



**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.

## **PROCEDURAL ORDER NO. 2**

**October 25, 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.

On October 4, 2013, the Board issued its Decision on Intervenor Status and Cost Eligibility and Procedural Order No. 1. The Procedural Order established dates for the filing of suggested issues by Board staff and intervenors and established dates for an Issues Conference and Issues Day.

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.

## Request to Postpone

On October 25, 2013, counsel to THESL filed a letter with the Board. The letter addressed the fact that Board staff is in the process of retaining two experts to participate in the proceeding. The letter in part states the following:

*To arrive at a final Issues List now, before the Board staff experts have been retained, runs the risk that our client and its experts will be put to the expense of answering interrogatories on issues that the Board staff experts do not believe are relevant. The Board staff experts may advise Board staff that other interrogatories should have been asked and answered. The larger risk is that the parties may arrive at the hearing with an incomplete record.*

*In the circumstances, Board staff and we are in agreement that the Issues Conference and the Issues Day should be postponed until Board staff's experts have been retained and had an opportunity to review THESL's prefiled evidence. In addition, Board staff and we are in agreement that there would be value in the respective experts of our client and Board staff being directed to meet, either in advance of or as part of the Issues Conference, with a view to seeing if they could agree on the issues that they believe are relevant.*

*Accordingly, we respectfully request, on behalf of our client, and with the agreement of Board staff, that the scheduled Issues Conference and Issues Day be postponed for one month.*

## Board Decision on the Request to Postpone

The Board agrees with THESL and Board staff that it is appropriate to postpone the Issues Conference and Issues Day until the Board staff expert(s) have been retained. It is anticipated that this will cause a one month delay in this proceeding.

A future Procedural Order will establish the new dates for the Issues Conference and Issues Day.

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. The Issues Conference scheduled for **October 29, 2013** is postponed until further notice.
2. The Issues Day scheduled for **November 1, 2013** is postponed until further notice.

**DATED** at Toronto, October 25, 2013

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary