

**Presentation to the CRTC Commissioners**

CRTC Offices, Gatineau, QC

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# Rights of Way:

The Municipal Perspective

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# Overview of presentation

1. About FCM
2. FCM and Municipal Rights of Way
3. Pavement 101
4. The Future of Rights of Way
5. Questions and Answers

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# About FCM

- Roots going back to 1901
- Mission is to foster sustainable communities enjoying a high quality of life by promoting strong, effective and accountable municipal government
- FCM deals with the federal government on municipal policy and program matters within federal jurisdiction
- FCM represents over 1,900 municipalities across the country, encompassing over **90% of Canada's population**

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# Evolution of the Rights-of-Way Files

## Deregulation

1993 – Adapting to a new landscape

- Rapid shift from a regulated monopoly environment to the pressures of an open market:
  - new services
  - new technologies
  - new providers
- New corporate culture
- Inadequate legislative framework
- Unfamiliar dispute resolution forum

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# Evolution of the Rights-of-Way Files

## A Decade of Litigation

2001 to 2009 – A decade of litigation

- Ledcor v. Vancouver
- Allstream v. Edmonton
- Shaw v. Maple Ridge
- Baie-Comeau v. TELUS
- Wheatland County v. Shaw
- MTS Allstream v. Vancouver

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# Evolution of the Rights-of-Way Files

## The FCM Response

### FCM Response

- Technical Committee and Legal Defence Fund
- « Highway Robbery » report (June 2008)
- Meetings with telecom industry officials
- « Handbook » released in June 2009
- Creation of ongoing dialogue with CRTC
- On-line ROW forum for municipal officials

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# Evolution of the Rights-of-Way Files Objectives

## FCM Objectives

- Open communication channels between all stakeholders
- Create a stable and predictable environment for municipalities and the industry
- Assist in developing best practices
- Ensure municipal taxpayers are treated fairly
- Assist in creating a level playing field Canada-wide

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# Pavement 101:

## Street Degradation

- Ongoing Maintenance
- Loss of strength
- Diminished life



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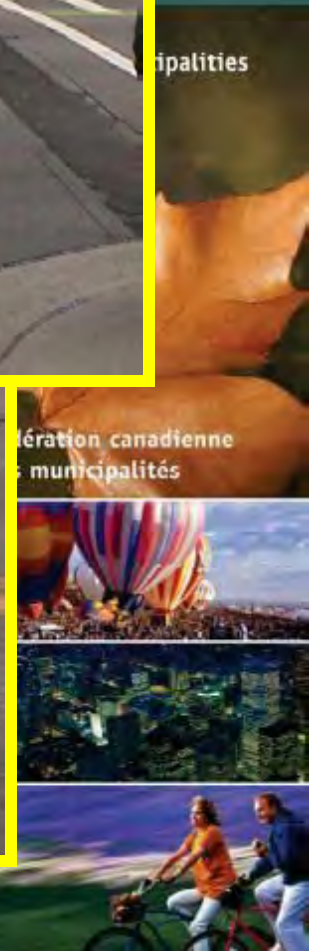
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# Pavement 101: Pavement Degradation Fees

**Fees from Bell agreement and  
proposed bylaw**

Age since last paved	Fee per square metre
0-5 years	\$50
6-10	\$40
11-15	\$30
16-20	\$20
>21	\$10



# Pavement 101: Work Around Costs (Lost Productivity)

- Sewer crew costs \$10,000 per day
- Every day we encounter other utilities



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# Pavement 101: Work Around Costs (Lost Productivity)



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# Pavement 101

## Liability and Indemnification

- **Risks are not equal**



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# The Future of Municipal Rights of Way

## Moving Forward

- Upholding the principles from Ledcor and Allstream in an evolving telecom market
- Ensuring a level playing field across the country
- Strengthening communication ties between stakeholders

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# The Future of Municipal Rights of Way

## Questions and Answers

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