



EB-2014-0017

IN THE MATTER OF the Ontario Energy Board Act, 1998, Schedule B;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order pursuant to Section 90 of the *Ontario Energy Board Act, 1998*, granting leave to construct natural gas distribution pipeline and ancillary facilities in the City of Ottawa.

BEFORE: Cynthia Chaplin, Vice Chair
Presiding Member

Emad Elsayed
Member

DECISION AND ORDER
Varying Decision and Order issued on April 11, 2013

January 23, 2014

The Ontario Energy Board (the "Board") has, on its own motion, decided to review and vary its Decision and Order in EB-2012-0438 issued on April 11, 2013 ("Decision and Order") in which it granted leave to Enbridge Gas Distribution Inc. ("Enbridge") to construct approximately 2.8 kilometres ("km") of extra high pressure ("XHP") steel pipeline and ancillary facilities along Innes Road in the City of Ottawa (the "Proposed Pipeline"). A key component of the Decision and Order are the Conditions of Approval which provide, in Condition 1.2 as follows:

"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 wrote to the Board on December 19, 2013 to inform the Board that construction had not been commenced and would not be commenced before February 1, 2014. On January 10, 2014, Enbridge requested that the Board review and vary the Conditions of Approval on its own motion, pursuant to section 43 of the Board's Rules of Practice and Procedure and grant an extension until May 31, 2014.

The Board has decided that it will review the Decision and Order and vary Condition 1.2 to provide an extension of the deadline until May 31, 2014.

In its December 19, 2013 letter, Enbridge explained that the project has been delayed due to unforeseen circumstances, including emergency work on the Don Valley pipeline and extended work on the Ottawa Reinforcement Project. Enbridge further explained that beginning the work for the Innes Road Project before February 1, 2014 would be impractical due to winter weather conditions. Enbridge noted that it continues to ensure the safe operation of the Innes Road pipeline, using temporary measures which were explained in the evidence of the original proceeding.

Enbridge requested that the matter proceed without a hearing pursuant to sub-section 21(4)(b) of the Act. The Board notes that there were no intervenors in the original proceeding. The Board has determined that no person will be adversely affected in a material way and has decided to dispose of the matter without a hearing.

Board Findings

The Board finds that Enbridge's explanation for the delayed start of construction is reasonable. In particular, the emergency work on the Don Valley Line could not reasonably have been foreseen at the time of the original application. The Board further finds that the delay will not have adverse consequences given that the extension is brief and Enbridge has committed to measures which are designed to ensure the safe operation of the existing pipeline.

The Board has decided to vary the Conditions of Approval in the Decision and Order to provide for an extension until May 31, 2014.

THE BOARD ORDERS THAT:

1. Condition 1.2 of the Conditions of Approval appended to the Decision and Order in EB-2012-0438 issued April 11, 2013 is varied 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.”

DATED at Toronto, January 23, 2014
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A

**Decision and Order
January 23, 2014**

**Enbridge Gas Distribution Inc.
Board Motion (EB-2014-0017)**

Revised Conditions of Approval for EB-2012-0438

EB-2012-0438**Enbridge Gas Distribution Inc.
Leave to Construct Application****Revised Conditions of Approval****1 General Requirements**

- 1.1 Enbridge Gas Distribution Inc. (“Enbridge”) shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2012-0438 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 May 31, 2014, unless construction has commenced prior to that date.
- 1.3 Enbridge shall implement all the recommendations of the Environmental Report filed in the pre-filed evidence, and all the recommendations and directives identified by the members of the Ontario Pipeline Coordinating Committee (“OPCC”).
- 1.4 Enbridge 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, Enbridge shall file with the Board Secretary a Post Construction Financial Report. The Report shall indicate the actual capital costs of the project and shall explain all significant variances from the estimates filed in the proceeding.

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 Enbridge 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 Enbridge 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 Enbridge 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 Enbridge 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 Enbridge 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, Enbridge 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. Enbridge 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 Enbridge'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 Easement Agreements

- 4.1 Enbridge shall offer the form of agreement approved by the Board to each landowner, as may be required, along the route of the proposed work.

5 Other Approvals and Agreements

- 5.1 Enbridge 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.