

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

**AND IN THE MATTER OF** an Application by the Canadian Distributed Antenna Systems Coalition for certain orders under the *Ontario Energy Board Act, 1998*.

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**INTERROGATORIES OF  
TORONTO HYDRO-ELECTRIC SYSTEM LIMITED  
(On the Reply Report of Patricia D. Kravtin)**

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1. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 3, para. 4.*

At paragraph 4, Ms. Kravtin asserts:

"Wireless carriers, who are increasingly seeking to compete in the market for high-quality, ubiquitous telecommunications services, have little, if any, realistic choice but to rent space on existing utility poles."

- (a) Is it Ms. Kravtin's opinion that Bell Mobility currently competes "in the market for high-quality, ubiquitous telecommunications services" in Toronto?
  - (b) Is it Ms. Kravtin's opinion that Rogers currently competes "in the market for high-quality, ubiquitous telecommunications services" in Toronto?
  - (c) If Ms. Kravtin's response to (a) or (b) above is anything other than an unqualified "Yes," please explain why she believes Bell Mobility and/or Rogers is/are not currently competing "in the market for high-quality, ubiquitous telecommunications services" in Toronto?
  - (d) If Ms. Kravtin's response to either (a) or (b) above is anything other than an unqualified "No," please explain Ms. Kravtin's knowledge as to whether these carriers rely on access to utility poles to support their "high-quality, ubiquitous [wireless] telecommunications services" in Toronto.
  - (e) Please reconcile the assertion quoted above with the evidence of Mr. Starkey contained at Attachments MTS-03 and MTS-04 to his affidavit which demonstrates that there are 4,045 unique wireless antenna arrays located at 1,343 unique sites within 25 km of the centre of Toronto. Is Ms. Kravtin suggesting that these wireless antenna sites do not exist? Is Ms. Kravtin suggesting that Industry Canada's database is erroneous?
2. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 4, para. 5.*

At paragraph 5, Ms. Kravtin asserts:

"The intrinsic characteristics of utility poles that make it necessary, efficient, and practical for their shared occupancy by cable and wireline telecommunications hold just as true in the case of wireless telecommunications."

- (a) Please explain, in detail, the basis for the assertion that the antenna portions of wireless telecommunications systems, such as those used by major wireless providers in Canada (Bell Mobility and Rogers), "make it necessary" that they be attached to utility poles.

- (b) Does Ms. Kravtin have specific knowledge of the proportion of wireless traffic that is carried by antennas affixed to utility poles in the U.S. and Canada? If so, please provide the basis for, and particulars regarding such knowledge, including the relevant data and other information in support.
3. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 4, para. 6.*
- “Both Dr. Yatchew and Mr. Starkey assert limited available capacity on utility poles as grounds for denying wireless carriers access to utility poles for wireless equipment attachments – the former focuses on the space requirements for wireless equipment attachments relative to “traditional” attachments,<sup>2</sup> and the latter directly asserts that pole space is a limited resource based on assumptions regarding multiple future uses.<sup>3</sup> Neither argument is grounded in economic reality.” (emphasis added)
- (a) Please identify all references in Dr. Yatchew’s or Mr. Starkey’s evidence where denial of access is recommended.
4. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 5, para. 9.*

At paragraph 9 Ms. Kravtin discusses "pole modifications," "reinforcement," and "rearrangements."

- (a) Is it Ms. Kravtin's opinion that costs associated with these activities, undertaken presumably by THESL relative to its utility poles, are included in the existing pole attachment rate set by the Board in its CCTA Decision?
- (b) If Ms. Kravtin's response to question 4(a) is anything other than an unqualified "No," please provide the basis for, and particulars regarding such knowledge, including the relevant data and other information in support, including describing in detail the physical process envisioned by each of the following: (i) pole modifications, (ii) reinforcement, (iii) change-outs and (iv) rearrangement of existing attachments.
- (c) Has Ms. Kravtin studied the extent to which any of the modifications she discusses (including but not limited to (i)-(iv) from question 4(b)), would be necessary more often to support additional wireless attachments versus additional wireline attachments? If Ms. Kravtin has studied the relative frequency of such modifications relative to wireless versus wireline attachments, please describe in detail the results of her study.
- (d) To the extent that Ms. Kravtin believes the existing pole attachment rate set by the Board in its CCTA Decision accounts for the pole modifications she describes in response to question (a) above, please explain in detail how the rate accounts for

such cost recovery (including any variation in frequency discussed in relation to question (b) above).

5. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pgs. 7-10, paras. 14-18.*

At paragraphs 14-18 Ms. Kravtin is critical of the product market definition put forward by Dr. Yatchew and discussed by Mr. Starkey.

- (a) Please state with specificity the product market definition Ms. Kravtin believes the Board should use in this proceeding.
  - (b) Describe in detail why the product market definition put forward by Ms. Kravtin in response to the question immediately above is preferable to the definition advocated by Toronto Hydro.
6. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 15, para. 29.*

At paragraph 29 Ms. Kravtin asserts:

"As discussed above, the various siting options for wireless cited by Mr. Starkey and Dr. Yatchew are inherently limited in terms of availability, coverage, connectivity, capacity, and/or other needed functionality and, as such, are demonstratively inferior substitutes for access to the utility's existing ubiquitous network of poles."

- (a) Is it Ms. Kravtin's opinion that this statement is true for all wireless transmission technologies used by wireless carriers in Toronto today?
  - (b) Unless Ms. Kravtin's response to question (a) immediately above is anything other than an unqualified "Yes," please explain any technologies where Ms. Kravtin believes that utility poles are not the best placement alternative.
7. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at Attachment 1, page 1.*

The opening paragraph of Ms. Kravtin's resumé summarizes her experience as follows:

"Consulting economist with specialization in telecommunications, cable, and energy markets. Extensive knowledge of complex economic, policy and technical issues facing incumbents, new entrants, regulators, investors, and consumers in rapidly changing telecommunications, cable, and energy markets."

In contrast, the opening paragraph of Ms. Kravtin's resumé filed September 27, 2004 with the Ontario Energy Board in the CCTA proceeding RP-2003-0249 states:

“Consulting economist with specialization in telecommunications, cable, and energy markets. Extensive knowledge of complex economic, policy and technical issues facing incumbents, new entrants, regulators, investors, and consumers in rapidly changing telecommunications, cable, and energy markets. **Oriented toward competitive, open-market strategies that carefully balance interests of major stakeholders.**” [emphasis added]

- (a) Please explain why the last sentence has been omitted from the most recent version of Ms. Kravtin’s resumé.
  - (b) Please provide all reports, studies, filings or evidence prepared by Ms. Kravtin prior to September 27, 2004 which support the proposition that she was “Oriented toward competitive, open-market strategies”.
  - (c) Please either:
    - (i) Confirm that Ms. Kravtin continues to be “Oriented toward competitive, open-market strategies”;
    - (ii) confirm that this is no longer her orientation;
    - (iii) to the extent that part i. is confirmed, please provide all reports, studies, filings or evidence prepared by Ms. Kravtin since September 27, 2004 which confirm that she continues to be “Oriented toward competitive, open-market strategies”.
8. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at Attachment 1, page 2.*
- (a) Portions of the text appear to be cropped on the right hand side. Please provide a complete version of the page.
9. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at Attachment 1, pages 3-5.*

This section lists reports and studies for the period ending in August 2003.

- (a) Please either:
  - (i) confirm that no ‘reports and studies’ were authored/co-authored since August 2003; or
  - (ii) provide a complete list of reports and studies authored/co-authored since August 2003.

- (b) Please confirm that the updated resumé lists all reports, studies, filings, evidence and appearances in regulatory or legal proceedings since 2000.

10. *Reference: The Reply Report of Patricia D. Kravtin dated December 16, 2011 at pg. 1, para. 1 and at Attachment 1, page 7.*

At paragraph 1, Ms. Kravtin indicates that the purpose of her evidence is to prepare a reply report setting forth her:

“opinions on the economic and public policy issues raised in the evidence of Mr. Michael Starkey and Dr. Adonis Yatchew on behalf of Toronto Hydro-Electric Systems Limited (“THESL”), and in particular, the economic and public policy grounds for mandating access to utility poles by telecommunications carriers.”

At page 7 of Attachment 1, Ms. Kravtin indicates that she provided similar reply evidence in the original 2004 CCTA proceeding (RP-2003-0249). Ms. Kravtin’s Reply Evidence was filed together with Mr. Paul Glist on behalf of the Canadian Cable Television Association on September 27, 2004 (the “**2004 Kravtin Report**”). The stated purpose of the 2004 Kravtin Report is set out at paragraph 3 and was to “review and assess a report by Bridger Mitchell and Adonis Yatchew” filed in connection with the original CCTA proceeding.

The following series of questions are intended to assist the Board in understanding the differences between the opinion expressed in the 2004 Kravtin Report and the assertions Ms. Kravtin now makes in her Reply Report filed on December 16, 2011.

- (a) Page 2, line 34-36 of the 2004 Kravtin Report asserts that:

*"Cable systems are located in the communications space on the poles, regardless of which utility company owns title to the poles."*

This assertion is repeated again verbatim at page 9, lines 4-6 of the 2004 Kravtin Report.

- (i) Please explain what was meant by this assertion in the context of the 2004 Kravtin Report and why it was important enough to include twice in the 2004 Kravtin Report.
- (ii) Ms. Kravtin has not made a similar assertion in her December 16, 2011 Reply Report. Please confirm whether Ms. Kravtin acknowledges that unlike the cable systems that were the subject of the 2004 Kravtin Report, the wireless attachments that are the subject of this proceeding are not physically located entirely within the communications space on utility poles?

- (b) Page 6, lines 13-16 of the 2004 Kravtin Report asserts that:

*“To the contrary, poles are essential facilities, owned exclusively by telephone and electric utilities. Cable operators are in no position to replicate these facilities and instead must rely on existing utility poles to provide their services.”*

- (i) Please explain what was meant by this assertion in the context of the 2004 Kravtin Report and why it was important to include in the 2004 Kravtin Report.
  - (ii) Ms. Kravtin has not made a similar assertion that poles are “essential facilities” for wireless attachments in her December 16, 2011 Reply Report. Please confirm whether Ms. Kravtin acknowledges that unlike the cable operators, wireless operators have a number of other feasible attachment options that make utility poles convenient but not essential for wireless attachments.
- (c) Page 6, line 28-29 of the 2004 Kravtin Report asserts:

*“By contrast, from its inception the cable industry never had a similar opportunity (and was certainly never encouraged) to build parallel pole plant for the delivery of its own services.”*

- (i) Please explain what was meant by this assertion in the context of the 2004 Kravtin Report and why it was important to include in the 2004 Kravtin Report.
- (ii) Ms. Kravtin has not made a similar assertion in her December 16, 2011 Reply Report. Please confirm whether Ms. Kravtin acknowledges that unlike the cable industry, the wireless industry has in-fact already constructed a parallel wireless network for the delivery of its own services in the City of Toronto without relying on utility poles for purposes of mounting antennas.