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29 May 2015

To: All Participants in Hearing OH-002-2015

Hearing Order OH-002-2015
Enbridge Pipelines Inc. – Line 3 Replacement Program
Amendment to List of Issues

In December 2014, the National Energy Board (NEB or Board) issued an [Update to its Guidance Notes for the Decommissioning Provisions under the Onshore Pipeline Regulations \(Guidance Notes\)](#), and [Guide K - Decommissioning](#) in the Filing Manual. The updated Guidance Notes and Guide K clarify decommissioning activities and application filing requirements.

The Guidance Notes specify that all decommissioned pipelines will require an application to the Board for abandonment when the circumstances allow for the physical activities related to abandonment. Similarly, Guide K states that an application for abandonment must be filed for all NEB-regulated facilities when they have reached their end of life, including associated decommissioned facilities. Guide K further states that companies should demonstrate that they are planning for eventual abandonment of decommissioned facilities.

In its 16 January 2015 response to NEB Information Request No. 1.4 ([A65414](#)), Enbridge submitted that the current legal framework does not support decommissioning as an interim step. Enbridge further stated that its approach to decommissioning the replaced Line 3 is the same as it would be if it was abandoning the replaced pipeline, and that it does not anticipate any further abandonment activities for the facilities to be decommissioned aside from the detailed steps presented in the Application.

In light of the above, the Board has decided to amend Issue 10 of the List of Issues for OH-002-2015 in order to provide further clarity, as follows:

10. The suitability of the decommissioning plan for the existing Line 3 pipeline, including whether the decommissioning is appropriately an interim step to eventual abandonment or whether it is the final step in the pipeline's lifecycle.

The full amended List of Issues is attached to this letter and replaces Appendix I to the Board's OH-002-2015 Hearing Order.

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If you have any questions regarding this letter, please contact Katherine Murphy, Legal Counsel at katherine.murphy@neb-one.gc.ca or 587-538-2161 or Diana Audino, Legal Counsel at diana.audino@neb-one.gc.ca or 403-221-3406.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachment

**Enbridge Pipelines Inc.
Line 3 Replacement Program
OH-002-2015**

Amended List of Issues

The Board has identified, but is not obliged to limit itself to, the following issues for consideration in the hearing with respect to the proposed Line 3 Replacement Program (Project). These issues pertain, as applicable, to both the proposed construction and operation of the new Line 3 pipeline and the proposed decommissioning of the existing Line 3 pipeline.

1. The need for the Project
2. The economic feasibility of the Project.
3. The potential commercial impacts of the Project.
4. The potential environmental and socio-economic effects of the Project, including those to be considered under the *Canadian Environmental Assessment Act, 2012*.
5. The appropriateness of the general route and land requirements for the Project.
6. The suitability of the design of the Project.
7. Potential impacts of the Project on Aboriginal interests.
8. Potential impacts of the Project on landowners and land use.
9. Contingency planning for product release, accidents or malfunctions, during construction and operation of the Project.
10. The suitability of the decommissioning plan for the existing Line 3 pipeline, including whether the decommissioning is appropriately an interim step to eventual abandonment or whether it is the final step in the pipeline's lifecycle.
11. Safety and security during construction and operation of the Project, including emergency response planning and third-party damage prevention.
12. The terms and conditions to be included in any recommendation or approval the Board may issue.