

(b) "company" or "commodity pipeline company" means a person reletter the present paragraph (b) of old Clause 21 on page 11 thereof as paragraph (c) and by striking out the figure "24" in line 13 on page 11 thereof and substitute therefor the figure "25".

*Old Clauses 22 and 23*

Amend by re-numbering as Clauses 23 and 24

*Old Clauses 24, 25, 26, 27 and 28*

Delete and insert new Clauses as follows:

25. (1) Subject to subsection (3) of section 24 and subsection (3) of this section, the Commission may issue a certificate in respect of a commodity pipeline if the Commission is satisfied that the pipeline is and will be required by reason of the present and future public convenience and necessity, and, in considering an application for a certificate, the Commission shall take into account such matters as to it appear to be relevant including, without limiting the generality of the foregoing, the following:

- (a) the economic feasibility of the pipeline;
- (b) the financial responsibility and financial structure of the applicant, the methods of financing the pipeline and the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the pipeline; and
- (c) any public interest that in the opinion of the Commission may be affected by the granting or refusing of the application.

(2) Every certificate issued pursuant to this section is subject to the condition that the provisions of this Part and the regulations in force at the date of issue thereof and as subsequently enacted, made or amended, as well as every order made under the authority of this Part, will be complied with.

(3) When an application for a certificate under this Part is made in respect of a combined pipeline,

- (a) the application shall, in accordance with such rules as the Governor in Council may make in that behalf, be heard together by the Commission and the National Energy Board, and a joint report on the application shall be made to the Governor in Council by the Commission and the National Energy Board; and
- (b) the certificate may only be issued with the approval of the Governor in Council and the provisions of section 18 do not apply in respect thereof.

26. (1) A company operating a commodity pipeline, other than a combined pipeline, shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

(2) A company operating a combined pipeline shall not charge tolls except tolls specified in a tariff that has been approved by and filed with both the Commission and the National Energy Board and is in effect; and the provisions of sections 50 to 59 of the *National Energy Board Act* apply *mutatis mutandis* to the carriage by the combined pipeline of any commodity as if the Commission were referred to in those provisions instead of the National Energy Board.