



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: May 25, 2006  
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Meeting Date: June 27, 2006

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 five 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 five 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 expanding in 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 360networks Canada Ltd.

The regulatory system governing access by telecommunication companies to City lands changed significantly in 2001 as a result of a ruling by the Canadian Radio-television and Telecommunications Commission - the Ledcor Decision, a ruling that was upheld by the Federal Court of Canada. The Ledcor Decision and a number of subsequent CRTC decisions have eroded the ability of municipal governments to administer publicly owned lands. The Federation of Canadian Municipalities, the City of Vancouver and other municipalities are presently involved in legal proceedings on the issues raised by these CRTC decisions.

The FCM is preparing a submission to Industry Canada requesting amendments to the Telecommunications Act to more fairly represent the municipal interests. Further, City staff is preparing a resolution to be debated at the upcoming Union of BC Municipalities Convention this fall.

City of Vancouver staff is currently preparing a utility bylaw to regulate all utilities in City streets. A draft of this bylaw will be presented to Council in the near future, plus it will be circulated to the industry for comment.

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.

The most recent site-specific MAA between the City and Bell Canada was entered into in February 2006.

## DISCUSSION

Bell is planning new civil works within the City streets for which they require an interim MAA, which requires approval of Council.

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

- Ontario St @ E 33<sup>rd</sup> Ave., approximate length of construction - 257 metres

- E 33<sup>rd</sup> Ave. @ Prince Edward St., approximate length of construction - 76 metres
- Lane north of Cambridge St. @ N. Kaslo St., approximate length of construction - 205 metres
- SW Marine Dr. @ Crown St., approximate length of construction - 39 metres
- Kootenay St., @ Lougheed Hwy., approximate length of construction - 25 metres

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 five locations identified and as generally described in this report.

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