

November 2, 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: Board File No. EB-2011-0120 (CANDAS Application)
Canadian Electricity Association (CEA) – Request to Alter Level of Participation**

Pursuant to Procedural Order No. 1, the Board granted CEA's request for intervenor status in the CANDAS Application proceeding (the "CANDAS Proceeding"). CEA submitted intervenor evidence in the form of a report prepared by LCC International, which speaks to the availability of alternatives to LDC poles for the siting of wireless DAS antenna systems. CEA has also filed interrogatories on the CANDAS evidence and responded to interrogatories from the Board and parties on its expert evidence.

Having reviewed the record and the evidence put forward by the parties to the CANDAS application, it is CEA's view that there is considerable duplication as between the efforts and evidence provided to date by CEA and Toronto Hydro-Electric System Limited ("THESL"). CEA's primary interest in the CANDAS proceeding has been to ensure that the Board has available to it sufficient information relating to the potential alternatives to siting wireless attachments on LDC poles. Based on CEA's review of the record and evidence submitted to date, it is evident that this issue has been fully canvassed in-depth and at length by THESL. As a result, CEA has determined that its full participation in the hearing is no longer warranted.

We are writing to advise that CEA does not intend to call LCC as an expert witness at the oral hearing nor does it intend to participate in the oral hearing as an examiner, or be represented by counsel. CEA staff will attend the upcoming technical and settlement conferences as well as the December oral hearing; however, it has been deemed that further legal representation at this time is not warranted.

CEA member utilities remain very concerned about the continued erosion of control over pole-attachments and believe that the ability to independently negotiate contracts best protects the

integrity of the system and the safety of utility workers. With respect to distributed antenna systems specifically, CEA believes that the lack of monopoly position held by electricity distributors, due to the availability of accessible alternative attachment methodologies for antenna systems, further warrants a market-based approach based on negotiated contracts.

For the record, it is CEA's position that the current hearing most concerns the nature of the working relationship between electric utilities and distributed antenna system owners. If the Board does wish to consider the pricing issue, such as determining a price distinct from the current provincial telecommunications attachment rate of \$22.35, it should be left to a subsequent proceeding specifically convened for this purpose. At that time, CEA would likely reinstate the active participation of Goodmans LLP.

Thus, in the interests of streamlining the proceedings, efficiently utilizing the Board's resources and not unduly burdening the applicant, we request that the Board grant the CEA's request to alter its level of participation in the proceedings, as outlined herein. We also request that the contact information for purposes of the CANDAS Application be revised to reflect the fact that Goodmans LLP will no longer be representing the CEA in the herein proceedings. Instead, all correspondence directed to the CEA should be submitted to:

Devin McCarthy
Manager, Distribution
Canadian Electricity Association
350 Sparks Street, Suite 1100
Ottawa, ON K1R 7S8
Tel: (613)-688-2960
Email: mccarthy@electricity.ca

Yours very truly,

Goodmans LLP



Robert Malcolmson

c.c. Helen T. Newland, CANDAS counsel (via e-mail)
Michael Schafler, CANDAS counsel (via e-mail)
Kristi Sebalj, OEB counsel (via e-mail and courier)
All Parties (via e-mail)