

February 17, 2017

File No.: 558941-11

FILED ELECTRONICALLY

Ms. Sherri Young
Secretary of the Board
National Energy Board
517 - Tenth Avenue SW
Calgary AB T2R 0A8

Dear Madam:

**RE: Pembina Resource Services Canada Complaint regarding
Plains Midstream Canada ULC ("Plains") Tariff Nos. 87, 88, 89, 94 and 95
NEB File OF-Tolls-Group2-P384-TFGen 0104 – RH-002-2016 (the "Proceeding")
Written Evidence of Pembina Resource Services Canada**

As the National Energy Board (the "Board") is aware, we are counsel for Pembina Resource Services Canada ("Pembina") in respect of the above captioned matter.

In accordance with Hearing Order RH-002-2016 and the revised timetable of events issued 20 January 2017, enclosed for filing with the Board is the Written Evidence of Pembina, including Appendix "A" – the Written Evidence of Kalyan Dasgupta and Leonard Waverman; and Appendix "B" - the Written Evidence of M.G. Matwichuk (collectively "Pembina Evidence").

Also enclosed for filing with the Board is a Notice of Motion, along with an affidavit in support, made pursuant to section 16.1 of the *National Energy Board Act*¹, seeking an order allowing Pembina to file certain Pembina information contained in the Pembina Evidence in confidence ("Pembina Confidential Information") ("Pembina Motion #3"). Pembina Motion #3 seeks, *inter alia*, the following relief:

- (a) that the Pembina Confidential Information be filed in confidence with the Board and not be disclosed on the public record;
- (b) that certain of the Pembina Confidential Information may only be disclosed to individuals from Plains who have executed an undertaking including: business personnel, legal counsel and consultants participating in or assisting with the Proceeding ("Type 1 Pembina Confidential Information"); and
- (c) that certain of the Pembina Confidential Information, not making up Type 1 Pembina Confidential Information, may only be disclosed to Plains legal counsel and consultants participating in or assisting with the Proceeding and who have executed an undertaking ("Type 2 Pembina Confidential Information").

¹ RSC 1985, c N-17, as amended.

As the Board is aware, in accordance with Board Orders: PO-001-RH-002-2016; AO-001-PO-002-RH-002-2016; and PO-003-RH-002-2016 certain information contained in the evidence filed by Plains has been filed in confidence ("Plains Confidential Information").

The Pembina Evidence contains both Pembina Confidential Information and Plains Confidential Information, all of which has been redacted for the purposes of electronic filing. Concurrent with the electronic filing, un-redacted hard copies of the Pembina Evidence are being delivered to the Board. In the hard copies: the Plains Confidential Information is redacted in yellow; the Type 1 Pembina Confidential Information is redacted in green; and the Type 2 Pembina Confidential Information is redacted in red.

In order to avoid a delay or change in the current Proceeding schedule while accommodating the process and time required for the Board to consider Pembina Motion #3, we have confirmed with counsel for Plains that upon receipt of executed undertakings: Plains' legal counsel and consultants participating in or assisting with the Proceeding can have immediate access to un-redacted copies of the Pembina Evidence; and Plains business personnel participating in or assisting with the Proceeding can have immediate access to the Pembina Evidence with only the Pembina Type 2 Confidential Information redacted. Consistent with this, concurrent with this filing hard-copies of the Pembina Evidence, un-redacted and redacted as applicable, have been hand delivered to counsel for Plains.

Yours truly,
Dentons Canada LLP

~original signed by~

Dennis P. Langen

DPL/sd

Enclosure

cc: Interested Parties
James H. Smellie / John R. Cusano, Gowling WLG