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File No. 158084-281

National Energy Board  
444 - 7th Avenue SW  
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Attention: Ms. Sheri Young,  
Secretary of the Board

**Re: Northern Gateway Pipelines Inc.  
Enbridge Northern Gateway Project Application of 27 May 2010  
Hearing Order OH-4-2011**

The purpose of this letter is to respond to the JRP's letter of January 28, 2013 inviting Northern Gateway to comment on a late request made by the Heiltsuk Tribal Council ("Heiltsuk") to question the Government of Canada witnesses.<sup>1</sup>

In Northern Gateway's view, insufficient justification has been provided for the request. The Heiltsuk have been a registered intervenor in this proceeding since July 7, 2011 and they have been represented by in-house counsel for quite some time. Ng Ariss Fong has not specified the date of their retainer, but it is clear that they too have been involved in this matter for some time. No information has been provided to assist the panel in understanding why the Heiltsuk's late request to question the Government of Canada witnesses could not have been made in a timelier manner in keeping with the principles of fairness and efficiency set out in the Hearing Order.<sup>2</sup>

Yours truly,

**Fraser Milner Casgrain LLP**

Richard Neufeld, Q.C.

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<sup>1</sup> See Exhibits A323-1 and D85-19-1.

<sup>2</sup> Hearing Order OH-4-2011 at adobe page 9.