



Canada Energy
Regulator

Régie de l'énergie
du Canada

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File OF-Fac-Oil-T217-2017-02 02
31 October 2019

Ms. Gail Sharko
Manager, Regulatory & External Affairs
Trans-Northern Pipelines Inc.
109-5305 McCall Way NE
Calgary, AB T2E 7N7
Email: gsharko@tnpi.ca

Mr. Lars Olthafer
Blake, Cassels & Graydon LLP
3500 Bankers Hall East
855 Second Street SW
Calgary, AB T2P 4J8
Email: lars.olthafer@blakes.com

Dear Ms. Sharko and Mr. Olthafer:

**Trans-Northern Pipelines Inc. (TNPI)
Application for Review of National Energy Board Orders XO-T217-004-2018
and MO-017-2018 pursuant to subsection 21(1) of the *National Energy
Board Act (NEB Act)*
Notice of Hearing - Hearing Order MH-009-2019**

On 6 December 2017, TNPI filed an application pursuant to section 58 of the NEB Act and section 45.1 of the *National Energy Board Onshore Pipeline Regulations* (OPR) for the construction and operation of the NPS10 Pipeline Relocation Project at Saint-Eustache, Québec (the Project). TNPI's application detailed that it appears the pipeline, built in the 1950's, was incorrectly constructed on a landowner's property which is adjacent to land owned by TNPI.

On 8 February 2018, the National Energy Board issued orders XO-T217-004-2018 and MO-017-2018 approving the Project (the Orders) to relocate the pipeline to TNPI property.

On 21 June 2019, TNPI filed a letter requesting that the National Energy Board undertake a review of the Orders pursuant to subsection 21(1) of the NEB Act and Part III of the *National Energy Board Rules of Practice and Procedure, 1995* (the Rules). TNPI's letter explains that it had not provided the Landowner, Mr. Fortin, with formal notice of the application to relocate the pipeline. In light of the oversight relative to the formal consultation requirements for the application, TNPI submits that the NEB's decision was made based on an incomplete record.

On 6 September 2019, Mr. Fortin filed a letter expressing his concerns with the Project. Mr. Fortin states that the pipeline, although it would be removed from his property, would still be close enough to impose legal restrictions on the use of his land. Mr. Fortin wants to personally represent his views and interests to the Commission of the Canada Energy Regulator (the Commission) and have the Commission order a new route that would remove the legal restrictions on his use of the land.

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The Commission has concluded that establishing a focused hearing process under subsection 24(3) of the NEB Act is appropriate to hear Mr. Fortin's concerns. Holding a hearing will provide Mr. Fortin with access to the Canada Energy Regulator's Participant Funding Program.

The Commission will recognize Mr. Fortin as an Intervenor in the hearing process established by Hearing Order MH-009-2019. However, Mr. Fortin must write to the Commission to indicate his intent to participate in the hearing **by 28 November 2019**. TNPI and Mr. Fortin need not resubmit any of their previously filed submissions; all these will be considered by the Commission and only Information Requests (IRs) or additional or reply comments need to be filed.

If Mr. Fortin wishes to obtain participant funding, Mr. Fortin must notify the Participant Funding Coordinator at pfp.pafp@cer-rec.gc.ca of his need for funding **by 28 November 2019**, as indicated in the attached Hearing Order.

TNPI is responsible for serving a copy of Hearing Order MH-009-2019 **by 14 November 2019** on Mr. Fortin.

If you have any questions regarding this Hearing Order, please contact the CER at Process.Help@cer-rec.gc.ca or 1-800-899-1265.

Yours sincerely,

Original signed by S. Wong for

L. George
Secretary of the Commission

cc: Mr. A. Fortin c/o Mr. Benoit Perras, BBP Avocats, bperras@bbpavocats.com

Attachment