



## Jay Shepherd

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**BY EMAIL and RESS**

October 18, 2013  
Our File: EB20130234

Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2013-0234 – THESL Section 29 Application – Suggested Issues**

We are counsel to the School Energy Coalition ("SEC"). We are writing on behalf of SEC, the Consumers Council of Canada ("CCC"), the Vulnerable Energy Consumers Coalition ("VECC"), and Energy Probe Research Foundation ("Energy Probe"). Pursuant to Procedural Order No. 1, the listed intervenors have worked together to prepare the following list of suggested issues to be discussed at the Issues Conference.

***Section 29***

1. What are the public interest factors relevant to assessing this application?
2. What is the appropriate product and geographic market?
3. Does the Board's reference to "essential facility" in the CCTA decision (RP-2003-0249) indicate its acceptance of the essential facilities doctrine applied in "antitrust" policy?
4. Is there a competitive market for the attachment of wireless telecommunications devices?
5. Is the extent of competition in downstream wireless markets a relevant consideration?
6. Is competition sufficient to protect the public interest?

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7. What are the potential impacts on ratepayers of THESL's proposal?

***Implementation and other considerations***

8. Are there appropriate alternatives to refraining, in whole or in part, from regulating the attachment of wireless telecommunications devices?
9. If the Board does refrain, in whole or in part, from regulating the attachment of wireless telecommunications devices, what is the appropriate treatment and allocation of those costs and revenues?
10. If the Board does refrain, in whole or in part, from regulating the attachment of wireless telecommunications devices, what additional measures must the Board take to protect the public interest?

All of which is respectfully submitted.

Yours very truly,  
**Jay Shepherd P.C.**

*Original signed by*

Mark Rubenstein

cc: Wayne McNally, SEC (by email)  
Applicant and Intervenors (by email)