



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

Dear Ms. Walli

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

In accordance with the procedures associated with the above-referenced matter, the following constitutes the written comments of TerreStar Solutions Inc. ("TerreStar Solutions") in connection with the application submitted to the Board by Toronto Hydro Electric System Limited ("THESL") seeking an order, pursuant to section 29 of the *Ontario Energy Board Act, 1998* (the "Act"), 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

TerreStar Solutions is a Canadian carrier that is registered with the Canadian Radio-television and Telecommunications Commission ("CRTC"). TerreStar Solutions also holds spectrum licences issued by Industry Canada which authorize it to provide mobile wireless services in Canada using both satellite and terrestrial wireless facilities. As such, it has a direct interest in the outcome of this proceeding.

TerreStar Solutions has reviewed the Board's Decision in EB-2011-0120 and supports the findings contained therein. TerreStar also agrees with the Board's determination in Decision in

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EB-2011-0120 that cable companies and telecommunications companies should have a “non-discriminatory, technology-neutral right of access to power poles”.¹

Power poles have a number of attributes that make them particularly suitable as support structures for telecommunications networks. However, because they are in scarce supply, there is a need to regulate the terms and conditions of access to these facilities in order to ensure that those who exercise control over these important public resources do not take advantage of their dominant position in the market.

While TerreStar Solutions has registered as an observer in this proceeding, it notes that there are additional rounds to this proceeding, including a public hearing stage, and that its observer status does not permit it to participate and submit comments at a later stage in the proceeding. This is so, notwithstanding the fact that new developments may occur and/or additional evidence may be tendered at these later stages in the proceeding.

In light of these concerns, TerreStar Solutions respectfully requests that additional procedures be established by the Board in this proceeding which would allow interested parties to file further comments once the additional stages of this proceeding have been concluded.

Yours very truly,


 Jan Skora
Vice President
Regulatory Affairs

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