



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. 5

December 16, 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.

The OEB issued Procedural Order No.4 on October 26, 2015, establishing numerous steps for this proceeding, including a Technical Conference to be held on December 17, 2015 and if necessary continuing on December 18, 2015.

On December 15, 2015 the OEB received a letter from the Carriers, requesting that the Technical Conference be adjourned until January 12, 2016, the date originally set by the OEB for a Settlement Conference. The Carriers indicated that settlement discussions were planned with Hydro One on December 16, 2015 and that if a settlement was achieved, the scope and need for the technical conference would be significantly reduced. In addition, given that settlement discussions may go beyond December 16, 2016 and that the other parties in the proceeding must have the opportunity to review any agreement, a technical conference based on the current schedule would not be fruitful. The Carriers indicated that Hydro One does not oppose the request.

Also on December 15, 2015, the OEB received letters from the School Energy Coalition and the Vulnerable Energy Consumers Coalition (VECC), urging the OEB to deny the Carriers request. These intervenors argued that the request appeared to be an attempt to exclude ratepayer groups from settlement discussions, despite the fact that the resolution of the issues primarily impacts the rate-paying constituents of the intervenors. VECC submitted that the scheduled technical conference may provide the requisite information for settlement or hearing purposes.

The OEB has determined that it will grant the request of the Carriers as it appears to the OEB that the nature of the discrete Pole Access Charge lends itself to direct negotiations between the Carriers and Hydro One as the first step in a process in which others will then be able to participate.

The revenues from the Pole Access Charge are a minor offset to the revenue requirement and the process suggested would be less costly, more practical and more in proportion to the magnitude of the potential revenue requirement impact.

THE OEB ORDERS THAT:

1. The transcribed Technical Conference previously scheduled for December 17 and 18, 2015 is adjourned to **January 12, 2016** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto.
2. If time permits on **January 12, 2016**, the Technical Conference will be followed immediately by a Settlement Conference. If necessary, the Settlement Conference will continue (or commence) on **January 13, 2016**.
3. The remaining directions and dates in Procedural Order #4 remain unchanged.

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.

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DATED at Toronto, December 16, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary