

Enbridge Northern Gateway Project

Joint Review Panel

Procedural Direction #7 Process for Procedural Conference

On 9 May 2012, the Panel announced that it would conduct a procedural conference to obtain input on procedural issues relating to the final hearings for the Enbridge Northern Gateway Project (Project). This one day conference will begin at 9 am on **30 May 2012** at the National Energy Board's hearing room, 2nd floor, 444 – 7th Avenue S.W. Calgary, Alberta.

This procedural direction provides guidance to parties on how to participate in the conference as well as further information on the format of the session. Schedule "A" lists the topics that will be discussed, as set out in the Panel's letter of 9 May 2012.

Registration at the conference

Parties must register to participate in the conference, by filing a letter with the Panel on or before noon MST on 22 May 2012. The registration letter should address all of the topics set out in Schedule "A" that are relevant to you. You do not need to address those topics that you do not have any input or views on.

Participation at the conference

Anyone can either call in or attend to observe the session. Only parties (the applicant, intervenors and government participants) may register to participate.

There are four ways for parties to participate:

- (1) in person, by attending at the conference;
- (2) remotely, via WebEx and telephone;
- (3) remotely, via telephone; or
- (4) in writing, through the comments provided in your registration letter.

In order to participate remotely via WebEx, you must have both Internet and teleconferencing capability. Through WebEx, remote participants will be able to view the draft summary report and the updates that are made during the conference. Audio will be provided via the teleconference. **If you wish to participate remotely, please contact Louise Niro at 403-299-3987 or 1-800-899-1265 after submitting your registration letter, to obtain the teleconference number and access code.**

Panel attendance

The Panel will not be in attendance at the conference. The session will be facilitated by Secretariat staff.

Conference Agenda

Generally, Secretariat staff will seek comments from parties on each of the topics listed on Schedule "A".

Draft summary report

After receiving all of the comments through the registration letters, a draft summary report of the positions taken on the topics set out in Schedule "A" will be prepared and distributed.



The draft summary report will be displayed on a screen during the conference. Secretariat staff will update the draft to reflect the views expressed during the conference, as the discussion progresses. The draft summary report will record any alignment between the parties and will identify the issues upon which parties were not aligned.

No transcript will be taken of the procedural conference.

Final summary report

Shortly after the conference, a revised version of the draft summary report will be circulated to all parties that participated, based on the feedback received at the conference. Parties will have a brief period (approximately 72 hours) to provide comments on it.

A final summary report will then be prepared by Secretariat staff, submitted to the Panel and filed on the registry for the Project.

Panel decision following the procedural conference

The Panel will not be provided with any additional information on the views expressed throughout the conference, beyond those filed on the public registry.

The Panel will consider the final summary report as well as its own requirements in finalizing and announcing the process and schedule for the final hearings.

Further information

Further information on the joint review process can be obtained by contacting the Process Advisory Team:

- email at GatewayProcessAdvisor@ceaa-acee.gc.ca;
- toll-free telephone at 1-866-582-1884; or
- fax at 613-957-0941 or toll-free fax at 1-877-288-8803.

Yours truly,



Sheri Young
Secretary to the Joint Review Panel

Schedule “A”

Questioning phase

2. Final hearings for questioning will take place in three locations. The Panel intends to hold these hearings in Prince Rupert, BC, Prince George, BC and either Edmonton or Calgary, AB. These locations are centrally located, have adequate facilities and reasonable transportation access. Would fewer than three locations be appropriate? What are your comments on the locations chosen by the Panel?
3. For the duration of the questioning phase, the Panel anticipates that it will sit from Monday to Saturday for two week periods, followed by a one week break. Standard sitting hours would be from 8:30 a.m. to 1:00 p.m. Any specific exceptions to the general schedule will be addressed, as the final hearings proceed. Do you have any input on the proposed general schedule?
4. The Panel intends to have questioning on oral evidence completed prior to questioning based on written evidence pertaining to the List of Issues.
5. Questioning of witness panels will proceed at each location based on issues. These issues largely mirror the List of Issues set out in the Hearing Order (dated 5 May 2011) and discussed in the Panel Session Results and Decision (dated 19 January 2011). The Panel intends to address each issue listed below in relation to the entire Project at only one location. The location for each issue is as follows:

Prince Rupert

- (a) Potential Impacts of the Proposed Project on Aboriginal Interests (socio-economic matters; asserted and proven Aboriginal and treaty rights)
- (b) Environmental Effects
- (c) Socioeconomic Effects
- (d) Consultation (with the public and Aboriginal groups)
- (e) Safety, Accident Prevention and Response (related to the marine terminal and marine transportation)

Prince George

- (a) Potential Impacts of the Proposed Project on Landowners and Land Use (pipeline crossings; depth of cover; impacts on agricultural soils)
- (b) Routing (general route of the pipeline and route selection criteria). General location of the facilities and siting of a marine terminal
- (c) Design, Construction and Operation
- (d) Follow up and monitoring
- (e) Safety, Accident Prevention and Response (related to the pipeline)

Edmonton or Calgary

- (a) Need for the Proposed Project (supply and markets; commercial support; economic feasibility)
- (b) Potential Impacts of the Proposed Project on commercial interests
- (c) Financial and Tolling Matters (tolling structure and methodology; proposed financing; financial responsibility of the applicant)

Do you have any additional issues for each hearing location or any input on the general format identified?

- 6. What parties' witnesses do you anticipate questioning during the final hearings? What issues do you anticipate you will ask questions about? How much time do you anticipate you will require for questioning for each issue? (Please note parties will not be held to these estimates; this is for planning purposes only.)
- 7. The Panel is considering a process for expert witnesses which would entail having expert witnesses for parties with conflicting opinions seated together in a single witness panel and questioned at the same time. This approach would be specific to issues or sub-issues that are highly technical in nature such as those related to Safety, Accident Prevention and Response. This process would be used to assess complex expert evidence, understand differences, and focus on certain technical issues in an efficient manner. Parties will not be precluded from seating their expert witnesses independently for other issues that are not highly technical in nature. Please provide any input you may have on this proposal.
- 8. The Panel intends to permit questioning of witnesses by telephone and is exploring other remote means. Do you have any input on the process that should be established for remote participation (either of witnesses or intervenors asking questions remotely)? Do you have any input on the type of technology that should be considered for remote participation?

Final argument phase

- 9. The Panel anticipates allowing parties to present final argument either: (i) orally; or (ii) in writing. On an exception basis, parties may request permission of the Panel to allow final argument on a specific topic both in writing and orally.
- 10. The Panel anticipates holding hearings for final argument in two locations; namely Prince Rupert, BC and either Edmonton or Calgary, AB. Mechanisms will be established to allow parties to participate remotely (i.e. via telephone or other electronic means). Do you have any input on these locations?
- 11. How and when should any outstanding motions, including Constitutional Questions such as that raised by the Gitxaala Nation, be addressed?

The Panel would also be interested in hearing any additional views that parties may have on measures that could be implemented to conduct the final hearings in an efficient and effective manner.