

October 10, 2013

SENT VIA E-MAIL (boardsec@ontarioenergyboard.ca)

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

**RE: Application for an Order pursuant to Section 29 of the *Ontario Energy Board Act, 1998*
Board File Number EB-2013-0234**

Dear Ms. Walli:

Pursuant to the Board's *Rules of Practice and Procedure*, ExteNet Systems (Canada) Inc. (ExteNet Canada) and DAScom Inc. (DAScom) filed a request for Observer status in the above-noted proceeding on September 20, 2013. ExteNet Systems, Inc. hereby submits these Written Comments on behalf of its wholly-owned subsidiaries, ExteNet Canada and DAScom.

ExteNet Canada is registered with the Canadian Radio-television and Telecommunications Commission (CRTC) as a reseller of telecommunications services. ExteNet Canada uses local suppliers and service providers to help build and provision Distributed Antenna Systems (DAS) for use by other carriers.

DAScom is Canadian carrier within the meaning of the *Telecommunications Act*. DAScom owns and operates transmissions facilities, including facilities used to construct and provision DAS systems.

As two member companies of the applicant organization CANDAS in the Board's EB-2011-0120 proceeding, ExteNet Canada and DAScom support the Board's re-affirmation of the "non-discriminatory, technology-neutral right of access to power poles for cable companies and telecommunication companies"¹ first established by the Board in its Decision and Order in the RP-2003-0249 proceeding (the "CCTA Order"). ExteNet Canada and DAScom submit that these are the fundamental public policy considerations underlying the Board's decision and that such considerations are relevant to the Board's consideration of THESL's application in the above-noted proceeding.

Having defended in the EB-2011-0120 preceding the principle established by the Board in the CCTA Order, ExteNet Canada and DAScom intend to observe this proceeding to the best of their ability. In this regard, ExteNet Canada and DAScom submit that the Board's consideration of the issues arising from THESL's application may benefit from the establishment of procedures to allow interested persons other

¹ EB-2011-0120, Decision on Preliminary Issue and Order, p. 6.

than the applicant THESL and Party Intervenors to submit a further round of Written Comments at a later stage of the proceeding.

In requesting that the OEB establish procedures to enable interested persons to file Written Comments at a later stage in the proceeding, ExteNet Canada and DAScom note that Rule 4.01 of the OEB *Rules of Practice and Procedure* allows the Board to “at any time in a proceeding make orders with respect to the procedure and practices that apply in the proceeding.”

ExteNet Canada and DAScom respectfully request that the OEB establish procedures to enable interested persons to file Written Comments at a later stage in the proceeding.

Yours very truly,

A handwritten signature in black ink, appearing to read "Daniel L. Timm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel L. Timm
Executive Vice President
ExteNet Systems, Inc.