



April 1, 2015

VIA E-mail

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: boardsec@ontarioenergyboard.ca

Dear Madam Secretary,

Re: OEB File: EB-2013-0416/EB-2014-0247 - Application by Hydro One Networks Inc. for approval of distribution rates for 2015 to 2019.

Bragg Communications Inc., operating as “Eastlink” (Eastlink) hereby provides this submission to the Ontario Energy Board (Board) on an **urgent** basis, requesting leave to file a motion pursuant to section 40.02 of the Board’s *Rules of Practice and Procedure* asking the Board to review and vary its March 12, 2015 decision approving Hydro One Network Inc.’s electricity distribution rates for the years 2015 to 2019 (the “**Decision**”). Eastlink refers to a similar application filed by Rogers Communications Partnership (Rogers) on today’s date - the basis of Eastlink’s submission is consistent with that of Rogers.

In particular, the Hydro One application for a rate increase was not brought to Eastlink’s attention at any time after filing by Hydro One and the general notice of application referred to rates for “general distribution” – not to an increase to support structure attachment rates (Joint Use Rates). Eastlink only became aware of the Decision on March 30, 2015 when Hydro One sent Eastlink a notice of the pole attachment rate increase. The increase proposed by Hydro One is a significant increase which will have a material impact on Eastlink’s business and our provision of communication services to Ontario communities and residents where Eastlink relies on attachments to Hydro One support structures.

Having only learned of this Decision on March 30th, Eastlink was not able to file this motion on an earlier date. We therefore request that, if the Board grants leave to add Eastlink as an intervener that the Board also extend the deadline for Eastlink to prepare and file a review and vary motion to a date that is 20 days from the date the Board approves the request.

As noted above, Eastlink is a communications company offering services throughout various Ontario communities and we rely on attachments to Hydro One support structures to provide our services. Hydro One's proposed increase to attachment rates would result in an increase from the current pole attachment rate of \$22.35 per pole per year to \$37.05 per pole in 2015, \$37.42 in 2016 and \$37.80 in 2017. These are substantial rate increases to Eastlink's pole attachment rates in Hydro One serving areas; Substantial increases of this nature will have a significant impact on our company's operations in many Ontario communities, including an impact on the services and rates for such services to residents of Ontario. *Moreover, Eastlink had no reasonable opportunity to review, comment on or to contest the extent of these increases through the application process.* Eastlink had no prior notice of this application or of the proposed rate increase by Hydro One, or that the Board was conducting a proceeding that would determine the Joint Use Rate. Given the lack of specific notice and the fact that the general notice of rate increase only referenced increased rates for "general distribution" Eastlink has been effectively denied the right to participate in this process.

In these circumstances, where Eastlink has had no Notice of either the Board's proceeding or its Decision, the Board, as a matter of procedural fairness, should exercise its discretion to extend the time limit for Eastlink to file a review and vary motion. Eastlink therefore supports the request made by Rogers and requests an Order:

- (a) Granting leave to file a motion requesting that the Board review and vary the Decision as it relates to Joint Use Rates that Eastlink and other communications companies are required to pay to Hydro One regarding wireline attachments to Hydro One support structures/poles;
- (b) Extending the deadline for Eastlink to file its motion to review and vary the Decision until 20 days after the date on which the Board grants leave to file the review and vary motion; and
- (c) Staying that part of the Decision and any resulting Order that approves the Joint Use Rates that Eastlink and other communications companies are required to pay Hydro One in respect of their wireline attachments to the poles of Hydro One.

We appreciate the Board's consideration of this motion. Please do not hesitate to contact the undersigned if the Board requires any further information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "N. MacDonald".

Natalie MacDonald
Vice President, Regulatory Matters