

PERMITS REQUIRED

1. Permits will be required from the following authorities:

<u>AUTHORITY</u>	<u>PURPOSE OF PERMIT</u>
Lake Simcoe Region Conservation Authority 120 Bayview Parkway, Box 282, Newmarket, ON L3Y 4X1 Attn: Tom Hogenbirk	To acquire Development, Interference with Wetlands & Alterations to Shorelines & Watercourses permit.
Department of Fisheries and Oceans ("DFO") 3027 Harvester Road, Suite 304 Burlington, ON L7R 4K3 Attention: Referrals Coordinator	To notify DFO of all water crossings.
Regional Municipality of York 17250 Yonge Street, Newmarket, ON, L3Y 6Z1 Attn: Scott Stover	To acquire permits to install pipe in road allowances under its jurisdiction.
Ministry of Transportation 1201 Wilson Avenue 7 th Floor Building D Downsview, ON M3M 1J8 Attn: Marek Wiesek	To acquire an Encroachment Permit for the Highway 400 crossing.
The Corporation of the Township of King 2075 King Road King City, ON L7B 1A1 Attn: Rob Flindall	Meeting Municipal requirements constructing project facilities
TransCanada Pipeline 450 - 1 Street SW Calgary, Alberta, Canada T2P 5H1 Att: Dennis DeJesus	Approval to cross / construct within the NEB regulated pipelines.

AUTHORITY

Hydro One Networks Inc.
185 Clegg Road
P.O. Box 4300
Markham, ON L6G 1B7
Attn: Paul Dockrill

PURPOSE OF PERMIT

Approval to cross Hydro One
easement

SUMMARY OF APPLICATION CORRESPONDENCE

1. On September 3, 2009, Enbridge Gas Distribution ('Enbridge') filed the application for the Proposed York Energy Centre Pipeline Project (EB-2009-0187) with the Ontario Energy Board (the "Board") and all interested parties listed in Exhibit A, Tab 2, Schedule 2 of the evidence. As directed by the Board, on September 23, 2009 all interested parties were issued a copy (via email and/or courier) of the Notice of Application issued by the Board. Below please find a summary of correspondence received regarding the application filed by Enbridge as well as any responses.

Attachment	Date	Organization	Description	Enbridge Response
1	22-Jul-09	TSSA (Oscar Alonso)	Requested the Technical Specifications for this pipeline	Enbridge responded (July 27, 2009) to Mr. Alonso that the technical specifications for YEC were in the process of being finalized. Once the application and evidence has been filed with the OEB, copies of all material will be sent for review.
2	24-Jul-09	Interested Party	Interested party requested information on hydrostatic testing and the Enbridge construction manual.	On July 28, 2009, Enbridge sent an email to answer the questions on the specifications with regards to the hydrostatic pressure test.
3	4-Aug-09	Debbie Schaefer	Requested further details regarding the OEB process.	On August 4, 2009 Enbridge sent an email to Ms. Schaefer with details outlining the OEB process. A similar email was forwarded again on August 10, 2009.
4	14-Aug-09	INAC (April Desmoulin)	INAC will not be providing a review of the proposed project but it is important that Enbridge contact all potentially interested First Nation communities directly to invite them to participate in this review. The letter provides information to help identify First Nations and other Aboriginal groups within the vicinity of the project.	Will be fully dealt with during evidentiary phase of proceedings.
5	31-Aug-09	MNR - Aurora Office (Jean Enneson)	Requested information regarding the Environmental Assessment.	Enbridge responded on August 25, 2009 via telephone with regards to information requested about the Environmental Assessment.

Attachment	Date	Organization	Description	Enbridge Response
	3-Sep-09	ENBRIDGE FILED THE APPLICATION AND EVIDENCE WITH THE OEB AND ALL REQUIRED PARTIES		
6	3-Sep-09	MNR - Aurora Office (Steve Strong)	Concerned about the protection of the Ontario Heritage Resources.	Enbridge followed up with a phone call to Mr. Strong on September 3, 2009.
7	15-Sep-09	Hydro One (Helen An)	Hydro One requested that Enbridge allow appropriate lead-time in the project schedule in the event that the proposed development impacts Hydro One infrastructure which requires relocation or modifications, or needs an outage, that may not be readily available.	
8	16-Sep-09	Concerned Citizens of King Township (Debbie Schaefer)	Requested information on when the deadline for comments from public to be received and who the comments should be sent to.	On September 21, 2009, Enbridge provided the required information about the OEB process.
	23-Sep-09	The Notice of Application was issued to all required parties via email and courier.		
9	25-Sep-09	Concerned Landowner	Landowner would like to pave their driveway but does not want Enbridge to open cut the newly paved driveway shortly there after.	The project manager followed up with a phone call September 28, 2009.
10	1-Oct-09	Transport Canada (Ingrid Epp)	Transport Canada requested that if any of the related project elements or activities may cross or affect a potentially navigable waterway, you are requested to prepare and submit an application in accordance with the requirements as outlined in the Application Guide. It is possible that these works will be in line with the minor works policies for marine construction.	Enbridge filed a response to Ingrid Epp on October 13, 2009.

Attachment	Date	Organization	Description	Enbridge Response
11	1-Oct-09	Concerned Landowner	The landowner expressed concern that the water levels and quality of his hand dug well may be affected due to the proposed construction of the NPS 16 pipeline in front of his property along Lloydtown Aurora Rd.	Enbridge followed up with a phone call (October 1st, 2009)
12	6-Oct-09	York Region School Board	The school is concerned over the location and access of Kettleby Public School in relation to the proposed pipeline, maintaining safe student pedestrian and school bus access during and after construction	Enbridge sent a letter to YRDSB October 27, 2009.
13	7-Oct-09	Metis Nation (James Wagar)	For the Métis Nation of Ontario, Mr. Wagar requested more detailed information and timelines regarding the project.	On October 7, 2009, Enbridge followed up and provided the link to the website and a paper copy of the application and evidence was sent to the address provided.
14	10-Oct-09	S. Beharriell	Sent an email to the OEB requesting information on all environmental information and asked when the hearing would be held.	The OEB sent an email (Oct 21, 2009) to S. Beharriell to inform her that the Board has not determined the type and the schedule for the hearing. Enbridge also sent an email (October 21, 2009) to provide the link to the website and directed her to the environmental section.
15	16-Oct-09	Concerned Citizens of King Township CCKT (Debbie Schaefer)	Letter with various concerns regarding the project	Refer to letter on Oct 23/09 letter sent by Enbridge to the Board for response (see Attachment 20) Will be fully dealt with during evidentiary phase of proceedings.

Attachment	Date	Organization	Description	Enbridge Response
16	21-Oct-09	York Region - Water Resources (Tamara Kondrachova)	York Region filed a letter and provided the following comment: In general, we do not have comments opposing this application. However, the majority of the proposed pipeline lies within the Oak Ridges Moraine (ORM), where various sections crossing thorough high vulnerable aquifer areas. As such, this application and related construction activities must conform to the ORM Conservation Plan (2001), as also specified in the Regional Official Plan.	Refer to letter on Oct 23/09 letter sent by Enbridge to the Board for response (see Attachment 20) Will be fully dealt with during evidentiary phase of proceedings.
17	21-Oct-09	Save the Oak Ridges moraine (STORM)	STORM respectfully requested from the OEB that the pipeline project be halted until such time as the need for the peaker plant, as a component of Ontario's long term energy solution, has been subjected to an environmental assessment.	Refer to letter on Oct 23/09 letter sent by Enbridge to the Board for response (see Attachment 20)
18	22-Oct-09	Lake Simcoe Conservation Authority (LSRCA)	The LSRCA requests that Enbridge provide confirmation as to how the proposed route outlined in the application addresses the considerations outlined in their letter dated April 7, 2009 (sent to Jacques Whitford Stantec Limited)	Enbridge filed a letter with the OEB on Oct 27, 2009 to inform the OEB that EGD had received the letter and the issues raised will be dealt with during the evidentiary and argument phases of the proceeding. Enbridge filed a letter with the LSRCA on November 12, 2009 to address any concerns.
19	22-Oct-09	Ministry of Culture (Alejandro Ciefuentes)	Mr. Ciefuentes requested to be able to review whether or not this project requires an archaeological assessment.	The Board followed up with Mr. Ciefuentes (October 23, 2009) to discuss the OPCC review process. Enbridge also sent an email to Mr. Ciefuentes to provide the link to the website site for the application and evidence and directed him to view the EA report.

Attachment	Date	Organization	Description	Enbridge Response
20	23-Oct-09	Enbridge Letter	Response letter regarding granting status to individuals/groups in the preceeding. Requested Hunter's Green Rate Payers Association membership and interest in the proceedings. Also requested Hunter's Green rate payers submit their evidence ASAP for our timely review. A request was also made to defer a decision on the type of hearing until after the written interrogatory process is completed.	Responds to the following: Hunter's Green Rate Payers Association (Harten Consultants) York District School Board York Energy Centre LP Ms. S. Beharriell Region of York Save the Oak Ridges Moraine Indian and Northern Affairs Canada Concerned Citizens of King Township Inc. Ontario Greenbelt Alliance Global Environmental Action Group (Katherine Parsons)
21	2-Nov-09	Regional Municipality of York (Trevor Catherwood)	Mr. Catherwood saw the letter from York Region Water Resources dated October 21, 2009 regarding the York Energy Centre pipeline project. He wanted to notify Enbridge that proper approvals and circulation must occur for all portions of the pipeline proposed in the York Region road allowance.	Enbridge has previously been in contact with the required departments and will be submitting all drawings through the standard review process for the appropriate approvals.
22	6-Nov-09	Concerned Citizens of King Township CCKT (Debbie Schaefer)	CCKT is requesting that the OEB permit CCKT time to prepare further written submissions including time to permit a review of the Archaeological Report for submission to the OEB.	Will be fully dealt with during evidentiary phase of proceedings.
23	November 13, 2009	York Region District School Board (YRDSB)	Request information and clarification on the approximate setback that will be achieved between the proposed pipeline and Kettleby Public School and whether the construction of the pipeline in such a way that the setback from institutions can be reduced from the 200 metres?	Enbridge provided a response on November 16, 2009
24	November 16, 2009	Harten Consultants (Harvey Tenenbaum)	Provided comments on the Draft Issues List issued by the OEB.	

Attachment	Date	Organization	Description	Enbridge Response
25	November 16, 2009	Enbridge	Enbridge filed a letter with the Board having no comments on the Draft issues list. Included in the package was Exhibit G, Tab 1, Schedule 1 (Correspondence)	
26	November 20, 2009	York Region District School Board (YRDSB)	The YRDSB has no comments on the issues list expect for Issue No.4 regarding landowner matters. The YRDSB has requested that they receive notification well in advance of construction activities commencing near Kettleby Public School to ensure appropriate mitigation measures can be achieved with Enbridge and/or its contractors to minimize disruptions to normal operation of Kettleby Public School.	
27	Received November 24, 2009	Chippewas of Rama First Nation	Issued a letter dated November 12, 2009 to inform Enbridge that they had received the Notice of Application and that copy will be send to their legal counsel for further review and response.	
28	December 1, 2009	OEB	OEB issued a letter to Harten Consulting regarding the Issues List	
	December 4, 2009	Enbridge	Enbridge filed Stages 1 and 2 Archaeological Assessment which can be found at Exhibit B, Tab 2, Schedule 4	
29	December 7, 2009	K. Parsons	Requested electronic maps showing the location of Enbridge's high pressure natural gas pipelines in York Region	Response was that due to the importance of gas distribution infrastructure Enbridge doe not process requests from private individuals, institutions or their agents for information that is deemed sensitive.
30	December 10, 2009	Harten Consultants (Harvey Tenenbaum)	Filed Interrogatories with the OEB and Enbridge.	
31	December 11, 2009	Board Staff	Filed interrogatories with the OEB and Enbridge	




Janice Fay/GAS/Enbridge

11/16/2009 03:20 PM

To gilbert.luk@yrdsb.edu.on.ca

cc Edwin Makkinga/GAS/Enbridge@Enbridge

bcc Bonnie Adams/GAS/Enbridge

Subject Re: EB-2009-0187 Pipeline to Serve the Proposed York Energy Centre - Setback from institutions 

Hello Mr. Luk,

The following is in response to your inquiry to Edwin Makkinga regarding the setbacks from institutions.

The pipeline is designed to run below 30% of the Specified Minimum Yield Strength (SMYS). The hoop stress at design pressure for the pipeline will be 26.8% of the SMYS (Referenced in the Application for Leave To Construct EB-2009-0187 Exhibit C Tab 1 Schedule 1).

The TSSA article attached in your inquiry applies to pipelines designed to operate with hoop stresses greater than 40% of the SMYS, therefore the attached document does not apply to the proposed York Energy Centre Pipeline.

According to the CSA Z662-07 "Oil and gas pipeline systems" and Enbridge Construction Procedures the minimum clearances for buried pipelines are 300 mm (12 in) between pipeline and any other underground structure parallel to the pipeline.

This minimum clearance will definitely be met since Enbridge intends on installing the pipeline on the south side of Lloydtown-Aurora Road (opposite side of the road from Kettleby Public School). Based on the land base survey drawings the distance between the school building and pipeline is expected to be greater than 50 m (164 ft) (exact pipeline alignment is still being finalized).

Please feel free to contact me if you have any questions.

Janice Fay, EIT
Senior Project Leader
Engineering Special Projects
Enbridge Gas Distribution Inc.
Office: (416) 495-5373
Cell: (416) 573-1578
Fax: (416) 495-6530

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Janice Fay/GAS/Enbridge

Edwin Makkinga/GAS/Enbridge

----- Forwarded by Edwin Makkinga/GAS/Enbridge on 11/13/2009 12:50 PM -----

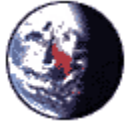


"Luk, Gilbert"

<gilbert.luk@yrdsb.edu.on.ca

>

To <edwin.makkinga@enbridge.com>



11/13/2009 12:25 PM

cc

Subject RE: EB-2009-0187 Pipeline to Serve the Proposed York
Energy Centre - Setback from institutions

Hello Mr. Makkinga,

It has been brought to our attention of setback requirements that maybe applicable for the proposed pipeline connecting Enbridge's Schomberg Gate Station at 4955 Lloydtown-Aurora Road to York Energy Centre at 18781 Dufferin Street. The attached file is a document obtained from the TSSA website with respect to minimum setbacks to institutions and dwellings. Can you provide the approximate setback that will be achieved between the proposed pipeline and Kettleby Public School at which is located at 3286 Lloydtown-Aurora Road.

Can you please clarify whether the construction of the pipeline in such a way that the setback from institutions can be reduced from the 200 metres?
Attached is the guideline in question.

Thanks You,

Gilbert Luk

Planning & Property Development Services
Tel: (905) 727-0022 ext 2439



ArticleFile.asp.pdf

Harten Consulting A Division of The Harten Group

1232 Kingston Road, Toronto, ON M1M 1P3

Tel: 416-691-4167 Fax: 416-691-8112

h.tenenbaum@hartengroup.ca

November 16, 2009

Mr. John Pickernell
Ontario Energy Board
P.O. Box 2319
27th Floor
Toronto, ON M4P 1E4

Dear Mr. Pickernell:

**Re: Enbridge Gas Distribution Inc.- Leave to Construct Pipeline to Serve the
Proposed York Energy Centre Board File No. EB-2009-0187
Submissions by Harten Consulting regarding the *Draft Issues List*.**

1. Is there a need for the proposed pipeline?

The Board stated in its letter of October 15, 2009 that *"The Board's function in this case is restricted to the review of matters related to the construction of and operation of Enbridge's proposed pipeline. Matters related to the location, construction operation or impacts of the generator station are not within the scope of the Board review."*

The question of the need for the proposed pipeline is obviously linked to the construction of the gas generator on the selected site. The approval process for the gas generator is not complete, and there are issues to be determined that could affect the gas pipeline. Should for any reason the gas generator not proceed, the pipeline application and any associated construction etc. would be a mute point.

If the gas pipeline is needed, then there are issues that must be resolved to ensure that the environment and rate payers are not negatively impacted, and that there is complete regulatory compliance.

2. Are there any undue negative rate implications for Enbridge's rate payers caused by the construction and operation of the proposed pipeline?

This is a complex question dependant on a variety of factors. The gas pipeline is to supply volumes of gas to a peaker plant. Peaker plants, are power plants that run only when there is a high demand for electricity, known as peak demand. In Ontario this has occurred in the late afternoon during summer months when the air conditioning load is high.

- 2-

This generally occurs between 4- 5 p.m. on very hot afternoons when people return home from work, start cooking dinner, and turn up the air conditioning while workplaces continue to operate and consume power. The time a peaker plant runs may be from zero number of days a year, to up to perhaps a dozen.

Since peaker plants are meant to run only for short periods, they are usually inefficient, simple cycle plants, as is the one proposed for the Township of King. It is far more expensive to build an efficient power plant that supplies base load electricity.

Peaker plants continue to lose their relevance in Ontario because of major shifts to incremental solar and wind power initiatives which are encouraged by substantial government incentives. Ontario's consumption of electrical power has decreased and a multiplex of conservation efforts are underway from energy saving light bulbs, appliances, windows etc. and a significant decline in the use of electricity.

The fact is that if we have a gas pipeline feeding a gas powered electrical peaker generator that need not generate peaking power, or even if it did run a few days a year there could be substantial costs and rate implications for Enbridge rate payers directly or indirectly.

3. What are the environmental impacts associated with the construction of the proposed pipeline and are they acceptable?

We have serious concerns that the environmental impacts associated with the construction and operation of the proposed pipeline have not been sufficiently evaluated to determine if they are acceptable, or need to be mitigated. Our study of the environmental impacts are currently underway.

A 16.7 km pipe line carrying high pressure natural gas in a 16 inch pipe is by itself in need of an environmental assessment from a safety perspective. The construction, trenching and excavations under a major eight lane highway (400 planned soon to be 12 lanes), two rail lines, traversing the Oak Ridges Moraine and greenbelt areas present major environmental issues. The native habitats it impacts, bodies of water, and flood plains it crosses are other factors.

Environmental impacts of course include safety aspects and socio-economic factors that must be considered. There are obviously major environmental impacts that by current standards and heightened awareness and concern may require a much more intense analysis than was the case a few years ago. Are they acceptable or can they be made acceptable, is an unanswered question at this time and a primary reason for our intervention and ongoing analysis.

-3-

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

There are issues to be addressed in the area of easements, pipeline routing and construction.

Before December 11, 2009, in addition to the evidence filed with the Board, we shall be requesting information and material from the Applicant that is relevant to the hearing and not as yet filed with the Board.

Respectfully yours,



Harvey Tenenbaum

HT: jt

c.c. Norm Ryckman EGDRegularoryProceedings@enbridge.com
Scott Stoll [sstoll@airdberlis.com](mailto:ssoll@airdberlis.com)
Heather Harding HHarding@environmentaldefence.ca
Katharine Parsons keparsons@xplor.net
Gordon Nettleton gnettleton@osler.com
Arie Van Driel dvandriel@pristinepower.ca
Jane Ross jane.ross@yrdsb.edu.on.ca
Ross Virgo ross.virgo@yrdsb.edu.on.ca

AIRD & BERLIS LLP

Barristers and Solicitors

Scott Stoll
Direct: 416.865.4703
E-mail: sstoll@airdberlis.com

November 16, 2009

BY EMAIL

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. ("Enbridge")
York Energy Centre Leave to Construct
Board Proceeding No. EB-2009-0187**

Enclosed is a package of the updated correspondence that has occurred in this proceeding. This should be added to the pre-filed evidence at **Exhibit G, Tab 1, Schedule 1**. An updated exhibit list has also been included and can be filed at **Exhibit A, Tab 1, Schedule 1**.

Enbridge has no comment in respect of the proposed Issues List.

We are in receipt of the email dated November 6, 2009 from the Concerned Citizens of King Township ("**CCKT**") attaching the Stage 2 Archaeological Assessment (the "**Site Report**") for the York Energy Centre property. Enbridge suggests this correspondence should be treated as a public comment as CCKT has not been granted status by the Board in this proceeding. Enbridge has also received the letter from Mr. Gordon Nettleton, counsel to the proponent York Energy Centre LP, dated November 12, 2009, which confirms the Ministry of Culture's acceptance of the Site Report. Therefore, CCKT's comments in this respect are incorrect and should be disregarded.

Enbridge is in the process of completing a Stage 2 archaeological assessment for the proposed pipeline route which, upon completion, will be filed as evidence in this proceeding. Any relevant evidence to the leave to construct proceeding should be filed in accordance with the Board's procedural order. Furthermore, evidence is to be filed only by Enbridge and parties granted intervenor status in accordance with the Board's *Rules of Practice and Procedure*. Enbridge is committed to complying with the applicable

November 16, 2009
Page 2

regulatory requirements to complete the construction of the proposed pipeline and facilities.

If there are any questions or comments please contact the undersigned at your earliest convenience.

Yours very truly,

AIRD & BERLIS LLP



Scott Stoll

SAS/br

c.c. Norm Ryckman
Rob Rowe
All Participants

5991966.1





EDUCATION CENTRE – AURORA

60 Wellington Street West, Box 40
Aurora, Ontario L4G 3H2
Tel: 905.727.3141 905.895.7216 905.722.3201 416.969.8131

Filed: 2009-12-21
EB-2009-0187
Exhibit G
Tab 1
Schedule 1
Attachment 26
Page 1 of 2
Fax: 905.727.0775
Website: www.yrdsb.edu.on.ca

November 20, 2009

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: boardsec@oeb.gov.on.ca

Re: **Centre Board File No. EB-2009-0187**
Response to Draft Issues List by York Region District School Board regarding
Enbridge Gas Distribution Inc.- Leave to Construct Pipeline to Serve the Proposed
York Energy.

The York Region District School Board does not have any comments with regards to item numbers one to three on the draft issues proposed by the Ontario Energy Board identified below.

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?

With regards to item number four on the draft issues list identified above; The York Region District School Board understands that a portion of the alignment of the proposed pipeline will be in the road right of way on Lloydtown-Aurora Road and will pass by Kettleby Public School which is located on 3286 Lloydtown-Aurora Road. The only access to Kettleby Public School is from Lloydtown-Aurora Road; maintaining safe vehicular and pedestrian access to the school at all times is essential for the safe operation of the school.

The York Region District School Board must receive notification well in advance of construction activities commencing near Kettleby Public School to ensure appropriate mitigation measures can be achieved with Enbridge and/or its contractors to minimize disruptions to normal operation of Kettleby Public School.

Yours truly,

Jane Ross
Manager of Accommodation
Planning & Property Development
Jane.Ross@yrdsb.edu.on.ca



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Filed: 2009-12-21
EB-2009-0187
Exhibit G
Tab 1
Schedule 1
Attachment 26
Page 2 of 2
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Website: www.yrdsb.edu.on.ca

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 Fiona Allen fiona.allan@yrdsb.edu.on.ca
 Harvey Tenenbaum h.tenenbaum@hartengroup.ca



**Chippewas of RAMA
First Nation**

A Proud Progressive First Nation Community

5884 Rama Road, Suite 200
Rama, Ontario L0K 1T0

T 705.325.3611 F 705.325.0879

Filed: 2009-12-21
EB-2009-0187
Exhibit G
Tab 1
Schedule 1
Attachment 27
Page 1 of 1

November 12, 2009

Enbridge
500 Consumers Road
North York, ON
M2J 1P8

Attention: Bonnie Jean Adams, Regulatory Coordinator

**Re: Enbridge Gas Distribution Inc. (Enbridge)
Environmental Assessment and Socio-Economic Impact Assessment
EB-2009-0187 Pipeline to Serve the Proposed York Energy Centre**

Dear Ms. Adams:

As a member of the Williams Treaties First Nations, Rama First Nation acknowledges receipt of your letter of September 24, 2009, which was received on September 29, 2009.

A copy of your letter has been forwarded to Karry Sandy-McKenzie, Barrister & Solicitor, Coordinator for Williams Treaties First Nations for further review and response directly to you. Ms. Sandy's address is 8 Creswick Court, Barrie, ON L4M 2J7 and her telephone number is (705) 792-5087.

We appreciate your taking the time to share this important information with us.

Sincerely,


Chief Sharon Stinson Henry

c: Council, Rama First Nation
Jeff Hewitt, General Counsel
Karry Sandy-McKenzie, Barrister & Solicitor
Chief Rodney Monague Jr., Portfolio Chief for Williams Treaty Nations

SSH/sw

**Ontario Energy
Board**
P.O. Box 2319
27th. Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**
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2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

December 1, 2009

Mr. Harvey Tenenbaum
Harten Consulting
1234 Kingston Road
Toronto, ON M1M 1P3

Dear Mr. Tenenbaum:

**Re: Enbridge Gas Distribution Inc.
Leave to Construct
Board File No. EB-2009-0187**

On November 27, 2009 the Board received your letter dated November 16, 2009 concerning the Draft Issues List (the "Draft List").

The Board issued Procedural Order No. 1 on November 5, 2009 which set out a schedule for this proceeding and had attached a proposed Draft List prepared by Board Staff. 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.

On November 27, 2009 the Board issued Procedural Order No. 2 approving the Draft List. On that same day the Board received your letter which addressed the substance of each of the four issues but did not comment specifically on the appropriateness of the Draft List. Your letter has been filed with the Board and is on the public record.

Please refer to Procedural Order No. 1 for future steps in this proceeding.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

Encl:

cc: Applicant and all Intervenors and Observers



**Edwin
Makkinga/GAS/Enbridge**

12/10/2009 02:48 PM

To -Bonnie Adams/GAS/Enbridge@Enbridge

cc

bcc

Subject Fw: Request for maps of existing pipelines - reply

Bonnie,

FYI, for the record.

----- Forwarded by Edwin Makkinga/GAS/Enbridge on 12/10/2009 02:48 PM -----



**Edwin
Makkinga/GAS/Enbridge**

12/10/2009 11:22 AM

To <keparsons@xplornet.com>

cc

Subject RE: Request for maps of existing pipelines - reply 

Ms. Parsons,

Thank you for clarifying that you do not want information on all pipelines and that your request is specifically related to the York Energy Centre (YEC) Leave to Construct (LTC) application. It appears from your latest email that your intent is to compare the YEC LTC application to previous Enbridge Gas Distribution (EGD) LTC applications.

I wish to clarify that LTC applications are not required for all natural gas distribution pipelines and that there are no recent applications for other high-pressure pipelines in York Region. However, there are a number of recent LTC applications available for your review. Further to an email sent to you (and others) from EGD's Bonnie Adams on 08-Dec-2009, previous EGD LTC applications are available on-line at www.enbridgegas.com/yorkpipeline. Use the navigation menu on the left of your screen to access the other LTC applications. In addition, hearing transcripts and Ontario Energy Board (OEB) decisions are available on the OEB website at <http://www.oeb.gov.on.ca/OEB/Hearings+and+Decisions>.

With respect to your comment on gas volumes, please refer to the YEC LTC application, Exhibit C, Tab 1, Schedule 3.

Given that you are working on behalf of Mr. Harvey Tenebaum, (an intervener) we request that future interrogatories be submitted according to the OEB Procedural Order No. 1 dated 05-Nov-2009. This Order requires that "Intervenors 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."

Regards,

Edwin Makkinga, B.Sc., CCEP
EHS Specialist
Enbridge Gas Distribution (Environment, Health and Safety)
5th Floor, 500 Consumers Road,
North York, ON M2J 1P8

Phone (416) 495-6789
Fax (416) 495-5523

"Katharine Parsons" <keparsons@xplornet.com>



"Katharine Parsons"
<keparsons@xplornet.com>

12/09/2009 09:29 PM

Please respond to
<keparsons@xplornet.com>

To ""Edwin Makkinga"" <Edwin.Makkinga@enbridge.com>

cc ""Harvey Tenenbaum"" <h.tenenbaum@hartengroup.ca>,
""BoardSec"" <BoardSec@oeb.gov.on.ca>

Subject RE: Request for maps of existing pipelines - reply

Edwin Makkinga,

I appreciate the fact that the position of high-pressure gas lines is sensitive infrastructure. However, not having the information puts Mr. Harvey Tenenbaum, who has Intervenor status at the Ontario Energy Board with respect to Enbridge's Leave to Construct Application for the York Energy Centre in King Township, and who I am assisting, at a distinct disadvantage in the hearings.

I am not asking for all locations in Ontario – only the ones in York Region that I can use to compare the current application to.

I must admit that I am dismayed by your lack of disclosure. This summer I asked you for gas volumes that your proposed pipeline will transport. You referred me to the consultant for the York Energy Centre instead, and he replied that daily gas volumes were considered "proprietary," but allowed that weekly gas volumes would be from 0 TJ/week to 550 TJ/week.

That amount was adjusted upward by Enbridge's own disclosure in its evidence to the Ontario Energy Board, which stated that the maximum capacity would be 136,000 cubic metres per hour -- an hourly disclosure no less-- (or 5.2 terajoules), approximately a 60% increase over the consultant's information.

Maps of gas pipeline routes are available in ERRs but I asked you for them in the interest of time.

Katharine Parsons, Executive Director
Global Environmental Action Group
<http://www.globalenviroactiongroup.com/>
c(905)252-1857

From: Edwin Makkinga [mailto:Edwin.Makkinga@enbridge.com]

Sent: December 9, 2009 2:19 PM

To: keparsons@xplornet.com

Subject: Re: Request for maps of existing pipelines

Ms. Parsons,

Our records department has reviewed your request and has replied with the following:

"Enbridge Gas Distribution receives numerous requests regarding the location of distribution infrastructure from a variety of sources on a daily basis. Due to the critical importance of the gas distribution infrastructure, Enbridge does not process requests from private individuals, institutions, or their agents for information that is deemed

sensitive."

Regards,

Edwin Makkinga, B.Sc., CCEP
EHS Specialist
Enbridge Gas Distribution (Environment, Health and Safety)
5th Floor, 500 Consumers Road,
North York, ON M2J 1P8

Phone (416) 495-6789

Fax (416) 495-5523

"Katharine Parsons" <keparsons@xplornet.com>

12/07/2009 03:08 PM

To "Edwin Makkinga" <Edwin.Makkinga@enbridge.com>

cc <pstrawbridge@xplornet.com>

Subject Request for maps of existing pipelines

Please respond to <keparsons@xplornet.com>

Edwin Makkinga,

I would appreciate it if you could send to me in electronic format maps showing the location of Enbridge high pressure natural gas pipelines in York Region.

Sincerely yours,

Katharine Parsons, Executive Director
Global Environmental Action Group
<http://www.globalenviroactiongroup.com/>
c(905)252-1857

Harten Consulting a Division of the Harten Group
1232 Kingston Road, Toronto, ON M1M 1P3
T: 416-691-4167 F: 416-691-8112 info@hartengroup.ca

December 10, 2009.

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Sent by: Fax: 416-440-7656
Sent by E-mail: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. - Leave to Construct Pipeline to Serve the
Proposed York Energy Centre Board File No. EB-2009-0187**

**Harten Consulting requests that Enbridge Gas Distribution Inc. supply responses to
the following interrogatories:**

1. Documentation indicating how the twenty-two route criteria were evaluated and why the preferred route was selected.
 - a) The criteria included feed-back from interested parties; we request copies of their feed-back.
2. Stantec has stated that, "*... the pipeline should be in an area compatible with the existing zoning by-laws and proposed plans for that municipality.*"

How does the pipeline comply with all existing zoning by-laws, including Greenbelt, Oak Ridges Moraine, and applicable provincial, regional, and municipal legislation?
3. Current studies detailing how rare or endangered species would be affected by the proposed pipeline and any remedial actions to be taken.
4. Studies on how flora and fauna would be affected by the proposed pipeline and any remedial actions to be taken.
5. a) Correspondence with the Holland Marsh Growers Association and any current studies conducted relating to impact on agricultural activities in the Holland Marsh.
 - b) Impacted wetlands and proposed restorative measures.

6. The number of individual properties within 50 metres of the pipeline.
7. The rights of property owners wishing to connect to the Enbridge line.
8. List of water courses to be traversed and any applicable legislation.
9. a) In the event of a fracture and explosion along the pipeline route what would be the radius of damage in a worst case scenario?

b) What is the contingency plan for such an event?
10. a) If any blasting is required in construction of the pipeline, what is the plan for testing wells for suspended solids?

b) How would the structural integrity of buildings within a designated distance be verified?
11. a) Will pre and post construction studies on the level and quality of ground water wells within 200 meters of the centre line of the pipeline route be made available?

b) What are the anticipated volumes of water that will be extricated as part of the dewatering process?

c) What studies have been conducted to determine any environmental impacts as a result of dewatering?
12. A copy of the Enbridge decommissioning plan for the pipeline.
13. Copies of applications made by Enbridge for required permits listed under "AUTHORITY."
14. A list of roadways and rail lines the pipeline will traverse and copies of any governing legislation.
15. Copies of any correspondence with the Lake Simcoe Regional Conservation Authority.
16. The *Oak Ridges Moraine Conservation Plan* states, "A minimum 30 metre vegetation protective zone must be established next to all wetlands. An application for development or site alteration that is proposed on any land that is located within 120 metres of said wetlands, but beyond the minimum vegetation protective zone, must be accompanied by a natural heritage evaluation. This study, prepared in accordance with Section 23 of the *ORMCP*, may require a large vegetation protection zone or design restrictions."
Please indicate how Enbridge will comply with this requirement.

17. a) A list of comparable size [435 mw] Peaker Plants in Ontario currently being supplied by Enbridge including the pipeline dimensions, capacity, pressure, and the number of hours of operation of those listed Peaker Plants supplied in the past twelve months.

b) A list of pipelines in Ontario of comparable pressure to the proposed pipeline including dimensions and capacity.

18. a) How does Enbridge plan to recoup capital costs and operating costs of the proposed pipeline?

b) What is the capital cost and how is it to be allocated?

c) What is an estimate of all other allocated costs?

d) What is the basis of cost allocation?

19. What would the total cost if the pipeline is utilized 0%, 10%, 50%, and 100% during a one year period?

20. Is there any minimum quantity of gas that the customer YEC is obligated to accept?

21. What provisions exist in signing an easement agreement with a property owner if the property is mortgaged?

22. Enbridge costs include the installation and commissioning of the distribution line and related infra-structure costs to service a terminal location.

a) Is an estimated breakdown of these costs including details on allocated infra-structure, operational, and administrative costs available?

b) How was the CIAC of 12.3 million calculated?

c) Do costs include decommissioning of the pipeline and what would these decommissioning costs be?

23. Were any additional financial assurances requested from the customer?

24. a) How are Enbridge's capital costs and all other costs incorporated in its billing?

b) Are any of these costs incorporated by Enbridge into ratepayers' bills?

25. Does Enbridge believe that its environmental screening process would meet the standards of an individual environmental assessment under the Environmental Assessment Act?

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Harvey Tenenbaum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Harvey Tenenbaum
Harten Consulting

HT: jt

cc: Norm Ryckman
Director, Regulatory Affairs
Enbridge Gas Distribution Inc.
500 Consumers Road
Willowdale, On M2J 1P8
T: 416-495-5499
F: 416-495-6072
EGDRegulatoryProceedings@enbridge.com

Enbridge Gas Distribution Inc.
Leave to Construct Natural Gas Pipeline to Supply Gas to York Energy Centre
EB-2009-0187

Board Staff Interrogatories

Issue # 1: Is there a need for the proposed pipeline?

1. Ref: Exhibit A, Tab 3, Schedule 1, Paragraph 2, page 1
 - a. Please provide a map showing all Enbridge's and TransCanada's high pressure pipelines within a radius of 20 km of the plant site.
 - b. Will the proposed 16.7 km NPS 16 pipeline be exclusively dedicated to serving the York Energy Centre LP plant? Are there any plans for the future where another customer will be served through the subject pipeline? Is there sufficient capacity to serve additional customers off the proposed line? If so, please provide details.
 - c. Is gas service generally available to customers in the vicinity of the proposed pipeline?

2. Ref: Exhibit C, Tab 2, Schedule 2 paragraphs 1 and 2, page 1

According to the construction schedule proposed by Enbridge construction would start in May 2010 and pipeline commissioning is planned for April 2011. This allows 11 months for the pipeline construction.

- a. Please explain why construction can not be completed in the summer months.
- b. Please compare this timing with construction timing of similar recent pipeline construction project and comment on how is the pipeline construction schedule coordinated with the construction schedule for the plant.

Issue # 2: Are there any undue negative rate implications for Enbridge's rate payers caused by the construction and operation of the proposed pipeline?

3. Ref: Exhibit A, Tab 3, Schedule 6, "Gas Delivery Agreement", Appendix B, "Financial Assurances and Insurance" and Exhibit 1 "Terms of Letter of Credit"

- 2 -

Appendix B, Exhibit 1 of the GDA provides a form of the irrevocable Letter of Credit to be posted and maintained and for the benefit of Enbridge by the York Energy Centre LP. Prior to construction the amounts and dates for drawing the funds are the estimates only and are to be adjusted based on the actual costs. The GDA set the amount of \$26,820,000 to be available in the posted Letter of Credit cumulatively by April 15, 2012 starting on August 28, 2009. . The GDA also sets the methodology to calculate “unrecovered investments” over time to be the methodology given in the EBO 188.

Please confirm that the GDA fully and adequately ensures that all risks associated with the transportation service to the York Energy Centre LP, to the Enbridge’s ratepayers at any point of time from August 28, 2009 (the date the GDA was signed) to September 30, 2031 (the termination date the GDA). Please summarize all of the financial assurances in place to ensure ratepayers are held harmless in the event that the York Energy Centre LP ceases to operate at any point before the termination date of the GDA

4. Ref: Exhibit A, Tab 3, Schedule 2, Paragraph 7, page 2

Should the pipeline approval be granted by the Board, and in the event that York Energy Centre LP ceases operation before the Gas Delivery Agreement termination date, Board Staff is proposing certain conditions for protection of Enbridge’s ratepayers.

Please comment if the conditions below would be acceptable to Enbridge:

- Enbridge shall not, without prior approval of the Board, consent to any alteration or amendment to the Gas Delivery Agreement dated and executed on August 28, 2009, where such alteration or amendment has or may have any material impact on Enbridge’s ratepayers.
- Enbridge shall file with the Board, a copy of York Energy Centre LP’s irrevocable bank letter of credit to Enbridge for an amount not less than cost estimate of the applied-for facilities; this filing shall take place not later than 14 days after the start of construction.

Issue # 3: What are the environmental impacts associated with construction of the proposed pipeline and are they acceptable?

5. Ref: Exhibit D, Tab 1, Schedule 2, pages 1 and 2

- 3 -

Referring to the table entitled "Permits Required" please add information on the anticipated timing on acquiring these permits and add any other permits and approvals that were not included in the pre-filed evidence.

6. Ref: Exhibit B, Tab 2, Schedule 2, p 5-17

Please explain the rationale for selection of the proposed route. Please elaborate on considerations of potential route impacts on environmentally sensitive areas in the Oak Ridges Moraine, Greenbelt Plan Natural Heritage System and Greenbelt Countryside areas.

7. Ref: Exhibit G, Tab 1, Schedule 1

In the evidence filed on November 16, 2009, Enbridge provided a summary of the comments it received regarding the proposed project and the Environmental Review Report as well as Enbridge's response to these comments.

Please discuss and provide copies of any additional comment received since November 16, 2009. Provide any update of further communication and follow-ups on the comments received since July 2009.

Issue # 4: Are there any outstanding landowner matters for the proposed pipeline routing and construction?

8. Ref: Exhibit F, Tab 1 Schedule 1

Please provide a status update on consultations and any follow-ups with Aboriginal groups described in the pre-filed evidence.

9. Ref: Exhibit G, Tab 1, Schedule 1, Attachment 17

Enbridge has been in contact with York Region's "Corridor Approvals and Records, Roads, Transportation and Works Department" from the beginning of this project (early 2009). Enbridge stated it would be submitting all drawings through the standard review process for the appropriate approvals.

Please explain the process and the requirements that Enbridge is following to obtain necessary approval from York Region's "Corridor Approvals and Records, Roads, Transportation and Works Department" for locating the pipeline in the road allowance? What are the milestones and the anticipated timeline for obtaining the approval prior to construction?

10. Ref: Exhibit D, Tab 1, Schedule 1, Paragraph 1, page 1

- 4 -

According to the evidence permanent easements will not be required. It is stated that temporary easements may be required in the areas along the route where the road allowance is not large enough to accommodate construction.

In the event that the temporary easements are needed, please describe the form of easements, the term and the time-line to obtain the temporary easement rights.

Conditions of Approval

11. Please review and provide any concerns and/or comments on the draft conditions of approval (if leave is granted) as set out below:

DRAFT Conditions of Approval Leave to Construct

1 General Requirements

- 1.1 Enbridge Gas Distribution Inc. ("Enbridge") shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2009-0187 except as modified by this Order and these Conditions of Approval.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2010, unless construction has commenced prior to that date.
- 1.3 Except as modified by this Order, Enbridge shall implement all the recommendations of the Environmental Report filed in the pre-filed evidence, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee ("OPCC") review.
- 1.4 Enbridge shall advise the Board's designated representative of any proposed material change in construction or restoration procedures and, except in an emergency, Enbridge shall not make such change without prior approval of the Board or its designated representative. In the event of an emergency, the Board shall be informed immediately after the fact.

2 Project and Communications Requirements

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Natural Gas Applications.
- 2.2 Enbridge shall designate a person as project engineer and shall provide the name of the individual to the Board's designated representative. The project engineer will be responsible for the fulfillment of the Conditions of Approval on the construction site.

- 5 -

Enbridge shall provide a copy of the Order and Conditions of Approval to the project engineer, within seven days of the Board's Order being issued.

- 2.3 Enbridge shall give the Board's designated representative and the Chair of the OPCC ten days written notice in advance of the commencement of the construction.
- 2.4 Enbridge shall furnish the Board's designated representative with all reasonable assistance for ascertaining whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 Enbridge shall file with the Board's designated representative notice of the date on which the installed pipelines were tested, within one month after the final test date.
- 2.6 Enbridge shall furnish the Board's designated representative with five copies of written confirmation of the completion of construction. A copy of the confirmation shall be provided to the Chair of the OPCC.

3 Monitoring and Reporting Requirements

- 3.1 Both during and after construction, Enbridge shall monitor the impacts of construction, and shall file four copies of both an interim and a final monitoring report with the Board. The interim monitoring report shall be filed within six months of the in-service date, and the final monitoring report shall be filed within fifteen months of the in-service date. Enbridge shall attach a log of all complaints that have been received to the interim and final monitoring reports. The log shall record the times of all complaints received, the substance of each complaint, the actions taken in response, and the reasons underlying such actions.
- 3.2 The interim monitoring report shall confirm Enbridge's adherence to Condition 1.1 and shall include a description of the impacts noted during construction and the actions taken or to be taken to prevent or mitigate the long-term effects of the impacts of construction. This report shall describe any outstanding concerns identified during construction.
- 3.3 The final monitoring report shall describe the condition of any rehabilitated land and the effectiveness of any mitigation measures undertaken. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Any deficiency in compliance with any of the Conditions of Approval shall be explained.

4 Easement Agreements

- 4.1 Enbridge shall offer the form of agreement approved by the Board to each landowner, as may be required, along the route of the proposed work.

5 Other Approvals and Agreements

- 6 -

- 5.1 Enbridge shall obtain all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project, shall provide a list thereof, and shall provide copies of all such written approvals, permits, licences, and certificates upon the Board's request.
- 5.2 Enbridge shall not, without prior approval of the Board, consent to any alteration or amendment to the Gas Delivery Agreement dated and executed on August 28, 2009 where such alteration or amendment has or may have any material impact on Enbridge's ratepayers.
- 5.3 Enbridge shall file with the Board, a copy of York Energy Centre LP's irrevocable bank letter of credit to Enbridge for an amount not less than cost estimate of the applied-for facilities; this filing shall take place not later than 14 days after the start of construction.