

Enbridge Northern Gateway Project

Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
11 February 2013

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

Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Hearing Order OH-4-2011
Notice of Motion #19 filed by Ms. Josette Wier - Ruling 143

By Ruling #141 dated 28 January 2013, the Joint Review Panel (the Panel) directed that Northern Gateway file on the public registry certain documentation relating to exhibits submitted in a 28 December 2012 update. Further, where the documents were listed as “unrelated to Route Revision V”, Northern Gateway was to provide a brief description as to why that evidence was being filed at that time.

Northern Gateway filed its response to this ruling on 1 February 2013. The cover letter accompanying the documentation was signed by Mr. Ken Macdonald on behalf of Northern Gateway.

On 4 February 2013 the Panel received Notice of Motion #19 (Motion) from Ms. Josette Wier, requesting an order as follows:

1. for the JRP to determine if Mr. Ken MacDonald's submission fits required standards of integrity and respect for presenting documents to the Panel which has the full legal power of a tribunal;
2. for the JRP to take applicable disciplinary actions against Mr. Ken MacDonald including a ban on Mr. MacDonald for any future submission to the Panel.

Ms. Wier asserts that Northern Gateway had made misrepresentations in its recent filing relating to Route Revision V, by embedding other documents within the filing and by not identifying this in the cover letter. Ms. Weir sited no specific evidence in support of these allegations.

The Panel finds that the evidence placed on the public registry by Northern Gateway was filed in accordance with standard practice. There is no procedural obligation to explicitly describe all documents in a cover letter. To do so would be redundant.

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The Panel notes that all of the documentation is available for public review and that Northern Gateway will be available to be cross-examined on the documentation in Prince Rupert.

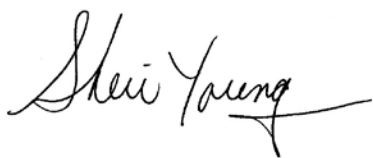
The Panel is also of the view that the Motion unnecessarily and unfairly singled out an individual Northern Gateway employee for sanction.

The Motion did not meet the standards the Panel has established for respectful conduct between the parties and for the Panel process. The Panel cautions all parties about making personal attacks on individuals in this hearing.

The Panel denies the Motion and in light of the inappropriate personal nature of the allegations against Mr. Macdonald directs that the Motion be removed from the public registry.

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,



Sheri Young
Secretary to the Joint Review Panel

cc. All Parties to the proceeding OH-4-2011



National Energy
Board

Office national
de l'énergie

Canada



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale