

City of Mississauga  
**Corporate Report**



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| <p>Date: February 23, 2023</p> <p>To: Chair and Members of General Committee</p> | <p>Originator's files:</p>             |
| <p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>  | <p>Meeting date:<br/>March 8, 2023</p> |

## Subject

### **Municipal Access Agreements between the City of Mississauga and Various Telecommunication Companies**

#### **Recommendation**

1. That the Commissioner of Transportation and Works or their designate be authorized to negotiate new Municipal Access Agreements with Rogers Communications Canada Inc., Bell Canada, and Telus Communications Company including all necessary documents ancillary thereto, and any and all amendments and renewals;
2. That the Commissioner of Transportation and Works and the City Clerk be authorized to execute new Municipal Access Agreements with Rogers Communications Canada Inc., Bell Canada, and Telus Communications Company including all necessary documents ancillary thereto, and any and all amendments and renewals, all in a form satisfactory to Legal Services;
3. That the Commissioner of Transportation and Works or their designate to be authorized to negotiate new Municipal Access Agreements with each of the other telecommunication companies operating in the City of Mississauga, as their existing agreements expire, with terms and conditions no more onerous than those contained in the new Municipal Access Agreements with Rogers Communications Canada Inc., Bell Canada, and Telus Communications Company; and
4. That the Commissioner of Transportation and Works and the City Clerk be authorized to execute new Municipal Access Agreements with each of the other telecommunication companies operating in the City of Mississauga, as their existing agreements expire, with terms and conditions no more onerous than those contained in the new Municipal Access Agreements with Rogers Communications Canada Inc., Bell Canada, and Telus Communications Company, all in a form satisfactory to Legal Services.

## Background

In accordance with the *Telecommunications Act of Canada 1993*, telecommunication companies must obtain the City's consent to construct their equipment within the right-of-way (ROW). Over the years, the City has entered into Municipal Access Agreements (MAAs) with several telecommunication companies whereby under the MAAs, the City has allowed the companies non-exclusive access and use of ROWs for the construction, installation, maintenance, operation and relocation of equipment, subject to the terms and conditions imposed by the City, including assurance under the MAAs that these companies have due regard to the safety, use and enjoyment by others of the ROWs.

In 2006, Rogers, Bell and Telus entered into their original MAAs with the City. The original agreements were for a five-year term with two automatic 5-year renewals, bringing the expiration date for all three agreements to 2021. Under the terms of the existing MAAs, these agreements continue to govern over the telecommunication companies' existing installed equipment until new MAAs are entered into between the parties.

There are also other telecommunication companies that have MAAs with the City that are set to expire in the coming years.

This report is seeking Council authority to both negotiate and enter into new MAAs with Rogers, Bell, and Telus; as well as negotiate and enter into new MAAs with the other telecommunication companies as their agreements expire.

## Comments

The City and Rogers, Telus, and Bell (jointly) began negotiations for the new MAA in September 2021. These negotiations are ongoing and there are a number of items that still need to be addressed, including the following:

- when a Road Occupancy Permit is required,
- restrictions on excavations,
- sharing of inspection costs,
- telecommunication infrastructure relocation terms and conditions, and
- development of a permit and fee schedule.

If negotiations prove to be unsuccessful, any of the parties may apply to the CRTC to set the terms and conditions for the agreements. The CRTC is an administrative tribunal that regulates broadcasting and telecommunications in the public interest. Should a dispute to the CRTC be filed by either party, a Corporate Report will be brought forward to General Committee to seek direction on the path forward.

Furthermore, a report will be provided to General Committee and Council if the negotiations conclude and have resulted in significant changes from the previous agreement. This report will outline the amendments and the impacts to the City.

There are other telecommunication companies that have existing MAAs with the City that are set to expire in the coming years. Negotiations for these agreements will begin closer to the expiry dates for these agreements. It is staff's intent to keep the terms and conditions of the MAAs as consistent as possible with the agreements reached with Rogers, Bell and Telus for all new MAAs that the City enters into.

## Financial Impact

There are no financial impacts resulting from the approval of the Recommendations in this report. The financial impact to the City of Mississauga is to be determined once the negotiations are complete. Should the new MAA result in significant financial impacts to the City, a further Corporate Report will be prepared prior to the execution of the agreements.

## Conclusion

The Municipal Access Agreements with Rogers, Bell, and Telus expired in 2021. Negotiations are ongoing for new Municipal Access Agreements with the aim of finalizing new agreements in the coming months. MAAs with other telecommunication companies will be expiring in the coming years and will require new agreements. This report is seeking Council authority to negotiate and enter into the new agreements.



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Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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