



**BY ELECTRONIC MAIL** ([boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca))

April 1, 2015

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

ATTN: Board Secretary

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

Pursuant to section 40.02 of the Ontario Energy Board's (the "Board") *Rules of Practice and Procedure*, Shaw Communications Inc. on behalf of itself and Shaw Cablesystems Limited (each "Shaw") is requesting the Board grant leave to Shaw to bring a motion requesting the Board to Review and Vary its decision approving Hydro One electricity distribution rates for the years 2015 to 2019 (the "Decision").

Shaw only became aware of the above-noted proceeding and subsequent Decision on Monday, March 30, 2015, when we were provided notice of changes to the Telecommunications Joint Use Rate by Hydro One. As such, Shaw did not have reasonable notice of the Decision and, thus, is making this filing at this time.

Shaw Communications Inc. is a diversified communications and media company, serving 3.2 million customers through a reliable and extensive fibre network, including providing service to several communities across Northern Ontario. Shaw serves Canadian consumers with broadband Internet, WiFi, Digital Phone and Video products and services. Shaw Business Network Services provides business customers Internet, data, WiFi, telephony, Video and fleet tracking services. Shaw Business Infrastructure Services offers North American enterprises colocation, cloud and managed services through ViaWest. Shaw Media provides Canadians with engaging programming content through one of Canada's largest conventional television networks, Global Television, and 19 specialty networks including HGTV Canada, Food Network Canada, HISTORY® and Showcase.

As a Canadian carrier within the meaning of the *Telecommunications Act*, and a licensed wireline cable distribution undertaking pursuant to the *Broadcasting Act*, Shaw's ability to continuously innovate and provide high quality services to our customers depends on reasonable access to public rights-of-way and aerial and underground support structures, such

as poles, strand, conduit, and duct networks, including the distribution poles of Hydro One. Consequently, the rate charged by support structure owners for access to those support structures is an important component of our cost structure. Having had no advance notice of Hydro One's proposed changes to their Telecommunications Joint Use rate, Shaw is left with no reasonable option but to seek the following relief.

Shaw hereby requests that the Board issue an Order:

1. Granting Shaw leave, pursuant to Rule 40.02 of the Board's *Rules of Practice and Procedure*, to bring a motion pursuant to Rule 40.01 requesting that the Board review and vary the Decision as it relates to the Joint Use Rates that Shaw and other communications companies are required to pay to Hydro One in respect of their wireline attachments to the poles of Hydro One;
2. Extending the deadline for Shaw to file a motion to review and vary the Decision until 20 days after the date on which the Board grants Shaw leave; and
3. Staying that part of the Decision and any resulting Order that approve the Joint Use Rates that Shaw and other communications companies are required to pay Hydro One in respect of their wireline attachments Hydro One poles.

Shaw thanks the Board for its consideration of this matter.

Sincerely,

[*Original Signed by*]

Paul Cowling  
Vice President, Regulatory Affairs