

Mr. Claude Doucet, Secretary General
Canadian Radio-television and Telecommunications Commission
Les Terrasses de la Chaudière
1 Promenade du Portage
Gatineau, Québec J8X 4B1

September 19, 2023

RE: Telecom Notice of Consultation 2023-89 – Broadband Fund policy review

Dear Mr. Doucet,

Electricity Canada and its members of the Joint Use, Policy, and Procedure Committee are writing today in response to your department's Telecom Notice of Consultation 2023-89, or Broadband Fund policy review. Our members agree that timely and cost-effective broadband rollout is necessary to address service disparities between regions. We refer to our previous submissions throughout this consultation, but we would also like to bring to your attention new comments.

We highlight a recent example of where recommendations guided by policy do not reflect the reality of operations; Infrastructure Ontario's recommended use of an all-dielectric self-supporting telecom cable may give a temporary solution for provincial demands but leaves very little capacity for future developments. Meeting the competing requirements of broadband deployment versus sustainable systems can leave each support structure owner increasingly accountable for the effects of system failures, a process in which they had limited or no control. We believe that this creates a reverse monopoly, but we also believe that the CRTC both has and should use its power to resolve such conflicts.

Finally, we wish to express our interest in any further opportunity for collaboration, coordination, and cooperation between Electricity Canada members, federal, and provincial or territorial governments. We understand the difficulties of managing competing priorities and interests, but we all have the common interest of serving Canadians.

Our response in detail can be found in Appendix A.



Yours sincerely, and with all respectfully submitted,

Arjun Devdas
Manager, Asset Optimization, Hydro One
Chair, Electricity Canada Joint Use Practice & Policy Committee

Channa Perera
Vice President, Regulatory and Indigenous Affairs, Electricity Canada



Appendix A – Response in Detail

1. Founded in 1891, Electricity Canada is the voice of more than 40 Canadian electrical utilities. Electricity Canada members include Generation, Transmission, and Distribution companies from all provinces and territories.
2. The Commission (“CRTC”) is seeking input from anyone with an interest in connectivity in rural and remote areas, including telecommunications service providers, communities, consumers, and consumer advocates.
3. Different branches within the government of Canada have been actively studying ways to improve rural broadband and small cell deployments since at least 2018. The activity started with the Broadcasting Telecommunication Review Panel, then continued with the CRTC’s consultation on the wireless market 2019-57, the CRTC rural broadband consultation 2019-406 and the subsequent consultation 2020-366.
4. Please find below our response to select questions from the Telecom Notice of Consultation 2023-89

Section 1.0 Advancing Reconciliation with Indigenous Peoples

Q3. Are the criteria used to evaluate other Broadband Fund applications appropriate for this funding stream?

5. With respect to additional criteria for broadband funding, Electricity Canada refers back to our previously submitted comments: *“To allow more pole space for telecommunications equipment, [Electricity Canada] recommends that the Commission continue providing financial support for new Telecom entrants, especially First Nations, who will build in remote and rural areas. Importantly, [Electricity Canada] urges the CRTC to ensure that funding for applicants’ business case includes ‘make-ready’ costs if upgrades to electrical utilities’ infrastructure are required. This will ensure viable solutions with no cross-subsidization by the electrical ratepayers.”*¹

¹ CRTC 2019-406 consultation: CEA submission on May 7th, 2020, item # 23



6. Electricity Canada also believes that the vast differences between much larger, well-established Telecom companies and new entrants in remote and rural areas (especially First Nations community service providers) should be acknowledged and addressed. Criteria for funding these new entrants should help “level the playing field” throughout their business lifecycle by considering issues such as:

- Capacity-building to explicitly include development of expertise, ensuring that applicants fully understand and may readily participate throughout the process.
- Greater cooperation (ideally seamless) between ministries at all levels to ensure that the funding provided enables recipients to properly plan, budget and fulfill their obligations throughout the project phase.

Section 4.0 Considering additional improvements to the application process

Q46. In what ways could the Commission streamline the application process?

7. Electricity Canada continues to help its members improve access to their support structures. To this end, additional criteria should be considered to ensure timely and cost-effective broadband deployment.
8. In addition to improving the speed of broadband project delivery and reducing installation costs through employing utility coordinating committees (i.e. coordination tables)², *“It is critical that the electric utilities be engaged early in the planning process to assess viability and informed about any changes to deployment plans to ensure resources are available to support timely delivery of make ready associated to the electrical infrastructure.”*³

² CRTC 2023-31 policy: item # 275

³ CRTC 2020-366 consultation: CEA submission on Jan 19th, 2021, item # 19



9. For effective deployment of broadband, the Commission has been sensitive to anti-competitive behaviour within the telecom industry.⁴ Electricity Canada members “*continue to witness competitive exclusion by Incumbent Local Exchange Carriers (“ILECs”) who can prevent the attachment of wireless equipment to their support structures and ‘reverse monopoly’ practices by the telecommunications companies by both ILECs and Competitive Local Exchange Carriers (“CLECs”)”*⁵
10. With respect to the CRTC 2023-89 submission by Infrastructure Ontario on July 21, 2023, Electricity Canada members have been following the development of the pole attachment installation processes and standards in Ontario. Ontario has been progressive with its accommodations for telecoms to further its current broadband fund program.
11. In its submission, Infrastructure Ontario also included a draft copy (version 1.0) of its “Process Optimization for Lashing to Electric poles” which provides various work methods and standards for the telecom pole attachment process. This provides some insight into the different approaches between this current provincial initiative and federal undertakings to further broadband services.
12. Electricity Canada members have reviewed their pole permitting methods to improve permitting and attachment efficiencies while ensuring consistency, fairness, and safety. With most attachment agreements, there are two basic permitting approaches:
 - A full permit application with the pole owner’s approval (the design having full detail loading calculations, separations, clearances, and any make-ready work in advance of any approvals and installations)
 - No permit required but a timely Post Work Notification (PWN) follow up by the attacher with the owner

This legacy two-method permitting approach (i.e. fully engineered permit versus pre-approved Post Work Notification) does not provide a middle ground to balance controlled versus quick and simple work. The introduction of a simple third permit review option is helping to achieve these goals.

⁴ CRTC 2023-31 policy, item # 224

⁵ CRTC 2023-366 consultation: CEA submission on Jun 6th, 2022, item # 5



13. As mentioned in its previous submission, Electricity Canada suggested the third option where “*This type of planned [simple one-touch make-ready] minor work by an attacher could include the adjustment, relocation, or correction of existing wireline attachments owned by others, Materially Insignificant Alterations (MIA) with their existing equipment, vegetation management at or below the communications space, and/or removal of NIU/abandoned cables.*”⁶ In essence, such changes provide three expanded permitting methods: fully engineered permit, simple permit, and pre-approved Post Work Notification.
14. Electricity Canada members view Materially Insignificant Alterations (MIA)⁷ as having three primary drivers: technical, capacity, and administrative, with each requiring a simple permit. Infrastructure Ontario’s draft process, however, looks at technical requirements only. For example, all-dielectric self-supporting telecom cable (ADSS) has very little or no capacity to support other cables or in-span attachments (e.g. wireless). This type of ADSS cable may be good for small service drops to buildings but unduly consumes capacity on the main overhead cable routes. Various telecoms submitted many recommendations during the CRTC 2020-366 consultation about improving spare capacity. It appears that Infrastructure Ontario is promoting large ADSS cable which provides those installing telecoms that proceed a quick solution for these provincial programs, and it may unfortunately lack or not fully consider future capacity requirements that incent future monopolistic behaviours. Electricity Canada members endeavour to prevent reverse monopoly practices by the telecoms to ensure equal and non-discriminatory access to its Attachers. Please refer to Appendix B, which defines a reverse monopoly and enumerates the actions that reflect this behaviour.
15. Since Electricity Canada members are responsible for the safety, reliability, and affordability of their electrical systems, they endeavour to meet current and future requirements which also include their support structures. As such, the current CSA overhead system standards have been revised for better system resiliency, by accounting for the greater environmental impacts from climate change compared to their older standards. Competing requirements between the sometimes-rushed broadband deployment versus sustainable systems, can leave each support structure owner increasingly accountable for the effects of system failures arising from decision, over which, they had no or limited control. In short, the various levels of government must also weigh these competing requirements to ensure better service objectives that meet both these short-term and long-term requirements.

⁶ CRTC 2020-366 consultation: CEA submission on Jun 7th, 2021, item # 10

⁷ CRTC 2023-89 consultation: Infrastructure Ontario submission on Jul 21, 2023, attached draft process



16. These competing policy objectives may be one of several fundamental differences between the provincial versus federal approach to broadband expansion (i.e. immediate versus longer view) which may be beyond the scope of this consultation. We agree with the Public Interest Advocacy Centre (PIAC) that better cooperation and coordination between the federal and provincial/territorial governments are required for a more harmonized and improved approach(es) to their telecom and electrical power objectives⁸.
17. As such, *“to meet the goals of improving access to telecommunications services, for both rural broadband and small cells, we advise the Commission to use its existing regulatory power to prevent such competitive exclusions and reverse monopolies within the telecommunications sector.”*⁹ If the CRTC uses its authority in this way, in concert with what is happening at the provincial/territorial levels, Electricity Canada members believe Canadians will be well served.

Conclusion

18. Electricity Canada members continue to work with our telecommunications partners, with a view to assisting the expansion of broadband networks in Canada, and thereby better serving both telecommunications and electricity customers in a fair and equitable manner.

⁸ CRTC 2023-31 policy, item # 251

⁹ CRTC 2020-366 consultation: CEA submission on Jun 6th, 2022, item # 6



Appendix B – Traits of a Reverse Monopoly

Reverse Monopoly means an unwritten discriminatory practice by a telecom (either an ILEC or CLEC) to provide an advantage over its competitors to existing and new customers on Support Structures owned by others. There are several approaches to this practice and is typically demonstrated by:

- Capacity Blocking: A telecom, owning multiple Support Strands on a pole owned by others, that delays or refuses permission to others to Over-lash to their Support Strands or consolidate its multiple Support Strands to free up Support Structure capacity. In such instances, the telecom has essentially created a “Reverse Monopoly” by blocking other telecoms with the Support Structure without owning the pole.
- Capacity Blocking: A telecom delaying its deployment after an access permit has been issued. In essence, the telecom has acquired written permission to use the Support Structure capacity from the pole owner but reserves this capacity by unduly delaying its installation. This may not totally apply to a telecom where there is a Parity, Joint Ownership, or a Reciprocal License agreement in place with a Power Utility for sharing of each other’s Support Structures.
- Capacity Blocking: A telecom delays the relocation / adjustment of its own attachment(s) or OTMR work it is performing that would help others to install on a Support Structure.
- Capacity Blocking: A telecom does not remove its not-in-service (NIU) or ‘abandoned’ equipment on a Support Structure or Support Strand.
- Capacity Blocking: A telecom installs the minimum Support Structure (e.g. Support Strand and anchoring) on a pole owned by others knowing that other telecoms may require access or areas where telecom access is in demand. By installing the bare minimum capacity, the telecom is protecting its interests while trying to block other telecoms from access through sharing a limited resource. An example of this capacity blocking is installing an overhead all-dielectric self-supporting Cable (ADSS) for other than Service Drops.



- **Technical:** A telecom fails to properly install its Attachments that directly or indirectly delays or blocks others. For example, little to no clear field identification tagging can delay other telecoms from planning, installing, and maintaining their Attachments.
- **Contractual:** A telecom uses its non-disclosure agreement (NDA) to prevent the pole owner from managing its Support Structure to promote coordination between groups, develop better standards and processes, ensure safety and reliability, and provide timely access to the right resources which includes developing and sharing: technical standards, installation and maintenance procedures, health and safety issues and requirements, and personnel contact information.
- **Contractual:** The Support Structure owner hires a telecom, as their agent, to help them manage some joint-use portion or process with their Support Structures. This practice (where the agent is referred to as the “Gatekeeper” of the Support Structure), if correctly executed and monitored in an open and fair manner, can be a suitable arrangement. However, the telecom may then use its agent’s position to delay or refuse other telecoms from accessing the Support Structures in a timely, transparent, and non-discriminatory manner while giving itself preferred access.

As the Support Structure owner, the Power Utility endeavors to ensure equal and non-discriminatory access to its Attachments by monitoring and intervening early where such “Reverse Monopoly” practices are identified on their poles.





Appendix C – Definitions, Abbreviations, and Acronyms

In-span means any aerial equipment location supported between two poles / structures. This equipment is normally supported by the electrical line or Support Strand, if not directly connected to any Support Structure or structure connected cross arm/bracket, this equipment impacts the Support Structure's strength and clearances. If not properly installed, In-span equipment other than Cables can block future Cable Over-lashing to a Support Strand.

Spare Capacity means the difference between the unused capacity of the Support Structure and the Reserved Capacity required by the Support Structure owner to meet its current and future service requirements. Unused capacity is the difference between the capacity of the Support Structure based upon its design limitations and other pre-identified restrictions (e.g. Exclusion Support Structure, EMF, aesthetics, ...) and the Reserved Capacity used by the Support Structure owner to meet its current and future service requirements plus any capacity previously allocated to others.

Utility Coordinating Committee (UCC) means a collaborative utility committee that has these typical functions and structure:

- a formal utility committee that is comprised of at least the major utilities in area of interest (with a municipality or road authority) that meets regularly
- plans infrastructure build /rebuild locations several years in advance
- coordinates smooth ROW installations / relocations
- develops utility coordinating standards/processes
- collects and maintains centralized utility location mapping
- minimizes damage to existing plant
- looks for mutual build / rebuild opportunities
- optimizes 'permitting' processes for its members
- maintains a current contact list
- trains its members about relevant changes to procedures, standards, and processes
- assists in resolving permitting / construction / placement / maintenance disputes
- liaise with developers and contractors' associations

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