owns 4.7 million shares of TransCanada with a value of \$237 million.<sup>757</sup> The majority of these shares are traded in Canada, with only a portion traded in the United States; this explains why the CPP does not appear in the table.

### Public Sector Pension Investment Board (PSP)

PSP was established in 1999 as a Crown Corporation of the federal government responsible for managing the pension contributions for the federal Public Service, the Canadian Forces, the Royal Canadian Mounted Police and the Reserve Force. PSP currently manages \$93.7 billion in assets, including significant investments in TransCanada. PSP owns 2.45 million U.S. based TransCanada shares which represent a value of \$123.5 million (USD).<sup>758</sup>

### Ontario Teachers' Pension Plan Board (OTPP)

The OTPP, one of the world's largest institutional investors, manages pension funds for teachers in the province of Ontario. OTPP manages \$140.8 billion in assets including over 570,000 U.S. based shares of TransCanada worth over \$28.1 million (USD).

### California Public Employees Retirement System (CalPERS)

CalPERS manages health and retirement benefits on behalf of more than 1.6 million California State, school and public agency employees. It is the largest pension fund in the United States, managing over \$300 billion (USD) in assets at the end of 2014.<sup>759</sup> The fund owns 71,024 U.S. based shares in TransCanada, representing a value of \$3.2 million (USD).<sup>760</sup> CalPERS has been targeted by the group 'California Teachers for Fossil Fuel Divestment' to let go of its shares in the fossil fuel industry.<sup>761</sup>

### APG All Pensions Group

This Netherlands-based pension fund has 1,102,631 shares in TransCanada, valued at \$56,910,000 (USD).<sup>762</sup> The APG All Pensions Group recently divested from two Israeli weapons companies, implying that it could be responsive to socially conscious investment campaigning.<sup>763</sup>

### 5.1.3 University investments in TransCanada

University endowment and pension funds can have direct investments in companies such as TransCanada. Information on investments is periodically released by universities once a year, however investments change daily and are difficult to track. In addition, many universities do not make this information public. As of December 31<sup>st</sup>, 2013, the University of Ottawa had \$2.7 million invested in TransCanada.<sup>764</sup> In 2011, Wilfrid Laurier University in Waterloo, ON had reported that 1.7% of the University Pension Fund's portfolio was invested in TransCanada Corporation, which represented a market value of \$5.5 million.<sup>765</sup> Since then, Wilfrid Laurier has not publicly released updated numbers on their website. Conversely, York University's pension fund had over a million invested in TransCanada in 2009,<sup>766</sup> however the most recent listings for 2014 did not show any holdings in TransCanada.<sup>767</sup>

While TransCanada is but one example, these universities are all invested in multiple fossil fuel companies. A large movement for divestment from fossil fuels is taking shape across the world and many student groups are running campaigns in favour of divestment on Canadian campuses. The following is an incomplete list<sup>xxiii</sup> of universities that have been targeted by campaigns pushing the institutions to divest from oil and gas companies (For more information see Divestment section in Ch. [2.4](#)).<sup>768</sup>

- Dalhousie University: Divest Dalhousie
- University of Victoria: Divest UVic
- University of British Columbia: Divest UBC
- University of Manitoba<sup>769</sup>
- University of Ottawa: Fossil Free uOttawa
- Concordia University: Divest Concordia
- Guelph University: Fossil Free Guelph
- Trent University: Fossil Free Trent
- Simon Fraser University: Divest SFU
- University of Toronto: Toronto 350
- Lakehead University: Fossil Free Lakehead
- Kwantlen Polytechnic University: Fossil Free Kwantlen
- Saint Mary's University: Divest SMU
- Grenfell Campus at Memorial University: Fossil Fuel Divestment at Grenfell
- McMaster University: Fossil Free McMaster
- Mount Allison University: Divest MTA
- McGill University: Divest McGill

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<sup>xxiii</sup> See the Canadian Youth Climate Coalition's <http://gofossilfree.ca/> website for up-to-date information on divestment campaigns in Canada.

## 5.2 TransCanada's Supply Chain and Service Subcontractors

**Steel and Pipe suppliers** – The steel industry is intimately linked to TransCanada as the supplier of steel pipes. The following is a list of companies that have supplied TransCanada with pipes.

*US Steel Canada* (formerly Stelco Inc.), Hamilton, Ontario, Canada: The pipe division of Stelco Inc. received an order for 85,000 metric tons of large diameter line pipe from TransCanada Pipeline Ltd in 1990 for TransCanada's natural gas facilities in Ontario, Manitoba and Saskatchewan.<sup>770</sup>

*Stelpipe Ltd.*, Welland, Ontario, Canada: Stelpipe not only supplied pipe to TransCanada in 1990 for its natural gas facilities in Ontario, Manitoba and Saskatchewan, but it also supplied pipe for TransCanada's Iroquois Gas Transmission system (a network of 60,000 km [36,000 miles] pipelines connecting major supply basins with markets across North America).<sup>771</sup>

*Evrax Inc.* (formerly Ipsco Inc.), Regina, Saskatchewan, Canada: Ipsco received an order from TransCanada for 80,000 tons of large-diameter pipe in 1992<sup>772</sup> and an order for 40,000 tons of 42-inch diameter pipe in 1996<sup>773</sup>

*JFE Steel Corporation*, Tokyo, Japan: In 2008, JFE Steel Corp received an order for about 52 thousand tons of X80-grade UOE steel pipes for TransCanada's North Central Corridor project (a 300 km [180 miles] gas pipeline in northern Alberta).<sup>774</sup> JFE Steel had also supplied UOE pipes for three other TransCanada projects before 2008.<sup>775</sup>

*Pipe suppliers for the Keystone XL pipeline:*<sup>776</sup>

- Welspun – Little Rock Arkansas, USA: will supply 332,8000 tons – 50% of total pipe required for the pipeline.
- Evrax Inc., Regina, Saskatchewan, Canada: will supply 156,266 tons – 24% of total
- ILVA – Italy: will supply 103,147 tons – 16% of total
- Welspun – India: 69,457 tons – 10% of total

**Gas Compressor, Turbine and Motor suppliers** – The following companies supply TransCanada with engines and compressors that pump gas and oil over long distances through pipelines:

*Rolls-Royce*: TransCanada has sourced its gas compressors/turbines from Rolls-Royce for 50 years, and today “boasts the biggest fleet of Rolls-Royce industrial gas turbines in the world.”<sup>777</sup> These massive engines, originally designed as jet engines, provide the power that transports natural gas through pipelines.

*General Electric*: In November 2014, General Electric was awarded a contract to build and supply TransCanada Pipeline Limited with electrical motors for its Energy East pipeline Project.<sup>778</sup> TransCanada also uses General Electric turbines at its cogeneration plant in MacKay River, Alberta.<sup>779</sup>

**Labour suppliers** – TransCanada subcontracts most pipeline construction work to other companies.

*Michels Corp.*: Wisconsin based Michels Corp. was the primary contractor responsible for the construction of TransCanada’s Gulf Coast Project.<sup>780</sup>

*Willbros Group, Inc.*: Houston based Willbros Group, Inc., a global contractor specializing in energy infrastructure for oil, gas and power industries, was awarded a contract to build two sections of natural gas pipeline for TransCanada in Fort McMurray in 2007.<sup>781</sup>

**Land agents/Surveyors** – Land agencies and surveying companies are widely subcontracted by TransCanada. Land agents approach landowners to discuss projects and sign agreements, and technical experts do land surveys, such as environmental surveys. One of TransCanada’s land agencies in the US is Universal Field Services.<sup>782</sup>

**Program Management** – Privately owned U.S. based infrastructure company CH2M Hill announced it has been awarded two contracts by TransCanada for work on for the Energy East pipeline. The first, awarded in August 2013, is a program management contract<sup>783</sup> and the second, awarded in December 2013, is a front-end engineering and design (FEED) contract for the Saint John extension of the Energy East pipeline.<sup>784</sup>

## Appendix 1 – Glossary and Acronyms

**Aboriginal Title/Interest** – Aboriginal Title: a legal term recognizing an aboriginal interest in the land itself, beyond rights to use the land, as clarified in *Delgamuukw*.<sup>785</sup> It is based on the long-standing use and occupancy of the land by today's Aboriginal peoples as the descendants of the original inhabitants of Canada. Aboriginal Interest: a broader term that is central to the Crown's duty to consult. The landmark *Haida and Taku* decisions in 2004 determined that the government has a responsibility to consult and possibly accommodate First Nations, even where title has not been proven. Interest suggests historical and continuing use.

**Alberta Energy Regulator (AER)** – Regulates energy projects within Alberta.

**Astroturf organization** – an organization presenting itself as grassroots-based, but in fact supported by powerful sponsors, generally industry, in order to create the illusion of popular support for their goals.

**BC Oil and Gas Commission** – Regulates energy projects within British Columbia.

**Bcf** – billion cubic feet, normally a measurement of volume of natural gas.

**Bbl** – barrel (of oil/petroleum product). One barrel is equivalent to ~159 liters (42 US Gallons).

**Bitumen** – a category of extra-heavy crude oil, extracted from tar sands deposits.

**CAPP** – Canadian Association of Petroleum Producers, an industry lobby group representing tar sands industries, upstream oil and natural gas companies.

**CEPA** – Canadian Energy Pipeline Association, an industry group that organizes collaboration between members and lobbies on behalf of the pipeline industry.

**Consumer Energy Alliance (CEA)** – A fossil-fuel industry front group/astroturf organization, and a major supporter of Keystone XL.

**Corporate welfare** – Government subsidies or tax breaks to profitable, well established industries.

**Canadian Security Intelligence Service (CSIS)** – A government organization created in 1985, concerned with collecting information and security intelligence.

**The Security Intelligence Review Committee (SIRC)** – SIRC was set up as an independent, external review committee to oversee CSIS and ensure that its broad powers are not abused. Reports to Parliament annually.

**Corporate Social Responsibility (CSR)** – The concept that companies should voluntarily take into account social and environmental concerns. The company itself usually sets CSR goals, monitors itself and reports on its progress, using discretionary standards. CSR, now used by most large corporations, often includes: donating to charities, community investment, sponsoring awards/events, codes of conduct, social and environmental reporting, and eco-efficiency. (See also: Greenwash)

**Diluted Bitumen (Dilbit)** – Bitumen is combined with diluent to produce dilbit, in order to make it liquid enough to pump through pipelines under pressure.

**Diluent** – Describes the volatile solvents that are mixed with bitumen/heavy oil for transportation. The exact components of diluent blends are ‘trade secrets’, and not disclosed. Generally, they contain superlight petroleum and natural gas products. A common diluent is a naphtha-based oil called condensate.<sup>786</sup> Some of the lighter hydrocarbons found in diluent are naphtha, pentane and benzene<sup>787</sup> (a known carcinogen).

**Divestment** – the withdrawal of investment or ownership of an asset in an enterprise.

**Environmental Impact Assessment (EIA)** – In Canada, certain infrastructure and other projects, listed [here](#), trigger EIAs. The Canadian Minister of the Environment (or provincial ministers, for provincial EIAs) may also order an EIA for a project. EIAs are conducted before physical work begins on the project, and are intended to: a) determine how environmental impacts can be minimized/mitigated and b) if not, whether the impacts are justified. EIAs include a public comment period. The Canadian Environmental Assessment Act of 2012 significantly weakened the scope of EIAs in Canada.

**Free, Prior and Informed Consent (FPIC)** – A central pillar of indigenous rights in the United Nations Declaration on the Rights of Indigenous Peoples, this principle states that indigenous communities have a right to decide what projects happen on their territories, based on accurate and fair information. FPIC differs from the right to ‘Consultation’, as it asserts that indigenous people have the right to say ‘no’ to a project, not merely to be consulted.

**Fracking/hydraulic fracturing** – A technique to extract unconventional natural gas or oil. Gas is extracted from shale rock (sometimes coal seams); hydraulic fracturing opens up the well by injecting fluid into wellbores. Fracking normally refers to shale-gas hydraulic fracturing, which involves massive fracturing and horizontal wells.

**Heavy oil** – a type of crude oil composed of hydrocarbon chains of 5+ carbons and other compounds. Heavy crude flows very slowly, so cannot be recovered through conventional means. It requires heat or dilution to flow into a well or through a pipeline.

**Gas storage** – Natural gas storage may be underground in depleted petroleum/gas field reservoirs, aquifers or salt cavern formations.

**Greenhouse Gas (GHG)** – Gases that cause global warming, the most significant of which is carbon dioxide (CO<sub>2</sub>). Others are methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O) and fluorinated gases. CO<sub>2</sub> and nitrous oxides are produced by the combustion of petroleum products and natural gas. Natural gas consists mostly of methane.

**Greenwashing** – A practice amongst companies whose core business may be causing significant environmental damage, while its public relations (PR) and marketing emphasizes the company’s superficial environmental and sustainability practices, to present the appearance of sustainability or progress.

**Joint Venture** – Two or more companies/entities engaged in a contractual for-profit business transaction without actual partnership or incorporation.

**Land Claim** – Comprehensive Claims occur where Aboriginal land rights have not been dealt with through legal

means, and Specific Claims deal with failures on the Crown's part to honour past treaties; these are addressed through settlements.

**Indigenous territories/traditional territory** – The territory that an Indigenous community has historically used.

**LNG, liquefied natural gas** – For transportation, natural gas is purified and condensed to 1/600<sup>th</sup> of its volume by cooling it to -162°C at a special facility. LNG must be regasified before being transported on local pipeline distribution networks. LNG may be stored in aboveground tank fields.

**Lobbyist** – A person/group who communicates with public office holders on behalf of a client/employer, in order to influence public policy and decision-making. Lobbyists may be consultants or directly employed (as 'in-house lobbyists') by the organization they are lobbying for. In Canada, the *Lobbying Act* requires lobbyists at the federal level to register themselves and to file communication reports of meetings with Designated Public Office Holders (DPOHs include MPs, Senators, Ministers and staff, deputy/assistant deputy ministers, and the leadership of the NEB).

**Methane (CH<sub>4</sub>)** – An abundant 4-carbon fossil fuel. Methane is a greenhouse gas 86 times more potent than CO<sub>2</sub> (over a 20-year period)<sup>788</sup> and produces CO<sub>2</sub> when burned.

**Natural gas:** Flammable gas, consisting largely of methane, as well as other hydrocarbons, occurring naturally underground (often in association with petroleum). When burned, it produces water vapour, CO<sub>2</sub>, and small amounts of nitrous oxides.

**The National Energy Board (NEB)** – The NEB is the Canadian federal body responsible for regulating pipelines crossing provincial and national borders. It acts as a quasi-judicial review panel, and must hold public hearings for applications to construct a major pipeline, to abandon a pipeline, and when there is landowner opposition to the route of an approved pipeline.<sup>789</sup> It may also decide to hold a hearing if there is significant public interest in the project.

**Pipeline and Hazardous Materials Safety Administration (PHMSA)** – Part of the US Department of Transportation, the PHMSA Regulates the operation of the 2.6 million miles of US pipeline.

**Offshore drilling** – The exploitation of marine oil and gas deposits. Offshore drilling can now access gas reserves up to 3.2 km deep. A jack-up, semi-submersible oilrig or drillship is required to drill wells. Marine platforms support production equipment.

**Offshore pipelines** – May refer to intrafield pipelines, used to connect subsea wellheads and platforms, or to export pipelines, which move oil/gas to shore.

**Revolving door** – the movement of personnel between roles as legislators and regulators, and the industries affected by the legislation and regulation.

**Shale gas/oil** – Natural gas or oil trapped within shale rock formations. Recent advances in hydraulic fracturing have made large deposits of shale gas in North America commercially available.

**Sour Gas** – Natural gas with high concentrations of hydrogen sulfide (H<sub>2</sub>S), a poisonous compound. Sour gas must

be processed to remove the H<sub>2</sub>S at special facilities.

**Sour Gas Refineries** – Removal of sulfur species, CO<sub>2</sub>, H<sub>2</sub>S and water from unrefined natural gas can cost up to 50% of the total capital expenditure of gas production.

**Synthetic Crude** – Heavy oil upgraded to resemble crude oil, by removing carbon and adding hydrogen. The energy cost of upgrading means that synthetic crude creates more CO<sub>2</sub> emissions than conventional oil.

**Terminals** – oil or gas storage/processing facilities, located at the end of pipelines and at pipeline hubs.

**LNG Terminals** may be facilities that condense gas into liquid for transport by ship, or regasification facilities that transform LNG back into gas.

**Tar Sands** – An ‘unconventional’ fossil fuel that is a mixture of sand, water, clay and crude bitumen, and is also known as ‘Oil Sands’. Canada and Venezuela are sites of the biggest deposits of ‘recoverable’ tar sands, with confirmed deposits also in the US (Eastern Utah), Russia, Kazakhstan, Madagascar, and the Republic of Congo, among others. In Canada tar sands are mined in a large area of Alberta, in the Western Canadian Sedimentary Basin. Only a small amount is shallow enough to be extracted through surface mining, The rest must be extracted through ‘in-situ’ mining, which involves injecting high-pressure steam deep into the earth, through horizontal wells. The three major Alberta deposits are the Athabasca tar sands (the largest bitumen deposit in the world, along the Athabasca River), and the Peace River and Cold Lake deposits.



## Appendix 2 – Provincial and Municipal Lobbying data

### Quebec

**Table 16 – Quebec lobbying data - TransCanada<sup>790</sup>**

| Lobbyist   | Lobbyist Description   | Mandate                 | Details of subject matter   |
|--|--|-------------------------|---|
| <b>Le Conseil du patronat du Québec</b> (In-house) | The council of Quebec employers – a business lobby   | 2014-01-01 – 2014-12-31 | Representations in support of eastward flowing oil pipelines, including Énergie Est                         |
| <b>TransCanada</b> (in-house)                      | Lobbying [...] regarding provincial government support for Energy East and legislative changes to ease Energy East | 2013-01-01 – 2015-03-01 | Lobbying to affect legislative process regarding carbon trading and GHG emission caps                       |
|  |  | 2012-12-18 – 2015-03-01 | Lobbying provincial and municipal governments to support the social acceptability of pipeline projects      |
|  |  | 2014-01-29 – 2015-03-01 | Changes to laws on land acquisition and on protection of farmland   |
| <b>Guy Avoine</b>                                  | Consultant   | 2014-01-10 – 2014-12-31 | Permits for local gas pipelines   |
| <b>Emilie Bundock</b>                              | Consultant   | 2014-05-22 – 2015-03-01 | Permits for geotechnical and preliminary work: creating storage and a terminal at Cacouna                   |
| <b>Pierre-Olivier Charlebois</b>                   | Consultant   | 2014-05-22 – 2015-03-01 | Same as above   |
| <b>Karl Delwaide</b>                               | Consultant   | 2014-06-03 – 2015-03-01 | Permits under farmland protection laws for expropriation, subdivision and non-agricultural use of farmland. |
| <b>Anne Drost</b>                                  | Consultant   | 2014-06-18 – 2015-03-01 | Lobbying for approval of an environmental impact study for Energy East's Cacouna terminal                   |
| <b>Isabelle Fontaine</b>                           | Consultant   | 2012-10-31 – 201-12-31  | Lobbying provincial government to obtain support for social acceptability of pipelines                      |
| <b>Caroline LePage</b>                             | Consultant   | 2013-05-01 – 2014-12-31 | Same as above + municipal governments   |
| <b>Gordon Olson</b>                                | Consultant   | 2013-03-01 – 2014-12-31 | Same as above   |
| <b>Jean-François Poirier</b>                       | Consultant   | 2013-05-01 – 2014-12-31 | Same as above   |
| <b>Réjean Racine</b>                               | Consultant   | 2013-05-01 – 2014-12-31 | Same as above   |
|  |  | 2014-01-29 – 2014-12-31 | Permits under farmland protection laws for expropriation ... [as above]                                     |
| <b>Bruno St-Laurent</b>                            | Consultant   | 2013-03-20 – 2015-03-01 | Lobbying provincial and municipal governments to obtain support for social acceptability of pipelines       |
| <b>Claude Veilleux</b>                             | Consultant   | 2013-04-01 – 2014-12-31 | Same as above   |

## Ontario

**Table 17 – Ontario Provincial lobbying information - TransCanada <sup>791</sup>**

| Currently active lobbyists | Last Amendment | Association                |
|----------------------------|----------------|----------------------------|
| Robert Huggard             | 2014/07/23     | Ontario Energy Association |
| David Collyer              | 2014/06/17     | CAPP                       |
| J. Nixon                   | 2014/03/21     | Consultant for TransCanada |
| Richard Poole              | 2014/03/21     | Consultant for TransCanada |
| Chris Breen                | 2014/03/06     | TransCanada                |
| Andrew Mitchell            | 2014/01/16     | TransCanada                |
| Duncan Hawthorne           | 2014/01/15     | Bruce Power                |
| James Scongack             | 2014/01/15     | Bruce Power                |
| Philip Wilson              | 2014/01/15     | Bruce Power                |

**Table 18 – Ottawa lobbying information - TransCanada <sup>792</sup>**

| Lobbyist   | Subject matter                                      | Lobbied targets   | Date                           |
|--|---|---|--------------------------------|
| Tammy Manz<br>Rebekah Janzen<br>David Neely<br>Niki Affleck                    | Infrastructure – information meeting Energy East    | Pierre Poirier – Chief of Security and Emergency Mgmt; Jim Montgomery – Program Manager - office of emergency management  | 11 Sept 2013                   |
| Nathalie Guay<br>(Consultant)  | Energy East   | John Moser – GM Planning and Growth Management<br>Kent Kirkpatrick – City Manager; George Young – Sr Advisor for Communications and Operations; Derrick Moodie – Manager for Development Review (rural); Nancy Jackson – III Planner; Saad Bashir – Director of Economic Development and Innovation; 6 Councillors and assistants |                                |
| Stephan Telka<br>Robert LeMay<br>Peter Seville<br>Janice Badgley               | Infrastructure – information meeting on Energy East | Pierre Poirier; John Moser; 5 Councillors & their staff   | 12 Aug 2013,<br>22 Aug 2013    |
| Alain Parise   | Infrastructure - information meeting on Energy East | Nancy Shepers – DCM, Planning and Infrastructure<br>John Moser; Pierre Poirier; Jim Montgomery; Kent Kirkpatrick; Michael Mizzi – Chief, Development Review Services; 5 Councillors and Staff   | 17 April 2013,<br>11 Sept 2013 |
| Manon Abud<br>(Consultant)   | Energy East   | Nancy Shepers; John Moser; Jim Montgomery; Rob MacLachlan – Bylaw Writer; Eric Cooper – Program Manager, legislative and Technical Services; Kent Kirkpatrick; George Young; Derrick Moodie; Michael Mizzi; Staff and 3 Councillors   | 17 April 2013,<br>5 March 2014 |
| John Van Der Put<br>(VP, Energy East – responsible for stakeholder engagement) | Energy East   | Councillors for Wards 5, 21 and 6   | 05 Jul 2013,<br>15 Jul 2013    |
| John Pitcher<br>(Community Relations Lead, Ontario)                            | Energy East   | Councillors for Wards 5, 21 and 6 + staff<br>Nancy Schepers; John Moser; Kent KirkPatrick; Michael Mizzi  | 03 April 2013,<br>20 Nov 2013  |

## Manitoba

**Table 19 – Manitoba lobbying information - TransCanada <sup>793</sup>**

| Lobbyist     | Lobbyist details  | Date of Lobbying   | Lobbied Targets                   |
|--------------|-------------------|--------------------|-----------------------------------|
| Douglas Page | In-House Lobbyist | Since 3 March 2014 | Dave Chomiak, Minister of Mineral |

|  |                   |                              |                               |
|--|-------------------|------------------------------|-------------------------------|
|  |                   |                              | Resources                     |
|  |                   |                              | Minister of Mineral Resources |
| <b>Stephen Pohlod</b>                    | In-House Lobbyist | 3 March 2-14 – 31 March 2014 | Same as above                 |
| <b>Francois Poirier</b>                  | In-House Lobbyist |                              | Same as above                 |
| <b>John Van Der Put, for Energy East</b> | In-House Lobbyist |                              | Same as above                 |

## Alberta

**Table 20 – Alberta lobbying information - TransCanada<sup>794</sup>**

| Registered Lobbyists   | Lobbying targets for the 6 months before & after August 2014   |
|--|--|
| At least 25 official lobbyists including top executives such as Alexander Pourbaix; Karl Johansson; Chris Breen, John Van Der Put; Russell Girling, 01 Dec 2009 – 15 August 2014 | <ul style="list-style-type: none"> <li>• The Office of the Premier on “the status and development of pipeline and power projects” and Aboriginal Relations “regarding the implementation of the Aboriginal Consultation Office.”</li> <li>• In about a third of the areas TransCanada lobbies on (such as tax legislation), it does so on behalf of CEPA.</li> <li>• It will continue lobbying the Attorney General, Environment, and Energy departments on Greenhouse Gas Reduction and Reporting, a Climate Change and Emissions Management Act, and the Carbon Capture and Storage initiative.</li> </ul> |

## British Columbia<sup>795</sup>

**Table 21 – Ministers targeted by Mark Reder, TransCanada’s Consultant lobbyist (British Columbia)**

| Targeted by Mark Reder (Consultant Lobbyist for TransCanada, arranged meeting between an individual and DPOH on Energy) | Date added  |
|---|-------------|
| <b>Bill Bennet</b> , Minister of Energy and Mines   | 4 Jul 2013  |
| <b>Shirley Bond</b> , Minister of Jobs, Tourism and Skills Training   | 4 Jul 2013  |
| <b>Staff of Christy Clark</b> , Premier   | 17 Jul 2012 |
| <b>Tobie Myers</b> , staff to Rich Coleman, Minister of Energy and Mines  | 18 Jul 2012 |
| <b>Rich Coleman</b> , Minister of Energy and Mines  | 4 July 2013 |
| <b>Mike de Jong</b> , Minister of Finance   | 16 Jan 2013 |
| <b>Mary Polak</b> , Minister of Environment   | 4 Jul 2013  |
| <b>John Rustad</b> , Minister of Aboriginal Relations and Reconciliation  | 4 Jul 2013  |
| <b>Steve Thomson</b> , Minister of Forests, Lands and Natural Resource Operations                                       | 4 July 2013 |

**Table 22 – In-house TransCanada lobbying information (British Columbia)**

| Lobbyist Name   | Date Added<br>(All added September 26, 2014, unless otherwise noted) | Subject Matter & Details  | Lobbied Targets  |
|-----------------|--|---|--|
| Bruce Wells     |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> Discussion regarding the planning, execution and operations of the Coastal GasLink Pipeline Project  | <ul style="list-style-type: none"> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation and various staff</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| Blaine Trout    |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> Discussions on the construction of new pipeline infrastructure including the North Montney Project   | <ul style="list-style-type: none"> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> <li>• Public Agency : Oil and Gas Commission</li> </ul>  |
| Blaine Trout    |  | <u>Subject Matter:</u> Environment<br><u>Details:</u> Discussions on the construction of new pipeline infrastructure including the North Montney Project  | <ul style="list-style-type: none"> <li>• Public Agency: Forests, Lands and Natural Resource Operations</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>   |
| Jeremy Smith    |  | <u>Subject Matter:</u> Energy and Energy<br><u>Details:</u> Discussion with the BC Government relating to the Coastal Gas Link Pipeline   | <ul style="list-style-type: none"> <li>• Public Agency: Aboriginal Relations and Reconciliation</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| Dan Ronsky      |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> Discussions regarding construction of new pipeline infrastructure, including NOVA Gas Transmission Ltd., Foothills Pipe Lines Ltd., and the Alaska Pipeline project.                                       | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| David Kennedy   |  | <u>Subject Matter:</u> Aboriginal Affairs<br><u>Details:</u> Discussions of Aboriginal benefits relating to the Coastal GasLink Pipeline Project and the Prince Rupert Gas Transmission project   | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation</li> <li>• Mary Polak, Minister of Environment</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul> |
| Robert Kendel   |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> Discussions on the construction of new pipeline infrastructure including NOVA Gas Transmission Ltd., Foothills Pipe Lines Ltd. and Alaska Pipeline (Horn River, Groundbirch and Alaska Pipeline projects). | <ul style="list-style-type: none"> <li>• Public Agency: Aboriginal Relations and Reconciliation</li> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation (and various staff)</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>                |
| Karl Johannson  |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> Construction of new pipeline infrastructure including NOVA Gas Transmission Ltd., Foothills Pipe Lines Ltd. and Alaska Pipeline (Horn River, Groundbirch and Alaska Pipeline projects).                    | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| Sherri Harbaruk |  | <u>Subject Matter:</u> Energy<br><u>Details:</u> To inform and seek support for the NOVA Gas Transmission Ltd. Facilities in connection to liquid natural gas deliveries and Montney production   | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |

|                               |  |   |
|-------------------------------|--|---|
| <p><b>Trevor Halford</b></p>  | <p><u>Subject Matter:</u> Energy<br/> <u>Details:</u> The Construction and long term operation of one or more natural gas pipelines to Kitmat, British Columbia and/or Prince Rupert, British Columbia from the northeast gas producing regions</p>  | <ul style="list-style-type: none"> <li>• Public Agency: Aboriginal Relations and Reconciliation</li> <li>• Public Agency: Jobs, Tourism and Skills Training</li> <li>• Public Agency: Natural Gas Development</li> <li>• Public Agency: Oil and Gas Commission</li> <li>• Christy Clark, Premier</li> <li>• Rich Coleman, Minister Responsible for Housing and Minister of Natural Gas Development (and various staff)</li> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation (and various staff)</li> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• Mike de Jong, Minister of Finance</li> <li>• Todd Stone, Minister of Transportation and Infrastructure</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| <p><b>Russ Girling</b></p>    | <p><u>Subject Matter:</u> Energy<br/> <u>Details:</u> Discussions with the BC Government relating to the Coastal GasLink Pipeline and Prince Rupert Gas Transmission project</p>   | <ul style="list-style-type: none"> <li>• Christy Clark, Premier</li> <li>• Rich Coleman, Minister of Natural Gas Development</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
| <p><b>Richard Gateman</b></p> | <p><u>Subject Matter:</u> Energy<br/> <u>Details:</u> The construction and long term operation of one or more natural gas pipelines to Kitimat, British Columbia and/or Prince Rupert, British Columbia from the northeast gas producing regions</p> | <ul style="list-style-type: none"> <li>• Public Agency: Office of the Premier</li> <li>• Public Agency: Aboriginal Relations and Reconciliation</li> <li>• Public Agency: Environment</li> <li>• Public Agency: Natural Gas Development</li> <li>• Public Agency: Oil and Gas Commission</li> <li>• Public Agency: Community, Sport and Cultural Development</li> <li>• Staff of Christy Clark, Premier</li> <li>• Rich Coleman, Minister Responsible for Housing and Minister of Natural Gas Development (and various staff)</li> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation (and various staff)</li> <li>• Bill Bennett, Minister of Energy and Mines (and various staff)</li> <li>• Mike de Jong, Minister of Finance</li> <li>• Todd Stone, Minister of Transportation and Infrastructure</li> <li>• Steve Thomson, Minister of Forests, Lands and Natural Resource Operations (and various staff)</li> <li>• Coralee Oakes, Minister of Community, Sport and Culture Development (and various staff)</li> <li>• Shirley Bond, Minister of Jobs, Tourism and Skills Training</li> <li>• Robin Austin, MLA Skeena</li> <li>• Adrian Dix, MLA Vancouver-Kingsway</li> </ul> |

|                        |                   |   |  |
|------------------------|-------------------|---|--|
|                        |                   |   | <ul style="list-style-type: none"> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> <li>• Doug Donaldson, MLA Stikine</li> </ul>   |
| Joel Forrest           |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> Arranging meeting between an individual and a public office holder for purpose of lobbying</p>   | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
|                        |                   | <p><u>Subject Matter:</u> Environment<br/><u>Details:</u> Discussions regarding the regulatory and environmental assessment process for the Prince Rupert Gas Transmission Project</p>  | <ul style="list-style-type: none"> <li>• Public Agency : BC Public Service Agency</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> <li>• Rob Fleming, MLA Victoria-Swan Lake</li> </ul>   |
| Karen Etherington-Piro |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> Discussions with the British Columbia government relating to the Coastal GasLink Pipeline and regulatory process going forward</p>   | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>  |
|                        | December 16, 2014 | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> The construction and long term operation of one or more natural gas pipelines to Kitimat, British Columbia and/or Prince Rupert, British Columbia from one northeast gas producing regions</p> | <ul style="list-style-type: none"> <li>• Public Agency: Community, Sport and Cultural Development</li> <li>• Public Agency: Environment</li> </ul>   |
| John Dunn              |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> Discussion regarding planning, execution and operations of Prince Rupert Gas Transmission Ltd. along with seeking government and regulatory approvals</p>                                      | <ul style="list-style-type: none"> <li>• Public Agency: Natural Gas Development</li> <li>• Rich Coleman, Minister of Natural Gas Development (and various staff)</li> <li>• John Rustad, Minister of Aboriginal Relations and Reconciliation (and various staff)</li> <li>• Robin Austin, MLA Skeena</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul> |
| Stewart Dill           | October 15, 2014  | <p><u>Subject Matter:</u> Aboriginal Affairs<br/><u>Details:</u> Discussions regarding Aboriginal consultation and negotiations for the Prince Rupert Gas Transmission Project</p>  | <ul style="list-style-type: none"> <li>• Public Agency: Aboriginal Relations and Reconciliation</li> </ul>   |
|                        |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> Discussion regarding regulatory approvals for the Prince Rupert Gas Transmission Project</p>   | <ul style="list-style-type: none"> <li>• Public Agency: Oil and Gas Commission</li> </ul>  |
|                        |                   | <p><u>Subject Matter:</u> Environment<br/><u>Details:</u> Discussions regarding the environmental assessment process for the Prince Rupert Gas Transmission Project</p>   | <ul style="list-style-type: none"> <li>• Public Agency: Environment</li> </ul>   |
| Stephen Clark          |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> Construction of new pipeline infrastructure including NOVA Gas Transmission Ltd., Foothills Pipe Lines Ltd., and Alaska Pipeline (Horn River, Groundbirch and Alaska Pipeline projects)</p>    | <ul style="list-style-type: none"> <li>• Public Agency: Natural Gas Development</li> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• Rich Coleman, Minister of Natural Gas Development</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>   |
| Marilyn Carpenter      |                   | <p><u>Subject Matter:</u> Energy<br/><u>Details:</u> To seek the British Columbia's government support or regulatory approvals for Prince Rupert Gas Transmission Ltd.</p>  | <ul style="list-style-type: none"> <li>• Bill Bennett, Minister of Energy and Mines</li> <li>• Steve Thomson, Minister of Forests, Lands and Natural Resource operations</li> <li>• John Horgan, MLA Juan de Fuca</li> <li>• Jennifer Rice, MLA North Coast</li> </ul>   |

## Appendix 3 – TransCanada’s Subsidiaries

This list of subsidiaries is taken directly from TransCanada’s 2014 Code of Conduct Compliance Report filed with the National Energy Board.

[http://www.transcanada.com/customerexpress/docs/ml\\_regulatory/2014-compliance-report.pdf](http://www.transcanada.com/customerexpress/docs/ml_regulatory/2014-compliance-report.pdf)

|  |  |
|--|--|
| 1120436 Alberta Ltd.                                       | Cartier Wind Energy (BDS) Inc. (50%)                   |
| 1761670 Alberta Ltd. (50%)                                 | Cartier Wind Energy (CAR) Inc. (50%)                   |
| 2176050 Ontario Inc.                                       | Cartier Wind Energy (GM) Inc. (50%)                    |
| 2225213 Ontario Inc.                                       | Cartier Wind Energy (MS) Inc. (50%)                    |
| 2225249 Ontario Inc.                                       | Cartier Wind Energy Inc. (62%)                         |
| 2225342 Ontario Inc.                                       | Chinook Power Transmission LLC                         |
| 2225345 Ontario Inc.                                       | Coastal GasLink Pipeline East B.C. Limited Partnership |
| 2225256 Ontario Inc.                                       | Coastal GasLink Pipeline Ltd.                          |
| 3118240 Canada Inc. (50%)                                  | Coastal GasLink Pipeline West B.C. Limited Partnership |
| 3399516 Canada Ltd.(owns 49% of Foothills Pipe Lines Ltd.) | Coolidge Power LLC                                     |
| 416440 Alberta Ltd.  | CrossAlta Gas Storage & Services Ltd.                  |
| 4242785 Canada Inc.  | CrossAlta Gas Storage Limited Partnership              |
| 701671 Alberta Ltd.  | Eaton Rapids Gas Storage System (50%)                  |
| 9287670 Delaware Inc.                                      | Energía Occidente de Mexico, S. de R.L. de C.V.        |
| American Natural Resources Company                         | Energy East Limited Partnerhsip                        |
| ANR Blue Lake Company                                      | Energy East Pipeline Ltd.                              |
| ANR Eaton Company  | EOM Services Compay S. de R.L. de C.V.                 |
| ANR Jackson Company  | Falcon Energy Ltd.                                     |
| ANR Pipeline Company                                       | Foothill Pipe Lines Ltd. (51%)                         |
| ANR Storage Company  | Foothills Pipe Lines (Alta) Ltd. (49%)                 |
| ASTC Power Partnership (50%)                               | Foothills Pipe Lines (N.W.T.) Ltd. (50%)               |
| Bison Pipeline LLC   | Foothills Pipe Lines (North B.C.) (49%)                |
| BL Credit Holdings, LLC                                    | Foothills Pipe Lines (North Yukon) Ltd.                |
| Blackbird Energy S.a.r.l.                                  | Foothills Pipe Lines (Sask) Ltd. (49%)                 |
| Blue Lake Gas Storage Company (75%)                        | Foothills Pipe Lines (South B.C.) Ltd. (49%)           |
| BPLP CAC Corp. 33.3333%                                    | Foothills Pipe Lines (South Yukon) Ltd. (50%)          |
| Bruce Power A Inc. (50%)                                   | Forthills Pipe Lines Alaska, Inc.                      |
| Bruce Power A L.P. (48.9%)                                 | Gas Transmission Northwest LLC                         |
| Bruce Power Alberta Inc. (33.3333%)                        | Gas Transmission Service Company, LLC                  |
| Bruce Power Alberta L.P. (33.3333%)                        | Gasoducto de la Huasteca, S.A. de C.V.                 |
| Bruce Power Erie Inc. (33.3333%)                           | Global Energy Investments S.a.r.l.                     |
| Bruce Power Erie L.P. (33.3333%)                           | Global Infrastructure Holdings Ltd.                    |
| Bruce Power Inc. (33.3333%)                                | Golden Eagle Energy S.a.r.l.                           |
| Bruce Power L.P. (31.6%)                                   | Grand Rapids Pipeline GP Ltd.                          |
| Canaport Energy East Marine Terminal Limited Partnership   | Grand Rapids Pipeline Limited Partnership              |
| 49.99 %  | Great Lakes Gas Transmission Company (50%)             |
| Cartier Wind Energy (AAV) Inc. (50%)                       | Great Lakes Gas Transmission Limited Partnership (50%) |

Great Lakes Gas Transmission Limited Partnership (46.45%)  
Hawk Investment Corporations AG  
Heartland Pipeline GP Ltd.  
Heartland Pipeline Limited Partnership  
Huron Wind Inc. (33.33333%)  
Huron Wind L.P. (33.3333%)  
Iroquois Gas Transmission System L.P. (34%)  
Iroquois Gas Transmission System, Inc. (34%)  
Iroquois Pipeline Operating Company (34%)  
Jackson Pipeline Company (25%)  
Larchlink Holdings Ltd.  
Marketlink, LLC  
Mid Michigan Gas Storage Company  
New Frontier Ventures Ltd.  
North Baja Pipelines, LLC  
Northern Border Pipeline Company  
Northern Courier Pipeline GP Ltd.  
Northern Courier Pipeline Limited Partnership  
NorthernLights Transmission Inc.  
NOVA Gas International Holdings (Cayman) Ltd.  
NOVA Gas Sur Gas Transmission (Argentina) Ltd.  
NOVA Gas Sur Gas Transmission (Chile) Ltd.  
NOVA Gas Sur Gas Transmission (Chile) S.A.  
Nova Gas Sur Marketing (Chile) Ltd.  
Nova Gas Sur Marketing (Chile) S.A.  
Nova Gas Transmission Ltd.  
Novagas Canada Limited Partnership  
Novagas Canada Ltd.  
Ocean State Power LLC  
Pelican Energy, S.A. de C.V., SOFOM, E.N.R.  
PNGTS Operating Co., LLC (61.71%)  
Portland Natural Gas Transmission System Partnership (61.71%)  
Portlands Energy Centre Inc. (50%)  
Portlands Energy Centre L.P. (50%)  
Prince Rupert Gas Transmission Limited Partnership  
Prince Rupert Gas Transmission Ltd.  
Producción de Energía Mexicana S. de R.L. de C.V.  
Raven Investments Ltd.  
Saddlebrook Industrial Park Ltd.  
Songbird Investment Corporation (Luxembourg Branch)  
Sunstone Pipeline LLC  
TC Continental Pipeline Holdings Inc.  
TC Energía Mexicana, S. R.L. de C.V.  
TC Energy USA LLC

TC Gas Services LLC  
TC GL Holdings Inc.  
TC Intermedia Limited Partnership  
TC Offshore LLC  
TC Oil Pipeline Holdings Inc.  
TC Oil Pipeline Operations Inc.  
TC PipeLines GP, Inc.  
TC Pipelines Intermedia Limited Partnership  
TC Pipelines Tuscarora LLC  
TC Pipelines, LP  
TC Ravenswood Services Corp.  
TC Ravenswood, LLC  
TC Terminals GP Ltd.  
TC Terminals Limited Partnership  
TC Terminals LLC  
TC Tuscarora Intermediate Limited Partnership  
TCEM Services Company, S. de R.L. de C.V.  
TCPL CentrOriente Ltd.  
TCPL CentrOriente Ltd.  
TCPL Insurance Services Ltd.  
TCPL MARCALI Company Ltd.  
TCPL Northeast Ltd.  
TCPL Portland Inc.  
TCPL Project Engineering Ltd.  
TCPL USA LNG Inc.  
Tempest Power Corp.  
The Saddlebrook Partnership  
Toucan Investments Ltd.  
TQM Finance Inc. (50%)  
TQM Pipeline and Company, Limited Partnership (49.995%)  
TQM Services Inc. (50%)  
TQM Services Limited Partnership  
Trailwest Holdings LLC (50%)  
Trailwest Pipeline LLC  
Trans Quebec & Maritimes Pipeline Inc. (50%)  
TransCan Nothern Ltd.  
TransCanada AAV Ltd.  
TransCanada AAV, L.P.  
TransCanada Alaska Company, LLC  
TransCanada Alaska Development Inc.  
TransCanada Alaska GP Inc.  
TransCanada Alaska Midstream Holdings  
TransCanada Alaska Midstream LP  
TransCanada American Investments Ltd.  
TransCanada BDS Ltd.



TransCanada BDS, L.P.  
TransCanada Cacouna Ltd.  
TransCanada Calibrations Ltd.  
TransCanada CAR, L.P.  
TransCanada CAR, Ltd.  
TransCanada CNG Technologies Ltd.  
TransCanada Energy Investments Ltd.  
TransCanada Energy Ltd.  
TransCanada Energy Marketing ULC  
TransCanada Energy Sales Ltd.  
TransCanada Energy USA, Inc.  
TransCanada Facility USA, Inc.  
TransCanada Gas Liquids Ltd  
TransCanada Gas Pipelines Holdings GP Ltd.  
TransCanada Gas Pipelines Holdings Limited Partnership  
TransCanada Gas Storage Partnership  
TransCanada Gas Storage USA, Inc.  
TransCanada GL, Inc.  
TransCanada Hydro Northeast Inc.  
TransCanada Iroquois Ltd.  
TransCanada Keystone Pipeline GP, LLC  
TransCanada Keystone Pipeline Keystone Pipeline GP Ltd.  
TransCanada Keystone Pipeline Limited Partnership  
TransCanada Keystone Pipeline, LLC  
TransCanada Keystone Pipeline, LP  
TransCanada LM Ltd.  
TransCanada LM, L.P.  
TransCanada Maine Wind Development Inc.  
TransCanada Mexican Investments Ltd.  
TransCanada MS Ltd.  
TransCanada MS, L.P.  
TransCanada Northern Border Inc.  
TransCanada Oil Pipeline Operations Ltd.  
TransCanada Oil Pipelines (Canada) Ltd.  
TransCanada Oil Pipelines Holdings Limited Partnership  
TransCanada Oil Pipelines Inc.  
TransCanada OSP Holdings Ltd.  
TransCanada Oversees Holdings Ltd.  
TransCanada Pipeline USA Ltd.  
TransCanada Pipeline Ventures Limited Partnership  
TransCanada Pipeline Ventures LTD  
TransCanada Pipelines (Alaska) Inc.  
TransCanada Pipelines Limited  
TransCanada PipeLines Services Ltd.  
TransCanada Power Marketing Ltd.  
TransCanada Power Transmission (Ontario) LP

TransCanada Power Transmission (Ontario) Ltd.  
TransCanada Quebec Inc.  
TransCanada Turbines (UK) Limited  
TransCanada Turbines Ltd. (50%)  
TransCanada Turbines, Inc.  
TransCanada USA Operations Inc.  
TransCanada USA Pipeline Services LLC  
TransCanada USA Services Inc.  
TransCanada Wind Ltd.  
TransGas de Occidente S.A. (46.5%)  
Transportadora de Gas Natural de La Husteca S. de R.L. de C.V.  
Transportadora de Gas Natural del Noroeste Services S. de R.L. de C.V.  
Transportadora de Gas Natural del Noroeste, S. de R.L. de C.V.  
Transporte de Gas Natural Southern Hemisphere Limitada  
Tuscarora Gas Transmission Company  
Unit 40 Sublessor, LLC (95%)  
United Alaska Fuels Corporation  
Upland Pipeline, LLC

## Appendix 4 TransCanada Offices

Unless otherwise noted, contact information is from <http://www.transcanada.com/contact-us.html> and <http://www.transcanada.com/customerexpress/contact-us.html>

### CANADA

#### **Calgary, Alberta – Head Office:**

450 – 1 Street SW,  
Calgary, AB, Canada, T2P 5H1  
Tel: 1.403.920.2000 | Toll-Free: 1.800.661.3805 | Fax:  
1.403.920.2200

#### **Calgary, Alberta – Head Office:**

450 – 1 Street SW,  
Calgary, AB, Canada, T2P 5H1  
Tel: 1.403.920.2000 | Toll-Free: 1.800.661.3805 | Fax:  
1.403.920.2200

#### **Toronto, Ontario – Canadian Mainline System:**

TransCanada Pipelines  
24<sup>th</sup> Floor, South Tower  
200 Bay Street  
Toronto, ON, M5E 1J4  
Tel: 1.416.869.2137 | Fax: 1.416.869.2056

### USA

TransCanada's **Houston, Texas** headquarters are being moved to six floors of the Bank of America Center at 700 Louisiana St. (Houston, TX, USA 77002).<sup>796</sup> The move is expected to be complete by Spring 2015. Prior to 2015, TransCanada's locations in Houston are:

#### **Houston, TX – Gulf Coast Expansion Office (Keystone XL):**

Keystone Pipeline (U.S.)  
2700 Post Oak Blvd., Suite 400  
Houston, TX, USA 77056 Project Hot Line: 1.866.717.7473 |  
Email: [keystone@transcanada.com](mailto:keystone@transcanada.com) | <http://keystone-xl.com/>

#### **Houston, TX – ANR and GLGT pipeline systems:**

717 Texas Street  
Houston, TX, USA 77002 Tel: 1.832.320.5000

#### **Brookfield, Wisconsin – ANR and GLGT pipeline systems:**

Suite 200, 18000 West Sarah Lane  
Brookfield, WI, USA 53045 Tel: 1.262.792.5408

#### **Troy, Michigan – ANR and GLGT pipeline systems:**

5250 Corporate Drive  
Troy, MI, USA 48098 Tel: 1.888.275.3611

#### **Portland, Oregon – Gas Transmission NorthWest (GTN) System:**

Suite 900, 1400 SW  
Fifth Avenue  
Portland, OR, USA 97201 Tel: 1.503.833.4000

#### **Portsmouth, New Hampshire – Portland Natural Gas Transmission (PNGTS) system:**

375 - One Harbour Place  
Portsmouth, NH, USA 03801  
Tel: 1.603.559.5500  
Contact: Cynthia Armstrong, Manager:  
[cynthia\\_armstrong@transcanada.com](mailto:cynthia_armstrong@transcanada.com) |  
Tel: **1.603.559.5527**

#### **Omaha, Nebraska – Northern Border System:**

13710 FNB Parkway  
Omaha, NE, USA 68154-5200  
Telephone: 1.402.492.7300

#### **Boston Area: Westborough, Mass. – Power Marketing and Trading:**

**U.S. Northeast - Main Office**  
110 Turnpike Road  
Westborough, MA, USA 01581  
Tel: 1.508.871.1850 |  
Toll-free: 1.877.MEGAWAT |  
E-mail: [retail\\_power@transcanada.com](mailto:retail_power@transcanada.com)

## MEXICO<sup>797</sup>

### **Mexico City** – Transportadora de Gas Natural del Noroeste:

Blvd. Manuel Ávila Camacho No. 138

Piso 14, Torre Altiva

Lomas de Chapultepec, México, D.F. 11000

Tel: (011) 52-55-5093-4538

Contact: Lorena Patterson, Representative Mexico | Email: [lorena\\_patterson@transcanada.com](mailto:lorena_patterson@transcanada.com)<sup>798</sup>

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