



**EB-2015-0037**

**IN THE MATTER OF** the Ontario Energy Board Act,  
1998, Schedule B;

**AND IN THE MATTER OF** an Application by  
Enbridge Gas Distribution Inc. for an Order pursuant  
to Section 90 of the *Ontario Energy Board Act, 1998*,  
granting leave to construct natural gas distribution  
pipeline and ancillary facilities in the City of Ottawa.

**By delegation, before:** Kristi Sebalj

**VARY ORDER  
February 13, 2015**

## **Introduction**

Enbridge Gas Distribution Inc. (Enbridge) filed an application with the Ontario Energy Board (OEB) on December 11, 2012 under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (Act) for an order granting it leave to construct approximately 2.8 kilometres of extra high pressure steel pipeline and ancillary facilities along Innes Road in the City of Ottawa.

The OEB issued its Decision and Order on April 11, 2013 finding the construction of the proposed pipeline to be in the public interest and granting leave to construct under certain conditions of approval, including a requirement to commence construction prior to February 1, 2014, to file an Interim Monitoring Report within six months of the in-service date and a Final Monitoring Report and Post Construction Financial Report within 15 months of the in-service date.

In a further Decision and Order issued on January 23, 2014, the OEB varied its Decision and Order of April 11, 2013 extending the date before which construction was required to begin from February 1, 2014 to May 31, 2014.

### **Request to Vary OEB Order**

By way of letter dated October 9, 2014 Enbridge indicated that the final in-service date for project was September 29, 2014, which, according to the existing conditions of approval, would require Enbridge to file the Interim Monitoring Report by March 29, 2015 and the Final Monitoring and Post Construction Financial Reports by December 29, 2015.

Enbridge requests approval to extend the filing dates to June 2015 for the Interim Monitoring Report and to May 2016 for the Final Monitoring and Post Construction Financial Reports. The reasons provided in the letter for the extension requests for the Interim and Final Monitoring Reports are the winter and early spring conditions and the need to conduct a proper assessment of the project area. The reason for the requested extension for the filing of the Post Construction Financial Report is the ability to include the final restoration costs.

### **Finding**

I have decided pursuant to section 6(4) of the Act to dispose of this matter without holding a hearing.

I have decided to vary the conditions of approval to extend the filing date of the Interim Monitoring Report from March 29, 2015 to June 30, 2015 and to extend the filing date of the Final Monitoring and Post Construction Financial Reports from December 29, 2015 to May 31, 2016.

Enbridge's rationale for the need for such extensions is reasonable. The extensions will allow for a full and appropriate assessment of the impacts of the construction of the pipeline to be conducted and for a complete and accurate statement of the costs of the project to be included in the Post Construction Financial Reports.

**IT IS THEREFORE ORDERED THAT:**

1. Condition 1.5 of the conditions of approval attached as Appendix “A” to the OEB’s Decision and Order in EB-2012-0438 issued April 11, 2013 and as varied in the OEB’s Decisions and Order in EB-2014-0017 shall be further varied as follows:
  - 1.5 By May 31, 2016, Enbridge shall file with the Board Secretary a Post Construction Financial Report. The report shall indicate the actual capital costs of the project and shall explain all significant variances from the estimates filed in the proceeding.
2. Condition 3.1 of the conditions of approval attached as Appendix “A” to the OEB’s Decision and Order in EB-2012-0438 issued April 11, 2013 and as varied in the OEB’s Decisions and Order in EB-2014-0017 shall be further varied as follows:
  - 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 no later than June 30, 2015, and the final monitoring report shall be filed no later than May 31, 2016. 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.

**DATED** at Toronto, February 13, 2015

**ONTARIO ENERGY BOARD**

*Original signed by*

Kristi Sebalj  
Registrar

**Appendix A**

**Decision and Order  
February 13, 2015**

**Enbridge Gas Distribution Inc.  
(EB-2015-0037)**

**Revised Conditions of Approval for EB-2014-0017  
(originally EB-2012-0438)**

## **EB-2015-0037**

### **Enbridge Gas Distribution Inc. Leave to Construct Application**

#### **Revised Conditions of Approval**

#### **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-2012-0438 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 May 31, 2014, unless construction has commenced prior to that date.
- 1.3 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 members of the Ontario Pipeline Coordinating Committee (“OPCC”).
- 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.
- 1.5 By May 31, 2016, Enbridge shall file with the Board Secretary a Post Construction Financial Report. The report shall indicate the actual capital costs of the project and shall explain all significant variances from the estimates filed in the proceeding.

#### **2 Project and Communications Requirements**

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Natural Gas 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 fulfillment 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 no later than June 30, 2015, and the final monitoring report shall be filed no later than May 31, 2016. 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.