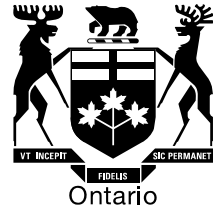


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**BY EMAIL**

November 24 2010

Dr. Charles Rhodes, P. Eng., Ph.D.  
Xylene Power Ltd.  
20190 Kennedy Road  
Sharon, ON L0G 1V0

Dear Dr. Rhodes:

**Re: Your Comment: EB-2009-0187 Extra high pressure large diameter pipeline to serve the York Energy Centre LP**

The Board received your letter dated November 5, 2010, wherein you comment on the Board's Decision and Order in EB-2009-0187 issued on April 5, 2010. In your letter you suggest that the Board did not address three "important safety matters that are applicable to the pipeline": (i) the minimum setback from this pipeline to buildings occupied by general public; (ii) the use of road allowance rather than a dedicated right-of-way; and (iii) the minimum depth of burial.

In its Decision and Order dated April 5, 2009, the Board approved the pipeline route based on a number of public interest considerations including safety. The Board found that the proposed pipeline adhered to the regulatory requirements for safe operation and that the Technical Standards and Safety Authority ("TSSA"), as the agency overseeing the operation of the pipelines in Ontario, has the authority to implement all of the applicable standards and regulatory requirements.

The Board noted that Enbridge's evidence was that the proposed pipeline is designed in accordance with requirements of Ontario Regulation 210/01, Oil and Gas Pipeline Systems, under the *Technical Standards and Safety Act, 2008* and the CSA Z662-07 Oil and Gas Pipeline Systems standard. Enbridge also noted that the Technical Standards and Safety Authority ("TSSA") reviewed the pipeline design specification and

did not raise any issues regarding the safe operation of the pipeline. Enbridge put on the record that it would comply with all of the TSSA administered requirements including the CSA Z662.

Further, the Board imposed the following condition on Enbridge:

*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.*

The Board notes that Enbridge included in its evidence in the EB-2009-0187 the records of communication between yourself and Enbridge with respect to your concerns about design and safety of the pipeline. The Board considered all of the evidence before it in EB2009-0187 and accordingly is not taking any further steps in this proceeding with respect to the issues raised.

Yours truly,

*Original Signed By*

Kirsten Walli  
Board Secretary

cc. Scott Stoll, Legal Counsel for Enbridge