



Ontario  
Energy  
Board

Commission  
de l'énergie  
de l'Ontario

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# DECISION AND ORDER

## EB-2022-0221

### Distribution Pole Attachment Charge for 2023

**BY DELEGATION, BEFORE:** **Brian Hewson**  
Vice President  
Consumer Policy & Industry Performance

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**November 3, 2022**

## BACKGROUND

Pursuant to Ontario Regulation 842/21 (Electricity Infrastructure (Part VI.1 of the Act)) under the *Ontario Energy Board Act, 1998*, the Ontario Energy Board (OEB) is required to establish for each year a distribution pole attachment charge that licensed distributors must charge for the prescribed use of or access to each of the licensed distributor's distribution poles during that year<sup>1</sup>. Section 5(2) of the Regulation stipulates that for 2023 and subsequent years, the distribution pole attachment charge is calculated by adjusting the previous year's OEB-approved charge for inflation, in accordance with the inflationary adjustment mechanism set out in the March 22, 2018 *Report of the Ontario Energy Board: Wireline Pole Attachment Charges* (that is, using the inflation factor calculated by the OEB for electricity distributors).

## DECISION

This Order is being issued by a delegated decision-maker without a hearing pursuant to section 6 of the Act and section 5(3) of the Regulation.

The distribution pole attachment charge for 2022, approved on December 16, 2021 (EB-2021-0302), is \$34.76 per attached, per year, per pole. To calculate the charge for 2023, that amount is adjusted by the OEB's inflation factor for electricity distributors for 2023, which is 3.7%.<sup>2</sup> The result is \$36.05 per attached, per year, per pole. The inflation-adjusted charge will be effective January 1, 2023.

Pursuant to section 5(2) of the Regulation, the 2023 charge applies to every distributor that was subject to the OEB's order setting the charge for 2021 (EB-2020-0288), as well as to InnPower Corporation, which at the time the Regulation was made was the only distributor that had approval to charge a distributor-specific amount rather than the generic province-wide charge.

However, as specified in section 5(4) of the Regulation, if the charge set by the OEB for 2023 conflicts with an agreement between a licensed distributor and a telecommunications entity that applies in that year, the agreement prevails over the OEB's order to the extent of the conflict. The OEB is required by section 5(6) of the Regulation to include a reference to this conflict rule in its order setting the pole attachment charge.

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<sup>1</sup> Section 3 of the Regulation identifies the prescribed uses of and access to electricity infrastructure. Wireless attachments are expressly excluded.

<sup>2</sup> OEB Letter, 2023 Inflation Parameters, issued October 20, 2022.

**IT IS ORDERED THAT:**

1. Effective January 1, 2023, the distribution pole attachment charge will be \$36.05 per attached, per year, per pole.
2. In accordance with section 5(4) of the Regulation, if the charge specified in paragraph 2 conflicts with an agreement between a licensed distributor and a telecommunications entity that applies in that year, the agreement prevails over paragraph 1 of this Order to the extent of the conflict.

**DATED** at Toronto November 3, 2022

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar