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File OF-Fac-Gas-N081-2019-01 02
30 March 2020

To: All Parties in the GH-001-2019 Hearing

**Hearing Order GH-001-2019
NOVA Gas Transmission Ltd. (NGTL)
Application for the Edson Mainline Expansion Project (Project)
Revised Hearing Design – Comment Process**

On 3 December 2019, the Commission of the Canada Energy Regulator (Commission) issued Procedural Update No. 2 indicating that it will hear oral cross-examination the weeks of 25 May 2020 and 1 June 2020. The Commission also indicated that final argument and comments on draft conditions would occur immediately following the close of oral cross-examination.

On 16 March 2020 the Canada Energy Regulator (CER) issued a notice to all regulated companies and all hearing participants (<https://www.cer-rec.gc.ca/bts/nws/whtnw/2020/2020-03-16-eng.html>) which said in part:

Effective immediately, the CER is implementing the following operational changes. These changes are in place until further notice.

- *Oral portions of hearings will not be held as planned. All current adjudication processes are being looked at for ways to optimize hearing participant involvement to ensure these processes continue in a manner that is fair and transparent, while protecting the health of those involved.*

The CER, including the Commission, is dedicated to the safety and well-being of its staff, Indigenous peoples, the public, and all those with whom it works closely. This certainly includes all of its hearing Participants. At this time, in light of the COVID-19 pandemic, the Commission is considering how to continue with the Edson Mainline Expansion Hearing using means that limit in-person contact and promote the social distancing measures recommended by government authorities.

Pursuant to the *National Energy Board Rules of Practice and Procedure, 1995 (SOR/95-208)*, the Commission has the authority to adapt its process as may be appropriate from time to time. Recognizing that the current COVID-19 pandemic is impacting everyone and that circumstances may be different for different parties, the Commission seeks input from parties prior to making a further determination regarding the hearing process for this matter.

The Commission is considering two procedural alternatives and seeks the parties' comments on the below options. In considering the current two options, the Commission is mindful of ensuring a process that remains procedurally fair, has the least potential for any gatherings

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in our collective responsibilities to avoid the spread of the COVID-19. Parties may also tender submissions on any other procedural options they would like the panel to consider.

- **Option 1:** Replace oral cross-examination and proceed with one round of written information requests (IRs) from Intervenors to NGTL or other Intervenors opposed in interest; one round of IRs from NGTL to Intervenors; followed by written argument;
- **Option 2:** Replace oral cross-examination and proceed with one round of written IRs from Intervenors to NGTL or other Intervenors opposed in interest; one round of IRs from NGTL to Intervenors; followed by the opportunity to provide oral final argument by videoconference and/or teleconference.

Appendix I provides estimated timelines associated with each of the above options. **Given the evolving nature of the pandemic, these timelines are necessarily preliminary in nature.**

The Commission seeks the parties' comments and requests submissions by the following dates:

Party	Submission	Deadline
Intervenors	Comments	6 April 2020
NGTL	Reply comments	9 April 2020

The Commission is aware that participants to this process are affected by the COVID-19 pandemic. Should the above deadlines be problematic, please contact a CER Process Advisor by phone at 1-800-899-1265 (toll-free) or by email at NGTLEdsonMainline@cer-rec.gc.ca. Our process advisor will also be following up on this letter by telephone.

Yours sincerely,

Original signed by S. Wong for

L. George
Secretary of the Commission

**Appendix I – Estimated timetables for hearing process options
Hearing Order GH-001-2019**

Option 1 Additional Round of Information Requests (IRs) and Written Argument		Option 2 Additional Round of IRs and Oral Argument Via Teleconference or Videoconference	
<i>Event</i>	<i>Estimated timeline¹</i>	<i>Event</i>	<i>Estimated timeline¹</i>
NGTL Reply Evidence	9 April 2020	NGTL Reply Evidence	9 April 2020
Intervenor IRs to NGTL and other parties opposed in interest ²	30 April 2020	Intervenor IRs to NGTL and other parties opposed in interest ¹	30 April 2020
Response to IRs Due	14 May 2020	Response to IRs Due	14 May 2020
NGTL IRs to Intervenors ²	28 May 2020	NGTL IRs to Intervenors ²	28 May 2020
Intervenor responses to NGTL IRs	11 June 2020	Intervenor responses to NGTL IRs	11 June 2020
NGTL written argument	18 June 2020	NGTL oral argument via videoconference and/or teleconference ³	June-July 2020
Intervenor written argument	25 June 2020	Intervenor oral argument via videoconference and/or teleconference	June-July 2020
NGTL written reply argument	2 July 2020	NGTL reply argument via videoconference and/or teleconference	June-July 2020

¹ All timelines may be subject to change at any time due to the current circumstances.

² If the Commission has questions, these will be filed on the same date.

³ In Option 2, the option for oral argument does not prevent parties from filing written argument instead. Dates to be determined if this option is chosen.