



CITY OF BURNABY
OFFICE OF THE MAYOR
DEREK R. CORRIGAN
MAYOR

For Immediate Release

National Energy Board (NEB) Slams Door in Burnaby's Face – Yet Again *IR request ruling shows process has lost all credibility, requiring Kinder Morgan to provide further answers to only three of Burnaby's 217 questions*

This week, the NEB Panel hearing into the Kinder Morgan pipeline decided again to exempt the company from answering almost all of Burnaby's questions (Information Requests – IRs), in Round 2 – the final round of the IR process.

This NEB Panel had already previously ruled that it will not have an oral public hearing into evidence, and that no cross-examination will be allowed. Instead, there were to be two rounds of written questions. The NEB Panel has now ruled ([April 27, 2015 - Ruling No. 63](#)) that the company will have to give further answers to only three of the 217 questions on which Burnaby had failed to get satisfactory answers.

Overall, of the 1,291 questions Kinder Morgan failed to answer from Interveners (including the cities of Abbotsford, Vancouver, Port Moody, North Vancouver and Edmonton) the NEB required proper answers to only 32 (just 2.4%).

"The failure of the NEB to require any reasonable effort by Kinder Morgan to fully answer written questions is very disturbing" said Greg McDade, lawyer for Burnaby. "Two rounds of written IR requests have demonstrated the complete inadequacy of the process and the lack of concern by the NEB to provide any fair role for the public".

"This process was inadequate at the beginning, but it has now gone from a sham to a farce," said Mayor Derek Corrigan. "The NEB decided, in spite of our protests, that the Information Request process would be sufficient to answer our questions – that the lack of an opportunity for oral cross-examination wouldn't preclude us from getting our questions adequately answered. Clearly this is not true. Now that the two opportunities to ask questions are over and Kinder Morgan is being asked to respond to only three of them, it is apparent that the NEB Panel process has no credibility. It will not result in Kinder Morgan being required to answer interveners' critical questions about the health and safety impacts of the proposed project."

The most common reason given by the NEB in today's Ruling for denying Burnaby's Motions for proper answers were repeated rote responses was that additional information would be "more appropriately addressed post-decision" (79 times for Burnaby issues). The Panel also repeatedly stated that answers would "not be material to the Board's assessment."

“Municipalities and other interveners worked hundreds of hours preparing thoughtful questions on issues of importance to them – such as safety, oil spill risk and emergency response and capacity of the company to meet the commitments promised in its application,” said Mayor Derek Corrigan. “By ruling these issues should be ‘appropriately addressed post-decision,’ it is clear that the NEB Panel is assuming that the pipeline will be approved and that they’re treating the hundreds of questions municipal staff believe are critical, as irrelevant. In saying these issues are ‘not material to the Board’s assessment,’ it has become clear that the NEB Panel doesn’t care about the public interest issues expressed by municipal governments. And this is happening just a few days after the NEB chair, Peter Watson, came to BC to tell us that it’s time for a change in the approach to safety and transparency.”

Three weeks ago municipal governments, including Burnaby, Vancouver, New Westminster, City of North Vancouver, Victoria, Squamish and Bowen Island, issued a [Declaration](#) expressing non-confidence in the NEB Panel and calling upon the provincial government to commence its own environmental assessment. Since that time, the City of Port Moody has also resolved to support the Declaration.

"Unfortunately, the accuracy of the Declaration becomes more clear each day," said Mayor Corrigan.

Critical questions about emergency response, safety, and spill risk remain unanswered.

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