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Reply To: Graham J. Rempe
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E-Mail: grempe@toronto.ca

File No. 5000 076 9987 12

SENT VIA EMAIL boardsec@ontarioenergyboard.ca

August 27, 2013

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 26th Floor
Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: Enbridge Gas Distribution Inc. ("EGD") Application for Leave to Construct – Greater Toronto Area ("GTA") Project – Board File No. EB-2012-0451

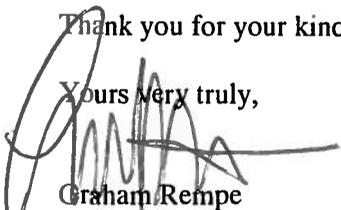
This letter is further to our letter of March 19, 2013, seeking leave to intervene in this matter, and the Board's decision of April 18, 2013, granting that intervention.

After reviewing the Application, City staff identified three issues which are summarized in my letter of May 6, 2013 to Enbridge's counsel, Mr. Stoll. By letter of June 18, 2013, Enbridge responded to the three identified issues. Copies of the two letters are attached.

On the basis of this exchange, the City of Toronto proposes to attend the settlement conference of August 28, 2013, to speak to this resolution, to file this letter with the two attachments, and, subsequently, to withdraw from these proceedings.

Thank you for your kind cooperation.

Yours very truly,


Graham Rempe
Solicitor

GR:kew
Attach.

cc. Anna Kinastowski, City Solicitor
Albert H. Cohen, Director, Legal Services
John Livey, Deputy City Manager
Alex Shevchuk
Susan Hughes
James Baxter
Scott Stoll, Aird & Berlis LLP (via email: [sstoll@airdberlis.com](mailto:ssoll@airdberlis.com))



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File No. 5000 076 9987 13

SENT VIA EMAIL: sstoll@airdberlis.com

May 6, 2013

Scott Stoll
Aird & Berlis LLP
Barristers and Solicitors
Brookfield Place
Suite 1800, Box 754
181 Bay Street
Toronto, ON M5J 2T9

Dear Mr. Stoll:

**Re: Enbridge GTA Project
Ontario Energy Board EB-2012-0451**

We have conducted a review of the interests of the City of Toronto in the above-referenced project. We can advise that, subject to confirmation from Enbridge that the following issues set out below are addressed, the City of Toronto is prepared to notify the Ontario Energy Board (OEB) that City concerns and Enbridge's response to same are set out in correspondence (which we will file with the OEB). We will further advise the Board, in that case, that the City of Toronto will withdraw as an intervenor.

The specific areas we would like addressed are as follows:

1. Parks, Forestry and Recreation (PF&R) is generally satisfied with the application. Staff would appreciate confirmation that the review process typical of all infrastructure projects affecting PF&R will be followed. Specifically, these include:
 - Distribution of plans, review and comments by PF&R at significant design milestones
 - Permit process for Tree Protection and Tree Removals
 - Permit process for Ravine and Natural Features Protection
 - Park Access/Occupation Permits for use of parkland for construction or staging
 - Negotiation of Easements or Property Requirements

- Requests for compensation for park programs and facilities displaced or interrupted by the project

Can you please confirm that Enbridge staff will engage City staff in these reviews as required.

2. Heritage Preservation Services (HPS) within the City Planning Division has reviewed the application and agrees with the recommendations in the assessment report; however, HPS had concerns about the manner in which heritage issues were documented in the report. These concerns are summarized as follows:

- No indication that built heritage and cultural heritage resources have been surveyed, identified, evaluated and mitigation measures considered;
- No mention of avoidance and protection as a mitigation option;
- No acknowledgement that archaeological excavation is itself an impact, (while retrieving and preserving the embodied information held in the site, excavation and recording ultimately results in the loss of the site itself; and
- No mention of First Nation consultation regarding sites identified as part of the Stage 2 process.

Can you please confirm that Enbridge's staff or consultant will contact Ms. Marilyn Miller in HPS at 416-338-1091 to confirm how these concerns have been or will be addressed in the EPR process.

3. The Environment and Energy Office would like confirmation from Enbridge that Conservation and Demand Management (CDM) measures remain a priority and that CDM savings from natural gas will grow proportionally with supply increases and that Enbridge will continue to improve its CDM results.

We would appreciate if Enbridge, through you, can confirm that it will follow up with the identified City staff going forward.

If you are in a position to provide a response of this nature, we would propose to file both this letter and the Enbridge response with the OEB, as a letter of comment, and to withdraw as an intervenor in these proceedings on that basis.

Please feel free to call me if you have any questions.

Yours truly,



Graham Rempe
Solicitor

GR:kew

Page #3

cc. John Livey
Alex Shevchuk
Susan Hughes
Marilyn Miller
James Baxter

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Enbridge Gas Distribution Inc.
2225 Sheppard Ave. East
Atria III, 17th Floor
North York, ON, M2J 5C2
Canada
www.enbridge.com/gas

Byron Madrid, P.Eng.
Manager Engineering & Construction
GTA Project
Tel: (416) 758-4481
Fax: (416) 495-5802
Email: byron.madrid@enbridge.com

June 18, 2013

Graham Rempe, Solicitor
City of Toronto,
Legal Services
26th Flr., Metro Hall, Stn. 1260
55 John St.
Toronto, Ontario M5V 3C6

Dear Mr. Rempe,

**Re: Enbridge Gas Distribution Inc. ("Enbridge")
EB-2012-0451 - Leave To Construct Application - GTA Project**

Enbridge received your letter dated May 6, 2013 and as requested we would like to provide follow up on the specific areas of concern as outlined in the letter.

1) Parks, Forestry and Recreation

Enbridge is committed to continue working with staff from Parks, Forestry and Recreation to fulfill all permitting and property requirements as needed. If the OEB grants approval of the application, all conditions as set out by the Ontario Energy Board regarding permits will be adhered to by Enbridge.

2) Heritage Preservation Services

On behalf of Enbridge, Dillon Consulting Limited (Dillon) completed an Environmental Assessment Report for the proposed project. The report can be found in the application evidence at Exhibit B, Tab 2, Schedule 1, Attachment 1. Dillon has also completed a Stage 1 Archeological Assessment which can be found in the application and evidence as Exhibit B, Tab 2, Schedule 1, Attachment 2 and 3 of the Environmental Report. Stage 2 is currently underway and is expected to be completed in August 2013. Enbridge will work with Susan Hughes, Heritage Preservation Services, to discuss the concerns outlined in the letter regarding the GTA project.

June 18, 2013
Page 2 of 2

The above mentioned documents are available on the GTA Project Website at www.enbridgegas.com/gtaproject

Below please find the direct links to the website for the Environmental Report and for the application and evidence.

Environmental Report – <https://www.enbridgegas.com/about/pipeline-and-construction-projects/gtaproject.aspx?subpage=3>

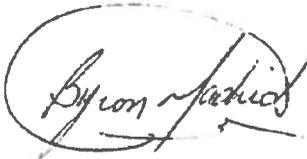
Leave to Construct Application and Evidence: <https://www.enbridgegas.com/about/pipeline-and-construction-projects/gtaproject.aspx?subpage=4>

3) Environment and Energy Office

Enbridge has been dedicated to Demand Side Management (DSM) for many years and intends to continue that commitment moving forward. Currently, Enbridge is in a DSM framework which runs to the end of 2014. At that point, Enbridge, in consultation with stakeholders, will evaluate all the inputs towards developing a future plan – including volumes of supply – with final decisions resting with the OEB. Enbridge fully expects that another multi-year DSM plan will commence in 2015.

Please feel free to contact me if you would like to discuss the project in further detail.

Sincerely,

A handwritten signature in black ink, enclosed in a hand-drawn oval. The signature appears to read "Byron Madrid".

Byron Madrid, P.Eng
Manager Engineering & Construction
GTA Project.