

1 New Brunswick Board of Commissioners of Public Utilities  
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3 In the Matter of an application dated July 19, 2006, by  
4 Corridor Resources Inc., for a Permit to Construct Pipelines  
5 and Related Facilities From the McCully NaturalGas Field  
6 toConnect with the Maritimes and Northeast Pipeline  
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8 Fairway Inn, Sussex, N.B.  
9 August 23rd 2006

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15 VICE-CHAIRMAN: David S. Nelson

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18 COMMISSIONERS: Jacques A. Dumont  
19 Patricia LeBlanc-Bird  
20 Diana Ferguson Sonier

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22 BOARD COUNSEL: Ellen Desmond

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24 BOARD STAFF: Doug Goss  
25 John Lawton  
26 David Young  
27 Todd McQuinn

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30 BOARD SECRETARY: Lorraine Légère

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32 .....

33 VICE-CHAIRMAN: Good morning. In the matter of an

34 application dated July 19th 2006 by Corridor Resources for

35 a permit to construct pipelines and related facilities

36 from McCully Natural Gas Field to connect with the

37 Maritimes and Northeast Pipeline.

38 This is an application by Corridor Resources for a permit to

39 construct pursuant to the Pipeline Act 2005 which was

40 filed with the Board on July 19th 2006.

41 The purpose of this pre-hearing is to determine who

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- 2 -

2 will be the Intervenors in this matter and to determine a  
3 hearing schedule.

4 At the outset it should be clear that the Board's mandate is  
5 to determine if Corridor Resources has met the  
6 requirements of the legislation if a permit for  
7 construction is appropriate.

8 It should be noted that the Board does not generally get  
9 involved with the resolution of property disputes between  
10 various parties.

11 Could I have appearances for the applicant please?

12 MR. NORMAN: Yes. My name is David Norman appearing on  
13 behalf of Corridor Resources Inc. And I have with me Mr.  
14 Norman Miller and Mr. Paul Hopkins from Corridor.

15 VICE-CHAIRMAN: Appearances for the Department of Energy?

16 MR. DUNCAN: Calvin Duncan.

17 VICE-CHAIRMAN: Is that Formal or Informal status?

18 MR. DUNCAN: That is Informal status.

19 VICE-CHAIRMAN: I guess anybody that wants to speak has to  
20 come up to the front to the reserve table.

21 MR. DUNCAN: Just to confirm, that was Informal status.

22 VICE-CHAIRMAN: Thank you. EGNB?

23 MR. HOYT: Len Hoyt from McInnes Cooper representing  
24 Enbridge Gas New Brunswick. And I'm joined by Shelley  
25 Black from Enbridge Gas New Brunswick.

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- 3 -

2 VICE-CHAIRMAN: And that is Formal?

3 MR. HOYT: Yes, sir.

4 VICE-CHAIRMAN: Kings East Development Partnership?

5 Maritimes and Northeast Pipeline? McCully Pipeline

6 Landowners Association?

7 MR. FREEZE: David Freeze representing the Association.

8 VICE-CHAIRMAN: And would you like Formal or Informal

9 status?

10 MR. FREEZE: I'm requesting Formal status.

11 VICE-CHAIRMAN: Potash Corporation of Saskatchewan?

12 MR. ZED: Peter Zed representing the Potash Corporation of

13 Saskatchewan Inc. And I'm joined by Michael Hogan of the

14 company. We are requesting Formal status.

15 VICE-CHAIRMAN: Union of New Brunswick Indians?

16 MR. PERLEY: My name is Ron Perley. I'm joined by Andy

17 Nicholas and Ruth Levie. They are from the Mawiw Council.

18 And Norville Getty will be here shortly as well. Formal.

19 VICE-CHAIRMAN: Formal --

20 MR. PERLEY: Yes.

21 VICE-CHAIRMAN: -- status?

22 Also there has been a number of requests for status from the

23 property owners. I will read the list of names that have

24 been notified. And if those people are here please come

25 forward.

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- 4 -

2 Christine Bell?

3 MS. BELL: Good morning, gentlemen. I'm Christine Bell from  
4 Penobsquis. And I request Formal status please.

5 VICE-CHAIRMAN: Thank you. Dale Bustin? Donald Bustin?  
6 Ernest Cummings? Joseph R. Cummings?

7 MR. E. CUMMINGS: Ernest Cummings, landowner.

8 VICE-CHAIRMAN: Would you like Formal or Informal status?

9 MR. E. CUMMINGS: Formal.

10 VICE-CHAIRMAN: Formal. Thank you. Joseph R. Cummings?

11 MR. J. CUMMINGS: I'm Joe Cummings.

12 VICE-CHAIRMAN: And Formal or Informal?

13 MR. J. CUMMINGS: Formal.

14 VICE-CHAIRMAN: Formal. Thank you. Glenn and Penny Foster?

15 Glenn and Penny Foster? David Freeze?

16 MR. FREEZE: Yes. I'm requesting Informal status.

17 MR. DUMONT: Did you say Informal?

18 MR. FREEZE: Informal.

19 VICE-CHAIRMAN: Informal. Harley Hicks? Shirley Hunt?

20 Cynthia MacLeod? Gerald MacLeod? Jayne McQuinn?

21 MRS. MCQUINN: I'm Jayne McQuinn. My husband and I are  
22 landowners. And we would like Formal status please.

23 VICE-CHAIRMAN: Thank you. Brenda Lee Morrell?

24 MS. MORRELL: Landowner. And Formal please.

25 VICE-CHAIRMAN: Informal?

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- 5 -

2 MS. MORRELL: Formal.

3 VICE-CHAIRMAN: Formal. Elizabeth McQuinn Nixon?

4 MS. MCQUINN NIXON: Elizabeth McQuinn Nixon. And I would  
5 like to request Formal status.

6 VICE-CHAIRMAN: Thank you. Nancy Secord?

7 MS. N. SECORD: Nancy Secord. And I request Informal status  
8 please.

9 VICE-CHAIRMAN: Informal?

10 MS. N. SECORD: Yes.

11 VICE-CHAIRMAN: Thank you. Robert Secord? Sandra Secord?

12 MS. S. SECORD: I'm Sandra Secord, landowner and Informal  
13 status.

14 VICE-CHAIRMAN: Informal? Formal?

15 MS. S. SECORD: Informal.

16 VICE-CHAIRMAN: Informal? Okay. Troy and Dawn Thompson?

17 Peter and Norma Van de Brand? George Vanderlaan? Janet

18 Vanderlaan? Paul and Lynn Veysey? Andrew Wallace?

19 Dorothy Wallace? John W. Wallace?

20 The property owners, I think that the Board Counsel has spoke

21 to you and explained the difference between Formal and

22 Informal status. So you are aware that you are allowed

23 all the cross examination and have all the information and

24 all. So everybody is aware of that. As I say, if you are

25 granted status.

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2 Is there anybody else besides Mr. Barnett that wants --

3 MR. BARNETT: Good morning, Mr. Chairman and members of the  
4 Board. I would like to seek Informal Intervenor status in  
5 this process, Mr. Chairman, with your permission.

6 VICE-CHAIRMAN: Thank you. Is there anybody else that would  
7 like status?

8 I would like to start with each party identify the connection  
9 and interest in this matter. Enbridge New Brunswick?

10 MR. HOYT: Mr. Chairman, as indicated in our notice of  
11 intervention, Enbridge Gas New Brunswick is the holder of  
12 the general franchise to distribute natural gas in the  
13 province of New Brunswick.

14 And as such Enbridge is interested in all regulatory  
15 proceedings that may impact the energy market in New  
16 Brunswick, and in particular in the Corridor pipeline is a  
17 source of additional gas supply for the New Brunswick  
18 market.

19 VICE-CHAIRMAN: Thank you. Department of Energy?

20 MR. DUNCAN: Mr. Chairman, the Department of Energy is  
21 responsible for pipeline legislation in the province. And  
22 our interest is in monitoring the proceedings and being  
23 able to be copied on the information that is filed.

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2 As an Informal Intervenor we do not intend to take an active  
3 role in the proceedings, but simply to monitor the  
4 proceedings.

5 VICE-CHAIRMAN: Thank you. Potash Corporation of  
6 Saskatchewan?

7 MR. ZED: PCS holds a mineral lease with respect to a large  
8 area which includes a significant portion of the  
9 applicant's proposed pipeline infrastructure.

10 PCS is actively engaged in mining operations throughout its  
11 lease area. We have an interest in ensuring that the  
12 proposed pipeline and any future additions to the pipeline  
13 do not interfere with PCS's mining operations.

14 VICE-CHAIRMAN: Thank you, Mr. Zed. Union of New Brunswick  
15 Indians?

16 MR. PERLEY: This is Norville Getty from the Union of New  
17 Brunswick Indians.

18 MR. GETTY: We are here to represent the treaty and  
19 aboriginal rights of the aboriginal people of New  
20 Brunswick in this territory where the pipeline will be  
21 going through.

22 VICE-CHAIRMAN: As a Formal Intervenor?

23 MR. GETTY: That is right.

24 VICE-CHAIRMAN: Are you basing it on a Charter challenge, a



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- 8 -

2 Constitutional challenge or anything like that?

3 MR. GETTY: It is based on Constitutional rights that exists  
4 and case law that exists.

5 VICE-CHAIRMAN: Because if it is a Charter challenge then  
6 you would have to notify us very specifically and also  
7 notify the Attorney General of New Brunswick and the  
8 Attorney General of Canada.

9 MR. GETTY: There will not be any Charter challenge.

10 VICE-CHAIRMAN: So it is Informal status Intervenor like  
11 everybody else in the room?

12 MR. GETTY: That is right.

13 VICE-CHAIRMAN: Okay. Thank you. McCully Pipeline  
14 Landowners Association?

15 MR. FREEZE: It is our interest in representing some of the  
16 landowners that the pipeline is currently crossing. As  
17 you can tell today by some of the attendants, the  
18 Association is needed to represent people who continue on  
19 in their shift work and in their day-to-day jobs.

20 And they are not always able to attend some of the hearings,  
21 but the Association chooses to represent some of those  
22 people.

23 MR. DUMONT: Are you representing all of them, half of them  
24 or --

25 MR. FREEZE: I believe we represent somewhere in the

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- 9 -

2 vicinity of half the people in that area, not including the  
3 line that proceeds to Havelock.

4 MR. DUMONT: Do you represent people that are not listed in  
5 this list which we just went through?

6 MR. FREEZE: Yes, we do.

7 MR. DUMONT: Okay. Thank you.

8 MR. NORMAN: Mr. Chairman, I'm wondering if you might ask  
9 people to speak up a bit. It is difficult to hear then.  
10 I notice the fan has now been turned off, but --

11 MR. FREEZE: Is the sound system hooked up? Because it is  
12 very difficult to hear at the back.

13 VICE-CHAIRMAN: So I guess we have to speak up. Christine  
14 Bell?

15 MS. BELL: Good morning. I do apologize, ladies, for the  
16 earlier slight. I did not intend that at all.

17 I have a prepared statement. And I hope you gentlemen have  
18 the time to listen to it and ladies have the time to  
19 listen to it.

20 Some time ago I used the analogy that Penobscuis was like an  
21 old dog with a new master. When the new master is patting  
22 the old dog's head and telling him he is not to worry,  
23 that he is a good dog and he would be looked after, when  
24 the old dog lifts his head he suddenly realizes that his  
25 doghouse and food bowl are gone. And his new master

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2 is standing there with his pockets full.

3 Fortunately for Penobsquis and unfortunately for Corridor

4 Resources, the old dog has some pups who care very deeply  
5 about the community in which they live, work, raise their  
6 families and call home.

7 It is my opinion and my belief that Corridor Resources

8 believes they could come into our community and do with it  
9 as they pleased, from 30 to 200 well sites, pads, feeder  
10 lines, processing, pumping stations and a main line  
11 connecting to the Maritimes Northeast pipeline, shipping  
12 gas to the United States.

13 I believe that they, Corridor Resources, were banking on the  
14 naiveness of the residents, our lack of knowledge and  
15 experience with natural gas and all that it brings.

16 It is my opinion and my belief that this company, Corridor  
17 Resources, cares not about the residents or the community  
18 of Penobsquis. When requesting an additional information  
19 session for our community and its residents, I was  
20 disappointed by the reply I received.

21 The reply stated that our feeling that everyone has had ample  
22 opportunity to be apprised of the project and the latest  
23 details. Penobsquis and its residents would have minor  
24 exposure to the project.

25 These comments in particular were made by a

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- 11 -

2 representative of AMEC. And I realize that AMEC was hired by  
3 Corridor Resources.

4 At the information session which was finally given, the  
5 cavalier attitude about the community and the residents,  
6 the lack of empathy for residents suffering from asthma  
7 and other breathing difficulties, the condescending manner  
8 in which the people were spoken to.

9 And the comment was made by Paul Hopkins, Vice-President of  
10 Corridor, that now was the time for questions because  
11 they, Corridor Resources, didn't want anyone bitching  
12 about it later. Well, I guess this means I'm bitching.

13 The company has tried to undermine the communications between  
14 neighbors and partners that have been in place for  
15 generations.

16 It was one time said that Corridor Resources didn't want a  
17 bunch of farmers sitting around a kitchen table talking  
18 because it wouldn't be productive. I have to ask  
19 nonproductive for who? And what are they, Corridor  
20 Resources, afraid of?

21 As a homeowner in Penobscis I worry about the retail value of  
22 my home. With the current water problems the property  
23 values have dropped by half. I have to ask how is this  
24 pipeline, gas wells, gas processing and pumping

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- 12 -

2 station will affect the value of my property?

3 I'm concerned about safety. At present anyone with a four-  
4 wheeler or a good set of legs has easy access to the well  
5 pads and wellheads. Please don't try and tell me that no  
6 one blows up or does damage to wellheads. Need I remind  
7 you of Alberta and Wiebo Ludwig.

8 The gas processing pumping stations are a safety issue as  
9 well. I would like to be assured that some type of  
10 security would be in place at the processing pumping  
11 station, and that not just anyone could walk in and talk  
12 to the staff at anytime.

13 I would like to see barriers around each well pad or wellhead  
14 site. Perhaps New Brunswick Power could assist Corridor  
15 Resources in this matter, as they have experience with  
16 barriers around their transmission stations.

17 The sound emissions from this processing pumping plant are to  
18 be in the 45 to 52 decibel range at optimum conditions.  
19 When asked what we could expect at less than perfect  
20 conditions, the question was skilfully danced around and  
21 we never really got an answer.

22 What failed to be mentioned is that this noise will be a  
23 constant continuous noise referred to as white noise. The  
24 45 to 52 decibel range has been clinically proven to cause  
25 certain types of cancer. Having experienced cancer,

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2 I have no desire to see it again in a loved one, friend or  
3 neighbor.

4 The decibel range was compared to the volume of crickets or  
5 the breeze. Yes, the crickets sing and the breeze does  
6 ripple through our little community. But at some time it  
7 does stop. And there is peace and quiet. And I fear  
8 there will never be peace and quiet in Penobscuis again.

9

10 On an environmental aspect I'm saddened and appalled that tons  
11 of fill is and has been dumped in wetlands and flood  
12 plains for well pad sites. When a landowner or a farmer  
13 cannot remove debris from a dry creek bed without facing  
14 fines from the Department of Environment, I have to ask  
15 how is the former possible? It would appear that there is  
16 one law for the average person and one for big business.  
17 This hardly seems just.

18 And I also find it a bit more than ironic that a community  
19 suffering from dry wells, low water levels and nonpotable  
20 water has in its neighborhood a company who relies on  
21 thousands of gallons of fresh water a day to obtain  
22 natural gas.

23 In closing I realize that the government of New Brunswick  
24 stands to make a substantial amount of money from the  
25 royalties. But I would ask at what cost to

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- 14 -

2 Penobsquis?

3 I ask this Board to take into consideration our feelings of

4 frustration, anger and mistrust. Please do not let our

5 concerns about the environment, safety, emissions and

6 property value and the total disregard for our community

7 be trivialized.

8 Penobsquis and Cardwell may only have a little more than 1,300

9 people living in the area. But we are the people who will

10 be adversely affected by the well sites, the feeder lines,

11 the processing of pumping stations and the ever ongoing

12 exploration for more gas. That is why I'm here today.

13 Thank you.

14 VICE-CHAIRMAN: Thank you. Ernest Cummings?

15 MR. E. CUMMINGS: I'm Ernest Cummings. I have nothing to

16 say. Just here.

17 VICE-CHAIRMAN: Mr. Cummings? Mr. Cummings, do you want to

18 just take a seat for a second? There may be a couple of

19 questions. You have to more or less state pretty much the

20 reason why you are here, the reason why you, you know, you

21 want to intervene.

22 MR. E. CUMMINGS: Well, I haven't found out where they are

23 going on the land yet down there. So I don't know where

24 they are going or -- it's in swamp ground, so --

25 VICE-CHAIRMAN: So you have an environmental objection or

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- 15 -

2 environmental --

3 MR. E. CUMMINGS: Well, it is all wet ground down there.

4 And they never -- they were going to put it down farther.

5 Now they want to come up a little farther. So it is

6 still wet. So they haven't got no lines or nothing

7 through it, where they are going.

8 VICE-CHAIRMAN: I guess what we have here, the panel would

9 like to know, you know, why you want to intervene, the

10 reason why you want to intervene.

11 MR. E. CUMMINGS: Well, I don't want --

12 VICE-CHAIRMAN: Is it on an environmental safety basis,

13 something along that line? Or is it --

14 MR. E. CUMMINGS: Well, I don't want them to come up in my

15 hayfields. That is the reason I'm saying -- they want to

16 come up to my hayfield. Then I won't be able to get down

17 to them woods. So that is my concern.

18 VICE-CHAIRMAN: Okay. Thank you. Joseph R. Cummings?

19 MR. J. CUMMINGS: I got no comment.

20 VICE-CHAIRMAN: David Freeze?

21 MR. FREEZE: Mr. Chairman, as a community member I would

22 like to agree with much of what Ms. Bell had to say and

23 speak for my own, as a business owner, at this point.

24 MR. DUMONT: Speak up please?

25 MR. FREEZE: Yes, sir. Thank you for this opportunity to



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- 16 -

2 express my concerns. There is no denying the desire to

3 provide energy to the marketplace. As a farmer and a

4 woodlot owner we are major consumers.

5 But we also are accustomed to a more long-term outlook than

6 most companies or individuals. A wood crop can take 40 to

7 60 to 100 years to mature. And the practices of the farm

8 on the soil and the water are felt for years to come. So

9 it is my concern that there are sufficient checks and

10 balances laid out before work on a pipeline would begin.

11 This also would need to be guaranteed during installation

12 and after, right up until the gas stops flowing. Up to

13 this point I do not have confidence that this will be

14 done.

15 The company has said or implied that there are different work

16 standards in the Maritimes than in other parts of Canada.

17 Also the size of the easement at 20 meters for a single 4

18 to 6-inch line on our property is questionable.

19 Also the liability after installation and abandonment has not

20 been addressed. I feel it is important that the

21 landowners be recognized as a stakeholder in the ongoing

22 project, not merely a supplier like someone who provides a

23 bulldozer.

24 Because after the seismic crews are done, after the

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2 lines are laid and after the wells are drilled, even after the  
3 gas stops flowing, we will still need to feed people and  
4 provide them with wood products.

5 VICE-CHAIRMAN: Thank you. Jayne McQuinn?

6 MS. MCQUINN: I'm Jayne McQuinn. Our story commences with a  
7 preparation of the original drill site to find a location  
8 for PCS to dispose of the brine coming into the mine.

9 We received a phone call one afternoon to say that there had  
10 been a mistake made and that several loads of gravel had  
11 been dumped on a piece of property that we owned. At this  
12 time we did not realize that PCS and Corridor Resources  
13 were involved on a 50/50 basis.

14 We are concerned with Corridor digging up ground to lay the  
15 pipe at this time of year. It is too late for a good root  
16 system to be in place to prevent erosion of the topsoil  
17 when the river and brook overflow their banks next spring.

18

19 Even with directional drilling they will have to come up at  
20 some stage and then dig down again. Just to lay a mat  
21 with straw or old hay on the top, as Mr. Hopkins as  
22 suggested, will not be sufficient to hold the topsoil in  
23 place.

24 We are also concerned about the noise from the gas plant. One  
25 afternoon Mr. Hopkins said we would hear it

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- 18 -

2 when we sat outside. Now he tells everyone nobody will hear  
3 it.

4 We were given an agreement and a survey plan for the pipeline  
5 leaving the transfer or gas station and coming up to our  
6 property going north as provided in the PUB. We were then  
7 told that instead of it turning eastwards north of the  
8 hydro line on our property, it would continue north to the  
9 back of our property. Now we are told it is just not  
10 going on our property at all.

11 How can we find out for sure that our property or which part  
12 of our property will escape the transmission line? As yet  
13 we have not received any agreement for an easement for the  
14 gathering lines going across our fields to the gas  
15 station, as they are marked on all the published maps.

16 And yet our status in this, which was put in the application,  
17 I think it is page 535, 536 in the first volume states  
18 that we are -- the progress is progressing favorably. Now  
19 there are also quite a number of other landowners who are  
20 progressing favorably, which I know is not true. In fact  
21 I know of one landowner that is not even on that list.

22 We have learned that we cannot trust Corridor, its employees.

23 And that is why we have concerns about the

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2 entire application to the Public Utilities Board.

3 Corridor have leased a drill site on a piece of our property

4 and within a few days broke the contract. Our contract

5 stated that the topsoil must be removed prior to the

6 roadway and pad being built.

7 As it was February and the ground was frozen, the contractor

8 doing the work said it was going to take quite a time to

9 accomplish this. Corridor were in a hurry to get the site

10 prepared. So gravel was dumped on the topsoil without a

11 mat or any other protection. My husband and I were away

12 at the time and did not know this until we returned.

13 And a year later we did not receive the lease payment on the

14 date as stated in our contract. It was some six weeks

15 later. And we had to inquire where it was. And we also

16 had to inquire for the payment this past year, as it has

17 not been received by the middle of the month.

18 So you probably realize we find it hard to believe and trust

19 what we are told by Corridor. Thank you.

20 VICE-CHAIRMAN: Brenda Lee Morrell?

21 MS. MORRELL: As a landowner I really don't want the land to

22 be damaged in any way. In the past on my farm we have had

23 fields that they said they were going to fix in the past

24 that we are still fighting to have them brought back up.

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2 We can't let a horse or a cow go out on them. They break  
3 their legs with the holes that are in the fields.

4 Ms. Bell has pretty well summed up what I -- I agree with her.

5 VICE-CHAIRMAN: Thank you. Elizabeth McQuinn Nixon?

6 MS. MCQUINN NIXON: Hi. The reason I'm here today is

7 because I'm a resident of Penobsquis. I'm a daughter of

8 landowners. And as an aside I'm also Secretary on the

9 Local Service District Advisory Committee in Penobsquis.

10 And although I'm not intending to represent them today, I

11 do hear a lot in that role from members of the community.

12 Penobsquis is a small rural community in a beautiful

13 valley filled with farms and housing typical in rural

14 community in New Brunswick. Most people that live in

15 Penobsquis are just as concerned about the quality of

16 their life and the land around them as they are about

17 their pocketbooks. It's the quality of life that keeps us

18 there.

19 I'm concerned with the continued natural gas development in

20 Penobsquis will affect our environment, our land, if it is

21 not cared for and done in an appropriate way, our quality

22 of life, when we think about noise and emissions. And our

23 economy, if our farms and our farmland is damaged it is

24 going to be damaged potentially for

1  
2 generations. Particularly if the pipeline is left in the  
3 ground, there could be continuing problems in the future.  
4 I do not want to see this development stopped. That is not my  
5 goal. My goal is to see it developed in a way that takes  
6 into account our community and our land so that it would  
7 minimize the environmental impacts, minimize the community  
8 and social impacts and also to potentially benefit us.  
9 Since Corridor started talking about putting in the pipeline I  
10 have heard much from them. And often the story seems to  
11 change. One day they say they will directionally drill  
12 under a neighbor's meadow and the many waterways that are  
13 on it. The next day they are telling me they are going to  
14 dam the Kennebecasis and trench through it.  
15 One day we are told no one will be working at the gas plant or  
16 the transmission station. And then a week later we hear  
17 three people will be there 40 hours a week. Then the next  
18 week it is five people will be there 40 hours a week.  
19 We are concerned about the security at the gas plant. We are  
20 concerned about the safety. We want to make sure that is  
21 monitored. So we are trusting that the Board is going to  
22 ensure that regulations or parameters are in place, that  
23 that will be okay.

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2 One day the main line is crossing my parents' woodlot. The  
3 next it is not. It is interesting that in the EIAS  
4 assessment that was approved on Friday, it does not -- it  
5 shows them crossing my parents'. Although the folks at  
6 Corridor have assured us that the main line will not be  
7 crossing us.

8 As an LSD rep' I have heard numerous concerns regarding the  
9 gas plant. There is concerns about the noise level and  
10 the emissions. At a recent AMEC meeting last week I  
11 understand that from 900 meters away the noise levels  
12 would be 47 decibels.

13 I did some research. And I'm not a specialist in this. But I  
14 understand that decibels increase exponentially. So that  
15 50 decibels is almost 10 times what 40 decibels is. 40  
16 decibels is a quiet residential community.

17 We are a rural community. So I wouldn't even think our  
18 ambient noise right now is 40 decibels except maybe when  
19 they are drilling. But that isn't 24/7, 365 days a year.

20 I think that 47 decibels seems to be rather high. And  
21 I'm concerned about what my quality of life is going to be  
22 like if that noise is there constantly.

23 I chose to move back east because of the rural community I  
24 grew up in Penobscis, the quality of life

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- 23 -

2 there. I wanted to get back to the land. That is my personal  
3 belief.

4 And I'm concerned that things are going to change, and that  
5 the continued exploration, the pipeline and safety issues  
6 related to the pipeline, the gas plant and noise concerns,  
7 that they are going to negatively impact my life and my  
8 childrens' lives.

9 We have been in Penobscuis for four generations. I hope that  
10 my kids are there too. But if it is a situation where it  
11 is an industrialized setting because of noise and  
12 emissions, well, it is not going to be nice.

13 I have concerns that landowners aren't getting treated as  
14 stakeholders in the pipeline. I have concerns. I know  
15 that the list that was in the documents posted on your  
16 website says that some landowners are progressing  
17 favorably. The list is dated July 10th.

18 Yet some of those landowners did not even -- were aware that  
19 the pipeline was crossing their land at that point. So  
20 I'm not sure how things can be progressing favorably when  
21 they have no knowledge of it.

22 I see there being some potential for the natural gas to  
23 benefit our community in the form of an energy park. I'm  
24 not sure if this has been mentioned to the Board or  
25 whether it is in the documents.



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2 I think it is critical that there be an access so that natural  
3 gas can come out of the gas plant and be potentially used  
4 for an energy park. I would certainly like to have that  
5 option.

6 And then we can create some jobs that will benefit our  
7 traditional agricultural and forestry industries, so that  
8 this natural gas -- currently Penobsquis is sort of  
9 suffering and enduring noise and construction, not just  
10 related to the pipeline, but also with the well sites.

11 And I feel that we should get some good out of that and that  
12 we shouldn't just endure those things to the benefit of  
13 the government and the rest of the province with  
14 royalties. I would like to see some of it come back to  
15 Penobsquis and benefit us.

16 So my thoughts are just generally we need to minimize  
17 environmental and community impacts. And we need to  
18 maximize economic potential if we can. It is the  
19 community of Penobsquis and the parish of Cardwell that  
20 are concerned about these issues. We need to be included  
21 in this process. I would like to have our ideas and our  
22 concerns heard. We want to do this for the community.

23 Thank you.

24 VICE-CHAIRMAN: Thank you. Nancy Secord?

25 MS. N. SECORD: I'm a landowner. And I'm concerned about

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2 the environmental and safety impact on my community. I'm also  
3 concerned about the disruption of my property that is  
4 being farmed should a pipeline be put on it and the long-  
5 term effect it would have on it as well.

6 VICE-CHAIRMAN: Thank you. Sandra Secord?

7 MS. S. SECORD: I'm a landowner and a resident of Penobscuis  
8 and concerned of the impact and safety of the pipeline  
9 that is going through our property.

10 VICE-CHAIRMAN: Thank you. Mr. Barnett?

11 MR. BARNETT: Good morning, Mr. Chairman, members of the  
12 Board. I'm an energy consultant in the province of New  
13 Brunswick. I have a long history of dealing with the  
14 development of indigenous resources in my former capacity.  
15 I have an acute interest in terms of this, what impact this  
16 has in New Brunswick markets and access for the indigenous  
17 resource to New Brunswick markets. I have a number of  
18 clients and prospective clients that are interested in any  
19 energy development that takes place in New Brunswick.  
20 We see it as an important step in the history of New Brunswick  
21 in development of indigenous resources. And we wish to  
22 maintain the interest and be apprised of all developments  
23 throughout this hearing, sir.

24 VICE-CHAIRMAN: Thank you. Mr. Norman, do you want to make

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2 some comments as to the Intervenor status?

3 MR. NORMAN: I'm sorry, Mr. Chairman?

4 VICE-CHAIRMAN: Did you want to make some comments as to  
5 Intervenor status?

6 MR. NORMAN: There are a number of comments that I wish to  
7 make. And I'm just wondering, in the interest of  
8 expediency, if I might not perhaps generalize some of the  
9 comments. Or do you prefer that I address each one  
10 individually?

11 VICE-CHAIRMAN: Is it very long?

12 MR. NORMAN: Well, perhaps I should address each  
13 individually. And as I say, it should not take too long,  
14 Mr. Chairman and --

15 VICE-CHAIRMAN: Why don't you do that.

16 MR. NORMAN: -- members of the Board.

17 Mr. Hoyt on behalf of Enbridge simply expressed a general  
18 interest. So there is no issue arising from that that  
19 would require any further hearing. Similarly with the  
20 Department of Energy which seems to be just keeping a  
21 watching brief and has requested Informal status.

22 Mr. Zed spoke on behalf of PCS, the holder of a mineral lease.

23 And I can inform the Board that the issue as between PCS  
24 and Corridor is being worked out in a very favorable  
25 manner and should create no requirement for a

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2 further hearing with respect to this matter. And the Board  
3 will be apprised of that as soon as it is possible to do  
4 so.

5 The Union of New Brunswick Indians raise issues that in my  
6 submission are totally outside of the jurisdiction of the  
7 Board to deal with. The Board has no jurisdiction to deal  
8 with treaty and aboriginal rights.

9 And if income from the pipeline is to be of any concern to the  
10 Indians, again that is not something that is within the  
11 jurisdiction of the Board. It is not something that is in  
12 the control of Corridor.

13 As you I'm sure are aware, oil and gas are the property of the  
14 Province of New Brunswick under I think section 3 of the  
15 Oil and Natural Gas Act. So the concerns raised by the  
16 Union of New Brunswick Indians is simply outside of not  
17 only the jurisdiction of the Board, but the control of  
18 Corridor in order to deal with.

19 I should mention that the Union of New Brunswick Indians did  
20 provide us with a letter at the very commencement of this  
21 hearing. I don't know whether it was filed with the Board  
22 or not. There has been absolutely no opportunity to  
23 review it at all.

24 As I say it was just given to us minutes before the hearing  
25 commenced this morning and with a CD-ROM that we

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2 have no knowledge about. And as I say it is just not

3 possible. If the Board is to put any emphasis on that

4 material then we should be given opportunity to consider

5 it and respond.

6 But to this point in time, as I say, and I'm repeating myself,

7 that we do not believe there are any issues raised by the

8 Union of New Brunswick Indians that come within the

9 jurisdiction or mandate of this Board.

10 With respect to the McCully Pipeline Landowners Association,

11 the only thing that I can ascertain from the

12 representation by Mr. Freeze is that they are concerned

13 with respect to environmental issues and whatnot. And if

14 you look at the material they file, that seems to be all

15 that there is.

16 Here I think I'm in a position to generalize somewhat. Any

17 Intervenor raising issues with respect to technical issues

18 or environmental issues are raising issues that are

19 already -- that have already been dealt with. And the

20 application is complete as can be with respect to a

21 response to those various areas.

22 The Minister of the Environment has signed off subject to

23 certain conditions. So any concerns that fall within the

24 technical, environmental areas are, as I say, already

25 dealt with or will be dealt with and should not be the

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2 prerogative or even the concern of any of the Intervenors.

3           Christine Bell makes a number of statements more, in  
4 my submission, on an emotional level than on a level that  
5 requires any further consideration by this Board. She  
6 speaks about a number of things that were said and done,  
7 much of which I have difficulty in understanding the  
8 technical issues that she raises about water problems and  
9 wells blowing up and whatnot.

10 These are things that are dealt with in the Pipeline Act and  
11 regulations. As a matter of fact I think I'm safe in  
12 saying that there is probably no industry in Canada that  
13 is more highly regulated than the pipeline industry.  
14 The regulations under the Pipeline Act are about as complete  
15 as can be and cover everything, as you know, from work  
16 leading up to the construction of a pipeline right through  
17 until its abandonment.

18 And one of the Intervenors did raise the issue of the fact  
19 that there is nothing to deal with abandonment. We don't  
20 want pipelines left in the ground. All of that is covered  
21 by regulation and is something that will be dealt with  
22 down the road if and when it becomes a matter of concern.  
23 I don't know that there is much I can say in response to Mr.  
24 Ernest Cummings. He said he had nothing to say.

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2 And then when he was prodded by the Chairman indicated that  
3 there may have been some environmental concerns.

4 And he was concerned about the swamp on his property, pipeline  
5 going through his swamp, et cetera. But really that is  
6 all again subject to the regulatory provisions controlling  
7 the construction of a pipeline. Joseph Cummings, he had  
8 no comment.

9 David Freeze then spoke again and said that he agreed with the  
10 comments that had been made by Christine Bell. So any  
11 comments in response to Mr. Freeze would be similar to the  
12 comments that I have made with respect to Christine Bell.

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14 Mr. Freeze's concerns then go on and discuss the fact that he  
15 is a farmer and woodlot owner, it takes wood years to  
16 mature, concerns about the checks and balances, no  
17 confidence anything will be done. And he is the one who  
18 spoke about abandonment.

19 Again the basic concerns that he has expressed relating to  
20 technical issues with respect to construction and  
21 maintenance of a pipeline, abandonment of a pipeline are  
22 all looked after in the regulations.

23 And there is really nothing much more to be said in that  
24 regard, certainly nothing coming out of his comments that  
25 would in any way justify a further hearing by the

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- 31 -

2 Board.

3 Joyce McQuinn, I didn't really understand all of her comments,

4 to be quite honest. But she talks about the brooks

5 overflowing their banks and the fact that directional

6 drilling may not be adequate to take such concerns into

7 account.

8 She talked about noise. She talked about topsoil. She talked

9 about a number of things in that regard, again all falling

10 within the technical and environmental aspects of the

11 application. And nothing from her comments, in my

12 submission, that would in any way justify a further

13 hearing.

14 Brenda Lee Morrell simply expressed the concern that she did

15 not want her property to be damaged. And again that is

16 something that is taken care of in the context of the

17 responsibilities of Corridor that should it seek to do

18 work on her land.

19 And such is subject, of course, as in the case of other

20 landowners to the agreements that Corridor will enter into

21 with the landowner and is not something that is subject to

22 the regulatory supervision of this Board beyond the

23 technical and environmental aspects.

24 Elizabeth Nixon made a plea with respect to quality of life

25 and whatnot. But she did emphasize that she is not



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2 here to stop the development, but simply wishes to make

3 certain that the impact of the development is minimized

4 and that the community gets some benefit.

5 Minimization of the impact is again covered through the

6 regulatory provisions that relate to the construction,

7 maintenance and development of a pipeline. Benefits to

8 the community is really not something that this Board

9 should be taking into account in the sense that she is

10 speaking about.

11 As we know, Enbridge has the right to market gas in the

12 province. That is subject to a regulatory process. So

13 any benefit to any community with respect to the

14 availability of gas in turn will be subject to that

15 regulatory process and is something to be dealt with down

16 the road, not something that is of concern to this Board

17 in whether to issue a permit.

18 Nancy Secord talked about environmental concerns and

19 destruction of her property. Again the comments I have

20 already made would cover that.

21 Sandra Secord, I must confess I didn't get what she said. But

22 it seemed to me to relate again to her property. And as I

23 have already said it is subject to a regulatory process of

24 this Board.

25 Mr. Barnett made comments that I don't have to respond

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- 33 -

2 to. I believe that he is in support of any beneficial  
3 development with respect to gas in the province of New  
4 Brunswick.

5 The only other thing that I wish to say at this point -- and  
6 then I'm going to ask Mr. Miller or

7 Mr. Hopkins to respond further should they feel necessary --

8 the final thing I wish to say is that in considering the

9 position of Intervenors it is incumbent on the Board to

10 satisfy itself that issues are being raised in addition to

11 the regulatory supervision being followed by the Board

12 itself.

13 In other words an Intervenor must be required -- and the onus

14 is on the Intervenor -- to raise issues that are over and

15 above the technical and environmental supervision provided

16 by the Board, and also must be issues that are within the

17 jurisdiction of the Board.

18 So if neither of those two areas are covered then there is no

19 basis on which to grant Intervenor status. Because such

20 is simply going to encumber the process and delay the

21 process.

22 And Corridor is in a position now where it has to get on with

23 the matter. Construction season is fast coming to an end.

24 And if the matter is delayed for reasons that are not of

25 a very substantial nature, the impact on Corridor

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- 34 -

2 can be very severe.

3 MR. MILLER: Mr. Chair, Norman Miller with Corridor. Just I  
4 would like to make a general statement that it is  
5 Corridor's intent to conduct itself in these operations in  
6 a responsible manner to minimize the negative impacts on  
7 the community and the property owners and to benefit the  
8 community for the long time ahead.

9 And that is our sincere objective. And I just want to  
10 reinforce that. Thank you.

11 VICE-CHAIRMAN: Thank you, Mr. Norman and Mr. Miller.  
12 Mr. Norman, your comment about myself prodding  
13 Mr. Cummings, I just want to make this an open and  
14 transparent, and everybody allowed to say, if there is  
15 anything they have to say, say it.

16 MR. NORMAN: Oh, no. I wasn't being critical at all,  
17 Mr. Chairman. I was only saying that because of his own  
18 volition he really didn't have much to contribute.

19 VICE-CHAIRMAN: Sometimes people -- you know, this is kind  
20 of intimidating. And you know, I just want to make sure  
21 that --

22 MR. NORMAN: No. I understand that.

23 VICE-CHAIRMAN: -- you know, that everybody knows where they  
24 stand here.

25 MR. DUMONT: Mr. Miller, you had mentioned that the concerns

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2 of the property owners would be addressed or have been  
3 addressed.

4 I heard from some landowners that they don't know if the  
5 pipeline is going on their property or not on their  
6 property. Are those concerns going to be addressed?

7 MR. MILLER: Yes, absolutely. We have -- we are in the  
8 process now of negotiating land settlements with -- have  
9 already achieved a number of those and are in the process  
10 with others, which include firm positioning of the  
11 pipeline on properties and property plats to support that.  
12 So we are in the midst of that process at this point in  
13 time.

14 MR. DUMONT: I'm a bit surprised that up to this point there  
15 are some landowners who have been told that the pipeline  
16 would go on their property and then the next day they are  
17 told that it is not on their property.

18 How come that is happening right now?

19 MR. MILLER: Well, I think this is only in one or two  
20 instances I believe. And it is where the route of the  
21 pipeline -- and I think this is coming out of the gas  
22 plant in this particular case -- could go on either -- it  
23 is almost parallel to a property line and could go on  
24 either side of that line. And so it is all really the  
25 same route, but minor shift one way or the other.

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MR. DUMONT: So when you say on either side of a line you are talking about two landowners --

MR. MILLER: Yes.

MR. DUMONT: -- who would be concerned?

MR. MILLER: Yes.

MR. DUMONT: So those landowners will know before construction, if construction is approved, where the pipeline is going?

MR. MILLER: Absolutely.

MR. DUMONT: Thank you.

MS. LEBLANC-BIRD: You said, Mr. Miller, in a generic comment that you were intending to bring a benefit to the community. And I wonder what you mean by that phrase. What sort of a benefit are you speaking of?

MR. MILLER: Well on a number of fronts. We think that, you know, we have already spent a lot of money in the economy here, which we think is beneficial. There have been a lot of contractors and people employed in the work here already. So we think that is a strong benefit.

By bringing natural gas to this area, if customers can be found for natural gas in this region, this part of New Brunswick, at the upper end of the pipeline, before the gas goes into the pipeline, will have an economic advantage over any other customer for gas in New

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- 37 -

2 Brunswick. Because the cost of the gas won't include the  
3 tariff or the cost of service of going through a pipeline.  
4 So it will be a lower price commodity here in this valley than  
5 it is anywhere else in New Brunswick. So we think that  
6 provides an economic opportunity to the local area to  
7 potentially attract customers that would not have that  
8 economic advantage elsewhere in New Brunswick.

9 MS. LEBLANC-BIRD: Is this something to do with the energy  
10 park concept? Or is that something --

11 MR. MILLER: It could --

12 MS. LEBLANC-BIRD: -- outside of that?

13 MR. MILLER: It could come out in the form of an energy  
14 park. Or it could be just an individual customer that  
15 acquires gas in the valley and doesn't have to pay the  
16 pipeline cost.

17 MS. LEBLANC-BIRD: Thank you.

18 MS. FERGUSON SONIER: I have one question. If this permit  
19 is issued do you plan on having information sessions for  
20 people that still have questions that are not answered?

21 MR. MILLER: Yes. We plan to continue to have -- we plan to  
22 be part of this community for the long haul. We realize  
23 we have to be a corporate citizen here. And that includes  
24 information and updates to ensure that people are informed  
25 about what we are doing and how we are doing our business.

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MS. FERGUSON SONIER: Thank you.

MR. DUMONT: Mr. Miller, you mentioned the possibility of selling gas here in the community. Have you had any discussion with Enbridge who is the franchise owner in this province?

MR. MILLER: I have had discussions with the Enterprise Fundy here and with people associated with that and with respect to how that might be approached. Obviously, we need customers. We need a demand for -- we are prepared to make the supply available in the local area.

We can't -- we have to have a customer in order to have a sale. And to date there is no evidence of customers. But if and when there are we are most happy to meet with them.

We have made the suggestion that there should be a determination of the demand for gas in this area, an updated determination of that to see if it is economic to for example distribute gas in the area.

MR. DUMONT: My question was have you talked with Enbridge about this?

MR. MILLER: We have some time ago, quite some time ago about that. Again it is all driven by the demand. And we have to know what the demand is for both Enbridge and for Corridor.

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MR. DUMONT: I know this would be another hearing. But I think Mr. Hoyt has a comment on this.

VICE-CHAIRMAN: And if we could keep on topic. Mr. Hoyt, if we can just sort of keep on topic.

MR. HOYT: Well, Mr. Chairman, I'm trying to just determine the procedure here. Because what we were asked initially was to describe our interest, which I took was similar to the interest that enabled us to gain Intervenor status. No one posed the question whether we thought there should be a proceeding or not.

When you came in this morning your first comment was that the purpose was to determine a hearing schedule.

VICE-CHAIRMAN: Yes. Well, we just sort of got sidetracked here a little bit. And I think that that is --

MR. HOYT: Because I have a number of comments on whether there should actually be a proceeding, which -- you know, Mr. Norman in his comments, clearly they are aimed at having no hearing and having a permit issued today. And clearly before that were to happen, we would want --

VICE-CHAIRMAN: Yes.

MR. HOYT: -- the opportunity to make comments.

VICE-CHAIRMAN: Before that would happen you will have the opportunity to make comments.

MR. HOYT: And may I just ask for one clarification. I



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2 would ask Mr. Norman if he could just repeat his

3 characterization of what Enbridge's comments were at the  
4 beginning.

5 MR. NORMAN: To what?

6 MR. HOYT: Just the terms of your description of the  
7 comments that we made earlier about Enbridge's interest in  
8 the proceeding. I just didn't -- I didn't catch the --

9 MR. NORMAN: I believe all I did, Mr. Hoyt, was to reiterate  
10 the comments that you had made that Enbridge had a general  
11 franchise and was interested in any matters that would  
12 affect Enbridge with respect to the Corridor application.

13 I don't think it was any more complicated than that.

14 MR. HOYT: Because the impression that I had was that it was  
15 described as Enbridge only having a general interest and  
16 that there would be no need for a hearing.

17 I just want to make it very clear to the Board that is not  
18 Enbridge's position. That there should be a hearing and  
19 at the appropriate time we would like to get going.

20 VICE-CHAIRMAN: I think we -- you know, I think Mr. Norman's  
21 comments maybe were interpreted differently by everybody  
22 in the sense of -- I think from the Intervenor status you  
23 felt that there was no need for the intervention, any more  
24 to hear from the sides. Is that what you meant?

25 MR. NORMAN: I certainly --

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VICE-CHAIRMAN: It wasn't the fact for the hearing to stop or something or not have a hearing?

MR. NORMAN: I certainly had the impression from what Mr. Hoyt said and also the impression from what is contained in this written notice of intervention that we are not really seeking a further hearing, but wanted to simply maintain surveillance of the matter if you will to make certain the position was protected.

MR. HOYT: From our point of view that is not correct, Mr. Chairman. In terms of the notice of the pre-hearing it indicates that one of the items to be determined today is the type of proceeding to deal with this matter and the procedures to be followed. And we are here ready to comment on those specific questions.

VICE-CHAIRMAN: Okay.

MR. NORMAN: I think that Mr. Hoyt should specify what the concerns are, because I'm looking now at the notice of intervention that they filed and it simply states that it requests Intervenor status as the holder of a general franchise, which is what I interpreted his remarks to be, to distribute natural gas and provide customer services, et cetera.

As such he is interested in all regulatory proceedings that may impact the energy market in New Brunswick, in

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2 particular the Corridor pipeline as a source of additional  
3 gas.

4 And then it concludes by saying EGNB reserves its right to  
5 address all issues arising out of or in relation to the  
6 application.

7 So I simply interpret that to mean that if there are issues  
8 that arise in the process then it wants to reserve its  
9 right to deal with them, and not just raising any separate  
10 issues by itself. That was my interpretation.

11 VICE-CHAIRMAN: Mr. Hoyt?

12 MR. NORMAN: So I think that if Mr. Hoyt has concerns he  
13 should be specifying what they are.

14 MR. HOYT: Which we are quite prepared to do when that's  
15 what the question is. At this point today we were asked  
16 in the notice in the paper to indicate what justified our  
17 interest in the proceeding.

18 And clearly being the holder of the general franchise is  
19 justification to participate. In terms of the actual  
20 proceeding to be followed that is what we are here for  
21 today.

22 VICE-CHAIRMAN: Thank you.

23 MR. HOYT: Thank you, Mr. Chair.

24 VICE-CHAIRMAN: I think it is about time. But before we  
25 take our break and to decide on the status of everybody in

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2 the room, I would just like to reinforce the Board does not  
3 have the jurisdiction to resolve disputes for individuals  
4 in relation to land ownership and rights of easements. We  
5 do not have that jurisdiction.

6 So I think we will take a 15, 20-minute break as re the  
7 Formal, Informal status. Thank you.

8 (Recess - 11:20 a.m. to 11:45 a.m.)

9 MR. HORTON: Mr. Chair and Board, my name is George Horton.

10 I represent the Kings East Development Partnership. I  
11 just wanted to let you know that I was here and prepared  
12 to speak at this.

13 VICE-CHAIRMAN: Do you request Formal or Informal status,  
14 Mr. Horton?

15 MR. HORTON: We have requested Informal Intervenor status.

16 VICE-CHAIRMAN: Informal?

17 MR. HORTON: Yes.

18 VICE-CHAIRMAN: Okay. And do you want to state your reason  
19 why you want the status?

20 MR. HORTON: Simply put we are in the process of developing  
21 an energy park, an industrial park in our area. And we  
22 realize that having natural gas locally could be quite an  
23 advantage and having companies come to our area and  
24 perhaps local people wanting to invest.

25 And what we were looking for is basically local

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2 delivery of natural gas. We understanding through Corridor

3 and Enbridge that everybody is interested in this. And as

4 the Board stated in their ruling with PCS, that they would

5 encourage this development in the future.

6 So that is what we would like to have. We would like to have

7 a T, a valve and a cap so that eventually we could have

8 gas directly off this line before it goes way out into the

9 lateral.

10 There has been some talk that the lines go both ways. But of

11 course it doesn't. It goes one way out. And we would

12 like to partner with Corridor and with Enbridge to have

13 local delivery of natural gas basically.

14 VICE-CHAIRMAN: Thank you.

15 MR. HORTON: Thank you.

16 VICE-CHAIRMAN: Has any other persons arrived while we were

17 out on our break that wants status, Informal or Formal

18 status?

19 Do you have any comments as to Mr. Horton's request, Mr.

20 Norman?

21 MR. NORMAN: No, not really. I don't think there is really

22 much to say with respect to that. It is a natural

23 interest.

24 The only -- if I am entitled to any further comments, there is

25 one I would like to make. Maybe it is too late

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- 45 -

2 for that. I'm at your disposal.

3 VICE-CHAIRMAN: And what is it in regards to?

4 MR. NORMAN: And that is with respect to the position being

5 taken by Enbridge. And I simply wish to emphasize that

6 Enbridge does not raise any issues whatsoever in its

7 notice of intervention.

8 And I think I -- I don't know whether I said that adequately

9 to begin with or not. It certainly doesn't raise any

10 issues in its notice of intervention which it is incumbent

11 to do I submit.

12 VICE-CHAIRMAN: The Board has met. And as to the status of

13 the interventions, Enbridge Gas be Formal. Kings East,

14 Informal status. Maritimes Northeast, Informal. McCully

15 Pipeline Landowners Association, Formal. Potash

16 Corporation of Saskatchewan, Formal. Union of New

17 Brunswick Indians, Formal.

18 As to property owners, Christine Bell, Formal. Dale Bustin,

19 Informal. Donald Bustin, Informal. Ernest Cummings,

20 Formal. Joseph R. Cummings, Informal. Glenn and Penny

21 Foster, Informal. David Freeze, Informal. Harvey Hicks,

22 Informal. Shirley Hunt, Informal. Cynthia MacLeod,

23 Informal. Gerald MacLeod, Informal. Jayne McQuinn,

24 Formal. Brenda Lee Morrell, Informal -- or Formal, excuse

25 me. Elizabeth McQuinn Nixon, Formal.

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2 Nancy Secord, Informal. Robert Secord, Informal. Sandra  
3 Secord, Informal. Troy and Dawn Thompson, Informal.  
4 Peter and Norma Van de Brand, Informal. George  
5 Vanderlaan, Informal. Janet Vanderlaan, Informal. Paul  
6 and Lynn Veysey, Informal. Andrew Wallace, Informal.  
7 Dorothy Wallace, Informal. John W. Wallace, Informal.  
8 And Mr. Don Barnett, Informal status. Along with Mr.  
9 Calvin Duncan, Informal status, representing Department of  
10 Energy.

11 Now please note that if you are granted Formal status you have  
12 an opportunity to present evidence. And if you present  
13 evidence you might be asked questions or cross examined on  
14 the evidence given.

15 I would just like to -- anybody that is not aware of the  
16 status of -- or the status of Formal, Informal and has  
17 questions as to that, I think if you want to call Board  
18 Counsel, Ms. Ellen Desmond, at the Board office, she can  
19 explain fully what it entails.

20 Now I would like to have some comments on the process, if any  
21 of the Intervenors would like to make comments on the  
22 process. And I will let Mr. Norman finish up after. Mr.  
23 Hoyt?

24 MR. HOYT: Thank you, Mr. Chair. For Enbridge it is  
25 important that a schedule be established providing for the

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chance to ask Interrogatories to the applicant, to present evidence and to make submissions.

The question, for example, what is the ultimate destination to this local New Brunswick gas? Is it all going to the U. S.? Shouldn't the PUB and/or the Department of Energy be concerned that this does not happen? There should at least be the opportunity for these types of questions to be asked.

In preparing for the pre-hearing today, we didn't go through the application for the purposes of posing our questions. That is simply not the process that the Board has ever followed in the past.

The pre-hearing is to determine the procedure which normally involves an opportunity to ask Interrogatories. And during that process we will have a number of them that we wish to pose.

Corridor has raised the possibility of access to Enbridge Gas New Brunswick in at least three places in its application. And a number of the landowners today mentioned that possibility as well.

If that doesn't happen, it is Enbridge that will be the bad guy, that guy that didn't deliver. So it is important that Enbridge have the opportunity to ask questions as part of this process to determine what



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2 exactly Corridor has in mind.

3 I can reference quickly the three places where these can be  
4 found without actually going into the quote. But there is  
5 a Power Point slide in there. And they filed a CD-ROM  
6 that has the results of their public information program.  
7 And in it they cite or set out the process that was  
8 followed in at least four communities. And the same slide  
9 appears in all four.

10 And it indicates that Enbridge Gas New Brunswick has exclusive  
11 provincial natural gas franchise. Therefore (1) Corridor  
12 will not distribute natural gas within New Brunswick via  
13 its pipeline; and (2) the possibility of access to EGNB.  
14 So in the discussions that have taken place with all of  
15 these people, Enbridge Gas New Brunswick has been raised.  
16 Secondly, it can be found at pages 132 and 133 of the same CD  
17 involving the results of their public information program,  
18 and again at pages 135 and 136.

19 In the second reference to that it was a First Nations  
20 workshop that was held on May 10th 2006. And AMEC notes  
21 from the meeting indicate one of the questions, and I  
22 quote, "Whether Enbridge could or would tap into the  
23 Corridor Resources pipeline in order to distribute gas to  
24 for example Sussex?"

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2 The second question was whether the natural gas could be sold  
3 locally and whether First Nations would be able to  
4 purchase gas through a Sussex distribution system?

5 There are all these possibilities being suggested at meetings  
6 where people are being consulted. And I think it is  
7 important that a process be established where we have the  
8 opportunity to ask these questions.

9 Enbridge Gas New Brunswick is not necessarily opposed to the  
10 Corridor project. Enbridge wants to better understand  
11 what the plans are.

12 It is particularly important because this is the first natural  
13 gas transmission line wholly within the boundaries of New  
14 Brunswick to come before this Board. This hasn't been  
15 done before in terms of the way that Corridor is proposing  
16 to do this.

17 Their application consists of three very detailed binders of  
18 information. It is important that people who want to  
19 participate in a process have an opportunity to ask  
20 questions. So Enbridge Gas New Brunswick respectfully  
21 requests that that type of process be put in place.

22 Now just to add in closing that Enbridge is fine with a  
23 written process. There doesn't necessarily have to be a  
24 public hearing which often involves a much longer and  
25 detailed process, but an opportunity to ask questions, to

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- 50 -

2 get answers, to submit evidence if Enbridge in fact feels that  
3 it is important to put their side of the story before the  
4 Board and then to make submissions.

5 Thank you, Mr. Chair.

6 VICE-CHAIRMAN: Is there any other comments from any other  
7 intervenors? Mr. Zed?

8 MR. ZED: Thank you, sir. Representing Potash Corporation  
9 of Saskatchewan. We have an interest that we have  
10 discussed to some degree with Board staff. And we have  
11 certainly had extensive discussions with Corridor. Our  
12 interest is essentially in protecting the continued  
13 operation of the mine at Penobsquis.

14 Now we have a mining lease which involves an extensive area,  
15 in excess of 25,000 hectares. And while we are not  
16 concerned with the proposed application in terms of its  
17 effect on us, what we want to be clear is that we  
18 understand in future there will be future explorations,  
19 perhaps future applications to the Board for extensions to  
20 this pipeline system.

21 So what we are going to propose is that a condition be  
22 inserted in the permit that essentially protects our right  
23 to continue our existing mining. And in accordance with  
24 that we have spoken with Corridor and we intend to file  
25 with the Board some additional information, which would

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2 hopefully give the Board comfort to allow you to make a  
3 decision in favor of placing this condition in the permit.

4 Now, we are attempting to that to save everybody time  
5 and money of having a public hearing. If in fact the  
6 Board finds the information or the evidence lacking, then  
7 we have no recourse, but only in that event, to ask for a  
8 hearing, at which time we would present more extensive  
9 evidence if that is what the Board required.

10 So just in summary we don't see any need for any hearing  
11 provided this condition could be obtained from the Board  
12 based on joint filings between Corridor and PCS.

13 If the Board is not so inclined, and that is certainly your  
14 right, then we would respectfully request proceeding to a  
15 hearing so we could in fact formally file evidence and be  
16 cross examined on that evidence in the normal course.

17 VICE-CHAIRMAN: Thank you, Mr. Zed.

18 MR. GETTY: Mr. Chairman, the Union of New Brunswick Indians  
19 would requests that there be a formal hearing, public  
20 hearing rather than having something done just through the  
21 exchange of paper. And basically it would be done behind  
22 closed doors.

23 A public hearing is a much more open and accountable way of  
24 dealing with this kind of matter. And that is what

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2 we are interested in participating in and having. Thank you.

3 VICE-CHAIRMAN: Thank you.

4 MS. MCQUINN NIXON: Elizabeth Nixon. I'm just concerned  
5 that the process be open and transparent for all members  
6 of our community whether they are landowners or community  
7 members.

8 So I think an open public hearing would enable that to be more  
9 transparent. There is existing concerns with safety and  
10 the environment and so forth.

11 And I just feel that the more transparent and open and the  
12 more knowledge we have and have access to would be better.

13 VICE-CHAIRMAN: Thank you.

14 MS. DESMOND: Mr. Chair, if I could raise just a couple of  
15 issues. While the EIA has been determined, and I believe  
16 a number of conditions have been provided for the review  
17 of Corridor, it might be useful for the Board, when  
18 determining a process and/or setting a schedule, to have  
19 an idea of how quickly some of these conditions may or how  
20 quickly they might be met.

21 Secondly, as the Board is aware, a number of landowners do not  
22 have executed agreements with Corridor. And while, as the  
23 Board has indicated, there is no

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2 jurisdiction to get involved with rights of easements and

3 right-of-ways, how quickly is Corridor in a position to

4 resolve some of these right-of-way issues?

5 And finally with respect to the issue of PCS that Mr. Zed has

6 addressed, how quickly can the Board expect confirmation

7 as to the parameters of the mine or the extensions of the

8 mine and how quickly we can have evidence from a geologist

9 that the pipeline will not interfere with the workings of

10 the mine?

11 I just thought I would raise those issues so the panel could

12 consider those items when looking at a process or a

13 schedule.

14 VICE-CHAIRMAN: Thank you, Ms. Desmond. Mr. Norman?

15 MR. NORMAN: With respect to Enbridge, Mr. Chairman and

16 members of the Board, I'm somewhat puzzled I must say by

17 the position being taken by Mr. Hoyt.

18 It seems that what he wants to do is to simply have the means

19 to ask questions with respect to the application without

20 ever having raised any issues at all in the notice of

21 intervention.

22 It seems to me that is a fruitless pursuit unless there are

23 identified issues that are to be dealt with. To delay

24 this matter further in order to allow someone to ask

25 questions on issues that are not identified is going to

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- 54 -

2 accomplish nothing.

3 I don't know how it is going to benefit Enbridge. I don't

4 know how it is going to benefit anyone else. And I

5 certainly don't know how it is going to benefit the Board.

6 Because it is our understanding that all of the technical

7 environmental requirements have been met. And to simply

8 delay that issuing a permit for the simple sake of

9 process, a process that is not identifying issues, is

10 nonproductive. And it is going to risk the possibility of

11 frustrating a development that is of importance to the

12 province of New Brunswick.

13 The order that was given by the Board -- and I might refer to

14 that for a moment -- this is the order setting out the

15 proceedings for today states in paragraph number 3 that an

16 Intervenor must establish why the person's interest

17 justifies Intervenor status. And in paragraph (d), state

18 the issues that the person intends to address.

19 Enbridge has not stated any issue it intends to

20 address. It is simply addressing the process by saying we

21 are entitled to raise questions and ask questions. We

22 want the chance to do so. And what I'm saying is totally

23 consistent with what is in the Enbridge notice of

24 intervention.

25 Enbridge reserves its right to address all issues

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2 arising out of or in relation to the application. It doesn't  
3 identify any issues. And in my submission none of the  
4 other Intervenors have identified any issues that justify  
5 a further hearing. So I think that one has got to  
6 question the motivation of Enbridge as well as the  
7 usefulness.

8 Mr. Hoyt says he doesn't want to frustrate the process or in  
9 effect stand in the way of the application, just the  
10 opportunity to ask questions. So you ask yourself what is  
11 that going to achieve?

12 Mr. Hoyt raises the motherhood issue about the availability of  
13 local gas, that is gas for the local market. Enbridge has  
14 the sole franchise for the distribution of natural gas in  
15 the province of New Brunswick.

16 So is he now opening up an additional issue, saying that we  
17 want to distribute gas locally and that is something that  
18 should be dealt with on this application? That is not an  
19 issue for this application. That is an issue down the  
20 road if and when markets become available and there is the  
21 demand for gas.

22 Mr. Zed accurately states the position as between his client  
23 PCS and Corridor. And it is expected that the resolution  
24 of that will fall in place very shortly and in



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2 response to Ellen Desmond's raising the issue. That is not  
3 expected to be a stumbling block.

4 Mr. Getty on behalf of the Union of New Brunswick Indians  
5 requests a formal hearing, doesn't want it to be behind  
6 closed doors. Now my response to that is that this is not  
7 a process that is behind closed doors. The procedures  
8 leading up to this pre-hearing conference today has been  
9 one of full disclosure.

10 Corridor has made available to anyone who wants the three  
11 volumes of its application. It has had meetings of any  
12 number of types with landowners to the Kings East  
13 Development and many meetings with the Union of New  
14 Brunswick Indians or representatives of that group over a  
15 considerable period of time. And it has been a very open  
16 process.

17 As a matter of fact the reason the process has been so open up  
18 to now is to give people an opportunity to come here today  
19 and identify issues of substance. And I mean issues of  
20 substance that would justify having a further hearing.  
21 And to simply open up the process for the sake of process  
22 makes little sense in the context of the regulatory regime  
23 under which the Board is required to operate.

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2 Corridor doesn't deny that the matter must be open and  
3 transparent. Otherwise it would never have agreed to  
4 going out and having formal meetings with all sorts of  
5 interested parties. Nor would it have agreed to get into  
6 the process to begin with.

7 The process dictates openness. But the process also I submit  
8 dictates expediency. Projects of this nature are  
9 expensive. They take time. And if there is going to be  
10 construction that construction has to take place at a time  
11 of the year when conditions are ripe, so that the  
12 regulatory requirements can be complied with. And that of  
13 course is one of the concerns of Corridor. It wants to  
14 get on with the matter and do what it has to do.

15 I don't know that there is much else that I wish to add.

16 Ellen Desmond mentioned having executed agreements with  
17 owners. That is something that is in the process. But  
18 you have heard from some of those owners here today. And  
19 obviously it is not an easy process. And so I don't know  
20 that I can say really much more in that regard.

21 There is a lot of emotion associated with a project like this.

22 There are people who simply want no industry whatsoever.

23 There are people who say well, yes, I would like to have  
24 industry, but I want it my way. Others say fine, go  
25 ahead, do what you have to do, and they are not

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2 overly concerned. So it becomes extremely difficult to know  
3 how to manage something of that nature.

4 Corridor is diligently attempting to reach agreements with the  
5 landowners because it has to. And you can be assured that  
6 that is an ongoing process. And Corridor will be doing  
7 whatever it can to resolve those issues. But as you have  
8 seen from some of the statements here today it may prove  
9 impossible with respect to certain individuals.

10 Mr. Chairman and members of the Board, there was one item I  
11 did omit to mention. And that was Ellen Desmond's  
12 observation with respect to various conditions that have  
13 to be met as a result of the Minister of the Environment's  
14 position. And it is the intention of Corridor to comply  
15 with all environmental requirements and conditions.

16 And the only things that would be of any concern in that  
17 regard, and perhaps no concern at all, is that when you  
18 get into construction there are going to be certain  
19 technical things that have to be discussed and worked out.  
20 But as far as the overall conditions are concerned then those  
21 will be met subject to some technical clarification that  
22 may arise in the process of executing those conditions.

23 And Mr. Miller is just pointing out to me that 25

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- 59 -

2 percent of them have already been met. And that is an ongoing  
3 process, as you will appreciate. It is not something that  
4 is done one day and concluded the next. The environmental  
5 issues are ongoing as the project advances.

6 VICE-CHAIRMAN: Is it my understanding, Mr. Norman, that  
7 there is what, 44 conditions that have to be fulfilled --

8 MR. NORMAN: Whatever the number --

9 VICE-CHAIRMAN: -- approximately 44 conditions?

10 MR. NORMAN: -- is in that letter.

11 VICE-CHAIRMAN: So there is 44 conditions that --

12 MR. NORMAN: I haven't got a copy in front of me.

13 MR. HOPKINS: Of which 25 percent have already been  
14 completed.

15 VICE-CHAIRMAN: The panel will take a five-minute break and  
16 come back with the determination on the process.

17 (Recess - 12:15 p.m. to- 12:20 p.m.)

18 MS. DESMOND: Mr. Chairman, if I could just raise a  
19 preliminary matter. I believe there might have been some  
20 confusion with respect to the Kings East Development as to  
21 the request for Formal status.

22 I believe that Mr. Horton had requested -- or intended to  
23 request Formal status. And he may want to comment on

24 that. But just to clarify what his intention is and what

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- 60 -

2 the panel has decided.

3 MR. GETTY: Excuse me. But we couldn't hear --

4 VICE-CHAIRMAN: Yes. Okay. You know, we are open here.

5 MR. HORTON: Yes. We are open.

6 VICE-CHAIRMAN: We are kind of easy.

7 MR. HORTON: We had requested for Formal Intervenor status.

8 We feel that we have a tremendous amount of interest in

9 this project.

10 And as it is right in our back yard that we would like to

11 present evidence and show you that there is a large amount

12 of local interest in this project. So we would like to

13 part in a Formal basis if we could. Thank you.

14 VICE-CHAIRMAN: You don't have any problem with that,

15 Mr. Norman?

16 MR. NORMAN: Well, again it raises questions I suppose as to

17 the jurisdiction of the Board as what the issues are going

18 to be and without identifying the issues that Kings East

19 Development wants to raise beyond the fact that they want

20 access to gas.

21 I don't know that that is anything that the Board can deal

22 with at this stage of things. It seems to me that is a

23 future consideration, not a present consideration.

24 Corridor certainly understands the wishes of Kings East

25 Development. And Enbridge being in the business of

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2 selling gas is not going to turn down any legitimate offer I'm  
3 sure. So I don't know how a hearing is going to advance  
4 that sort of issue beyond what the present understandings  
5 and aspirations are.

6 MR. HORTON: If I could just comment on that, just for one  
7 more. We realize it is in the future. But future is a  
8 tenuous term in relation to this project. This has taken  
9 off in such a hurry that our future is now.

10 We are prepared to present evidence that we are ready to  
11 receive this. And we realize that once this is done then  
12 we are into a whole new ball game trying to get access to  
13 this. So that is -- all we really wanted was an  
14 agreement.

15 And I believe that because Corridor wants to keep their  
16 application very simple and straightforward so they can  
17 get approval. And we don't want to interfere with that.

18 We do realize that the last Board recommended that local  
19 delivery made to PCS and stated clearly that they would  
20 encourage future development. And we would like to  
21 capitalize on that statement in having the PUB's consent  
22 for local delivery of gas.

23 That is really all we are asking for is that we want to make  
24 sure that we are allowed in right from the start,

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- 62 -

2 so we can start making -- planning our future.

3 VICE-CHAIRMAN: Thank you.

4 MR. HORTON: Thank you.

5 VICE-CHAIRMAN: I guess the panel -- Mr. Horton has decided

6 Formal intervention.

7 MR. HORTON: Thank you.

8 VICE-CHAIRMAN: Is there any other matters you wanted to

9 bring?

10 MS. DESMOND: Just one other matter if I could bring to the

11 panel's attention. Just during the break some of the

12 landowners have raised concerns about getting copies of

13 the application so that they can fully review the

14 information and what the application consists of.

15 And it is my understanding that the applicant has an

16 obligation to provide to Intervenors and to parties who

17 are interested a full copy of that application.

18 And I would perhaps ask the applicant to address that issue

19 and to ensure that the information is provided to all of

20 the parties.

21 VICE-CHAIRMAN: Thank you. Under the Pipeline Act, section

22 5 (4) "The Board shall affix a procedure for deciding the

23 application and shall receive representations from persons

24 affected by the construction of the proposed pipeline in a

25 manner that it shall determine."

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2 The Board considers that the persons present here today may  
3 well be affected by the construction of the proposed  
4 pipeline. Some of the persons have requested an  
5 opportunity to make representations to the Board. And the  
6 Board believes they should be given the opportunity.

7 The Board considers that the following schedule will allow  
8 this to happen. Hearing schedule. Written questions to  
9 Corridor Wednesday, August 3rd. Responses by Corridor --

10 MR. NORMAN: Sorry. August the --

11 VICE-CHAIRMAN: Oh, August 30th, excuse me. Written  
12 questions to Corridor August 30th. Responses by Corridor  
13 September 5th. Evidence by other parties Monday,  
14 September 11th. Written questions on evidence of others  
15 Monday, September 18th. Responses by others Monday,  
16 September 25th. Public hearing Wednesday and Thursday,  
17 September 27th and 28th.

18 Now I would like to also add, the Secretary brought it to my  
19 attention, that anybody making a Formal -- under the  
20 Formal status -- has to send their questions both to  
21 Corridor Gas and also to the Board Secretary at the same  
22 time. On the deadline that you have got.

23 And the hearings we hear -- we will check and find out if we  
24 can hold the hearings here on the 27th and 28th.



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- 64 -

2 Mr. Norman, affidavit of publication?

3 MR. NORMAN: The publications have all been made,

4 Mr. Chairman. And an affidavit has not been prepared.

5 Because we are still waiting authenticated copies from two

6 of the newspapers despite many requests. That has been

7 rather awkward.

8 So that will be provided just as soon as we have the proper

9 copies from the newspapers. But I can assure you it has

10 been done. And I have photocopies and whatnot of all that

11 material here in my file.

12 VICE-CHAIRMAN: If you could send it on to the Secretary

13 please.

14 MR. NORMAN: Yes.

15 VICE-CHAIRMAN: Thank you. Are there any other matters

16 before adjourning?

17 So I thank you very much for your attendance today. And see

18 you back on September 27th.

19 (Adjourned)

20 Certified to be a true transcript of

21 the proceedings of this hearing as

22 recorded by me, to the best of my ability.

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Diane Haines

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Reporter