320 - 77 James Street North
Hamilton ON Canada L8R 2K3
www.hamilton.ca

Gord McGuire, O.L.S., O.L.I.P.
Public Works Department
Environment & Sustainable Infrastructure Division
Survey & Technical Services
905-546-2424, Ext. 2439 (Telephone) ~ 905-546-2463 (Facsimile)

May 18, 2011

RECEIVED
MAY 27 2011
ONTARIO ENERGY BD

Board Secretary
The Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON
M4P 1E4

RE: CANDAS Notice of Applications EB-2011-0120 and Hearing

The City of Hamilton respectfully wishes to comment on the above noted application as follows:

- The City is concerned that there is proliferation of pole and structure attachments that impact Municipal works.
- Third party attachments and pole transfers have become a significant issue in the City of Hamilton. Often the structure owner does not notify the City of either ownership changes or attachments. The City is then unaware of the actual pole owner and attachers. When relocation requests are made by the City to the structure owner, this then raises issues in respect to the responsibility for the cost of relocating the attachments of third party users.
- Current outstanding pole transfers in the City of Hamilton number over 400 for one distribution company alone. There are many transfers that take years to complete. This results in 2 support structures standing in municipal Right of Way (ROW) for indefinite periods.
- The City fields and responds to complaints and resident inquiries on the pole transfer problem. The City incurs costs assigning staff to resolve these issues and perform site visits to meet residents and utility companies.
- Attachers may not be aware of City initiated projects causing delay and added expense if not relocated in co-ordination with the structure owner. This delay and expense are absorbed primarily by City ratepayers.
- The electricity sector is currently the only utility industry in Canada without a formal Right of Way Access Agreement process. This lack of documentation results in lack of coordinated planning and communication at an operating and project level.

  Telecommunication companies negotiate Municipal Access Agreements (MAA) under the Federal Telecommunications Act and Gas Companies enter into Municipal Franchise Agreements under Ontario statutes and regulations.

  In both of the above cases, the municipal government directly negotiates terms and conditions of notice provisions, timing, requirements for relocation, and cost schedules.

  In both cases the municipal government has the ability to provide input on locations of proposed structures, and coordinate current and future infrastructure works among the larger ROW users under the authority of the Municipal Act 2001. In both cases above all works are permitted and authorized if installed on the ROW by the City.

The City is concerned that this hearing will impact its operations and capital program by creating a second class of Canadian carriers; those who are only attached to support structures.

The City is also concerned there will be a number of new entrants to the telecommunication business that do not enter into MAA negotiations with the municipal government yet will install and operate a telecommunication system on municipal ROW lands.

Taken as a whole the City has concerns about the lack of awareness that telecommunication infrastructure installed on electricity support structures has on our business, and the impacts that arise from these installations.

The City asks to be an observer as well and in the interest of reducing printing requests receipt of digital copies to be sent to gord.mcguire@hamilton.ca

Regards,

Gord McGuire, O.L.S., O.L.I.P.
Manager, Survey & Technical Services
Public Works Department
Environment & Sustainable Infrastructure Division
City of Hamilton