



File OF-Fac-Gas-W102-2016-12 01
14 February 2017

To: Groups and Individuals who filed Applications to Participate
Westcoast Energy Inc., doing business as Spectra Energy Transmission

**Westcoast Energy Inc., doing business as Spectra Energy Transmission (Westcoast)
Application for the Wyndwood Pipeline Expansion Project (Application)
Ruling No. 1 – Participation in the Hearing**

The National Energy Board (NEB or Board) has made determinations about participation (or standing) and manner of participation for the public hearing to assess Westcoast's application for the Wyndwood Pipeline Expansion Project (Project).

This ruling provides a List of Participants in this hearing and explains how the Board made its determinations.

The Board received and assessed 16 Applications to Participate (ATP). Of these:

- 14 requested Intervenor status and have been granted Intervenor status;
- 1 requested Commenter status and has been granted Commenter status; and
- 1 requested Commenter status and has been denied standing.

Background

On 21 October 2016, Westcoast applied to the Board under section 58 of Part III and Part IV of the *National Energy Board Act* (NEB Act), for approval to build and operate the Project, consisting of 27 kilometres of natural gas pipeline and associated facilities southwest of Chetwynd, British Columbia (BC).

On 15 December 2016, the Board determined the Application to be complete to proceed to an assessment and issued a Notice of Public Hearing and ATP (Notice). The Notice included an explanation of the ATP process and how to apply. The Board directed Westcoast to publish the Notice in a number of publications, and to distribute a copy to stakeholders.

The Board offered an information session on 23 January 2017 in Chetwynd, BC to provide information about the Project and the Board's hearing process. The Board also offered two online information sessions on 26 January 2017 to assist interested persons with filing their ATPs. The Board's Process Advisor was available to assist interested persons with filing their ATPs, and to provide ATP workshops upon request.

The ATP form was available electronically on the Board's website from 10 to 31 January 2017. It included references and links to Guidance Documents setting out what factors the Board may consider in making its decision about participation. The ATP form indicated that applicants must describe their interest in relation to the List of Issues, which was available on the ATP form itself.

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The deadline for submitting completed ATPs was 31 January 2017.

Assessment of ATP Forms – Standing and Manner of Participation

When assessing the ATP forms, the Board applied the criteria provided in section 55.2 of the NEB Act (standing test) and considered its List of Issues for the Project to determine whether an applicant is directly affected by a proposed project and/or in possession of relevant information or expertise. The Board made its decision on participation on a case-by-case basis, taking into account the specific facts and circumstances of each application, and the information provided in the ATP form.

In determining whether an applicant is directly affected, the Board considered how the applicant uses the area where the Project would be located, and, should the Board approve the Project, how the Project will affect the environment, and how the effect on the environment will affect the applicant's use of the area. The Board considered uses of land and resources for traditional Aboriginal purposes in its determination. The Board also considered direct effects that are commercial or financial.

The more closely related these elements are to the proposed Project, the more likely an applicant is to be directly affected. An effect that is too remote, speculative, or is not likely to impact the applicant's interests will lead to a finding that an applicant is not directly affected.

In determining whether an applicant has relevant information or expertise, the Board considered whether the applicant has sufficiently demonstrated that the relevant information or expertise it possesses will assist the Board in its assessment.

Once the Board determined standing, it determined the manner of participation for each participant on a case-by-case basis and in consideration of the particular circumstances of a project.

Ruling on Participation

The Board considered all of the information in the ATPs received for the Application. The Board is satisfied that each of 15 applicants showed with reasonable probability that they have at least one specific and detailed interest that is directly or sufficiently affected and/or has relevant information and expertise to contribute. Therefore the Board has granted standing to each of these 15 persons or groups who applied and for the manner of participation applied for. Standing decisions do not constitute findings by the Board with respect to the facts or claims asserted by a participant in its ATP.

Where Participation (Standing) was Not Granted

Mr. Lokesh Manwani submitted an ATP form and has not been granted standing to participate in this proceeding. Mr. Manwani did not specifically demonstrate to the Board's satisfaction that he is either directly affected by the proposed Project or has relevant information or expertise that will assist the Board in its assessment.

Mr. Manwani raised matters within his ATP that are irrelevant to the issues in this proceeding or that are related to issues outside of the Board's mandate in this hearing. Stating a general recommendation to allow certain pipe materials is not sufficient to show that Mr. Manwani has relevant information or expertise regarding this specific Project. The Board also noted that the address listed on Mr. Manwani's ATP is in Houston, Texas, which is not located within the geographic vicinity of the Project.

Accordingly, the Board has denied standing in this case.

Those who are granted participation (Participants) in this hearing are identified in the List of Participants, attached to this ruling as Appendices I (Intervenors) and II (Commenters). Each person who was granted standing to participate was also granted the manner of participation they requested.

Westcoast is directed to immediately serve a copy of its Application and all related documents on each person or group on the List of participants who has not already received a copy.

Participants should refer to Hearing Order GH-001-2017, which was issued simultaneously with this ruling, for an outline of what their roles and responsibilities are, as well as for the steps and deadlines in the hearing process.

Some of the Intervenors approved to participate in this hearing may be eligible for participant funding through the NEB's Participant Funding Program (PFP), which is administered separately from the ATP process. For information about the program please consult the NEB's PFP webpage at www.neb-one.gc.ca/pfp or contact the PFP Coordinator at PFP.PAFP@neb-one.gc.ca.

Participants can find the most current information about the hearing and all documents filed by the Board, Westcoast and all Participants in this hearing on the Board's webpage for this Project at www.neb-one.gc.ca/Wyndwood.

For questions or help regarding the hearing process and how to effectively participate in it, Participants may contact Lisa Zaplachinski (Lisa Zap), the Board's Process Advisor for this Project, at Wyndwood.ProcessHelp@neb-one.gc.ca or telephone 403-390-0025 (toll free 1-800-899-1265).

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments