Canadian Electricity Association | Association canadienne de l'électricité

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

7 June, 2021

RE: Telecom Notice of Consultation CRTC NOC 2020-366: Response to RFI regarding potential regulatory measures to make access to poles owned by Canadian carriers more efficient

Dear Mr. Doucet,

1. Please find below CEA's responses to the Commission's request for information dated April 26th, 2021. We specifically would like to direct your attention to our response to question 8, where we detail critical differences between simple and complex make-ready work. We feel that other responding groups have not presented the important differences between simple and complex make-ready work and that their simplified versions of each category of work does not properly acknowledge worker safety nor the importance to maintain the integrity of the electrical system

2. CEA members remain enthusiastic partners for the deployment of telecommunications infrastructure. However, we remain adamant that electricity customers must not cross subsidize telecommunications customers, and that any work to improve the telecommunications system must not negatively impact the electrical grid, nor compromise the safety of this critical infrastructure, particularly as we look to expand the electricity grid to fuel Canada's Net Zero Emissions Future.

B. Access Permits, Make-ready Work and Timelines

Q6) Multiple parties noted that the ILEC's permitting processes for applications to access poles had long delays and, when applications were denied, the ILECs do not provide sufficient information to explain the denial.

3. There are several sound reasons[1] that the pole owner might provide to a permit applicant to explain why an access permit request is denied. Any denial by the pole owner should be timely, non-discriminatory, issued in writing, reference the specific location with the denial issue(s), include information supporting the denial, and explain how the information relates to a denial of access for sound reasons such as lack of spare capacity, safety, incomplete applications, missing documents, poor quality submissions, operational requirements, reliability, system security, technical standards, and/or rights-of-way authorization[2]. Where the permit applicant does not have an existing attachment agreement with all of its conditions being in good standing with the pole owner, sound reasons cannot be reasonably overcome,

[1] CEA's comment (#23) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[2] CEA's comment (#18-23) to CRTC TNC 2019-406 consultation (Oct 13th, 2020)

or where the permit applicant requiring the upgrade is unwilling to pay the required costs, a denial would be issued.

Q6) c. When a pole attacher's request is delayed beyond the tariff specified service standards due to unusual circumstances or the request being for a remote area, specify the information that should be provided to the applicant to explain the delay.

4. There are several factors[3] that can cause unforeseen and legitimate delays to applications. These include: low quality submissions from the permit applicant, a very large scope of work, geographical location, road authority or property owner/manager approval, environmental regulations, permit requirements by other relevant authorities, work coordination under joint use arrangements, introduction of new technologies/processes, and/or a force majeure.

5. It also has been noted by others that delays are typically proportional to the make-ready work volumes and complexities[4]. Non-standard requests and/or larger projects should be discussed between the parties and, if necessary, dealt with through a separate agreement.

6. The Public Interest Advocacy Centre (PIAC) noted[5] that any deadlines should consider a schedule that takes into account the other work (such as service connections, restoration, maintenance and capital work) and needs (e.g. reallocating resources to meet emerging needs such as storms and forest fires) of the electricity company that shares the pole. Such timing considerations would also apply to other non-telecom attachers.

7. One of the hallmarks of good project management is to routinely update the client (e.g. the permit applicant) as more project information is realized that changes the time, cost, and/or scope estimates[6].

8. The delay notification should reference the specific location/issue causing the delay, what actions the pole owner is proposing to resolve the delay, what impact on the cost and scope estimates may appear, and what actions the permit applicant might undertake to help lessen the delay.

Q8) a. Provide your views on whether the categories proposed by Quebecor [for make-ready work] are appropriate and indicate if you agree with Quebecor's proposed definitions of each category. If you disagree with Quebecor's proposed categories, submit, with rationale, your preference in terms of categories and/or definition of make-ready work.

9. More clarity is required to the proposed make-ready work categories. Because of the significant safety concerns, as well as integrity of the electrical grid, electrical utilities must retain control and responsibility on all electrical work performed in the electrical space or on electrical equipment. CEA proposes the following definitions for simple make-ready which can be done by telecommunications companies and complex make-ready which can only be done by electrical utilities, or its approved

[3] CEA's comment (#15) to CRTC TNC 2020-366 consultation (Dec 18th, 2020) and CEA's comment (#3) to CRTC TNC 2019-406 consultation (July 10th, 2020)
[4] Hydro Quebec's comment (#2) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[5] PIAC's comment (#16) to CRTC TNC 2020-366 consultation (Jan 19th, 2021)
[6] CEA's comment (#18) to CRTC TNC 2020-366 consultation (Jan 19th, 2021)

contractors under the direction of the electrical utility:

10. **Simple Make-ready Work** (Simple MRW) is make-ready work where existing wireline attachments in the communication space of a pole could be transferred or relocated without any reasonable expectation of a service outage or facility damage or relocation of an existing wireless attachment. This type of planned 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.

11. The attacher having the Simple MRW completed would be responsible for the costs while meeting all standards and safety requirements. This simple work is also dependent on no hazards existing or being created, the attacher's existing attachment agreement with all of its conditions being in good standing with the pole owner, and all permit-approvals having been obtained from other relevant authorities. In many cases, Simple MRW does not mean that the work can circumvent any required technical review and permit approval by the pole owner.

12. **Complex Make-ready Work** (Complex MRW) is any make-ready work to be completed by the electrical asset owner, or their designate, in the electrical or separation space and/or on electrical equipment. This includes installation or relocation of electrical facilities that can impact the structural integrity of a support structure, for example down guys, or relocating non-telecom equipment such as streetlighting or traffic signals.

Q8) b. Provide timelines for the completion of make-ready work in each category proposed by Quebecor or those you propose. Identify and explain any specific exceptions where the proposed timelines may not be met.

13. As noted in our response to Question 6c, there are many factors that can introduce unforeseen delays. The best ways to overcome delays (both foreseen and unforeseen) are clear & timely communications with the affected parties and the creation of a follow-up action plan to minimize any delay impacts if possible.

Q8) c. Identify and discuss what categories of work can be completed by a pole attacher, or their approved contractor.

14. As noted in our response to Question 8a, CEA proposed simple and complex make-ready work definitions that provide guidance as to what categories of work the permit applicant (i.e. new pole attacher) may be permitted to complete.

Q9) a. Comment on the description of corrective work above and provide a definition and any further description of corrective work.

15. Maintenance (e.g. corrective work: see *Appendix A* for maintenance activity types) or the removal of safety hazards to the public associated with the pole structure should be the responsibility of the pole

owner[7]. This work is not intended to increase the pole's height or strength to add more spare capacity.

Q9) c. Provide a discussion on any circumstances where the costs for corrective work, to bring an existing pole to applicable construction standards, should be borne by the pole attacher requesting access.

16. The costs for site visits to determine the acceptability of the proposed permit with the existing pole, the relocation of existing equipment or attachments on an existing pole, or vegetation management/other route access issues to accommodate the permit applicant's attachment request on an existing pole should be borne by that permit applicant[8]. As per joint use agreement(s), any operating expenses by the pole owner required to accommodate attachments should be charged as actual costs.

Q10) a. Specify what aspects of the determination and actions [for pole installation/replacement] would have to be made by the pole owner, and what aspects of the determination and actions can be made by the pole attacher or their approved contractor.

17. The pole owner would determine if the pole requires replacement (due to its end-of-life program criteria or if more spare capacity is required). The pole owner would set standards, supply, and install the replacement pole and transfer its assets from the old pole to the new pole.

18. The permit applicant (i.e. new pole attacher) could establish authorized road access route(s) to the pole if required, and perform the Simple MRW.

Q10) b. Provide a breakdown of costs and proportion of costs, where applicable, which would apply to each of: i) the pole owner; ii) the other licensees already on the pole; iii) the electric utility (on joint-use poles, where applicable); and iv) the new pole attacher, for the following instances:

19. The permit applicant (i.e. new pole attacher) should pay for the labour and the costs for the pole replacement, permit-approval / assessment / engineering, and all make-ready costs. This includes the rearrangement costs for other existing authorized attachers, and the additional pole capacity for the permit applicant's request if the capacity request is higher than the owner's current pole standard. Each authorized attacher would be required to pay the annual attachment rate and also pay for any betterments or increased capacity to their attachments if they have so requested.

20. If the pole has already been designated to be replaced by the owner as part of its end-of-life pole replacement program (typically within a 5-year plan), then the permit applicant should pay for the rearrangement costs for other existing authorized attachers and the additional pole capacity for the permit applicant's request if the capacity request is higher than the owner's current pole standard.

21. We also note that each province has different rules which are comprised of trade offs between all stakeholders which in turn also affords different benefits to other groups as well[9].

[7] CEA's comment (#19) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[8] CEA's comment (#20) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[9] CEA's comment (#9) to CRTC TNC 2019-406 consultation (May 7th, 2020)

Q11) With respect to situations where a new strand needs to be installed or an existing strand needs to be replaced to accommodate a pole attacher, explain the criteria for the determination of the installation of the new strand.

22. Although some CEA members have limited amounts of support strand that are used for their electrical systems needs[10], the vast majority of support strands are installed and used by telecommunication companies, and, as such, this answer is focused on those telecommunication support strands.

23. As pole owners, CEA members are concerned with the impacts that the support strand(s) will have on its system, its workers, the public, and its customers. Where the support strand is not used for the electrical system, CEA members have no interest in funding the installation or replacement of these strands.

Q12) Multiple parties were in favour of implementing a One Touch Make-Ready (OTMR) regime. If such a regime were to be implemented by the Commission, what should be the limitations, conditions, responsibilities and rights of all the parties (pole owners, existing licensees, new pole attachers, and approved contractors)?

24. The pole owner and other existing authorized attachers must be kept whole financially and not liable for work done by parties conducting simple OTMR. Furthermore simple OTMR must maintain the operation and reliability of both the electrical system and the existing attachers while ensuring public and worker safety[11].

25. Throughout Canada, electrical utilities qualify and authorize contractors to perform complex make-ready (electrical system work)[12]. CEA members believe the pole owners must maintain their rights[13] to manage all activities associated with their assets regardless of whether a qualified engineer has been engaged to submit the permit application. As electrical infrastructure has significant safety and reliability considerations, we do not and cannot support any party not explicitly authorized by the utility to perform any preparatory make-ready work on electric utility-owned poles.

Q13) a. In the event that a permit cannot be granted due to one or more reasons listed above, could the pole owner grant a permit to the attacher that is conditional upon the completion of some make-ready work by the pole attacher or their approved contractor? If so, for which of the reasons listed above could this apply?

26. As noted in our response to Question 8a, CEA has proposed simple and complex make-ready work definitions which provides guidance as to what work the permit applicant (i.e. new pole attacher) may conditionally complete.

Q14) a. Provide views on Bell Canada's approval process for Licensees and/or contractors to become Qualified OTMR Licensees, including process and timelines.

27. From an electrical industry perspective, the initial probation period is not normally a fixed period of time

[10] CEA's comment (#3) to CRTC TNC 2019-406 consultation (Oct 13th, 2020)
[11] CEA's comment (#11) to CRTC TNC 2020-366 consultation (Jan 19th, 2021)
[12] OEB - Distribution System Code - section 3.2
[13] CEA's comment (#17) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)

(e.g. six-month trial) but rather a certain amount of specific tasks/projects to be successfully completed.

Q15) a. Provide views, with rationale, as to the appropriateness of the [OTMR risks and responsibilities] amendment to the SSA suggested by Bell Canada. If the changes proposed by Bell Canada are not deemed appropriate, suggest alternative solutions to the liability issue raised by Bell Canada.

28. CEA members support Bell Canada's proposed amendments to these liability issues. At first glance, it may appear easy to engage an engineer and/or contractor but the pole owner must be intimately involved in its asset planning and management[14]. CEA members are accountable for the safety and reliability of their electrical utility infrastructure including their poles.

29. In order to ensure the safety of the electrical system CEA members through their joint use agreements require that at any time they may review a 3rd party attachment and require remedial action if deficiencies and/or damages are found including any work done with Simple MRW.

C. Pole Owner Priority Access

Q16) b. Provide rationale on why a pole owner should have privileges, including priority access and future use capacity reservation, on their poles.

30. CEA members acknowledge Bell Canada's comment[15] that municipal, provincial, and federal organizations usually work on a planning basis over three to ten years. From the impact and control by these other organizations, their timelines set the minimum baseline horizon for reserved capacity[16].

31. Electrical utilities plan for many years out, sometimes decades[17], with their system rebuilds and expansion to ensure stable and robust systems with capacity for their customers. In Ontario, the electrical distribution utility is required to have a minimum 5-year planning horizon[18] for customer project funding with respect to system extensions/upgrades for those customer connections.

32. With speciality structures/locations such as bridges, utilities are provided the opportunity to install their support structure facilities during the initial bridge construction by the road authority. The next opportunity to add support structure capacity in a bridge is typically 50 years away during the bridge's refurbishment meaning the utility should ensure sufficient reserved capacity over this period. If the Commission decides to apply too many restrictions to reserved capacity, many telecommunication companies will probably move towards a minimum support structure capacity approach. This would be ill-advised in that the opportunities for joint speciality structure/location installations will be lost causing disruptions within the telecommunications, rights-of-way, and electrical sectors.

[14] CEA's comment (#18) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[15] Bell Canada's comment (#A7/A8) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[16] CEA's comment (Appendix B) to CRTC TNC 2020-366 consultation (Dec 18th, 2020)
[17] CEA's comment (#19) to CRTC TNC 2020-366 consultation (Jan 19th, 2021)
[18] OEB - Distribution System Code - section 3.2

E. Expedited Dispute Resolution Process for Support Structure Access

Q20) Specific to the efficient access to ILEC owned or managed poles, provide views and a detailed discussion on how existing practices and procedures for dispute resolution, set-out in Broadcast and Telecommunication Bulletin CRTC 2019-184, may be modified or augmented.

33. CEA members re-iterate that they have dispute resolution mechanisms in place through their joint use agreements[19]. Should those mechanisms prove ineffective, disputes can be escalated to the provincial and territorial utility regulators.

34. The Commission dispute resolution processes, as the Commission does not have jurisdiction over electrical utilities[20], would only apply to telecom-owned support structures and might be limited in its effectiveness. Furthermore, CEA members do not see how oversight and dispute resolutions by the Commission on electrical assets would maintain or improve the electrical requirements of safe, reliable and affordable delivery of electricity to electrical customers[21].

Q21) b. Provide views on each ILEC pole owner establishing similar coordination tables [i.e. utility coordinating committee] in each province that it operates, identifying:

i. Who should participate in the working group.

35. Please see *Appendix B* for CEA's definition of a utility coordinating council.

36. There are many stakeholders associated with larger telecommunication deployment projects. The main groups being the incumbent local exchange carriers (ILECs), the electrical distribution utility(s), the road authority(s), and competitive local exchange carriers (CLECs) that would provide value to these telecommunication deployment projects through similar utility coordinating committees (i.e. coordinating tables).

ii. How often should the group convene.

37. Quarterly meetings would provide a minimum coordination maintenance between the stakeholders when there is no major project initiatives active. Monthly meetings would provide a minimum timely resolution to active project issues.

Q22) Provide views with rationale as to the effect the working group has had on the coordination and deployment of broadband networks. Specifically comment on:

a. Solutions that were implemented to provide permits.

38. Although there is much focus on the current Quebec activity, there are many experienced and successful

[19] CEA's comment (#7) to CRTC TNC 2020-366 consultation (Dec 18th, 2021)
[20] CEA's comment (#17) to CRTC TNC 2020-366 consultation (Jan 19th, 2021)
[21] CEA's comment (#12) to CRTC TNC 2019-406 consultation (July10th, 2020)

utility coordinating committees across Canada[22]. We recommend the Commission take the opportunity to review currents practices throughout Canada to achieve positive and sustainable outcomes. Many of these utility coordinating committees also have a role to optimize 'permitting' processes for their members.

b. Disputes that were potentially avoided as a result of the coordination table [i.e. utility coordinating committee]. Explain.

39. From the experience of the CEA members with utility coordinating committees, regular dialogue at the stakeholder operational levels provide great assistance towards resolving delays and misunderstandings, and allowing the review of other options in a timely manner.

c. Specific recommendations for amendments to the support structure tariffs.

40. Although the Commission is seeking possible amendments to its support structure tariffs for these utility coordinating committees, other non-telecom participants may look for reimbursement for their effort in some form to support these specific telecommunication deployment projects if these committees are only telecom focused.

Other Items

41. CEA would like to note that there are no current discussions about standards or requirements for the CLECs building a minimum spare capacity with their structures. In trying to build a better framework through these consultations, CEA has encouraged reciprocity whereby the ILECs and CLECs would be subject to these same requirements, especially with regard to discriminatory practices[23].

Conclusion

42. CEA appreciates the opportunity to participate in this consultation process. CEA members continue to work with our telecommunication 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.

[22] CEA's comment (#26) to CRTC TNC 2019-406 consultation (Oct 13th, 2020)
[23] CEA's comment (#27) to CRTC TNC 2020-366 consultation (Dec 18th, 2020) and CEA's comment (#7) to CRTC TNC 2019-406 consultation (July10th, 2020)

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Yours sincerely,

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Asset Optimization, Hydro One
Chair, CEA Joint Use Practice & Policy Committee

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Appendix A – CEA - Routine Maintenance Work with Poles and Fixtures

1. Installing additional clamps or removing clamps or strain insulators on guys in place
2. Adjusting loose guys and anchors
3. Realigning and straightening poles
4. Repairing pole supported platform
5. Painting / treating poles and crossarms
6. Shaving or cutting pole rot
7. Stubbing poles already in service
8. Supporting conductors, transformers, and other fixtures
9. Maintaining pole signs, stencils, tags, etc.
10. Repairing line cutouts, line switches, line breakers, transformers, and capacitor installations
11. Cleaning insulators [but not changing them]
12. Refusing line cutouts
13. Repairing line oil circuit breakers and associated relays and control wiring
14. Repairing grounds
15. Repairing line testing equipment
16. Adjusting wires that are too low / high
17. Retying service wire
18. Refastening or tightening brackets

a. These maintenance type activities are routinely done by the owner of these assets and their attachments.

b. If this work must be done as a result of a third party's incorrect installation, lack of maintaining their attachments, or interference/damage to assets owned by others, then the party causing the maintenance or replacement work would be responsible for these costs.

Appendix B – Definitions, Abbreviations, and Acronyms

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 the 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 plants
- 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
- liaises with developers and contractors' associations