



## **DECISION**

IN THE MATTER OF an application by Enbridge Gas New Brunswick Inc., for approval of a Permit to Construct pipelines in order to provide natural gas distribution service to Dorchester, New Brunswick

**July 14 , 2011**

IN THE MATTER OF an application by Enbridge Gas New Brunswick Inc., for approval of a Permit to Construct pipelines in order to provide natural gas distribution service to Dorchester, New Brunswick

**NEW BRUNSWICK ENERGY AND UTILITIES BOARD:**

CHAIRMAN: Raymond Gorman, Q.C.

VICE-CHAIRMAN: Cyril Johnston

MEMBERS: Roger McKenzie  
Terry Totten

SECRETARY: Lorraine Légère

COUNSEL: Ellen Desmond, Counsel

**APPLICANT:**

Enbridge Gas New Brunswick  
Len Hoyt, Q.C.  
Dave Charleson

**INTERVENORS:**

Department of Energy  
Patrick Ervin  
Mary Ann Mann

**OTHER PARTIES PER SECTION 6 OF THE PIPELINE ACT**

Local District of Dorchester	Clerk/Treasurer:
Minister of Agriculture and Aquaculture	Simonne Malenfant-Edgett
Minister of Energy	Hon. Mike Olscamp
Minister of Environment	Hon. Craig Leonard
Minister of Local Government	Hon. Margaret-Ann Blaney
Minister of Natural Resources	Hon. Bruce Fitch
Minister of Public Safety	Hon. Bruce Northrup
Minister of Transportation	Hon. Robert Trevors
	Hon. Claude Williams

Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner Enbridge Gas New Brunswick Inc. (the “Applicant”) applied to the New Brunswick Energy and Utilities Board (“Board”) for approval of a permit to construct pipelines in order to provide natural gas distribution service to Dorchester, New Brunswick. This application was made pursuant to the *Pipeline Act, 2005* (the “Act”).

In conjunction with the application, a Public Information Program (“PIP”) had been filed and was approved by the Board on January 20, 2011.

A pre-hearing conference was scheduled for Dorchester, New Brunswick on July 14, 2011. Notice of this pre-hearing conference had been published pursuant to the Board Order of June 16, 2011. The Notice stated, inter alia, that the Applicant may bring a motion at the pre-hearing conference requesting that the pre-hearing conference be converted to a final hearing.

The only intervenor in this matter was the Department of Energy which did not oppose the application for a permit to construct the pipeline.

It is noted that letters of support for the project were received from Correctional Services Canada and from the Village of Dorchester.

During the course of the pre-hearing conference, the Applicant made a Motion that the Board move from the pre-hearing conference to the hearing of the application. The Applicant’s Motion was based on the following factors:

- No intervenors appeared in opposition to the application.
- The only letters that were received concerning the project were supportive.
- The Pipeline Co-ordinating Committee conducted a very thorough review and signed off on the project, subject to the Board imposing specific conditions.
- The Board has granted construction permits to the Applicant since 2000 and has lots of experience with its construction practices.

- It is important for the Applicant to begin construction as soon as possible as the shortness of construction season is a concern.

The Motion was granted and the pre-hearing conference was converted to a full hearing. EGNB witnesses testified and were cross-examined by Board counsel. Following cross-examination, the Applicant requested that the Board order that a permit to construct be issued immediately.

The Board has considered the application for the permit to construct the pipelines in order to provide natural gas distribution to Dorchester, New Brunswick, and has considered the matters set out in Section 7 of the *Pipeline Act*, which provides as follows:

- (a) the location of the proposed pipeline and its effect upon public health and safety and the environment,
- (b) the financial responsibility of the Applicant,
- (c) in the case of a pipeline for the transmission of natural gas, the existence of present and future markets for the pipeline, and
- (d) such other matters as it considers relevant in the public interest.

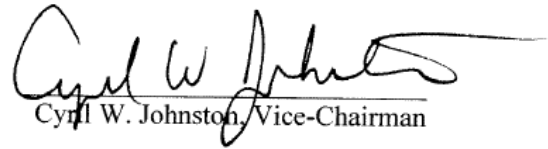
Taking Section 7(1) of the *Pipeline Act* into consideration, the Board is satisfied that a Permit to Construct should be issued to the Applicant. The Permit to Construct, as requested, is to be issued forthwith, subject to the conditions set out in the final report of the technical review by the Pipeline Co-ordinating Committee (Revision 2).

In addition, pursuant to Section 5(1) of the *Filing Regulation*, the Board exempts the Applicant, to the extent necessary, from the requirements of subsections 5(2) to 5(14) of the *Filing Regulation*.

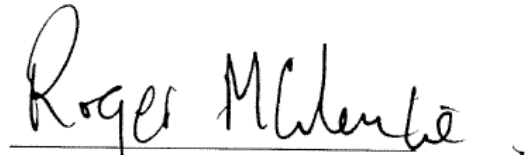
Dated at the City of Saint John, New Brunswick this 14<sup>th</sup> Day of July, 2011.



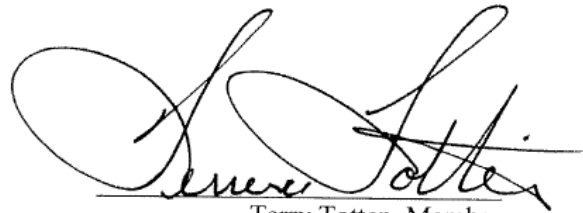
Raymond Gorman, Q.C., Chairman



Cyril W. Johnston, Vice-Chairman



Roger McKenzie, Member



Terry Totten, Member