

February 3, 2017

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Our Matter Number: 1161919

Sent By Electronic Mail

National Energy Board
Suite 210, 517 10th Avenue SW
Calgary, AB T2R 0A8

Attention: Ms. Sheri Young, Secretary of the Board

Dear Madam:

**Re.: NOVA Gas Transmission Ltd. ("NGTL")
2017 NGTL System Expansion Project (the "Project")
Certificate GC-126 (the "Certificate")
Board File OF-Fac-Gas-N081-2014-20 02
Response to Chard Métis Society ("Chard")**

On January 23, 2017, Chard's legal counsel filed a letter with the National Energy Board ("Board") alleging that NGTL is in breach of certain Conditions in the Certificate. Although the letter does not request any specific relief from the Board, NGTL strongly disagrees with the allegations in Chard's letter. Specifically:


1. Contrary to the suggestion in Chard's letter, Condition 5 requires NGTL to file with the NEB, post on its website, and notify Aboriginal groups who have expressed an interest in the filing, a Commitment Tracking Table ("CTT") listing all commitments made by NGTL in its Project Application or in its related submissions. NGTL filed the initial CTT with the NEB on October 17, 2016 and provided updated versions on November 15, 2016, December 15, 2016 and January 16, 2017. Chard never expressed interest in receiving notifications under Condition 5.

Among other commitments listed in the CTT, NGTL committed to meet with Chard to provide ongoing details as the Project advanced. NGTL contacted Chard on numerous occasions between October 2016 and January 2017 to provide information about the Aboriginal Construction Participation Program ("ACPP") and potential contracting opportunities available to Chard in respect of the Project. NGTL's prime construction contractor solicited a proposal for certain clearing work from Chard on November 10, 2016. NGTL also offered to meet with Chard to discuss contracting opportunities, although such a meeting has not yet occurred.

2. Contrary to the suggestion in Chard's letter, NGTL has provided Chard with an opportunity to participate in the ACPP in accordance with Condition 12. Chard nominated an individual to participate in the program and provided NGTL with his resume. On January 4, 2017, NGTL's ACPP Coordinator emailed the nominated individual to inform him that he had been selected to participate in the ACPP and to provide him with preliminary job details.
3. Contrary to the suggestion in Chard's letter, Condition 9 requires NGTL to file with the NEB a project-specific Emergency Response Plan ("ERP"). Although Chard and other intervenors requested a copy of the ERP during the hearing process, NGTL stated that it intended to file the ERP in hardcopy form with the NEB and not upload it to the NEB's public registry because it contained confidential information and personal information of individuals. The NEB noted NGTL's position in section 3.4.1 of its Recommendation Report GH-002-2015, and did not require NGTL to provide a copy of the ERP to intervenors as part of Condition 9.

For these reasons, the allegations in Chard's letter have no merit and should be disregarded by the Board.

Yours truly,



Shawn H. T. Denstedt, Q.C.
AD

cc: D. Rae, Rae and Company
cc: Maureen Killoran Q.C., Osler LLP