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Major Projects and the *Building Canada Act*: New list of PONIs or PHONIs?

By: David V. Wright

Matter Commented On: *Building Canada Act*, [SC 2025, c 2, s 4](#)

This week, Prime Minister Carney announced a [second tranche of major projects](#) for fast-tracking consideration under the new *Building Canada Act*, [SC 2025, c 2, s 4](#) (*BCA*). This short post provides an update on the context and then presents a draft glossary that tries to make sense of the unusual terminology and various types of projects and concepts falling within the increasingly broad mandate of the new [Major Projects Office](#) (MPO).

Updated *BCA* and Major Projects Context

The *BCA* is now in force and the new MPO has been established as contemplated under section 20 of the *BCA*. Section 20 states:

An office may be established to coordinate the exercise of powers and the performance of duties and functions under this Act and the enactments with respect to projects that are in the national interest and to serve as a source of information and point of contact for the proponents of those projects. If an office is established, the Minister is responsible for it.

Throughout its early operations this fall, however, it has become apparent that the MPO is engaging in functions and activities beyond the scope of this enabling provision. There is no explicit barrier to the MPO so doing, but it has been causing some confusion, as aptly discussed in this coverage by Globe and Mail reporter Adam Radwanski, “[Decoding the Major Projects Office](#)”.

Based on provisions of the *BCA*, one would have reasonably expected the MPO to be chiefly focused on shepherding PONIs that had been presented by a project proponent and confirmed to be of national interest by federal Cabinet. That process is described in detail [here](#). Indeed, when the first batch of projects were “referred to the MPO for consideration” on September 11, it seemed that the process set out in the *BCA* was about to begin, as explained [here](#). Instead, it was a head fake.

In recent weeks, the role of the MPO has morphed and expanded beyond what is set out in the *BCA*, for example including helping proponents “[to structure and coordinate financing of these projects as needed](#)”. What’s more, the status of projects and concepts falling within the MPOs purview are very difficult to understand, making it hard to know where in the broader process any given project or initiative sits. In fact, to my knowledge, not a single project has actually been put

forward by federal Cabinet to be formally recognized as a PONI pursuant to section 5 of the *BCA*. In other words, the formal process under the *BCA* has not yet been engaged at all, other than establishment of the MPO.

So, what's the status of these projects and why are none yet proceeding on the fast-tracked legal process set out in the *BCA*? It's hard to say, and the answer would vary with each project. It could be, for example, that the government is having a hard time ensuring that all of the factors in section 5(6), permissive as these factors may be, are present with respect to any given project (given [COP 30](#) this week and next, it is worth acknowledging that for some project types a particularly challenging factor to satisfy will be that a project can “contribute to clean growth and to meeting Canada’s objectives with respect to climate change” (section 5(6)(e)). It might also be the case that consent of a province is required under section 5(1.1), but such consent is not yet forthcoming. Similarly, for some prospective PONIs, it will no doubt be difficult to demonstrate that a project will “advance the interests of Indigenous peoples”, particularly those of nearby Indigenous communities that might stand in opposition to a project due to potential adverse impacts. Or it could be that any given project is still more of a concept than an actual project, and as such is not ready for the fast pace available under the *BCA*. That may be the case, for example, for the [Wind West](#) project in Atlantic Canada.

PONIs and PHONIs: Making Sense of it All

Trying to figure out the status of each project and the reasons for no projects yet becoming PONIs is mostly conjecture at this stage. As such, perhaps the most constructive approach at the present juncture is to try to make sense of the terminology we see coming from the Prime Minister’s Office and the MPO. The following puts forward a draft glossary, which is no doubt imperfect but at least a step toward more clarity. Much of this flows from and expands upon the MPO’s “[supporting proponents](#)” webpage.

Project of National Interest (PONI): Projects that are proposed by a proponent, considered by the MPO, confirmed to be a PONI by federal Cabinet, and then listed under *BCA* (the process for which is explained [here](#)).

Projects for Further Consideration (PFFC): Projects that “have been deemed to be of national importance and significance, and have been referred to the Major Projects Office for further assessment and consultations”. According to the MPO website, whether these projects will become PONIs is to-be-determined: “MPO will continue to work with proponents, provinces and territories, and Indigenous Peoples, to find the right way forward for these projects”.

Transformative Strategies: Overarching term referring “two general streams” of work through which the Major Projects Office supports “strategic areas of focus and activity that will be transformative for Canada and Canadians”. Those two streams include: “transforming regulatory processes” and “transformative projects and concepts”.

Transforming regulatory processes: MPO-led work to transform the regulatory processes “to ensure that major projects are reviewed within 2 years, from start to finish”. Notably, the Impact

Assessment Agency of Canada is also working to streamline its processes to fit within the two year timeframe (see [here](#)).

Transformative projects (and concepts): According to the MPO, these are “transformative projects and concepts for Canada” that cover critical mineral development, wind energy, critical infrastructure in the North, ports and other transportation infrastructure connecting Canadians and our goods with the world, as well as innovative carbon capture and storage and carbon management technologies. These projects and concepts are “at earlier stages and require further development”. The above terms and the projects and concepts to which they relate are not watertight compartments. There may be some overlap, and quite understandably any given project may advance, for example, from being a PFFC to a PONI. And some may never become a formalized PONI. But to be clear, at the present time the projects and concepts referred to the MPO could all be characterized as (*tongue-in-cheek warning*) ... **PHONIs: *Projects Hypothetically of National Interest***. This is because, though referred to the MPO for consideration and assistance, the projects’ national interest status will remain hypothetical until the formal *BCA* process is commenced.

To be fair, in many cases it would be understandable that tomorrow’s PONIs are today’s PHONIs, but the federal government needs to do a much better job of being clear about what is what and why that is the case. Otherwise, the *BCA* process itself could be accused of being phony.

[Postscript: The day after this post was published, the MPO changed the contents of its “supporting proponents” website.]

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