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NEB/ONE

December 18, 2013

NOPRC 2013-01 NEB Damage Prevention Regulations
 Sheri Young, Secretary of the Board
 National Energy Board
 444-7th Avenue S.W.
 Calgary, AB T2P 0X8

Dear Ms. Young:

RE: Notice of Proposed Regulatory Change (NOPRC) 2013-01 – Damage Prevention

Landowners across Canada were disappointed to see the NEB's Notice of Proposed Regulatory Change for the Damage Prevention Regulations. Disappointed because it is clear that the NEB is still not listening to landowners when it comes to the unfairness in Section 112 of the NEB Act. Many of us wrote to the NEB earlier this year in response to the Discussion Paper – Proposed Changes to NEB Regulations for Damage Prevention. We proposed regulatory changes that would put the responsibility for pipeline safety squarely on the shoulders of pipeline companies, and not on landowners. The NOPRC prepared by the NEB suggests that none of our concerns will be addressed in the draft regulations being prepared.

The NEB got it right when it said that pipeline landowners should not be responsible for the costs of pipeline abandonment. It needs to commit to the same principle in regulating the operations and maintenance of Canada' aging and inadequately constructed pipeline system. For landowners, Section 112 is nothing more than a gift to pipeline companies allowing them to shift the cost of maintaining their deficient pipelines to the landowners who make their living from the land. The Damage Prevention Regulations should be designed to correct this power imbalance.

As we wrote before, the new regulations must be designed to exempt landowners from consent requirements for agricultural activities while at the same time ensuring safety through proactive management by pipeline companies. An effective damage prevention program is one that monitors the condition and location of the pipeline and that maintains the pipeline so as to ensure at all times that farming practices can be undertaken safely and without damage to the pipeline. The pipeline must be maintained so as to accommodate agricultural operations.

Section 112 created a problem for landowners that needs to be solved. The Damage Prevention Regulations are providing the NEB with an opportunity to solve the problem by ensuring that pipelines don't interfere with farming operations and that landowners don't face fines and imprisonment for farming their lands. We hope that by the time the draft regulations are released, the changes landowners are looking for will have been adopted by the NEB.

Sincerely,

Ian Goudy

Chairman Gas Pipeline Landowners of Ontario
G.A.P.L.O.