



**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. 5**

**March 7, 2014**

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.

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.

### **Procedural Matters**

By letter dated February 29, 2014, THESL has requested that the answers to certain interrogatories be kept confidential. The Board will make provision for submissions on THESL's request. Until the Board has made a determination on all the information for

which THESL seeks confidential treatment, parties shall for the time being treat this material as confidential.

THESL has stated it will provide the confidential material to parties that sign a Declaration and Undertaking in accordance with the *Rules of Practice and Procedure and Practice Direction on Confidential Filings*.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. THESL will provide a copy of the interrogatory answers being considered for confidential treatment to any counsel or consultant who executes the Board's form of Declaration and Undertaking.
2. Board staff and intervenors wishing to make submissions on the request for confidentiality identified in THESL's letter dated February 28, 2014 shall file such submissions with the Board and deliver them to THESL and all other parties on or before **March 17, 2014**.
3. If THESL wishes to respond to any submissions on the request for confidentiality identified in its letter dated February 28, 2014, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before **March 28, 2014**.

All filings to the Board must quote the file number EB-2013-0234 and be made electronically through the Board's web portal and in searchable/unrestricted PDF format at [www.pes.ontarioenergyboard.ca/eservice/](http://www.pes.ontarioenergyboard.ca/eservice/). Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca/OEB/Industry](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:00 p.m. on the required date.

Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Attention: Board Secretary  
Filings:  
[www.pes.ontarioenergyboard.ca/eservice/](http://www.pes.ontarioenergyboard.ca/eservice/)  
E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, March 7, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary