

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

November 9, 2011

BY COURIER, RESS AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor, Box 2329
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc.
Application to Amend a Condition of Approval
Board File No: EB-2010-0241**

We are counsel to Enbridge Gas Distribution Inc. ("**Enbridge**").

On January 20, 2011, the Board granted Enbridge leave to construct approximately 270metres of 323.9millimetre (NPS 12) Extra High Pressure steel pipeline in the City of Mississauga to accommodate the grade separation of a rail crossing and Torbram Road.

Condition 1.2 of the Order provides:

"Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2011, unless construction has commenced prior to that date."

On October 11, 2011, Enbridge informed the Board that Enbridge planned to commence construction on October 24, 2011. Enbridge has not been able to commence construction of the pipeline. Enbridge and the City of Mississauga had to secure certain lands to permit Enbridge to begin construction. Unfortunately, the lands needed to complete the pipeline have yet to be secured and will not be secured to permit Enbridge to perform the work prior to winter.

Enbridge request that Condition 1.2 be revised as follows:

"Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate June 30, 2012, unless construction has commenced prior to that date."

No party participated in the proceeding and no party will be adversely impacted by granting the requested relief. As such, Enbridge requests the Board dispose of this matter without a hearing in accordance with section 21(4)(b) of the *Ontario Energy Board Act, 1998*.

If there are any questions please feel free to contact the undersigned at your earliest convenience.

Yours truly,

AIRD & BERLIS LLP



Scott A. Stoll

SS/hm

cc: Neil McKay, Manager, Natural Gas Applications, OEB
Zora Crnojacki, Ontario Pipeline Coordinating Committee, Chairperson
Fiona Ngai, Engineering Project Manager, Major Projects, Enbridge