

Enbridge Gas Distribution Inc.
PO Box 650
Scarborough, ON, M1K 5E3
Canada
www.enbridge.com/gas

Ritch Murray, MBA, PEng
Project Manager
Engineering Operations
Tel 416 495 6502
Fax 416 495 5871
ritchie.murray@enbridge.com



VIA COURIER AND EMAIL

April 20, 2009

Claudine Dutil-Berry
Secretary of the Board
National Energy Board
444 Seventh Ave SW
Calgary, AB, T2P 0X8

Re: Written Comments on the Proposed Damage Prevention Regulations and Draft Guidance Notes

Ms. Dutil-Berry,

On behalf of Niagara Gas Transmission Limited (“NGTL”) and 2193914 Canada Limited, Enbridge Gas Distribution Inc. (“EGD”) submits the following comments regarding the National Energy Board’s (“NEB”) Proposed Damage Prevention Regulations (“DPR”) and Draft Guidance Notes. In general, EGD supports the proposed regulations as written. However, for practical reasons, we request that locate lead-times and locate response times be increased and locate accuracy be relaxed. Such changes would be in-line with Ontario Regional Common Ground Alliance (“ORCGA”) best practices and Ontario Technical Standards and Safety Authority (“TSSA”) excavation guidelines.

Locate Lead-Time

The NEB proposes that persons undertaking or performing a ground disturbance must request a locate at least three working days before the day on which the ground disturbance is to start. However, given the delay between the one-call centre receiving this request and its subsequent issuance to the pipeline company’s locate contractor, often this will leave only two days to complete the locate. EGD prefers the TSSA’s best practice in which the excavator calls the one-call center at least five working days prior to beginning excavation procedures (except in emergency situations). EGD requests that the NEB change its proposed regulations to be in-line with the TSSA guidelines.

Locate Response Time

The NEB proposes that within three working days after the day on which the locate request is received, the pipeline company will assess the potential for pipeline damage, locate and mark the pipeline, and provide a written report to the excavator. However, in

peak periods, meeting this requirement will be a challenge. EGD prefers the TSSA guideline in which (except in emergency situations or as otherwise agreed) the pipeline company will make every reasonable effort to provide the locate within four working days under normal conditions and five working days during peak periods. EGD requests that the NEB adopt a flexible response time of four to five working days - similar to the TSSA's guideline.

Locate Accuracy

The NEB proposes that the accuracy of markings be +/- 0.6 m. EGD prefers the ORCGA's best practice of one meter. This best practice is in-line with the TSSA's guideline which also specifies one meter. Consider the case in which a locate signal is picked up on one side of an NPS 24 pipeline - an accuracy of 0.6 m is barely sufficient to include the opposite side of the pipe. For this reason, EGD requests that the NEB adopt an accuracy of 1.0 m to either side of the pipeline centerline.

Table One: Comparison of Locate Criteria

Proposed NEB DPR	ORCGA Best Practice v5.0	TSSA Guidelines
Section 8 – Locate request for ground disturbance <ul style="list-style-type: none"> request locate at least three working days in advance 	Section 4 – Excavation Best Practices <ul style="list-style-type: none"> request locate at least four working days in advance (section 4.1) 	Section 2 – Locate Request <ul style="list-style-type: none"> Except for emergency situation, request locate at least five working days in advance (section 2.5)
Section 8 – Locate request for ground disturbance <ul style="list-style-type: none"> Respond to locate request at least three working days after request received 	Section 4 – Excavation Best Practices <ul style="list-style-type: none"> Respond to locate request at least three working days after request received (section 4.9) 	Section 2 – Locate Request <ul style="list-style-type: none"> Under normal circumstances, respond to locate request at within four working days after request received (section 2.6) During peak periods, respond to locate request at within five working days after request received (section 2.6)
Section 8 – Locate request for ground disturbance <ul style="list-style-type: none"> Accuracy of locate to be +/- 0.6 m 	Section 4 – Excavation Best Practices <ul style="list-style-type: none"> Accuracy of locate to be 1.0 m from the centerline of the pipeline (section 4.18) 	Section 4 – Locate Boundaries and Accuracy <ul style="list-style-type: none"> Accuracy of locate to be 1.0 m on either side of pipeline (section 4.2)

2009-04-20

Page 3

By increasing locate lead-times and locate response times, and by relaxing locate accuracy, the NEB will help set realistic expectations in the minds of excavators, as well as provide its regulated companies with the flexibility need to be compliant. Such changes are in line with ORCGA best practices and TSSA guidelines, and would help establish consistency in the industry.

For your reference, the ORCGA best practices are available at <http://www.orcga.com/> by clicking on the Publications and Resources tab. The TSSA guidelines are available at <http://www.tssa.org/regulated/fuels/fuelsSale.asp>.

If you have any questions, feel free to call me at 416-495-6502.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R Murray', with a stylized flourish at the end.

Ritch Murray

RM/rm

cc: Tom Jedemann, Manager Damage Prevention, EGD
Eric Jorgensen, Damage Prevention Inspector, EGD
Lisa Lawler, Chief Engineer, EGD; President, 2193914 Canada Limited; President, NGTL