



Staff Report for Committee of the Whole Meeting

Date of Meeting: November 15, 2023

Report Number: SRCS.23.25

Department: Community Services
Division: Public Works Operation

Subject: **SRCS.23.25 - Municipal Access Agreement with telMax Inc.**

Purpose:

To obtain authorization to execute a Municipal Access Agreement (MAA) with telMAX Inc. and other telecommunications service providers.

Recommendation(s):

That the Commissioner of Community Services be authorized to:

- a) execute a Municipal Access Agreement with telMAX Inc.; and
- b) negotiate and execute Municipal Access Agreements with other telecommunication service providers.

Contact Person:

Frank Quarisa, Director, Public Works Operations, extension 2935

Vlad Gaiu, Manager of Energy and Waste, Public Works Operations, extension 2524

Report Approval:

Submitted by: Tracey Steele, Commissioner of Community Services

Approved by: Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

The federal Telecommunications Act provides telecommunication companies with the right to access the municipal ROW, subject to the consent of the municipality. The process, terms and conditions for granting municipal consent are typically contained in a legal document called a Municipal Access Agreement (“MAA”).

A request was received from telMAX Incorporated (telMax) to install telecommunications infrastructure within the City rights-of-way (ROW). telMAX is a Canadian-owned telecommunications provider, registered as a competitive local exchange carrier with the Canadian Radio-Television and Telecommunications Commission (CRTC). telMAX offers high speed data connectivity and internet access to residents and local businesses. They are planning to build, maintain and operate a fibre-optic cable network within the City, installed in underground conduits or using existing aerial utility poles.

telMAX currently does not have a MAA with the City of Richmond Hill. The purpose of this report is to seek Council approval to enter into a MAA with telMAX that would allow telMax to install telecommunications equipment within City’s ROW. Staff are also seeking delegated authority to negotiate and execute future MAA with other telecommunication providers.

Municipal Access Agreements

On July 25, 2005, Council adopted a standard Municipal Access Agreement (SRE.05.043) to establish the conditions that must be met by telecommunications companies in order to gain access to municipal road allowances. Since then, Council has authorized the City to negotiate and execute Municipal Access Agreements (MAA) with a number of companies such as Rogers Communications, Bell Canada, and TELUS. The standard MAA has been updated to ensure it is in line with current City processes and benchmarked best practices.

The key provisions of the MAA include:

- Conditions which must be satisfied in order for the company to gain access to the ROW, including submission of permit applications and pre-approval of plans.
- Fees for Municipal Consent and Road Occupancy Permits based on the cost recovery principle.
- Insurance requirements, including general liability, in a form satisfactory to the City.
- The ability for the City to stop work for public health/safety, special events, capital projects, etc.
- Provisions for cost sharing where relocation of equipment is required as a result of planned capital projects by the City.
- Requirements for the restoration of the ROW after completion of the work.
- An initial term of 5 years, which will be renewed automatically for successive 5-year term, unless terminated by either party.

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telMax Inc. has requested a MAA with the City and has agreed to the terms and conditions in the City's standard MAA.

Staff expect that the City will receive more requests like this from other telecommunications service providers looking to install their infrastructure within the City's ROW. Therefore staff are also seeking delegated authority for the Commissioner of Community Services to negotiate and execute Municipal Access Agreements with other telecommunication service providers that may approach the City.

Financial/Staffing/Other Implications:

Execution of this agreement includes provisions for the City to recover costs associated with telMAX's work within the ROW.

Relationship to Council's Strategic Priorities 2020-2022:

Ensuring that telecommunications companies are able to provide competitive, high-speed and reliable internet services to the City's residents and businesses at no cost to the City while protecting City assets and the overall enjoyment of the ROW, is in line with Richmond Hill's ongoing commitment to fiscal sustainability.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

In order to ensure that continued access to the City's ROW by telecommunications companies is carried out in a coordinated and controlled fashion and at no cost to the City, staff recommend the execution of a MAA with telMAX Inc.

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Report Approval Details

Document Title:	SRCS.23.25 - Municipal Access Agreement with telMax Inc.docx
Attachments:	
Final Approval Date:	Oct 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Frank Quarisa - Oct 30, 2023 - 3:31 PM

Andreea Adari - Oct 30, 2023 - 3:35 PM

Gigi Li - Oct 31, 2023 - 7:37 AM

Tracey Steele - Oct 31, 2023 - 11:09 AM

Darlene Joslin - Oct 31, 2023 - 8:30 PM