

Energy East Hearing Panel Steps Down - Hearing is Adjourned until new Hearing Panel is Appointed

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CALGARY, Sept. 9, 2016 /CNW/ - Today, the National Energy Board (NEB, Board) issued two decisions addressing motions before the Panel hearing the Energy East application and the Eastern Mainline Project application. These decisions come after participants were afforded the opportunity to file comments on the issues raised in the motions.

The motions raise issues with meetings that were held in Québec, in early 2015, in preparation for the NEB's National Engagement Tour, an initiative anchored upon improving relationships with municipalities and Indigenous Peoples, improving pipeline safety and environmental outcomes.

The **first decision** deals with the request to adjourn the proceedings, and with the request for recusal of each of the three members on the Panel.

All three Panel Members have decided to recuse themselves in order to preserve the integrity of the National Energy Board and of the Energy East and Eastern Mainline Review. The Members acted in good faith, and have pledged not to discuss these two applications with either other Board members or Board staff.

The Energy East and Eastern Mainline Hearing is adjourned until a new panel is appointed. Once a new panel is appointed, the review of the two project applications can and will proceed.

The **second decision** was made by the Chair and the Vice-Chair to recuse themselves from the limited and specific administrative duties they have as Chair and Vice-Chair such as assigning a panel under section 6(2) and ensuring adherence to time limits under section 6(2.2) of the NEB Act. They are recusing themselves from these very specific duties only in relation to the two applications at issue 

here. They are doing so because they understand that their participation in these meetings may have created an apprehension of bias which could undermine the integrity and the credibility of the Board's decision making process.

They note that new panel members must not only be free of apprehension of bias but also be proficient in both official languages. The government's process is currently underway to select new Board Members.

The second decision also addresses the requests for staff who attended the meetings to be removed, for the publication of information about the meetings and for the newly assigned panel to hold an inquiry into the meetings.

Related Products

- Ruling No. 28 - Notices of motion from Stratégies Énergétiques and the Association québécoise de lutte contre la pollution atmosphérique, and Transition Initiative Kenora <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=3052311&objAction=browse>
- Chair and Vice-Chair Decision Statement (A79374) https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=3052509&objAction=browse&viewType=1&_gc_lang=en_US
- **Energy East and Eastern Mainline projects**

The National Energy Board is an independent federal regulator of several parts of Canada's energy industry with the safety of Canadians and protection of the environment as its top priority. Its purpose is to regulate pipelines, energy development and trade in the Canadian public interest. For more information on the NEB and its mandate, please visit www.neb-one.gc.ca.

SOURCE National Energy Board

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