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BY EMAIL

January 13, 2022

Ms. Nancy Marconi
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
registrar@oeb.ca

Dear Ms. Marconi:

**Re: Ontario Energy Board (OEB) Staff Submission
Enbridge Gas Inc. – Greenstone Pipeline Project Application
OEB File Number: EB-2021-0205**

In accordance with Procedural Order No. 2, please find attached the OEB staff submission in the above proceeding. The attached document has been forwarded to Enbridge Gas Inc. and to all other registered parties to this proceeding.

Yours truly,

Original Signed By

Zora Crnojacki
Senior Advisor I, Natural Gas Applications

Encl.



ONTARIO ENERGY BOARD

OEB Staff Submission

**Enbridge Gas Inc.
Greenstone Pipeline Project
Application**

Application for Leave to Construct

EB-2021-0205

January 13, 2022

1.0 Introduction

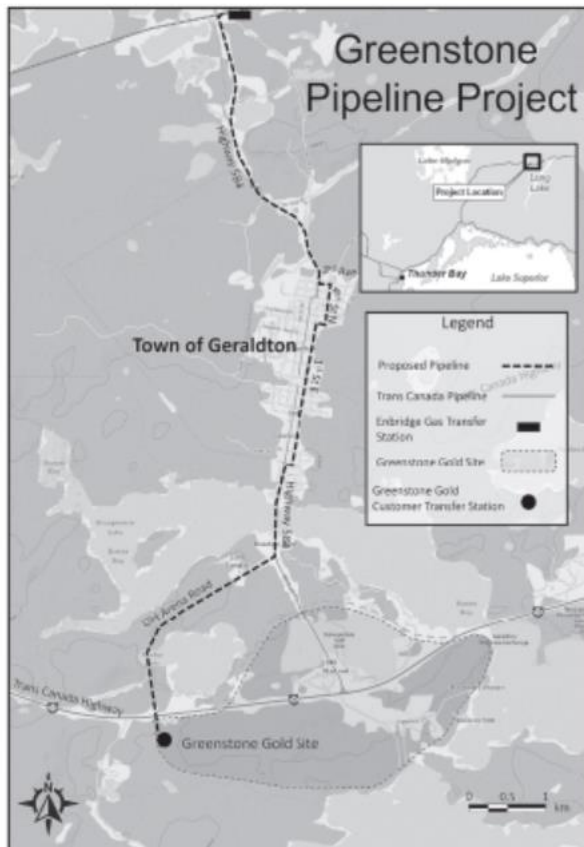
On September 10, 2021, Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (OEB Act), for an order granting leave to construct a natural gas pipeline and associated facilities in the Municipality of Greenstone (Project). The Project is needed to provide service to the Greenstone Gold Mine near the community of Geraldton, approximately 270km northeast of Thunder Bay. The Greenstone Gold Mine is an open pit mine that will be operated by Greenstone Gold Mine LP (GGM).

The Project involves:

- 13 km of 6 inch diameter extra high pressure steal pipeline
- a new metering station
- a rebuild of the existing TransCanada PipeLines Limited (TCPL)/Enbridge Gas custody transfer station

The Project starts at the Enbridge Gas Custody Station located adjacent to the TransCanada pipeline, 3.5 km north of the community of Geraldton and will terminate south of TransCanada Highway 11 at the gold mine.

A general location of the Project is shown on the map below.



The need for the Project is solely based on a contractual agreement to supply gas to the GGM for gas-fired electricity generation and for process and building heat. The terms of the supply service are set in the Northern Gas Distribution Contract (Contract) between Enbridge Gas and GGM. The total estimated Project Cost is \$25.8 Million. As set in the Contract, GGM agreed to pay \$ 20.3 million in a Contribution in Aid of Construction (CIAC).

Enbridge Gas has also applied under section 97 of the OEB Act for approval of the form of land-use agreements it has offered or will offer to landowners affected by the route of the Project.

Enbridge Gas indicated that the planned in-service date is March 1, 2023. Construction is scheduled to start in March 2022.

OEB staff has no concerns with the Project and supports the OEB granting leave to construct approval to Enbridge Gas, subject to certain Conditions of Approval contained in Appendix A of this submission.

2.0 The Proceeding

A Notice of Hearing was issued on October 4, 2021. Each of Environmental Defence Research Foundation (Environmental Defence), Minodahmun Development LP (MDLP) and Pollution Probe applied for and was granted intervenor status and cost eligibility.

MDLP is a 100% First Nation owned partnership of Animbiigoo Zaagi'igan Anishinaabek (AZA), Aroland First Nation (AFN) and Ginoogaming First Nation (GFN). The GGM signed a Long-term Relationship Agreement with the MDLP (LTRA). According to the intervention request by the MDLP, its members are affected by the Project with respect to treaty rights, land use, cultural heritage and economic interest. As noted in the section 3.6 Indigenous Consultation in this submission, the Ministry of Northern Development and Mines (MENDM) identified seven First Nations to be consulted about the Project, including the three that decided to form the MDLP and as such to intervene in this proceeding. Enbridge Gas conducted consultation with each of the seven First Nations.

On November 12, 2021, the OEB issued Procedural Order No.1 setting the timeline for the confidentiality request and for interrogatories.

On November 26, 2021, the OEB rendered its Decision on Confidentiality.

In accordance with Procedural Order No. 1, Environmental Defence, MDLP, Pollution Probe and OEB staff filed interrogatories by December 3, 2021. Enbridge Gas filed responses to the interrogatories on December 17, 2021.

The OEB issued Procedural Order No. 2 on December 17, 2021. The OEB determined to proceed by a written hearing. Procedural Order No. 2 set the procedural schedule for the remainder of the proceeding. According to Procedural Order No. 2 OEB staff and intervenors were to file written submissions by January 14, 2022 and Enbridge Gas to file a written reply submission by January 21, 2022.

3.0 OEB Staff Submission

Consistent with the OEB's Standard Issues List for natural gas leave to construct applications, OEB staff submission is structured to address the following issues:

1. Need for the Project
2. Project Alternatives
3. Project Cost and Economics
4. Environmental Impacts

5. Landowner Agreements
6. Indigenous Consultation
7. Conditions of Approval

3.1 Need for the Project

The Project consists of a dedicated pipeline and station facilities required exclusively to meet the demand of the GGM for use in gas-fired power generation to operate their facilities and to provide process and building heat. The need for the Project is underpinned by the 10-year service Contract between Enbridge Gas and the GGM. The Contract was executed on February 22, 2021. The Contract includes Rate 100 Large Volume High Load Factor Firm Service and Rate 25 Large Volume Interruptible Service. Enbridge Gas noted that the Project is included in its Asset Management Plan, filed in the 2021 Rates proceeding¹.

According to Enbridge Gas, the existing natural gas infrastructure in the community of Geraldton does not have the capacity or designed specification to accommodate the pressure required to support the demand of the Greenstone Gold Mine. Enbridge Gas also explained that the future forecasted growth in the Geraldton area can be served by the existing distribution system.²

Based on the evidence filed by Enbridge Gas, OEB staff submits that there is a need for the Project.

3.2 Project Alternatives

Enbridge Gas stated that a new pipeline was considered as the only viable option to provide service to GGM. Enbridge Gas assessed the viability of Integrated Resource Planning (IRP) alternatives to providing built capacity to deliver gas. IRP alternatives were rejected on the basis that this project falls under the “customer-specific builds” category as defined in the OEB’s IRP Framework. To assess the IRP alternatives to the Project, Enbridge Gas applied the Binary Screening Criteria and concluded that the need for the Project “...does not warrant further IRP consideration...”. Enbridge Gas submitted that the Project meets the definition of a “customer-specific” project in the IRP Framework approved by the OEB:

¹ EB-2020-0181, Exhibit C, Tab 2, Schedule 1, p 381

² In the Exhibit I.STAFF.1 a) and b) Enbridge Gas stated that its analysis of the forecasted growth of the Geraldton’s distribution system demand through 2042 showed that the forecasted growth can be served by the existing distribution system.

Customer-Specific Builds – If an identified system need has been underpinned by a specific customer's (or group of customers') clear request for a facility project and either the choice to pay a Contribution in Aid of Construction or to contract for long-term firm services delivered by such facilities, then an IRP evaluation is not required.³

Considering the option of the GGM to implement Demand Side Management (DSM) programs to reduce the planned pipeline size, Enbridge Gas stated that it was not aware of such opportunities that would "...reliably and economically reduce the size of the pipeline in the short or long-term."⁴

In response to interrogatories by MDLP⁵ about Enbridge Gas's municipal or customer specific DSM commitments, Enbridge Gas confirmed that DSM programs offerings are generally available to all its customers. Enbridge Gas stated that it had advised the GGM that it would have an opportunity to leverage its DSM programs upon becoming a customer. Enbridge Gas also noted that it has filed a fully integrated DSM Plan for the 2023-2027 period which is currently under review by the OEB⁶.

Enbridge Gas also considered a number of potential routes for the Project. For much of the route there is only one realistic option – along existing major roads and municipal rights of way. Enbridge Gas considered three potential routing alternatives through or around the Town of Geraldton. Ultimately, Enbridge Gas chose the option that made the best use of existing municipal rights of way and caused the least amount of disruption to local businesses and residents by largely avoiding Main Street.

Based on Enbridge Gas's evidence and responses to interrogatories about the alternatives to the Project, OEB staff supports Enbridge Gas's proposal as the best alternative to meet the GGM need through the proposed Project.

3.3 Project Cost and Economics

Total estimated costs for the Project are \$25.8 M, consisting of \$23.0 M pipeline costs and \$2.7 M of ancillary facilities costs. The CIAC by Greenstone Gold Mine is set at \$20.3 M. Enbridge Gas indicated that the Contract provides for true up of the CIAC after the actual final Project costs are incurred.

³ EB-2020-0091, Decision and Order, July 22, 2021, Appendix A

⁴ Exhibit I.Staff.3 a)

⁵ Exhibit I. MDLP.1 a) and b)

⁶ EB-2021-0002

Table 1⁷ below provides the itemized information on estimated costs for the pipeline, ancillary facilities, and total costs. It also provides net project costs (pipeline and ancillary facilities) estimated at \$5,523,788. This remaining amount, subject to true up and finalization, is to be recovered from GGM through Enbridge Gas's distribution rates.

Enbridge Gas's Discounted Cash Flow (DCF) analysis in accordance with the requirements with the OEB's recommendations in its *E.B.O. 188 Report of the Board on Natural Gas System Expansion* (E.B.O. 188). The DCF indicates that the Project is economically feasible with the Profitability Index (PI) 1.0 and Net Present Value (NPV) of zero.

Table 1: Estimated Project Costs

Item No.	Description	Pipeline Costs	Ancillary Costs	Total Costs
1.0	Material Costs	\$1,531,100	\$436,000	\$1,967,100
2.0	Labour Costs	\$14,566,254	\$1,631,349	\$16,197,603
3.0	External Permitting, Land	\$82,230	\$0	\$82,230
4.0	Outside Services	\$2,958,207	\$227,500	\$3,185,707
5.0	Direct Overheads	\$133,718	\$0	\$133,718
6.0	Contingency Costs	<u>\$2,783,683</u>	<u>\$331,481</u>	<u>\$3,115,164</u>
7.0	Direct Capital Cost	\$22,055,192	\$2,626,330	\$24,681,522
8.0	Indirect Overheads	\$781,169	\$93,021	\$874,190
9.0	Company Loadings & Interest During Construction	<u>\$198,446</u>	<u>\$23,631</u>	<u>\$222,077</u>
10.0	Total Project Costs	\$23,034,807	\$2,742,982	\$25,777,789
11.0	Less: CIAC	<u>\$(18,098,798)</u>	<u>\$(2,155,203)</u>	<u>\$(20,254,001)</u>
12.0	Net Project Cost	<u>\$4,936,009</u>	<u>\$587,779</u>	<u>\$5,523,788</u>

Enbridge Gas stated that ratepayers other than GGM will bear no costs for the Project.

In response to interrogatories⁸, Enbridge Gas pointed to the clause in the Contract which set that Enbridge Gas would calculate the final CIAC amount based on the actual costs of the Project and provide a notice to GGM of any amounts owing "...by the customer or Enbridge Gas within 15 months of completion of work on the Project, and payment by

⁷ Ref: Exhibit D, Tab 1, Schedule 1, page 1, Table 1: Estimated Project Costs

⁸ Response to I.ED.6

Greenstone Gold Mine of any outstanding amounts will be due within 30 days of that notice”⁹.

OEB staff has no concerns with the recovery of the Project costs based on Enbridge Gas evidence that all the costs for the Project would be recovered from the customer, either through the CIAC or in distribution rates.

3.4 Environmental Impacts

Enbridge Gas retained Stantec Consulting Ltd (Stantec) to complete an Environmental Report (ER) and conduct a public consultation. The ER assessed the existing bio-physical and socio-economic environment in the study area, the alternative routes, proposed the preferred route, documented the public consultation, and included impacts assessment and proposed mitigation measures to minimize the impacts. The ER and the consultation process were conducted 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 consultation process during the ER development included the Ontario Pipeline Coordinating Committee (OPCC) members, municipal officials, and Indigenous groups. On August 10, 2021 Stantec distributed the ER for review and comments by September 20, 2021. The records of the consultation are part of the ER. On October 18, 2021 Enbridge Gas filed with the OEB an updated consultation record. In response to interrogatories, Enbridge Gas further updated the OPCC consultation log as of December 17, 2021¹⁰. Enbridge Gas has committed to comply with all mitigation measures recommended in the ER.

The updated OPCC log includes, among other things, a record of communications with the Ministry of Environment Conservation and Parks (MECP) regarding the assessment of the environmental impact of a closed municipal landfill within 500 meters of the Project. Enbridge Gas responded to the MECP's request and committed to resolve the MECP's concern by January 2022. OEB staff expects that Enbridge Gas will provide a status report and prospect of resolution of the MECP's concern in its reply submission.

Stantec completed an archeological assessment (AA) Stage 1 in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) *2011 Standards and Guidelines for Consultant Archaeologists* (Government of Ontario, 2011). The Stage 1 AA Report was submitted on July 12, 2018, to the MHSTCI. It was entered into the Ontario

⁹ Exhibit B, Tab 1, Schedule 1, Attachment 1, Contract, page 5

¹⁰ Response to I.STAFF.5, a) Attachment 1

Public Register of Archaeological Reports on November 16, 2018. The Stage 2 AA Report, completed by Stantec was submitted to the MHSTCI on December 18, 2019, and was entered into the *Ontario Public Register of Archaeological Reports* on January 17, 2020. Both Stage 1 AA and Stage 2 AA reports are filed with the evidence.

Enbridge Gas stated that MHSTCI review and entry of the Stage 1 and Stage 2 AA Reports (compliance letters) were received on November 16, 2018 and January 17, 2020, respectively, and are provided in Appendix F of the ER. The compliance letters for both Stage 1 AA and Stage 2 AA were also included. Enbridge Gas submitted that no additional archeological assessment is required.¹¹

Enbridge Gas identified approvals, permits and easements that it requires related to crossings, location, and construction of the Project. Enbridge Gas stated that all the permits and agreements required for the Project would be acquired prior to the commencement of construction. Enbridge Gas stated it did not anticipate any delays in processing the permits and approvals. Enbridge Gas, in response to interrogatories¹², provided a table outlining the status and expected timing for receiving all permits and approvals.

Table 1: Greenstone Pipeline Project Permits and Approvals

Permit/Approval	Authority	Status	Expected Timing
OEB – LTC Approval	Provincial	In progress	February 2022
MTO -Road Crossing at Hwy 11	Provincial	In progress	Q1 of 2022
MHSTCI	Provincial	Complete	N/A
MECP	Provincial	In progress	Q1 of 2022
Ministry of Energy	Provincial	In progress	Q1 of 2022
MNDMNR – stream crossing	Provincial	In progress	March 31, 2022
Municipality of Greenstone	Municipal	In progress	Q1 of 2022
CN Railway – rail easement crossing approval	Other	In progress	Q1 of 2022
Hydro One – easement crossing approval	Other	In progress	Q1 of 2022

¹¹ Response to I.STAFF.7 a)-c) and Attachments 1 and 2

¹² Response to I.STAFF.10 a)-c)

Enbridge Gas has committed to comply with all mitigation measures recommended in the ER. Enbridge Gas confirmed it would prepare the Environmental Protection Plans (EPP) for the Project in advance of mobilization and construction start. The EPP will incorporate the mitigation measures identified in the ER and comments received in the consultation with the OPCC and regulatory agencies.

OEB staff submits that Enbridge Gas has completed the ER in accordance with the OEB Environmental Guidelines. OEB staff has no concerns with the environmental aspects of the Project, given that Enbridge Gas is committed to implementing the mitigation measures set out in the ER and to completing the EPP prior to the start of construction. OEB staff notes that the Standard Conditions of Approval for leave to construct require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the proposed Project (conditions nos. 3 and 8b)). In addition, OEB staff notes that conditions nos. 5, 6, and 8 also ensure that the environmental impacts of the Project are addressed, mitigated and monitored.

3.5 Landowner Agreements

Enbridge Gas stated that most of the proposed pipeline will be located within existing road allowances. Enbridge Gas provided a listing of easements indicating the ownership, type of easement, location, and dimensions, for the location and construction of the Project¹³. Regarding permanent easement rights, Enbridge Gas said that it needs only one permanent easement from Greenstone Gold Mines GP Inc. and potentially another from Canadian North Railway Company. All other land easements required for the Project are for temporary land use rights during construction and restoration after construction. Enbridge Gas stated that it would determine specific locations during construction in collaboration with the contractor. Enbridge Gas stated that based on discussions with landowners, it anticipated no issues in acquiring permanent or temporary easement rights for the Project¹⁴.

Enbridge Gas filed the forms of permanent easement (Pipeline Easement) and temporary easement for the OEB approval.¹⁵ Enbridge Gas indicated that both forms are modified versions of previously approved forms approved by the OEB in Enbridge Gas's 2021-2022 Storage Enhancement Project.¹⁶ For comparison, Enbridge Gas filed the marked modified

¹³ Evidence, Exhibit G, Tab 1, Schedule 1, Attachment 5

¹⁴ Response to I.STAFF.8

¹⁵ Evidence Exhibit G, Tab 1, Schedule 1, Attachment 1, Attachment 2, Attachment 3, Attachment 4

¹⁶ EB-2020-0256

forms to show the changes. Enbridge Gas submitted that the modifications to the forms are "...minor and of housekeeping nature."¹⁷

OEB staff submits that the OEB should approve the proposed forms permanent Easement and Temporary Land Use Agreement as both contain only minor modifications to the forms previously approved by the OEB.

3.6 Indigenous Consultation

In accordance with the OEB's Environmental Guidelines, on October 30, 2019 Enbridge Gas contacted the MENDM¹⁸ in respect to the Crown's duty to consult related to the Project. MENDM by way of a letter delegated the procedural aspects of the Crown's duty to consult for the Project to Enbridge Gas on January 30, 2019 (Delegation Letter). In the Delegation Letter the MENDM identified the following Indigenous communities that Enbridge Gas should consult with respect to the Project:

- Ginoogaming First Nation (GFN)
- Aroland First Nation (AFN)
- Long Lake No. 58 First Nation
- Animbiigoo Zaagi'igan Anishinaabek (AZA)
- Biinjitiwaabik Zaagi'igan Anishinaabek (BZA)
- Greenstone Metis Council (GMC)
- Red Sky Metis Independent Nation (RSMIN)

It is noted that among the above listed Indigenous communities identified by the MENDM for Indigenous consultation, the GFN, AFN, and AZA are members of MDLP partnership who is a registered intervenor in this proceeding.

Enbridge Gas re-submitted the Project description to the MENDM on May 10, 2021 indicating a new in service date and updating the Project description. On June 4, 2021 MENDM found that the Project presented on May 10, 2021 is not materially different from the project it previously reviewed in 2019. Subsequently, Enbridge Gas filed, on September 10, 2021, the updated Indigenous Consultation Report (ICR) to the Ministry of Energy. Enbridge Gas sent an updated Indigenous Consultation Log on November 26, 2021¹⁹.

According to Enbridge Gas, the Ministry of Energy has not yet issued to Enbridge Gas a

¹⁷ Response to I.STAFF.9 b)

¹⁸ On June 18, 2021 Ontario government changed the name of the Ministry of Energy Northern Development and Mines to Ministry of Northern Development, Mines Natural Resources and Forestry (MNDMNR).

¹⁹ In response to I.STAFF.5 Attachment 2 Enbridge Gas filed the updated Consultation Log.

letter of opinion on the adequacy of the Indigenous consultation for the Project (Sufficiency Letter). In response to interrogatories²⁰ Enbridge Gas stated that the Ministry of Energy (MOE) indicated to Enbridge Gas that "...the Sufficiency Letter would most likely be issued in Q1 of 2022."

Enbridge Gas noted that no specific issues were raised by the Indigenous communities since September 10, 2021. However, Enbridge Gas responded to several requests for information which were described in the updated consultation log.

Enbridge Gas provided, in response to the interrogatories, further information on the outcomes of the Indigenous consultation, including commitments it made to Indigenous communities. Enbridge Gas also confirmed that it had provided capacity funding to the Indigenous communities and that the details of these agreements were confidential.²¹

Enbridge Gas made certain commitments to the Indigenous communities in the process of consultation. These commitments relate to environmental matters, cultural heritage, Indigenous communities involvement in the Environmental Protection Plans and construction. The following description of the commitments is provided on the record in response to the interrogatories of MDLP²²:

" Enbridge Gas will continue to explore business opportunities with Indigenous communities related to the Project;

Enbridge Gas has agreed to provide capacity funding to allow for Indigenous community participation during this regulatory process and through construction of the Project;

Enbridge Gas has agreed to provide information about permits required for various environmental aspects of the Project to Indigenous communities;

Enbridge Gas has agreed to consider Indigenous Traditional Knowledge when preparing the EPP and incorporate as appropriate; and

Enbridge Gas agreed to host biweekly meetings with MDLP and the communities represented by MDLP throughout construction of the Project." ²³

²⁰ Response to I.STAFF.11 d)

²¹ Response to I.MDLP.3

²² Response to I.MDLP 3 b)

²³ Response to I.MDLP.3 b) pages 1-2

OEB staff submits that Enbridge Gas appears to have made efforts to engage with affected Indigenous groups and no concerns that could materially affect the Project have been raised through its consultation to date. OEB staff observes that Enbridge Gas appears to be cooperating with the Indigenous communities during the consultation process and that it made commitments to the Indigenous communities related to the Project. OEB staff is not aware of any potential adverse impacts of the Project to any Aboriginal or treaty rights.

However, the Ministry of Energy has not issued the Sufficiency Letter to confirm its view that the duty to consult has been adequately addressed for the Project. In its interrogatory responses²⁴ Enbridge Gas stated that it expected to receive the letter of consultation sufficiency in the first quarter of 2022 and will file it with the OEB upon receipt.

OEB staff submits that, should the OEB approve the application, its approval could be conditional to Enbridge Gas receiving the Ministry of Energy's Sufficiency Letter. OEB staff notes that, to the extent that the Sufficiency Letter may identify outstanding issues, the OEB could elect to make provision for additional procedural steps to address these issues.

3.7 Conditions of Approval

OEB staff sought comments from Enbridge Gas on the OEB's Standard Conditions of Approval for leave to construct applications²⁵. In response, Enbridge Gas agreed with the Standard Conditions of Approval with one exception.²⁶ Enbridge Gas requested that the minimum notice period for commencement of construction, set out in 2(a)(i) of the Standard Conditions of Approval, be at least 5 days prior to the commencement of construction instead of 10 days.

OEB staff submits that the OEB consider two amendments to the Standard Conditions of Approval: (i) modifying condition 2(a)(i) as proposed by Enbridge Gas and (II) adding a condition making a leave to construct conditional on Enbridge Gas receiving and filing with the OEB a Sufficiency Letter from the Ministry of Energy.

²⁴ Response to I.STAFF.10

²⁵ The link to the OEB Standard Conditions for section 90 applications was also provided in the notice of application together with the Standard Issues List for section 90 applications.

²⁶ Response to I.STAFF.12

Regarding the modification to the condition 2(a)(i) Enbridge Gas, explained that the initial stages of construction require blasting and tree removal and that Enbridge Gas wanted to complete these activities prior to avian nesting time. Enbridge Gas further explained that reducing the construction start notice requirement to 5 days would allow completion of these activities without potential to harm to avian nesting. This was premised on the start of construction in March 2022 and OEB's leave to construct approval granted by March 23, 2022.²⁷

Regarding the proposal to add a condition related to the Indigenous consultation the Sufficiency Letter is expected by the first quarter of 2022²⁸. As outlined in the section 3.6 of this submission, the OEB could add a condition to its approval if that approval is to be granted prior to the Sufficiency Letter filing²⁹. OEB staff proposes the following wording for such a condition:

Authorization for leave to construct is subject to Enbridge Gas filing with the OEB a letter from the Ministry of Energy confirming that the duty to consult has been adequately addressed with respect to the proposed Project.

Section 23 of the OEB Act permits the OEB, when making an order, to impose such conditions as it considers appropriate.

3.8 Conclusion

OEB staff submits that the OEB should approve the Project subject to the Conditions of Approval attached as Appendix A to this submission.

All of which is respectfully submitted.

²⁷ Response to I.STAFF.12 a)

²⁸ OEB I.STAFF.10

²⁹ See condition no. 4 in the Appendix A to this submission.

Appendix A

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

**Enbridge Gas Inc.
EB-2021-0205**

Conditions of Approval

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2021-0205 and these Conditions of Approval.
2. (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 Inc. shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 5 days prior to the date construction commences
 - ii. of the planned in-service date, at least 10 days prior to the date the facilities go into service
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
 - iv. of the in-service date, no later than 10 days after the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Authorization for leave to construct is subject to Enbridge Gas filing with the OEB a letter from the Ministry of Energy confirming that Enbridge Gas has satisfied the procedural aspects of the Crown's duty to consult with respect to the proposed Project.
5. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
6. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. 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 Inc. 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 Inc. 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 Inc. proposes to start collecting revenues associated with the Project, whichever is earlier.
8. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB 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 Inc. 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 Inc., 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, licenses, 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 a certification, by a senior executive of the company, of Enbridge Gas Inc. adherence to Condition 3
 - ii. describe the condition of any rehabilitated land
 - iii. describe the effectiveness of any 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 Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions

9. Enbridge Gas Inc. shall designate one of their employees as project manager who will be the point of contact for these conditions and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.