



BOARD STAFF SUBMISSIONS

ENBRIDGE GAS DISTRIBUTION INC.
Application for Leave to Construct
Torbram Road Relocation Project
EB-2010-0241

December 23, 2010

Enbridge Gas Distribution Inc. (Enbridge) filed an application dated September 30, 2010 for an order for leave to construct approximately 270 metres of 323.9 millimetre (12 inch) diameter extra high pressure steel pipeline to accommodate the proposed grade separation of Torbram Road and the Weston Subdivision railway tracks. The project is located in the City of Mississauga and the City of Brampton in the Region of Peel.

The City of Mississauga and the City of Brampton (“the City”) are undertaking road work on Torbram Road to enhance safety and the Enbridge project is required in order to complete this road improvement.

The Board issued a Notice of Application and Hearing on November 2, 2010. Enbridge served the Notice as directed by the Board. No parties intervened, there were no registered observers and no letters of comment were received. The Board set a written proceeding schedule in the Procedural Orders No. 1 and No. 2. In accordance with the procedural schedule, Board Staff filed interrogatories (“IR”) on December 8, 2010. Enbridge responded on December 16, 2010. These Board Staff submissions have been filed pursuant to the Procedural Order No. 2 dated December 13, 2010 and support Enbridge’s application.

The estimated cost of the project is \$3.9 million. In the pre-filed evidence and in response to Board Staff IR # 3 Enbridge indicated that it would bear an estimated \$280,000 of the total project cost. The remaining cost would be reimbursed by the City as follows: (i) for the work not on the City highway the City would reimburse Enbridge 100% of costs; (ii) for the work on the City highway the amount would be according to the cost sharing formula set out in section 12 of the Model Franchise Agreements between Enbridge and the City of Mississauga and the City of Brampton. Enbridge filed copies of current franchise agreements with

City of Mississauga and the City of Brampton in response to IR # 3. Board staff notes that this cost sharing arrangement is in compliance with the Municipal Franchise Agreements

Enbridge completed an Environmental Screening Report and an environmental implementation plan for the project. No outstanding environmental or construction issues were identified. Design specifications, according to Enbridge's evidence, meet the requirements of the CSA Z662-07 and other applicable regulations and standards. Enbridge stated that it would obtain all of the required permits, permanent easements and temporary working easements prior to beginning construction. Board staff filed proposed conditions of approval (attached as Appendix A to these submissions) as part of interrogatory 4 and Enbridge responded that it would comply with the proposed conditions.¹

Board Staff have no outstanding concerns or issues with the application, and submit that the proposed conditions of approval should be included in the Board's order.

¹ Note that the proposed conditions are the standard Board conditions which relate to pipeline construction

Appendix A
EB-2010-0241
Proposed Conditions of Approval

December 23, 2010

EB-2010-0241

Enbridge Gas Distribution Inc.
Leave to Construct Application
Board Staff Proposed
Conditions of Approval

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-2010-0241 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, 2011, unless construction has commenced prior to that date.
- 1.3 Enbridge shall implement all the recommendations of the Environmental Screening 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.
- 1.5 Within 15 months of the final in-service date, Enbridge shall file with the Board Secretary a Post Construction Financial Report. The Report shall indicate the actual capital costs of the project and shall explain all significant variances from the estimates filed in the proceeding.

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. 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

- 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.