

VIA EMAIL and RESS

August 25, 2020

Ms. 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
Submission on the next procedural steps**

Enbridge Gas Inc. (Enbridge Gas) is of the view that we should proceed directly to submissions. For the reasons discussed below, we do not view that either a settlement conference or a technical conference as being of value.

As Enbridge Gas has noted and the Board acknowledged, this proceeding involves two narrow issues: (a) 1.0 metre v. 1.5 metre depth of cover for the new pipeline; and (b) abandon in place versus abandon and remove. Condition 4, of the Board's Order requires that Enbridge Gas obtain Board approval for any departures from "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." Additional cover beyond 1.0 metre for such a length requires approval of the Board. In addition, the standard practice is for pipelines to be abandoned in place not abandon and remove.

Essex County is the road authority and has an agreement with Enbridge Gas so its interests are different than those of the other intervenors.

Enbridge Gas has an obligation to provide safe and reliable gas delivery service. The proper installation of pipelines is an integral part of that obligation. However, Enbridge Gas also has an obligation to make prudent expenditures. Enbridge Gas is rightfully concerned that were it to incur significant additional costs where there is no imminent conflict and Enbridge Gas' engineering analysis does not support the additional depth that the prudence of incurring such costs would be questioned.

Enbridge Gas has provided an engineering report, the Wood Report, that demonstrates a 1.0 metre depth of cover is sufficient, both now, and into the future. There is no doubt that Enbridge Gas' design meets and exceeds the minimum requirements in the CSA Z662-15. The technical regulator, the TSSA, has confirmed that fact. Yet, Essex County to date has ignored that information despite it having performed no engineering analysis – nor has it even sought to confirm the accuracy of Enbridge Gas' analysis through their consultant. When asked about the difference between transmission and distribution pipelines – Essex County ignores the CSA Z662-15 which has been adopted into law and relies upon some unstated pressure threshold. Finally, Essex County has relied upon the TAC *Underground Utility Installations Crossing Highway Rights-of-Way* – a non-binding guide for crossings – not longitudinal installations. While the application of this guideline by Essex County seems inconsistent, Enbridge Gas submits it is unlikely Essex County would depart from its insistence on adhering to this guideline at this juncture of the proceeding.

Enbridge Gas typically abandons existing pipelines in place rather than removing the pipeline and disposing of it. This is permitted in the CSA Z662-15 and in the 1957 Franchise Agreement. However, Essex County seeks to have Enbridge Gas remove and dispose of more than 20,000 metres of NPS 10 mechanically connected pipeline at an additional cost of almost \$6million. Rather than being able to choose discreet locations that avoid additional excavations, tree removals and hydro pole supports to be able to cut and cap the pipeline to make the abandonment safe, Enbridge Gas would have to excavate essentially the entire length of the NPS 10 pipeline. Essex County has no roadway designs; has not even gathered any of the land or commenced an environmental review and so cannot identify any real and imminent conflict. In fact, the road widening, east of Manning Road, seems at best many years into the future as it did not even make it in the Essex County Capacity Plan extending out to 2037. Removing the pipeline in advance of any actual road reconstruction would create unnecessary disruption and costs.

The other intervenors have various interests and have raised questions that are beyond the scope of this proceeding. They are not directly impacted in the way Essex County is impacted. Enbridge Gas is concerned that this pattern of raising extraneous issues will continue and there would be no advancement in understanding the actual live issues or resolving the dispute. Extending this proceeding for a settlement or technical conference may impact the cost and timely completion of the project.

Evidence on the issues has been provided. Neither a settlement conference nor a technical conference are likely to provide any resolution with Essex County; narrowing of the already narrow issues; or additional new evidence that would assist the determination of these issues. As such, Enbridge Gas submits the best course of action is to proceed directly to submissions.

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