



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. 2

Enbridge Gas Distribution Inc. ("Enbridge") 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 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. On November 5, 2009 the Board issued Procedural Order No. 1 setting out a schedule for this proceeding. A proposed Draft Issues List ("Draft List") prepared by Board Staff was attached to Procedural Order No. 1 and intervenors and Enbridge were given an opportunity to file written submissions on the Draft List by November 20, 2009.

The Board received two submissions with regard to the Draft List. By letter dated November 16, 2009 the Applicant stated that it had no comment. The York District School Board ("YDSB") filed a submission by letter dated November 20, 2009 that commented on Issue No. 4 on the Draft List. Issue No. 4 reads as follows:

4. Are there any outstanding landowner matters for the proposed pipeline routing and construction?

The YDSB did not suggest any change to the wording of Issue No. 4, however, it expressed concern about maintaining safe vehicular and pedestrian access to the Kettleby Public School at all times because the portion of the proposed route is within Lloydtown-Aurora Road and passes by the Kettleby Public School. The YDSB indicated that it wanted to receive advanced notification of construction of the proposed pipeline and that appropriate mitigation measures be applied by Enbridge and its contractors.

Upon review of the submissions the Board approves the Draft List which sets out the scope of the proceeding and considers the concerns raised by YDSB to be within the scope of Issue No. 4. The Board approved Issues List is attached as Appendix B to this Order.

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. The Issues List attached as the Appendix B to this procedural order is approved.

DATED at Toronto, November 27, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix 'A'

To

Procedural Order No. 2

Participants in the Proceeding

EB-2009-0187

November 27, 2009

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

APPLICANT & LIST OF INTERVENORS

November 27, 2009

APPLICANT

Rep. and Address for Service

Enbridge Gas Distribution Inc.

Norm Ryckman

Director, Regulatory Affairs
Enbridge Gas Distribution Inc.
500 Consumers Road
Willowdale, ON M2J 1P8

Tel: 416-495-5499

Fax: 416-495-6072

EGDRegulatoryProceedings@enbridge.com

APPLICANT COUNSEL

Scott Stoll

Legal Counsel, External
Aird & Berlis LLP
181 Bay Street
Suite 1800
Toronto ON M5J 2T9
Tel: 16-865-4703
Fax: 16-863-1515
ssoll@airdberlis.com

INTERVENORS

Harten Consulting

Rep. and Address for Service

Harvey Tenenbaum

Harten Consulting
1234 Kingston Road
Toronto ON M1N 1P3
Tel: 416-691-4167
Fax: 416-691-8112
h.tenenbaum@hartengroup.ca

Enbridge Gas Distribution Inc.

EB-2009-0187

APPLICANT & LIST OF INTERVENORS

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November 27, 2009

York Energy Centre LP

Gordon Nettleton

Osler Hoskin & Harcourt
450 First Street
Suite 2500
Calgary AB T2P 5H1
Tel: 403-260-7047
Fax: 403-260-7024
gnettleton@osler.com

Arie Van Driel

Director, Asset Management
Osler Hoskin & Harcourt
Suite 2250, 35- - 7th Ave. S.W.
Calgary AL T2P 3N9
Tel: 403-218-3746
Fax: 403-444-6784
dvandriel@pristinepower.ca

**York Region District School
Board**

Jane Ross

Manager of Accommodation
York Region District School Board
60 Wellington Street West
Box 40
Aurora ON L4G 3H2
Tel: 905-727-3141
Fax: Not Provided
jane.ross@yrdsb.edu.on.ca

Enbridge Gas Distribution Inc.
EB-2009-0187
APPLICANT & LIST OF OBSERVERS

November 27, 2009

APPLICANT

Rep. and Address for Service

Enbridge Gas Distribution Inc.

Norm Ryckman

Director, Regulatory Affairs
Enbridge Gas Distribution Inc.
500 Consumers Road
Willowdale, ON M2J 1P8

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181 Bay Street
Suite 1800

Toronto ON M5J 2T9

Tel: 16-865-4703

Fax: 16-863-1515

ssoll@airdberlis.com

OBSERVER

Environmental Defence

Rep. and Address for Service

Heather Harding

Environmental Defence
317 Adelaide St. West
Suite 705

Toronto ON M5V 1P9

Tel: 416-323-9521 Ext: 224

Fax: 416-323-9301

HHarding@environmentaldefence.ca

Enbridge Gas Distribution Inc.

EB-2009-0187

APPLICANT & LIST OF OBSERVERS

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November 27, 2009

**Global Environmental Action
Group**

Katharine Parsons

Executive Director
Global Environmental Action Group
183 Simcoe Avenue
Keswick ON L4P 2H6
Tel: 905-252-1857
Fax: Not Provided
keparsons@xplornet.com

Appendix 'B'

to

Procedural Order No. 2

Issues List

EB-2009-0187

November 27, 2009

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

EB-2009-0187

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?