



## County Council

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**Meeting Date:** May 9, 2023

**Submitted by:** Wayne Meagher (County Barrister & Solicitor/Director of Legal Services)

**SUBJECT:** SITE SPECIFIC TELECOMMUNICATIONS MUNICIPAL ACCESS AGREEMENT WITH NFTC SOUTHWEST CORP.

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### **BACKGROUND:**

The North Frontenac Telephone Company (parent company) ("**NFTC**"), which has many of its legal interests and assets owned by its affiliate, the North Frontenac Telephone Middlesex Corp. ("**NFTC Middlesex**"), commenced a fiber buildout plan in Middlesex County in accordance with its planned Project schedule in 2019. That plan commenced with a blanket Municipal Access Agreement ("**MAA**") with each of Strathroy-Caradoc and Southwest Middlesex, together with a site-specific agreement with the County for sections of fiber in Mount Brydges and Southwest Middlesex in County Roads. The reason for the site-specific nature of the Agreement concerning the County Roads in Mount Brydges and Southwest Middlesex is due to the financing plans of NFTC. Pursuant to the next step in NFTC's scheduled plans, NFTC requires another site specific MAA with the County to serve County Roads in other areas in southwestern Middlesex County that cross multiple local municipalities. NFTC would like this Agreement to be with its affiliate corporation, North Frontenac Telephone Southwest Corp. ("**NFTC Southwest**"). The local roads involved are already covered by the local blanket MAAs (which are represented by the MCBSO).

### **ANALYSIS:**

NFTC, NFTC Middlesex, and NFTC Southwest are all registered with the CRTC, as required to legally provide Telecommunications Services in Canada. The proposed County southwestern Middlesex site specific MAA is in the County's usual form approved by the County Barrister & Solicitor/Director of Legal Services and protects the County appropriately, while furthering development.

NFTC Middlesex has entered into a blanket MAA with North Middlesex (represented by the MCBSO) already for another phase of the buildout. The rest of the NFTC buildout is on brief pause, as NFTC sorts out/finalizes its financing. Over the next month, NFTC will be back at County Council seeking for the County to enter into a blanket MAA with one of its divisions to cover the rest of the County Roads in its Project Plan across Middlesex County. NFTC will also be seeking to enter into blanket MAAs over the next month with Adelaide Metcalfe and Lucan Biddulph (both represented by the MCBSO). In promoting legal quality, efficiency and cost effectiveness, the terms of those agreements have already been fully discussed with NFTC and subject to local Council approvals, it is expected that they will entered into as soon as NFTC's financing particulars are confirmed.

**FINANCIAL IMPLICATIONS:**

The MAA allows the County to manage its 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 the site specific Municipal Access Agreement with North Frontenac Telephone Southwest Corp. concerning County Roads located in southwestern Middlesex be approved and endorsed.

*Attachment:*

Site Specific Municipal Access Agreement