




INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 26, 2020
SUBJECT:	Enbridge Gas Inc. Leave to Construct Application for the 2021 Dawn to Parkway Extension (Wards 13 and 15)
WARD(S) AFFECTED:	Wards 13 and 15
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Division Planning and Economic Development Department
SIGNATURE:	

Per Report PED20053, Enbridge Gas Inc. has submitted a leave to construct 10.2 kilometres of 48-inch diameter natural gas pipeline and associated facilities in the City of Hamilton from the Kirkwall Valve Site to the Hamilton Valve Site with the Ontario Energy Board (OEB).

On May 19, 2020, the OEB issued Procedural Order #7 and Decision on Adjournment due to the uncertainties arising from the COVID-19 pandemic and its potential impact on the Project.

As result, Condition #2 of the order required that:

- “2. Enbridge Gas shall file with the OEB and copy all the parties in the proceeding, no later than **November 19, 2020** a report with an update on the status of the planning for the Project, and a proposal for re-commencing the hearing process, including proposals for the filing of any updated evidence.”

On October 22nd, 2020, the City of Hamilton met with Enbridge Gas Inc. virtually, which was followed by receipt of a letter indicating that with the ongoing pandemic persisting for the foreseeable future, Enbridge Gas Inc. has determined that there is no longer a need for the project in the timeframe originally proposed (see Appendix “A” to this Information Update).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: INFORMATION UPDATE - Enbridge Gas Inc. Leave to Construct
Application for the 2021 Dawn to Parkway Extension (Wards 13 and
15) - Page 2 of 2**

Accordingly, Enbridge Gas Inc. has withdrawn its application to the OEB for leave to construct the Kirkwall-Hamilton pipeline project.

However, as noted in their letter, Enbridge Gas Inc. will review the project in 2021 and advise the City should conditions change and necessitate a new project application filing with the OEB. It is important to note that this project could be re-initiated by Enbridge Gas Inc. in the future, should conditions warrant.

Staff confirmed per the OEB website submission of the letter of withdrawal to the OEB per the link below; and, as attached as Appendix "B" to this Information Update.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record?q=casenum%3AEB-2019-0159&sortBy=recRegisteredOn-&pageSize=400>

Based on the foregoing, the application for leave to construct 10.2 kilometres of 48-inch diameter natural gas pipeline and associated facilities in the City of Hamilton from the Kirkwall Valve Site to the Hamilton Valve Site with the Ontario Energy Board (OEB) is now withdrawn and therefore closed.

Should you have any questions or concerns pertaining to the above, please do not hesitate to contact Alvin Chan at 905-546-2424 Ext 2978 or alvin.chan@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Enbridge Gas Inc. Letter to City of Hamilton – October 22, 2020.

Appendix "B" – Enbridge Gas Inc. Letter to and as registered with Ontario Energy Board Website – October 22, 2020.

AC/sd



Enbridge Gas Inc.
603 Kumpf Drive
Waterloo, Ontario
N2J 4A4

October 22, 2020

Janette Smith
City Manager
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Reference: **KIRKWALL-HAMILTON PIPELINE PROJECT (OEB Case No. EB-2019-0159 – 2021 Dawn Parkway Expansion Project)**
Please send to: **MAYOR EISENBERGER AND MEMBERS OF CITY COUNCIL**

Dear Janette,

I would like to share an update on the proposed Kirkwall-Hamilton pipeline project in the City of Hamilton that is being undertaken by Enbridge Gas.

In May, Enbridge Gas asked the Ontario Energy Board (OEB) for a temporary pause in the regulatory review of this project to give us time to assess any potential impacts to the project as a result of the COVID-19 pandemic.

This temporary pause was granted by the OEB on May 19, 2020, with a requirement that Enbridge Gas report back on the project's status by November 19, 2020.

Via this letter I am informing you that, with the ongoing pandemic persisting for the foreseeable future, Enbridge Gas has determined that there is no longer a need for the project in the timeframe originally proposed. Therefore, Enbridge Gas has withdrawn its application to the OEB for leave to construct the Kirkwall-Hamilton pipeline project.

Some project activities that are ongoing currently, such as with permitting agencies, will continue in the interim to wrap up outstanding requests.

Enbridge Gas will review the project in 2021 and advise the City should conditions change and necessitate a new project application filing with the OEB.

Should you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Murray Costello'.

Murray Costello, P.Eng.
Director, Southeast Operations, Enbridge Gas Inc.
Murray.Costello@enbridge.com



Adam Stiers
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Regulatory Applications
Regulatory Affairs

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Enbridge Gas Inc.
P.O. Box 2001
50 Keil Drive N.
Chatham, Ontario, N7M 5M1
Canada

October 22, 2020

BY RESS, EMAIL AND COURIER

Ms. Christine Long
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Enbridge Gas Inc.
Ontario Energy Board File No.: EB-2019-0159
2021 Dawn Parkway Expansion Project – Project Status Report**

Background

On May 4, 2020, Enbridge Gas Inc. (“Enbridge Gas” or the “Company”) filed a letter with the Ontario Energy Board (“OEB” or “Board”) requesting that the OEB temporarily adjourn the 2021 Dawn Parkway Expansion Project (the “Project”) proceeding in order for Enbridge Gas to gain clarity as to any impacts of the ongoing and unprecedented COVID-19 pandemic (the “Pandemic”) on the Project. As a condition of the adjournment, Enbridge Gas proposed to report to the OEB as soon as reasonably possible and within six (6) months of the date of the adjournment as to whether the Company had gained sufficient clarity to proceed with the application as originally filed, including responses to the interrogatories already asked and any further interrogatories arising from any updated evidence. Enbridge Gas also acknowledged that the Board might find it appropriate to award certain interim costs to eligible intervenors as part of the adjournment.

On May 7, 2020, the OEB issued Procedural Order No. 6, recognizing the uncertainties arising from the Pandemic and their potential impact on the Project. The OEB went on to state that it was the OEB’s intention to grant the adjournment. Prior to doing so, the OEB requested submissions on the conditions of the adjournment, including regarding the completion of interrogatory responses by Enbridge Gas.

On May 19, 2020, following submissions from intervenors¹ (on or before May 11, 2020) and Enbridge Gas’s responding submission (dated May 13, 2020), the OEB issued its Procedural Order No. 7 and Decision on Adjournment (“PO No. 7”). In PO No. 7, the OEB: (i) decided to allow the requested temporary adjournment upon the terms that Enbridge Gas suggested in its letter of May 4; (ii) directed that Enbridge Gas report to the OEB no later than November 19, 2020 (six months from the date of PO No. 7) on

¹ Importantly, none of the parties who made submissions opposed granting the adjournment request.

the prospects of continuing with the Project application; (iii) determined that it would not be helpful or efficient to have the responses to interrogatories filed at that time; and (iv) made provision for cost eligible intervenors to file interim cost claims.

On July 15, 2020, the OEB issued its Decision and Order on Interim Cost Awards, ordering the Company to pay awarded interim costs subject to certain conditions and understandings.

Project Status and Notice of Withdrawal


At this time, and with the ongoing Pandemic persisting for the foreseeable future, Enbridge Gas has determined that there is no longer a need for the Project in the time frame as originally proposed. Therefore, in accordance with section 20 of the Board's *Rules of Practice and Procedure*, the Company hereby provides notice that it is withdrawing its application for leave to construct² the Project and for approval of the form of Pipeline Easement and Temporary Land Use agreements³ previously filed with the Board.

Enbridge Gas will reassess customer demand for Dawn Parkway System capacity and the need for the Project in 2021 and expects that as sufficient need can be confirmed in the future, it will bring forward a new application for OEB approval.

Enbridge Gas will await any further directions from the Board regarding this notice of withdrawal as it may see fit.

Sincerely,

Adam Stiers

 Digitally signed by Adam Stiers
Date: 2020.10.22 13:37:10 -04'00'

Adam Stiers
Technical Manager, Regulatory Applications

c.c.: C. Keizer (Torys)
Z. Crnojacki (OEB Staff)
M. Millar (OEB Counsel)
EB-2019-0159 (Intervenors)

² Pursuant to Section 90 (1) of the *Ontario Energy Board Act, 1998, c. 15, Schedule B*.

³ Pursuant to Section 97 of the *Ontario Energy Board Act, 1998*.