



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: July 9, 2007  
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Meeting Date: July 24, 2007

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Interim Municipal Access Arrangements - Saskatchewan Telecommunications

#### RECOMMENDATION

- A. THAT the General Manager of Engineering Services and Director of Legal Services be authorized to conclude negotiations and execute and deliver legal arrangements with Saskatchewan Telecommunications, to permit the company to extend their telecommunications network under City streets by installing ducts in various new locations, 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 arrangements with Saskatchewan Telecommunications to allow them to build various additions to their telecommunications duct system on terms as described in this report.

## BACKGROUND

City of Vancouver staff has prepared the initial draft of the "Street Utilities Bylaw", intended to regulate all utilities in City streets. This draft was presented to Council on September 26, 2006, at which time City Council authorized its circulation to the various utilities for their information and comment. We have received most of the expected comments and are currently analyzing them.

In the meantime, it is still necessary for the City to grant access to the utility 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 arrangements have been sought for specific locations, as and when required, making this work retroactively subject to the ultimate arrangements, presumably the by-law.

Council approved arrangements on this basis for Shaw Cablesystems Limited at its meeting on July 11, 2006, and for Bell Canada., MTS Allstream Inc. and Novus Entertainment Inc. on April 17, 2007. At this time we seek to extend a similar arrangement to another telecom company, Saskatchewan Telecommunications. It is expected that, subject to Council approval, in order to treat all telecom companies in the same manner, the City would extend the arrangement to any other utility company that requested such an arrangement.

## DISCUSSION

As noted, we have entered into an interim agreement with four telecommunications companies to allow access to City streets while we await completion and, if approved by Council, enactment of the planned Street Utilities By-law. The interim letter agreements will be signed individually for each project, and will provide that works built under this arrangement will be retroactively subject to the terms and conditions of the anticipated by-law.

We now wish to extend a similar arrangement to Saskatchewan Telecommunications.

There is very little risk in proceeding with these arrangements. Should Council not enact the Street Utilities By-law, either of two things will happen:

1. The utility companies and the City will enter into individual site specific MAAs, as we have done in the past, for work done under this arrangement, or

2. The CRTC may intervene and impose an agreement upon the City for the whole of the network for each utility company, which would include this work.

## **FINANCIAL IMPLICATIONS**

There is a minor financial benefit having the work that is the subject of this report retroactively covered by the planned Street Utilities By-law since we would be able to capture a number of fees (e.g. Plan Review Fees, Inspection Fees) that we are currently not able to collect.

## **CONCLUSION**

Staff recommends that Council approve an interim arrangement to facilitate Saskatchewan Telecommunications installing various extensions to their telecommunications network in Vancouver, as generally described in this report.

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