

## **NEW BRUNSWICK ENERGY AND UTILITIES BOARD**

**IN THE MATTER OF** sections 4, 5 and 8 of the *Pipeline Act, 2005*, S.N.B. 2005, c. P-8.5;

**AND IN THE MATTER OF** an application by Enbridge Gas New Brunswick for a permit to construct pipelines in order to provide natural gas distribution service to Dorchester, in the Province of New Brunswick;

**AND IN THE MATTER OF** sections 3, 4, 5 and 8 of the *Pipeline Filing Regulation – Pipeline Act, 2005*.

### **APPLICATION FOR PERMIT TO CONSTRUCT**

1. Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner Enbridge Gas New Brunswick Inc. (“EGNB” or the “Applicant”) hereby applies to the New Brunswick Energy and Utilities Board (the “Board”), pursuant to sections 4, 5 and 8 of the *Pipeline Act, 2005*, for a Permit to Construct pipelines in order to provide natural gas distribution service to Dorchester, in the Province of New Brunswick. The relevant facts upon which the Application is based, the provisions of the *Pipeline Act, 2005* and Regulations under which the Application is made and the nature of the decisions, directions or orders sought by the Applicant are as hereinafter described in this Application.
2. EGNB is the general franchisee under a General Franchise Agreement dated August 31, 1999 (“GFA”) with the Province of New Brunswick as represented by the Minister of Natural Resources and Energy. The GFA (which was filed with the Board as part of EGNB’s 2000 Construction Application) authorizes EGNB to distribute natural gas and provide customer services in the Province of New Brunswick.
3. EGNB proposes to construct in 2011 approximately 13.6 kilometers of nominal pipe size (“NPS”) 4 high pressure steel pipeline extending for 7,100 meters along King Street from Salem Street (Route 940) to Woodlawn Avenue, southwest 5,600 metres along Woodlawn Avenue from King Street to Main Street and then north 900 metres along Main Street from Woodlawn Avenue to Penitentiary Road. A map showing the location

of that pipeline marked as “Preferred Route” is found at Figure 1.0 of Exhibit “A” to this Application.

4. EGNB also requests that the Permit to Construct extend to all infill pipelines (along the 2011 pipeline route and within the municipality of Dorchester) required to service customers in and around Dorchester. Infill pipelines will be completed as demand necessitates, starting in 2012.
5. Information in support of EGNB’s request for a Permit to Construct is filed as Exhibit “A” to this Application.
6. In accordance with the provisions of subsection 4(3) of the *Pipeline Filing Regulation* (the “*Filing Regulation*”), EGNB obtained the Board’s *ex parte* approval of the proposed elements of its public information program by letter dated January 20, 2011.
7. The Applicant does not propose to construct any pipelines under this Permit to Construct which will affect sensitive features, within the meaning of section 8 of the *Filing Regulation*. To the extent that the Board determines that the pipelines proposed to be constructed by the Applicant do affect any sensitive features, the Applicant requests that the Board waive the requirements of section 8 of the *Filing Regulation* which would, in those circumstances, require the filing of information required by subsections 8(4) to 8(21) of the *Filing Regulation*. Pursuant to paragraph 8(2)(b) of the *Filing Regulation*, a copy of the Applicant’s Environmental Protection Plan is filed as Schedule B to Exhibit “A” to this Application.
8. In order to be able to provide gas distribution service to customers in Dorchester in 2011, EGNB proposes to complete construction of facilities by December 2011.
9. On the basis of the foregoing, EGNB applies for the following orders, decisions or directions by the Board:

- (a) a permit under subsections 4(1), 5(1) and 8(1) of the *Pipeline Act, 2005* authorizing EGNB to construct the following pipelines and related facilities:
  - (i) approximately 13.6 kilometers of NPS 4 high pressure steel pipeline extending for 7,100 meters along King Street from Salem Street (Route 940) to Woodlawn Avenue, southwest 5,600 metres along Woodlawn Avenue from King Street to Main Street and then north 900 metres along Main Street from Woodlawn Avenue to Penitentiary Road; and
  - (ii) infill low pressure, intermediate pressure, high pressure steel and polyethylene pipelines and extra-high pressure steel pipelines (including mains and services) within the municipality of Dorchester and also off the pipeline described in (i);
- (b) an order under subsection 5(4) of the *Pipeline Act, 2005*, to the extent necessary or appropriate, to ensure an expeditious determination of this Application;
- (c) such interim order or orders under section 40 of the *Energy and Utilities Board Act*, and such further directions in that regard, as may be necessary or appropriate;
- (d) an order under subsection 79(2) of the *Pipeline Act, 2005* exempting the Applicant, to the extent necessary or appropriate, from some or all of the provisions of any regulations made by the Board under subsection 79(1) of the *Pipeline Act, 2005* (including the requirements of section 8 of the *Filing Regulation*);
- (e) an order or direction under subsection 5(1) of the *Filing Regulation* exempting this Application, to the extent necessary or appropriate, from the requirements of subsections 5(2) to 5(14) of the *Filing Regulation*; and

- (f) such further or other order, decision or direction relating to the construction of pipelines as the Applicant may request and the Board may deem necessary or appropriate.
- 10. The justification for the orders, decisions or directions requested by the Applicant is as set out in this Application (including Exhibit "A").
- 11. The names, addresses, telephone numbers and other telecommunications numbers of the Applicant and the Applicant's authorized representative are as follows:

- (a) The Applicant:

Enbridge Gas New Brunswick  
440 Wilsey Road, Suite 101  
Fredericton, NB E3B 7G5  
Attention: Derek Dunn

Telephone: (506) 457-7702  
Fax: (506) 457-7769  
Email: derek.dunn@enbridge.com

- (b) The Applicant's counsel:

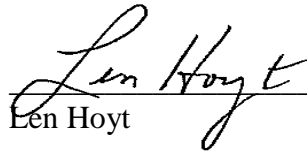
McInnes Cooper  
Suite 600, Barker House  
P.O. Box 610, 570 Queen Street  
Fredericton, NB E3B 5A6  
Attention: Len Hoyt

Telephone: (506) 458-1622  
Fax: (506) 458-9903  
Email: len.hoyt@mcinnescooper.com

**DATED** at Fredericton, New Brunswick this 10<sup>th</sup> day of June, 2011.

**ENBRIDGE GAS NEW BRUNSWICK LIMITED PARTNERSHIP**, as represented by its general partner **ENBRIDGE GAS NEW BRUNSWICK INC.**

by its counsel  
**McINNES COOPER**

  
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Len Hoyt