



EB-2007-0692

**APPLICATION BY ENBRIDGE GAS DISTRIBUTION INC.
FOR
AUTHORITY TO EXPROPRIATE INTEREST IN CERTAIN LANDS**

NOTICE OF APPLICATION

Enbridge Gas Distribution Inc. (the “Applicant” or “Enbridge”) has filed an application dated July 20, 2007, with the Ontario Energy Board (the “Board”) under section 99 of the *Ontario Energy Board Act 1998*, S.O. 1998, c. 15 (Schedule B) (the “Act”) for approval to expropriate lands for the construction of a natural gas pipeline to supply gas to the Portlands Energy Centre generating station (“PEC”) in the City of Toronto (the “Application”). The Board has assigned File No. EB-2007-0692 to the Application.

On June 1, 2007 the Board issued an order (EB-2006-0305), pursuant to subsection 90 (1) of the Act, granting Enbridge leave to construct approximately 6.5 kilometres of 36 inch diameter pipeline (the “North Section”) which will parallel a portion of Enbridge’s existing 30 inch diameter Don Valley Line and approximately 2.9 kilometres of 20 inch diameter pipeline that would interconnect the Don Valley Line at Enbridge’s Station B regulator station and would terminate at the Portlands Energy Centre (the “South Section”) in the City of Toronto. The construction of the pipeline commenced in the summer of 2007 and is scheduled to be in-service in February of 2008.

The North Section route is located primarily on land in the former Hydro One corridor currently owned by Enbridge (north of Sheppard Avenue to the north limit of Highway 401) and the Hydro One corridor presently owned by the Ontario Realty Corporation (“ORC”) (from the south limit of Highway 401 to Eglinton Avenue). The majority of the South Section is on land located on road allowances with the exception of certain locations owned by the City of Toronto Economic Development Corporation (“TEDCO”), the Toronto Port Authority (“Port Authority”) and Ontario Power Generation Inc. (“OPG”).

At the time of filing this application Enbridge has been unable to acquire the necessary permanent and temporary easement rights on lands owned by the TEDCO.

A description of the three permanent and one temporary easements that Enbridge is seeking the authority to expropriate from TEDCO are as follows:

Permanent Easements

1. Part of Block 2 of Registered Plan 540 E in the City of Toronto being part 2 on Reference Plan 66R-23230;
2. Part of Block G of Registered Plan 675 E in the City of Toronto being part 13 on Reference Plan 66R-23139; and
3. Part of Blocks X and J of Registered Plan 675 E and part of Lot 63 and Reserve for Park Development of Registered Plan 520 E in the City of Toronto being parts 1,2,3,4,5 and 6 on Reference Plan 66R-23128.

Temporary Working Easement

1. Part of Blocks X and J of Registered Plan 675 E and part of Lot 63 and Reserve for Park Development of Registered Plan 520 E in the City of Toronto designated as Part 7 on Reference Plan 66R-23128.

Enbridge has been unable to secure the necessary easement rights to construct the pipeline on the four parcels of properties listed above, and seeks the approval of the Board to expropriate permanent and temporary working easement rights to build the pipeline needed to supply the PEC.

If the Board is of the opinion that it is in the public interest to do so, it may make an order under subsection 99(5) of the *Act* authorizing Enbridge to expropriate the land. However, **the Board does not have the authority to determine the amount of compensation payable**. If the authority to expropriate is granted and the parties do not agree upon compensation, section 100 of the *Act* requires the compensation to be determined under the *Expropriations Act* or by the Ontario Municipal Board.

Copies of the application and of the evidence filed in support of the application are attached to this Notice at Appendix B.

How to Participate

If you wish to actively participate in the proceeding, you may request intervenor status. Your request must be made by letter of intervention received no later than **10 days** from the date of receipt of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the proceeding; and if you represent a group, a description of the group and its membership. The Board may choose to hold either a written or an oral hearing. Your letter of intervention should indicate your preference for a written or oral hearing, and the reasons for that preference. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the Applicant.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's Web site at www.oeb.gov.on.ca or by calling our Consumer Relations Centre at 1-877-632-2727.

How to Contact Us

In responding to this notice please reference Board file number EB-2007-0692. It is also important that you provide your name, postal address, telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Letters of intervention must be sent to the Board by regular mail to the address below. Please remember that you must send a copy of your request for intervention to the applicant at the address listed below.

Procedural Matters

Procedural orders as to how the matter will proceed may be issued by the Board from time to time, and copies of any procedural orders will be sent to Enbridge and intervenors in the proceeding.

ADDRESSES

Ontario Energy Board
P.O. Box 2319
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Attention: Ms. Kirsten Walli
Board Secretary

Tel: 1-888-632-6273 (toll free)
Fax: 416 440-7656
E-mail boardsec@oeb.gov.on.ca

The City of Toronto
City Hall
100 Queen Street W, 2nd floor
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Attention: Ms. Ulli Watkiss
City Clerk

Tel: 416 338-0338
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DATED at Toronto, August 16, 2007

ONTARIO ENERGY BOARD

Original Signed By

Peter H. O'Dell
Assistant Board Secretary

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Attention: Mr. Patrick Hoey
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Legal Counsel

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