



Board Staff Interrogatories

**Application for Leave to Construct Natural Gas Pipelines
Thunder Bay Project
EB-2012-0226**

**Application for Certificate of Public Convenience and
Necessity
EB-2012-0227**

**Union Gas Limited
August 23, 2012**

1. Reference: Prefiled Evidence/ page 3/paragraph 11 and page 3-4/ paragraphs 16-19
 - a) Please provide status on the execution of all of the agreements to be entered with the OPC in order for the proposed project to be constructed and operated, including commissioning phase of the gas supply.
 - b) Please file copies of executed agreements with the Board in response to this interrogatory. If the agreements have not been executed yet, please file forms of the agreements that will be executed.

2. Reference: Prefiled Evidence/ pages 18-20/ paragraphs 90-105

Please provide detailed updates on negotiations for the following:

- a) Road crossing permits with Municipalities, Conservation Authority, railways and other utilities along the pipeline route;
- b) Fee simple purchase of the land in vicinity of Belrose Station;
- c) Permanent and temporary easement agreements for both replacement and new section of the proposed pipelines;
- d) Work Permit required by the MNR.

3. Reference: Prefiled Evidence / page 20/ paragraph 103

Pursuant to section 97 of the OEB Act the applicant “has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board.”

Please confirm that the form of the easement agreement provided in Schedule 19 has been offered or will be offered to all of the private landowners from whom the easements are required.

4. Reference: Prefiled Evidence/page 25/paragraph 13

During consultation with the First nations and metis several issues were identified and Union proposed to address these issues by working with the Economic Development departments of FWFN, MNO, Union’s pipeline contractors and to work with RSMIN on a proposal to conduct a Traditional study of the pipeline route on McKellar and Mission Islands.

- a) Please provide a strategy and a plan for the proposed activities and explain the scope of the Traditional study of the pipeline route on McKellar and Mission islands.

- b) What is the time-line of these activities in relation to construction schedule?
 - c) How will the results of these activities be implemented by Union?
5. Please comment on the attached Board staff draft conditions of approval. Please note that these conditions are standard conditions and are a draft version subject to additions or changes depending Board staff's further review of the evidence in this case.

Board Staff Proposed Draft

Conditions of Approval

1 General Requirements

- 1.1 Union Gas Limited ("Union") shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2012-0226 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, 2013, unless construction has commenced prior to that date.
- 1.3 Union 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 Union 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, Union shall file with the Board Secretary a Post Construction Financial Report. The Report shall indicate:
 - a) the actual capital costs of the project and an explanation for any significant variances from the estimates filed in this proceeding.
 - b) the actual capital costs for the project borne by Union and the actual costs contributed towards construction by the OPG, including the method and the actual cost inputs used to determine the final amount of the contribution by the OPG.

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 Union 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 Union 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 Union 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 Union 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 Union 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, Union 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. Union 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 Union'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 Other Approvals and Agreements

4.1 Union 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.