National Energy Board



Office national de l'énergie

Files : A-2016-40; A-2014-04

Ms. Louisette Lanteigne 700 Star Flower Avenue Waterloo, ON N2V 2L2 1 6 AVR. 2018

Ms. Lanteigne,

This letter is in regard to your requests made pursuant to the Access to Information Act (the Act) received by the National Energy Board (NEB) on 4 April 2014 and 13 July 2016, respectively, 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."

As the Delegated Authority for the NEB, I have reconsidered several discretionary exemptions applied in the 5 November 2014 release to you. As such, I have directed the following records to be issued to you in a revised format:

- Page 34 [full disclosure]
- Page 39 [full disclosure]
- Page 125 [partial]
- Page 129 [full disclosure + blow up]
- Page 138 [full disclosure]
- Page 139 [partial]
- Page 775 [partial]
- Page 776 [full disclosure]

With regard to public information not previously disclosed to you, this documentation is available at the following URLs:

https://apps.neb-one.gc.ca/REGDOCS/File/Download/834583; and

https://apps.neb-one.gc.ca/REGDOCS/File/Download/834309

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,

Butie .

Paula Futoransky Access to Information and Privacy Coordinator

Enclosure

c.c.: The Information Commissioner of Canada

Suite 210, 517 Tenth Avenue SW Calgary, Alberta T2R 0A8

517, Dixième Avenue S.-O., bureau 210 Calgary (Alberta) T2R 0A8



Telephone/Téléphone : 403-292-4800 Facsimile/Télécopieur : 403-292-5503 www.neb-one.gc.ca Telephone/Téléphone : 1-800-899-1265 Facsimile/Télécopieur : 1-877-288-8803 ----Original Message-----From: Nick Thomas Sent: February 17, 2012 2:52 PM To: DL Enbridge Line 9 Reversal PN Cc: Christine Beauchemin; Darcie Harding Subject: RE: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39383)

Hi Roland....

I'm trying to connect with legal on this. Darcie is en route to Banff right now. Jessica (Counsel #1 is also away), but I' believe Christine (Counsel #2) is in. I'll try to get something as quick as I can today. At this point, you wouldn't be deciding on whether or not to grant intervenor status for this individual, since that topic is up for discussion as per Darcie's earlier email on a larger scale (whether to pick and choose or allow all). The focus here would be whether or not we should even consider this application since it's late. Depending on whether we allow this, I will update the summary table of Intervenor applications with the content from this one.

Thanks,

Nick Thomas

Environmental Specialist | Spécialiste de l'environnement National Energy Board | Office national de l'énergie Telephone | Téléphone : 403-221-3289

----Original Message-----From: Roland George Sent: February 17, 2012 2:40 PM To: Secretary; DL Enbridge Line 9 Reversal PN; DL Enbridge Line 9 Reversal PWG Subject: RE: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39383)

Darcie:

I'd like some advice to the panel on this late filling.

Thank you in advance.

Roland

-----Original Message-----From: Secretary Sent: February 17, 2012 2:20 PM To: DL Enbridge Line 9 Reversal PN; DL Enbridge Line 9 Reversal PWG Subject: FW: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39383)

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Please note that the filing was received after 12 PM. The filing will be placed in the Letters of Comment folder, please advise if the filing can be moved to the Intervenor Folder.

-----Original Message-----From: E-file [mailto:secretary@neb-one.gc.ca] Sent: February 17, 2012 2:00 PM

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5.21 advice to /govt

- Leak detection and emergency response measures comparisons to Line 68 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. Louisette 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 Samia 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

Letter Decision to be released today (27 July 2012) – will be made into a blue book at a later time.

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.
- Oral statements were not provided as a participation option, which reduced the length of the oral portion of the hearing.
- 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.

Staff Involved

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Hello Ma. Neu

Wasn't sure where to send this to but it is in regards to the Enthridge Line hearing process for which I was a delegate.

A proundbreaking naling has just taken place in Texas regarding the term Common Canter in regards to the Kaystone XI, pipeline. The Texas Supreme Court ruled in taxour of land owner Aule Tripp Grawford, ordering TransCanada to submit information by Feb. 6 as the justices weigh arguments to hear the case regarding eminent domain abuse.

At the heart of Crawford's case is the ability of TransCanada, a foreign corporation, to use eminent domain under the static's "common carrier" clause since their pipeline transports 80 percent Canadian Tar Sands and 19 percent North Dakota oil. There is no on range for Texas oil therefore you definition of a common carrier under Texas law.

hts:/wcowatch.com/2011/01/05/andowner.com/barracanade-layetone_vl-emicent-domain-case/

As a delegate at the Entridge Like 9 hearings, I am aware that, Entridge ADMITS Like 9 is a "COMMON CARRER" Pipeline system. Here's a document I found online guide) just to support this point that states the following:

"Erbridge owns and operates Line 3, a common carrier pipeline system regulated under the NEB Act."

Une 9 as designed, was never intended to ship-oil from the US to Canada, but at the National Energy Board, the Ontario Minister of Energy made it public that Une 9 may be used to ship US oil to CANADA via Une 9 hom the Washow Prumping station owned by Erbidge. If the is the case and the majority of the oil is planned to be US BASED, tracket no tonger be a "Common Canted". If the major volumes of oil highed in the 9 hom the washow Prumping station owned by Erbidge. If the is the case and the majority of the oil is planned to be US BASED, tracket no tonger be a "Common Canted". If the major volumes of oil highed in the 9 hom thereadd to be Canted. The term calls and the Ingelly inaportation in the eyes of the law. The policies that allows it to function are no longer subject to the same rules since the majority of oil flowing it is would be FOREDGN.

The application to revenue the flow of Line 9 to move US oil to invine in Montreal ecold hit the same legal snag as the Keystone XL right now. I believe it would be beneficial to investigate what charges may happen should Line 9 kees its "Common Canles" status and to clarify the function of the pipe to determine exactly where this oil is coming from before the NEB allows a decision on this matter.

Yours in good faith.

Louisette Lanteigne 700 Star Flower Ave. Waterloo Ont NOV 212

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In light of data presented at the NEB hearing, there are further concerns I would like to relay.	
-Ouncy the NGB hearing oncome was raised about the possibility of an oil split in provinty to the Proteing Nuclear Station and the risk of oil making its way into the area of the water intake. We need systems in place to prevent such risk	We need systems in place to prevent such risks.
-There is the resel to outh loadlest pipeline reprine responses for municipatives aizing line 2 including the doolosure by municipatives to Entropy on the loadino of starm usine severy, and intale stores and other risk along the nucle	intake power and other risks along the nucle.
-MPR data reparting Deterrits risks of Eastern Canada Indicates that Chait River Modeur Power Dation is built in an area of high selenic activity. We should encourage a review of the system	m/to address these risks and make sure systems are in place to prevent accidents.
-The Phoposed Lake Muran Deep reportion is in proximity to Yand Motaline systems and Earthquake Ristis as self.	
-8 is confirmed by TenriCanodo Plut bitmen siris. Regi Ammi atrocurentifacienti accimentifaciente acritis di ancio adulto contractino antropos clamo.	
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The result of the or the functional framework and framework and the distribution of th	permettal Assessments used for planning processes. Too often engineering firms use

From:	Adrian Luhowy
To:	Michael Benson; Mark Watton; Ryan Rodier; Zoe Pfeiffer
Subject:	RE: Question about Line 9 ruling and Leave to Open
Date:	March 13, 2014 3:58:47 PM

She's mixing some stuff up. Those LTO bullets she found are appropriate for many cases but not all and they are not mandatory, nor sufficient, in some cases. The conditions are more project-specific than the generic stuff she's found.

She should look at the Act for what a s.47 is:

http://laws-lois.justice.gc.ca/eng/acts/N-7/page-21.html#h-32

"(2) Leave may be granted by the Board under this section if the Board is satisfied that the pipeline may safely be opened for transmission."

So a company is required to show that the line is "safe" to be opened for transmission. Those bullets she found refer to a common type of project the Board deals with (new pipelines), but they aren't project-specific.

- 1. I've got to refresh my memory by looking at the documents.
- Enbridge would like to know that, too. They may ultimately have to do hydro tests, and the plan for those would have to be accepted by the Board.
- 3. They can ask.
- They're on Livelink (similar to the hearing documents, though a different but connected directory). The condition-compliance stuff shows up in the same directory.
- 5. Typically, no, unless it's required in a condition.
- 6. Most conditions require that proof be provided that the condition's been achieved. The Board assesses that proof. The exact response by the Board depends on the wording in the condition. Conditions that require "Board approval" before they're achieved will get a letter from the Board to the Company (with a copy on the public record) regarding the Board's approval/disapproval of the submission.
- 7. Some conditions require written proof be submitted. See response to #4.
- If a condition is not met then the company can't move to the "next stage". Some conditions
 require the condition be satisfied before "construction" or before "operation" or before
 "something". That "something" can't be done until the condition is satisfied.
- 9. We are.
- If someone feels a condition has not been met, they can bring that to the attention of the Board. There's no funding available for that, as far as I'm aware.

I'm not sure how to word this so I hope everyone else weighs in. It appears she may want to be a reviewer of all the condition-submissions (or have someone of her choosing do that), and provide her own assessment of them to the Board.

I did experience one project where a few interested persons/groups submitted an affidavit and photograph indicating that a company hadn't met a condition. It was a photograph of an empty field and an assertion by the person who photographed the empty field that it was, indeed, an

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empty field but that it should have been a tank-farm-under-construction. We asked the company to respond. The company responded, and we assessed both submissions, and the Board sent a letter confirming the condition had been satisfied. (as near as we could figure the photographer was in the wrong place)

From: Michael Benson Sent: March 13, 2014 2:25 PM To: Mark Watton; Ryan Rodier; Adrian Luhowy; Zoe Pfeiffer Subject: FW: Question about Line 9 ruling and Leave to Open

Hello,

I have received an email inquiry from Ms. Lanteigne. I would appreciate hearing your thoughts on a potential response.

Michael

From: Louisette Lanteigne [mailto:butterflybluelu@rogers.com	s.19(1)
Sent: March 13, 2014 1:46 PM	
To: Michael Benson;liberal.ola.org;	Rndp.on.ca; justin.trudeau@parl.gc.ca;
Elizabeth.May@parl.gc.ca; thomas.mulcair@parl.gc.ca; stephan	e.dion@parl.gc.ca;
linda.duncan@parl.gc.ca; @liberal.ola.org;	Rthestar.ca; therecord.com;
@liberal.ola.org; pm@pm.gc.ca; Leona.Aglukka	g@parl.oc.ca;
Subject: Question about Line 9 ruling and Leave to Open	

Hello Mr. Benson

It's delegate Louisette Lanteigne of the Line 9 hearing. I read through the ruling and I'm trying to better understand what it means. The NEB ruling mandates a new application is needed for the Leave to Open process, that a request to bypass this was denied. I went to the NEB website and it sets the following conditions to secure Leave to Open such as

- confirmation that the test pressure did not fall below 97.5 percent of the minimum strength test pressure; and
- details regarding any unsuccessful pressure tests, including the cause of the test failure.
- a statement that hydrostatic testing was completed and found acceptable;

In light of this I have the following questions.

 Is the Leave To Open application applicable to only to Line phase B or is it required to review the totality of Line 9 from Sarnia to Westover?

How is the scope of the test area determined and by whom? Is the criteria defined in a policy or is it based on discretionary powers?

3. Does Enbridge have the procedural ability to request a limited the scope of these tests?

4. Can the public at any point view the findings of the pressure tests both successful and

A0009358_108-000139

From: To: Subject:	Christine Beauchemin Sonia Stauch PW: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39383)		
Date:	February 17, 2012 3:43:44 PM	s.21(1)(a) s.21(1)(b) s.23	
Christine Be Legal Couns Phone: (403 Fax: (403) 2 Email: christ	el - Avocate) 292-6489		
Original Message From: Christine Beauchemin Sent: February 17, 2012 3:17 PM To: Nick Thomas; DL Enbridge Line 9 Reversal PN; DL Enbridge Line 9 Reversal PWG Cc: Darcie Harding; Christine Beauchemin Subject: RE: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39			s.21(1)(a) s.21(1)(b) s.23
Re Later int	ervention request of Lanteigne		

Re. Later intervention request of Lanteigne

***********	**************************************

Thank you.

Christine Beauchemin Legal Counsel - Avocate Phone: (403) 292-6489 Fax: (403) 299-2710 Email: christine.beauchemin@neb-one.gc.ca

-----Original Message-----From: Nick Thomas Sent: February 17, 2012 2:52 PM

A0009374_1-000775

To: DL Enbridge Line 9 Reversal PN Cc: Christine Beauchemin; Darcie Harding Subject: RE: OH-5-2011 - 12-02-17 Louisette Lanteigne - Application for Intervenor Status (A39383)

Hi Roland....

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Thanks,

Nick Thomas

Environmental Specialist | Spécialiste de l'environnement National Energy Board | Office national de l'énergie Telephone | Téléphone : 403-221-3289

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Thank you in advance.

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La version française suit le texte anglais.

The National Energy Board acknowledges the receipt of filing A39383.

This filing can be viewed at: http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A39383

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