

National Energy
Board



Office national
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National Energy Board Pre-Application Meetings Guidance Notes

(Revised July 2017)

Canada

National Energy Board

Pre-Application Meetings Guidance Notes

Contents

1. Introduction	3
2. Purpose of the Guidance Notes	3
3. Objectives of Pre-Application Meetings	3
4. Request a Meeting	4
5. Preparation for a Meeting	5
6. Content of Pre-Application Meeting	5
7. Participants	6
8. After a Meeting	6
9. Appendices	7

1. Introduction

The National Energy Board (NEB or the Board) is committed to ensuring that our prospective applicants are provided with opportunities to fully understand the Board's processes. Pre-application meetings between prospective applicants and Board staff are one of the options we offer to promote a better understanding of the Board's application process and regulatory requirements. Pre-application meetings give everyone the opportunity to:

- Share process information and establish contacts;
- Discuss filing requirements; and
- Identify resources.

We also find that these meetings can lead to more complete applications, which facilitates the review process and improves response times.

To assist prospective applicants in determining whether a pre-application meeting would be beneficial, the Board has prepared these Pre-Application Meeting Guidance Notes, which includes an applicant checklist in Appendix 1. These Guidance Notes provide details on the objectives of pre-application meetings, discuss how to request a meeting and identify what you can expect during a pre-application meeting and also reflect updated processes and draw attention to meeting requirements.

The NEB's Pre-Application Meeting Guidance Notes can also be found on the Board's external website at: <http://www/bts/ctrq/gnnb/prpplctnmtng/index-eng.html>

To request a pre-application meeting, please speak with the Director accountable for your proposed application. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

2. Purpose of the Guidance Notes

The intent of the Guidance Notes is to assist prospective applicants to determine whether and when a meeting with NEB staff would be beneficial. The Guidance Notes provide details on the objectives of pre-applications meetings, the steps that should be taken to request a meeting, the content and who should participate in a pre-application meeting with Board staff.

3. Objectives of Pre-Application Meetings

Pre-application meetings are held to assist a prospective applicant to gain a better understanding of application processes and regulatory requirements, and to facilitate the application review process.

While respecting the [Values and Ethics Code for the Public Sector](#) and natural justice principles, there are a number of matters that can appropriately be addressed through pre-application meetings. These include the following:

- **Share Process Information and Establish Contacts:** A prospective applicant can obtain information regarding NEB processes and associated typical timelines for

processing of an application.¹ The meeting may also serve to identify appropriate contacts at the NEB for further procedural and timing enquiries or updates.

Accordingly, a pre-application meeting could be requested to discuss Board processes or where an application might involve:

- Matters considered non-routine or new to the applicant;
- Anticipated engineering, environmental, commercial or policy issues of significant scope, number or complexity; and
- Timing sensitivities such as construction windows or timing of baseline studies

In some cases, this process may be modified to be more responsive to the needs of your specific pre-application. Please discuss application-specific details with the appropriate Director.

- **Filing Requirements:** Board staff may direct a prospective applicant to the National Energy Board Filing Manual, applicable NEB precedent and other policies or guidelines to provide guidance regarding elements of an application and associated information requirements.
- **Identify Resources:** The NEB can be advised of significant elements of the application, which may assist the NEB in planning staff resources or agency co-ordination requirements. Such information may also assist Board staff in identifying or suggesting potential options for appropriate dispute resolution. The NEB can also be advised of significant pre-application activities involving third parties (e.g. public and stakeholder consultation initiatives, discussions with other government departments, etc.).

The purpose of a pre-application meeting is not to promote the project or, beyond a short project description, discuss the need for the project.

4. Request a Meeting

Prior to requesting and attending a meeting with NEB staff, it is recommended that the prospective applicant review the relevant sections of the [National Energy Board Act](#); the [National Energy Board Rules of Practice and Procedure, 1995](#); the [National Energy Board Onshore Pipeline Regulations](#); the [National Energy Board Electricity Regulations](#); the [National Energy Board Cost Recovery Regulations](#); the [National Energy Board Filing Manual](#); the [National Energy Board Electricity Filing Manual](#); and other relevant regulations, guidelines or policies. These documents can be found on the NEB Web site at www.neb-one.gc.ca, or through the Board's library.² This preparation will help the applicant or other party to gain a better understanding of Board processes and the type of information required when an application is filed.

¹ Actual processing time will depend upon application completeness, timely response to any Board information requests, procedures established for third party participation, etc.

² The NEB library is located at Suite 210 510 Tenth Avenue SW, Calgary, Alberta, T2R 0A8 and can be reached at 403-292-4800 or toll free at 1-800-899-1265 or via e-mail at library@neb-one.gc.ca.

The Board recommends that pre-application meetings be requested early in the preparation phase of an application; direction to applicable parts of the National Energy Board Filing Manual/Electricity Filing Manual, Board precedent, and/or other relevant guidance documents and information regarding Board processes may be of most assistance at that time. When requesting a meeting, a prospective applicant must identify the objectives of the meeting and provide sufficient detail regarding the proposed application to allow the Board to consider whether the meeting and proposed timing is appropriate. The request should be made in a timely manner to facilitate such consideration and to permit Board staff to properly prepare for the meeting. It is suggested that the request be made a minimum of ten days prior to the meeting date.

Prospective applicants are welcome to contact the applicable Director directly to request a pre-application meeting. If you are not sure who is accountable for handling your application, please call 403-292-4800 or toll free at 1-800-899-1265.

You will be able to discuss with the Director whether and when it would be appropriate to have a meeting based on the proposed meeting objectives.

5. Preparation for a Meeting

Prior to the meeting, an agenda is prepared by the prospective applicant in collaboration with an NEB Director. The agenda should include the names, roles and responsibilities, and email addresses of the attendees, and be constructed from the template in Appendix 2.

The prospective applicant must submit any materials they intend to present at the meeting to the NEB a minimum of three days before the meeting.

Note that once an application has been filed with the NEB, all communication with NEB staff should be directed through Legal Services or the Office of the Secretary.

6. Content of Pre-Application Meeting

The prospective applicant must be prepared to leave copies of documents presented at the pre-application meeting with NEB staff at the conclusion of the meeting, as all materials presented at a pre-application meeting will be placed on file with the NEB.

Examples of information that may be presented and left with the Board include:

- Project overview and scope;
- Purpose of the project;
- Timing of the application and proposed construction schedule;
- Maps at an appropriate scale (e.g. topographical, access, human use, etc.) or photos illustrating environmental settings; and
- Hard copies of presentations (e.g. PowerPoint, etc.)

The above information will assist NEB staff in providing the relevant sections of the National Energy Board Filing Manual/Electricity Filing Manual, Board precedent, or other relevant guidance documents. The information may also assist the Board in better appreciating internal resource issues that may be associated with the filing.

NEB staff could also verify that the prospective applicant is aware of other regulatory processes, such as those associated with the [Canadian Environmental Assessment Act, 2012](#), which may have an impact on the proposed application.

NEB staff should also provide perspective applicants new to NEB jurisdiction a summary of how the NEB cost recovery is executed in accordance with the National Energy Board Cost Recovery Regulations. For more information on cost recovery, please refer to the NEB website on [Cost Recovery](#).

In accordance with the [Values and Ethics Code for the Public Sector](#) and natural justice principles, NEB staff cannot provide the regulated company or the prospective applicant with any specific guidance on the proposed project or any substantive issues.

7. Participants

It may be helpful to have the applicant's project manager or another representative familiar with the project present the information to NEB staff. Supporting personnel may include specialists in:

- Engineering and Technical Issues;
- Environmental and Socio-Economic Matters;
- Health and Safety;
- Aboriginal, Landowner and Public Consultations;
- Tolls and Tariffs, Finance and Economics;
- Market and Supply Issues; and
- Regulatory and Community Affairs

It may also be helpful for the regulated company or the prospective applicant to have its legal counsel present at the meeting.

NEB staff present at the pre-application meeting will generally include the Director accountable for the proposed project, Board legal counsel and appropriate Board specialists. Note that NEB staff attending such meeting may or may not be assigned to work on the application once it is filed.

8. After a Meeting

Pre-application meeting notes recorded by NEB staff will be forwarded to the prospective applicant for review (see template in Appendix 2). Any discrepancies found between the prospective applicant's meeting notes and the Board's, as well as any other comments, are to be brought to the attention of the meeting chairperson. The finalized meeting notes will be sent to the prospective applicant within thirty days of the pre-application meeting.

Meeting notes and any other documentation provided at the meeting would be available to the public upon request.

9. Appendices

Appendix 1: Prospective Applicant Checklist

Appendix 2: Agenda & Meeting Notes Template



Appendix 1: Prospective Applicant Checklist

This checklist was prepared from the NEB Pre-Application Guidance Notes. It is intended to aid the prospective applicant follow the procedure outlined in these notes. Any questions should be addressed to the NEB Director responsible for the application.

Activity	Timeline	Task	Done
Request a Meeting	Minimum 10 days before proposed meeting date	Review relevant regulations, guidelines, and policies (found through the NEB website or library)	<input type="checkbox"/>
		Submit request, identifying meeting objectives and providing sufficient detail	<input type="checkbox"/>
Preparation for a Meeting	Minimum 3 days before meeting	Prepare agenda in collaboration with NEB Director; include names, roles and responsibilities, and email addresses of attendees	<input type="checkbox"/>
		Submit all materials to be brought to the meeting	<input type="checkbox"/>
Content of Pre-Application Meeting		Information/concerns presented to NEB staff, usually by representative chosen by prospective applicant	<input type="checkbox"/>
		Provide copies of all documents brought to meeting to NEB staff	<input type="checkbox"/>
After a Meeting	Within 30 days of meeting	Finalize meeting notes (i.e., draft from NEB to applicant, comments from applicant, NEB finalizes notes)	<input type="checkbox"/>



Appendix 2: Agenda & Meeting Notes Template

Agenda Template

Pre-Application Meeting XXXX Project		DD MM YYYY XX:XX to XX:XX Room XXXX		
Pre-reading: National Energy Board Pre-application Meetings Guidance Notes				
Chairperson:				
Proposed Participants from [Company Name] XXX – Legal Counsel XXX – Title, Department, Email Address XXX – Title, Department, Email Address XXX – Title, Department, Email Address				
Proposed Participants from NEB XXX, Director [Team] XXX, Communications Officer XXX, Fin/Econ Specialist (could include Economy/Financial/Market /Supply Analyst) XXX, Engagement Specialist XXX, Engineer XXX, Environmental Specialist XXX, Legal Counsel XXX, Socio-economist Specialist				
Agenda				
Item	Description	Who	Time (min)	Expected Outcome
1	Introductions	Chairperson		
2	Present Agenda <ul style="list-style-type: none"> Appropriate scope of discussion (Objections of Pre-application Meetings) Meeting notes to be recorded (available to the public upon request) 	Chairperson		
3	Overview/Presentation of the XXXX Project	Representative from external stakeholder		
4	Discussion of: a. Application timing			



	b. NEB process c. Process timing			
5 (for pipelines)	Discussion of application structure and regulatory requirements a. section 52 application b. OPR section 45 application c. Filing Manual			
5 (for IPLs)	Discussion of application structure and regulatory requirements a. NEB Act requirements b. Electricity Regulations c. Electricity Filing manual			
6	Next steps			

Meeting Notes Template

Pre-Application Meeting XXXX Project	DD MM YYYY XX:XX to XX:XX Room XXXX
Chairperson:	
Attendees - Participants from [Company Name]: Name, Position, Responsibilities, Email Address Name, Position, Responsibilities, Email Address Name, Position, Responsibilities, Email Address	
Attendees - Participants from the NEB: XXX, Director [Team] XXX, Communications Officer XXX, Fin/Econ Specialist (could include Economy/Financial/Market /Supply Analyst) XXX, Engagement Specialist XXX, Engineer XXX, Environmental Specialist XXX, Legal Counsel XXX, Socio-economist Specialist	
Meeting Notes	
Date of the request for this meeting:	
Meeting date:	
Time:	



Location:				
Meeting called by:				
Chairperson:				
Note Taker:				
Item	Key Message	Action	By Whom	By When
1. Agenda Item				
2. Agenda Item				
3. Agenda Item				
4. Agenda Item				

Reviewed by:

- ☐ Legal Counsel
- ☐ Prospective Applicant
- ☐ Legal Counsel (after sent to prospective applicant)