

MOTION BY ROGERS COMMUNICATIONS
PARTNERSHIP *ET AL.* FOR LEAVE TO BRING A
MOTION TO REVIEW AND VARY DECISION EB-
2013-0416/EB-2014-0247

EB-2015-0141

OEB Staff Submission

May 25, 2015

A. INTRODUCTION

Since 2005, Hydro One Networks Inc. (Hydro One) has required cable and telecommunications companies wishing to use any of its power poles to pay an annual charge of \$22.35 per pole (the Pole Access Charge). As part of its rate application filed on December 19, 2013, Hydro One sought to increase the charge to \$37.05 in 2015, rising incrementally until 2019. The Board approved Hydro One's rates for 2015 to 2017 on March 12, 2015.¹ Soon afterwards, several cable and telecommunications companies that are subject to the charge sought leave to bring a motion to review and vary the Board's decision. They say they did not participate in the rates hearing because they had no notice of Hydro One's proposal to raise the Pole Access Charge.

OEB Staff supports the cable and telecommunications companies' motion for leave. In light of the Board's recent decision in another case involving the Pole Access Charge, (*Toronto Hydro*),² where the Board found on very similar facts that inadequate notification of the increase in the charge was provided, OEB staff submits that this is an appropriate case for the Board to exercise its discretion to grant leave.

B. ANALYSIS

Hydro One's application to raise the Pole Access Charge

The current Pole Access Charge of \$22.35 per pole per year was fixed by the Board on March 7, 2005.³ That proceeding was an application under section 74 of the *Ontario Energy Board Act, 1998* by the Canadian Cable Television Association for an amendment to the licences of all licensed electricity distributors, including Hydro One. The Board set a province-wide Pole Access Charge of \$22.35 as a condition of licence, but said that a distributor could apply to vary the charge: "Any LDC that believes that the province-wide rate is not appropriate can bring an application to have the rates modified based on its own costing."⁴

¹ Decision, March 12, 2015 (EB-2013-0416/EB-2014-0247).

² Decision and Procedural Order No. 7, issued February 23, 2015 (EB-2014-0116).

³ Decision and Order, March 7, 2005 (RP-2003-0249), at p. 8.

⁴ *Ibid.* at p. 8.

In its December 19, 2013 application for distribution rates and charges for 2015 to 2019, Hydro One sought to increase the Pole Access Charge from the province-wide rate of \$22.35 to \$37.05 in 2015, \$37.42 in 2016, \$37.80 in 2017, \$38.18 in 2018, and \$38.56 in 2019.⁵

At the hearing on Hydro One's application (EB-2013-0416), no one who is subject to the Pole Access Charge intervened, and the Pole Access Charge was not a contested issue.

The Board approved Hydro One's application on March 12, 2015, but only for three rate years (2015 to 2017), not the five (2015 to 2019) Hydro One had asked for.⁶ The Board's decision did not refer specifically to the Pole Access Charge.

Following the Board's March 12, 2015 decision, but before the Board issued a final rate order, the following cable and telecommunications companies wrote to the Board requesting leave to bring a motion to review and vary the decision as it relates to the Pole Access Charge:

- Rogers Communications Partnership (Rogers)
- Allstream Inc.
- Shaw Communications Inc. (on behalf of itself and Shaw Cablesystems Limited)
- Cogeco Cable Inc. (on behalf of itself and its affiliates, including Cogeco Cable Canada LP and Cogeco Data Services Inc.)
- Quebecor Media, on behalf of Videotron G.P.
- Bragg Communications Inc. operating as Eastlink

By way of Procedural Order No. 2, issued on May 19, 2015, the Board granted party status to three other cable and telecommunications companies and two industry associations, all of which support the motion:

- Packet-tel Corp. operating as Packetworks

⁵ EB-2013-0416/Exhibit G2/Tab 5/Schedule 1/Page 31. The Pole Access Charge is described in Hydro One's application as the "Specific Charge for Cable and Telecom Companies Access to the Power Poles".

⁶ Decision, March 12, 2015 (EB-2013-0416/EB-2014-0247).

- Niagara Regional Broadband Network
- Tbaytel
- Independent Telecommunications Providers Association
- Canadian Cable Systems Alliance Inc.

In this submission, OEB staff refers to all 11 of the parties above as the “Carriers”.

Despite the Board’s March 12, 2015 decision, the increase to the Pole Access Charge has not yet received final approval from the Board. In its April 17, 2015 decision on Hydro One’s draft rate order, the Board said:

As no finding has yet been made on the requests for leave to file a motion, the OEB will not approve the new specific service charge for pole attachments as final. That charge will be interim at its current level until the EB-2015-0141 matter is resolved. Hydro One is directed to track the lost incremental revenue it would have received through the proposed increase to the Specific Charge for Cable and Telecom Companies Access to the Power Poles in order that it may it may apply to recover that revenue if applicable.⁷

On April 23, 2015, the Board issued a final rate order approving Hydro One’s Tariff of Rates and Charges except the Pole Access Charge, which remains at its current level on an interim basis.⁸

The Rules regarding leave to bring a motion to review and vary a decision

Because the Carriers were not parties to the hearing on the Hydro One rate application, they cannot as of right request the Board to review and vary the March 12, 2015 decision. They must first obtain the Board’s permission.

The relevant provisions of the Board’s *Rules of Practice and Procedure* are as follows:

40.01 Subject to **Rule 40.02**, any person may bring a motion requesting the Board to review all or part of a final order or decision, and to vary, suspend or cancel the order or decision.

40.02 A person who was not a party to the proceeding must first obtain the leave of the Board by way of a motion before it may bring a motion under **Rule 40.01**.

⁷ Decision on Draft Rate Order, April 17, 2015 (EB-2013-0416), at p.3.

⁸ Rate Order, April 23, 2015 (EB-2013-0416).

The Rules do not set out an express test for obtaining leave. OEB staff submits that the Board has wide discretion in determining whether to grant it.

Previous decisions of the Board suggest that this discretion should be exercised having regard to procedural fairness and the public interest, but that there is no simple test or checklist of factors to be applied in all cases. In a decision issued on March 21, 2011, the Board denied the Township of King's request for leave to bring a motion to review the Board's approval of Enbridge Gas Distribution Inc.'s proposal to construct a pipeline to supply natural gas to the York Energy Centre (YEC) electricity generation facility.⁹ The Board explained:

After reviewing the Township's motion, the submissions filed by the parties, the letters of comment and the Board's own Rules, the Board finds that the following factors are relevant in its consideration of whether or not to grant leave:

1. the length of the delay in bringing the Motion for Review and the explanation for the delay;
2. any prejudice to Enbridge or YEC as a result of the delay;
3. whether the circumstances underpinning the request justify the exercise of the Board's discretion to grant leave; and
4. whether the public interest requires it.¹⁰

The Board concluded that the Township was aware of the proposed pipeline but chose not to participate in the hearing, and failed to provide a convincing explanation for why it waited over six months to challenge the Board's decision. The Board further found that Enbridge and YEC would suffer serious prejudice if leave were granted, because the pipeline was a major project for which significant expenditures had already been made following the Board's decision. The Board added that "regulated utilities and ratepayers have a reasonable expectation that a regulator's decision is certain and final, especially when it requires the marshalling of personnel and materials, as is the case here."¹¹ On the last two factors, the Board held that the Township had not raised any issues that were not considered in the hearing.

⁹ Decision, March 21, 2011 (EB-2011-0024).

¹⁰ *Ibid.* at p. 10.

¹¹ *Ibid.* at p. 11.

The Carriers have pointed to two cases where they say the Board granted leave due to insufficient notice.¹² In an order dated April 1, 2009, the Board granted leave to Brant County Power Inc. to bring a motion to review and vary the Board's approval of Brantford Power Inc.'s 2008 rates.¹³ The Board did not provide detailed reasons, nor did it make an express finding that notice was insufficient; it simply said that "The Board has reviewed the Motion Record, and grants leave to Brant County... to bring the motion."¹⁴ The Carriers appear to infer that the decision rested at least in part on the inadequacy of notice – an inference that is in OEB staff's view reasonable, as that was the main argument advanced by Brant County Power Inc.

The other case cited by the Carriers is the Board's June 26, 2014 decision to grant leave to Walter and Helen Kowal to bring a motion to review and vary a decision authorizing Hydro One to expropriate certain lands in order to construct the Bruce to Milton Transmission Reinforcement Project.¹⁵ The Kowals argued that they did not fully understand the nature of the initial expropriation hearing – had they appreciated that their entire property was to be expropriated, they would have participated. The Board did not expressly say that the notice was deficient. It concluded that "A misunderstanding about the nature of the interest being sought or the extent of land required is a matter that should, at this stage, be resolved in favour of proceeding with a hearing on the merits."¹⁶ It also noted that there would be "no material negative impact on HONI or any other party by hearing this Motion at this time."¹⁷

Having regard to the Rules, the three decisions above, and the submissions of the parties, OEB staff submits that the key considerations in this motion for leave are whether the Carriers had adequate notification of Hydro One's proposal to raise the Pole Access Charge, and whether Hydro One would be prejudiced if leave were granted. Another consideration is whether the Board's March 12, 2015 decision would have a significant impact on the Carriers. In OEB staff's view, an increase in the Pole

¹² Rogers submission dated May 19, 2015 (sent on behalf of Rogers and all other Carriers except Niagara Regional Broadband Network and Tbaytel), at p. 3, footnote 1. In separate letters dated May 22, 2015, Niagara Regional Broadband Network and Tbaytel expressed their support for the Rogers submission.

¹³ Notice of Motion to Vary and Procedural Order No. 1, April 1, 2009 (EB-2009-0063).

¹⁴ *Ibid.* at p. 2.

¹⁵ Decision on the Application for Leave to Bring a Motion to Review and Vary and Procedural Order No. 2, June 26, 2014 (EB-2014-0152),

¹⁶ *Ibid.* at p. 3.

¹⁷ *Ibid.* at p. 3.

Access Charge of approximately 66% is significant given the large number of pole attachments.

The notice of hearing in EB-2013-0416

Rule 21.02 of the *Rules of Practice and Procedure* says, “The Board may direct a party to give notice of a proceeding or hearing to any person or class of persons, and the Board may direct the method of providing the notice.” Under that authority, the Board sent a Letter of Direction to Hydro One on January 24, 2014.¹⁸ Attached to the Letter of Direction was a Notice of Hearing and Application drafted by the OEB. The letter directed Hydro One to publish the English version of the Notice in the *Globe and Mail*, the *Toronto Star*, the *Ottawa Citizen*, and the *National Post*, and the French version in *Le Droit*. The letter required Hydro One to deliver a copy of the Notice directly to Hydro One’s sub-transmission class customers, as well as to the intervenors of record in Hydro One’s last distribution rates proceedings, EB-2013-0141 and EB-2009-0096 (which included Rogers).¹⁹ The letter also directed Hydro One “[t]o place notification of both the English and French versions of the Notice and the application on your website, your ‘My Account’ login page, your RSS feed and your Twitter account.”

Hydro One filed an affidavit dated March 3, 2014 confirming that it had complied with the Letter of Direction.

A copy of the English Notice is attached as Appendix “A” to these submissions. As the Carriers have pointed out, the Notice does not refer expressly to the Pole Access Charge. The sub-heading of the Notice reads, “Hydro One Networks Inc. has applied to raise its electricity distribution rates,” and the body advises that Hydro One’s application is “to adjust the amount it charges each month for electricity distribution.”

The Carriers argue that a reasonable Carrier reading the Notice would not have realized that the Pole Access Charge was at stake.²⁰ Hydro One responds that the Carriers are large and sophisticated entities who themselves are highly regulated, and ought to have realized that rate applications can include more than just distribution rates.²¹ The

¹⁸ Letter of Direction, January 24, 2014 (EB-2013-0416).

¹⁹ Hydro One pointed out in its letter of April 7, 2015 that Rogers was an intervenor in EB-2009-0096.

²⁰ Rogers submission dated May 19, 2015, at p. 6.

²¹ *Ibid.* at pp. 5-6.

Carriers reply that some of them are small businesses without a dedicated regulatory staff.²²

The Toronto Hydro decision on notice

The Board recently considered the adequacy of notice in a decision issued February 23, 2015.²³ That case was very similar to the matter at hand.

As part of a Custom Incentive Rate application filed with the Board, Toronto Hydro-Electric System Limited (Toronto Hydro) sought to increase its annual Pole Access Charge from \$22.35 to \$92.53 per pole. Eight days before the oral hearing was to begin, several cable and telecommunications companies – all of which are parties to the instant case – wrote to the Board to say they had not received proper notice of the proposed increase. They asked the Board not to consider this aspect of Toronto Hydro’s application, or in the alternative, to deny it.

The Board agreed with the cable and telecommunications companies that the notice was “not adequate”.²⁴ The Board explained:

The Board is not of the view that every element of a rate application must appear in the Notice of Application in order that proper notice be achieved. However, this case is distinguishable. The amount of increase is so significant to the customer that it should have been contained in the Notice of Application. At a minimum, Toronto Hydro should have advised its customers through the customer engagement process that it was proposing to make a significant change to its wireline attachment rate.²⁵

Instead of the relief requested by the cable and telecommunications companies, the Board granted late intervenor status to Rogers, and invited other carriers to apply for the same.

The Notice of Application in *Toronto Hydro*, which is attached to these submissions as Appendix “B”, was substantially similar to the Notice in the instant case.

²² See for example the letter from the Independent Telecommunications Providers Association dated April 21, 2015, and the letter from the Niagara Regional Broadband Network dated May 15, 2015.

²³ Decision and Procedural Order No. 7, February 23, 2015 (EB-2014-0116).

²⁴ *Ibid.* at p. 3.

²⁵ *Ibid.* at p. 3.

Hydro One argues in its letter to the Board of April 7, 2015 that the logic of *Toronto Hydro* does not apply in the circumstances, because Hydro One seeks a much smaller increase in the Pole Access Charge than what Toronto Hydro sought. Although Toronto Hydro's proposed increase of approximately 66% is considerably lower than the 314% proposed by Toronto Hydro, it is in OEB staff's view still significant for the Carriers, especially given the number of pole attachments used by some Carriers. OEB staff notes that the Carriers have argued that the increase is particularly significant for smaller Carriers and those that operate in rural areas.²⁶

The passage cited above from *Toronto Hydro* suggests that if Hydro One had "advised its customers through the customer engagement process that it was proposing to make a significant change to its wireline attachment rate", this would be an important consideration. Hydro One says it invited Rogers to stakeholder sessions in the months before it filed its application, but it concedes that other Carriers were not invited.²⁷ In any case, Rogers contends that the Pole Access Charge was not discussed at those stakeholder sessions.²⁸ Based on the limited evidence on this point, it appears that Hydro One's customer engagement process did not address changes to the Pole Access Charge.

Prejudice to Hydro One

Another way *Toronto Hydro* might be distinguished is that the cable and telecommunications companies raised their objections before the Board had heard and decided Toronto Hydro's rate application. The relief granted in *Toronto Hydro* did not result in a reopening of an approved rate application, and therefore might be seen as less prejudicial to the distributor. As Hydro One has argued, "There must be finality to proceedings."²⁹

In the circumstances, however, OEB staff submits that any prejudice to Hydro One has been minimized by the Board's decision to freeze the Pole Access Charge at its current

²⁶ Rogers submission dated May 19, 2015; see also Niagara Regional Broadband Network's letter to the Board of May 15, 2015.

²⁷ The letter to the Board from counsel to Hydro One, dated April 7, 2015, says at p. 3 that Hydro One did not invite Eastlink, Cogeco, Shaw, Allstream, or Videotron. OEB staff does not know whether any of the five Carriers added as parties by Procedural Order No. 2 were invited.

²⁸ Rogers submission dated May 19, 2015, at p. 7.

²⁹ *Ibid.* at p. 5.

level of \$22.35 pending the resolution of this proceeding.³⁰ The Carriers are not asking the Board to take away from Hydro One a revenue stream that had already been finally approved.

If the Board granted leave and ultimately found Hydro One's proposed increase in the Pole Access Charge was excessive, Hydro One would not find itself in the position of having to repay its Pole Access Charge customers. Even if the Board found the Pole Access Charge should remain at \$22.35, the difference between what Hydro One would be entitled to collect and what it had applied to collect would be about \$4.2 million in 2015, which is below Hydro One's threshold for materiality of approximately \$7.5 million.³¹

If, on the other hand, the Board granted leave but ultimately approved the increase (or if the Board denied leave), Hydro One would be able to collect the higher Pole Access Charge as of the 2015 rate year – in other words, Hydro One would be in the same position it would have been in had this motion never been brought.

The Carriers' jurisdiction argument

In the May 19, 2015 submission filed by Rogers on behalf of all Carriers except Niagara Regional Broadband Network and Tbaytel, those Carriers argue that the Board did not have jurisdiction to approve the Pole Access Charge.³² They say that the Board can only change the Pole Access Charge in an application to amend a licence under section 74 of the *Ontario Energy Board Act, 1998*, not a section 78 rate application such as the one filed by Hydro One. They also say that the Board's recent decision in the Toronto Hydro proceeding,³³ where the Board determined that it did indeed have jurisdiction to determine the Pole Access Charge under section 78, can be distinguished.

³⁰ Decision on Draft Rate Order, April 17, 2015; Rate Order, April 23, 2015 (EB-2013-0416).

³¹ According to Exhibit G1/Tab 5/Sch1/p. 38, Hydro One has forecast 287,167 Telecom Company pole attachments for 2015. At the current \$22.35 per attachment, total revenue would be \$6,418,182. At the proposed \$37.05 per attachment, revenue would be \$10,639,537. The difference is \$4,221,355. According to Exhibit A/Tab4/Schedule 3/p. 1, the materiality threshold is "0.5% of test year revenue requirement" or "approximately \$7.5 million". This was proposed by Hydro One as an alternative to the materiality threshold of \$1 million which would have applied under the OEB's *Filing Requirements for Electricity Distribution Rate Applications*.

³² As noted in footnote 12 above, Niagara Regional Broadband Network and Tbaytel subsequently expressed their support for the submission.

³³ Decision and Procedural Order No. 10, April 29, 2015 (EB-2014-0116).

In OEB staff's view, this argument is more appropriately left to the merits stage (that is, the hearing of the Carriers' motion to review and vary the Board's approval of Hydro One's application), if leave is granted. It is not necessary for the Board to pronounce on that argument in order to answer the threshold question of whether leave should be granted, which is the question now before the Board.

Other relief requested by the Carriers

In addition to their request for leave to bring a motion to review and vary the Board's decision to approve Hydro One's rates, the Carriers ask for an order "extending the deadline for the Carriers to file a motion to review and vary the Decision until 20 days after the date on which the Board grants the Carriers leave to file the R&V Motion" and "staying that part of the Decision and any resulting Order that approves the Pole Attachment Rate".³⁴

For the same reasons OEB staff supports the Carriers' motion for leave, OEB staff supports their request for an extension of the deadline to file a motion to review and vary. Rule 40.03 stipulates that a motion to review and vary "shall be filed and served within 20 calendar days of the date of the order or decision". Without an extension, the Carriers would already be out of time. OEB staff submits that the Board may decide to extend the deadline by fewer than the 20 days requested by the Carriers.

The Carriers' request for a stay, however, is unnecessary. The Board has already frozen the Pole Access Charge at \$22.35 pending the outcome of this proceeding.³⁵

C. CONCLUSION

In summary, OEB staff submits that the *Toronto Hydro* decision weighs in favour of granting leave to the Carriers. The Carriers have said they did not participate in the Board's hearing of Hydro One's rate application because they reasonably did not realize that the application included a significant increase in the Pole Access Charge. As a matter of procedural fairness, and to ensure the Pole Access Charge is set at a level that is in the public interest, OEB staff submits that the Carriers should have the

³⁴ Rogers submission dated May 19, 2015, at p. 17.

³⁵ Decision on Draft Rate Order, April 17, 2015; Rate Order, April 23, 2015 (EB-2013-0416).

opportunity to be heard now. These considerations outweigh any prejudice that granting leave may cause to Hydro One.

OEB staff therefore submits that the Carriers' motion for leave to bring a motion to review and vary the Board's approval of Hydro One's rate application should be granted.

All of which is respectfully submitted.

APPENDIX "A": HYDRO ONE NOTICE OF APPLICATION

ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF HYDRO ONE NETWORKS INC.

**Hydro One Networks Inc. has applied to raise its electricity distribution rates.
Learn more. Have your say.**

Hydro One Networks Inc. has applied to the Ontario Energy Board to adjust the amount it charges each month for electricity distribution beginning January 1, 2015 and continuing for a 5 year period to December 31, 2019. Hydro One's proposed monthly bill impacts for a typical residential customer using 800 kWh per month are set out in the table below:

2015	a decrease of \$0.69 per month
2016	an increase of \$2.15 per month
2017	an increase of \$1.37 per month
2018	an increase of \$1.03 per month
2019	an increase of \$1.61 per month

Other customers, including businesses, may be affected as well.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Hydro One's request. We will question the company on its case for a rate increase. We will also hear arguments from individuals and from groups that represent Hydro One's customers. At the end of this hearing, the OEB will decide what, if any, increase will be allowed.

Distributors typically apply for a full review of their rates every five years with any rate changes for the years in-between automatically tied to inflation (and other factors intended to promote efficiency). In this application, Hydro One is applying for a full review of its distribution rates over each of the five years, consistent with the option for a distributor to file an application on a custom basis.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process. You can:

- Review Hydro One's application on the OEB's website now.
- Sign up to observe the proceeding by receiving OEB documents related to the hearing.
- File a letter with your comments, which will be considered during the hearing.
- Become an active participant (called an intervenor). Apply by **February 15, 2014** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, review the OEB's decision and its reasons on our website.

LEARN MORE

These proposed charges relate to Hydro One's distribution services. They make up part of the Delivery line -- one of the five line items on your bill. Our file number for this case is EB-2013-0416. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case please select the appropriate application from the list at the OEB website: www.ontarioenergyboard.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings -- oral and written. If you have a preference as to which hearing type should be held, you can write to the OEB to express your preference and explain why.

PRIVACY

If you write a letter of comment or sign up to observe the hearing, your name and the content of your letter or the documents you file with the OEB will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This rate hearing will be held under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B).



Ontario Energy Board
Commission de l'énergie de l'Ontario

APPENDIX “B”: TORONTO HYDRO NOTICE OF APPLICATION

ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

Toronto Hydro-Electric System Limited has applied to raise its electricity distribution rates.
Learn more. Have your say.

Toronto Hydro-Electric System Limited has applied to the Ontario Energy Board with a plan to set electricity distribution rates for the period beginning May 1, 2015 and ending December 31, 2019. If approved, the plan would result in increases to the amount Toronto Hydro-Electric System Limited charges each month for the typical residential customer using 800 kWh per month:

2015	\$ 4.05
2016	\$ 2.97
2017	\$ 3.29
2018	\$ 5.47
2019	\$ 2.56

Other customers, including businesses, may be affected as well.

Toronto Hydro is proposing that there be a full review of its costs as the basis for setting electricity distribution rates in 2015. For each of 2016, 2017, 2018 and 2019 the rates would be set using a formula based on inflation, factors to promote efficiency and funds to recover Toronto Hydro's additional capital needs.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Toronto Hydro's request. We will question the company on its case for a rate increase. We will also hear arguments from individuals and from groups that represent Toronto Hydro residential and business customers. At the end of this hearing, the OEB will decide on the rate plan.

If Toronto Hydro's proposal is approved, the OEB's review in the years 2016 through 2019 will be limited to ensuring that the formula is applied correctly.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process. You can:

- review Toronto Hydro's application on the OEB's website now.
- file a letter with your comments, which will be considered during the hearing.
- become an active participant (called an intervenor). Apply by **September 12, 2014** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- at the end of the process, review the OEB's decision and its reasons on our website.

LEARN MORE

These proposed charges relate to Toronto Hydro's distribution services. They make up part of the Delivery line -- one of the five line items on your bill. Our file number for this case is EB-2014-0116. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please select the file number **EB-2014-0116** from the list on the OEB website: www.ontarioenergyboard.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings -- oral and written. Toronto Hydro has applied for an oral hearing. The OEB is considering this request.

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If you write a letter of comment, your name and the content of your letter or the documents you file with the OEB will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This rate hearing will be held under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B)

