

October 18, 2013

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

Via Board's Web Portal and by email

Dear Ms. Walli:

Re: Board file no. EB-2013-0234

The Electricity Distributors Association (EDA) is the voice of Ontario's 75 local distribution companies (LDCs), or electricity utilities, the publicly and privately owned companies that safely and reliably deliver electricity to all Ontarians through 4.8 million homes, businesses and public institutions.

The EDA would like to reiterate its position that it is intervening because some of the principles to be considered may have implications for other LDCs or in other regulatory proceedings. It does not intend to expand the proceeding beyond Toronto Hydro's particular circumstances.

The EDA puts forward the following to be included in the final issues list to be used in this proceeding:

1. A sufficiently competitive market exists for wireless telecommunication devices (wireless attachments) in Toronto Hydro Electric System's (THESL) jurisdiction.
2. This proceeding and any corresponding decision applies to THESL only.

Section 29(1) of the OEB Act states that "*On an application or in a proceeding, the Board shall make a determination to refrain, in whole or part, from exercising any power or performing any duty under this Act if it finds as a question of fact that a licensee, person, product, class of products, service or class of services is or will be subject to competition sufficient to protect the public interest. 1998, c. 15, Sched. B, s. 29 (1).*" Toronto Hydro Electric Systems Limited (THESL), in its application to the OEB dated June 14 2013, has put forward a proposal to charge a competitive rate for wireless attachments to its utility poles and has filed evidence and expert reports to support that there is sufficient competition in the market of wireless pole attachment

locations for the OEB to refrain from regulating the attachment rate. THESL further states that the competition is sufficient to protect the public interest and charging a competitive rate will benefit the ratepayers. The EDA proposes that based on the evidence filed by THESL, the main issue that should be reviewed by the Board, as per Section 29(1) of the OEB Act, is a discussion of whether a sufficiently competitive market exists for wireless attachment locations in the city of Toronto.

The application put forward by THESL to have the OEB refrain from regulating wireless attachments to its utility poles is unique to THESL's particular circumstance. THESL does not assert that there is sufficient competition in any other LDC's service territory nor is any relief sought with respect to any other LDC. Thus, while the principles to be considered in this proceeding may in the future become relevant to other proceedings, the circumstances of any other LDC are not relevant to this proceeding. Therefore, the EDA requests that the Board provide a direction to all intervenors that this proceeding applies to THESL only and that there should be no requests for information with respect to, nor consideration of, the circumstances of other LDCs or other Ontario jurisdictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Sarkesian", with a stylized, flowing script.

Teresa Sarkesian
Vice President, Policy and Government Affairs
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