



EB-2015-0141

Motion 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. 4

October 26, 2015

Eleven cable and telecommunications companies and associations (the Carriers) have, with leave of the Ontario Energy Board (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).

The purpose of this motion is to fix the final Pole Access Charge, which until the disposition of the motion remains at the interim level of \$22.35 per pole per year.

On July 29, 2015, the OEB issued Procedural Order #3, setting out the parties to the motion, establishing an interrogatory process and making provision for parties to indicate if they intend to file evidence. Hydro One filed interrogatory responses on September 8, 2015 and on September 14, 2015 the Carriers advised that they intend to file evidence in this matter.

As described in Procedural Order #3, the motion will be a hearing on Hydro One's proposed increase to the Pole Access Charge and whether that increase is just and reasonable. The OEB's review of the Pole Access Charge in this proceeding will be within the context of the current approved OEB methodology as described in Decision and Order RP-2003-0249, issued March 7, 2005. However, as mentioned in a recent OEB decision¹, the OEB plans to undertake a policy review of miscellaneous rates and

¹ EB-2015-0004, Decision on Motion and Procedural Order #9, October 14, 2015

charges commencing this year which will include a review of pole attachment rate methodology.

At this point it is still premature for the OEB to determine whether the motion will proceed as an oral hearing or as a written hearing.

THE OEB ORDERS THAT:

1. The Carriers shall file their evidence on or before **November 20, 2015**.
2. OEB staff, intervenors, or Hydro One shall request any relevant information and documentation regarding evidence filed by the Carriers by written interrogatories filed with the OEB and served on all parties on or before **November 30, 2015**.
3. The Carriers shall file with the OEB complete written responses to all interrogatories and serve them on all parties on or before **December 11, 2015**.
4. A transcribed Technical Conference will be held **December 17, 2015** starting at 9:30 a.m. in the OEB's offices at 2300 Yonge Street, 25th floor, Toronto, to clarify any matters arising from the interrogatories, including the interrogatories answered by Hydro One. If required, the Technical Conference will continue on **December 18, 2015**. Parties intending to participate are to notify all parties of the topic areas for questioning by **December 15, 2015**.
5. A Settlement Conference will be convened on **January 12, 2016** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **January 13, 2016**.
6. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **January 28, 2016**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties on or before **February 4, 2016**.
8. If there is no settlement proposal arising from the Settlement Conference, Hydro One shall file a statement to that effect with the OEB by **January 19, 2016**. In that event, parties shall file with the OEB and serve on the other parties by

January 26, 2016 any submissions on which issues should be heard in writing, and for which issues the OEB should hold an oral hearing.

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 Counsel, Ian Richler at ian.richler@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, October 26, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary