

Enbridge Northern Gateway Project

Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
28 January 2013

Ms. Josette Wier
4259 McCabe Road
Smithers, BC V0J 2N7

Dear Ms. Wier:

Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Hearing Order OH-4-2011
Notice of Motion # 18 filed by Ms. Josette Wier
Ruling No. 141

On 17 January 2013 the Joint Review Panel (Panel) for the Enbridge Northern Gateway Project (Project) received Notice of Motion #18 (Motion) from Ms. Josette Wier, requesting an order as follows:

1. for the JRP to order Northern Gateway to re-submit their last revisions submitted on December 28, 2012 (B182-1 to 3, B182-4 to 17, B183-1 to 40, B183-41-46, B184-1 to 8, B184-9-16) using the JRP evidence numbering system and Adobe pages numbers;
2. for the JRP to order Northern Gateway to clearly separate the material related to Route Revision V from unrelated proposed changes, and justify why those changes are submitted not only late in the process, but following question hearing on some of the topics; and
3. for the JRP to order Northern Gateway to fully describe the proposed changes submitted in the December 28, 2012 material unrelated to Route Revision V, including but not limited to the rationale for proposing them, as well as human and environmental effects.

Each of the points of relief requested in the Motion is addressed below in turn, together with the Panel's ruling on each.

(1) Order Northern Gateway to re-submit their last revisions using the JRP evidence numbering system and Adobe pages numbers

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Exhibit numbers are assigned to documents by the Panel, once submitted onto the public registry. Parties are not required to create these numbers. The adobe numbering system simply corresponds to the online version and is used solely for the purpose of the oral hearing. Many documents on the registry use a “hard” copy page number; parties must go to the online version to determine the adobe number. The Panel has never required parties to use only adobe page numbers and is not persuaded to, here.

(2) Order Northern Gateway to separate material related to Route Revision V from unrelated changes and justify why these changes are submitted late (following hearing questions on some topics)

In the Motion, Ms. Wier argues that there are a number of completely unrelated documents embedded within the route revision changes including, for example, a “noticeable increase in the number of oil tanks at the Kitimat terminal” with “significant size increases included.” There is no discussion in the update documents on how these changes are related to the proposed routing change. Ms. Wier further notes that this evidence was submitted after the completion of questioning on engineering (including regarding the Kitimat tank farm) in Prince George last November.

The Panel notes that it may be of use to parties for Northern Gateway to identify which of the exhibits submitted on 28 December, 2012, were: (i) directly related to Route Revision V; (ii) corollary to Route Revision V; or (iii) unrelated to Route Revision V. Accordingly, the Panel orders Northern Gateway to submit, on or before **1 February 2013**, a chart setting out this information for each of the exhibits submitted in the 28 December 2012 update. Further, where the documents are listed as “unrelated to Route Revision V”, Northern Gateway is to provide a brief description as to why this evidence is being filed at this time.

(3) Order Northern Gateway to fully describe the proposed changes submitted in the December 28, 2012 material unrelated to Route Revision V, including but not limited to the rationale for proposing them, as well as human and environmental effects

In its letter enclosing the 28 December 2012 update on Route Revision V, Northern Gateway noted that, “to the extent that there are questions regarding this filing that have not been previously addressed, members of the Northern Gateway Kitimat River Valley engineering design and emergency preparedness witness panel will be available to answer same when they appear in Prince Rupert.”

The Panel is of the view that any substantive questions on the updated evidence could best be addressed through questioning in Prince Rupert, as suggested.

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For the reasons set out above, the relief sought in paragraph (1) and (3) is denied. The relief sought in paragraph (2) of the Motion is granted, as noted in this letter.

If you have any questions, please contact Mr. Andrew Hudson, Legal Counsel at 403-299-2708 or toll-free number at 1-800-899-1265.

Yours truly,

A handwritten signature in blue ink, appearing to read 'S. Young', is written over a faint, illegible printed name.

for

Sheri Young

Secretary to the Joint Review Panel

cc. All Parties to Hearing Order OH-4-2011