



National Energy  
Board

Office national  
de l'énergie

# How do I prepare a motion?

2017



# Outline

**This presentation provides a brief overview of what a procedural motion is and tips on how to prepare and file your motion.**

**This presentation includes information on:**

- What is a motion?
- Who can file a motion?
- What is in a motion?
- How does the Board decide on motions?
- How to file a motion?

# What is a motion?

- **Motions are formal requests that require the Board to make a decision or an order.**
- **Examples include:**
  - Request for a response to an Information Request which a party declined to answer or did not fully answer.
  - Request to challenge a Procedural Direction of the Board.
  - Request to change a deadline or the schedule.
  - Request for confidentiality.
- **Motions filed with the Board will be part of the Board's record and will be available on the Board's online registry and in its library.**

# Who can file a motion?

- **An individual who wishes to obtain a decision or an order from the Board on a matter that arises in a proceeding can file a motion.**
  - Typically, motions are submitted by hearing participants.
  - There can be exceptions.
    - For example, if you weren't granted participant status, you could file a request to the Board to reconsider its decision.
    - Before the List of Parties is known, persons may file motions for matters in the proceeding which they want addressed; for example, adding to the List of Issues.

# What is in a motion?

- **Motions must be addressed to the Secretary of the Board and include:**
  - The relief requested;
  - A statement of relevant facts;
  - An explanation of why a decision or order is required;
  - Information supporting the request; and,
  - The signature of the person raising the motion.
- **If your motion relies on case law:**
  - a case book or book of authorities must be submitted along with the motion; and,
  - the specific passages of the case being relied on must be highlighted or side-barred.
- **The Process Advisor Team assigned to a project may be able to provide you with a motion template and sample.**

# How does the Board decide on motions?

- **After you file your motion, the Board:**
  - can decide outright to grant or deny your motion, or
  - may ask parties for their comments on the motion before making its decision.
  - The Board may also offer the person making the motion a right of reply.
- **The Board will set up a process when asking parties to comment on a motion. The usual process includes:**
  - Asking Parties to respond to the motion;
  - Allowing the individual requesting the motion to respond to the comments; and,
  - The Board makes a decision and provides reasons for its decision (ruling).

# How do I submit a motion?

- **Your motion must be filed with the Board and served on all parties.**
- **If you have internet access and can access the public registry, you are expected to submit all documents electronically.**
  - The Participation Portal is a web based tool used to facilitate electronic submissions and distribution of the documents filed in a hearing process. By using this method, parties will automatically be notified.
  - Consult the document “How to submit documents with the Participation Portal?” to view the step-by-step process for submitting hearing documents with the NEB Participation Portal.
- **If you are unable to use the internet and cannot file your documents electronically, you can file documents with the Board in person, by mail, or by fax.**
  - Consult the Hearing Order to view details regarding the filing requirements attached to the hearing you registered to participate in.
- **If the matter comes up in the oral phase of a hearing, an individual may give notice of a motion orally and the motion will be disposed of as the Board directs.**

# What is a Process Advisor?

- The Board assigns Process Advisors to each hearing to assist you to better understand the hearing process for a specific project, and how to participate in it effectively.
- The Process Advisors are available by telephone and email. Visit the project page of the hearing you registered to participate in at [www.neb-one.gc.ca](http://www.neb-one.gc.ca) to find the contact information of your Process Advisors.
- Process Advisors also offer workshops, usually on-line, to assist participants in specific parts of the hearing.
- The Process Advisors can only discuss process matters with you and cannot make your case for you.



# Where to Find More Information

- **Website:** [www.neb-one.gc.ca](http://www.neb-one.gc.ca)
- **General Inquiries:** Phone (toll free) 1-800-899-1265
- **Twitter:** @NEBCanada

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