



EB-2011-0270

IN THE MATTER OF the *Ontario Energy Board Act* 1998, S.O.1998, c.15, (Schedule B) (the “Act”);

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc., under Section 95 of the Act, requesting exemption from the requirements of section 90(1) for an Order granting leave to construct natural gas pipelines and ancillary facilities in the Regional Municipality of York;

AND IN THE MATTER OF a request to extend the date by which Enbridge must file an interim monitoring report in accordance with the Conditions of Approval in the Board’s Decision and Order of October 11, 2011.

By delegation, before: Kristi Sebalj

VARY ORDER
September 23, 2014

Introduction

Enbridge Gas Distribution Inc. (“Enbridge”) filed an application with the Ontario Energy Board (the “Board”), dated August 26, 2011, under section 95 of the *Ontario Energy Board Act, 1998* (the “Act”), requesting an exemption from the need to obtain leave from the Board to construct a hydrocarbon pipeline under Section 90 of the Act. Enbridge proposed to construct 1,200 meters of nominal pipe size 12 (12 inch diameter) natural gas pipeline along Ninth Line in the Regional Municipality of York (the “Project”). Enbridge also requested, under sub-section 21(4) of the Act, that the Board grant the requested exemption without the need for a hearing.

The Board directed Enbridge to serve the Application on a list of parties which the Board provided. The Board noted that it would consider any comments filed by these parties with respect to Enbridge's request. No comments were received. Therefore, the Board proceeded without a hearing.

The Board found that special circumstances warranted exemption of the project from the requirements of section 90(1) of the Act and approved the exemption subject to the Conditions of Approval which it attached to its Decision and Order dated October 11, 2011.

One such Condition of Approval was that Enbridge file an interim monitoring report with the Board within six months of the in-service date of the Project.

The detailed requirements for the interim monitoring report were enumerated in the specific sections of the Conditions of Approval which form part of the Board's Decision and Order.

Request to Vary Board Order

In a letter dated August 11, 2014, Enbridge indicated that the pipeline had been energized on July 31, 2014. This is the in-service date of the Project.

The Board received a letter dated September 16, 2014 from Enbridge requesting an extension from the requirement in section 3.1 of the Conditions of Approval attached to the Board Decision and Order to file an interim monitoring report within 6 months from the in-service date (January 30, 2015) to May 2015. The rationale provided in the letter for the extension is that it will be difficult to conduct a proper assessment during the winter to verify that there are no outstanding issues related to the Project.

Finding

I find that the request to extend the filing date of the interim monitoring report from January 30, 2015 to May 29, 2015 is in the public interest because it will allow a full and appropriate assessment of the impacts of the construction of the Pipeline to be conducted.

IT IS THEREFORE ORDERED THAT Condition 3.1 of the Conditions of Approval attached as Appendix “A” to the Board’s Decision and Order dated October 11, 2011 be amended to read as follows:

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 no later than May 29, 2015, 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.

DATED at Toronto, September 23, 2014

ONTARIO ENERGY BOARD

Original signed by

Kristi Sebalj
Registrar