

James C. Sidlofsky
T (416) 367-6277
F (416) 361-2751
jsidlofsky@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King St W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



November 14, 2013

Delivered by Email and Courier

Ms. 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
Union Gas Limited Application for Leave to Construct – Parkway West and Brantford-Kirkwall/Parkway D Projects
Board File Nos. EB-2012-0451/EB-2012-0433/EB-2013-0074**

We are counsel to the Regional Municipality of York (“York”) in the above-captioned matter. Please find attached York’s Final Submissions in this matter.

Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by James C. Sidlofsky

James C. Sidlofsky

cc: Dan Kuzmyk, Regional Municipality of York
Shari Lynn Spratt (EGD)
Scott Stoll (Aird & Berlis LLP)
Mary Jane Patrick (Union)
Karen Hockin (Union)
Crawford Smith (Torys LLP)

TOR01: 5297850: v1

IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for: an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York; and an order or orders approving the methodology to establish a rate for transportation services for TransCanada Pipelines Limited;

AND IN THE MATTER OF an application by Union Gas Limited for: an Order or Orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Parkway West site; an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the Town of Milton; an Order or Orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Brantford-Kirkwall/Parkway D Compressor Station project; an Order or Orders for pre-approval of the cost consequences of two long term short haul transportation contracts; and an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the City of Cambridge and City of Hamilton.

WRITTEN SUBMISSION OF THE REGIONAL MUNICIPALITY OF YORK

DELIVERED NOVEMBER 14, 2013

Introduction:

1. Enbridge Gas Distribution Inc. ("Enbridge") has filed an application with the Ontario Energy Board under sections 90 and 91 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) for an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York.
2. The Regional Municipality of York ("York") is one of the municipalities through which the proposed Enbridge pipeline will run.
3. In its March 15, 2013 letter requesting intervenor status, York advised that the proposed pipeline is likely to be within, adjacent to or cross numerous existing local

streets, Regional Roads, municipal facilities and the communities they serve. York also noted a number of projects that may be affected by the proposed pipeline, including:

- The York Region Rapid Transit Corporation (YRRTC) construction of bus-only lanes along Centre Street between Highway 7 and Bathurst Street, as well as Bathurst Street between Highway 7 and Centre Street;
 - The planned Yonge Subway Extension to Richmond Hill Centre, which includes the construction of bored twin tunnels between existing Finch Station on the TTC Yonge-University-Spadina line and the terminus station at Richmond Hill Centre, north of Highway 7. An underground subway station will be located approximately between Langstaff Road and Highway 407 on Yonge Street, which requires cut and cover construction. The project also includes a commuter parking lot to the west of Yonge Street, south of Highway 407;
 - The Keele Street Reconstruction between Highway 7 and Steeles Avenue, which includes the widening and reconstruction of Keele Street from a four-lane road to a six-lane road with on-street bike lanes, new structure at the CN Grade separation and a new local watermain; and
 - The Bayview Avenue Reconstruction between Highway 7 and John Street, which involves the widening and reconstruction of Bayview Avenue from a four-lane road to a six-lane road with on-street bike lanes.
4. York notes that these are only examples of potentially affected projects, and that other York projects and facilities may be affected by the proposed pipeline.
5. York is among the authorities from which Enbridge asserts that it will require permits (Enbridge refers to “Permits, where required for, Road Cuts, Permit to Construct, Utility Crossings, Noise, Tree, Water Taking and Disposal, Park Encroachments” in Exhibit D, Tab 1, Schedule 3 to the Application).

6. York sought, and was granted intervenor status in this proceeding. Although York did not file interrogatories, York participated in Day 2 of the Technical Conference held on June 13, 2013, as its counsel asked questions of Enbridge Witness Panel 4 (in the Enbridge Argument-in-Chief, those questions were incorrectly attributed to Metrolinx).¹ Copies of Track Work alignment drawings for the planned Yonge Street Subway extension were also provided to the panel at that time and entered as Exhibit K2.1, and the panel confirmed that the proposed pipeline crossed the planned subway extension.
7. In its responses to questions put to it at the Technical Conference, the Enbridge witness panel confirmed that in its response to Interrogatory D2 – Metrolinx 5, Enbridge had advised that it will design and construct the proposed pipeline for all known and currently available GO Transit and Metrolinx planned track and station expansions in accordance with the standards mentioned in the response to that interrogatory; and that it was Enbridge's intention to take a similar approach to the planned Yonge subway expansion, including tracks, tunnels and stations. The panel confirmed that Enbridge is experienced in dealing with subway tracks and with routing in such a way as to not affect those tracks or stations.
8. York remains concerned about temporary and permanent impacts of the construction and operation of the proposed pipeline on existing and planned Regional facilities. The Enbridge witness panel confirmed that when detailed engineering or construction plans for the pipeline exist, they will include proposed construction and staging requirements for the pipeline, and they will be provided to York for York's review and comment.
9. In its request for intervenor status, York advised that "While the Region does not object to the proposed pipeline in principle, the information made available to-date is not sufficient for the Region to assess the impact on Regional projects,

¹ Technical Conference Transcript, Day 2, pp.201-206

facilities, road right-of-ways, lands and easements. As we are not able to provide comments on the alignment of the proposed pipeline at this time, the Region requests that Enbridge be required to address any issues or conflicts to our satisfaction.” In the absence of detailed engineering and construction drawings and prior to the detailed design phase of the Enbridge project, this remains York’s position in this proceeding. York is not objecting to the general routing of the proposed pipeline. However, should the Board approve the Application, York expects that Enbridge will continue to discuss the project with it; provide the detailed engineering and construction plans for the proposed pipeline; avoid impacts to existing and planned Regional facilities including, without limitation, the planned Yonge subway extension; and obtain the necessary permits and/or enter into the agreements required by York.

RESPECTFULLY SUBMITTED THIS 14TH DAY OF NOVEMBER, 2013

BORDEN LADNER GERVAIS LLP

Per:

Original Signed by James C. Sidlofsky

James C. Sidlofsky

Counsel to the Regional Municipality of York