

Rep: OEB
Doc: 114T8
Rev: 0

E.B.L.O. 208
E.B.C. 147, 148, 149, 150
152, 153, 154, 155
156
E.B.A. 449, 450, 451, 452

IN THE MATTER OF The Ontario Energy Board Act, R.S.O.
1980, C. 332, as amended;

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AND IN THE MATTER OF an Application by Northern and
Central Gas Corporation Limited for an Order granting leave to
construct a 323.9 mm natural gas transmission line from Sault
Ste. Marie to the communities of Blind River and Elliot Lake.

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AND IN THE MATTER OF the Municipal Franchises Act,
R.S.O. 1980, Chapter 309;

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AND IN THE MATTER OF proposed by-laws granting
Northern and Central Gas Corporation Limited the right to
construct works to supply and to supply gas to the inhabitants of
the Township of Macdonald, Meredith and Aberdeen Additional
and the Towns of Blind River and Elliot Lake, and the Village of
Iron Bridge, all in the District of Algoma;

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AND IN THE MATTER OF Applications by Northern and
Central Gas Corporation Limited for Certificates of Public
Convenience and Necessity to construct works and to supply gas
to the inhabitants of the Towns of Blind River and Elliot Lake
and the Townships of Macdonald, Meredith and Aberdeen
Additional, Day and

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Bright Additional, Thessalon, Johnson, Plummer

Additional, Thompson, and the Village of Iron Bridge, all in the District of Algoma.

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BEFORE:

John C. Butler, Presiding Member
Harvey R. Chatterson, Member
Marie C. Rounding, Member

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January 9, 1985

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DECISION

(with Reasons to Follow)

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The Board has taken evidence and has heard argument on a leave to construct and other related applications by Northern and Central Gas Corporation Limited ("Northern" or the "Applicant") for authority to build a natural gas transmission line of approximately 170 kilometres (km) from Sault Ste. Marie to the communities of Blind River and Elliot Lake. The related applications were for franchise approvals and certificates of public convenience and necessity, with the last application being received by the Board Secretary on November 16, 1984.

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Board docket number for the leave to construct application is E.B.L.O. 208, and the franchise applications are:

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E.B.A. 449 - Township of Macdonald, Meredith and Aberdeen Additional; E.B.A. 450 - Town of Elliot Lake; E.B.A. 451 - Town of Blind River; E.B.A. 452 - Village of Iron Bridge.

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Was Page 2. See Image [\[OEB:114T7-0:4\]](#)

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The applications for certificates of public convenience and necessity are:

E.B.C. 147 - Town of Elliot Lake; E.B.C. 148 - Township of Macdonald, Meredith and Aberdeen Additional; E.B.C. 149 - Township of Day and Bright Additional; E.B.C. 150 - Township of Thessalon; E.B.C. 152 - Town of Blind River; E.B.C. 153 - Village of Iran Bridge; E.B.C. 154 - Township of Johnson; E.B.C. 155 - Township of Plummer Additional; E.B.C. 156 - Township of Thompson was withdrawn.

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The hearing took place on December 18, 1984 in Sault Ste. Marie; on January 2, 1985, in Toronto and on January 3, 4, 7, 8 and 9, 1985 in Sault Ste. Marie. The hearing was conducted almost entirely in Sault Ste. Marie to accommodate extensive participation by concerned landowners.

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Since the capital cost of the pipeline has been based on part of it being constructed during the 1984/85 winters Northern requested that the Board render a decision by January 11, 1985. This date, or 4 or 5 days thereafter, was said to be the latest that would provide the necessary time for the contractor to complete the winter construction. Northern submitted that delayed construction could increase the cost by \$2.0 million to possibly \$5.0 million.

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Was Page 3. See Image [\[OEB:114T7-0:5\]](#)

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In view of the claimed urgency the Board concluded that it should issue this partial Decision, dealing only with the approvals required by Northern to enable it to undertake winter construction and complete the pipeline to Blind River and Elliot Lake. The Reasons for Decision, to be issued in due courses will include the reasons for this partial Decision together with reasons and decisions on other landowner concerns, costs, and the balance of the applications for franchise approval and certificates of public convenience and necessity.

Was Page 4. See Image [\[OEB:114T7-0:6\]](#)

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BOARD FINDINGS

The Board finds that:

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- a) the construction of the proposed pipeline is in the public interest and grants Northern leave to construct the proposed pipeline subject to Northern complying with all the undertakings made by its counsel and witnesses as recorded in the transcript and with the list of other Conditions of Approval that were filed by Special Counsel during his argument and which are attached to this Decision as Appendix I; 23
- b) Northern's proposal that the following sections 1, 2 and 3 of the pipeline, and possibly section 4, be constructed during the 1984/85 winter is acceptable: 24
- 1) chainages 16+000 to 35+000 through the Rankin Location and Garden River Indian Reserves (19 km); 25
- 2) chainages 129+000 to 163+700 through primarily Crown and institutional land (34.7 km); 26
- Was Page 5. See Image [OEB:114T7-0:7] 27
- 3) the four inch lateral from Eldorado Nuclear to the Blind River District Regulating Station, (4 km) and 27
- 4) chainages 110+600 to 129+000 ending at the Blind River Town Border Station (18.4 km). 28
- c) Northern shall address the landowner concerns in the fourth section under paragraph (b), including those concerns of Mr. Herbert Grigat, as represented by Mr. Gregor Sonntag, Mr. Gerald Archibald, and Mr. Robert "Hartley" Beemer. Northern shall attempt to locate the pipeline such that interference with the future use of the land or land development plans of the affected landowners is minimized. The Chairman of the Ontario Pipeline Coordination Committee shall be advised of the outcome of these negotiations. 29
- d) the easement forms proposed by Northern are acceptable to the Board and satisfy the requirements of section 48(9) of the Ontario Energy Board Act. 30
- Was Page 6. See Image [OEB:114T7-0:8] 31
- e) the applications for certificates of public convenience and necessity to construct works and supply gas to the inhabitants of the Towns of Blind River and Elliot Lake are hereby granted; 31
- f) the terms and conditions upon which, and the period for which, the Applicant is to be granted the right to construct and operate works to supply and to supply gas to the inhabitants of the Towns of Blind River and Elliot Lake pursuant to the provisions of resolutions, draft by-laws and franchise agreements of the Towns are hereby approved; 32
- g) pursuant to section 9(4) of the Municipal Franchises Act, the assent of the electors of the Towns of Blind River and Elliot Lake to the terms and conditions of the said franchise agreements is not 33

necessary;

- h) the approval is conditional upon the Applicant taking appropriate steps to obtain approval of rates negotiated with major

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industrial customers in Blind River and Elliot Lake that fall outside the ranges currently approved by the Board.

Orders and certificates of public convenience and necessity will be issued subsequent to the issuance of the Reasons for Decision and will incorporate the above conditions and any further conditions that may be imposed on the sections of the pipeline to be constructed during the summer of 1985.

Signed this 22nd day of January 1985.

<signed>
J. C. Butler
Presiding Member

<signed>
H. R. Chatterson
Member

<signed>
M. C. Rounding
Member

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APPENDIX I

CONDITIONS OF APPROVAL

- a) Subject to Condition (b), Northern shall comply with all undertakings made by its counsel and witnesses, and shall construct the Pipeline and restore the land according to the evidence of its witnesses at this hearing.
- b) Northern shall advise the Board or its designated representative of any proposed change in construction or restoration procedures and, except in an emergency, Northern shall not make such change without prior approval of the Board or its designated representative. In the event of an emergency, the Board or its representative shall be informed forthwith after the fact.
- c) Northern shall furnish the Board's designated representative with very reasonable facility for ascertaining whether the work has been

and is being performed according to the Board's Order.

d) Northern shall file with the Board Secretary the date on which the installed pipeline is tested within one month of this test date.

e) Both during and after the construction, Northern shall monitor the effects upon the land and the environment, and shall file both an interim and a final monitoring report in writing with the Board and the Chairman of the Ontario Pipeline Coordination Committee ("OPCC"). The interim report shall be filed within one month of the in-service date and the final report prior to December 1, 1986.

f) The interim report shall describe the implementation of Conditions (a) and (b), and shall include a description of the effects noted during construction and the actions taken or to be taken to prevent or mitigate the long-term effects of the construction upon the land and the environment. This

report shall describe any outstanding concerns of landowners.

g) The final report shall describe the condition of the rehabilitated right-of-way and actions taken subsequent to the interim report. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Further, the final report shall include a breakdown of external costs incurred to date for the authorized project with items of cost associated with particular environmental measures delineated and identified as pre-construction-related, construction-related and restoration-related. Any deficiency in compliance with undertakings shall be delineated and explained.

h) Northern shall commence and complete the construction and restoration of the crossings of the following creeks and rivers during the time period and by the method indicated on the table below. The time and method for

crossing these watercourses shall not be changed without prior approval of the Ministry of Natural Resources and the Ontario Energy Board. In addition Northern shall complete the restoration of all streambanks within 7 days of pipe installation at the crossing.

i) Northern shall give the Board and the Chairman of the OPCC 10 days written notice of the commencement of construction of the Pipeline.

j) Northern shall give the Ministry of Natural Resources, the Ministry of the Environment, the

Board and the Chairman of the OPCC 7 days notice prior to the commencement of construction of the crossing of rivers and creeks referred to in the table in (h) and confirmation of the schedule 24 hours in advance. The commencement time shall not be changed without notice to the Chairman of the OPCC.

k) Northern shall not do any blasting in that portion of the pipeline between Hwy. 129 and the Mississagi River during the period December 15 to April 30 in order to minimize impacts on the Iron Bridge deer wintering yard.

l) Northern shall provide "as-constructed" drawings of the Pipeline which will also indicate the number and size of tile runs cut on each

Was Page 6. See Image [\[OEB:114T7-0:15\]](#)

property and the method to be used for repair.

m) Within a reasonable time after all necessary information becomes available, Northern shall file with the Board a written Post Construction Financial Report. The Report shall indicate the actual capital costs of the project in the same format as Table II of Exhibit 7 and shall explain all significant variances from the estimates adduced in the hearing,

n) Northern will offer to each landowner involved an agreement for land use in a form approved by the Board.

o) The Leave to Construct granted herein terminates December 31, 1985, unless the Pipeline is substantially completed and available for service by that date.