

Federal Court



Cour fédérale

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DATE : April 8, 2014

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SUBJECT / OBJET : NEB v. DR Four Beat Energy Corp. (T-1403-13)

COMMENTS / REMARQUES : Order of the Court (Campbell, J.) dated April 8, 2014

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Federal Court



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Date: 20140408

Docket: T-1403-13

Calgary, Alberta, April 8, 2014

PRESENT: The Honourable Mr. Justice Campbell**BETWEEN:****THE NATIONAL ENERGY BOARD****Applicant****and****DR FOUR BEAT ENERGY CORP.****Respondent****ORDER**

UPON motion made by the National Energy Board (Board) for authority to reduce the pressure in the Knappen Pipeline in accordance with Board Order SG-D081-01-2013 dated April 18, 2013;

AND UPON reading the Motion Record of the Board and hearing the submissions of the counsel for the Board and Robert T. Malcolm, Q.C. of Norton Rose Fulbright Canada LLP, having been served with a copy of the Motion as Registered Attorney for the Respondent DR Four Beat Energy Corp. (DR Four Beat) in the Province of Alberta, who appeared at the request of the Court and not on behalf of DR Four Beat;

THIS COURT ORDERS that

1. The Board is granted the authority to reduce the pressure in the Knappen Pipeline in accordance with Board Order SG-D081-01-2013 dated April 18, 2013;
2. The pressure reduction shall be achieved either by the Board directly or through a qualified third party engaged by the Board to perform the work on the Board's behalf;
3. At least seventy two (72) hours in advance of the proposed work, the Board shall:
 - (a) notify the landowners on whose land the Knappen Pipeline is located (Landowners);
 - (b) confer with the Landowners; and
 - (c) notify the respondent DR Four Beat.
4. Notification of the Landowners and DR Four Beat shall be in accordance with the Board's usual practice, which may include hand delivery, mail, courier, telex, facsimile or other means of written or electronic communication;
5. In accessing the lands and performing the work, the Board shall make as little disturbance as possible in the circumstances;
6. The Board is awarded costs of this motion in the amount of \$1,000.00, payable forthwith;

7. The Board is awarded costs incurred in performance of the pressure reduction in the amount to be determined, not to exceed \$30,000.00, within sixty (60) days after the completion of the work in accordance with the *Federal Court Rules*.

"Douglas R. Campbell"

Judge