

National Energy
Board



Office national
de l'énergie

File OF-Fac-Gas-W102-2016-12 01
26 May 2017

To: All Parties to the GH-001-2017 Hearing

**Westcoast Energy Inc., doing business as Spectra Energy Transmission (Westcoast)
Application for the Wyndwood Pipeline Expansion Project (Application)
Hearing Order GH-001-2017
Procedural Update No. 3**

On 14 February 2017, the National Energy Board (Board) issued Hearing Order GH-001-2017 outlining the process to be followed in the Board's adjudication of Westcoast's Application [[A81726](#)]. As described in Section 3.11 of the Hearing Order, the Board planned to have an oral portion of the hearing in spring 2017. Procedural Update No. 2, issued on 4 May 2017, provided information on the oral hearing and sought information from Intervenors and Westcoast regarding their participation [[A83143](#)]. This Procedural Update No. 3 provides additional information on the oral hearing, including the tentative schedule of events (Appendix III).

The Board would like to remind all Parties to refer to Procedural Update No. 2 for guidance on the oral hearing process. The Board's Process Advisor for the Project will host an information session to provide additional guidance on the oral hearing process. All Parties in the GH-001-2017 Hearing are welcome to attend. The information session will be held at the **Pomeroy Inn & Suites in Chetwynd, BC from 6:00 p.m. to 7:00 p.m. (Chetwynd time), on Monday, 5 June 2017.**

Swearing in or Affirming

Before presenting oral statements, adopting evidence and answering questions on cross-examination, oral statement presenters and witnesses answering cross-examination questions on evidence will be asked to swear or affirm that the information they are presenting is accurate and truthful to the best of their knowledge and belief. If presenters or witnesses prefer to be sworn in, they will be asked to place their hand on a Bible or another sacred item. If you wish to swear on a sacred item other than a Bible, you will need to bring that item to the hearing. If presenters or witnesses prefer to be affirmed, they will simply be asked to affirm that the information they are presenting is accurate to the best of their knowledge and belief.

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Oral Statements

On 23 March 2017, the Board issued a Letter requesting that Parties notify the Board of their intent to present an Oral Statement [[A82211](#)]. The Board received notices of intent to present an Oral Statement from Mr. Thomas Soloshy, Saulteau First Nations and West Moberly First Nations.

The Board will begin the oral portion of the hearing the morning of Tuesday, 6 June 2017 in Chetwynd, BC with Oral Statements.

Following each Party's Oral Statement, Westcoast will be given a short amount of time to verbally ask questions on the Oral Statements. The Board may also ask questions on each Party's Oral Statement.

Visual Aids for Oral Statements

If Parties wish to refer to any visual aids (e.g., photographs, maps, slideshows, videos or other forms of media) during their Oral Statement, they must provide the visual aids to the Board's Regulatory Officer for the Project by **4:00 p.m. (Chetwynd time) on Monday 5 June 2017**. This is necessary so that the Board can display the visual aids on the screen at the hearing. Note that there is no requirement to file photographs of objects Parties plan to bring to their Oral Statement presentations in advance of the hearing.

Should Parties intend to introduce visual aids as new evidence during their Oral Statement, they must file and serve the visual aids as written evidence at least two business days before their Oral Statement. Please see sections 4.2 and 4.3 of the Hearing Order, or contact the Process Advisor, for information on filing and service.

Exhibits for Oral Cross Examination

In advance of cross-examination, Parties are requested to provide the Regulatory Officer with a list of exhibit numbers to which they intend to refer at least two business days in advance of cross-examination to aid in retrieving the documents expediently. Please refer to Procedural Update No. 2 for instructions.

An Exhibit List is provided at [A82391](#) and will be updated as new exhibits are entered. The Board will be viewing the exhibits electronically on a screen in the hearing room during this proceeding. For efficiency, the Board requests that those speaking on the record identify each reference document by its exhibit number.

Order of Appearances

Following the registration of appearances on Tuesday 6 June, 2017, the Board will have Parties present their Oral Statements. Saulteau First Nations will begin, followed by the Intervenors in the Order of Appearances (see Appendix I of this Procedural Update). Oral Cross-Examination will follow the Oral Statements, beginning with cross-examination of Westcoast followed by cross-examination of other Intervenors listed in the Order of Appearances (Appendix I).

Appendix III provides a tentative schedule of events, which is based on Parties' intentions for participation and, thus, may not follow the alphabetical order set out in the Order of Appearances.

Registration of Appearances

Parties who intend to participate in the oral portion of the hearing must register their appearance at the Board's established hearing room in the Pomeroy Inn & Suites in Chetwynd, BC at **9:00 a.m. (Chetwynd time) on Tuesday, 6 June 2017**. If you would prefer to do this in advance and not attend the oral hearing in person at that time, you may register your appearance with the Board by filing a letter on the public repository (through the participation portal or e-file) stating you are registering your Party's appearance, no later than **4:00 p.m. (Chetwynd time) on Monday, 5 June 2017**. If you have preliminary matters to raise, the Board would prefer that these be addressed in person on the morning of Tuesday, 6 June 2017, during the registration of appearances.

Written Affidavit

If you have filed evidence, but will not appear remotely or in person to swear or affirm your evidence during the oral portion of the hearing, you are required to confirm by affidavit that your written evidence was prepared by you or under your direction and control and that the written evidence is accurate to the best of your knowledge and belief by **4:00 p.m. (Chetwynd time) on Wednesday, 7 June 2017**. Sample affidavits are provided in Appendix II Part A and Part B. Please contact the Process Advisor at the information provided below if you have any questions with respect to this requirement.

Internet Access

Internet access will be available for attendees through the Pomeroy Inn & Suites' Wi-Fi in Chetwynd, BC.

For questions or help regarding the hearing process and how to effectively participate in it, please contact Lisa Zaplachinski (Lisa Zap), the Board's Process Advisor for this Project at Wyndwood.ProcessHelp@neb-one.gc.ca or telephone 403-390-0025 (toll free 1-800-899-1265). If you intend to participate by telephone in any part of the oral hearing, please contact the Regulatory Officer, Danielle Comte, at danielle.comte@neb-one.gc.ca or telephone 403-604-0289 (toll-free 1-800-899-1265) before **4:00 p.m. (Chetwynd time) on Monday, 5 June 2017**.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments

Appendix I
Order of Appearances – Hearing GH-001-2017

APPLICANT / DEMANDEUR

Westcoast Energy Inc. doing business as Spectra Energy Transmission

INTERVENORS / INTERVENANTS

Mr. Dan Ball

BC Métis Federation

Blueberry River First Nations

Mr. Dan Embree

Environment and Climate Change Canada

Fort St. John Métis Society

Mr. Kwalija Harroff

Kelly Lake Cree Nation

NOVA Gas Transmission Ltd.

Progress Energy Canada Ltd.

Saulteau First Nations

Mr. Thomas Soloshy

West Moberly First Nations

NATIONAL ENERGY BOARD COUNSEL /
CONSEILLER DE L'OFFICE NATIONAL DE L'ÉNERGIE

Appendix II – Part A
Affidavit for Parties

**IN THE MATTER OF
NATIONAL ENERGY BOARD
HEARING ORDER GH-001-2017
Westcoast Energy Inc., doing business as Spectra Energy Transmission (Westcoast)
WYNDWOOD PIPELINE EXPANSION PROJECT**

AFFIDAVIT OF _____
(Print name of Party)

I, _____, of _____, in the Province of _____, MAKE OATH [OR AFFIRM] AND SAY AS FOLLOWS:

1. I am a Party in the National Energy Board hearing GH-001-2017 for the Westcoast Wyndwood Pipeline Expansion Project (the Hearing).
2. I filed evidence in the Hearing on _____(date(s)).
3. The evidence I filed and that I hereby adopt consists of the following **(list all evidence, including responses to information requests (IRs))**:

4. The written evidence set out in Paragraph 3 above was prepared by me or under my direction and control and is accurate to the best of my knowledge and belief.

SWORN [OR AFFIRMED] BEFORE ME
at _____ ,
in the Province of _____,
this _____ day of _____, 2017. _____
(Name of Party)

A Notary Public or Commissioner for Oaths
in and for the Province of _____
Expiry Date of Commission:

Appendix III

Tentative Schedule for the Oral Portion of the Hearing at the Pomeroy Inn & Suites in Chetwynd, BC

Location: Chetwynd, British Columbia (BC)

Venue: Pomeroy Inn & Suites, 5200 North Access Road, Chetwynd, BC

The Board asks that presenters, legal counsel, or other representative(s) of those presenting oral statements or participating in oral cross-examination or oral final argument arrive 20 minutes prior to the scheduled start of their sessions to meet with Board Counsel and/or the Process Advisor.

Tuesday, 6 June 2017

Starting at 9:00 a.m. (Chetwynd time) with the Registration of Appearances

Oral Statements

	Oral Statement by	Estimated Length
Morning	Saulteau First Nations	0.5 hours
Morning	Mr. Soloshy	0.5 hours
Morning	West Moberly First Nations	0.5 hours

Oral Cross-Examination

	Witness Panel	Cross Examination by	Estimated Length
Morning	Westcoast Panel	Mr. Dan Ball	0.5 hours
Afternoon	Westcoast Panel	Saulteau First Nations	1 hour
Afternoon	Westcoast Panel	West Moberly First Nations	2 hours
Afternoon	Westcoast Panel	NOVA Gas Transmission Ltd.	1 hour

Wednesday 7 June 2017

Starting at 9:00 a.m. (Chetwynd time)

Oral Cross-Examination

	Panel	Cross Examination by	Estimated Length
Morning	Westcoast Panel	National Energy Board	1 hour
Morning	West Moberly First Nations	Westcoast	0.5 hours
Morning	West Moberly First Nations	Mr. Dan Ball	0.5 hours
Morning	West Moberly First Nations	National Energy Board	0.5 hours
Afternoon	Environment and Climate Change Canada	Westcoast	0.5 hours
Afternoon	Environment and Climate Change Canada	National Energy Board	0.5 hours

Final Argument

Final argument will begin following the conclusion of oral cross-examination. Written final argument will be due at **3:30 p.m. (Chetwynd time) on Wednesday, 7 June 2017**. Oral final argument, if any, will begin at **4:00 p.m. (Chetwynd time) on Wednesday, 7 June 2017**. The order for Oral final argument will be top-down based on the Order of Appearances.

Any revisions to the timing of oral final argument will be announced by the Board during the oral hearing. Parties are required to monitor the oral hearing to be aware of the Board's direction on this matter.

The deadlines for written reply argument, as set out in Board Ruling No.10, are as follows:

- Intervenor Written Reply Argument – **12:00 p.m. on Wednesday, 14 June 2017**; and
- Westcoast Final Reply Argument – **12:00 p.m. on Monday, 19 June 2017**.

The Board would like to remind all Parties to refer to Board Ruling No. 10, dated 15 May 2017, for guidance on the process for final argument [[A83577](#)].