

Toronto Hydro-Electric System Limited (“THESL”)

EB-2013-0234

Proposed Issues List

Technology

1. Are certain types of wireless technology currently dependent upon THESL’s distribution poles for successful deployment?
2. If so,
 - a. for each such technology, what purpose(s) and/or market(s) does it serve and/or issue(s) does it address?
 - b. for each such technology, is the expectation that the degree of dependency on THESL’s distribution poles will or is likely to increase, decrease or remain unchanged in the future?
 - c. for each such technology, what is the basis for the dependence on THESL’s distribution poles in terms of,
 - i. the distribution poles; and
 - ii. the wireless technology?
3. For each technology that is dependent upon THESL’s distribution poles for successful deployment:
 - a. are there any reasonable alternatives to using THESL’s distribution poles to successfully deploy the technology?
 - b. are there reasonable alternatives to using the wireless technology that is otherwise dependent upon access to THESL’s distribution poles which can achieve the same goals from a technological perspective, without requiring access to THESL’s distribution poles?
4. If there are reasonable alternatives to using THESL’s distribution poles to deploy the technology, what, if any barriers or constraints exist to implementing each such alternative (in terms of costs, resourcing, safety, etc.)?
5. If there are reasonable alternatives to using the wireless technology that is otherwise dependent upon access to THESL’s distribution poles, what, if any

barriers or constraints exist to implementing each such alternative (in terms of costs, resourcing, safety, etc.)?

Competition

6. What substitutes are available for THESL utility pole attachments for Canadian carriers supplying wireless telecommunications services?
 - a. What cost is incurred by THESL in the supply of pole attachment services to wireless service providers?
 - b. What cost differentials would apply to attachment services that are substitutes for THESL utility pole access for wireless service providers?
7. For the substitutes that are available how close are they as substitutes to utility pole access for wireless service providers?
8. What is the “relevant antitrust market” in which THESL supplies attachment access to those who demand it as an input to downstream services they supply?
 - a. What is the relevant product market?
 - b. What is the relevant geographic market?
9. Does THESL have significant market power in the provision of pole access to wireless Canadian Carriers?
10. What is the relevant downstream market to which THESL’s supply of pole access is an input?
 - a. Are wireless voice and data services a distinct market or do they form part of a broader and converging telecommunications market?
11. Given the relevant upstream and downstream markets, would exercise of market power by THESL in the supply of pole access to wireless service providers have the effect of substantially lessening competition in the downstream market?

General

12. What are the alternatives to forbearance from the regulation of the rates for attachment to THESL’s distribution poles and are they appropriate?

13. If the Board were to forebear from regulating the rates for the attachment of wireless equipment to THESL's distribution poles, what are the potential impacts on THESL's ratepayers in terms of rates and of service?
14. What are the current costs associated with the attachment of wireless equipment, on a per unit basis, to THESL's distribution poles?
15. What are the current revenues generated, on a per unit basis, as a result of attachment of wireless equipment to THESL's distribution poles?
16. Is THESL's proposal for the treatment and disposition of any excess of revenues over costs appropriate?