



File 3200-G49-1
31 January 2002

Mr. D.G. Davies
Macleod Dixon
Barristers & Solicitors
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Calgary, Alberta
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Dear Mr. Davies:

Hearing Order GH-4-2001
Georgia Strait Crossing Pipeline Limited (GSX PL or the Applicant)
GSX Canada Pipeline Project (the Project)

As discussed in a separate letter from the Joint Review Panel (the Panel) dated 31 January 2002, numerous presenters asked the Panel to include the environmental effects of the emissions resulting from the combustion of the gas transported by the proposed pipeline as an issue on the List of Issues. Other presenters focussed their attention on the environmental effects of the emissions from the existing Campbell River ICP facility and the proposed new generation facilities. A written submission was received from the Province of British Columbia indicating that the generation facilities were within the legislative authority of the Province. Both the Province of British Columbia and other submitters suggested a further more formal process was required before the Panel could decide whether these issues could be considered in the Panel Review. During the public consultation session held on Thursday, 17 January 2002 in Victoria, British Columbia, you, on behalf of your client GSX PL, made an informal statement in relation to these proposed issues and objected to their inclusion in the List of Issues.

As a result of these submissions the Panel has decided to institute a formal comment process before it will determine whether or not these issues, or any of them, can be included for consideration as issues in the hearing. Therefore, the Panel asks that parties comment on the following questions:

- (1) Under the *Canadian Environmental Assessment Act* or under the *National Energy Board Act*, or both, does this Panel have the authority to consider the environmental effects of:
 - the combustion of the gas proposed to be transported;
 - the combustion of the gas at the existing Campbell River ICP facility;
and
 - the combustion of the gas at proposed new generation facilities.

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- (2) If this Panel has the authority to consider these environmental effects, should it consider them?

If the response to these questions involves constitutional considerations, the Panel draws to your attention the requirements of s. 57 of the *Federal Court Act* as compliance with those requirements may be necessary.

All submissions are to be filed with the Panel Secretary by 5:00 p.m. (MST) and served on all other Parties on the dates specified as follows:

- 14 February 2002: The Applicant's submission and the submissions of any intervenors who answer either questions (1) or (2) in the negative;
- 28 February 2002: The submissions of intervenors who answer both questions (1) and (2) in the affirmative;
- 7 March 2002: The reply submission of the Applicant.

The Board notes that it will arrange for service of the submissions of intervenors where it is undertaking service on that intervenor's behalf.

Yours truly,



Michel L. Mantha
Secretary to the Joint Review Panel
GSX Canada Pipeline Project

cc: Intervenors to the GH-4-2001 proceeding