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via RESS e-filing – signed original to follow by courier

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

Dear Ms. Walli:

Re: OEB File No. EB-2011-0120
Toronto Hydro-Electric System Limited ("THESL") Updated Responses to Select Interrogatories of Canadian Distributed Antenna Systems Coalition ("CANDAS")

THESL writes in respect of the above-noted proceeding. In particular, THESL writes to provide updated responses to select interrogatories that are the subject of the CANDAS and CCC motions for further and better responses to certain interrogatories (the "Motions"). These interrogatory updates are provided pursuant to THESL's responding submissions dated November 15, 2011 in respect of the Motions, in which THESL indicated its willingness to update the following interrogatory responses (paragraph 4):

- CANDAS to THESL general interrogatory 4(a);
- CANDAS to THESL general interrogatory 4(f); and
- CANDAS to Yatchew interrogatory 20(b).

THESL encloses the three above-named interrogatory updates.

Yours truly,

[original signed by]

Amanda Klein
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cc: Applicant and Intervenor of Record for EB-2011-0120, by electronic mail only
J. Mark Rodger, Counsel for THESL, by electronic mail only

RESPONSES TO CANADIAN DISTRIBUTED ANTENNA SYSTEMS COALITION INTERROGATORIES

INTERROGATORY 4:

Reference(s): **none provided**

(a) Did THESL consult with any Canadian Carrier, including DAScom, Public Mobile, Rogers, Telus and Bell, prior to adopting its “no wireless” policy?

(i) If yes, with whom did THESL consult?

(ii) If yes, what feedback was received and from whom?

(b) Was the THESL Letter served on affected and interested parties? If not, why not?

(c) As of August 13, 2010 how many separate parties had wireless equipment attached to THESL poles? Provide the names of such parties, the number of poles attached to, the type of the equipment so attached, and the date on which those parties first started attaching wireless equipment to the THESL poles.

(d) Is it THESL’s intention to decline to review all attachment agreements with the parties identified in response to (c) at the expiry of their pole attachment agreements with THESL?

(e) Is it THESL’s intention to require all parties, identified in response to (c), to remove their wireless attachments from THESL poles at the expiration of the attachment agreement?

(f) Has THESL had any negotiations or discussions with any of the parties who have attached wireless equipment with respect to terms and conditions on which attachment will be available in the future?

RESPONSE:

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- 1 (a) THESL disagrees with the premise of this question. THESL has not adopted a “no
2 wireless” policy. Please see the response in Tab 5.3, Schedule 1. Nevertheless,
3 THESL did not ‘consult’ with any Canadian Carriers with respect to the
4 formulation of its position that the CCTA Decision does not apply to wireless
5 attachments and that THESL was therefore under no obligation to permit those
6 attachments pursuant to the CCTA Decision.
- 7 (b) THESL’s letter was addressed to the Ontario Energy Board and as it was not filed
8 in the context of any proceeding, so THESL had no obligation to serve on any
9 particular parties.
10
- 11 (c) To produce this information would require an exhaustive examination of THESL’s
12 records and cannot be completed within the timelines of this proceeding. The
13 information has questionable relevance and would be overly burdensome to
14 produce relative to its probative value (if any).
15
- 16 (d) THESL reviews matters of contractual negotiation on a case-by-case basis, and
17 declines to speak to future contingent events in this regard.
18
- 19 (e) Please see the response in (d) above.
20
- 21 (f) No. Please also see the response in (d) above.

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1 **INTERROGATORY 20:**

2 **Reference(s):** Yatchew, page 29, lines 23-24

3

4 Dr. Yatchew states:

5 “Wireline attachers are fundamentally different from wireless entities as the latter do not
6 require continuous corridors for placement of their wireless facilities.”

7 (a) Confirm whether Dr. Yatchew relies on the LCC International, Inc. report for his
8 understanding that wireless entities “do not require continuous corridors for placement of
9 their wireless facilities.”

10 (i) If so, provide the specific excerpts from the LCC International, Inc. report
11 upon which Dr. Yatchew relies in this regard.

12 (b) Advise whether Dr. Yatchew relies on any other sources for his understanding that
13 wireless entities “do not require continuous corridors for placement of their wireless
14 facilities.”

15 (i) If so, provide the all relevant references and specific excerpts upon which Dr.
16 Yatchew relies.

17 (c) Advise whether Dr. Yatchew has any personal knowledge or experience relevant to
18 the requirements or desirable features of the deployment of wireless facilities.

19 (i) If so, answer the following questions. If Dr. Yatchew has no prior knowledge
20 or experience concerning the placement of equipment on utility poles, Dr.

21 Yatchew need not answer the following questions:

22 A. Explain how the unique contiguous nature of a pole route’s design
23 differs from the required contiguous nature of a Greenfield wireless
24 network design to provide for basic mobile service coverage in a given
25 area.

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1 B. Can fibre cables be strung overhead, from building rooftop, to towers,
2 to billboards or alternate structures on anything other than utility poles?

3 C. Indicate whether Dr. Yatchew would agree that the installation of
4 wireless equipment on utility poles within 10 feet of the fibre optic cable
5 is more commercially viable than attempting to attach to buildings,
6 rooftops, towers or other structures, which will inevitably require fibre
7 lateral engineering and construction from the pole line to the building?

8 D. Would the cost, increased administrative burdens, disruptive nature of
9 underground construction, road and sidewalk restoration and other factors
10 and costs in building a fibre network to reach an alternative location
11 represent a barrier to entry to wireless carriers if wireless carriers were
12 refused access to utility poles?

13 E. If not, provide an economic and operational assessment that
14 demonstrates specifically what barriers to entry exist for wireline carriers
15 that do not exist for wireless carriers having to use alternate structures.
16

RESPONSE:

17 a) The LCC study is helpful and informative.
18
19

20 Moreover, it is reassuring that my conclusion, that “Wireline attachers are
21 fundamentally different from wireless entities as the latter do not require continuous
22 corridors for placement of their wireless facilities.”, which I arrived at long before the
23 present proceeding, is confirmed by the engineering expertise underlying this
24 document.

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1 b) My original understanding of the basic structure of networks providing wireless
2 services was acquired some years ago in the ordinary course of professional
3 experience, including during the period when I was a consultant to Bell Mobility
4 (1991 through 1994) providing short term market assessments and forecasts for their
5 cellular telephone sales. Documentation of the specific sources is therefore not
6 available. However, further details of my previous professional experience can be
7 located in the curriculum vitae, attached to my evidence filed with the Board in this
8 proceeding on September 2, 2011.

9
10 c) Please see below.

11 A. The development of a true “Greenfield” setting, such as a new residential,
12 commercial or industrial development, would entail the provision of a number
13 of physically connected networks: power, water supply, sewage, natural gas if
14 available, and cables/fibre for the provision of telecom services. (Presently, it
15 is common to put all of these systems underground.) A wireless network
16 would then be super-imposed on the existing wireline systems by placing
17 wireless components at judicious locations and connecting them to wireline
18 systems.

19 B. Wireline systems are attached to structures other than poles, indeed the
20 provision of centrally generated electricity to our homes would be impossible
21 otherwise. Fibre can also be attached to structures other than poles. However,
22 the main supply lines for wireline services are overwhelmingly run along
23 support structures such as poles, or through underground conduits.

24 C. Each siting option, no doubt has advantages and disadvantages.

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- 1 D. To the extent that up-front costs -- for example those associated with
2 obtaining access to wireline systems -- represent a barrier to entry, such costs
3 are incurred by all participants in the provision of wireless services. That
4 Public Mobile and other new entrants were able to launch their services in a
5 timely fashion in both Toronto and Montreal, suggests that these costs do not
6 represent an especially adverse barrier to entry.
- 7 E. Perhaps the most stringent barrier to entry for a wireline service provider that
8 wishes to construct a new network of above-ground support structures is that
9 government approvals would most likely not be granted in areas where such
10 structures already exist.