

**Environmental Defence Interrogatories to Enbridge
Re Application for LTC Exemption for the Overlea Station Relocation Project**

Interrogatory # ED-1

Reference: Exhibit A, Tab 2, Schedule 1 (and attachment 1)

Question(s):

- (a) Please provide the latest information on the date by which Metrolinx needs to the work to be completed in order to avoid delaying the transit project. Please include a copy of the latest correspondence on that topic. Please confirm with Metrolinx if the May 2025 date indicated in Attachment 1 remains current.
- (b) Please provide a timeline of key milestones such as OEB approval, construction start, and construction finish that would be latest possible dates to avoid delaying the transit project.
- (c) When did Enbridge first learn of the need for relocation at this location, when was the project design complete, when did Enbridge first apply to the OEB for leave to construct?

Interrogatory # ED-2

Reference: Exhibit E, Tab 1, Schedule 1, Page 1

Question(s):

- (a) The project includes \$4.4 million in indirect overheads. Please provide full calculations detailing how these have been calculated.
- (b) Is Enbridge willing to credit all or part of the \$4.4 million in indirect overheads to ratepayers as other revenue seeing as it will offset costs already included in its approved budget arising out of its rebasing hearing?
- (c) Please justify including \$4.4 million in indirect overheads despite the OEB's phase 1 rebasing decision regarding the capitalization of indirect overheads.
- (d) Enbridge already has an approved O&M envelope for the relevant years. Please provide a complete breakdown of the *incremental* costs that this project will cause in terms of indirect overheads.

Interrogatory # ED-3

Reference: Exhibit A, Tab 2, Schedule 1 (and attachment 1)

Question(s):

- (a) Has Enbridge obtained approval from the City of Toronto to proceed with this project and to recoup 100% of the costs from transit funds? If not, why not. If yes, please provide the relevant correspondence to and from the City of Toronto.

Interrogatory # ED-4

Reference: Exhibit A, Tab 2, Schedule 1 (and attachment 1)

Question(s):

- (a) Please explain in detail how Enbridge can build carry out the proposed project without a municipal franchise agreement. In your answer, please include a table with a column containing the wording of the sections of the *Municipal Franchises Act* that could potentially apply and Enbridge's position on whether they apply, and why.
- (b) Does Enbridge believe it obtains its authorization to build the proposed project pursuant to the pre-confederation statute, *An Act to incorporate The Consumers' Gas Company of Toronto*, March 23, 1848, 11 Victoria, Chapter 14.¹ If yes, please explain, including excerpts of the relevant laws and jurisprudence:
 - (i) Why it believes that 1848 statute still remains a valid law;
 - (ii) Why that 1848 statute is not is not superseded by the *Municipal Franchises Act*;
 - (iii) Why the 1848 statute would apply in the project location even though that location was not part of Toronto at the time of the 1848 statute;
- (c) Please provide a map showing (i) the boundaries of Toronto at the time that the 1848 statute² was passed, (ii) the location of the proposed project, and (iii) Toronto's current boundaries.
- (d) What percent of the project costs does Enbridge contribute when a pipeline relocation is needed in Toronto due to a conflict with a (i) municipal works, (ii) public works that are not municipal works, and (iii) private works (e.g. telecommunications infrastructure). Please explain how these amounts are determined. Please also provide any excerpts of the 1848 statute that are relevant to that question.
- (e) Please justify paying for this project with transit funds despite Enbridge paying no land-based fees to occupy the municipal highway lands.

Interrogatory # ED-5

Reference: Exhibit C, Tab 1, Schedule 1

Question(s):

- (a) We understand that the entirety of the conflicting pipes cannot be abandoned. However, please provide an analysis of whether a smaller portion could be abandoned as part of a cost-effective system pruning pilot. If that analysis has not been completed, please indicate whether Enbridge will do so for future projects and if yes, when that will be incorporated into its capital planning,

¹ https://bnald.lib.unb.ca/sites/default/files/UnC.1848.ch_.14.pdf

² https://bnald.lib.unb.ca/sites/default/files/UnC.1848.ch_.14.pdf