

Interrogatories of Board Staff

Leave to Construct Pipeline in the City of Thorold to Serve Northland Power Plant - EB-2008-0065

September 4, 2008

General:

1. Ref: Exhibit B, Application, Tab 1, Schedule 1, Map
 - a) Please provide a map showing all Enbridge's and TransCanada's high pressure pipelines within a radius of 5 km of Thorold Cogen plant site.

Purpose, Need and Timing

- 2 Ref: Exhibit A, Application, Tab 3, Schedule 3
 - a) Will this 2.9 km pipeline be exclusively dedicated to serving the Thorold Cogeneration power plant?
 - b) Are there any plans for the future where another customer would be served through the subject pipeline? If so, please provide details.

Technical and Economic

3. Ref: Exhibit A, Application, Tab 2, Schedule 1, Paragraph 3
 - a) Please list all the functions of this gate station.
 - b) Will the gas measurement at the gate station be the primary measurement point for the Thorold Cogen power plant? Will Northland also be constructing its own "in house" gas measurement facility? If so, why the duplication?
 - c) Will TransCanada Pipelines also be constructing its own meter station at the take off point? If so, why the duplication?
4. Ref: Exhibit E, Application, Tab 1, Schedule1, Page 2, Paragraph 2
And Exhibit E, Application, Tab 1, Schedule 2, Page 5
And Exhibit A, Application, Tab 3, Schedule 2
 - a) Please reconcile the annual revenue figure of \$836,820 per year for year 2 and subsequent years with the projected daily gas volumes, the maximum daily volume of 2,037,676 m³, the billing contract demand volume of 768,449 m³, and a unit rate of 9.0032 cents per m³.

5. Ref: Exhibit A, Application, Tab 3, Schedule 5, page 53 & 54
 - a) Please provide a signed copy of the irrevocable bank letter of credit guaranteeing the \$6,397,224. If such a signed letter of credit is not yet available, is it the Applicant's intent to file such a copy of such Letter of Credit with the Board prior to the start of, or after substantive progress on the pipeline's construction? Please provide details of the Applicant's intent in respect of this matter.

Construction, Environmental and Land Matters

6. Exhibit C, Tab 1, Schedule 1, Page 1
 - a) Please specify the Ontario pipeline codes and standards to which the pipeline will be constructed.
7. Ref: Exhibit D, Tab 1, Schedule 2
 - a) Please provide a list of permits and approvals necessary from all authorized agencies for the construction and operation of the proposed pipeline and the current status of each.
8. Please provide a status update on consultations with Aboriginal groups with regard to the following points:
 - a) Identify all of the Aboriginal groups that have been contacted in respect of this application.
 - b) Indicate:
 - i) when contact was first initiated;
 - ii) the individuals within the Aboriginal group who were contacted, and their position in or representative role for the group;
 - iii) a listing, including the dates, of any phone calls, meetings and other means that may have been used to provide information about the project and hear any interests or concerns of Aboriginal groups with respect to the project.
 - c) Provide information gathered from or about the Aboriginals as to their treaty rights, or any filed and outstanding claims or litigation concerning their treaty rights or treaty land entitlement or aboriginal title or rights, which may potentially be impacted by the project.
 - d) Provide written documentation regarding consultations, such as notes or minutes that may have been taken at meetings or from phone calls, or letters received from, or sent to, Aboriginal groups.

- e) Identify any specific issues or concerns that have been raised by Aboriginal groups in respect of the project and, where applicable, how those issues or concerns will be mitigated or accommodated.
- f) Explain whether any of the concerns raised by Aboriginal groups with respect to the applied-for project have been discussed with any government department or agencies, and if so, identify when contacts were made and who was contacted.
- g) If any of the Aboriginal groups who were contacted either support the application or have no objection to the project proceeding, identify those groups and provide any available written documentation of their position. Also, indicate if their positions are final or preliminary or conditional in nature.
- h) Provide details of any known Crown involvement in consultations with Aboriginal groups in respect of the applied-for project.

Conditions of Approval

- 9. Please review and provide any concerns and/or comments on the draft conditions of approval (if leave is granted) as set out below:

DRAFT Conditions of Approval

Leave to Construct

1 General Requirements

- 1.1 Enbridge Gas Distribution Inc. ("Enbridge") shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2008-0065, except as modified by this Order and these Conditions of Approval.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2009, unless construction has commenced prior to that date.
- 1.3 Except as modified by this Order, Enbridge shall implement all the recommendations of the Environmental Report filed in the pre-filed evidence, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee ("OPCC") review.

- 1.4 Enbridge shall advise the Board's designated representative of any proposed material change in construction or restoration procedures and, except in an emergency, Enbridge shall not make such change without prior approval of the Board or its designated representative. In the event of an emergency, the Board shall be informed immediately after the fact.

2 Project and Communications Requirements

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Facilities Applications.
- 2.2 Enbridge shall designate a person as project engineer and shall provide the name of the individual to the Board's designated representative. The project engineer will be responsible for the fulfilment of the Conditions of Approval on the construction site. Enbridge shall provide a copy of the Order and Conditions of Approval to the project engineer, within seven days of the Board's Order being issued.
- 2.3 Enbridge shall give the Board's designated representative and the Chair of the OPCC ten days written notice in advance of the commencement of the construction.
- 2.4 Enbridge shall furnish the Board's designated representative with all reasonable assistance for ascertaining whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 Enbridge shall file with the Board's designated representative notice of the date on which the installed pipelines were tested, within one month after the final test date.
- 2.6 Enbridge shall furnish the Board's designated representative with five copies of written confirmation of the completion of construction. A copy of the confirmation shall be provided to the Chair of the OPCC.

3 Monitoring and Reporting Requirements

- 3.1 Both during and after construction, Enbridge shall monitor the impacts of construction, and shall file four copies of both an interim and a final monitoring report with the Board. The interim monitoring report shall be filed within six months of the in-service date, and the final monitoring report shall be filed within fifteen months of the in-service date. Enbridge shall attach a log of all complaints that have been received to the interim and final monitoring reports. The log shall record the times of all complaints received, the substance of each complaint, the actions taken in response, and the reasons underlying such actions.
- 3.2 The interim monitoring report shall confirm Enbridge's adherence to Condition 1.1 and shall include a description of the impacts noted during construction and the actions taken or to be taken to prevent or mitigate the long-term effects of the impacts of construction. This report shall describe any outstanding concerns identified during construction.
- 3.3 The final monitoring report shall describe the condition of any rehabilitated land and the effectiveness of any mitigation measures undertaken. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Any deficiency in compliance with any of the Conditions of Approval shall be explained.

4 Easement Agreements

- 4.1 Enbridge shall offer the form of agreement approved by the Board to each landowner, as may be required, along the route of the proposed work.

5 Other Approvals and Agreements

- 5.1 Enbridge shall obtain all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project, shall provide a list thereof, and shall provide copies of all such written approvals, permits, licences, and certificates upon the Board's request.
- 5.2 Enbridge shall not, without prior approval of the Board, consent to any alteration or amendment to the Gas Delivery Agreement dated and executed on August

15, 2007, where such alteration or amendment has or may have any material impact on Enbridge's ratepayers.

- 5.3 Enbridge shall file with the Board, a copy of Thorold Cogen L.P.'s irrevocable bank letter of credit to Enbridge for an amount not less than cost estimate of the applied-for facilities; this filing shall take place not later than 14 days after the start of construction.