



EB-2013-0234

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 Toronto Hydro-Electric System Limited for an order pursuant to section 29 of the *Ontario Energy Board Act, 1998*.

Before: Cynthia Chaplin
Presiding Member

Cathy Spoel
Member

Christine Long
Member

**DECISION ON INTERVENOR AND COST ELIGIBILITY
AND PROCEDURAL ORDER NO. 1**

October 4, 2013

On June 14, 2013, Toronto Hydro-Electric System Limited ("THESL") filed an application with the Ontario Energy Board seeking an order pursuant to section 29 of the *Ontario Energy Board Act, 1998* that the Board refrain from regulating the terms, conditions and rates for the attachment of wireless telecommunications devices ("Wireless Attachments") to THESL's utility poles.

THESL is currently required by the Board's Decision and Order in EB-2003-0049 dated March 7, 2005 to give Canadian carriers' and cable companies' access to its distribution poles for Wireless Attachments at a regulated rate. THESL is proposing to charge a competitive rate for Wireless Attachments to its utility poles.

The Board has assigned the application File No. EB-2013-0234.

A record of all procedural matters that have been dealt with up to this point in this proceeding is available on the Board's website.

Decision on Intervenor Status and Cost Eligibility

The Board received intervenor requests from the Electricity Distributors Association ("EDA") and Hydro Ottawa Limited ("Hydro Ottawa").

The Board has determined that the EDA and Hydro Ottawa will be granted intervenor status in this proceeding.

The Board received intervenor and cost eligibility requests from the Consumer Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition (VECC").

THESL filed letters on September 11, 2013, September 20, 2013 and September 27, 2013 each of which either directly objected to or questioned the substance of the Notice of Intervention of one or more of CCC, Energy Probe, SEC and VECC. THESL argued either that each of the applicants for intervenor eligibility do not have a substantial interest in this proceeding or that their Notices of Intervention lacked the specificity to comply with the requirements of Rules 23.02 and 23.03 of the Board's Rules of Practice and Procedure.

Having reviewed the Notices of Intervention and subsequent amendments or submissions related thereto, as applicable, the Board has determined that CCC, Energy Probe, SEC and VECC will be granted intervenor status and are eligible to apply for an award of costs in the proceeding. While THESL says that there will be no ratepayer impact in the event the Board determines that it should forebear from regulating the attachment of wireless equipment to THESL's distribution poles, the Board is of the view that these assertions can be appropriately tested in the proceeding. THESL's application raises issues which may have a potential impact on ratepayers and CCC, Energy Probe, SEC and VECC each represent constituencies that have a substantial interest in the proceeding.

The applicant and intervenors are listed in Appendix A which is attached to this Decision.

Issues List

The Board has determined that it will initiate a process for establishing a final issues list which shall be used in this proceeding. The Board will invite each of THESL, Board staff and intervenors, to put forward a list of proposed issues which can be used at an Issues Conference to develop a Proposed Issues List. Where possible, the Board encourages parties with similar interests to jointly submit a list of suggested issues.

At this time, the Board considers it necessary to make provisions for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff, Intervenors and THESL may each file a list of suggested issue by **October 18, 2013**.
2. An Issues Conference, involving Board Staff, Intervenors and THESL, will be convened in the Board's North hearing room, on **October 29, 2013** at 9:30 a.m. with the objective of developing a Proposed Issues List for presentation to the Board.
3. An Issues Day will be convened on **November 1, 2013** at 9:30 a.m. in the Board's North hearing room, at which time the Board will hear submissions with respect to the Proposed Issues List, including submissions on any contested issues.

All filings to the Board must quote the file number, EB-2013-0234, and consist of two paper copies and one electronic copy made through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/, in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:00 p.m. on the required date.

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary

Filings:
www.pes.ontarioenergyboard.ca/eservice/
E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, October 4, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

APPLICANT AND LIST OF INTERVENORS

**TORONTO HYDRO-ELECTRIC SYSTEM LIMITED
EB-2013-0234**

DATED: OCTOBER 4, 2013

Toronto Hydro-Electric System Limited
EB-2013-0234

APPLICANT & LIST OF INTERVENORS

October 4, 2013

APPLICANT

Rep. and Address for Service

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System Limited**

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APPLICANT

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**Toronto Hydro-Electric System Limited
EB-2013-0234**

APPLICANT & LIST OF INTERVENORS

October 4, 2013

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INTERVENORS

**Consumers Council of
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**Electricity Distributors
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APPLICANT & LIST OF INTERVENORS

October 4, 2013

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APPLICANT & LIST OF INTERVENORS

October 4, 2013

School Energy Coalition

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**Vulnerable Energy
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