



File 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.

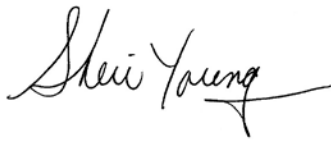
Enbridge is also directed to serve a copy of the Notice of Public Hearing (Appendix III) and this letter on the persons or agencies listed in Appendix V, Part A of the Hearing Order by

.../2

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 black ink, reading "Sheri Young". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sheri Young
Secretary of the Board

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for Hearing Order OH-002-2013

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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.

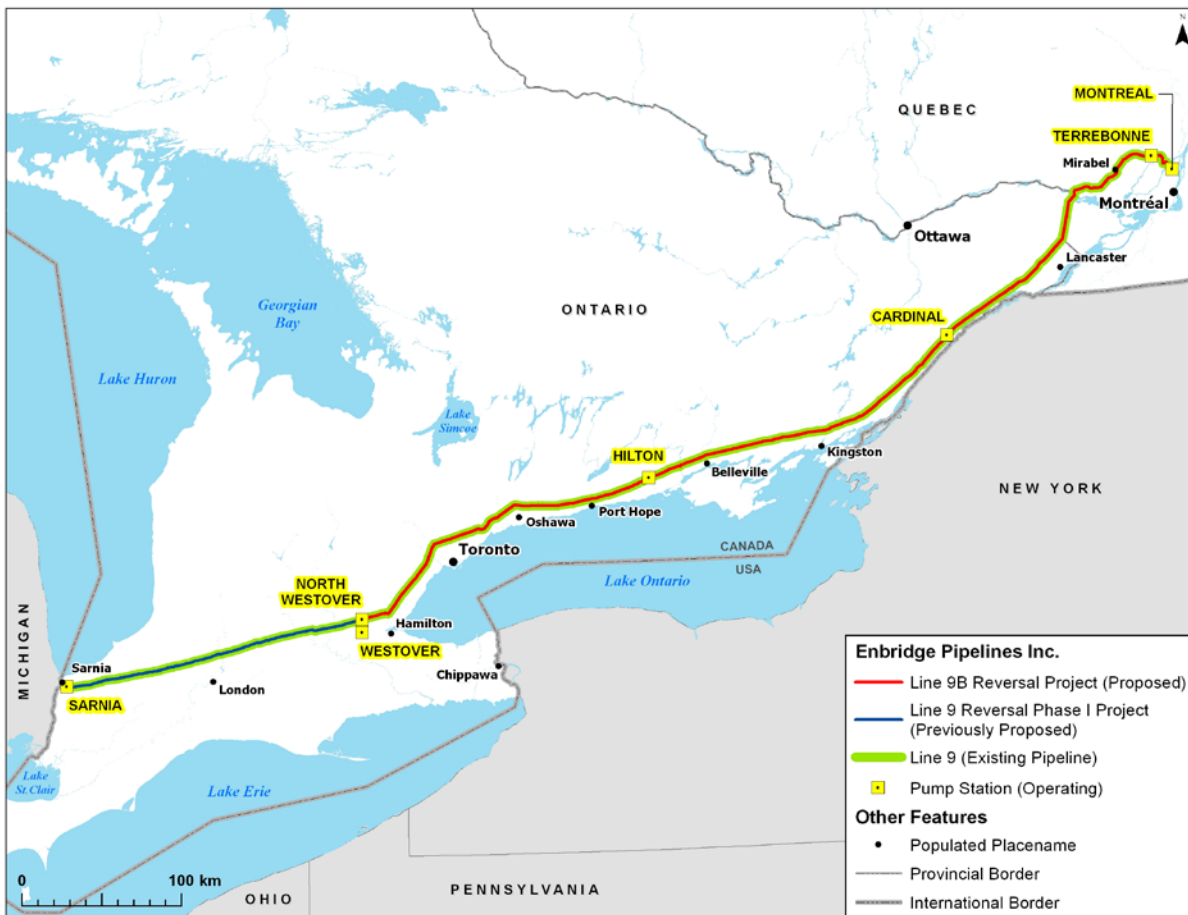
On 27 July 2012, the NEB approved a standalone application from Enbridge to reverse a 194 km segment to flow eastwards between the Sarnia Terminal and the North Westover Station in Ontario.

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 – 1 st Street S.W. Calgary, AB T2P 3L8 Facsimile 403-767-3863	Ms. Margery Fowke Senior Regulatory Counsel Enbridge Pipelines Inc. 425 – 1 st Street S.W. Calgary, AB T2P 3L8 Facsimile 403-767-3863	Mr. Doug Crowther Legal Counsel Fraser Milner Casgrain LLP 15 th Floor, Bankers Court 850 – 2 nd Street S.W. Calgary, AB T2P 0R8 Facsimile 403-268-3100
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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, Intervenor 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 Intervenor, to provide final argument, and/or such other methods of participation as the Board considers appropriate. Intervenor 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 Intervenor 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 Intervenorors

52. Intervenorors 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 Intervenorors on their Evidence

53. If Enbridge or an Intervenor entitled to ask questions has information requests about the evidence of Intervenorors, they must serve the information requests on that Intervenor, file a copy with the Board and serve a copy on all Intervenorors by **16 July 2013**.
54. Intervenorors 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 Intervenorors by **30 July 2013**.

Reply Evidence by Enbridge

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

Final Argument

56. Final argument is a final opportunity for Enbridge and Intervenorors 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

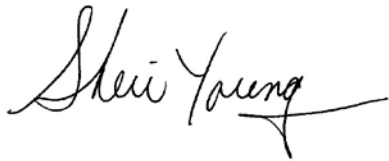
64. Any person making a reference to information on a website must ensure that:
- (a) the reference is sufficiently precise to allow any person accessing the site to know the exact information which is being referenced;
 - (b) the website does not require a password or subscription in order to access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

A handwritten signature in black ink, appearing to read "Sheri Young", with a stylized flourish at the end.

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



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:

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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
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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”

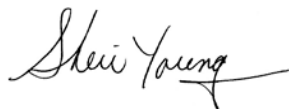
Information on Hearing Procedures

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
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National Energy Board
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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>	Ohswegen, 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**

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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	<i>National Energy Board Act</i>
Participants	Persons who have been granted rights to participate in the Board's proceeding. These include the Applicant, Intervenor and Letter of Comment writers. Participants in this hearing have rights and obligations that interested persons do not.
Parties	Includes the Applicant and the Intervenor, 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.