



Access to Information Act Complaint Form

The Office of the Information Commissioner of Canada (OIC) reviews the complaints of persons who believe that federal institutions have not respected their rights under the *Access to Information Act*.

If you wish to file a complaint with the Office of the Information Commissioner of Canada, please complete this form and send it with any accompanying documents, by mail or by fax to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Fax: 819-994-1768

NOTE: At the present time, we do not accept complaints via electronic mail.

More information to assist you in completing this form is available at <http://www.oic-ci.gc.ca/eng/lc-cj-logde-complaint-deposer-plainte.aspx> or by calling toll-free in Canada 1-800-267-0441.

- 1) To expedite the processing of your complaint, please provide as much information as possible.
- 2) Complaints must be made to the OIC in writing within 60 days of receiving your response or a notice from the federal institution, or when you become aware that grounds for a complaint exist.

The personal information provided on this form is protected under the provisions of the *Access to Information Act* and the *Privacy Act*. Please note that your name and the details of your complaint will be provided to the institution that is the subject of the complaint.

*Required field

First name * <i>Louissette</i>		Last name * <i>Lanteigne</i>	
Mailing address * <i>700 Star Flower Ave.</i>			
City * <i>Waterloo</i>	Province * <i>Ont.</i>		Postal code * <i>N2V 2L2</i>
Contact phone number *	Alternative phone number		Fax number
<i>(579) 885-7619</i>	<i>(226) 972-7429</i>		<i>()</i>
Email address <i>Water.lulu@yahoo.ca</i>			
Please indicate the best time to contact you, as well as any contact restrictions: (The OIC's hours of business are Monday to Friday, 8:30 am – 5:00 pm EST) <i>9:30-3:30 weekdays</i>			



1. Are you making this complaint ☒ on your own behalf
☐ on behalf of another person *

(*If you checked "on behalf of another person", attach any documentation that indicates that you are authorized to act for another individual)

2. Name of the institution that is the subject of your complaint.
National Energy Board

3. Indicate any file or reference numbers and dates relevant to your complaint (for example, date of request for access to information, date you received a response or other).

1/ File A-2016-04 (Apr. 30 2014 to Dec 31 2015)

*2/ File A-2014-04 (reopened with request for A-2016-04)
- (specific to information up to April 2014)*

3. (a) Have you complained to this office before about this same access request? If so, please identify the type of complaint (see 5. below "Type of complaints") *No*

4. Have you received a written response or any notice (i.e. extension of time limits, fee assessment or other) from the institution?

☒ Yes ☐ No If "Yes", what is the date of the letter, and when did you receive it?

Aug 8th 2016. Received it personally within days.

5. Identify the type of complaint you are making:

- ☐ Incomplete search/no records response
- ☐ Deemed refusal (delay beyond the 30 day time limit or extended time limit)
- ☒ Exemptions/exclusions (records or portions of records were withheld from access)
- ☐ Fee assessment to produce records is not justified
- ☒ Time extension (institution informed you of extra time necessary to process your request)
- ☐ Language (your request to obtain records in your official language of choice was denied)
- ☐ Alternative format (person with sensory disability is refused access to records in an alternative format)
- ☐ Publication bulletin (complaint about the publication by government institutions (InfoSource))
- ☐ Any other matter relating to requesting or obtaining access to records under the *Access to Information Act* (Please describe factual foundation in section 6).



File A-2016-40

NOV 17 2016

Ms. Louisette Lanteigne
700 Star Flower Avenue
Waterloo, ON N2V 2L2

Ms. Lanteigne,

This letter is in regard to your request made pursuant to the *Access to Information Act* (the Act) received by the National Energy Board (NEB) on 13 July 2016, seeking access to records as follows:

"I request all data referencing my person (Louisette Lanteigne) including data generated by and collected by the National Energy Board from Sept 2011 to Dec 31, 2015. I was a delegate of the Line 9 reversal hearings and this is being done for the Public Interest."

Enclosed please find a cd with the records you requested. The Board notes that your current request for records is similar to the Access request you filed on 30 April 2014 (A-2014-04) wherein you requested all records containing your name up to the date of that request. Your Access request of April 2014 overlaps the time frame of your current request by several years. The enclosed cd therefore contains two sets of records:

- My request includes both files.
- a further copy of file A-2014-04 covering the period of your initial request up to 30 April 2014. This is an exact duplicate of the original release and is being provided for your convenience only; and,
 - a new release of all records referencing your person from 30 April 2014 to 31 December 2015.

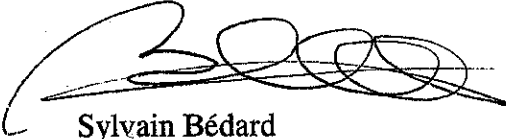
Under the Act, you are entitled to bring a written complaint regarding the processing of your current request to the Information Commissioner within 60 days of receipt of this notice. A notice of complaint form is available at <http://www.oic-ci.gc.ca/> and should be addressed to:

Office of the Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street 7th Floor
Ottawa, ON K1A 1H3

.../2

If you have questions, or need more information please contact James Brunton by phone at 403-221-3292, toll-free at 1-800-899-1265 or by email at James.Brunton@neb-one.gc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sylvain Bédard', with a large, sweeping initial 'S' and several loops.

Sylvain Bédard
Access to Information and Privacy Coordinator

- Leak detection and emergency response measures – comparisons to Line 6B rupture in Michigan
- Project scoping – splitting out this Project from the larger Trailbreaker (reversal of entire Line 9 discussed a few years ago).
- Potential for oil sands crude to be transported to the east coast.
- AFN – impacts on traditional use, treaty rights and health (air quality); inadequate Crown consultation.
- AFN and OPLA – Enbridge's and the Board's environmental assessments were inadequate as it failed to consider operations post-reversal.
- OPLA and CAEPLA – In-place abandonment and historical contamination.
- Ms. Louise Lanteigne – Impacts on local drinking water supplies.
- Several issues raised were determined to be out-of-scope or not relevant to the proceeding.

Conclusions

- There is a commercial need – Line 9 to Sarnia is currently under-utilized; no commercial opposition.
- Public consultation, including Aboriginal consultation, was appropriate, given the scale of the Project.
- The Project is not likely to cause significant adverse environmental effects.
- The Board's environmental assessment properly factored in line operation post-reversal.
- Crown Consultation – no other federal authorities acting as Crown; Board process used; opportunity for AFN to provide information/views and outline concerns.
- Enbridge has and continues to monitor and document line integrity; through its Integrity Management Program, it is able to identify and mitigated existing and future issues.
- Board imposed 15 conditions, mainly focused on pipeline integrity. Enbridge will not receive an exemption from Leave to Open.
- If and when Enbridge wants to ship different commodities, it would need to file a tariff amendment.
- It is in the public interest to approve the Project.

Post-Hearing Motion

- OPLA requested that the Board reopen the record to consider the US National Transportation Safety Board (NTSB) synopsis and full report for Enbridge's 2010 Line 6B rupture in Michigan.
- Ruling: the Board need not hold up its decision for the Line 6B documents to be analyzed. Through the Board's compliance activities, the NTSB report will be reviewed and pertinent learnings will be applied to system-wide operations.

Decision

- [REDACTED]

21(1)(a)

Is this Reasonable

Successes / Learnings

- First time Participant Funding Program (PFP) used on a section 58 hearing:
 - PFP awarded to three intervenors and used to create quality written evidence and IRs.
- PFP process was executed in a condensed timeframe so there was minimal delay to the hearing schedule
- First time for formal implementation of Process Advisor role:
 - Many external parties expressed that they felt well supported and that the process advisor role is a great idea.
 - Helpful to internal staff to be able to direct inquiries through to one person.
- Although the application was received in August, hearing order was not issued until December – the process from start to finish took approximately 11.5 months (including extensions granted to Enbridge to respond to IRs totaling 25 days).
- Deadlines set for external parties during the hearing process were met, despite tight timelines.
- All areas of support, PWG members and Panel made the Project a priority in order to meet the condensed schedule.
- [REDACTED]
- Having only final oral argument and no cross examination worked well in this case, due to the highly technical issues regarding engineering and integrity.
- Security and Panel handled protester disruption at hearing well:
 - After a short recess, only intervenors and accredited media were initially permitted back in hearing room.
 - The panel accepted environmental and First Nation motions to allow people and groups, that the parties knew would not be disruptive, back into the hearing room.
 - Some media attention received.

21(1)(a)

Staff Involved



File A-2016-40

8 August 2016

Ms. Louise Lanteigne
700 Star Flower Avenue
Waterloo, ON N2V 2L2

Ms. Lanteigne,

This letter is in regard to your request made pursuant to the Access to Information Act (the Act) received by the National Energy Board (NEB) on 13 July 2016, seeking access to records as follows:

"I request all data referencing my person (Louise Lanteigne) including data generated by and collected by the National Energy Board from Sept 2011 to Dec 31, 2015. I was a delegate of the Line 9 reversal hearings and this is being done for the Public Interest."

Please be advised that, in addition to the initial statutory 30-day time limit, an extension of 60 days is necessary to complete the processing of your request. The Board relies on paragraph 9(1)(a) of the Act, which states the following:

9. (1) The head of a government institution may extend the time limit ... in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,

Please be assured that the Board will endeavour to release the requested records as soon as they become available for disclosure.

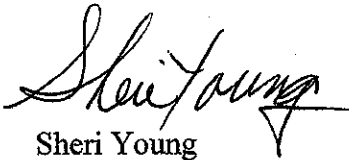
Under the Act, you are entitled to bring a written complaint regarding the extension of time to the Information Commissioner within 60 days of receipt of this notice. A notice of complaint form is available at <http://www.oic-ci.gc.ca/> and should be addressed to:

.../2

Office of the Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street 7th Floor
Ottawa, ON K1A 1H3

If you have questions, or need more information please contact Philippe Ouellette by phone at 403-299-3682, toll-free at 1-800-899-1265 or by email at Philippe.Ouellette@neb-one.gc.ca.

Yours truly,

A handwritten signature in cursive script, reading "Sheri Young". The signature is written in dark ink and is positioned above the printed name and title.

Sheri Young
Access to Information and Privacy Coordinator

C.c.: Office of the Information Commissioner



6. Provide a summary of your complaint and describe the action or events that prompted you to complain together with any relevant date(s) of event(s). (Use additional pages if required)

¹/ Delay of response meant I could not submit/review information in time for NEB Line 10 hearing Submission. I wanted to have this data earlier. Delay lasted months beyond deadline.
²/ See below for further issues.

7. Attach copies of the following documents, if applicable:

- ☐ Your request to the institution
- ☒ The institution's response to your request (if any) that prompted this complaint
- ☐ Any other correspondence between you and the institution on this matter
- ☐ Any documentation indicating that you are authorized to act on behalf of another individual (if applicable)
- ☐ Other

I certify, to the best of my knowledge, that the information provided on this form is true and complete.

L. Lantagne

Signature

Nov 23 / 2016

Date

- In the information received, many pages were redacted from both file A-2016-04 and A-2014-04. In response I want to request disclosure of information withheld and/or blacked out to see if censorship was reasonable or not.
- Correspondences specific to the NEB decision was blacked out on pg. 36 of A-2014-04 regarding the hearing manager's report sent by Darcie Harding. I want an uncensored copy of this document to see the Decision uncensored and to view what they blacked out under Successes/Learnings. (see attachment)
- Many emails blacked out in file A-2016-04 specific to questions I submitted asking how the public can participate in the Leave to Open process. The procedural questions were not answered until ^{nearly} one year later. Why the delay? Many internal emails about the questions yet in the end, answers provided were insufficient. Answers vague or unanswered.

(cont. Next side of page)