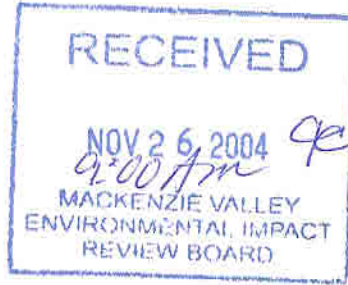


Macleod Dixon ^{Lawyers} LLP

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FACSIMILE TRANSMISSION

DATE: November 25, 2004 **FILE NUMBER:** 187387 DGD

FROM: Donald G. Davies **PHONE:** (403) 267-8230

RE: Mackenzie Gas Project
NEB Hearing Order GH-1-2004

To:

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Minister of Justice
Government of the Yukon
Yukon Legislative Assembly
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Premier & Minister of Justice
Government of the Nunavut Territory
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Iqaluit, NU X0A 0H0
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The Honourable Charles Dent
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P.O. Box 1320
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November 25, 2004

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Minister of NWT Public Utilities Board
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Facsimile/télécopieur : (867) 777-2610

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November 25, 2004

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National Energy
Board



Office national
de l'énergie

Files 3200-J205-1
2620-C-19-7
2620-C-12-7
2620-C-20-7
2520-C-19-4

24 November 2004

To: Mackenzie Gas Project Applicants (list attached)

Hearing Order GH-1-2004 regarding various applications to the National Energy Board (NEB) for the Mackenzie Gas Project

The National Energy Board has received five applications for components of the Mackenzie Gas Project in October 2004, consisting of:

- an application for a Certificate of Public Convenience and Necessity for the Mackenzie Gas Pipeline dated 7 October 2004, pursuant to Parts III and IV of the *National Energy Board Act* (NEB Act). The application was filed by Imperial Oil Resources Ventures Limited (Imperial) on behalf of itself, Mackenzie Valley Aboriginal Pipeline Limited Partnership (APG), ConocoPhillips Canada (North) Limited (ConocoPhillips), Shell Canada Limited (Shell) and ExxonMobil Canada Properties (ExxonMobil);
- an application for authorization for the Mackenzie Gathering System dated 7 October 2004, pursuant to paragraph 5.1(b) of the *Canada Oil and Gas Operations Act* (COGO Act). The application was filed by Imperial on behalf of itself, ConocoPhillips, Shell and ExxonMobil;
- an application for approval of the Development Plan for the Taglu Field, dated 7 October 2004, pursuant to section 5.1 of the COGO Act, filed by Imperial Oil Resources Limited;
- an application for approval of the Development Plan for the Parsons Lake Field, dated 7 October 2004 pursuant to section 5.1 of the COGO Act, filed by ConocoPhillips on behalf of itself and ExxonMobil; and
- an application for approval of the Development Plan for the Niglintgak Field, dated 20 October 2004, pursuant to section 5.1 of the COGO Act, filed by Shell.

Imperial, Imperial Oil Resources Limited, ConocoPhillips, and Shell are collectively the Applicants.

.../2

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- 2 -

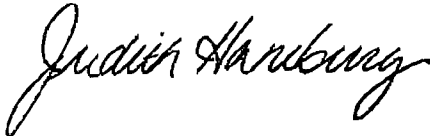
The Taglu, Parsons Lake and Niglintgak Fields are in the Mackenzie Delta area. The Mackenzie Gathering System would transport production from these three fields to gas processing and support facilities near Inuvik, NT. The natural gas liquids (NGL) would be separated out and transported by a pipeline to Norman Wells, NT, to an interconnect with the Enbridge Pipelines (NW) Inc. Norman Wells Pipeline. The natural gas would be transported via the Mackenzie Valley Pipeline from the Inuvik area facility to an interconnect with the NOVA Gas Transmission Ltd. System in northern Alberta.

The NEB has conducted an initial review of the applications and has decided to hold a hearing. The NEB hearing process will consist of a Technical Review and Public Hearing, to obtain the evidence, including traditional knowledge, and views of interested persons on the Mackenzie Gas Project. The NEB process will be coordinated with the Environmental Impact Review of the Mackenzie Gas Project by the Joint Review Panel, as contemplated by the *Cooperation Plan for the Environmental Impact Assessment and Regulatory Review of a Northern Gas Pipeline Project through the Northwest Territories*, dated June 2002.

The attached Hearing Order describes the NEB's process and the procedures to be followed for the Technical Review. These procedures will identify those persons interested in participating in the NEB process, ensure that they receive the application and associated documents in a timely manner, and establish a schedule for examining the application and exchanging information. Procedures and schedules for the remaining steps in the NEB process will be issued as they are determined.

The NEB directs Imperial, on behalf of the Applicants, to serve a copy of this letter and the attached Hearing Order on the persons or agencies listed in Appendix V of the Hearing Order, by **30 November 2004**.

Yours truly,



per
Michel L. Mantha
Secretary

Attachments

Mackenzie Gas Project Applicants

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Barristers & Solicitors
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Operations Technical
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Northern Development
ConocoPhillips Canada (North) Limited
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Facsimile (403) 233-5159

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Attachment to Board letter
dated 24 November 2004
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Table of Contents/Guidesheet for Hearing Order GH-1-2004

Section Heading	Page	Section gives information on:	Important date to note?
The Project	1	• General Project Information	no
The NEB Hearing Process	2	• Phases of the NEB process	no
Public Viewing	3	• Where to see an application	no
Correspondence Related to the NEB Proceeding	4	• What to include in your documents to NEB	no
Public Participation	4	• How to participate	no
Letters of Comment	4	• How to participate by letter of comment	yes
Oral Statement	5	• How to participate by making an oral statement	yes
Application for Intervention	6	• How to become an intervenor	yes
Intervenor Status	7	• To become an intervenor you must make a request	no
List of Parties and Persons to be Served	7	• Serving your request for intervention	yes
Service of Documents	7	• Option to use the NEB's electronic repository	no
List of Issues	8	• Suggesting changes to the List of Issues for the NEB Hearing	yes
Applicants to Serve Application	8	• Who does the Applicant serve with its applications	yes
Additional Written Evidence from the Applicants	8	• When can the Applicant file additional evidence	yes
Information Requests to the Applicants	8	• Deadline for intervenors to send written information requests to Applicants • Deadline for Applicants to respond information	yes
Technical Conferences	8	• How to provide suggestions for technical conferences	Date to be announced
Written Evidence of Intervenors	9	• Filing evidence with the NEB and other intervenors	yes
Information Requests to Intervenors on their Evidence	9	• Deadline for written information requests to other intervenors • Deadline for intervenor responses to information requests	yes

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Attachment to Board letter
dated 24 November 2004
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Reply Evidence of Applicants	9	<ul style="list-style-type: none"> • Deadline for Applicants to file reply evidence 	yes
Environmental Impact Assessment Process	9	<ul style="list-style-type: none"> • How will the NEB deal with the environmental information of the application 	no
Public Information Sessions	9	<ul style="list-style-type: none"> • Meetings to inform the public on the NEB process 	no
Imperial's Public Notification Duties	10	<ul style="list-style-type: none"> • Requirements for the company to publish notices and provide copies of the Hearing Order 	yes
Timetable of Events	10	<ul style="list-style-type: none"> • Timing of each step in the hearing process 	no
Filing Documents with the NEB	11	<ul style="list-style-type: none"> • Addressing your letters and other documents 	no
Electronic Filing and the NEB website	11	<ul style="list-style-type: none"> • How to file information using the internet and the NEB website 	no
Numbers of Copies and Delivery of Documents	12	<ul style="list-style-type: none"> • How many copies must be filed with the NEB, the company, and other intervenors • What time of day is considered the deadline 	yes
References to Websites	12	<ul style="list-style-type: none"> • How to refer to a website if using it as part of your information 	no
Motions	13	<ul style="list-style-type: none"> • How to bring a motion 	no
Fairness and Efficiency	13	<ul style="list-style-type: none"> • Observing deadlines 	no
Further Information	13	<ul style="list-style-type: none"> • Who to talk to for any information related to the process 	no
Appendix I List of Issues		<ul style="list-style-type: none"> • What issues have been identified for the NEB process 	n/a
Appendix II Timetable of Events		<ul style="list-style-type: none"> • The major events of the NEB process, including deadlines for participants 	n/a
Appendix III NEB Notice of Hearing for the Mackenzie Gas Project		<ul style="list-style-type: none"> • Notice that appears in various publications announcing the official start of the NEB process 	n/a

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Appendix IV List of Publications		<ul style="list-style-type: none">• Where the Notice of Hearing will be published	n/a
Appendix V List of Attorneys General, Provincial and Territorial Government Departments, Industry Associations and Other Interested Parties to be served with Hearing Order GH-1-2004		<ul style="list-style-type: none">• Distribution list for the Hearing Order	n/a
Appendix VI Authorization MO-13-2004		<ul style="list-style-type: none">• The NEB's authorization for Mr. Harrison, under subsection 15(1) of the NEB Act, to report and make recommendations to the NEB on the matters identified in the Environmental Impact Statement Terms of Reference for the Mackenzie Gas Project	n/a

GH-1-2004

National Energy
Board



Office national
de l'énergie

24 November 2004

**Hearing Order GH-1-2004
Regarding Applications to the National Energy Board
for the Mackenzie Gas Project**

The Project

The proposed Mackenzie Gas Project includes:

- three onshore natural gas fields: Taglu, Parsons Lake and Niglintgak in the Mackenzie Delta area;
- the Mackenzie Gathering System, including gathering pipelines to transport production from the three fields, an Inuvik area facility to process production from the three fields into gas and natural gas liquids (NGL), and a 480 km (298 mile) NGL pipeline to transport natural gas liquids to Norman Wells, NT to a point of interconnection with the Enbridge Pipeline (NW) Inc. Norman Wells Pipeline;
- the 1220 km (758 mile) Mackenzie Valley Pipeline to transport gas from the Inuvik area to a point of interconnection with the NOVA Gas Transmission Ltd. System in northern Alberta; and
- other related facilities associated with the Mackenzie Valley Pipeline including compressor stations at Little Chicago, Norman Wells, Blackwater River and Trail River, NT and a heater station at Trout River, NT.

The Applications

The National Energy Board (NEB) received the following five applications for components of the Mackenzie Gas Project in October 2004:

- an application for a Certificate of Public Convenience and Necessity for the Mackenzie Gas Pipeline pursuant to Parts III and IV of the *National Energy Board Act* (NEB Act) dated 7 October 2004. The application was filed by Imperial Oil Resources Ventures Limited (Imperial) on behalf of itself, Mackenzie Valley Aboriginal Pipeline Limited Partnership (APG), ConocoPhillips Canada (North) Limited (ConocoPhillips), Shell Canada Limited (Shell) and ExxonMobil Canada Properties (ExxonMobil);

Canada

- an application for authorization for the Mackenzie Gathering System pursuant to paragraph 5.1(b) of the *Canada Oil and Gas Operations Act* (COGO Act) dated 7 October 2004. The application was filed by Imperial on behalf of itself, ConocoPhillips, Shell and ExxonMobil;
- a Development Plan application for the Taglu Field pursuant to section 5.1 of the COGO Act, dated 7 October 2004, filed by Imperial Oil Resources Limited;
- a Development Plan application for the Parsons Lake Field pursuant to section 5.1 of the COGO Act, dated 7 October 2004, filed by ConocoPhillips on behalf of itself and ExxonMobil; and
- a Development Plan application for the Niglintgak Field, pursuant to section 5.1 of the COGO Act, dated 20 October 2004, filed by Shell.

Imperial, Imperial Oil Resources Limited, ConocoPhillips, and Shell are collectively the Applicants.

The NEB Hearing Process

The NEB has decided to hold a hearing, consisting of a Technical Review and Public Hearings to obtain the evidence, including traditional knowledge, and views of interested persons on the Mackenzie Gas Project. The NEB process will be coordinated with the Environmental Impact Review of the Mackenzie Gas Project by the Joint Review Panel (JRP) for the Mackenzie Gas Project as contemplated by the *Cooperation Plan for the Environmental Impact Assessment and Regulatory Review of a Northern Gas Pipeline Project through the Northwest Territories*, dated June 2002. Administrative support will be provided by the Northern Gas Project Secretariat.

The NEB hearing process will consist of a number of phases. The following table illustrates those phases in relation to the JRP process:

Phase	NEB Process	JRP Process
1	Initial Review	Initial Review
2	Technical Review	Technical Review
3	Public Hearings	Public Hearings
4	Adjourned	Prepare Panel Report & Recommendations
5	Adjourned	Government Response to Panel Report
6	NEB receives reports from JRP process & public hearing reconvenes for final argument	Not applicable
7	NEB prepares Reasons for Decision	Not applicable

To facilitate public participation and in the interests of fairness and efficiency, the NEB has established the following procedures and directs as follows.

Please note that the procedures set out in this Hearing Order supplement the *National Energy Board Rules of Practice and Procedure, 1995* (Rules) SOR/95-208, which are available at www.neb-one.gc.ca (click on "Acts and Regulations") or by calling the NEB toll free at 1-800-899-1265.

Public Viewing

1. Imperial, on behalf of the Applicants, will make available for viewing, during normal business hours, a copy of the five applications and all related documents at the following locations:

Macleod Dixon LLP
Barristers & Solicitors
3700 Canterra Tower
400 Third Avenue S.W.
Calgary AB T2P 4H2

Imperial Oil Resources
Mackenzie Gas Project
#1 Town Square
Norman Wells, NT X0E 0V0

Imperial Oil Resources
Mackenzie Gas Project
9925 – 102 Avenue
Fort Simpson, NT X0E 0N0

Imperial Oil Resources
Mackenzie Gas Project
151 Mackenzie Road
Inuvik, NT X0E 0T0

Copies of the applications and all related documents are also available for viewing at the following locations:

National Energy Board
Library, Ground Floor
444 Seventh Avenue SW
Calgary, AB T2P 0X8

Northern Gas Project Secretariat
Suite 208, Scotia Centre
5102 – 50th Avenue
Yellowknife, NT X1A 3S8

Northern Gas Project Secretariat
Suite 302 – 125 Mackenzie Road
Inuvik, NT X1A 3S8

Additional information on the Mackenzie Gas Project is available at:

- Northern Gas Project Secretariat www.ngps.nt.ca
- National Energy Board www.neb-one.gc.ca (click on "North/Offshore" then scroll down to "Northern Gas Pipeline Project (Mackenzie Gas Project)")
- Imperial www.mackenziegasproject.com

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Correspondence Related to the NEB Hearing Process

2. Any person filing a document with the NEB or serving a document on any person in this proceeding must quote Hearing Order GH-1-2004.

Any document filed in this proceeding must be signed by the person submitting it. Please note that e-mails will not be accepted in this proceeding.

Public Participation

3. Members of the public may participate in the NEB process in one of three ways:

- by filing a **letter of comment** on the application (see paragraph 4);
- by providing an **oral statement** (see paragraph 5); or
- by seeking **intervenor status** (see paragraph 6).

The **letter of comment** option (paragraph 4) allows interested persons who do not wish to appear at the public hearings an opportunity to provide their views and opinions on the applications. In determining the weight to be given to these comments, the NEB may take into consideration the fact that they have not been tested by questioning or made under oath.

The **oral statement** option (paragraph 5) allows interested persons who do not wish to intervene an opportunity to give their views to the NEB at the public hearings. The NEB will set aside a time for hearing oral statements, which will be made under oath or affirmation. The NEB and the Applicants, and any other party with leave of the NEB, will be allowed to ask questions of the person making the statement.

Intervenors (paragraph 6) can participate fully in the NEB process. As an intervenor, you will have the right to receive all the documents related to the applications, file information requests, present evidence, cross-examine other witnesses and present final argument. Intervenors are also subject to questioning under oath by other participants.

Note: If you are providing technical or factual evidence, in addition to your own views about the applications, it may be more appropriate to participate as an intervenor.

Any person may attend the public hearings as an observer.

Letters of Comment

4. Any interested person who does not wish to register as an intervenor and become a party in the NEB's process (see paragraph 6), but who wishes to comment on the applications, may file a letter of comment. Letters of comment shall be filed with the NEB and served on the Applicants, by **29 March 2005**.

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A letter of comment should:

- (a) describe the nature of your interest in the applications;
- (b) provide comments on the applications; and
- (c) provide any relevant information that will explain or support your comments.

To assist you in preparing a letter of comment, a template is available on the NEB's website at www.neb-one.gc.ca (click on "Submit a Document").

Note: If you choose to file a letter of comment, you are not considered an intervenor. Therefore, you will not have the right to be served with a copy of the applications, to file information requests, to file evidence, to ask questions, to submit final argument, or to participate in any other way during the process other than to make an oral statement (paragraph 5). You will not be required to attend the public hearings and will not be subject to questions on your comments.

Oral Statement

5.(1) If you wish to make an oral statement to the NEB, you must file a letter with the NEB and serve a copy on the Applicants, by **29 March 2005**. Your letter must:

- (a) indicate the nature of your interest in the project;
- (b) indicate that you wish to make an oral statement;
- (c) provide your name, mailing address, address for personal service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers; and
- (d) indicate in which official language of the Northwest Territories you will be making your oral statement.

The NEB will establish a time for people to make their oral statements.

Note: If you choose to make an oral statement, you are not considered an intervenor. Therefore, you will not have the right to be served with a copy of the application, to file information requests, ask questions, to submit final argument, or to participate in any other way during the NEB process other than to file a letter of comment.

(2) An oral statement should:

- (a) describe the nature of your interest in the application and

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- (b) provide comments on the applications.

Time limits may be imposed on oral statements. As a guideline, an oral statement should normally take no longer than ten minutes.

- (3) Any person making an oral statement will be sworn or affirmed before the oral statement is given.
- (4) No written materials may be filed at the time that you make an oral statement without leave of the Board. If you have previously filed a letter of comment, you will be asked to adopt your letter of comment at the time you are sworn. Your letter of comment will then be considered sworn evidence. You may present additional or expanded comments but you may not read your letter of comment as filed with the NEB.
- (5) The Applicants, the NEB, and any other party with leave of the NEB, may ask questions of the person making the oral statement based on the information presented.

Application for Intervention

- 6.(1) Any person wanting to become an intervenor in the NEB's process shall file a written application to intervene with the NEB and serve a copy on the Applicants, by **21 December 2004.**

A written application to intervene must:

- (a) set out your name, mailing address, address for personal or courier service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers;
- (b) set out the name, mailing address, address for personal or courier service (if this is different from the mailing address), e-mail address, telephone number and other telecommunications numbers for your authorized representative if you have one;
- (c) describe the nature of your interest in the proceeding;
- (d) include a statement on whether you or your authorized representative intends to appear at the public hearing;

- (e) state clearly the issues that you intend to address at the public hearing or, if you do not intend to participate actively at the public hearing, state clearly the reasons why your interest in the proceeding requires an intervention;
- (f) indicate whether you have the capability to access documents through the NEB's website and therefore receive documents by being served with a notification that the document is available on the NEB's website; and
- (g) if you are unable to use the NEB's website, please indicate the reasons.

Note: If a party can access the website, it must accept notification that an e-filed document is available rather than requiring a hard copy of the document (see paragraph 7).

To assist you in preparing an application to intervene, a template is available on the NEB's website site at www.neb-one.gc.ca (click on "Submit a Document").

Intervenor Status

- 6.(2) Persons and agencies listed in Appendix V or otherwise served with a copy of the applications or this Hearing Order are not automatically considered intervenors. Any person wishing to be included as an intervenor must file an application to intervene containing the information described in paragraph 6.(1).

List of Parties and Persons to be Served

7. On or shortly after **21 December 2004**, the NEB will issue a List of Parties and Persons to be Served (which consists of the Applicants, intervenors and any other persons, such as federal departments, who must be served with all documents). When intervenors receive this list, they must serve a copy of their intervention on all other intervenors **immediately after receiving the List of Parties and Persons to be Served**.

The List will provide information on whether each person on the List can be served by providing notification that the document has been e-filed, or whether a hard copy will have to be provided. If a party's contact information changes, they must file an update with the NEB.

Service of Documents

8. If a party or person to be served with a document has indicated that it has the ability to access documents through the NEB's website, anyone required to serve a document on that person may serve a notification that the document is on the NEB's website instead of

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serving a copy of the document. It will then be the responsibility of the person being served to retrieve the document from the website.

List of Issues

9. The NEB intends to examine the issues contained in the List of Issues, attached as Appendix I. Any party who wishes to suggest an amendment or addition to this List of Issues must do so by **21 December 2004**. Include with the suggestion a clear explanation of its relevance to the proceeding.

Applicants to Serve Application

10. The Applicants must serve a copy of their applications and all related documents on each intervenor who has not yet received a copy of the applications **immediately after receiving the List of Parties and Persons to be Served and no later than 10 January 2005**.

Additional Written Evidence from the Applicants

11. The Applicants must file any additional evidence with the NEB and serve a copy on all parties by **10 January 2005**.

Information Requests to the Applicants

12. If intervenors have any information requests for the Applicants, they must serve them on the Applicants, file a copy with the NEB and serve a copy on all parties by **7 February 2005**. Each information request must clearly identify the applicant and application it applies to.
13. Applicants must file their responses to the information requests received by the deadline set out in paragraph 12 with the NEB and serve a copy on all parties by **28 February 2005**.

Technical Conferences

14. The NEB may decide to facilitate technical conferences on one or more topics related to issues in the NEB's proceeding (Appendix I, List of Issues). Parties are invited to provide their views on the requirement for, and scheduling of, technical conferences along with their application to intervene. Information regarding any technical conferences will be announced at a later date.

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Written Evidence of Intervenor

15. Intervenor wishing to provide evidence to the NEB must file their written evidence with the NEB and serve a copy on all parties by **29 March 2005**.

Information Requests to Intervenor on their Evidence

16. If any party has any information requests about the evidence of intervenors, they must serve them on the intervenor, file a copy with the NEB and serve a copy on all parties by **8 April 2005**.
17. Intervenor must file a copy of all responses to the information requests received by the deadline set out in paragraph 16 with the NEB and serve a copy on all parties by **20 April 2005**.

Reply Evidence of Applicants

18. The Applicants may file any reply evidence with the NEB and serve a copy on all parties by **27 April 2005**.

Environmental Impact Assessment Process

19. In accordance with the *Agreement for Coordination of the Regulatory Review of the Mackenzie Gas Project*, dated 22 April 2002, the NEB will use the Report of the JRP and other evidence introduced through the JRP process to support its regulatory decisions, and will use its best efforts to eliminate unnecessary duplication.

An NEB Board Member, Mr. Rowland Harrison, had been appointed as a member of the JRP. The NEB has authorized Mr. Harrison under subsection 15(1) of the NEB Act to report and make recommendations to the NEB on the matters identified in the Environmental Impact Statement Terms of Reference for the Mackenzie Gas Project and in the authorization set out in Appendix VI (Authorization MO-13-2004).

Public Information Sessions

20. The NEB may hold public information sessions to provide information for members of the public on the NEB's role and process, and the different ways that the public can be involved. NEB staff would conduct these sessions in cooperation with staff of the JRP and Northern Gas Project Secretariat, the dates and locations to be announced. Any member of the public is welcome to attend. Please note that public information sessions are not a forum for discussing the merits or substance of the applications, but are intended to assist people in understanding the NEB's procedures.

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Imperial's Public Notification Duties

21. Imperial is responsible for:

- (a) serving a copy of this Hearing Order and Appendices on all persons or agencies listed in Appendix V by **30 November 2004**;
- (b) publishing the Notice of Hearing (Appendix III) in each of the publications listed in Appendix IV by **7 December 2004**;
- (c) ensuring the published Notice of Hearing meets the requirements of the Government of Canada's Federal Identity Program (for assistance please contact FIP@neb-one.gc.ca);
- (d) including a map with the notices in paragraph (b) for the following newspapers:

News North
Deh Cho Drum
L'Aquilon
Hay River Hub
High Level Echo

Native Journal
Slave River Journal
Inuvik Drum
Yellowknifer

The map must be of a scale that will indicate with reasonable accuracy the location of the proposed facilities;

- (e) on the notice, in each of the official languages of the Northwest Territories, include the following: "This is a notice of the NEB public hearing for the Mackenzie Gas Project. If you would like this information in another official language, call us at 1-800-899-1265"; and
- (f) filing with the NEB a complete list of publication dates of the Notice of Hearing **immediately after all notices have been published.**

Timetable of Events

22. Appendix II lists the deadlines for filing and serving documents and the party responsible.

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Filing Documents with the NEB

23. All documents and correspondence being filed with the NEB should be addressed to the Secretary of the Board, Mr. Michel L. Mantha. The NEB will accept filings of documents by hand delivery, mail or courier at the following address:

Mr. Michel L. Mantha
Secretary
National Energy Board
444 - 7th Avenue S.W.
Calgary, AB T2P 0X8

Filings may also be made by facsimile at (403) 292-5503 or toll free at 1-877-288-8803, or electronically by following the procedures in paragraph 24.

Electronic Filing and the NEB Website

24. Parties who have the ability of filing documents electronically are expected to file documents through the NEB's website at www.neb-one.gc.ca (click on "Submit a Document" to file a document). Any person who has the ability to access documents through the website must accept service of a notification that the document is on the website rather than requiring a hard copy of the document be served (click on "North/Offshore" then "Northern Gas Pipeline Project (Mackenzie Gas Project)" then "Regulatory Documents" under "National Energy Board" to view and print a document).

For more information about filing electronically, please refer to the "Filers Guide to Electronic Submission" and the "Memorandum of Guidance on Electronic Filing." Both of these documents are available on the NEB's website site at www.neb-one.gc.ca (click on "Acts and Regulations" and scroll down to "Electronic Filing"). **Please note that e-mails are not considered electronic filing and will not be accepted in this proceeding.**

The NEB's website will contain the full text of only those documents filed electronically (following the procedures mentioned above). When documents are filed by hard copy or facsimile, the NEB will create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy (and is available in the NEB's library) but it will not be possible to view or search these documents on the website.

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Service of Documents on the Applicants

25. Parties may serve hard copies of documents on any of the Applicants by hand delivery, mail, or courier:

In care of

Imperial Oil Resources Ventures Limited
237 Fourth Avenue S.W.
P.O. Box 2480, Station M
Calgary, AB T2P 3M9

Attention: Mr. A. D. Martin
Manager, Regulatory Affairs
Mackenzie Gas Project

Filings may also be made by facsimile at (403) 237-2102.

Number of Copies and Delivery of Documents

26. Parties filing documents electronically, following the procedures set out in paragraph 24, only need to file one hard copy with the NEB, along with the electronic filing receipt, which will be sent by the NEB when a document is electronically filed.

Parties filing hard copies of documents with the NEB are required to provide 25 copies. The exception is a letter of comment, or letter indicating you wish to make an oral statement, as only one copy for the NEB is required along with one copy for the Applicants.

Where documents must be served on other parties, one copy must be served on the Applicants, and on each person on the List of Parties and Persons to be Served.

When this Hearing Order requires the filing or service of documents by certain deadlines, the documents are only considered to meet the deadline when the intended person receives them. **The intended recipient must receive the documents by noon, Mountain Time.**

References to Websites

27. Any person making a reference to information on a website must ensure that:
- (a) the reference is sufficiently precise to allow any person accessing the site to know the exact information which is being referenced;

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- (b) the website does not require a password or subscription in order to access the information; and
- (c) a hard copy of all of the information being referenced on the website is filed with the NEB.

Motions

28. Any party wishing to raise a question of procedure or substance that requires an NEB decision before the public hearing starts must file a document titled "Notice of Motion" separate from other correspondence. The motion must set out a statement of the facts, the grounds for the request, the decision requested and the evidence supporting the request. If case law is being relied on, a case book must be filed and the specific passages of the cases being relied on must be highlighted or side barred.

The Notice of Motion must be filed with the NEB and served on all parties to this proceeding.

Fairness and Efficiency

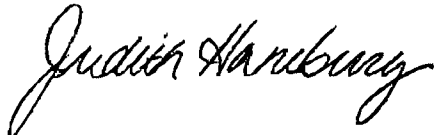
29. The NEB encourages fairness and efficiency in all of its proceedings and therefore asks that all parties and persons observe the deadlines set out in this Hearing Order. The NEB encourages the use of electronic filing and facsimile or courier to ensure that documents are received on time. The NEB will not allow an exception to a deadline unless, in the NEB's view, it can be reasonably justified.

Further Information

30. For information on this proceeding, or the procedures governing the proceeding, please contact Jane Morales, Regulatory Officer, at (403) 299-3933 or Mona Butler, Regulatory Officer, at (403) 299-3928 in Calgary, or by calling the NEB toll free at 1-800-899-1265 and specifying the Mackenzie Gas Project.

The Hearing Order may also be accessed through the NEB's website at www.neb-one.gc.ca (click on "North/Offshore" then "Northern Gas Pipeline Project (Mackenzie Gas Project)" then "Regulatory Documents" under "National Energy Board").

NATIONAL ENERGY BOARD



per
Michel L. Mantha
Secretary

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Appendix I to
Hearing Order GH-1-2004

List of Issues

The NEB has identified but does not limit itself to the following issues for discussion in this proceeding:

1. The need for the proposed project
2. The economic feasibility of the proposed project
3. The potential commercial impacts of the proposed project
4. The appropriateness of the general routes of the proposed pipelines
5. The method of toll and tariff regulation of the proposed Mackenzie Gas Pipeline
6. The suitability of the design of the proposed project
7. The terms and conditions to be included in any approval the NEB may issue
8. The appropriateness of the Applicants' public consultation program and the adequacy of aboriginal consultation
9. The ability of the proponents to manage risk and financial liabilities related to the construction, operation and decommissioning of the proposed project
10. The appropriateness of the Development Plans for the Taglu, Parsons Lake and Niglintgak fields
11. The estimated cost of construction of the Mackenzie Valley Pipeline for the purpose of subsection 5.2(1) of the *National Energy Board Cost Recovery Regulations*
12. For the purpose of Phase 6 of the NEB process, the reports from the Joint Review Panel process

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Appendix II to
Hearing Order GH-1-2004

Timetable of Events for Phase 2 (Technical Review) of the NEB Process

Actions	Hearing Order Reference	Person Responsible	Deadline (noon, Mountain time)
Hearing Order issued	GH-1-2004	NEB	24 November 2004
Serve Hearing Order on the persons listed in Appendix V	paragraph 21(a)	Imperial, on behalf of Applicants	30 November 2004
Publish Notice of Hearing	paragraph 21(b), (c), (d) and (e)	Imperial, on behalf of Applicants	Before 7 December 2004
Application for Intervention	paragraph 6(1)	All Parties	21 December 2004
Amendments to List of Issues	paragraph 9	All Parties	21 December 2004
List of Parties and Persons to be Served issued	paragraph 7	NEB	shortly after 21 December 2004
Application served on all Parties	paragraph 10	Applicants	Immediately after receiving the List of Parties and Persons to be Served (by 10 January 2005)
Additional Written Evidence	paragraph 11	Applicants	10 January 2005
Information Requests to Applicants	paragraph 12	Intervenors	7 February 2005
Responses to Information Requests	paragraph 13	Applicants	28 February 2005
Letters of Comment	paragraph 4	Commenters	29 March 2005
Register for Oral Statement	paragraph 5	Commenters	29 March 2005
Written Evidence of Intervenors	paragraph 15	Intervenors	29 March 2005
Information Requests to Intervenors	paragraph 16	All parties	8 April 2005
Responses to Information Requests	paragraph 17	Intervenors	20 April 2005
Reply Evidence	paragraph 18	Applicants	27 April 2005

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Appendix III to
Hearing Order
GH-1-2004

National Energy
Board



Office national
de l'énergie

National Energy Board Notice of Hearing on the Mackenzie Gas Project

Hearing Order GH-1-2004

The National Energy Board (NEB) has received the following five applications for the Mackenzie Gas Project:

- an application for the Mackenzie Valley Pipeline filed by Imperial Oil Resources Ventures Limited (Imperial), pursuant to section 52 of the *National Energy Board Act*;
- an application for the Mackenzie Gathering System filed by Imperial pursuant to paragraph 5.1(b) of the *Canada Oil and Gas Operations Act*; and
- three Development Plan applications for the three anchor fields in the Mackenzie Delta area supporting the pipelines, filed by Imperial Oil Resources Limited, ConocoPhillips Canada (North) Limited (ConocoPhillips) and Shell Canada Limited (Shell) pursuant to section 5.1 of the *Canada Oil and Gas Operations Act*.

Imperial, Imperial Oil Resources Limited, ConocoPhillips, and Shell are collectively the Applicants.

Copies of the applications are available for viewing:

- on the NEB's website at www.neb-one.gc.ca (click on "North/Offshore" then "Northern Gas Project (Mackenzie Gas Project)" then "Regulatory Documents" under "National Energy Board");
- at Macleod Dixon LLP, Barristers & Solicitors, 3700 Canterra Tower 400 Third Avenue S.W. Calgary AB;
- Imperial's offices at 9925 – 102 Avenue, Fort Simpson NT; #1 Town Square, Norman Wells, NT; and 151 Mackenzie Road, Inuvik, NT;
- the NEB's library (1st floor, 444 Seventh Avenue S.W., Calgary AB); and
- at the offices of the Northern Gas Project Secretariat at Suite 208 Scotia Centre, 4102 – 50th Avenue, Yellowknife, NT; and Suite 302 – 125 Mackenzie Road, Inuvik, NT.

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Appendix III to
Hearing Order
GH-1-2004

Project Details

The proposed Mackenzie Gas Project includes:

- three onshore natural gas fields: Taglu, Parsons Lake and Niglintgak;
- the Mackenzie Gathering System, including gathering pipelines to transport production from the three fields, the Inuvik area facility to process production from the three fields into gas and natural gas liquids, and a 480 km (298 mile) natural gas liquids pipeline to transport natural gas liquids to Norman Wells, NT to a point of interconnection with the Enbridge Pipelines (NW) Inc. Norman Wells Pipeline;
- the 1220 km (758 mile) Mackenzie Valley pipeline to transport gas from the Inuvik area to a point of interconnection with the NOVA Gas Transmission Ltd. System in northern Alberta; and
- other related facilities associated with the Mackenzie Valley pipeline including compressor stations at Little Chicago, Norman Wells, Blackwater River and Trail River NT and a heater station at Trout River, NT.

The NEB Hearing Process

The NEB has conducted an initial review of the applications and has decided to hold a hearing to obtain the evidence, including traditional knowledge, and views of interested persons with respect to the Mackenzie Gas Project. The NEB hearing process will be coordinated with the Environmental Impact Review of the Mackenzie Gas Project by the Joint Review Panel as contemplated by the *Cooperation Plan for the Environmental Impact Assessment and Regulatory Review of a Northern Gas Pipeline Project through the Northwest Territories*, dated June 2002. Administrative support will be provided by the Northern Gas Project Secretariat.

The NEB hearing process will consist of a number of phases. The following table illustrates those phases in relation to the JRP process.

Phase	NEB Process	JRP Process
1	Initial Review	Initial Review
2	Technical Review	Technical Review
3	Public Hearings	Public Hearings
4	Adjourned	Prepare Panel Report & Recommendations
5	Adjourned	Government Response to Panel Report
6	NEB receives reports from JRP process & public hearing reconvenes for final argument	Not applicable
7	NEB prepares Reasons for Decision	Not applicable

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**Appendix III to
Hearing Order
GH-1-2004**

Any person interested in participating in this proceeding should consult the NEB's Hearing Order GH-1-2004 for further background and instructions.

Information for Intervenorors

Intervenorors will have the right to receive all the documents related to the application, file information requests, present evidence, cross-examine other witnesses and present final argument. Intervenorors are also subject to questioning under oath by other participants.

Any person wishing to intervene in the proceeding must file an application to intervene by noon, Mountain time, **21 December 2004** with the Secretary of the Board and serve copies on the Applicants, at the following address:

In care of

Imperial Oil Resources Ventures Limited
237 Fourth Avenue S.W.
P.O. Box 2480, Station M
Calgary, AB T2P 3M9
Facsimile: (403) 237-2102

Attention: Mr. A. D. Martin
Manager, Regulatory Affairs
Mackenzie Gas Project

To assist you in preparing an application to intervene, a template is available on the NEB's website at www.neb-one.gc.ca (click on "Submit a Document"). The Applicants will serve a copy of their applications and related documents on each intervenor.

Letters of Comment and Oral Statements

Any person wishing only to comment on the applications and not participate as an intervenor may file a letter of comment with the Secretary of the Board and send a copy to the Applicants. To assist you in preparing a Letter of Comment, a template is available on the NEB's website at www.neb-one.gc.ca (click on "Submit a Document").

Anyone wishing to make an oral statement must file a letter with the NEB requesting the opportunity to make an oral statement and send a copy to the Applicants. The NEB will set aside time during the public hearings to hear oral comments on the applications.

The deadline for filing of letters of comment and requests to make an oral statement is **29 March 2005**.

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Appendix III to
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GH-1-2004

Information on Hearing Procedures

You may access the Hearing Order through the NEB's website at www.neb-one.gc.ca (click on "North/Offshore" then "Northern Gas Project (Mackenzie Gas Project)" then "Regulatory Documents" under "National Energy Board"). You may obtain information on the procedures for this proceeding or on the *National Energy Board Rules of Practice and Procedure, 1995* (Rules of Practice) governing all NEB proceedings by writing to the Secretary of the Board, contacting Jane Morales, Regulatory Officer at (403) 299-3933 or Mona Butler, Regulatory Officer at (403) 299-3928, or at 1-800-899-1265. You may also go to the NEB's website and click on "Acts and Regulations" to access the NEB's Rules of Practice and other legislation.

Michel L. Mantha
Secretary
National Energy Board
444 Seventh Avenue S.W.
Calgary, AB T2P 0X8
Facsimile (403) 292-5503
or toll free 1-877-288-8803

GH-1-2004

National Energy
Board



Office national
de l'énergie

AUTHORIZATION MO-13-2004

IN THE MATTER OF Subsection 15(1) of the *National Energy Board Act*

AND IN THE MATTER OF an Authorization of a National Energy Board
Member to Report and Make Recommendations to the National Energy Board on
Matters relating to the Mackenzie Gas Project Application

BEFORE the Board on 15 October 2004.

A. Background

Imperial Oil Resources Ventures Limited, the Aboriginal Pipeline Group, ConocoPhillips Canada (North) Limited, ExxonMobil Canada Properties and Shell Canada Limited (Proponents) have applied or will be applying to the National Energy Board (the Board) for a certificate under section 52 of the *National Energy Board Act* (NEBA) for the natural gas transmission pipeline, an approval under section 5.1 of the *Canada Oil and Gas Operations Act* (COGOA) for the production facilities at the Taglu, Parsons Lake and Niglintgak natural gas fields and for authorizations under paragraph 5(1)(b) of the COGOA for the Mackenzie gathering system, collectively the Mackenzie Gas Project (MGP).

The Board will designate a Panel (NEB Panel) to consider the MGP application pursuant to the NEBA.

A Joint Review Panel (JRP) of seven members has been established by agreement of the Mackenzie Valley Environmental Impact Review Board, the Inuvialuit as represented by the Inuvialuit Game Council and the Minister of the Environment to conduct an environmental impact review of the MGP that will meet the requirements of the *Canadian Environmental Assessment Act*, the *Mackenzie Valley Resource Management Act* and the *Inuvialuit Final Agreement*.

A Board Member, Mr. Rowland Harrison, has been appointed as a member of the JRP.

The Board desires to authorize Mr. Harrison under subsection 15(1) of the NEBA to report and make recommendations on certain aspects of the application.

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Canada

Appendix VI to
Hearing Order GH-1-2004
Page 2

B. Authorization

In accordance with the provisions of subsection 15(1) of the NEBA, the Board hereby authorizes Mr. Harrison to report and make recommendations to the NEB Panel regarding the matters set out in Section C below for use by the NEB Panel in its consideration of the MGP.

Mr. Harrison has all the powers of the Board for the purpose of taking evidence and acquiring the necessary information for the purpose of making the report and recommendations on the MGP application.

This authorization allows Mr. Harrison to utilize the Joint Review Panel process to compile the evidence and information necessary for him to make his report and recommendations to the NEB Panel. Mr. Harrison will consider the matters identified in the Environmental Impact Statement Terms of Reference for the MGP dated August 2004 and any other matter that comes within Section C upon which information or evidence is presented to the Joint Review Panel.

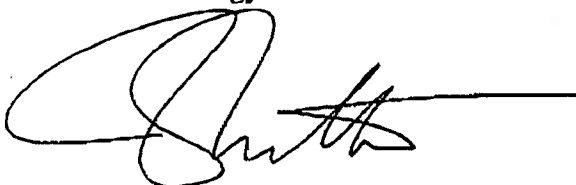
By virtue of this authorization, Mr. Harrison will consider all evidence and material presented to or obtained by the Joint Review Panel regarding the matters set out in Section C below in preparing and presenting his report and recommendations to the NEB Panel.

C. Matters for Report and Recommendations

In relation to the facilities described in Annex 1 to the Schedule: Project Description (which Schedule is appended to the Agreement for an Environmental Impact Review of the MGP executed July 27 to August 3 2004), Mr. Harrison's report and recommendations will have regard to the protection of the social, cultural and economic well-being of residents and communities and will include a consideration of the factors as set out in Annex 2 to the said Schedule: Joint Review Panel Mandate.

This authorization was approved by the Board on the 15th of October, 2004.

National Energy Board



Michel L. Mantha
Secretary

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