
HALDIMAND COUNTY

Report ECW-03-2021 2766907 Ontario Limited (dba KWIC Telecom) Municipal Access Agreement



For Consideration by Council in Committee on February 9, 2021

OBJECTIVE:

To receive Council approval to enter into a Municipal Access Agreement with 2766907 Ontario Limited (dba KWIC Telecom) that regulates its infrastructure within the County's right-of-ways.

RECOMMENDATIONS:

1. THAT Report ECW-03-2021 2766907 Ontario Limited (dba KWIC Telecom) Municipal Access Agreement be received;
2. AND THAT the Mayor and Clerk be authorized to execute the Municipal Access Agreement with 2766907 Ontario Limited (dba KWIC Telecom).

Respectfully submitted: Tyson Haedrich, M. Eng., P. Eng., General Manager of Engineering & Capital Works

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Through Report FDS-02-2020 Broadband Negotiated Request for Proposal Results, approved at the June 30, 2020 Council in Committee meeting, 2766907 Ontario Limited (dba KWIC Telecom) was awarded the contract to provide unlimited Broadband internet service to underserved areas within Haldimand County.

In order to permit KWIC Telecom's required infrastructure installation and regulate its use in the County's right-of-way staff are recommending that the proposed Municipal Access Agreement between Haldimand County and 2766907 Ontario Limited (dba KWIC Telecom) be approved.

BACKGROUND:

A Municipal Access Agreement (MAA) regulates the use of the County's right-of-ways for utility infrastructure including activities such as:

- Permit applications
- Operational issues (utility coordination, locates, road cuts, utility relocations, etc.)
- Emergency issues (fibre cuts, poles down, etc.)
- Insurance and indemnification requirements
- Fees

Haldimand County currently has agreements of this type with Rogers Communications Inc., Union Gas and Metro Loop (a division of Xplornet Communications Inc.).

2766907 Ontario Limited (dba KWIC Telecom) is a telecommunications company that provides high speed internet service to businesses and residences. KWIC Telecom is under contract to expand their network to the underserved areas in Haldimand County and this agreement is required to be in place before their infrastructure can be installed in the County right-of-way.

ANALYSIS:

The Engineering Services Division and Support Services Division have reviewed the proposed Municipal Access Agreement and are satisfied that the agreement has the appropriate conditions to deal with construction approvals, emergencies, indemnification, insurance, etc., required for KWIC Telecom infrastructure in the County's right-of-ways.

While all terms and conditions in the MAA between the County and KWIC Telecom have been finalized the final wording of the agreement still needs to be completed. It is anticipated that this will be completed in time for the agreement to be executed on/or after February 16, 2021.

The terms of the agreement are for an initial period of five (5) years with automatic renewals for successive five year terms unless the agreement is terminated by either party in accordance with its terms and conditions.

FINANCIAL/LEGAL IMPLICATIONS:

The County solicitor (Sullivan Mahoney LLP) reviewed the 2016 Municipal Access Agreement negotiated with Metro Loop and this agreement is essentially the same with some minor corrections and insertions.

The proposed agreement prescribes the fees that KWIC Telecom will be charged for road cut permits, municipal consent applications as well as reimbursement for road cuts based on the age of the existing pavement.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: Yes

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

None.