

New NEB Energy East Panel Reset

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On January 9, 2017, the National Energy Board appointed three new members to hear the Energy East application following the recusal of the previous panel. The new panel members are Mr. Don Ferguson, Ms. Carole Malo, and Mr. Marc Paquin. On January 27, 2017, the new Energy East Hearing panel released its first ruling in the matter of the Energy East proceeding.

The new panel has voided all decisions of the previous panel as possibly tainted by bias. In effect, the hearing will start over again from scratch.

The panel has voided previous panel decisions on:

- ♦ completeness of the Energy East application (legislated timelines will start again after the new panel makes its own determination of completeness)
- ♦ the Hearing Order, including the timeline set out in the Hearing Order
- ♦ hearing the Energy East and Eastern Mainline applications together
- ♦ the List of Issues and EA Factors documents (these will now be redrafted and comments invited on same)
- ♦ the List of Participants (including Aboriginal Intervenors). New Applications to Participate will not be necessary, but existing applications may be amended based on a new List of Issues
- ♦ the Applicant's requests for confidentiality of information in some of its application documents (in the interim these filings will still be kept confidential).

The panel has not voided:

- ♦ the Applicant's applications, including its consolidated application submitted at the request of the previous panel
- ♦ Intervenor and commenter filings, although these can be withdrawn by request
- ♦ existing motions before the panel.

There is no indication about implications for Participant Funding or whether additional funding will be made available under this decision to return the process to the beginning.

The panel is currently receiving comments on the topic of whether the two project applications should be heard together. These comments are due on Wednesday, February 15, 2017.

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