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Ontario Energy Board

P.O. Box 2319

2300 Yonge Street, 27th Floor

Toronto ON M4P 1E4

Attention: Board Secretary

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**

Introduction

Rogers Communications Partnership (“Rogers”) is writing to the Ontario Energy Board (the “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 electricity distribution rates for the years 2015 to 2019 (the “Decision”).

Rogers only became aware of the Decision on Monday, March 30, 2015, so we were not able to file this motion in a timelier manner.

Given that Rogers had no reasonable notice of the Decision, Rogers requests that, if the Board grants leave, the Board extend the deadline for Rogers to prepare and file our review and vary motion to a date that is 20 days from the date the Board approves the request.

Facts

Rogers is a telecommunications company that operates a network throughout the Province of Ontario, providing video, telephone and high-speed internet services to more than two million households. In thousands of locations across Ontario, Rogers has attached elements of our wireline network to the support structures of Hydro One (*i.e.*, poles) and, in respect of such attachments, we are required to pay Hydro One a pole attachment rate that is approved by the Board (the “Joint Use Rate”). The Joint Use Rate is applicable to all communications companies seeking to attach their wireline network to the poles of Hydro One.

On March 30, 2015, Rogers was informed by Hydro One that the Board had approved an increase to the Joint Use Rate from the previous rate of \$22.35 per pole to a new rate of \$37.05 per pole, effective January 1, 2015. Prior to this date, Rogers had no notice that Hydro One had applied to the Board for an increase to the Joint Use Rate. Rogers also had no notice that the Board was conducting a proceeding that would determine the Joint Use Rate.

Rogers notes that the Notice published by the Board to notify the public of the hearing related to Hydro One's application only refers to the request to increase rates for "electricity distribution" and makes no mention of any application to increase the Joint Use Rates. Without adequate notice, Rogers has been denied the right to participate in the Board's process and to challenge Hydro One's proposed increase to the Joint Use Rate, which was provided in a single page of Hydro One's evidence.

Pursuant to section 7.01 of the Board's *Rules of Practice and Procedure*, the Board may extend a time limit directed by the Rules and, pursuant to section 7.02, the Board may exercise its discretion to extend a time limit before or after the expiry of that time limit. Rogers submits that in these circumstances, where Rogers 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 Rogers to file a review and vary motion.

Order Requested

Rogers is hereby requesting that the Board issue an Order:

1. Granting Rogers leave to file a motion requesting that the Board review and vary the Decision as it relates to the Joint Use Rate that Rogers and other communications are required to pay to Hydro One in respect of their wireline attachments to the poles of Hydro One;
2. Extending the deadline for Rogers to file a motion to review and vary the Decision until 20 days after the date on which the Board grants Rogers leave to file the review and vary motion; and
3. Staying that part of the Decision and any resulting Order that approves the Joint Use Rate that Rogers 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.

Sincerely,



Pamela Dinsmore
Vice President, Regulatory – Corporate Affairs
Rogers Communications Partnership

cc: Parties and Interveners