



EB-2012-0451

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. under section 90 and 91 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) for an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York;

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) for an order or orders approving the methodology to establish a rate for transportation services for TransCanada Pipelines Limited.

PROCEDURAL ORDER NO. 1 AND COST ELIGIBILITY DECISION

Enbridge Gas Distribution Inc. (“Enbridge”) has applied to the Ontario Energy Board (the “Board”) seeking approval to construct two segments of underground natural gas pipeline and associated facilities. The first proposed pipeline is approximately 21 km long and will be located in the Town of Milton, the City of Mississauga and the City of Toronto. The second proposed pipeline is approximately 23 km long and will be located in the City of Vaughan, the City of Markham, the City of Toronto and the Town of Richmond Hill.

On April 15, 2013 Enbridge filed an update to its application asking for approval of the methodology that will be applied to develop a rate (“Rate 332”) for transportation services on the proposed pipeline located in the Town of Milton, the City of Mississauga and the City of Toronto. Enbridge indicated that it will be seeking approval of Rate 332 in a subsequent rate proceeding when the rate impact of the proposed project will be reviewed before the Board.

The Board has assigned file number EB-2012-0451 to this application.

The Board issued a Notice of Application dated March 5, 2013.

This application is related to two applications by Union Gas Limited that are currently before the Board: one to construct a standby compressor and connecting pipeline in Milton (EB-2012-0433), and the other to construct a natural gas pipeline in the Brantford/Hamilton area (EB-2013-0074). Information about these projects can be found on the Board’s website at [EB-2012-0433](#) and [EB-2013-0074](#).

Issues and Process Conference

Enbridge and Union have both filed letters setting out their views on the appropriate process to be followed for the three applications. These letters can be viewed on the [Board’s advanced regulatory document search website](#) by entering both EB-2012-0451 and EB-2012-0433 in the search field. Both companies recognize that while there are a number of interdependencies between the applications, there are also distinct and unrelated elements to each of the projects. The companies propose that the three applications follow parallel, but separate paths. The timing of procedural steps (such as an issues day and interrogatories) would be aligned to allow parties to explore the inter-related issues of the projects; however the three applications would not be combined and the non-interdependent issues could proceed separately and at their own pace. The Board is considering this proposal and is also considering an alternative whereby the applications would be combined, but the issues would be heard in a phased manner in order to separate the interrelated issues and the stand alone issues in each application.

The Board would like to hear submissions from parties on the appropriate process for the three applications. The Board also intends to develop an Issues List or Issues Lists for the applications.

An Issues and Process Conference will be convened at the Board on Friday, April 26, 2013. This conference will be open to all parties and Board staff, but will not be transcribed or attended by the Board panel hearing the application. The purpose of the Issues and Process Conference will be for parties to attempt to reach agreement on an Issues List and an appropriate process for the applications. With respect to process, the Board would like the parties to discuss the companies' proposals, the alternative described above, as well as any other options. In addition, specific procedural steps should be proposed. Board staff has prepared a draft Issues List to serve as a starting point for the issues discussion, which is attached as Appendix A to this Procedural Order.

The Issues and Process Conference will be followed by an Issues and Process Day held before the Board panel. At the Issues and Process Day parties will have the opportunity to make submissions on any agreement reached at the conference and any unresolved matters. Following the Issues and Process Day, the Board will make a final determination on an Issues List (or Lists) and the process to be followed in the applications.

Draft Issues List

A draft Issues List has been included in Appendix A. Parties will be able to provide their comments on the draft issues list at the Issues and Process Conference and the subsequent Issues and Process Day.

Decision on Intervenor Status and Cost Eligibility

The Board received a number of requests for intervenor and cost eligibility status. In letters dated April 4, 2013 and April 15, 2013 Enbridge did not object to any intervention or cost eligibility requests.

The following parties filed requests for intervenor status, but not cost eligibility:

1. Beverly Glen Ratepayers Association ("Beverly Glen Ratepayers")
2. Beaver Valley Stone Limited ("Beaver Valley")
3. City of Markham ("Markham")
4. City of Toronto ("Toronto")
5. Direct Energy Marketing Limited ("Direct Energy")

6. Gaz Metro Limited Partnership (“Gaz Metro”)
7. Independent Electricity System Operator (“IESO”)
8. Markham Gateways Inc. (“Markham Gateways”)
9. Metrolinx
10. Ontario Power Generation (“OPG”)
11. Regional Municipality of York (“York Region”)
12. Woodbine Investment Ltd (“Woodbine Investment”)
13. Union Gas Limited (“Union”)
14. TransCanada PipeLines Limited (“TransCanada”)
15. TransCanada Energy Limited (“TCE”)
16. Transalta Cogeneration LP (“Transalta”)
17. Dennis Wintjes
18. Ajit Rathod
19. Karny Roe
20. Jadhu Nadarajah
21. Linda Nardea
22. Gary Drisdelle

The Board grants intervenor status to each of these parties.

The following parties filed requests for intervenor status and cost eligibility:

23. Association of Power Producers of Ontario (“APPoO”)
24. Building Owners and Managers Association - Toronto (“BOMA”)
25. Consumers Council of Canada (“CCC”)
26. Council of Canadians
27. Canadian Manufacturers and Exporters (“CME”)
28. Energy Probe Research Foundation (“Energy Probe”)
29. Environmental Defense
30. Federation of Rental-housing Providers of Ontario (“FRPO”)
31. Green Energy Coalition (“GEC”)
32. Industrial Gas Users Association (“IGUA”)
33. School Energy Coalition (“SEC”)
34. Six Nations Elected Council (“Six Nations”)
35. Toronto District School Board (“TDSB”)
36. Vulnerable Energy Consumers Coalition (“VECC”)

The TDSB has requested cost eligibility on the basis that it is a directly affected landowner because there are five schools located adjacent to the proposed corridor. The Board will grant TDSB intervenor status but not cost eligibility. The Board does not grant cost eligibility to individual landowners unless the proposed facilities are on their property or the utility requires access to their property. The Board only deviates from this approach in exceptional circumstances. No special circumstances arise with respect to the request of the TDSB.

The Board approves the requests for intervenor status and cost eligibility for each of the other parties listed above.

Enbridge indicated that it expects parties with common interests to coordinate their efforts so as to avoid duplication. The Board shares this expectation. In determining cost awards, the Board will consider whether parties with similar interests have coordinated their interventions sufficiently.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. An Issues and Process Conference will be held on **Friday, April 26, 2013** beginning at 9:30 a.m. in the Board's West Hearing Room on the 25th Floor at 2300 Yonge Street, Toronto, ON.
2. An Issues and Process Day will be held on **Tuesday, April 30, 2013** beginning at 9:30 a.m. in the Board's North Hearing Room on the 25th Floor at 2300 Yonge Street, Toronto, ON.

All filings to the Board must quote the file number, EB-2012-0451, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet

access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:00 p.m. on the required date.

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DATED at Toronto, April 17, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

**ENBRIDGE GAS DISTRIBUTION INC.
Board File No. EB-2012-0451**

**Draft Issues List
April 17, 2013**

APPENDIX A

Union Gas Limited - Parkway West (EB-2012-0433)
Union Gas Limited - Brantford-Kirkwall / Parkway D (EB-2013-0074)
Enbridge Gas Distribution Inc. - GTA Project (EB-2012-0451)

Draft Issues List

A. COMMON ISSUES¹

1. Are the proposed facilities needed? Considerations include demand, reliability, security of supply, diversity and rational expansion of the transmission and distribution network.
2. Do the proposed facilities meet the Board's economic tests as outlined in the Filing Guidelines on the Economic Tests for Transmission Pipeline Applications, dated February 21, 2013?
3. What are the rate impacts to customers and are they appropriate?
4. Are any of the alternatives to the proposed facilities preferable to the proposed facilities?

B. SPECIFIC ISSUES FOR EACH APPLICATION ²

Union Gas Limited - Parkway West (EB-2012-0433)

5. Has an environmental assessment and routing/siting been completed in accordance with the OEB Environmental Guidelines for Hydrocarbon Pipelines?
6. Are there any outstanding landowner matters relating to the proposed facilities routing and construction?
7. Are the proposed facilities designed in accordance with current technical and safety requirements?
8. Has there been adequate consultation with any affected First Nations or Metis communities?

¹ Common Issues are issues with interdependencies among two or more of the subject LTC applications.

² The Specific Issues are separate and distinct matters to be considered by the Board in regards to each of the individual projects.

9. Should pre-approval to recover the cost consequences of the proposed facilities be granted?

Union Gas Limited - Brantford-Kirkwall / Parkway D (EB-2013-0074)

10. Has an environmental assessment and routing/siting been completed in accordance with the OEB Environmental Guidelines for Hydrocarbon Pipelines?
11. Are there any outstanding landowner matters for the proposed facilities routing and construction?
12. Are the proposed facilities designed in accordance with current technical and safety requirements?
13. Has there been adequate consultation with any affected First Nations and Metis communities?
14. Should the request for pre-approval to recover the cost consequences of the proposed facilities be granted?
15. Should pre-approval of the cost consequences of two long term transportation contracts be granted?

Enbridge Gas Distribution Inc. - GTA Project (EB-2012-0451)

16. Has an environmental assessment and routing/siting been completed in accordance with the OEB Environmental Guidelines for Hydrocarbon Pipelines?
17. Are there any outstanding landowner matters for the proposed facilities routing and construction?
18. Are the proposed facilities designed in accordance with current technical and safety requirements?
19. Has there been adequate consultation with any affected First Nations or Metis communities?
20. Should approval of Enbridge's proposed rate methodology for the service to be provided to TransCanada be granted?

APPENDIX B

**ENBRIDGE GAS DISTRIBUTION INC.
Board File No. EB-2012-0451**

**List of Intervenors
April 17, 2013**

**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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Enbridge Gas Distribution Inc.
EB-2012-0451

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

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April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

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April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

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Enbridge Gas Distribution Inc.
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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
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APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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**Enbridge Gas Distribution Inc.
EB-2012-0451**

APPLICANT & LIST OF INTERVENORS

April 17, 2013

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