

Dear NEB... “Thanks” for the liability!

An original letter to the National Energy Board
By Stephanie Fradette
January 25, 2012

[A letter to the NEB regarding their approval of Vantage Pipeline’s Tioga to Empress Pipeline.]

Dear Ms. Habib, Mr. Hamilton and Mr. Vergette:

In response to your decision to approve the Vantage pipeline, I am very disappointed. It is a decision that I should have been expecting, given your history of 100% approval, but it was disappointing nonetheless.

When I read: *"With respect to the request by TELC/CAEPLA for the Board to stay its decision until landowners and Vantage have signed mutually acceptable agreements, the Board notes that Vantage and TELC/CAEPLA have initiated consultations and that both parties have committed to continuing these discussions. The Board further notes that even though a final agreement was not reached, Vantage committed to upholding all terms previously agreed upon between it and TELC/CAEPLA."* I had to laugh out loud. I have attached for you the last email we received from David Schmunk in regards to negotiations. I think you will be able to clearly see for yourselves that Vantage has no intention of "upholding all terms previous agreed upon" as they are already renegeing on certain conditions that had been previously agreed upon.

Your requirement to have Vantage "create and maintain records to track Project-related landowner complaints or concerns and how they have been addressed" is worthless. It is essentially the self-policing that has been in place throughout the process to date. Vantage's complaint system has given me 3 in-person apologies from David Schmunk for what his land agents have said about me and my family, but none of his land agents have ever been instructed to set the record straight with those who have been misinformed. I guess I should feel better now that Vantage will be required to write it down. That will make a world of difference, I'm sure.

I also would like to express my disappointment that there is no obligation for Vantage to inform or compensate any of the "across the road" landowners who will be burdened by the NEB safety zone. The route that you have approved (one which parallels roads and road allowances) without a comprehensive study will affect many landowners who did not even have the opportunity (and I use this term loosely) to attend the certificate hearing and have their concerns heard. These people will now, legally, be obligated to obtain permission from Vantage Pipeline (a private company) to conduct activities on their own land. They have not entered into any agreement with Vantage and have not even been contacted. This was brought to your attention at the NEB hearing. You are part of the NEB board, it is your regulation that will be affecting these landowners and you have done nothing to inform them.

Additionally, it is nothing short of cowardly that you refuse to deal with abandonment at the onset of a project. Rather you approve this project with no real plan for abandonment, but you try to make it sound like something is in place with statements such as the following: "...the NEB would provide potentially affected parties an opportunity to make their concerns known to the Board in order to ensure their comments are taken into

account when assessing the abandonment application." Really? Because, all of the landowners who will be affected by the safety zone in this application have been completely disregarded. And, the proposed route for this pipeline was not even finalized prior to approval. To date, many landowners still do not know if the Vantage pipeline is intended for their property. Given such, I don't think that the NEB can provide any assurance to "potentially affected parties" that their concerns will be taken into account. On the abandonment note, I again refer to David Schmunk's email. You can read for yourselves that he says that Vantage would not set aside a fund for removal of 20% of the pipe after abandonment unless the NEB directs them to do so. You did not direct them to do so. You approved the application in which they said they would be prepared to remove **one (1) km** of the pipe after abandonment. This is not exactly consistent with the 20% removal identified by the NEB in its abandonment funding documentation.

Finally, Jason and I *can't wait* for our children to have their own "opportunity to make their concerns known to the Board ", just like we had our opportunity in November 2011. I can only assume that their concerns will be similarly "taken into account" on that decision. I am sure they will look at it fondly when they are given no choice, receive no money and are told that they get to be the new owners of Vantage's old pipeline. At the very least, Jason and I can leave them copies of all the work we did (and there is hundreds of hours worth) at the onset of this project so that they can know that this pipeline is nothing we wanted them to inherit.

By your decision, it is obvious that the burden and liability this pipeline will impose on landowners is not a real issue for the NEB. As such, I won't take up much more of your time, but I wanted you to know that this approval has unnecessarily compromised my family and our ranch. At the hearing, I said repeatedly that we would be willing to work with Vantage but we did not want to assume any of their liability. Now with this approval in place, no negotiated settlement, and right-of-entry legislation in place, we will be obligated to assume liability in regards to crossing the ROW and (most likely) post abandonment. So with that, Ms. Habib, Mr. Hamilton and Mr. Vergette, it was lovely meeting you, but I will look back at this with great bitterness, knowing that it was you, from your office in Calgary, who have made this decision. A decision that will impact us and our children for decades.

Stephanie Fradette
Lake Alma, SK