



**ONTARIO
RIVERS
ALLIANCE**

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20 July 2016

National Energy Board
517 10 Avenue SW
Calgary, AB
T2R 0A8

Attention: Sheri Young, Secretary of the Board

By email: Sheri.Young@NEB-one.gc.ca

Re: Energy East Project, Asset Transfer and Eastern Mainline Project
File: OF-Fac-Oil-E266-2014-01 02

Dear Sirs:

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization acting as a voice for several stewardships, organizations, and private and First Nation citizens who have come together to protect, conserve and restore riverine ecosystems.

ORA has been granted Intervenor Status in the Energy East pipeline asset transfer and Eastern Mainline Project (Project). ORA also submitted comments in the National Energy Board's (NEB's) online survey. We write in response to Energy East Pipeline Ltd. and TransCanada Pipeline Limited's (applicant) 6 July 2016 comment letter regarding the NEB's review of the Project.

ORA makes the following recommendations:

1. There must be no restriction to “key issues” as determined by the Board.

The applicant suggests that the NEB should use intervenors' submissions at the pre-hearing Panel Sessions to identify “key issues”, and then restrict intervenors' future cross examinations to those issues. However, the applicant suggests they should have full rights to cross-examine intervenors on their evidence. This is unbalanced, unfair, and should be rejected by the NEB. Intervenors must be free to express all their concerns.

2. There must be equal and fair opportunity to cross-examine.

It is essential that the applicant and intervenors have equal opportunity to cross-examine on evidence revealed in response to an information request. There should be



no limit to information requests and follow-up to a single round. The NEB process must be flexible, fair and robust in order to explore all issues and concerns.

3. Technical forums should be held to more deeply explore key and common areas of concern.

Technical forums would provide all parties with opportunities to discuss and define key areas of agreement and/or disagreement, such as pipeline integrity, leak detection, response times, impacts, clean-up, etc. This would allow for a more efficient and fulsome proceeding.

The purpose of the NEB hearings is to provide an opportunity for all concerns to be voiced and examined, so that ultimately an informed decision can be made. This cannot be accomplished if the scope of issues is limited.

ORA looks forward to a broad and rigorous hearing process.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
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