New Brunswick Energy and Utilities Board

11LE SYSTEM 12.07-008-06-01 COPY 10 Mas, YOUNY

PARTIES

IN THE MATTER OF an application by Potash Corporation of Saskatchewan Inc. (PCS) for a Permit to Construct Additional Pipeline at McCully Field

Held at New Brunswick Energy and Utilities Board premises, Saint John, N.B., on November 28th 2007.

Henneberry Reporting Service

INDEX

George Bolman by Mr. Zed - Direct - page 6

A-1 - Margaret McKay's affidavit - page 4

A-2 - Debra Conway's affidavit - page 4

A-3 - Binder containing application from PCS with supporting documentation - page 4

A-4 - Certificate of insurance - page 4

A-5 - Letter of Mr. McQuinn - page 8

1	New Brunswick Energy and Utilities Board
	PARTIES
2	IN THE MATTER OF an application by Potash Corporation of
	Saskatchewan Inc. (PCS) for a Permit to Construct Additional
3	Pipeline at McCully Field
4	Held at New Brunswick Energy and Utilities Board premises,
	Saint John, N.B., on November 28th 2007.
5	
	BEFORE: Raymond Gorman, Esq., Q.C., - Chairman
6	Robert Radford - Member
	Steve Toner - Member
7	
	BOARD COUNSEL - Ms. Ellen Desmond
8	
	BOARD STAFF - Todd McQuinn
9	John Lawton
10	Doug Young
11	
12	
13	
	CHAIRMAN: Well, good morning. This is a hearing of the New
14	CHAIRMAN: Well, good morning. This is a hearing of the New Brunswick Energy and Utilities Board to consider an
14	Brunswick Energy and Utilities Board to consider an
14 15	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for
14 15 16	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully
14 15 16 17	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field.
14 15 16 17	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field. Today's hearing has been established as a pre-hearing
14 15 16 17 18	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field. Today's hearing has been established as a pre-hearing conference. The panel for today's hearing consist of
14 15 16 17 18 19	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field. Today's hearing has been established as a pre-hearing conference. The panel for today's hearing consist of Steve Toner, Robert Radford and myself as the Chair.
14 15 16 17 18 19 20 21	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field. Today's hearing has been established as a pre-hearing conference. The panel for today's hearing consist of Steve Toner, Robert Radford and myself as the Chair. Could I have the appearances, please?
14 15 16 17 18 19 20 21	Brunswick Energy and Utilities Board to consider an application by the Potash Corporation of Saskatchewan for a permit to construct additional pipelines at McCully Field. Today's hearing has been established as a pre-hearing conference. The panel for today's hearing consist of Steve Toner, Robert Radford and myself as the Chair. Could I have the appearances, please? MR. ZED: Yes, Mr. Chair. It's Peter Zed appearing on

intervene.

25

CHAIRMAN: Perhaps then before we proceed any further, we might mark some documents as exhibits. And do you have any affidavits with respect to publication and service of notice?

MR. ZED: I have -- the first item I have is an affidavit of service, and it is with respect to the requirements of Section 6 of the Act. And the second affidavit is the affidavit of Debra Conway of our office, which really goes to the requirements of the Board Order.

CHAIRMAN: Thank you. Perhaps give it to the Secretary.

Just the one copy there, Mr. Zed?

MR. ZED: I have one -- an original of each.

CHAIRMAN: Thank you. So the initial affidavit -- perhaps, that was the affidavit of service? Look at them here and we will mark them.

MR. ZED: Yes, there is a requirement, Mr. Chair, under Section 6 of the Act that the application -- or the application of filed copies of the application in the information material required to accompany the application with various Ministries.

CHAIRMAN: Correct.

MR. ZED: And Margaret McKay's affidavit attests to the filing with those departments. And then Debra Conway's affidavit goes to the requirements set out in the Board's

Order that they have been complied with.

CHAIRMAN: Thank you. Margaret McKay's affidavit then will become exhibit A-1. And I am just taking a quick run through here. It appears that you have served all the departments that are required under Section 6.

Debra Conway's affidavit will become exhibit A-2.

Thank you. Now there has been some pre-filed evidence. I have a binder which contains a letter from you Mr. Zed and a number of tabs and appendices. And perhaps the expedient way to deal with this might be to just give that entire binder one exhibit number.

MR. ZED: That would be fine.

CHAIRMAN: I would propose to make that exhibit A-3. And that would be the application from PCS with the supporting documentation.

Mr. Zed, anything else that requires to be marked as an exhibit at this point in time?

MR. ZED: No, Mr. Chair.

CHAIRMAN: Now before we proceed any further, I just want to bring up an issue relating to insurance. The Board has been provided with a certificate of insurance. And perhaps in fact we should mark that as exhibit A-4 now that I think of it. So we will make that A-4.

MR. ZED: Is that -- I sent one most recently yesterday

- 5 -

afternoon with the change of name. Is that the one?

CHAIRMAN: Yes, that's the one I am referring to. It's the one the Board received late yesterday afternoon. And essentially it changes the certificate holder from the Public Utilities Board to the New Brunswick Energy and Utilities Board.

MR. ZED: Yes.

With the notice of cancellation. And notes that Marsh has in fact provided a certificate of insurance in similar circumstances where the notice of cancellation has a slightly different wording. And what we will require in that notice of cancellation is that it be worded as follows, should any of policies described herein be cancelled before the expiration date hereof, the insurers reporting coverage will mail 60 days written notice to the certificate holder named herein.

So essentially what's changing there is the 30 days would go to 60 days. The word, endeavour would be deleted, as would all the words after the word, herein.

I can tell you that Marsh has provided a certificate of insurance for others that contains that wording.

MR. ZED: Board counsel has just provided me with a copy of one of the other certificates. And so since we deal with

- 6 -1 2 Marsh I don't suppose that is a problem. Can you just 3 give me a second? CHAIRMAN: 4 Sure. 5 MR. ZED: We will provide the change by way of amendment. 6 CHAIRMAN: Thank you, Mr. Zed. Now as there are no 7 Intervenors present and that nobody has indicated a desire to intervene, do you have a motion with respect to today's 8 9 hearing? MR. ZED: Yes, sir. I would like to make a motion that this 10 11 pre-hearing be actually converted to a hearing and we deal 12 with the substance of the application today. CHAIRMAN: And that motion will be granted. 13 MR. ZED: So I will ask you to proceed. What I propose to 14 15 do is I can either swear a panel or one of the individuals 16 to affirm the evidence. I don't know if there is -- are 17 there going to be questions? Would you prefer I --18 CHAIRMAN: Perhaps you could swear -- one witness is 19 probably sufficient. 20 MR. ZED: Mr. Bolman. 21

- GEORGE BOLMAN, having been duly sworn, testified as follows:
- 22 DIRECT EXAMINATION BY MR. ZED:
- 23 Q.1 - Could you please state your name?
- 24 A. My name is George Bolman.

25

Q.2 - And what is your connection with the applicant, Potash

	1	- 7 -
	2	Corporation? You are an employee?
	3	A. I am an employee. Senior project engineer.
	4	Q.3 - You are senior project engineer. And as such are you
	5	familiar with the application that has been marked as
	6	exhibit A-3?
	7	A. Yes.
	8	Q.4 - And was that application prepared under your direction
	9	and on behalf of the applicant?
	10	A. Yes.
	11	Q.5 - And do the facts set out in the application remain true
	12	as of this date?
	13	A. Yes, they do.
	14	Q.6 - Are there any amendments to this application that are
	15	not contained herein?
	16	A. No.
	17	MR. ZED: Nothing further.
	18	CHAIRMAN: Ms. Desmond, any questions?
	19	MS. DESMOND: No questions, Mr. Chair.
	20	CHAIRMAN: I do have one question, but it will take me a
	21	moment to find it. Mr. Zed, perhaps you could point me to
	22	where I might find the letter from Mr. McQuinn, the
	23	Director of Pipeline Safety, which sets out the draft
	24	conditions. I do have a copy of it. I just don't know
	25	where it is in exhibit 3.

25

to this matter.

2 Actually it may not be there, because I think it 3 was filed contemporaneously with Mr. McQuinn's letter. What happened is Mr. McQuinn sent a letter to the Board, 4 sent us a copy of it and we filed the application. 5 may be -- it may well be that it's separately addressed to 6 the Board and we should probably mark that as an exhibit 7 as well. 8 9 CHAIRMAN: All right. So that will become exhibit A-5. I will ask the witness, do you have a copy of what we just 10 11 marked as A-5? 12 Α. Yes, I do. CHAIRMAN: And you have had an opportunity to look at those 13 14 conditions? 15 Α. Yes. CHAIRMAN: And do you have any difficulty with any of them? 16 Is the company prepared to adhere to all of the conditions 17 18 set forth in that letter? Yes. PCS has no problem with any of these conditions. 19 20 I don't have any further questions. Mr. Toner? CHAIRMAN: 21 Mr. Radford? All right. The Board will take a short 22 adjournment. 23 (Recess: 9:45 a.m to 10:10 a.m.) 24 I will now read the Board's decision with respect

And it will be followed by a written

decision. So in the event that there is some discrepancy between what I say today and the written decision, the written decision will govern.

Potash Corporation of Saskatchewan Inc., which I will refer to as the applicant or PCS applied to the New Brunswick Energy and Utilities Board for a permit to construct additional pipelines at McCully Field.

In conjunction with the application, the Public
Information Program has been filed and was approved by the
Board on August 22nd 2007. Open house sessions were held
on September 13th 2007. A pre-hearing conference was
scheduled for Saint John, New Brunswick on November 28th
2007. Notice of this pre-hearing conference had been
published pursuant to the Board Order of October 30th
2007. There were no filings of intervention in this
matter prior to the pre-hearing conference, nor did any
parties attend the pre-hearing in opposition to the
application for a permit to construct a pipeline.

During the course of the pre-hearing conference, the applicant made a motion that the Board move from the pre-hearing conference to the hearing of the application and requested that a permit to construct be issued immediately.

The applicant's motion is based on the following

factors. No one has indicated an intention to intervene formally or otherwise. No Intervenors appeared at the hearing in opposition to the application. PCS has met all technical and environmental requirements for work to be carried out with respect to the application and nothing further in the regard remains to be done.

The Board has considered the motion from the applicant for a permit to construct the pipelines and has determined that a permit to construct as requested will be issued forthwith, subject to the 19 conditions contained in the Pipeline Coordinating Committee's report to the New Brunswick Energy Utilities Board dated October 25th 2007.

PCS will also be required to amend the insurance policy as indicated earlier during the hearing.

So that is the Board's decision in this matter. as I have indicated a written decision will follow.

Anything further, Mr. Zed?

MR. ZED: No, thank you, Mr. Chair, Members of the Board.

CHAIRMAN: Thank you.

(Adjourned)

Certified to be a true transcript of proceedings of this hearing, as recorded by me, to the best of my ability.

24

23

25

ability 10:23 accompany 3:20 Act 3:8,18 actually 6:11 8:2 additional 1:2,16 9:8 addressed 8:6 adhere 8:17 Adjourned 10:18 adjournment 8:22 affidavit 3:6,8,9,14 3:15,23,25 4:3,7 affidavits 3:4 affirm 6:16 after 5:21 afternoon 5:2,4 **AMEC 2:16** amend 10:11 amendment 6:5 amendments 7:14 anybody 2:24 anything 4:17 10:15 appearances 1:21 appeared 10:2 appearing 1:22 appears 4:5 appendices 4:10 applicant 1:23 6:25 7:9 9:6,21 10:5 applicant's 9:25 application 1:2,15 3:18,19,19,20 4:15 6:12 7:5,8,11 7:14 8:5 9:9,19,22 10:2,3 applied 9:6 approved 9:10 assessment 2:17 attend 9:18 attests 3:23 August 9:11 A-1 4:4 A-24:7A-3 4:14 7:6 A-4 4:23,24 A-5 8:9,11 a.m 8:23,23 В back 2:4 **based** 9:25 become 4:4,7 8:9

B
back 2:4
based 9:25
become 4:4,7 8:9
before 1:5 3:2 4:20
5:16
behalf 1:23 7:9
behind 2:8
best 10:22
between 9:3
binder 4:9,12
bit 5:9

blackadar 2:16,16 board 1:1,4,7,8,14 3:10 4:21 5:4,6,7 5:9,24 8:4,7,21 9:7,11,15,21 10:5 10:10,16 Board's 3:25 8:24 10:13 bolman 1:25 6:20 6:21,24 bring 4:21

C cancellation 5:10,12 5:14 cancelled 5:16 capacity 2:22

Brunswick 1:1,4,14

5:6 9:7,13 10:10

capacity 2:22 carried 10:3 certificate 4:22 5:5 5:11,18,22 certificates 5:25 Certified 10:20 Chair 1:20,22 2:6

3:17 4:19 7:19

10:16 **chairman** 1:5,13 2:5 2:8,12,15,19 3:2 3:11,14,22 4:3,14 4:20 5:3,9 6:4,6 6:13,18 7:18,20 8:9,13,16,20,24 10:17

change 5:2 6:5

changes 5:5 changing 5:19 circumstances 5:12 Committee's 10:9 company 8:17 complied 4:2 concern 5:9 conditions 7:24 8:14 8:17,19 10:8

conference 1:19 9:12,14,17,20,22 conjunction 9:9 connection 6:25 consider 1:14 considered 10:5 consist 1:19 construct 1:2,16 9:8 9:19,23 10:6,7 contacted 2:24

contacted 2:24 contained 7:15 10:8 contains 4:9 5:23 contemporaneously

8:3 converted 6:11 Conway 3:9 Conway's 3:24 4:7 Coordinating 10:9 copies 3:19 copy 3:12 5:24 7:24 8:5,10 Corporation 1:2,15 7:2 9:5 Correct 3:22 counsel 1:7 5:24 course 9:20 coverage 5:17

D date 5:16 7:12 dated 10:10 **Dave** 2:6 days 5:17,19,20 deal 4:11 5:25 6:11 **Debra** 3:9.24 4:7 decision 8:24 9:2.3 9:4 10:13.14 deleted 5:21 Department 2:11 departments 3:24 4:6 described 5:15 desire 6:7 desmond 1:7 2:6,6 7:18.19 determined 10:6 different 5:13 difficulty 8:16 **DIRECT** 6:22 direction 7:8 Director 7:23 discrepancy 9:2 documentation 4:16 documents 3:3 done 10:4

 \mathbf{E} each 3:13 earlier 10:12 either 6:15 Ellen 1:7 2:6 employee 7:2,3 endeavour 5:20 Energy 1:1,4,14 2:11 5:6 9:7 10:10 engineer 7:3,4 entire 4:12 environment 2:17 environmental 2:16 10:3 Esq 1:5 essentially 5:5,19 established 1:18 **EUB 2:5**

Doug 1:10

draft 7:23

duly 6:21

during 9:20 10:12

event 9:2 evidence 4:8 6:16 EXAMINATION 6:22 exhibit 4:4,7,12,14 4:18,23 7:6,25 8:7 8:9 exhibits 3:3 expedient 4:11 expiration 5:16

 \mathbf{F} fact 4:23 5:11 factors 10:1 **facts** 7:11 familiar 7:5 Field 1:3,17 9:8 filed 3:19 8:3,5 9:10 filing 3:24 filings 9:16 find 7:21,22 fine 4:13 first 3:6 **follow** 10:14 followed 8:25 following 9:25 follows 5:15 6:21 formally 10:2 forth 8:18 forthwith 10:8 Fracchia 1:24 from 4:9,15 5:5 7:22 9:21 10:5 further 3:2 4:20 7:17 8:20 10:4,15

G Garth 2:3 general 1:24 george 1:25 6:21,24 give 3:11 4:11 6:3 go 5:20 goes 3:9,25 going 6:17 good 1:13 Gorman 1:5 govern 9:4 granted 6:13 guess 1:25

H
happened 8:4
having 6:21
hearing 1:13,18,19
6:9,11 9:22,22
10:2,12,21
held 1:4 9:11
hereof 5:16
holder 5:5,18
house 9:11

immediately 9:24 Inc 1:2 9:5 **indicated** 6:7 10:1 10:12.14 indicating 2:24 individuals 2:8 6:15 informal 2:13 information 3:20 9:10 initial 3:14 **insurance** 4:21,22 5:11,23 10:11 insurers 5:16 intention 10:1 interest 2:14 **intervene** 2:25 6:8 10:1 Intervenor 2:20.22 **Intervenors** 6:7 10:2 intervention 9:16 issue 4:21 issued 9:23 10:7 item 3:6

I

J Janet 2:16 John 1:4,9 9:13 joined 1:23 2:2 just 2:13 3:12 4:4 4:11,20 5:24 6:2 7:24 8:10

K

L late 5:4 Lawton 1:9 letter 4:9 7:22 8:3,4 8:18 like 6:10 little 5:9

look 3:15 8:13

M made 9:21 mail 5:17 make 4:14,24 6:10 manager 1:24 2:2 Margaret 3:23 4:3 mark 1:24 3:3,16 4:23 8:7 marked 4:17 7:5 8:11 Marsh 5:10,22 6:2 material 3:20 matter 1:2 8:25 9:17 10:13

may 8:2,6,6

McCully 1:3,16 9:8 McKav's 3:23 4:3 McQuinn 1:8 2:7 7:22 8:4 McQuinn's 8:3 **Member** 1:6.6 Members 10:16 met 10:2 might 3:3 4:11 7:22 mine 1:24 Ministries 3:21 moment 7:21 monitoring 2:14 Moore 2:3 morning 1:13 most 4:25 motion 6:8,10,13 9:21,25 10:5 move 9:21 much 2:19 myself 1:20

N name 2:10 5:2 6:23 6:24 named 5:18 New 1:1,4,13 5:6 9:6,13 10:9 nobody 2:19 6:7 notes 5:10 nothing 7:17 10:3 notice 3:5 5:10,12 5:14,17 9:14 notices 2:23 November 1:4 9:13 number 4:10,12 N.B 1:4

O October 9:15 10:10 office 3:9 Oh 2:12 one 3:12,13 4:12,25 5:2,3,4,25 6:15,18 7:20 10:1 Open 9:11 opportunity 8:13 opposition 9:18 10:2 Order 3:10 4:2 9:15 original 3:13 other 5:25 others 5:23 otherwise 10:2 out 3:25 7:11,23 10:3

P
panel 1:19 6:15
parties 1:1 9:18
PCS 1:2 2:3 4:15

8:19 9:6 10:2.11 perhaps 3:2,11,14 4:10,23 6:18 7:21 permit 1:2,16 9:7,19 9:23 10:6,7 Peter 1:22 pipeline 1:3 7:23 9:19 10:9 pipelines 1:16 9:8 10:6 please 1:21 6:23 pleased 2:2 point 4:18 7:21 policies 5:15 **policy** 10:12 Potash 1:2,15 2:3 6:25 9:5 pre 9:21 prefer 6:17 premises 1:4 prepared 7:8 8:17 present 6:7 president 2:3 pre-filed 4:8 pre-hearing 1:18 6:11 9:12,14,17 9:18,20

9:18,20 pre-registered 2:20 prior 9:17 probably 6:19 8:7 problem 6:2 8:19 proceed 3:2 4:20 6:14 proceeding 2:14 proceedings 10:21 Program 9:10 project 1:25 2:18 7:3,4 propose 4:14 6:14 provide 6:5

provided 4:22 5:11

5:22,24

Public 5:6 9:9

publication 3:4

published 9:15 pursuant 9:15 Q question 7:20 questions 6:17 7:18 7:19 8:20 quick 4:4 Q.C 1:5 Q.1 6:23 Q.2 6:25 Q.3 7:4 Q.4 7:8 Q.5 7:11 Q.6 7:14

R

Radford 1:6,20 8:21 Raymond 1:5 read 8:24 really 2:20 3:9 received 5:4 recently 4:25 Recess 8:23 recorded 10:22 refer 9:6 referring 5:3 regard 10:4 relating 4:21 remain 7:11 remains 10:4 report 10:9 Reporter 10:25 reporting 5:17 requested 9:23 10:7 require 5:13 required 3:20 4:6 10:11 requirement 3:17 requirements 3:7 3:10,25 10:3 requires 4:17 respect 3:4,7 6:8 8:24 10:3 responsible 2:17 right 8:9,21 Robert 1:6,20 roberts 2:10,10,13 room 2:4,21 run 4:4

S Safety 7:23 Saint 1:4 9:13 Saskatchewan 1:2 1:15 9:5 scheduled 9:13 second 3:8 6:3 Secretary 3:11 **Section** 3:8,18 4:6 senior 7:3.4 sent 4:25 8:4,5 separately 8:6 September 9:12 served 2:23 4:5 **service** 3:4,7,15 sessions 9:11 set 3:25 7:11 8:18 sets 7:23 short 8:21 similar 5:11 since 5:25 sir 6:10 slightly 5:13 some 2:14 3:3 4:8 9:2 **STAFF 1:8** state 6:23

status 2:13 Steve 1:6,20 2:10 subject 10:8 substance 6:12 sufficient 6:19 supporting 4:15 suppose 6:2 Sure 6:4 Sussex 1:25 swear 6:15,18 sworn 6:21

 \mathbf{T} table 1:23 tabs 4:10 take 7:20 8:21 taking 4:4 technical 10:3 tell 5:22 testified 6:21 thank 2:5,8,15,19 3:11,14 4:3,8 6:6 10:16,17 think 4:24 8:2 through 4:5 time 4:18 today 2:2 6:12 9:3 today's 1:18,19 6:8 Todd 1:8 2:7 **Toner** 1:6,20 8:20 transcript 10:20 true 7:11 10:20

U under 3:17 4:6 7:8 understand 2:19 Utilities 1:1,4,14 5:6 5:7 9:7 10:10

various 3:21 very 2:19

want 2:21 4:20
way 4:11 6:5
well 1:13 8:6,8
were 9:11,16
wish 2:24
witness 6:18 8:10
word 5:20,21
worded 5:14
wording 5:13,23
words 5:21
work 10:3
written 5:17 8:25
9:3,4 10:14

yesterday 4:25 5:4 Young 1:10 2:7 Zed 1:22,22 2:23 3:6 3:12,13,17,23 4:9 4:13,17,19,25 5:8 5:24 6:5,6,10,14 6:20,22 7:17,21 8:2 10:15,16

10 10:1 10:10 8:23 13th 9:12 19 10:8

2 2:1 2007 1:4 9:11,12,14 9:16 10:10 22nd 9:11 25th 10:10 28th 1:4 9:13

3 3:1 7:25 30 5:19 30th 9:15

4 4 4:1 5 5 5:1

6

6 3:8,18 4:6 6:1 60 5:17,20 7 77:1 8 8 8:1

9

9 9:1 9:45 8:23