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VIA RESS, EMAIL, & COURIER

December 30, 2010

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

**Re: Enbridge Gas Distribution Inc. ("Enbridge") – Reply Submission for the
Torbram Road Relocation Project
Ontario Energy Board (the "Board") No. EB-2010-0241**

Pursuant to the Board's Procedural Order No. 2 issued on December 13, 2010, please find enclosed Enbridge's reply submission regarding the Torbram Road Relocation Project.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Lesley Austin'.

Lesley Austin
Regulatory Coordinator

cc: Neil McKay, Manager, Natural Gas Applications, Ontario Energy Board
Zora Cronjacki, Project Advisor, Ontario Energy Board and OPCC Chair
Scott Stoll, Aird & Berlis, Counsel

ONTARIO ENERGY BOARD

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 granting leave to construct a natural gas distribution pipeline and related facilities in the City of Mississauga in the Regional Municipality of Peel.

REPLY SUBMISSIONS OF ENBRIDGE GAS DISTRIBUTION INC.

Overview

1. Enbridge Gas Distribution Inc. ("**Enbridge**" or the "**Applicant**") filed an application on September 30, 2010 requesting leave to construct approximately 270 metres of NPS 12 extra high pressure pipeline ("**XHP**") at the intersection of Torbram Road and the Weston Subdivision Railway tracks (the "**Project**"). As part of the request for leave to construct, Enbridge is also requesting approval of the form easement provided at Exhibit D, Tab 1, Schedules 5 and 6.
2. On November 2, 2010 the Ontario Energy Board (the "**Board**") issued Letter of Direction and a Notice of Application and Hearing which required the publication of the proceeding and the serving of notice upon certain persons. The Notice of Application was published in the Toronto Star, the newspaper with the highest paid circulation in the area, on November 13, 2010. A copy of the Notice of Application was served on all Native Bands and reserves within 100km of the Project. An affidavit confirming service on the

enumerated parties was sworn on November 19, 2008 and filed with the Board. Other than Board Staff, no other intervenors or observers are participating in this proceeding.

3. The Board issued Procedural Order No. 1, dated December 2, 2010, that established the timetable for this proceeding, including the delivery of written interrogatories to the Applicant. Board Staff posed a series of interrogatories. In order to provide proper responses to the Board Staff's interrogatories, Enbridge requested additional time to respond. Procedural Order No. 2 was issued on December 13, 2010 which granted Enbridge until December 16, 2010 to file responses. Enbridge filed responses to the interrogatories on December 16, 2010.

4. Board Staff made submissions on December 23, 2010 which stated:

"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."

5. These reply submissions of Enbridge will deal with the following:
 - a. a brief description of the Project;
 - b. satisfying the public interest test required for leave to construct;
 - c. form of easement and other land related matters; and
 - d. the draft conditions.

The Proposed Project, Need & Timing

6. The leave to construct is required to construct approximately 270metres of NPS 12 XHP pipeline. The City of Mississauga and the City of Brampton (together the "City") are altering the vertical alignment of Torbram Road at the Weston Subdivision railway tracks. The existing NPS 12 XHP is in direct conflict with the proposed municipal project.

7. The route of the pipeline was selected through consultation with AECOM consultants who are managing the construction project for the City.
8. The construction of the pipeline is required to avoid the conflict with the municipal work. A location has been selected and the work is to be completed prior to July 2011 to accommodate the construction schedule of the City.

Public Interest

9. The granting of leave to construct requires the Board to consider whether or not the Project is in the "public interest". The OEB Act, Section 96, provides:

96.(1) If, after considering an application under Section 90, 91 or 92, the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work.

10. If the Board determines that the project is in the public interest, the statute mandates that the Board grant leave to carry out the work. Therefore, the primary issue before the Board is whether the proposed Project is in fact in the interest.
11. The Project is required to accommodate the municipal project. The funding of the Project will be in accordance with the Franchise Agreements for work within the municipal road allowance and where the pipeline is to be located on private easement the cost will be funded by the City (see Response to Board Staff I.R. #3).

Land Issues

12. The OEB Act, section 97, see below, requires the Board to approve the form of easement that will be offered to landowners.

97. In an application under section 90, 91 or 92, leave to construct shall not be granted until the applicant satisfies the Board that it has offered or will offer each owner of land affected by the approved route or location an agreement in the form approved by the Board.

13. Subject to receiving approval from the Board, Enbridge has used and will use the forms included in the Application, Exhibit D, Tab 1, Schedules 5 and 6. These forms have been approved by the Board in previous leave to construct applications. No landowner chose to intervene in this proceeding, raise any concerns or to make any comment regarding the documents filed. Enbridge is still in the process of negotiating easements and will not enter the lands for construction without the necessary rights in place.
14. Enbridge is currently in the process of permitting the Project. Enbridge will not commence construction until the necessary permits are received from the appropriate approval bodies. Enbridge plans to have secured the necessary land rights and permits by April 2011.

Relief Requested

15. Based upon the foregoing, Enbridge submits the Project is within the public interest.
16. Enbridge requests that Board find the proposed Project is in the public interest and grant leave to construct as requested and approve the form of easement agreement per section 97 of the OEB Act.
17. Enbridge has reviewed the draft conditions of approval suggested by Board Staff and does not have any concern with such conditions being included in the granting of leave.

DATED December 30, 2010 at Toronto, Ontario.

ENBRIDGE GAS DISTRIBUTION INC.
By its counsel

AIRD & BERLIS LLP



Scott Stoll