

National Energy
Board



Office national
de l'énergie

**NOVA Gas Transmission Ltd.
Wolverine River Lateral Loop (Carmon Creek Section)**

**File Number OF-Fac-Gas-N081-2013-18 02
Hearing Order GH-003-2014
17 July 2014**

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Explanation of Frequently Used Terms

The following are some terms used throughout this document and the hearing process. They are not legal definitions.

Application	Application dated 25 March 2014 for approval of the Wolverine River Lateral Loop - Carmon Creek Section
NOVA Gas Transmission Ltd. (Applicant or NGTL)	The company that has submitted the Application for the proposed Project.
Board or NEB	National Energy Board
Certificate	Certificate of Public Convenience and Necessity granted under section 52 of the <i>National Energy Board Act</i>
Commenter	A person who is directly affected by the granting or refusing of the Application and/or has relevant information or expertise regarding the Project, and who has been approved to provide a letter of comment – see section 2.1.
Designated Project	A project designated under the <i>Canadian Environmental Assessment Act, 2012</i> as requiring a federal environmental assessment under the Act [CEAA, 2012, subsection 2(1)].
e-file	Filing documents electronically with the Board – see section 4.2.
evidence	Reports, statements, photographs, and other material or information that Participants submit as part of the record, as well as oral direct evidence and cross-examination. Evidence is used to support their position on the application.
file	A formal way of submitting documents to the Board – see section 4.2.

final argument	Summary of the evidence that states the position of NGTL and Intervenors, on the recommendations and decisions we should make and the reasons why the evidence supports these recommendations and decisions. This may be done orally at the end of the hearing, or in writing.
Governor in Council	The Governor General acting on the advice of the Federal Cabinet.
hearing or public hearing	A public process we use to gather and test evidence to assess the application so we can make fair and transparent recommendations and decisions. The hearing includes a written portion and may include an oral portion.
Information Request or IR	Written questions about NGTL's or an Intervenor's evidence.
Intervenor	A person who is directly affected, has relevant information or has expertise regarding the Project and whose application to Participate has been approved. Being an Intervenor is the fullest way to participate in the hearing process. See section 2.3.
List of Issues	The list of issues that we propose to consider in this hearing - see Appendix I.
NEB Act	<i>National Energy Board Act</i>
Notice of Motion	A document used to raise a question of process or substance, or to ask us to do something. We make a decision about any motions we receive by way of a Notice of Motion – see section 4.5.
oral portion of the hearing	Portion of the hearing done orally – see section 3.11.

Order	A Board order made under the NEB Act. In this case, NGTL requests an Order under section 58 of the NEB Act.
Participant	A person who has applied to participate in the hearing and whose application to participate has been approved. The term Participant includes NGTL, Intervenors, and Commenters.
Process Advisor	Board staff who help Participants to understand the process and how to participate in the hearing – see section 5.3 and Appendix IV.
Project	NGTL’s proposed project, as specified in the Application – see sections 1.1 – 1.3.
public registry	An online repository for the evidence filed in the hearing. It is the record that is available to the public. In most cases the public registry and the record include the same information. However, in exceptional circumstances, the Board may decide that certain information can be filed confidentially. This information is part of the record, but not available on the public registry.
record	The record includes all submissions and evidence filed or given orally in the proceeding, including documents such as the Application and the Hearing Order.
Regulatory Officer	Board staff who assist Participants, manage documentation before, during and after the hearing, perform court clerk duties at the hearing and manage the post hearing process – see section 5.4.
reply evidence	Additional information NGTL may file in reply to evidence filed by other Participants.

Report

A report we prepare to the Governor in Council, under section 52 of the NEB Act, that includes our recommendations as to whether a Certificate should be granted for the Project and decisions as to whether a section 58 order should be granted for the Project. It also includes the reasons for the recommendations and decisions. When making the recommendations and decisions, we will take into account whether the Project is and will be required for the present and future public convenience and necessity.

serve

Officially providing a copy of a document to the applicable Participant, such as NGTL. Notice that the document is available on the public registry is usually provided electronically (by e-mail) but the document may need to be provided to NGTL or Intervenors by mail or fax – see section 4.3.

the Rules

The *National Energy Board Rules of Practice and Procedure, 1995* provide guidance on the Board's procedures. The Rules can be accessed on the Board's website.

1 This hearing

1.1 An overview

The National Energy Board (NEB or the Board) has a responsibility to regulate the construction, operation and abandonment of interprovincial and international pipelines and power lines. NOVA Gas Transmission Ltd. (NGTL or Applicant) has applied to us for approval to construct and operate the Wolverine River Lateral Loop (Carmon Creek Section) Project (Application). We are a three member Panel of the Board who will make recommendations and decisions on whether the Project should be approved or not, and under what conditions.

We will hold a public hearing to consider whether to recommend approval of this Project. During the public hearing we will receive written evidence, which can be found on our website. The hearing will also include an oral portion. We will review and consider all of the evidence on the record before we make our recommendations and decisions. We rely only on the evidence on the record.

We will release a report setting out our recommendations and decisions to the Governor in Council (Report). This Report will take into account whether the Project is in the public interest.

The steps and deadlines in the hearing, as outlined in this document, are important to make the hearing fair, transparent and efficient, and to provide certainty to all those involved.

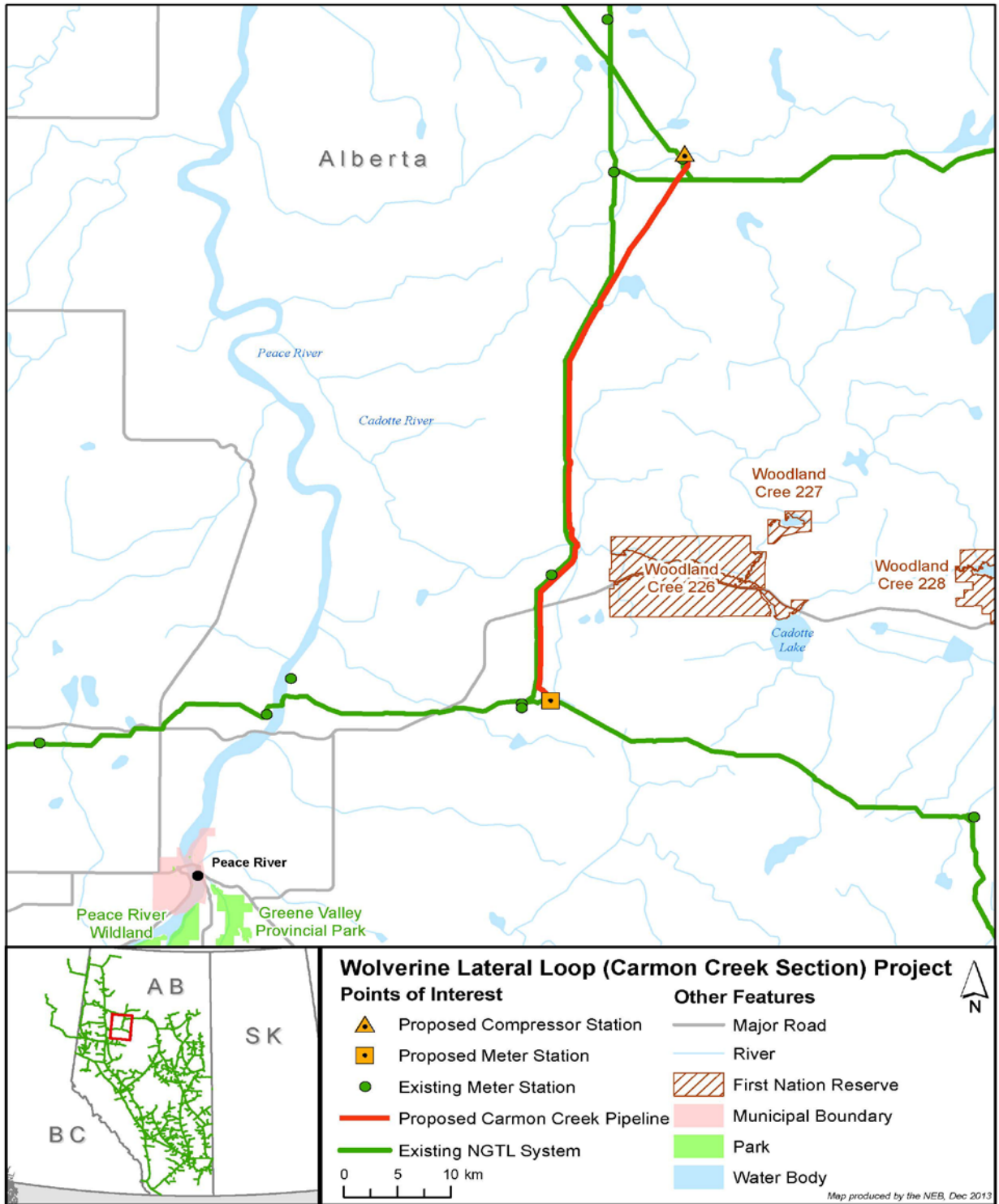
1.2 What did NGTL apply for?

In its Application, NGTL requested that the Board:

- issue a Certificate of Public Convenience and Necessity under section 52 of the [National Energy Board Act](#) (NEB Act), authorizing construction and operation of the Project;
- issue an Order, pursuant to section 58 of the NEB Act, exempting NGTL from the requirements of paragraphs 31(c), 31(d) and section 33 of the NEB Act, in relation to temporary infrastructure required for the construction of the Project; and
- grant any such further and other relief as NGTL may request or the Board may deem appropriate.

The location of the proposed Project is approximately 35 km northeast of Peace River, Alberta, and would involve the construction and operation of a 61 km pipeline, 508 mm (20 inches) in diameter, to transport sweet natural gas. Approximately 56 km of the pipeline would be built alongside existing linear disturbances. Other Project facilities would include tie-in connections to existing facilities, valve sites, launcher and receiver facilities for inline inspection, and cathodic protection.

1.3 Where is this Project located?



1.4 Is this Project a “designated project” under the *Canadian Environmental Assessment Act, 2012*?

Yes. Since the proposed Project includes more than 40 km of new pipeline, it is designated under the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) and *Regulations Designating Physical Activities*. As a result, it requires a CEAA, 2012 environmental assessment for which the Board is the Responsible Authority. The Board has developed the attached Factors and Scope of the Factors for the Environment Assessment pursuant to the CEAA, 2012 (see Appendix V). This document has also been posted on the Canadian Environmental Assessment Registry Internet Site (Reference No. 80062).

1.5 What is this document about?

This hearing order explains:

- where you can get more information;
- steps and deadlines;
- procedures; and
- the issues we will consider.

1.6 Where can I see NGTL’s Application and get more information about the Project?

If you have Internet access, you may find the Application on our website. If you do not have Internet access, you may find the Application in the locations listed in Appendix II. You may also ask NGTL for a copy.

You may find all documents filed in the hearing on our website. The only exceptions are when a document is too large or we have granted confidential treatment of the information. Appendix III shows how hearing documents are organized online and includes tips for using our website.

1.7 How may I stay informed of the hearing?

The hearing is public and anyone can follow it by:

- reading information about this hearing on our website – see Appendix III;
- reading the evidence that has been filed on the public registry;
- listening to live broadcasts of the oral portion of the hearing through our website;
- attending the oral portion of the hearing in person; and
- reading the daily transcripts of the oral hearing.

Section 5.2 tells you how to stay informed using our website. Section 5.5.1 explains how to acquire transcripts.

1.8 Where may I get help or more information?

The Board's Process Advisor can provide you with information on the process and how to participate in it. Section 5.3 tells you how to contact the Process Advisor. Appendix IV explains the role of the Process Advisor.

Our website also has helpful publications about the hearing process and the energy industry in general. Section 5 has information about other sources of help, including Board staff names and contact information.

2 Participation in this hearing

The Board determined who will be allowed to participate in the hearing after holding an application to participate process between 14 May and 13 June 2014. The List of Participants in this hearing is attached to the Board's 27 June 2014 letter. As a result of late publication of a Notice in the Native Journal, the Board decided to accept applications to participate from interested parties that received late notice until 10 July 2014. No further applications to participate were submitted.

There are two methods of participation: Commenters and Intervenors.

2.1 What is a Commenter?

If you applied and were approved by us to be a Commenter, you are allowed to file one letter of comment. It will be placed on the online public registry, will form part of the hearing record, and we will read and consider it. Any additional letters or submissions will not be included on the record or considered.

As a Commenter, you do not have the right to ask questions about the evidence or present argument.

Commenters will not be notified of, or receive documents that are filed on the online public registry. You will need to monitor the registry if you wish to remain aware of new filings on the record.

2.2 What do I write in my letter of comment?

As a Commenter in this proceeding, you may tell us your views by writing us a letter of comment. Your letter of comment should:

- include your name, mailing address, and phone number;
- include the name of your organization, if you represent one;
- reference hearing number GH-003-2014 and file number OF-Fac-Gas-N081-2013-18 02;
- state your views on the Project;

- include information or expertise you have in support of your views; and
- if you are directly affected, describe how you would be affected by the Project.

There is no page limit to your letter, although clear and well-organized letters are encouraged.

2.2.1 How may I file a letter of comment?

Only those who have been approved as Commenters may file a letter of comment. To file a letter of comment, you must, by **noon (MDT) 2 October 2014**, submit your letter of comment electronically (and serve the Applicant and Intervenor with it) by going back into your log-in page on the NEB website and entering your letter of comment at the prompt or, send your letter to us by mail, fax or courier - see Section 5.1.

If you are sending your letter to us by mail, fax or courier, you must also send a copy of your letter to the Applicant and its counsel at:

Ms. Trishna Wirk
Project Manager
Regulatory Services
NOVA Gas Transmission Ltd.
450 – 1 St S.W.
Calgary, AB T2P 5H1
Facsimile 403-920-2347

Mr. Matthew Ducharme
Legal Counsel
Pipelines Law
NOVA Gas Transmission
Ltd.
450 – 1 St S.W.
Calgary, AB T2P 5H1
Facsimile 403-920-2308

Mr. Shawn H.T. Denstedt, QC
Osler, Hoskin & Harcourt
LLP
Suite 2500, TransCanada
Tower
450 – 1 St S.W.
Calgary, AB T2P 5H1
Facsimile 403-260-7024

2.3 What is an Intervenor?

Being an Intervenor is the most involved way to participate. It requires a commitment of time and may involve some costs to prepare your evidence and send documents to Participants. It allows you, among other things, to:

- submit written evidence;
- ask questions in writing and orally about others' evidence;
- submit and respond to motions; and
- make a final argument.

If you give evidence, you must:

- in writing, answer any written questions about your evidence; and
- attend the oral portion of the hearing and be prepared to answer questions from other Participants if anyone plans to ask questions about your evidence.

Intervenors will be notified of, or receive, all documents that are on the public registry. This includes the Application, evidence, notices of motion and all related materials. You can find the public registry on our website. For more information on how to find documents on our website - see Appendix III.

2.4 May I withdraw?

If you are approved to be a Participant, you may withdraw at any time in the hearing process by telling us in writing (through e-filing, mail, fax, or hand delivery).

As an Intervenor, unless you formally withdraw, you will continue to regularly receive email notifications and/or hard copies of documents.

3 Steps in the hearing

This section describes the steps in the hearing process. Appendix VI shows the timetable of events and deadlines.

3.1 Board sets a time limit

On 1 May 2014, we determined that this Application was complete and the assessment could begin. The Chair of the NEB then specified that the time limit for us to submit our Report on the Project is no later than 1 August 2015. The time limit represents the maximum time for us to complete our assessment, subject to any modifications allowed under the NEB Act.

3.2 We issue the List of Participants

We released the List of Participants on 27 June 2014 and directed NGTL to serve its Application and related documents on intervenors that have not already received a copy. If you are a Participant, you must notify us if your contact information changes.

The List of Participants indicates how NGTL and Intervenors wish to be served with documents.

3.3 We release a Hearing Order including the List of Issues

The issues that we will consider in this hearing are listed in Appendix I.

3.4 NGTL files additional evidence

By **noon (MDT) 31 July 2014**, NGTL must file with us any additional written evidence to supplement its Application, and it must also serve a copy on all Intervenors.

3.5 Intervenor file Information Requests to NGTL

All Intervenors may ask questions of NGTL. Their questions must be in writing and these are referred to as Information Requests. Every Information Request must be relevant to the evidence that has been placed on the record or be related to one or more of the issues identified in Appendix I.

To submit Information Requests to NGTL, an Intervenor must, by **noon (MDT) 4 September 2014**:

- file the Information Request with us;
- serve it on NGTL and its counsel; and
- serve it on all other Intervenors.

The Board may also ask Information Requests of NGTL.

3.6 NGTL responds to Information Requests

By **noon (MDT) 18 September 2014**, NGTL must:

- file responses to all Information Requests with us; and
- serve a copy on all Intervenors.

3.7 Intervenors file written evidence

By **noon (MDT) 2 October 2014**, Intervenors who want to provide evidence must:

- file written evidence with us; and
- serve a copy on NGTL and all other Intervenors.

The evidence must be relevant to one or more of the issues identified in Appendix I.

3.8 NGTL, Intervenors submit Information Requests to Intervenors

NGTL and Intervenors may ask questions about the evidence of other Intervenors. To do this, they must, by **noon (MDT) 9 October 2014**:

- file the Information Requests with us;
- serve them on the relevant Intervenor; and
- serve a copy on NGTL and all other Intervenors.

The Information Requests must be relevant to the evidence that has been placed on the record, or be related to one or more of the issues identified in Appendix I.

The Board may also ask Information Requests of Intervenors.

3.9 Intervenor's respond to Information Requests

By **noon (MDT) 23 October 2014**, Intervenor's must:

- file a copy with us of the responses to the Information Requests they receive; and
- serve a copy of those responses on NGTL and all other Intervenor's.

3.10 NGTL files reply evidence

By **noon (MDT) 30 October 2014**, NGTL may file any reply evidence with us and serve a copy on all Intervenor's.

3.11 The oral portion of the hearing begins

The date, location, venue and anticipated length of the oral portion of the hearing (number of days) will be communicated at a later date.

The purpose of the oral portion of the hearing is to test the evidence by asking oral questions and to provide a final argument.

For information about the oral portion of the hearing, see our publication called the National Energy Board Hearing Process Handbook.

3.12 We close the record and make recommendations and decisions

After the oral portion of the hearing, we close the record, meaning we do not accept new evidence. We then consider all relevant evidence on the record before we make our recommendations and decisions.

Within 12 weeks from the close of the record, we will submit our Report to the Governor in Council. This includes our recommendations on whether the Project should be approved and under what conditions. We notify all Participants and post the Report on our website.

Within three months from the date of release of the Report, the Governor in Council will make the decision on whether the Board will issue the certificate for the Project.

4 Procedures

This section describes how to submit documents, the deadlines, and other procedures.

4.1 How do I prepare documents?

Every document you file with us or serve on NGTL and Intervenor's must refer to Hearing Order GH-003-2014 and File No. OF-Fac-Gas-N081-2013-18 02.

Address the document(s) to the proper recipient. For example, anything to be filed with us should be addressed to the Secretary of the Board. Documents specifically for others should be addressed to them using the List of Participants as a guide.

Number the pages of your document consecutively, including blank pages, so the electronic page numbers match the page numbers that show on your document. Also, please use the latest version of Adobe Acrobat.

Due to system constraints, all files must be less than 5 megabytes (MB). If you have a document over that file size, you will need to split it up into two or more files that fall under the size limit before filing.

Except for Letters of Comment submitted electronically, sign every document you file with us.

If you refer to information on a website in your document:

- insert a direct link or a reference to the website, so anyone accessing the website may know the exact information you are referring to;
- make sure the reader does not require a password or subscription to get the information; and
- file a hard copy with us of all the information you are referring to.

Website information may change over time. Therefore, only the hard copy will become part of the official record in this proceeding.

4.2 How do I file documents with the Board?

We require you to e-file documents if you are able to do so. To e-file documents, you must follow these steps:

- Prepare the document as explained in section 4.1.
- Go to our website, www.neb-one.gc.ca. Under Regulatory Documents, click on “Submit” and follow the instructions. Refer to the Filers Guide to Electronic Submission on our website for more information.
- You will receive an email containing a submission receipt. Print the submission receipt and sign it.
- Send one hard copy of the e-filed document(s) and one hard copy of the signed submission receipt to us by mail, hand delivery or courier. See section 5.1 for our contact information.

Please note that you cannot e-file or submit documents by way of e-mail. For more information see Appendix III.

4.2.1 What if I cannot e-file documents?

If you cannot e-file documents, you may submit documents in person, by mail, fax or courier.

- Prepare the document as explained in section 4.1.
- Hand deliver, mail, fax, or courier one copy of each document to us. See section 5.1 for our contact information.

4.2.2 Filing documents during the oral portion of the hearing

If you wish to file a document after the oral portion of the hearing has started and we have accepted it onto the public registry you must:

- Follow the instructions above for filing documents.
- Give six hard copies of your new document(s) to the Regulatory Officer.
- Make enough hard copies available to those in the hearing room who may need it. This could include NGTL, a witness panel or other Intervenors who may be attending.

4.2.3 Who can help me with submitting my documents?

Contact the Regulatory Officer - see section 5.4.

4.3 How do I serve documents on others?

When you are required to serve documents, you must send one copy to NGTL and its counsel, and to each Intervenor on the List of Participants. The method of service for each Intervenor will be indicated on the List of Participants.

NGTL and Intervenors who can access documents on our website must be notified by email when a document has been filed. To do this, create a list of email addresses from the List of Participants and send an email to this list indicating that the filing is available on the Board's website.

If your document cannot be scanned – for example, if it is too large – you must mail, fax, courier or deliver by hand one copy to us, NGTL and all Intervenors. Board staff will put an electronic placeholder on our website. A placeholder indicates a document has been filed in hard copy (and is available in our library) but cannot be viewed or searched online.

You can contact our Regulatory Officer for questions about serving documents, see Section 5.4.

4.4 What if I cannot meet a deadline?

Our deadlines are set to provide fairness, efficiency and certainty to all participants. We encourage participants to e-file documents, or to use fax or courier so others receive documents on time.

When you must submit documents by a certain deadline, the intended recipient must receive the documents by noon, Mountain Time, on the date of the deadline.

Late filings will not be accepted, except with our permission. If you cannot meet a deadline, you must write to us to request an extension. We will then decide whether to grant your request by considering:

- the reason why you cannot meet the deadline;
- whether your submission is likely to assist us;
- whether others have made, or could have made, similar submissions;
- whether other Participants could be disadvantaged as a result of the late submission; and
- any other relevant considerations.

4.5 How do I raise a question of procedure or substance that requires a Board decision?

If you want to ask us to do something, such as asking us to consider a change to the process, you must submit a request to us. This is called a Notice of Motion.

The Notice of Motion must include:

- a concise statement of the facts;
- the grounds for the request;
- the decision or relief requested; and
- any information which supports the request.

The Notice of Motion must:

- be in writing;
- be signed by the person making the motion or an authorized representative;
- be divided into consecutively numbered paragraphs;
- be filed with us, and served on NGTL and Intervenors; and
- be filed separately from any other correspondence.

If you are relying on case law or other authorities to support your position, you must submit a book of authorities and highlight the specific passages you are relying on. You must submit a copy to us and send a copy to NGTL and all Intervenors.

If you would like to make a motion during the oral portion of the hearing, it may be raised orally as a preliminary matter or during cross examination. You should include the same information as written motions.

For further information on motions, see section 35 of the *National Energy Board Rules of Practice and Procedure, 1995* (Rules). The Rules can be found on our website. For information on how to navigate the Board's website - see Appendix III.

4.6 Will you keep my evidence confidential?

All evidence we accept for this hearing will be on the public registry unless you file a Notice of Motion to keep your evidence confidential under sections 16.1 or 16.2 of the NEB Act and we grant your request for confidentiality.

4.7 Where may I go for more detailed information about the hearing procedures?

The Rules provide detailed information about the hearing process; however, in accordance with section 4 of the Rules, the Board may dispense with or vary the Rules and in the event of a discrepancy between the Rules and this Hearing Order, this Hearing Order prevails. You may also contact the Process Advisor - see section 5.3.

5 Contact Information

5.1 Our contact information for filing documents

Secretary of the Board
National Energy Board
517 10th Ave SW
Calgary, AB T2R 0A8

Phone 403-292-4800
Toll-free phone 1-800-899-1265
Fax 403-292-5503
Toll free fax 1-877-288-8803

5.2 NEB Website

We post the most current information about the hearing on our website. Go to www.neb-one.gc.ca and click on NGTL Wolverine River Lateral Loop (Carmon Creek Section) under Major Applications and Projects. See Appendix III for information on our website.

5.3 Process Advisor

Our Process Advisor can help you understand the hearing process and how you may participate in it. Appendix IV provides some information on what the Process Advisor can do to assist. You can contact the Process Advisor at:

Carole Léger-Kubeczek

E-mail: NGTLCarmonCreek@neb-one.gc.ca

Telephone: 403-221-3465

Telephone (toll free): 1-800-899-1265

Facsimile: 403-292-5503

Facsimile (toll free): 1-877-288-8803

5.4 Regulatory Officer

If you have questions about serving documents or need help with filing documents or with evidence or exhibits during the hearing, please contact the Regulatory Officer at:

Carrie Randall

E-mail: carrie.randall@neb-one.gc.ca

Phone 403-299-3714

Toll-free phone 1-800-899-1265

Fax 403-292-5503

Toll free fax 1-877-288-8803

5.5 Publications and Transcripts

The National Energy Board Hearing Process Handbook includes general information about how hearings are conducted - see Appendix III.

For our publications, you may also contact our library:

publications@neb-one.gc.ca

Phone 403-292-3562 or 1-800-899-1265 (toll free)

517 10th Ave SW

Calgary, AB T2R 0A8

5.5.1 Transcripts

The oral portion of the hearing will be recorded and transcribed daily. Transcripts will be available on the Board's Internet site at www.neb-one.gc.ca. Click on "Regulatory Documents" and then "Active Hearings" and scroll to "Wolverine River Lateral Loop (Carmon Creek Section)".

Anyone may order, at their own cost, transcripts directly from International Reporting Inc.:

- at the hearing;
- by emailing bprouse@irri.net; or
- by calling 1-800-899-0006.

5.6 Our library

You can view a copy of the Application in our library. The library is also an excellent source of information about energy issues. You can reach the library at:

library@neb-one.gc.ca

Phone: 403-299-3561

Toll-free phone: 1-800-899-1265

517 10th Ave SW

Calgary, AB T2R 0A8

Appendix I – List of Issues

The Board has identified but does not limit itself to the following issues for consideration in the proceeding:

1. The need for the proposed project.
2. The economic feasibility of the proposed project.
3. The potential commercial impacts of the proposed project.
4. The potential environmental and socio-economic effects of the proposed project, including those to be considered under the *Canadian Environmental Assessment Act, 2012*.
5. The appropriateness of the general route and land requirements for the proposed project.
6. The engineering design and integrity of the proposed project.
7. Potential impacts of the proposed project on Aboriginal interests.
8. Contingency planning, including emergency response planning, for releases or spills, accidents or malfunctions, during construction and operation of the project.
9. The terms and conditions to be included in any approval or recommendation.

Appendix II – Where can I see the Application?

NGTL will make available for public viewing during normal business hours, a copy of its Application and all related documents at the following locations:

NGTL's Office

450 – 1st Street SW
Calgary, AB
T2P 5H1

Peace River Municipal Library

9807-97 Avenue
Peace River, AB
T8S 1H6

Upon request, NGTL will provide a copy of the Application and all related documents in the format requested (electronic, hard copy) to those commenters approved by the Board.

Copies of NGTL's Application and all related documents are also available for viewing at the Board's library:

National Energy Board

517 10th Ave SW
Calgary, AB T2R 0A8
Phone: 403-299-3561
Toll-free phone: 1-800-899-1265

Appendix III – How may I find documents on the Board’s website?

Website Navigation Tips:

1. You will find our website’s home page at: www.neb-one.gc.ca
2. On the left hand side of the page, under “Major Applications and Projects”, click on NGTL Wolverine River Lateral Loop (Carmon Creek Section).
3. To find the Public Registry for the NGTL Wolverine River Lateral Loop (Carmon Creek Section), go to the right hand side of our home page, click on “View applications” under “Regulatory Documents”. Then click on “Active Hearings” and “Wolverine River Lateral Loop (Carmon Creek Section).”

You may also find the public registry for the NGTL Wolverine River Lateral Loop (Carmon Creek Section) using the links in #2 above.

At times, recently filed documents may not be on the public registry as they are waiting to be filed. You will find these documents in the “Inbox”. The Inbox is located under the “Active Hearings.”

4. To learn about hearings in general, go to the left side of our home page, click “Hearings and Information Sessions”. You may also refer to the “National Energy Board Hearing Process Handbook.”
5. For information on how to file documents electronically, go to the left side of our home page, click on “Submit Documents” under “Regulatory Documents.” Next, click on Submit Documents Electronically”, then “Help for e-filing” or Filers Guide to Electronic Submission.
6. To find Acts, Regulations and Rules, go to the left side of our home page scroll down to publications and click “Acts and Regulations”. Click “List of Acts and Regulations” to find:

- *National Energy Board Act*
- *Canadian Environmental Assessment Act, 2012*

To find the NEB’s Rules of Practice and Procedure, click “Regulations” next to the *National Energy Board Act* link then, under “Regulations made under this Act”, click :

- *National Energy Board Rules of Practice and Procedure, 1995*

Appendix IV – Role of the Process Advisor

The Board has assigned Ms. Carole Léger-Kubeczek as the Process Advisor for this Project. The Process Advisor's role is to support the public (e.g., landowners, concerned citizens, environmental non-governmental organizations) and the Aboriginal groups that are participating in public hearings.

Ms. Léger-Kubeczek can:

1. Answer your questions about the Board's hearing process;
2. Explain the different ways you may participate (intervenor, letter of comment) and what you can and cannot do in these roles;
3. Answer your questions about finding documents on our website;
4. Organize and run public information sessions and workshops;
5. Answer questions about the Participant Funding Program and how to apply;
6. Discuss how you can apply to participate in the process;
7. Provide samples and templates and answer your questions about them; and
8. Explain your role in the hearing.

Ms. Léger-Kubeczek cannot:

1. Make your case for you. That means, she cannot:
 - a. Interpret the evidence for you;
 - b. Tell you what information you should give to the Panel Members;
 - c. Tell you how to best present your information; and
 - d. Write your questions or evidence.
2. Talk to the Panel Members on your behalf; and
3. Talk to NGTL on your behalf.

For more information, please contact Carole Léger-Kubeczek by calling 403-221-3465 or (toll free) 1-800-899-1265, or by email at NGTLCarmonCreek@neb-one.gc.ca.

Appendix V – Factors and Scope of the Factors

NOVA Gas Transmission Ltd. (NGTL) Proposed Wolverine River Lateral Loop - Carmon Creek Section (Project)

Factors and Scope of the Factors for the Environmental Assessment (EA) Pursuant to the *Canadian Environmental Assessment Act, 2012 (CEAA, 2012)*

1.0 INTRODUCTION

On 25 March 2014, NGTL, a wholly owned subsidiary of TransCanada PipeLines Limited, filed an application with the National Energy Board (NEB) proposing to construct and operate the Project (Application). As the Project includes a pipeline that exceeds 40 km in length, it is a designated project under the CEAA, 2012 and requires a CEAA, 2012 EA for which the NEB is the Responsible Authority.

For the purposes of the EA the designated project includes the various components and physical activities described by NGTL in the Application.

In accordance with paragraph 79(2)(b) of the CEAA, 2012, the following provides a description of the factors to be taken into account in the EA and of the scope of those factors.

2.0 FACTORS AND SCOPE OF THE FACTORS

2.1 Factors to be considered

The CEAA, 2012 EA for the designated project will take into account the factors described in paragraphs 19(1)(a) through (h) of the CEAA, 2012:

- a) the environmental effects¹ of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- b) the significance of the effects referred to in paragraph (a);
- c) comments from the public or any interested party received in accordance with the CEAA, 2012;
- d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;
- e) the requirements of the follow-up program in respect of the designated project;

¹ Section 5 of the CEAA, 2012 further describes the environmental effects that are to be taken into account.

- f) the purpose of the designate project;
- g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means; and
- h) any change to the designated project that may be caused by the environment;

In addition, the EA may also consider community knowledge and Aboriginal traditional knowledge pursuant to subsection 19(3) of the CEAA, 2012.

2.2 Scope of the Factors to be considered

The EA will consider the potential effects of the designated project within spatial and temporal boundaries within which the designated project may potentially interact with and have an effect on components of the environment. These boundaries will vary with the issues and factors considered, and will include but not be limited to:

- construction, operation and maintenance, foreseeable changes, and site reclamation, as well as any other undertakings proposed by the proponent or that are likely to be carried out in relation to the physical works proposed by NGTL, including mitigation and habitat replacement measures;
- seasonal or other natural variations of a population or ecological component;
- any sensitive life cycle phases of species (e.g., wildlife, vegetation) in relation to the timing of Project activities;
- the time required for an effect to become evident;
- the area within which a population or ecological component functions; and
- the area affected by the Project.

Any works and activities associated with additional modifications or associated with the decommissioning or abandonment phase of the Project would be subject to a future application under the *National Energy Board Act* and assessed in detail at that time. Therefore, at this time, any works or activities associated with these phases of the Project will be examined in a broad context only.

As indicated above, the EA will consider cumulative environmental effects that are likely to result from the designated project in combination with effects from other physical activities that have been or will be carried out.

Subsection 2(1) of the CEEA, 2012 provides definitions potentially relevant to the scope of the factors, including:

“environment”, which means the components of the Earth, including

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);

and

“mitigation measures”, which means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.

Appendix VI – Timetable

Events	Hearing Order Reference	Responsible Participant	Date or Deadline (noon Mountain time)
NGTL's Project application to the Board	N/A	NGTL	25 March 2014
Determination of Project application completeness and time limit	3.1	Board	1 May 2014
Apply to the Board to participate and also serve the form on NGTL	N/A	Interested persons	14 May 2014 – 10 July 2014
Release List of Participants	3.2	Board	27 June 2014
Serve Project Application on all Intervenors	3.2	NGTL	Immediately after receiving the List of Participants
Serve Applications to Participate on Intervenors	N/A	Intervenors	Immediately after receiving the List of Participants
Release Hearing Order GH-003-2014	3.3	Board	17 July 2014
Submit additional written evidence	3.4	NGTL	31 July 2014
File supplementary surveys, as noted in the Application	N/A	NGTL	28 August 2014
Submit Information Requests to NGTL	3.5	Intervenors	4 September 2014

Events	Hearing Order Reference	Responsible Participant	Date or Deadline (noon Mountain time)
Respond to Intervenor Information Requests	3.6	NGTL	18 September 2014
Submit written evidence	3.7	Intervenors	2 October 2014
File Letters of Comment	2.2.1	Commenters	2 October 2014
File Information Requests to Intervenors	3.8	NGTL, other Intervenors	9 October 2014
Respond to Information Requests	3.9	Intervenors	23 October 2014
File reply evidence	3.10	NGTL	30 October 2014
Begin oral portion of the hearing	3.11	NGTL and Intervenors	To be determined