



File OF-Fac-Gas-T211-2008-01 01
18 July 2008

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Dear Madam and Sirs:

**Hearing Order GH-5-2008 regarding
TransCanada PipeLines Limited (TransCanada)
Application for Certificate of Public Convenience and Necessity dated 17 June 2008
TransCanada Alberta System**

The National Energy Board has received an application from TransCanada requesting that the TransCanada Alberta System be declared under federal jurisdiction and that the Board issue a certificate of public convenience and necessity for it under section 52 of the *National Energy Board Act*. The Board is of the opinion that dealing with the application expeditiously would be in the public interest. Accordingly, the Board has decided to convene a public hearing process detailed in the attached Hearing Order. The location for the public oral hearing described in the Hearing Order is to be determined. Based on the information available at this time, it is expected that decisions on the application will be issued by early in the first quarter of 2009.

The Board directs TransCanada to serve a copy of this letter and the attached Hearing Order on the persons or agencies listed in Appendix V of the Hearing Order in the official language of their choice by **25 July 2008**. Service on the Attorneys General listed in Appendix V of the Hearing Order constitutes notice under section 57 of the *Federal Courts Act*.

TransCanada is also directed to serve a copy of the Notice of Public Hearing to the parties with an interest in the Application, including but not limited to, the following:

- shippers on the TransCanada Alberta System;
- the Tolls, Tariffs and Facilities Procedures Committee members;
- the general distribution list for the TransCanada Alberta System;

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- the distribution list for TransCanada's Mainline System;
- the participants in the most recent General Rate Application and North Central Corridor Application; and
- on TransCanada's website.

TransCanada shall also publish a Notice of Public Hearing as set out **in paragraph 30** of the Hearing Order by **11 August 2008**.

Yours truly,

A handwritten signature in black ink, appearing to read "Claudine Dutil-Berry". The signature is fluid and cursive, with the first name being the most prominent.

Claudine Dutil-Berry
Secretary of the Board

Attachments

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**Hearing Order GH-5-2008
for the TransCanada Alberta System**

The Application

On 17 June 2008, TransCanada PipeLines Limited (TransCanada or the Applicant) applied to the National Energy Board for a Certificate of Public Convenience and Necessity to effect recognition that the TransCanada Alberta System is within Canadian federal jurisdiction and subject to regulation by the Board.

The TransCanada Alberta System is an existing natural gas pipeline system comprised of approximately 23 500 km of pipeline and associated compression and other facilities located within Alberta. The TransCanada Alberta System is owned directly by NOVA Gas Transmission Ltd. (NGTL), which is a wholly-owned subsidiary of TransCanada, and is presently regulated under provincial legislation by the Alberta Utilities Commission.

TransCanada has applied that the Board:

- (a) pursuant to subsection 12(2) of the *National Energy Board Act* (NEB Act), determine and issue a declaratory order that the TransCanada Alberta System is properly within federal jurisdiction and subject to regulation by the Board;
- (b) pursuant to section 57 of the *Federal Courts Act*, issue a Notice of Constitutional Question in respect of the requested declaratory order;
- (c) pursuant to section 52 of the NEB Act, issue a certificate of public convenience and necessity to NGTL in respect of the TransCanada Alberta System;
- (d) pursuant to subsection 19(1) of the NEB Act, direct that the Board determination and declaratory order made in (a) above shall come into force upon the issuance of the certificate of public convenience and necessity to NGTL in respect of the TransCanada Alberta System;
- (e) issue any ancillary approvals to NGTL that are required and that the Board deems necessary to effect the transition of the TransCanada Alberta System from provincial regulation to federal regulation by the Board; and
- (f) authorize such further and other relief as TransCanada may subsequently request or that the Board may consider appropriate.

The Board, as a Responsible Authority under the *Canadian Environmental Assessment Act* (CEA Act), will complete an environmental screening report and, after considering any comments filed, make a decision under subsection 20(1) of the CEA Act.¹

Hearing

The Board has decided to conduct a public hearing process to respond to TransCanada's application. The hearing will proceed in two streams. The first will address whether the TransCanada Alberta system is subject to federal jurisdiction (referred to as the **Jurisdiction Process**). The Board is seeking written submissions on this issue, including evidence from parties, submissions for and in opposition to TransCanada's request, and a reply to these submissions by TransCanada. After TransCanada's reply, scheduled for 26 September 2008, the Board will determine if it needs further information to conclude this issue.

Concurrently with the Jurisdiction Process, a second stream will be held to address TransCanada's request for a certificate of public convenience and necessity under section 52 of the *National Energy Board Act*. This portion of the hearing process will be referred to as the **Facilities Process**.

The oral portion of this hearing will begin at **9:30 a.m., local time on 18 November 2008, at a location to be determined**. The Board's proceedings will obtain the evidence and views of interested persons on the application including matters required pursuant to the CEA Act.

To facilitate public participation and in the interests of fairness and efficiency, the Board has established the following procedures and directs as follows.

Please note that the procedures set out in this Hearing Order supplement the *National Energy Board Rules of Practice and Procedure, 1995*, (the Rules) SOR/95-208, which are available at www.neb-one.gc.ca (click on "Acts and Regulations") or by calling the Board toll free at 1-800-899-1265.

Public Viewing

1. As TransCanada has e-filed the application, it is available for viewing on the Board's electronic document repository at www.neb-one.gc.ca (click on "View a Regulatory Document" then "Quick Links" and scroll down to the "TransCanada PipeLines Limited – TransCanada Alberta System"). TransCanada will also make available for public viewing, during normal business hours, a copy of the application and all related documents at the following locations:

1 Information on CEA Act may be obtained through the Canadian Environmental Assessment Agency website at www.ceaa-acee.gc.ca.

TransCanada PipeLines Limited
450 – 1st Street SW
Calgary, AB T2P 4K5

Wood Buffalo Public Library
9907 Franklin Avenue
Fort MacMurray, AB T9H 2K4

Grande Prairie Public Library
9910 – 99 Avenue
Grand Prairie, AB T8V 0R5

Peace River Municipal Library
9807 – 97 Avenue
Peace River, AB T8S 1H6

Edson Public Library
4726 – 8 Avenue
Edson, AB T7E 1S8

Camrose Public Library
4710 – 50 Avenue
Camrose, AB T4Y 0R8

Lethbridge Public Library
810 – 5 Avenue S
Lethbridge, AB T1J 0P6

Medicine Hat Public Library
414 – 1 Street SE
Medicine Hat, AB T1A 0A8

Copies of the application and all related documents are also available for viewing at the Board's library:

National Energy Board
Library, Ground Floor, 444 - 7th Avenue SW
Calgary, AB T2P 0X8

The Board will also bring a copy of the application and all documents related to the proceeding to the hearing for use by the public.

Correspondence Related to this Hearing

- 2.(1) Any person filing a document with the Board or serving a document on any person about this hearing must quote Hearing Order GH-5-2008 and File No. OF-Fac-Gas-T211-2008-01 01. With the exception of on-line forms, any document filed in this hearing must be signed by the person submitting it.
- 2.(2) In this Hearing Order, reference to service on TransCanada or on TransCanada's counsel means service on the following:

Ms. Linda Angus
Regulatory Analyst
TransCanada PipeLines Limited
450 First Street SW
Calgary, AB T2P 5H1
Facsimile: 403-920-2347

Mr. C. Kemm Yates, Q.C.
Stikeman Elliott LLP
4300 Bankers Hall West
888 Third Street SW
Calgary, AB T2P 5C5
Facsimile: 403-266-9034

Mr. Patrick M. Keys
Vice President, Pipelines
TransCanada PipeLines Limited
450 First Street SW
Calgary, AB T2P 5H1
Facsimile: 403-920-2347

Public Participation

3. Members of the public may participate in this hearing in one of three ways:
- by filing a letter of comment on the application (see paragraph 4);
 - by providing an oral statement (see paragraph 5); or
 - by seeking intervenor status (see paragraph 6).

Government authorities and agencies may participate by filing a letter of comment, providing an oral statement, seeking intervenor status or by filing a declaration as a Government Participant (see paragraph 7).

Any person may attend the hearing as an observer.

General information about how to participate in a National Energy Board hearing can be found at www.neb-one.gc.ca. Click on "Hearings and Upcoming Information Sessions", then click on "Participate in a Public Hearing". The link includes an 11-minute video describing the public hearing process.

Letter of Comment

4. This option is intended to allow interested persons who do not wish to attend the hearing or become a party in the proceeding (see paragraphs 5 and 6) to provide their views and opinions on the application by filing a letter of comment. Letters of comment shall be filed with the Board and served on **TransCanada** and its counsel by **12 September 2008 to be considered in the Jurisdiction Process and by 10 October 2008 for the Facilities Process**. The Board will serve a copy on all parties.

A letter of comment should:

- (a) describe the nature of your interest in the application;
- (b) provide comments on the application; and
- (c) provide any relevant information that will explain or support your comments.

There is an on-line letter of comment form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document", then "Submit documents electronically" and then scroll down and click on "Letter of Comment") which you may use to file your letter of comment.

Note: *If you choose to file a letter of comment, you are not considered an intervenor. Therefore, you will not have the right to be served with a copy of the application, to file evidence, to ask questions in the hearing, to submit final argument, or to participate in any other way during the proceeding other than to provide comments on the environmental screening as set out in paragraph 29. You will not be required to attend the hearing and will not be subject to questions on your comments. In determining the weight to be given to these comments, the Board may take into consideration the fact that they have not been made under oath or tested by cross-examination.*

Oral Statement

- 5.(1) The oral statement option is intended to allow interested persons who do not wish to write a letter of comment or participate as an intervenor an opportunity to give their viewpoint on the **Facilities Process** to the Board orally at the hearing. If you intend to provide technical or factual evidence, rather than views about the application, it would be more appropriate to participate as an intervenor (paragraph 6). With the oral statement option, there is no opportunity to file written material and, with the exception of speaking notes, persons are not permitted to read documents into the record.

If you wish to make an oral statement to the Board, you must file a letter with the Board and serve a copy on **TransCanada** and its counsel by **10 October 2008**.

Your letter must:

- (a) indicate the nature of your interest in the Facilities Process;
- (b) indicate that you wish to make an oral statement;
- (c) indicate the official language you wish to make your oral statement in; and
- (d) provide your name, mailing address, address for personal service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers.

The Board will establish a time for people to make their oral statements.

There is an on-line request to make an oral statement form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document", then "Submit documents electronically" and on "Request to Make an Oral Statement") which you may use to file your oral statement request.

Note: ***If you choose to make an oral statement, you are not considered an intervenor. Therefore, you will not have the right to be served with a copy of the application, to file evidence, to ask questions in the hearing, to submit final argument, or to participate in any other way during the proceeding other than to provide comments on the environmental screening as set out in paragraph 29.***

5.(2) An oral statement made at the hearing should:

- (a) describe the nature of your interest in the Facilities Process;
- (b) provide comments on the application; and
- (c) provide any relevant information that will explain or support your comments.

Time limits may be imposed on oral statements. As a guideline, an oral statement should normally take no longer than approximately ten minutes.

5.(3) Any person making an oral statement will be sworn or affirmed before the oral statement is given. The Applicant and the Board, and any other party with leave of the Board, may ask questions of the person making the oral statement.

Application for Intervention

- 6.(1) Persons who want to have the opportunity to fully participate in the proceeding by filing evidence, asking written questions of the parties, asking oral questions of parties at the hearing and providing argument should apply to the Board for intervenor status. Intervenors who file written evidence are subject to cross-examination by other parties and examination by the Board.

Any person wanting to become an intervenor in the hearing shall file a written request to intervene with the Board and serve a copy on **TransCanada** and its counsel by **22 August 2008 for both the Jurisdiction and the Facilities Processes.**

A written application to intervene must:

- (a) set out your name, mailing address, address for personal or courier service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers;
- (b) set out the name, mailing address, address for personal or courier service (if this is different from the mailing address), e-mail address, telephone number and other telecommunications numbers for your authorized representative if you have one;
- (c) describe the nature of the your interest in the proceeding;
- (d) include a statement on whether you or your authorized representative intends to appear at the hearing;
- (e) state clearly the issues that you intend to address at the public hearing or, if you do not intend to participate actively at the public hearing, state clearly the reasons why your interest in the proceeding requires an intervention;
- (f) indicate the official language you wish to use in correspondence with the Board and at the public hearing;
- (g) indicate whether you have the capability to access documents through the Board's electronic document repository on the Board's Internet site and therefore receive documents by being served with a notification that the document is available in the Board's electronic document repository; and
- (h) if you are able to use the Board's electronic document repository, indicate why not.

Note: If a party can access the repository on the Board's Internet site, it must accept notification that an e-filed document is available in the repository rather than requiring a hard copy of the document be served (see paragraph 12).

There is an on-line application to intervene form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document", then "Submit documents electronically" and then scroll down and click on "Application for Intervenor Status") which you may use to file your application to intervene.

Intervenor Status

- 6.(2) Persons and agencies listed in Appendix V or otherwise served with a copy of the application or this Hearing Order are not automatically considered intervenors. **Any person wishing to be included as an intervenor must file an application to intervene containing the information as described above.**

Intervenors with Similar Interests

- 6.(3) In the interests of using hearing time efficiently and effectively, intervenors who have similar interests are encouraged to group together to present one coordinated intervention.

Declaration by Government Participant

- 7.(1) The Government Participant option is intended to allow government authorities with an environmental assessment responsibility for the application the opportunity to participate without becoming intervenors. Any government authority wanting to participate as a Government Participant must file a declaration with the Board and serve a copy on TransCanada and its counsel by **22 August 2008**.

A declaration of participation as a Government Participant must:

- (a) set out your name, mailing address, address for personal or courier service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers;
- (b) set out the name, mailing address, address for personal or courier service (if this is different from the mailing address), e-mail address, telephone number and other telecommunications numbers for your authorized representative if you have one;
- (c) describe the nature of your interest in the proceeding;
- (d) include a statement on whether you or your authorized representative intends to appear at the hearing;

- (e) state clearly the issues that you intend to address at the public hearing;
- (f) indicate the official language you wish to use in correspondence with the Board and at the public hearing;
- (g) indicate whether you have the capability to access documents through the Board's electronic document repository on the Board's Internet site and therefore receive documents by being served with a notification that the document is available in the Board's electronic document repository; and
- (h) if you are not able to use the Board's electronic document repository, indicate why not.

Note: If a party can access the repository on the Board's Internet site, it must accept notification that an e-filed document is available in the repository rather than requiring that a hard copy of the document be served (see paragraph 12).

There is an on-line declaration of Government Participant form available on the board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document", then "Submit documents electronically" and then scroll down and click on "Declaration of Government Participant Status") which you may use to file your declaration.

Government Participant Status

- 7.(2) Any government authority wishing to be included as a Government Participant must file a declaration containing the information as described above. Departments and agencies listed in Appendix V or otherwise served with a copy of the application or this Hearing Order are not automatically considered Government Participants.

Note: The features of the Government Participant role are set out in a document "The NEB has a New Federal Government Participant Role" which can be found on the Board's Internet site at www.neb-one.gc.ca (Click on "Hearings and Information Sessions" and on "The NEB has a New Federal Government Participant Role").

List of Issues

8. The Board intends to examine the issues contained in the List of Issues, attached as Appendix I. Any party who wishes to suggest an amendment or addition to this List of Issues must file their suggestion and rationale for the suggestion with the Board and serve a copy on TransCanada and its counsel by **22 August 2008**. Shortly after **22 August 2008** the Board will issue a revised List of Issues, if required.

List of Parties

9. Shortly after **22 August 2008**, the Board will issue a List of Parties (which consists of TransCanada, intervenors and Government Participants).

Immediately after receiving the List of Parties intervenors must serve a copy of their intervention on all other intervenors, and Government Participants must serve a copy of their declaration on all other parties.

If there are parties who cannot access documents through the Board's electronic document repository, and therefore cannot be served by being notified that the document has been e-filed, the Board will indicate on the List the manner of service for those parties.

If a party's contact information changes, it must file an update with the Board.

Service of Documents

10. This section provides guidance on all aspects of service that are referred to within the Hearing Order. If a party to be served with a document has indicated that it has the ability to access documents through the Board's repository, anyone required to serve a document on that party may serve a notification that the document is on the repository instead of serving a copy of the document. It will then be the responsibility of the party being served to retrieve the document from the repository.

Where it is indicated that documents must be served on other parties, one copy must be served on TransCanada, its counsel and each person on the List of Parties, including the Government Participants.

In certain cases, a copy of a document need only be served on TransCanada and intervenors. Except as provided in this Hearing Order, TransCanada and intervenors need not serve any documents on Government Participants. The Board will make reasonable efforts to serve the Government Participants with documents relating to environmental and procedural matters. It is the responsibility of the Government Participant to check the Board's electronic document repository and the public registry to ensure that it receives all pertinent information.

Government Participants must serve all parties, (that is, TransCanada, intervenors and other Government Participants) with any document they file with the Board.

Filing Documents with the Board

11. All documents and correspondence being filed with the Board should be addressed to the Secretary of the Board, Claudine Dutil-Berry. The Board will accept filings of documents by hand delivery, mail or courier at the following address:

Claudine Dutil-Berry
Secretary of the Board
National Energy Board
444 - 7th Avenue SW
Calgary, Alberta T2P 0X8

Filings may also be made by facsimile at 403-292-5503 or toll free at 1-877-288-8803, or electronically by following the procedures in paragraph 12.

Electronic Filing and the Electronic Document Repository

12. Parties who have the ability of filing documents electronically are expected to file documents through the Board's electronic document repository at www.neb-one.gc.ca (click on "Submit a Regulatory Document" then "Submit documents electronically" to file a document). Any party who has the ability to access documents through the repository must accept service of a notification that the document is in the repository rather than requiring a hard copy of the document be served (click on "View a Regulatory Document", then "Quick Links" and scroll down to the "TransCanada PipeLines Limited - TransCanada Alberta System" to view and print a document).

During the proceedings, the Board will be viewing the exhibits electronically. For ease of reference, documents filed in this proceeding should be numbered beginning with the title page as page 1 and consecutively to the end of the document (including blank pages). This way, the page numbers on paper copies will correspond to those in the electronic pdf document.

For more information about filing electronically, please refer to the "Filers Guide to Electronic Submission". This document is available on the Board's Internet site www.neb-one.gc.ca. (click on "Submit a Regulatory Document", then "Submit documents electronically"). **Please note that e-mails are not considered electronic filing and will not be accepted in this hearing.**

The Board's electronic document repository will contain the full text of those documents filed electronically (following the procedures mentioned above). When documents are filed by hard copy or facsimile, the Board will attempt to scan them into the repository but may, in some instances create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy (and is available in the Board's library and location for public viewing set out in paragraph 1) but it will not be possible to view or search these documents on the electronic document repository.

Number of Copies and Delivery of Documents

13. Parties filing documents electronically, following the procedures set out in paragraph 12, only need to file one hard copy with the Board, along with the electronic filing receipt, which will be sent by the electronic document repository system when a document is electronically filed.

Parties filing hard copies of documents with the Board prior to or after the hearing are required to provide 25 copies. The exception is a letter of comment, or letter indicating you wish to make an oral statement, as only one copy for the Board is required (along with one copy to the Applicant and its counsel). The Board will serve a copy of each letter of comment and request to make an oral statement on each intervenor.

Any party filing a document during the hearing must give six copies to the Regulatory Officer and 10 copies to Board Counsel. The party must also provide enough copies for use by the other parties at the hearing. There will be a designated location in the hearing room to place documents. In addition to providing copies in the hearing room, parties who have the ability to file documents electronically are also expected to file the document through the Board's electronic document repository.

Parties filing documents fewer than five days before the hearing begins must serve the document as otherwise set out in the Hearing Order and bring to the hearing enough copies for use by the Board and other parties.

When this Hearing Order requires the filing or service of documents by certain deadlines, the documents are only considered to meet the deadline when the intended person receives them. **The intended recipient must receive the documents by noon, Calgary time on the deadline day.**

TransCanada to Serve Application

14. TransCanada must serve a copy of its application and all related documents on each intervenor who has not yet received a copy **immediately after receiving the List of Parties.**

Additional Written Evidence from TransCanada

15. TransCanada must file any additional evidence with the Board and serve a copy on all intervenors by **5 September 2008**.

Jurisdiction Process

Jurisdictional Facts Submission

16. Intervenors wishing to participate in the Jurisdiction Process must file written evidence, if any, related to the jurisdiction question with the Board and serve a copy on all parties by **5 September 2008**.

Filings in Support of TransCanada's Request

17. Intervenors in support of TransCanada's request regarding jurisdiction are to file their submissions, if any, with the Board and serve a copy on all parties by **12 September 2008**.

Filings in Opposition to TransCanada's Request

18. Intervenors in opposition to TransCanada's request regarding jurisdiction are to file their submissions with the Board and serve a copy on all parties by **19 September 2008**.

Reply Submission

19. TransCanada may file any reply with the Board and serve a copy on all intervenors by **26 September 2008**.

Facilities Process

Information Requests to TransCanada

20. If intervenors or Government Participants have any information requests for TransCanada, they must serve them on TransCanada and its counsel, file a copy with the Board and serve a copy on all intervenors by **19 September 2008**.
21. TransCanada must file its responses to the information requests received by the deadline set out in paragraph 20 with the Board and serve a copy on all intervenors by **3 October 2008**.

Written Evidence of Intervenors and Government Participants

22. Intervenors and Government Participants wishing to give evidence must file their written evidence with the Board and serve a copy on all intervenors by **17 October 2008**.

Information Requests to Intervenors and Government Participants on their Evidence

23. If the Applicant or any intervenor has any information requests about the evidence of intervenors or Government Participants, they must serve them on the intervenor or Government Participants, file a copy with the Board and serve a copy on the Applicant and all intervenors by **24 October 2008**.
24. Intervenors and Government Participants must file a copy of all responses to the information requests received by the deadline set out in paragraph 23 with the Board and serve a copy on the Applicant and all intervenors by **3 November 2008**.

Reply Evidence of Applicant

25. TransCanada may file any reply evidence with the Board and serve a copy on all intervenors by **10 November 2008**.

Cross-examination of Government Participants

26. If the Applicant or any intervenor wishes to cross-examine a Government Participant, it must request leave of the Board, indicating the nature of the questions, the relevance to the proceeding, and why fairness requires cross-examination by filing a copy of the request with the Board and serving a copy on all parties by **5 November 2008**.
27. If the Government Participant has any comments on the request to be cross-examined, it shall file a reply with the Board and serve a copy on all parties by **10 November 2008**.
28. The party requesting the right to cross-examine the Government Participant shall file its reply, if any, with the Board and serve a copy on all parties by **12 November 2008**.

Note: Government Participants must receive leave of the Board to cross-examine any other party, using the process set out in paragraphs 26-28.

Environmental Assessment Process

29. As part of its consideration of the environmental effects of the operation of the facilities, the Board will:
- (a) apply the CEA Act, ensuring that there is no duplication of requirements under the CEA Act and the Board's own regulatory process; and
 - (b) release a draft Environmental Screening Report for comment shortly after the oral portion of the public hearing concludes.

Persons wanting to receive a copy of this draft Environmental Screening report should advise the Board orally at the hearing, on the record, or by writing the Secretary of the Board before the end of the oral portion of the hearing.

Comments on the draft Environmental Screening report may be filed with the Board and served on the Applicant and their counsel **no later than 14 days from the release date** of the draft Environmental Screening Report. The Applicant may then file comments with the Board and serve a copy on those persons who have filed comments **no later than 21 days from the release date** of the draft Environmental Screening Report.

TransCanada's Public Notification Duties

30. TransCanada is responsible for:
- (a) serving a copy of this Hearing Order and Appendices on all persons or agencies listed in Appendix V in the official language of their choice by **25 July 2008**;
 - (b) publishing the Notice of Public Hearing (Appendix III), in each of the publications listed in Appendix IV no later than **11 August 2008**;
 - (c) ensuring the published Notice of Public Hearing meets the requirements of the Government of Canada's Federal Identity Program (for assistance please contact FIP@neb-one.gc.ca); and
 - (d) filing with the Board a complete list of publication dates of the Notice of Public Hearing **immediately after all notices have been published**.

Timetable of Events

31. Appendix II lists the deadlines for filing and serving documents and the party responsible.

References to Websites

32. Any party making a reference to information on a website must ensure that:
- (a) the reference is sufficiently precise to allow any person accessing the site to know the exact information which is being referenced;
 - (b) the website does not require a password or subscription in order to access the information; and
 - (c) a hard copy of all of the information being referenced on the website is filed with the Board.

Note: Website information that does not conform with the above requirements will not be considered by the Board or form part of the record of the proceeding.

Motions

33. Any party wishing to raise a question of procedure or substance that requires a Board decision before the hearing starts must file a document titled “Notice of Motion” separate from other correspondence. Section 35 of the Rules must be followed. The motion must set out a statement of the facts, the grounds for the request, the decision requested and the evidence supporting the request. If case law is being relied on, a case book must be filed and the specific passages of the cases being relied on must be highlighted or side barred.

The party raising a motion must file a copy with the Board and serve a copy on all parties.

Simultaneous Interpretation

34. Parties must indicate the official language they wish to use at the public hearing. If both official languages will be used at the hearing, the Board will provide simultaneous interpretation.

Transcripts

35. The oral hearing will be recorded and transcribed daily. Transcripts will be available at no cost, through the Board’s Internet site at www.neb-one.gc.ca, click on “Regulatory Documents” then “Quick Links” and scroll down to “TransCanada PipeLines Limited – TransCanada Alberta System”, or check the “Inbox”, for the latest transcript.

One hard copy of the daily transcript will be provided at no cost, except for the cost of delivery, to any party to the hearing who requests one. All costs of any subsequent copies are the responsibility of the requesting party. Transcripts may be ordered directly from International Reporting Inc., either at the hearing, by e-mailing bprouse@irri.net or by calling 1-800-899-0006.

Live Broadcasts

36. The hearing will be broadcast live over the Board's Internet site. Parties who wish to access the audio feed should log on to the Board's Internet site at www.neb-one.gc.ca and follow instructions under "Hearings and Information Sessions".

Fairness and Efficiency

37. The Board encourages fairness and efficiency in all of its proceedings and therefore asks that all parties and persons observe the deadlines set out in this Hearing Order. The Board encourages the use of electronic filing and facsimile or courier to ensure that documents are received on time. The Board will not allow an exception to a deadline unless, in the Board's view, it can be reasonably justified.

Further Information

38. For information on this hearing, or the procedures governing the hearing, please contact Ms. Erin Dutcher, Regulatory Officer, at 403-299-2782 or Ms. Jane Morales, Regulatory Officer, at 403-299-3933 in Calgary or call the Board toll-free at 1-800-899-1265 and specify the TransCanada Alberta System. The Hearing Order may also be accessed through the Board's Internet site at www.neb-one.gc.ca (click on "View a Regulatory Document", then "Quick Links", scroll down to "TransCanada PipeLines Limited – TransCanada Alberta System", then click "Hearing Order" at the top of the screen).

NATIONAL ENERGY BOARD

A handwritten signature in black ink, appearing to read "Claudine Dutil-Berry". The signature is fluid and cursive, written in a professional style.

Claudine Dutil-Berry
Secretary of the Board

List of Issues

The Board has identified but does not limit itself to the following issues for discussion in the proceeding:

1. Whether the TransCanada Alberta System is within Canadian federal jurisdiction and subject to regulation by the Board.

If the TransCanada Alberta System is found to be within Canadian federal jurisdiction, in order to determine if a certificate of public convenience and necessity should be issued:

2. The potential environmental and socio-economic effects of the operation of the facilities, including those factors outlined in subsection 16(1) of the CEAA.
3. The terms and conditions to be included in any approval the Board may issue.

Timetable of Events

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Hearing Order issued		Board		18 July 2008
Serve Hearing Order on the persons listed in Appendix V	paragraph 30(a)	TransCanada	Persons listed in Appendix V	no later than 25 July 2008
Publish Notice of Public Hearing	paragraph 30(b) and (c)	TransCanada		no later than 11 August 2008
File list of publication dates for the Notice of Public Hearing	paragraph 30 (d)	TransCanada	Board	immediately after all Notices have been published
Application to Intervene	paragraph 6	Applicants for Intervention	Board and TransCanada	22 August 2008
Declaration by Government Participant	paragraph 7	Government Participants	Board and TransCanada	22 August 2008
Proposed amendments to List of Issues	paragraph 8	All parties	Board and TransCanada	22 August 2008
List of Parties issued	paragraph 9	Board	All parties	shortly after 22 August 2008
Revised List of Issues issued, if required	paragraph 8	Board	All parties	shortly after 22 August 2008
Application served on all intervenors	paragraph 14	TransCanada	Intervenors	immediately after receiving the List of Parties

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Interventions served	paragraph 9	Intervenors	Intervenors	immediately after receiving the List of Parties
Government Participant declaration served	paragraph 9	Government Participants	All parties	immediately after receiving the List of Parties

Jurisdiction Process

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Jurisdictional Facts Submission	paragraph 16	Intervenors	Board, Intervenors and TransCanada	5 September 2008
Submissions in support of request	paragraph 17	Intervenors	Board, Intervenors and TransCanada	12 September 2008
Letters of Comment	paragraph 4	Commenters	Board and TransCanada	12 September 2008
Submissions opposing request	paragraph 18	Intervenors	Board, Intervenors and TransCanada	19 September 2008
Reply Submission	paragraph 19	TransCanada	Board and Intervenors	26 September 2008

Facilities Process

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Additional Written Evidence	paragraph 15	TransCanada	Board and Intervenors	5 September 2008
Information Requests to TransCanada	paragraph 20	Board, Intervenors and Government Participants	Board, TransCanada and Intervenors	19 September 2008
TransCanada Responses to Information Requests	paragraph 21	TransCanada	Board and Intervenors	3 October 2008
Letters of Comment	paragraph 4	Commenters	Board and TransCanada	10 October 2008
Register for Oral Statement	paragraph 5	Oral Statement Provider	Board and TransCanada	10 October 2008
Written Evidence from Intervenors and Government Participants	paragraph 22	Intervenors and Government Participants	Board, TransCanada and Intervenors	17 October 2008
Information Requests to Intervenors and Government Participants	paragraph 23	Board, TransCanada and Intervenors	Board, TransCanada, Intervenors and Government Participants to whom an information request is addressed	24 October 2008
Responses to Information Requests from Intervenors and Government Participants	paragraph 24	Intervenors and Government Participants	Board, TransCanada and Intervenors	3 November 2008

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Request to Cross-examine Government Participants	paragraph 26	TransCanada and Intervenors	Government Participant, Board and all parties	5 November 2008
Comments on request to be cross-examined	paragraph 27	Government Participants	Board, TransCanada and all parties	10 November 2008
Reply to comments	paragraph 28	Party requesting right to cross-examine	Board and all parties	12 November 2008
Reply evidence	paragraph 25	TransCanada	Board and Intervenors	10 November 2008

Hearing and Post-Hearing Process

Actions	Hearing Order Reference	Person Responsible	Parties to be served by Person Responsible	Deadline (noon, Calgary time unless otherwise indicated)
Hearing Starts		All		18 November 2008
Request a draft Environmental Screening Report	paragraph 29	Interested persons	Board	before the end of oral portion of hearing
File and serve comments on the draft Environmental Screening Report	paragraph 29	Interested persons	Board and TransCanada	14 days from release of draft Environmental Screening Report
File and serve comments on draft Environmental Screening Report	paragraph 29	TransCanada	Board and persons who commented	21 days from release of draft Environmental Screening Report

National Energy
BoardOffice national
de l'énergie

**National Energy Board
Notice of Public Hearing
for the TransCanada Alberta System**

The National Energy Board has scheduled an oral public hearing on an application from TransCanada PipeLines Limited (TransCanada) under the *National Energy Board Act* to issue a Certificate of Public Convenience and Necessity to effect recognition that the TransCanada Alberta System is within Canadian federal jurisdiction and subject to regulation by the Board. The hearing will also consider matters required by the *Canadian Environmental Assessment Act*.

The TransCanada Alberta System

The TransCanada Alberta System is an existing natural gas pipeline system comprised of approximately 23 500 km of pipeline and associated compression and other facilities located within Alberta. The TransCanada Alberta System is owned directly by NOVA Gas Transmission Ltd. (NGTL), which is a wholly-owned subsidiary of TransCanada, and is presently regulated under provincial legislation by the Alberta Utilities Commission.

The Application

Copies of the application are available for viewing on the Board's Internet site at www.neb-one.gc.ca (click on "View a Regulatory Document" then "Quick Links" and scroll down to the "TransCanada PipeLines Limited – TransCanada Alberta System"), at the Applicant's office at 450 1st Street SW, Calgary, AB, and the Board's library (Ground floor, 444 7th Avenue SW, Calgary, AB). The application is also available at Wood Buffalo Public Library (9907 Franklin Avenue), Grande Prairie Public Library (9910 – 99 Avenue), Peace River Municipal Library (9807 – 97 Avenue), Edson Public Library (4726 – 8 Avenue), Camrose Public Library (4710 – 50 Avenue), Lethbridge Public Library (810 – 5 Avenue S) and Medicine Hat Public Library (414 – 1 Street SE).

Public hearing

The public hearing will start at **9:30 a.m., local time, 18 November 2008 at a location to be determined**. The proceeding will obtain the evidence and views of interested persons on the application. Any person interested in participating in the hearing should consult the Board's Hearing Order GH-5-2008 for further background and instructions.

Information for Intervenors

Any person wishing to intervene in the process must file an application to intervene by noon, Calgary time, **22 August 2008** with the Secretary of the Board and serve a copy on TransCanada and its counsel at the following addresses:

Ms. Linda Angus
Regulatory Analyst
TransCanada PipeLines Limited
450 First Street SW
Calgary, AB T2P 5H1
Facsimile: 403-920-2347

Mr. C. Kemm Yates, Q.C.
Stikeman Elliott LLP
4300 Bankers Hall West
888 Third Street SW
Calgary, AB T2P 5C5
Facsimile: 403-266-9034

Mr. Patrick M. Keys
Vice President, Pipelines
TransCanada PipeLines Limited
450 First Street SW
Calgary, AB T2P 5H1
Facsimile: 403-920-2347

There is an on-line application to intervene form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document" then "Submit documents electronically" and scroll down to "Application for Intervenor Status"). TransCanada will serve a copy of the application and related documentation on each intervenor immediately after the Board issues the List of Parties.

Letters of Comment

Any person wishing only to comment on the application should file a letter of comment to the Secretary of the Board and send a copy to TransCanada and its counsel by noon, Calgary time **12 September 2008 for the Jurisdiction Process and 10 October 2008 for the Facilities Process**. There is an on-line letter of comment form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document" then "Submit documents electronically" and scroll down to "Letter of Comment") which you may use to file your letter of comment.

Oral Statements

The Board will also set aside time, at the commencement of the hearing, to hear comments on the Facilities Process. Anyone wishing to make an oral statement must file a letter with the Board requesting the opportunity to make an oral statement and send a copy to TransCanada and its counsel by noon, Calgary time, **10 October 2008 for the Facilities Process**. There is an on-line letter of comment form available on the Board's Internet site at www.neb-one.gc.ca (click on "Submit a Regulatory Document" then "Submit documents electronically" and scroll down to "Request to Make an Oral Statement") which you may use to file your request to appear for an oral statement.

Government Participants

Federal authorities, or provincial agencies with an environmental assessment responsibility for the Facilities Process, may participate by filing a letter of comment, providing an oral statement, seeking intervenor status or by filing a declaration that they will be a Government Participant by **22 August 2008**.

Information on Hearing Procedures

You may access the Hearing Order through the Board's Internet site at www.neb-one.gc.ca (click on "Regulatory Documents" then "Quick Links" and scroll down to the "TransCanada PipeLines Limited – TransCanada Alberta System", then click on "Hearing Order" at the top of the screen).

You may obtain information on the procedures for this hearing or on the *National Energy Board Rules of Practice and Procedure, 1995*, as amended, governing all hearings (available in English and French) by writing to the Secretary of the Board, contacting Ms. Erin Dutcher, Regulatory Officer at (403) 299-2782 or Ms. Jane Morales, Regulatory Officer at (403) 299-3933, or either Regulatory Officer at 1-800-899-1265. You may also go to the Board's Internet site and click on "Acts and Regulations" to access the Board's Rules of Practice and Procedure and other legislation.

Claudine Dutil-Berry
Secretary of the Board
National Energy Board
444 7th Avenue SW
Calgary, AB T2P 0X8
Facsimile: 403-292-5503 (toll free 1-877-288-8803)

List of Publications**A. Notice to be published in English**

Publication	Location	Publication Frequency
Globe and Mail (national coverage)	Toronto, ON	Daily
Fort McMurray	Fort McMurray	Daily
Daily & Herald-Tribune	Grande Prairie	Daily
Edmonton Journal	Edmonton	Daily
Red Deer Advocate	Red Deer	Daily
Calgary Herald	Calgary	Daily
Lethbridge Herald	Lethbridge	Daily
Medicine Hat News	Medicine Hat	Daily
Windspeaker (Aboriginal publ.)	Edmonton	Monthly

B. Notice to be published in French

Publication	Location	Publication Frequency
La Presse (national coverage)	Montreal, QC	Daily
Le Franco ⁽¹⁾	Edmonton, AB	Weekly – Friday ⁽²⁾

(1) * For federal government ads published in Le Franco

Repco-média
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Ottawa/Gatineau: (819) 827-7486
Fax: (819) 827-7488
Email: repco@magma.ca
Website: <http://www.repco-media.ca>

(2) Publication dates during the balance of July and August

25 July, 1 August, 22 August. From the 29 August and onward, the weekly publication schedule will resume.

List of Interested Persons to be Served with Hearing Order GH-5-2008
Liste des parties intéressées à qui l'ordonnance d'audience GH-5-2008
doit être signifiée

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