



Ontario | Commission
Energy | de l'énergie
Board | de l'Ontario

DECISION AND ORDER

EB-2022-0088

ENBRIDGE GAS INC.

Haldimand Shores Community Expansion Project

BEFORE: Michael Janigan
Presiding Commissioner

Allison Duff
Commissioner

David Sword
Commissioner

August 18, 2022



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1 OVERVIEW

On March 11, 2022, Enbridge Gas Inc. (Enbridge Gas) filed an application (the Application) under sections 90(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (OEB Act), for an order granting leave to construct:

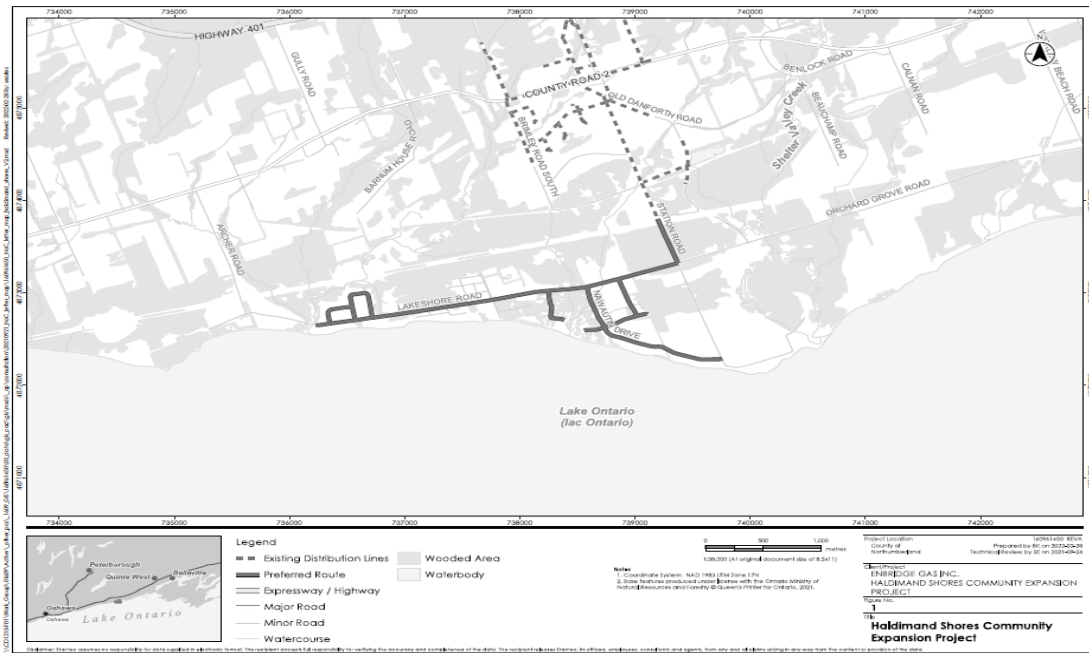
- approximately 7.3 km of Nominal Pipe Size (NPS) 2-inch polyethylene (PE) natural gas distribution pipeline
- approximately 385 m of NPS 4-inch PE natural gas distribution pipeline; and
- approximately 115 m of NPS 4-inch steel natural gas distribution pipeline (the Project).

The Project is forecast to supply natural gas to 112 customers located in the community of Haldimand Shores in the Township of Alnwnick/Haldimand who currently do not have access to natural gas service.

The Project was selected to receive funding assistance from Ontario Government's Natural Gas Expansion Program. Enbridge Gas also intends to charge a System Expansion Surcharge over a 40-year horizon to all new customers taking gas distribution service from the Project.

Enbridge Gas has also applied under section 97 of the OEB Act for approval of the form of agreement it will offer to landowners for the routing and construction of the proposed pipeline.

A general location of the Project is shown on the following map.



The OEB finds that the Project is in the public interest pursuant to sec. 96 (1) of the OEB Act and grants Enbridge Gas leave to construct the Project as described in the application, subject to the Conditions of Approval set out in this decision.

2 THE PROCESS

Enbridge Gas filed the Application on March 11, 2022. The OEB issued a Notice of Hearing on March 31, 2022.

In Procedural Order No.1, which was issued on May 11, 2022, Pollution Probe was granted intervenor status and eligibility to apply for cost awards. In accordance with the schedule set out in Procedural Order No. 1, written interrogatories by OEB staff and Pollution Probe were filed by May 25, 2022. Enbridge Gas responded to the interrogatories on June 8, 2022.

OEB staff and Pollution Probe filed written submission on June 22, 2022. Enbridge Gas filed a written reply submission on July 6, 2022.

3 DECISION

Pursuant to Sec. 96 (1) of the OEB Act, in order to grant an order for leave to construct the OEB must be of the opinion that the construction of the proposed work is in the public interest. In its consideration of whether the proposed work is in the public interest, the OEB assessed the following issues.

1. Need for the Project
2. Project Alternatives
3. Project Costs and Economics
4. Environmental Impacts
5. Landowner Agreements
6. Indigenous Consultation
7. Conditions of Approval

3.1 Need for the Project

The Project was one of 210 proposals for community expansion projects submitted to the OEB, and included in the *OEB's Report to the Minister of Energy, Northern Development and Mines and to the Associate Minister of Energy: Potential Projects to Expand Access to Natural Gas Distribution*.¹

The Project was selected to receive funding as part of the Ontario Government's Phase 2 of the Natural Gas Expansion Program (NGEP). This program provides funding to Ontario natural gas distributors to expand natural gas to communities that are not currently connected to the natural gas system. Ontario Regulation 24/19² (Expansion of Natural Gas Distribution Systems Regulation) sets out the funding mechanism and includes the projects selected to receive the government funding as well as the amount of funding allocated to each project.³ Enbridge noted that Project is in furtherance of the objectives of NGEP.

¹ EB-2019-0255, OEB's Report to the Minister of Energy, Northern Development and Mines and the Associate Minister of Energy: Potential Projects to Expand Access to Natural Gas Distribution, December 10, 2020

² Ontario Regulation 24/19: Expansion of Natural Gas Distribution Systems, under Ontario Energy Board Act, 1998, S.O. 1998, c. 15 Sched B, current June 8, 2021

³ The Expansion of Natural Gas Systems Regulation sets the mechanism for sourcing the funding of the eligible expansion projects by requiring that rate-regulated natural gas distributors charge each of their customers \$1 per month.

Enbridge Gas further supported the need for the Project based on independent market research⁴, and through Enbridge Gas's own community outreach. Enbridge Gas stated that the Project would provide natural gas service to approximately 112 residential customers located in the community of Haldimand Shores. In addition, the Corporation of the Township of Alwick/Haldimand expressed its support for the Project in a letter dated May 8, 2020 and confirmed its support in a letter dated February 16, 2022.

Pollution Probe submitted that there is no obligation for Enbridge to build the Project or for the OEB to approve the Project. Pollution Probe stated that the survey response rate of 22% for the Project was low and signified uncertainty regarding customers actually switching to natural gas. Pollution Probe further commented that the "higher overall costs of switching to natural gas could be one of the reasons behind the poor attachment survey response results for this expansion project."⁵

Pollution Probe also suggested that it would have been relevant for Enbridge Gas to have provided the OEB with the survey response rates for other similar expansion projects approved by the OEB and a comparison of the survey estimates and the actual attachment rates. Pollution Probe submitted that, for future community expansion applications, the OEB may wish to require that this type of comparison be provided.

Enbridge Gas disagreed with Pollution Probe's submission that the survey response rate was low and noted that response rates vary significantly by community. Enbridge Gas considers the 22% response rate acceptable. The customer attachment forecast assumed a 78% capture rate, which is derived from independent market research performed by a third-party conducted within the Project area.

Pollution Probe also submitted that Enbridge Gas has not directly marketed Demand Side Management (DSM) or other energy efficiency opportunities to potential customers of community expansion projects including the Project. Pollution Probe submitted that DSM information and program materials should be made available to all potential customers in the community and that local contractors be requested to also share information on reducing energy costs and related emissions during renovations or major equipment changes.

Enbridge Gas submitted that mass marketing DSM materials are available to all existing and potential customers. In addition, Enbridge Gas stated that it is currently working to

⁴ Application and Evidence, Exhibit B, Tab 1, Schedule 1, Attachment 4 "Natural Gas Expansion Study Grafton and Haldimand Shores" Forum Research inc., Research Report prepared for Enbridge Gas Limited, April 2020

⁵ Pollution Probe Submission, Page 3

understand what communication and/or process changes would best serve potential new customers during community expansion to maximize provision of DSM/energy efficiency for consumers so that they can make more informed decisions when renovating. Enbridge Gas stated that it will implement any changes as soon as practical.

OEB staff submitted that Enbridge Gas has established the need the Project and the Project is one of the community expansion projects selected by the Ontario Government to receive NGEF funding

Findings

The OEB finds that project need has been established.

The Project was approved for funding as part of the Government of Ontario's Natural Gas Expansion Program - Phase 2. The customer attachment forecast of 112 provided in this proceeding is substantively unchanged from the original estimate of 109 when Natural Gas Expansion Program funding was approved.

While Pollution Probe characterized the market survey's response rate as poor, Enbridge Gas submitted that a 22% response rate was acceptable and that it was confident the forecast supported by independent third-party research remains accurate. In addition, the Project is supported by local authority, the Corporation of the Township of Alnwick/Haldimand.

The OEB accepts the forecast with the knowledge that Enbridge Gas has the incentive to market and attach customers to the new pipeline. Further, Enbridge Gas also indicated that it has had extensive consultation with the community of Haldimand Shores which the OEB expects to continue, especially after this decision is issued.

3.2 Project Alternatives

Enbridge Gas stated that a new pipeline was considered as the only viable option to provide service to Haldimand Shores prospective customers. IRP alternatives were not considered by Enbridge Gas on the basis that the Project falls under the definition of community expansion projects, which are exempt from the OEB's approved IRP Framework.⁶

OEB staff submitted that the Project is the best alternative to meet the stated need.

⁶ EB-2020-0091, Decision and Order on Enbridge Gas Inc. Integrated Resource Framework Proposal, July 22, 2021, Appendix A. and page 48

Pollution Probe submitted that, based on the Project costs of approximately \$4 million and the forecast of 112 customer attachments, the total cost per customer is approximately \$36,150. Pollution Probe noted that the cost per customer will be higher if the actual number of customers attaching are less than the forecast of 112. Pollution Probe submitted that, relative to the Project, there are more cost-effective options, such as heat pumps.

In response, Enbridge Gas submitted that Pollution Probe provided no analysis to support the claim that more cost-effective alternatives to the Project exist.

Findings

In EB-2020-0091 the OEB approved an integrated resource planning process for Enbridge Gas that required an evaluation and comparison of options to meet energy supply needs. To meet the Ontario Government's Natural Gas Expansion Program (NGEP) objective of bringing service to unserved communities the OEB provided that the consideration of such options or alternatives was not required for NGEP approved projects that have been designated in Ontario Regulation 24/19. The OEB's decision in this proceeding is in accordance with its approved integrated resource planning process.

The OEB finds that this Project is in the public interest pursuant to sec. 96 (1) of the OEB Act, after considering such issues as costs, route, and design of the pipeline.

3.3 Project Costs and Economics

Enbridge Gas estimated the total Project cost to be \$4,048,079. The itemized estimate of the Project cost is set out in Table 1.⁷

⁷ Application and Evidence, Exhibit D, Tab 1, Schedule 1, page 1, Table 1: Estimated Project Costs

Table 1: Estimated Project Costs

<u>Item No.</u>	<u>Description</u>	<u>Project Estimate (\$)</u>
1.0	Material Cost	\$ 92,804
2.0	Labour and Construction Cost	\$ 2,585,345
3.0	External Costs (Geotechnical, Environmental, Surveying, External Engineering, Insurance)	<u>\$ 665,452</u>
4.0	Direct Capital Cost	\$ 3,343,601
5.0	Contingency	\$ 671,525
6.0	Interest During Construction	<u>\$ 33,583</u>
7.0	Total Project Costs	<u>\$ 4,048,709</u>

Enbridge Gas included a 20% contingency applied to all direct costs and noted that the contingency amount was calculated based on the risk profile and is consistent with contingency amounts for other Enbridge Gas community expansions projects.

Enbridge Gas noted that the \$4 million cost estimate is \$0.1 million higher than the estimate of \$3.9 million provided in the OEB's proceeding on Potential Projects for NGEF Funding.⁸ The NGEF funding provided for the Project, based on the original estimate, is \$2.8 million. The \$2.8 million of NGEF funding is treated similarly to a contribution in aid of construction. Therefore, the total capital cost of the Project, net of NGEF funding, is projected to be \$1.2 million. In addition to NGEF funding, Enbridge intends to charge a System Expansion Surcharge (SES) of \$0.23 per cubic meter to the customers attaching to the Project for a term of 40 years to assist with the economic feasibility of the Project.

The Profitability Index (PI) for the Project, inclusive of the NGEF funding and the SES charge, and using the most up-to-date estimated revenues and capital cost for the Project, is 1.03. The original PI of the Project as filed in the OEB's proceeding on Potential Projects for NGEF Funding was 1.0.⁹ The primary driver of the higher estimated PI is lower forecasted property taxes and higher forecasted customer attachments and distribution rates, partially offset by higher forecasted capital costs.

⁸ EB-2019-0255

⁹ EB-2019-0255, Schedule NN2

OEB staff submitted that the updated total cost of the Project (\$4 million) is reasonable. OEB staff also noted that the contingency budget is aligned with the contingency budget for other similar community expansion projects. OEB staff also submitted that the Project is substantively unchanged from the original estimate that underpinned the NGEF funding in terms of customer attachments and cost.

Pollution Probe noted that decreasing the amortization period to align with a more realistic useful life is typically an option for new pipelines. However, in this case, the amortization period should match or exceed the SES period approved by the OEB or else the pipeline will be taken out of Enbridge Gas's rate base prior to the full SES recovery period.

Enbridge Gas replied that it expects the Project to remain used and useful for the full depreciable life. Enbridge Gas stated this was affirmed by the: i) Ontario government program to expand access to natural gas, ii) support from the community, iii) level of interest from outreach activities in the community, iv) quantity of service applications received to date to connect to natural gas. Enbridge Gas also submitted that the amortization period for the Project is a ratemaking matter that is not an issue in this proceeding.

Pollution Probe also submitted that over the 40 years of the SES period, the likelihood of switching to fossil fuels like natural gas will decrease over time due to the lower cost of other technologies and the increasing decarbonization options for consumers.

Enbridge Gas submitted that Pollution Probe offers no substantive evidence to support its assertion.

Findings

The evidence demonstrates that the Project is forecast to have a positive Profitability Index (PI) of 1.03, and the OEB is therefore satisfied that the Project is economically feasible.

The PI of 1.03 is based on forecast revenues from newly attached customers at current OEB-approved base rates for 2021¹⁰ and from the System Expansion Surcharge (SES) of \$0.23 per cubic meter at the OEB-approved harmonized rate¹¹. Specific approval of

¹⁰ Exhibit D, Tab 1, Schedule 1, Attachment 1, Page 1: as per EB-2020-0095 and EB-2020-0181

¹¹ OEB Decision, Harmonized System Expansion Surcharge, EB-2020-0094

the SES included in the application for the customers that will be attached to the Project is not required.

The PI is based on a 40-year discounted cash flow analysis. The OEB finds 40 years is appropriate, applying 40 years of forecast revenues and the SES, matched to 40 years of operating and maintenance expenses. The OEB notes that the standard 40-year time horizon for assessing economic feasibility is referenced in the OEB's Harmonized SES decision. The OEB agrees with Enbridge Gas that there is no evidence to support a shorter discounted cash flow analysis for the Project.

3.3.1 10-year Rate Stability Period and Subsequent Rebasing

Enbridge Gas stated that it will apply a 10-year Rate Stability Period (RSP) during which Enbridge Gas will bear the risk of the Project customer attachment and capital expenditure forecast. Enbridge Gas noted that in its upcoming rebasing application, it will include the original forecasted customer additions and capital cost of the Project that underpinned the NGEF funding proposal. Enbridge Gas stated that, at the rebasing following the conclusion of the RSP, it will use actual revenues and actual capital costs of the Project for rate-setting purposes. Enbridge Gas also noted that the final actual PI for the Project will be determined using actual information and will be communicated at the rebasing following the conclusion of the RSP.

OEB staff noted in the Harmonized SES proceeding that the OEB stated the following:

The OEB finds that inclusion of the forecasted capital costs in rate base at the next rebasing before the end of the RSP is consistent with the Generic Decision's requirement for a Community Expansion Project and would achieve the desired goal that Enbridge Gas bear the risk of any capital cost overrun during the RSP. The OEB also finds that the treatment of actual capital costs at the time of rebasing following the rate stabilization period is appropriately the jurisdiction of the panel reviewing the rate rebasing case.¹²

The OEB also noted:

The OEB confirms the requirement to continue to report on the capital costs, customer attachments and PI of SES projects that require a LTC at the first rebasing following the end of the ten-year RSP... This

¹² EB-2020-0094, Decision and Order, November 5, 2020, page 9

information will be vital to the panel deciding on the inclusion of actual costs in rate base after the RSP.¹³

OEB staff submitted that, in alignment with the OEB's findings in the Harmonized SES proceeding, after the Project is placed into service, Enbridge Gas should include the original forecasted customer additions and capital costs of the Project that underpinned the NGEF funding proposal in the upcoming 2024 rebasing application.

OEB staff also submitted that, in the rebasing following the conclusion of the RSP, the actual costs and revenues of the Project (including the actual PI) should be presented to the OEB for consideration for inclusion in rates. OEB staff submits that, at that time, with the benefit of knowing the final actual costs and revenues (including the actual PI), the OEB can undertake a prudence review to determine the appropriate amount to be used with respect to the Project for rate-setting purposes.

Enbridge Gas agreed with OEB staff's submission.

Findings

The OEB agrees with OEB staff that the original forecast customer additions and capital costs of the Project should be included in the 2024 rebasing application, while the ratemaking aspects of the Project, based on actual costs and revenues, will be addressed in the rebasing proceeding following the 10-year Rate Stability Period.

3.4 Environmental Impacts

Enbridge Gas retained Stantec Consulting Ltd. (Stantec) to complete an Environmental Report: Haldimand Shores Community Expansion Project (ER). The ER and the consultation process were conducted in accordance with the OEB's Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines in Ontario (OEB Environmental Guidelines).

On January 14, 2022, Stantec distributed the ER to the Ontario Pipeline Coordinating Committee (OPCC) for review and comments. The evidence includes correspondence and tracking of communications with the OPCC up to March 11, 2022.

Enbridge Gas noted that construction of the Project will be conducted in accordance with Enbridge Gas's Construction and Maintenance Manual and the recommendations in the ER. Prior to construction Enbridge Gas will develop an Environmental Protection

¹³ EB-2020-0094, Decision and Order, November 5, 2020, page 10

Plan (EPP) for implementation mitigation measures recommended in the ER and mitigation measures during consultation.

OEB staff submitted that Enbridge Gas has completed the ER in accordance with the OEB's Environmental Guidelines. OEB staff had no concerns with the environmental aspects of the Project. OEB staff noted that the Standard Conditions of Approval for leave to construct require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project and ensure that the environmental impacts of the Project are addressed, mitigated and monitored.

Pollution Probe submitted that it is likely that bedrock will be encountered along the pipeline route resulting in the need for blasting, hoe ramming or other mechanical removal means. Pollution Probe stated that encountering bedrock would significantly increase construction costs and impacts to environmental and socio-economic features.

In its reply submission, Enbridge Gas disagreed with the statement that construction is likely to encounter bedrock along the pipeline route, as the pipeline route is primarily located on previously disturbed lands. If bedrock is encountered, Enbridge Gas expects that hoe ramming would be the preferred construction method, and that no blasting will be required for the Project.

Pollution Probe noted there are a total of five water crossings that have been identified as cold-water thermal regimes which means that they are spawning habitats and sensitive to disturbance. Pollution Probe submitted that permits will be required prior to construction and all required mitigation measures should be included in the EPP.

In reply, Enbridge Gas commented that permits were acquired from the Lower Trent Conservation Authority under Ontario Regulation (O. Reg) 163/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) on February 10, 2022.¹⁴

Pollution Probe stated that the OPCC log updated June 8, 2022 indicated that most OPCC agencies have not yet responded or signed off on the Project at that time.

In reply, Enbridge Gas asserted that the OEB Environmental Guidelines do not require a positive confirmation from OPCC members. On a similar issue in a previous case, the

¹⁴ Response to I. STAFF.6

OEB found that the OPCC was consulted regarding the Project and with no concerns filed, the process related to the review by the OPCC was sufficient.¹⁵

Findings

The OEB finds that Enbridge Gas has completed the Environmental Report: Haldimand Shores Community Expansion Project in accordance with the OEB's Environmental Guidelines.

Pollution Probe raised concerns in submission regarding bedrock, water crossings and the review by the Ontario Pipeline Coordinating Committee (OPCC). The OEB is satisfied with the responses provided by Enbridge Gas in its reply submission. Specifically, the OEB agrees with Enbridge Gas that positive statements of approval from each individual OPCC member are not required.

Further, the OEB finds the process related to the review by the OPCC to be sufficient for the purposes of this application. The OEB's finding does not preclude Pollution Probe from pursuing this issue directly with OPCC.

3.5 Landowner Agreements

The pipelines that are part of the Project are mainly located in the road allowance. The only permanent easement required for the Project has been obtained from the property owner between Nawautin Drive and North Shore Road.

Enbridge Gas stated that if there are working areas that are of an insufficient size and temporary land use agreements are required, these areas would be identified. Enbridge Gas also stated that it would acquire any temporary easement rights required for the Project prior to construction start.

Enbridge Gas filed a form of permanent easement¹⁶ (rights already obtained) and a form of temporary land use agreement¹⁷. Both forms were approved by the OEB in a previous proceeding, Enbridge Gas's Greenstone Pipeline Project.¹⁸

OEB staff submitted that the OEB should approve the proposed forms of permanent easement and temporary land use agreement.

¹⁵ EB-2021-0205

¹⁶ Application and Evidence, Exhibit F, Tab 1, Schedule 1, Attachment 2

¹⁷ Application and Evidence, Exhibit F, Tab 1, Schedule 1, Attachment 1

¹⁸ EB-2021-0205

Findings

The OEB approves the proposed forms of permanent easement and temporary land use agreements. Both forms have been previously approved by the OEB.

The Project requires one permanent easement of approximately 104 metres, which has been acquired. The remaining project route follows public road allowances for which easements are not required.

3.6 Indigenous Consultation

In accordance with the OEB's Environmental Guidelines, on August 27, 2021 Enbridge Gas contacted the Ministry of Energy (MOE) in respect to the Crown's duty to consult related to the Project. The MOE, by way of a letter, delegated the procedural aspects of the Crown's duty to consult for the Project to Enbridge Gas on October 20, 2021 (Delegation Letter). In the Delegation Letter the MOE identified the following Indigenous communities that Enbridge Gas should consult with respect to the Project:

- Alderville First Nation
- Beausoleil First Nation
- Curve Lake First Nation
- Chippewas of Georgina Island
- Chippewas of Rama First Nation
- Hiawatha First Nation
- Huron-Wendat Nation
- Kawartha Nishnawbe
- Mississaugas of Scugog Island
- Mohawks of the Bay of Quinte

Direct notice of the proceeding was provided to all of these Indigenous communities, and to the Métis Nation of Ontario. None of them sought to intervene in the proceeding.

As required by the MOE's Indigenous consultation protocol and the OEB's Environmental Guidelines, Enbridge Gas prepared the Indigenous Consultation Report (ICR) describing and documenting the Indigenous consultation it has been conducting.

OEB staff noted that Enbridge Gas has not yet filed a letter expressing the MOE's opinion on the adequacy of the Indigenous consultation for the Project (Letter of Opinion) and expects Enbridge to provide an update on the potential timing of reviewing the Letter of Opinion. OEB submitted that the OEB should wait to receive the Letter of

Opinion from the MOE before providing its final approval to grant Leave to Construct for the Project and, if the Letter of Opinion is not filed prior to record close, the OEB can place the proceeding in abeyance until the letter is filed.

In its reply argument, Enbridge Gas stated that although it had not yet received the Letter of Opinion, it is not aware of any outstanding concerns raised by Indigenous groups or reasons why a Letter of Opinion would not be issued. Subsequent to the filing of its reply submission, Enbridge received the Letter of Opinion from the MOE and filed it with the OEB on August 16, 2022.

Findings

The OEB finds that the duty to consult has been discharged to allow it to approve the Project. In coming to this conclusion, the OEB has considered, amongst other things, the Letter of Opinion.

In that letter, the Ministry of Energy expressed its opinion that the procedural aspects of the consultation undertaken by Enbridge Gas to date for the Haldimand Shores Community Expansion Project have been satisfactory.

Based on the consultation records filed by Enbridge, the company provided a reasonable opportunity for the Indigenous communities to engage in meaningful conversation about the application. For those communities that engaged in conversation with Enbridge, there do not appear to be any outstanding concerns. OEB staff identified no concerns with the Indigenous consultation.

The OEB has reviewed the Letter of Opinion, the evidence related to Indigenous consultation in the application and interrogatories, and the submissions of the parties as they relate to Indigenous consultation. Based on this, the OEB has formed its own opinion that the duty to consult has been properly discharged in the context of the Project.

3.7 Conditions of Approval

Section 23 of the OEB Act permits the OEB, when making an order, to impose conditions as it considers appropriate.

OEB staff submitted that the OEB should approve the Project subject to the Conditions of Approval as set out in Schedule A to OEB staff's submission.

Enbridge Gas confirmed that it intends to satisfy the conditions as set out in OEB staff's submission and will comply with the final conditions of approval established by the OEB.

Findings

The OEB finds the draft list of conditions of approval filed by OEB staff to be appropriate. The application is approved subject to the conditions of approval in Schedule A of this decision.

4 ORDER

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas Inc. is granted leave, pursuant to section 90(1) of the OEB Act, to construct the Project in the Township of Alnwick/Haldimand as described in the Application.
2. Pursuant to section 97 of the OEB Act, the OEB approves the form of Easement Agreement and Form of Temporary Land Use Agreement that Enbridge Gas Inc. has offered or will offer to each owner of land affected by the Project.
3. Leave to construct is subject to Enbridge Gas Inc. complying with the Conditions of Approval set out in Schedule A.
4. Pollution Probe shall file with the OEB and forward to Enbridge Gas Inc. its cost claims in accordance with the OEB's *Practice Direction on Cost Awards* on or before **September 1, 2022**.
5. Enbridge Gas Inc. shall file with the OEB and forward to Pollution Probe any objections to the claimed costs on or before **September 12, 2022**.
6. If Enbridge Gas Inc. objects to Pollution Probe costs, Pollution Probe shall file with the OEB and forward to Enbridge Gas Inc. its responses, if any, to the objections to cost claims on or before **September 19, 2022**.

Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2022-0088** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.

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- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
 - Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
 - Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto August 18, 2022

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A
CONDITIONS OF APPROVAL
ENBRIDGE GAS INC.
EB-2022-0088
AUGUST 18, 2022

**Leave to Construct Application under
Section 90 of the OEB Act**

**Enbridge Gas Inc.
EB-2022-0088**

Conditions of Approval

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2022-0088 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued, unless construction has commenced prior to that date.
(b) Enbridge Gas Inc. shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 10 days prior to the date construction commences
 - ii. of the planned in-service date, at least 10 days prior to the date the facilities go into service
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
 - iv. of the in-service date, no later than 10 days after the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
6. Concurrent with the final monitoring report referred to in Condition 8(b), Enbridge Gas Inc. shall file a Post Construction Financial Report, which shall provide a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized. Enbridge Gas Inc. shall also file a copy of the Post Construction Financial Report in the proceeding where the actual capital costs of the project are proposed to be included in rate base or any proceeding where Enbridge Gas Inc. proposes to start collecting revenues associated with the Project, whichever is earlier.

7. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:
 - a) A post construction report, within three months of the in-service date, which shall:
 - i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc. adherence to Condition 1
 - ii. describe any impacts and outstanding concerns identified during construction
 - iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
 - iv. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
 - v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licenses, and certificates required to construct, operate, and maintain the proposed project
 - b) A final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
 - i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc. adherence to Condition 3
 - ii. describe the condition of any rehabilitated land
 - iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction
 - iv. include the results of analyses and monitoring programs and any recommendations arising therefrom
 - v. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions
8. Enbridge Gas Inc. shall designate one of their employees as project manager who will be the point of contact for these conditions and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.