



**PUBLIC WORKS AND
ENGINEERING**
Staff Report

REPORT NO: PW2022-24

TO: Council

SUBMITTED BY: Jeff Molenhuis, P. Eng., Director of Public Works & Engineering

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REVIEWED BY: Sharon Chambers, CAO

DATE: May 30, 2022

SUBJECT: PW2022-24 - North Frontenac Telephone Corporation Limited (NFTC) – Municipal Access Agreement

RECOMMENDATION:

THAT Report 2022-24 be received for information;

AND THAT the Mayor and Clerk be authorized to enter into a Municipal Access Agreement (MAA) with North Frontenac Telephone Corporation Limited (NFTC).

SUMMARY:

NFTC and Township staff have advanced terms of a Municipal Access Agreement, which provides a framework and non-exclusive rights for future telecommunications expansion by NFTC on Township rights of way. This report is to seek Council approval to enter into a Municipal Access Agreement with NFTC in order to establish the terms and conditions necessary to allow for any prospective projects that NFTC may have planned in the Township. NFTC has a rural broadband network presence in neighbouring municipalities.

BACKGROUND:

A Municipal Access Agreement (MAA) is an agreement that offers telecommunication companies the ability to construct, maintain and operate their equipment within rights-of-way that are under the jurisdiction of the municipality. Telecommunications and other utility providers require permission for access rights of way under federal regulations and telecommunications commissions.

The MAA deals primarily with roles and responsibilities of each party, municipal consent and approval, municipal cost recovery, hazardous substances and materials, road occupancy permits, access and location to rights-of-way, third party and sub-contractor agreements, service level agreements, and maintenance and repair responsibilities.

Municipal Access Agreements are common practice in modern and competitive telecommunication expansion markets. The Federation of Canadian Municipalities (FCM) and the telecommunications industry through the Canadian Radio-television and Telecommunications Commission (CRTC) worked together to develop a standardized template that would assist telecom and municipal officials in standard terms of installation and maintenance of telecom infrastructures on municipal property. A standardized MAA template provides a significant number of benefits by providing for predictability for both the municipality and telecommunications provider. This standard form of agreement is used by municipalities across Ontario. This is the basis of the agreement terms attached to this report. The agreement was additionally reviewed by the Township solicitor for Wilmot specific interests.

REPORT:

Infrastructure Canada outlines the Federal Rural Economic Development Strategy in which connectivity to broadband is a key program strategy. Access to reliable internet is a quality-of-life parameter, and is essential for remote learning, telework, access on-line medicine, supporting local businesses and more. In the rural areas, it has the potential to change opportunities for business and residences.

Over the past year Township staff have been working with NFTC on finalizing the terms and conditions as outlined in the attached MAA. The MAA contemplated herein uses the updated standard format that has been developed in conjunction with our Township solicitor and updated with the Township's requirements, which allows for NFTC to access Wilmot's rights-of-way, subject to project-based plan applications and approvals. Through these individual project network expansion initiatives, NFTC will be required to apply for Municipal Consent and Right of Way work permits for any plant expansions.

The proposed MAA will position the Township well with precedent for future telecommunication expansions by providers, as well as the operations and maintenance activities that follow plant expansion in the Township. The agreement also sets the framework for a smoother broadband expansion process for NFTC, which is particularly beneficial given the current funding

environment through federal and provincial programs. It also gives a sense of business confidence to the telecommunication provider as a result of non-exclusive access to Township rights-of-way.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This initiative supports the goals and strategies of enhancing:

- Quality of Life through Accessibility and Inclusivity; and
- Responsible Governance through Active Communications and Fiscal Responsibility.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:

- Industry, Innovation and Infrastructure
- Reduced Inequalities

FINANCIAL CONSIDERATIONS:

This agreement outlines fees for administration and applications made by NFTC for telecommunications infrastructure projects in Wilmot Township. The extent of fees generated will be based on the number of expansion opportunities pursued by NFTC.

ATTACHMENTS:

North Frontenac Telephone Corporation Limited (NFTC) Municipal Access Agreement