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VIA RESS, EMAIL & COURIER

September 07, 2018

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli,

EB-2017-0049 - Hydro One Networks Inc. 2018-2022 Distribution Custom IR Application (the "Application") - Joint Use Telecom Charge (Rate Code 30) – Response to Notice of Motion of Rogers Communications Canada

Hydro One Networks Inc. (Hydro One) is in receipt of Rogers Communications Canada Inc.'s (Rogers) notice of motion dated September 4, 2018 which seeks the following:

1. An order compelling Hydro One to respond to certain interrogatories; and
2. An order for a technical conference to be held.

Hydro One submits that neither of these requests are reasonable and the Board should refuse to hear the motion and proceed directly to a written hearing.

Given the completion of the Board's pole attachment consultation and the March 22 Report, the Board has sufficient information and policy guidance to make determinations in this proceeding on the merits and further discovery through additional interrogatories and a technical conference is not necessary. Further, a written hearing permits this matter to be resolved expeditiously with no impact on the procedural fairness accorded to all parties.

Assertions Respecting Interrogatory Responses

In proposing its utility specific pole attachment rate, Hydro One completed the OEB's Wireline Pole Attachment Work Form (Work Form). The Work Form includes two instances where default values may be used. All other inputs are utility specific values. Hydro One completed the Work Form using the two default values and utility specific values in all other instances. As a result, the forms it completed followed instructions on how to incorporate that information.

Rogers asserts that Hydro One filled out the Work Form using a mix of "utility specific costs and default inputs adopted by the OEB in calculating the province-wide Pole Attachment Charge."

The only evidence Rogers provides in support of its statement is a response to the interrogatory of another party, Vulnerable Energy Consumers Coalition, in which they ask:

Did HONI attempt to complete Tab 10 a) in Tab 4-a based on HONI's information? If not, why not?¹

In response, Hydro One stated:

HONI did not attempt to complete Table 10 in Tab 4-a because HONI already showed the derivation of the 15% during the Pole Attachment Working Group ("PAWG") meetings, and accepts the OEB's direction at 15% to remove power related fixtures. Please see the instructions at the top of Tab 4a) which state: "Instructions: If a change to the default allocation of 15% power deduction is proposed, please complete Table 10-a".

Contrary to Rogers' allegation, this is not a case of Hydro One "picking and choosing", rather, this is an instance of Hydro One properly following the Work Form instructions to arrive at a utility specific rate. Rogers provides no other examples to support its notion that Hydro One did not fill out the Work Form properly. In fact, each and every data point included by Hydro One in its Work Form uses utility specific costs or the OEB default parameter as required.

In addition, Hydro One did not respond to interrogatories that fell outside the scope delineated in Procedural Order No. 8 (July 12, 2018) (PO8), particularly questions that sought to re-open issues decided by the OEB in its Report, which is currently the subject of a Divisional Court proceeding initiated by Rogers and other carriers.

Assertions Respecting Technical Conference and Oral Hearing of this Motion

The purpose of the OEB's Pole Attachment Working Group and the resultant Wireline Pole Attachment Charges Report (Report) was to provide an expeditious way to calculate the pole attachment charge. Likewise, the purpose of PO8 was to delineate the scope of interrogatories given the recent publication of the Report.² Rogers' request for a technical conference and oral hearing undermines these efforts and should not be granted.

As the Board noted in Procedural Order No. 8, the review of this issue began in November, 2015. This proceeding is ripe for completion.

Sincerely,

signed in the original

George Vegh

Cc: EB-2017-0049 Intervenors

¹ I-54-VECC-S138

² See PO8 which states: "The OEB's focus in this proceeding is on whether Hydro One's updated evidence with respect to its proposed Joint Use Telecom Charge (Rate Code 30), is consistent with the methodology adopted by the OEB in the pole attachment report."