

September 20, 2013

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
P.O. Box 2319  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: EB-2013-0234 – THESL Section 29 Application – Letter of Intervention**

I am a consultant to the Consumers Council of Canada ("Council"). I have been instructed by my client to intervene in the Application of Toronto Hydro-Electric System Limited ("THESL"), filed pursuant to section 29 of the *Ontario Energy Board Act, 1988*, to have the Ontario Energy Board ("Board") stop regulating the terms, conditions and rates for the attachment of wireless telecommunication devices to THESL's distribution poles.

The Council is a public-interest entity which represents the interests of residential consumers of electricity in Ontario. The Council is intervening in this proceeding for the following reasons:

1. THESL is asking the Board to forbear from regulating the terms, conditions, and rates for the attachment of wireless telecommunication devices to THESL's distribution poles. The Council is interested in assessing whether this proposal is in the best interests of THESL's ratepayers. There may well be options to deal with wireless attachments other than forbearance;
2. The Council is interested in ensuring that the criteria applied by the Board in this case, in assessing whether to forbear from a regulated activity, are appropriate. This case could form an important precedent that could impact utility activities generally;
3. THESL has been directed by the Board to track and account for costs and revenues related to these activities. The Council is interested in the assessing the way in which these costs and revenues will be tracked; and
4. THESL is claiming that this application will have no impact on its distribution services, and that ratepayers, at minimum, will be held harmless. The Council wishes to test that assertion.

The Council intends to ask for an order of costs in this proceeding. The Council has participated in many of the applications of THESL over a long period of time. In all of those proceedings the Council has been recognized as being eligible for an award of costs. In the absence of an award of costs the Council would be unable to participate in this proceeding.

Copies of all Board Notices and hard copies of the Applicant's evidence should be sent to me, at 62 Hillside Avenue East, Toronto, Ontario, M4S 1T5. My telephone number is 416-322-7936 and my e-mail is [jgirvan@uniserve.com](mailto:jgirvan@uniserve.com).

Yours truly,

*Julie E. Girvan*

Julie E. Girvan

CC: Joan Huzar, Consumers Council of Canada  
Rob Barass, THESL  
Robert Warren, WeirFoulds