



File OF-Fac-Oil-E266-2014-01 02
25 January 2017

To: All participants

**Energy East Pipeline Ltd. and TransCanada PipeLines Limited
Hearing for the Energy East Project and Asset Transfer (Energy East), and Eastern
Mainline Project (Eastern Mainline) [Energy East Hearing]
Solemn declarations of the Energy East Hearing panel members**

On 9 January 2017, we were assigned as panel members to hear the applications described above by Mr. David Hamilton, Acting National Energy Board Chair for the purposes of the Energy East Hearing.

In our first communication with hearing participants, and with Canadians generally, we want to state that we are dedicated to undertaking a fair, transparent, and thorough review of the Energy East and Eastern Mainline project applications. We take our assignment very seriously and are looking forward to fulfilling our important mandate with the utmost integrity.

While we carefully consider how best to recommence the hearing process, we feel it is important to assure all Canadians, and particularly those who may participate in the hearing process, of our commitment to hear these applications in accordance with the principles of natural justice, and to develop recommendations in the public interest in a manner that is based on evidence, and that is transparent and independent. To that end, we have each signed and attached a solemn declaration. We are also individually providing summaries that disclose our past and current business and professional relationships, which may be of interest to hearing participants.

We look forward to completing a meaningful and comprehensive review that considers the many relevant and diverse perspectives from across this country. We hope to share some initial process-related information shortly.

Original signed by

Don Ferguson
Presiding Member

Original signed by

Carole Malo
Member

Original signed by

Marc Paquin
Member

Attachments

Attachment 1 Solemn declaration and disclosure of member Don Ferguson

SOLEMN DECLARATION

CANADA
PROVINCE OF ALBERTA In the Matter of the Energy East Project and Asset Transfer
TO WIT: and the Eastern Mainline Project

I, Don Ferguson, solemnly declare that I commit to review the Energy East Project and Asset Transfer, and the Eastern Mainline Project and make my recommendations and decisions in compliance with the law, independently, in the public interest and based on the evidence filed on the record or on evidence for which I can take judicial or official notice.

I commit to respecting the applicable codes of conduct.

I declare that I have no personal or professional interest in the proposed projects and no relationship with the applicants. I further declare that, outside my position at the National Energy Board, I have no personal or professional link with or interest in any person, business, organization, or government whatsoever that could constitute a conflict of interest in relation to these projects, and I commit to preserve such independence throughout the proceeding.

Further, in view of the circumstances surrounding these applications, I commit to abstain from any discussion of the projects with the members of the previous and recused panel in order to avoid any real or perceived conflict of interest.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at the City of Calgary,
in the Province of Alberta,
this 25th day of January, 2017

Original signed by C. Gagné

Original signed by

Don Ferguson

Disclosure

Don Ferguson is an executive with 35 years in the New Brunswick public service, including 11 years as Deputy Minister in the departments of Health, Family and Community Services, and Training and Employment Development. Don has considerable experience in the management of major projects. He retired from the public service in 2012.

In 2012/2013, Don spent time working abroad as a technical advisor to the Pan American Health Organization, working on the Road Map for Strengthening Caribbean Human Resources for Health in broad collaboration with regional governments and the World Bank.

From 2015 to 2016, Don was the Chief Strategy Officer at the New Brunswick Institute of Research, Data and Training, focusing on providing critical information to governments, academics, and researchers to inform public interest decisions. Upon appointment to the National Energy Board, Don resigned from this position.

From 2014 to 2016, Don was also the Co-Principal at On Point Consulting, a management consulting firm providing support for leaders of public sector organizations with strategic challenges rooted in governance, organizational design and capacity, policy development, and leadership. Upon appointment to the National Energy Board, Don resigned from this position.

Don formed part of newly elected Premier Brian Gallant's 2014 Transition Team in a non-partisan role as liaison between the Transition Team and the senior public service.

Don holds a Bachelor of Science degree in geology from the University of New Brunswick and an honorary doctorate in public administration from the Université de Moncton.

Disclosure

Carole Malo's career spans over 30 years and has focused on developing, procuring, and financing large energy and infrastructure projects – oil and gas pipelines, transmission and distribution electricity lines, thermal and hydro generation plants – in Canada and internationally. She has held senior roles in both the private and public sector, including Vice-President, SNC-Lavalin Capital; Director, Investment Projects and Affiliates, Hydro-Quebec; and Vice-President, Project Finance, Infrastructure Ontario.

Carole has her own consultancy firm, Stratford Ventures Inc., specializing in providing independent strategic advice in the energy and infrastructure fields. Over the last 8 years, her firm has consulted for a variety of clients in both the private and public sectors in connection with the procurement and financing of infrastructure projects under public-private partnerships. Carole has also provided advice to First Nations (including Five Nations Energy Inc., the Huron-Wendat Nation, and the Mushkegowuk Council) with respect to projects being developed on their territories. Carole's consultancy practice in the energy sector is suspended during her mandate with the National Energy Board.

Carole has served on boards and strategic and finance committees of several for-profit and not-for-profit organizations, including the Hamilton Utilities Corporation, TOK Transit, the Massey Centre for Women, the Badminton and Racquet Club of Toronto, and the United Way (Women Gaining Ground). Upon her appointment to the National Energy Board, Carole resigned from the Hamilton Utilities Corporation.

Carole holds a Bachelor of Finance degree from the Hautes Études Commerciales in Montreal and is a CFA charterholder. She recently earned a fellowship in board governance from the Canadian Board Diversity Council.

Attachment 3 Solemn declaration and disclosure of member Marc Paquin

SOLEMN DECLARATION

CANADA
PROVINCE OF ALBERTA In the Matter of the Energy East Project and Asset Transfer
TO WIT: and the Eastern Mainline Project

I, Marc Paquin, solemnly declare that I commit to review the Energy East Project and Asset Transfer, and the Eastern Mainline Project and make my recommendations and decisions in compliance with the law, independently, in the public interest and based on the evidence filed on the record or on evidence for which I can take judicial or official notice.

I commit to respecting the applicable codes of conduct.

I declare that I have no personal or professional interest in the proposed projects and no relationship with the applicants. I further declare that, outside my position at the National Energy Board, I have no personal or professional link with or interest in any person, business, organization, or government whatsoever that could constitute a conflict of interest in relation to these projects, and I commit to preserve such independence throughout the proceeding.

Further, in view of the circumstances surrounding these applications, I commit to abstain from any discussion of the projects with the members of the previous and recused panel in order to avoid any real or perceived conflict of interest.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at the City of Calgary,
in the Province of Alberta,
this 25th day of January, 2017

Original signed by M. Watton

Original signed by

Marc Paquin

Disclosure

Marc Paquin is a lawyer whose career has included positions focused on environmental and sustainable development law, policy, and negotiations; environmental assessments and public hearings; institutional, programmatic, and project evaluations; sustainable land management; energy; climate change; international trade and the environment; as well as corporate social responsibility.

Between 2002 and 2016, Marc served as President and Chief Executive Officer for the UNISFÉRA International Centre, an independent advisory think-tank focused on integrating economic, social, and environmental considerations in decision-making at the policy, planning, and management levels in the public and private sectors, both in Canada and abroad. Between 2014 and 2016, Marc also served as a part-time member of the Bureau d'audiences publiques sur l'environnement (BAPE) with the Government of Quebec. Marc resigned from both of these positions at the end of 2016.

As an academic, Marc has taught courses and conducted research on environmental law, corporate law and the environment, international trade and the environment, and international development and the environment at the University of Sherbrooke, l'Académie internationale de l'environnement (Geneva), and McGill University.

Marc Paquin holds a Bachelor of Laws degree from the Université de Montréal and a Master of Laws from McGill University. He also holds a Master in Business Administration from the Université du Québec à Montréal. He has been a member of the Bar of Quebec since 1988.