

National Energy  
Board



Office national  
de l'énergie

File OF-Fac-Oil-T260-2013-03 02  
18 August 2015

Mr. Gregory McDade, Q.C.  
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North Vancouver, BC V7M 3J3  
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Dear Mr. McDade:

**Hearing Order OH-001-2014  
Trans Mountain Pipeline ULC (Trans Mountain)  
Application for the Trans Mountain Expansion Project (Project)  
City of Burnaby (Burnaby) – notice of motion seeking leave to have four  
representatives in the hearing room during oral summary argument on  
14 September 2015  
Ruling No. 89**

The National Energy Board (Board) is in receipt of a 10 August 2015 [notice of motion](#) from Burnaby in which it seeks leave to have four representatives in the hearing room during oral summary argument on 14 September 2015; the specific day that Burnaby is scheduled to speak.

On 28 July 2015, the Board issued [Procedural Direction No. 15](#) which stated that intervenors and Trans Mountain may each have two representatives in the hearing room when the hearing is in session, regardless of whether they are speaking that day or simply watching the hearing.

In its motion, Burnaby states that it intends to have its legal counsel (Mr. McDade and Ms. Michelle Bradley) attend for the purpose of presenting its oral summary argument. However, it asks that its Deputy Director of Engineering (Mr. Dipak Dattani) and Mayor Derek Corrigan also be allowed to be present for the argument, and to instruct legal counsel.

As set out in Procedural Direction No. 15, the goals of limiting attendance for oral summary argument were to limit potential distractions and to provide a fair, efficient, and safe opportunity for all participants that will be providing oral summary argument in front of the Panel members.

The Board accepts Burnaby's rationale and grants the request. Burnaby is permitted to have its two counsel (Mr. McDade and Ms. Bradley), its Deputy Director of Engineering (Mr. Dattani), and Mayor Derek Corrigan present in the hearing room during the specific session in which it is scheduled to speak (currently, the afternoon session on 14 September 2015).<sup>1</sup> The limitation to two attending representatives, as outlined in Procedural Direction No. 15, continues to apply to all other sessions where Burnaby is not a scheduled speaker.

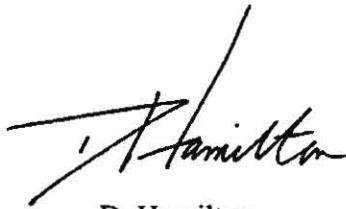
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<sup>1</sup> Should Burnaby's session change in future, this decision will apply to that session instead.

Burnaby is reminded to ensure that the List of Participants is updated to include those who will be in attendance during the session it is scheduled to provide oral summary argument. If Burnaby intends to have any representatives not noted in its motion attend any other oral summary argument sessions, it may request changes to the List of Participants at least 24 hours in advance of the day any one of those representatives wishes to attend. Full contact information is required for all individuals on the List of Participants.

Please see the Process Advisor Team's email of 28 July 2015 (sent to all intervenors) for a link to the online form to be used for requesting these updates. Photo identification will be checked at the hearing and those not on the List of Participants will not be permitted entry into the hearing room.

For any questions, please contact the Board's Process Advisor Team for this Project by phone at 403-292-4800 or 1-800-899-1265 (toll-free), or by email at [transmountainpipeline.hearing@neb-one.gc.ca](mailto:transmountainpipeline.hearing@neb-one.gc.ca).



D. Hamilton  
Presiding Member



P. Davies  
Member



A. Scott  
Member

c.c. Trans Mountain and all intervenors