



County Council

Meeting Date: October 3, 2022
Submitted by: Wayne Meagher (County Barrister & Solicitor)
SUBJECT: EXECULINK TELECOM INC. TELECOMMUNICATIONS
MUNICIPAL ACCESS AGREEMENT

BACKGROUND:

Execulink Telecom Inc. is a company that wishes to enter into a telecommunications Municipal Access Agreement with the Corporation of the County of Middlesex (the "County") in order to install fiber in the County's road allowances, subject to permits.

ANALYSIS:

As County Council is aware, the County uses a Form of Blanket MAA. The Form was drafted by and is maintained by the drafter of this report in what is a passion of mine, having served and continuing to serve on the International Municipal Lawyer's Association's telecommunications model document group for some time. In what is an honour, the Form has been recognized by the International Municipal Lawyers' Association working group as a model document. Since its adoption by the County, all lower-tier municipalities within the County have all moved to using the same Form of Blanket MAA with application to their respective municipalities, which is a positive cooperation story in Middlesex County.

The Blanket nature of the Form allows for a telecom's use of all road allowances in the signatory municipality, subject to permits. It is maintained by the MCBSO up to date in terms of the latest telecommunications case law. For telecoms, its provisions are predictable, consistent, clear, transparent, and appropriate. Permit and causal cost fees are kept lower than other most other areas of Ontario, while at the same time, the Form ensures that taxpayer costs are covered. This is a practice that is encouraged by the Federation of Canadian Municipalities and is achieved in Middlesex County.

With the Form being used across the entire County with the MCBSO as a single point of contact, it allows for a telecom to have its legal questions concerning the MAA answered quickly and easily in one direct call and for the agreements to arrive to the municipal signatory for endorsement. The obtaining of permits is also expedited, as the necessary agreement particulars in the Form require minimal discussion. Once the agreement is endorsed, all a telecom needs to do is simply submit drawings to operations of the

applicable municipality and act in accordance with the permit. Scaling well to both large and small telecoms, the blanket Form of MAA since its approval has been endorsed by all telecoms across Middlesex County as a Form the industry is happy to sign.

FINANCIAL IMPLICATIONS:

The blanket nature of the Form of MAA allows municipalities in the geography of Middlesex County to fluidly manage their road allowance infrastructure, ensures uniform cost recovery at the lowest cost to the telecom, upholds the principle of 'development paying for development', and provides for ease of project discussions and administration.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, and Objectives: Cultivating Community Vitality, Connecting through Infrastructure, and strengthening our Economy.

RECOMMENDATION:

THAT a by-law be introduced at the October 11, 2022 meeting to:

- a. Authorize and approve the Agreement with Execulink Telecom Inc.; and
- b. Authorize the Warden and the Clerk to execute the Agreement.

Attachment:

Execulink Telecom Inc. Telecommunications Municipal Access Agreement