



INFORMATION REPORT

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: March 20, 2013	
SUBJECT/REPORT NO: Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project Application (PED12160(a))/(LS12022(a)) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department Janice Atwood-Petkovski City Solicitor Legal Services Division City Manager's Office	PREPARED BY: Guy Paparella (905) 546-2424 Ext. 5807 Lindsay Lee (905) 546-2424 Ext. 3663
SIGNATURE:	

Council Direction:

At its meeting of November 28, 2012, City Council approved the General Issues Committee Report 12-033 (November 21/27, 2012) and thereby adopted a motion regarding the Enbridge Pipelines Inc. ("Enbridge") application to the National Energy Board (the "NEB" or "Board") to reverse the flow in the segment of the Enbridge Line 9 pipeline from North Westover to Montreal ("Line 9B") and increase the overall capacity

of Line 9 (see Appendix "A" for a Map of the City of Hamilton showing the location of the Enbridge Line 9 pipeline). The motion directed City staff as follows:

- (a) *That City staff request additional information and report back to the General Issues Committee, as follows:*
 - (i) *Description of the public process around intervening in the Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project application, expected in late November 2012;*
 - (ii) *Request information from the National Energy Board on:*
 - (aa) *Line 9A/9 pipeline integrity studies, including a comparison between the Kalamazoo River pipeline characteristics and the Line 9A/9 pipeline;*
 - (bb) *Impartial information on the corrosiveness of diluted bitumen as compared to ordinary crude oil and implications for pipeline safety, including possible spills;*
 - (cc) *Providing the City of Hamilton with copies of any applications/correspondence by Enbridge pertaining to Line 9A/9;*
 - (iii) *Request information from Enbridge Pipelines Inc. on:*
 - (aa) *Results of the pipeline "integrity digs" conducted on Line 9 in Flamborough;*
 - (bb) *How Enbridge can assist in monitoring drinking water wells in the Line 9 pipeline area;*
 - (cc) *Emergency response plan in case of a spill;*
- (b) *That the City of Hamilton Emergency Response staff report back on whether or how a light, medium, heavy crude and diluted bitumen spill would be handled along the Line 9A/9 Enbridge pipeline, including how a response and cleanup would be funded, and how the City can request a bond from Enbridge to cover the costs of a spill.*

Information:

Background

Line 9 Reversal Phase I Project (Sarnia to North Westover)

On July 27, 2012, the NEB approved a standalone application by Enbridge to reverse the flow of crude oil in the 194 km long segment of its Line 9 pipeline between Sarnia and North Westover, Ontario (the “Line 9 Reversal Phase I Project”).

Line 9B Reversal and Line 9 Capacity Expansion Project (North Westover to Montreal)

On October 11, 2012, Enbridge submitted pre-application information to the NEB giving notice of its intention to seek approval for a project (the “Line 9B Project”) to:

- Reverse the flow in the 639 km long segment of the Line 9 pipeline between North Westover and Montreal;
- Expand overall annual capacity on Line 9 from Sarnia to Montreal; and,
- Revise the Line 9 tariff to allow for the transportation of heavy crude on Line 9.

On November 29, 2012, Enbridge submitted its formal application for the Line 9B Project under Section 58 of the *National Energy Board Act*, R.S.C., 1985, c. N-7 (the “NEB Act”) (a copy of the Enbridge Line 9B Project application, any related attachments and updates can be accessed at the following link: <https://www.neb-one.gc.ca/ll-eng/Liveliink.exe?func=ll&objId=918445&objAction=browse&sort=name>). The public filing included an environmental and Socio-Economic Assessment, and an Engineering Assessment of Line 9.

On December 19, 2012, the NEB issued a letter to Enbridge, setting out its decision to hold a public hearing for the Line 9B Project, consisting of written evidence and oral final argument (see Appendix “B” to Report PED12160(a)/LS12022(a).

Updates to Requests for Information

Request for Information from the NEB

On December 20, 2012, City staff requested information from the NEB regarding any relevant time limits or time periods in the Line 9B Project application, and indicated the City’s intention to preserve its right to make submissions or participate in the proceeding should the City choose to do so. City staff also requested that the NEB provide information to the City on the public process around intervening, integrity studies, including impartial information on the corrosiveness of diluted bitumen as compared to

ordinary crude oil and implications for pipeline safety, and copies of all applications and correspondence by or on behalf of Enbridge which may be relevant or pertain to Line 9. On February 5, 2013, City staff received a response to the above requests from the NEB (see Appendix “C” of Report PED12160(a)/LS12022(a). The NEB confirmed its intention to hold a public hearing for the Line 9B Project and indicated that it would define and communicate the specific details of the public hearing process in a Hearing Order to be issued. The Board indicated that they do not provide evidence for hearings and provided a third party link to information on the corrosiveness of diluted bitumen. All publicly filed documents relating to the Line 9B Project are available online at the following link:

<https://www.neb-one.gc.ca/ll-eng/Livelink.exe?func=ll&objId=890819&objAction=browse&sort=-name>.

Request for Information from Enbridge

On February 16, 2013, City staff received an e-mail response to City Council’s requests for information from Enbridge (see Appendix “D” of Report PED12160(a)/LS12022(a).

Regarding the results of the Integrity Digs, Enbridge has stated that it “is currently developing its Line 9B Integrity Dig Program, and will share locations and schedule with affected communities”. City staff will continue to monitor and keep Council informed as this information becomes available.

Information was also requested on how Enbridge can assist with the monitoring of drinking water in the Line 9 pipeline area. Enbridge has stated that “during regular operations, Line 9 poses no risk to drinking water anywhere along its route. Regular monitoring of drinking water is therefore not required. In the unlikely event of a crude oil release from Line 9, Enbridge would take the appropriate measures to identify and quantify the presence of contaminants related to the leak in the environment”.

With regard to emergency response plans, Enbridge has stated that it “maintains comprehensive emergency response plans, developed in consultation with regulatory agencies and applicable stakeholders, that address regional priorities and high risk locations such as key water crossings and residential communities”. City emergency response staff are currently reviewing these plans.

Finally, with respect to concerns expressed regarding Enbridge’s responsibility to cover the costs of a spill, Enbridge has stated that it “will comply with all applicable federal, provincial and municipal requirements and laws, including section 75 of the *NEB Act*, which requires pipeline companies to pay compensation for all damage sustained as a result of the operation of a pipeline.” However, “Enbridge’s financial obligations will be mitigated by maintained commercial liability insurance coverage that is consistent with coverage considered customary for its industry and includes coverage for environmental incidents such as accidental crude oil releases”. City staff have requested the amount of liability insurance coverage available from Enbridge.

Response/Input from City of Hamilton Emergency Response Staff

City of Hamilton Emergency Response staff is currently reviewing the Enbridge Emergency Response Plan for the Line 9 Reversal Phase I Project in relation to the operational and training requirements necessary to respond to pipeline spills of various kinds. Staff will also review other relevant emergency response plan materials provided by Enbridge, and review how training, response and clean-up would be funded.

The Hamilton Fire Department would provide a full fire suppression and Hazmat respond to a spill of light, medium, heavy crude and diluted bitumen originating from the Enbridge Line 9A/9 pipeline within the City of Hamilton boundaries.

A Fire response would generally focus on the following primary functions:

- Recognition of the Problem: Fire Department personnel will have to recognize the true nature of the problem and take steps to identify the area(s) of concern and notify the necessary agencies.
- Air Monitoring: Fire Department personnel would concentrate the monitoring in two particular areas: the potential for fire/explosion (lower explosive limit) and the presence of vapours which could be considered toxic (in particular hydrogen sulphide (H₂S) and benzene). Monitoring efforts will be focused near the spill, in inhabited areas and inside enclosed spaces and structures where vapours have the greatest potential to accumulate.
- Spill Control: This could involve the construction of underflow or overflow dams (depending on the specific gravity of the product), deployment of booms on waterways, construction of dams, dikes to limit the spread of product or at the very least – direct the flow into less sensitive areas and/or contain it as close as possible to the source.
- Fire Protection: Depending on the circumstances, potentially flammable vapours could be emitted from the product or the diluents that could create a potential fire hazard or an actual fire emergency. Applicable resources and equipment would be deployed/staged to deal with the situation.
- Oversight: Given the potential significant impact from a spill, the Fire Department would at minimum once our direct involvement is complete, maintain a degree of

oversight of the on-going operations until completely assured that our citizens, property and the environment are longer at risk.

While the primary functions of the Fire Department will remain the same, the order of priority of these functions will change based on a number of variables: where the spill occurs (land vs. water), the saturation of the soil or the flow rate/amount of water and the time of year (hot vs. cold). Population density and land use in the area of the spill will also have a direct effect on the priorities for action during the response.

- Water

Generally the light grades of crude are more volatile so while they will present a greater vapour hazard initially, a greater amount of the product will vaporize leaving less to be dealt with on the ground or in water. Diluted bitumen will have a dual affect, the diluents (i.e. benzene) added to the bitumen will tend vaporize leaving the bitumen behind. If this spill occurs in a body of water, some of the bitumen will sink to the bottom – this will complicate the remediation of the site, particularly in sensitive areas.

An oil spill that enters a body of water will have its impact determined by the release rate, the water flow and the volume of water present. When oil is spilled onto the surface of any water body, it undergoes a number of changes termed weathering, some of which will enhance its natural dissipation, whilst others cause it to persist.

Fast moving water will result in the spill travelling greater distances before measures can be taken to control its migration downstream.

If the water is turbulent, it will cause some of the product to emulsify, complicating the measures necessary to control the product.

- Land

Soil conditions can affect how far the spill will flow on the surface or penetrate into the substrata. A more porous soil (sand, loam) will allow the product to sink further while a denser soil such as clay will limit the depth the product travels. If the soil is saturated with water, the rate of penetration is affected. On impermeable soils, oil will flow down slope over the surface and may form a pool or enter a ditch, drain or other watercourse.

- Time of year/temperature

Will affect how quickly the product evaporates, how rapidly it will spread over the surface of the soil (or water if it is frozen) and the degree and rate of penetration into the soil.

With respect to how a response and/or clean up would be funded it is important to note that the *Environmental Protection Act*, R.S.O. 1990, c. E.19 (the “EPA”) (Sections 91 to 101 inclusive) includes provisions which allow a municipality to take reasonable actions in the event of a spill, and to seek compensation for reasonable cost and expense incurred from the owner of a pollutant (i.e. Enbridge). Generally speaking, in the event of a spill:

- The owner of a pollutant and the person having control of a pollutant that is spilled have an obligation under the *EPA* to mitigate and restore the affected area immediately.
- A municipality may do everything practicable to prevent, eliminate and ameliorate any adverse effects and to restore the natural environment.
- A municipality has the right to compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable expense and costs incurred, this could also include, for example, issuing a municipal order for cost and expense incurred by the municipality.
- There is also the ability to seek compensation from the Crown (Province of Ontario), who in turn, as part of the process has the right to recover the monies paid from the owner of a pollutant and the person having control of a pollutant.

Separate from the *EPA*, consideration could be given to other possible options available outside of the *EPA* that would enable the Fire Department to recover costs for extraordinary events (i.e. Hazmat).

Public Participation and the NEB Hearing Process

On February 19, 2013, the NEB issued a Hearing Order, including a List of Issues to be considered in the Line 9B hearing (see Appendix “E” to Report PED12160(a)/LS12022(a). The Hearing Order contains a summary of the application, information respecting timelines to be followed in the process, and details on options for public participation. The Board is accepting suggestions for amendment to the List of Issues, and any comments must be submitted to the NEB by March 21, 2013. The Board will consider suggestions and release a revised List of Issues, if required.

To participate in the Line 9B proceeding, you may either apply to participate as an Intervenor, or apply to submit a Letter of Comment. You must first submit an Application to Participate, and demonstrate that your interest in the proceeding, or the information or expertise you wish to contribute, is relevant to the List of Issues. The deadline to submit an Application to Participate is April 11, 2013. Note that in addition to the Hearing Order, the Board may issue procedural updates from time to time, setting out additional details with respect to the hearing process. The Board has indicated that the Application to Participate form will be released in a future procedural update.

The *National Energy Board Rules of Practice and Procedure, 1995, SOR/95-208* (the “Rules”) govern the conduct of proceedings before the NEB. In accordance with the *Rules*, intervenors are granted certain participatory rights in the proceeding, including the right to be served with a copy of the application, any information, particulars or documents relevant to the application that have been filed with the Board. Intervenors are also permitted to file evidence, to ask questions or direct information requests to other parties respecting their evidence, to reply to Letters of Comment, and to submit final arguments. Alternatively, a Letter of Comment allows interested parties who do not wish to fully intervene in the proceeding to submit their comments on a project. Filing a Letter of Comment does not entitle you the same participatory rights as those of an Intervenor (such as the right to service of documents filed by parties).

The NEB encourages those parties who have common interests to consider applying to Intervene as a group, with one representative spokesperson acting for the Intervenor group.

Liaison with Others and Common Issues

City staff have liaised with staff from other municipalities including Toronto, Burlington, Mississauga, Ajax, and Kingston, as well as staff from the Hamilton Conservation Authority (the “HCA”) in an effort to identify common issues of concern for municipalities and identify any opportunities for cooperation. Through the liaison and consultation with staff from other municipalities and the HCA, some potential issues of concern for municipalities were identified, such as pipeline integrity and emergency response measures, including how to specifically deal with dilbit, assurances from Enbridge regarding financial responsibility for spills, and potential threats to drinking water quality. A number of these issues have been outlined by City of Toronto staff in a Staff Report that was presented to Toronto City Council on February 20, 2013 (see Appendix “F” Report PED12160(a)/LS12022(a) for a copy of the City of Toronto Staff Report and Motion as adopted by Toronto City Council on February 20 and 21, 2013).

The issues as set out in the NEB Hearing Order List of Issues (see Page 14 of Appendix D to Report PED12160(a)/LS12022(a) appear to encompass, in a general way, the municipal concerns that staff have identified in conjunction with other concerned municipalities. It is important to note that the Board has clearly stated that it **“will not consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline”**.

Toronto City Council has adopted several recommendations made by staff, including authorizing staff to apply to the NEB to allow the City of Toronto to participate in the proceedings either through a written submission or as an intervenor in relation to any unresolved concerns, to obtain assistance as required in the opinion of the City Solicitor

to represent the City's interest at the NEB hearing, and to continue to liaise with other municipalities and Conservation Authorities to discuss cooperation in the presentation of issues before the NEB.

Conclusion

Council needs to consider whether the NEB's List of Issues sufficiently addresses issues of municipal concern to the City of Hamilton. If Council wishes to suggest amendments to the List of Issues, staff requires direction to prepare a written submission to the Board by March 21, 2013. Additionally, if Council determines that participation in the Line 9B Project is necessary to address municipal concerns, Council will need to consider whether direct participation by the City is warranted or indirect participation in conjunction with other municipal government participants, such as the City of Toronto, is appropriate. A decision with respect to the level of participation will need to be made in advance of the application deadline of April 11, 2013. If the City of Hamilton chooses to participate, the level of financial and technical support should be determined and accordingly direction given to staff to take steps as necessary.


List of Appendices

- Appendix A - Map of the City of Hamilton showing the location of the Enbridge Line 9 Pipeline
- Appendix B - NEB Letter to Enbridge dated December 19, 2012
- Appendix C - Letter from NEB dated February 5, 2013
- Appendix D - Email from Ken Hall (Enbridge Pipelines) dated February 16, 2013
- Appendix E - NEB Hearing Order dated February 19, 2013
- Appendix F - City of Toronto Staff Report dated February 11, 2013, and Motion as adopted by Toronto City Council on February 20 and 21, 2013

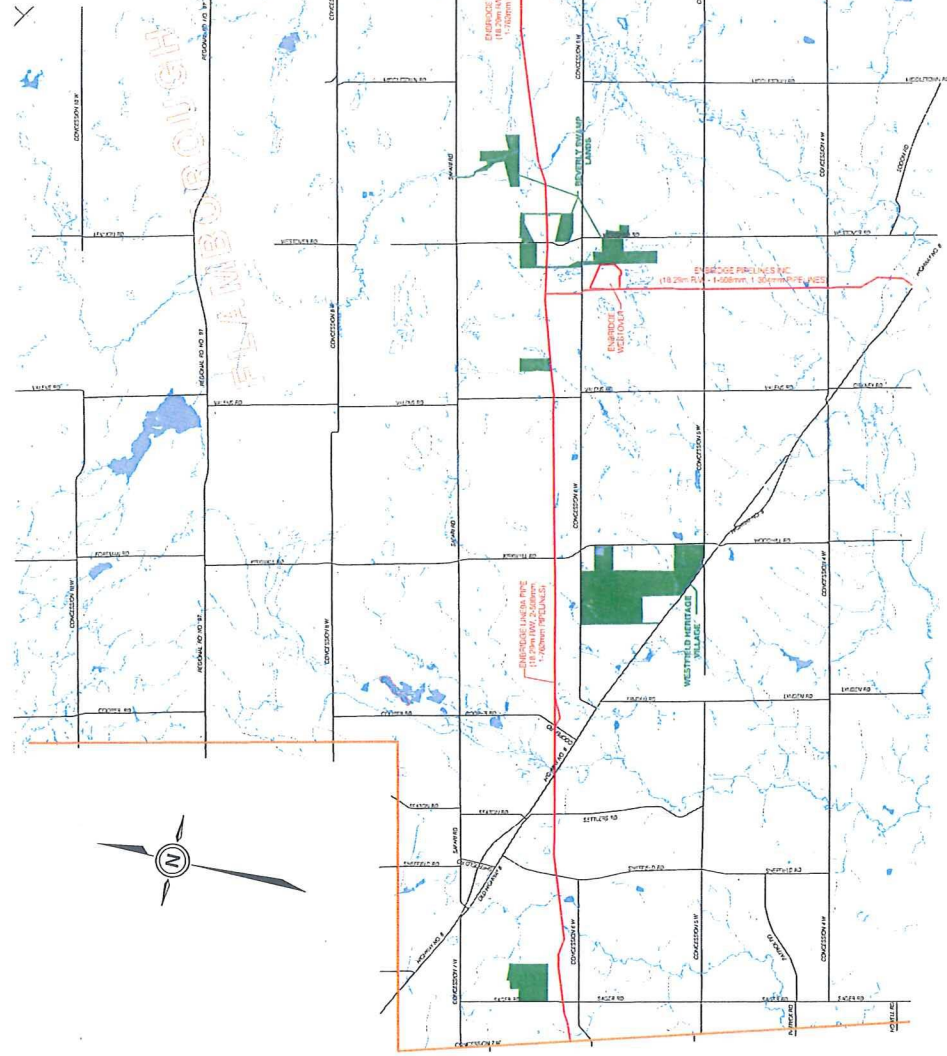
GP/LL:mh

ENBRIDGE PIPELINES INC.
Line 9 Pipeline (Line 9A & Line 9B)

City of Hamilton
Public Works Department
Engineering Services
Geomatics & Corridor Management



ENBRIDGE PIPELINE
WATERCOURSE/
WETLAND
CONSERVATION
LANDS
CITY BOUNDARY



RECEIVED

DEC 24 2012

LEGAL SERVICES

National Energy
BoardOffice national
de l'énergieFile OF-Fac-Oil-E101-2012-10 01
19 December 2012

OFFICE OF THE CITY CLERK

DEC 20 2012

REC'D BY.....	DATE.....
REF'D TO.....	DATE.....
REF'D TO.....	DATE.....
REF'D TO.....	DATE.....
ACTION:	

Chantal Robert
Supervisor Regulator Affairs
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Margery Fowke
Senior Regulatory Counsel
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Doug Crowther
Legal Counsel
Fraser Milner Casgrain LLP
15th Floor, Bankers Court
850 – 2nd Street S.W.
Calgary, AB T2P 0R8
Facsimile 403-268-3100

Dear Ms. Robert, Ms. Fowke, and Mr. Crowther:

**Enbridge Pipelines Inc. (Enbridge)
Application for the Line 9B Reversal and Line 9 Capacity Expansion Project (Project)
under section 58 and Part IV of the *National Energy Board Act* (NEB Act)
Legislated Timelines and Decision on Process**

On 11 October 2012, the National Energy Board (Board) received a Pre-Application Information filing regarding the reversal of Line 9B. An application from Enbridge (the Application) for the Project was received on 29 November 2012.

Following its review of the Application, on 19 December 2012, the Board determined that the Application is complete to proceed to assessment.

The Board has decided to hold a public hearing for this Project, consisting of written evidence and oral final argument. Participant Funding will be made available for this proceeding and information on the Participant Funding Program will be issued separately soon.

The details of this hearing process will be more completely defined in a hearing order to be issued in early 2013. The Board anticipates that its assessment process for the Application will include the following steps:

- Hearing Order Issued by the NEB, including a List of Issues
- Public Comments on the List of Issues
- Amendments to List of Issues, if any
- Applications to Participate

.../2

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

Telephone/Téléphone : 403-292-4800
Facsimile/Télécoleur : 403-292-5503
<http://www.neb-one.gc.ca>
Telephone/Téléphone : 1-800-899-1265
Facsimile/Télécoleur : 1-877-288-8803

- 2 -

- List of Participants released by NEB
- Additional Written Evidence submitted by Enbridge
- Two rounds of Information Requests to Enbridge from the Intervenors
 - Second round used to clarify responses from first round, if necessary
- Intervenor Written Evidence
- Letters of Comment by Interested Parties
- Information Requests from Enbridge to Intervenors
- Enbridge's Reply Evidence submitted
- Oral Final Argument
- Board Decision
 - 80% of Reasons for Decision are completed by the Board within 12 weeks following a public hearing

Pursuant to subsections 58(4) and (5) of the NEB Act and the 13 July 2012 letter from the Board, the time limit for the Board to issue an order or dismiss the Application is 15 months. Therefore the Board would issue its decision no later than 19 March 2014. The time limit and decision date represent the maximum time in which the Board would complete its assessment, subject to any modifications allowed under the NEB Act.

If you have any questions about this letter, please contact Michael Benson, Process Advisor, at 403-299-1992, or through the Board's toll-free number at 1-800-899-1265.

The Board directs Enbridge to serve a copy of this letter on all interested persons by 21 December 2012.

Yours truly,



for Sheri Young
Secretary of the Board

Cc: Enbridge is directed to serve all interested parties with this letter.

National Energy
BoardOffice national
de l'énergie

5 February 2013

Guy Paparella
Director of Growth Planning
City of Hamilton
71 Main St. West
Hamilton, ON L8P 4Y5

Dear Mr. Paparella:

Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project – Reservation of Rights and Request for Information

Thank you for your 20 December 2012 letter related to the Application for the Line 9B Reversal and Line 9 Capacity Expansion Project. For information on this project or past projects, publicly filed documents are available on our website (www.neb-one.gc.ca). All other documents should be requested from Enbridge.

First of all, I would like to confirm that the NEB has decided to hold a public hearing for this Project. The public hearing will consist of written evidence and oral final argument. The legislated time limit for the NEB to issue an order or dismiss the Application is 15 months. Therefore the Board would issue its decision no later than 19 March 2014. The time limit and decision date represent the maximum time in which the Board would complete its assessment. Additional details about the NEB's decision on process and legislated timelines can be found on our website in the NEB's letter dated 19 December 2012.

The NEB will define and communicate the specific details of the public hearing process in early 2013 by issuing a Hearing Order. The Hearing Order for the Project will describe the steps in the hearing process (for example, applications to participate) and the timelines associated with these steps.

Regarding the public process, the NEB website provides general information about the hearing process and how the public can participate effectively. To access the information, go to www.neb-one.gc.ca, select *Hearings and Information Sessions*, and then click on *Participate in a Public Hearing*.

Regarding safety and environmental concerns, the NEB requires pipeline companies to anticipate, prevent, manage and mitigate potentially dangerous conditions associated with their pipelines. As part of the public hearing process, the NEB will be assessing the environmental and socio-economic effects associated with the Project.

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

The word "Canada" in a stylized, serif font with a small crown over the 'a'.

Telephone/Téléphone : 403-292-4800

Facsimile/Télocopieur : 403-292-5503

<http://www.neb-one.gc.ca>

Telephone/Téléphone : 1-800-899-1265

Facsimile/Télocopieur : 1-877-288-8803

Regarding the corrosiveness of diluted bitumen, the Board does not provide evidence for hearings. Please contact Enbridge directly for information, or refer to its application at "Attachment 4f – Letter to Ontario and Quebec Municipalities", which includes information from Alberta Innovates and the Energy Resources Conservation Board. Natural Resources Canada also has a link to articles regarding corrosivity: www.nrcan.gc.ca/pipeline/6698.

Please contact me if you have any additional questions or comments.

Regards,

Michael Benson
Process Advisor

Paparella, Guy

From: Ken Hall <Ken.Hall@enbridge.com>
Sent: Saturday, February 16, 2013 12:06 PM
To: Paparella, Guy
Cc: Margery Fowke; Chantal Robert; Eric Prud'Homme
Subject: ENBRIDGE RESPONSE TO HAMILTON MOTION 21 NOVEMBER 2102

Guy Paparella, MCIP, RPP
Director of Growth Planning
Planning and Economic Development Department
71 Main Street West, 6th Floor
Hamilton, Ontario L8P 4Y5

Mr. Paparella:

Thank you for the opportunity to provide further information to the City of Hamilton. Enbridge would offer the following clarifications and updates to information in the Motion of 21 November 2012.

Enbridge filed its application with the National Energy Board on November 29, 2012 for approval to reverse Line 9B, to increase the capacity of Line 9 and to amend the tariff to allow for Line 9 to carry a variety of crude oil types including light, medium and heavy crude. Our shippers' request is for predominantly light crude oil shipments. On December 19, 2012, the NEB determined that the application was complete and that it would be heard in a hearing, with written evidence and oral argument.

Enbridge expects that the NEB will issue a hearing order shortly establishing the process for participating in the hearing. For information on the NEB process, please contact NEB Process Advisor Michael Benson at 403-299-1992.

The application filed with the NEB for the proposed Project can be found at: <https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=890501&objAction=browse>

Any information posted by the NEB in relation to the Project can be found at: <https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=890819&objAction=browse&sort=-name>

Any information posted by the NEB in relation to the Line 9 Reversal Phase I (Line 9A Reversal) can be found at: <https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=706437&objAction=browse&sort=-name>

Enbridge is currently developing its Line 9B Integrity Dig Program, and will share locations and schedule with affected communities.

Concerns were expressed regarding the responsibility to cover the costs of a spill. Enbridge's pipelines and facilities are regulated by the National Energy Board which has jurisdiction over all matters relating to this pipeline. Enbridge will comply with all applicable federal, provincial and municipal requirements and laws, including section 75 of the National Energy Board Act, which requires pipeline companies to pay compensation for all damage sustained as a result of the operation of a pipeline. Further, Enbridge's financial obligations will be mitigated by maintained commercial liability insurance coverage that is consistent with coverage considered customary for its industry and includes coverage for environmental incidents such as accidental crude oil releases.

As well, a question was asked about monitoring drinking water. During regular operations, Line 9 poses no risk to drinking water anywhere along its route. Regular monitoring of drinking water wells is therefore not required. In the unlikely event of a crude oil release from Line 9, Enbridge would take the appropriate measures to identify and quantify

the presence of contaminants related to the leak in the environment. Monitoring may include sampling and laboratory analysis of drinking water wells or surface water bodies, and the analytical results would be shared and discussed with the water well owners and users.

Enbridge is committed to the protection of the environment and the communities along Line 9. We maintain comprehensive emergency response plans, developed in consultation with regulatory agencies and applicable stakeholders, that address regional priorities and high risk locations such as key water crossings and residential communities. Enbridge's Emergency Response Plan ("ERP") considers all types of product being transported on its system.

As an example, Enbridge's company ERP was submitted during the Line 9 Reversal Phase I Project hearing process. The ERP is in two parts, Part I - General, and Part II - Eastern Region. Portions of the ERP are redacted for information of a security and safety sensitive nature. The ERP can be found on the NEB website at:

<https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=809920&objAction=browse>

Enbridge also submitted its project-specific emergency plan for the construction phase of the Line 9 Reversal Phase I Project on January 18, 2013 as per the National Energy Board Condition 4:

https://www.neb-one.gc.ca/ll-eng/livelink.exe/fetch/2000/90464/90552/92263/706191/706437/894532/905295/A3E8E2_-_Emergency_Response_Plan_for_Line_9_Reversal_Phase_I_Project.pdf?nodeid=905922&vernum=0

Once again, thank you for the opportunity to provide additional information.

Yours truly,

Ken Hall
Senior Advisor, Public Affairs
Enbridge Pipelines Inc.
519-339-0325

-----Original Message-----

From: Paparella, Guy [mailto:Guy.Paparella@hamilton.ca]
Sent: Thursday, February 07, 2013 11:29 AM
To: Ken Hall
Cc: Lee, Lindsay
Subject: City of Hamilton Motion

Mr. Hall the following link will take you to the Motion we spoke about.

It is found in the General Issues Committee Agenda Minutes as Item 20 (Pages 11-12). Please review and provide any additional information regarding the issues affecting your company directly (ie Item (a) (iii) of the Motion). Thanks

http://www.hamilton.ca/NR/rdonlyres/DAEF9D0C-275D-480B-835B-77059BEC6B29/0/Nov21EDRMS_n383165_v1_033_Report_12033_pdf_entirety.pdf

Guy Paparella, MCIP, RPP
Director of Growth Planning
Planning and Economic Development Department
71 Main Street West, 6th Floor
Hamilton, Ontario L8P 4Y5

National Energy
BoardOffice national
de l'énergieFile OF-Fac-Oil-E101-2012-10 01
19 February 2013

Ms. Chantal Robert
Supervisor Regulator Affairs
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Ms. Margery Fowke
Senior Regulatory Counsel
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Mr. Doug Crowther
Legal Counsel
Fraser Milner Casgrain LLP
15th Floor, Bankers Court
850 – 2nd Street S.W.
Calgary, AB T2P 0R8
Facsimile 403-268-3100

Dear Ms. Robert, Ms. Fowke, and Mr. Crowther:

Enbridge Pipelines Inc. (Enbridge)
Application for the Line 9B Reversal and Line 9 Capacity Expansion Project (Project)
under section 58 and Part IV of the *National Energy Board Act* (NEB Act)
Decision on Process – Written Hearing with Oral Final Argument OH-002-2013

On **29 November 2012**, Enbridge filed an application (the Application) detailing a request to reverse the 639 km segment of pipeline from North Westover, Ontario to Montréal, Québec, with an additional request to increase the capacity of the entire Line 9 from 240,000 to approximately 300,000 bpd through the introduction of a drag reducing agent, and a request to revise the Line 9 Rules and Regulations Tariff to allow for the transportation of heavy crude. These three items are the Project.

The Board has determined the Application is properly filed under section 58 of the NEB Act. On **19 December 2012** the Board determined that the Application is complete to proceed to assessment, and decided to hold a public hearing for this Project, consisting of written evidence and oral final argument. Please note that Participant Funding is available and a Process Advisor has been designated to assist the public participating in the Board's hearing process.

The Board directs Enbridge by **28 February 2013**, to serve a copy of this letter and the attached Hearing Order on the persons or agencies listed in Appendix V, Part B of the Hearing Order in the official language of their choice, and any additional Aboriginal groups or individual contacts who have been subsequently identified as potentially affected.

Enbridge is also directed to serve a copy of the Notice of Public Hearing (Appendix III) and this letter on the persons or agencies listed in Appendix V, Part A of the Hearing Order by

.../2

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

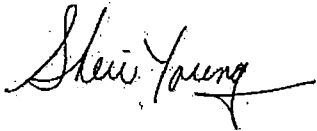
Telephone/Téléphone : 403-292-4800
Facsimile/Télocopieur : 403-292-5503
<http://www.neb-one.gc.ca>
Telephone/Téléphone : 1-800-899-1265
Facsimile/Télocopieur : 1-877-288-8803

- 2 -

28 February 2013. Enbridge shall also publish the Notice of Public Hearing (Appendix III) in accordance with paragraph 61(c) of the Hearing Order by **14 March 2013**.

If you have any questions about this letter or about participating in the NEB's hearing process, please contact Michael Benson, Process Advisor, at 403-299-1992, or through the Board's toll-free number at 1-800-899-1265. The Hearing Order may also be accessed through the Board's Internet site at www.neb-one.gc.ca (click on "Hearings and Information Sessions").

Yours truly,

A handwritten signature in cursive script that reads "Sheri Young". The signature is written in black ink and has a long horizontal flourish extending to the right.

Sheri Young
Secretary of the Board

Table of Contents
for Hearing Order OH-002-2013

Table of Contents	1
Application.....	1
Project.....	1
Hearing.....	2
Public Viewing	3
Correspondence Related to this Hearing	4
Service of Documents.....	4
Filing Documents with the Board.....	4
Regulatory Document Index.....	5
Process Advisor	5
Open Houses and Public Information Sessions	6
List of Issues	6
Participation in this Hearing	7
Application to Participate	7
List of Parties and Letters of Comment.....	8
Fairness and Efficiency.....	8
Late Submissions and Request to Extend Deadlines	9
Enbridge to Serve Application.....	9
Additional Written Evidence from Enbridge.....	9
Information Requests	9
Information Requests to Enbridge	10
Written Evidence of Intervenors.....	11
Information Requests to Intervenors on their Evidence	11
Reply Evidence by Enbridge	11
Final Argument.....	11
Enbridge's Public Notification Duties.....	12
Timetable of Events	12
Motions	12
References to Websites	13
Further Information.....	13
Appendix I - List of Issues.....	14
Appendix II – Timetable of Events.....	15
Appendix III – Notice of Public Hearing.....	17

Public Hearing	17
Participation in this Hearing	17
Process Advisor	18
Information on Hearing Procedures.....	18
Appendix IV – List of Publications	19
Appendix V – List of Interested Persons	20
Part A	20
Part B	27
Appendix VI – Section 55.2 Guidance – Participation in a Facilities Hearing	36
Appendix VII – Notice of Motion form.....	38
Appendix VIII – Process Advisor.....	39
Appendix IX – Explanation of frequently used terms	40

National Energy
BoardOffice national
de l'énergie

File OF-Fac-Oil-E101-2012-10 01

19 February 2013

Hearing Order OH-002-2013
Enbridge Pipelines Inc. (Enbridge)
Line 9B Reversal and Line 9 Capacity Expansion Project
Application under s.58 of the *National Energy Board Act* (NEB Act)

Application

1. On 29 November 2012, Enbridge applied to the National Energy Board (Board)
 - pursuant to s. 58 of the NEB Act for approval to conduct the physical works and activities required to reverse the 639 km segment of pipeline from North Westover, Ontario to Montréal, Québec;
 - to increase the capacity of the entire Line 9, from Sarnia, Ontario to Montréal, Québec, from 240,000 bpd to approximately 300,000 bpd through the introduction of a drag reducing agent (DRA); and
 - pursuant to Part IV of the NEB Act for approval to revise the Line 9 Rules and Regulations Tariff to allow for the transportation of heavy crude.

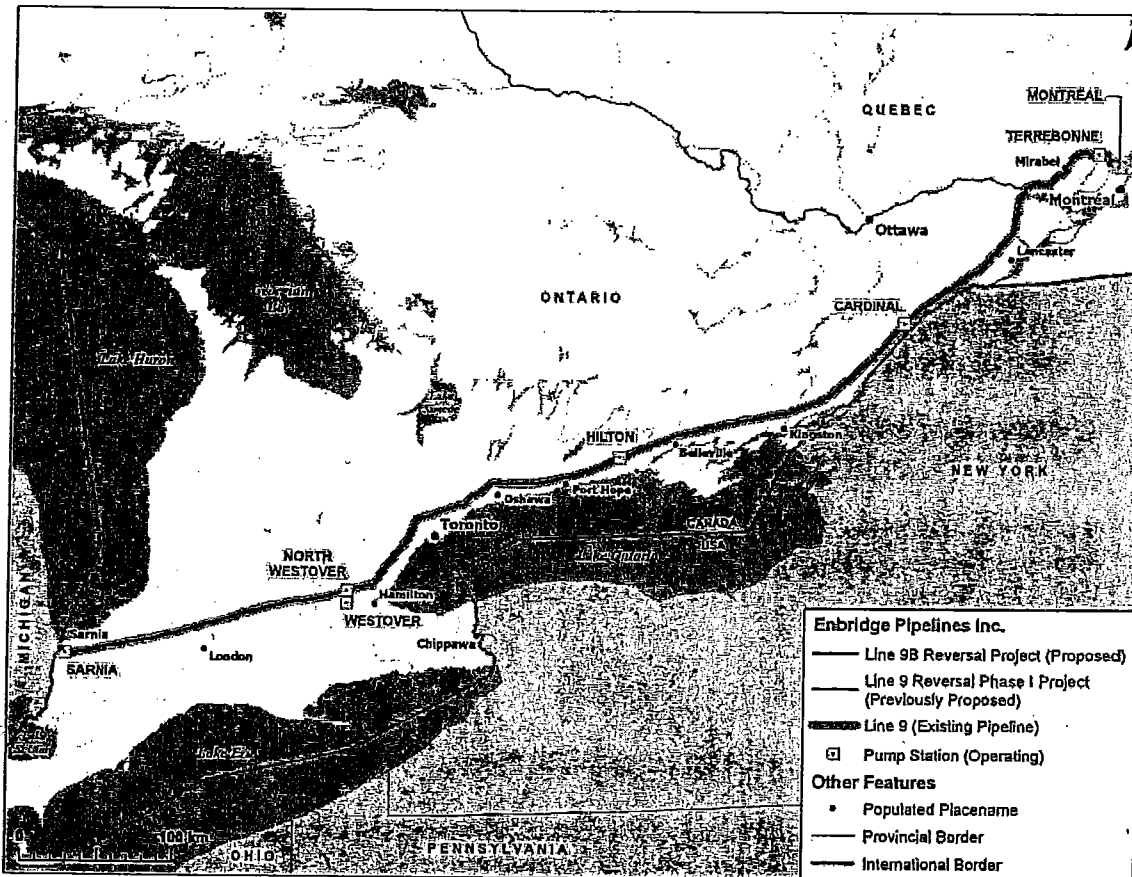
On 27 July 2012, the NEB approved a standalone application from Enbridge to reverse a 194 km segment to flow eastwards between the Sarnia Terminal and the North Westover Station in Ontario.

Project

2. The Project to be assessed in this hearing is defined as:
 - the additions and modifications at the Project sites and resulting necessary changes to related procedures and commitments required to reverse crude oil flow between North Westover, Ontario and Montréal, Québec;
 - the additions and modifications at the Project sites and resulting necessary changes to related procedures and commitments to enable the capacity increase from Sarnia, Ontario to Montréal, Québec; and
 - the revision to the Line 9 Rules and Regulations Tariff to allow for the transportation of heavy crude.

The physical activities associated with these additions and modifications include construction, operation, maintenance and foreseeable changes, and reclamation, including physical works described in greater detail in the application. The majority of construction would occur on previously-disturbed, existing Enbridge facilities and surface leases with no planned ground disturbances along the right-of-way itself.

Under Part III of the NEB Act, in making a decision whether a project is in the public interest, the Board considers the integration of economic, environmental and social interests within the context of the Project. The NEB Filing Manual provides additional information on what is considered by the Board.



Hearing

3. The Board will hold a public hearing for this Project, consisting of written evidence and oral final argument. The exact date and location of the oral final argument will be communicated in a future Procedural Update from the Board.
4. Please note that the procedures set out in this Hearing Order supplement the *National Energy Board Rules of Practice and Procedure, 1995*, (Rules) SOR/95-208, as amended,

which are available at www.neb-one.gc.ca under *Acts and Regulations* or by calling the Board toll free at 1-800-899-1265. Any motions or objections must be submitted in accordance with the Rules and this Hearing Order.

Public Viewing

5. The Application and all related submissions are available for viewing electronically on the Board's website at www.neb-one.gc.ca under *Major Applications and Projects: Enbridge Pipelines Inc. – Line 9B Reversal and Line 9 Capacity Expansion Project*.
6. Enbridge will make available for public viewing, during normal business hours, a copy of its Application and all related documents at the following locations:

Enbridge Pipelines Inc.
Suite 3000, 425 – 1st Street SW
Calgary, AB T2P 3L8
Telephone 403-231-3900

Sarnia Public Library
124 Christina St. South
Sarnia, ON N7T 8E1
Telephone 519-337-3291

London Central Library
251 Dundas Street
London, ON N6A 6H9
Telephone 519-661-4600

Hamilton Public Library
Central Branch
55 York Boulevard
Hamilton, ON L8R 3K7
Telephone 905-546-3200

Mississauga Central Library
301 Burnhamthorpe Road West
Mississauga, ON L5B 3Y3
Telephone 905-615-3500

North York Central Library
5120 Yonge Street
Toronto, ON M2N 5N9
Telephone 416-395-5535

Oshawa Public Library
65 Bagot Street
Oshawa, ON L1H 1N2
Telephone 905-579-6111

Belleville Public Library
254 Pinnacle Street
Belleville, ON K8N 3B1
Telephone 613-968-6731

Kingston Frontenac Public Library
130 Johnson Street
Kingston, ON K7L 1X8
Telephone 613-549-8888

Cornwall Public Library
45 Second East
Cornwall, ON K6H 1Y2
Telephone 613-932-4796

Bibliothèque de Montréal
801 Rue Brennan
Montréal, QC H3C 0G4
Telephone 514-872-2918

7. Copies of the application and all related documents are also available for viewing at the Board's library:

National Energy Board
 First Floor, 444 - 7th Avenue SW
 Calgary, AB T2P 0X8

Correspondence Related to this Hearing

8. All submissions are due at **12:00 noon, Calgary time**, on the date specified unless stated otherwise.
9. Any person filing a document with the Board or serving a document on any person regarding this hearing must quote:

**Hearing Order OH-002-2013 and
 File OF-Fac-Oil-E101-2012-10 01**

10. With the exception of online forms, any document filed in this hearing must be signed by the person submitting it.
11. In this Hearing Order, reference to service on Enbridge means service on the following:

Ms. Chantal Robert
 Supervisor Regulator Affairs
 Enbridge Pipelines Inc.
 425 – 1st Street S.W.
 Calgary, AB T2P 3L8
 Facsimile 403-767-3863

Ms. Margery Fowke
 Senior Regulatory Counsel
 Enbridge Pipelines Inc.
 425 – 1st Street S.W.
 Calgary, AB T2P 3L8
 Facsimile 403-767-3863

Mr. Doug Crowther
 Legal Counsel
 Fraser Milner Casgrain LLP
 15th Floor, Bankers Court
 850 – 2nd Street S.W.
 Calgary, AB T2P 0R8
 Facsimile 403-268-3100

Service of Documents

12. If a Party to be served with a document has indicated that it has the ability to access documents through the Board's Regulatory Document Index, anyone required to serve a document on that party may serve a notification that the document is on the repository instead of serving a copy of the document. It will then be the responsibility of the party being served to retrieve the document from the repository.
13. Where documents must be served on other Parties, one copy must be served on Enbridge and each Intervenor.

Filing Documents with the Board

14. All documents and correspondence being filed with the Board should be addressed to the Secretary of the Board at:

Sheri Young
Secretary of the Board
National Energy Board
444 - 7th Avenue SW
Calgary, AB T2P 0X8

15. The Board accepts hard copies of documents and correspondence by hand delivery, mail or courier at the above address. Documents and correspondence may also be submitted by facsimile at 403-292-5503 or toll free at 1-877-288-8803.
16. Participants who have the ability to file documents electronically are expected to file documents through the Board's Regulatory Document Index at www.neb-one.gc.ca. (Go to Submit Documents from the main page). Any Participant who has the ability to access documents through the online Index must accept service of a notification that the document is in the repository rather than requiring a hard copy of the document be served.
17. For more information about filing electronically, please refer to the *Filers Guide to Electronic Submission* available on the Board's Internet site at www.neb-one.gc.ca/efile/guide_e.pdf.

Emails are not considered electronic filings and will not be accepted during this proceeding.

Regulatory Document Index

18. The Board's online Regulatory Document Index will contain the full text of documents filed electronically (following the steps mentioned above) by the Applicant, Intervenors and Letter of Comment writers. These submissions are considered to be on the record for this hearing.
19. The Regulatory Document Index will also provide folders containing comments on the List of Issues and Applications to Participate received before the applicable deadline.
20. When documents are filed by hard copy or facsimile, the Board will attempt to scan them into the repository but may, in some instances, create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy. It will not be possible to view these documents online, but they are available in the Board's Library and at locations for public viewing as set out in paragraph 6.

Process Advisor

21. The Board has assigned Michael Benson as the Process Advisor for this hearing. The Process Advisor's role is to provide process support to the persons or groups who wish to

participate in the hearing. Please see the letter in Appendix VIII for details on how the Process Advisor may support you.

Michael Benson
Process Advisor
National Energy Board
Telephone 403-299-1992 or at the toll free number 1-800-899-1265
Email Michael.Benson@neb-one.gc.ca

Open Houses and Public Information Sessions

22. The Board has decided to hold Open House meetings in relation to this hearing at the following locations:
- (a) Sheraton Hamilton Hotel, 116 King Street West, Hamilton, ON
from 6-9 pm on 19 February 2013
 - (b) Crowne Plaza Toronto Airport, 33 Carlson Court, Toronto, ON
from 6-9 pm on 20 February 2013
 - (c) Hotel Royal Versailles, 7200 Sherbrook East, Montréal, QC
from 6-9 pm on 21 February 2013

These sessions will focus on the Board's role, provide a general overview of the Board's hearing process, and how to apply to participate in the hearing. Board Staff will be available to provide information about the NEB's role in promoting safety and environmental protection and will also be available to answer questions about the Participant Funding Program. Any member of the public is welcome to attend.

23. The Board may hold additional information sessions throughout the hearing process if there is sufficient interest. These sessions are intended to assist people to better understand and participate in a Board hearing process, but are not a forum for discussing the merits or substance of the application. Persons interested in future sessions should contact the Process Advisor (paragraph 21).

The deadline is **21 March 2013** for requesting an information session in **April 2013** in relation to this hearing.

List of Issues

24. The Board intends to examine the issues contained in the List of Issues, attached as Appendix I.
25. Any person who wishes to suggest an amendment to the List of Issues must file their suggestion with the Board and serve a copy on Enbridge by noon, Calgary time, on **21 March 2013**. You must include a clear explanation of the relevance of the suggestion

to the hearing. Filings are only considered to meet the deadline when the intended party receives them by the deadline.

26. The Board will consider suggestions received and release a revised List of Issues if warranted.

Participation in this Hearing

27. You must apply for and be granted participation rights by the Board in order for your views to be considered in this hearing. Only information submitted by persons who are granted participation rights by the Board will be included on the record of this hearing. Any submissions made before this Hearing Order was issued or not in accordance with this Hearing Order will not be included on the record of this hearing, and anyone who made such submissions must still apply for and be granted participation rights in order for their views to be considered by the Board.

Application to Participate

28. Interested persons, including those listed at Appendix V of this Hearing Order, must apply to participate in this proceeding by filling out an Application to Participate Form (paragraph 29). Any government department or agency or other persons and agencies listed in Appendix V or otherwise served with a copy of the application or this Hearing Order do not automatically have participation rights in this proceeding.
29. The Board will provide the Application to Participate form in a future Procedural Update from the Board after the Board has determined if any revision to the List of Issues is warranted.
30. The deadline for the Application to Participate is **11 April 2013**. Please refer to the Board's document entitled "Section 55.2 Guidance – Participation in a Facilities Hearing" (attached as Appendix VI) when completing your Application to Participate. When completing your Application to Participate you must demonstrate that your interest in this proceeding, or the information or expertise you wish to contribute, is relevant to the List of Issues (attached as Appendix I) as revised if warranted.
31. On the Application to Participate, you must specify if you wish to be an Intervenor or write a Letter of Comment.
 - The Board may grant an Intervenor the right to provide written evidence, ask Information Requests of Enbridge and other Intervenors, to provide final argument, and/or such other methods of participation as the Board considers appropriate. Intervenors are obligated to respond to Information Requests asked of them.

- If you are granted the right to write a Letter of Comment, you can share your views on the Project, but will not otherwise participate in the Hearing.
32. All persons who apply to participate in this proceeding must file their Application to Participate with the Board and serve it on Enbridge by the application deadline. When granting participation rights, the Board will determine both whether a person can participate and how a person can participate.
 33. If you are granted participation rights in this proceeding, your submissions must be relevant to the List of Issues.

List of Parties and Letters of Comment

34. After the Board has made its decision regarding the Applications to Participate it will issue a List of Parties comprised of the Applicant and Intervenors. At the same time the Board will advise which persons can submit a Letter of Comment. The deadline for filing a Letter of Comment is **9 July 2013**.
35. Immediately after receiving the List of Parties, Intervenors must serve a copy of their Application to Participate on all other Intervenors and on Enbridge (paragraph 32).
36. If there are Parties who cannot access documents through the Board's Regulatory Document Index and, therefore, cannot be served by being notified that the document has been e-filed, the Board will indicate on the List of Parties the preferred manner of service for those Parties. Parties must file an update with the Board if there are any changes in their contact information.

Fairness and Efficiency

37. The Board performs its mandate in an efficient manner by enforcing deadlines while striking a balance with procedural fairness.
38. Form letters and petitions will not be considered by the Board. Only relevant and helpful submissions made by persons who are granted participation rights will be included on the record of this proceeding.
39. Persons applying to participate are encouraged to participate as groups if they have similar interests. If you know of other persons with a similar interest in the Project as yours, consider applying to participate as a group and having a common spokesperson to speak for that group. Repeating matters is not helpful to the Board nor does it give that matter more weight.
40. Time limits may be imposed during the oral portion of the hearing. Details will be communicated in a future Procedural Update.

41. All participants are requested to keep their submissions to issues that are relevant to the Board and the List of Issues. Repetitive submissions should be avoided.

Late Submissions and Request to Extend Deadlines

42. When the Board has set a deadline for a procedural step, late filings will not be accepted unless permission of the Board is first obtained. The deadlines have been established in order to provide certainty to all participants. Timely filing of documents is a standard equally applicable to all participants and is a matter of concern to the Board as it has the potential to affect the efficiency of the proceeding and can be prejudicial to other participants. The Board encourages participants to use electronic submissions, facsimile or courier so that documents are received on time.
43. The Board will decide whether to grant approval to make a late submission by considering:
- (i) how the proposed Project will impact the person seeking to file late;
 - (ii) the reason why the deadline was not met;
 - (iii) whether the submission is likely to assist the Board;
 - (iv) whether similar submissions have been, or could be, made by others;
 - (v) how other parties could be disadvantaged as a result of the late submission; and
 - (vi) any other relevant considerations.

Enbridge to Serve Application

44. Enbridge must serve a copy of its application and all related documents on each Intervenor who has not yet received a copy **immediately after receiving the List of Parties**.

Additional Written Evidence from Enbridge

45. Enbridge must file any additional evidence with the Board and serve a copy on each Intervenor by **30 April 2013**.

Information Requests

46. Given the limited scope of the Project, the Board is of the view that the ability to ask questions in writing through the information request process will give those Parties who are entitled to participate in the questioning process a full and meaningful opportunity to test the evidence of Parties with opposing interests. When issues are technical, such as in the case of this hearing, written questions offer the most efficient and effective way to probe the evidence. Participant funding will still be available for Intervenors who qualify for funding even if the registered Intervenor chooses to file written argument.

47. The Board wishes to provide the following guidance to assist with an effective information request process:
- Questions must be relevant to the issues on the List of Issues for this proceeding and within the scope of the defined Project.
 - Questions should seek to understand and test the evidence of those who are opposed in interest, or seek to elicit new information or facts relevant to the issues before the Board which are useful to the resolution of those issues.
 - Intervenors who are entitled to ask questions of Enbridge or another Intervenor must ask all their questions by the set deadline.
 - Enbridge must respond to all relevant questions. Responses must be complete, responsive and, when reasonable to do so, go beyond the immediate questions asked to provide further clarification.
 - Similarly, if an Intervenor is asked relevant questions on their evidence by the set deadline, Intervenors must provide complete and responsive answers.
 - If Enbridge or an Intervenor who is entitled to ask questions is not satisfied with an answer provided because the answer is evasive, incomplete or unresponsive, Enbridge or that Intervenor may immediately make a request to the Board, with reasons, to direct the answering person to provide more information. Answering persons will be expected to provide a further response without delay so as not to cause prejudice to any other Participants.

Information Requests to Enbridge

48. If Intervenors entitled to ask questions have any information requests for Enbridge on the evidence provided to-date in these proceedings, they must serve them on Enbridge, file a copy with the Board and serve a copy on all Intervenors by **14 May 2013**.
49. Enbridge must file its responses to information requests received by the deadline set out in paragraph 48 with the Board and serve a copy on all Intervenors by **28 May 2013**.
50. If Intervenors entitled to ask questions have any information requests seeking clarification on the responses Enbridge provided to the first round of information requests (paragraph 49), they must serve them on Enbridge, file a copy with the Board and serve a copy on all Intervenors by **11 June 2013**.
51. Enbridge must file its responses to the second round of information requests received by the deadline set out in paragraph 50 with the Board and serve a copy on all Intervenors by **25 June 2013**.

Written Evidence of Intervenors

52. Intervenors who are permitted by the Board to provide evidence must file their written evidence with the Board and serve a copy on all parties by **9 July 2013**.

Information Requests to Intervenors on their Evidence

53. If Enbridge or an Intervenor entitled to ask questions has information requests about the evidence of Intervenors, they must serve the information requests on that Intervenor, file a copy with the Board and serve a copy on all Intervenors by **16 July 2013**.
54. Intervenors must file a copy of all responses to the information requests received by the deadline set out in paragraph 53 with the Board and serve a copy on Enbridge and all other Intervenors by **30 July 2013**.

Reply Evidence by Enbridge

55. Enbridge may file any reply evidence with the Board and serve a copy on all Intervenors by **6 August 2013**.

Final Argument

56. Final argument is a final opportunity for Enbridge and Intervenors to present their views and opinions after all evidence has been submitted. This is an opportunity to:
- (a) summarize points of view;
 - (b) argue about the relevance and weight of any evidence that is before the Board;
 - (c) comment on terms and conditions that should be attached to any approval the Board may issue; and
 - (d) try to persuade the Board to approve or deny the Project.
57. New evidence cannot be introduced in final argument. Final argument must be based on evidence that is already on the record before the Board (i.e., filed written evidence, responses to information requests, and letters of comment). Final argument should not repeat evidence that is already on the record.
58. The Board has determined that Final Argument for this process will include an opportunity for parties to provide either a written final argument or an oral final argument.
59. Written final argument must be submitted to the Board by **20 August 2013**.

60. Oral final argument will be conducted the week of **26-30 August 2013**. Details regarding the oral final argument portion of the hearing (e.g., locations, timing, order of presentations) will be issued closer to this date.

Enbridge's Public Notification Duties

61. Enbridge is responsible for:
- (a) serving a copy of the Notice of Public Hearing (Appendix III) and the cover letter on the persons or agencies listed in Appendix V, Part A of the Hearing Order, in the official language of their choice by **28 February 2013**;
 - (b) serving a copy of the cover letter and the attached Hearing Order on the persons or agencies listed in Appendix V, Part B of the Hearing Order, in the official language of their choice, and any additional Aboriginal groups or individual contacts who have been subsequently identified as potentially affected by **28 February 2013**;
 - (c) publishing the Notice of Public Hearing (Appendix III) in each of the publications listed in Appendix IV by **14 March 2013**;
 - (d) ensuring the published Notice of Public Hearing meets the requirements of the Government of Canada's Federal Identity Program (for assistance please contact FIP@neb-one.gc.ca); and
 - (e) filing with the Board a complete list of publication dates of the Notice of Public Hearing immediately after all notices have been published.

Timetable of Events

62. Appendix II lists the established deadlines for this hearing. If there are any changes to these dates, the Board will issue a Procedural Update.

Motions

63. Any party wishing to raise a question of procedure or substance that requires a Board decision before the oral final argument starts must file a document titled "Notice of Motion" (provided in Appendix VII) and be separate from other correspondence.

Section 35 of the *National Energy Board Rules of Practice and Procedure, 1995* provides direction for submitting motions. The motions must set out:

- a statement of the facts;
- the grounds for the request;
- the decision requested; and,
- the evidence supporting the request.

If case law is being relied on, a case book must be submitted and the specific passages of the cases being relied on must be highlighted or side-barred. The party raising a motion must file a copy with the Board and serve a copy on all parties.

References to Websites

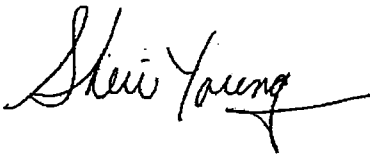
64. Any person making a reference to information on a website must ensure that:
- (a) the reference is sufficiently precise to allow any person accessing the site to know the exact information which is being referenced;
 - (b) the website does not require a password or subscription in order to access the information; and
 - (c) a hard copy of all of the information being referenced on the website is filed with the Board.

Further Information

65. For information on this hearing or the procedures governing the public hearing process that are of an administrative nature, please contact:

Michael Benson
Process Advisor
National Energy Board
Telephone 403-299-1992 or at the toll free number 1-800-899-1265
Email Michael.Benson@neb-one.gc.ca

NATIONAL ENERGY BOARD



Sheri Young
Secretary of the Board

Appendix I - List of Issues

The Board will consider the following issues in this hearing:

1. The need for the proposed Project.
2. The potential commercial impacts of the proposed Project.
3. The appropriateness of the tolling methodology.
4. The potential environmental and socio-economic effects of the proposed Project, including the potential effects of malfunctions or accidents that may occur, and any cumulative environmental effects that are likely to result from the proposed Project.
5. The engineering design and integrity of the proposed Project.
6. The safety, security, and contingency planning associated with the construction and operation of the proposed Project, including emergency response planning and third-party damage prevention.
7. Consultation with Aboriginal groups and the potential impacts of the proposed Project on Aboriginal interests.
8. Consultation with affected landowners and the potential impacts of the proposed Project on affected landowners and land use.
9. The terms and conditions, related to the above issues, to be included in any approval the Board may issue for the proposed Project.

The Board will not consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline.

Appendix II – Timetable of Events

Events	Reference	Person Responsible	Deadline
Hearing Order issued		Board	19 February 2013
Serve Hearing Order and/or Notice on the persons listed in Appendix V and affected landowners	paragraph 61 (a) and (b)	Enbridge	28 February 2013
Publish Notice of Public Hearing (Appendix III)	paragraph 61 (c)	Enbridge	14 March 2013
Deadline for Requesting Information Sessions	paragraph 23	Interested Persons	21 March 2013
Comments on the List of Issues	paragraph 25	Interested Persons	21 March 2013
Revised List of Issues released, if warranted	paragraph 26	Board	After receiving Comments on the List of Issues
Application to Participate	paragraph 30	Interested Persons	11 April 2013
List of Parties issued	paragraph 34	Board	After receiving the Applications to Participate
Application Served on all Intervenors	paragraph 44	Enbridge	Immediately after receiving the List of Parties
Applications to Participate served on Intervenors	paragraph 35	Intervenors	Immediately after receiving the List of Parties
Additional Written Evidence	paragraph 45	Enbridge	30 April 2013
Information Requests to Enbridge	paragraph 48	Intervenors	14 May 2013

Events	Reference	Person Responsible	Deadline
Enbridge Responses to Information Requests	paragraph 49	Enbridge	28 May 2013
Follow-up Information Requests to Enbridge Seeking Clarification on Enbridge Responses to Round 1 Information Requests	paragraph 50	Intervenors	11 June 2013
Enbridge Responses to Follow-up Information Requests	paragraph 51	Enbridge	25 June 2013
Intervenor Written Evidence	paragraph 52	Intervenors	9 July 2013
Letters of Comment	paragraph 34	Commenters	9 July 2013
Information Requests to Intervenors	paragraph 53	Board and other Parties	16 July 2013
Intervenor Responses to Information Requests	paragraph 54	Intervenors	30 July 2013
Enbridge Reply Evidence	paragraph 55	Enbridge	6 August 2013
Written Final Argument	paragraph 59	Board and all Parties	20 August 2013
Oral Final Argument	paragraph 60	Board and all Parties	Week of 26-30 August 2013
Board Decision		Board	To be determined

National Energy
BoardOffice national
de l'énergie

Appendix III – Notice of Public Hearing

National Energy Board Notice of Public Hearing OH-002-2013

The National Energy Board (NEB or Board) announced a public hearing to consider an application from Enbridge Pipelines Inc. (Enbridge) under the *National Energy Board Act* (NEB Act) to reverse the 639 km segment of pipeline from North Westover, Ontario to Montréal, Québec, with an additional request to increase the capacity of the entire Line 9 from 240,000 to approximately 300,000 bpd through the introduction of a drag reducing agent, and a request to revise the Line 9 Rules and Regulations Tariff to allow for the transportation of heavy crude.

The Application and all other submissions are available for viewing electronically on the Board's website at www.neb-one.gc.ca under "Line 9B Reversal and Line 9 Capacity Expansion Project", or in paper copy at the Board's Library, 1st Floor, 444 – 7th Avenue SW, Calgary, Alberta. See the Hearing Order for additional locations to view paper copy documents.

Public Hearing

The Board has decided to undertake a written hearing process with oral final argument.

Participation in this Hearing

Any person wishing to participate in this hearing must apply to participate by noon, Calgary time, on **11 April 2013** with the Secretary of the Board and serve a copy on Enbridge and its counsel at the following addresses:

Chantal Robert
Supervisor Regulator Affairs
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Margery Fowke
Senior Regulatory Counsel
Enbridge Pipelines Inc.
425 – 1st Street S.W.
Calgary, AB T2P 3L8
Facsimile 403-767-3863

Doug Crowther
Legal Counsel
Fraser Milner Casgrain LLP
15th Floor, Bankers Court
850 – 2nd Street S.W.
Calgary, AB T2P 0R8
Facsimile 403-268-3100

Canada

Anyone considering an application to participate should consult the relevant paragraphs of the Hearing Order prior to submitting an *Application to Participate form* which will be provided in a future Procedural Update for the Hearing Order. The deadline for interested persons or government agencies to file applications to participate is **11 April 2013**.

Process Advisor

The Board has assigned Michael Benson as the Process Advisor for this Application. If you are thinking about participating in the Board's hearing process for this Application, Michael can provide you with assistance.

Michael Benson
Hearing Process Advisor
National Energy Board
444 – 7th Avenue S.W.
Calgary, AB T2P 0X8
Telephone 403-299-1992 or at the toll free number 1-800-899-1265
Please specify the "Enbridge Pipelines Inc. – Line 9B Reversal and Line 9 Capacity Expansion Project"

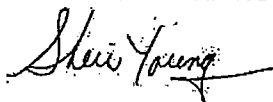
Information on Hearing Procedures

The Hearing Order contains the events and established dates for this hearing process. Necessary updates and directions will be provided through a Procedural Update, which will describe the changes to the events necessary to complete the hearing process.

In addition to the information you will find in the Hearing Order on the Board's website, you may obtain information on the procedures for this hearing in the *National Energy Board Rules of Practice and Procedure, 1995*, as amended, which governs all hearings (available in English and French). To obtain a paper copy, write to the Secretary of the Board, or contact Anne Losier, Regulatory Officer at 403-221-3241 or Carrie Randall, Regulatory Officer at 403-299-3714 or at 1-800-899-1265. You may also go to the Board's website under *Acts and Regulations*.

Sheri Young
Secretary of the Board
National Energy Board
444 Seventh Avenue S.W.
Calgary, AB T2P 0X8
Facsimile 403-292-5503

NATIONAL ENERGY BOARD



Sheri Young
Secretary of the Board

Appendix IV – List of Publications

Publication	Location/Distribution
English Language Media	
<i>Belleville Intelligencer</i>	Belleville, Ontario
<i>Burlington Post</i>	Burlington, Ontario
<i>Cornwall Standard</i>	Cornwall, Ontario
<i>Freeholder</i>	
<i>Hamilton Spectator</i>	Hamilton, Ontario
<i>Kitchener-Waterloo Record</i>	Kitchener, Waterloo, Cambridge, Milton and Guelph, Ontario
<i>London Free Press</i>	London, Ontario
<i>Prescott Journal</i>	Prescott, Ontario
<i>Sarnia Observer</i>	Sarnia, Ontario
<i>Toronto Star</i>	Greater Toronto Area, Ontario
<i>The Globe and Mail</i>	Ontario and Québec
<i>The Kingston Whig Standard</i>	Kingston, Ontario
Aboriginal Media	
<i>Turtle Island News</i>	Ohsweken, Ontario
French Language Media	
<i>Le Flambeau</i>	Montréal, Québec
<i>La Presse</i>	Montréal, Québec
<i>Le Journal</i>	Cornwall, Ontario
<i>Le Métropolitain</i>	Mississauga and Toronto, Ontario
<i>Le Régional</i>	Hamilton, Ontario
<i>Le Trait d'Union</i>	Terrebonne, Québec

**Appendix V – List of Interested Persons
to be Served with Hearing Order OH-002-2013**

Part A

(Government Departments)

The Honourable Robert Douglas Nicholson, P.C., Q.C., M.P.
Minister of Justice & Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8
Telephone/téléphone: 613-992-4621
Facsimile/télocopieur: 613-990-7255
Email/courriel: mcu@justice.gc.ca

The Honourable Jonathan Denis, Q.C.
Minister of Justice & Attorney General
Province of Alberta
Room 132 Legislature Building
10800 – 97th Avenue
Edmonton, AB T5K 2B6
Telephone/téléphone: 780-427-2339
Facsimile/télocopieur: 780-422-6621
Email/courriel: ministryofjustice@gov.ab.ca

The Honourable Gordon Wyant
Minister of Justice & Attorney General
Province of Saskatchewan
Room 355 Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3
Telephone/téléphone: 306-787-5353
Facsimile/télocopieur: 306-787-1232
Email/courriel: minister.ju@gov.sk.ca

The Honourable Andrew Swan
Minister of Justice and Attorney General
Government House Leader
Province of Manitoba
Room 104, 450 Broadway Avenue
Legislative Building
Winnipeg, MB R3C 0V8
Telephone/téléphone: 204-945-3728
Facsimile/télécopieur: 204-945-2517
Email/courriel: minjus@leg.gov.mb.ca

The Honourable John Gerretsen
Attorney General of the Province of Ontario
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9
Telephone/téléphone: 416-326-2220 / 1-800-518-7901
Facsimile/télécopieur: 416-326-4007
Email/courriel: attorneygeneral@ontario.ca

L'Honorable Bertrand St-Arnaud
Ministre de la Justice du Québec
Procureur générale
Notaire générale du Québec
Ministre responsable des lois professionnelles
Édifice Louis-Philippe-Pigeon
1200, route de l'Église, 9^e étage
Québec, QC G1V 4M1
Telephone/téléphone: 418-643-4210
Facsimile/télécopieur: 418-646-0027
Email/courriel: ministre@justice.gouv.qc.ca

Mr. Guy Daigle
Assistant Deputy Attorney General
Province of New Brunswick
Legislative Building, Centre Block
P.O. Box 6000
Fredericton, NB E3B 5H1
Telephone/téléphone: 506-453-2222
Facsimile/télécopieur: 506-453-3275
Email/courriel: justice.comments@gnb.ca

The Honourable Ross Landry
Attorney General and Minister of Justice
Minister Responsible for Human Rights Act
Minister Responsible for Regulations Act
4th Floor, 5151 Terminal Road,
P.O. Box 7
Halifax, NS B3J 2L6
Telephone/téléphone: 902-424-4044
Facsimile/télécopieur: 902-424-0510
Email/courriel: justmin@gov.ns.ca

The Honourable Peter Kent
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, QC K1A 0H3
Telephone/téléphone: 819-997-1441
Facsimile/télécopieur: 819-953-0279
Email/courriel: Minister@ec.gc.ca

The Honourable Charlie Parker
Minister of Energy
Minister of Natural Resources
Nova Scotia Department of Energy
Bank of Montreal Building, Suite 400
P.O. Box 2664
5151 George Street
Halifax, NS B3J 3P7
Telephone/téléphone: 902-424-7793
Facsimile/télécopieur: 902-424-3265
Email/courriel: energyminister@gov.ns.ca

Mr. Jack Shaw
Director, Regulatory Affairs
Alberta Department of Energy
300, 801 - 6 Avenue S.W.
Calgary, AB T2P 3W2
Telephone/téléphone: 403-297-5406
Facsimile/télécopieur: 403-297-5499
Email/courriel: jack.shaw@gov.ab.ca

Mr. Douglas Larder, Q.C.
Executive Director & General Counsel-Law
Alberta Utilities Commission
Fifth Avenue Place
4th Floor, 425 – 1st Street S.W.
Calgary, AB T2P 3L8
Telephone/téléphone: 403-592-4520
Facsimile/télécopieur: 403-592-4483
Email/courriel: doug.larder@auc.ab.ca

Mr. Tim McMillan, Minister
Ministry of Energy and Resources
Government of Saskatchewan
2405 Legislative Drive
Regina, SK S4S 0B3
Telephone/ téléphone: 306-787-9124
Facsimile/télécopieur: 306-787-0395
Email/courriel: minister.er@gov.sk.ca

Mr. Keith Lowdon
Director, Petroleum Branch
Innovation, Energy & Mines
Suite 360 – 1395 Ellice Avenue
Winnipeg, MB R3G 3P2
Telephone/téléphone: 204-945-6574
Facsimile/télécopieur: 204-945-0586
Email/courriel: petroleum@gov.mb.ca

The Honourable Bob Chiarelli
Minister of Energy
900 Bay Street, 4th Floor
Hearst Block
Toronto, ON M7A 2E1
Telephone/Téléphone: 416-327-6758
Facsimile/Télécopieur: 416-314-3186
Email/Courriel: right2us@ontario.ca

The Honourable David Zimmer
Minister of Aboriginal Affairs
160 Bloor Street East, 4th Floor
Toronto, ON M7A 2E6
Telephone/Téléphone: 416-326-4740
Facsimile/Télécopieur: 416-326-4017
Email/Courriel: minister.maa@ontario.ca

Madame Martine Ouellette, Ministre
Ministère des Ressources naturelles
Province de Québec
5700, 4e Avenue Ouest, A301
Québec, QC G1H 6R1
Telephone/téléphone: 418-643-7295
Facsimile/télécopieur: 418-643-4318
Email/courriel: ministre@mrrnf.gouv.qc.ca

Mr. Rich Vickers
District Manager – Niagara Office
Ontario Ministry of Environment
9th Floor, Suite 15 301
St. Paul Street
St. Catherine, ON L2R 7R4
Telephone/téléphone: 905-704-3904
Facsimile/télécopieur: 905-704-4015
Email/courriel: richard.vickers@ontario

Mr. Rob Dobos
Manager – Environmental Assessment Section
Environmental Protection Operations Division – Ontario
Environmental Stewardship Branch
Environment Canada
867 Lakeshore Road
PO Box 5050
Burlington, ON L7R 4A6
Telephone/téléphone: 905-336-4953
Facsimile/télécopieur: 905-336-8901
Email/courriel: rob.dobos@ec.gc.ca

Environmental Assessment Coordinator
Transport Canada, Ontario Region
Environment & Engineering (PHE)
4900 Yonge Street, 4th Floor
Toronto, ON M2N 6A5
Telephone/téléphone:
Facsimile/télécopieur:
Email/courriel: EnviroOnt@tc.gc.ca

Mr. Rick Kiriluk
Ontario - Great Lakes Area
Burlington District Office
Fisheries & Oceans Canada
3027 Harvester Road, Unit 304
Burlington, ON L7R 3G7
Telephone/téléphone: 905-639-6378
Facsimile/télécopieur: 905-639-3549
Email/courriel: rick.kiriluk@dfo-mpo.gc.ca

Mr. John Woodward
Senior Environmental Officer
Canadian Transportation Agency
Rail, Air, and Marine Disputes Directorate
15 Eddy Street
Gatineau, QC K1A 0N9
Telephone/téléphone: 819-953-0319
Facsimile/télécopieur: 819-953-8353
Email/courriel: john.woodward@otc-cta.gc.ca

Ms. Teresa LeMay, Policy Advisor
Natural Resources Canada
Intergovernmental Affairs
580 Booth Street, 3rd Floor, Room C 9-2
Ottawa, ON K1A 0E4
Telephone/téléphone: 613-996-5616
Facsimile/télécopieur: 613-943-5811
Email/courriel: teresa.lemay@nrcan.gc.ca

Monsieur Marc Provencher
Direction de la conservation de l'environnement
1141, route de l'église, 8e étage
Sainte-Foy, QC G1V 4H5
Telephone/téléphone: 418-648-4857
Facsimile/télécopieur: 418-649-6030
Email/courriel: marc.provencher@ec.gc.ca

Madame Maryse Lemire, Gestionnaire
Évaluation environnementale et grands projets
Institut Maurice-Lamontagne
850, route de la Mer
Case postale 1000
Mont-Joli, QC G5H 3Z4
Telephone/téléphone: 418-775-0894
Facsimile/télécopieur: 418-775-0658
Email/courriel: LCEE-Habitat-Qc@dfo-mpo.gc.ca

Madame Nathalie Loubier
Conseillère en environnement
Administration portuaire de Montréal
Édifice du port de Montréal
Cité du Havre - Aile no. 1
Montréal, QC H3C 3R5
Telephone/téléphone: 514-496-9644
Facsimile/télécopieur: 514-496-1885
Email/courriel: loubiern@port-montreal.com

Madame Mélanie Sanschagrin
Agent principal (int.), environnement
Transports Canada
Affaires environnementales
Bureau régional-Dorval, 3ième étage
700, Leigh Capréol
Dorval, QC H4Y 1G7
Telephone/téléphone: 514-633-3059
Facsimile/télécopieur: 514-633-3250
Email/courriel: SANSCHM@tc.gc.ca

Ms. Dilhari Fernando
Director General
Fisheries and Oceans Canada
Director General's Office
200 Kent Street
Ottawa, ON K1A 0E6
Telephone/téléphone: 613-990-0287
Facsimile/télécopieur: 613-993-5085
Email/courriel: dilhari.fernando@dfo-mpo.gc.ca

Mr. Ross Barclay
Senior Advisor
Aboriginal Affairs and Northern Development Canada
Implementation Branch
25 Eddy Street, 15th Floor
Gatineau, QC K1A 0H4
Telephone/téléphone : 613-944-9322
Facsimile/télécopieur: 613-944-9326
Email/courriel: Ross.Barclay@aandc-aadnc.gc.ca

Mr. Rob Clavering
Environmental Assessment Officer
Aboriginal Affairs and Northern Development Canada
Environmental Management
10 Wellington Street
Gatineau, QC K1A 0H4
Telephone/téléphone: 819-994-6734
Facsimile/télocopieur: 819-953-1885
Email/courriel: Rob.Clavering@aandc-aadnc.gc.ca

Ms. Jo-Anne Foy
Superintendant, MPMO
Transport Canada
Technical and Environmental Services
344 Edmonton Street
Winnipeg, MB R3B 2L4
Telephone/téléphone: 204-984-7702
Facsimile/télocopieur: 204-983-5048
Email/courriel: jo-anne.foy@tc.gc.ca

Part B

(Aboriginal Groups)

Ms. Sharilyn Johnson, Environmental Officer
Aamjiwnaang (Chippewas of Sarnia) First Nation
1300 Tashmoo Avenue
Sarnia, ON N7T 8E5
Telephone/téléphone: 519-332-6770
Facsimile/télocopieur: 519-336-0382

Chief Joseph Gilbert
Bkejwanong (Walpole Island) First Nation
R.R. #3
Wallaceburg, ON N8A 4K9
Telephone/téléphone: 519-627-1481
Facsimile/télocopieur: 519-627-0440

Chief Louise Hillier
Caldwell First Nation
P.O. Box 388
Learnington, ON N8H 3W3
Telephone/téléphone: 519-322-1766
Facsimile/télocopieur: 519-322-1533

Chief Elizabeth Cloud
Chippewa of Kettle and Stony Point First Nation
6247 Indian Lane, R.R. #2
Forest, ON N0N 1J0
Telephone/téléphone: 519-786-2125
Facsimile/télécopieur: 519-786-2108

Ms. Rolanda Elijah, Director of Lands and Development
Chippewa of the Thames First Nation
4 Anishinaabeg Road
Muncey, ON N0L 1Y0
Telephone/téléphone: 519-289-2662
Facsimile/télécopieur: 519-289-2230

Ms. Hazel E. Hill, Interim Director
Haudenosaunee Development Institute
16 Sunrise Court, Suite 407
P.O. Box 714
Ohsweken, ON N0A 1M0
Telephone/téléphone: 519-445-4222
Facsimile/télécopieur: 519-445-2389

Chief Sandra Moore
Hiawatha First Nation
123 Paudash Street, R.R. #2
Keene, ON K0L 2G0
Telephone/téléphone: 705-295-4421
Facsimile/télécopieur: 705-295-4424

Ms. Melanie Paradis
Métis Consultation Unit
Métis Nation of Ontario
500 Old St. Patrick Street, Unit 3
Ottawa, ON K1N 9G4
Telephone/téléphone: 613-798-1488
Toll free/sans frais: 1-800-263-4889
Facsimile/télécopieur: 613-722-4225

President Richard Cuddy
Métis Nation of Ontario – Credit River Métis Council
160 Main Street, Suite 561
Brampton, ON L6W 4R1
Telephone/téléphone: 905-582-0914
Email: creditrivermetiscouncil@hotmail.ca

President Cora Bunn
Métis Nation of Ontario – Grand River Métis Council
1 Stephen's Court
Fergus, ON N1M 3G1
Telephone/téléphone: 519-843-7602
Email: metisofgrandriver@hotmail.com

Chief Bryan Laforme
Mississaugas of the New Credit First Nation
2789 Mississauga Road, R.R. #6
Hagersville, ON N0A 1H0
Telephone/téléphone: 905-768-1133
Facsimile/télécopieur: 905-768-1225

Mohawk Council of Akwesasne
Mohawks of Akwesasne
P.O. Box 579
Cornwall, ON K6H 5T3
Telephone/téléphone: 613-632-7500
Facsimile/télécopieur: 613-575-2181

Mohawk Council of Kahnawá:ke
Mohawks of Kahnawá:ke
P.O. Box 720
Kahnawá:ke, QC J0L 1B0
Telephone/téléphone: 450-632-7500
Facsimile/télécopieur: 450-638-5958

Mohawk Council of Kanesatake
Mohawks of Kanesatake
681 Sainte-Philomene Street
Kanesatake, QC J0N 1E0
Telephone/téléphone: 450-479-8373
Facsimile/télécopieur: 450-479-1622

Chief Greg Peters
Moravian of the Thames First Nation
R.R. #3
Thamesville, ON N0P 2K0
Telephone/téléphone: 519-692-3936
Facsimile/télécopieur: 519-692-5522

Chief Patrick Waddilove
Munsee-Delaware First Nation
289 Jubilee Road, R.R. #1
Muncey, ON N0L 1Y0
Telephone/téléphone: 519-289-5396
Facsimile/télécopieur: 519-289-5156

Chief Joel Abram
Oneida Nation of the Thames
2212 Elm Avenue, R.R. #2
Southwold, ON N0L 2G0
Telephone/téléphone: 519-652-3244
Facsimile/télécopieur: 519-652-9287

Six Nations of the Grand River Elected Council
1695 Chiefswood Road
P.O. Box 5000
Ohsweken, ON N0A 1M0
Telephone/téléphone: 519-445-2201
Facsimile/télécopieur: 519-445-4208

Mr. Mike George, Executive Director
Southern First Nations Secretariat
22361 Austin Line
Bothwell, ON, N0P 1C0
Telephone/téléphone: 519-692-5868
Toll free/sans frais: 1-800-668-2609
Facsimile/télécopieur: 519- 692-5976

Chief R. Donald Maracle
Tyendingaga Mohawks (Mohawks of the Bay of Quinte)
R.R. #1
Deseronto, ON K0K 1X0
Telephone/téléphone: 613-396-3424
Facsimile/télécopieur: 613-396-3627

(Associations)

Mr. Nick Schultz
Vice President, Pipeline Regulation and General Counsel
Canadian Association of Petroleum Producers
2100, 350 - 7 Avenue S.W.
Calgary, AB T2P 3N9
Telephone/téléphone: 403-267-1175
Facsimile/télécopieur: 403-266-3123
Email/courriel: schultz@capp.ca

Mr. David Podruzny
Vice-President, Business & Economics and Board Secretary
Chemistry Industry Association of Canada
805, 350 Sparks Street
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-237-6215 Ext. 229
Facsimile/télocopieur: 613-237-4061
Email/courriel: dpodruzny@canadianchemistry.ca & lgibbard@canadianchemistry.ca

Mr. Bryan Gormley
Director, Policy and Economics
Canadian Gas Association
Suite 809, 350 Sparks Street
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-748-0057 ext. 315
Facsimile/télocopieur: 613-748-9078
Email/courriel: info@cga.ca

Mr. Murray Newton
President, ENREG Group Inc.
444 Westminster Avenue
Ottawa, ON K2A 2T8
Telephone/téléphone: 613-321-2771
Email/courriel: newtonma@rogers.com

Ms. Elise Herzig
President and CEO
Ontario Energy Association
45 Sheppard Avenue East, Suite 409
Toronto, ON M2N 5W9
Telephone/téléphone: 416-961-2339 ext. 227
Facsimile/télocopieur: 416-961-1173
Email/courriel: info@energyontario.ca

Mr. Gary Leach
Executive Director
Small Explorers and Producers Association of Canada
1060, 717 Seventh Avenue S.W.
Calgary, AB T2P 0Z3
Telephone/téléphone: 403-269-3454
Facsimile/télocopieur: 403-269-3636
Email/courriel: info@sepac.ca

Ms. Brenda Kenny
President and CEO
Canadian Energy Pipeline Association
Suite 200, 505-3rd Street SW
Calgary, AB T2P 3E6
Telephone/téléphone: 403-221-8750
Facsimile/télocopieur: 403-221-8760
Email/courriel: info@cepa.com

Mr. Jim Burpee
President & Chief Executive Officer
Canadian Electricity Association
350 Sparks Street, Suite 1100
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-230-4762
Facsimile/télocopieur: 613-230-9326
Email/courriel: info@electricity.ca

Mr. Paul Vogel
Cohen Highley LLP
One London Place
255 Queens Avenue, 11th Floor
London, ON N6A 5R8
Telephone/téléphone: 519-672-9330
Facsimile/télocopieur: 519-672-5960
Email/courriel: vogel@cohenhighley.com

Mr. John D. Goudy
Scott Petrie LLP, Law Firm
200 - 252 Pall Mall Street
London, ON N6A 5P6
Telephone/téléphone: 519-433-5310 Ext: 236
Facsimile/télocopieur: 519-433-7909
Email/courriel: jgoudy@scottpetrie.com

Mr. Kevin Avram
National Coordinator
Canadian Association of Energy & Pipeline Landowner Associations
257 - 918 Albert Street
Regina, SK S4R 2P7
Telephone/téléphone: 306-522-5000
Facsimile/télocopieur: 306-949-6886
Email/courriel: admin@caepla.org

Mr. David Core
CEO and Chairman
Canadian Association of Energy & Pipeline Landowner Associations
257 - 918 Albert Street
Regina, SK S4R 2P7
Telephone/téléphone: 306-522-5000
Facsimile/télécopieur: 306-949-6886
Email/courriel: admin@caepla.org

Mr. Albert Koehl
Staff Lawyer
Ecojustice
Suite 401, 550 Bayview Avenue
Toronto, ON M4W 3X8
Telephone/téléphone: 416-368-7533
Facsimile/télécopieur: 416-363-2746
Email/courriel: akoehl@ecojustice.ca

Mr. Adam Scott
Deputy Campaign Director
Environmental Defence
116 Spadina Avenue Suite 300
Toronto, ON M5V 2K6
Telephone/téléphone: 416-323-9521
Facsimile/télécopieur 416-323-9301
Email/courriel: abscott@edcmail.ca

Mr. Steven Guilbeaut
Deputy Director
Équiterre
50, rue Sainte-Catherine Ouest
Montréal, QC H2X 3V4
Telephone/téléphone: 514-522-2000
Facsimile/télécopieur: 514-522-1227
Email/courriel: guilbeault@equiterre.org

Ms. Margaret Vance
President
Ontario Pipeline Landowners Association
885886 Oxford City Road 8 R.R. 1
Bright, ON N0J 1B0
Telephone/téléphone: 519-454-8581
Facsimile/télécopieur: 519-454-4069
Email/courriel: rottenturnips@hotmail.com

Mr. John D. Goudy
Lawyer
Scott Petrie LLP
Counsel for Ontario Pipeline Landowners Association
200 - 252 Pall Mall Street
London, ON N6A 5P6
Telephone/téléphone: 519-433-5310 ext. 236
Facsimile/télécopieur: 519-433-7909
Email/courriel: jgoudy@scottpetrie.com

Madame Isabelle Bouffard
Union des producteurs agricoles
555, boul. Roland Thérien, bureau 100
Longueuil, QC J4H 3Y9
Telephone/téléphone: 450 679-0540, poste 8294
Email/courriel: ibouffard@upa.qc.ca

(Municipal Governments)

Mr. Graham J. Rempe
Solicitor
Legal Services
City of Toronto
Metro Hall, 26th Floor, Stn. 1260
55 John Street
Toronto, ON M5V 3C6
Telephone/téléphone: 416-392-2887
Facsimile/télécopieur: 416-397-5624
Email/courriel: grempe@toronto.ca

Mr. Guy Paparella
Director of Growth Planning
City of Hamilton
71 Main St. West
Hamilton, ON L8P 4Y5
Telephone/téléphone: 905-546-2424 ext. 5807
Facsimile/télécopieur: 905-540-5611
Email/courriel: Guy.Paparella@hamilton.ca

Mr. Scott Stewart
General Manager
Development and Infrastructure Division
City of Burlington
426 Brant Street
PO Box 5013,
Burlington, ON L7R 3Z6
Telephone/téléphone: 905-335-7600 ext. 7839
Facsimile/télécopieur: 905-335-7820
Email/courriel: scott.stewart@burlington.ca

Mr. Paul MacLatchy, Director of Environment & Sustainable Initiatives
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3
Telephone/téléphone: 613-546-4291 ext. 1226
Facsimile/télécopieur: 613-546-3180
Email/courriel: PMacLatchy@cityofkingston.ca

Appendix VI – Section 55.2 Guidance – Participation in a Facilities Hearing

The *National Energy Board Act*¹ (NEB Act) sets out when the National Energy Board (Board) will allow a person² to participate in a hearing to consider an application to construct and operate a pipeline or power line.³

Persons wishing to participate must demonstrate to the Board's satisfaction that they fall within one or both of the two categories described in the NEB Act and set out below.

Directly Affected Person

The Board must hear from any person who, in the Board's opinion, is directly affected by the granting or refusing of a project application. The Board decides on a case-by-case basis who is directly affected. The Board may consider these factors when making this decision:

1. The nature of the person's interest.
 - Whether a person has a specific and detailed interest, rather than a general public interest.
 - Examples of interests that could support participation are:
 - commercial, property or other financial interest (including employment);
 - personal use and occupancy of land and resources; or
 - use of land and resources for traditional Aboriginal purposes.
2. Whether the granting or refusing of a project application causes a direct effect on the person's interest.
 - The degree of connection between the project and the interest.
 - The likelihood and severity of harm a person is exposed to.
 - The frequency and duration of a person's use of the area near the project.

¹ Section 55.2 of the NEB Act states:

On an application for a certificate, the Board shall consider the representations of any person who, in the Board's opinion, is directly affected by the granting or refusing of the application, and it may consider the representations of any person who, in its opinion, has relevant information or expertise. A decision of the Board as to whether it will consider the representations of any person is conclusive.

² The word "person" includes an individual, company, organization or group.

³ Specifically, this guidance applies to applications made under sections 52, 58 and 58.16 of the NEB Act.

Relevant Information or Expertise

The Board may choose to hear from any person who, in the Board's opinion, has relevant information or expertise.

1. The Board may consider these factors when deciding if a person has relevant information:
 - the source of the person's knowledge (for example, local, regional or Aboriginal);
 - the extent to which the information is within the project scope and related to the list of issues; and
 - how much value the information will add to the Board's decision or recommendation.

2. The Board may consider these factors when deciding if a person has relevant expertise:
 - the person's qualifications (for example, the person has specialist knowledge and experience);
 - the extent to which the person's expertise is within the project scope and related to the list of issues; and
 - how much value the information will add to the Board's decision or recommendation.

Appendix VII – Notice of Motion form

The use of this format is required for all Notice of Motion requests.

Name of person bringing motion: _____

Decision or order requested: _____

Date submitted: _____

Signature: _____

Print Name: _____

Please attach all materials in support of your motion, including the following:

1. Concise statement of relevant facts
2. The grounds for your request (why the Panel should make this decision or order)
3. Detailed description of the decision or order sought
4. Information supporting your request
5. If case law is being relied on, a case book with the specific passages of the cases highlighted or side-barred

Please refer to the *National Energy Board Rules of Practice and Procedure, 1995*, rule 35, for further information.

To submit your motion, please submit this cover page, along with the attachment(s), and serve a copy on all Parties.

Appendix VIII – Process Advisor

RE: Process Advisor Assigned for NEB Hearing into Enbridge Pipeline Inc.'s Line 9B Reversal and Line 9 Capacity Expansion Project

The National Energy Board (Board) has received an application from Enbridge Pipelines Inc. (Enbridge) for approval to construct the Line 9B Reversal and Line 9 Capacity Expansion Project (Project). The Board has assigned Michael Benson as the Process Advisor for this Project.

If you are thinking about participating in the Board's hearing process for this Project, Michael Benson can provide you with assistance.

Michael Benson can:

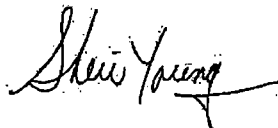
1. Answer your questions about the Board's hearing process
2. Explain how to apply to participate, the different levels of participation available (for example, intervenor or letter of comment writer) and what you can and cannot do in these various roles
3. Organize and run public information sessions
4. Answer your questions about the Participant Funding Program and forms
5. Provide samples and templates and answer your questions about them
6. Explain your role in the hearing
7. Answer your process questions in person during the oral argument portion of the hearing

Michael Benson cannot:

1. Make your case for you. That means, he cannot:
 - a. Interpret the evidence for you
 - b. Tell you what information you should give to the Panel Members
 - c. Tell you how to best present your information
 - d. Write your questions or evidence
2. Talk to the Panel Members on your behalf
3. Talk to Enbridge on your behalf

Please contact Michael Benson at 1-800-899-1265 or Michael.Benson@neb-one.gc.ca if you have questions about the hearing for this Project, or if you would like help participating in this hearing.

Yours truly,



Sheri Young
Secretary of the Board

Appendix IX – Explanation of frequently used terms

Following are some terms used throughout this document and the hearing process. They are not legal definitions.

Applicant or Enbridge	Enbridge Pipelines Inc.
Board	National Energy Board
e-file	Electronically filing documents with the Board - see paragraph 17.
Environmental assessment	A process to identify and mitigate environmental effects likely to arise from a proposed Project, prior to major decisions being made.
Evidence	Reports, statements, photographs, and other material or information that hearing participants submit as part of the record. Evidence is used to support their position on the application.
File	A formal way of submitting documents to the Board – see paragraph 14.
final argument	A Party's position on the recommendations we should make and the reasons why the evidence supports those recommendations. This can be done orally at the hearing or in writing.
hearing or public hearing	A public process we use to gather and test all information on the record so we can make a fair and transparent decision. The hearing includes a written portion and may include an oral portion.
information request	A written question to ask a Party something about their evidence.
Intervenor	A person who the Board has granted full or partial participatory rights and obligations in a proceeding. Rights and obligations may or may not include the ability to ask questions, submit evidence, and present final argument.

Letter of Comment writer	A level of participation available where a participant is granted the right to file submissions that cannot be tested by the Parties and is not granted the right to cross-examine, ask information requests or provide final argument.
List of Issues	The list of issues that will be considered in this hearing, attached as Appendix I.
notice of motion	The document used to raise a question of procedure or substance or to ask the Board to do something. A notice of motion can also be made orally at a hearing. The Board will make a decision about any motions sent to it.
NEB Act	<u>National Energy Board Act</u>
Participants	Persons who have been granted rights to participate in the Board's proceeding. These include the Applicant, Intervenors and Letter of Comment writers. Participants in this hearing have rights and obligations that interested persons do not.
Parties	Includes the Applicant and the Intervenors, and does not include the Letter of Comment writers.
process advisor	Board staff who help the public and Aboriginal groups as well as Parties to understand and participate in the hearing—see paragraph 21, and Appendix VIII.
Project	Enbridge's proposed Project—see paragraph 2.
public registry	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.
record	All of the submissions made in the hearing. The Board will make its decision based on the record.
regulatory officer	Board staff who manage hearing logistics. This includes preparations for the oral hearing, court clerk duties during the hearing and managing documents that are filed on the record.

reply evidence

Additional information which Enbridge files in reply to evidence filed by other hearing participants.

serve

Officially providing a document to another person. Usually notice that the document is available on the public registry is provided electronically (by email) but the document may need to be provided by mail or fax—see paragraph 12.



Tracking Status

- City Council adopted this item on February 20, 2013 with amendments.

City Council consideration on February 20, 2013

CC30.5	ACTION	Amended		Ward:All
--------	--------	---------	--	----------

Enbridge Pipeline Inc. Application to Reverse Pipeline 9B, Increase Capacity and Carry Heavy Crude - Options for City of Toronto Participation

City Council Decision

City Council on February 20 and 21, 2013, adopted the following:

1. City Council direct City staff to continue to review the Enbridge application and any further supporting materials and attempt to resolve any concerns by requesting additional information from Enbridge.
2. City Council authorize the City Solicitor to apply to the National Energy Board (NEB) to allow the City of Toronto to participate in the proceedings either through a written submission or as an intervenor in relation to any unresolved concerns.
3. City Council direct that the funds as outlined in Confidential Attachment 1 to the report (February 11, 2013) from the City Solicitor be available to obtain such assistance as necessary in the opinion of the City Solicitor to represent the City's interest at the NEB.
4. City Council direct that the City continue to liaise with other municipalities, and Conservation Authorities to discuss cooperation in the presentation of issues before the NEB.
5. If the City becomes an intervenor, City Council authorize the City Solicitor to withdraw the City intervention if issues of concern have been resolved to the satisfaction of the City Solicitor in consultation with the Environment and Energy Office.
6. City Council authorize City staff to take steps as necessary to support the City Solicitor in the review of the application and presentation of any City issues to the NEB.
7. City Council direct the City Solicitor, in consultation with Toronto Water, to advise the Ontario Ministry of the Environment of any unresolved concerns relating to the Enbridge application and implications for the proposed CTC Source Water Protection Plan.
8. City Council direct that Confidential Attachment 1 to the report (February 11, 2013) from the City Solicitor remain confidential until the release of the final decision of the

NEB including appeals or judicial review.

9. City Council direct the City Solicitor to provide an update report to Council at its July 16 and 17, 2013 meeting, with the status of the City's issues and how those issues have or have not been resolved.

Confidential Attachment 1 to the report (February 11, 2013) from the City Solicitor remains confidential in its entirety at this time in accordance with the provisions of the City of Toronto Act, 2006 as it pertains to litigation or potential litigation that affects the City. Confidential Attachment 1 to the report (February 11, 2013) from the City Solicitor will be made public once the final decision of the NEB, including appeals or judicial review, is released.

City Council Decision Advice and Other Information

City Council recessed its public session and met as Committee of the Whole in closed session on February 20, 2013, and considered confidential information on this Item as pertains to litigation or potential litigation that affects the City.

Confidential Attachment - Potential litigation that affects the City

Background Information (City Council)

(February 11, 2013) Report from the City Solicitor on Enbridge Pipeline Inc. Application to Reverse Pipeline 9B, Increase Capacity and Carry Heavy Crude - Options for City of Toronto Participation (CC30.5)

<http://www.toronto.ca/legdocs/mmis/2013/cc/bqrd/backgroundfile-56193.pdf>

(February 11, 2013) Confidential Attachment 1

Communications (City Council)

(February 20, 2013) E-mail from David Simmons (CC.New.CC30.5.1)

Motions (City Council)

Report of Committee of the Whole

February 20, 2013 - 7:23 p.m. - Speaker Nunziata advised that City Council had completed its closed session consideration of Item CC30.5 - Enbridge Pipeline Inc. Application to Reverse Pipeline 9B, Increase Capacity and Carry Heavy Crude - Options for City of Toronto Participation. No motions were moved during the closed session. Council would now proceed with the public debate on the Item.

1 - Motion to Amend Item (Additional) moved by Councillor John Filion (Carried)

That City Council direct the City Solicitor to provide an update report to Council at its July 16 and 17, 2013 meeting, with the status of the City's issues and how those issues have or have not been resolved.

Vote (Amend Item (Additional))

Feb-21-2013 9:30 PM

Result: Carried	Majority Required - CC30.5 - Filion - motion 1
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Sarah Doucette, John Filion, Doug Ford, Rob Ford, Mark Grimes, Doug Holyday, Norman Kelly, Mike Layton, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe

	Mihevc, Peter Milczyn, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, John Parker, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Karen Stintz, Adam Vaughan, Kristyn Wong-Tam
No: 0	
Absent: 9	Raymond Cho, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Chin Lee, Giorgio Mammoliti, Ron Moeser, David Shiner, Michael Thompson

Motion to Adopt Item as Amended (Carried)

Vote (Adopt Item as Amended)

Feb-21-2013 9:31 PM

Result: Carried	Majority Required - CC30.5 - Adopt the item as amended
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Sarah Doucette, John Fillion, Doug Ford, Rob Ford, Mark Grimes, Doug Holyday, Norman Kelly, Mike Layton, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Peter Milczyn, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, John Parker, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Karen Stintz, Adam Vaughan, Kristyn Wong-Tam
No: 0	
Absent: 9	Raymond Cho, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Chin Lee, Giorgio Mammoliti, Ron Moeser, David Shiner, Michael Thompson

Source: Toronto City Clerk at www.toronto.ca/council

Select Language 

Powered by  Translate