



File OF-Fac-Oil-T260-2013-03 02  
2 June 2014

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Dear Mr. Stoness and Mr. Denstedt:

**Hearing Order OH-001-2014  
Trans Mountain Pipeline ULC (Trans Mountain)  
Application for the Trans Mountain Expansion Project  
Request from Trans Mountain to extend the deadline to respond to Round 1  
intervenor information requests (IRs)  
Ruling No. 17**

The National Energy Board (Board) is in receipt of a [motion](#) from Trans Mountain, dated 28 May 2014, to extend the deadline for its response to the first round of IRs from intervenors. In its motion, Trans Mountain indicates that it has received over 10,000 questions from 122 intervenors and requires additional time to provide complete responses.

Trans Mountain indicates that it will release responses to IRs filed by 60 intervenors on or before the current deadline (4 June 2014), as set out in the [Hearing Order](#). However, due to the volume and complexity of the IRs, it requests an extension to 27 June 2014 to file the remainder of the responses.

A number of intervenors filed comments in response to the motion. This included the submissions described below.

On 29 May 2014, the City of Burnaby (Burnaby) filed a [response](#) to the motion. Burnaby submits that, as intervenors were only given a 10-day extension to file their IRs, 10 days would be a fair extension for Trans Mountain. Burnaby also requests that, if any extension is provided, Motions Day #1 also be delayed, as well as the deadlines relating to intervenor IR Round No. 2 and for submitting intervenor evidence.

On 30 May 2014, the City of Surrey, Cowichan Tribes, and Ms. Kandace Kerr filed comments supporting the City of Burnaby's submission.

The Upper Nicola Band and the Tsawout First Nation (UNB and TFN) also filed [comments](#) on 30 May 2014. UNB and TFN's comments were in the form of a motion requesting an increase in time for Motion Day #1. In light of Trans Mountain's request for an extension of time, UNB and TFN also requested relief under subsections 52(5) and 52(7) of the *National Energy Board Act*.

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Earthjustice also filed a [response](#) on 30 May 2014 supporting the motion, on behalf of the Swinomish, Tulalip, Suquamish, and Lummi Tribes (U.S. Tribes). The U.S. Tribes said that the motion indicated fundamental problems with the hearing schedule, and requested a stay until Trans Mountain submits a complete application, completes its response to the first round of intervenor IRs, and the Board decides on motions to compel full and adequate responses.

Further comments were received on 2 June 2014. These were also considered.

The Board expects Trans Mountain to provide full and adequate responses to the IRs submitted by intervenors. In order for Trans Mountain to have the time to do so for over 10,000 questions, the Board finds Trans Mountain's request for additional time to be reasonable.

In addition, the Board notes that several intervenors provided lengthy IR packages to Trans Mountain and will need sufficient time to review Trans Mountain's responses prior to Motion Day #1, which has been set for intervenors to file motions on the adequacy of Trans Mountain's IR responses.

The Board balances the need for participants to have additional time with the requirement that the hearing proceed in a fair and efficient manner and be completed within the legislated time limit. Therefore, the Board has decided to:

1. grant an extension until **18 June 2014** for Trans Mountain to respond to the first round of intervenor IRs; and
2. increase the amount of time for intervenors to review Trans Mountain's responses before filing any motions regarding the adequacy of those responses. Motions Day #1 is extended to **4 July 2014**.

With respect to Burnaby's request to revise deadlines related to intervenor IR Round No. 2 or for submitting intervenor evidence, the Board is of the view that such requests are premature at this time. Similarly, the Board is not persuaded to stay the hearing process as requested by the U.S. Tribes or to grant relief under subsections 52(5) and 52(7) as requested by UNB and TFN.

In order to be clear about revised dates in the context of the overall hearing timeline, the Board has revised the hearing events and steps table that appeared in the Hearing Order. [Procedural Direction No. 2 - Revised hearing events and steps table \(2 June 2014\)](#), sets out the revised hearing events and steps, as of 2 June 2014.

If you have questions about the Board's hearing process and deadlines, please see the Board's OH-001-2014 Hearing Order, Procedural Direction No. 2, 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](mailto:transmountainpipeline.hearing@neb-one.gc.ca).

Yours truly,



for  
Sheri Young  
Secretary of the Board

c.c. All intervenors