



MEMORANDUM OF GUIDANCE

File 185-A000-3
21 March 2002

To: All Interested Persons

Electronic Filing - *National Energy Board Rules of Practice and Procedure, 1995*

Effective 18 February 2002 the National Energy Board (Board) has launched the Electronic Filing System. The system will enable parties to file documents with the Board and access such documents electronically.

System benefits include reducing the numbers of paper copies of documents required to be produced, improved efficiency as parties are able to view documents immediately once filed, and increased search and retrieval capabilities for documents filed with the Board.

A "Filers Guide to Electronic Submission" (Filers Guide) is available on the Board's internet site. The Filers Guide describes the process and guidelines for filing electronic documents with the Board and associated options for service of such documents on other persons.

Amendments to the *National Energy Board Rules of Practice and Procedure, 1995* (Rules) associated with the implementation of electronic filing will be finalized and issued shortly. In the interim, variation of the Rules is required for the implementation of Electronic Filing. Accordingly, pursuant to section 4 thereof, the Rules are hereby varied as necessary to permit the following.

- Documents, subject to exceptions outlined in the Filers Guide, may be filed with the Board electronically using the Board's on-line Electronic Filing System (e-filing).
- Where a document is e-filed, one hard (paper) copy of the document must subsequently be filed with the Board. The hard copy must have attached to it a signed copy of the Electronic Filing Receipt that the system will return to the filer upon receipt of the electronic document.
- The effective time of filing is the time of receipt of the electronic submission by the Board's electronic document repository. Filing is not perfected, however, until the required hard copy of the document is received by the Board with signed Electronic Filing Receipt attached.
- Service of all documents, whether or not e-filed, may continue to be effected in the traditional manner through service of the filed document as outlined in section 8 of the Rules.

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- In respect of documents e-filed (or which are otherwise available on the Board's electronic document repository), where the party to be served has notified the Board or the person effecting service in writing that the party to be served has the capability to access documents through the Board's electronic document repository, the document may be effectively served through service of a notification that the document has been filed in the repository.
- The time of service, when effected by service of a notification, is the time at which the person being served or the person's authorized representative receives the notification. Such service may be effected prior to the filing of the hard copy of the document with the Board.
- Documents may be e-filed notwithstanding that an oral hearing is in progress. The e-filing shall be made prior to the intended introduction of the document at the hearing. The hard copy filing with signed Electronic Filing Receipt attached (as required to perfect the e-filing) shall be made to the hearing officer at the time the document is introduced at the hearing. Consistent with present practice, a filed document does not form part of the hearing record until the document is provided an exhibit number and otherwise adopted or accepted onto the record at the discretion of the Board.

The Board encourages parties to file documents utilizing the Electronic Filing System. The Board also welcomes comments on all aspects of the Electronic Filing System.

For further information or enquiries of a technical nature, please contact Ms. Deborah Thompson at (403) 221-3497 or Michele Labbé at (403) 299-3585. You may also contact staff members by using the Board's toll-free number 1-800-899-1265.