



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

BY EMAIL

April 2, 2020

Christine E. Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
BoardSec@oeb.ca

Dear Ms. Long:

**Re: Enbridge Gas Inc.
Application for 2021 Dawn Parkway Expansion Project
OEB Staff Interrogatories
OEB File Number: EB-2019-0159**

In accordance with OEB extended timeline for interrogatory filings (which modified the timeline set in the Procedural Order No. 2) please find attached the OEB Staff Interrogatories in the above noted proceeding. The attached document has been sent to the applicant and to all other registered parties to this proceeding.

Yours truly,

Original Signed By

Zora Crnojacki
Project Advisor, Natural Gas Applications

Encl.



OEB Staff Interrogatories

Application for 2021 Dawn Parkway Expansion Project

Enbridge Gas Inc.

EB-2019-0159

April 2, 2020

1. Ref: Exhibit A, Tab 5, Attachment 1, ICF Report on Impact of Changing Supply Dynamics on the Ontario Natural Gas Supply Market, July 2019, p 9.

The ICF Report states, “Based on our analysis, ICF concludes that the major natural gas market changes currently underway provide incentives over the long-term for utilities and other large gas customers in Ontario and Quebec, and the U.S. Northeast to continue to hold pipeline capacity in Ontario and to increase reliance on supplies from the Marcellus/Utica shale”.

- a) Does Enbridge Gas adopt the analysis, observations and recommendation of ICF in the report? If no, please explain the response.
- b) In the above paragraph, ICF has provided the long-term view. Considering the recent significant decline in economic activity as a result of the coronavirus pandemic and the forecasted decline in GDP for both Canada and U.S., please provide the short-term view (1 to 2 years) of the natural gas market and general economic activity that would support additional pipeline capacity. If this information is currently not available, please provide an indication as to when it may be realistic that Enbridge Gas may be in a position to provide this information during the course of the proceeding.
- c) Considering the recent significant decline in oil prices (NYMEX WTI Crude oil – from approximately \$60.00 per barrel in the first week of January 2020 to \$22.50 on March 23, 2020), please indicate whether the decline in oil prices is expected to impact the financial viability of oil and gas producers in the Marcellus and Utica shale regions.

2. Ref: Exhibit A, Tab 5, Attachment 1, ICF Report on Impact of Changing Supply Dynamics on the Ontario Natural Gas Supply Market, July 2019, pp 34 and 39.

Future changes in the North American and Ontario natural gas markets are expected to have continued impact on the demand for Dawn Parkway System pipeline capacity. Enbridge Gas has recently received requests for incremental Dawn-Parkway System capacity of 185 TJ per day (effective November 2021 and November 2022) through an open season process. This was partially offset by capacity turn-back that will be effective March 2021. As a result, Enbridge Gas is proposing facilities expansion on the Dawn Parkway System which will create approximately 84 TJ per day of incremental capacity between Dawn and Parkway for November 2021. The total estimated cost of the project is \$203.5 million.

The report further indicates that growth in demand for Enbridge Gas's services over time provides significant confidence that the expansion of the Dawn Parkway System will not lead to stranded assets even if existing customers in the U.S. Northeast change their natural gas supply strategies to reduce their reliance on the Dawn Parkway System and Ontario/U.S. Midwest storage capacity.

- a) Please explain the impact on natural gas in-franchise customers and Enbridge Gas if the project is postponed by a year and goes into service in November 2022. Please also indicate if security of supply will be impacted in the event of deferring the project to 2022.
- b) Please indicate if Enbridge Gas has considered deferring the consideration of the expansion project in light of the significant uncertainty in the recent economic outlook for Canada and the U.S.
- c) Please indicate if the open season was binding. If so, could force majeure apply considering the current circumstances around the uncertainty in the recent economic outlook for Canada and the U.S.? Does Enbridge Gas intend to require financial backstopping and if so, from whom?
- d) If the open season was not binding, please indicate if Enbridge Gas has contacted customers who requested the additional capacity and re-confirmed if they still require the capacity requested through the open season. If not, please confirm if Enbridge Gas intends to contact the interested customers. If Enbridge Gas does not intend to contact the customers, please provide the reasons for not doing so.

3. Ref: Exhibit A, Tab 6, pp 8 to 10.

The evidence indicates that Enbridge Gas has requested 125,000 GJs per day of new capacity on the Dawn Parkway System, and corresponding new capacity on the TC Energy Mainline of 100,000 GJs per day from Parkway to Enbridge CDA starting November 1, 2021 and 25,000 GJs per day from Parkway to Enbridge EDA starting November 1, 2022. Enbridge Gas has referred to its 5 year Gas Supply Plan for EGD to demonstrate the need for the capacity.

- a) The Gas Supply Plan provides the design day supply assets to meet the demands of CDA and EDA. The supply assets include supplies through TCPL Short Haul and TCPL Storage Transportation Service (STS). Please indicate if Enbridge Gas attempted to get additional supply using TCPL Short Haul and STS service for the EGD rate zone before committing for new capacity of 125,000 GJs per day on the Dawn Parkway System. If not, please provide reasons.

4. Ref: Exhibit A, Tab 7, pp 19 to 22.

In its application, Enbridge Gas has examined non-facility alternatives that would replace the need to build additional Dawn-Parkway system facilities. Some of the non-facility alternatives considered include third-party deliveries at Parkway and winter peaking transport service. Under third-party deliveries, Enbridge Gas examined the potential for TC Energy to provide an exchange service utilizing a Dawn Long Term Fixed Price (LTFP) service. LTFP service expires in 2028 with an early termination option in 2023. This alternative was not considered to be a reliable long-term option to serve Enbridge Gas design day demands as it poses significant operational and commercial risk if not available beyond the original term or if shippers elect to not nominate for sufficient flow on design day to support the exchange service.

Enbridge Gas also examined the potential to purchase a winter peaking transport service (delivered at Parkway) from a third-party to manage design day shortfall throughout the winter. Winter peaking transportation service was rejected as an alternative to firm Dawn Parkway System transmission capacity as in comparison it is not economically viable, provides limited price certainty and is not commercially available on a long-term basis.

- a) Please indicate if Enbridge Gas has used LTFP service in the past. If yes, please describe the reliability and duration of the service.
- b) What capacity would Enbridge Gas require under the LTFP service in order to replace the proposed build? Is the required capacity available?
- c) If Enbridge Gas were to acquire the required quantities under LTFP, would it be a reliable short-term option? If not, please provide the reasons.
- d) Has Enbridge Gas acquired winter peaking transport service in the past to manage design day shortfall? If yes, please provide details including duration and quantities acquired.
- e) Considering that both LTFP and winter peaking transport service are not reliable on a long-term basis, can a combination of both services be acquired on a short-term basis sufficient to defer the proposed build for a few years (between two and three years)? If not, please provide the reasons.
- f) Were the OEB to deny the application, what non-build options would Enbridge Gas then propose to meet incremental demand?

5. Ref: Exhibit A, Tab 8, p. 1-9 and Schedules 1-6.

The total estimated cost of the project is \$203.5 million. Enbridge Gas completed an economic feasibility test to assess the economics of the project based on OEB's E.B.O. 134 Guidelines on economic test for transmission pipeline applications. The Discounted Cash Flow analysis results in a Profitability Index of 0.35 which implies that the projected revenues from the project are insufficient to meet project costs over the 40-year period. Enbridge Gas has therefore completed a Stage 2 analysis that shows that the Stage 2 net present value of energy cost savings are estimated to be in the range of \$3.4 billion to \$5.1 billion. A Stage 3 test that examines the direct and indirect economic benefits shows a further \$221.0 million of benefits from the project.

- a) Please explain what the Stage 2 benefits represent in terms of cost savings. Does the calculation represent the difference between the costs of the incremental volumes of natural gas resulting from the project and the cost of oil, propane and/or electricity?
- b) Does the Stage 2 test assume that if the project is not built, Ontario consumers would still need the same amount of energy and it is assumed to be procured through other sources (namely, oil, propane and electricity)?
- c) Does the Stage 2 test include the cost of carbon under the Federal Carbon Tax Plan (Greenhouse Gas Pollution Pricing Act)?
- d) Please confirm if the Stage 2 test includes incremental volumes that are expected to be delivered outside Ontario. If yes, please provide a revised Stage 2 test that includes only incremental volumes that will be used by end customers in Ontario.
- e) The Stage 3 test shows an economic benefit of \$221.0 million to Ontario. Please explain the GDP factor of 1.14 in Schedule 6 and the derivation of the \$188 million impact. Does the number take into account the forecasted GDP growth in Ontario?
- f) Please provide a revised Stage 3 analysis using the current economic circumstances and economic outlook taking into account the recent coronavirus pandemic.

6. Ref: Exhibit A/Tab 2/Schedule 6/p.1

Stantec Consulting Limited (Stantec) completed an Environmental Report (ER), which assessed the alternative routes, proposed the preferred route, conducted public consultation, conducted impacts assessment and proposed additional studies mitigation measures to minimize the impacts. The ER was prepared in accordance with the *OEB's Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines in Ontario [7th Edition, 2016]* (OEB Environmental Guidelines).

The ER stated the following: "With the implementation of the recommendations in this report, on-going communication and consultation, and adherence to permit, regulatory and legislative requirements, potential adverse residual environmental and socio-economic impacts of the project are not anticipated to be significant."¹

In accordance with the OEB Environmental Guidelines, the ER was reviewed by the members of Ontario Pipeline Coordinating Committee (OPCC).

- a) Please provide an update of the OPCC summary of comments and concerns received from the public consultation since the application was filed. Please include Enbridge Gas's responses and actions to address the issues and concerns.

7. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, p. 1.6-1.7

The Environmental Report includes a summary table of environmental regulatory permits and requirements with permit name, administering agency and a description of the requirements. The information is dated June 21, 2019.

- a) Please update the summary and add the status of each permit/approval and expected date of acquiring each of the permits. Provide a description of causes for potential delays that may affect construction schedule for the Project. Use the format as in the table on pages 1.6-1.7 of the Environmental Report.

¹ Dawn-Parkway System Expansion: Kirkwall-Hamilton Pipeline Section: Environmental Report, Stantec Consulting Ltd, June 21, 2019, Executive Summary, page ii

**8. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 3.4.2
Information Sessions**

Two information sessions (in addition to published information, served notifications and the webpage) were held as part of the public consultation for the Project. The first session was held in Carlisle on February 27, 2019, the second session was held in Valens on May 19, 2019. There were 33 attendees and 36 attendees in the first and second session respectively.

Since filing of this application with the OEB, numerous letters of comments were received by the OEB from individuals and organizations expressing concerns about the impacts of the Project on environmentally sensitive areas. In the Environmental Report Enbridge Gas stated that it "...has committed to on-going consultation with directly affected and interested parties during detailed design and construction and will continue to respond to concerns through the life of the project."

- a) In light of numerous concerns voiced by many parties through letters of comments to the OEB (posted on the OEB's website under EB-2019-0159), and Enbridge Gas's commitment to "on-going consultation" what are the new consultation activities (in addition to web postings) taken by Enbridge Gas, since May 2019.
- b) Describe the actions Enbridge Gas has taken to reach out to the communities and to provide opportunities for further community input. Identify additional concerns raised and any measures Enbridge Gas has or plans to address the concerns through mitigation, monitoring or other strategy.

Please provide response specific to the following stakeholders:

- i. General public (e.g., individuals and private landowners)
- ii. Municipalities (e.g., City of Hamilton)
- iii. Interest groups (e.g., environmental non-profit organisations)
- iv. Agencies (e.g., Grand River Conservation Authority, Hydro One Networks Inc.)
- v. Any other consulted entity

**9. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.2.1
Bedrock Geology, p. 4.4-4.5**

Enbridge Gas indicated that based on the previous construction experience bedrock maybe exposed during pipeline construction. Enbridge Gas noted that if hoe-ramming method cannot be applied, blasting may be required at certain locations.

Enbridge Gas further stated that the blasting procedures should be developed "...in conjunction with existing construction specifications, a licenced blasting contractor and a blasting design consultant in accordance to applicable regulations."

- a) Please specify the applicable regulations and describe the measures that should be applied during blasting in the event that it is required.

**10. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.2.3
Hydrogeology**

According to the Environmental Report, there are no significant chemical, pathogen or dense non-aqueous phase liquids source water threats to municipal supply sources risks of the construction or operation of the proposed pipeline.

Regarding the supply wells, there are approximately 163 water supply wells within 500 metres of the proposed pipeline route, 111 of which are domestic. There are seven water supply wells within 50 metres of the proposed pipeline, two of which are domestic. Enbridge Gas said it would survey private water wells and, if warranted, implement a well monitoring program.

- a) Have any of the landowners and users of water supply domestic wells within 500 metres been contacted directly about potential impacts on the water supply? If so, provide details of the communication including expression of concerns related to potential impacts of the pipeline construction and operation on the water quality of these wells.
- b) Please identify the wells that are being considered for water quality surveys and potential water well monitoring programs. Please also include the timing and specifics of these surveys and monitoring programs.

**11. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.2.5
Soils and Soil Capability**

About 60% of agricultural land crossed by the proposed route is prime agricultural land according to the Canada Land Inventory (CLI) classification as defined by Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The Environmental Report identified potential impacts and mitigation measures to alleviate and minimize impacts on agricultural prime soils. There are also properties with drainage tile system along the route that require site specific tile plans.

- a) Please summarize all the protective and mitigation measures that will be applied to alleviate the impacts of pipeline construction on agricultural lands especially on prime agricultural soils.
- b) Please describe the consultation with OMAFRA regarding the protection of prime agricultural soils along the proposed pipeline route.
- c) Please describe Enbridge Gas's approach to consultation with the owners of agricultural land along the proposed pipeline route.
- d) Please describe the timing and implementation of site specific tile drainage plans and specify the role of impacted farmers in developing and implementing these plans.

**12. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.3.1
Aquatic Features**

The proposed Project crosses four streams and is located within three upper tier watersheds under the jurisdiction of three conservation authorities as follows:

- Grand River (jurisdiction of Grand River Conservation Authority (GRCA))
- Spencer Creek (Hamilton Conservation Authority (HCA))
- Bronte Creek (Conservation Halton (CH))

Enbridge Gas will require permits for the stream crossings and is committed to implementing comprehensive mitigation plans and stream crossing methods to ensure the protection of aquatic habitats and prevent other related potential impacts.

- a) Please summarize all the protection and mitigation measures and strategies for stream crossings and protection of aquatic habitats and watershed resources.
- b) Describe the communication and permitting process by conservation authorities who are stewards of watersheds potentially impacted by the Project.

**13. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.3.2
Designated Natural Areas and Vegetation**

The Project's study area encompasses systems of Provincially Significant Wetlands (PSW) which are designated as such by the Ontario Wetland Evaluation System. The Environmental Report indicated that Ecological Land Classification (ELC) surveys will be conducted in 2019/2020 to locate any wetlands within 120 metres from the proposed pipeline route.

Significant woodlands, as defined in the City of Hamilton's Official Plan are identified within 120 metres from the proposed pipeline route.

Areas of Natural and Scientific Interests (ANSI) which represent examples of biodiversity are significant provincial natural heritage representatives. One life science ANSI, Beverly Swamp is located within 120 metres from the proposed pipeline route.

The proposed pipeline route is within 1.9 km from woodlands and 400 metres from wetlands.

The Environmental Report stated that field surveys of these important sensitive designated natural features will be conducted and protective and mitigation measures will be developed.

- a) Please describe the plans for the field surveys for woodlands, wetlands and the ANSI including methodology and timing.
- b) What are the specific mitigation measures that Enbridge Gas will implement (in addition to general measures outlined in the Environmental Report) for each of the identified and surveyed designated natural area potentially impacted by the Project's construction and operation?
- c) Describe any site specific management plans for woodlands, PSW, ANSI and wetlands planned to be developed in advance of construction.

**14. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.4.9
Archaeological Resource**

Enbridge Gas states that an archeological assessment (AA) Stage 1 has been completed for the entire route and study area and that the report has been submitted to the Ontario Public Register of Archaeological Reports for review by the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

- a) Please provide details of the planned AA, including the steps required to meet all of the provincial requirements for the AA.
- b) Has a review of the Stage 1 AA Report been completed? If not, when does Enbridge Gas expects to receive a response from the MHSTCI with respect to the Stage 1 AA?
- c) Please indicate the latest timeline by which Enbridge Gas must receive a response from the MHSTCI on all stages of the AA to start the Project on time.

**15. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, section 4.4.1-
Cultural Heritage Resources**

The Environmental Report indicates that a Cultural Heritage Assessment Report (CHAR) to identify heritage resources (both built heritage resources and cultural heritage landscapes) along the proposed pipeline route is in progress.

- a) Please describe the progress and anticipated completion of the CHAR for the Project.
- b) Describe the role of the MHSTCI in review and approval of the CHAR. What is the expected timing of the MHSTCI completion of the CHAR review?

**16. Ref: Exhibit A/Tab 10/Attachment 1/Environmental Report, Table 4.11
Summary of Impacts and Recommended Mitigation and Updated Appendix
H: Mitigation Photomosaic, February 27, 2020 and Exhibit A/Tab
10/Attachment 1/Environmental Report, Chapter 6 - Monitoring and
Contingency Plans**

The Environmental Report includes a table summarizing all potential impacts and corresponding recommended mitigation measures. On February 27, 2020 Enbridge Gas

provided additional photomosaic of the pipeline route with marked location of the proposed mitigation measures. Contingency and emergency response planning is described in the Environmental Report as it applies to weather related events, spills, and unexpected finds such as archaeological finds, cultural heritage and contaminated soils.

- a) Please confirm that Enbridge Gas will develop site and measures specific plans (i.e., Environmental Protection Plan (EPP), Environmental Management Plan (EMP), and Contingency Plan) in order to implement general mitigation and contingency measures identified in the Environmental Report. If so, please list all the plans that will be developed, indicate the regulatory authorities responsible for each plan, and timing of completion in advance of the start of construction.

17. Ref: Exhibit A/Tab 2/p.2

Enbridge Gas requests leave to construct approximately 10.1 kilometres of Nominal Pipe Size (NPS) 48 pipeline in the City of Hamilton.

- a) Please provide the reference number for the applicable Municipal Franchise Agreement.
- b) Please provide the reference number for the applicable Certificate of Public Convenience and Necessity.

18. Ref: Exhibit A/Tab 9/p.6

Enbridge Gas stated in its evidence that it would obtain "...all necessary permits, approvals and authorizations...at the earliest appropriate opportunity."

- a) Please list all the permits, approvals and authorizations that Enbridge Gas would need to obtain to construct and operate the proposed pipeline. Specify the granting authority, the status of Enbridge Gas's application for each approval, expected approximate date of acquiring the approval.

19. Ref: Exhibit A/Tab 2/p.2-3; A/Tab 3/p. 7/lines 17-20; Exhibit A/Tab 11/Attachment 1 and Attachment 2

Enbridge Gas requires approximately 28.56 hectares (70.57 acres) of permanent easements for the Project. Enbridge Gas has already acquired 21.42 hectares (52.93 acres) or approximately 75% of necessary permanent land rights.

Enbridge Gas requires approximately 26.33 hectares (65.06 acres) of temporary easements for construction and top soil storage purposes. Enbridge Gas did not indicate that any of the temporary easements has been obtained. Enbridge Gas stated that it would continue negotiating with the affected landowners to acquire these land rights.

According to section 97 of the OEB Act, "In an application under section 90, 91 or 92, leave to construct shall not be granted until the applicant satisfies the Board that it has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board." Enbridge Gas filed a copy of the Form of Permanent Easement and form of Temporary Land Use Agreement for the land rights required and noted that these forms were consistent with those previously approved by the OEB.

- a) Please confirm whether the negotiations to obtain the permanent land rights required from private landowners for the Project is now complete. If not, please provide an update on the status and prospects of negotiations with private landowners, including any concerns that have been expressed by landowners with respect to the proposed Project. Please comment on when Enbridge Gas expects these agreements to be executed.
- b) Please specify if any of permanent or temporary land rights will have to be acquired from the municipality, provincial authorities or utilities. If so, what is the status of negotiations with these entities?
- c) Please provide an update on the status of the temporary land use (TLU) rights required for the Project, including any concerns that have been expressed by landowners. Please indicate the number and area of TLU rights that are required.
- d) Please discuss any concerns that Enbridge Gas has with respect to obtaining any of the required land rights for the Project.
- e) Please provide the file numbers for the OEB decisions approving the forms of permanent and temporary agreements filed for the approval of the OEB in this application.

20. Ref: Ex/Tab 12/Attachement 5; Ex/Tab 12/Attachement 6

The OEB Environmental Guidelines sets out procedures and protocols for Indigenous consultation and the Duty to Consult on natural gas pipeline projects that are subject to the OEB's approval.

Enbridge Gas is required to adhere to these procedures and protocols and to file the required documentation with the OEB as part of its evidence in support of its application. On November 29, 2018 Enbridge Gas provided a description of the Project to the Ontario Ministry of Energy, Northern Development and Mines (MENDM) and received a delegation letter from MENDM on February 8, 2019 delegating procedural aspects of Duty to Consult to Enbridge Gas. The Delegation Letter identified the following Indigenous communities² to be engaged and consulted about the Project:

- Mississaugas of the New Credit First Nation
- Six Nations of the Grand River
- Haudenosanunee Confederacy Chief Council

On November 1, 2019 Enbridge Gas filed with the MENDM the Indigenous Consultation Report (ICR) and requested that the MENDM determine if the procedural aspects of the Duty to Consult for the Project have been sufficient. Enbridge Gas's evidence summarizing Indigenous engagement activities for the Project has been up to date as of August 29, 2019. The ICR was filed with the application. On January 30, 2020 Enbridge Gas has received a letter of opinion (Sufficiency Letter) from the MENDM which states that the MENDM is satisfied with the adequacy of the procedural aspects of Enbridge Gas's consultation with Indigenous communities. Enbridge Gas filed this letter with the OEB.

- a) Please provide an update of the Log and Correspondence on Indigenous consultation (Log) since the filing of the application and identify any concerns and issues raised in the consultation process and steps that Enbridge Gas has taken and/or committed to undertake to address any concerns or issues. Provide a summary description of all the Indigenous concerns listed in the updated Log and Enbridge Gas's actions to address these concerns.

² Although the Métis Nation of Ontario (MNO) was not listed in the Delegation Letter, Enbridge Gas notified the MNO as an Indigenous community to be informed of the Project. No concerns were raised by the MNO.

- b) Please update the evidence with any correspondence between the MENDM and Enbridge Gas after January 30, 2020, regarding the MENDM's review of Enbridge Gas's consultation activities.
- c) The Sufficiency Letter states that it is MENDM's understanding that there are no outstanding concerns about the Project from Indigenous communities. Is Enbridge Gas aware of any new or ongoing concerns from Indigenous communities? If so, please provide details.

21. Ref: Exhibit A/Tab 2/p.2

Enbridge Gas has applied for leave to construct facilities under section 90(1) of the OEB Act.

- a) Please comment on the draft conditions of approval proposed by OEB staff. If Enbridge Gas does not agree with any of the draft conditions of approval, please identify the specific conditions that Enbridge Gas disagrees with. Explain the rationale for disagreement and for any proposed changes or amendments.

**Leave to Construct Application under
Section 90 of the OEB Act**

**Enbridge Gas Inc.
EB-2019-0159
DRAFT
Conditions of Approval**

- 1 Enbridge Gas Inc. (Enbridge Gas) shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2019-0159 and these Conditions of Approval.
- 2 Enbridge Gas shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
- 3 Enbridge Gas shall implement all the recommendations of the Environmental Report filed in the proceeding, and implement all commitments made in response the Ontario Pipeline Coordinating Committee member review.
- 4 Enbridge Gas shall notify the OEB and all parties in this proceeding, prior to the start of construction, of completion of each of Environmental Protection Plan (EPP), Environmental Management Plan (EMP), and Contingency Plan documents and make a copy of the documents available to a party upon their request.
- 5 (a) Authorization for leave to construct shall terminate 12 months after the decision is issued, unless construction has commenced prior to that date.

(b) Enbridge Gas shall give the OEB notice in writing of the following:
 - i. The commencement of construction, at least ten days prior to the date construction commences
 - ii. The planned in-service date, at least ten days prior to the date the facilities go into service
 - iii. The date on which construction was completed, no later than 10 days following the completion of construction
 - iv. The in-service date, no later than 10 days after the facilities go into service

- 6 Enbridge Gas shall advise the OEB of any proposed change in the project, including but not limited to changes in: OEB-approved construction or restoration procedures, the proposed route, construction schedule and cost, the necessary environmental assessments and approvals, and all other approvals, permits, licences, certificates and rights required to construct the proposed facilities. Except in an emergency, Enbridge Gas shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
- 7 Concurrent with the final monitoring report referred to in Condition 8(b), Enbridge Gas shall file a Post Construction Financial Report, which shall provide a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized. Enbridge Gas shall also file a copy of the Post Construction Financial Report in the proceeding where the actual capital costs of the project are proposed to be included in rate base or any proceeding where Enbridge Gas proposes to start collecting revenues associated with the Project, whichever is earlier.
- 8 Both during and after construction, Enbridge Gas shall monitor the impacts of construction, and shall file with the OEB one paper copy and one electronic (searchable PDF) version of each of the following reports:
 - (a) A post construction report, within three months of the in-service date, which shall:
 - i. Provide a certification, by a senior executive of the company of Enbridge Gas's adherence to Condition 1
 - ii. Describe any impacts and outstanding concerns identified during construction
 - iii. Describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
 - iv. Include a log of all complaints received by Enbridge Gas, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
 - v. Provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project

- (b) A final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
 - i. Provide certification, by a senior executive of the company, of Enbridge Gas's adherence to Condition 3
 - ii. Describe the condition of any rehabilitated land
 - iii. Describe the effectiveness of any such actions taken to prevent or mitigate any identified impacts of construction
 - iv. Include the results of analyses and monitoring programs and any recommendations arising therefrom
 - v. Include a log of all complaints received by Enbridge Gas, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
- 9 Enbridge Gas shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to all the appropriate landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.

The OEB's designated representative for the purpose of these Conditions of Approval shall be the OEB's Manager of Natural Gas Applications (or the Manager of any OEB successor department that oversees natural gas leave to construct applications).