

Files: 3200-E112-1 &
DP 40,002

6 December 2002

**CNSOPB DEEP PANUKE PUBLIC REVIEW
NEB HEARING ORDER GH-4-2002**

JOINT DIRECTIONS ON PROCEDURE

EnCana Corporation (EnCana)

On 1 March 2002, EnCana Corporation (EnCana), formerly PanCanadian Energy Corporation, filed applications with the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) and the National Energy Board (NEB) for its Deep Panuke Offshore Gas Development Project (the Project).

Pursuant to paragraph 44(2)(d) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act* (Accord Acts), EnCana filed with the CNSOPB documentation to seek approval of the Project that includes, but is not limited to, a development plan, a Canada-Nova Scotia benefits plan, an environmental impact statement and a socio-economic impact statement (Development Application).

EnCana filed an application with the NEB for a Certificate of Public Convenience and Necessity pursuant to Part III of the *National Energy Board Act* (NEB Act) and an Order pursuant to Part IV of the NEB Act (Pipeline Application).

The Development Application relates to offshore facilities consisting of production wells, injection well(s), three fixed-steel platforms and interconnecting bridges, and associated sub-sea gathering and transmission pipelines. These facilities would include processes such as separation, sweetening, acid gas injection, dehydration, and produced water treatment and disposal. These proposed facilities relate to the proposed production and processing of natural gas from the Deep Panuke gas field located on Production Licence 2902 some 175 km southeast of Goldboro, Nova Scotia and 250 km southeast of Halifax, Nova Scotia on the Scotian Shelf.

The Pipeline Application relates to 179 km of 24 inch O.D. pipeline from the outlet flange of the offshore production platform to an interconnect with the Maritimes & Northeast Pipeline Management Ltd. (M&NP) main transmission pipeline approximately 1.1 km downstream of the Goldboro gas plant. EnCana's application also includes metering, custody transfer and miscellaneous facilities at the interconnection with M&NP. EnCana has also requested an order from the NEB designating EnCana as a Group 2 Company within the meaning of the NEB's Group 2 Memorandum of Guidance dated 6 December 1995.

To co-ordinate the environmental assessment required under the *Canadian Environmental Assessment Act* (the CEA Act), the CNSOPB and the NEB and other federal and provincial authorities have entered into a *Memorandum of Understanding on Environmental Assessment Process for the Deep Panuke Project* (EA MOU) dated 17 December 2001. Further to the EA MOU, a Comprehensive Study Report (CSR) was delegated to and has been prepared by EnCana. The CSR has been finalized and was forwarded to the federal Minister of the Environment on 1 November 2002. Pursuant to the EA MOU, the CNSOPB and

the NEB may now commence their regulatory public proceedings on the Applications by publishing notices. If, however, the Minister decides that the Project is likely to cause significant adverse environmental effects that cannot be justified or that the Project should be referred to mediation or a review panel under the CEA Act, then the Deep Panuke Public Process will not continue as proposed.

Both Boards have a regulatory role related to aspects of the proposed Deep Panuke Project and it is noted that there is or may be considerable overlap of content and interest in the matters related to the Applications. The NEB is required under the NEB Act to conduct a Public Process in respect of the Pipeline Application, and the CNSOPB has determined that it is in the public interest to conduct a public review of the Development Application under the Accord Acts.

To avoid duplication and public confusion which might arise from carrying out separate hearings under the NEB Act and the Accord Acts, the two Boards have determined that it would be appropriate in these circumstances to co-ordinate one Public Process and essentially hear the two Applications at the same time. A Memorandum of Understanding (MOU) between the NEB and the CNSOPB has been drafted to this effect.

To facilitate a co-ordinated Public Process, the CNSOPB has, pursuant to section 44 of the Accord Acts, appointed a Commissioner to hear the Development Application and to make recommendations and report to the CNSOPB. As well, the NEB, pursuant to section 15 of the NEB Act, has authorized a single member to take evidence and acquire the necessary information for the purpose of making a report and recommendations contained in it as to the decision or order of the Board to be made on the Pipeline Application. It is anticipated that the Commissioner and the NEB Member will sit together to hear the evidence and submissions and, in so doing, will function jointly where possible and appropriate, to facilitate and co-ordinate the Public Process. The Commissioner and the NEB Member, however, do not constitute a "joint panel" in the sense contemplated by the CEA Act, and each will maintain their assigned separate and independent regulatory roles.

The Public Process to hear and consider the Applications will involve initial public consultation sessions, a written evidence and information request/response process, and an oral hearing all of which are described below in more detail. Also as detailed below, members of the public may choose the level and extent of involvement in the Public Process that best suits their interests and needs.

In order to facilitate public participation, and in the interests of fairness and efficiency, the following procedures have been established:

DEFINITIONS

1. In these Directions on Procedure,

“Applications” collectively refers to the Development Application and Pipeline Application;

“Board” or “Boards” means the Canada-Nova Scotia Offshore Petroleum Board or the National Energy Board, or both as the context dictates;

“Applicant” means EnCana Corporation formerly known as PanCanadian Energy Corporation;

“Canada-Nova Scotia benefits plan” has the meaning set out in section 45 of the Accord Acts;

“Commissioner” means the individual appointed pursuant to paragraph 44(2)(b) of the Accord Acts;

“Development Application” means all documentation provided to the CNSOPB by the Proponent for the purpose of paragraph 44(2)(d) of the Accord Acts, to seek approval of the Project and shall include but not be limited to, an environmental impact statement, a socio-economic impact statement, a development plan and Canada-Nova Scotia benefits plan;

“development plan” has the meaning set out in section 2 of the Accord Acts;

“Intervenor” means those persons or organizations who have applied for and been granted intervenor status (in accordance with paragraph 6) and whose names appear on the List of Parties (paragraph 7) as amended as appropriate;

“Joint Directions on Procedure” means the procedures described herein and such variances as may be deemed appropriate by the Commissioner and NEB Member;

“NEB Member or Member” means the NEB Board Member authorized, pursuant to section 15 of the NEB Act to report to the NEB on the application before that Board and to take evidence and acquire the necessary information for the purpose of making a report and recommendations contained in it as to the decision or order of the Board to be made on the matter;

“Nova Scotia Offshore Area” means the lands and submarine areas within the limits described in Schedule I of the Accord Acts;

“Participant” means a person who makes an oral presentation or files a written submission to the Commissioner and NEB Member pursuant to the Joint Directions on Procedure;

“Party” to the Public Process or proceeding means the Applicant and all Intervenors;

“Pipeline Application” means all documentation filed by EnCana in support of its application to the NEB for a Certificate of Public Convenience and Necessity pursuant to Part III of the NEB Act and an Order pursuant to Part IV of the NEB Act;

“Project” means the proposed development of natural gas resources from the Deep Panuke gas field in the Nova Scotia Offshore Area which development includes drilling, production, installation, fabrication, processing, operating, decommissioning and transportation activities offshore and transportation of market-ready gas to an interconnection with the M&NP main transmission pipeline onshore near Goldboro, Nova Scotia;

“Public Process” means the public process established to combine the CNSOPB Deep Panuke Public Review conducted by the Commissioner under the Accord Acts and the NEB public proceeding (GH-4-2002) under the NEB Act conducted by the Board Member, and which will include three components: public consultation sessions, a written process, and an oral hearing as outlined in these Joint Directions on Procedure;

“Public Record” means the Applications and all correspondence, information, comments or evidence in relation thereto provided or filed to date and in accordance with this Joint DOP except privileged information provided by EnCana to the CNSOPB under the Accord Acts or any other evidence ruled inadmissible by the Commissioner or the NEB Member under section 16.1 of the NEB Act;

“Secretariat” means NEB staff and staff assigned or contracted by the CNSOPB and/or the Commissioner to provide administrative and technical hearing support functions. The Commissioner and the NEB Member will also each select and be assisted by various professional staff;

“Secretary to the Secretariat” or “Secretary” means the individual(s) designated to be the focal point for the receipt and distribution to the Commissioner and NEB Member of all correspondence and filings in this matter;

“Terms of Reference” means the Commissioner’s Terms of Reference issued by the CNSOPB for the public review of the Development Application pursuant to the Accord Acts; and

“Written comments” means comments provided by a Written Participant prior to the commencement of the hearing as described more fully in Appendix VII.

PUBLIC VIEWING

2. A copy of the Applications and a complete Public Record will be available for viewing at the NEB and Commissioner’s offices at the following locations:

National Energy Board Library, Main Floor 444 – Seventh Avenue S.W. Calgary, Alberta T2P 0X8	Canada-Nova Scotia Offshore Petroleum Board 18 th Floor, TD Centre 1791 Barrington Street Halifax, Nova Scotia B3J 3K9	Secretariat, Deep Panuke Project Suite 1201 Centennial Building 1660 Hollis Street Halifax, Nova Scotia B3J 1V7
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Information may also be obtained by accessing the Deep Panuke Public Review Internet site at www.deeppanukereview.ca, clicking on “View Regulatory Documents” and opening the appropriate folder(s) to select a document.

EnCana shall make available for public viewing, during normal business or operating hours, a copy of the Applications and related documentation, comprising the Public Record as it develops at its offices located at:

EnCana Corporation
Suite 700, Founders Square
1701 Hollis Street
Halifax, Nova Scotia
B3J 3M8

EnCana Corporation
EnCana on 9th
150 9th Avenue S.W.
P.O. Box 2850
Calgary, Alberta
T2P 2S5

EnCana shall also make a copy of its Applications available for public viewing at the libraries in Halifax, Mulgrave, Guysborough, Sherbrooke, Canso, New Glasgow, Sydney and Yarmouth, Nova Scotia.

The complete Public Record as it develops, including transcripts of the public consultation sessions and the oral hearing (see paragraph 32), is accessible on the Deep Panuke Public Review Internet site referenced above.

PUBLIC PARTICIPATION

3. The Public Process will be conducted in an open, fair and effective manner, ensuring that the public and interested persons are provided with an opportunity to participate and have their views and opinions heard. The various ways that the public may participate in the Public Process are explained below.

(a) Public Consultation Sessions

Public consultation sessions will be conducted early in the process to assist in the formulation of issues that should be considered by the Commissioner, NEB Member or both and to receive comment on any further information to be requested of the Applicant. These sessions will serve two primary purposes:

- (i) To inform the public and interested persons about the mandate of the Commissioner and the NEB and provide details on how to become involved in the Public Process; and
- (ii) To hear the views of the public and interested persons on the issues which may be relevant to the Commissioner and NEB mandates and that should be considered in the Public Process.

As indicated in the attached Notice of Public Process, these sessions will be held in the following communities commencing on **Thursday, 9 January 2003** as follows:

Halifax - 9 January 2003
Guysborough - 11 January 2003

These sessions will commence at 9:00 a.m. Prior to and following these sessions, Secretariat staff will be available to make presentations and answer questions related to the proposed Public Process and to further explain the various options for public participation.

(b) Participants and Intervenors

In addition to making submissions before the Commissioner and NEB Member at the public consultation sessions, the public may take part in the subsequent process in one of two ways: either by becoming a Participant (in accordance with paragraph 8 of these Joint Directions on Procedure) or an Intervenor (in accordance with paragraph 6 of these Joint Directions on Procedure). For a summary of the rights and obligations of Participants and Intervenors, please see Appendix VIII.

(i) Participants

Any person who does not wish to register as an Intervenor and become a party in the proceeding, but who only wishes to make written or oral comments to the Commissioner and the NEB Member regarding the Applications, may choose to be a Participant.

As a Participant, persons or groups have one of three options. They may choose to provide comments, (i) in writing prior to the hearing (Written Participant), (ii) orally at the beginning of the hearing (Oral Participant), or (iii) orally during the hearing before argument (Hearing Participant). Hearing Participants will also be able to ask questions of the Applicant during the hearing, but they themselves will not be subject to cross-examination. Members of the public, therefore, depending upon the level of involvement in the process that they consider would be appropriate, have a number of choices to facilitate their participation.

Oral comments or presentations at the hearing by Oral Participants and Hearing Participants will be limited to fifteen minutes. Participants may be asked clarifying questions by the Commissioner and NEB Member.

Those who choose to be Participants as described above are not considered to be Intervenor and, therefore, do not have the rights and obligations of an Intervenor, i.e., the right to be served with a copy of the Applications, to file evidence, to cross-examine and be cross-examined, to submit argument, or to participate during the proceeding in any other way than that described above for Hearing Participants.

For a more detailed outline of the process for making oral or written presentations on the Applications, please see Appendices VII and VIII.

(ii) Intervenor

Intervenor are those persons or organizations who have applied for and been granted Intervenor status in accordance with paragraph 6 and whose names appear on the List of Parties (paragraph 7) as amended as appropriate. Intervenor are entitled to all the rights and obligations of a Party leading up to and including the oral hearing. They will be subject to ongoing document distribution requirements prior to the oral hearing. Intervenor may present evidence and are required to file such evidence in written format (paragraph 13). Intervenor evidence must be adopted and sworn or affirmed at the hearing by witnesses who will be subject to questioning and cross-examination. Intervenor may pose written information requests on evidence filed by the Applicant (paragraph 11) or by any other Intervenor (paragraph 14). Intervenor may present argument at the conclusion of the evidentiary phase of the hearing.

PROCESS FOR ENVIRONMENTAL ASSESSMENT

4. On 18 December 2001, EnCana was delegated the preparation of the Comprehensive Study Report (CSR) pursuant to section 17 of the *Canadian Environmental Assessment Act* (the CEA Act). The CSR has been forwarded to the Canadian Environmental Assessment Agency and the Minister of the Environment for review, public consultation and a Ministerial decision. If the Minister decides that the Project is likely to cause significant adverse environmental effects that

cannot be justified or that the Project should be referred to mediation or a review panel, then the Public Process will not continue as proposed and the attached schedule will be suspended.

As part of its Applications, the Applicant has filed the CSR, which fulfils the environmental assessment requirements under the CEA Act. For greater certainty, during this Public Process the Commissioner and the NEB Member will only consider relevant environmental matters that are within NEB and CNSOPB jurisdiction and that were not previously raised and addressed during the course of the environmental process under the CEA Act and the CSR respecting the Project.

LIST OF ISSUES

5. The NEB and the Commissioner intend to examine, but not necessarily be limited by, the issues set forth in the draft List of Issues (see Appendix I). Any person wishing to suggest an amendment or addition to the List of Issues is requested to do so when filing an intervention. When proposing additional issues, the relevance to the hearing should be clearly explained and a justification for inclusion of each proposed issue should be provided. A revised List of Issues may be issued shortly after the conclusion of the Public Consultation Sessions, on or about **Friday, 17 January 2003**.

Further revisions to the List of Issues may be made as a result of submissions made at the public consultation sessions (see paragraph 3(a)).

INTERVENOR STATUS

6. Written requests for Intervenor status shall be filed with the Secretariat and be served on the Applicant by **Monday, 6 January 2003**. Interventions shall:
 - (a) set out the name, mailing address, address for personal service, telephone number and any other means of communication (e.g., facsimile, e-mail) for the person and any authorized representatives of the person. If any special services for distribution are required, these should be clearly indicated;
 - (b) indicate the official language the person intends to use in correspondence with the Secretariat and during the hearing;
 - (c) describe the nature of the person's interest in the proceeding;
 - (d) clearly state the specific issues that the person intends to address at the hearing or wishes to add to the List of Issues (paragraph 5) or, where the person does not intend to participate actively at the hearing, state the reasons why the person's interest justifies Intervenor status in the proceeding; and
 - (e) indicate whether the person wishes to receive a hard copy of documents issued by the Commissioner or NEB Member by facsimile or a notice via e-mail when documents are filed online. (See paragraph 2 on how to access information on the Deep Panuke Public Review Internet site.)

A request for intervention may be made in letter format or by completing and submitting the form attached as Appendix V. In appropriate circumstances, applications for late Intervenor status may be considered and accepted following the public consultation sessions.

LIST OF PARTIES

7. The NEB Member and the Commissioner will issue a List of Parties shortly after the deadline for interventions, on or about **Tuesday, 14 January 2003**.

COMMENTS/PARTICIPANT STATUS

8. As noted above, participants may provide comments on the Application(s) either in writing or orally at the hearing.

Written Participant:

If you wish to provide comments in writing (Written Participant), you must do so **by Thursday, 10 April 2003** with correspondence addressed to the Secretariat at the address noted in paragraph 2. Written comments should describe the nature of your interest in the Application(s) and provide any relevant information that explains or supports your comments. Appendix VII provides further guidelines for written submissions.

Oral Participant:

Persons or groups who wish to provide comments orally at the beginning of the hearing (Oral Participant) must register as a participant with the Secretariat by **Thursday, 6 March 2003** by completing and submitting the form attached as Appendix VI or by calling 1-866-234-6704 and stating that you wish to be an Oral Participant and providing the information contained in Appendix VI. Please consult Appendix VII for further guidelines on oral submissions at the hearing.

Hearing Participant:

If you wish to have the opportunity to question the Applicant before providing oral comments at the hearing (Hearing Participant), you must register as a participant with the Secretariat by **Thursday, 6 March 2003** by completing and submitting the form attached as Appendix VI or by 1-866-234-6704 and stating that you intend to be a Hearing Participant and providing the information contained in Appendix VI. Please consult Appendix VII for further guidelines on oral submissions at the hearing.

LIST OF PARTICIPANTS

9. A List of Participants will be prepared on or about **Friday, 21 March 2003**. The Secretariat will provide, to the Applicant and other Parties, copies of any written comments and the List of Participants.

WRITTEN EVIDENCE AND INFORMATION REQUEST/RESPONSE PROCESS:

Once the List of Issues has been finalized and prior to the commencement of the oral hearing (see paragraph 16) of the Public Process in Halifax, a written evidence and information request/response process will be conducted. This will allow Intervenors to ask written questions of the Applicant and, if they so choose, to file evidence and be subject to an initial round of written questions on their own evidence.

Additional Written Evidence of the Applicant

10. Any additional evidence that the Applicant may wish to present shall be filed with the NEB and the Commissioner through the Secretary and be served on all parties no later than **Friday, 24 January 2003**.

Information Requests to the Applicant

11. Information requests directed to the Applicant shall be filed with the Secretary and be served on all parties on or before **Friday, 7 February 2003**.
12. Responses by the Applicant to information requests filed pursuant to paragraph 9 shall be filed with the Secretary and be served on all parties by **Friday, 28 February 2003**.

Written Evidence of Intervenors

13. The written evidence of Intervenors is required to be filed with the Secretary and served on all parties by **Friday, 14 March 2003**.

Information Requests to Intervenors

14. Information requests related to the written evidence of Intervenors filed pursuant to paragraph 13 are required to be filed with the Secretary and served on all parties by **Friday, 28 March 2003**.
15. Responses to information requests filed pursuant to paragraph 14 and received within the specified time limit shall be filed with the Secretary and served on all parties **by Thursday, 17 April 2003**.

ORAL HEARING PROCESS:

16. The oral portion of the hearing will commence in Halifax on **Monday, 28 April 2003** with presentations by Oral Participants. Intervenors will then be called upon to register their appearances. At that time, Intervenors will indicate whether they wish to be called for cross-examination and argument and whether they have any preliminary matters to raise. Any preliminary matters will then be heard following which the evidentiary phase of the oral hearing will commence.

The Applicant will present its direct evidence and make its sworn witnesses available for cross-examination by Intervenors, questions by Hearing Participants and questions by the Commissioner and the NEB Member and Counsel. The Applicant will have the right to present redirect evidence, as appropriate, in order to clarify matters raised in cross-examination or through questioning.

After the completion of the Applicant's evidence, Intervenors in attendance will adopt their prefiled evidence and make witnesses available for cross-examination and questions by the Commissioner and the NEB Member and Counsel. Each intervenor will also have the right, following cross-examination, to present redirect evidence. Before the evidentiary portion of the hearing is completed, the Applicant may, as appropriate present rebuttal evidence.

Hearing Participants may make their presentations orally or, with prior permission, in writing before argument commences. Once the Hearing Participants have made their presentations, oral argument will begin with the Applicant and those Intervenors who have indicated that they wish to present argument. Intervenors may, with prior permission, present argument in writing. The Applicant may present reply argument as appropriate.

Service to Parties

17. The Applicant shall serve forthwith a copy of these Directions on Procedure in both official languages (including appendices) on all persons listed in the Initial Distribution List (Appendix IX). The Applicant is directed to file with the Secretary a list of all persons served.
18. Unless otherwise directed, the Applicant shall serve a copy of each of the original applications (and any subsequent submissions) on all of the persons named in the List of Parties (and in any revisions thereto), with the exception of those listed as Intervenors.

Parties are reminded that copies of the applications are available for public viewing at the locations identified in paragraph 2 and at the Deep Panuke Public Review Internet site as described more fully in paragraph 2.

19. Unless otherwise directed, upon receipt of the List of Parties, each Intervenor shall serve a copy of its intervention on all other Intervenors.

Notices

20. The Applicant shall publish forthwith the Notice of Public Process, attached as Appendix II, in each of the publications listed in Appendix III. The notice shall include a map for publications listed in A and B of Appendix III showing the location of the proposed facilities at a scale suitable to indicate with reasonable accuracy the locations of the proposed facilities.

Timetable of Events

21. A timetable for filing and service is provided in Appendix IV.

Filing and Service Requirements

22. Where a party is directed by these Directions on Procedure to file or serve documents on other parties prior to the commencement of the oral hearing, the following number of copies shall be filed or served:
 - (a) for documents to be filed with the NEB and the Commissioner, 25 copies filed at the Secretariat office (see paragraph 2);
 - (b) for documents to be served on the Applicant, three copies each;

- (c) for documents to be served on Intervenors, one copy each; and
 - (d) for documents to be filed electronically with the Secretariat, the electronic document and one hard copy.
23. Parties filing or serving documents at the oral hearing shall file ten copies with the Hearing Officer and shall leave sufficient copies for parties at a designated location in the hearing room.
24. Persons submitting written comments shall serve one copy on the Applicant and file one copy at the Secretariat office. Through the Secretariat, copies will be provided to all other parties. Any reply made by the Applicant or an Intervenor to a letter of comment shall be filed with the Secretary and copied by the author to all parties as well as the person who filed the letter of comment.
25. Parties filing or serving documents less than five days prior to the commencement of the oral hearing shall bring to the hearing a sufficient number of copies of the documents for use by the NEB and the Commissioner and other parties present at the hearing.
26. Where a party is required to file or serve a document on a specified date, the intended recipient must receive the document no later than noon at the place of service.

Official Languages and Simultaneous Interpretation

27. Parties have the right to use the official language of their choice. In accordance with paragraph 6, persons shall indicate in their intervention which official language they intend to use in correspondence with the Secretariat and at the hearing. If it appears that both official languages will be used, simultaneous interpretation will be provided. Please note that documents filed by parties (including written comments) will not be translated.

Electronic Filing

28. For more information about submitting electronically, please refer to the NEB's "Filers Guide to Electronic Submission" and the "Memorandum of Guidance on Electronic Filing" dated 21 March 2002 both available via the "on-line help" link under "Submit a Document" accessible on both the Deep Panuke Public Review Internet site at www.deeppanukereview.ca and the NEB's Internet site at www.neb-one.gc.ca. When submitting electronically, you will be asked to submit one hard copy document to the NEB. That copy should be sent directly to the Secretariat.

General

29. Parties shall quote File 3200-E112-1 when corresponding on matters related to the NEB Pipeline Application and File No. DP 40,002 when corresponding on matters related to the CNSOPB Development Application or both. Parties shall also reference Hearing Order GH-4-2002 and CNSOPB Deep Panuke Public Review when corresponding on matters concerning either Application.
30. These Joint Directions on Procedure may be amended by the agreement of the Commissioner and the NEB Member. They replace the *National Energy Board Rules of Practice and Procedure*,

1995 except for procedures in section 35 (notice of motion), section 38 (communications with witnesses), section 39 (opening statements) and section 40 (subpoenas), which procedures for the purposes of Terms of Reference will be followed by the Commissioner in conducting the Public Process.

31. The oral hearing will be broadcast live over the Deep Panuke Public Review Internet site. Anyone wishing to listen to the daily proceedings should log on to the Deep Panuke Public Review Internet site at www.deeppanukereview.ca and click on "Link to On-line Broadcast".
32. The public consultation sessions and the oral hearing will be recorded and transcribed daily. Transcripts will be accessible via the Deep Panuke Public Review Internet site at www.deeppanukereview.ca. Transcripts can also be ordered directly from International Reporting Inc. during the hearing, by calling (613) 748-6043 ext. 26, or by emailing: bprouse@irri.net. Upon request, one hard copy of the daily transcript will be provided to the Applicant and each participating Intervenor at no cost, except for delivery, if applicable. Costs of any subsequent copies, including delivery, are the responsibility of the requesting party.
33. In an effort to ensure fairness and efficiency in this proceeding, Parties and all other Participants are required to strictly observe the deadlines set out in paragraphs 6, 8, 10 to 15 and 25 of these Joint Directions on Procedure. Departure from a deadline will not be permitted unless it can be reasonably justified.

Information/Inquiries

34. For information relating to this hearing or for general enquiries regarding the hearing process, please contact the Secretary at 1-866-234-6704. You may also call Mary Lou Scarf at the National Energy Board toll-free at 1-800-899-1265 or at (403) 299-3988, or Barbara Pike at the Canada Nova-Scotia Offshore Petroleum Board at (902) 496-0744. Please specify the Deep Panuke Project. Information may also be obtained by accessing the Deep Panuke Public Review Internet site at www.deeppanukereview.ca, clicking on "View Regulatory Documents" and opening the appropriate folder(s) to select a document.

*Original signed by
Michel L. Mantha*

Michel L. Mantha
Secretary
National Energy Board

*Original signed by
J.E. Dickey*

J.E. (Jim) Dickey
Chief Executive Officer
Canada-Nova Scotia Offshore Petroleum Board

DRAFT LIST OF ISSUES

Recognizing their respective jurisdictions, the CNSOPB and the NEB acknowledge that there is or may be a significant measure of overlap in the issues to be considered, particularly with respect to the “Joint” issues identified below:

Joint

1. The economic feasibility of the proposed facilities having regard to, among other things:
 - The outlook for long term demand for natural gas in the markets to be served by the proposed facilities
 - The outlook for long-term supply of natural gas for the proposed facilities
2. The potential environmental¹ and socio-economic effects of the proposed facilities.
3. The safety and design of the proposed facilities.
4. The inspection and monitoring of construction, operation and maintenance, and the decommissioning and abandonment of the proposed facilities.
5. The appropriateness of the routing of the proposed pipeline facilities.

NEB

6. The potential impact on landowners and communities affected by the selected route of the onshore portion of the proposed pipeline.
7. Land requirements and the land acquisition process relative to the onshore portion of the proposed pipeline.
8. The reasonableness of the proposed tolling methodology.
9. EnCana’s request to be regulated as a Group 2 company, as described in the National Energy Board’s Memorandum of Guidance dated 6 December 1995.
10. The appropriate terms and conditions to be included in any certificate granted by the NEB.

CNSOPB

11. Resource conservation and maximizing resource recovery.

¹ The CSR, which has been forwarded to the Canadian Environmental Assessment Agency and the Minister of Environment for review, public consultation and a Ministerial decision, fulfils the environmental assessment requirements of both Boards under the CEA Act.

12. The safety and design of the proposed facilities and procedures for removing and disposing of acid gas.
13. The Canada-Nova Scotia benefits plan having regard to, among other things:
 - The extent to which the plan meets the requirements of the Accord Acts by providing a process that gives residents of Nova Scotia, and other Canadians, a full and fair opportunity to participate on a competitive basis in the supply of goods and services;
 - The extent to which the plan provides an acceptable process for the employment of Canadians and, in particular, members of the labour force in Nova Scotia in any proposed work or activity;
 - The extent to which the plan provides an acceptable process and commitment towards education and training in Nova Scotia;
 - The extent to which the plan provides an acceptable program and appropriate financial commitment for research and development in Nova Scotia; and
 - The extent to which the plan includes provisions to ensure disadvantaged individuals or groups have access to training and employment opportunities and opportunities to participate in the supply of goods and services.

NOTICE OF
COORDINATED PUBLIC REVIEW
OF THE
Deep Panuke Offshore Gas Development Project
BY THE
CANADA-NOVA SCOTIA OFFSHORE PETROLEUM BOARD
- AND -
NATIONAL ENERGY BOARD

The Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) and the National Energy Board (NEB) have received applications from EnCana Corporation (EnCana) to construct and operate its proposed Deep Panuke Offshore Gas Development Project (the Project) offshore Nova Scotia. To avoid any duplication and public confusion which might arise from carrying out separate hearings, the two Boards have co-ordinated one Public Process to hear the two applications at the same time.

For more information on the project, the public review and the Joint Directions on Procedures (Joint DOP) to get involved in the public process, please contact the Deep Panuke Coordinated Public Review Secretariat, Suite 1201, Centennial Building, 1660 Hollis Street, Halifax, Nova Scotia, B3J 1V7 or call toll-free at 1-866-234-6704 or at www.deeppanukereview.ca. You may also contact Mary Lou Scarf in Calgary at (403) 299-3988 or call the National Energy Board's toll free number at 1-800-899-1265 and specify the Deep Panuke Project.

Prior to the oral hearings this spring, **Public Consultation Sessions** will be held to discuss the public process and the issues that should be considered in the review. Everyone is welcome to these sessions which will be held:

Halifax:

Thursday, 9 January, 2003 at 9:00 a.m.
Westin Nova Scotian Hotel
1181 Hollis Street
Halifax

Guysborough:

Saturday, 11 January, 2003 at 9:00 a.m.
Chedebucto Place
27 Green Street
Guysborough

The **Oral Hearings** are scheduled for Halifax beginning **28 April, 2003**.

If you wish to provide written comments on the Applications, please send them to the Secretariat at the address above by **Thursday, 10 April, 2003**. If you wish to provide oral comments at the hearing, please register as a "participant" with the Secretariat by **Thursday, 6 March, 2003**. Any person wishing to intervene in this proceeding must apply for "intervenor" status with the Secretariat by **Monday, 6 January, 2003** and send a copy to the Applicant at: EnCana Corporation, Suite 700, Founders Square, 1701 Hollis Street, Halifax, Nova Scotia, B3J 3M8. For an explanation of the "participant" and "intervenor" options, please see the Joint DOP.

This Project has also undergone an environmental review under the *Canadian Environmental Assessment Act* (CEA Act) through a Comprehensive Study Report which is being reviewed by the federal Minister of the Environment. If the Minister decides the Project is likely to cause significant adverse environmental effects that cannot be justified or that the Project should be referred to mediation or a review panel under the CEA Act, then the Deep Panuke Coordinated Public Process will not continue as proposed.

LIST OF PUBLICATIONS

A. Notice to be Published in English with a Map

Publication	Location
“The Halifax Chronicle Herald”	Halifax, Nova Scotia
“The Guardian”	Charlottetown, Prince Edward Island
“New Brunswick Telegraph-Journal”	Saint John, New Brunswick
“Quebec Chronicle-Telegraph”	Québec, Québec
“Montreal Gazette”	Montreal, Québec
“The National Post” (National Edition)	Toronto, Ontario
“The Globe and Mail” (National Edition)	Toronto, Ontario
“The Calgary Herald”	Calgary, Alberta
“The Daily News”	Halifax, Nova Scotia
“The Cape Breton Post”	Sydney, Nova Scotia
“The Truro Daily News”	Truro, Nova Scotia
“Antigonish Casket”	Antigonish, Nova Scotia
“Guysborough Journal”	Guysborough, Nova Scotia
“Inverness Oran”	Inverness, Nova Scotia
“The Port Hawkesbury Reporter”	Port Hawkesbury, Nova Scotia
“The Yarmouth Vanguard”	Yarmouth, Nova Scotia
“Mi’kmaq Maliseet Nations News”	Truro, Nova Scotia

B. Notice to be Published in French with a Map

Publication	Location
“Le Gaboteur”	Stephenville, Newfoundland
“La Voix Acadienne”	Summerside, Prince Edward Island
“L’Acadie Nouvelle”	Caraquet, New Brunswick
“Le Courrier de la Nouvelle-Écosse”	Yarmouth, Nova Scotia
“Le Soleil”	Québec, Québec
“La Presse”	Montréal, Québec

C. Notice to be Published in English and French

Publication	Location
“Canada Gazette”	Ottawa, Ontario

TIMETABLE OF EVENTS

Event	Deadline for Service and Filing
Formal Process:	
Publication of Notice ¹ [20]	16 December 2002
Filing of Interventions [6]	6 January 2003 ²
Deadline for Proposing Amendments/Additions to the List of Issues [5]	6 January 2003
Applicant's Written Comments on Proposed Revisions to List of Issues	8 January 2003
Public Consultation/Information Sessions Commence [3]	9 January 2003
Revised List of Issues, as appropriate, resulting from Public Consultation Sessions [5]	17 January 2003
Additional Written Evidence from the Applicant [10]	24 January 2003
Information Requests to the Applicant [11]	7 February 2003
Applicant's Responses to Information Requests [12]	28 February 2003
Intervenor Written Evidence [13]	14 March 2003
Information Requests to the Intervenors [14]	28 March 2003
Intervenors' Responses to Information Requests [15]	17 April 2003
Applicant's Reply Evidence	24 April 2003
Oral Hearing Commences [16] – Oral Participant Presentations	28 April 2003
Process for Participants:	
Public Consultation/Information Sessions Commence [3]	9 January 2003
Request to Provide Oral Comments at the Hearing [8]	6 March 2003
Written Comments [8]	10 April 2003
Oral Hearing Commences [16] – Oral Participant Presentations	28 April 2003

¹ The numbers in square brackets refer to the corresponding paragraphs in the Directions on Procedure.

² Interventions arising as a result of the Public Consultation Sessions will be considered. Any other requests for late intervention must include the information required by paragraph 6 and must contain a detailed explanation as to why they were not able to meet the intervention deadline.

FORM TO APPLY FOR INTERVENOR STATUS

**EnCana Deep Panuke Project
CNSOPB Deep Panuke Public Review
NEB GH-4-2002 Proceeding**

A. Name: _____
Telephone: _____ Facsimile: _____
Addresses: _____
Mail: _____
Personal Service: _____
E-Mail: _____

If applicable, please provide the following for any authorized representative:

Name: _____
Telephone: _____ Facsimile: _____
Addresses: _____
Mail: _____
Personal Service: _____
E-Mail: _____

B. Which official language do you wish to use in correspondence with the Secretariat and at the oral hearing?
English French

C. What is your specific interest in regard to this project?

D. What specific issues do you intend to address at the hearing or wish to add to the List of Issues?
Please provide a justification for the latter.

E. If you do not intend to participate actively at the hearing, please provide the reasons for wanting intervenor status for this hearing.

F. Do you have any specific requests to make such as special service for distribution? Please provide a justification.

Signature: _____ Date: _____

Please submit this form by facsimile to the Secretariat at (902) 422-1259 or by mail at Secretariat Office, Suite 1201, Centennial Building, 1660 Hollis Street, Halifax, NS, B3J 1V7.

FORM FOR ORAL PARTICIPANT/HEARING PARTICIPANT STATUS

EnCana Deep Panuke Project
CNSOPB Deep Panuke Public Review
NEB GH-4-2002 Proceeding

A. Name: _____
Telephone: _____ Facsimile: _____
Addresses: _____
Mail: _____
Personal Service: _____
E-Mail: _____
If applicable, please provide the following for any authorized representative:
Name: _____
Telephone: _____ Facsimile: _____
Addresses: _____
Mail: _____
Personal Service: _____
E-Mail: _____

B. How do you plan to participate?
Oral Participant Hearing Participant

C. Which official language do you wish to use in correspondence with the Secretariat and at the oral hearing?
English French

D. If a Hearing Participant, what subject matter do you intend to address in your questions to the Applicant?

Signature: _____ Date: _____

Please submit this form by facsimile to the Secretariat at (902) 422-1259 or by mail at Secretariat Office, Suite 1201, Centennial Building, 1660 Hollis Street, Halifax, NS, B3J 1V7.

PROCESS FOR PROVIDING PARTICIPANT'S COMMENTS

Persons may present their views or information related to the Applications either orally or in written form.

Written Participant

The following guidelines are provided for persons who may wish to submit written comments prior to the oral hearing:

1. Anyone wishing to submit written comments on the Application(s) must send them to the Secretariat office by 10 April 2003.
2. All written comments should include:
 - (a) the name and address of the Participant;
 - (b) the names of all individuals, groups, organizations, or entities on whose behalf the Participant is writing;
 - (c) the nature of the Participant's interest in the Project;
 - (d) complete citations of all studies, reports or other documents used in support of the Participant's submission; and
 - (e) the Participant's position and recommendations with respect to the Public Process.
3. All written comments received in accordance with paragraphs 1 and 2 will be provided to and considered by the Commissioner and the NEB Member, reproduced and made available for viewing through the Secretariat.

Oral Participant

The following guidelines are provided for persons who may wish to make an oral presentation at the beginning of the oral hearing:

1. Anyone wishing to make a presentation or comment at the oral hearing should register as a Participant by notifying the Secretariat office by 6 March 2003 in writing (see Form included as Appendix VI) or by calling 1-866-234-6704 and providing the necessary information. Any person providing timely notice will be included as a Participant and will be given an opportunity to speak. When registering, Participants must provide the information set out above in Written Participant [see paragraph 2 (a), (b) and (c) above] and the name of the person(s) who will present the Participant's submission at the oral hearing.
2. A schedule listing the order of presentations by Participants will be available at the beginning of the hearing.
3. Persons wishing to make a presentation at the hearing and who are not pre-registered as a Participant may register prior to the start of the oral hearing or during any breaks. However, the opportunity to present will be discretionary. This will depend upon the reasons for late notice, the time remaining after the pre-registered Participants have been heard, and whether the person seeking Participant status has views that have not been or will not be represented by anyone else.

4. A Participant, including any other individual, group, organization or entity on whose behalf it is acting, will be allowed to make one presentation to the Commissioner and NEB Member and may simply adopt the presentations of others if they wish.
5. Participants shall prepare presentations so that they can be concluded within 15 minutes. A longer period may be granted, only upon prior request, at the discretion of the Commissioner and NEB Member.
6. More than one individual may participate in a presentation. When a presentation is made on behalf of a Participant by several persons, the collective presentation must be made within the time period assigned for that Participant.
7. Any oral presentation which refers to written material, including journal articles, studies, reports or a written submission, should be limited to highlighting essential features of the material or responding to questions on it.
8. Participants may use audio-visual materials to complement oral presentations. If audio-visual equipment is required, the Participant should inform the Secretariat at the time of registration.
9. Persons registered to make oral presentations who intend to refer to reports, studies, texts or notes are requested to file at the Secretariat office at least seven (7) days prior to the commencement of the hearing, a copy of the texts or notes from which they plan to speak, or bring five (5) copies of the texts with them to the oral hearing.

Hearing Participant

The following guidelines are provided for persons who may wish to both ask questions of the Applicant and make an oral presentation at the oral hearing:

1. Anyone wishing to both ask questions of the Applicant and make an oral presentation at the oral hearing should register as a Hearing Participant by notifying the Secretariat office by 6 March 2003 in writing (see Form included as Appendix VI) or by calling 1-866-234-6704 and providing the necessary information. Any person providing timely notice may be included as a Hearing Participant and will be given an opportunity to make an oral presentation. When registering, Participants must provide the information set out above in Written Participant [see paragraphs 2 (a), (b) and (c) above].
2. Hearing Participants may make their oral presentation (based on the evidence (no new evidence)) at the conclusion of the evidentiary phase of the hearing before argument. In preparing their presentation, Hearing Participants should follow the guidelines set out above for Oral Comments [see paragraphs 4 through 9].

General:

Persons are reminded that the submission of comments, either orally or in writing, does not convey the rights and obligations of an Intervenor, i.e. to be served with a copy of the Applications and be subject to other filing and service requirements, to file evidence, to cross-examine and to be cross-examined, to submit final argument, or to participate during the proceeding in any way other than that described for Hearing Participants in Appendix VIII.

Summary of the Rights and Obligations of Parties and Participants

Phase of Hearing	Written Participant	Oral Participant	Hearing Participant	Intervenor
1. Public Consultation Sessions		May attend public consultation sessions to present views on issues to be addressed in the Public Process.		
2. Written process leading up to oral hearing.	Files written comments with the Secretariat by Thursday, 10 April 2003 .	Advises Secretariat by Thursday, 6 March 2003 of intention to provide oral comments at the <u>beginning</u> of the hearing.	Advises Secretariat by Thursday, 6 March 2003 of intention to question Applicant at the Hearing and provide oral comments at the <u>end</u> of the hearing.	Files with the Secretariat a letter of intervention and serves it on the Applicants by Monday, 6 January 2003 . Upon receipt of the List of Parties, serves a copy of intervention on all other Interveners. Will receive documents, including copies of the Applications, distributed prior to the oral hearing. Will be subject to all filing and service obligations. May pose information requests to the Applicant on its evidence. May file written evidence. May pose information requests to other Interveners who have filed written evidence. Must respond to information requests on own written evidence.
		Will not receive a copy of the Applications or other documents, but has access to and may view documents on the Public Record as described more fully in the Joint Directions on Procedure.		
		Not subject to other filing and service obligations/requirements.		
		No involvement in the information request and written evidence processes.		

Phase of Hearing	Written Participant	Oral Participant	Hearing Participant	Intervenor
3. Oral Phase of Hearing	No participation during the oral phase of the hearing, but may attend hearing or listen to the live broadcast of the oral hearing on the Deep Panuke Public Review Internet site (www.deeppanukereview.ca) and click on "Link to On-line Broadcast".	Presents oral comments at the commencement of the hearing in Halifax as requested and as appropriate and may be subject to questions of clarification by the Commissioner and the NEB Member.		May cross-examine Applicant. Must adopt own prefiled written evidence under oath or solemn affirmation.
		Not subject to cross-examination.	Not subject to cross-examination.	Must be subject to cross-examination on written evidence.
		No further participation during the oral phase of the hearing, but may attend hearing or listen to the live broadcast of the oral hearing on the Deep Panuke Public Review Internet site (www.deeppanukereview.ca) and click on "Link to On-line Broadcast".	May ask questions of the Applicant. Should follow hearing and contact the Secretariat Office to determine timing for presentations.	May cross-examine other Parties who are adverse in interest.
			May make oral presentations in Halifax based on the evidence (no new evidence) before argument. May be asked clarifying questions by the Commissioner and the NEB Member.	May present argument at the conclusion of the evidentiary phase of the hearing after presentations of Hearing participants.
			No other participation during the oral phase.	
			No other rights or obligations.	

INITIAL DISTRIBUTION LIST

**List of Persons, Industry Associations, Governments and Government Agencies
to be served with Hearing Order GH-4-2002.**

GH-3-2002 List of Parties (M&NP application pursuant to s. 58 of the NEB Act)

and the following:

Mr. Gordon MacDonald Guysborough Regional Development Authority 46 Main Street Guysborough, Nova Scotia B0H 1N0	Telephone/Téléphone: (902) 533-3731 Facsimile/Télocopieur: (902) 533-2064
Ms. Patricia Rhynold Guysborough County Inshore Fishermen's Association 990 Union Street Canso, Guysboro County, Nova Scotia B0H 1N0	Telephone/Téléphone: (902) 366-2266 Facsimile/Télocopieur: (902) 366-2679
Mr. Dan McDougall Council of the Municipality of the District of Guysborough 33 Pleasant Street P.O. Box 79 Guysborough, Nova Scotia B0H 1N0	Telephone/Téléphone: (902) 533-3705 Facsimile/Télocopieur: (902) 533-2749
Mr. Roger Stirling Seafood Producers Association of Nova Scotia P.O. Box 991 Dartmouth, Nova Scotia B2Y 3Z6	Telephone/Téléphone: (902) 463-7790 Facsimile/Télocopieur: (902) 469-8294
Mr. Ben Chisholm United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada P.O. Box 40 St. Andrew's, Antigonish County, Nova Scotia B0H 1X0	
Mr. Mark Butler Ecology Action Centre 1568 Argyle Street, Suite 31 Halifax, Nova Scotia B3J 2B3	Telephone/Téléphone: (902) 429-2202 Facsimile/Télocopieur: (902) 422-6410

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Mr. Francis Gillies
Straight Highlands Regional Development Authority
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Port Hawkesbury, Nova Scotia

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Mr. Al Clark
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L'Honorable Normand Jutras
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