



National Energy
Board

Office national
de l'énergie

GUIDE TO THE

National Energy Board Participant Funding Program

Under the *National Energy Board Act*

Canada

Disclaimer

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National Energy Board Participant Funding Program
Under the *National Energy Board Act*

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Updates

This document may be reviewed and updated periodically by the National Energy Board (NEB). To ensure that you have the most up-to-date version, please consult the NEB's website at: <http://www.neb-one.gc.ca>

NEB contact For additional information about the Participant Funding Program or the Application for Funding Form, please contact:

Participant Funding Program
National Energy Board
444 Seventh Avenue SW
Calgary Alberta
T2P 0X8

Tel: 1-800-899-1265
Fax: 1-877-288-8803
E-mail: PFPPAFP@neb-one.gc.ca
Website: www.neb-one.gc.ca

Part 1. Overview of the Participant Funding Program

Purpose of Part 1

Part 1 of the guide presents an overview of the objectives and operations of the Participant Funding Program.

Contents of Part 1

This part contains the following sections:

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1.1 What Is the Participant Funding Program?

Description of the program

The Participant Funding Program supports public participation in the regulatory process for oral facility hearings that are conducted under the *National Energy Board Act* (the Act). The program is administered by the NEB.

Under the program, funding is available to individuals, landowners, incorporated non-industry not-for-profit organizations, and Aboriginal Groups interested in participating in an oral facility hearing. The funding can cover eligible expenses, such as travel costs and fees for experts, in support of their participation.

Costs related to detailed route hearings are not covered by the participant funding program. The cost recovery provisions for detailed route hearings are found in the NEB Act, section 39.

Limits to funding

The Program provides financial support for certain expenses and a recipient's participation but is not meant to cover all expenses incurred by the participant throughout the process. Program funding is limited and not all applications will receive the entire amount of funding they requested. Interested parties seeking funding are encouraged to collaborate with others and investigate other sources of funding from different organizations.

Context for the program

The Act sets out the NEB's authority and responsibilities for issuing a certificate to build and operate pipelines and power lines and for providing leave to abandon the operation of a pipeline, an international power line or a designated interprovincial power line. The Act also sets out the responsibility to conduct public hearings and develop a participant funding program to facilitate the participation of the public in hearings.

Benefits of public participation

Public participation is an important element of an open and balanced regulatory process. It strengthens the quality and credibility of the process. The public is an important source of local and traditional knowledge about a project's physical site and potential impacts. Through public participation activities, project proponents can obtain information, better understand and respond to public concerns, and inform people about decisions.

Effective public participation can help ensure that public concerns and values are taken into consideration during the assessment of a proposed energy project.

Public participation can:

- Provide interested persons and organizations with a fair opportunity to contribute to the planning of projects that may affect them;
- Allow proponents and regulators to better understand and address public concerns and priorities;

- Reduce the potential for undesirable project effects by identifying concerns or knowledge that may be relevant to a decision about the proposed project; and
- Build greater public trust in the review process and in the decisions that come out of that process.

The Participant Funding Program is an important tool for promoting these benefits.

1.2 When Is Funding Available?

When is funding available?

Participant funding is available when an energy project application to the NEB is subject to an oral public hearing.

Participant funding for an NEB oral public hearing

Participant funding may be available for hearings related to the following types of applications under the NEB Act: Certificate of public convenience and necessity for a pipeline (section 52); Exempting orders respecting pipelines (section 58); Certificate of public convenience and necessity for an international or designated interprovincial power line (subsection 58.16); Abandonment of an international or designated interprovincial power line (subsection 58.34); and Abandonment of a pipeline (section 74).

Related guidance

For more information on the NEB hearing process, please visit our website at <http://www.neb-one.gc.ca>

1.3 Who Is Eligible for Funding?

Parties eligible for funding

Individuals, Aboriginal groups, landowners, incorporated non-industry not-for-profit organizations, or other interest groups who seek to intervene in the public review process for projects in which they have a meaningful interest. Eligible recipients must be able to demonstrate that they meet at least one of the following criteria:

- Have a direct, local interest in the project, such as living or owning property near the project area;
- Have local community insights and/or Aboriginal traditional knowledge respecting to the proposed project;
- Have an interest in potential project impacts on treaty lands, settlement lands or traditional territories and/or related claims and rights;
- Plan to provide expert information respecting the mandate and decisions of the NEB on proposed projects.

All approved recipients will be required to register for intervenor status in the oral public hearing and sign a Standard Contribution Agreement before funding will be released.

Parties ineligible for funding

Individuals and organizations are ineligible for participant funding under the program if they:

- Are a for-profit organization;
- Are an industry-based organization;
- Have a direct commercial interest in the project; or
- Represent another level of government, other than an aboriginal government.

Note: Although these groups are ineligible for participant funding, they still may participate in the public hearing.

1.4 What Expenses May Be Funded?

Expenses eligible for funding

The following expenses may be considered for funding under the program if they are directly attributable to an eligible activity:

1. Professional and legal fees;
2. Travel and incidentals;
3. Rental office space /meeting room;
4. Honoraria to attend meetings and functions;
5. Collection of information;
6. Purchase of information materials;
7. Translation of materials; and,
8. Other appropriate costs necessary for the proposed activity.

* Items 1-2 are considered high priority, items 3-5 are considered medium priority, and items 6-7 are considered low priority.

Expenses ineligible for funding

The program will not fund activities that duplicate services, studies or written materials being funded by other public or private sources. This includes information prepared by the proponent, other intervenors, or other regulators. In addition, general operations and maintenance expenses are not eligible for funding under the program.

Related guidance

For more detailed guidance on eligible expenses under the program, see section 2.3 Step 3. Identification of the Funding Request.

1.5 How Does the Program Work?

Determination of funding level

The total amount of funding available for an oral facility hearing will be determined on the basis of the following factors:

- The potential effects of the project;
- The size and location of the project;
- The number of Aboriginal groups in the area;
- The diversity of issues likely to be involved in the project hearing;
- Participant funding levels that may have been established for similar projects in the past; and
- Available resources.

Public notice announcing funding

Once the amount of the participant funding envelope has been determined for a project, the NEB will issue a News Release, and a public notice will be posted in local papers and on the NEB website (www.neb-one.gc.ca) announcing the availability of funding.

The notice provides the following information:

- A brief description of the project;
- The purpose of the participant funding;
- The total amount of funding available;
- The role of the Funding Review Committee;
- The deadline for eligible recipients to submit their application for funding forms; and
- How to obtain the necessary forms and information on the program.

Timing for submitting funding application form

An Application for Funding Form must be completed to apply for funding from the Participant Funding Program. The Application for Funding Form for the program is available in Annex A of this guide or from the NEB's website (www.neb-one.gc.ca).

The deadline for submitting an Application for Funding Form is normally not more than 60 days after the announcement of funding by the NEB.

Establishment of funding review committee

An independent Funding Review Committee (FRC) is established for each public hearing for which Participant Funding is available. The FRC is appointed by the NEB and usually consists of at least three individuals, including one NEB representative and at least one non-government member. The FRC reviews all Application for Funding Forms and makes recommendations to the Chief Operating Officer (COO), or the delegated authority, who is responsible for funding decisions.

The FRC is comprised of individuals who collectively offer:

- A thorough knowledge of the Program's terms and conditions, and guidance;
- An understanding of the hearing process, notably in terms of public participation; and
- An awareness of local conditions where the project is proposed.

The FRC will give priority to expenses associated with supporting the participation of local parties and the provision of expertise by other parties.

The FRC will also consider:

- The nature of the right or interest of the applicant;
- The scope of the interest or concern the applicant has in the proposed project;
- The potential impact of the proposed project on the right or interest of the applicant;
- Anticipated usefulness of the planned activity to the regulatory process; and,
- Reasonableness of proposal, work plan and costs.

FRC members must certify to the NEB that they have no interests or stake in the project.

Allocation of funding and announcement of awards

The FRC's recommendations are forwarded to the Chief Operating Officer (COO), or the delegated authority, who makes the final decision regarding the allocation of available funds.

As program funds are limited, some applicants may not be awarded funding, or may be recommended for an award less than the amount for which they applied. The Program Administrator of the Participant Funding Program informs all applicants within three days of the COO's funding decision.

The report of the FRC is distributed to all applicants, and is made available on the NEB website (www.neb-one.gc.ca). A news release will announce the allocation of participant funding given to each recipient.

Note: Approved recipients should be aware that all the information they will be providing to the NEB (name, address, etc.) in their Application for Funding Form may become public information.

Administration of contribution agreement

If approved, successful recipients will receive a letter stating the total amount for which they have been approved and will have to sign a standard Contribution Agreement with the NEB. The Contribution Agreement, signed by

the applicant (referred to in the Agreement as the “Recipient”) and the Board, will identify the conditions of the contribution and the obligations of all signatories.

The Agreement:

- Specifies the responsibilities of each party;
- Identifies the nature of the work to be funded;
- Specifies conditions for payment; and
- Requires the recipient to be accountable for public funds received.

Due to the estimated nature of funding requests, a variance of up to 20 per cent between expense categories is allowed. A variance of more than 20 per cent must be requested by the Recipient and approved by the NEB before payments can be made. The total amount claimed must remain within the level of award approved.

The NEB reserves the right to require a financial audit of the accounts and resources of the Recipient to ensure compliance with the provisions of the Agreement. Audited financial statements may be required for all contributions over \$100,000.

Administration of payments

There are three ways that funding can be provided to the recipient: as an advance, an interim payment, or a final payment.

Advance: Advance funding, provided prior to the conclusion of the oral hearing, of up to 75 per cent of the total amount to be funded may be issued, if required, for the Recipient to begin their activities. The remaining 25 per cent will only be issued as the final payment. It should be noted that an advance cannot be granted to cover expenses that have already been incurred. In cases where an initial advance payment has been made, supporting documents accounting for all expenditures to date must be provided before another advance or interim payment can be made. To request an advance, the Recipient must submit:

- A written request and reasons for advance; and
- A schedule of expenditures (cash flow forecast).

Interim Payment: An interim payment can be made after some eligible expenses have been incurred by the Recipient, but before all activities relating to the Recipient’s participation in the project have been completed.

Up to 75 per cent of the total amount to be funded may be issued, with the remaining 25 per cent issued as the final payment. In order to request an interim payment, the Recipient must submit:

- A written request for an interim payment;
- Originals or photocopies of receipts and/or invoices accounting for all eligible costs incurred to date by the recipient;
- An itemized statement of supporting invoices or receipts in support of all eligible costs incurred by the recipient; and

- A signature on the itemized statement certifying that the invoices and receipts submitted reflect the true cost of the expenditures incurred.

Final Payment: A final payment claim can be submitted once all of the eligible expenditures have been incurred by the Recipient. To request a final payment, the Recipient must submit:

- A written request for a final payment;
- Originals or photocopies of receipts and/or invoices accounting for all eligible costs incurred to date by the recipient;
- An itemized statement of supporting invoices or receipts in support of all eligible costs incurred by the recipient;
- A signature on the afore mentioned itemized statement certifying that the invoices and receipts submitted reflect the true cost of the expenditures incurred; and
- A copy of the final report, document or presentation produced during the recipient's participation in the project.

Note: For a copy of a sample itemized statement, please refer to Annex C.

Part 2. How to Complete Your Application for Funding Form

Purpose of Part 2

Part 2 of the guide presents step-by-step directions for completing the Application for Funding Form for participant funding.

Contents of Part 2

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Copy of the Application for Funding Form

For a copy of the Application for Funding Form, please refer to Annex A.

2.1 Step 1. Applicant Information

All Application for Funding Forms must:

- i. Establish and provide evidence that the applicant meets the criteria for eligible recipients;
- ii. Identify the applicant’s interest in the project;
- iii. Describe how the applicant would be able to play an important and distinct role in the regulatory process;
- iv. Describe the activities to be funded;
- v. Provide supporting information on the applicant’s capacity to carry out proposed activities;
- vi. Contain a budget of the estimated expenditures to be incurred;

- vii. Provide any other information that may be relevant to the project and proposed activities;
- viii. Be signed by the applicant or a person authorized to represent the applicant;
- ix. Be submitted to the NEB in time to meet the closing deadline; and
- x. Disclose the involvement of former public servants who are under the public service conflict of interest and post-employment guidelines.

Purpose of Step 1

The purpose of Step 1 is to establish that the applicant is eligible for participant funding under the program.

Applicant information and certification

In Step 1 of the Application for Funding Form, identify yourself as either an individual or a representative of an organization.

Provide information on your organization to ensure that you are eligible for funding consideration. For example, please specify whether you applied or intend to apply for funds from other sources.

For information on who is eligible under the program, please see section 1.3 Who Is Eligible for Funding? in this guide.

You must also certify that the information is accurate to the best of your knowledge, and agree to allow the NEB to provide copies of your application to members of the funding review committee. Please use the Certification Form provided with the Application for Funding Form.

The Application for Funding must disclose the involvement of any former public servants who are under the Conflict of Interest and Post-employment Guidelines of the Values and Ethics Code for the Public Service. This code can be found in the Policies section of the federal Treasury Board website at: http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_851/vec-cve1-eng.asp#_Toc46202811. Upon request, these guidelines can be provided by the NEB Library free of charge.

Identify your interest in the facility hearing

You must be able to demonstrate that you have at least one of the following:

- Have a direct, local interest in the project, such as living or owning property near the project area;
- Have local community insights and/or Aboriginal traditional knowledge respecting to the proposed project;
- Have an interest in potential project impacts on treaty lands, settlement lands or traditional territories and/or related claims and rights;
- Plan to provide expert information respecting the mandate and decisions of the NEB on proposed projects.

You should provide sufficient information to support the statement.

2.2 Step 2. Description of Proposed Activities

Purpose of Step 2

The purpose of Step 2 is:

- To identify how the applicant proposes to contribute to the regulatory process; and
- To provide supporting information on the applicant's capacity to carry out the proposed activities.

Describe your proposed contribution to the hearing process

In this section, provide a clear statement of why you want to participate in the public hearing (e.g., the objectives of participation).

Describe the proposed activities for which funding is requested. A work plan may be a convenient way of summarizing these activities. You should describe how your proposed objectives and activities will contribute to the understanding by the NEB of the anticipated effects of the project.

Identify your capacity to carry out proposed activities

Demonstrate that you have the ability to carry out the proposed activities. This could include:

- A description of your or your organization's relevant specific expertise and/or knowledge;
- A description of skills, capacity and/or experience of the organization; and
- Past experience on public hearings of similar projects.

You should consider providing a detailed budget and work plan, to indicate that the proposed activities are practical in scale and realistic in terms of scheduling and cost.

Describe your distinctive role

Describe how you would be able to play an important and distinct role in the regulatory process. This is important to help avoid duplication of effort and ensure that the funding supports participation from distinct perspectives. Participant funding is limited and there are often applications from individuals or organizations with similar interests and objectives. In some cases, one or more applicants may be able to jointly request funding to avoid duplication.

2.3 Step 3. Identification of the Funding Request

Purpose of Step 3

The purpose of Step 3 is:

- To identify the requested funds; and
- To provide supporting information on specific expenses, as necessary.

Identify your funding request and provide supporting information

Identify eligible funding requests as outlined in the expense categories described in 2.3.1 Expense Category Descriptions and Supporting Information Requirements of this Guide. This information must be provided in order for the Application for Funding to be approved. You are required to provide the requested supporting information.

Priority designations

The Application for Funding Form assigns a high, medium or low priority designation to each expense category. The funding review committee will assess requests as follows:

Designation	Review Process
High priority	In reviewing all applications for funding, the funding review committee will give first priority to these expenses. Such expenses are generally associated with the kind of participation that the program seeks to support, such as participation of local and Aboriginal parties in communities affected by the project, and of those parties with specific expertise that can contribute to the hearing process.
Medium priority	These expenses will be given medium priority, and generally will not be funded until requests for high-priority expenses have been accommodated.
Low priority	These expenses will be given low priority, and generally will not be funded until requests for high- and medium-priority expenses have been accommodated.

2.3.1 Expense Category Descriptions and Supporting Information Requirements

Expense category description and supporting information requirements

The purpose of this section is to provide an overview of the expense categories that may be used by participants. Each of the following sections provides a description of an expense category and the supporting information requirements that should be included in the funding request.

Professional fees

The professional fees category covers per diem fees and expenses for expert advice or assistance on issues relevant to the objectives of the regulatory process. This will include per diem fees or honoraria for the professional to attend meetings and functions. Also covered are professional services, such as accounting services, directly related to your participation.

Supporting information requirements for each expert are:

- A brief explanation of the professional's expertise and the direct relevance of this expertise to the regulatory process;
- Honorarium amount if applicable;
- Per diem rate and number of days;
- Justification of per diem rate or honorarium amount, if necessary;
- Related expenses; and
- Justification of the number of experts involved, if necessary.

Legal fees

The legal fees category includes the per diem fees and expenses for expert legal advice or assistance directly related to your participation.

Supporting information requirements:

- An explanation of why legal research or representation is important to your participation in the regulatory process.
- For each legal expert:
 - A brief explanation of the individual's expertise and the direct relevance of this expertise to the regulatory process;
 - Per diem rate and number of days;
 - Justification of per diem rate, if necessary; and
 - Related expenses.

Travel and incidental expenses

The travel and incidental expense category includes expenses related to travelling to attend public participation events held as part of the regulatory process. Such expenses may include transportation, meals, lodging and incidentals.

Supporting information requirements:

- Travel expenses must be reasonable and in accordance with federal government travel directives. Please refer to the National Joint Council website for these directives (<http://www.njc-cnm.gc.ca/directive/index.php?did=10&lang=eng>). Upon request, a copy of this directive can be provided by the NEB Library free of charge.
- You should explain why you must travel to the event, and, if applicable, why more than one person is needed to represent the organization.
- Details should be provided regarding travel mode, accommodations and duration.

Office rental space and meeting rooms

The office rental space and meeting rooms category includes expenses associated with the costs of office space, meeting rooms and office equipment directly related to your participation in the regulatory process.

Any operations and maintenance expenses that do not support your participation in the regulatory process, including normal rent and overhead, are not eligible for funding under the program.

Supporting information requirements:

- A summary of the need to rent the facilities and details on the event and rental costs.

Honoraria

This will include per diem fees or honoraria for intervenors to attend meetings and functions

Supporting information requirements:

- A brief explanation of the individual's expertise and the direct relevance of this expertise to the regulatory process;
- Honorarium amount;
- Justification of honorarium amount; and,
- Justification of the number of experts involved, if necessary.

Collection of information

The collection of information includes costs of activities related to collecting relevant information from specific local groups, such as community residents, Aboriginal group members or an organization's membership.

Supporting information requirements:

- A brief explanation of the need to collect the information and of the proposed local target group, and how this action will contribute to the objectives of the regulatory process.
- Details should be provided on the proposed approach and costs.

Purchase of information material

The purchase of information materials category is to cover the cost of materials relevant to your participation in the regulatory process. This material is otherwise not available free of charge from the proponent, responsible authority, NEB, or other party (e.g., maps, documents and reports).

Supporting information requirements:

- A brief explanation of how this action will contribute to the objectives of the regulatory process.

Translation of Materials

These are expenses related to the translation of supporting materials required for interventions in the regulatory process such as studies and other intervenor submissions. Applicants should know that all material originating at the NEB will be available in both official languages.

Supporting information requirements:

- Justification of the need for translation and specific requirements.

Other expenses

Any other expense item that you believe is needed to support the individual or group's participation in the regulatory process may be covered by the other expenses category.

Supporting information requirements:

- Must be supported by a clear explanation of how this item or action will contribute to the objectives of the regulatory process.

2.4 How and Where to Submit Your Application

How to submit your application

Submit your Application for Funding Form to the NEB after completing all items in the checklist (Section 2.5 of this Guide).

Applications for Funding must be received at the NEB online, by facsimile, e-mail, or by mail on or before the closing date in order to be considered for funding. The closing date is provided in the News Release and Public Notice inviting interested parties to submit an Application for Funding Form.

An electronic version may be provided using the online Application for Funding Form found on the NEB website. If an electronic version is submitted via e-mail, ensure that the NEB receives a paper copy with original signatures by mail or courier within a few working days of sending the electronic version. Do not bind the paper copy or use cerlox bindings or duo-tangs.

The NEB assumes no responsibility for submissions misdirected or delayed.

Send your documents to:

National Energy Board
444 - 7th AVE SW
Calgary, Alberta T2P 0X8
Facsimile: 1-877-288-8803
E-mail: PFP.PAFP@neb-one.gc.ca

For more information:

For more information please contact us at:

Telephone: 1-800-899-1265

or

E-mail: PFP.PAFP@neb-one.gc.ca

Following receipt of a complete application package, the NEB will send the applicant an acknowledgement.

2.5 Checklist for Completing the Funding Application Form

Before submitting the form

To help ensure that there are no delays in reviewing your application for funding, please make sure that you have addressed all of the following points before submitting your Application for Funding Form.

Checklist

- ☐ Step 1 (Applicant information) is completed with the detailed information recommended in the *Participant Funding Guide*.
- ☐ Step 2 (Description of activities) is completed with the detailed information recommended in the *Participant Funding Guide*.
- ☐ Step 3 (Application for Funding Form) is completed with the detailed information recommended in the *Participant Funding Guide*, and provides detailed information about budget costs.
- ☐ The amount requested does not exceed the amount made available for the project indicated in the announcement.
- ☐ There are no calculation errors in the budget and supporting information is provided corresponding with the detailed budget breakdown.
- ☐ Budget calculations are clearly explained where appropriate (e.g., per diems, travel rates).
- ☐ Declaration-Amounts Owing in Default to the Government of Canada is completed and signed by an authorized person (only applies for requests above \$20,000).
- ☐ Original copy mailed to the NEB is not stapled or bound.
- ☐ The proposal is forwarded to the NEB in time to meet the closing deadline.
- ☐ The application has been signed by the applicant or a person authorized to represent the applicant.

Annex A: Application for Funding Form

Please refer to “Part 2 How to Complete Your Application for Funding Form” of the Participant Funding Guide when completing this application.		<i>Official Use Only</i> <i>Date Received:</i> <i>File Number:</i>	
Step 1: Applicant Information			
Name and location of project:			
Name of applicant (individual or organization):		Website address (optional):	
Legal name of applicant (if different):			
Mailing address:		City / Town:	Province:
Postal Code:	Area Code / Telephone number: ()		Area Code / Fax number: ()
E-mail address:			

If you are a corporation/ organization/ group/ or association, please provide the name and title of the contact person who represents you:

If you represent an entity (incorporated or otherwise) supporting documentation, endorsing you as the entity's representation must be attached to this application.

Language of choice <input type="checkbox"/> English <input type="checkbox"/> French	Area Code / Telephone number: (if different) ()	Area Code / Fax number: (if different) ()
Is your organization incorporated? <input type="checkbox"/> Yes <input type="checkbox"/> No	Federal No.:	Provincial No.:
Business number (Canada Customs and Revenue Agency):		
GST/HST rebate number: _____ GST/HST rebate %: _____		
Have you applied or will be applying for funds from other sources to participate in the regulatory process? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify how much and the source:		
Describe your or your organization's major goals and mandate:		

Describe your interest in the regulatory process:

Please disclose the involvement of any former public servants who are under the Conflict of Interest and Post-employment Guidelines:

Step 2: Description of Proposed Activities

Describe your proposed contribution to the regulatory process, including:

- The objectives of your participation;
- Your proposed activities for which you are seeking funding; and
- How these proposed objectives and activities may contribute to the understanding of the anticipated effects of the project.

Attach a work plan if appropriate.

Identify your capacity to carry out the proposed activities.

(Describe relevant experience, expertise and skills you or your organization have that will help you to carry out your proposed activities.)

Describe why you believe your participation will bring an important and distinct perspective to the regulatory process.

Have you or your organization made an effort to cooperate with other individuals or organizations in preparing a funding application? Note: The NEB encourages those applying for funding to explore other options for participant funding. Further, the NEB's Participant Funding Program will not fund activities that duplicate services, studies or written materials being funded by other public or private sources.

☐ Yes

☐ No

If yes, please specify name of individual / organization:

How are the proposed activities different or incremental to your ongoing business?

Step 3: Funding Requested

Please summarize your request for funding of eligible expenses, using the following table (see part 2 of the Guide entitled *How to Complete Your Application for Funding Form* for information on each expense category):

Priority	Expense Category	Funding Requested
High	Professional fees	\$
	Legal fees	\$
	Travel expenses and incidentals	\$
Medium	Honoraria to attend meetings and functions	\$
	Rental of office space / meeting rooms	\$
	Collection of information	\$
Low	Purchase of information materials	\$
	Translation of materials	\$
	Other appropriate costs necessary for the proposed activity (specify)	\$

Previous Participant Funding

Please indicate whether the Applicant previously received any funding from the NEB:

☐ Yes

☐ No

With respect to each expense, please provide additional information to support your request:

Professional fees

Legal fees

Travel and incidentals

Rental office space /meeting room

Honoraria to attend meetings and functions

Collection of information

Purchase of information materials

Translation of materials

Other appropriate costs necessary for the proposed activity.

Results

All Applicants will be informed of the NEB's decision whether or not to grant Participant funding via e-mail or a letter. Please indicate your preference for receiving this communication:

- ☐ E-mail
- ☐ Letter sent by mail

How did you learn about the availability of Participant Funding for this project?
(Please check all that apply)

- ☐ Government of Canada notice in newspaper
- ☐ Newspaper articles/ editorials
- ☐ NEB website
- ☐ Consulting Canadians website
- ☐ Other websites
- ☐ NEB office e-mail to your organization
- ☐ Direct mail to your organization
- ☐ Radio broadcast
- ☐ Word of mouth
- ☐ Other (please specify): _____

Appendix A: Participant Funding Program Certification Form

Certification and Consent:

I/we hereby certify that the information I/we have provided in this application is accurate to the best of my/our knowledge. In the event that a participant funding award is to be made based on this application, I/we agree that no funding will be payable unless I/we sign the National Energy Board's (NEB) Standard Contribution Agreement.

I/we understand that I/we was/were entitled to review a copy of the Standard Contribution Agreement before signing this Application for Funding Form.

I/we hereby consent to the NEB making public and providing a copy of this Application for Funding Form and of the aforementioned Standard Contribution Agreement (once signed by me/us and by the NEB) to any person that the NEB deems appropriate in the circumstances. I/we further consent to the NEB making copies of any written submissions during the regulatory process, by me/us or by the corporation, organization, group or association that I/we represent and to use those copies for purposes related to the administration of the *National Energy Board Act*. The information collected will be subject to the *Access to Information Act*.

Name	Title
Authorized signature	Date

Appendix B - Declaration Form- Amounts Owing in Default to the Government of Canada

Note: Completion of this Declaration Form is required only if the amount of funding requested from the National Energy Board is \$20,000 or more.

Instructions:

The information provided below is collected in accordance with the Treasury Board Policy on Transfer Payments (pursuant to section 7 of the *Financial Administration Act*). Failure to complete this section may result in denial of funding.

Does the Applicant owe any amounts that are in default to the Government of Canada under legislation or contribution agreements?

☐ Yes

☐ No

If yes, please complete the following chart:

Amounts in default owing	Nature of the amount in default owed (taxes, penalties, overpayments)	Name of government department or agency
\$		
\$		
\$		
\$		

I/we hereby certify that the information I/we have provided in this Declaration Form is accurate to the best of my/our knowledge.

Name Title

Authorized signature

Date

Annex B: Standard Contribution Agreement

(NAME OF THE PROJECT)
PARTICIPANT FUNDING PROGRAM
STANDARD CONTRIBUTION AGREEMENT

Between: The National Energy Board (hereinafter referred to as “the NEB”)

And: *(Legal name of individual or organization), a (indicate the legal status of the Recipient, e.g. landowner, aboriginal group, a corporation, a non-profit non-industry organization or other), located at (indicate the personal address of individual or head office of organization), hereinafter referred to as the “Recipient”.*

Whereas pursuant to subsection 16.3 of the *National Energy Board Act* (hereinafter referred to as “the Act”), the NEB has established a participant funding program to facilitate the participation of the public in the Board’s oral hearing process regarding facilities applications;

Whereas an oral hearing process in relation to the proposed *(Name of the Project)* Project (hereinafter referred to as “the Project”) is to be carried out under the Act and its Regulations;

Whereas the Recipient intends to participate as an intervenor in the oral hearing process in relation to the Project;

Whereas the NEB is willing to make a Contribution to the Recipient in a manner and upon the terms and conditions hereinafter set forth; and

Optional wording:

Whereas the board of directors of the Recipient authorized (name of the authorized person) to execute this Agreement on the Recipient’s behalf **(include if Recipient is a corporation)**.

Whereas the Recipient authorized (Name of the authorized person) to execute this Agreement on the Recipient’s behalf **(include if Recipient is an aboriginal government or if the Recipient is a legal entity other than an individual or a corporation)**.

Whereas the Band Council of the Recipient authorized (name of the authorized person) to execute this Agreement on the Recipient’s behalf **(include if the Recipient is a Band as defined under the *Indian Act*)**

Now therefore, this Agreement witnesses that in consideration of the mutual promises and covenants hereinafter contained, the parties hereto agree as follows.

1.00 Definitions

“Agreement” means this Standard Contribution Agreement for Participant Funding and includes all appendices attached hereto;

“Application” means the Application for Funding Form submitted by the Recipient (Appendix A hereto) and includes all appendices attached thereto;

“Contribution” means conditional transfer payments to the Recipient for a specified purpose pursuant to this Agreement;

“Eligible Costs” means those costs identified in the Application;

“Fiscal Period” means the period or part of the period commencing April 1 of any year and ending March 31 the subsequent year during this Agreement;

“Parties” means the NEB and the Recipient;

“Panel” means the Panel of Board members designated by the NEB under the Act to adjudicate on the application respecting the proposed XXXXXXX project;

“Program” means the Participant Funding Program established by the NEB with respect to participation of the public in the NEB’s regulatory process for oral facility hearings.

2.00 Obligations of the Recipient

- 2.01 The Recipient agrees to participate in the NEB oral hearing process in compliance with the Application as approved by the NEB.
- 2.02 The Recipient shall ensure that the monies received pursuant to this Agreement are spent entirely on Eligible Costs as identified in the Application, as approved by the NEB.
- 2.03 The Recipient shall ensure that the information gathered or documents produced pursuant to this Agreement and as identified in the Application set forth in Appendix “A” to this Agreement will be filed on the record of the NEB oral facility hearing for the XXXXX project.

3.00 Financial Contribution of the NEB

- 3.01 Subject to section 3.03, the NEB will make a maximum Contribution to the Recipient of \$XXXX for Eligible Costs.
- 3.02 The NEB shall not contribute to any costs incurred by the Recipient prior to the effective date of this Agreement.
- 3.03 Any Contribution by the NEB, pursuant to this Agreement, is subject to there being a sufficient appropriation of funds by Parliament for the Program for the Fiscal Period in which the Contribution is to be made.
- 3.04 The Contribution provided for in section 3.01 includes the costs for the goods and services tax (GST) net of any input tax credits or rebates that may be claimed by the Recipient from the Canadian Revenue Agency.

4.00 Contribution Conditions

- 4.01 Unless the NEB agrees to make an advance Contribution prior to the close of the oral hearing under section 4.02, the NEB shall, subject to the limit established in section

- 3.01, reimburse the Eligible Costs incurred by the Recipient following receipt by the NEB of a final request for payment and itemized statement of claim (including copies of relevant invoices or receipts) from the Recipient which is acceptable to the NEB.
- 4.02 If requested in writing by the Recipient, advance Contributions, not exceeding 75 per cent of the maximum Contribution mentioned in section 3.01, may be paid to the Recipient provided the Recipient supports such a request(s) with a work plan and a cash flow forecast for the Fiscal Period in which the Eligible Costs will be incurred.
- 4.03 Subject to section 4.04 and 4.05, where an initial advance Contribution has been made to the Recipient under section 4.02, the NEB may make subsequent advance Contributions to the Recipient, based on work plans and cash flow forecast requirements for the application Fiscal Period submitted by the Recipient and the progress of the Recipient, after the NEB is satisfied that the initial advance Contribution has been spent or is duly committed in writing for Eligible Costs.
- 4.04 In the case where an initial advance Contribution or part thereof has been spent, no subsequent advance Contributions to the Recipient will be considered until the supporting invoices or receipts have been provided to the NEB, and the NEB is satisfied that they substantiate the expenditure of the funds that were advanced.
- 4.05 Notwithstanding any other provision of this Agreement, 25 per cent of the maximum Contribution mentioned in section 3.01 shall be held back by the NEB and will only be reimbursed to the Recipient after the Recipient has provided a final request for payment and itemized statement of claim to the satisfaction of the NEB and has complied with section 9.01 of this Agreement, if applicable.
- 4.06 The Recipient shall provide a final request for payment and itemized statement of claim to the NEB within 60 days following the end of the oral hearing for the (Name the project) Project
- 4.07 All invoices and receipts to be submitted by the Recipient to the NEB, as referred to in this Agreement, shall be sufficiently detailed to allow the determination of which type of Eligible Costs the Recipient incurred as well as the nature of the expenditure. The Recipient shall certify in writing that these invoices and receipts reflect the true cost of the expenditures incurred for Eligible Costs.
- 4.08 The Recipient agrees that the NEB has the right to undertake, or have undertaken, a financial audit of the accounts and resources of the Recipient to ensure compliance with the provisions of the Agreement. The Recipient agrees to cooperate fully on any such audit.
- 4.09 The Recipient shall indicate to the NEB any amounts that the Recipient owes to the federal government under any legislation or any contract or agreement; and any amounts due to the Recipient under this Agreement may be off-set against amounts owing by the Recipient to the federal government.

- 4.10 The Recipient shall promptly inform the NEB in writing of any financial assistance that the Recipient has applied for, is to receive, has received or expects to receive in relation to the Recipient's participation in the NEB's oral hearing of the XXXXXX Project from other non-NEB sources.
- 4.11 The NEB may reduce the amount payable under this Agreement by such amount that the NEB may decide if the Recipient receives, has received or will receive any Contribution or other payment towards Eligible Costs from sources other than the Participant Funding Program. Any reduction under this section shall not exceed the amount received by the Recipient from other sources.

5.00 Acknowledgement

- 5.01 The Recipient recognizes that the NEB, in deciding to make the Contribution, has relied on the truthfulness and completeness of the information provided by the Recipient, its representatives and agents, and hereby confirms the truthfulness and completeness thereof.

6.00 Reimbursement to the NEB

- 6.01 If the proponent notifies the NEB in writing of (1) its decision to abandon of the Project, or (2) its request that the NEB delay or suspend its processing of the application, and the NEB Panel decides to terminate or significantly delay the oral hearing process, then the NEB shall only pay for those Eligible Costs incurred or irrevocably committed prior to the date the proponent notified the NEB of its decision or request. Any amount provided by the NEB to the Recipient under this Agreement that was not spent or irrevocably committed for Eligible Costs at the time of notification to the NEB of the proponent's decision or request shall be paid forthwith by the Recipient to the Receiver General for Canada, and such amount shall constitute a debt owed by the Recipient to the federal government and may be so recovered.
- 6.02 Where the NEB makes a Contribution to the Recipient under this Agreement, and:
- a. The Recipient is not entitled to the Contribution;
 - b. The Recipient does not spend or commit the funds received towards Eligible Costs; or
 - c. For any other reason, the amount paid to the Recipient exceeds the amount to which the Recipient is entitled;
- the amount of the Contribution or the excess, as the case may be, shall be paid forthwith by the Recipient to the Receiver General for Canada, and such amount shall constitute a debt owed to the federal government and may be so recovered.

- 6.03 Interest on any debt owed by the recipient to the federal government under this Agreement shall be payable to the Receiver General for Canada in accordance with the provisions of the Interest and Administrative Charges Regulations.

7.00 Monitoring and Reporting Requirements

- 7.01 Up to and including 24 months after the Reasons for Decision are issued by the NEB, the Recipient shall, at its own expense:
- a. Preserve and keep proper books, accounts and records available for audit, examination, and duplication during business hours by the NEB or any person acting on the NEB's behalf in respect of all Contributions made hereunder; and
 - b. Supply promptly, on request, such data regarding expenditures incurred pursuant to this Agreement as the NEB or any person acting on the NEB's behalf may require.

8.00 Default

- 8.01 The following shall constitute events of default:
- a. The Recipient becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute from time to time in force relating to bankrupt or insolvent debtors;
 - b. Where a Recipient is a corporation, partnership, association or organization, an order is made or resolution passed for the dissolution of the Recipient or the Recipient is dissolved;
 - c. The Recipient has made misrepresentations to the NEB in respect of the Application as determined by the NEB;
 - d. The Recipient has provided any information to the NEB in respect of the Application that is false or misleading as determined by the NEB;
 - e. The Recipient has not met or satisfied a material term or condition of this Agreement as determined by the NEB; or
 - f. The Contribution is not used for the purpose set out in section 2.01 as determined by the NEB.
- 8.02 If an event of default has occurred, the NEB may at its discretion exercise one or more of the following options:
- a. Suspend any obligation by the NEB to contribute or continue to contribute, including any obligation to pay an amount owing before the date of such suspension;
 - b. Terminate any obligation by the NEB to contribute or continue to contribute, including any obligation to pay an amount owing before the date of such termination;

- c. The Recipient agrees that in cases described in paragraphs 8.01 c) d) e) and f), the NEB may require the Recipient to pay forthwith to the Receiver General for Canada all or part of the amount received by the Recipient under this Agreement, and the amount to be paid by the Recipient under this paragraph is a debt owing to the federal government and may be so recovered.

9.00 Notice

- 9.01 Any notice or correspondence to the NEB relating to this Agreement shall be addressed to:
- Participant Funding Program
National Energy Board
444 Seventh Avenue S.W.
Calgary, Alberta
T2P 0X8
Or by e-mail at: PFP.PAFP@neb-one.gc.ca
Or by Fax at: 1-877-288-8803
- 9.02 Any notice or correspondence to the Recipient relating to this Agreement shall be addressed to:
- (Name of Recipient)
(Name and title of Representative of Recipient if applicable)
(Address)
(Phone:)
(E-mail:)
- 9.03 Any notice given to the Parties with respect to this Agreement will be effectively given if delivered or sent by letter, email or facsimile (postage or other charges prepaid) addressed to the Parties at the addresses as given in this Agreement or other addresses designated in writing by the Parties.
- 9.04 The Parties shall promptly inform each other in writing of any changes to the address mentioned in sections 9.01 and 9.02.

10.00 Indemnity

- 10.01 The Recipient shall indemnify and save harmless the NEB, its members, employees and agents, Her Majesty the Queen in right of Canada and her Ministers, officers, employees and agents from and against any and all claims, loss, damages or expense that they or any of them at anytime incur or suffer as a result of or arising out of:
- a. Any injury or death of a person, or loss of or damage to property, caused or allege to be caused as a result of the Recipient's participation in the NEB oral hearing process;

- b. Any lien, attachment, charge, encumbrance or similar claim upon any property vested in the NEB under this Agreement;
- c. The infringement or alleged infringement of patent, registered industrial design, copyright or other tangible property based upon the use thereof by the Recipient; and
- d. The NEB's capacity as a provider of financial assistance under this Agreement, including without limitation any claim in respect of materials or services provided by a third party to the Recipient or to a contractor or subcontractor of the Recipient.

11.00 Consent to the Disclosure and Copying of Certain Documents

- 11.01 The Recipient hereby gives consent to the NEB to make public and to provide a copy of this Agreement and the Recipient's Application set forth in Appendix "A" to any person that the NEB deems appropriate in the circumstances.
- 11.02 The Recipient hereby allows the NEB to make copies of any written submissions made by the Recipient to the NEB and to use those copies for purposes related to the administration of the Act.

12.00 General

- 12.01 This Agreement shall not be assigned by the Recipient without the prior written consent of the NEB, such consent to be in the absolute discretion of the NEB.
- 12.02 The NEB and the Recipient declare that nothing in this Agreement shall be construed as creating an association, joint venture or agency relationship between the NEB and the Recipient.
- 12.03 The Recipient shall comply with all federal, provincial, territorial and municipal laws for the duration of this Agreement including but not limited to statutes, regulations, by-laws, rules and ordinances.
- 12.04 The laws in force in the province of Alberta will govern the interpretation and enforcement of this Agreement.
- 12.05 The division of this Agreement into sections, subsections, paragraphs, subparagraphs and headings is for convenience of reference and shall not affect the construction or interpretation of this Agreement.
- 12.06 This Agreement is binding on the Recipient and his/her successors and permitted assigns.
- 12.07 The Recipient shall not permit any individual to whom the provisions of the Conflict of Interest (Chapter 2) and Post-employment Guidelines (Chapter 3) of the Values and Ethics Code for the Public Service apply, or to whom any other conflict of interest

rules binding on public office holders, public servants, Senators or members of Parliament apply, derive any direct benefit from this Agreement unless it is clear that the individual remains in full compliance with those applicable Codes despite deriving the benefit.

- 12.08 The Recipient may terminate this Agreement subject to the consent of the NEB and subject to the terms and conditions the NEB may impose.
- 12.09 This Agreement may be amended by mutual consent of the Parties in writing.
- 12.10 Any dispute between the Parties concerning the interpretation or application of this Agreement that cannot be settled shall be submitted to a mediator as agreed upon both Parties.
- 12.11 This Agreement and its Appendix constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and supersedes all previous negotiations, communications and other agreements, whether written or oral, between the Parties.
- 12.12 All representations, warranties, covenants and obligation contained in this Agreement on the part of each of the Parties shall survive the termination of this Agreement.

13.00 Effective date

- 13.01 This Agreement is effective on the date that it is signed by both Parties.

By signing this Standard Contribution Agreement, the Parties acknowledge that they have read, understood and agree to the terms and conditions of this Agreement.

RECIPIENT:

NEB:

Signatory for Recipient

Signatory for the National Energy Board

Print

Print

Name of Recipient

Date

Date

APPENDIX A

Insert a copy of the Application, including all appendices attached thereto submitted by the Recipient.

Annex C: Sample Itemized Claim Statement

Community Council of X Province

Oil Refinery Project

Maximum possible claim \$5,000

Effective date of Contribution Agreement: 25-Dec-2007

CURRENT CLAIM

Date	Description	Purpose	Amount
1-Apr-08	Environmental Peoples Council	Professional fees	\$550.00
1-5-May-08	Mike Doe, Biologist (\$60/hour for 20 hours)	Professional fees	\$1,200.00
15-18 April-08	John Doe: Meals Breakfasts: \$15.00 Lunches: \$12.00+ \$14.00 + \$10.00 + \$17.00 Dinners: \$35.00 + \$22.00 + \$19.00 + \$20.00	Travel expenses	\$165.00
15-18 April-08	John Doe: Car travel (800 km @ \$0.40/km)	Travel expenses	\$320.00
15-18 April-08	John Doe: Hotel Comfort Inn (3 nights @ \$100/night)	Travel expenses	\$300.00
21-Apr-08	Jane Doe, Lawyer: (1 hour @ \$60/hour)	Legal fees	\$60.00
1-Apr-June14-08	Confederation Building Room 125 \$700/month for 2.5 months	Rental of office space	\$1,750.00
20-Apr-08	Public Library Board Room (1 day @ 200/day)	Rental of meeting room	\$200.00
Total			\$4545.00

CLAIM BREAKDOWN	AMOUNT
Professional Fees (included with legal fees)	\$1810.00
Travel Expenses	\$785.00
Rental of Office Space/Meeting Rooms	\$1,950.00
Total:	\$4545.00

PAYMENT BREAKDOWN	AMOUNT
Maximum Allocation	\$5000.00
Final Claim	\$4545.00
Balance of remaining unclaimed funds	\$455.00

Balance of Final Payment: \$455.00

I certify that these invoices and receipts reflect the true cost of the expenditures incurred by the Recipient for the participation in the regulatory process for the Oil Refinery Project.

John Doe, Director

Signing on behalf of

Date

