



NON-STATUTORY GUIDANCE – PARTICIPATION IN OTHER HEARINGS

Where the *National Energy Board Act* (NEB Act) does not contain a test for standing¹, the National Energy Board (Board) will determine who will be allowed to participate in a hearing as follows:

1. the Board will allow a person² to participate if a person's interest is sufficiently impacted by the Board's decision; and
2. the Board may allow a person to participate if that person's participation will assist the Board in making its decision.

Persons wishing to participate must demonstrate to the Board's satisfaction that they fall within one or both of these two categories.

Sufficiently Impacted Person

The Board decides on a case-by-case basis who is sufficiently impacted. The Board will consider both of these factors when making this decision:

1. The nature of the person's interest.
 - Whether a person has a specific and detailed interest, rather than a general public interest.
 - Examples of interests that could support participation, depending on the nature of the application, are:
 - commercial, property or other financial interest (including employment);
 - personal use and occupancy of land and resources; or
 - use of land and resources for traditional Aboriginal purposes.
2. Whether the decision on the application causes a sufficient impact on the person's interest.
 - Whether the person's interest relates to issues that are relevant to the hearing.
 - The likelihood that the Board's decision will impact the person's interest.
 - Whether the interest may be impacted to a sufficient degree.

¹ A statutory test for standing is set out in section 55.2 of the NEB Act for pipeline certificate applications (section 52), power line certificate applications (section 58.16) and pipeline exemption order applications (section 58) and in section 34 of the NEB Act for detailed route hearings.

² The word "person" includes an individual, company, organization or group.

Providing Assistance to the Board

The Board will consider these factors when deciding if a person's participation will assist the Board in making its decision:

- The source of the person's knowledge (for example, local, regional or Aboriginal);
- the person's qualifications (for example, the person has specialist knowledge and experience);
- the extent to which the information relates to the application; and
- how much the person's participation will add value to, or assist the Board in making, the Board's decision.