



**EB-2009-0187**

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

**AND IN THE MATTER OF** an Application by Enbridge  
Gas Distribution Inc. for an Order pursuant to Section  
90(1) of the *Ontario Energy Board Act, 1998*, granting  
leave to construct natural gas pipeline in the Region of  
York.

### **PROCEDURAL ORDER No. 1**

Enbridge Gas Distribution Inc. ("Enbridge " or EGDI") has filed an application with the Ontario Energy Board on September 3, 2009, under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B, (the "Act") for an order granting leave to construct approximately 16.7 kilometres of 406 millimetre (16 inch) diameter Extra High Pressure steel pipeline (the "pipeline") to deliver natural gas to the York Energy Centre LP, a proposed natural gas generating facility. The Board has assigned the application file number EB-2009-0187.

The proposed pipeline route begins at EGDI's Schomberg Gate Station located at 4955 Lloydtown-Aurora Road and proceeds east along the road allowance of Lloydtown-Aurora Road for approximately 5.5 kilometres to Jane Street. The pipeline then proceeds north along Jane Street for 3.0 kilometres to Highway 9. The pipeline follows Highway 9 eastwards for 4.2 kilometres to Dufferin Street. It then proceeds north along Dufferin Street for 3.6 kilometres and then proceeds east for approximately 0.4 kilometres to the proposed York Energy Centre, located at 18781 Dufferin Street.

The Board issued a Notice of Application and Hearing dated September 22, 2009. A list of intervenors and observers in the proceeding is attached as Appendix A to this order. A proposed Draft Issues List prepared by Board Staff is attached as Appendix B to this order. Intervenors and the Applicant will be given an opportunity to file written submissions on the Draft Issues List in the timeline set by this procedural order. Upon

review of the submissions the Board will establish an approved Issues List which will set the scope of the proceeding.

The Board notes that its jurisdiction in this case is restricted to the review of matters related to the construction and operation of Enbridge's proposed pipelines. Matters related to the location, construction, operation or impacts of the generating station are not within the scope of the Board review. Accordingly, the issues in the Issues List are to be limited to matters respecting the pipeline.

The Board has received one request for an oral hearing from Hunter's Green Rate Payers Association. The Board has reviewed the request and decided to proceed by way of written hearing. However, the Board may hold an oral hearing for any component of the application should the Board find it necessary.

At this time the Board considers it necessary to make provision for the following procedural matters. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenor and the Applicant who wish to make written submissions on the Draft Issues List attached as Appendix B to this procedural order shall file the submissions with the Board and deliver it to the Applicant and other intervenors by **Friday, November 20, 2009**.
2. Intervenor and Board staff who wish information and material from the Applicant that is in addition to the evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant on or before **Friday, December 11, 2009**.
3. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to the intervenors no later than **Tuesday, December 22, 2009**.
4. The Intervenor wishing to file any evidence in the proceeding may file the evidence with the Board and deliver it to the Applicant and other Intervenor on or before **Monday, January 4, 2010**.

5. The Applicant, Intervenor and Board staff who wish information and material from the Intervenor that is in addition to the evidence filed by the Intervenor with the Board, and that is relevant to the hearing, shall request it by written interrogatories to the Intervenor and filed with the Board and delivered to the Applicant and other Intervenor on or before **Monday, January 18, 2010**.
6. The Intervenor who were asked the interrogatories on the evidence filed with the Board shall file with the Board complete responses to these interrogatories and deliver them to the Applicant and other Intervenor no later than **Monday, January 25, 2010**.
7. The Applicant shall file their argument-in-chief on or before **Monday, February 8, 2010**.
8. Intervenor and Board Staff who wish to make a final submission on the application must file that submission with the Board, and deliver it to the Applicant and other intervenors by **Monday, February 15, 2010**.
9. The Applicant shall file with the Board and deliver its reply argument to intervenors and Board Staff on or before **Monday, February 22, 2010**.

All filings to the Board must quote file number EB-2009-0187, be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available you may email your document to the [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

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.

**DATED** at Toronto, November 5, 2009

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Appendix 'A'

To

Procedural Order No. 1

Participants in the Proceeding

EB-2009-0187

November 5, 2009

**Enbridge Gas Distribution Inc.  
EB-2009-0187**

**APPLICANT & LIST OF INTERVENORS**

November 5, 2009

**APPLICANT**

**Rep. and Address for Service**

**Enbridge Gas Distribution Inc.**

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**INTERVENORS**

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**Enbridge Gas Distribution Inc.**

**EB-2009-0187**

**APPLICANT & LIST OF INTERVENORS**

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November 5, 2009

**York Energy Centre LP**

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**York Region District School  
Board**

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**Enbridge Gas Distribution Inc.**

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**APPLICANT & LIST OF INTERVENORS**

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**November 5, 2009**

**York Region District School  
Board**

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**Enbridge Gas Distribution Inc.  
EB-2009-0187**

**APPLICANT & LIST OF OBSERVERS**

November 5, 2009

**APPLICANT**

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**Enbridge Gas Distribution Inc.**

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**APPLICANT & LIST OF OBSERVERS**

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**November 5, 2009**

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Appendix 'B'

to

Procedural Order No. 1

Proposed Draft Issues List

EB-2009-0187

November 5, 2009

**Enbridge Gas Distribution Inc.**  
**Leave to Construct Natural Gas Pipeline to Supply Gas to York Energy Centre**

**EB-2009-0187**

**Draft Issues List**

1. Is there a need for the proposed pipeline?
2. Are there any undue negative rate implications for Enbridge's rate payers caused by the construction and operation of the proposed pipeline?
3. What are the environmental impacts associated with construction of the proposed pipeline and are they acceptable?
4. Are there any outstanding landowner matters for the proposed pipeline routing and construction?