



# Telecom Notice of Consultation CRTC 2011-614-1

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Additional reference: 2011-614

Ottawa, 7 February 2012

## Call for Comments

### Amended proceeding to consider a model Municipal Access Agreement

File number: 8690-C12-201113125

*In this notice, the Commission resumes the proceeding to establish a model Municipal Access Agreement with an amendment to the proceeding.*

#### Introduction

1. On 23 September 2011, the Commission issued *Proceeding to consider a model Municipal Access Agreement*, Telecom Notice of Consultation CRTC 2011-614 (NoC 2011-614), calling for comments on a model municipal access agreement (MAA) to be developed in a two-step process.
  - Step One - a public consultation process to seek input from interested persons regarding what considerations should form part of a model MAA and what policy matters the Commission must address with respect to access to public property.
  - Step Two - the Commission would establish an ad-hoc CRTC Interconnection Steering Committee (CISC)<sup>1</sup> working group to develop the access terms and conditions to be included in the model MAA, based on the principles and guidance established by the Commission as a result of the first step in the process.
2. By letter dated 21 October 2011, Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Bragg Communications Inc. (operating as EastLink), Cogeco Cable Inc., Quebecor Media Inc. (on behalf of Videotron), Rogers Communications Partnership, Shaw Communications Inc., Télébec, Société en commandite, and TELUS Communications Company (collectively, the Carriers) requested that the NoC 2011-614 procedure be amended as follows:
  - start with a CISC process (NoC Step Two); and

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<sup>1</sup> The CISC was established pursuant to Telecom Public Notice 96-28, to identify issues and propose solutions for consideration by the Commission.

- then have a written process (NoC Step One) following the issuance of CISC’s report to address non-consensus items in the CISC report.
3. The Carriers stated that the NoC 2011-614 Step One process seemed to be “starting from scratch” given that there was already much common ground among the various carriers and municipalities that have signed hundreds of MAAs.
  4. By letter dated 21 October 2011, Saskatchewan Telecommunications (SaskTel) requested that the NoC 2011-614 procedure be amended to provide for a streamlined written proceeding focused solely on major recurring contentious issues. SaskTel submitted that there was no need for the interrogatory and CISC stages. In SaskTel’s view, the Commission’s current Ledcor principles<sup>2</sup> and case-by-case approach have, for the most part, accommodated the needs of carriers and municipalities, noting that there were only a handful of exceptional cases in the past ten years where regulatory intervention was required.
  5. By letter dated 26 October 2011, Commission staff established a process for interested persons to provide comments on the Carriers’ and SaskTel’s requests.
  6. By letter dated 2 November 2011, the Commission suspended NoC 2011-614 while it considered the requests to amend the process, and stated that it would issue revised procedure dates for the NoC 2011-614 proceeding.
  7. After reviewing the requests and comments<sup>3</sup>, the Commission notes that most parties requested that the NoC 2011-614 procedure start with the CISC process. The Commission also notes the parties’ concerns that starting with the public consultation process would not be efficient given that there is already much common ground among the various carriers and municipalities that have signed numerous MAAs. Further, the Commission notes that MTS Allstream Inc. (MTS Allstream) provided as a sample agreement, a copy of the MAA that it and the City of Vancouver entered into as a result of Telecom Regulatory Policy 2009-150. In MTS Allstream’s view, the sample agreement which has specific language identifying the parties removed would be a good starting point for discussion.
  8. The Commission notes that starting with a CISC process would provide parties with an opportunity to focus on the issues in dispute and to disregard those issues that have already been settled by the parties. Further, the Commission notes that the end-result of the NoC 2011-614 proceeding should be a model MAA that would be flexible in its application and could be used to incorporate unique circumstances.
  9. In view of the above, the Commission is resuming the NoC 2011-614 proceeding to consider a model MAA and is amending the process to commence with a CISC process.

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<sup>2</sup> Ledcor principles were established in Decision 2001-23.

<sup>3</sup> The Commission received comments on the requests to amend the NoC 2011-614 process from the Cable Cable Inc., Fenelon Cable Inc., and Bobcaygeon Cable Inc. (collectively Cable Cable); City of Mississauga; City of Toronto; Federation of Canadian Municipalities; and MTS Allstream Inc.

## Amended Procedure

10. The Commission requests CISC to form an ad hoc working group to develop a model MAA based on the Ledcor principles established in Decision 2001-23 and other relevant Commission's decisions<sup>4</sup> issued to date. The CISC ad hoc working group is to report back to the Commission within 180 days from the date of this notice.
11. The Commission notes that the ad-hoc working group may want to consider using, as a starting point in its deliberations, any of the MAAs for which the Commission has issued a decision, as well as the sample agreement provided by MTS Allstream with its comments. The Commission further notes that this ad hoc working group will function in accordance with the approved CISC Administrative Guidelines approved in Decision 2001-196 and found on the Commission's website at <http://www.crtc.gc.ca/cisc/eng/cag.htm>. The need for any further process will be assessed, based on the recommendations in the report from the CISC working group.
12. For details on how to participate in the CISC ad hoc working group, a letter has been posted on the CISC web site under the heading " Model Municipal Access Agreement working group" at the following link: <http://www.crtc.gc.ca/eng/cisc-cdc.htm>.

Secretary General

## Related documents

- *Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Application regarding access to municipal property in the City of Thunder Bay*, Telecom Decision CRTC 2010-806, 29 October 2010
- *MTS Allstream Inc. – Application regarding a Municipal Access Agreement with the City of Vancouver*, Telecom Regulatory Policy CRTC 2009-150, 19 March 2009
- *Application by the City of Baie-Comeau regarding the costs to relocate TELUS Communications Company's telecommunications facilities*, Telecom Decision CRTC 2008-91, 19 September 2008
- *Shaw Cablesystems Limited's request for access to highways and other public places in the County of Wheatland, Alberta*, Telecom Decision CRTC 2008-45, 30 May 2008
- *Shaw Cablesystems Limited's request for access to highways and other public places within the District of Maple Ridge on terms and conditions in accordance with Decision 2001-23*, Telecom Decision CRTC 2007-100, 25 October 2007

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<sup>4</sup> These decisions are: Telecom Decision 2010-806, Telecom Regulatory Policy 2009-150, Telecom Decision 2008-91, Telecom Decision 2008-45, Telecom Decision 2007-100, Telecom Decision 2005-36, and Telecom Decision 2003-82.

- *Part VII Application by Allstream Corp. seeking access to Light Rail Transit (LRT) lands in the City of Edmonton*, Telecom Decision CRTC 2005-36, 17 June 2005
- *Terms and conditions of existing agreements for access to municipal rights-of-way*, Telecom Decision CRTC 2003-82, 4 December 2003
- *PN 2000-17: CRTC Interconnection Steering Committee (CISC) Administrative Guidelines*, Decision CRTC 2001-196, 27 March 2001
- *Ledcor/Vancouver – Construction, operation and maintenance of transmission lines in Vancouver*, Decision CRTC 2001-23, 25 January 2001
- *Implementation of Regulatory Framework – Development of Carrier Interfaces and Other Procedures*, Telecom Public Notice CRTC 96-28, 1 August 1996