

# Enbridge Feedback on Bill 212 - Reducing Gridlock, Saving You Time Act, 2024 – Building Highways Faster Act, 2024

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## *About Enbridge Gas Inc.*

*Enbridge Gas is Canada's largest natural gas storage, transmission and distribution company based in Ontario, with more than 175 years of service to customers. The distribution business provides safe, affordable, reliable energy to about 3.9 million homes, businesses and industries in Ontario and is supporting the transition to a clean energy future through net-zero emissions targets and investments in innovative low-carbon energy solutions. With the recently announced acquisition of three gas utilities serving customers in five US states, Enbridge owns and operates the largest gas utility franchise in North America. The storage and transmission business offers a variety of storage and transportation services to customers at the Dawn Hub, the largest integrated underground storage facility in Canada and one of the largest in North America. Enbridge Gas is owned by Enbridge Inc., a Canadian-based leader in energy transportation and distribution.*

Learn more at [www.enbridgegas.com](http://www.enbridgegas.com).

## Introduction

Enbridge Gas Inc. (Enbridge) commends the Government of Ontario for its commitment to modernizing infrastructure and improving transportation through Bill 212 - Reducing Gridlock, Saving You Time Act, 2024 – Building Highways Faster Act, 2024 (the Bill). Enbridge values the Government's proactive approach to accelerating the development of priority highways and is fully supportive of the broader objectives of reducing traffic congestion and enhancing connectivity across Ontario.

Recognizing the complexities involved in relocating critical energy infrastructure to align with these new developments, Enbridge welcomes the opportunity to provide constructive feedback on the Bill and looks forward to collaborating on initiatives that contribute to building infrastructure faster in Ontario.

## Executive Summary

The proposed Bill represents a step forward in the Government's objectives to modernize infrastructure, ease congestion, and build a resilient transportation network for the future. Enbridge fully supports the Government's vision and applauds its commitment to making Ontario a leader in cost-effective, efficient, accelerated project delivery.

As Ontario's leading energy provider, Enbridge is aligned with the Government's priorities while ensuring that essential energy infrastructure relocations meet the highest standards of safety, regulatory compliance, and operational excellence. Enbridge believes that a collaborative, well-coordinated approach will be critical to maintaining Ontario's energy security and public safety as these ambitious infrastructure goals are achieved.

To support this, Enbridge underscores the importance of ongoing consultation with the Ministry of Transportation of Ontario (MTO), prioritizing regular communication to keep utilities informed of key design developments, relocation requirements, and scheduling updates. Strengthening consultation and information sharing will help mitigate the risk of delays, improve alignment on safety and regulatory standards, and support the Government's objective to complete priority highway projects efficiently.

Enbridge offers the following key recommendations to enhance the Bill's effectiveness and support safe, timely project delivery:

- i. Align the Bill's relocation provisions with the Building Transit Faster Act, 2020 (BTFA), to allow utility providers to plan for major energy infrastructure relocations.
- ii. Limit the authority to perform pipeline relocation work to the infrastructure owner. This will help ensure that relocation work is performed safely by only those qualified to do so. This is particularly important given the complex licensing, regulatory, and permitting requirements to ensure safety, compliance, and alignment with long-term energy planning.
- iii. Amend the Ontario Energy Board Act, 1998 to introduce exemptions under the Leave to Construct (LTC) requirements for priority highway projects to support faster project delivery.
- iv. Establish clear confidentiality and data security standards for third-party access to sensitive infrastructure information, ensuring data protection and compliance with regulatory standards.

## Recommendations

With Ontario's infrastructure landscape evolving rapidly, it is essential to address the specific challenges posed by complex energy relocations. The following recommendations aim to foster a streamlined approach, ensuring that all project requirements are met without compromising safety, regulatory compliance, or operational standards.

### **I. Aligning Response Timelines with the BTFA to Support Safe and Effective Utility Relocation**

Section 4 of the Bill proposes ambiguous timelines for utility companies to remove or change the location of their underground infrastructure conflicting with priority highway projects. Further, section 4(2) establishes a 15-day timeline to respond to the Minister should utility companies face technical or other difficulties in completing the relocation work by the Minister's deadline contained in a relocation notice. This process does not account for the time needed to plan major energy infrastructure relocation projects. To improve coordination and flexibility for critical energy infrastructure relocation projects, Enbridge recommends aligning the language in Bill 212 with the BTFA, which adopts a more cooperative approach. Under the BTFA, when Metrolinx issues a notice for utility relocation, utilities are required to promptly engage in negotiations with Metrolinx. This flexibility allows utilities and project proponents to discuss timelines that reflect the complexity of each project, including necessary permitting and regulatory approvals. This approach is especially relevant for relocating large-scale pipelines to accommodate priority highway expansions. Adjusting Bill 212's language to mirror the BTFA would better accommodate these complexities, supporting well-coordinated relocation efforts that uphold public safety, infrastructure reliability, energy delivery continuity, and minimize project risk. Otherwise, Enbridge recommends extending the 15-day timeline to 60 days, mirroring BTFA, to give utilities enough time to plan for major energy infrastructure relocation projects.

### **II. Restricting Relocations of Critical Energy Infrastructure**

Section 5 of the Bill aims to provide the Government with the power to conduct utility relocation work itself if a utility company does not respond within designated timelines. While Enbridge recognizes the importance of timely infrastructure projects, granting the Ministry authority to perform pipeline relocations introduces significant safety, liability, and operational risks, especially given the unique requirements of federally and provincially regulated energy infrastructure.

Relocating hydrocarbon pipelines is a highly specialized process that requires extensive expertise in handling sensitive and regulated infrastructure. Enbridge operates under strict safety and regulatory requirements, with oversight from regulatory bodies, including the Ontario Energy Board (OEB), the Technical Standards and Safety Authority (TSSA), and the Canada Energy Regulator (CER). These requirements include specific qualifications, licensing, permits, and approvals, which third parties lack the ability to manage. If a third party was tasked with relocating Enbridge infrastructure, they would face significant compliance and operational challenges, potentially exposing the Ministry and third parties to liability if issues arise. As the utility owner, and through collaboration with our safety regulator, Enbridge is the most appropriate party to take up, remove, or change Enbridge infrastructure.

Furthermore, utility infrastructure, such as pipelines, are integrated into broader energy networks, with designs accommodating both existing infrastructure and future network and

customer service needs. Allowing non-specialized third parties to perform relocation work could disrupt long-term planning and jeopardize energy affordability, reliability, and resiliency in Ontario.

In light of these concerns, Enbridge does not support any proposals that allow third parties to conduct work on our pipeline assets. Enbridge proposes that the Bill be amended such that only the owner of the underground infrastructure in question be permitted to conduct relocation work. The infrastructure owner is the only party with the requisite expertise, regulatory oversight, and knowledge of the infrastructure to ensure relocations are completed appropriately. This approach would protect both public safety and the reliability of Ontario's energy network while reducing liability risks for the Government.

### **III. Amending the Ontario Energy Board Act, 1998, to Exempt Critical Infrastructure Relocations for Priority Highway Projects from the LTC Process**

To further support safe and timely infrastructure relocations, Enbridge recommends amending the Ontario Energy Board Act, 1998, to exempt the relocation or reconstruction of hydrocarbon lines required for priority highway projects from the LTC process. This amendment would align with recent legislative efforts under Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, which exempts priority infrastructure projects from certain regulatory requirements.

In the alternative to a full exemption, Enbridge suggests that the Government consider expediting the permitting and review processes for utility relocations related to priority highway projects. By extending similar LTC exemptions to hydrocarbon line relocations for priority highway projects or expediting the review process, the Bill would enable faster of critical energy infrastructure, supporting the timely completion of priority highway projects.

This streamlined approach outlined above would allow for faster regulatory approvals, reducing potential project delays without compromising safety or regulatory compliance.

### **IV. Enhancing Confidentiality, Data Security, and Scope Limitations for Third-Party Data Access**

Enbridge is committed to providing accurate, reliable information to support Ontario's infrastructure projects. However, a key consideration with the Act is the liability associated with any data Enbridge may be required to provide, particularly regarding pipeline locations and conditions. Utility data, while gathered with precision, reflects the best available information at the time but may not account for real-time changes in field conditions. Therefore, a collaborative verification process is essential to ensure that data used in infrastructure projects is accurate and up-to-date.

To mitigate potential legal and financial risks associated with data reliance, Enbridge recommends that the Act include provisions for a data verification protocol, enabling the Ministry or project partners to cross-reference Enbridge data with physical records for critical infrastructure. A similar protocol has been effective in "digital twin" pilot projects, where Enbridge provides data to build virtual infrastructure models with government-led accuracy validation.

Incorporating verification clauses into the Act would help ensure data accuracy, protect utilities from undue liability, and contribute to overall project reliability, safeguarding the interests of all stakeholders involved.

Additionally, Enbridge has significant concerns regarding the Bill's failure to extend explicit confidentiality and data security requirements to third parties who may be provided access to sensitive infrastructure information. Given that Enbridge's assets are safety-critical, ensuring the protection of confidential and customer information is essential. Enbridge has managed similar information requests in the past by providing redacted, limited information under a legal framework that included indemnities and releases. These data sharing agreements help ensure that any information shared is purpose-specific and legally protected, reducing liability risks for both parties.

To address these concerns, Enbridge recommends that the Bill establishes clear confidentiality and data security standards for third-party access to sensitive infrastructure information, ensuring data protection and compliance with regulatory standards.

Implementing these changes would support infrastructure security, protect customer data, and ensure transparency in project planning while respecting Enbridge's need for confidentiality and data protection.

## Conclusion

Enbridge values this opportunity to submit comments and appreciates the Government of Ontario's efforts to expedite infrastructure improvements through the Bill. Enbridge remains committed to working collaboratively with the Ministry of Transportation and other project stakeholders to support the province's infrastructure goals while ensuring the safety, reliability, and operational integrity of Ontario's energy network.

We believe that the recommendations outlined here, including alignment with existing regulatory frameworks, streamlined permitting processes, and enhanced information-sharing protocols, will help achieve the objectives of the Act effectively. Enbridge looks forward to continued dialogue on these issues and remains ready to offer additional input as needed.

For any further inquiries or additional information, please contact Islam Elsayed, Senior Advisor, Government Affairs ([islam.elsayed@enbridge.com](mailto:islam.elsayed@enbridge.com)).