



**Allstream**  
200 Wellington Street West  
Toronto, ON Canada M5V 3G2

www.allstream.com

10 September 2015

**by RESS**

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

Dear Ms. Walli:

**Subject: Allstream Inc. Response to Motion by Hydro Ottawa Limited, Hydro Ottawa Limited Custom IR Application, Board File EB 2015-0004**

---

1. Allstream Inc. (Allstream) hereby submits these comments on the motion for disclosure brought by Hydro Ottawa Limited (Hydro Ottawa), dated 26 August 2015, in the above noted proceeding. These comments are submitted pursuant to Procedural Order No. 7.
2. Hydro Ottawa's motion requests that the Board order the disclosure of certain information Hydro Ottawa sought in ten questions posed during the technical conference held on August 25th.
3. Allstream notes that Hydro Ottawa's motion does not refer to Allstream. Rather, it expressly refers to Rogers Communications Partnership, Quebecor Media, and TELUS Communications Company, which it defines as "the Carriers". Hydro Ottawa's additional submission on its motion, filed with the Board on 4 September 2015, similarly refers only to this group of "Carriers" and also does not refer to Allstream. Indeed, these additional materials display a preoccupation with the practices and information of Rogers.<sup>1</sup> As such, it is apparent to Allstream that Hydro Ottawa is NOT seeking this information from Allstream and that any order granted by the Board in favour of Hydro Ottawa on this motion will not apply to Allstream.
4. Although Hydro Ottawa has not sought an order against Allstream, some of the questions posed at the technical conference and subject to the present motion may have

---

<sup>1</sup> Hydro Ottawa, Submissions on Motions, 4 September 2015, paragraphs 22-23.

been directed at the panel at large, which included a representative of Allstream. Of the ten questions referred to in Hydro Ottawa's motion, four may have been asked in language broad enough to apply to Allstream, specifically the questions found at the following points of the transcript:

- Page 27, lines 20-25
  - Page 27, lines 26 – Page 28 line 2
  - Page 28, lines 3-5
  - Page 28, lines 6-9
5. In these four questions, Hydro Ottawa sought information related to whether certain carriers with attachments to Hydro Ottawa poles provide access to third parties by way of overlash. Allstream did not provide an answer at that time and wishes to provide for the record its view that these questions are not relevant to the proceeding.
6. The refusals were made during a technical conference to consider evidence of intervenors regarding Hydro Ottawa's pole access rate. The technical conference was "for the purpose of clarifying the intervenor's [sic] evidence".<sup>2</sup> The information sought by Hydro Ottawa is not relevant to the evidence led by Allstream, so providing it now can in no way clarify Allstream's evidence. Simply put, this information was not properly "in play" during the technical conference. Allstream was justified in refusing to provide the information.
7. Moreover, the information is not relevant to the broader issue of the appropriate rate for access to Hydro Ottawa poles. Hydro Ottawa has not explained how overlash to carrier strand attached to Hydro Ottawa poles has any bearing on the costs incurred by Hydro Ottawa. The pole access rate is designed to compensate the pole owner for its direct costs and an appropriate portion of the indirect costs. A pole rate proceeding needs to consider the appropriate methodology for establishing those components and then consider the reasonableness and accuracy of the costs submitted by the regulated utility. The presence or absence of "third party" attachments is of no assistance in undertaking that exercise, and is therefore entirely irrelevant to this proceeding.

---

<sup>2</sup> Procedural Order No. 3, paragraph 4.

8. Finally, much of the information sought in these four questions is not readily available. The efforts associated with obtaining such information must be weighed against the probative value of the information to the issues at hand. As the information is not relevant to the proceeding, there is no justification for the efforts required to produce it. Hydro Ottawa's motion, and its request for disclosure more generally, is precisely the type of fishing expedition against which Hydro Ottawa itself is clearly set.<sup>3</sup>
9. Allstream therefore requests that the Board not require Allstream to disclose the information sought by Hydro Ottawa.

Yours truly,



for Pauline Jessome  
Director, Regulatory Allstream

c.c.: David Peaker, Allstream, iworkstation@mtsallstream.com  
christie.clark@ontarioenergyboard.ca  
maureen.helt@ontarioenergyboard.ca  
Distribution List

\* \* \* End of Document \* \* \*