

National Energy
Board



Office national
de l'énergie

File 230-A000-2-6
26 February 2004

All Companies Under National Energy Board Jurisdiction
Interested Parties
Canadian Energy Pipeline Association

Dear Sir/Madam;

National Energy Board Pre-Application Meetings Guidance Notes

We are pleased to provide you with the attached Pre-Application Meetings Guidance Notes. Pre-application meetings can contribute to more complete applications, thus facilitating the review process and improving cycle times. We invite you to consult the Guidance Notes if you plan to meet with our staff prior to filing an application.

The Board decided in the fall of 2003 to review its existing guidelines for pre-application meetings. A draft document was sent to NEB regulated companies, interested parties and the Canadian Energy Pipeline Association requesting comments and suggestions by January 16, 2004. The Guidance Notes have been edited for clarity and to reflect the comments received by the Board during the consultation process on the draft. You may also obtain a copy of the Pre-Application Guidance Notes by visiting the NEB's Internet site at www.neb-one.gc.ca.

To request a pre-application meeting, please contact the NEB Team Leader accountable for the proposed application. If you are not sure which Team Leader is accountable for handling your application, please contact the Board Secretary or Legal Services at (403) 292-4800 or 1-800-899-1265.

Yours truly,

A handwritten signature in black ink, appearing to read 'Michel L. Mantha', with a long horizontal line extending to the right.

Michel L. Mantha
Secretary
Attachment

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NATIONAL ENERGY BOARD

PRE-APPLICATION MEETINGS GUIDANCE NOTES

1.0 Purpose of the Guidance Notes

The intent of the Guidance Notes is to assist regulated companies or other parties to determine whether and when a meeting with NEB staff would be beneficial. The Guidance Notes provide details on the objectives of pre-applications meetings, the steps that should be taken to request a meeting, the content and who should participate in a pre-application meeting with Board staff.

2.0 Objectives of Pre-Application Meetings

Pre-application meetings are held to assist a regulated company or other party to gain a better understanding of application processes and regulatory requirements, and to facilitate the application review process

While respecting the Code of Conduct for NEB Employees and natural justice principles, there are a number of matters that can appropriately be addressed through pre-application meetings.¹ These include the following:

- **Procedure and Contacts:** A regulated company or other party can obtain information regarding NEB procedures and associated typical timelines for processing of an application.² The meeting may also serve to identify appropriate contacts at the NEB for further procedural and timing enquiries or updates.
- **Filing Requirements:** Board staff may direct a regulated company or other party to the National Energy Board Filing Manual, applicable NEB precedent and other policies or guidelines to provide guidance regarding elements of an application and associated information requirements.
- **Resource Identification:** The NEB can be advised of significant elements of the application, which may assist the NEB in planning staff resources or agency co-ordination requirements. Such information may also assist Board staff in identifying or suggesting potential options for appropriate dispute resolution. The NEB can also be advised of significant pre-application activities involving third parties (e.g. public and stakeholder consultation initiatives, discussions with other government departments, etc.).

¹ The Code of Conduct for NEB Employees can be found at http://www.neb-one.gc.ca/aboutus/codeofconduct_e.htm

² Actual processing time will depend upon application completeness, timely response to any Board information requests, procedures established for third party participation, etc.

Accordingly, a pre-application meeting could be requested to discuss Board processes or where an application might involve:

- Matters considered non-routine or new to the applicant
- Anticipated engineering, environmental, commercial or policy issues of significant scope, number or complexity
- Timing sensitivities such as construction windows or timing of baseline studies

3.0 Request for a Meeting

When requesting a meeting, a regulated company or other party must identify the objectives of the meeting and provide sufficient detail regarding the proposed application to allow the Board to consider whether the meeting and proposed timing is appropriate. The request should be made in a timely manner to facilitate such consideration and to permit Board staff to properly prepare for the meeting. It is suggested that the request be made a minimum of ten days prior to the meeting date.

Prior to requesting and attending a meeting with NEB staff, it is recommended that the applicant or other party review the relevant sections of the *National Energy Board Act*; the *National Energy Board Rules of Practice and Procedure, 1995*; the *Onshore Pipeline Regulations, 1999*; the *National Energy Board Electricity Regulations*; the National Energy Board Filing Manual; and other relevant regulations, guidelines or policies. These documents can be found on the NEB website at www.neb-one.gc.ca, or through the Board's library.³ This preparation will help the applicant or other party to gain a better understanding of Board procedures and the type of information required when an application is filed.

The Board recommends that pre-application meetings be requested early in the preparation phase of an application as direction to applicable parts of the National Energy Board Filing Manual, Board precedent, or other relevant guidance documents, and information regarding Board processes, may be of most assistance at that time.

Regulated companies and other parties are welcome to contact the applicable Team Leader directly to request a pre-application meeting. The Secretary or Legal Services can also direct you toward the Team Leader that would be accountable for the application in question. The NEB general number is (403) 292-4800 or 1-800-899-1265.

You will be able to discuss with the Team Leader whether and when it would be appropriate to have a meeting based on the proposed meeting objectives.

³ The NEB library is located at 444 7th Ave SW, Calgary, AB, T2P 0X8 and can be reached at (403) 299-3561 or 1-800-899-1265 (toll free) or via e-mail at library@neb-one.gc.ca

Prior to the meeting, an agenda would be prepared by the regulated company or other party in collaboration with NEB staff. The agenda should include the names of the attendees along with their responsibilities and roles.

Once an application has been filed with the NEB, all communication with NEB staff should be directed through Legal Services or the Office of the Secretary.

4.0 Content of Pre-Application Meetings

Examples of information that could be presented by the applicant at a meeting include:

- Project overview and scope
- Purpose of the project
- Timing of the application and proposed construction schedule
- Maps at an appropriate scale (e.g. topographical, access, human use, etc.) or photos illustrating environmental settings

The above information will assist NEB staff in directing the party to relevant sections of the National Energy Board Filing Manual, Board precedent, or other relevant guidance documents. The information may also assist the Board in better appreciating internal resources issues that may be associated with the filing.

NEB staff could also verify that the applicant or other party is aware of other regulatory processes, such as those associated with the *Canadian Environmental Assessment Act*, which may have an impact on the proposed application.

In accordance with the Code of Conduct for NEB Employees and natural justice principles, NEB staff cannot provide the applicant with any specific guidance on the proposed project or any substantive issues.

Minutes will be recorded by NEB staff and circulated to other meeting participants for review prior to being provided to the Secretary's office. Meeting minutes and any other documentation provided at the meeting would be available to the public upon request.

5. Participants

It may be helpful to have the Project Manager or another representative familiar with the project to present the information to NEB staff. Supporting personnel may include specialists in:

- Engineering and technical issues
- Environmental and socio-economic matters
- Health and safety
- Aboriginal, landowner and public consultations
- Tolls and tariffs, financing and economics
- Markets and supplies
- Regulatory and community affairs

It may also be helpful for the regulated company or other party to have its Legal Counsel present at the meeting.

NEB staff present at the pre-application meeting will generally include the Team Leader accountable for the project review, Board Counsel and appropriate Board specialists. Note that NEB staff attending such meeting may or may not be assigned to work on the application once it is filed.