

August 9, 2011

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

Dear Ms. Walli:

**RE: Interrogatories to the Applicant - Canadian Distributed Antenna Systems
Coalition (CANDAS); Board File no.: EB-2011-0120**

The Electricity Distributors Association (EDA) is the voice of Ontario's local distribution companies (LDCs). The EDA represents the interests of 78 publicly and privately owned LDCs in Ontario, serving all Ontarians through 4.7 million residential, business and industrial customer accounts.

Please find attached the EDA's interrogatories to CANDAS application, Board file no.:EB-2011-2010.

Please do not hesitate to contact me if you have any questions on the EDA's submission.

Sincerely,



Teresa Sarkesian
Vice President, Policy and Government Affairs

cc. Helen Newland, Fraser Milner Casgrain LLP (By email)
Michael Schafler, Fraser Milner Casgrain LLP (By email)
Alan Mark, Norton Rose OR LLP, Counsel to the EDA (By email)
All Intervenors (by email)

Attached: Interrogatories

Interrogatories for CANDAS (OEB File: EB-2011-0120)

Written Evidence from George Vinyard

1. According to Q.5 (page 4 of the evidence), Extenet Systems has extensive experience in arranging for Distributed Antenna Systems (DAS) network facilities in the US. The statement indicates that they have signed over 80 contracts with more than 35 utilities and there are 20 more that are being finalized right now. For these existing agreements in the U.S. and other agreements that have been made in Canada, please provide the following information:
 - a) the attachment policies/regulatory orders for each pole owner
 - b) the detailed attachment agreement that has been signed with the pole owner including prices, how the prices were determined and if that includes fees for installation and/or ongoing maintenance
 - c) Arrangements on terms and conditions surrounding limitations of liability, indemnification, insurance and security for certain obligations
 - d) Who is contracted to carry out the installation/maintenance/repair work for each of these agreements?
 - e) For each of these 35 utilities, please provide detailed information if there are other installations elsewhere in the utilities' jurisdiction other than the hydro poles? What are the costs associated with installations and maintenance in those locations?
2. As per Q5 (page 4 of the evidence), please provide details of Extenet's communication with other utilities in Ontario pertaining to installation of wireless equipment on their distribution poles.
3. Extenet acknowledges as per Q6 (page 6 of the evidence) and accepts that telecommunication attachments to electricity distribution poles should be accommodated and carried out in a manner that is i) fully compliant with all applicable safety regulation. To that end, please provide evidence of your communication and discussion with Ontario's Electrical Safety Authority (ESA) and other safety agencies to ensure that wireless equipment that will be placed on the hydro poles are up to the established safety standards.
4. For Q10 (page 9 of the evidence), please provide detailed information on how the rates should be reassessed to ensure that utilities are able to capture all of their costs. Has Extenet had experience in other jurisdictions where rates were set based on utility costs that are attributable to pole attachments? If so, please provide detailed evidence of such rate setting mechanism.
5. As per Q11 (page 9 of evidence), please provide examples of "reciprocal arrangements" Extenet has had with utilities in the past during finalization of agreements.

6. According to Q12 of evidence (page 11 of evidence), Extenet has seldom, if ever, encountered a situation in the United States in which it could not attach its facilities by reason of insufficient capacity. In light of this statement, please provide examples of when Extenet did encounter the problem of insufficient capacity or something close to that and how it was resolved. Please provide detailed information on what action(s) Extenet intends to take if there is NO capacity on the electricity poles of a certain utility in Ontario.
7. Please provide details of the basis, if any, on which CANDAS has determined that the existing charge for attachments in the communication spaces of electricity poles of \$22.35 should apply?
8. As per Q12 of the evidence (page 11 and 12 of the evidence), please provide detailed information as to what is defined as “reasonably specific explanations of the grounds for the denial” as defined by Extenet. Does Extenet agree that the agreements can be terminated for convenience, e.g., if the LDC plans to take a portion of their overhead poles underground?
9. In Q13 (page 12 of the evidence), it is stated that Extenet would realize the loss of its entire investment in the Toronto DAS network if the Board denied its application. Please provide detailed financial statements or other financial analysis/projections that indicate the level of financial impact that Extenet will face if the Board does not grant relief to CANDAS.

Written evidence from Tormod Larsen

10. For Q4, Section (iv), (page 5 of the evidence), please define “consistent and efficient approach” to power availability.
11. For Q4 (page 5 and 6 of the evidence), there is a detailed description of typical configuration of a DAS node site. For the installation and/or maintenance of such a site, please provide the following information in detail, including providing examples from work that has been done in other jurisdictions in North America:
 - a) What is the typical time that is required to attach this equipment?
 - b) What kind of facilities and equipment (e.g. bucket truck) is required to attach?
 - c) Who will be carrying out these installations? What formal training and/or certifications will such personnel be required to have at a minimum?
 - d) What does the fiber-optic installation consist of? What work (including make ready work) is required to install it? What forces do the work?
12. What are the technical and safety terms and conditions that CANDAS are proposing? Please provide details.

13. Please provide details of options available to Extenet if an area requiring wireless equipment installations does not have any electricity poles or there is no space available on the electricity poles.
14. In addition to attaching wireless equipment to distribution poles, is CANDAS contemplating using streetlight poles in the LDCs' territories as well? If so, what assurance do they have, if any, of access to streetlight poles? Can they economically build their DAS networks in cities where access to streetlight poles is denied? Please provide cost of access information pertaining to streetlight poles if available. If not available, please provide details on how that should be determined.
15. For Q7 and Q8 (page 11 and 12 of the evidence), please provide the best available information as to when DAS installations will be requested in cities where applications still have not been made. Provide some indication of the correlation between urban size/density and when DAS can reasonably be anticipated to require installation on utility poles.

Written evidence from Bob Boron

16. For Q3 (page 3 of the evidence), please provide the basis on which Public Mobile is stating that they disagree with THESL's statement that the board-approved attachment rate is too low. How has Public Mobile determined that the current charges for attachments in the communication spaces should apply for wireless equipment too? Please provide any analysis that has been done.
17. For Q3, please advise if the Toronto DAS network will be made available to other wireless providers? How will the price of access be determined for these external users? Is there an expectation that additional networks or additional wireless equipment will be required in the future?
18. For Q4 (page 3 of the evidence), please provide how it was determined that there is NO other alternative but to attach DAS equipment to hydro poles. Written evidence from other parties states otherwise.
19. As per Q6 (page 4 of the evidence), please provide details of the technical and safety terms and conditions that Public Mobile is proposing when it comes to installation of wireless equipment on hydro poles.
20. Please provide detailed information on what access do incumbent wireless providers have to which Public Mobile does not have access. Does Public Mobile compete or are they planning to compete with Rogers and Bell in the provision of internet services which those companies currently provide over cable or telephone wire lines?
21. For Q7 (page 4 of the evidence), if there is more than one potential user for a pole space, what process should be set up to ration that space? Please provide details, if

available, of examples of rationing and how it was done and examples of auctioning of pole rights. What option does Public Mobile have if there is NO space on the distribution poles of a utility? What obligation do Extenet, Public Mobile or other carriers have to share their allotted pole space and/or share their facilities with other competitors as they become available?

22. Does CANDAS or Extenet or Public mobile have any information on what a market-based price would be. To your knowledge, in jurisdictions where pole access is available, are prices set on a cost recovery basis? If so, how are the prices determined? If they are determined on some other basis, please describe.

Consultation Paper from Lemay-Yates Associates

23. Section 2.3 of LYA's consultation paper states that Industry Canada requires Canada's wireless carriers to share their antenna towers and sites. The current policy governing mandated tower and site sharing can be found in *Policy Framework for the Auction for Spectrum Licenses for Advanced Wireless Services and other Spectrum in the 2 GHz range*, which was published in November 2007. The section states that "*Industry Canada has concluded that it is in accordance with the orderly development and efficient operation of radiocommunication in Canada to mandate antenna tower and site sharing and to prohibit exclusive site arrangements for all licensees including broadcasting certificate holders.*" In light of the above statement please provide the following information:
- a) Details of discussions/communication that Extenet, Public Mobile and CANDAS has had with existing wireless carriers with antenna towers and sites to share their space and details of why no agreement was reached as such, given the mandate placed by Industry Canada.
 - b) If CANDAS applicants have not approached these wireless carriers to share their antenna towers and sites, please provide the rationale which determined why they were not or should not be approached.
 - c) On what basis has LYA determined that antenna sharing rules also apply to electricity poles in terms of sharing space with wireless equipment companies?
24. As per Section 4 of LYA's report, please provide the details of the agreement between Videotron and Hydro Quebec.