



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 26, 2005
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TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Interim Site-Specific Municipal Access Agreement - Bell Canada

RECOMMENDATION

- A. THAT the General Manager of Engineering Services and Director of Legal Services be authorized to conclude negotiations, and execute and deliver a legal agreement with Bell Canada to permit it to extend its telecommunications network under City streets at the six locations identified and on terms and conditions generally as described in this report, and such other terms and conditions satisfactory to the General Manager of Engineering Services and Director of Legal Services.
- B. THAT no legal rights or obligations will arise or be created by Council's adoption of Recommendation A unless and until all legal documentation has been executed and delivered by the respective parties.

GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services RECOMMENDS approval of A and B.

COUNCIL POLICY

Where Council's pre-existing standing authority for the execution of contracts by City staff is not applicable, specific Council authorization is required.

PURPOSE

This report seeks Council approval for staff to negotiate and execute an agreement with Bell Canada to allow them to build additions to their telecommunications systems at the six specified locations within the City of Vancouver.

BACKGROUND

Bell Canada (Bell) is the nation's largest telecom company. While the majority of its operations are in Ontario and Quebec, the company is moving into Western Canada and is a corporate sponsor for the 2010 Olympics. The company already has a significant network in Vancouver, acquired by purchasing the assets of two companies that previously had Municipal Access Agreements (MAA) in the City of Vancouver; GT Group Telecom Networks Inc. and 360 networks Canada Ltd.

The regulatory system by which the City allowed telecommunication companies access to the City streets changed significantly following a ruling by the CRTC in 2001 (the "CRTC Decision").

Vancouver and the Federation of Canadian Municipalities appealed the decision to the Federal Court of Appeal, where the CRTC Decision was upheld. Subsequently, leave to appeal to the Supreme Court of Canada was sought but not granted.

A number of other CRTC decisions have eroded the ability of municipal governments to administer publicly-owned lands and the Federation of Canadian Municipalities, the City of Vancouver and other municipalities are presently involved in litigation with the telecom companies with respect to these decisions.

The FCM is preparing a submission to Industry Canada requesting amendments to the Telecommunications Act to more fairly represent the municipal interests.

City of Vancouver staff are currently considering recommending that Council consider a utility bylaw to regulate all utilities in City streets.

In the meantime, it is still necessary for the City to grant access to the companies to City streets in a timely manner. Until City Council approves a long term policy for access to City streets by utility companies, interim agreements are sought, either for specific locations, as and when required, or on a City wide basis. Council authorized a site specific interim MAA with Bell in December 2004.

DISCUSSION

Bell has a number of new customers that require civil works within the City streets for which they require an interim MAA, which requires approval of Council.

At this time, Bell has six locations for which permission is sought to construct:

- Dunsmuir St. @ Seymour St.
- Homer St. @ Davie St.
- Arbutus St. @ 34th Ave.
- West Blvd. @ 37th Ave.
- Carnarvon @ 39th Ave.
- Marine Dr. @ Kullahun Dr.

The terms of this interim MAA would be substantially the same as interim MAAs that have been signed with a number of telecom companies, which include the following terms:

- City to approve the location and design of installations as it affects other utilities
- Bell to pay City costs for inspection, lost parking meter revenue, traffic signing and pavement/sidewalk repairs to City standards
- Bell to provide as-built information for their new facilities
- Bell to indemnify the City to the satisfaction of the Director of Legal Services
- Agreement may be terminated by either party on 180 days notice

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Staff recommends that Council authorize the City to enter into a site-specific interim MAA with Bell Canada for expansions to their telecommunications network in the six locations identified and as generally described in this report.

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