

National Energy
Board



Office national
de l'énergie

File OF-Fac-Gas-N081-2013-10 04
3 December 2015

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NOVA Gas Transmission Ltd.
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Mr. Kevin Thrasher
Senior Legal Counsel
Law and Regulatory Research
NOVA Gas Transmission Ltd.
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Dear Ms. Angus:

Hearing Order MH-001-2015
Detailed Route Hearing for NOVA Gas Transmission Ltd. (NGTL)
North Montney Mainline Project - Certificate GC-125

The National Energy Board (Board) has decided to convene an oral public hearing beginning on **Tuesday, 23 February 2016 at 9:00 AM** (local time) in **Dawson Creek, BC**. The Hearing Order setting out the procedures to be followed in this hearing is attached.

The Board directs NGTL to serve a copy of this letter and the attached Hearing Order on the persons listed in Appendices I and IV of the Hearing Order in the official language of their choice by **Wednesday, 9 December 2015**.

Yours truly,

Original signed by L. George

for
Sheri Young
Secretary of the Board

Attachments

cc. Mr. Shawn H.T. Denstedt, QC, Osler, Hoskin & Harcourt LLP, facsimile: 403-260-7024

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HEARING ORDER MH-001-2015

Detailed Route Hearing for NOVA Gas Transmission Ltd. (NGTL) North Montney Mainline Project - Certificate GC-125 Pursuant to Section 35 of the *National Energy Board Act*

A. DECISION TO HOLD A DETAILED ROUTE HEARING

The National Energy Board (Board) will hold a public hearing in response to a written statement of opposition concerning a portion of the proposed detailed route of the North Montney Mainline Project (the Project) in relation to the Groundbirch Compressor Station in British Columbia (BC). The hearing will be conducted in accordance with the *National Energy Board Act* (NEB Act) and will begin on **Tuesday, 23 February 2016 at 9:00 AM** (local time), in **Dawson Creek, BC**. The specific venue will be announced at a later date.

B. PROJECT INFORMATION

The Project involves the construction and operation of a new 42 inch diameter sweet natural gas pipeline, approximately 301 km in length, and its related facilities. The pipeline begins at the existing Saturn section on Groundbirch Mainline, BC and ends at the Kahta Creek North Receipt Meter Station, BC.

On 10 June 2015, the Governor in Council directed the Board to issue GC-125, a certificate of public convenience and necessity for the construction and operation of the Project. On 11 June 2015, the Board issued Certificate GC-125 approving the Project, including a general route corridor.

Pursuant to the NEB Act, NGTL applied to the Board for approval of its Plan, Profile and Book of Reference (PPBoR) which details the proposed route of the pipeline. NGTL made copies of its PPBoR available for public viewing, served notices on owners of lands along the proposed detailed route, and published notices in newspapers in the vicinity of the proposed detailed route. Owners of lands and persons who anticipated that their lands may be adversely affected by the proposed detailed route had 30 days to file written statements of opposition to the proposed detailed route.

Of the three letters of opposition received by the Board, two were considered to meet the requirements of the NEB Act and one has since been withdrawn. The Board has decided to set the matters in the remaining letter down for a hearing in accordance with this Hearing Order.

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C. HEARING ISSUES

The detailed route hearing will relate only to the land required for the Groundbirch Compressor Station (see Appendix I) and will only be concerned with:

- **The best possible detailed route of the pipeline; and**
- **The most appropriate methods and timing of constructing the pipeline.**

The Board will not reconsider matters that were addressed in the certificate hearing, such as the need for the Project.

The Board does not have the authority to settle compensation matters. For resolution of compensation matters, landowners have the right to apply to the Minister of Natural Resources Canada for negotiation or arbitration. For further information on the negotiation or arbitration procedure, landowners may contact:

Natural Resources Canada
Pipeline Arbitration Secretariat
Attn: Ms. Maia Konrad
580 Booth Street, 17th Floor
Ottawa, ON K1A 0E4
Telephone 613-292-6216
Facsimile 613-992-0614
Email PAS-SAP@NRCan-RNCan.gc.ca

D. PROCEDURES

To facilitate participation in the hearing, and in the interests of fairness and efficiency, the Board has established the following hearing procedures:

Public Participation

1. The following persons may participate in the hearing:

- (a) Landowners and persons who anticipate that their lands may be adversely affected who have filed a valid statement of opposition. The persons listed in Appendix I (the Landowners) may participate at the hearing and do not need to file an application to participate.
- (b) Other persons may be permitted to participate in the hearing at the Board's discretion.

Applications to participate are to be filed with the Secretary of the Board and copied to NGTL by noon (Calgary time), on **Friday, 8 January 2016**.

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National Energy Board
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Law and Regulatory Research
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Facsimile 403-920-2354

Refer to paragraphs 15-17 for procedures on filing documents with the Board.

An application to participate must:

- (i) set out your name, mailing address, address for personal or courier service (if this is different from your mailing address), telephone number, facsimile number, and e-mail address, if any;
- (ii) if you have an authorized representative, set out the name, mailing address, address for personal or courier service (if this is different from the mailing address), telephone number, facsimile number, and e-mail address, of that authorized representative;
- (iii) state which method of participation you are applying for: Commenter or Intervenor;
 - As 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 the Board will consider it. Any additional letters or submissions will not be included on the record or considered.

Commenters will not be able to ask questions about evidence or present argument. Commenters will not be notified of, or receive, documents that are filed on the online public registry. As a Commenter, you will need to monitor the registry if you wish to remain aware of new filings on the record.

- As an Intervenor you will be allowed to, among other things, file written evidence, ask questions about NGTL's and other Intervenor's evidence, and present oral argument.

Intervenor's must answer any questions from the Board, NGTL, or other Intervenor's about your evidence. Intervenor's will be notified of, or receive, all documents that are on the online public registry.

- (iv) describe how your participation will assist the Board in making its decision, particularly:
 - the source of your knowledge (for example, local, regional, Aboriginal);
 - your qualifications (for example, specialist knowledge and experience);
 - the extent to which the information relates to the land which is the subject of this hearing (for example, by providing any detailed drawings, pictures, or maps); and
 - how much your participation will add value to, or assist the Board in making, the Board's decision;
- (v) state whether you are able to access documents through the Board's electronic document repository (online website also called "Livelink") – in which case you will then receive documents by being served with a notification that the document is available in the Board's electronic document repository; and
- (vi) state the official language in which you wish to participate.

You will need to provide enough information for the Board to decide whether you should be allowed to participate and by what method. An incomplete application to participate that is missing required information could result in you not being allowed to participate.

Note: There is no participant funding for detailed route hearings. Refer to paragraph 14 for information about recovering costs.

Document Availability

2. NGTL shall maintain copies of this Hearing Order and the PPBoR for viewing at the locations listed below. Copies of the statements of opposition and all other documents filed in this proceeding shall also be maintained at these locations:

NGTL Office

450 1 Street SW
Calgary, AB T2P 5H1
Telephone 403-920-2000

Dawson Creek Municipal Public Library

1001 McKellar Avenue
Dawson Creek, BC V1G 4W7
Telephone 250-782-4661

NGTL's Notification Duties

3. NGTL shall publish, no later than **Monday, 14 December 2015**, the Notice of Public Hearing, attached as Appendix II, in the following publications:

Publication Name	Frequency of Publication	Location	Language of Publication
Northeast News	Weekly	Fort Saint John and Northeast BC	English
Dawson Creek Mirror	Weekly	Dawson Creek, BC	English
Alaska Highway News	Daily	Northeast BC	English
La Source	Bi-weekly	BC	French

The notice shall contain a map showing the pipeline route in addition to a detailed map indicating the portion of the route being opposed. These maps should be consistent with the form approved by the Board on 23 June 2015.

NGTL must ensure that the published Notice of Public Hearing meets the requirements of the Government of Canada's Federal Identity Program (for assistance, please contact FIP@neb-one.gc.ca). For the link on the Board website please go to: (<https://www.neb-one.gc.ca/prtceptn/hrng/hrngntfctn-eng.html>)

4. NGTL shall serve a copy of this Hearing Order and Appendices on the Landowners listed in Appendix I as well as the persons or agencies listed in Appendix IV in the official language of their choice by **Wednesday, 9 December 2015**.

List of Participants

5. The Board will issue a List of Participants shortly after **Friday, 8 January 2016**. This list will include NGTL, Landowners, Commenters and Intervenor and will be used for further communication related to the hearing.

If there are participants who cannot access documents through the Board's electronic repository, and therefore cannot be served by being notified that the document has been electronically filed, the Board will indicate on the List of Participants the manner of service for those participants.

Evidence of NGTL

6. NGTL shall file with the Board, not later than **Friday, 15 January 2016**, additional written information in support of the proposed detailed route, including:
 - (a) detailed map(s) showing the land to which the statement of opposition applies;
 - (b) NGTL's rationale for the proposed alignment(s); and
 - (c) a detailed response to the statements of opposition.

NGTL shall also serve this information by the same date on the Landowners and any Intervenor.

The detailed map(s) shall be in a form acceptable to the Board, using a photomosaic base at a minimum scale of 1:5000, and showing the exact location of the proposed detailed route, legal land descriptions, and clearly indicate the portion of the route being opposed. The map(s) shall also clearly show the physical and environmental features that influenced the detailed route. In addition, a paper copy of each map shall be provided which shall include a transparent overlay to permit the Landowner to sketch out any proposed alternate route and physical and environmental features that influenced the proposed alternate route.

Evidence of Landowners and Intervenor

7. The Landowners and Intervenor shall file their written information with the Board not later than **Wednesday, 27 January 2016**. This evidence should respond to NGTL's evidence listed in paragraph 6 and provide any additional information respecting the statement of opposition, including details of proposed alternate routing.

Landowners and Intervenor shall also serve this information by the same date on NGTL and any Intervenor and Landowners.

8. Suggested alternate routes should be drawn on the transparent overlay to the maps provided by NGTL as mentioned in paragraph 6 above, and should be filed with NGTL by the Landowners and Intervenors, together with the information required in paragraph 7.

NGTL shall provide copies of these maps with the alternate route(s) indicated, to the Board, the Landowners and Intervenors not later than **Wednesday, 3 February 2016**.

Letter of Comment

9. Commenters shall file their written letter of comment with the Board and serve it on NGTL not later than **Monday, 8 February 2016**.

Letters of comment should be in one of Canada's official languages (English or French). It should include:

- (a) your name, mailing address, and phone number;
- (b) the name of your organization, if you represent one;
- (c) comments on the best possible detailed route of the pipeline, and/or the most appropriate methods and timing of constructing the pipeline on the land which is the subject of this hearing; and
- (d) any information that explains or supports your comments.

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

NGTL Reply Evidence

10. NGTL may file any reply evidence with the Board and serve it on the Landowners and Intervenors by **Wednesday, 10 February 2016**.

Timetable of Events

11. The timetable of events is provided in Appendix III.

Translation

12. Immediate translation (simultaneous interpretation) will be provided if a Landowner or Intervenor chooses to participate in French.

Hearing Procedures

13. The general procedure for the hearing will be as follows:

- (a) At the start of the hearing, the Landowners and any Intervenors will be requested by the Board to come forward and identify themselves.
- (b) Witnesses for NGTL will provide an overview of the proposed detailed route, the criteria used in determining NGTL's detailed route, and the opposed portion of the route. NGTL will present maps depicting both the proposed route and any alternates proposed by the Landowners and Intervenors.
- (c) The Landowners, Intervenors, and the Board may then question (cross-examine) the NGTL witnesses.
- (d) The Landowners and any Intervenors may present their objections and views on the proposed detailed route of the pipeline, their suggested alternate route(s) and the criteria which were used in determining their preferred route. Landowners will be heard first, followed by Intervenors, if any, in alphabetical order.
- (e) NGTL, Landowners, Intervenors, and the Board may then question the Landowners and any other Intervenors on the information which they have provided.
- (f) NGTL, Landowners, and Intervenors may then give a summary statement of their positions (called argument) in regards to the opposed portion of the route.
- (g) NGTL will then be given the opportunity to reply to the statements of the Landowners and Intervenors.

This general procedure may be changed or varied by the Board, whether at the request of the participants, or as it considers appropriate. A hearing will not be conducted if the Landowners withdraw their objection.

Costs

14. Following the conclusion of the detailed route hearing and pursuant to section 53 of the *National Energy Board Rules of Practice and Procedure, 1995*, the Landowners, Intervenors, and Commenters seeking reimbursement of costs are required to submit an itemized statement of the actual costs reasonably incurred by them for the purposes of the hearing and shall send, by registered mail, a copy of the statement to the Board and, on the same day, to NGTL. Receipts for expenses should be kept. Section 39 of the NEB Act states:

The Board may fix such amounts as it deems reasonable in respect of the actual costs reasonably incurred by any person who made representations to the Board at a public hearing under subsection 35(3) and the amount so fixed shall be payable forthwith to that person by the company whose pipeline route is affected by the public hearing.

Filing of Documents

15. All correspondence should include a reference to Hearing Order MH-001-2015 and File OF-Fac-Gas-N081-2013-10 04.
16. All documents and correspondence filed with the Board shall be addressed to the Secretary of the Board. The Board expects participants who are able to do so to file documents through the electronic repository by following the procedures in paragraph 17. However, the Board will accept filings of documents by hand delivery, mail, courier, or by facsimile to the address and/or fax number provided in paragraph 1.
17. Participants who have the ability of filing documents electronically are expected to file documents through the Board's electronic document filing system (repository) at www.neb-one.gc.ca (under the section called "Regulatory Documents" click on "Submit Applications and Regulatory Documents" then "File Hearing Documents" and follow the instructions). For more information about filing electronically, please refer to the "[Filers Guide to Electronic Submission](#)" which is available on the Board's website at www.neb-one.gc.ca.

Please note that e-mails are not considered electronic filing and will not be accepted in this hearing.

The Board's electronic document repository will contain the full text of those documents filed electronically following the procedures mentioned above. When documents are filed by hard copy or facsimile, the Board will attempt to scan them into the repository but may, in some instances, create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy (and is available for viewing at the locations set out in paragraph 2) but it will not be possible to view or search these documents on the electronic document repository.

Live Broadcast and Transcripts

18. The hearing will be broadcast live over the Board's internet site. Persons who wish to access the audio feed should log on to the Board's website at www.neb-one.gc.ca and follow the links under "View Upcoming Hearings and Information Sessions" in the left column.
19. The oral hearing will be recorded and transcribed daily. Transcripts will be available on the Board's website (www.neb-one.gc.ca).

You can order transcripts directly from International Reporting Inc., either at the hearing or by emailing bprouse@irri.net or by calling 613-748-6043. All charges related to additional copies of the transcripts will be charged directly to those persons requesting them, based on incremental reproduction costs and delivery of the transcripts.

Fairness and Efficiency

20. The Board reminds participants that it encourages fairness and efficiency in all of its proceedings and therefore asks participants to observe the deadlines set out in this Hearing Order. The Board encourages the use of electronic filing, facsimile, or courier to ensure the timely receipt of filings. Facsimile numbers for the Board and NGTL are provided in paragraph 1.

Further Information

21. For information on this hearing, or the procedures governing the hearing, please contact Katie Emond, Process Advisor, at 1-800-899-1265 (toll-free) or NorthMontneyProject@neb-one.gc.ca, or Jessica Lim, Legal Counsel, at 587-538-2959 in Calgary, or by calling the Board's toll-free number: 1-800-899-1265 and specify the NGTL North Montney Detailed Route Hearing. The Hearing Order may also be accessed through the project page via quick links on the Board's website at www.neb-one.gc.ca

NATIONAL ENERGY BOARD

Original signed by L. George

for
Sheri Young
Secretary of the Board

List of Landowners

Landowner	Legal Description of Lands	Tract
William Brooke and Danielle Cobbaert Authorized Representative: J. Darryl Carter, Q.C. Darryl Carter & Company 103, 10134-97 Avenue Grande Prairie, AB T8V 7X6 Telephone 780-882-7296	SW 35-78-16W6	Groundbirch Compressor Station



National Energy Board

**Notice of Public Hearing
MH-001-2015**

**NOVA Gas Transmission Ltd. (NGTL)
North Montney Mainline Project – Certificate GC-125
Detailed Route Hearing**

The National Energy Board (Board) will hold an oral public hearing in response to a written statement of opposition concerning a portion of the proposed detailed route of the NGTL North Montney Mainline Project (the Project) in British Columbia (BC). The hearing of the statement of opposition identified in this notice is scheduled to begin on **Tuesday, 23 February 2016**, in **Dawson Creek, BC**, commencing at **9:00 AM**, local time. The specific venue will be announced at a later date.

All documents relating to the application for the detailed route are available for viewing at the Board's website: www.neb-one.gc.ca (click on "Quick Links" in the right column and click on "NGTL North Montney Detailed Route Hearing") and at the following locations:

NGTL Office

450 1 Street SW
Calgary, Alberta T2P 5H1
Phone: (403) 920-2000

Dawson Creek Municipal Public Library

1001 McKellar Avenue
Dawson Creek, BC V1G 4W7
Phone: (250) 782-4661

The Board will hear matters relating to the best possible detailed route of the pipeline and the most appropriate methods and timing of constructing the pipeline in relation to the Groundbirch Compressor Station (SW 35-78-16W6).

Any person (other than the Landowners whose objection has been accepted) who wishes to participate in the hearing related to the opposed portion of the detailed route should consult the Board's Hearing Order MH-001-2015. Applications to participate must be filed no later than noon (Calgary time), **Friday, 8 January 2016** and should be directed to the Secretary of the Board at the address provided below and copied to NGTL. For a copy of the Hearing Order or for further information, please contact Katie Emond, Process Advisor, toll-free at 1-800-899-1265 or at NorthMontneyProject@neb-one.gc.ca, or view the Board's website at www.neb-one.gc.ca.

Sheri Young
Secretary of the Board
National Energy Board
517 10 Ave SW
Calgary, AB T2R 0A8
Facsimile 403-292-5503

Timetable of Events

Action	Hearing Order Reference	Person Responsible	Participants to be Served by Person Responsible	Deadline (Noon, Calgary AB, time)
Hearing Order issued		Board		3 Dec 2015
Serve Hearing Order	paragraph 4	NGTL	Persons listed in: Appendix I Appendix IV	9 Dec 2015
Publish Notice of Public Hearing	paragraph 3	NGTL		14 Dec 2015
Application to Participate Deadline	paragraph 1	Persons who wish to participate	Board NGTL	8 Jan 2016
List of Participants issued	paragraph 5	Board	All Participants	Shortly after 8 Jan 2016
NGTL files and serves evidence	paragraph 6	NGTL	Board, Landowners and Intervenors	15 Jan 2016
Landowners and Intervenors file and serve evidence	paragraph 7	Landowners Intervenors	Board, NGTL, Landowners and Intervenors	27 Jan 2016
NGTL serves alternate route maps	paragraph 8	NGTL	Board, Landowners and Intervenors	3 Feb 2016
Commenters file letters of comment	paragraph 9	Commenters	Board NGTL	8 Feb 2016
NGTL files and serves reply evidence	paragraph 10	NGTL	Board, Landowners and Intervenors	10 Feb 2016
Hearing begins				23 Feb 2016 9:00 AM Dawson Creek, BC

List of Persons to be Served with Hearing Order MH-001-2015

(Attorneys General – Canada / Procureurs généraux)

The Honourable Jody Wilson-Raybould
Minister of Justice & Attorney General of Canada
Centre Block Ottawa, ON K1A 0A6
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The Honourable Suzanne Anton
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(Provincial and Territorial Government Departments / Ministères provinciaux et territoriaux)

The Honourable Bill Bennett
Minister of Energy and Mines/Minister Responsible for Core Review
Province of British Columbia
P.O. Box 9060 Stn Prov Govt
Victoria, BC V8W 9E2
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(Associations)

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Canadian Association of Petroleum Producers
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(Aboriginal Groups / Groupes autochtones)

Chief Harley Davis and Council
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