

September 12, 2011

Delivered by Email, RESS and Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2701
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: CANDAS Application – OEB File No.: EB-2011-0120

We represent the Canadian Electricity Association (“CEA”). On behalf of our client, we are writing in response to correspondence dated September 9, 2011 from Borden Ladner Gervais on behalf of Toronto Hydro-Electric System Limited (“THESL”).

The CEA is of the view that the hearing of the CANDAS application should be considered in two distinct phases, with the second phase only being necessary if the Board determines in phase one that it will regulate the terms of access of wireless attachments to LDC poles. The first phase of the hearing needs to deal with the threshold issue of whether wireless attachments to LDC utility poles should be regulated by the Board at all. This phase of the hearing would include hearing evidence on whether LDC poles are essential facilities for wireless attachments, the differences between wireline and wireless attachments and the applicability of the CCTA Decision. Depending on how these issues are resolved, a second phase could be convened to consider terms of access to LDC poles, including price, if necessary.

CEA has reviewed and concurs with THESL’s request that the Board develop an issues list for the first phase of the hearing and we are generally in agreement with the threshold issues that THESL has identified.

CEA would like to confirm that the evidence it filed in support of THESL’s motion is also the evidence that CEA will rely on at the hearing in support of CEA’s position that wireless attachments to LDC poles should not be regulated or, if wireless attachments are regulated, that the terms of access, including price per pole attachment, should not be the same as existing terms of access for wireline attachments.

Finally, we note that in its September 7th correspondence to the Board, counsel for CANDAS indicated that it may be challenging the admissibility of certain evidence submitted by THESL and/or CEA. It would be helpful to the process if the Board could require CANDAS to immediately identify the specific evidence of concern and require CANDAS to provide the grounds for such a ruling in writing well in advance of the upcoming technical conference.

Yours very truly,

Goodmans LLP



Robert Malcolmson
RZM/pg

c.c. Helen T. Newland, CANDAS counsel (via e-mail)
Michael Schaffler, CANDAS counsel (via e-mail)
Kristi Sebalj, OEB counsel (via e-mail)
J. Mark Rodger, THESL counsel (via e-mail)
All Parties (via e-mail)

\6004720