



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
855 - 2nd Street S.W.
Suite 3500, Bankers Hall East Tower
Calgary AB T2P 4J8 Canada
Tel: 403-260-9600 Fax: 403-260-9700

C. Kemm Yates, Q.C.

Direct: 403.260.9667

kemm.yates@blakes.com

January 20, 2017

ELECTRONICALLY FILED

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Sheri Young
Secretary of the Board
National Energy Board
Suite 210, 517 Tenth Avenue SW
Calgary, Alberta T2R 0A8

Dear Ms. Young:

**Re: National Energy Board (Board) Hearing Order OH-002-2016
Energy East Pipeline Ltd. and TransCanada PipeLines Limited (collectively, the Applicants)
Energy East Project, Asset Transfer and Eastern Mainline Project (the Applications)
File OF-Fac-Oil-E266-2014-01 02
Transition Initiative Kenora (TIK) Notice of Motion dated January 10, 2017**

The Applicants are in receipt of a Notice of Motion dated January 10, 2017, filed by TIK,¹ which seeks a declaration that the current Energy East proceeding is void (TIK Motion). The TIK Motion essentially repeats positions that were taken by TIK in submissions to the Board dated September 7, 2016² and September 22, 2016.³

The Applicants have also received a letter of today's date directed to the Board by le Comité citoyen Stop Oléoduc Montmagny-L'Islet, Regroupement des Comités Vigilance Hydrocarbures de Lanaudière, Comité Vigilance Hydrocarbures des Municipalités de la MRC Maskinongé et Comité Citoyen Stop Oléoduc Portneuf-Saint-Augustin (les Groupes).⁴ Les Groupes are supporting the TIK position that the proceeding is void, as they did in an earlier filing on September 26, 2016.⁵

By letter dated November 8, 2016, directed to All Participants in the proceeding, dealing with "[d]ecisions on motions and requests", the Board stated:

¹ TIK Notice of Motion Proceeding Void January 10, 2017 – NEB Exhibit No. A81232.

² TIK letter to NEB re Consequences of Reasonable Apprehension of Bias September 7, 2016 — NEB Exhibit No. A79293.

³ TIK letter to NEB re Consequences of Energy East Panel's recusal decision dated September 22, 2016 – NEB Exhibit No. A79545.

⁴ Les Groupes letter to the NEB dated January 20, 2017—NEB Exhibit No. A81388.

⁵ Les Groupes letter to the NEB dated September 26, 2016—NEB Exhibit No. A79603.
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Given that the Members previously assigned to hear the applications, as well as the Chair and Vice-Chair, have recused themselves from the matters relating to the applications, decisions on any outstanding motions and requests have been adjourned until such time that a new Panel is assigned to consider them. The Board acknowledges the filings it has received since the recusals and wishes to confirm that these requests will be dealt with once a new Panel is assigned, as will any other filings going forward, and not earlier unless the Board determines otherwise.”⁶

The 16 matters that were adjourned by the Board in its November 8 Adjournment Letter included the TIK letter of September 22, 2016 (which included the TIK letter of September 7, 2016 as an attachment), which is now reprised in the TIK Motion, and the letter of Les Groupes dated September 26.

On January 9, 2017, a new Board Panel was appointed.⁷ The next day, the TIK Motion was filed.

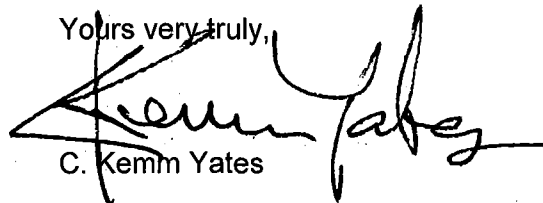
By letter dated September 7, 2016⁸ the Applicants indicated that they would not file comments on the then-outstanding motions for recusal, but stated:

“The Applicants would, however, certainly have comments on the consequences for the regulatory review of the Applications in the event that there were to be a recusal.

The Applicants request that, in the event of a recusal, the Board establish a process to hear from all parties, including the Applicants, on the effect of such recusal on the review of the Applications...”

Given the Board's November 8 Adjournment Letter, the Applicants will not be a filing and serving an answer to the TIK Motion on or before January 20, 2017 as permitted by the *National Energy Board Rules of Practice and Procedure 1995*, subsection 35(4). The Applicants will await the advice or decisions of the new Board Panel as to how it intends to deal with all the outstanding motions, requests and comments, including the TIK Motion and the letters of Les Groupes.

Yours very truly,



C. Kemm Yates

CKY/jahk
cc All Participants OH-002-2016

⁶ NEB letter to All Participants in the OH-002-2016 Proceeding re Decisions on motions and requests – NEB Exhibit No. A80499 (November 8 Adjournment Letter).

⁷ NEB News Release, January 9, 2017, NEB Names New Energy East Hearing Panel.

⁸ Energy East Pipeline Ltd. and TransCanada PipeLines Limited letter to National Energy Board re Comments on Recusal Motions dated September 7, 2016 – NEB Exhibit No. A79320.

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