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BY EMAIL

April 5, 2022

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

Dear Ms. Marconi:

**Re: Sun-Canadian Pipe Line Company Limited (Sun-Canadian)
NPS 12 East Sixteen Mile Creek Pipeline Replacement Project
OEB File Number: EB-2022-0012**

In accordance with Procedural Order No. 1, please find attached the Ontario Energy Board (OEB) staff interrogatories in the above proceeding. The applicant and intervenors have been copied on this filing.

Any questions relating to this letter should be directed to Judith Fernandes, Senior Advisor at Judith.Fernandes@oeb.ca or at 416-440-7638. The Board's toll-free number is 1-888-632-6273.

Yours truly,

Judith Fernandes
Natural Gas Applications

Encl.

**OEB Staff Interrogatories
Sun-Canadian Pipe Line Company Limited
EB-2022-0012**

Please note, Sun-Canadian is responsible for ensuring that all documents it files with the OEB, including responses to OEB staff interrogatories and any other supporting documentation, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

OEB Staff's interrogatories are focused on the issues set out in the OEB's standard [Issues List](#) for leave to construct applications.

Issue 1.0: Need for the Project

Staff-1

Ref.: Exh B/Tab 1/Sch.1/ p.1

Preamble:

Sun-Canadian's 2019 annual water survey identified three locations along the pipeline with low or no cover.

In the spring of 2019, Sun-Canadian undertook emergency mitigation measures including in-water pipe supports and protective armouring to temporarily stabilize and protect the infrastructure.

Sun-Canadian states that to support continued safe and reliable transportation of product and operation of the pipeline, it plans to replace approximately 480 metres of the existing pipeline in the vicinity of the East Sixteen Mile Creek with a new section of pipe, which will be installed at a depth that will eliminate the identified areas of shallow depth of cover.

Questions:

1. Please describe in more detail the need for the project and the rationale for the project timing.
2. In addition to ensuring continued safe and reliable pipeline operation of the pipeline, please describe any other project benefits such as additional capacity or quality of service in support of the need to replace the pipeline at this time.

3. Please describe the risks and impacts on operational safety and security of supply of a delay of the planned in-service date for the proposed project.

Issue 2.0: Project Alternatives

Staff-2

Ref: Exh E/Tab1/Sch 1/p.2

Preamble:

The application states that alternatives to replacing the pipeline in its current configuration were not considered preferred due to technical feasibility, socio-economic, and environmental impacts.

Questions:

1. Please provide a description of the alternatives considered by Sun-Canadian.
2. For each alternative that Sun-Canadian considered, please provide a comparison using the following metrics - cost and cost savings, technical feasibility, timing, reliability, safety, land use requirements, permitting requirements, impacts on municipalities, landowners, Indigenous communities and environmental impacts.
3. Please explain why the identified need is best addressed by the proposed project.

Issue 4.0: Environmental Impacts

Staff-3

Ref: Exh G/Tab1/Sch 2, 3, 5

Preamble:

Sun-Canadian retained Stantec Consulting Ltd. to complete an environmental assessment for the proposed pipeline, in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines in Ontario (7th edition, 2016)*(Environmental Guidelines). Stantec prepared an Environmental Report (ER) for the Project identifying the environmental and socio-economic features along the route of the proposed pipeline.

During the development of the ER, Sun-Canadian states that it consulted with directly and indirectly affected landowners, the Ontario Pipeline Coordinating Committee

(OPCC), municipalities, federal and provincial government agencies and Indigenous communities.

Questions:

1. Please confirm whether the completed ER has been distributed for review to all members of the OPCC and affected parties such as municipalities, conservation authorities, provincial/federal agencies, landowners and Indigenous communities as required by the Environmental Guidelines.
2. Please file an update of the comments provided in Exhibit G (summarized in tabular format) that Sun-Canadian has received as part of its consultation since the application was filed. Please include the dates of communication, the issues and concerns identified by the parties, as well as Sun-Canadian's responses and actions to address these issues and concerns.
3. Please provide any comments provided by the TSSA in response to the application submitted for review of the Project by the TSSA.
4. Please confirm whether the Cultural Heritage Report recommended by Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) has been completed and reviewed by MHSTCI.
5. Please provide any comments provided by the Ministry of Municipal Affairs and Housing.
6. It is stated that the Ministry of Northern Development, Natural Resources and Forestry (Ministry of Natural Resources) recommended contacting the Ministry of the Environmental, Conservation and Parks (MECP) to help inform when in water activities would be appropriate, if any in-water works are required. Has Sun-Canadian contacted MECP? If so, please provide any comments provided by MECP. If MECP has not been contacted, please explain why.

Staff-4

Ref: Appendix 1 - Environmental Report, Table 1-1

The application lists several environmental permits/approvals that Sun-Canadian may require for the Project.

Questions:

1. For each of the permits/approvals listed in Table 1-1, please confirm if it is required.

2. For each permit/approval listed in Table 1-1 that Sun-Canadian requires and has yet to obtain, please provide an update on the status of the permit/approval including when Sun-Canadian expects to receive the required permit/approval.

Staff-5

Ref: Exh C/ Tab 1/Sch 4, p.1

Preamble:

The application states that Stage 1 AA Report was submitted to MHSTCI on January 7, 2021 and entered into the Ontario Public Register on January 20, 2021 and the Stage 2 AA Report was submitted to MHSTCI on July 16, 2021 and entered into the Ontario Public Register on July 16, 2021. Both Stage 1 AA and Stage 2 AA reports are filed in the evidence.

Questions:

1. Please update the status of the MHSTCI's review of the Stage 1 AA and Stage 2 AA reports for the Project and the date when Sun-Canadian expects to receive clearance letters from the MHSTCI with respect to the Stage 1 AA and Stage 2 AA.
2. Please confirm that Sun-Canadian will file with the OEB clearance letters for Stage 1 AA and Stage 2 AA as soon as received from the MHSTCI.
3. Please indicate the timeline by which Sun-Canadian must receive archaeological assessment approval from the MHSTCI to start the Project construction according to the schedule.

Staff-6

Ref: Exh B/Tab1/Sch1 p.2

Preamble:

The application states that after the replacement pipeline segment is installed, the existing segment of NPS12 pipeline that is no longer required will be decommissioned. This will consist of the pipe being purged of product, capped, filled with concrete, deactivated and left in-place, following all relevant safety and technical standards.

Question:

1. What are the regulatory requirements that Sun-Canadian will have to follow for decommissioning and abandonment of the existing segment of pipeline? Please confirm that the abandonment of the existing pipeline will be in accordance with the current regulatory requirements in terms of procedure and safety.

Issue 5.0: Route Map and Form of Landowner Agreements

Staff-7

Ref: Exh E/Tab 1/Sch1, 2, 4

Preamble:

Sun Canadian states that it has been in ongoing direct discussion and negotiation with all landowners directly impacted by the Project.

Two new permanent easements will be required for the replacement pipeline segment. The new easements affect two privately owned properties. Three access and temporary workspace easements will be required for construction of the Project.

Sun-Canadian has provided a Pipeline Easement Form for Agreement for the OEB's approval.

Questions:

1. Please confirm whether any of the landowners that have been notified have indicated their support of the Project. If possible, please provide any letters of support from the landowners.
2. Please confirm that the Pipeline Easement Form for Agreement filed on the record will or has been offered to the affected landowners.
3. Has this form of agreement been previously approved by the OEB? If not, is the form of agreement similar to any form of easement agreement that has been approved by the OEB?
4. Does the form of easement agreement encompass the elements outlined in Appendix C of the OEB's Natural Gas Facilities Handbook?

5. It appears that the Pipeline Easement Form for Agreement is for the permanent easements that Sun-Canadian requires. Does Sun-Canadian require approval of a separate Form of Agreement for the temporary easements it requires? If so, please provide this Form of Agreement. If not, please explain why Sun-Canadian does not require approval.

Staff-8

Ref: Exh E/Tab 1/Sch 3

Preamble:

Table E.1.3-1 lists a number of land-related permits and agreements required for the Project.

Question:

1. For each permit/approval listed in Table E.1.3-1 that Sun-Canadian requires and has yet to obtain, please provide an update on the status of the permit/approval including when Sun-Canadian expects to receive the required permit/approval.

Issue 6.0: Indigenous Consultation

Staff-9

Ref: Exh F/Tab 1/Sch 1 & 2

Preamble:

Sun-Canadian filed an Indigenous Consultation Log with records of consultation activities with Huron-Wendat Nation, Mississaugas of the Credit First Nation (MCFN), and Six Nations of the Grand River (Six Nations), including Six Nations Elected Council, Haudenosaunee Confederacy Chiefs Council (HCCC) and Haudenosaunee Development Institute (HDI). These Indigenous communities were identified by the Ministry of Energy in its delegation letter to Sun-Canadian dated July 28, 2020.

Questions:

1. Please provide an update on the log of Indigenous consultation activities contained in Table F.1.2-1: Summary of Indigenous Correspondence.
2. Please summarize all the issues and concerns raised by the Indigenous communities in the process of Indigenous consultation to date and describe Sun-

Canadian's plans, actions, and commitments to address these concerns and resolve the outstanding issues.

3. Please update the evidence with any correspondence between the Ministry of Energy and Sun-Canadian since the application was filed, regarding the Ministry of Energy's review of Sun-Canadian's consultation activities.
4. Please indicate when Sun-Canadian expects to receive a letter of opinion from the Ministry of Energy.
5. Please comment on any issues arising from the Project that could adversely impact constitutionally protected Aboriginal or treaty rights. Have any Indigenous communities identified any Aboriginal or treaty rights that could be adversely impacted by the project? If any potential adverse impacts have been identified, please comment on what Sun-Canadian is doing to address these issues.

Issue 7.0: Conditions of Approval

Staff-10

Ref.: Exh A/Tab 2/Sch 1

Preamble:

Sun-Canadian has applied for leave to construct a pipeline under section 90(1) of the OEB Act. The OEB's standard conditions of approval for section 90 applications are provided below.

Questions:

1. OEB staff suggests that the OEB's standard conditions of approval should apply to the Project with the exception of Condition 6 which requires the applicant to file a post-construction financial report, given that the Project is being financed by Sun-Canadian. Please confirm if Sun-Canadian agrees with OEB staff's suggestion.
2. Additionally, if Sun-Canadian does not agree with any of the conditions of approval set out below, please identify the specific conditions that Sun-Canadian disagrees with. Explain the rationale for disagreement and for any proposed changes or amendments.

**Application under Section 90 of the OEB Act
Sun-Canadian Pipe Line Company Limited
EB-2022-0012**

STANDARD CONDITIONS OF APPROVAL

1. Sun-Canadian Inc. (Sun-Canadian) shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2022-0012 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) Sun-Canadian shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 10 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. Sun-Canadian shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Sun-Canadian 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.
5. Sun-Canadian shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Sun-Canadian 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.
6. Concurrent with the final monitoring report referred to in Condition 7(b), Sun-Canadian 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. Sun-Canadian 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 Sun-Canadian proposes to start

collecting revenues associated with the Project, whichever is earlier

7. Both during and after construction, Sun-Canadian 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 Sun-Canadian'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 Sun-Canadian, 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 Sun-Canadian's adherence to Condition 4
 - 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 Sun-Canadian, 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
8. Sun-Canadian shall designate one of its 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.