

National Energy
Board



Office national
de l'énergie

File OF-Fac-Oil-T260-2013-03 02
15 July 2014

To: Intervenors and Trans Mountain Pipeline ULC

**Hearing Order OH-001-2014
Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project
Procedural Direction No. 4 – Revised hearing events and steps table (15 July 2014)
Excluded Period from 11 July 2014 to 3 February 2015 pursuant to subsection 52(5)
of the *National Energy Board Act* (NEB Act)**

On 15 July 2014, the National Energy Board (Board), with the approval of the Chairperson, [announced an excluded period](#) pursuant to subsection 52(5) of the NEB Act to acquire studies and information from Trans Mountain in relation to its new preferred corridor for its proposed delivery lines through the City of Burnaby. The excluded period began on 11 July 2014 and lasts until 3 February 2015.

As a result of the excluded period, the legislated time limit for the Board to issue its report is now 25 January 2016.

In light of this announcement, the Board is releasing the attached **Revised hearing events and steps table (15 July 2014)** [Appendix I], which updates and replaces the most recent version of the table found in [Procedural Direction No. 2](#). All dates and deadlines refer to noon Pacific time (1:00 pm Mountain time).

The Board is also providing further information related to gathering oral Aboriginal traditional evidence. Please see the attached table, as well as Appendix II, for details.

For questions about the Board's hearing process, please see the [OH-001-2014 Hearing Order](#) and subsequent procedural directions or, as required, contact the Board's Process Advisor Team for this hearing by phone at 403-292-4800 or 1-800-899-1265 (toll-free), or by email at transmountainpipeline.hearing@neb-one.gc.ca.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments

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Appendix I: Revised hearing events and steps table (15 July 2014)

Important notes on revised hearing events and steps:

1. Past steps and deadlines have been deleted and can be found in [Hearing Order OH-001-2014](#) and [Procedural Direction No. 2](#).
2. All events and steps after 21 July 2014 have been revised or added.
3. The Board may revise hearing events and steps or associated dates in future based on new circumstances (e.g., rulings on motions, following comments received on procedural directions). In these cases, it will issue additional procedural directions with revised tables.

Revised hearing events and steps (15 July 2014) (responsible person[s] in bold) ¹	Date or deadline (noon Pacific time; 1:00 pm Mountain time)
<p>Trans Mountain responds to intervenors' motions on adequacy of responses to information requests.</p> <p><i>This is an optional step. Any responses must address specific motions pertaining to specific IR questions. The Board issued guidance on this step in Procedural Direction No. 3.</i></p>	11 July 2014
<p>Intervenors reply to Trans Mountain's responses to their motions.</p> <p><i>This step only applies <u>IF</u> Trans Mountain provides responses to specific motions which were made regarding specific IR questions. The Board issued guidance on this step in Procedural Direction No. 3.</i></p>	16 July 2014
<p>Trans Mountain responds to Round 2 Board information requests.</p> <p><i>Responses must be served on all intervenors, except on those who have been removed from the email service list at their request.</i></p>	21 July 2014
<p>Oral hearings: to collect, and allow questioning of, oral Aboriginal traditional evidence.</p> <p><i>This is one of three sessions for gathering oral traditional evidence. The others are listed in this schedule. Appendix II to this document outlines additional information about the provision of oral traditional evidence.</i></p>	<p>25 August – 5 September 2014 (formerly 5 August – 4 September 2014)</p>
<p>Application to Participate process related solely to Route 1 (HDD) and Route 2 (tunnel), as described in the Board's 15 July 2014 letter announcing the excluded period.</p> <p><i>This process will take place concurrently with the existing hearing steps related to the Project, as applied for in December 2013. The Board will provide all necessary details at a future date.</i></p>	September 2014 (approximate)
<p>Intervenor Round 2 information requests to Trans Mountain (excluding questions on Route 1 [HDD] and Route 2 [tunnel]).</p> <p><i>Each information request must be relevant to one or more of the issues identified in Appendix I of the Hearing Order. Information requests must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	18 September 2014 (formerly 11 September 2014)

¹ All produced documents must be filed with the Board so they can be placed on the hearing record and considered.

Revised hearing events and steps (15 July 2014) (responsible person[s] in bold) ¹	Date or deadline (noon Pacific time; 1:00 pm Mountain time)
Oral hearings: to collect, and allow questioning of, oral Aboriginal traditional evidence. <i>This is one of three sessions for gathering oral traditional evidence. The others are listed in this schedule. Appendix II to this document outlines additional information about the provision of oral traditional evidence.</i>	16 October – 24 October 2014 (formerly 5 August – 4 September 2014)
Trans Mountain responds to Round 2 intervenor information requests. <i>Responses must be served on all intervenors, except on those who have been removed from the email service list at their request.</i>	17 October 2014 (formerly 25 September 2014)
Motion Day #2 – As considered necessary, intervenors file notices of motion on the adequacy of Trans Mountain’s responses to information requests. <i>Notices of motion must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i>	31 October 2014 (formerly 2 October 2014)
Oral hearings: to collect, and allow questioning of, oral Aboriginal traditional evidence. <i>This is one of three sessions for gathering oral traditional evidence. The others are listed in this schedule. Appendix II to this document outlines additional information about the provision of oral traditional evidence.</i>	13 November – 28 November 2014 (formerly 5 August – 4 September 2014)

The steps within this wider, red box deal **solely with Route 1 (HDD) and Route 2 (tunnel)**, as described in the Board’s 15 July 2014 [letter announcing the excluded period](#).

- These steps assume that Trans Mountain files its studies and information on these routes on or before 1 December 2014. If there is a delay in this filing date, all subsequent hearing process steps would be pushed back to later dates.
- Should Trans Mountain not file its studies and information with respect to these routes, and choose to forego them, these steps would not apply.

Trans Mountain files studies and information on Route 1 (HDD) and Route 2 (tunnel).	1 December 2014 (formerly not scheduled)
Aboriginal intervenors file requests to provide oral traditional evidence related to Route 1 (HDD) and Route 2 (tunnel). <i>See Appendix II of this Procedural Update No. 4 for guidance on this step.</i>	8 December 2014 (formerly not scheduled)
Board information requests related to Route 1 (HDD) and Route 2 (tunnel).	13 January 2015 (formerly not scheduled)
Intervenor information requests to Trans Mountain related to Route 1 (HDD) and Route 2 (tunnel). <i>Each information request must be relevant to one or more of the issues identified in Appendix I of the Hearing Order and be related to Route 1 (HDD) and Route 2 (tunnel). Information requests must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i>	13 January 2015 (formerly not scheduled)

Revised hearing events and steps (15 July 2014) (responsible person[s] in bold) ¹	Date or deadline (noon Pacific time; 1:00 pm Mountain time)
Oral hearings: to collect, and allow questioning of, oral Aboriginal traditional evidence related to Route 1 (HDD) and Route 2 (tunnel).	TBD, if required (formerly not scheduled)
Trans Mountain responds to Board and intervenor information requests related to Route 1 (HDD) and Route 2 (tunnel). <i>Responses must be served on all intervenors, except on those who have been removed from the email service list at their request.</i>	3 February 2015 (formerly not scheduled)
Motion Day – supplemental – As considered necessary, intervenors file notices of motion on the adequacy of Trans Mountain’s responses to information requests related to Route 1 (HDD) and Route 2 (tunnel). <i>Notices of motion must be served on Trans Mountain. The Board issued guidance on such motions in Procedural Direction No. 3.</i>	10 February 2015 (formerly not scheduled)
Trans Mountain responds to intervenors’ motions on adequacy of responses to information requests related to Route 1 (HDD) and Route 2 (tunnel). <i>This is an optional step. Any responses must address specific motions pertaining to specific IR questions. The Board issued guidance on such motions in Procedural Direction No. 3.</i>	18 February 2015 (formerly not scheduled)
Intervenors reply to Trans Mountain’s responses to their motions. <i>This step only applies <u>IF</u> Trans Mountain provides responses to specific motions which were made regarding specific IR questions. The Board issued guidance on such motions in Procedural Direction No. 3.</i>	23 February 2015 (formerly not scheduled)

The remaining steps deal with all aspects of the Project. Should Trans Mountain not file studies and information with respect to Route 1 (HDD) and Route 2 (tunnel), and choose to forego these routes, these steps would commence around mid-December 2014. The Board would provide further details at that time.	
Letter of comment workshop (multiple online sessions)	February 2015 (formerly mid-August 2014)
Commenters file letters of comment. <i>Letters must be served on Trans Mountain and its counsel. See the Board’s 15 July 2014 letter to commenters for more information.</i>	16 March 2015 (formerly 9 September 2014)
Intervenors file written evidence. <i>Evidence must be relevant to one or more of the issues identified in Appendix I. Evidence must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i>	16 March 2015 (formerly 3 November 2014)

<p>Intervenor information requests to other intervenors.</p> <p><i>Each information request must be relevant to one or more of the issues identified in Appendix I. Information requests must be served on the relevant intervenors, with a copy also served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>8 April 2015 (formerly 14 November 2014)</p>
<p>Trans Mountain information requests to intervenors.</p> <p><i>Each information request must be relevant to one or more of the issues identified in Appendix I. Information requests must be served on the relevant intervenors, with a copy also served all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>8 April 2015 (formerly 14 November 2014)</p>
<p>Intervenors respond to other intervenor information requests.</p> <p><i>Responses must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>29 April 2015 (formerly 26 November 2014)</p>
<p>Intervenors respond to Trans Mountain information requests.</p> <p><i>Responses must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>29 April 2015 (formerly 26 November 2014)</p>
<p>Board Round 3 information requests to Trans Mountain.</p>	<p>3 June 2015 (formerly 18 December 2014)</p>
<p>Board information requests to intervenors.</p>	<p>3 June 2015 (formerly 18 December 2014)</p>
<p>Intervenors respond to Board information requests.</p> <p><i>Responses must be served on Trans Mountain, its counsel, and all other intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>17 June 2015 (formerly 8 January 2015)</p>
<p>Trans Mountain responds to Round 3 Board information requests.</p> <p><i>Responses must be served on all intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>17 June 2015 (formerly 8 January 2015)</p>
<p>Board releases draft conditions for comment.</p>	<p>19 June 2015 (formerly 3 December 2014)</p>
<p>Trans Mountain files reply evidence.</p> <p><i>Evidence must be served on all intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>24 June 2015 (formerly 13 January 2015)</p>
<p>Intervenors and Trans Mountain file affidavits swearing evidence.</p>	<p>24 June 2015 (formerly 13 January 2015)</p>
<p>Intervenors and Trans Mountain file notices of intent to present oral summary argument and/or reply argument.</p>	<p>24 June 2015 (formerly 13 January 2015)</p>
<p>Intervenor workshop, part 2: oral submissions (multiple online sessions)</p>	<p>June 2015 (formerly mid-January 2015)</p>

<p>Trans Mountain files written argument-in-chief, including comments on draft conditions.</p> <p><i>Comments on conditions must be included in written argument-in-chief; they cannot be raised for the first time during oral argument. No new evidence can be provided in written argument-in-chief.</i></p> <p><i>Written argument-in-chief must be served on all intervenors, except on those who have been removed from the email service list at their request.</i></p>	<p>9 July 2015 (formerly 20 January 2015)</p>
<p>Oral hearings: to hear Trans Mountain’s oral summary argument.</p> <p><i>No new evidence can be provided in oral argument. Time limits will be imposed.</i></p>	<p>July 2015 (formerly late-January 2015)</p>
<p>Intervenors file written argument-in-chief and reply to Trans Mountain including comments on draft conditions.</p> <p><i>Comments on conditions must be included in written argument-in-chief; they cannot be raised for the first time during oral argument. No new evidence can be provided in written argument-in-chief.</i></p> <p><i>Written argument-in-chief must be served on Trans Mountain, its counsel, and all other intervenor, except on those who have been removed from the email service list at their request.</i></p>	<p>29 July 2015 (formerly 6 February 2015)</p>
<p>Oral hearings: to hear intervenors’ oral summary argument and/or reply argument.</p> <p><i>No new evidence can be provided in oral argument. Time limits will be imposed.</i></p>	<p>September 2015 (formerly February 2015)</p>
<p>Trans Mountain files written reply argument.</p>	<p>October 2015 (formerly March 2015)</p>
<p>Hearing record closes.</p>	<p>Immediately after finishing argument</p>
<p>Board releases its Report to the Governor in Council and provides it to the Minister of Natural Resources (time limit end)</p>	<p>25 January 2016 (formerly 2 July 2015)</p>

Appendix II: Further information on oral Aboriginal traditional evidence

As described in past correspondence, the Board understands that Aboriginal peoples have an oral tradition for sharing stories, lessons, and knowledge from generation to generation. Since this information cannot always be shared adequately in writing and the Board believes it would be valuable for its consideration of the Project, the Board will be gathering oral traditional evidence from Aboriginal intervenors.

[Procedural Direction No. 1](#) set:

- the Board's process for gathering oral traditional evidence from Aboriginal intervenors; and
- the requirements for Aboriginal intervenors to follow in order to notify the Board of their intention to provide oral traditional evidence.

The Board received many notices from Aboriginal intervenors by the deadline of 5 June 2014 and the table of hearing events and steps in this Procedural Direction No. 4 (Appendix I) reflects the Board's efforts to accommodate timing and location preferences set out in the received notices. Further details about locations and schedule within the scheduled oral hearings for Aboriginal traditional evidence will be communicated separately.

Oral traditional evidence related to Route 1 (HDD) and Route 2 (tunnel)

Intervenors are reminded that Trans Mountain has filed a [new preferred route and an alternate route through Burnaby](#); both of which run through Burnaby Mountain. Should Aboriginal intervenors have oral traditional evidence related to Burnaby Mountain which they wish to share with the Board, they may do so at the oral traditional evidence sessions, as scheduled in the table of hearing events and steps. Shirley Dawe, the Board's Aboriginal Engagement Specialist for this Project, will contact Aboriginal intervenors to finalize the schedule for intervenors to present oral traditional evidence.

Trans Mountain's studies and information with respect to Route 1 (HDD) and Route 2 (tunnel) are expected on 1 December 2014. Should these filings raise new information that must be shared orally and that could not have been foreseen prior to the filings, Aboriginal intervenors may seek another opportunity to provide oral traditional evidence to the Board.

Requests to present additional oral traditional evidence related to Route 1 (HDD) and Route 2 (tunnel)

The Board will consider hearing additional oral traditional evidence related to Route 1 (HDD) and Route 2 (tunnel). If studies and information related to these routes are filed by Trans Mountain by 1 December 2014, requests are **due by 8 December 2014**. At that time, requests will be considered from intervenors whose traditional territory includes Burnaby Mountain. The purpose of the additional evidence is limited to collecting oral traditional evidence related to any new information arising from the filed studies. Requests may be in the form of a letter to the Board and must include the following information:

1. Intervenor name.
2. Presenter(s) name(s).

3. Confirmation that the evidence to be provided aligns with the description of oral traditional evidence included in [Procedural Direction No. 1](#), Section A.
4. A brief description of the proposed evidence and how it relates to the study information.
5. Any requirement for remote participation.
6. Interpreter(s) name(s), if applicable.

If you require additional information about oral traditional evidence presentations, please see [Procedural Direction No. 1](#) or contact Shirley Dawe, Aboriginal Engagement Specialist, at 403-299-3605 (direct line) or 1-800-899-1265 (toll-free), or by email at shirley.dawe@neb-one.gc.ca.