National Energy Board



Office national de l'énergie

File OF-Fac-Gas-N081-2018-01 01 14 June 2018

Mr. Matt Quail Regulatory Project Manager TransCanada PipeLines Limited 450 – 1 Street SW Calgary, AB T2P 5H1 Telephone: 403-920-7470

Telephone: 403-920-7470 Facsimile: 403-920-2347

Email: matt_quail@transcanada.com

Mr. Ryan V. Rodier Senior Legal Counsel TransCanada PipeLines Limited 450 – 1 Street SW Calgary, AB T2P 5H1 Telephone: 403-920-2977

Facsimile: 403-920-2310 Email: ryan_rodier@transcanada.com

Dear Mr. Quail and Mr. Rodier:

NOVA Gas Transmission Ltd. (NGTL) Application for the West Path Delivery Project (Application) under section 58 of the *National Energy Board Act* (NEB Act) Notice of Public Hearing (Notice) and Application to Participate

On 12 February 2018, the National Energy Board (Board) received NGTL's Application for approval to construct and operate the West Path Delivery Project (Project). In its Application, NGTL requested:

- 1. An order pursuant to section 58 of the NEB Act approving the construction and operation of the Project and exempting NGTL from the provisions of sections 30(1)(a) and 31 of the NEB Act¹;
- 2. An exemption from the requirements of section 30(1)(b) and 47(1) of the NEB Act to obtain leave to open from the Board before installing certain tie-in assemblies for the Project;
- 3. An exemption from the 100% non-destructive examination requirement in section 17 of the *National Energy Board Onshore Pipeline Regulations* pursuant to subsections 48(2.1) and 48(2.2) of the NEB Act for certain low pressure piping systems associated with the Project; and

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4. Such other relief that NGTL might request or that the Board might deem appropriate

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Telephone/Téléphone : 403-292-4800 Facsimile/Télécopieur : 403-292-5503

www.neb-one.gc.ca Telephone/Téléphone : 1-800-899-1265

Facsimile/Télécopieur : 1-877-288-8803



¹ These exemptions relate to the requirements for a certificate, as well as plan, profile and book of reference requirements associated with the detailed route process.

NGTL has applied to construct 21.5 kilometres of new natural gas pipeline, two compressor station unit additions, and related facilities.

The proposed pipeline would begin at NGTL's existing Western Alberta System 110 Valve Site, located approximately 0.8 km north of the Town of Cochrane, AB, and end at NGTL's existing Western Alberta System 100 Valve Site located approximately 16.6 km west of the city of Calgary, AB within Rocky View County.

The Turner Valley Compressor Station Unit Addition would be located at NGTL's existing Turner Valley Compressor Station located approximately 3 km northwest of Turner Valley, AB, within Municipal District of Foothills No. 31.

The Burton Creek Compressor Station Unit Addition would be located at NGTL's existing Burton Creek Compressor Station approximately 39 km west of Claresholm, AB, within Municipal District Ranchland No. 66.

In its Application, NGTL requested that the Board establish a formal written process and schedule for consideration of the Application to provide interested parties an opportunity to make submissions and for NGTL to respond in order to ensure the Board has the information necessary for adjudication of the Application.

The Board received letters about the Project from: Mr. Costigan on 19 February and 2 March 2018; St. Peter's Lutheran Church and Mr. and Ms. Mostaghel on 26 February 2018, respectively; Mr. Block on 27 February 2018, Mr. and Ms. Drewry on 28 February 2018; McKendrick Ranches Ltd. on 10 April 2018; and O'Chiese First Nation on 11 May 2018.

On 28 February 2018, NGTL filed a response to letters received from Mr. Costigan, Mr. and Ms. Mostaghel, St. Peter's Lutheran Church, Mr. Block, and Mr. and Ms. Drewry. On 24 May 2018, NGTL filed a response to comments received from O'Chiese First Nation's letter.

Decision with respect to Completeness of the Application and Legislated Time Limit

On 14 June 2018, the Board determined that the Application is complete and may proceed through the assessment process.

The Chair has specified that, under subsection 58(4) of the NEB Act, the time limit for the Board to issue an order or dismiss the Application is 15 months from today's date (14 September 2019). The time limit represents the maximum time in which the Board will complete its assessment, subject to any modifications allowed under the NEB Act.

Decision with respect to Process

Having considered the submissions described above, the Board has decided to hold a public hearing regarding NGTL's Application under subsection 24(3) of the NEB Act. This will enable participants to provide their views to the Board. Participants will also have the opportunity to obtain participant funding, which should assist in their ability to provide further submissions to help the Board understand all concerns and how best to mitigate them.

The Board will continue to finalize the hearing process and timelines, and will provide more information in a Hearing Order and List of Issues shortly. These documents will eventually be posted on our <u>website</u>.²

Hearing Participation

With respect to participation in the hearing, in the Board's view, all of the persons who provided comments to the Board have sufficiently demonstrated they are either directly affected by, or have relevant knowledge about the Project. Therefore the Board has decided to grant pre-decided standing in the hearing to Mr. Costigan, St. Peter's Lutheran Church, Mr. and Ms. Mostaghel, Mr. Block, Mr. and Ms. Drewry, McKendrick Ranches Ltd. and O'Chiese First Nation. The Board has also decided to grant pre-decided standing to Indigenous groups, municipalities and landowners and occupants who are directly affected by the Project. The Board invites all persons granted pre-decided standing to register through the Application to Participate system, described below, by 12 July 2018. If your standing is pre-decided but you have not registered by 12 July 2018, you will not be on the List of Participants. The list of those granted pre-decided standing is found in Appendix D.

The Board also invites all interested persons other than those listed above who wish to participate in the hearing to apply to participate using the online Application to Participate form which will be available at www.neb-one.gc.ca/applytoparticipate for a period of 2 weeks: from 28 June 2018 to 12 July 2018. Applicants must clearly, and in sufficient detail, describe their interest in relation to the List of Issues. Those applicants who demonstrate, to the satisfaction of the Board, that they are directly affected by the proposed Project will be allowed to participate in the hearing and those with relevant information or expertise may be allowed to participate.³

Further details about participating in the hearing can be found in the Notice of Hearing (Appendix A) and on our website.⁴

² https://www.neb-one.gc.ca/pplctnflng/mjrpp/wstpth/index-eng.html.

³ Information on factors that the Board may consider is outlined in Section 55.2 Guidance – Participation in a Facilities Hearing, online: http://www.neb-one.gc.ca/prtcptn/hrng/prtcptnthrhrnggdncs52_2-eng.html

⁴ https://www.neb-one.gc.ca/pplctnflng/mjrpp/wstpth/index-eng.html.

Participant Funding

The NEB's Participant Funding Program (PFP) has announced \$250,000 to assist eligible individuals, Indigenous groups, and non-industry not-for-profit groups intervening in the hearing process. Please apply for funding by **12 July 2018**⁵. This is in addition to the Application to Participate form described above under Hearing Participation as the PFP is administered independently of the hearing process.

Groups can request up to \$80,000 and individuals can request up to \$12,000. For information on eligible costs and to download the PFP application form, please visit http://www.neb-one.gc.ca/pfp or contact the Participant Funding Coordinator at PFP.PAFP@neb-one.gc.ca or 1-800-899-1265 (toll-free).

Dispute Resolution

The Board encourages NGTL and affected persons to continue to collaborate outside of the regulatory process in order to find potential solutions to address issues of interest to both parties, including those on the List of Issues.

In addition, the Board's Alternative Dispute Resolution (ADR) specialists are also available, at the request of the parties, to facilitate or mediate such discussions to help them reach resolution outside of the hearing process, to the extent possible. For more information about the Board's ADR services or if you are interested in using the Board's ADR services, please email <u>ADR-MRD@neb-one.gc.ca</u> or call 1-800-899-1265.

Notice of Hearing

The Board directs NGTL, with respect to the Notice of Hearing (Notice) (Appendix A) to:

- 1. Distribute copies of the Notice **no later than 21 June 2018** to:
 - o its list of current and potentially affected landowners along the route;
 - o its list of interested persons;
 - o all municipalities and first responders likely to be impacted by the Project;
 - o all Indigenous groups engaged by NGTL; and
 - o all persons listed in Appendix B to this letter.
- 2. Publish the Notice in the publications listed in Appendix C as soon as possible but no later than 28 June 2018:
- 3. Post the Notice on NGTL's Project website immediately.
- 4. Submit to the Board a complete list of dates when the Notice was published **immediately after all notices have been published**.

⁵ Decisions will be announced 30 days from the funding application deadline.

NGTL must make a copy of the Application available for public viewing at a location along the Project route. The Board directs NGTL to make the location available on its Project website by **21 June 2018**. The information should indicate the street address of the location where the Application will be available, the hours accessible, whether the Application is available in hard copy or electronic format, and in which official language the information is provided.

If you have any questions regarding this Notice, please contact Anne-Marie Erickson, Board Process Advisor, at westPath@neb-one.gc.ca or telephone 1-800-899-1265.

Yours truly,

Original signed by

Sheri Young Secretary of the Board

Attachments

Appendix A: Notice of Hearing

Notice of Public Hearing and Application to Participate NGTL's West Path Delivery Project

The National Energy Board (Board) has received an application from NOVA Gas Transmission Ltd. (NGTL) for approval to build and operate 21.5 km of natural gas pipeline and associated facilities. The proposed West Path Delivery Project (Project) would be located within Rocky View County, the Town of Cochrane, Municipal

District of Foothills No. 31 and Municipal District Ranchland No. 66, Alberta.

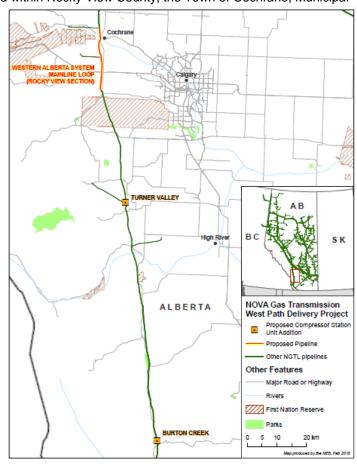
Participating in the Hearing

The Board will hold a public hearing for the Project. The hearing could include written and oral components. When the Board releases its List of Issues for the Project, it can be found at https://www.neb-one.gc.ca/pplctnflng/mjrpp/wstpth/index-eng.html.

Those who are directly affected by the Project will be allowed to participate in the hearing and those with relevant information or expertise may be allowed to participate.

If you wish to participate, you must complete an online application form describing your interest in relation to the List of Issues, which will be part of the form. There are typically two ways you can participate in a hearing:

- Commenter share your views with the Board in a written Letter of Comment.
- Intervenor ask questions, present evidence, answer questions about your evidence, and give a final argument. Intervenors may be eligible for participant funding. Learn more at www.neb-one.gc.ca/pfp.



The Application to Participate form will be available at www.neb-one.gc.ca/applytoparticipate starting 28 June 2018 and will close 12 July 2018 at 4:00 pm MDT. The Board will review each application and will inform everyone who applied whether or not they will be allowed to participate and how.



The National Energy Board is an independent federal regulator of several parts of Canada's energy industry with the safety of Canadians and protection of the environment as its top priority. Its purpose is to regulate pipelines, energy development and trade in the Canadian public interest.

Appendix B: List of Persons for distribution of the Notice of Hearing

(Attorneys General - Canada / Procureurs généraux)

The Honourable Nathalie G. Drouin
Deputy Minister of Justice of Canada and Attorney General

Email/courriel: nathalie.g.drouin@justice.gc.ca

The Honourable Jody Wilson-Raybould Minister of Justice and Attorney General of Canada Email/courriel: Jody.Wilson-Raybould@parl.gc.ca

The Honourable Kathleen Ganley Minister of Justice and Solicitor General Province of Alberta

Email/courriel: ministryofjustice@gov.ab.ca

The Honourable David Eby, Q.C. Minister of Justice and Attorney General Province of British Columbia Email/courriel: AG.Minister@gov.bc.ca

The Honourable Heather Stefanson
Minister of Justice and Attorney General
Province of Manitoba

Email/courriel: minjus@leg.gov.mb.ca

The Honourable Don Morgan, Q.C. Minister of Justice and Attorney General Province of Saskatchewan Email/courriel: jus.minister@gov.sk.ca

The Honourable Yasir Naqvi, MPP Attorney General Government House Leader Province of Ontario

Email/courriel: ynaqvi.mpp@liberal.ola.org

L'Honorable Stéphanie Vallée Ministre de la Justice du Québec

Email/courriel: ministre@justice.gouv.qc.ca

The Honourable Lee Bell-Smith Deputy Attorney General Province of New Brunswick

Email/courriel: lee.bell-smith@gnb.ca

The Honourable Andrew Parsons
Minister of Justice and Public Safety, Attorney General
Government House Leader
Province of Newfoundland and Labrador
Email/courriel: justice@gov.nl.ca

The Honourable Mark Furey Attorney General and Minister of Justice Province of Nova Scotia Email/courriel: justmin@novascotia.ca

The Honourable Jordan Brown
Minister of Justice and Public Safety and Attorney General
Province of Prince Edward Island
Email/courriel: jbrown@gov.pe.ca

The Honourable Louis Sebert
Minister of Justice
Government of the Northwest Territories
Email/courriel: louis_sebert@gov.nt.ca

The Honourable Jeannie Hakongak Ehaloak Minister of Justice Government of the Nunavut Territory Email/courriel: jehaloak@gov.nu.ca

The Honourable Tracy-Anne McPhee Minister of Justice Government House Leader Yukon Legislative Assembly Email/courriel: Tracy.McPhee@gov.yk.ca

(Other Government Departments or Agencies / Ministères et autres organismes gouvernementaux

The Honourable Michelle Mungall Minister of Energy, Mines and Petroleum Resources Province of British Columbia Email/courriel: EMPR.Minister@gov.bc.ca

Mr. Jack Shaw
Director, Regulatory Affairs
Alberta Department of Energy
Email/courriel: jack.shaw@gov.ab.ca

Mr. Douglas Larder, Q.C. General Counsel and Executive Director, Law Alberta Utilities Commission Email/courriel: doug.larder@auc.ab.ca The Honourable Bronwyn Eyre Minister of the Energy and Resources Government of Saskatchewan

Email/courriel: ministerer@gov.sk.ca

Mr. Jim Crone A/Assistant Deputy Minister Resource Development Division Government of Manitoba

Email/courriel: jim.crone@gov.mb.ca

The Honourable Siobhan Coady
Minister of Natural Resources
Deputy Government House Leader
Government of Newfoundland and Labrador
Email/courriel: NRMinister@gov.nl.ca

Mr. Paul Molloy, P. Eng.
Manager, Petroleum Engineering, Energy Branch
Government of Newfoundland and Labrador
Email/courriel: paulmolloy@gov.nl.ca

The Honourable Rick Doucet
Minister of Energy and Resource Development
Province of New Brunswick

Email/courriel: <u>Rick.Doucet@gnb.ca</u>

The Honourable Geoff MacLellan Minister of Energy Nova Scotia Department of Energy Email/courriel: energyminister@novascotia.ca

The Honourable Joe Savikataaq Minister of Energy Government of the Nunavut Territory Email/courriel: jsavikataaq@gov.nu.ca

The Honourable Paul Quassa
Premier
Minister of Executive and Intergovernmental Affairs
Government of the Nunavut Territory
Email/courriel: pquassa@gov.nu.ca

The Honourable Chris Ballard Minister of Environment and Climate Change Government of Ontario

Email/courriel: cballard.mpp.co@liberal.ola.org / minister.moecc@ontario.ca

The Honourable Glenn Thibeault Minister of Energy Government of Ontario

Email/courriel: gthibeault.mpp.co@liberal.ola.org

The Honourable David Zimmer
Minister of Indigenous Relations and Reconciliation

Government of Ontario

Email/courriel: david.zimmer@ontario.ca

The Honourable Catherine McKenna

Minister of Environment and Climate Change Email/courriel: <u>Catherine.Mckenna@parl.gc.ca</u>

The Honourable Carolyn Bennett

Minister of Crown-Indigenous Relations and Northern Affairs

Email/courriel: carolyn.bennett@parl.gc.ca

Mr. Scott Clausen

Deputy Director, Indigenous Affairs and LNG

Natural Resources Canada

Email/courriel: scott.clausen@canada.ca

Ms. Hélène Laurendeau

Deputy Minister of Crown-Indigenous Relations and Northern Affairs

Email/Courriel: Helene.Laurendeau@canada.ca

L'honorable Pierre Moreau

Ministre de l'Énergie et des Ressources naturelles

Province de Québec

Email/courriel: ministre@mern.gouv.qc.ca

The Honourable Ranj Pillai

Minister of Energy, Mines and Resources

Yukon Legislative Assembly

Email/courriel: Ranj.Pillai@gov.yk.ca

The Honourable Robert C. McLeod

Deputy Premier Minister of Finance

Minister of Environment and Natural Resources

Government of the Northwest Territories

Email/courriel: Robert_C_McLeod@gov.nt.ca

The Honourable Paula Biggar

Minister of Transportation, Infrastructure and Energy

Government of Prince Edward Island Email/courriel: <u>pjbiggar@gov.pe.ca</u>

Ms. Mabaye Dia

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Parks Canada

Email/courriel: mabaye.dia@pc.gc.ca

Ms. Tracy Utting

Panel Assessment Analyst

Canadian Environmental Assessment Agency

Prairie and Northern Office

Email/courriel: tracy.utting@ceaa-acee.gc.ca

Environment and Climate Change Canada

Environmental Assessment Division

Prairie and Northern Region

Email/courriel: ec.enviroinfo.ec@canada.ca

Fisheries and Oceans Canada Fisheries Protection Program

Email/courriel: FisheriesProtection@dfo-mpo.gc.ca

Alberta Transportation

Springbank Off-stream Reservoir Project Email/courriel: springbank-project@gov.ab.ca

Mr. Karl Zimmer

Head, Stewardship Unit, Canadian Wildlife Service

Environment and Climate Change Canada Email/courriel: Karl.Zimmer@canada.ca

(Associations)

Mr. David R. Core

Director of Federally Regulated Projects

Canadian Association of Energy and Pipeline Landowner Associations (CAEPLA)

Email/courriel: davecore@caepla.org

Mr. Nick Schultz

Vice President, Pipeline Regulation and General Counsel

Canadian Association of Petroleum Producers

Email/courriel: schultz@capp.ca

The Honourable Sergio Marchi President and Chief Executive Officer Canadian Electricity Association Email/courriel: marchi@electricity.ca

Mr. Chris Bloomer President and CEO

Canadian Energy Pipeline Association Email/courriel: cbeynon@cepa.com

Mr. Bryan Gormley

Director, Policy, Economics and Information

Canadian Gas Association

Email/courriel: bgormley@cga.ca

Mr. David Podruzny

Vice-President, Business & Economics and Board Secretary

Chemistry Industry Association of Canada

Email/courriel: dpodruzny@canadianchemistry.ca

BC Farmers' Advocacy Office

Email/courriel: info@farmersadvocate.ca

Mr. Bob Demulder Regional Vice-president Nature Conservancy of Canada

Email/courriel: bob.demulder@natureconservancy.ca

Dr. Shahrzad Rahbar

President

Industrial Gas Users Association Email/courriel: srahbar@igua.ca

Mr. Gary Leach

President

Explorers and Producers Association of Canada Email/courriel: info@explorersandproducers.ca

Mr. Vince Brescia President and CEO

Ontario Energy Association

Email/courriel: vince@energyontario.ca

Mr. John D. Goudy

Scott Petrie LLP, Law Firm

Email/courriel: jgoudy@scottpetrie.com

Mr. Paul Vogel Cohen Highley LLP

Email/courriel: vogel@cohenhighley.com

Appendix C: Publication List

Publication Name	Publication Date	Submission Deadline
Cochrane Times	Weekly - Wednesday	Friday at 12pm
Calgary Herald	Daily	3 days prior Submit art 2 days prior
High River Times	Bi-weekly — Tuesdays and Fridays	Tuesday: prior Thursday at 4pm Friday: Tuesday at 4pm
Le Franco	Weekly - Thursday	1 week before publication deadline

Appendix D: Pre-decided Standing

The Board has decided to grant standing to all of the persons who provided comments to the Board, and all Indigenous groups, municipalities and landowners or land occupants who are directly affected by the Project (Pre-decided Standing). To have standing means that you are allowed to make representations to the Board and that the Board will consider this information before making its decision on the Project application.

Those granted Pre-decided Standing are still required to register through the Participation Portal as an Intervenor or a Commenter before the Application to Participate deadline of **12 July 2018**. If you are granted Pre-decided Standing but have not registered by **12 July 2018**, you will not be allowed to participate and will not be on the List of Participants. The Board will release a List of Participants soon after the close of the Application to Participate deadline.

The list below is not exhaustive of parties the Board may consider to be directly affected by the Project, and should not deter any party not on the list from applying to participate.

The directly affected parties granted Pre-decided Standing are:

Filed Comment Letters:

Mr. John, Ms. Shirley and Mr. Patrick Costigan

St. Peter's Lutheran Church

Mr. and Ms. Mostaghel

Mr. Block

Mr. and Ms. Drewry

McKendrick Ranches Ltd.

O'Chiese First Nation

Indigenous Groups:

Enoch Cree Nation

Foothills Ojibway First Nation

Kainai (Blood) Tribe

Métis Nation of Alberta

Métis Nation of Alberta – Region 3

Nakcowinewak Nation of Canada

O'Chiese First Nation

Piikani (Peigan) First Nation

Samson Cree Nation

Siksika Nation

Stoney Nakoda Nation

Sunchild First Nation

Tsuu T'ina Nation

Appendix D – Pre-decided Standing dated 14 June 2018 Page 2 of 2

Municipalities:

Rocky View County
Town of Cochrane
Municipal District of Foothills No. 31
Municipal District Ranchland No. 66
Town of Turner Valley

Landowners:

Landowners and land occupants whose land is crossed by the Project. When registering to participate, you must confirm that you are a directly affected landowner, for example, by providing the address or legal land description, and stating that the Project crosses your land.