



February 26, 2018

**By Email**

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

Attention: Kirsten Walli, Board Secretary  
Harold Thiessen, Case Manager  
James Sidlofsky, Board Counsel

TIMOTHY PINOS

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Dear Sir/Madam:

**Re: Hydro One Distribution Rate Application (EB-2017-0049)**

Effective immediately, this firm will be assuming the representation of the intervenor, Rogers Communications Canada Inc. ("**Rogers**"), in this proceeding. Please add myself ([tpinos@casselsbrock.com](mailto:tpinos@casselsbrock.com)) and Chris Selby ([cselby@casselsbrock.com](mailto:cselby@casselsbrock.com)) to the service list.

I am also writing with respect to Procedural Order No. 3 and the Technical Conference scheduled for March 1, 2018.

The Hydro One Networks Inc. responses to the Rogers interrogatories in this matter refuse to provide any answers at all to a significant number of interrogatories. Accordingly, Rogers will be serving a motion very shortly seeking an order from the Board compelling answers to those interrogatories.

Rogers submits that the Technical Conference as it pertains to the pole attachment rate should be adjourned for a short period of time to allow the Board to rule on the motion to compel, and for any answers to be delivered. This would be a much more efficient approach to this issue, as most parties to this hearing and the Technical Conference will have no interest in the issues relating to the pole attachment rate.

In the event that this request is denied, Rogers will be seeing to question extensively about the answers which have been provided and the questions which have been refused. A list of areas for questioning is attached. As you can see by this list, questioning in respect of the questions not fully or completely answered will take a significant amount of the time allotted. We reiterate our view that it would be much more efficient to deal with the pole attachment rate separately after the determination of our motion.



With respect to point 5 of Procedural Order No. 3, Rogers is not a cost eligible intervenor, and therefore assumes that this requirement does not apply to Rogers. I can advise, out of an abundance of caution, that Rogers will be filing expert evidence relating to the pole attachment rate and will comply with point 6 of the Procedural Order in that regard.

Yours very truly,

A handwritten signature in black ink that reads "Tim Pinos". The signature is written in a cursive, flowing style.

Timothy Pinos  
TP/CS/gmc

cc: All parties (EB-2017-0049)

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

**AND IN THE MATTER OF** an Application by **Hydro One Networks Inc.**, pursuant to the *Ontario Energy Board Act* for an Order or Orders approving electricity distribution rates and charges commencing January 1, 2018;

**AREAS OF TECHNICAL CONFERENCE QUESTIONS  
FROM ROGERS COMMUNICATIONS CANADA INC.  
TO HYDRO ONE NETWORKS INC.**

**Introduction**

The interrogatories submitted by Rogers Communications Canada Inc. ("**Rogers**") to Hydro One Networks Inc. ("**HONI**") were intended to examine the methodology used, assumptions made, and the financial basis for, the calculation of the Pole Attachment Rate proposed by HONI in this hearing. Unfortunately, HONI has inappropriately and improperly refused to answer relevant questions outright, and failed to fully and completely answer other relevant questions.

Rogers is bringing a motion to compel further and better answers to interrogatories, and has proposed that the Technical Conference as it relates to the Pole Attachment Rate be adjourned to a date after Rogers' motion has been disposed of and any further and better answers ordered have been delivered. Therefore, its submission, now, of these areas for questions at the Technical Conference as made without prejudice to Rogers' proposal and its position that the Pole Attachment Rate not be dealt with at the Technical Conference.

**Rogers-02**

1. The question "Please explain why Hydro One chose the use of a productivity factor" is not answered in the response provided. A proper answer will be sought.

**Rogers-03**

1. Questions will be asked about what group or subsets of poles Hydro One tracks and calculates NBV, apart from the global NBV in USoA 1830, and average costs per poles of different length.

We also note that for a 50' pole with third party LDC/Generator equipment, Hydro One pays 38.6% and the third party pays 38.6%, leaving 22.8% for the telecom attachers.

This does not align with the allocation of 34.3% that has been assigned to each telecom attacher. An explanation for this will be sought.

4. Questions will be asked about the rationale for charging for poles longer than required by a telecom attached for its purposes.

#### **Rogers-04**

1. Questions will be asked about the level of granularity information is tracked about poles and pole replacements, and what that information is. Further this question: "Please describe the nature and purpose of the programs that were adopted for these pole replacements" was not answered. A proper answer will be sought.

2. Questions will be asked about the level of granularity information is tracked about poles and premature pole replacements, and what that information is.

#### **Rogers-05**

1. Questions will be asked about the absence of reciprocal pole-sharing for persons other than Bell, and the absence of Bell (Clearance) reciprocal poles.

Further in respect of "No pole-sharing arrangement", questions will be asked about the reasons for "N/A" for Bell (Clearance or Service).

Further in respect of "Bell antennas and wireless equip." and "Antennas and wireless equipment", questions will be asked about the reasons for "N/A" and the entry of "Do Not Track" for "Other"

2. This question has not been answered. Questions will be asked about the basis for the "risk" relating to streetlight rates and the failure to charge municipalities a proper cost recovery rate for streetlight attachments, as well as what the rate for such attachments would be if Hydro One approached charging for those attachments in the same manner as other pole attachments.

3. This question has not been answered. Questions will be asked about the basis for the "risk" relating to streetlight rates and the failure to charge municipalities a proper cost recovery rate for streetlight attachments, as well as what the rate for such attachments would be if Hydro One approached charging for those attachments in the same manner as other pole attachments.

5. Questions will be asked about the scenarios for "Space allocated or dedicated", and what "N/A" means for the last row.

6. Questions will be asked regarding the rate for antennas or other wireless attachers.

7. Questions will be asked with respect to the revenues from wireless attachers and the rationale for position that they are not taken into account in defraying pole costs otherwise charged to other attachers.

8.(a) Questions will be asked with respect to the calculation of the number of attachers, the correction to the number of attachers, and the calculation of the allocation factor.

8.(b) and (c) This question has not been answered. Questions will be asked about the basis for the “risk” relating to streetlight rates and the failure to charge municipalities a proper cost recovery rate for streetlight attachments, as well as what the rate for such attachments would be if Hydro One approached charging for those attachments in the same manner as other pole attachments.

8.(d). Questions will be asked about the application of the equal sharing methodology.

### **Rogers-06**

1. (b) Questions will be asked with respect to the nature of “driven programs or projects” and breakdown between those and poles “replaced at the request of a third party”, and their impact on capital costs. Please provide a sample transaction of how a third party’s contribution is factored into USoA 1830 as a negative value.

1.(d) Questions will be asked about what information Hydro One does have about pole replacement costs, and what Hydro One’s best estimate of those costs is.

2. (c) Questions will be asked about what information Hydro One does have about power asset costs, and what Hydro One’s best estimate of those costs is.

3 (a) Questions will be asked about to what level of granularity information is tracked about make ready costs, and what that information is.

3 (b) Please provide a sample transaction of how a third party’s contribution is factored into USoA 1830 as a negative value.

4. Questions will be asked about the extent to which anchor and guying costs not attributable to a telecom attachment is included in Account 1830, and what information is available is about those amounts.

### **Rogers-07**

1.(b) Please provide an sample transaction of how a third party’s contribution is factored into USoA 1830 as a negative value.

### **Rogers-08**

1. Questions will be asked with respect to the rationale for and appropriateness of the inclusion of Accounts 5125 and 5020, as well as the allocation of costs within those accounts, including the basis for and the calculation of, those allocations.