



BY EMAIL AND WEB POSTING

January 11, 2022

**To: All Licensed Rate-Regulated Electricity Distributors  
All Intervenors in 2022 and 2023 Cost of Service Proceedings  
All Other Interested Stakeholders**

**Re: Capital Planning to Support Telecommunications Projects**

A new Regulation that came into force on January 1, 2022 will impact capital plan filings by licensed distributors. The new regulation was made under Part VI.1 of the *Ontario Energy Board Act, 1998* (the Act) which was added by the *Supporting Broadband and Infrastructure Expansion Act, 2021* and, among other things, establishes new powers to make regulations concerning the development, use of, or access to electricity distribution and transmission infrastructure for prescribed purposes.

The regulation: [O. Reg. 842/21 \(Electricity Infrastructure \(Part VI.1 of the Act\)\)](#), establishes the provision (or facilitation of the provision) of telecommunications services by telecommunications service providers and others as a prescribed purpose for the purposes of the new Part VI.1.<sup>1</sup>

The Regulation states that, where the Ontario Energy Board (OEB) requires a licensed distributor to submit a capital plan, the OEB must also require the distributor to:

- (i) consult with any telecommunications entity<sup>2</sup> that operates within its service area when preparing a capital plan for submission to the OEB, for the purpose of facilitating the provision of telecommunications services, and
- (ii) include the following information in its capital plan:

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<sup>1</sup> Wireless attachments are expressly excluded from the ambit of the Regulation.

<sup>2</sup> A "telecommunications entity" is a telecommunications service provider or other person or entity that needs the use of or access to a distributor's infrastructure in order to attach wires, cables or any other telecommunications facility, not including a wireless attachment, for the purpose of providing or facilitating the provision of telecommunications services.

- i. The number of consultations that were conducted and a summary of the manner in which the distributor determined with whom to consult.
- ii. A summary of the results of the consultations.
- iii. A statement as to whether the results of the consultations are reflected in the capital plan and, if so, a summary as to how.

Chapters 5 (Consolidated Distribution System Plan) and 5A (Small Utilities Distribution System Plan) of the OEB's *Filing Requirements for Electricity Distribution Rate Applications* specify when a distributor is required to file a Distribution System Plan (which includes the distributor's capital plan).<sup>3</sup> Further to the Regulation, distributors must consult with telecommunications entities within their service area when preparing their capital plans for submission to the OEB, and separately include all of the information listed above in that portion of their application that addresses "Coordinated Planning with Third Parties" (section 5.2.2 of the Filing Requirements).

Any questions related to this letter may be directed to [Industry.Relations@oeb.ca](mailto:Industry.Relations@oeb.ca) with the subject line "Capital Planning to Support Telecommunications Projects".

Yours truly,

*Original Signed By*

Theodore Antonopoulos  
Vice President  
Applications Division

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<sup>3</sup> In addition, the OEB's December 1, 2021 [letter](#) regarding *Applications for 2023 Electricity Distribution Rates* clarified when a Distribution System Plan should be filed in conjunction with an Incremental Capital Module request.