



LETTER DECISION

File OF-Fac-Oil-T260-2013-03 17
29 June 2018

Mr. D. Scott Stoness
Vice President, Regulatory and Finance
Kinder Morgan Canada Inc.
Suite 2700, 300 – 5th Avenue SW
Calgary, AB T2P 5J2
Email regulatory@transmountain.com

Mr. Shawn H. T. Denstedt, Q.C.
Osler, Hoskin & Harcourt LLP
Suite 2500, 450 – 1st Street SW
Calgary, AB T2P 5H1
Email regulatory@transmountain.com

Mr. Greg and Ms. Debbie Dixon
66352 Othello Road
Hope, BC V0X 1L1

Mr. Stoness, Mr. Denstedt and Mr. and Ms. Dixon:

**Trans Mountain Pipeline ULC (Trans Mountain)
Trans Mountain Expansion Project (TMEP)
Certificate of Public Convenience and Necessity OC-064
Letter of Decision on Debbie and Greg Dixon (Dixons) statement of opposition to the
proposed detailed route of the pipeline for Segment 5.4**

A. Background information

On 24 April 2017, the National Energy Board (Board) received the Dixons' statement of opposition in relation to the TMEP's proposed crossing of the Dixons' lands ([A82814](#)).

On 23 January 2018, the Board released its Letter of Decision ([A89486](#)) and Hearing Order ([A89487](#)) with respect to statements of opposition it received in relation to Segment 5. The Dixons' property falls within this segment (specifically, within Sub-segment 5.4).

The Board noted in its Letter of Decision, that it had not dealt with the Dixons' statement of opposition. This was because Sub-segment 5.4 was the subject of a 10 March 2017 *National Energy Board Act* (NEB Act) section 21 application from Trans Mountain for a variance (a change) to the approved pipeline corridor ([Kawkawa Lake Indian Reserve Route Realignment](#)). This type of change requires approval from the Governor in Council. At the time of the Letter of Decision being issued, the Governor in Council had not yet made a decision on this variance.

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In a 26 June 2017 letter, the Board advised Trans Mountain that it would not consider the affected segments at the same time as the review of variance applications ([A84643](#)).

This information was communicated to the Dixons via letter on 24 January 2018 ([A89499](#)).

On 12 April 2018, after receiving the Governor in Council's approval of the corridor variance in sub-segment 5.4, the Board issued AO-002-OC-064 ([A91208](#)).

The Board is now in a position to decide on the Dixons' statement of opposition, which is set out below.

B. Decision of the Landowner statement of opposition

When assessing the statements of opposition, the Board applied the criteria provided in subsections 34(3), 34(4), and 36(1) of the NEB Act. Its assessment was based on the information provided in the statements of opposition. The Board considered:

- 1) if the person opposing is a landowner as defined under subsection 34(3) of the NEB Act, or a person, other than an owner of lands, who anticipates that their lands may be affected as defined under subsection 34(4) of the NEB Act;
- 2) if the opposition was about the location of the detailed route, the timing, and/or the methods of construction; and
- 3) if the opposition was filed on time according to subsections 34(3) and 34(4) of the NEB Act.

The Board finds that the Dixons' statement of opposition meets the requirements of the NEB Act. The Board has granted an individual detailed route hearing for the Dixons.

The Board is issuing a Hearing Order (MH-051-2018) at the same time as this Letter of Decision. Refer to the Hearing Order, which will be served on the Dixons by Trans Mountain, for information about the hearing process. The Hearing Order includes all the steps and deadlines you should be aware of in the hearing process, as well as the roles and responsibilities.

Note that, even though the Dixons have been granted a detailed route hearing, as detailed in Section 3 of the Hearing Order, the Dixons must register for the hearing by creating an online [NEB account](#) and filing an Application to Participate through the Board's Participation Portal.

C. Other opportunities to participate in a detailed route hearing

As outlined in the Hearing Order, any person may apply to participate as a Commenter or Intervenor in any detailed route hearing. To be granted standing in another participant's hearing, an applicant must be able to demonstrate how their participation will assist the Board.

The onus is on interested persons seeking to participate as an Intervenor or Commenter to demonstrate which detailed route hearing addresses the issues for which their participation will most assist the Board, and how it will do so.

Those wanting to apply must create an online [NEB account](#) and file their Application to Participate using the Board's Participation Portal **by 11:00 am Pacific Time [noon Mountain Time] on 26 July 2018**. Complete instructions are provided in Section 3 of the Hearing Order. The Board will determine who will be allowed to participate as a Commenter or Intervenor in each of the detailed route hearings.

For any questions about applying to participate, please contact the Board's Process Advisor Team by emailing TMX.ProcessHelp@neb-one.gc.ca or calling 1-800-899-1265 (toll-free).

D. Alternative Dispute Resolution (ADR)

Being granted a detailed route hearing does not prevent the Landowner or Affected Person and Trans Mountain from continuing to negotiate or consult. The Board offers support, such as the Board's [ADR](#) services, to promote dialogue between companies and Landowners or Affected Persons.

An ADR process is uniquely tailored to individual needs and could take the form of a meeting between the Landowner or Affected Person, and Trans Mountain. To take advantage of ADR, both the Landowner or Affected Person, and Trans Mountain, must agree to take part. The process is voluntary and facilitated by trained Board staff. The facilitator can assist in developing a process that may help resolve issues related to a statement of opposition.

If you are interested in the Board's ADR services, a session can be scheduled at a location and time agreeable to the Landowner or Affected Person, and Trans Mountain. For more information about ADR options, please email ADR-MRD@neb-one.gc.ca or call 1-800-899-1265 (toll-free).

For any questions regarding this Letter of Decision or the detailed route hearing process, please contact the Board's Process Advisor Team by email at TMX.ProcessHelp@neb-one.gc.ca or by phone at 1-800-899-1265 (toll-free).

Yours truly,

Original signed by L. George for

Sheri Young
Secretary of the Board