

Application to Participate on behalf of Thea Fager

Thea Fager is the owner of Block F of the SW¼ of District Lot 1126, Peace River District, in the Province of British Columbia and applies to participate in these proceedings.

The said Block F owned by Ms. Fager would be directly affected by the Wyndwood Expansion Pipeline Project proposed by Westcoast Energy Inc carrying on business as Spectra Energy Transmission ("Spectra") if that project was approved by the National Energy Board. Spectra is seeking an order from the Board exempting the proposed Wyndwood Expansion Project from the provisions of 31 of the *National Energy Board Act*. Thea Fager is opposed to the Board's granting such an exemption because it could be used to deny her the right to a hearing regarding the detailed routing of the proposed pipeline plus the most appropriate methods and timing of construction as provided to landowners in sections 34-39 of the Act. Spectra has not provided any good reasons for an exemption from section 31 of the Act.

The Application filed by Spectra does not state that it is also requesting an exemption from section 33 of the Act but that may be Spectra's intention because the section 87 Notice that Spectra served on Thea Fager (a notice in the same form as Appendix 5-2 to Section 5 of the Application) stated in section 4:

*In certain circumstances the procedure outlined above [referring to sections 34 through 39 of the Act] will not be applicable. Section 58 and subsection 45(3) of the Act empower the Board to exempt a pipeline company from certain of the provisions of the Act, including those provisions requiring the filing with the Board of a plan showing the proposed route of a pipeline. Exemption from this requirement would result in the above-described procedure for approval of the detailed route of a pipeline no longer being applicable. The situations in which such exemptions are available generally involve repairs and replacements of, and additions to, existing pipelines or circumstances where the pipeline expansion does not exceed 40 km in length.*

Ms. Fager would also be opposed to any order of the Board exempting the proposed pipeline project from section 33 of the Act.

January 12, 2017



Darryl Carter  
Counsel for Thea Fager