National Energy Board | Office national de l'énergie

File OF-Fac-Oil-T260-2013-03 59
19 February 2019

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Dear Mr. Leggett and Mr. Biggs:

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 (Report) as directed by Order in Council (OIC) P.C. 2018-1177 (Reconsideration)
MH-052-2018

Ruling No. 30 – Stand.earth notice of application of 21 January 2019

A. Notice of application

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)[1] and the 29 October 2018 letter, Appendix 2;[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 (GIC) 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.

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[1] Issued during the OH-001-2014 Certificate hearing.
[2] Stand.earth's notice of application referenced the Board's letter dated 12 October 2018 and an Appendix 2. However, based on the content of the notice of application, the Board interprets this to be a reference to Appendix 2 of the Board's 29 October 2018 reasons for the decisions it issued on 12 October 2018.

Stand.earth states that Ruling No. 25 excluded consideration of the environmental and economic effects associated with upstream activities (including oil sands development) and the downstream use of the oil intended to be shipped on the pipeline, such that the Board refused to consider evidence related to the impact of the increase in GHG emissions caused by the Project.

Stand.earth is of the view that, since 2014, there has been a material change in circumstances to justify a reconsideration of Ruling No. 25, making it imperative that the Board consider how the Project will impact GHG emissions and climate change, just as the Board set out to do in its review of the Energy East Project (Energy East).[3] Stand.earth argues that the Board cannot fulfill its mandate of determining whether the Project is in the public interest without considering whether the Project is reconcilable with Canada's international obligations to substantially reduce GHG emissions. Stand.earth further argues that there is no principled reason for deviating from the Board's reasoning in Energy East and for ruling that Energy East is distinguishable from this Project.

Stand.earth submits that the Board made a material error in Section 2.8 in Appendix 2 of its 29 October 2018 letter by finding that the Project has no relationship to increased oil sands production, such that subsection 5(1) of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) does not apply and, therefore, the Board is not required to assess possible changes to the global atmosphere resulting from upstream or downstream effects caused by the Project. Stand.earth cites recent public announcements regarding the Project's impacts on oils sands production, and submits that they are contrary to the Board's statements in its 29 October 2018 letter that upstream and downstream effects are not directly linked or necessarily incidental to the Project. Stand.earth asserts that, for there to be a meaningful Reconsideration, the Board must reconsider and set aside Ruling No. 25 and Appendix 2 of its 29 October 2018 letter.

Further, Stand.earth submits that the Board cannot meaningfully assess the impact of the Project on the marine environment, including species at risk, without assessing the Project's impact on ocean acidification. Therefore, the Board must consider the impact that climate change has had, and will continue to have, on ocean acidification if a global reduction in GHG emissions is not achieved.

B. General principles on an application for review

Subsection 21(1) of the *National Energy Board Act* (NEB 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* (Rules) describes the procedures and grounds for a review. There is no automatic right of review of a Board decision. The Board's power to review its decisions is discretionary, and must be exercised sparingly and with caution.[4] Considerations that the Board

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[3] In Energy East, in releasing the List of Issues on 23 August 2017, the Board stated that, "[g]iven increasing public interest in GHG emissions, together with increasing governmental actions and commitments (including the federal government's stated interest in assessing upstream GHG emissions associated with major pipelines), the Board is of the view that it should also consider indirect GHG emissions in its NEB Act public interest determination…"

[4] Board Filing Manual at 5O-2; Board Ruling No. 3, NOVA Gas Transmission Ltd. Application for the Sundre Crossover Project, Hearing Order GH-002-2017 – Applications to Review Ruling No. 2, Amending Order AO-001-GH-002-2017 (27 October 2017) at 3.

may take into account in exercising this discretion include the timeliness of the application for review.[5]

The Board considers applications for review through a two-step process. In the first step, or Phase I, the Board considers the threshold question of whether the applicant has raised a doubt as to the correctness of the Board's decision. As set out in paragraph 44(2)(b) of the Rules, the grounds that the Board will consider in deciding whether the applicant has raised a doubt as to the correctness of the decision include, but are not limited to, any error of law or jurisdiction, changed circumstances or new facts that have arisen since the close of the original proceeding, or facts that were not placed in evidence in the original proceeding and that were then not discoverable by reasonable diligence.

In considering whether the threshold for Phase I is met, the Board has stated that it "should not delve deeply into the merits or weighing evidence at this step and that Phase I is meant to be an initial threshold merely requiring a *prima facie* case."[6] If the Board, in its discretion, finds that the threshold for Phase I is met, then the Board will initiate the second step (or Phase II) to review the decision on the merits.

C. Comments received

On 23 January 2019, the Board established a comment process on the first step (the threshold question) with regard to the notice of application.

Intervenors

Several intervenors filed comments about the threshold question, while a few intervenors commented on the merits as well.

Comments on the threshold question, from those *in support of* the notice of application, include the following:

- The Board erred by not considering the impacts of upstream and downstream GHG emissions of the Project, including impacts on ocean acidification, and the consequential impact to Indigenous communities and their constitutionally protected rights. The Board should consider the cumulative effects of the Project in a larger context, consistent with the broad consensus of the scientific community.
- The Board should follow the decision in Energy East where it based its finding of relevance on the increasing public interest in GHG emissions and increasing governmental action and commitments, including the federal government's stated interest in assessing upstream GHG emissions associated with major pipelines.
- The Government of Canada has changed the national climate change framework, announcing in 2016 five interim principles to guide federal decision-making on

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[5] *Westcoast Transmission Co.* – Application for Review of Order No. TG-5-79 and for an Order Fixing Interim Tolls (August 1980) at 4.

[6] 27 December 2018, NEB Ruling No. 22, Trans Mountain Expansion Reconsideration, page 17

environmental assessments for natural resource projects, which included a commitment to assess direct and upstream GHG emissions. Further, Canada made an international commitment as a signatory to the Paris Protocol Agreement.

- The 10 October 2018 report of the Intergovernmental Panel on Climate Change (IPCC Report) identified an increased urgency to reduce GHG emissions, recommending a 1.5°C cap on global warming; 0.5°C lower than what was previously thought necessary to avoid the most serious impacts of climate change. The report reveals the challenge of reducing emissions and meeting climate commitments.
- The Board's decision in Sumas Energy 2 considered the operation of a power plant in the United States, upstream of the proposed international power line.
- Stand.earth meets the timeliness factor because the two key pieces of evidence it relies on – the IPCC Report and the Alberta Government's press release dated 2 December 2018 – both postdate the Board's 3 October 2018 deadline for seeking comments on the draft List of Issues.
- The timeframe for the Reconsideration was compressed and inadequate.

Comments on the threshold question, from those *opposed to* the notice of application, include the following:

- Allowing the application for review would delay the Reconsideration in what has already become a continuously delayed process. When elected in 2015, the federal Government specifically promised not to subject the Trans Mountain Expansion Project process to this type of alteration, because it was a process already well underway. This question has already been thoroughly examined and there is no cause for it to be re-opened at this time.
- Rulings made in the course of this Reconsideration proceeding are subject to review in that a tribunal may reconsider any matter of process and procedure, including rulings on relevance prior to the conclusion of the particular proceeding. However, Ruling No. 25 was not made in this Reconsideration proceeding. There is nothing to review.
- The Reconsideration directed by the Court and, in turn, directed by the GIC is limited and specific to Project-related marine shipping. GHGs from Project-related marine shipping are within the scope of this Reconsideration, as set out in the Board's List of Issues.
- This Reconsideration proceeding takes place in the context of the Board having completed its Certificate proceeding and recommended approval of the Project to the GIC. The Federal Court of Appeal's decision in *Tsleil-Waututh*[7] overturned the GIC's decision only in respect of Project-related marine shipping and the final phase of Crown consultation with Indigenous groups. All other challenges to the Board's recommendation or the GIC decision were rejected and, as a result, these stand as affirmed by the Court.
- Ruling No. 25 did not turn on any view by the Board of the severity of climate change. It turned on a sound appreciation of the role and responsibilities of the Board; an appreciation that stood the test of appeal. Hence, Stand.earth's argument based on reports

[7] *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2018 FCA 153 (*Tsleil-Waututh*).

that things are more severe than the authors of these reports themselves had thought is not material to the basis on which Ruling 25 was made.

- The Reconsideration is not a reassessment of the Project. Rather, it is a limited reassessment of the environmental effects of Project-related marine shipping. Stand.earth's application for review seeks to disrupt and delay the Reconsideration process by asking the Board to exceed the scope of its binding direction and consider matters that are unrelated to the current proceeding. It is critically important that the Board complete its review within the specified timeline, and the Board has designed and implemented a hearing process to achieve this aim.

Trans Mountain

Trans Mountain's comments, include the following:

- The Board has been clear in prior decisions that, in requesting a review of a Board decision or order, it is insufficient for an applicant to simply disagree with the Board's decision and repeat arguments that have already been considered. Many of the arguments raised are similar or identical to the submissions made during the comment processes that preceded the impugned decisions. Stand.earth has not provided new information that casts doubt on the Board's findings. Rather, it is re-arguing submissions that were already considered by the Board.
- The only information in the application for review that was not available during the public comment process on the scope of the Reconsideration relates to the IPCC Report and a press release from the Premier of Alberta's office on 2 December 2018 regarding the mandated reduction in oil production in Alberta. The IPCC Report and press release do not raise doubt as to the correctness of the Board's decisions:
    - The IPCC Report provides an update on climate change and confirms that climate change is an important issue, consistent with other Parties' comments filed with the Board. It does not affect the Board's findings that upstream production is not directly linked or necessarily incidental to the Project and that the Project is not tied to or dependent on any particular use in any particular destination.
    - The press release does not affect the Board's findings that (i) shippers cannot ship all of their oil on the existing Trans Mountain pipeline, yet oil sands projects continue to be built or are in development; and (ii) oil will go where the demand is, whether or not the Project proceeds.
- The Board's scoping reasons must be interpreted in the context of the decision which includes (i) the narrow focus of the Reconsideration on Project-related marine shipping, not broader effects of the Project; and (ii) the fact that Environment and Climate Change Canada (ECCC) previously assessed upstream GHG emissions for the Project to inform the GIC's decision on the Project.

Stand.earth's reply

Stand.earth's reply includes the following:

- The urgency described in the IPCC Report has demonstrably and dramatically increased since 2014 and that has been made clear by the global scientific community, as well as by global and national leaders and the institutions they head.
- The Board did not provide reasons for why it did not follow its own decision in Energy East. Stand.earth cited *Canada (AG) v. Bri-Chem Supply Ltd.*, 2016 FCA 257 in support of its position.
- The 2016 ECCC consideration of GHG emissions of upstream activities does not displace the Board's duty to conduct this assessment for itself.
- Climate change is increasing the acidification of oceans which, in turn, is harming the food supply that many species, including the Southern resident killer whale population, rely on to survive, and is also adversely affecting the way of life of coastal First Nations communities.
- With respect to the timeliness of the application, two pieces of evidence relied on in the application were not available at the time of the impugned decision. Stand.earth gave "substantial notice of the application and its contents" on 6 December 2018.

D. Views of the Board

Procedural context

The purpose of the Reconsideration is to address issues arising out of the 30 August 2018 decision of the Federal Court of Appeal in *Tsleil-Waututh* that set aside the OIC approving the Project. In that decision, the Court directed the GIC to order the Board to reconsider, on a principled basis, whether Project-related marine shipping is incidental to the Project. If so, the Board is to reconsider the application of section 79 of the *Species at Risk Act* (SARA) and the Board's environmental assessment, including the Board's significance recommendation under the CEAA 2012, and any other matter the GIC should consider appropriate.

Accordingly, through OIC P.C. 2018-1177, the GIC referred aspects of the Board's Report for the Project back to the Board for reconsideration.

As noted in Section 5.2 (Nature of the Reconsideration) of the Board's 27 December 2018 Ruling No. 22:

> The GIC, in its OIC, limited the reconsideration of the recommendations and terms and conditions to all those "that are relevant to addressing the issues specified by the Federal Court of Appeal in paragraph 770." The Board, therefore, considers that the subject matter of the Reconsideration is distinct from a new project application and is focused on marine shipping that is incidental to the Project and on the application of the CEAA 2012 and section 79 of the SARA. While there can be changes to recommendations and certain conditions, it is a much more narrow mandate than the OH-001-2014 Certificate hearing.

> As a result, the List of Issues for the Reconsideration is also narrower than the original hearing.

OIC P.C. 2018-1177 states that the Board is to complete the Reconsideration within 155 calendar days from the date of issuance of the OIC. From the outset, the Board has made the Parties aware of the expedited hearing process and the importance of timely conduct.

As early as 26 September 2018, less than a week after the issuance of the OIC, the Board announced the hearing time limit and established a process for all interested persons and groups to comment on the scope and process for the Reconsideration hearing. During that comment process, several Parties made submissions substantially similar to the submissions now under consideration. However, Stand.earth did not submit comments in this regard at that time.

On 12 October 2018, the Board issued the Hearing Order setting the List of Issues for the Reconsideration hearing, as well as the Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012. Importantly for the purposes of this notice of application, the Board stated the following in the Hearing Order (bolded emphasis in the original):

> "[g]iven the expedited nature of this hearing, Parties must raise any question of procedure or substance with the Board **at the earliest opportunity possible**. Delay in filing a notice of motion may result in the Board declining to consider it."

Timeliness of the application

Stand.earth's notice of application was not received until 21 January 2019, approximately three months after the Board issued the Hearing Order, List of Issues, and decisions in the 12 October 2018 letter, and the 29 October 2018 reasons that Stand.earth now seeks to impugn. It was also received after the evidentiary record was closed, after Trans Mountain and the Federal Departments and Agencies had filed their argument-in-chief, and just over a month before the deadline set by the OIC for the Board to complete its Reconsideration.

The timeliness of Stand.earth's notice of application in the overall context of these proceedings cannot be ignored. Timeliness is always an important feature of the Board's process and takes on a heightened importance in the context of this Reconsideration hearing with its mandated timeline.

Stand.earth's timing left substantial gaps between filings in this narrowly focussed Reconsideration proceeding. Stand.earth states in its reply that it provided "substantial notice of the application and its contents"[8] in its 5 December 2018 opening statement. That opening statement was filed over seven weeks after the release of the Board's 12 October 2018 letter, the List of Issues, and Hearing Order MH-052-2018, and over five weeks after the 29 October 2018 release of the Board's reasons for its decisions reached on 12 October 2018. The actual application with the complete grounds and exact relief sought was not filed until

[8] Stand.earth reply at 4.

21 January 2019, over six weeks after the filing of the opening statement. Of the exact relief sought in the 21 January 2019 notice of application, two of the three items differ from the relief requested in the 5 December 2018 opening statement.

Stand.earth's explanation for the delay in filing its notice of application on 21 January 2019 – after providing the opening statement on 5 December 2018 – was that "the holiday season also intervened as did the limited availability of counsel."[9] While the Board recognizes the competing demands of counsel and the time pressures of the holiday season, it also recognizes the effort and time put in by various Parties to this proceeding to ensure that the Reconsideration is completed in a timely way. The Board appreciates the diligent work of those actively participating in the process.

Notably, the Board requested, near the outset of this proceeding, that Parties raise questions of process or substance "at the earliest opportunity possible" and warned that the Board may decline to hear those queries that are not timely. In a proceeding such as this, it is essential that all Parties recognize the importance of timeliness.

Stand.earth's delay in bringing this notice of application is a factor that weighs against the Board exercising its discretion to review its previous decisions. Stand.earth's assertion in reply that it is "unwarranted and unfair" to suggest that the timing of its application was "designed to 'frustrate' the process" seems insincere. The Board is not persuaded that, in the context of the Reconsideration proceeding, the length of the delay in filing both the 5 December 2018 opening statement and the 21 January 2019 notice of application was reasonable. Further, Stand.earth did not satisfactorily explain the delay during December 2018 and January 2019. The Board, therefore, dismisses the notice of application.

As a related reason for dismissal, Stand.earth is seeking to challenge an issue that has already been subject to a ruling in 2014 and a related leave to appeal application that was dismissed by the Federal Court of Appeal. While a review application is an exception to the final and conclusive nature of the Board's decisions, absent a compelling reason to do so, the Board is not persuaded that, in the circumstances of this Reconsideration, it should exercise its discretion to open up an issue that was decided years earlier.

Has Stand.earth raised a doubt as to the correctness of the Board's decisions?

The Board's disposition on the matter of timeliness is sufficient to dispose of the matter; however, in the alternative, the Board will address the Phase I threshold issue.

The issue of whether the Board should assess GHG emissions upstream and downstream of the Project is not new. Several Parties made motions seeking to have this issue included in the OH-001-2014 Certificate hearing. In Ruling No. 25, the Board denied those motions. Leave to appeal that decision to the Federal Court of Appeal was dismissed.[10] Stand.earth's predecessor, Forest Ethics Advocacy Association, was part of a group making a motion in the OH-001-2014

[9] Stand.earth reply at 4.

[10] *Vancouver (City of) v National Energy Board* (16 October 2014), Ottawa, FCA 14-A-55 (leave to appeal dismissed).

Certificate hearing that included substantially similar issues.[11] The Board denied that motion and leave to appeal to the Federal Court of Appeal[12] and Supreme Court of Canada was denied.[13]

In this Reconsideration proceeding, several Parties raised this issue again early on in comments made after the Board released the draft List of Issues on 26 September 2018. In Appendix 2 of the Board's 12 October 2018 Hearing Order, the Board declined to include this issue in the final List of Issues.

On 29 October 2018, the Board released its reasons for the decisions it made on 12 October 2018. In Appendix 2 at Section 2.8, the Board said:

> During the OH-001-2014 Certificate hearing, in Ruling No. 25, the Board denied motions requesting that the Board include in the List of Issues the environmental and socio-economic effects associated with upstream activities and downstream use. The Board provided several reasons for doing so, including that the effects from upstream production are not directly linked or necessarily incidental to the Project. Similarly, the Board stated that the Project is not tied to, or dependent on, any particular use in any particular destination. Leave to appeal Ruling No. 25 was subsequently dismissed without reasons by the Federal Court of Appeal.[14] The Board is of the view that the analysis in Ruling No. 25 applies in this case.
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> The CEAA 2012 does not require the Board to consider upstream or downstream effects. Paragraph 5(2)(a) of the CEAA 2012 requires the Board to take into account changes in the environment that are directly linked or necessarily incidental to the Project. The Project does not include upstream production and is not dependent on any particular upstream development. As was stated in Ruling No. 25, shippers cannot ship all of their oil on the existing Trans Mountain pipeline, yet oil sands projects continue to be built or are in development. No commenter provided submissions addressing these facts, or otherwise explained why upstream development is directly linked or necessarily incidental to the Project.
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> Similarly, the effects of downstream refining and end use are not directly linked or necessarily incidental to the Project. The Board continues to be of the view expressed in Ruling No. 25 that the Project does not include downstream use and is not tied to, or dependent on, any particular use in any particular destination. Oil will go where the demand is, whether or not the Project proceeds. No commenter provided submissions that directly rebutted these points.

Stand.earth's application raises identical or substantially the same arguments that the Board previously rejected in Appendix 2 of the Board's 12 October 2018 Hearing Order, Appendix 2 of

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[11] Lynne M. Quarmby and others, notice of motion dated May 6, 2014, C130-1-1 - Notice of Motion

[12] *Lynne M. Quarmby and others v National Energy Board and others* (13 January 2015) Ottawa, FCA 14-A-62 (leave to appeal dismissed).

[13] *Lynne M. Quarmby, et al. v. Attorney General of Canada*, et al., SCC Docket No. 36353.

[14] *City of Vancouver v National Energy Board* (16 October 2014), Ottawa 14-A-55, (FCA). This is footnote 11 in the original document.

the Board's reasons dated 29 October 2018, and in Ruling No. 25. Stand.earth has not provided new facts that cast doubt on the Board's central reasoning in its earlier determinations on this issue; those determinations being that the effects from upstream production are not directly linked or necessarily incidental to the Project, and the Project is not dependent on any particular upstream development or any particular downstream use. To the extent that Stand.earth's application and the comments in support of it address this issue, they are attempting to re-argue decisions that have already been considered by the Board and rejected. The Board has previously stated "[A] review request is not an opportunity to re-argue the same points previously raised, or to provide new argument that could have been raised in the Original Motion."[15] The same logic regarding re-argument of the same points other Parties raised applies here.

Stand.earth has provided new documents that were not available at the time of the 12 October 2018 Hearing Order. This is in the form of the IPCC Report[16] issued on 10 October 2018 and Alberta's press release dated 2 December 2018. The IPCC Report provides an update on climate change while the press release announces a Government of Alberta policy response to the oil price differential, noting that production exceeds what can be shipped by pipelines, rail, or other means.

Without delving deeply into the merits, neither of these documents casts doubt on the correctness of the Board's previous decisions. Similarly, neither document casts doubt on the Board's conclusions that the effects from upstream production are not directly linked or necessarily incidental to the Project and that the Project is not dependent on any particular upstream development or any particular downstream use.

Further, as noted in the 29 October 2018 reasons for the 12 October 2018 decisions, the List of Issues already covers issues relating to GHG emissions from Project-related marine shipping. Issue No. 1 includes GHG emissions from Project-related marine shipping and Issue No. 2 includes consideration of mitigation related to those emissions.[17]

The Board remains of the view that its OH-001-2014 Report carefully considered the GHG emissions from Project-related shipping to the limit of Canada's territorial sea, as well as the resulting increase in marine GHG emissions in the region, in British Columbia, and in Canada. As noted earlier, the evidence from the OH-001-2014 proceeding is part of the record for the Reconsideration hearing, and the Board will consider any new or updated evidence on that issue filed in this Reconsideration proceeding.

Lastly, with respect to the relevance of the Board's decisions in Energy East, on which some Parties commented, the Board held as follows:

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[15] Board Ruling No. 122 – Pro Information Pro Environment United Peoples Network – 30 December 2015 request for a review of Ruling No. 101, 1 March 2016.

[16] Filed on the record of the Reconsideration proceedings by Living Oceans Society.

[17] As Trans Mountain stated in its submissions; "Following issuance of the Board's OH-001-2014 Report, [ECCC] provided its consideration of the GHG emissions of activities upstream of, but not associated with, the Project, and this information was relied upon by the [GIC] when it issued the original [OIC] approving the Project." This document was completed in November 2016.

> …the Board is not persuaded by the rationale provided for the Energy East Project, or the submissions arguing that it should adopt that rationale. In any event, the Board is not bound by the decisions it made during the Energy East Project proceeding, which were specific to that project.

On this application, Tsleil-Waututh Nation and Stand.earth cite *Canada (Attorney General) v. Bri-Chem Supply Ltd.*, 2016 FCA 257 for the proposition that a tribunal has a duty to demonstrate consistency in its decisions. *Bri-Chem* involved the review by a tribunal of an adjudicator's decision, in which the tribunal found that the adjudicator had improperly failed to follow a previous tribunal decision on the interpretation of the *Customs Act*, RSC 1985 (2d Supp). The statutory context of that case, where the adjudicator was required to provide efficient, consistent, and predictable entry for millions of goods every day, is fundamentally different from the one the Board is faced with in this Reconsideration.

Bri-Chem does not cast doubt on the Board's decision with respect to the Board's List of Issues in the Reconsideration differing from those in Energy East. The Reconsideration and Energy East, and any public interest determinations made by the Board as a result, arise in different statutory contexts and are not comparable.[18] The Board previously concluded that Energy East decisions were specific to that Project and Parties have not provided reasons why there is doubt raised about such a finding. All determinations about considerations of what is directly related to a pipeline as well as CEAA 2012 considerations will depend on the specific facts.[19]

E. Conclusion

For the reasons above, Stand.earth's application for review is dismissed.

For 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.

Yours truly,

Original signed by S. Wong for

Sheri Young
Secretary of the Board

c.c. All Parties

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[18] See: Appendix 2, Board letter dated 29 October 2018, Section 4.3 *De novo* process, p. 16 and Ruling No. 22 dated 27 December 2018, Section 5.2 Nature of the Reconsideration, p. 19

[19] See: Appendix 2, Board letter dated 29 October 2018, Section 2.8 Upstream and downstream effects, including GHG emissions, p. 9