



File: Ad-GA-ActsLeg-Fed-NEBA-Amend 0101
11 July 2012

To: All Interested Parties

Dear Sir or Madam:

**2012 Update of the Electricity Memorandum of Guidance to Interested Parties
Concerning Full Implementation of the September 1988 Canadian Electricity Policy
(MOG)¹**

The *Jobs, Growth and Long-term Prosperity Act* received Royal Assent on 29 June 2012. It contains amendments² to the *National Energy Board Act* (the NEB Act) which affect the Board's review of electricity export applications. Specifically, the amendments to sections 119.06(2) and 119.08(2) of the NEB Act mean that the criteria to consider electricity export applications will be fair market access, the effect of the export on provinces other than that from which the electricity is to be exported, and considerations³ specified in the *National Energy Board Electricity Regulations* (Electricity Regulations)⁴.

The NEB Act was amended to remove the requirement that the Board have regard to all considerations that appear to it to be relevant⁵ as well as the requirement to have regard to the impact of the export on the environment⁶ when considering electricity export applications. In addition, subsection 24(1) of the NEB Act was amended such that a public hearing is no longer required for the issuance of an electricity export licence.

Section 119.03 of the NEB Act was not amended and an application for an electricity export permit must still be accompanied by the information that is required to be furnished under the Electricity Regulations. However, the Board advises applicants for electricity export permits that it no longer requires the information in subsection 9(n) and 9(o) of the Electricity Regulations and Appendix III of the MOG to be submitted.

.../2

¹ https://www.neb-one.gc.ca/ll-eng/livelink.exe/fetch/2000/90463/260967/260818/A0H2L7_-_Update_of_Electricity_Memorandum_of_Guidance.pdf?nodeid=260709&vernum=0

² Sections 81 and 94-96 (Division 2 of Part 3).

³ There are currently no considerations specified in the Electricity Regulations, either for permits or licences.

⁴ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-97-130/FullText.html>

⁵ Subsections 119.06(2) and 119.08(2).

⁶ Subsection 119.06(2)(b).

In addition, the Board will no longer place conditions⁷ on any electricity permits concerning requirements related to the protection and restoration of the environment.

Finally, applicants are still required to publish a Notice of Application/Directions on Procedure (NOA/DOP). Appendix I (a) of the MOG contains an example to be published for electricity exports (other than border accommodations). This example is no longer valid. The Board has attached a new Appendix I (a) containing a NOA/DOP template incorporating the changes mentioned above.

Should there be any questions with respect to this update to the MOG, please contact Ingrid Ektvedt, Market Analyst at 403-299-3518 or Karen Morton, Energy Trade Team Leader at (403-403-299-2755 or toll-free 1-800-899-1265.

Yours truly,



Sheri Young
Secretary of the Board

Attachment: 11 July 2012 Revised Appendix I (a) to MOG

⁷Pursuant to section 10(k) of the Electricity Regulations.

Example of Notice to be Published for Electricity Exports

**Notice of Application and Directions on Procedure
Alpha Electric Application to Export Electricity to the
Omega Power Authority of the United States**

By an application dated (insert date), Alpha Electric (the Applicant) has applied to the National Energy Board under Division II of Part VI of the *National Energy Board Act* for authorization to export 500 megawatts of firm power and 2 000 gigawatt-hours per year of firm energy for a period of 5 years commencing on (insert date). This export would be in accordance with the terms of the firm power and energy contract between Alpha Electric and the Omega Power Authority executed on (insert date).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that the application be designated for a licensing procedure. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at (the Applicant's address/and include other communication numbers) and provide a copy of the application to any person who requests a copy. A copy of the application is also available for viewing during normal business hours in the Board's library, Room 1002, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8 or online at www.neb-one.gc.ca.
2. Submissions that any party wishes to present shall be filed with the Secretary of the Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: 403-292-5503, and served on the Applicant by (insert a date 30 days after the date of publication of this notice.)
3. Pursuant to Section 119.06(2) of the Act, the Board shall have regard to and is interested in the views of submitters on:
 - (a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported; and

(b) whether the Applicant has:

- (i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
- (ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada.

4. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this Notice of Application and Directions on Procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 2 above).
5. For further information on the procedures governing the Board's examination, contact the Secretary of the Board at 403-292-4800, facsimile: 403-292-5503.

Sheri Young
Secretary of the Board



File No. 185-A000-19
7 February 2003

T0: ALL INTERESTED PARTIES

Update of the Electricity Memorandum of Guidance to Interested Parties Concerning Full Implementation of the September 1988 Canadian Electricity Policy

The attached revised Memorandum of Guidance has been updated to reflect the 14 March 2001 Federal Court of Appeal Judgement in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62 (the BC Hydro case). The update also reflects other process revisions based on the Board's experience with processing electricity applications since the last revisions included in the 26 August 1998 Memorandum of Guidance.

The Court, in the BC Hydro case, questioned the concept of "reverse onus" as well as the Board's consideration of "environmental effects" in the processing of electricity export applications. With respect to reverse onus, the Court found that the Board had placed the onus on interested parties to an application to submit evidence why the Board should not approve an application. If this were the case, the Court held such an interpretation to be wrong as it is up to the applicant to provide sufficient evidence to support its application. Accordingly, the Board has revised the Memorandum of Guidance to give the applicant a final right of reply which was previously given to interested parties. Now interested parties have thirty days to make submissions regarding an application and the applicant has fifteen days to respond to such submissions.

Concerning the environmental effects of proposed electricity exports, the Board has, subsequent to the referenced Federal Court of Appeal Judgement, by way of a separate information request, required all electricity export applicants to provide additional environmental evidence to that required by the *National Energy Board Electricity Regulations*, SOR/97-130. That information request (which is now included in Appendix III of the Memorandum of Guidance) requires applicants to provide evidence whether new or modified facilities or changes to the operation of existing facilities are required to meet the needs of the proposed exports. Applicants are also required to identify any adverse environmental effects and mitigative measures.

.../2

Other process revisions are of a housekeeping nature. These include a clarification of the number of copies to be filed for different process procedures; identifies the ability of applicants to file their applications either electronically or in paper format; a request that applicants identify whether they or affiliates have interests in generation or transmission facilities; updated National Energy Board communication numbers; and modifications, as required to the Notices of Application and Directions on Procedures attached as Appendix I of the Memorandum of Guidance.

Yours truly,

A handwritten signature in black ink, appearing to read 'Michel D. Mantha', with a long horizontal flourish extending to the right.

Michel D. Mantha
Secretary

MEMORANDUM OF GUIDANCE TO INTERESTED PARTIES CONCERNING
FULL IMPLEMENTATION OF THE SEPTEMBER 1988
CANADIAN ELECTRICITY POLICY

INTRODUCTION

This Memorandum of Guidance (MOG), replaces that of 26 August 1998. It is being updated to reflect the 14 March 2001 Federal Court of Appeal Judgement in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62. This MOG also reflects other process revisions based on the Board's experience with processing electricity applications since the issuance of the 26 August 1998 MOG.

THE NATIONAL ENERGY BOARD ACT (NEB ACT)

Under the NEB Act, electricity exports and the construction and operation of international power lines will normally be authorized by issuance of a permit, without holding a public hearing, unless the Governor in Council, upon the recommendation of the Board, designates a proposed export or an international power line for, respectively, licensing or certification procedures. In determining whether to make such a recommendation to the Governor in Council, the Board shall seek to avoid the duplication of measures taken by the applicant and the government of the province from which electricity is to be exported or through which a line is to pass, and shall have regard to all considerations that appear to it to be relevant including any comments submitted by interested parties.

Before issuing an export permit or an international power line permit, the Board will examine the application and supporting information, the submissions of interested parties, and any other information that the Board might require to be furnished by the applicant. The Board may within a reasonable time after publication of the notice of application, require, pursuant to section 58.13 and/or section 119.05, the applicant to furnish such information, in addition to that required to accompany the application, as the Board considers necessary to determine whether it should make a recommendation to the Governor in Council for a licensing or certification procedure which would require a public hearing. The additional information requested may include, among other things, information pertaining to matters raised by interested parties in their submissions.

Based on its examination of the application and the sufficiency of evidence in connection to it and any information submitted by interested parties, the Board may recommend to the Governor in Council that a proposed export of electricity or an international power line be designated for a licensing or certification process requiring a public hearing.

Following the issuance of such a recommendation, which would be made public, if the Governor in Council does not make an order designating the proposed export or international power line for a licensing or certification process, the Board shall issue a permit. Any permit issued by the Board is subject to such terms and conditions respecting any of the matters prescribed in the *National Energy Board Electricity Regulations*¹ (Electricity Regulations) as may be imposed by the Board.

Permits issued by the Board are not subject to Governor in Council approval. However, the Governor in Council may, up to 45 days following the issuance of a permit by the Board, issue an order revoking the permit and requiring that a proposed export or international power line be designated for a licensing or a certification process.

In the event that the Governor in Council does make an order designating a proposed export or international power line application for a licensing or certification process, the Board shall hold a public hearing and have regard to all considerations that appear to it to be relevant. Any licence or certificate that is issued by the Board is subject to the approval of the Governor in Council, and to such terms and conditions as the Board may impose.

For permit applications the Board reminds all parties that submissions need not be filed on all parties to the application, but must be filed with the Board, and served to the applicant. However, if replying, the applicant shall file its reply with the Board and serve it on all submitters. As well correspondence from the Board shall be sent to every party. Other filings on any other party to an application shall be as directed by the Board. For licencing or certificating processes, filing requirements would be described in the Hearing Order governing the public hearing, as applicable.

The maximum period of any licence or permit to export electricity is 30 years from a date to be fixed in the respective authorization.

The Board also reminds all parties that they have the right to communicate with the Board in both official languages.

Electricity Exports

In its initial assessment of a proposed electricity export application under section 119.03 of the NEB Act, the Board includes the matters set out in section 119.06. As well, section 119.03 requires that an application must be accompanied by the information that is required under the Electricity Regulations.

.../3

¹ SOR/97-130 Attached as Appendix II to this MOG.

The considerations which are listed in section 119.06 and which the Board includes in its assessment of whether to make a recommendation to the Governor in Council include the following:

- (a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported;
- (b) the impact of the exportation on the environment;
- (c) whether the applicant has
 - (i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
 - (ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada; and
- (d) such considerations as may be specified in the Electricity Regulations, and

all considerations that appear to it to be relevant and shall seek to avoid the duplication of measures taken by the provinces.

International Power Lines

In its initial assessment of a proposed international power line application under section 58.11 of the NEB Act the Board includes the matters set out in section 58.14. As well, section 58.11 requires that an application must be accompanied by the information that is required under the Electricity Regulations.

The considerations which are listed in section 58.14 and which the Board includes in its assessment of whether to make a recommendation to the Governor in Council include the following:

- (a) the effect of the power line on provinces other than those through which the line is to pass;
- (b) the impact of the construction or operation of the power line on the environment; and
- (c) such considerations as may be specified in the Electricity Regulations, and

all considerations that appear to it to be relevant and shall seek to avoid the duplication of measures taken by the provinces.

With respect to environmental regulation of international power lines, the Board has obligations under the *Canadian Environmental Assessment Act*. These obligations have been incorporated into the Electricity Regulations.

Under the NEB Act, detailed routing and land acquisition in respect of international power lines will be carried out under provincial laws unless an applicant elects, pursuant to section 58.23 of the NEB Act, to have federal laws apply. In that case, the detailed routing and land acquisition procedures of the NEB Act will apply. Also, pursuant to such an election, the procedure to be followed for project approval will be a certification process requiring a public hearing and Governor in Council approval.

PROCEDURES FOR PROCESSING EXPORT AND INTERNATIONAL POWER LINE APPLICATIONS UNDER THE NEB ACT

Early Public Notification Requirements

Parties applying for international power line authorizations, (i.e. permits, or certificates) pursuant to sections 58.11 or 58.16 of the NEB Act are reminded that they must comply with Part II of the Board's 22 February **1995 Guidelines for Filing Requirements**.

General Public Notice Requirements

(1) Requirements Applicable to all Applicants

In all cases, applicants seeking authorizations to export electricity or to construct and operate an international power line shall, at the time of filing an application with the Board, publish a Notice of Application and Directions on Procedure² (NOA/DOP)³, in both official languages, in the Canada Gazette, Part I, in accordance with section 58.12 or 119.04 of the Act.

.../5

² In the case of licencing or certifying process requiring a public hearing, instead of referring to Directions on Procedure, the Board would refer to a Hearing Order, as applicable.

³ Examples of NOA/DOPs are attached for export applications (Appendix I(a)), border accommodations (Appendix I(b)) and international power lines (Appendices I(c) and I(d)).

(2) **Specific Requirements**

In addition to the requirements specified in (1), applicants have to comply with the following requirements:

For electricity export applications by applicants with service areas and/or who own generation, or their affiliates, for other than border accommodation transfers⁴, applicants are directed:

- (i) to serve a copy of their application and NOA/DOP on each utility from which exports are proposed, and on directly interconnected Canadian utilities, and
- (ii) to publish the NOA/DOP on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part 1 as follows:
 - (A) in English in the largest paid general circulation English language newspaper and in French in the largest paid general circulation French language newspaper, published in the most populous community in the service area(s) from which the proposed exports may originate;
 - (B) if the community referred to in (A) is not served by a general circulation English and a general circulation French language newspaper, the NOA/DOP must be published in both official languages in the newspaper which has the largest paid circulation in that community.

In those cases where exports are proposed from more than one service area, publication may be made in both official languages in a nationally published newspaper.

Applicants are also required to provide information whether it, or an affiliate of the applicant, have an interest in generation or transmission facilities in Canada.

For applications for a permit to construct and operate an international power line exceeding an operating voltage of 50 kilovolts, applicants are directed to serve a copy of their application on each directly interconnected Canadian electricity transmission owner and to publish the NOA/DOP

.../6

⁴ A border accommodation transfer means a transfer of power or energy for the purpose of providing electricity to a person in a foreign country who lacks ready access to services from a power system in that country, or to an international work (i.e. bridge, tunnel, etc.), or to a person in a foreign country who has lost service from a power system of that country as a result of an emergency.

on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part I, and in accordance with paragraphs (2)(ii)(A) and (B) above.

For lines of an operating voltage not exceeding 50 kilovolts, applicants are required to publish the NOA/DOP in the Canada Gazette as noted above, and in accordance with (2)(ii)(A) and (B) above.

Note: It is the responsibility of the applicants to ensure that correct notices in English and French are published to reach both official language groups.

If applicants wish a variance from the requirements to publish notices in the above noted newspapers because of the limited and/or local nature of their application, they may request relief from the Board prior to filing their application with the Board. Such a request shall include a proposed alternative, for prior Board approval, for the publication of the NOA/DOP in local newspapers or bulletins, as appropriate, in order to inform potentially affected interested parties.

Applicants shall file with the Board, as soon as possible after the date of publication in the newspapers, copies of each newspaper tear sheet showing the NOA/DOP as published.

Information to be Furnished by Applicants

- (a) Applicants seeking authorization to export electricity are required to furnish the information as set out in section 8 or section 9 of the Electricity Regulations. The information set out in section 8 is required to be furnished by applicants for authorizations for border accommodation transfers and the information set out in section 9 is required to be furnished by all other applicants. In addition, in accordance with section 119.05 of the NEB Act, the Board may require the applicant to furnish additional information to help it determine whether it wishes to recommend that a proposed export be designated for a licensing process.

Due to the 14 March 2001 Federal Court of Appeal Judgement in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62, the Board requires further information on any potential adverse environmental effects of the applied for electricity exports. Therefore, in addition to the environmental information requirements of the Electricity Regulations (see subsections 9(n) and (o)), applicants are directed to also respond to the information requirements included in Appendix III.

- (b) Applicants seeking authorization to construct and operate an international power line are required to furnish the information as set out in section 4 or section 5 of the Electricity Regulations. The information set out in section 4 is required to be furnished by applicants proposing to construct and operate international power lines not exceeding an operating voltage of 50 kilovolts and the information set out in section 5 is required to be furnished by all other applicants. In addition, in accordance with Section 58.13 of the NEB Act the Board may require the applicant to furnish additional information to help it determine whether to recommend that a proposed international power line be designated for a certification process.

Processing Procedures

Persons wishing to make a submission advocating the imposition of permit terms and conditions, or a recommendation by the Board to the Minister requesting a designation order by the Governor in Council for licensing/certification procedures, must provide written information to support their submission.

Submitters are advised that they must raise all of their concerns in their initial submission and provide all relevant information in support of it. The applicant will have the final right of reply in permit applications.

Upon submission of an application to the Board, the following procedure will apply:

Following publication by the applicant of the NOA/DOP and verification by the Board of all required information, and after a 30-day period from the date of publication of the NOA/DOP to allow for comments by interested parties, the Board will either

- (a) **if no submissions are received** and if the application provides sufficient information in support of it and conforms with the requirements of the NEB Act, issue a permit⁵, which shall be sent to the applicant,
- (b) **if submissions are received**, allow a further 15-day period for the applicant to answer the submissions.

Following the time to allow for the filing of submissions as outlined in (b) above, the Board will, based on its examination of the application and the sufficiency of information in support of it and the submissions and

.../8

⁵ Subject to such terms and conditions respecting matters prescribed by the Electricity Regulations as the Board considers necessary or desirable.

responses, issue a permit⁶ or make a recommendation to the Minister for a designation order by the Governor in Council in respect of the application. If a permit is issued, a copy of the permit will be sent to the applicant and to all interested parties.

Terms and Conditions of Permits

The matters in respect of which terms and conditions may be imposed relating to international power line permits are set out in section 6 and those relating to export permits are set out in section 10 of the Electricity Regulations.

Detailed Routing of International Power Lines

Applicants who wish to have the detailed routing and land acquisition procedures of the NEB Act apply to an existing or proposed international power line are required to file an election pursuant to section 58.23 of the NEB Act in the form set out in the schedule to the Electricity Regulations.

Any inquiries with respect to the implementation measures described in this Memorandum of Guidance should be directed to the Commodities Business Unit - Electricity Team at (403) 299-3186, FACSIMILE (403) 292-5503.

French or English versions of this document are available from the Board, on request, or may be found on the NEB website at: www.neb-one.gc.ca

Application Filing

The Board accepts the filing of either electronic or paper copies. Electronic filings shall be as described in the 21 March 2002 Memorandum of Guidance regarding the filing of electronic documents.

If paper copies are filed, Applicants are requested to file, with the Board, the following number of copies in support of applications.

.../9

⁶ Subject to such terms and conditions respecting matters prescribed by the Electricity Regulations as the Board considers necessary or desirable.

International Power Lines

Electricity Exports

Permits - 15
Certificates - 15
Certificate/Permit Amendments - 15
Certificate/Permit Revocations - 15

Permits - 15
Licence/ Permit Amendments - 15
Licence/Permit Revocations - 15

If an election is filed, a public hearing will be held, and the number of copies to be filed shall be 25.

Yours truly,



Michel L. Mantha
Secretary

Attach.

**EXAMPLE OF NOTICE TO BE PUBLISHED
FOR ELECTRICITY EXPORTS**

**Notice of Application and Directions on Procedure
Alpha Electric
Application to Export Electricity to the Omega Power Authority
of the United States**

By an application dated (insert date), Alpha Electric (the Applicant) has applied to the National Energy Board under Division II of Part VI of the *National Energy Board Act* for authorization to export 500 megawatts of firm power and 2 000 gigawatt-hours per year of firm energy for a period of 5 years commencing on (insert date). This export would be in accordance with the terms of the firm power and energy contract between Alpha Electric and the Omega Power Authority executed on (insert date).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at (the Applicant's address/and include other communication numbers) and provide a copy of the application to any person who requests a copy. A copy of the application is also available for viewing during normal business hours in the Board's library, Room 1002, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8.
2. Submissions that any party wishes to present shall be filed with the Secretary of the Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on the Applicant by (insert a date 30 days after the date of publication of this notice).
3. Pursuant to Section 119.06(2) of the Act, the Board shall have regard to all considerations that appear to it to be relevant. In particular, the Board is interested in the views of submitters with respect to:

- (a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported;
 - (b) the impact of the exportation on the environment; and
 - (c) whether the Applicant has:
 - (i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
 - (ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada.
4. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this Notice of Application and Directions on Procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 2 above).
5. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

**EXAMPLE OF NOTICE TO BE PUBLISHED FOR
BORDER ACCOMMODATIONS**

**Notice of Application and Directions on Procedure
Alpha Electric
Application for Authorization to Export
Electricity**

Alpha Electric (include the Applicant's address/and other communication numbers) hereby gives notice that it has, under Division II of Part VI of the *National Energy Board Act*, filed an application dated (insert date) with the National Energy Board for authorization to export energy to the Omega Power Authority of the United States. The export will be for the period (insert date) to (insert date), up to a maximum of 1 megawatt.

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. Written submissions in respect of the application shall be filed with the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on Alpha Electric by (insert a date 30 days after the date of publication of this notice).
2. Any answer to such submissions that the Applicant wishes to present shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 1 above).
3. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

**EXAMPLE OF NOTICE TO BE PUBLISHED FOR
INTERNATIONAL POWER LINES
EXCEEDING 50 KILOVOLTS**

**Notice of Application and Directions on Procedure
Alpha Electric
Application to Construct and Operate an International Power Line
to the Beta Power Company of the United States**

By an application dated (insert date), Alpha Electric (the Applicant) has applied to the National Energy Board under Part III.1 of the *National Energy Board Act* for authorization to construct and operate a 345 000 volt three-phase international power line. The line would extend a distance of approximately 20 km southward from the (X) substation, located in (Location) in Canada, to the northern perimeter of the town of (Location), then southwest a further 50 km to a point on the international boundary located at (Location). The line would be constructed in accordance with the terms of the contract between Alpha Electric and the Beta Power Company executed on (insert date).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at (insert Applicant's address/and include other communication numbers) and provide a copy of the application to any person who requests a copy. A copy of the application is also available for viewing during normal business hours in the Board's library, room 1002, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8.
2. Submissions that any party wishes to present shall be filed with the Secretary of the Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on the Applicant by (insert a date 30 days after the date of publication of this notice).
3. Pursuant to Section 58.14(2) of the Act, the Board shall have regard to all considerations that appear to it to be relevant. In particular, the Board is interested in the views of submitters with respect to:

- (a) the effect of the power line on provinces other than those through which the line is to pass; and
 - (b) the impact of the construction or operation of the power line on the environment.
4. As part of its consideration of the environmental effects of the proposed facilities, the Board will apply the *Canadian Environmental Assessment Act* (CEAA). The Board will ensure that there is no duplication in requirements under the CEAA and the Board's own regulatory process.
 5. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this Notice of Application and Directions on Procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 2 above).
 6. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 299-5503.

**EXAMPLE OF NOTICE TO BE PUBLISHED FOR
INTERNATIONAL POWER LINES NOT EXCEEDING
AN OPERATING VOLTAGE OF 50 KILOVOLTS**

**Notice of Application and Directions on Procedure
Alpha Electric
Application for Authorization to Construct and Operate
an International Power Line**

Alpha Electric (include the Applicant's address/and other communication numbers) hereby gives notice that it has, under Part III.1 of the *National Energy Board Act*, filed an application dated (insert date), with the National Energy Board for authorization to construct and operate a 25 000 volt three-phase international power line. The line would extend a distance of approximately 2 km southward from the (X) substation, located in (Location) in Canada, to the northern perimeter of the town of (Location), then southwest a further 1 km to a point on the international boundary located at (Location).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. Written submissions in respect of the application shall be filed with the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on Alpha Electric by (insert a date 30 days after the date of publication of this notice).
2. As part of its consideration of the environmental effects of the proposed facilities, the Board will apply the *Canadian Environmental Assessment Act* (CEAA)¹. The Board will ensure that there is no duplication in requirements under the CEAA and the Board's own regulatory process.

¹ Electrical transmission lines with a voltage of not more than 50 kV are contained within the *Exclusion List Regulations* and are therefore not subject to an environmental assessment under CEAA, except where it would be (a) carried out beyond an existing right-of-way; (b) extend more than 4 km outside Canada; (c) involve the likely release of a polluting substance into a waterbody; and (d) involve the placement of the supporting structures for the line in or on or within 30 m of a water body.

3. Any answer to such submissions that the Applicant wishes to present shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 1 above).
4. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

Appendix II

REGULATIONS FOR CARRYING INTO EFFECT THE PROVISIONS OF THE NATIONAL ENERGY BOARD ACT RESPECTING INTERNATIONAL POWER LINES AND THE EXPORTATION OF ELECTRICITY

(The Electricity Regulations may be found on the Board's website at www.neb-one.gc.ca)

ADDITIONAL INFORMATION REQUIREMENT

Due to the Federal Court of Appeal Decision, dated 14 March 2001, in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62, please provide, in addition to the information requirements included in the Electricity Regulations, Section 9, as seen in Appendix II of the MOG, information regarding the following:

- 1 a) whether any new facilities are required in regard to the Applicant's proposed electricity exports, and a detailed description of those facilities;
 - b) whether modifications to existing facilities would be undertaken in regard to the Applicant's proposed electricity exports, and a detailed description of those modifications;
 - c) whether there would be any changes to the operation of existing facilities in regard to the Applicant's proposed electricity exports, and a detailed description of those changes;
 - d) the adverse environmental effects of the new facilities, modifications or changes in operation described in (a), (b) and (c); and
 - e) any measures to be taken to mitigate the adverse environmental effects described in (d).
-
- 2 If the Applicant is unable to provide information in response to any of 1 (a) to (c) the Applicant should explain why not, and if it will be able to provide this information at any time in the future, and if so, when.