



File OF-Fac-Oil-T260-2013-03 59  
23 January 2019

To: All Parties

**Trans Mountain Pipeline ULC (Trans Mountain)  
Application for the Trans Mountain Expansion Project (Project)  
National Energy Board (Board) reconsideration of aspects of its Recommendation  
Report as directed by Order in Council P.C. 2018-1177  
MH-052-2018  
Stand.earth notice of application of 21 January 2019 – comment process**

On 21 January 2019, the Board received a [notice of application](#) from Stand.earth in which it asks the Board to:

- a) set aside [Ruling No. 25](#) (dated 23 July 2014) and the [12 October 2018 ruling, Appendix 2](#);
- b) meaningfully consider the general impact (up and downstream) that the Project, if approved, would have on greenhouse gas (GHG) emissions and climate change; and
- c) refrain from making any recommendations to the Governor in Council until such time as the Board has received and considered reliable evidence with respect to how the Project will contribute to ocean acidification, the impact of increased acidification on species at risk, and the cumulative effects of the Project on the marine environment, including after meaningfully considering the impact the Project will have on GHG emissions and climate change (including up and downstream effects).

Subsection 21(1) of the *National Energy Board Act* provides that the Board may review, vary, or rescind any decision made by it. Part III of the *National Energy Board Rules of Practice and Procedure, 1995* describe the procedures and grounds for a review.

It is within the Board's discretion whether circumstances exist to warrant the use of the Board authority to review its decisions. The Board considers applications for review through a two-step process. In the first step, the Board considers the threshold question of whether the applicant has raised a doubt as to the correctness of the Board's decision. If the Board decides to review the decision, it proceeds to the second step where it reviews the decision on its merits.

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The Board has decided in this case to accept comments on the first step – that is, the threshold question – according to the following schedule:

- Intervenors (other than Stand.earth) may file comments on or before **3:00 pm Pacific time (4:00 pm Mountain time) on 25 January 2019.**
- Trans Mountain may file comments on or before **3:00 pm Pacific time (4:00 pm Mountain time) on 29 January 2019.**
- Stand.earth may file reply comments on or before **3:00 pm Pacific time (4:00 pm Mountain time) on 31 January 2019.**

For any questions, please contact a Process Advisor by phone at 1-800-899-1265 (toll-free) or by email at [TMX.ProcessHelp@neb-one.gc.ca](mailto:TMX.ProcessHelp@neb-one.gc.ca).

Yours truly,

*Original signed by L. George for*

Sheri Young  
Secretary of the Board