



**EB-2007-0692**

**IN THE MATTER OF** the *Ontario Energy Board Act* 1998, S.O.1998, c.15, (Schedule B);

**AND IN THE MATTER OF** section 99(1) of the Act

**AND IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for authority to expropriate land for the purposes of natural gas pipeline to supply gas to Portland Energy Centre generating station in the City of Toronto .

### **PROCEDURAL ORDER NO. 3**

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 96 (1) of the Act, granting Enbridge leave to construct approximately 6.5 kilometres of 36 inch diameter pipeline (the “North Section”) 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.

Enbridge has been unable to secure the easement rights necessary to construct the South Section of the pipeline on the four parcels of property owned by City of Toronto Economic Development Corporation “(TEDCO)” and seeks the approval of the Board to expropriate the land needed for three permanent easements and one temporary working easement, all of which are necessary to build the pipeline needed to supply the PEC.

The Board’s Notice of Application was issued on August 16, 2007 (the “Notice”). The Board directed Enbridge to serve the Notice and the Application along with the pre-filed evidence on all affected parties including TEDCO.

On August 17, 2007 the Board issued Procedural Order #1, permitting intervenors to file evidence on matters relevant to the proceeding by August 31, 2007; convening a Technical Conference in Toronto to provide a forum for all parties to ask questions on Enbridge’s evidence and on intervenor evidence on September 7, 2007; and scheduling an oral hearing to take place at the Board’s offices in Toronto on September 14, 2007. On September 7, 2007 the Board issued Procedural Order #2 adjourning the Technical Conference.

On September 14, 2007, the Board granted a request by the Applicant and TEDCO for an adjournment of the oral hearing, and an order setting dates for a written hearing, should the need arise.

The Board considers it necessary to make provision for the following procedural matters. Further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The oral hearing scheduled for September 14, 2007 is adjourned.

2. If the parties require a decision from the Board in this proceeding, the hearing shall be in writing. The Applicant shall serve and file written argument by October 2, 2007; TEDCO shall serve and file written argument by October 5, 2007; and the Applicant shall serve and file any reply argument by October 9, 2007. All written argument must be filed with the Board Secretary by 4:15 p.m. on the date specified.

**DATED** at Toronto, September 14, 2007.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Peter H. O'Dell  
Assistant Board Secretary