



EB-2015-0141

Motion to review and vary Decision EB-2013-0416/EB-2014-0247 as it relates to the Specific Charge for Cable and Telecom Companies Access to the Power Poles charged by Hydro One Networks Inc.

**PROCEDURAL ORDER NO. 7
March 8, 2016**

Eleven cable and telecommunications companies and associations (the Carriers), with leave of the Ontario Energy Board (OEB), jointly filed a Notice of Motion to review and vary the OEB's March 12, 2015 decision approving distribution rates and charges for Hydro One Networks Inc. (Hydro One) for 2015 through 2017, as it relates to the charge they (or in the case of the associations, their members) are required to pay to use Hydro One's poles (the Pole Access Charge).

The purpose of this motion is to fix the final Pole Access Charge, which until the disposition of the motion remains at the interim level of \$22.35 per pole per year.

On December 22, 2015, Hydro One filed supplementary evidence. The supplementary evidence included revised calculations of the Pole Access Charge, which Hydro One said are based on corrected data concerning the number of poles it owns and depreciation costs. The supplementary evidence also set out three different calculations, one using actual 2012 costs, one using actual 2014 costs, and one using forecast 2015 costs.

On January 7, 2016, the OEB received a letter from the Carriers asking that the supplementary evidence be excluded, and on January 11, 2016, through Procedural Order No. 6, the OEB denied the Carriers' request.

On January 12, 2016 a transcribed Technical Conference was held, followed by a Settlement Conference. No settlement was achieved.

On January 26, 2016, the Carriers filed a letter in which they requested a pre-hearing order clarifying that certain issues raised by intervenors are outside the scope of this proceeding. The Carriers say the hearing should be limited to issues relating to the vegetation management costs that were factored into Hydro One's calculation of the Pole Access Charge. Two intervenors, the School Energy Coalition and the Vulnerable Energy Consumers Coalition, wrote to oppose the Carriers' request.

The OEB will not be issuing the clarifying order requested by the Carriers. As the OEB noted in Procedural Order No. 3 and reiterated in subsequent procedural orders, the purpose of this proceeding is to fix the final Pole Access Charge at a level that is just and reasonable. The determination will be made in the context of the methodology that was approved in Decision and Order RP-2003-0249, as explained in Procedural Order No. 4, and the OEB will have regard to relevant evidence in addition to that relating to vegetation management costs.

The OEB has determined that this matter will be completed by way of a written hearing.

Parties making submissions in this case should take note of the findings of the OEB in the Decision and Rate Order on Pole Attachment Charge in the Hydro Ottawa Limited proceeding EB-2015-0004, issued February 25, 2016. While not bound by that decision, the OEB will have regard to those findings in making its decision in this case.

THE OEB ORDERS THAT:

1. The Carriers' request for a pre-hearing order to exclude certain issues from the scope of this proceeding is denied.
2. Hydro One shall file its written argument-in-chief with the OEB and serve the argument on all other parties no later than March 22, 2016.
3. The Carriers, OEB staff and intervenors shall file their written submissions with the OEB and serve the submissions on all other parties no later than April 8, 2016.
4. Hydro One shall file its reply submission with the OEB and serve the submission on all other parties no later than April 15, 2016.

All filings to the OEB must quote the file number, EB-2015-0141, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this motion, parties must include the Case Manager, Harold Thiessen at harold.thiessen@ontarioenergyboard.ca and OEB Counsel, Ian Richler at ian.richler@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, March 8, 2016

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary