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Ontario Energy Board
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Attention: Board Secretary
E-mail: boardsec@ontarioenergyboard.ca

Via email: boardsec@ontarioenergyboard.ca

**Re: OEB File: EB-2013-0416/EB-2014-0247
Application by Hydro One Networks Inc. for approval of distribution rates for
2015 to 2019**

Dear Madam Secretary,

Cogeco Cable Inc. on behalf of itself and its affiliates, including Cogeco Cable Canada LP and Cogeco Data Services Inc. ("**Cogeco**") is writing to the Ontario Energy Board on an urgent basis requesting leave to file a motion pursuant to section 40.02 of the Board's *Rules of Practice and Procedure* asking the Board to review and vary its March 12, 2015 decision approving Hydro One electricity distribution rates for the years 2015 to 2019 (the "**Decision**").

Cogeco has only recently been made aware of the Decision on Monday, March 30, 2015, and was therefore not able to file this motion until today. Given that no reasonable notice of the Decision was given, Cogeco requests that if the Board grants leave, the Board extend the deadline for Cogeco to prepare and file its review and vary motion to a date that is 20 days from the date the Board approves the request.

Cogeco is a telecommunications company that operates a network in the provinces of Quebec and Ontario, providing video, telephone and high-speed Internet services. Cogeco has attached elements of its wireline network to the support structures of Hydro One and, in respect of such attachments, is required to pay Hydro One a pole attachment rate that is approved by the Board (the "**Joint Use Rate**"). The Joint Use Rate is applicable to all communications companies seeking to attach their wireline network to the poles of Hydro One.

On March 30, 2015, Cogeco was informed by Hydro One that the Board had approved an increase to the Joint Use Rate from the previous rate of \$22.35 per pole to a new rate of \$37.05 per pole effective January 1, 2015. Prior to this date, Cogeco had no notice that Hydro One had applied to the Board for an increase to the Joint Use Rate, nor did Cogeco have any notice that the Board was conducting a proceeding that would determine the Joint Use Rate.

Cogeco has taken note of the letter filed by Rogers Communications Partnership ("**Rogers**") in the above-noted file and supports the arguments and orders requested. Specifically, as noted by Rogers in their letter to the Board, the Notice published by the Board to notify the public of the hearing related to Hydro One's application only refers to the request to increase rates for "electricity distribution" and makes no mention of any application to increase the

Joint Use Rates. Without adequate notice, Cogeco has been denied the right to participate in the Board's process and to challenge Hydro One's proposed increase to the Joint Use Rate.

Pursuant to section 7.01 of the Board's *Rules of Practice and Procedure*, the Board may extend a time limit directed by the Rules and, pursuant to section 7.02, the Board may exercise its discretion to extend a time limit before or after the expiry of that time limit. Cogeco submits that in such circumstances where Cogeco has had no Notice of either the Board's proceeding or its Decision, the Board, as a matter of procedural fairness, should exercise its discretion to extend the time limit for Cogeco to file a review and vary motion.

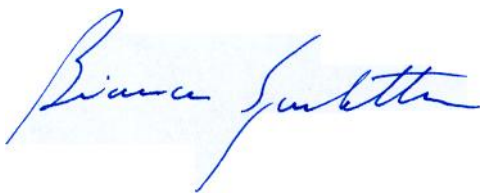
Order Requested

Cogeco hereby requests that the Board issue an Order:

1. Granting Cogeco's leave to file a motion requesting that the Board review and vary the Decision as it relates to the Joint Use Rates that Cogeco and other communications are required to pay to Hydro One in respect of their wireline attachments to the poles of Hydro One;
2. Extending the deadline for Cogeco to file its motion to review and vary the Decision until 20 days after the date on which the Board grants Cogeco leave to file the review and vary motion; and
3. Staying that part of the Decision and any resulting Order that approve the Joint Use Rates that Cogeco and other communications companies are required to pay Hydro One in respect of their wireline attachments to the poles of Hydro One.

Cogeco appreciates the Board's consideration of this motion and remain available should the Board require additional information.

Regards,

A handwritten signature in blue ink, appearing to read "Bianca Sgambetterra".

Bianca Sgambetterra
Senior Advisor, Regulatory Affairs
Cogeco Cable Inc.

Cc: Parties to the EB-2013-0416/EB-2014-0247 proceeding
Nathalie Dorval, Cogeco Inc.
Johanne Laperriere, Cogeco Data Services
Caroline Dignard, Cogeco Cable Canada LP