



Via email: boardsec@ontarioenergyboard.ca

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Re: OEB File: EB-2015-0141

Application by Hydro One Networks Inc. for approval of distribution rates for 2015 to 2019

Dear Ms. Walli,

1. Niagara Regional Broadband Network Limited, O/A NRBN (herein "NRBN") has been made aware of the requests by Allstream, Cogeco Cable, Eastlink, Shaw, Rogers and Videtron ('the Carriers) that the Ontario Energy Board ('the OEB) issue an order:
 - a) granting the Carriers status as parties to the captioned proceeding and granting leave to file a motion requesting that the Board review and vary the Decision (as that term is defined in the OEB Procedural Order issued in the proceeding and dated May 1, 2015) as it relates to the Pole Attachment Rate approved in the Decision;
 - b) extending the deadline for Carriers to file a motion to review and vary the Decision until 20 days after the date on which the Board grants the Carriers leave to file the review and vary motion; and
 - c) staying that part of the Decision and any resulting Order that approves the Pole Attachment Rate. (Rogers letter, 13 April 2015, para. 46)
2. NRBN is a small communication company that operates in the Niagara Region. We provide telephone, high-speed internet and video services over our fibre-optic network throughout the Niagara Region. We have attached elements of our network to the support structures of Hydro One and pay its pole attachment rate. NRBN's ability to provide high quality services to our customers and the Niagara Region as a whole depends on reasonable, and reasonably priced, access to support structures such as Hydro One's distribution poles. The rate charged by support structures owners for access to those support structures is a significant component of NRBN's cost structure

3. NRBN has only recently been made aware of the OEB's decision and, like the larger Carriers listed above, received no advance notice of this rate increase application or the OEB's decision.

4. NRBN notes the following assertion by Rogers:

The only evidence about the Pole Attachment rate is found on a single page buried about 2,900 pages later in a Supporting Schedule called "Miscellaneous Charges", which is one of 12 supporting schedules to Exhibit G - Cost Allocation and Rate Design. Significantly, the written direct evidence for Cost Allocation and Rate Design, which is contained in 15 other schedules, contains no reference to the Pole Attachment Rate. (Rogers letter, 13 April 2015, para. 30)

5. At page 5 of its letter, dated 7 April 2015, Hydro One states:

"Each of the Cable parties are large, sophisticated corporations that are regulated entities themselves. All of them had the opportunity to participate but failed to do so. Each had an obligation and every opportunity to determine whether the application would impact them..." As noted earlier, NRBN is a small communication company that operates in the Niagara Region. NRBN does not have staff dedicated to regulatory issues and as a result, due to limited resources, does not monitor OEB proceedings. In light of the fact that no notice was provided and given that the proposed Pole Attachment rate was buried in a record consisting of many thousands of pages, Hydro One's claim that an opportunity to participate ever existed is without merit.

6. The rate increase will result in substantial additional payments to Hydro One. Due to the lack of notice, NRBN has had no opportunity to anticipate or factor in potential additional costs into their budgeting process for the current year.

7. NRBN has been blind-sided by this rate increase in a manner that will result in significant financial hardship and comparatively, NRBN has significantly less capacity to absorb the substantial impacts of this rate increase than do the larger Carriers.

8. For all of these reasons, NRBN wishes to be added as a party to the motion, pursuant to paragraph 3 of Procedural Order No 1, and respectfully submits that the OEB should grant the relief requested by the Carriers, with application of such relief to NRBN.

Sincerely,



Robert A. Bryant

President

Niagara Regional Broadband Network (NRBN)



Cc: Mr. Harold Thiessen- Case Manager
Ms. Jennifer Lea- Board Co-Counsel
Mr. Ian Richler- Board Co-Counsel