



File OF-Fac-Oil-N304-2010-01 03  
25 May 2016

Mr. John Carruthers  
President  
Northern Gateway Pipelines Inc.  
3000, 425 – 1<sup>st</sup> Street SW  
Calgary, AB T2P 3L8  
Facsimile 403-367-2186

Dear Mr. Carruthers:

**Northern Gateway Pipelines Inc. (Northern Gateway)  
and Aboriginal Equity Partners (AEP)  
Enbridge Northern Gateway Project (Project)  
Sunset Clause Extension Request for Certificates OC-060 and OC-061 (Certificates)**

The National Energy Board (NEB or Board) is in receipt of the request from Northern Gateway and the AEP dated 6 May 2016 for a three-year extension of the sunset clauses in Northern Gateway's Certificates authorizing the Project. If the request were approved, the Certificates would expire on 31 December 2019, unless construction of the project had commenced by that date.

Northern Gateway and AEP made their request as part of condition compliance and not as an application under section 21 of the *National Energy Board Act* (NEB Act) to vary the Certificates. If the Board were to consider the request in this manner, Governor in Council (GIC) approval would not be required. The Board is not persuaded to consider this request under the condition compliance process.

Condition 2 of each of the Certificates states "Unless the Board otherwise directs prior to 31 December 2016, the Certificate will expire on 31 December 2016, unless construction of the pipeline or the Kitimat Terminal has commenced by that date." The length of the requested extensions is not minor and there is adequate time to consider it and allow the variance that the Board may approve, if any, to be referred to GIC for approval.

In view of the above, the Board will consider the request as an application to vary the Certificates pursuant to section 21 of the NEB Act. If the Board grants the variance requested, it will not be effective until approved by GIC.

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Prior to making any decisions on the request, the Board has decided to solicit public comments on the following question:

*What issues and information should the Board consider in deciding on the request?*

Northern Gateway and AEP have provided reasons for making the request. The Board would be interested in hearing comments on those reasons, whether other issues should also be considered, and if additional information should be required. Interested parties are encouraged to provide any information that they recommend the Board consider in deciding on the request.

The Joint Review Panel for the project found that the Project is in the public interest after the OH-4-2011 hearing. The Board does not intend to rehear issues that the Joint Review Panel already has decided.

The Board will accept public comments until **27 June 2016**. The Board will allow Northern Gateway and AEP to submit reply comments by **18 July 2016**.

No application to participate is required. Comments may be submitted by electronic submission (e-file), fax, or mail. Email is not a valid method of submitting comments to the Board. Please note that the Board will not accept late submissions or form letters.

To e-file a submission, follow the e-file link on NEB Project webpage, which is accessible from the main NEB website ([www.neb-one.gc.ca](http://www.neb-one.gc.ca)).

Mail or fax letters to:

Secretary to the Board  
National Energy Board  
517 Tenth Avenue S.W.  
Calgary, Alberta T2R 0A8

Fax: 403-292-5503 or toll free fax at 1-877-288-8803.

The Board directs Northern Gateway use reasonable efforts to provide a copy of this letter, by email or other means, to all those who have expressed an interest in being informed about the project on an ongoing basis, including all Intervenors from the OH-4-2011 proceeding. The Board further directs Northern Gateway to file a list of the persons and groups that have been contacted to the NEB e-filing system by 17 June 2016.

The Board further directs Northern Gateway to publish this Notice for Comment in the following publications:

- Edmonton Journal
- Prince George Citizen
- The Northern Connector
- Vancouver Sun
- Le Franco (in French)
- La Source (in French)
- Windspeaker

Yours truly,

*Original signed by L. George for*

Sheri Young  
Secretary of the Board