



EB-2014-0116

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Toronto Hydro-
Electric System Limited for an order approving just and
reasonable rates and other charges for electricity distribution
to be effective May 1, 2015 and for each following year
effective January 1 through to December 31, 2019.

PROCEDURAL ORDER NO. 12
June 10, 2015

Toronto Hydro-Electric System Limited (Toronto Hydro) filed a Custom Incentive Rate (CIR) application (the Application) with the Ontario Energy Board (the OEB) on July 31, 2014 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998 seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2015 and each year until December 31, 2019. Commencing in 2016, rates will be effective January 1.

On March 5, 2015, a Notice of Motion (the motion) was filed with the OEB by Rogers Communications Partnership (Rogers) on its own behalf as well as on behalf of Allstream Inc. and Cogeco Cable Inc. on behalf of itself and its affiliates, including Cogeco Cable Canada LP and Cogeco Data Services Inc. and TELUS Communications Company and its affiliates (collectively the Carriers). The motion requested that the OEB issue an order striking out the request by Toronto Hydro in the Application for an increase in its annual wireline pole attachment rate and also dealt with related matters.

On April 29, 2015, the OEB issued Decision and Procedural Order No. 10 which established among other things that an oral hearing on Toronto Hydro's request for an increase in its wireline pole attachment rate would be held on June 9 and June 11, 2015.

On June 7, 2015, the OEB received a letter from Toronto Hydro counsel pertaining to this matter, stating it was written with the consent of the Carriers. The letter noted that Toronto Hydro and the Carriers have had a number of productive discussions in an attempt to resolve this matter and requested the opportunity to continue these discussions with the remaining interested parties. The letter asked that the OEB adjourn the hearing scheduled to begin June 9, 2015 and schedule a settlement conference for that time in its place.

On June 8, 2015, the OEB issued Procedural Order No. 11 which stated that the OEB had considered the request of Toronto Hydro and the Carriers and would adjourn the oral hearing scheduled to begin on June 9, 2015 until June 11, 2015 so that settlement discussions with the remaining interested parties could take place on June 9, 2015. It was further stated that should the OEB be advised that a complete settlement had been reached, further procedural direction would be issued regarding the oral hearing scheduled to begin on June 11, 2015.

On June 9, 2015, the OEB received a letter from Toronto Hydro which advised that a complete settlement of the wireline pole attachment rate had been reached by parties and it was anticipated that a Settlement Proposal for the OEB's consideration would be filed by June 11, 2015.

The OEB has reviewed Toronto Hydro's letter and has determined that the oral hearing scheduled for June 11, 2015 is cancelled. The OEB will review the Settlement Proposal once it has been filed and if it is determined that a presentation of the Settlement Proposal is necessary will issue further procedural direction at that time.

The OEB ORDERS THAT:

1. The Oral Hearing on Toronto Hydro's request for an increase in its wireline pole attachment rate scheduled to be held on June 11, 2015 is cancelled.

DATED at Toronto, **June 10, 2015**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary