

First of all, I would like to thank the NEB Modernization Panel for hearing my presentation today. I would also like to acknowledge in recognition of our First Nations friends, and as a descendant of European settlers myself, that we are meeting on unceded Woolastook territory.

The NEB was organized to be an impartial review board, to govern the energy sector in a manner that prioritizes the public interest. With the way the NEB Modernization panel has been stacked with 3 of the 5 members having ties with the oil industry, it is difficult for the public to have confidence that their best interests are being considered in a fair and objective manner! There is unfortunately, a perception on the part of the public, that the NEB regulators are more inclined to make rulings in favour the energy sector than to regulate it in the best interests of the public. I would hope that is not done deliberately, but it can only be avoided through elimination of conflict of interest.

Please note that I don't intend any disrespect to individuals, but I am discussing the issue of impartiality.

The 3 members of the NEB Modernization panel who many consider to be in a conflict of interest are:

- Brenda Kenny. Until 2016, she worked as the president of the Canadian Energy Pipelines Association, also known as CEPA.
- Gary Merasty, (and I don't see him here today) who co-chairs this expert panel. A former Liberal MP, He is also a member of a right wing think tank called The Canada West Foundation. This foundation has a firm pro-pipeline stance. It publicly supports the Kinder Morgan Trans Mountain pipeline.
- Finally, H el ene Lauzon who not only co-chairs the Expert Panel, but she also chairs the Quebec Business Council on the Environment. They are a pro-pipeline business association that represents major pipeline companies including Enbridge and TransCanada, and other oil and gas companies.

Also, in consideration of the need for a completely unbiased NEB Energy East hearing panel, I express my deep concern for the selection of Don Ferguson as a new panel member. Don Ferguson is very closely associated with Premier Brian Gallant.

When the new NEB Energy East hearing board was announced in January, their press release stated this about Don Ferguson:

" Don Ferguson is a retired Deputy Minister from New Brunswick". It goes on to state his degrees and accomplishments. But the NEB web site doesn't TELL us the part where in 2014 Mr. Ferguson was also on Brian Gallant's transition team as the newly elected Premier! It is widely known across Canada that Premier Gallant is a huge supporter and lobbyist for Energy East, even flying to Alberta and Ontario to lobby for the Energy East pipeline project.

Premier Brian Gallant's government rejects calls for an Environmental Impact Assessment (EIA) regarding the Energy East Pipeline regardless of the fact that there are laws that make it mandatory.

The Provincial government won't hold public meetings on Energy East

The Same government even refuses to help the City of Edmundston in protecting their drinking water supply which the proposed pipeline would cross.

There is certainly a conflict of interest because of this connection between Don Ferguson and Brian Gallant

For there to be completely impartial and objective decisions made with regards to Energy East, a number of criteria need to be met, which include, but are not limited to the following:

- The NEB needs to be 100% re-staffed. No one should qualify as an NEB board member, who has ever worked for or lobbied in favour of the fossil fuel industry, nor who belong to or are associated with those who do.
- the NEB needs to be completely transparent with the public, with accurate maps of proposed pipeline routes and information on those pipelines easily read by the general public.
- NEB policies need to be aligned with the recommendations of the TRC.
- The NEB needs to accommodate the rights of Indigenous peoples to free, prior and informed consent, as called for in UNDRIP.
- For safety reasons, pipelines and storage tanks and any containers for the shipment of fossil fuel products, need to have expiry dates, after which they must be replaced or otherwise no longer in use.
- The fossil fuel industry should be required to align itself with the targets of the Paris agreement to reduce CO2 emissions.
- The renewable energy industry should receive at least the same amount of support from government as the fossil fuel industry receives, including the financial backing. Any renewable energy operations should be taken into consideration before determining the need for fossil fuel projects.
- Fossil fuel companies should be obligated to clean up and cap oil wells in the event that they move or go out of business.
- If a pipeline or storage facility is approved, the company building such facilities should be required to post a significant bond for more than adequate cleanup and compensation of property owners, as well as evacuation and relocation and living costs, and for ongoing damages and medical care for those who are injured or sickened, in the event of any disaster arising from the building or operation of the facilities.

The Energy East review process should not proceed until the NEB modernization is fully complete. The fact they're NOT waiting, is all the more reason why they NEED the NEB Modernization.