



**BY EMAIL and RESS**

**Jay Shepherd**  
jay@shepherdrubenstein.com  
Direct: 416-804-2767

August 24, 2017  
Our File No. 20160085

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2016-0152 – OPG 2017-2021 Rates – SEC Cost Claim**

We are counsel for the School Energy Coalition. We have seen on the Webdrawer the letter from InnPower's counsel dated August 23, 2017.

SEC submits that the Applicant has filed evidence showing that the current pole attachment charge is too low relative to appropriately allocated costs. If costs are allocated properly, our member customers should be paying less (as should other general service customers), and pole attachment customers should be paying more. It is therefore our position that the pole attachment charge should be increased, and we intend to argue that position during the proceeding.

This is not a case where there is no evidence, and so without a proposal from the Applicant customers are unable to propose an alternative. Here, there is evidence, and based on that evidence the allocation of costs between general service customers and pole attachment customers is currently incorrect. In our submission, the fact that the Applicant wishes to withdraw the pole attachment proposal is not determinative of the correct allocation of costs. (While the actual amount of the charge will depend on both the initial evidence, and the interrogatory and hearing responses, it appears clear that it should increase.)

We note that the pole attachment charge is different in this respect from the MicroFIT charge. In the latter case, the Applicant proposes to withdraw the request for an increase because the additional costs it proposed to allocate to MicroFIT were not properly part of the ongoing costs to serve those customers. SEC does not plan to oppose retaining the current charge, because we agree with the Applicant's revised position.

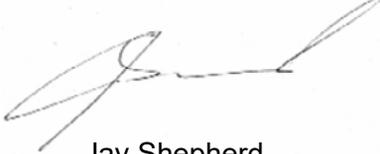
In the case of the pole attachment charge, the Applicant is not asserting that its original evidence was wrong. It is simply proposing that it can control whether the charge is to be changed, or not. In our view, that is not the case. The total amount of costs allocated to pole attachments affects all customers, and the Applicant does not have the discretion to continue to overcharge general service customers to provide a benefit to pole attachment customers.

It is therefore submitted that the pole attachment evidence continues to be relevant, and the effect of that may be that customers who would pay the additional cost must have notice and be allowed to participate in the proceeding.

It is further submitted that the Board should order the Applicant to respond to the interrogatory questions provided to them related to the pole attachment charges. The Applicant did not provide responses, saying instead "not applicable". The approach starts from the incorrect assumption that the Applicant can unilaterally decide what issues are relevant in the proceeding. As noted above, SEC believes that the appropriate pole attachment charge is relevant. Therefore, SEC asks that the Board direct the Applicant to answer the pole attachment interrogatories.

All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**



Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties