

Enbridge Northern Gateway Project

Joint Review Panel

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

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 filed by Ms. Josette Wier dated 19 November 2012
Ruling no. 137**

The Joint Review Panel (Panel) for the Enbridge Northern Gateway Project is in receipt of a motion filed by Josette Wier dated 19 November 2012, asking the Panel to “request Northern Gateway to conduct an assessment of cumulative effects from staggered construction of the two proposed pipelines.”

Ms. Wier cites, among other grounds for the motion, comments by Mr. Paul Fisher at Volume 78, Line 26812 that, in her view, leave open the possibility that the two proposed pipelines could be built separately.

By letter dated 26 November 2012, the Panel sought comments from Northern Gateway, with a reply from Ms. Wier. Northern Gateway filed comments on 30 November 2012, indicating that the motion should be denied. Northern Gateway’s reply stated the Environmental and Socio-economic Assessment (ESA) prepared by Northern Gateway assessed construction of both pipelines and predicted “no significant effects on the environment”. Northern Gateway further commented that Ms. Wier had already questioned its witnesses on this topic, and that the motion did not outline any “new or further support” for the relief requested. Finally, Northern Gateway stated that a staggered construction schedule was hypothetical, and that granting the motion at this stage “would require a significant and unreasonable amount of work” that “would provide no material benefit to the Panel and would be highly prejudicial to Northern Gateway.”

Ms. Wier filed reply comments on 4 December 2012. In her reply, Ms. Wier stated that the evidence filed by Northern Gateway did not contemplate staggered construction, but that comments from Northern Gateway witnesses left open that possibility, and that it was not for Northern Gateway to decide that “no significant impacts on the environment” from construction are predicted. She also stated that any prejudice from granting the motion at this stage should be borne by Northern Gateway, as it was they who commented on the possibility of staggered construction at this late stage in the process.

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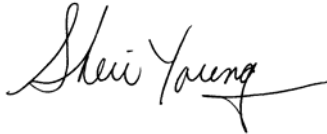
In the Panel's view, there is no clear evidence that the applicant intends to proceed with a significant time period elapsing between construction of the two proposed pipelines. The Panel agrees that the undertaking proposed by Ms. Wier would require an unreasonable amount of effort (both by Northern Gateway and other parties in reviewing the materials) with little tangible benefit, given that the application does not propose staggered construction of the pipelines and there has been no credible evidence to the contrary, suggesting that this is a real possibility.

The Panel notes that timing of construction activity is normally addressed through terms and conditions, and that all parties are able to make appropriate submissions or propose terms and conditions on this topic during final argument.

For these reasons, the motion is denied.

Should you have any questions, please contact Ms. Carol Vats, Legal Counsel at 403-299-3643 or 1-800-899-1265.

Yours truly,

A handwritten signature in cursive script that reads "Sheri Young". The signature is written in black ink and is positioned to the left of the typed name.

Sheri Young
Secretary to the Joint Review Panel