

National Energy
Board



Office national
de l'énergie

**TransCanada PipeLines Ltd.
Vaughan Mainline Expansion Project**

**File OF-Fac-Gas-T211-2015-05 01
Hearing Order GH-001-2016
10 February 2016**

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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	The Vaughan Mainline Expansion Project Application submitted by TransCanada dated 10 November 2015.
Application to Participate (ATP)	The form by which interested persons apply to participate as a Commenter or an Intervenor in this hearing. Those granted Pre-decided Standing must use this form to <u>register</u> as a Commenter or Intervenor. The form can be found at http://www.neb-one.gc.ca/pplctnflng/sbmt/pplprtcpt-eng.html .
Board or NEB	National Energy Board
Commenter	A person who, in the Board's opinion, has relevant information or expertise regarding the Project and who the Board decides may participate by providing a letter of comment – see section 2.4.
Community meeting	A public meeting where Participants (Commenters, Intervenor and the Applicant) can make an oral statement in front of the Board.
Decision	The document prepared by the Board that contains the Board's decisions on the Application, the reasons for the decisions and the conditions that would apply if the Application is granted.
e-file	The system that may be used to electronically file documents with the Board – see section 4.2.
evidence	Reports, statements, photographs, and other material or information that Participants submit, in writing or orally. The Board bases its decision on the evidence that is on the record of this hearing. Participants provide evidence to support their positions on the Application.
file	A formal way of submitting documents to the Board – see section 4.2.

final argument	The position of TransCanada and Intervenor on the decisions the Board should make and the reasons why the evidence supports these decisions. The format of final argument will be decided by the Board at a later date.
GCKey of NEB Account	A user ID and password used to access the Participation Portal.
Hearing or public hearing	The public process we are using to gather and test the relevant evidence in order to make fair and transparent decisions on the Application. This hearing includes both written and oral portions.
Information Request or IR	A written question about TransCanada's or an Intervenor's evidence that is required to be answered.
Interested Person	An individual or group interested in the Project. An interested person may choose to comment on the Hearing Order. An interested person may choose to apply to participate in the hearing as a Commenter or an Intervenor. An interested person may also have been granted Pre-decided Standing, and may choose to register to participate as a Commenter or an Intervenor.
Intervenor	A person who is directly affected by and/or has relevant information or expertise regarding the Project and who has been approved by us to participate in this hearing as an Intervenor. Being an Intervenor is the fullest way to participate in the hearing process.
List of Issues	The list of the relevant issues that the Board will consider in this hearing – see Appendix I.
List of Participants/ List of Intervenor	After the close of the ATP process, the Board will issue a List of Participants. The List of Participants includes approved Commenters and Intervenor. The List of Intervenor is a subset of the List of Participants and will contain the contact information of those required to be served with evidence and other documents.

NEB Account	Provides the ability to apply to participate in a hearing and file documents with the Board, making use of your GCKey. You use your NEB Account to access the Participation Portal.
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 matters we receive by way of a Notice of Motion – see section 4.5.
Oral portion of the hearing	The in-person portion of the hearing – see sections 3.9 and 3.13.
Order	A Board Order including one made under section 58 of the NEB Act, approving the construction and operation of the Project and exempting certain facilities from specific provisions of the NEB Act. TransCanada also requests an Order relieving it from the provisions of sections 30(1)(a) and 31.
Participant	An interested person who has been approved by the Board to participate in the hearing or who has received from the Board Pre-decided Standing and has registered to participate. For this hearing, the Participants are TransCanada, Intervenor and Commenters.
Participation Portal	An online system where Participants can file their Application to Participate (ATP), view status and submit documents with the Board if they have registered to have an NEB Account – see section 4.2.
Pre-decided Standing	The process by which the Board has decided that those listed in Appendix III are directly affected by the granting or refusing of the Application and approved to participate in this hearing provided that they register in the Participation Portal before the ATP deadline of 2 March 2016.

Process Advisor	Board staff member who helps the public, Aboriginal groups, Intervenor and Commenters to understand the hearing process and how to participate in the hearing. See section 5.3 and Appendix V.
Project	TransCanada's proposed Project (the Vaughan Mainline Expansion Project), as specified in the Application – see sections 1.2 and 1.3.
public registry	An online repository for the documents 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 relevant submissions and evidence filed including documents such as the Application and the Hearing Order.
Regulatory Officer	Board staff member who assists Participants, manages documentation before, during and after the hearing, performs court clerk duties at the hearing and manages the post hearing process – see section 5.5.
reply evidence	Additional information TransCanada may file in reply to evidence filed by other Participants.
serve	Officially providing a document to the applicable Participant, such as TransCanada and Intervenor. Notice that documents available on the public registry are usually provided electronically (by e-mail) but the document may need to be provided to TransCanada and Intervenor by mail or fax – see section 4.3.
the Rules	The <i>National Energy Board Rules of Practice and Procedure, 1995</i> . The Rules provide further guidance on the Board's procedures and can be accessed on the Board's website.

TransCanada PipeLines Ltd. (Applicant or TransCanada)	The company that has submitted the Application for the Project.
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1 This Hearing

1.1 An overview

The National Energy Board (NEB or the Board) has a responsibility to regulate the construction and operation of certain interprovincial and international pipelines and power lines.

TransCanada has applied to construct, own and operate a new natural gas pipeline in the City of Vaughan, Ontario. The Project will be integrated into TransCanada's existing mainline system and its recently NEB approved King's North Connection Pipeline [\[Folder 2498195\]](#).

The Project will consist of approximately 11.7 km of 1067 mm (NPS 42) outside diameter (OD) pipeline. TransCanada has applied under Section 58 of the NEB Act for approval to construct and operate this Project.

We are three Board members who will make decisions on whether the Project should proceed and under what conditions.

We will hold a public hearing to consider the Application for the Project. During the public hearing, we will receive written evidence that will be placed on the record which is available on our website. We will also receive evidence through oral processes. We will review and consider all of the evidence on the record, written and oral, before we make our decisions. We rely only on the evidence on the record.

This Hearing Order outlines processes the Board will use to receive evidence from Participants when deciding on this Application. Appendix VI provides a summary description of hearing process options available to the Board, including options the Board chose not to pursue in this hearing process. Should any interested person wish to comment on this Hearing Order, we will accept comments until **noon, Calgary time, 2 March 2016**. TransCanada is permitted to reply to any comments received by **noon, Calgary time, 7 March 2016**. We may choose to amend the Hearing Order after this date. See section 3.3 for instructions on how to file comments on the Hearing Order.

We will release a Decision which will take into account whether the Project is required for the present and future public interest.

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

1.2 What did TransCanada apply for?

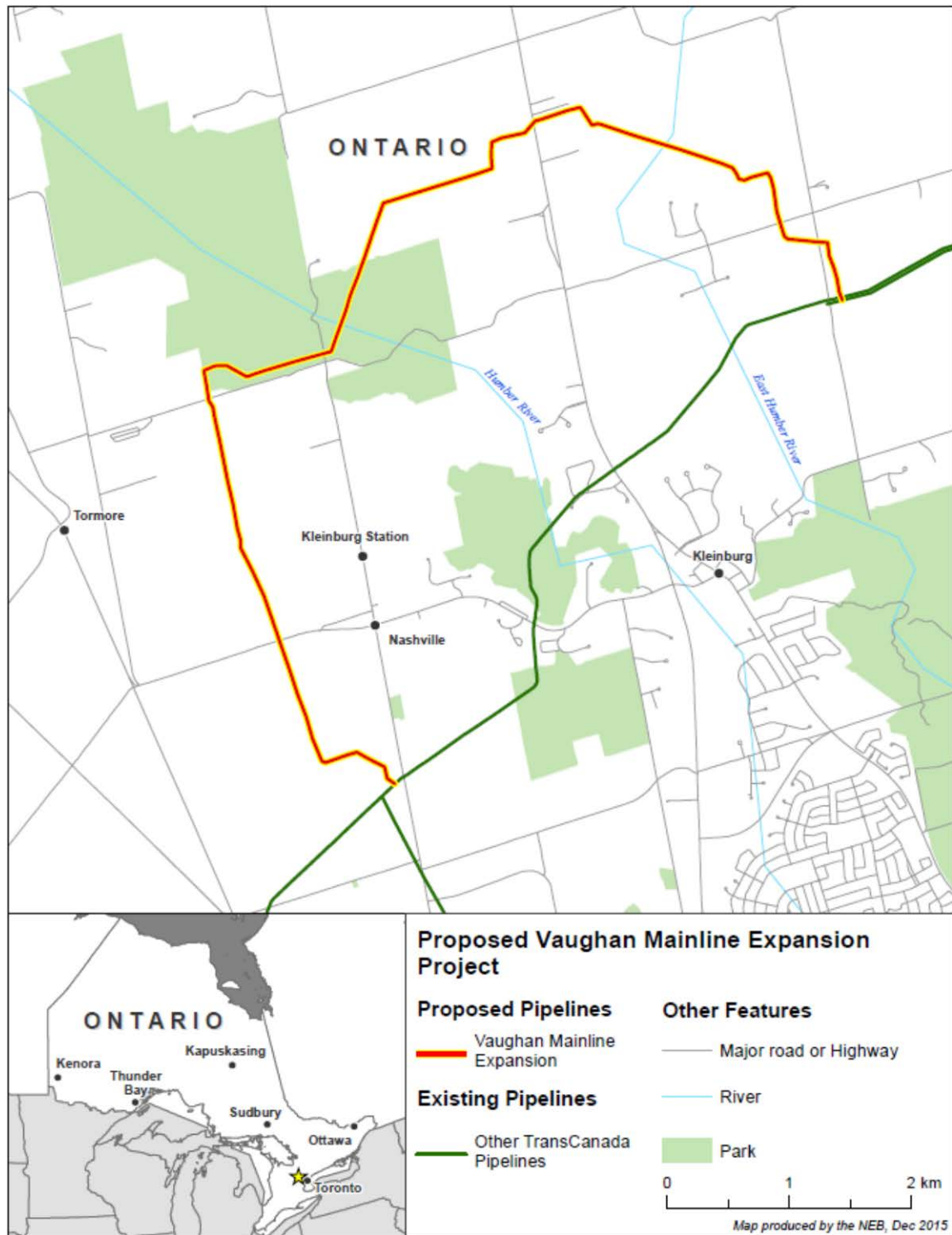
In its Application, TransCanada requested that the Board grant the following relief:

- a) an Order pursuant to section 58 of the NEB Act for approvals to construct and operate the following facilities and for exemption from sections 30(1)(a) and 31 of the NEB Act:
 - approximately 11.7 km of 1067 mm (NPS 42) pipeline

- a tie-in into TransCanada's approved 914.4 mm (NPS 36) King's North Connection Project
 - a tie-in into TransCanada's existing Line 200-2, 914.4 mm (NPS 36) pipeline
 - a tie-in to TransCanada's existing Line 200-3, 1067 mm (NPS 42) pipeline
 - associated facilities
- b) such other relief that TransCanada might request or that the Board might deem appropriate.

Together, these facilities are known as the Project.

1.3 Where is this Project located?



1.4 What is this document about?

This document is a Hearing Order and explains:

- how you participate in or observe the hearing;
- steps and deadlines;
- procedures;
- where you can get more information; and
- the issues we will consider.

1.5 Where can I see TransCanada's Application and get more information about the Project?

Intervenors will receive a copy of the Application from TransCanada.

If you have Internet access, you can find the [Application](#) on our website. If you don't have Internet access, you can find the Application in the locations listed in Appendix II. You can also ask TransCanada for a copy:

Trishna Wirk
Regulatory Project Manager
TransCanada Pipeline Limited
450-1 Street SW
Calgary AB T2P 5H1
Telephone 403-920-5892
Facsimile 403-920-2347
Email trishna_wirk@transcanada.com

Ryan V. Rodier
Senior Legal Counsel
TransCanada Pipeline Limited
450 – 1 Street SW
Calgary AB T2P 5H1
Telephone 403-920-2977
Facsimile 403-920-2310
Email ryan_rodier@transcanada.com

You can find all documents filed in the hearing on our [website](#). The only exceptions are when a document is too large or we have approved it as confidential information. Appendix IV shows how hearing documents are organized online and includes tips for using our website.

1.6 Where can 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 V explains the role of the Process Advisor.

Board staff will hold an in-person Town Hall Information Session and Online Information Sessions to provide information about the hearing process. Refer to Section 5.4 for more information about Information Sessions.

Section 5 has information about other sources of help, including Board staff names and contact information.

2 Participation

2.1 How can I stay informed of the hearing?

Anyone may observe the hearing process. You can observe the hearing process by:

- reading information about the hearing on our website at www.neb-one.gc.ca/VME – see Appendix IV;
- reading the evidence that has been filed on the public registry;
- listening to live broadcasts of the oral portions of the hearing through our website;
- attending the oral portion of the hearing in person, including the Community Meeting;
- reading the daily transcripts of the oral portions of the hearing posted on the NEB website; and,
- signing up through the Project website or contacting the Process Advisor to receive periodic e-mail updates about the hearing process.

Section 5.2 and Appendix IV tells you how to stay informed using our website. Section 5.6.1 explains how to get transcripts.

2.2 What is Standing and what is Participation?

Standing refers to the ability to participate. Level of participation refers to how someone can participate.

To have standing in this proceeding means that you are allowed to make representations to the Board and that the Board will consider this information before making its decision on the application. These representations may be made in writing or orally. Typically, Participants with standing in a hearing are Commenters, Intervenor, and the company who made the application (Applicant).

If you are granted standing, the Board will determine whether you will participate as an Intervenor or a Commenter. That determination may rely on what the NEB Act says, natural justice considerations, or be a discretionary decision based on any number of factors. Practical or logistical factors may include the type of evidence required by the Board (technical versus Traditional Knowledge as an example), the capabilities of Participants, and fairness and efficiency of the proceedings. Number of Participants and time limits for the assessment process may also be a factor in the levels of participation available and how much time may be allowed for each Participant.

2.3 Have any parties already been granted Standing in this hearing?

Yes. The Board has decided that the Aboriginal groups, municipalities and landowners and occupants who are directly affected by the granting or refusing of the Application may have standing provided they register before the ATP deadline of **2 March 2016**. This is referred to as Pre-decided Standing. They will be able to choose whether to participate as a Commenter or as an Intervenor. The list of those granted Pre-decided Standing is found in Appendix III. For

example, you have been granted Pre-decided Standing if you are an Aboriginal group and you have received a letter from the Board about the Project.

Those granted Pre-decided Standing are still required to register through the Participation Portal as an Intervenor or a Commenter before the ATP deadline of **2 March 2016**. If you are granted Pre-decided Standing but have not registered by 2 March 2016, you will not be allowed to participate and will not be on the List of Participants. The Board will release a List of Participants soon after the close of ATP.

At this time, the Participation Portal does not state that the directly affected parties listed in Appendix III have been granted Pre-decided Standing. If you are one of these parties, you need to register as if you are an applicant not granted Pre-decided Standing. Go to the Board's website, www.neb-one.gc.ca, *Applications & Filings*, click on 'Submit Applications and Regulatory Documents', click on 'Apply to Participate' and follow the instructions to obtain an NEB Account and complete your Application to Participate form. It is important that if you are a directly affected landowner or land occupant, you explain how you are directly affected, for example, by providing your address and stating that the Project will cross your land. If you have questions about obtaining an NEB Account and/or completing the Application to Participate form in the Participation Portal, you can contact the Process Advisor for help.

2.4 Who is a Commenter?

If you apply and are approved by us to be a Commenter, or if you registered as a Commenter because you were granted Pre-decided Standing, you are allowed to file one letter of comment on the Project. 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. However, if you choose to comment on the Hearing Order, this is not considered to be your one letter of comment.

Commenters can also choose to participate in the Community Meeting by providing an oral statement to the Board deciding on this Application. The details of the Community Meeting will be communicated at a later date. See also section 3.9 for a discussion of the Community Meeting. Commenters may, however, prefer to present their comments only in writing through their letter of comment. The Board will place equal weight on written and oral comments from Commenters.

Commenters will not be notified of, or receive documents that are filed on the online public registry for this Project. You will need to monitor the registry if you wish to remain aware of new filings on the record at [Folder 2856848](#).

If you are directly affected and/or have relevant expertise, you should consider whether applying to be an Intervenor is a more appropriate way to participate in the hearing process. See section 2.5.

2.4.1 What do I write in my letter of comment?

As a Commenter, you may tell us your views on the Project by writing us a letter of comment. Your letter of comment should:

- include your name, mailing address, and telephone number;
- include the name of your organization, if you represent one;
- reference hearing number GH-001-2016 and file number OF-Fac-Gas-T211-2015-05 01; and
- state your views on the Project, including how you will be impacted positively or negatively by the Project and/or information or expertise you have in support of your views.

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

2.4.2 How can I file a letter of comment?

A letter of comment must be filed by **noon, Calgary time, 24 May 2016**.

1. Send your letter to us in one of these ways:
 - through your online [NEB account](#), which you set up when applying to participate in this hearing process; or
 - mail, fax or courier it to us – see Section 5.1.
2. You must also send a copy of your letter to TransCanada at all the following addresses:

Trishna Wirk
Regulatory Project Manager
TransCanada Pipeline Limited
450-1 Street SW
Calgary AB T2P 5H1
Facsimile 403-920-2347
Email trishna_wirk@transcanada.com

Ryan V. Rodier
Senior Legal Counsel
TransCanada Pipeline Limited
450 – 1 Street SW
Calgary AB T2P 5H1
Facsimile 403-920-2310
Email ryan_rodier@transcanada.com

2.5 Who 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 other Intervenor and TransCanada. It allows you to, among other things:

- submit written evidence;
- ask questions in writing;
- participate in the Community Meeting by providing an oral statement;
- participate in the Technical Conference if there is one;
- submit and respond to motions; and
- present a final argument.

If you give evidence, you must:

- provide that evidence in writing or orally;
- answer questions about your evidence; and
- submit to oral cross-examination on your evidence.

Intervenors will be notified of, or receive, all documents that are on the public registry, [Folder 2856848](#). 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 IV.

2.6 Can 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.

3 Steps in the Hearing

This section describes the steps in the hearing process. Appendix VI shows the partial timetable of events and deadlines. The Board will finalize the scheduling of the oral portion of this hearing in a Procedural Update.

3.1 Board sets a time limit

On **11 January 2016**, the Board decided the Application is complete to proceed to assessment. The Chair of the NEB specified the time limit for us to submit our decision on the Project to be no later than **11 April 2017**. 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 a Hearing Order including the List of Issues and the parties granted Pre-decided Standing

The List of Issues that we will consider in the hearing is set out in Appendix I.

The list of those granted Pre-decided Standing for this hearing is set out in Appendix III. These parties must still register to participate in this hearing. Refer to sections 2.3 and 3.3.

3.3 We receive Applications and Registrations to Participate, and comments on the Hearing Order

Refer to section 2 for how to participate in this hearing. If you are not granted Pre-decided Standing, you must apply to participate as a Commenter or an Intervenor. If you are granted Pre decided Standing, you must register as either a Commenter or an Intervenor. The applications and registrations to participate must be filed with us and served on TransCanada by **2 March 2016**.

Any interested person can comment on the Hearing Order. The deadline for comments is **noon, Calgary time, 2 March 2016**. TransCanada can reply to comments by **noon, Calgary time, 7 March 2016**. The Board may choose to amend the Hearing Order after this deadline. Anyone having access to the Board's electronic document repository shall file comments with the Board via electronic filing available on the NEB website at www.neb-one.gc.ca, under *Applications & Filings*<*Submit Applications and Regulatory Documents*<*File Hearing Documents*<*e-file*. Anyone without access to the repository may send comments via mail or fax to:

Ms. Sheri Young
National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8
Facsimile 403-292-5503
Toll free facsimile 1-877-288-8803

3.4 We issue the List of Participants

We will release the List of Participants (Commenters and Intervenors) soon after the close of ATP. We will direct TransCanada to serve its Application and related documents on the List of Intervenors that have not already received a copy. If you are an Intervenor, you must notify us if your contact information changes.

The List of Participants will indicate how TransCanada and Intervenors wish to be served with documents.

3.5 TransCanada files additional evidence

By **14 March 2016**, TransCanada must file with us any additional written evidence to supplement its Application, and it must also serve a copy on all Intervenors.

3.6 Intervenors file Information Requests to TransCanada

All Intervenors may ask questions about TransCanada's written evidence. Their questions must be in writing and these are referred to as Information Requests. Every Information Request (IR) must be relevant to one or more of the issues identified in Appendix I.

To submit Information Requests to TransCanada, an Intervenor must, by **21 March 2016**:

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

The Board may also, at any time, ask Information Requests of TransCanada.

3.7 TransCanada responds to Information Requests

By **4 April 2016**, TransCanada must:

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

3.8 Intervenors file Written Evidence

By **11 April 2016**, Intervenors who want to file written evidence must:

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

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

3.9 The Board holds a Community Meeting with Participants, and may hold a Technical Conference with Intervenors and the Applicant

The Board has scheduled time in the latter half of April 2016 for a Community Meeting. The time, location, format and registration process of the Community Meeting will be announced at a later date. This Community Meeting will allow all Participants (Commenters, Intervenors and the Applicant) the opportunity to present an oral statement to the Board. The public is welcomed to attend the Community Meeting, but only Participants will have an opportunity to provide an oral statement.

These oral statements will have a time limit and you may be asked questions for clarification. You will not be tested or cross examined when you give your statement. However, it is important to know that an Intervenor's statement made at the Community Meeting could be tested in an IR or cross examined orally later on.

Commenters and Intervenors are not required to participate in the Community Meeting. Regardless of whether you choose to participate in the Community Meeting, you are still permitted to write a letter of comment (as a Commenter) or to present written evidence (as an Intervenor).

Additionally, the Board has scheduled a placeholder for a Technical Conference for Intervenors and the Applicant in April following the Community Meeting. The Board may hold the Technical Conference if it determines that there are some technical issues that could be more easily discussed and resolved in this format. The Board will decide if a Technical Conference will take place and what will be discussed at it at a later date.

A description of the Community Meeting and the Technical Conference can also be found in Appendix VI.

3.10 TransCanada and Intervenor submit Information Requests to Intervenor

TransCanada and Intervenor may ask questions about the evidence of other Intervenor. To do this, they must, by **9 May 2016**:

- file the Information Requests with us;
- serve them on the relevant Intervenor(s); and
- serve a copy on TransCanada and all other Intervenor.

The Information Requests must be relevant to one or more of the issues identified in Appendix 1. The Board may also, at any time, ask Information Requests to Intervenor.

3.11 Intervenor respond to Information Requests and Commenters file their letter of comment:

By **24 May 2016**, Intervenor must:

- file responses to the Information Requests they receive, and
- serve a copy of those responses on TransCanada and all other Intervenor.

By **24 May 2016**, Commenters must file their letter of comment. Refer to section 2.4.

3.12 TransCanada files reply evidence

TransCanada may file any reply evidence (evidence that replies to the evidence filed by intervenor) with us and serve a copy on all Intervenor at a date that has yet to be decided.

3.13 TransCanada, Intervenor and the Board participate in an oral hearing process

The Board has scheduled an oral hearing which includes oral cross-examination and oral final argument in June 2016. The format and times for this hearing will be provided at a later date. Those providing written final argument must do so before oral final argument begins. A description of this oral hearing process can be found in Appendix VI.

3.14 We close the record and make decisions

When all the evidence is received, and after the oral hearing, we close the record, meaning we do not accept any new evidence. We then consider all relevant evidence on the record before we make our decisions.

By **11 April 2017**, we will release our Decision on whether the Project should proceed and under what conditions. We notify all Participants and TransCanada and post the Decision on our website.

4 Procedures for Intervenors

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

4.1 How do I prepare documents?

Every document you file with us or serve on TransCanada and other Intervenors must refer to **Hearing Order GH-001-2016** and **File No. OF-Fac-Gas-T211-2015-05 01**.

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 Intervenors as a guide.

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

Except for online forms, sign any 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 can 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 the hearing.

4.2 How do I file documents with the Board?

All documents submitted to the Board become part of the public registry. We require you to file your documents using your online NEB Account or by using e-file, if you are able.

Submit Documents by NEB Account

To file your documents using your online NEB Account, you must follow these steps:

- Prepare your documents as explained in section 4.1.
- Sign into your [NEB Account](#) using your GCKey user ID and password, which you created when you applied to participate.
- You should see the Welcome Portal page, click “continue”.
- You will see a list of the hearings you can participate in. Locate “Vaughan Mainline Expansion Project”, click on “Submit Documents Electronically” and follow the instructions.

- Under Step 8 - “Service Options and Submission of Complete Form”, you may choose to have the Board’s Participation Portal (Portal) send an Automated Service Notification on your behalf by email to all Intervenor who have provided a valid email address. To make use of this service, click on “Yes, I want to use the Participation Portal’s Automated Service Notification option for all Participants who have provided an email address.”

Note: The Board will accept this Automated Service Notification as equivalent to the service required under the *National Energy Board Rules of Practice and Procedure, 1995* (Rules). If you do not wish to use the Automated Service Notification option, you are required to serve all Participants yourself using any of the methods allowed under the Rules (i.e., email, facsimile, courier, regular mail or hand delivery). **The Portal cannot serve Participants who have not provided an email address; it is your responsibility to serve a hard copy of your submission on any Participant who has not provided an email address.**

- Once you have completed your submission through the Portal, you will receive two emails:
 - your filing receipt where you need to verify your attachments; and
 - important instructions including the contact information of the Participants who have not provided an email address and for whom you must serve a hard copy of your submission.

Submit Documents by e-file

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 “Applications & Filings”, click on “Submit Applications and Regulatory Documents” and follow the instructions. Refer to the [Filer’s Guide to Electronic Submission](#) document.
- 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 IV.

4.2.1 What if I can’t file my documents through the Participation Portal or e-file documents?

If you cannot file your documents through the Participation Portal or e-file your documents, you may submit documents in person, or 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 Who can help me with submitting my documents?

Contact the Regulatory Officer – see section 5.5.

4.3 How do I serve documents on others?

When you are required to serve documents, you must send one copy to TransCanada and to each Intervenor on the List of Intervenors. The method of service for each Intervenor is indicated on the List of Intervenors.

If you use the Board's Participation Portal (Portal) it will send an Automated Service Notification on your behalf by email to all Participants who have provided a valid email address. Follow the instructions as provided in section 4.2.

If you e-file documents, you must notify other Intervenors and TransCanada by email when a document has been filed. To do this, create a List of email addresses from the List of Intervenors and send an email to this List indicating that the filing is available on the Board's website.

If the List of Intervenors indicates an Intervenor is unable to access electronic documents, you must provide that person with a hard copy.

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 and to TransCanada and all other 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 assistance with e-filing your documents. For questions about serving documents, see Section 5.5.

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 use their NEB account, 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, Calgary 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 Intervenors and TransCanada 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 that 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 TransCanada and Intervenor; and
- be filed separately from any other correspondence.

*You may use your NEB Account to upload your Notice of Motion.

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 TransCanada and all other Intervenor.

For further information on motions, see section 35 of the Rules. The Rules can be found on our website, see Appendix IV.

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 accept your request for confidentiality.

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

The Rules provide detailed information about the hearing process; however, 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

Secretary of the Board
National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8
Telephone 403-292-4800
Toll-free telephone 1-800-899-1265
Facsimile 403-292-5503
Toll free facsimile 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/VME. See Appendix IV for information on our website.

5.3 Process Advisor

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

Monica Rodriguez-Galvez
VME.ProcessHelp@neb-one.gc.ca
Toll-free telephone 1-800-899-1265
Facsimile 403-292-5503
Toll-free facsimile 1-877-288-8803

5.4 Information Sessions

During Information Sessions, Board staff will provide information about the hearing process, how to participate in it and the Participant Funding Program. Board members will not be present. If you wish to comment or give evidence about the Project, see sections 2 and 3.

The in-person Town Hall Information Session will be held on **24 February 2016** from **7pm to 9pm** (Eastern Standard Time). The presentation will start at 7pm for approximately 45 minutes with time for questions afterwards.

The Town Hall Information Session will be held at the following location:

Element Vaughan Southwest (by Westin)
6170 Highway 7 (at Highway 27)
Vaughan, Ontario

Online Information Sessions titled “Application to Participate (ATP) Workshop” will be held on **29 February 2016** from **1pm to 2pm** (Eastern Standard Time) and also from **7pm to 8pm** (Eastern Standard Time). The online presentations will be approximately 45 minutes with time for questions afterwards.

For more information on the Information Sessions, you can:

- contact the Process Advisor; and
- check the Board’s Vaughan Mainline Expansion Project [webpage](http://www.neb-one.gc.ca/VME) at www.neb-one.gc.ca/VME.

5.5 Regulatory Officer

If you need help to e-file documents, or help with evidence or exhibits during the hearing, please contact the Regulatory Officer at:

Janet Foreman
janet.foreman@neb-one.gc.ca
Telephone 403-221-3055
Toll-free telephone 1-800-899-1265
Facsimile 403-292-5503
Toll free facsimile 1-877-288-8803

5.6 Publications and Transcripts

The Public Hearing Process booklet includes general information about how hearings are conducted. See Appendix IV.

For our publications, you may also contact our library:

publications@neb-one.gc.ca
Telephone 403-292-3562
Toll-free telephone 1-800-899-1265
517 Tenth Avenue SW
Calgary, AB T2R 0A8

5.6.1 Transcripts

All oral portions of the hearing will be recorded and transcribed. Transcripts will be available through the Board’s Internet site at www.neb-one.gc.ca. Click on “Applications & Filings”, “View Regulatory Documents” and then “Active Hearings” and scroll to “TransCanada Vaughan Mainline Expansion Project”.

5.7 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

Telephone 403-299-3561

Toll-free telephone 1-800-899-1265

2nd floor, 517 Tenth Avenue SW

Calgary, AB T2R 0A8

NATIONAL ENERGY BOARD

Original signed by L. George for

Sheri Young
Secretary of the Board

Appendix I –List of Issues

The Board has identified, but is not obliged to limit itself to, the following issues for consideration in the hearing with respect to the proposed Vaughan Mainline Expansion Project (Project).

1. The need for the Project.
2. The economic feasibility of the Project.
3. The potential commercial impacts of the Project.
4. The potential environmental and socio-economic effects of the Project, including any cumulative environmental effects that are likely to result from the Project, including those required to be considered by the [NEB's Filing Manual](#).
5. The appropriateness of the general route and land requirements for the Project.
6. The engineering design and integrity of the Project.
7. Potential impacts of the Project on Aboriginal interests.
8. Potential impacts of the Project on directly affected landowners and their land use.
9. Contingency planning for spills, accidents or malfunctions, during construction and operation of the Project.
10. The terms and conditions to be included in any approval the Board may issue for the Project.

Appendix II – Where can I see the Application?

Copies of TransCanada's Application and all related documents are available for viewing at the Board's library as well as at the TransCanada office.

National Energy Board

Library

2nd floor, 517 Tenth Avenue SW
Calgary, AB T2R 0A8

TransCanada PipeLines Limited

450-1 Street SW
Calgary, Alberta T2P 5H1

TransCanada is directed to make a copy of the Application available for public viewing at a location near the Project route. TransCanada will make this location known on its Project website by 22 February 2016.

Appendix III – Pre-decided Standing

Please see section 2.2 and 2.3 of the Hearing Order for a discussion of Pre-decided Standing and how to participate in the hearing. Those granted Pre-decided Standing are still required to register through the Participation Portal as an Intervenor or a Commenter before the ATP deadline of **2 March 2016**. If you are granted Pre-decided Standing but have not registered by 2 March 2016, you will not be allowed to participate and will not be on the List of Participants. The Board will release a List of Participants soon after the close of ATP.

At this time, the Participation Portal does not state that the directly affected parties listed in Appendix III have been granted Pre-decided Standing. If you are one of these parties, you need to register as if you are an Applicant not granted Pre-decided Standing.

The list below is not exhaustive of parties the Board may consider to be directly affected by the granting or refusing of the Application, and should not deter any party not on the list from applying to participate.

The directly affected parties granted Pre-decided Standing are:

Aboriginal Groups:

Chippewas of Rama First Nation

Mississaugas of the New Credit First Nation

Chippewas of Georgina Island First Nation

Six Nations of the Grand River

Mississaugas of Scugog Island First Nation

Métis Nation of Ontario

Haudenosaunee Development Institute

Nation huronne-wendat

Municipalities:

City of Vaughan

Landowners:

Landowners and land occupants whose land is traversed by the Project. When registering to participate, you must confirm that you are a directly affected landowner, for example, by providing the address or land description, and stating that the Project crosses your land.

Appendix IV – How can 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. Information on the Project is accessible from the right side of our home page. Click on TransCanada Vaughan Mainline Expansion Project under “Quick Links”. Or go directly to www.neb-one.gc.ca/VME.
3. To find the Public Registry for the Project, go to the dark blue navigation bar and click on “Applications & Filings” at the top of our home page. On the left hand side of the page under “Regulatory Documents”, click on “View Regulatory Documents”. Then click on “Active Hearings” and “TransCanada PipeLines Inc. – Application for the Vaughan Mainline Expansion Project”.

You may also find the public registry for the Vaughan Mainline Expansion Project 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 below the “Active Hearing” tab.

4. If you are an Intervenor and you use your NEB Account to submit documents, your Participation Portal will keep a record of these documents.
5. To learn about hearings in general, go to the left side of our home page, click “Participate in a Hearing”.
6. For information on how to e-file documents, go to the left side of our home page, click on “Submit Applications and Regulatory Documents” under “Regulatory Documents” and on the right-hand side of the screen click on “Filers Guide to Electronic Submission” under “Related Links”.
7. To find Acts, Regulations and Rules, click on “About Us” and then “Acts and Regulations” then select “List of Acts and Regulations” to find the *National Energy Board Act*.

To find *National Energy Board Rules of Practice and Procedure, 1995*:

Click “List of Acts and Regulations” then from the right hand column beside *National Energy Board Act* click “Regulations” then “*National Energy Board Rules of Practice and Procedure, 1995*”.

8. If you would like to receive periodic email updates on the hearing, send a request to VME.ProcessHelp@neb-one.gc.ca

Appendix V – Role of the Process Advisor

Process Advisor Assigned for NEB Hearing into TransCanada PipeLines Limited's Vaughan Mainline Expansion Project

The National Energy Board (Board) has received an application from TransCanada PipeLines Limited for approval to construct the Vaughan Mainline Expansion Project (Project). The Board has assigned Monica Rodriguez-Galvez as the Process Advisor for this Project.

If you are thinking about participating in the Board's hearing process for this Project, Monica Rodriguez-Galvez can provide you with assistance.

Monica 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. Organize and run public information sessions and workshops.
4. Answer your questions about the Participant Funding Program and how to apply.
5. Discuss how you can apply to participate in the process.
6. Provide samples and templates and answer your questions about them.
7. Explain your role in the hearing.
8. Answer your process questions in person during the oral hearing.

Monica 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 Board
 - c. Tell you how to best present your information
 - d. Write your questions or evidence.
2. Talk to the Board on your behalf.
3. Talk to TransCanada PipeLines Limited on your behalf.

Please contact Monica Rodriguez-Galvez at 1-800-899-1265 or VME.ProcessHelp@neb-one.gc.ca if you have questions about the hearing for this Project, or if you would like help participating in this hearing. She will generally be available during business hours and respond to enquiries the following business day.

Appendix VI – Summary Description of Hearing Processes

For reference, this Appendix provides a summary description of hearing process options available to the Board. The option the Board considered but decided not to pursue in this hearing process is italicized. The Board has outlined in this Hearing Order a hearing which includes a number of the process options described below, including a Community Meeting, Oral Cross-examination, and the option for either Oral or Written final Argument. Oral Traditional Evidence is offered to Aboriginal Participants at their request. A decision to hold a Technical Conference has not been made at this time. The Board provides these descriptions in order to inform interested persons about available options should they wish to comment on which of these processes would best facilitate the Board's assessment of the Application. In the Project Application for example, Trans Canada indicated their preference for an entirely Written Process.

Entirely Written Hearing

Hearings at the NEB can be conducted solely in writing or through a combination of written and oral submissions. A written hearing means the hearing is conducted entirely in writing and includes Information Requests and written final argument. The majority of these documents are available for the public to view on the NEB website.

Community Meeting

A Community Meeting is a public meeting where all Participants (Commenters, Intervenors and the Applicant) have an opportunity to present an oral statement expressing their views on the Project directly to the Board. The Community Meeting is transcribed and forms part of the official record. The public is welcomed to attend the Community Meeting, but only Participants have an opportunity to provide an oral statement.

Participants will have a time limit and can be asked questions for clarification. Participants will not be subject to cross examination. However, an Intervenor providing an oral statement could be required to answer an Information Request (IR) or be cross examined orally later on

Commenters and Intervenors are invited, but not required, to participate in the Community Meeting. Intervenors can present written evidence and participate in oral cross examination regardless of whether they make an oral statement at the Community Meeting. Similarly, a Commenter can write a letter of comment regardless of whether they make an oral statement at the Community Meeting.

Technical Conference

A Technical Conference can be used to identify, clarify, narrow or resolve technical or procedural issues during a hearing process. It can also be used to collect views on process issues or help to coordinate the collection of information from Intervenors. The Board may hold a Technical Conference if it determines that a conference may resolve an issue more quickly. The Technical Conference may be an opportunity for Intervenors, TransCanada and the Board to better understand concerns and to collaborate where possible. It is facilitated by a third party,

but the Board would attend. It is transcribed and forms part of the official record. Intervenors would be invited to ask questions to TransCanada.

Oral Traditional Evidence (OTE)

We recognize that Aboriginal people have an oral tradition for sharing stories, lessons, and knowledge from generation to generation. This information cannot always be shared adequately in writing. Collecting relevant information from Aboriginal Intervenors is an opportunity to identify and increase understanding of the perspectives of Aboriginal groups relating to the Project. Due to the unique nature of OTE, it is not dependent on the timing of any other hearing process steps. The information to come from OTE is not expected to change as a result of any Project amendments the company will make. Taking advantage of the opportunity to provide OTE is not mandatory. Taking part in OTE does not limit future participation in any other part of the hearing.

Oral Cross-examination

During the cross-examination portion of the oral hearing, the Applicant and Intervenors are permitted to ask the witnesses questions about their evidence. If you're an Intervenor, you may be given the opportunity to cross-examine parties in the hearing (and their witnesses) who take an opposing position to you in their evidence. You must be available to ask your questions when those parties and witnesses are appearing at the hearing to be cross-examined. Once the time for questioning a witness or party has passed, and the witnesses are allowed to leave (also known as "being excused"), you have missed your chance to ask them questions.

Final Argument

After cross-examination and any reply evidence from the Applicant, the final argument portion of the oral hearing occurs. Intervenors and the Applicant may participate in final argument. Final argument can be oral or written but not both. Those providing written final argument must do so before oral final argument begins. Final argument involves telling the Board your position on the Project and what you think the Board should decide or recommend. You can only use the evidence on the record to support your position. You can't present any new evidence when you make your final argument. The Board will indicate the process for final argument, and any time limits on it, in a Procedural Update.

Appendix VII – Timetable of Events

Events	Hearing Order Reference	Responsible Participant	Date or Deadline (noon Mountain time)
TransCanada's Project application to the Board	N/A	TransCanada	10 November 2015
Determination of Project application completeness and time limit	3.1	Board	11 January 2016
Release Hearing Order GH-001-2016	3.2	Board	10 February 2016
Town Hall Information Session	5.4	Board staff, interested persons	24 February 2016, 7pm to 9pm (EST)
Online Information Session	5.4	Board staff, interested persons	29 February 2016 1pm to 2pm (EST) 7pm to 8pm (EST)
Apply to the Board to participate as a Commenter or Intervenor (or register if granted Pre-decided Standing) and serve the form on TransCanada	3.3	Interested persons	2 March 2016
Submit comments on the Hearing Order	3.3	Interested persons	2 March 2016
Release List of Participants	3.4	Board	Soon after the ATP deadline
Serve Project Application on all Intervenor	3.4	TransCanada	Immediately after receiving the List of Participants

Serve Applications to Participate on Intervenor	3.4	Intervenors	Immediately after receiving the List of Participants
Submit additional written evidence	3.5	TransCanada	14 March 2016
Submit Information Requests to TransCanada	3.6	Intervenors	21 March 2016
Respond to the Information Requests	3.7	TransCanada	4 April 2016
Submit written evidence	3.8	Intervenors	11 April 2016
Community Meeting and Placeholder for Technical Conference	3.9	TransCanada, Intervenor, Commenters	April 2016 (latter half)
File Information Requests to Intervenor	3.10	TransCanada, Intervenor	9 May 2016
Respond to Information Requests	3.11	Intervenors	24 May 2016
File Letters of Comment	2.4	Commenters	No later than 24 May 2016
File reply evidence	3.12	TransCanada	To be decided
Oral cross-examination and Oral final argument	3.13	TransCanada, Intervenor	June 2016
Written final argument, if not participating in oral final argument	3.13	TransCanada, Intervenor	To be decided, prior to the start of Oral final argument
Board Decision	3.14	Board	To be decided