



## The Corporation of the Town of Tecumseh

Public Works & Engineering Services

**To:** Mayor and Members of Council

**From:** Phil Bartnik, Director Public Works & Engineering Services

**Date to Council:** November 12, 2024

**Report Number:** PWES-2024-53

**Subject:** Telecommunications Municipal Access  
Agreement Xplore Inc. and Xplore Fibre L.P.

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### Recommendations

It is recommended:

**That** Report PWES-2024-53 Telecommunications Municipal Access Agreement **be received;**

**And that** By-law 2024-093 be considered for first, second, third and final reading, **to authorize** the Mayor and Clerk to execute a Telecommunications Municipal Access Agreement, satisfactory in form to the Town's solicitor, with Xplore Inc. and Xplore Fibre L.P. (Xplore).

### Background

#### Accelerated High-Speed Internet Program

The Government of Ontario has committed nearly \$4B to bring access to reliable, high-speed internet to unserved and underserved communities across the province by the end of 2025. This is the largest single investment in high-speed internet, in any province, by any government in Canadian history.

This investment will help ensure that every household and business, in every community, has access to the digital world. On April 12, 2021, the Ontario Legislature

passed the *Supporting Broadband and Infrastructure Expansion Act, 2021* to help speed up construction of high-speed internet projects. To build upon this legislation, the Ontario government passed the *Getting Ontario Connection Act, 2022*, which further reduces barriers, duplication and delays.

To connect the remaining communities across the province, Infrastructure Ontario led a procurement process that started in summer 2021 that enabled Internet Service Providers (ISPs) to bid for provincial subsidies through a series of reverse auction events for defined geographic areas. This resulted in the Province helping to connect unserved and underserved homes and businesses.

The Ontario government has signed agreements with eight (8) ISPs to bring access to municipalities across Ontario. Xplore Communications Inc. is one of those eight ISPs and received an estimated total provincial funding of \$240M for up to 54,679 premises.

Ontario high-speed internet projects and availability, specifically occurring within the Town of Tecumseh, are depicted in Attachment 1.

## Comments

Xplore contacted the Town of Tecumseh in August 2024 for the authorization to work within the municipal right-of-way for the purpose of installation of fibre optic cable in the rural areas of the Town. Xplore was advised that they would need to enter into a Municipal Access Agreement (MAA) with the Town prior to the installation of their fibre optic cable.

Fortunately, the Town Solicitor had previously prepared a draft MAA in accordance with the *Municipal Act*, the *Telecommunications Act*, the Canadian Radio-television and Telecommunications Commission (CRTC) guidelines, a review of recent CRTC case decisions, and consultation/negotiations with the existing telecommunications companies within the Town (i.e. Bell, Cogeco, Telus, MNSi). This has formed the basis for the MAA contained within the associated by-law for Xplore. While the other telecommunication companies were consulted throughout the creation of the draft MAA, Xplore will be the first company to execute this version of the MAA with the Town.

As outlined within the MAA, the fundamentals of the agreement are as follows:

1. Xplore may enter upon lands to lay, construct, maintain, replace, operate and repair the fibre (Section 2.1).
2. Xplore shall be entitled to obtain permits to lay fibre as set out in the agreement with a payment of \$400 per application (Schedule A, Section 1).
3. The fees set out in Schedule A, shall be subject to the Consumer Price Index.

4. The Agreement can be terminated with twenty-four (24) hours notice should there be a material breach of the terms of the Agreement (Clause 10.2).
5. Xplore shall maintain general liability insurance naming the Town as additionally insured with \$5,000,000 per occurrence (Clause 11.2(a)).
6. The MAA shall have an initial term of five (5) years commencing on the Effective Date and shall be renewed automatically for successive 5-year terms subject to renegotiation of fees set out in Schedule A.
7. Relocation costs shall be paid in accordance with Schedule C of the Agreement.

## Consultations

Legislative Services & Clerk  
Technology & Client Services  
Edwin Law

## Financial Implications

Revenues generated by the fees are \$400 per application. Based on Xplore's current expansion program it is anticipated the fees collected will be approximately \$6,000 for the initial phase.

## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

## Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid  
Public Works & Engineering Services Assistant

Reviewed by:

Kirby McArdle, P.Eng.  
Manager Public Works & Transportation

Reviewed by:

Shaun Fuerth, BCS  
Director Technology & Client Services

Reviewed by:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Ontario High-Speed Internet Projects and Availability – Mapping