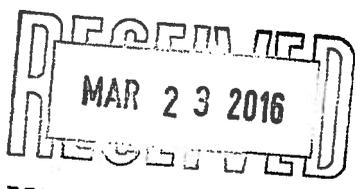


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National Energy Board



Office national de l'énergie

File OF-Fac-Oil-E266-2014-01 02  
21 March 2016

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- File  Incoming  Other
- Mayor
- Council   A
- CAO
- Building
- Finance  S  C
- Ec Dev  S  C
- Parks & Rec  S  C
- Planning  S  C
- Public Wks  S  C
- PPP
- Social Services

Dear Ms. Menzies, Ms. Swanson, Mr. Yates and Ms. Moreland:

**Energy East Pipeline Ltd. (EEPL)  
Application for the Energy East Project and Asset Transfer (Energy East)  
Consolidated Application**

On 3 February 2016, the Board sent EEPL a letter directing that a consolidated version of the Energy East application be filed by EEPL (Consolidated Application). As the Board stated in its letter, it is critical that hearing Participants are able to locate sections of the Application most relevant to their interests and that this information is accessible.

On 26 February 2016, EEPL provided a proposed structural map, detailed table of contents and a plan for future supplemental filings and updates. EEPL proposes to use the structure of its original application as the basis for the Consolidated Application.

The Board offers the following comments on the submission by EEPL:

**Structural map**

The Board finds the structural map acceptable. However, the Board notes that the Environmental and Socio-economic Assessment (ESA) Volume 10 contains a variety of miscellaneous environmental reports. The Board requests EEPL to better organize the contents of ESA Volume 10, Miscellaneous Environmental Reports. Specifically, EEPL should consider whether the

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reports within Volume 10 could be better placed elsewhere, such as with the appropriate provincial assessment in Volume 3, with the Fish and Fish Habitat technical data reports in Volume 9, and/or collected together by topic, such as grouping together the reports on effects assessments of contingency crossings. If there is a logic why Volume 10 should not be reorganized as suggested, please advise the Board.

#### **Plan to file amalgamated documents**

Overall, the Board finds the plan to file amalgamated documents acceptable. The Board notes that there are numerous occasions where introductory and general information is repeated, for example in the environmental information for each geographical region and in the consultation logs. In some cases, this repetition may add unnecessary volume. This will also reduce potential inconsistencies between different repeated sections. The Board requests that EEPL avoid repetition where possible by stating the common information once and providing a reference to it as required in subsequent sections.

#### **Withdraw documents**

EEPL proposed that information that has been superseded or is no longer current to the Project will be deleted. Energy East will prepare a list of outdated documents and information, for Board approval, to be removed from the record of the proceeding. The Board has no concerns with this approach.

#### **Naming conventions**

EEPL stated that a consistent naming and numbering convention will be used for the electronic files, and applied to all of its documents. Where appropriate, placeholders, cross-references, or both placeholders and cross-references, will be added to the additional reports to clarify their relationship with the balance of the Consolidated Application. The Board has no concerns with this approach but suggests that the naming convention is: applied consistently; concise; without unnecessary repetition (of the project name for example); and descriptive enough to readily identify content.

The Board notes that the ESA contains the same reference format as the Application. This results in two Volume 1's, two Volume 2's, etc. The Board requests that EEPL use a different series of Volume references, such as letter references or a different series of numbers.

#### **Plan for Future Supplemental Filings and Updates**

Overall, the Board finds the plan for future supplemental filings and updates acceptable with some exceptions. For example, the Board notes that there is no placeholder for one future engineering filing: SR 7-2, Remediation plan to address issues identified through ILI assessments. The targeted filing date for this supplemental report is Q3 2017. Please ensure that there is a placeholder identified for SR 7-2 or advise if this is no longer intended to be filed.

The Board also requests that EEPL identify any documents that will be revised over time, for example, Environmental Protection Plans or consultation records. This would allow the Board to arrange them on its public registry more clearly (e.g. by putting all versions of the same document into a single directory). When filing subsequent updates, EEPL should clearly identify the version number in the title of the document. Further, the covering letter EEPL sends with each update should clearly identify which sections have been changed.

### **Translation**

The Board notes that Energy East will post a full French translation of the Consolidated Application on its website and intends to do this within one month of the filing of the Consolidated Application in English. The Board also notes that the structures of the English and French versions of the Consolidated Application will mirror each other for consistency and ease of reference.

### **Relief requested from the requirements of section 10(3)(a)**

The Board notes that EEPL requested relief from the requirements of section 10(3)(a) of the *National Energy Board Rules of Practice and Procedure, 1995*, as amended, in respect of specific identification of amendments by date and marginal marking in its letter to the Board dated 17 December 2015. The Board is of the view that this relief is likely no longer required with the anticipated filing of the consolidated version; however, EEPL may advise the Board if it still wishes the Board to rule on this request in relation to EEPL.

### **Notification**

The Board requests that EEPL create new electronic versions of the Consolidated Application on portable storage devices, after it has been filed electronically and given exhibit list numbers, and include the links to the official filings on the NEB's public registry. The Board requests EEPL distribute copies of the new electronic Consolidated Application to the same locations as previous copies were stored. EEPL is also encouraged to make additional copies available along the route or other locations for any interested persons who may request a copy. EEPL is also encouraged to update their own website to reference the new documents and consider reproducing the structural map with links to the public registry documents on the NEB's website or to the French documents available on EEPL's website.

The Board notes EEPL's commitment to provide the Consolidated Application by 29 April 2016. Please advise the Board if this target date changes.

Yours truly,

*Original signed by L. George for*

Sheri Young  
Secretary of the Board

cc: All interested persons