



National Energy
Board

Office national
de l'énergie

TYPES OF PUBLIC HEARINGS

ISSUE: TYPES OF PUBLIC HEARINGS AT THE NEB



Once the National Energy Board (NEB) receives a project application, the assessment process begins.

The application process is used for new pipelines or changes to existing pipelines. Assessment processes can take many forms, and incorporate a combination of formats. In some cases, potentially impacted people provide written comments to the Board. In other cases, a public hearing is carried out entirely in writing, and in some cases we hold an oral public hearing. The approach for public hearings is flexible, can be adapted to meet the needs of the Board and of participants, and is continually refined.

Types of Public Hearings

Public hearings can be written or what we call an oral hearing, which still includes a significant written component (almost all of the evidence is filed in writing prior to the oral component). When deciding the type of hearing that will be used, the NEB considers various factors including the 15 month time limit for the review set out in the NEB Act, anticipated public interest in the process, and the need to ensure that natural justice is respected.

Written hearings:

This type of public hearing provides people who are directly affected or who have relevant information or relevant expertise the opportunity:

- Provide their views to the Board about a project and its impacts;
- Challenge and test the evidence of the proponent through written questions, and;
- Provide their own evidence and argument that challenges or supports the proponent's evidence.

QUICK FACTS:

Types of Public Hearings

- The NEB's approach for public hearings is flexible. They can be done entirely in writing, or orally in public or a combination of the two.
- All hearings must respect the principles of natural justice.
- As set out in the NEB act, there is a 15 month time limit for review of proposed projects.

Oral Hearings:

In a typical oral hearing, most of the information the Board receives is written, but a portion of the hearing is held orally. This type of public hearing also provides people who are directly affected or who have relevant information or relevant expertise the opportunity:

- Provide their views to the Board about a project and its impacts;
- Challenge and test the evidence of the proponent through written questions, and;
- Provide their own evidence and argument that challenges or supports the proponent's evidence.

The oral component of an oral hearing may also include:

- Additional oral questioning on the written evidence that has been filed ("cross-examination");
- Oral final argument;
- An opportunity for Indigenous participants to present oral traditional evidence;
- Gathering comments from participants related to their views on the proposed project.

Sometimes it involves all of these things, and more. In a few circumstances, the Board has held hearings that are almost exclusively oral, for example, if there is an urgent commercial or safety need for a hearing.

