



Administrative Report

Office of the County Solicitor

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, January 17, 2024

Subject: Road User Agreement with the North Frontenac Telephone Corporation Limited

Report #: 2024-0117-LCS-R01-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide the necessary background information for County Council to render a decision regarding a proposed Road User Agreement with the North Frontenac Telephone Corporation Limited ("**NFTC**") for the installation and ongoing maintenance of certain internet infrastructure for the provision of high-speed internet service (the "**Project**").

Background

Since in or about 2019, the County has had in place a policy of entering into formal Road User Agreements with any user of the County's road network and the associated rights-of-way. In 2023 the version of the Road User Agreement in place for telecommunications companies was updated to reflect the particular obligations the County has pursuant to the *Telecommunications Act*.

The purpose of requiring a formal Road User Agreement is to attempt to ensure that the rights and responsibilities of the County and any third-party user of the County road's rights-of-way are as clear as possible. This has become more important as many of the rights-of-ways of the County's road network are becoming overly crowded, with various third-party's competing for space for various pieces of key infrastructure.

Discussion

There are a number of ongoing provincial and federal government initiatives to encourage the expansion of the high speed fibre optic broadband internet network ("**High-Speed Internet**").

As part of these initiatives, NFTC has agreed to install High-Speed Internet on Pelee Island. However, in order to get the High-Speed Internet services to Pelee Island, NFTC requires access along the County's road network along the County's geographic boundary with the Municipality of Chatham-Kent. Specifically, NFTC requires access to the sections of County Roads 1, 8, and 14 depicted on the Project Overview attached to this Report as **Appendix "A"**.

The Project will take place in a number of phases, as depicted on the Permits by phase attached to this Report as **Appendix "B"**.

The County has negotiated a Road User Agreement for the Project in accordance with the standard Road User Agreement used for telecommunications projects that was completed in 2023. Attached to this Report as **Appendix "C"** is a copy of the draft Road User Agreement.

Financial Implications

The costs of the Project are being borne by NFTC with no financial contribution from the County. The only potential financial implication to the County is related to the possibility that the County is exposed to all or a portion of the relocation costs of NFTC's equipment, as per the Table found at Schedule "C" of the Agreement. However, the County's intention is to approve installation of equipment only in areas that the County does not anticipate relocation being required. As such, the risk of any financial impact is low.

Consultations

In preparing this Report and in finalizing the terms of the Agreement with NFTC, the County's Infrastructure Services Department was consulted.

Recommendation

That Essex County Council authorize the Warden and the Clerk to execute the Road User Agreement between the County and NFTC, substantially in the form appended to this Report, with that authorization being formally approved by the adoption of a By-law.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
A	Project Overview
B	Permits by Phase
C	Draft Road User Agreement