



EB-2015-0141

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF a motion by Rogers
Communications Partnership *et al.* to review and vary
Decision EB-2013-0416/EB-2014-0247 as it relates to the
Specific Charge for Cable and Telecom Companies Access
to the Power Poles charged by Hydro One Networks Inc.

PROCEDURAL ORDER NO. 3

July 29, 2015

Eleven cable and telecommunications companies and associations (the Carriers) have, with leave of the OEB, jointly filed a Notice of Motion to review and vary the OEB's March 12, 2015 decision approving distribution rates and charges for Hydro One Networks Inc. (Hydro One) for 2015 through 2017, as it relates to the charge they (or in the case of the associations, their members) are required to pay to use Hydro One's poles (the Pole Access Charge).

To reiterate what the OEB said in its June 30, 2015 decision granting leave, the purpose of this motion to review and vary will be to fix the final Pole Access Charge, which until the disposition of the motion will remain at the interim level of \$22.35 per pole per year. That is, the motion will be a hearing on Hydro One's proposed increase to the Pole Access Charge.

The evidence and submissions in this motion should therefore focus on whether Hydro One's proposed increase to the Pole Access Charge is just and reasonable, rather than on the adequacy of the notice of the proposed increase, which was the principal issue in the Carriers' successful application for leave.

The OEB will continue to use the same file number (EB-2015-0141) that was used for the Carriers' application for leave.

The OEB, after reviewing the procedure and timeline proposed by the Carriers in their Notice of Motion, considers it necessary to make provision for certain evidentiary and other preliminary matters. At this point it is premature for the OEB to determine whether the motion will proceed as an oral hearing, as proposed by the Carriers, or as a written hearing.

THE OEB ORDERS THAT:

1. Every person that was a party to the leave application, as set out in Procedural Order No. 2, will be a party to this motion to review and vary, with the exception that Shaw Cablesystems Limited is substituted for Shaw Communications Inc.
2. Any documents to be served on the Carriers shall be served on counsel to the Carriers, Timothy Pinos and Christopher Selby of Cassels Brock & Blackwell LLP, and need not be served on the Carriers individually.
3. The parties may rely on the record in the hearing on Hydro One's rate application (EB-2013-0416).
4. The Carriers, OEB staff, or any other party may request any additional information and documentation regarding the Pole Access Charge from Hydro One by written interrogatories filed with the OEB and served on all parties on or before **August 21, 2015**.
5. Hydro One shall file with the OEB complete written responses to all interrogatories and serve them on all parties on or before **September 8, 2015**.
6. The Carriers, OEB staff, or any other party other than Hydro One shall notify the OEB and the other parties on or before **September 14, 2015** if they intend to file evidence. The OEB, after receiving this information, will provide directions for filing evidence and interrogatories on that evidence. The OEB may also provide for a technical conference, a settlement conference, and other procedural steps as necessary.

7. Parties that the OEB determined were eligible for costs in EB-2013-0416 are also eligible for costs in this motion, which costs will be payable by Hydro One.

All filings to the OEB must quote the file number, EB-2015-0141, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB'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 <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 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this motion, parties must include the Case Manager, Harold Thiessen at harold.thiessen@ontarioenergyboard.ca and OEB Co-Counsel, Jennifer Lea at jennifer.lea@ontarioenergyboard.ca and Ian Richler at ian.richler@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, July 29, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary