



Regulatory Agenda

The period covered in this *Regulatory Agenda* is the month of November 2002

Scenarios For Energy Supply And Demand To 2025

The Board periodically publishes a long-term outlook for energy supply and demand in Canada. The Board is currently working its next report entitled *Canada's Energy Future: Scenarios for Supply and Demand to 2025* which is scheduled for release in the Spring 2003.

This report will satisfy two key objectives:

- to provide a comprehensive analysis of Canadian energy markets within a North American context;
- to provide a framework for public discussion on emerging energy issues and trends.

A scenario approach has been adopted for this report, specifically to capture a range of plausible outcomes with respect to energy in Canada. The goal of this new approach is to stimulate discussion of the major forces driving change and the key uncertainties affecting the future.

As part of this process, the Board will seek the views of Canadians interested in energy matters. Public consultations will take place in various cities

across the country and will be conducted in an informal workshop setting to allow for the exchange of information and views. The focus of the consultations will be to seek comments on the Board's analysis and preliminary results. To facilitate participation at the workshops, a consultation paper will be made available on 7 January. The Board has identified the following tentative dates and locations for these public consultations: Toronto (28 January), Montréal (29 January), St. John's (31 January), Halifax (3 February), Calgary (6 February) and Vancouver (7 February). Specific dates and locations will be finalized following the receipt of responses from interested parties.

Anyone wishing to participate in these workshops are to fill out a registration form, which is available on the Board's internet site at www.neb-one.gc.ca and return it by 20 December. For further information on how to participate, contact Kathy Maidment, Administrative Assistant, at (403) 299-3145 or 1-800-899-1265 (toll free).

In This Issue

Preface

The purpose of this agenda is to provide information on the Board's activities. Except where otherwise noted, jurisdiction over the items listed in the agenda is exercised pursuant to the *National Energy Board Act*, R.S.C. 1985, c.N-7, as amended.

*"We promote Safety,
Environmental Protection and
Economic Efficiency"*

Public Hearing Applications	2
Non Hearing Applications	5
Review	6
Amendments to Regulations and Guidelines	6
Administrative Matters	8
Appendix I - Section 58 Applications	9
Profile	10

Public Hearing Applications

Hearing Decision Rendered

1. ***Westcoast Energy Inc. (WEI) - Pipeline Construction - Grizzly Raw Gas Transmission System Expansion and Construct the Weejay Lateral - GH-2-2002 (File 3200-W005-11)***

Reasons for Decision dated November; issued on 14 November.

The Board approved an application by WEI to extend the Grizzly Raw Gas Transmission System and to construct the Weejay Lateral. The Board considered the application at a public hearing held from 25 to 27 June in Chetwynd, British Columbia

The project will consist of approximately 109.5 kilometres (67 miles) of 406 millimetre (16 inch) pipeline extending the Grizzly Raw Gas Transmission System from a point in northeast British Columbia, approximately 30 kilometres (19 miles) southeast of Tumbler Ridge to a receipt point in Alberta approximately 110 kilometres (68 miles) southwest of Grande Prairie. Westcoast will also construct approximately 5 kilometres (4 miles) of 273 millimetre (10 inch) pipeline, to be known as the Weejay Lateral, from a well site in British Columbia to a tie-in point on the proposed Grizzly Extension Pipeline. The project will permit WEI to connect additional gas reserves in the Ojay/Weejay area of British Columbia and the Narraway area of Alberta. The estimated cost of the facilities is \$66.3 million.

The public hearing was also used to complete the comprehensive study report (environmental assessment), required by the *Canada Environmental Assessment Act* (CEAA). Following the hearing, the Board and the Department of Fisheries and Oceans Canada (DFO) prepared the comprehensive study report and forwarded it to the Canadian Environmental Assessment Agency and the Minister of the Environment for review, public comment, and a decision by the Minister. On 13 November 2002, the Minister announced that the project does not require further assessment under the CEAA and referred the project to the Board and DFO for appropriate action.

Hearing Decisions Pending

1. ***Maritimes & Northeast Pipelines Management Ltd. (M&NP) - Construct Additional Facilities - GH-3-2002 (File 3400-M124-4)***

The Board held a public hearing from 30 September to 7 October in Saint John, New Brunswick on an application from M&NP to construct additional facilities on its natural gas pipeline system in Nova Scotia and New Brunswick. M&NP proposes to construct one custody transfer meter station and four compressor stations on its mainline.

2. ***Westcoast Energy Inc. (WEI) - Southern Mainline Expansion - GH-1-2002 (File 3200-W005-12)***

The Board held a public hearing on an application by WEI to expand its Southern Mainline natural gas pipeline system in British Columbia. The hearing was held on 8 and 9 July in Abbotsford, British Columbia and from 30 September to 9 October in Chilliwack and Williams Lake, British Columbia.

Hearing in Progress

1. ***Sumas Energy 2, Inc. (SE2) - International Power Line (IPL) - EH-1-2000 (File 2200-S040-1)***

The Board held a public hearing from 18 to 23 October in Abbotsford, British Columbia to consider, among other motions, a motion from SE2 as follows:

Should the Board hear evidence concerning the environmental effects in Canada of Sumas' proposed power plant to be located in Sumas, Washington?

The Board will render a decision on that motion in due course. Decisions on the other motions were rendered during the hearing. The hearing on the SE2's application to construct an international power line will not proceed until the Board has ruled on the motion. A revised schedule will be released at that time.

SE2 applied to construct a 230 kilovolt IPL originating in the United States and crossing the international boundary near Abbotsford. The proposed IPL would extend approximately 8.5 kilometres (5.3 miles) from the border northward on the existing rights of way of Canadian Pacific Railway, the City of Abbotsford and BC Hydro to BC Hydro's Clayburn substation in Abbotsford.

Hearing Scheduled

1. *TransCanada PipeLines Limited (TCPL) - 2003 Tolls - RH-1-2002 (File 4200-T001-18)*

The Board will hold a public hearing commencing on 24 February 2003 in Calgary on an application from TCPL for approval of tolls that it may charge for transportation services on its Mainline for the year 2003.

In its application, TCPL has forecasted a 2003 Average Rate Base of \$8.56 billion and a Net Revenue Requirement of \$2.19 billion, an increase of \$268 million over the 2002 net revenue requirement. For illustrative purposes pending resolution of TCPL's application for review and variance of the RH-4-2001 Decision, TCPL has included in the calculation of the 2003 Net Revenue Requirement an estimated rate of return on common equity of 9.94 per cent on a deemed common equity ratio of 33 per cent. TCPL indicated that this estimated rate of return on common equity is in accordance with the adjustment mechanism approved in the Multi-Pipeline Cost of Capital Decision (RH-2-94) and the Board's RH-4-2001 decision.

TCPL is proposing to establish a new Southwest tolling zone, which would include the existing Southwest Delivery Areas currently part of the Eastern Zone. TCPL is also proposing to increase the minimum bid floor price for interruptible transportation service from 80 to 110 percent of the 100 per cent load factor firm transportation toll. TCPL is further proposing revised depreciation rates, based on a new depreciation study.

On 13 November, TCPL filed an application for an order approving Interim Tolls for service on its Mainline effective 1 January 2003. On 22 November, the Board decided that prior to making a decision regarding TCPL's Interim Tolls Application to seek comments interested persons on the appropriateness of the level of the proposed interim tolls. Interested persons were to file their comments by 28 November and TCPL is to file reply comments by 3 December.

Hearing Applications Filed

1. *New Brunswick Power Corporation (NB Power) - International Power Line (IPL) (File 2200-N088-1)*

On 31 May 2001, NB Power applied to construct and operate a 345 kilovolt IPL of approximately 95 kilometres (59 miles) in length running west from the Point Lepreau Peninsula through the counties of Saint John and Charlotte in New Brunswick to the international boundary near Woodland, Maine. The estimated cost of the IPL is \$40 million. The United States portion of the project will consist of approximately 135 kilometres (84 miles) of power line running from Woodland to Orrington in Maine. Bango Hydro Electric Company is seeking state and federal approvals for the U.S. portion of the project.

In accordance with the *Canadian Environmental Assessment Act*, the Board and Fisheries and Oceans Canada, the responsible authorities for this project, have ensured that a comprehensive study of the project was conducted, and that the comprehensive study report submitted to the Minister of the Environment and to the Canadian Environmental Assessment Agency (Agency) is complete. The Agency invited the public to comment on the conclusions, recommendations, and any other aspect of the comprehensive study report prepared for this project. The Public Consultation phase has ended and the comments received are being reviewed.

2. *EnCana Corporation (EnCana) - Natural Gas Pipeline (File 3200-P022-1)*

On 1 March, EnCana applied for approval to construct a 610 millimetre (24 inch) natural gas pipeline of approximately 179 kilometres (111 miles) in length, extending from the Deep Panuke production platform to a point of interconnection with the facilities of Maritimes & Northeast Pipeline Limited Partnership (M&NP) near Goldboro, Nova Scotia. EnCana anticipates to deliver approximately 11.3 million cubic metres (400 million cubic feet) per day of natural gas to M&NP for a period of approximately 11.5 years commencing sometime in 2005. The estimated cost of the proposed pipeline and associated facilities is \$1.1 billion.

In accordance with the *Canadian Environmental Assessment Act*, the responsible authorities for this project (the Canada-Nova Scotia Offshore Petroleum Board (CNOBP), Environment Canada, Fisheries and Oceans Canada, Industry Canada and

the National Energy Board) have ensured that a comprehensive study of the project was conducted, and that the comprehensive study report submitted to the Minister of the Environment and to the Canadian Environmental Assessment Agency is complete. The Agency invited the public to comment on the conclusions, recommendations, and any other aspect of the comprehensive study report prepared for this project. Comments are due on 6 December.

On 8 November, the CNSOPB and the Board announced that they will coordinate the public review of the proposed Deep Panuke project. The coordinated public review would see the appointment of a CNSOPB commissioner and an NEB member to conduct the public review of the project applications through one series of public hearings.

3. *Trans-Northern Pipelines Inc. (TNPI) - Capacity Expansion and Pipeline Flow Reversal (File 3400-T002-56)*

On 24 October, TNPI applied for approval to increase the pipeline capacity on its pipeline system from Montreal, Quebec to Farran's Point, Ontario and to reverse the direction of flow in the pipeline section between Farran's Point to Toronto, Ontario.

The proposed project would include the replacement of four line segments totaling approximately 72.5 kilometres (45 miles) of 273.1 millimetre (10 inch) pipe with 406.4 millimetre (16 inch) pipe between Montreal and Farran's Point. TNPI is also proposing to upgrade four of its existing pump stations located at Montreal and Como, Quebec and Lancaster and Ingleside, Ontario and to construct storage tanks at the Farran's Point pump station. For the reversal of the direction of flow in the pipeline section between Farran's Point to Toronto from a west-to-east direction to an east-to-west direction, TNPI proposes to construct three pump stations along the existing 273.1 millimetre (10 inch)

pipeline near Iroquois, Mallorytown and Kingston, Ontario. TNPI stated that following completion of the Project, capacity from Montreal to Farran's Point will increase from 10 500 cubic metres (370 650 cubic feet) per day to 21 000 cubic metres (741 300 cubic feet) per day. The estimated cost of the project is \$82.25 million and the proposed completion date is mid-2004.

Hearing Postponed

1. *Georgia Strait Crossing Pipeline Limited (GSCPL) - GSX Canada Pipeline Project - GH-4-2001 (File 3200-G049-1)*

The Joint Review Panel for the Georgia Strait Crossing Pipeline Project has postponed commencement of its public hearing scheduled for 17 June. A new date will be announced at a later time.

A pre-hearing Marine Technical Conference was held in Sidney, British Columbia on 14 and 15 November. In January 2002, the Joint Review Panel invited comments on the merits of a request that it sponsor a pre-hearing conference on the marine portion of the GSX Canada Pipeline Project application. The Panel considered comments from the parties and decided to convene a pre-hearing technical conference on marine issues, to be facilitated by a neutral third party (the facilitator). In preparation for the pre-hearing conference, a group of interested parties working with GSCPL, Panel staff, and the facilitator consolidated technical and scientific issues associated with the marine portion of the proposed GSX Canada Pipeline Project. The issues were distilled from information requests from the Panel and interested parties.

The objective of the pre-hearing conference is to narrow differences on key technical scientific issues associated with the marine portion of the proposed GSX Canada Pipeline Project, so as to help inform the deliberations of the Panel.

Non Hearing Applications

Electricity Matters

Matter Completed

1. *Hydro One Delivery Services, Inc. (HODS) - Lake Erie Link (File 2200-H026-1)*

The Board, at the request of HODS, has suspended pre-application coordination of the federal environmental assessment process regarding HODS's proposed construction and operation of an international power line between Canada and the United States across Lake Erie. No further action will be taken by the Board on the project at this time.

On 26 July, the Board had invited public comments on the scope of the environmental assessment on a proposal by HODS to construct and operate an international power line between Canada and the United States across Lake Erie.

The proposed Lake Erie Link would consist of an onshore converter station near the Hydro One Networks Inc.'s 230 kilovolt switch yard near Nanticoke, Ontario; one, two or three pairs of 150 kilovolt buried submarine electricity cables and fibre optic cables between the onshore converter site and the American Transmission Systems, Inc.'s transmission system in Ohio and/or the PJM Interconnection operated transmission system in Pennsylvania; and approximately 3.5 kilometres of onshore power line. The length of power line within Canada would be approximately 60 kilometres, depending on the route chosen.

In April, HODS filed a preliminary information package with the Board regarding the Canadian portion of the proposed Lake Erie Link which initiated early co-ordination and scoping for the federal environmental assessment process under the *Canadian Environmental Assessment Act* in advance of a formal application.

2. *Fraser Paper Inc. (Canada) (Fraser) - Electricity Export (6200-F027-1)*

On 27 November, the Board approved an application dated 24 September from Fraser for a permit, to replace an existing permit that expires on 31 December 2002, to export up to 60 megawatts of firm power and 400 gigawatt hours of firm energy annually for the period 1 January 2003 to 31 December 2012.

Matters Under Consideration

3. *Entergy-Koch Trading Canada, ULC (EKTC) - Electricity Export (6200-E124-1)*

On 7 October, EKTC applied for permits to export up to 1 200 gigawatt hours of firm energy and 1 200 gigawatt hours of interruptible energy for a period of 10 years.

On 23 October, the Board sent a letter to EKTC requesting additional information.

4. *Manitoba Hydro-Electric Board (MH) - Electricity Export (6200-M020-13)*

On 26 September, MH applied for a permit, to replace an existing permit that expires on 30 April 2005, to export up to 500 megawatts of system participation power to Northern States Power Company in Minneapolis, Minnesota for the period 1 May 2005 to 30 April 2015.

Pipeline Matter

Matter Completed

1. *Section 58 Applications*

The Board has approved applications under section 58 of the *National Energy Board Act* involving routine pipeline facilities or the construction of Pipelines not exceeding 40 kilometres in length. See Appendix I.

Frontier Matters

1. *Paramount Resources Ltd.* was given approval on 15 November for "Approval to alter the condition of a well" pursuant to section 80(1)(b) of the *Canada Oil and Gas Drilling Regulations* for wells Para *et al* Cameron I-73, Para *et al* Cameron C-19 and Para *et al* Cameron C-75.

2. *Geological, geophysical or geotechnical operation:* one application was approved in November pursuant to section 5(1)(b) of the *Canada Oil and Gas Operations Act*.

Company	Area	Operation ID	Date
Geophysical Service Inc.	Gulf of St. Lawrence	8624-G005-014P	27 November 2002

Review

Review Pending

1. TransCanada Pipelines Limited (TCPL) - Review and Variance of Reasons for Decision RH-4-2001 (File 4200-T001-18)

On 16 September, TCPL filed an application for review and variance of the Board's June 2002 Reasons for Decision (RH-4-2001) regarding TCPL's 2001 and 2002 Fair Return Application.

On 1 November, the Board decided to solicit comments from all parties to the RH-4-2001 Hearing on whether or not TCPL has raised a

doubt as to the correctness of the Decision which would require a review. In order to assist in any further decisions that may be required should the Board determine that a review is warranted, parties were also invited to provide submissions on the procedure that may be followed, including whether any review held should be an oral or written proceeding and whether it is possible to review individual issues raised by TCPL as opposed to the application as a whole.

Comments were to be filed by 15 November and TCPL was to file its reply by 29 November.

Amendments to Regulations and Guidelines

Regulatory Initiatives Pursuant to the National Energy Board Act

1. Guidelines for Filing Requirements, 1995 (GFR)

The Board has launched a project to review and revise its *GFR*. The goals of the project are to provide clear direction about the information required for applications, improve cycle times, and improve communication with stakeholders.

There have been many changes to the pipeline industry since the *GFR* was last issued in February 1995 and the Board believes a review is necessary. As a part of the *GFR* review, the Board extended an opportunity to pipeline companies under its jurisdiction, the Canadian Energy Pipeline Association and the Canadian Association of Petroleum Producers to participate in the development of this review process.

2. Guidance Notes for the Onshore Pipeline Regulations, 1999

Proposed amendments to the *Guidance Notes for the Onshore Pipeline Regulations, 1999* were released by the Board for comment on 28 February 2002. The 1999 Guidance Notes were developed as a companion to the *Onshore Pipeline Regulations, 1999*. They are intended to provide additional explanation of specific sections of the Regulations and to provide examples of methods which could be used to achieve compliance. The proposed amendments of the Guidance Notes incorporate comments received from stakeholders as well as learnings from the Board's activities such as audits

performed pursuant to the *Onshore Pipeline Regulations, 1999*.

Workshops were held with stakeholders in and revisions are currently being undertaken based on feedback received during the consultation period.

3. National Energy Board Pipeline Crossing Regulations, Part I and Part II - Damage Prevention Regulations (File 185-A000-36)

The Board intends to replace the existing *Pipeline Crossing Regulations, Part II* with regulations targeted at damage prevention (to be known as *Damage Prevention Regulations*). The new Regulations will apply to activities on or adjacent to pipeline rights of way under the Board's jurisdiction in the interest of the safety of the public and of company employees and the protection of property and the environment. On 30 May, the Board released a document entitled *A Conceptual Draft of the Proposed National Energy Board Damage Prevention Regulations & Guidance Notes*. The document contains the framework, concepts and ideas that will eventually form the new Regulations.

The Board has begun meeting with stakeholders and plans to continue consultation with interested Canadians by holding focus meetings and open houses at a variety of locations across Canada.

4. National Energy Board Processing Plant Regulations

The *National Energy Board Processing Plant Regulations* were pre-published in the *Canada Gazette Part 1* on 17 August. The only comment received pertained to jurisdiction over the ExxonMobil Processing Plant located in Goldboro, Nova Scotia. The comment was determined to be non-substantive with respect to the content of the proposed Regulations and the Board is proceeding with promulgation.

Regulatory Initiatives Pursuant to the Canada Oil and Gas Operations Act

5. Canada Oil and Gas Diving Regulations and Guidance Notes (File 2001-1)

For more information on this matter, refer to item 4 under *Amendments to Regulations and Rules* in the May 2001 issue of the *Regulatory Agenda*.

6. The Canada Oil and Gas Drilling Regulations and the Canada Oil and Gas Production and Conservation Regulations (File 0406-14)

For more information on this matter, refer to item 5 under *Amendments to Regulations and Rules* in the May 2001 issue of the *Regulatory Agenda*.

Regulatory Initiatives Pursuant to The Canada Labour Code

7. Regulations and Guidance Notes Pertaining to Canada Labour Code, Part II

The process of amending the *Canada Oil and Gas Occupational Safety and Health Regulations* pertaining to oil and gas activities, under the provisions of the Canada Labour Code, Part II, is continuing. Jurisdiction over pressure vessels and pressure piping within NEB regulated companies has been transferred from Human Resources Development Canada to the NEB. The Board is developing guidance and legislation to deal with this change.

Administrative Matters

Vice-Chairman

The Minister of Natural Resources Canada has designated **Jean-Paul Théorêt** to be Vice-Chairman of the Board. Mr. Théorêt has been a member of the Board since 1999. A native of Quebec, he has a diverse educational and professional background in business, economics, law and energy regulation.

Mr. Théorêt was a Commissioner of the Régie de l'énergie in Quebec for eight years. He was elected

to the Quebec National Assembly in 1985 where he served as Parliamentary Assistant to the Minister of Industry, Trade and Technology as well as Vice Chairman of the Committee on Labour and the Economy. Mr. Théorêt has 30 years of business experience serving as an Executive Vice President of a large food distribution company and owner of food stores in Quebec.

Instructions for Filing

All correspondence with the Board should be addressed to the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, AB T2P 0X8 - Fax: (403) 292-5503.

Applications - Copies Required to be Filed

For a list of the number of copies required for the different types of applications, see our Internet site under the heading *Submit a Document*.

Communication Numbers

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For a current list of the telephone numbers of Board Members and key staff, see our Internet site under the heading: *About Us, Our People*.

National Energy Board
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Appendix I

Section 58 Applications

Gas Pipelines

Applicant	File/Order	Application	Est. Cost
Alliance Pipeline Ltd.	File: 3400-A159-12 Order: XG-A159-67-2002	Application dated 30 August; approved on 2 November. Install additional compression facilities at AB47 and AB48 receipt points.	4 213 300
Gazoduc Trans Québec & Maritimes Inc.	File: 3400-T028-36 Order: XG-T028-61-2002	Application dated 22 October; approved on 21 November. Construct anode beds at Stukely-Sud.	60 000
EnCana Oil and Gas Ltd.	File: 3400-E121-1 Order: XG-E121-63-2002	Application dated 24 September; approved on 27 November. Construct a tie-in by hot tap method.	20 000
Huntingdon International Pipeline Corporation	File: 3400-H037-4 Order: XG-H037-58-2002	Application dated 18 September; approved on 14 November. Construct the Osoyoos interconnect facility.	9 333
TransCanada PipeLines Limited	File: 3402-T001-1-7A Order: AO-1-XG-T001-48-2002	Application dated 17 September; approved on 4 November. Amend an existing order to include four additional sites for repair and replacement of existing cathodic protection systems.	113 100
	File: 3402-T001-1-9A Order: AO-1-XG-T001-55-2002	Application dated 4 November; approved on 25 November. Amend an existing order to include one additional site for repair and replacement of existing cathodic protection systems.	70 550
TransCanada PipeLines Limited BC System	File: 3400-T054-5 Order: XG-T054-59-2002	Application dated 23 September; approved on 19 November. Repair and upgrade the water treatment system at the Moyie Compressor Station.	235 000
Westcoast Energy Inc.	File: 3400-W005-296 Order: XG-W005-62-2002	Application dated 9 July; approved on 21 November. Construct a new flare site and access road to the Beg Pipeline.	525 000

Oil Pipelines

Applicant	File/Order	Application	Est. Cost
Enbridge Pipelines Inc.	File: 3400-E101-53 Order: XO-E101-23-2002	Application dated 24 October; approved on 25 November. Install pigging facilities on Lines 7 and 12 at Bronte Junction, Ontario.	1 548 4000

Profile

The National Energy Board is a federal regulatory tribunal that was created on 2 November 1959 by an Act of Parliament.

The Board's regulatory powers under the *National Energy Board Act* include the granting of authorizations for the exportation of oil, natural gas and electricity, the certification of interprovincial and international pipelines and designated interprovincial and international power lines, and the setting of tolls and tariffs for oil and gas pipelines under federal jurisdiction.

In addition to its regulatory functions, the Board is responsible for advising the government on the development and use of energy resources.

The Act also requires that the Board keep under review the Canadian supply of all major energy commodities, with emphasis on electricity, oil,

natural gas, and the by-products derived from oil and natural gas, as well as the demand for Canadian energy in Canada and in export markets.

The Board's responsibilities under the *Canada Oil and Gas Operations Act* and certain provisions of the *Canada Petroleum Resources Act* encompass the regulation of exploration for and the development and production of oil and gas on Frontier Lands in a manner that promotes safety of the worker, protection of the environment, and conservation of hydrocarbon resources.

The Board also has specific responsibilities under the *Northern Pipeline Act* and the *Energy Administration Act*. In addition, Board inspectors have been appointed safety officers by Human Resources Development Canada to administer Part II of the *Canada Labour Code*.

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