

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B);

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for authority to expropriate land for the purposes of a natural gas pipeline in respect of which the Ontario Energy Board granted leave to construct in EB-2006-0305.

APPLICATION

1. The Applicant, Enbridge Gas Distribution Inc. (“Enbridge”), is an Ontario corporation with its head office in the City of Toronto. It carries on the business of selling, distributing, transmitting and storing natural gas within Ontario.
2. Enbridge applied to the Ontario Energy Board (the “Board”) under subsection 90(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B (the “Act”) for leave to construct certain facilities, further described in paragraph below, to connect to the proposed 550 megawatt electricity generating station, known as the Portlands Energy Centre. The application for leave to construct the pipeline was heard by the Board under docket number EB-2006-0305. The Board issued a Decision and Order on June 1, 2007 granting Enbridge leave to construct the requested facilities.
3. Enbridge received leave to construct two segments of pipeline and related facilities. The first segment, and the subject of this application, is approximately 2,900 metres of NPS 20 inch natural gas pipeline and related facilities (the “Pipeline”) in the City of Toronto. A

map showing the route of the Pipeline is included at Exhibit A, Tab 1, Schedule 2 from leave to construct proceeding EB-2006-0305. The second segment of pipeline that formed part of the leave to construct application was approximately 6,500m of NPS 36 pipeline and facilities to loop a portion of Enbridge's existing NPS 30 XHP Don Valley Line.

4. The Pipeline is to be constructed within existing road allowances and on private lands. In order to construct the pipeline, Enbridge requires certain easements in respect of land owned by the City of Toronto Economic Development Corporation ("TEDCO"). The need for easements from TEDCO was identified in the leave to construct hearing and TEDCO was an intervenor in that hearing. Enbridge has attempted to acquire such easements for the pipeline from TEDCO, but it has been unable to successfully conclude negotiations to acquire the necessary easements.
5. Enbridge therefore applies to the Board pursuant to subsection 99(1) of the Act for authority to expropriate land owned by TEDCO for the purposes of the Pipeline.
6. Attached as Exhibit A, Tab 2, Schedules 3, Schedule 4, and Schedule 5 to this Application are three reference plans: 66R-23139, 66R-23130, and 66R-23128 showing the land required for the construction of the Pipeline. The easements on the land owned by TEDCO and required for the Pipeline is:

Reference Plan Number	Permanent Easement	Temporary Working Easement
66R-23139	Part 13	None Required
66R-23130	Part 2	None required
66R-23128	Parts 1,2,3,4,5,6	Part 7

7. The description of the pipeline easement which Enbridge seeks authority to expropriate from TEDCO is as follows:

Part of Block 2 of Registered Plan 540 E in the City of Toronto being part 2 on Reference Plan 66R-23130.

Part of Blocks G of Registered Plan 675 E in the City of Toronto being part 13 on Reference Plan 66R-23139.

Part of Blocks X & J of Registered Plan 675 E and part of Lot 63 and Reserve for Park Development of Registered Plan 520 E in the City of Toronto being parts 1, 2, 3, 4, 5, and 6 on Reference Plan 66R-23128.

8. The description of the temporary working easement which Enbridge seeks authority to expropriate from TEDCO is as follows:

Part of Blocks X and J, Registered Plan 675E and Part of Lot 63 and Reserve for Park Development, Registered Plan 520E, City of Toronto, designated as Part 7, Reference Plan 66R-23128.

9. The only persons having an apparent interest in the lands which Enbridge seeks authority to expropriate are TEDCO, Hydro One, the Toronto Port Authority and Ontario Power Generation Inc. Others with an interest in this application include Portlands Energy Centre. Attached as Exhibit A, Tab 2, Schedule 6 to this application is a list of the names and addresses of those who, to the best of Enbridge's knowledge, are

affected by the application for authority to expropriate. In addition, Enbridge has provided all intervenors and observers in EB-2006-0305 with a copy of this Application.

10. Enbridge requests that copies of all documents filed with the Board in connection with this proceeding be served on it and on its counsel, as follows:

(a) The applicant: Patrick Hoey
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11. Enbridge requests that the Board grant authority to expropriate the easements described above at the earliest possible opportunity so that Enbridge will be able to meet the needs of PEC for gas distribution services to the proposed generating facility.

DATED July 20, 2007 at Toronto, Ontario.

ENBRIDGE GAS DISTRIBUTION INC.

By its counsel

AIRD & BERLIS LLP
