



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION AND ORDER

EB-2016-0034

ENBRIDGE GAS DISTRIBUTION INC.

**Application to amend an element of the GTA Project (granted Leave
to Construct in EB-2012-0451)**

BEFORE: Ken Quesnelle
Presiding Member and Vice-Chair

Februrary 18, 2016

1 INTRODUCTION AND SUMMARY

Enbridge Gas Distribution Inc. (Enbridge) is a natural gas distribution company based in Ontario that serves about 2.1 million customers across Ontario, including the Greater Toronto, Ottawa, and Niagara areas. Enbridge filed an application dated February 5, 2016 with the Ontario Energy Board (OEB) requesting approval to relocate a pressure regulation facility to a new site. The OEB approved the original site as part of Enbridge's leave to construct application for the GTA Project (the GTA Project proceeding).¹ Enbridge framed its application as a Request to Vary.

The GTA Project included an expansion of the existing pressure regulation facility at the Jonesville station, which is situated within a Hydro One Network Inc. (HONI) right-of-way. As a result of a change in HONI's application of a policy dealing with above ground facilities in its right-of-way, Enbridge now proposes to relocate the pressure regulation facility to a new location at the northeast corner of Pharmacy Avenue and Ashtonbee Road (the Ashtonbee station), which is not in the HONI right-of-way.

Enbridge plans to start construction of the Ashtonbee station facility in May 2016 to meet the the 2016/2017 heating season in-service date. A map showing the location of the facility is attached as Schedule B.

The OEB will grant Enbridge's Request to Vary without a hearing pursuant to section 21(4)(b) of the *Ontario Energy Board Act* (the Act). The OEB finds that no person will be adversely affected in any material way by granting approval for the relocation of the pressure regulation station.

¹ EB-2012-0451

2 RELOCATION OF THE PRESSURE REGULATION STATION

2.1 Background

Enbridge currently owns and operates the Jonesville station located at the corner of Jonesville Crescent and Eglinton Avenue, which is within a HONI right-of-way. In the GTA Project proceeding, Enbridge proposed to expand the Jonesville station following favourable discussions with HONI. The expansion of the Jonesville station formed part of the GTA Project that received OEB leave to construct on January 30, 2014. On April 7, 2015, HONI advised Enbridge that the contemplated expansion would no longer be permitted at the Jonesville station due to a change in HONI's application of its policy dealing with above ground facilities in its right-of-way. As a result, Enbridge now proposes to construct the Ashtonbee station. This new station is located approximately 850 metres east of the Jonesville site. The station construction will necessitate installing about 110 m of NPS 36 and 50 m of NPS 30 of additional connecting pipeline.

The proposed site is owned by the City of Toronto and is located beside the City of Toronto's Water Treatment and Emergency Medical Services (EMS) facilities. The connecting pipelines will be located in HONI's right-of-way. There are no other directly impacted landowners.

Enbridge determined that the proposed variation to the original project was not entirely within the study area covered by the original Environmental Report in the GTA Project proceeding. As a result, Enbridge retained the environmental consultant (Dillon Consulting Ltd.) that provided the original Environmental Report to complete an amendment to the original report.

Environmental Report Amendment # 3 provides the results of Dillon's review of Enbridge's proposed changes and details of the consultations held with all stakeholders.

Enbridge's evidence stated that the new site would have no material or incremental impact to landowners, the environment, project scope, or costs and that the facilities in the proposed location would deliver the same benefits as those identified in the GTA Project proceeding with respect to the Jonesville station.

2.2 Findings

The OEB will grant Enbridge's request without a hearing pursuant to section 21(4)(b) of the Act.

Pursuant to section 21(4)(b) of the Act, the OEB has the necessary powers to dispose of an application without a hearing if it determines that no person will be adversely materially impacted by the outcome of the proceeding and the applicant has consented to do so:

Despite section 4.1 of the *Statutory Powers Procedure Act*, the Board may, in addition to its power under that section, dispose of a proceeding without a hearing if...

...the Board determines that no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.

In applying the test for section 21(4)(b) approval, the OEB looked at the perspectives typically considered in a section 90(1) or section 91 application. In these applications, the OEB grants approval for leave to construct if it finds, pursuant to section 96 of the Act, that “the construction, expansion or reinforcement of the proposed work is in the public interest”. When determining whether a project is in the public interest, the OEB’s examination includes the need for the project and the alternatives, the economics, the impact on ratepayers, the environmental impact, the impact on landowners, and the pipeline design technical requirements. The OEB finds it appropriate to use some of these criteria in seeking to determine whether, pursuant to section 21(4)(b), any person will be adversely materially affected by the outcome of this proceeding. In this case, leave to construct was already granted in the GTA Project proceeding. Therefore, the OEB finds that the relevant tests are the project costs, the impact on landowners, and the environmental impact. Each of these issues is addressed below.

Enbridge estimated that the total incremental costs would be about \$3.5 million or approximately 0.5% of the total estimated GTA Project costs of \$687 million. The OEB notes that the actual costs of the GTA Project will be reported to the OEB in the Post-Construction Financial Report and will be reviewed in Enbridge’s next rate re-basing application, which is scheduled for the 2019 rate year. Given the proportionally small contribution to the overall costs of the project and because there will be a cost review in the future when Enbridge seeks to close the assets to rate base there is no need to consider the impact of costs at this time.

The proposed site is owned by the City of Toronto and is located beside the City of Toronto’s Water Treatment and EMS facilities. The connecting pipelines will be located in the HONI right-of-way. There are no other directly impacted landowners. The evidence states that Enbridge held stakeholder consultations on the relocation of the pressure regulation station. These consultations included meetings with representatives of the City of Toronto and HONI, publication of the proposed changes

in the local newspaper, and holding a public open house. Enbridge stated that no major issues with the location of the project were raised.

Environmental Report Amendment # 3 concluded, amongst other things, that the proposed location is anticipated to result in fewer potential impacts than those originally presented, and that there are no expected long-term impacts from the construction and/or operation of the project. Enbridge also stated that it will comply with the mitigating measures identified in the environmental report and will obtain the necessary environmental permits identified.

The OEB accepts the conclusions of the Environmental Report Amendment and Enbridge's commitment to comply with the mitigating measures as well as its commitment to obtain the necessary environmental permits. The OEB also accepts that no major issues were raised with respect to the location of the project. On that basis, the OEB finds that no person will be adversely materially impacted by the identified alterations to the GTA Project. The OEB finds that it is appropriate to approve Enbridge's Request to Vary without a hearing pursuant to section 21(4)(b) of the Act.

3 ORDER

THE OEB ORDERS THAT:

1. Enbridge Gas Distribution Inc. is granted leave to construct the Ashtonbee station and approximately 110 m of NPS 36 and 50 m of NPS 30 of additional connecting pipeline, subject to the Conditions of Approval set forth in Schedule A, without a hearing pursuant to section 21(4)(b) of the Act. All other elements of the original approval, including the conditions of approval, remain unchanged.
2. Enbridge Gas Distribution Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto February 18, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

SCHEDULE A
DECISION AND ORDER
ENBRIDGE GAS DISTRIBUTION INC.
EB-2016-0034
FEBRUARY 18, 2016
CONDITIONS OF APPROVAL

Enbridge Gas Distribution Inc.

EB-2016-0034

Conditions of Approval

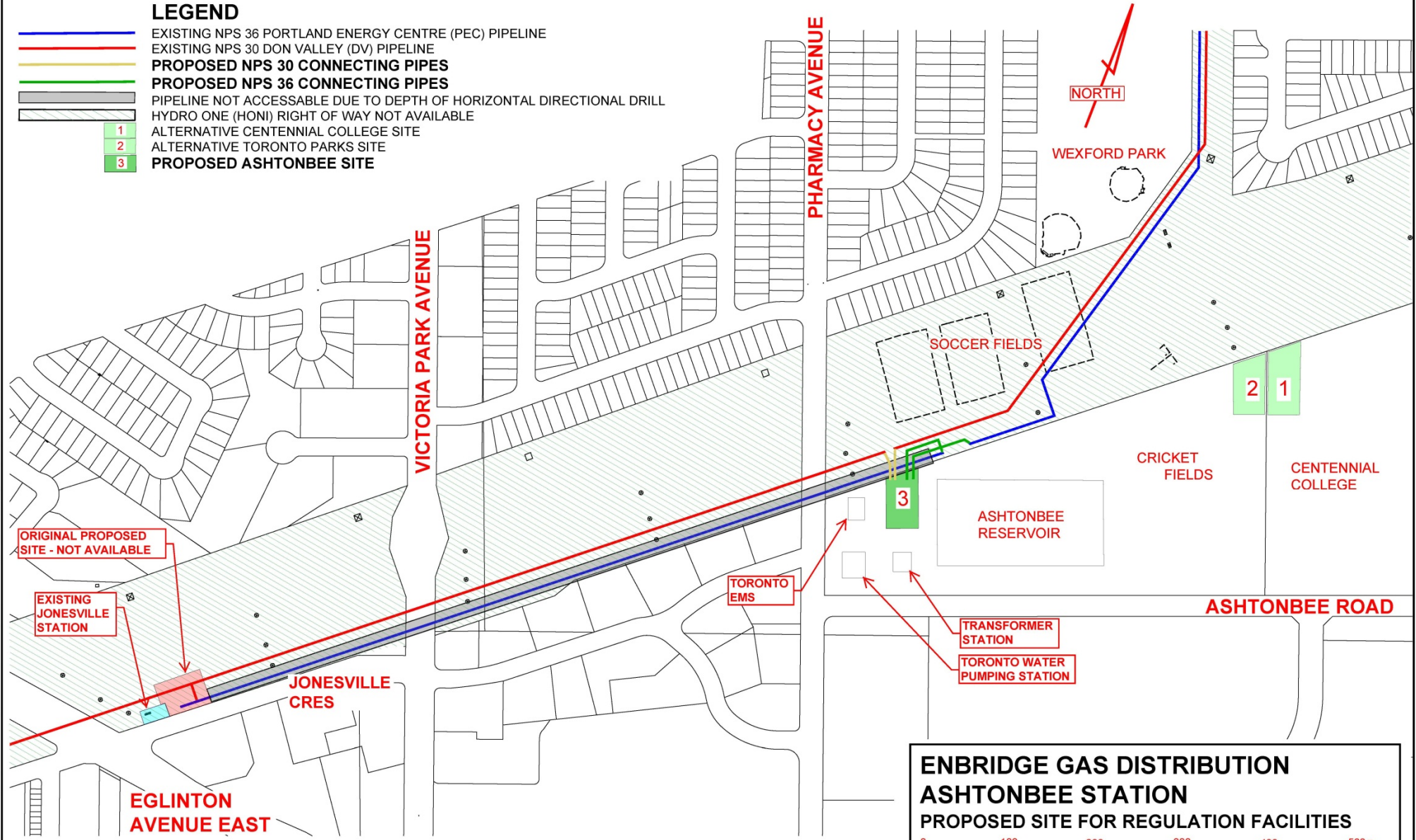
1 General Requirements

- 1.1 Enbridge shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2016-0034 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 12 months after this Decision and Order is issued, unless construction has commenced prior to that date.
- 1.3 Enbridge shall implement all the recommendations of the amended Environmental Report filed in the pre-filed evidence.

SCHEDULE B
DECISION AND ORDER
ENBRIDGE GAS DISTRIBUTION INC.
EB-2016-0034
FEBRUARY 18, 2016
MAP OF PROPOSED PRESSURE REGULATION STATION

LEGEND

- EXISTING NPS 36 PORTLAND ENERGY CENTRE (PEC) PIPELINE
- EXISTING NPS 30 DON VALLEY (DV) PIPELINE
- **PROPOSED NPS 30 CONNECTING PIPES**
- **PROPOSED NPS 36 CONNECTING PIPES**
- PIPELINE NOT ACCESSABLE DUE TO DEPTH OF HORIZONTAL DIRECTIONAL DRILL
- HYDRO ONE (HONI) RIGHT OF WAY NOT AVAILABLE
- 1 ALTERNATIVE CENTENNIAL COLLEGE SITE
- 2 ALTERNATIVE TORONTO PARKS SITE
- 3 **PROPOSED ASHTONBEE SITE**



**ENBRIDGE GAS DISTRIBUTION
ASHTONBEE STATION
PROPOSED SITE FOR REGULATION FACILITIES**

0 100 200 300 400 500m