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Enbridge Gas Inc.
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Canada

VIA EMAIL and RESS

August 24, 2020

Christine Long
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

**Re: EB-2020-0160 Enbridge Gas Inc. ("Enbridge Gas")
Windsor Line Replacement Project – Section 101 Application
Written Submission of Enbridge Gas on Environmental Defence's motion**

Dear Ms. Long:

In accordance with Procedural Order No.3 dated August 19, 2020, enclosed is Enbridge Gas' Written Submission on Environmental Defence's motion in the above noted proceeding.

Please contact the undersigned if you have any questions.

Yours truly,

(Original Digitally Signed)

Rakesh Torul
Technical Manager,
Regulatory Applications

cc: Scott Stoll, Aird and Berlis LLP
EB-2020-0160 Intervenor

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF an application by Enbridge Gas Inc. pursuant to Condition 4 from the Ontario Energy Board's Decision and Order dated April 1, 2020, and Section 101 of the *Ontario Energy Board Act*, 1998 for authority to construct a work upon, under or over a highway, utility line or ditch in the County of Essex for the purposes of a natural gas pipeline in respect of which the Ontario Energy Board granted leave to construct in EB-2019-0172 to Enbridge Gas Inc.;

MOTION BY ENVIRONMENTAL DEFENCE ("ED")

SUBMISSIONS OF ENBRIDGE GAS INC. ("Enbridge Gas")

1. With the exception of Interrogatory I.ED1.(a), for which some additional information is provided, Enbridge Gas reiterates that the questions are beyond the scope of this proceeding as the information sought is not relevant to the decisions being asked of the Board. Environmental Defence has sought information that is not necessary to consider the factual matters, issue and relief sought in this Application.
2. In Procedural Order 2 the "The OEB expects intervenors' participation to be strictly limited to the contested issue as set out in Enbridge Gas' application."¹ Enbridge Gas has sought direction from the Board as to whether Enbridge will be permitted to abandon the NPS 10 existing Windsor Pipeline in place or whether Enbridge must not only abandon the pipeline but remove the approximately 20,000+ metres of pipeline from the ground and dispose of it.
3. In general, for information to be relevant is must be helpful to the decision-maker in analysing the issues to be determined. In respect of the manner of abandonment, this Proceeding and the issue before the Board is "In considering

¹ Procedural Order No. 2, page 2.

the public interest, should the NPS 10 pipeline be abandoned in place or abandoned and removed?”

Interrogatory I.ED.1(a)

4. With respect to Interrogatory I.ED1.(a), Enbridge Gas is providing the following information which may be of some assistance in providing context to the magnitude of the increase in cost that removal of the pipeline would cause. Enbridge Gas had included \$3.9million for the abandonment and decommissioning the entire existing NPS 10 pipeline – not only the segment of the pipeline within the area of this Application. The manner and cost of abandonment did not receive any significant attention in EB-2019-0172. As such, the additional context of the magnitude of the removal cost could potentially have relevance.
5. The table below provides the information that was incorporated into the leave to construct application, EB-2019-0172 and the information filed in this Application (see Exhibit B, Tab 1, Schedule 4, page 2). The incremental cost to remove the NPS 10 pipeline was identified as approximately \$5.9million for General Construction, Lands (TLU), Environmental and Archaeology, Hydro Pole Support and Tree Clearing.

Table - Summary of Abandonment Costs

	Total for Project	
	EB-2019-0172 LTC Filing	EB-2020-0160 101 Filing
General Construction	\$3,900,000	\$7,400,000
Lands TLU	-	\$1,100,000
Environmental and Archaeology	-	\$800,000
Hydro Pole Support	-	\$255,000
Tree Clearing	-	\$225,000
Total cost	\$3,900,000	\$9,780,000

6. Enbridge Gas has not broken down the estimate beyond the factors provided in the Table as to do so would require significantly more information that is not readily available and would not be reasonable to obtain. If Enbridge Gas is required to remove the NPS 10 pipeline – rather than the typical abandon in place approach – Enbridge Gas has indicated that following factors will contribute to the removal costs:
 - The existing NPS 10 pipeline is mechanically connected. Therefore, extensive excavation will be required as the pipeline cannot be pulled long distances to be removed.

- Additional environmental and archaeological studies will need to be completed to support the permits required because of the extensive excavations. This will mean much more work will occur in 2021.
- The pipe will have to be removed from the location and disposed in accordance with legal requirements.
- Tree removal and restoration costs (part of General Construction) will be much more significant because of the extent of excavation.

Interrogatory I.ED.1(b), (c) and (d)

7. Enbridge Gas has stated, and continues to be of the view, these questions are out of scope in their entirety. Enbridge Gas disagrees that the comparisons with other removal projects shines any light upon the choice presented to the Board in this Application.
8. The Board has been requested to determine whether Enbridge Gas should abandon in place the NPS 10 pipeline or whether it should dig up and remove the NPS 10 pipeline for the pipeline within the County Road 46 right-of-way. The issue in this Application is whether Enbridge Gas is obligated to make an additional expenditure of approximately \$5.875 million to remove a pipeline where no conflict with future infrastructure has been identified rather than the cost to follow the typical practice of abandon in place.
9. As such, the issue is the need to incur the incremental costs of removal versus abandonment in place and the basis for such expenditure. In the present circumstances, the cost of removing the pipeline is not because of an imminent conflict with municipal infrastructure. The question seeks information on any pipeline removal anywhere in Canada – regardless of regulatory authority, contents, location or other circumstances; not on the particular Application before it – nor would the information requested help the Board in assessing the relative merits of the two options being presented – abandon the NPS 10 in place versus abandon and remove.
10. Further, these questions ignore the reality that each removal is unique and dependent upon a number of factors including:
 - Proximity of infrastructure which may restrict the manner of removal and working conditions
 - Pipeline purpose, size and use (natural gas, oil, other, distribution with connections)
 - Need for temporary additional land rights
 - Nature of the pipeline (mechanical connection v. welded connection)
 - Surface conditions (farmland, wetland, asphalt etc.)

- Permitting and environmental regulatory requirements
- Nature of conflict and whether that reduces or eliminates incremental excavation needs.

11. Neither the cost experienced in other projects, nor the average unit cost of such projects speak to the choice being presented to the Board in this Application. The costs experienced in other situations does not assist the Board in assessing the prudence of expending additional amounts that would have to be expended to remove and dispose of the NPS 10 pipeline in the present Application.

Interrogatory I.ED.4 (a) to (e)

12. Enbridge Gas has indicated the costs incurred will be treated in the normal fashion and that it is not requesting any extraordinary or unusual accounting treatment. Further, Enbridge Gas has indicated the process of accounting is the same whether it proceeds with abandonment in place or whether the pipeline is removed. Therefore, the accounting for specific aspects of certain costs will not assist the Board in determining whether it should permit the NPS 10 pipeline to be abandoned in place or abandoned and removed.

13. Once again, the questions are not relevant to the relief requested and issues in this Application.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED August 24, 2020, at Toronto, Ontario.

ENBRIDGE GAS INC.
By its counsel
AIRD & BERLIS LLP



Scott Stoll