

# Enbridge Northern Gateway Project

## Joint Review Panel

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File OF-Fac-Oil-N304-2010-01 01  
21 December 2012

Mr. Terry Vulcano  
7505 Cunliffe Road  
Coldstream, BC V1B 1T4

Dear Mr. Vulcano:

**Northern Gateway Pipelines Inc. (Northern Gateway)  
Application for the Enbridge Northern Gateway Project  
Hearing Order OH-4-2011  
Notice of Motion filed by Terry Vulcano on 23 October 2012  
Ruling No. 136**

On 23 October 2012, Terry Vulcano filed a motion ([A3C6J5](#)), requesting that the Panel “cease the discriminatory practices of having intervenors ask questions by alphabetical ordering”, starting in Prince Rupert (Motion).

In support of the Motion, Mr. Vulcano cited a number of the advantages that are enjoyed by those at the start of the alphabet (and the corresponding disadvantages of consistently being at the end), including:

- People at the start have greater predictability and the benefit of being done early.
- Not having to pay attention to as many questioners, to ensure you’re not repeating questions.
- Having greater tolerance/ leniency from the Panel during the beginning of the proceedings.
- Not having to ask any other participants to switch places (which is both a time consuming endeavour and a “hat-in-hand gesture”). This requires those wanting to go early to have some justification to do so, and gives those placed earlier in the alphabet a higher status/ ability to say no to such requests.

### Decision

The Panel has set the Order of Appearances in alphabetical order as an objective means to establish the order for questioning, without preference to any individual party. There may be advantages and disadvantages to the various positions within that listing. Through the Motion, Mr. Vulcano has articulated a number of the ways in which those at the end of the list may be disadvantaged. The Panel notes however, that several parties will routinely request the last position on the Order of Appearances in order to, among other things, provide additional time to prepare for questioning.

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In the Panel's view, the process of ordering alphabetically is a fairly standard, equitable and objective way to manage the parties' position in a tribunal hearing.

In this situation Mr. Vulcano has not been treated any differently than any other party in the hearing for any arbitrary reason.

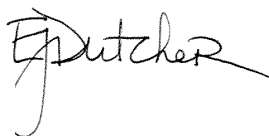
The Panel is not prepared to alter its process at this stage, for the remaining hearing sessions.

Therefore the Panel denies the motion.

It is of course open to Mr. Vulcano to specifically request that he be moved up the list for the final witness panels in Prince Rupert or for final argument. This could be done either in written motion format or as a preliminary matter when the hearings resume in February.

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

Yours truly,



Sheri Young  
Secretary to the Joint Review Panel