

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c. 15 (Sched. B), as amended (the “OEB Act”);

**AND IN THE MATTER OF** an application by Enbridge Gas  
Inc. under section 90 of the OEB Act for an Order  
granting leave to construct natural gas distribution pipelines  
and ancillary facilities in the City of Toronto.

**SUBMISSIONS OF THE CITY OF TORONTO – ENBRIDGE REQUEST  
TO WITHDRAW APPLICATION**

1. The Ontario Energy Board ("OEB") in its Procedural Order No. 5 has invited submissions from parties on whether to permit Enbridge's Leave to Construct application (the "Application") to be withdrawn, or what conditions should be applied if the withdrawal is allowed.
2. Toronto agrees with the submission that Enbridge should be permitted to withdraw its Application only after the Board has first decided the issues raised by Waterfront Toronto's proposed submissions relating to a new river crossing facility.
3. Toronto submits that, should Enbridge be permitted to withdraw its application, it should be required to file a new Leave to Construct Application on an urgent basis.
4. Toronto's submissions address the following: (1) adverse impacts of delay in the replacement of Enbridge's pipeline; (2) public interest and reliability of natural gas supply, and (3) if the OEB allows the Application to be withdrawn, what conditions it should include in its decision.
5. Toronto notes the likelihood of severe and negative impacts of delay to the Port Lands Flood Protection and Enabling Infrastructure Project ("Flood Protection Project"). These impacts

may include financial expense to a complex, tri-governmental project, and harm to the public from delaying important flood protection and waterfront revitalization work.

6. These risks, and concerns for ensuring security of natural gas supply and protecting the public interest, are best addressed by maintaining a swift and efficient schedule for the replacement or relocation of Enbridge's pipeline.

7. As identified in Procedural Order No. 5, the OEB may impose such conditions on a withdrawal as it considers appropriate.<sup>1</sup> The OEB's Rules of Practice and Procedure establish that its consideration of requests to withdraw applications is guided by the public interest.<sup>2</sup> Similarly, the OEB Act entitles the OEB to consider the public interest in pipeline construction matters.<sup>3</sup>

8. Therefore, Toronto submits that consideration of Waterfront Toronto's submissions and setting deadlines for any new application is necessary to ensure that Enbridge's pipeline is replaced expeditiously, and that such steps should be undertaken on an urgent basis.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

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<sup>1</sup> OEB Rules of Practice and Procedure, Rule 20.03.

<sup>2</sup> *Ibid*, Rule 20.05.

<sup>3</sup> See ss 96(1) of the OEB Act.