

Enbridge Northern Gateway Project Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
23 April 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 #23 filed by Ms. Josette Wier on 8 April 2013
Ruling no. 155**

On 8 April 2013 the Joint Review Panel (Panel) for the Enbridge Northern Gateway Project (Project) received Notice of Motion #23 (Motion) (A51182) from Ms. Josette Wier, requesting that the Panel allow Ms. Wier to file as late evidence the following two documents regarding Enbridge Pipelines Inc. (Enbridge):

1. National Energy Board (NEB or Board) letter to Al Monaco, CEO, Enbridge, 15 March 2013, with the attached Board Safety Order regarding corrective action regarding pumping stations; and
2. Andrew Nikiforuk's article in the Tyee, 5 April 2013 "*Enbridge failing to abide to safety standards at 117 pump stations*".

Ms. Wier refers to the requirements for filing late evidence in paragraph 4 of the Hearing Order. She advised that the documents were only available as of 15 March 2013 and 5 April 2013 and as such could not have been filed earlier.

Ms. Wier states that the documents would assist the Panel and are necessary for her final argument and that no party would be disadvantaged by granting the Motion

The Panel notes that the article in the Tyee is a reporting about the above referenced letter and Order and was not prepared by Ms. Wier or under her direction and control. The Panel is not persuaded that that this document is sufficiently relevant or ought to be filed as late evidence, in this proceeding.

The Panel further notes that all Parties, including Ms. Wier, may refer to case law and NEB Decisions or Orders in final argument. That would include the above referenced Order. The Panel is not persuaded that there is any basis to file these documents as evidence.

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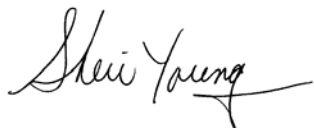


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For these reasons, the Panel denies Ms. Wier's Motion.

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 cursive script that reads "Sheri Young". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Sheri Young
Secretary to the Joint Review Panel

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