

# AIRD & BERLIS LLP

Barristers and Solicitors  
Scott A. Stoll  
Direct: 416.865.4703  
E-mail: [ssoll@airdberlis.com](mailto:ssoll@airdberlis.com)

January 10, 2014

**VIA COURIER, EMAIL and RESS**

Ms. Kirsten Walli  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

**Re: Enbridge Gas Distribution Inc. ("Enbridge")  
EB-2012-0438 Innes Road Pipeline Project  
Request to Review and Vary Date**

Enbridge hereby requests the Board initiate a motion to review and vary its Conditions of Approval in this proceeding, EB-2012-0438, pursuant to the Board's Rules of Practice and Procedure, Rule 43, by amending the Conditions of Approval such that Condition 1.2 would read as follows: "Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate May 31, 2014 unless construction has commenced prior to that date."

The letter dated December 19, 2013, see attached, provides a summary of the events that caused Enbridge to delay in the commencement of the construction. As is clear from the letter, the events occurred months after the issuance of the decision and could not have been foreseen by Enbridge at the time of the Board's Decision in this matter.

This request will not adversely impact any other person and therefore Enbridge formally requests this matter proceed without a hearing pursuant to sub-section 21(4)(b) of the *Ontario Energy Board Act, 1998*.

If there are any questions, please contact me or Edith Chin at your earliest opportunity.

Yours truly,

AIRD & BERLIS LLP

[Original Signed by]

Scott Stoll

cc: Ms. Zora Crnojacki, OPPC Chair (via email)  
Ms. Pascale Duguay, Manager Natural Gas Applications, OEB (via email)  
Mr. Josh Wasylyk, OEB (via email)  
Ms. Edith Chin (via email)  
Ms. Ala Hussain, Enbridge (via email)



500 Consumers Road  
North York, Ontario  
M2J 1P8  
PO Box 650  
Scarborough ON M1K 5E3

**Edith Chin**  
Senior Manager,  
Upstream Regulatory Strategy and Major Projects  
Telephone: (416) 495-5499  
Fax: (416) 495-6072  
Email: EGDRegulatoryProceedings@enbridge.com

December 19, 2013

**VIA COURIER, EMAIL and RESS**

Ms. Kirsten Walli  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M2J 1P8

**Re: Enbridge Gas Distribution Inc. ("Enbridge")  
EB-2012-0438 - Innes Road Pipeline Project  
Conditions of Approval – Conditions 1.2 and 2.2**

---

On April 11, 2013, the Ontario Energy Board (the "Board") issued the Decision and Order for the above noted proceeding which included the Conditions of Approval as Appendix A to the Decision.

Paragraph 1.2 of the Conditions of Approval states that "Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate February 1, 2014, unless construction has commenced prior to that date."

Enbridge would like to inform the Board that the construction of this project has been delayed for the following reasons:

1. Emergency repairs became necessary in short notice on the Don Valley pipeline in Toronto and were conducted in the summer of 2013. The repair work was a significant challenge from a construction perspective and required refocusing available Company and contractor resources to complete the project.
2. Extended work on the Ottawa Reinforcement Project (EB-2012-0099) required the use of additional construction resources in the same geographical area that would have otherwise been assigned to the Innes Road Pipeline Project.
3. Construction on the Innes Road Pipeline Project in the Ottawa region prior to February 1, 2014 has become impractical. Cold weather and snow accumulation are a concern for the constructability of the project, and the reduced visibility and chance of storms is a concern from a safety

December 19, 2013

Page 2 of 2

perspective. Most of the necessary permits are in order, but the Ministry of Transport's approval for the drill under Highway 417 is still outstanding.

With the delay, Enbridge now plans to commence construction by mid-April. The precise start date is of course subject to weather conditions. Enbridge requests that the Board vary Condition 1.2 to read "Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate May 31, 2014, unless construction has commenced prior to that date."

Enbridge is taking measures to continue the safe operation of the Innes Road line. The temporary measures implemented in the Fall of 2012 as described in Exhibit A, Tab 3, Schedule 2, page 4 of the pre-filed evidence have been updated and are in place for another heating season. The project continues to be a priority project in Enbridge's Integrity Management Program.

As well, as per paragraph 2.2, of the Conditions of Approval, please note the designated Project Manager as reported in our April 18 2013 letter has changed. Please find below the name and contact information of the new designated Project Manager who will be responsible for the fulfillment of the Conditions of Approval on the construction site:

Ala Hussain  
Project Manager  
Enbridge Gas Distribution Inc.  
Office: 416 495-5424  
Cell: 647 222-1113  
Email: [ala.hussain@enbridge.com](mailto:ala.hussain@enbridge.com)

Please contact us if you have any questions.

Yours truly,

(original signed)

Edith Chin  
Senior Manager, Upstream Regulatory Strategy and Major Projects

cc: Ms. Zora Crnojacki, OPPC Chair (via email)  
Ms. Pascale Duguay, Manager Natural Gas Applications, Board (via email)  
Mr. Scott Stoll, Aird & Berlis (via email)  
Ms. Ala Hussain, Enbridge