

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

TOWN OF WEYMOUTH,
MASSACHUSETTS, et al.,

Petitioners,

v.

MASSACHUSETTS DEPARTMENT
OF ENVIRONMENTAL
PROTECTION,

Respondent,

ALGONQUIN GAS TRANSMISSION,
LLC,

Intervenor for Respondent.

Nos. 19-1794, 19-1797, and
19-1803 (Consolidated)

DECLARATION OF JAMIE GARLAND

1. My name is Jamie Garland. I am a resident of Falmouth, Maine. I am the Director of Gas Operations of Maine Natural Gas Corporations (“MNG”). In that capacity, I have first-hand knowledge of the facts and information stated herein.
2. I understand that the June 3, 2020 decision of the U.S. Court of Appeals for the First Circuit in this matter vacated an air permit for a natural gas compressor station for the Atlantic Bridge project that is under construction

in Weymouth, Massachusetts, and remanded the matter to the Massachusetts Department of Environmental Protection for further proceedings on the issue of whether an electric motor is the Best Available Control Technology for the compressor unit's driver. This declaration is intended to advise the Court of the consequences to MNG if the Atlantic Bridge project were to be materially delayed.

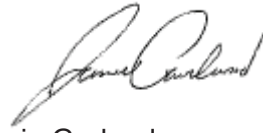
3. MNG is a local natural gas distribution utility that was formed in 1998 and serves approximately 5,200 customers in the towns of Bath, West Bath, Brunswick, Topsham, Windham, Gorham, Bowdoin, Freeport and Augusta, Maine. Many of MNG's customers migrated away from carbon intense fuel oils to less carbon intense natural gas and in doing significantly reduced greenhouse gas emissions within the towns.
4. Commencing in 1999, virtually all gas demand in the in Maine was served with regional offshore production from the Exxon Mobil led facility known as Sable Offshore Energy Project ("SOEP") and Encana's Deep Panuke Project ("Deep Panuke"). Since their inception, both projects experienced significant production declines, with both projects eventually being shut-in. Deep Panuke ceased production in March 2018, and SOEP ceased production in December 2018. Both projects are now in the process of being decommissioned.
5. Since the time that SOEP and Deep Panuke ceased production, in conjunction with growing demand for natural gas in Maine, the result has been a significant price increase for MNG's gas commodity. MNG had entered into a Precedent Agreement for firm upstream natural gas transportation capacity

on the Atlantic Bridge Project in order achieve gas cost savings for MNG and its customers.

6. Maine lacks natural gas storage capacity and, barring any further expansions to the aforementioned pipeline systems, capacity into the region is subject to critical constraints during coincident peak demand periods in the winter when MNG's demand for natural gas reaches its peak.
7. In light of the lack of regional production, the absence of storage capacity, and the constraints of the transmission pipeline, Atlantic Bridge represents a critical infrastructure expansion project enabling northbound flows of natural gas to Maine. This additional pipeline pathway will provide increased security of supply for the region, in the form of firm pipeline capacity to satisfy winter baseload and peak demand, as well as providing pathway and market diversity. It will also help facilitate the migration from higher carbon emitting sources of energy.
8. The incorporation of Atlantic Bridge into MNG's supply portfolio requires significant pre-planning activities, which are currently underway, in order to procure gas supply in advance of the commencement of service and to appropriately manage MNG's transportation and delivery arrangements.
9. Any further delay to the expected in-service date for Atlantic Bridge will result in exacerbated capacity constraints in the region, particularly over the winter season of 2020-2021, and the potential for material financial impacts on MNG and its customers arising from such capacity constraints and the lack of pipeline pathway optionality.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 30, 2020.

A handwritten signature in black ink, appearing to read "Jamie Garland". The signature is fluid and cursive, with the first name "Jamie" and last name "Garland" clearly distinguishable.

Jamie Garland
Director Gas Operations
Maine Natural Gas Corporation
9 Industrial Parkway
Brunswick, Maine 04011
(207) 729-0420, ext. 103
igarland@mainenaturalgas.com

EXHIBIT J

**IN THE UNITED STATES COURT OF APPEALS
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Intervenor for Respondent.

DECLARATION OF JOHN HAWKINS

1. My name is John Hawkins. I am a resident of Halifax Regional Municipality, Nova Scotia, Canada. I am the President of Heritage Gas Limited (“Heritage Gas”). In that capacity, I have first-hand knowledge of the facts and information stated herein.
2. I understand that the June 3, 2020 decision of the U.S. Court of Appeals for the First Circuit in this matter vacated an air permit for a natural gas compressor station for the Atlantic Bridge project that is under construction

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in Weymouth, Massachusetts, and remanded the matter to the Massachusetts Department of Environmental Protection for further proceedings on the issue of whether an electric motor is the Best Available Control Technology for the compressor unit's driver. This declaration is intended to advise the Court of the consequences to Heritage Gas if the Atlantic Bridge project were to be materially delayed.

3. Heritage Gas is the sole natural gas local distribution company for Nova Scotia, Canada. Heritage Gas provides energy to many of the largest industries and institutions in Nova Scotia as well as thousands of residential customers. Many of Heritage Gas's customers migrated away from carbon intense fuel oils to less carbon intense natural gas and in doing significantly reduced GHG emissions within the Province.
4. Commencing in 2000, virtually all natural gas demand in the Canadian provinces of Nova Scotia and New Brunswick was served with regional offshore production from the Exxon Mobil led facility known as Sable Offshore Energy Project ("SOEP") and Encana's Deep Panuke Project ("Deep Panuke"). Since their inception, both projects experienced significant production declines, with both projects eventually being shut-in. Deep Panuke ceased production in March 2018, and SOEP ceased production in December 2018. Both projects are now in the process of being decommissioned.
5. Since the time that SOEP and Deep Panuke ceased production, Heritage Gas has been reliant on imported Liquefied Natural Gas from the Canaport LNG import terminal in Saint John, New Brunswick, and supplies from Central and

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Western Canada delivered via a single pipeline pathway of: Union Gas, TC Energy Mainline and Portland Natural Gas Transmission System.

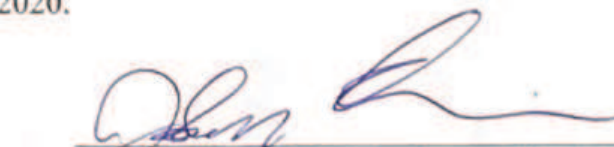
6. Nova Scotia and New Brunswick lack natural gas storage capacity and, barring any further expansions to the aforementioned pipeline systems, capacity into the region is subject to critical constraints during coincident peak demand periods in the winter when Heritage Gas' demand for natural gas reaches its peak.
7. In light of the lack of regional production, the absence of storage capacity, and the constraints of the single transmission pipeline, Atlantic Bridge represents a critical infrastructure expansion project enabling northbound flows of natural gas to Nova Scotia and New Brunswick. This additional pipeline pathway will provide increased security of supply for the region, in the form of firm pipeline capacity to satisfy winter baseload and peak demand, as well as providing pathway and market diversity. It will also help facilitate the migration from higher carbon emitting sources of energy.
8. The incorporation of Atlantic Bridge into Heritage Gas' supply portfolio requires significant pre-planning activities, which are currently underway, in order to procure gas supply in advance of the commencement of service and to appropriately manage Heritage Gas' transportation and delivery arrangements.
9. Any further delay to the expected in-service date for Atlantic Bridge will result in exacerbated capacity constraints in the region, particularly over the winter season of 2020-2021, and the potential for material financial impacts

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on Heritage Gas and its customers arising from such capacity constraints and the lack of pipeline pathway optionality.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the ^{3rd}~~2nd~~ day of June, 2020.



JOHN HAWKINS

EXHIBIT K

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DECLARATION OF JERRY E. LIVENGOOD

1. My name is Jerry Livengood and my work address is 498 Maine Ave, Bangor ME 04401. I am the President of Bangor Natural Gas Company (“BNG”). I have first-hand knowledge of the facts and information stated herein.
2. I understand that the June 3, 2020 decision of the U.S. Court of Appeals for the First Circuit in this matter vacated an air permit for a natural gas compressor in Weymouth, Massachusetts that is an integral facility for the Atlantic Bridge project. I make this declaration in an effort to inform the

Court of the potential consequences to the ratepayers of BNG from a significant delay to the in-service date of the Atlantic Bridge project.

3. BNG is a gas local distribution company (“LDC”) for the Bangor region and provides clean, reliable natural gas service to residential, commercial, educational, and industrial customers in the region. As a utility, BNG is an essential service and our customers expect they will receive natural gas service to heat their homes on cold winter days. Most of BNG’s customers are existing homes and businesses who switch from using fuel oil to natural gas, which lowers overall greenhouse-gas emissions.
4. BNG receives all of its gas supply from two interconnects with the Maritimes & Northeast Pipeline. The availability of supply to meet demand in the Northeast, particularly on peak demand days, continues to be a major concern for the Company. As the northeastern most situated LDC in the U.S., the persisting pipeline “bottleneck” in the Northeast, coupled with recent declines in Canadian supply, adversely impacts reliable gas supply.
5. The availability of gas supply on the Maritimes & Northeast Pipeline decreased since the Sable Offshore Energy Project and Encana’s Deep Panuke Project closed in 2018. New England is not a natural gas producing region and lacks underground storage capacity to help smooth price volatility during the winter. As a result, the ratepayers of BNG absorb higher prices for natural gas in their monthly heating bills because of regional price volatility and congestion on the natural gas pipeline network. In fact, a recent report from

ISO New England contemplates the potential for shortfalls in natural gas power generation due to inadequate fuel availability.¹

6. The Atlantic Bridge project represents a critical infrastructure expansion project enabling northbound flows of natural gas to New England. The additional pipeline pathway created by the Weymouth compressor station will provide increased security of supply for the region, thus offering more certainty to ratepayers because of lower price volatility.
7. Even though BNG does not currently have a precedent agreement for firm transportation service utilizing the capacity that will be made available by the Weymouth compressor station, BNG could nonetheless directly benefit from that capacity that will be created on the Maritimes & Northeast pipeline system with the completion of the Weymouth compressor station. This incremental south-to-north capacity will for the first time allow BNG to contract for firm pipeline transportation service from interconnections in New England. This transportation option will contribute to the reliability of BNG's service by providing BNG with an additional supply path, and it will only be available once the Weymouth compressor station is placed into service.
8. Further delays to the in-service date for the Atlantic Bridge project will also create upward pressure on forward natural gas prices in the region in the

¹ ISO New England has recognized that the foremost challenge to a reliable power grid in New England stems from the possibility that power plants will not have or be able to get the fuel they need to run, particularly in the winter. https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf

upcoming winter season of 2020-2021. This price uncertainty will adversely impact the ratepayers of BNG because of higher heating bills.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 25th, 2020.



Jerry E. Livengood

EXHIBIT L

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DECLARATION OF KIM LINAM

Pursuant to 28 U.S.C. § 1746, I, Kim R. Linam, state the following:

1. My name is Kim R. Linam. I am a resident of Sebastian County, Arkansas. I am a Certified Public Accountant registered in Arkansas and am employed by Summit Utilities, Inc. (“SUI”) as its Chief Administrative Officer. I am responsible for many SUI shared services functions including human resources, information technology, gas supply, gas control, and regulatory compliance with gas purchasing practices of each of the four natural gas utility operating companies owned by SUI, including Summit Natural Gas of Maine,

Inc. (“Summit” or the “Company”). In that capacity, I have first-hand knowledge of the facts and information stated herein.

2. Summit is a regulated natural gas utility currently providing service to approximately 3,900 customers in the Towns of Falmouth, Cumberland, and Yarmouth, Maine, and also in the Kennebec Valley Region of the State. The Company operates approximately 230 miles of natural gas mains in Maine and its distribution systems interconnects with the Maritimes & Northeast Pipeline, LLC (“M&N”) in Cumberland and Pittston. Summit is dependent upon this interstate pipeline to obtain the gas that it delivers to the Company’s residential and commercial sales customers.

3. Currently, there is insufficient pipeline capacity for gas delivered into the New England region during cold winter weather, which results in significant supply scarcity and spot price volatility, particularly during extreme weather events. As Summit currently has only one supply source on M&N, the Company’s gas procurement activities are exposed to the effects of the pipeline constraints in the region and significant spot price volatility during the winter months.


4. To obtain access to gas trading hubs where prices are less volatile, Summit has entered into a Precedent Agreement (and related transactions) to secure upstream pipeline capacity reservation rights on M&N that will become

available when Algonquin Gas Transmission, LLC's "Atlantic Bridge Project" is placed into service. The acquisition of this upstream capacity will help Summit diversify its supply portfolio, increase service reliability, and likely reduce the price its residential and commercial sales customers pay for natural gas.

5. The compressor station in Weymouth, Massachusetts ("Weymouth Compressor Station") is a critical component of the Atlantic Bridge Project without which the gas on the new pipeline could not be brought into Maine. To the extent that delays in reaching a final resolution of the issues concerning the air permit for the Weymouth Compressor Station will postpone the in-service date of the Atlantic Bridge Project beyond the upcoming heating season, Summit and its customers will be unable to realize the various benefits of the pipeline capacity contract this winter.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: June 25, 2020.



Kim R. Linam

EXHIBIT M

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DECLARATION OF ERIC MILLER

1. My name is Eric Miller and my work address is 2445 Technology Forest Boulevard, Suite 1010, The Woodlands, Texas 77381. I am the President and CEO of Recurve Energy Asset Management (“Recurve”). I have first-hand knowledge of the facts and information stated herein.
2. I understand that the June 3, 2020, decision of the U.S. Court of Appeals for the First Circuit in this matter vacated an air permit for a natural gas compressor in Weymouth, Massachusetts that is an integral facility for the

Atlantic Bridge project. I make this declaration in an effort to inform the Court of the potential consequences to the electric customers of New England from a significant delay to the in-service date of the Atlantic Bridge project.

3. Recurve is an asset management company that provides asset management services to the Footprint Power Salem Harbor Development, LP (“Salem Harbor”) power station, a 674 MW combined cycle gas-fired power plant located in Salem, Massachusetts. The plant replaced a higher-emitting coal-fired plant. The Salem Harbor plant provides clean, reliable electricity to the wholesale electric market in the region. As one of the newest and most efficient combined cycle facilities in New England, Salem Harbor provides inexpensive and flexible electricity to participants in the ISO-New England Power Pool (“ISO-NE”). Electricity is a vital and essential service in this region. Responsive thermal generators like Salem Harbor are also key to decarbonizing the electric grid as more renewable generation enters service. Salem Harbor provides significant financial benefits to the City of Salem, Massachusetts.
4. Salem Harbor receives all of its gas supply from two interstate gas pipelines that transport natural gas south from Canada, the Portland Natural Gas Transmission System (“PNGTS”) and the Maritimes & Northeast Pipeline (“M&NE”). The availability of cost competitive gas supply to meet demand in New England, particularly on peak demand days, continues to be a major concern due to Salem Harbor’s location at the southern most point on both pipelines.

5. The availability of gas supply on the M&NE Pipeline decreased since the Sable Offshore Energy Project and Encana's Deep Panuke Project closed in 2018. New England is not a natural gas producing region and lacks underground storage capacity to help smooth price volatility during the winter. As a result, the electric customers in the ISO- NE market area absorb higher prices for electricity because of regional price volatility and congestion on the natural gas pipeline network. In fact, a recent report from ISO-NE contemplates the potential for shortfalls in natural gas power generation due to inadequate fuel availability.¹

6. The Atlantic Bridge project represents a critical infrastructure expansion project enabling northbound flows of natural gas to New England including additional supply to Salem Harbor. The additional pipeline pathway created by the Weymouth compressor station will provide increased security and diversity of supply and reduced cost, thus offering electric customers lower price volatility.

7. Even though Salem Harbor does not currently have a precedent agreement for firm transportation service utilizing the capacity that will be made available by the Weymouth compressor station, Salem Harbor could nonetheless directly benefit from that capacity that will be created on the M&NE pipeline system with the completion of the Weymouth compressor station. This incremental south-to-north capacity will for the first time allow Salem Harbor to access natural gas supplies that originate in low cost production areas of the

¹ ISO New England has recognized that the foremost challenge to a reliable power grid in New England stems from the possibility that power plants will not have or be able to get the fuel they need to run, particularly in the winter. https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel_security_analysis.pdf

United States. This transportation option will contribute to the reliability of the Salem Harbor plant by providing Salem Harbor with an additional supply path, and it will only be available once the Weymouth compressor station is placed into service.

8. Further delays to the in-service date for the Atlantic Bridge project will also create upward pressure on forward natural gas prices in the region in the upcoming winter season of 2020-2021. This price uncertainty will adversely impact the electric customers of New England because of higher electric costs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30th, 2020.

Eric T Miller

NAME

EXHIBIT N

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DECLARATION OF ROBERT S. FURINO

1. My name is Robert S. Furino. I reside in the State of New Hampshire. I am employed by Unitil Service Corp. (“USC”), a service company that provides professional and management services to the power and natural gas distribution companies owned by Unitil Corporation, including Northern Utilities, Inc. (“NUI”). My USC position is Director, Energy Contracts and I am a Vice President of NUI. In that capacity, I have first-hand knowledge of the facts and information stated herein.

2. I understand that the June 3, 2020 decision of the U.S. Court of Appeals for the First Circuit in this matter vacated an air permit for a natural gas compressor station for the Atlantic Bridge project that is under construction in Weymouth, Massachusetts, and remanded the matter to the Massachusetts Department of Environmental Protection for further proceedings on the issue of whether an electric motor is the Best Available Control Technology for the compressor unit's driver. This declaration is provided to inform the Court of the current and ongoing need for the Atlantic Bridge Project by NUI, which serves customers in neighboring states of New Hampshire and Maine.

3. In terms of customers, NUI is the largest natural gas distribution company in the State of Maine and second largest natural gas distribution company in the State of New Hampshire, serving over 67,000 customers in the southern portion of the two states. NUI's service territory extends from Lewiston, Maine at the north end of its system, through coastal communities including Portland, Maine and Portsmouth, New Hampshire, west to Rochester, New Hampshire and south to the Massachusetts border at Plaistow and Salem, New Hampshire.

4. The States of Maine and New Hampshire have no natural gas storage or production so NUI is dependent upon interstate pipelines to access natural gas to deliver to the homes and businesses it serves. Although NUI holds and manages a portfolio of existing pipeline transportation and storage contracts and also owns an LNG vaporization facility, these resources are not sufficient to meet the peak season and peak day requirements of its current customers. As a result, NUI purchases significant quantities of

short term supplies delivered to its system by others. For this past year, the portfolio was approximately 2.0 Bcf or 12 percent short of projected cold winter annual supply requirements and 69,000 Dth or 49 percent short of projected peak day requirements. These shortfalls have been met with purchases of delivered supplies, however the pool of potential suppliers is very small leaving NUI's customers exposed to future potential loss of supply due to changes by other parties.

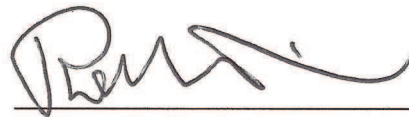
5. NUI is a customer of Algonquin Gas Transmission's Atlantic Bridge project for a maximum daily quantity of 7,599 Dth. Northern made its commitment to the Atlantic Bridge project in order to improve the availability of supply and access to reasonable pricing on behalf of its customers in Maine and New Hampshire. Northern anticipates fully utilizing this capacity when it is placed into service. NUI's commitment to the Atlantic Bridge project was reviewed and approved by the Maine Public Utilities Commission in Docket No. 2016-00229. NUI's resource planning activities generally are documented in periodic Integrated Resource Plans which are reviewed by the Public Utilities Commissions in Maine and New Hampshire. See NHPUC Docket DG 19-126; MPUC Docket No. 2019-00123. The Atlantic Bridge capacity remains an important aspect of NUI's prospective gas supply portfolio.
6. Natural gas production from Maritime Canadian offshore production wells were in decline when NUI made its commitment to the Atlantic Bridge Project. These wells, known as Sable Island and Deep Panuke, permanently shut down in late 2018, thus further limiting the availability of natural gas supply sources to serve demand in northern New England.

The loss of Sable Island and Deep Panuke production has also impacted the Atlantic Canada region, increasing the competition for gas supply in NUI's service territory.

7. Delays to the in service date of the Atlantic Bridge Project will delay NUI's efforts to purchase gas at locations where gas is plentiful and prices are more stable than the limited delivered supplies available in the constrained market area around NUI's system in Maine and New Hampshire.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 1, 2020.



Robert S. Furino

EXHIBIT O



June 29, 2020

U.S. Court of Appeals for the First Circuit
Attn: Maria R. Hamilton, Clerk of Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

Re: Letter in Support of Petition for Rehearing – Town of Weymouth et al. v. Massachusetts Department of Environmental Protection (Nos. 19-1794, 19-1797, and 19-1803)

Dear Ms. Hamilton:

This letter is being submitted by Irving Oil Terminals Operations, Inc. (collectively, with its affiliated companies, "Irving Oil") with regard to Intervenor-Respondent Algonquin Gas's Atlantic Bridge Project (the "Project").

Irving Oil conducts a variety of operations in the United States and Canada that rely on secure and reliable natural gas supply delivered by pipeline. Irving Oil operates a compressed natural gas business that serves industrial customers in the State of Maine, and in the Canadian Provinces of New Brunswick, and Nova Scotia. Irving Oil also operates a refinery located in Saint John, New Brunswick, Canada that consumes natural gas to produce refined petroleum products such as gasoline and heating oil - the majority of which serves our valued customers throughout New England.

The Project is designed to deliver new natural gas supplies from diverse sources through targeted upgrades along the existing Algonquin and Maritimes/Northeast interstate pipeline systems from New York to Maine (and then ultimately into Canada). In May, 2015, Irving Oil entered into an agreement to permit Irving Oil to ship natural gas along the Algonquin Gas Transmission System, through the proposed Weymouth compressor facility, and onto the Maritimes and Northeast Pipeline system. As a result of the natural decline and end of life shut-ins of natural gas supply from the eastern Canadian offshore gas fields, this Project when completed will provide a diverse, reliable, and natural gas supply to the market – helping to provide energy security for consumers in New England and Eastern Canada.

Further delays to completing and placing into service the Weymouth compressor facility will result in the Project benefits described above not being available for the upcoming 2020-21 winter season (which are the peak natural gas consumption months, and hence the most impactful timeframe relative to delay). Irving Oil is hopeful that such a scenario can be avoided if reasonably possible.

Thank you for the Court's consideration of this letter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Clinton".

Chris Clinton
Manager of Natural Gas Supply
Irving Oil

IRVING OIL

10 King Square South • Saint John, NB E2L 0G3 • irvingoil.com

