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BY EMAIL AND COURIER

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: File Number EB-2015-0004, Hydro Ottawa Limited - Application for 2016-2020 Distribution Rates (the “Application”), Motion - Reply

We are writing on behalf of Rogers Communications Partnership, TELUS Communications Company and Quebecor Media Inc. (the “Carriers”) further to Procedural Order No. 8.

Pursuant to the express wording in Procedural Order No. 8, we understood that the hearing on September 30th and October 2nd was limited in scope to the issues identified by the Board in its order. With respect to the Carriers, paragraph 3 of the Order provided that the Carriers “provide witnesses to answer any questions *the OEB may have* on Undertaking JTC 3.3” (*emphasis added*). No cross-examination by parties of the Carriers was provided for in Procedural Order 8. In particular, the Board specifically indicated that “The OEB does not find additional evidence is warranted”.

The only other provision that Procedural Order No. 8 made for the possibility of further questioning of the Carriers was with respect to Hydro Ottawa’s motion to compel the Carriers to answer a question about the charges to third parties who “overlash” to Carrier strand attached to Hydro Ottawa Poles. The Board stated, “The parties to the motion should be prepared to make oral submissions regarding the relevance of the questions asked. *If determined to be relevant, the parties should have witnesses prepared to address the questions.*” (*emphasis added*) We understood the reference to “questions” to refer to those set forth in Hydro Ottawa’s motion.

The Carriers have prepared for the hearing on the basis that these are the only two areas in which its witnesses may be called upon to provide additional evidence. In particular,

neither of these issues relates to the expert evidence of David McKeown and the Carriers did not intend to have him present at the hearing.

Late yesterday afternoon, however, we received an email from Board Staff suggesting that the scope of cross-examination is much broader than what has been provided for in Procedural Order No. 8. The time estimates provided by some of the parties with respect to their intended cross-examination of the Carriers in addition to the voluminous new materials (including 194 pages from Hydro Ottawa provided by Board Staff to the Carriers late yesterday which Hydro Ottawa did not serve on the Carriers but which we understand it intends to rely upon during cross-examination), clearly demonstrate that some of the parties intend to cross-examine the Carriers well beyond the limited scope of examination identified by the Board in Procedural Order No. 8.

It is the Carrier's position that Procedural Order No. 8 is clear in the limited scope of the hearing. To expand the scope beyond the matters specifically identified in Procedural Order No. 8, at this late stage, would be inconsistent with the Board's order and cause significant prejudice to the Carriers, who have prepared for the hearing on the basis of the clear direction provided by the Board.

Sincerely,



Leslie J. Milton

cc Applicant and other interested parties