

- 1 **Q. In response to CA - NP - 202, NP provided information regarding the decision of the**
2 **NEB to initiate a review on its RH-2-94 multi-pipeline cost of capital decision.**
3 **Please provide any further information that has become available regarding the**
4 **timelines or process that has been set by the NEB for this review.**
5
6 A. Attachment A is a copy of NEB's notice of July 3, 2009 announcing its initiation of a
7 review of the RH-2-94 multi-pipeline cost of capital decision.
8
9 The notice requests comments be provided by September 18, 2009.

NEB
Review of the Multi-Pipeline Cost of Capital Decision (RH-2-94)
July 3, 2009 Notice



File Of-Tolls-TollsGen-COC 01
3 July 2009

To: Parties Named in the Attached Distribution List

Review of the Multi-Pipeline Cost of Capital Decision (RH-2-94)

Background

On 23 March 2009, the National Energy Board issued a letter advising that it had decided to consider whether it should initiate a review, pursuant to section 21 of the *National Energy Board Act*, of the RH-2-94 Decision. The Board solicited comments from interested persons on whether they believe that the RH-2-94 Decision should be reviewed. The Board indicated that those providing comments should include the grounds for their submission, along with their views on the process which should be used and the issues to be considered if a review is held. The Board set a deadline for comments of noon, Calgary time, Monday, 25 May 2009.

Decision and Further Process

Having considered the submissions of parties, the Board has decided to initiate a review of the RH-2-94 Decision by seeking comments on the continuing applicability of the RH-2-94 Decision. Interested persons are asked to provide comments by filing them with the Board by **noon, Calgary time, Friday, 18 September 2009**.

The Board will take into account comments already filed on this matter pursuant to its 23 March 2009 letter when making its decision. Parties need not file any further submissions unless they have supplementary comments not covered by their earlier submissions.

In providing their submissions, parties may wish to provide comments on the following possible outcomes.

- The RH-2-94 Decision remains in effect, without prejudice to parties filing company-specific applications to depart from the RH-2-94 Decision.
- The RH-2-94 Decision will not continue to be in effect and an appropriate method of and timing for transition for any pipeline still subject to the RH-2-94 Decision, and those pipelines utilizing the RH-2-94 Formula, will be implemented.

.../2

- The initiation of a generic process, which could be a formal generic hearing, or any other process developed by interested parties, to examine the manner in which, going forward, the Board should address the cost of capital.


Interested parties may suggest alternative outcomes when providing comments on whether the Board should depart from the RH-2-94 Decision. For example, parties could suggest a collaborative process led by interested stakeholders, in lieu of or in combination with the above possible outcomes, to develop a proposal for the Board's consideration and approval.

Notice and Accessibility of Correspondence

Companies in Part A of the attached Distribution List are directed to serve a copy of this letter on their shippers and interested parties, including parties to their latest tolls decision or settlement. They need not serve a copy on any person listed in Part B.

Parties are advised that copies of correspondence related to this process can be found on the Board's Regulatory Documents Repository (accessible by visiting the Board's Internet site at www.neb-one.gc.ca. Click on the "View" link under the Regulatory Documents heading). In the Repository, click on "Group 1 Gas" or "Group 1 Oil". Then click on "Multi-Client Cost of Capital (RH-2-94)"; then click on "1994-06-20 Cost of Capital (RH-2-94)"; and finally click on "2009-03-23 - Request for Comments on Review of RH-2-94 Decision". Alternatively, some recent filings may be found by clicking on "Inbox" from the Repository home page.

Yours truly,



Claudine Dutil-Berry
Secretary of the Board

Attachment

Liste de distribution

Method of Service
Efile Notification
Télécopieur
Courier

Part A

Alliance Pipeline Ltd.	rob.power@alliance-pipeline.com
Enbridge Pipelines Inc.	helene.long@enbridge.com
Enbridge Pipelines (NW) Inc.	ralph.fischer@enbridge.com
Express Pipeline Limited Partnership	brenda_mcclellan@kindermorgan.com
Foothills Pipelines Inc.	murray_sondergard@transcanada.ca
Gazoduc Trans Québec & Maritimes Inc.	botis@gazoductqm.com
Kinder Morgan Cochin ULC	brenda_mcclellan@kindermorgan.com
Maritimes & Northeast Pipeline Management Ltd.	ileadley@spectraenergy.com
NOVA Gas Transmission Ltd.	greg_szuch@transcanada.com
	patrick_keys@transcanada.com
TransCanada PipeLines Limited	murray_sondergard@transcanada.com
Trans Mountain Pipeline Inc.	brenda_mcclellan@kindermorgan.com
Trans-Northern Pipelines Inc.	jlang@tnpi.ca
Westcoast Energy Inc., carrying on business as Spectra Energy Transmission	melthorp@spectraenergy.com

Part B

(RH-2-94 – Interested Parties List)

Alberta Department of Energy	regaffairs.energy@gov.ab.ca
B.P. Canada Energy Co.	cheryl.worthy@bp.com
BC Hydro and Power Authority	bchydroregulatorygroup@bchydro.com
City Of Calgary	Mark.Rowe@calgary.ca
Canadian Association of Petroleum Producers	jardine@capp.ca
Canadian Energy Pipeline Association	brendakenny@cepa.com
Canwest Gas Supply Inc.	Courier
Centra Transmission Holdings Inc.	jbrophy@efgroupllc.com
Centra Gas Manitoba Inc.	baczarnecki@hydro.mb.ca
Council of Forest Industries of British Columbia	mauch@cofi.org
Enbridge Gas Distribution	tania.persad@enbridge.com
EnCana Corporation	rinde.powell@encana.com
Export Users Group	weislawe@shaw.ca
Gaz Métro	kasselin@gazmetro.com
Huntingdon International Pipeline Corporation	604-592-7620
Imperial Oil Resources	ronald.moore@esso.ca
Industrial Gas Users Association	mnewton@igua.ca
New England Power Company	508-389-2605
Northern Border Pipeline Company	Loretta.McGowan@Nborder.com
Plains Marketing Canada, L.P.	403-233-0399
Province of Ontario	416-326-6996

Province de Québec	418-643-7524
Rochester Gas and Electric Corporation	marjorie_perlman@rge.com
Shell Canada Limited	paul.m.davies@shell.com
Terasen Gas Inc.	regulatory.affairs@terasengas.com
Teck Cominco Metals Ltd.	604-631-3232
TransAlta Corporation	403-267-2575
Union Gas Limited	pplanting@uniongas.com

(Other Pipeline Companies)

1057533 Alberta Ltd. / Harvest Operations Corp	403-265-3490
2193914 Canada Limited	tania.persad@enbridge.com
Abitibi-Consolidated Company of Canada	514-394-3624
Agent and General Partner of the Pembina North Ltd. Partnership Pouce Coupé Pipe Line Ltd.	dzacharias@pembina.com
AltaGas Pipeline Partnership	403-691-7576
Apache Canada Ltd.	anita.bianchie@apachecorp.com
ARC Resources Ltd.	403-503-8645
ATCO Utilities	780-420-7400
Bear Paw Processing Company (Canada) Ltd.	701-565-2229
Berens Energy Ltd	403-265-5587
Burlington Resources Canada (Hunter) Ltd.	403-260-6000
Canada Border Services Agency	306-780-7750

Canadian Natural Resources Limited	bryan.bradley@cnrl.com
Canadian – Montana Pipeline Corporation	Courier
Champion Pipe Line Corporation Limited	514-598-3144
Chief Mountain Gas Co-Op Ltd.	Courier
Crescent Point Resources Ltd	403-693-0070
County of Vermillion River No. 24 Gas Utility	780-846-2716
Delphi Energy Partnership Delphi Energy Corporation	403-265-6207
Devon Canada Corporation	keith.fardy@devoncanada.com
DR Four Beat Energy Corporation	406-862-0715
Dome NGL Pipeline Ltd.	Suzanne.Boucher-chen@bp.com
EB Eddy Forest Products Ltd. c/o Domtar Inc.	Courier
Echoex Energy Inc.	403-265-4354
Enbridge Pipelines (Westspur) Inc.	Peter.Taylor@enbridge.com
EnCana Ekwan Pipeline Inc	403-645-3054
EnCana Oil & Gas Company Ltd.	rinde.powell@encana.com
EnerMarck Inc.	403-298-2211
ExxonMobil Canada Properties	902-496-0958
Forty Mile Gas Co-Op Ltd.	Courier
Fraser Papers Inc. (Canada)	506-737-2100
Glencoe Resources Ltd.	dave.brown@glenres.ca
Holland & Knight	202-955-5564
Husky Oil Operation Limited	susan.anderson@huskyenergy.ca

ISH Energy Ltd.	403-265-1792
Kaiser Exploration Ltd.	403-265-3161
Keyera Energy Ltd.	403-205-8318
Many Islands Pipe Lines (Canada) Limited	306-565-3332
Mid-Continent Pipelines Limited	306-352-8892
Minell Pipeline Limited	204-475-2452
Montreal Pipe Line Limited	514-645-7663
Murphy Canada Exploration Company	403-233-2565
Nexen Inc.	shannon_young@nexeninc.com
Niagara Gas Transmission Limited	tania.persad@enbridge.com
Nova Chemicals (Canada) Ltd.	mcdougcd@novachem.com
NuVista Energy Ltd	403-538-8575
Omimex Canada Ltd.	817-735-8033
Paramount Transmission Ltd	403-262-7994
Peace River Transmission Company Limited	604-697-6210
Pengrowth Corporation	pengrowth@pengrowth.com
Penn West Petroleum Ltd.	403-777-2670
Pioneer Natural Resources Canada	tracey.bell@pxd.com
PMC (Nova Scotia) Company	403-233-0399
Portal Municipal Gas Company Canada Inc.	306-721-9220
Provident Energy Ltd.	rlock@providentenergy.com
SCL Pipeline Inc.	Courier

Shiha Energy Transmission Lt.	tom.hong@paramountres.com
Souris Valley Pipeline Limited	306-848-0293
Spectra Energy Empress LP	mkelly@spectraenergy.com
Spectra Energy Midstream Canada LP	BLMoore1@spectraenergy.com
St. Clair Pipelines Management Inc.	902-425-4592
Suncor Energy Inc.	416-733-8048
Sun-Canadian Pipe Line Company	215-977-3409
Sword Energy Ltd.	403-770-4850
Talisman Energy Inc.	403-237-1902
Taurus Exploration Canada Ltd	Courier
TransCanada Keystone Pipeline GP Ltd.	kristine_delkus@transcanada.com
True Energy Inc.	403-264-8163
Vault Energy Inc.	403-262-5524
Vector Pipeline Limited Partnership	734-462-0231
Wolstitmor Joint Venture	403-513-3750
Yukon Pipelines Ltd.	bhedges@russelmetals.com

(Interested Parties)

The Honourable Robert Douglas Nicholson, P.C., Q.C., M.P. Minister of Justice & Attorney General of Canada	613-990-7255
The Honourable Wally Oppal Attorney General & Minister Responsible for Multiculturalism Province of British Columbia	250-387-6411

The Honourable Alison Redford, Q.C.
Minister of Justice & Attorney General
and Government House Leader
Province of Alberta

780-422-6621

The Honourable Don Morgan
Minister of Justice & Attorney General
Province of Saskatchewan

306-787-1232

The Honourable Dave Chomiak
Minister of Justice and Attorney General
Government House Leader
Province of Manitoba

204-945-2517

The Honourable Chris Bentley
Attorney General of the Province of Ontario

416-326-4007

L'Honourable Kathleen Weil
Ministre de la Justice du Québec
Procureure générale
Notaire générale du Québec
Ministre responsable des lois professionnelles

418-646-0027

The Honourable Thomas J. Burke, Q.C.
Attorney General
Minister of Justice and Consumer Affairs
Province of New Brunswick

506-453-7154

The Honourable Cecil P. Clarke
Attorney General and Minister of Justice
Minister Responsible for Human Rights Act
Minister Responsible for Regulations Act
Province of Nova Scotia

902-424-0510

The Honourable Gerard Greenan
Attorney General
Province of Prince Edward Island

902-368-4910

The Honourable Thomas W. Marshall
Minister of Justice & Attorney General
Province of Newfoundland and Labrador

709-729-0469

The Honourable Marian Horne
Minister of Justice
Government of the Yukon
Yukon Legislative Assembly

867-393-7400

The Honourable Jackson Lafferty
Minister of Justice
Minister of Industry, Tourism and Investment
Government of the Northwest Territories

867-873-0276

The Honourable Eva Aariak
Premier
Minister of Executive and Intergovernmental Affairs
Minister Responsible for the Status of Women
Minister Responsible for Immigration
Government of the Nunavut Territory

867-975-5051

Hydro One Networks Inc.

Susan.E.Frank@HydroOne.com

Sun Life Financial

416-595-1770

(Provincial Government Departments)

The Honourable Barry Barnet
Minister of Energy and
Minister Responsible for Conserve Nova Scotia
Nova Scotia Department of Energy

902-424-3265

The Honourable Blair Lekstrom
Ministry of Energy, Mines and Petroleum Resources
OGD – Oil & Gas Division
Province of British Columbia

250-356-2965

Mr. Stirling Bates
Director of Regulatory Policy
Oil and Gas Policy Branch
Ministry of Energy, Mines and Petroleum Resources
Province of British Columbia

250-952-0251

Ms. C. J. C. Page, Counsel
Director
Regulatory Affairs
Alberta Department of Energy

403-297-5499

Mr. Douglas Larder, Q.C.
General Counsel and Executive Director-Law
Alberta Utilities Commission

403-592-4406

Mr. Kent Campbell
Deputy Minister
Energy & Resources
Government of Saskatchewan

306-787-2159

Mr. Keith Lowdon
Director, Petroleum Branch
Science, Technology, Energy & Mines

204-945-0586

The Honourable John Gerretsen
Minister of the Environment
Ministry of the Environment
Province of Ontario

416-314-7337

Minister George Smitherman
Ministry of Energy and Infrastructure
Province of Ontario

416-327-6754

Mr. Edward Sweet
Ministry of Energy and Infrastructure
Energy Markets Section
Energy Supply and Competition Branch
Office of Energy Supply, Transmission, and Distribution Policy
Province of Ontario

edward.sweet@ontario.ca

M. Claude Béchard
Ministère des Ressources naturelles
et de la Faune
Province de Québec

418-643-4318

Mr. Paul Molloy, P.Eng.
Manager, Petroleum Engineering
Energy Branch
Government of Newfoundland and Labrador
Department of Natural Resources

709-729-2508

Office of the Utilities Consumer Advocate (Alberta)

rmccreary@rmrf.com

(Associations)

Mr. David Butters
President & CEO
Association of Power Producers of Ontario

appro@appro.org

Mr. Nick Schultz
Vice President, Pipeline Regulation and General Counsel
Canadian Association of Petroleum Producers

403-266-3123

Mr. David Podruzny
Vice President, Business and Economics
Secretary to the Board
The Canadian Chemical Producers' Association

613-237-4061

Mr. Michael Cleland
President and CEO
Canadian Gas Association

613-748-9078

Mr. Murray Newton
President
Industrial Gas Users Association

613-230-9531

Mr. Shane Pospisil
President and CEO
Ontario Energy Association

416-961-1173

Ms. Karmen Groza
Office Administrator/Office Manager
Small Explorers and Producers' Association of Canada

403-269-3636

Ms. Brenda Kenny
President
Canadian Energy Pipeline Association

403-221-8760

Mr. Pierre Guimond

President
Canadian Electricity Association

613-230-9326

Mr. Paul Vogel
Cohen Highley LLP

519-672-5960

Mr. David Core
President
Canadian Association of Energy &
Pipeline Landowners Associations

DaveCore@caepla.org