



Telecom Order CRTC 2025-21

PDF version

Ottawa–Gatineau, 28 January 2025

Public records: Bell Canada Tariff Notices 977 and 978; Saskatchewan Telecommunications Tariff Notice 377; and TELUS Communications Inc. Tariff Notices 580, 655, and 655A

Bell Canada, Saskatchewan Telecommunications, and TELUS Communications Inc. – Amended support structure service tariffs

Summary

The Commission is taking action to help ensure that Canadians benefit from more choice of high-quality Internet services. One way it supports this is by making it easier for companies to deploy new telecommunications networks across Canada.

This order focuses on access to the millions of telephone poles owned or controlled by large telephone companies. These poles carry a significant amount of the cables that connect Canadians to high-speed Internet.

This order approves, with changes, the terms and conditions that facilitate this access to support structures. The Commission allows other providers – like cable companies – to use these structures to deploy their own networks. This makes it easier for them to bring new choices to market, because it removes the need for them to build their own structures where it is not cost efficient to do so.

In particular, for corrective and make-ready work, which are separate activities, the Commission has clarified that corrective work must be completed within the time frame for completing make-ready work. Furthermore, where both simple and complex work are needed, each type of work should be completed within the timelines for its type, and both timelines should begin simultaneously.

The Commission has modified the definitions of “permit” and “qualified contractor” along with the associated terms. Additionally, the Commission has clarified the time frames for providing as-built documentation. These clarifications ensure that roles and responsibilities of the large telephone companies and other providers are clearly stated.

These changes will improve the processes required for providers to access the large telephone companies’ support structures, which will facilitate the deployment of broadband networks and help ensure that Canadians benefit from increased competition, lower prices, and high-quality Internet services.

Background

1. In Telecom Regulatory Policy 2023-31 (the Policy), the Commission made several determinations to facilitate access to poles owned by Canadian carriers or poles to which Canadian carriers control access. As a result, it directed Bell Canada, Saskatchewan Telecommunications (SaskTel), and TELUS Communications Inc. (TCI) [collectively, the incumbent local exchange carriers (ILECs)] to file revised pages for their support structure service tariffs to reflect those determinations.
2. In response to its direction, the Commission received the following tariff notices (TNs) from the ILECs:
 - Bell Canada TNs 977 and 978;
 - SaskTel TN 377; and
 - TCI TNs 580, 655, and 655A
3. The Commission received interventions on Bell Canada's TNs from Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink); Community Fibre Company (CFC); the Independent Telecommunications Providers Association (ITPA); Quebecor Media Inc., on behalf of Freedom Mobile Inc. and Videotron Ltd. (collectively, QMI); Rogers Communications Canada Inc. (RCCI); and TekSavvy Solutions Inc. (TekSavvy); and on SaskTel's and TCI's TNs from Eastlink and RCCI.
4. The Commission subsequently sent requests for information (RFIs) to Bell Canada, SaskTel, TCI, and the interveners.

Issues

5. In the proposed tariffs and interventions, the ILECs and interveners discussed the types of work applicable to poles; issues related to permit applications, such as definitions of the terms "permit" and "hybrid application"; and other issues, such as other definitions and constructions standards. Accordingly, the Commission has grouped the issues to be addressed in this order as follows:
 - make-ready and corrective work;
 - permit applications; and
 - other issues.

Make-ready and corrective work

6. Make-ready work involves preparing a pole to receive a new attachment. It is defined as the modification or replacement of a pole, or of the strands or equipment on the pole, to accommodate additional facilities on the pole or the strands.

Corrective work is any work required to correct pre-existing anomalies (as defined in the Policy). In the Policy, the Commission established definitions for simple and complex make-ready work, and for simple and complex corrective work.

Make-ready and corrective work timelines

Background

7. The process for parties (known as attachers or licensees)¹ to deploy their telecommunications facilities on poles is like any building process that requires permits (e.g., a construction project within city rights-of-way). It requires an assessment of the work to be completed, an approval, an estimate of the charges, and the performance of the work. In the Policy, to prevent delays, the Commission determined that each step of the process should have a defined timeline (permit processing timelines).
8. The permit processing timelines the Commission set for make-ready work depend on the number of poles affected and the nature of the work (simple or complex). They vary from 15 days for processing when no work is required for an application affecting 20 or fewer poles to more than 115 days when complex work is required for an application affecting more than 200 poles.
9. The Commission must determine whether the timelines applicable to the completion of make-ready work also apply to corrective work.

Positions of parties

10. Interveners were generally of the view that timelines for make-ready work should also apply to the completion of corrective work. QMI clarified that this means that the schedules must begin simultaneously to avoid additional delays and proposed wording to take this into account.
11. RCCI noted that the definition of make-ready work excludes corrective work, which results in exempting corrective work from the timelines to complete make-ready work. RCCI also argued that such treatment eliminates licensees' ability to perform simple corrective work on behalf of the ILEC (at the ILEC's cost).
12. RCCI submitted that excluding corrective work from the permit processing timelines would make irrelevant the timelines for any permit application for attachments that the ILEC determines cannot be placed without corrective work.
13. Bell Canada and TCI disagreed that the timelines for make-ready work should apply to corrective work. Bell Canada submitted that the Commission distinguished the two types of work in the Policy, referring to paragraphs 34, 35, 40, and 69, and that

¹ These are competitors (small ILECs, cable carriers, and other telecommunications service providers) that use the ILECs' support structures to provide broadcasting and telecommunications services.

Bell Canada's language clarifies the distinction. Bell Canada noted that its proposed wording does not currently mandate timelines with respect to corrective work.

14. Bell Canada submitted that there are too many variables outside its (or any attacher's) control to justify mandated timelines for corrective work. TCI indicated that most of its support structures are subject to joint-use agreements, which introduces a layer of complexity and delays caused by third parties. SaskTel submitted that imposing the current make-ready work timelines to corrective work would be unworkable, since any required corrective work on its poles is done through third-party contractors.
15. Bell Canada noted that the Commission mandated that corrective work costs be entirely borne by the pole owners to encourage better maintenance, which would minimize access delays for attachers.

Commission's analysis

16. In the Policy, the Commission stated that it was important to have a clear demarcation between the work required on poles to meet construction standards (corrective work) and all other types of make-ready work. Accordingly, corrective and make-ready work are separate activities.
17. The Commission established clear timelines for completing steps for make-ready work. In order to minimize the risks of delays, the timelines applicable to make-ready work should also apply to corrective work.
18. The Commission agrees with the wording proposed by QMI to clarify that corrective work must be completed within the time frame for completing make-ready work, which would avoid additional delays. In addition, this wording aligns with the objective of the Policy to facilitate pole access and accelerate network deployment.

Conclusion

19. Accordingly, the Commission directs the ILECs to add the following tariff provision (in the appropriate language) following the tables in Bell Canada's item 901.4(a)(1); SaskTel's item 650.16, section 3.2; and TCI's items 404.1.3.b and 4.12.04.a(2):

Schedules for make-ready work also apply to the completion of corrective work. In addition, when a permit application requires both corrective and make-ready work, the schedules for all work must begin simultaneously.

Les échéanciers prévus pour les travaux préparatoires s'appliquent également à l'achèvement des travaux correctifs. De plus, lorsqu'une demande de permis nécessite à la fois des travaux correctifs et des travaux préparatoires, les échéanciers de tous les travaux doivent débiter simultanément.

Timelines applicable where both simple and complex work is required

Background

20. Simple work, such as trimming trees, is any work required outside the electrical space. Complex work is any work that would be reasonably likely to cause a service outage or facility damage, or that is beyond the skill set of the licensee or contractor, such as work in the electrical space. In the Policy, the Commission set different timelines for the completion of simple work and complex work. For example, for applications involving 20 or fewer poles, ILECs have 40 days for completion if simple work is required, and 60 days if complex work is required.
21. The Commission must determine which timelines would apply if both simple work and complex work are required on a pole.

Positions of parties

22. Eastlink, the ITPA, and QMI submitted that each type of work would need to be completed within the period appropriate for its type where possible. Eastlink submitted that extending the timeline for simple work due to poles also requiring complex work will lead to unnecessary delays. CFC raised similar concerns regarding the potential for delays.
23. QMI proposed to clarify that if there is simple and complex work related to the same permit application, the schedules for both types of work should begin simultaneously to limit delays in processing applications.
24. Bell Canada, RCCI, TCI, and TekSavvy supported the longer timelines (i.e., complex work timelines) applying, submitting that this would not cause any prejudice to the attacher. Specifically, if multiple timelines were applied, and the simple work was required to be completed first on a shorter timeline, the attacher would still have to wait until the complex work was completed on the longer timeline to attach. TCI submitted that the longer timelines would also have advantages for pole owners because they would ensure that specialized crews have the flexibility to consider attachment requests as a whole and plan their work strategy. RCCI submitted that if completion of simple work would allow the permit applicant to proceed by way of a workaround solution, then the deadline for the completion of simple work should apply. Bell Canada agreed with RCCI that where a workaround solution is possible, an exception to the longer timelines could be made.

Commission's analysis

25. In situations where both simple and complex work are needed, it is possible that the complex work will need to be completed before proceeding with the attachment. However, in some instances, once the simple work is completed, the attacher can use a workaround solution before the complex work is completed. Imposing the complex

work timelines on all applications requiring both simple and complex work could delay access for attachers who could have used a workaround solution.

26. Accordingly, the Commission finds that simple and corrective work should be completed within the timelines for each type, and both timelines should begin simultaneously. Accordingly, for situations where a workaround solution is possible, the attacher will not have to wait for the completion of the complex work, and in situations where a workaround solution is not possible, starting both types of work simultaneously will allow more efficiency and a reduced timeline overall.

Conclusion

27. In light of the above, the Commission directs the ILECs to add the following tariff provision (in the appropriate language) following the tables in Bell Canada's item 901.4(a)(1); SaskTel's item 650.16, section 3.2; and TCI's items 404.1.3.b and 4.12.04.a(2):

For a given permit application, when both simple and complex work must be carried out, whether corrective or make-ready, each type of work must be completed within the time frame for its type (simple or complex). It is also understood that the schedule for both types of work must begin simultaneously.

Pour une demande de permis donnée, lorsque des travaux simples et des travaux complexes doivent être effectués, qu'ils soient correctifs ou préparatoires, chaque type de travail devra être achevé dans la période appropriée à son type (simple ou complexe). Également, il est entendu que l'échéancier des deux types de travaux doit débiter simultanément.

Changes to the definitions of make-ready and corrective work

Background

28. In the Policy, the Commission defined simple and complex make-ready and corrective work, and provided examples of simple and complex make-ready work.
29. The Commission must determine whether any changes to these definitions are appropriate.

Positions of parties

30. Eastlink proposed changes to align Bell Canada's definition of "complex corrective work" with that of the Commission, including the removal of the wording "if left

uncorrected”.² QMI agreed that these words should be removed because they unduly restrain the scope of the definition.

31. RCCI was of the view that Bell Canada and SaskTel should add the examples the Commission listed in paragraph 41 of the Policy to their definitions to provide clarity.
32. Bell Canada agreed to delete “if left uncorrected” because what makes corrective work complex is whether the work itself is likely to cause a service outage or facility damage, not whether the pre-existing non-compliance has a likelihood of potentially causing a service outage. However, Bell Canada disagreed with including specific examples to clarify simple versus complex make-ready work because this could unnecessarily limit the scope of work that could be considered simple.

Commission’s analysis

33. In the Policy, the Commission required the ILECs to include the following definition:

“Complex corrective work” is defined as any work required to correct pre-existing anomalies resulting in non-compliance with applicable Construction Standards by a Support Structure or the attachments thereon that would be reasonably likely to cause a service outage or facility damage, or that is beyond the skill set of the licensee or contractor, such as work in the electrical space, as reasonably determined by the pole owner.

34. Bell Canada’s proposed definition respects the Commission’s intention; however, as agreed to by the company, Bell Canada should remove the words “if left uncorrected” from its definition.
35. While the Commission provided some examples of simple and complex make-ready work, it did not direct the ILECs to include them in their revised support structure tariffs. Accordingly, Bell Canada’s and SaskTel’s definitions are consistent with the Commission's determinations.

Conclusion

36. In light of the above, the Commission directs Bell Canada to remove the words “if left uncorrected” from its definition of complex corrective work.

² Eastlink’s proposed changes to Bell Canada’s definition are shown in bold (additions) and strikethrough (deletions): Any work required to correct pre-existing anomalies resulting in ~~a Support Structure or the attachments thereon being in~~ non-compliance with applicable Construction Standards **by a Support Structure or the attachments thereon** that, ~~if left uncorrected,~~ would be reasonably likely to cause a service outage or facility damage, or that is ~~otherwise~~ beyond the skill set of the Licensee or contractor, such as work in the electrical space, ~~both~~ as reasonably determined by the Company.

Licensees' ability to perform simple make-ready and corrective work

Background

37. In the Policy, the Commission provided attachers with the possibility of carrying out any simple make-ready work described in the make-ready work estimate themselves, or having it done through an approved contractor. It also established a one-touch make-ready (OTMR) regime which, under certain conditions, would allow the ILECs and attachers to perform make-ready work on facilities on behalf of other parties that have facilities already attached to a pole. Parties raised concerns regarding conditions on licensees' ability to perform work and the responsibility for costs.
38. Therefore, the Commission must determine whether changes are needed to make it easier for a licensee to perform simple make-ready and corrective work.

Positions of parties

Eastlink's and QMI's comments on Bell Canada's proposed tariffs

39. Eastlink submitted that Bell Canada's item 901.5(a)(5) does not make it clear that the ILEC will provide the option for licensees to carry out simple make-ready work themselves or through an approved contractor. QMI submitted that Bell Canada is confusing the possibility for a carrier to perform the make-ready work with the possibility for this same carrier to use the OTMR regime. Eastlink and QMI proposed that Bell Canada revise its language to reflect TCI's proposed wording for item 404.3.6.³
40. Eastlink was also concerned that Bell Canada's proposed wording in item 901.5(a)(5)a lacked a prescribed time period, which could prevent attachers from performing make-ready work themselves. Eastlink proposed to allow a timeline of 30 days, consistent with the Commission's preliminary view in the Policy.
41. Regarding the OTMR regime, Bell Canada submitted that the intent of "under certain conditions" was to clarify that certain requirements may be applicable, such as the use of specific hardware, and was reasonable. Bell Canada proposed changes to the text proposed by interveners (i.e., the language TCI proposed for its item 404.3.6):

~~For Simple Make-Ready Work, the Company shall offer the Licensee the possibility of carrying out the work described in the Make-Ready Work estimate themselves, or through a Qualified Contractor, and such work will be allowed to proceed where reasonably determined to be Simple Make-Ready Work by~~

³ TCI's item 404.3.6 reads, in part, as follows: "For Simple Make-Ready Work, the Company shall offer the Licensee the possibility of carrying out the work described in the Make-Ready Work estimate themselves, or through a Qualified Contractor."

the Company under such reasonable conditions as the Company may require.

42. In Bell Canada's view, this wording would allow the licensee to justify why it considers certain make-ready work as simple rather than complex. Licensees could escalate any issue to Bell Canada senior management or to the Commission if they believe certain conditions to be unreasonable.

RCCI's comments on the ILECs' tariffs

43. RCCI proposed changes to the ILECs' tariffs to address the following concerns:

- The provisions requiring the ILECs' agreement to perform make-ready work for subscriber drop attachments need to be amended to reflect the licensees' ability to elect to perform simple make-ready work.
- The ILECs should make it clear that licensees may elect to perform simple corrective work on behalf of the ILEC, with the costs of such work to be charged to the ILEC.
- The tariffs should have a provision allowing an extension of the time for licensees to complete simple make-ready work for good and sufficient cause.
- Bell Canada's proposed amendments regarding licensees' performance of simple make-ready work and OTMR work should be moved from the Rates and Charges portion of its tariff to the Access Approval Requirements portion and clarified.
- Bell Canada should clearly state that the OTMR option is available pursuant to the tariff, the support structure licence agreement (SSA), and the construction standards, and that licensees have 30 days to decide whether to perform simple make-ready work.

44. Accordingly, RCCI proposed changes to the ILECs' tariffs to address these concerns.⁴

45. TCI responded that there is a distinction between make-ready work and corrective work. Pole owners are held responsible for work, including costs, required on poles to meet construction standards (corrective work); allowing licensees to perform any kind of corrective work would not align with the Commission's directions.

⁴ Specifically, RCCI proposed changes to Bell Canada's items 901.4(f), 901.4(p), and 901.5(a)(5); SaskTel's item 650.16, section 3.1, subsection 57, and item 650.16.4.3; and TCI's items 404.3.1, 404.3.6, and 404.3.16.

46. TCI submitted that RCCI's proposed change to item 404.3.6 to provide licensees with extensions to complete simple make-ready work is not required.⁵ Such a change could create a situation where licensees requesting an extension would be in effect reserving space, to the detriment of other potential licensees.
47. However, TCI agreed with RCCI that item 404.3.16 needs amending as it relates to subscriber drop wires, and proposed the following changes:

When the Subscriber Drop Wire cannot be attached in compliance with the Construction Standards, the Licensee must request the Company to perform ~~Make Ready~~ **Corrective Work**. When the ~~Make Ready~~ **Corrective Work** has been completed, the Licensee will be notified and can then proceed with the attachment. In individual cases, with the mutual agreement of the Company and the Licensee, **if the Company deems that the work to bring a pole in compliance is Make-Ready and not Corrective Work**, the Licensee may perform Simple Make-Ready Work at its own expense.

48. Bell Canada submitted that RCCI's proposed wording that would enable the licensee to charge Bell Canada for simple corrective work should be rejected. Also, Bell Canada argued that under RCCI's proposal, the pole owner would have to assess the reasonableness of OTMR work, requiring the implementation of a complex process to review thousands of submissions every year. Enabling licensees to charge pole owners for corrective work and pole owners to deny proposed OTMR work when they deem the costs unreasonable would likely result in disputes and delays.

Commission's analysis

Eastlink's and QMI's comments on Bell Canada's proposed tariffs

49. Regarding Eastlink's and QMI's suggestions for Bell Canada to add wording to item 901.5(a) that is inspired by TCI's item 404.3.6, RCCI proposed similar language for Bell Canada's item 901.4(f). The Commission addresses this in paragraphs 55, 58, and 63 below.
50. Regarding Eastlink's proposal to add a 30-day time limit to prevent abuse of the process, the Commission is of the view that a prescribed time period could prevent abuse and that 30 days is an appropriate length, consistent with other periods established in the Policy.

⁵ RCCI proposed to add wording at the end of that item: "The Licensee may request extensions of these timelines for good and sufficient cause, with notification to and as agreed by the Company. Events beyond the control of the Licensee, such as third-party delays, should qualify for such an extension. If the Company is not satisfied with the Licensee's justification that a delay is due to circumstances beyond its control, the Company could use the Commission's dispute resolution processes to resolve the issue."

RCCI's comments on the ILECs' tariffs

51. Regarding RCCI's proposed sentence to clarify OTMR in the tariffs, OTMR is defined in the Policy as "a process whereby the Company or a Qualified Contractor performs simple make-ready work with respect to an approved permit request, including on behalf of the Company and other occupants of the structure." Also, the Commission defines simple make-ready work and simple corrective work differently. Accordingly, it would not be appropriate to state that OTMR work includes the right to perform simple corrective work on behalf of the company (and at the company's cost).
52. For the same reason, it would be incorrect to state that if simple make-ready work is simple corrective work, it should be at the expense of the company.
53. Regarding RCCI's proposals for make-ready charges in SaskTel's item 650.16.4.3, the Commission determined in the Policy that attachers should be responsible for the cost of make-ready work, but not for the costs associated with corrective work, to the extent that poles or third-party equipment are not in compliance with construction standards. Therefore, SaskTel complied with the Commission's directions through the definition of make-ready charges (items 650.16.2, 650.16.3.17, and 650.16, section 3.2, subsection 62). Also, SaskTel's proposed wording for item 650.16.4.3 respects the intent of the Policy.
54. RCCI's proposal allowing for an extension for licensees to complete simple make-ready work is not appropriate. The Policy addressed the possibility that an attacher would not act in a timely manner to block other potential access requests, and established permissive time limits for the attachers to complete make-ready work to prevent any form of capacity reservation. Allowing extensions could open the door to capacity reservation tactics that the Commission was trying to prevent by setting time limits.
55. However, the other sentences proposed by RCCI to describe Bell Canada's support structure service are appropriate. Additionally, the wording should clearly state that only simple make-ready work can be performed under the OTMR regime.
56. TCI's item 404.3.16 and Bell Canada's item 901.4(p), both about equipment that cannot be attached in compliance with constructions standards, had similar wording. RCCI proposed changes for TCI's item similar to those it proposed for Bell Canada's item. However, as noted in paragraph 47 above, TCI subsequently proposed to change "make-ready" to "corrective" in the first two sentences because any work required to correct pre-existing anomalies resulting in non-compliance with applicable construction standards is corrective work. As a result, TCI's proposed wording is more consistent with the Policy.
57. While RCCI is correct that a company shall provide the licensee with the option to perform simple make-ready work itself, or through a qualified contractor at its own expense, TCI's item 404.3.16 and Bell Canada's item 901.4(p) are about equipment that cannot be attached in compliance with construction standards. In this context,

RCCI's proposed wording is not pertinent because those items are about corrective work.

58. Parties proposed various modifications to Bell Canada's item 901.5(a)(5). As noted in RCCI's submission, sub-bullets a and b of item 901.5(a)(5)⁶ are about the service and should be moved to item 901.4(f). However, the sentence starting with "Under certain conditions" should not be deleted because it is about expenses. In addition, as mentioned above, since OTMR can only be about simple make-ready work, the word "simple" should be added before "make-ready."
59. RCCI's proposal to add a 30-day time limit, which is similar to that of Eastlink for Bell Canada's tariff, as mentioned above, is appropriate to prevent abuse of the process.
60. Finally, TCI's proposed change suggesting that the company may deem work to bring a pole into compliance as make-ready work is not consistent with the definitions of make-ready work and corrective work established in the Policy. Accordingly, this proposal is not appropriate.

Conclusion

61. In light of the above, the Commission finds appropriate SaskTel's item 650.16, section 3.1, subsection 57, and item 650.16.4.3.
62. In addition, the Commission directs TCI to modify items 404.3.16 and 4.12.04.p of its tariffs as follows:

- Item 404.3.16:

When the Subscriber Drop Wire cannot be attached in compliance with the Construction Standards, the Licensee must request the Company to perform ~~Make-Ready~~ **Corrective Work**. When the ~~Make-Ready~~ **Corrective Work** has been completed, the Licensee will be notified and can then proceed with the attachment. ~~In individual cases, with the mutual agreement of the Company and the Licensee, the Licensee may perform Simple Make-Ready Work at its own expense.~~

- Item 4.12.04.p:

Si le titulaire ne peut installer le branchement d'abonné ou l'équipement de toron conformément aux normes de construction, le titulaire doit demander à l'Entreprise d'effectuer les travaux ~~préparatoires~~ **correctifs**. Une fois ces travaux terminés, le titulaire sera avisé qu'il peut procéder au branchement.

⁶ Sub-bullet c is discussed later in this order.

63. Furthermore, the Commission directs Bell Canada to modify items 901.4(f), 901.4(p), and 910.5(a)(5) of its tariffs as follows:

- 901.4(f):⁷

The Licensee must authorize or refuse the estimated Make-Ready Work and return all applicable forms completed to the Company within thirty (30) calendar days from the date of receipt. The Company may close any Application for which the Licensee has not provided authorization to proceed within thirty (30) calendar days and may require the Licensee to submit a new Application. After receipt of all forms completed and approved by the Licensee, the Company will initiate the necessary Make-Ready Work.

For Simple Make-Ready Work, the Company shall offer the Licensee the possibility of carrying out the work described in the Make-Ready Work estimate themselves or through a Qualified Contractor. The Licensee may also elect to perform OTMR pursuant to the terms contained in this Tariff Item, the SSA and the Construction Standards, allowing the Licensee to perform Simple Make-Ready Work on Facilities, including on behalf of other parties with facilities already attached to one or more poles and/or strand.

- a. The Licensee shall inform the Company of its decision whether or not to perform the Make-Ready Work within thirty (30) days from the receipt of the Make-Ready Work estimate.**
- b. Once the Licensee has confirmed to the Company its decision to carry out the Make-Ready Work, the Licensee shall complete it within sixty (60) calendar days for projects involving fewer than 200 poles, or sixty-five (65) calendar days for projects involving 200 poles or more.**

- 901.4(p):

When the Subscriber Drop Wire or Strand Equipment cannot be attached by the Licensee, in compliance with the Construction Standards, the Licensee must request the Company to perform ~~make-ready~~ **corrective** work. When the ~~make-ready~~ **corrective** work has been completed, the Licensee will be notified and can then proceed with the attachment. ~~In individual cases, with the mutual agreement of the Company and the Licensee, the Licensee may perform make-ready work at its own expense.~~

- 901.5(a)(5):

⁷ The text about the database (sub-bullet c) is discussed later in this order.

Make-Ready Charge

A charge, based on the expense incurred and where appropriate using hourly labour rates specified in the Company's Tariff, applies for any material used and for any Make-Ready Work performed on, in or in proximity to the Company's Support Structures or on the Company's or Joint-User's facilities, but excluding any costs incurred to correct pre-existing Construction Code violations by the Support Structure(s) or any existing cable, equipment or other facilities on the Support Structure(s). For further clarity, the charge must not include any costs defined as Corrective Work costs in accordance with this tariff. Under certain conditions, the Licensee may perform **Simple Make-Ready Work** under the One-Touch Make-Ready process at its own expense.

- ~~a. The Licensee must inform the Company of its decision whether or not to carry out Simple Make-Ready Work within an appropriate number of days of receipt of the Make-Ready Work estimate.~~
- ~~b. Once the Licensee has confirmed to the Company its decision to carry out the Simple Make-Ready Work, the Licensee shall complete it within 60 calendar days for projects involving fewer than 200 poles, or 65 calendar days for projects involving 200 poles or more.~~

Permit applications

Definitions of "permit" and "facilities"

Positions of parties

- 64. RCCI submitted that the definition of the terms "permit" for Bell Canada and TCI, and "license permit" for SaskTel, should be amended to reflect the provision for deemed approvals as a result of the Policy.⁸
- 65. Also, RCCI proposed to add "or otherwise authorized pursuant to this Tariff" to the definition of licensee's facilities because some facilities, such as subscriber drop wire and strand equipment, do not require a permit.
- 66. TCI disagreed with RCCI's proposal to amend the definition of "licensee's facilities." TCI submitted that these changes were not necessary since such wording currently exists as a condition of service in item 404.3.1.

Commission's analysis

- 67. In the Policy, the Commission did not direct the ILECs to modify their respective definitions of "permit." Bell Canada's and TCI's definitions had already been

⁸ Conditions under which an application is deemed approved are set out in paragraph 119 of the Policy.

approved by the Commission and their proposed tariff pages did not amend them. In addition, SaskTel's mention of license permit is not a definition, but a condition of service, which had already been approved by the Commission and not amended in the company's proposed tariff pages.

68. However, RCCI's proposed amendments would better capture the potential deemed approvals resulting from the Commission's determination in the Policy. It would therefore be appropriate for the ILECs to amend their tariffs accordingly.
69. Regarding a licensee's facilities, the ILECs acted consistently with the Commission's determinations in the Policy when they did not amend those definitions. Also, the ILECs have separate definitions for services such as strand or subscriber drop wire. Accordingly, RCCI's proposed language is not necessary.

Conclusion

70. In light of the above, the Commission directs Bell Canada and TCI to modify their definitions of "permit" (Bell Canada's item 901.2 and TCI's items 404.1 and 4.12.02), and SaskTel to modify the definition of "license permit" (item 650.16.3.8) to add the wording proposed by RCCI regarding the deemed approval.

- Bell Canada's item 901.2:

Permit

An Application which has been approved in writing by the Company **or which is deemed to be approved pursuant to this Tariff.**

- TCI's item 404.1:

"Permit" means an Application which has been approved in writing by the Company **or which is deemed to be approved pursuant to this Tariff.**

- TCI's item 4.12.02:

Permis

Demande de permis d'utilisation qui a été approuvée par écrit par l'Entreprise **ou qui est estimée approuvée en vertu du présent tarif.**

- SaskTel's item 650.16.3.8:

License Permit(s) are granted to the Licensee, subject to the Licensee completing SaskTel application form(s) and SaskTel written approval of such **applications or deemed approval pursuant to this Tariff.**

Definition of “hybrid application”

Positions of parties

71. In its proposed tariff pages, TCI introduced the concept of a hybrid application. TCI defined it as “including one or more poles and one or more Manholes, pole pilaster bases or other underground structures” (item 404.1). For its Quebec operating territory, it provided the following definition (item 4.12.02 of its Quebec tariff):

Refers to an application to attach to an overhead structure (pole and/or strand) that includes an underground structural element (conduits, manholes, pole pilaster bases). [translation]

72. Eastlink submitted that “pole pilaster bases” should be removed from the definition in item 404.1 because applications related to pole pilaster bases should be included as pole applications and be subject to the same requirements outlined in the Policy. Therefore, an application requesting one or more poles and one or more pole pilaster bases should not be considered a hybrid application.
73. TCI submitted that it had proposed additional amendments to provide clarity and complement the directives in the Policy (including a definition of “hybrid application”) and clarifications around the non-applicability of the OTMR regime for work on underground support structures.
74. TCI disagreed with Eastlink’s request to remove “pole pilaster bases” from the definition. It submitted that a pole pilaster consists of a ground-level concrete surround that protects cables transitioning from underground to above ground, attaching to the base of poles, and requires civil underground work. In the current licensee application process, licensees must get municipal permits before applying for a civil attachment from TCI to distinguish the underground request from an aerial one. TCI submitted that its hybrid application wording ensures that all possible support structure application scenarios are captured.

Commission’s analysis

75. Based on the information provided by TCI, a pole pilaster will most likely be needed if the cable is going underground from a utility pole. Furthermore, in its Quebec tariff, as examples of underground structural elements, TCI mentioned conduits, manholes, and pole pilaster bases. While definitions of “conduit” and “manholes” can be found in item 4.12.02, there is no definition of “pole pilaster base.” Thus, pole pilasters can be grouped with other underground structures and the term can remain in the definition of hybrid application. However, TCI should add definitions of any of these terms that are not included in its tariffs.

Conclusion

76. Accordingly, the Commission directs TCI to add definitions of “pole pilaster base” and “underground structure” to item 404.1, and a definition of “pole pilaster base” to item 4.12.02.

Grouping applications and timeline extensions

Positions of parties

77. Eastlink and RCCI opposed the proposed amendments to the ILECs’ tariffs that would allow the ILECs to group applications into one or many projects, which could extend the permit processing and make-ready timelines. They noted that the ILECs have already proposed wording indicating that the timelines may be extended for good and sufficient cause and with notification to and agreement of an attacher. As a result, there is no need for terms allowing the ILECs to determine how permit applications should be grouped. Accordingly, RCCI proposed changes to Bell Canada’s item 901.4(a)(1), note 1,⁹ and item 901.4(e)(2), SaskTel’s item 650.16.3.23, and TCI’s item 404.3.5.
78. Bell Canada submitted that the consolidation of requests submitted within a 30-day time frame is not intended to delay, but rather to prevent the timelines from being spread out by multiple requests over time or by submitting multiple smaller requests for a single project.
79. TCI submitted that the terms allowing for application grouping existed before the Policy was published and were not an issue in the past. Further, the grouping of applications may lead to shortened time frames and cost savings.
80. Eastlink had concerns with wording that allows for timeline extensions for pole access applications when the ILECs have good and sufficient cause, with notification to and as agreed to by the permit applicant. Eastlink submitted that certain language from paragraph 119 of the Policy, which would provide important context regarding what the ILEC must demonstrate to justify the need for an extension, should be added to Bell Canada’s item 901.4(a)(1), note 4.¹⁰
81. Eastlink also argued that TCI’s language in item 404.3.1.b, note 1, will undermine the Commission’s determination in the Policy because the ILEC could provide any justification for not meeting timelines and the opportunity for deemed approval would be lost. Eastlink therefore proposed to remove “the Application will not be deemed approved.” Eastlink also proposed changes to note 3 of that item to clarify

⁹ This was note 2 in TN 977 but note 1 in TN 978.

¹⁰ This was note 5 in TN 977 but note 4 in TN 978.

that the pole application timelines still apply to the pole portion of a hybrid application.

82. TCI replied that note 1 of item 404.3.1.b aligns with the Commission's direction and provides additional clarity on the status of an application. Without the language that Eastlink proposed to delete, an application for which an extension request was made could nonetheless be interpreted as deemed approved, which would be contrary to the Commission's determination.
83. Regarding note 3, TCI submitted that the definition of and process for hybrid applications were proposed to ensure all possible support structure application scenarios. In particular, underground structure applications involve coordination of work, such as road closures when accessing manholes, or for excavations that may not work with pole timelines.

Commission's analysis

84. The provisions regarding the grouping of applications in ILECs' tariffs were approved in various orders that predate the Policy. During the proceeding that led to the Policy, the grouping of applications was not raised as an issue for the Commission to address. However, the Commission directed ILECs to file reports regarding pole access requests so it could continue monitoring the effectiveness of the revised pole access framework. This required transparency and accountability should discourage grouping applications to impact timelines. Also, if attachers are of the view that an ILEC is grouping applications to manipulate the timelines to its advantage, they can use the Commission's dispute resolution processes.
85. In light of the above, the ILECs should be able to continue to group applications for efficiency purposes, and the related wording that RCCI referred to should remain in the ILEC's tariffs.
86. Regarding extensions, in paragraph 119 of the Policy, the Commission required the ILECs to provide for extensions for good and sufficient cause, with notification to and as agreed to by the permit applicant. Also, it directed the ILECs to indicate that events beyond the control of the ILEC, such as third-party delays, where the ILEC can demonstrate that it has proceeded with due diligence, should qualify for such an extension. The Commission added that where an ILEC indicates that delays will result in timelines being exceeded, with justification, attachers who are not satisfied with the ILEC's justification that a delay is due to circumstances beyond its control could use the Commission's dispute resolution processes to resolve the issue.
87. SaskTel did not propose such a provision allowing for extensions, as required by the Policy. Accordingly, it should add relevant wording to item 650.16, section 3.2, of its tariff.
88. Regarding TCI's note 1 related to deemed approvals, the Commission did not require it to include a sentence with the wording that Eastlink wanted deleted. However, the

language proposed by Eastlink for that note is more consistent with the Commission's determinations and would be appropriate to include in TCI's tariff.

89. Regarding TCI's note 3, the Policy is silent on applications that involve both aerial and underground structures. The underground portion of support structure work for a hybrid application may involve coordinating work or activities with third parties that are beyond the ILEC's control. However, in the Policy, the Commission already considered such situations; an ILEC can qualify for an extension when there are events beyond its control, such as third-party delays, and the ILEC can demonstrate that it has proceeded with due diligence. Eastlink's proposed language will clarify that the pole application timelines will apply to the pole application portion of hybrid applications, and that TCI should amend note 3 accordingly.
90. Regarding the additional clarity on timeline extensions that Eastlink suggested be added to Bell Canada's note 4, given the Commission's determinations in paragraph 119 of the Policy, part of the language Bell Canada was directed to include is missing and should be added.

Conclusion

91. In light of the above, the Commission directs

- SaskTel to add the following provision to item 650.16, section 3.2:

Extensions may be required for good and sufficient cause, with notification to and as agreed to by the Licensee. In cases where SaskTel indicates that events beyond the control of SaskTel, such as third-party delays, where SaskTel can demonstrate that it has proceeded with due diligence, SaskTel should qualify for an extension. In cases where SaskTel indicates that delays will exceed timelines, with justification, and the Licensee is not satisfied with SaskTel's justification, the Licensee may use the Commission's dispute resolution processes to resolve the issue.

- TCI to make the following changes to notes 1 and 3 of item 404.3.1.b and modify note 3 of item 4.12.04.a(2) accordingly:¹¹

- note 1 of item 404.3.1.b:

The Company may request for extensions for good and sufficient cause, with notification to and as agreed to by the Licensee. Events beyond the control of the Company, such as third-party delays, where the Company can demonstrate that it has proceeded with due diligence, should qualify for such an extension. In cases where the

¹¹ In TCI's Quebec tariff, note 1 does not have the sentence that Eastlink wanted removed from TCI's other tariff.

Company indicates that delays will exceed timelines, with justification, ~~the Application will not be deemed approved.~~ If the Licensee is not satisfied with the Company's justification that a delay is due to circumstances beyond its control, the Licensee could use the Commission's dispute resolution processes to resolve the issue.

- o note 3 of item 404.3.1(b):

When a timeline is exceeded by the Company without an agreed to extension by the Licensee, the Application will be deemed approved. Where an Application involves underground and aerial Support Structures ("Hybrid Application"), the Company will endeavor to meet Application timelines relating to poles **for the entire Application**; however, when the number of underground Support Structures exceed aerial ones, then timelines relating to Manholes may apply for the underground portion of the Hybrid Application. For greater clarity, **the Application timelines relating to poles apply for the pole portion of a Hybrid Application; however,** Applications shall not be deemed approved for any underground portion of a Hybrid Application.

- o note 3 of item 4.12.04.a(2):

Lorsque l'Entreprise ne respecte pas une échéance associée à une demande sans avoir obtenu l'accord du titulaire pour prolonger l'échéance, la demande en question sera considérée comme approuvée. Lorsqu'une demande implique des structures de soutènements souterraines et aériennes (« Demande Hybride »), l'Entreprise s'efforcera de respecter les échéances relatives au nombre de poteaux **pour l'ensemble de la demande**, cependant, lorsque les structures de soutènement souterraines excèdent les structures aériennes, alors les échéances relatives aux poteaux ne peuvent s'appliquer pour la partie souterraine de la demande hybride. Pour plus de clarté, **les échéances d'une demande relative aux poteaux s'appliquent à la portion liée directement aux poteaux d'une demande hybride, mais** les demandes ne seront pas considérées comme approuvées pour toute partie souterraine d'une demande hybride. [translation]

- Bell Canada to add the following wording to item 901.4(a)(1), note 4 (as shown in TN 978):

Extensions may be required for good and sufficient cause, with notification to and as agreed to by the Licensee. **The Company should qualify for an extension if there are events beyond the control of the Company, such as third-party delays, where the Company can demonstrate that it has**

proceeded with due diligence. In cases where the Company indicates that delays will exceed timelines, with justification, and the Licensee is not satisfied with the Company's justification, Licensee may use the Commission's dispute resolution processes to resolve the issue.

Permit denials

Positions of parties

92. RCCI noted that in the proceeding that led to the Policy, licensees requested that the Commission direct the ILECs to provide detailed reasons for permit denials. RCCI added that it should be clarified that a permit application cannot be denied due to the requirement to perform corrective work, or when facilities are removed from or rearranged on the pole to create spare capacity. To address those issues, RCCI proposed wording for Bell Canada's item 901.4(e), SaskTel's item 650.16.3.23, and TCI's item 404.3.5.
93. RCCI also proposed a change to TCI's item 404.3.5 to specify that the lack of capacity to accommodate a new attachment should not be as a result of corrective work, but as a result of the requirement to complete that work. Furthermore, RCCI submitted that the words "will not deny the application and" should be added to Bell Canada's item 901.4(e)(1) for clarity.
94. TCI submitted that the existing wording already requires it to provide detailed reasoning for permit denial due to a lack of spare capacity. Accordingly, it is unnecessary to list the details of the reasons in the tariff, since TCI will also be required to track the reasons for denial when submitting quarterly reports to the Commission. Also, while the Commission directed the ILECs to provide detailed reasoning to licensees, it did not direct them to include associated wording in their tariffs, unlike other provisions where it clearly stated that the tariff should be amended with prescriptive wording.
95. TCI also disagreed with adding "the requirement to complete" to item 404.3.5 because it is unnecessary to state a requirement to conduct corrective work.
96. Bell Canada considered RCCI's proposed addition to item 901.4(e)(1) unnecessary but agreed to include it.

Commission's analysis

97. In the Policy, the Commission directed the ILECs to provide detailed reasoning to the attacher and to the Commission when denying an application due to a lack of spare capacity, but it did not direct them to list those details in their tariffs. Therefore, Bell Canada's item 901.4(e), SaskTel's item 650.16.3.23, and TCI's item 404.3.5 comply with the Commission's directions and the proposed additional wording is not required.

98. In paragraph 68 of the Policy, the Commission directed the ILECs to state in their tariffs that an ILEC cannot decline to replace a pole, at its own cost, if the lack of capacity to accommodate a new attachment is a result of the pole not meeting safety and construction standards, as reflected in the definition of corrective work. While TCI's proposed wording does not reproduce the Commission's wording exactly (i.e., there is no mention of safety and constructions standards), it is similar. However, RCCI's proposed addition of "the requirement to complete" would prevent confusion regarding whether the corrective work was already completed or needs to be completed. Accordingly, TCI should add this wording.
99. In addition, Bell Canada agreed to include RCCI's proposed wording for item 901.4(e)(1), which would provide additional clarification.

Conclusion

100. In light of the above, the Commission directs TCI to modify the last sentence of item 404.3.5 as follows and to make the equivalent change in item 4.12.04.e of its Quebec tariff:

- Item 404.3.5:

Furthermore, the Company cannot decline to replace a pole, at its own cost, if the lack of spare capacity to accommodate a new attachment is a result of **the requirement to complete** corrective work.

- Item 4.12.04.e:

De plus, l'Entreprise ne peut refuser de remplacer un poteau, à ses propres frais, si le manque de capacité à accueillir un nouveau raccordement résulte de **l'obligation de compléter** des travaux correctifs.

101. The Commission also directs Bell Canada to include "will not deny the application and" in the second sentence of item 901.4(e)(1).

(...) If the removal or rearrangement of facilities would create additional new Spare Capacity sufficient to accommodate the access request at issue, then the Company **will not deny the application** and **will** remove or rearrange them, or **will** allow for their removal or rearrangement by a third party, as part of Make-Ready Work and at the sole expense of the Licensee requesting the attachment.

Other issues

Definition of "qualified contractor"

Positions of parties

102. Eastlink noted that the definition of "qualified contractor" in TCI's item 404.1 includes language regarding a licensee providing evidence that the contractor satisfies applicable requirements to be an approved contractor. Eastlink submitted

that this language would be more appropriately included in item 404.3.9. Eastlink further proposed additional wording for item 404.3.9 to clarify the moment from which approval of the licensee's request is required.

103. TCI agreed with Eastlink's proposal to move a part of the current proposed definition of qualified contractor from the Definitions section to item 404.3.9 and to make the corresponding change in its Quebec tariff.

Commission's analysis

104. Eastlink's proposed changes will clarify the provisions; therefore, they are appropriate. Accordingly, TCI should make these changes in its tariffs.
105. In the Policy, the Commission directed the ILECs to add the approved definition of qualified contractor from paragraph 142. While TCI added the first paragraph of the definition in item 404.1, it did not add the second paragraph. While some of the elements mentioned in that paragraph appear in item 404.3.9, TCI should add the second paragraph of the definition to item 404.1.

Conclusion

106. In light of the above, the Commission directs TCI to modify items 404.1 and 404.3.9 as follows, and to modify items 4.12.02 and 4.12.04.i of its Quebec tariff accordingly.

- Item 404.1:

“Qualified Contractor” or “Contractor” is a contractor that has applied for and successfully completed a Company-designated certification process with respect to their ability to conduct certain types of Make-Ready Work. Upon completion of the certification process to ascertain whether the contractor satisfied applicable health and safety, operational and insurance requirements, either the contractor will be approved and considered a Qualified Contractor for that type of work, or the qualification shall be denied with written reasons to support such a denial, as well as possible corrective measures for the contractor to undertake to remediate the situation and obtain approval. ~~If the Licensee provides evidence that the contractor satisfies applicable health and safety, operational and insurance requirements, the Company shall confirm the contractor is a Qualified Contractor.~~

The Company must maintain a reasonable list of Qualified Contractors who are permitted to carry out make-ready work on behalf of a Licensee. In the event that a Licensee wishes to use a contractor not on the list, the Licensee must notify the Company in writing, at least thirty (30) calendar days in advance of such contractor commencing work. If the Licensee provides evidence that the contractor satisfies applicable health and

safety, operational and insurance requirements, the Company shall confirm the contractor is a Qualified Contractor.

- Item 404.3.9:

The Company shall create, maintain and regularly update virtual databases containing:

- a. a list of Qualified Contractors to perform Make-Ready Work on the Company's Support Structures; and
- b. all of their operational and technical reference materials and Construction Standards relating to access to Support Structures.

In the event that a Licensee wishes to use a contractor not on the approved Contractor list, the Licensee must notify the Company in writing, at least thirty (30) calendar days in advance of such contractor commencing work. **If the Licensee provides evidence that the contractor satisfies applicable health and safety, operational and insurance requirements, the Company shall confirm the contractor is a Qualified Contractor.** ~~and Upon receiving a contractor approval request from the Licensee, the Company shall:~~

- approve or deny a contractor approval request submitted by a Licensee or a contractor within thirty (30) calendar days of receiving a complete written request; and
 - provide the Licensee or the contractor a comprehensive written reasons as part of any formal denial of a request to approve a contractor, as well as possible corrective measures to remediate and obtain approval.
- Item 4.12.02:

Entrepreneur qualifié ou Entrepreneur

Désigne un entrepreneur qui a demandé et réussi un processus de certification désigné par l'Entreprise en ce qui concerne sa capacité à effectuer certains types de travaux préparatoires. À l'issue du processus de certification en vue de vérifier si l'entrepreneur satisfait aux exigences applicables en matière de santé et de sécurité, d'exploitation et d'assurance, soit l'entrepreneur est approuvé et considéré comme un entrepreneur qualifié pour ce type de travail, ou la qualification est refusée avec les raisons écrites à l'appui de ce refus et les mesures correctives possibles que l'entrepreneur devra prendre pour remédier à la situation et obtenir l'approbation. ~~Si le titulaire démontre que l'entrepreneur répond aux exigences applicables en matière de santé et de sécurité, d'exploitation et d'assurance, l'Entreprise doit confirmer que l'entrepreneur est un entrepreneur qualifié.~~

L'entreprise doit maintenir une liste raisonnable d'entrepreneurs qualifiés qui sont autorisés à effectuer des travaux préparatoires au nom d'un titulaire. Si un titulaire souhaite faire appel à un entrepreneur ne figurant pas sur la liste, il doit en informer l'entreprise par écrit, au moins trente (30) jours civils avant le début des travaux. Si le titulaire fournit la preuve que l'entrepreneur satisfait aux exigences applicables en matière de santé et de sécurité, d'exploitation et d'assurance, l'entreprise doit confirmer que l'entrepreneur est un entrepreneur qualifié.

- Item 4.12.04.i:

L'Entreprise créera, maintiendra et mettra à jour régulièrement des bases de données virtuelles contenant :

- (1) Une liste d'entrepreneurs qualifiés qui sont autorisés à effectuer des travaux préparatoires sur les structures de soutènement de l'Entreprise; et
- (2) Tous ses documents de référence opérationnels et techniques et les normes de construction relatives à l'accès aux structures de soutènement.

Si le titulaire désire avoir recours aux services d'un entrepreneur ne figurant pas sur la liste d'entrepreneurs approuvés, le titulaire doit aviser l'Entreprise par écrit, au moins 30 jours civils avant que l'entrepreneur commence les travaux. **Si le titulaire démontre que l'entrepreneur répond aux exigences applicables en matière de santé et de sécurité, d'exploitation et d'assurance, l'Entreprise doit confirmer que l'entrepreneur est un entrepreneur qualifié. et Dès réception d'une demande d'approbation d'un entrepreneur de la part du titulaire, l'Entreprise doit :**

- Approuver ou refuser une demande d'approbation d'entrepreneur soumise par un titulaire ou l'entrepreneur dans les 30 jours suivant la réception d'une demande écrite complète; et
- Fournir au titulaire ou l'entrepreneur, par écrit, les raisons détaillées de tout refus formel d'une demande d'approbation d'un entrepreneur, ainsi que les mesures correctives possibles pour y remédier et obtenir l'approbation.

Database of qualified contractors

Positions of parties

107. RCCI submitted that while the ILECs included language stating that they will create and maintain the new virtual databases of approved contractors and construction standards, they did not specify that (i) the databases will be easily accessible; (ii) the

databases will be broken down by province and territory, where applicable;¹² and (iii) any updates to construction standards must be posted at least 30 days before implementation. Accordingly, RCCI proposed the following changes:

- SaskTel's item 650.16.3.18:

SaskTel provides **easy** access to virtual databases containing (i) a list of approved contractors that are allowed to perform make-ready work, and (ii) all of SaskTel's operational and technical reference materials and construction standards relating to access to support structures. **Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation.**

- TCI's item 404.3.9:

The Company shall create, maintain and regularly update **easily accessible** virtual databases containing, **by Province and Territory**:

- a. a list of Qualified Contractors that are allowed to perform Make-Ready Work, and
- b. all of their operational and technical reference materials and construction standards relating to access to Support Structures.

Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation.

108. Also, RCCI proposed to move the language from Bell Canada's item 901.5(a)(5) to the end of RCCI's proposed text for Bell Canada's item 901.4(f) and to modify it as follows:

- c. The Company shall create, maintain and regularly update **easily accessible** virtual databases containing, **by Province and Territory**:

- i. A list of approved contractors that are allowed to perform Make-Ready Work, and
- ii. All of the Company's operational and technical reference materials and construction standards relating to access to support structures.

¹² Not applicable for SaskTel because it operates as an ILEC only in Saskatchewan.

Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation.

109. To ensure that there is no delay in initially populating the list of qualified contractors, RCCI submitted that the ILECs should be directed to include all currently approved contractors, including the ones the ILECs use, in their initial list of qualified contractors. This initial list should be published 30 days after the effective date of the amended tariff.
110. When it filed its amended tariff, SaskTel submitted that the first bullet of paragraph 96 of the Policy appears to relate to specific pole access requests, but in the context of paragraphs 84–96, the intent is to respond to requests allowing contractors to become approved contractors. SaskTel noted the conflict between the mention of 30 days in paragraph 96 and the detailed timelines in paragraph 119. As a result, SaskTel interpreted paragraph 96 to refer to the timelines for approving new contractors and inserted the required concepts into its conditions of service (items 650.16.3.17–650.16.3.19).
111. SaskTel also submitted that it has interpreted paragraphs 138–143 of the Policy to relate specifically to the mandated OTMR regime. If they do not, the requirement in paragraph 93 to maintain lists of approved contractors would overlap with the requirements in paragraphs 142 and 143 (for item 650.15, section 3.1, subsections 56–58) relating to lists of qualified contractors.
112. TCI submitted that it is not necessary to provide the current list of qualified contractors since, pursuant to existing item 404.3.8, the licensee is required to provide TCI with a list of contractors who are to carry out work on their behalf. Also, pursuant to item 404.3.9, if the licensee wishes to use a contractor that is not on the list, the licensee must notify TCI in writing, at least 30 calendar days before the contractor begins work. However, TCI intends to review its current list and combine the existing contractors with any new contractors that become qualified, such that a complete virtual database of qualified contractors is maintained and regularly updated. In the interim, it argued that RCCI’s request is unnecessary and should be dismissed since a regularly updated database will be available and become the single resource containing a list of qualified contractors.
113. Bell Canada did not oppose RCCI’s proposed clarifications but did not believe it was the Commission’s intent to restrict Bell Canada’s ability to issue amendments to construction standards resulting from investigations of recent incidents. Where a construction standard is amended for the immediate safety of technicians or the public, Bell Canada must continue to be able to issue such notices with immediate effect to not delay work for all parties involved. Bell Canada proposed to amend its tariff to reflect that, for the safety of technicians or the public, such standards must take effect immediately.

Commission's analysis

114. The changes proposed by RCCI for Bell Canada's items 901.4(f) and 901.5(a)(5), SaskTel's item 650.16.3.18, and TCI's item 404.3.9 match the database features that are described in paragraph 94 of the Policy. The ILECs should, therefore, make these changes.
115. Bell Canada's proposed amendment to RCCI's wording that a standard must be modified as soon as possible for the safety of technicians or the public is reasonable. Accordingly, the Commission finds Bell Canada's proposed amendment appropriate.
116. Regarding RCCI's request pertaining to the initial list of qualified contractors, in the Policy, the Commission directed the ILECs to create, maintain, and regularly update virtual databases containing a list of (i) approved contractors that are allowed to perform make-ready work, and (ii) all of their operational and technical reference materials and applicable construction standards. Also, the Commission required that attachers have access to the database within 30 days of the tariff's approval. Information on amended or new operational and technical reference materials and construction standards are to be added to the database at least 30 days before they are implemented or put into force. Furthermore, when the Commission examined the issue of the OTMR contractor approval process, it directed the ILECs to include a provision in their tariffs requiring them to manage the list of qualified contractors, update it regularly, and make it easily accessible to attachers within 30 days of the tariff's approval.
117. In SaskTel's tariff, the list of qualified contractors is discussed in the definition of qualified contractors in item 650.16.2 (as required under paragraph 142 of the Policy), and the list to be included in the database appears in item 650.16.3.18 and item 650.16, section 3.1, subsection 57. Accordingly, SaskTel's proposed wording complies with the Commission's determinations.
118. Regarding TCI's item 404.3.9, in paragraph 106 of this order, the Commission directed the company to add to its definition of "qualified contractor" the text about the list from paragraph 142 of the Policy. Also, item 404.3.9 mentions the list to be included in the database. Accordingly, once TCI amends its definition of qualified contractor, the wording will comply with the Commission's determinations.
119. In Bell Canada's tariff, the list of qualified contractors is discussed in the definition of "qualified contractor" (as required under paragraph 142 of the Policy), and the list to be included in the database appears in item 901.5(a)(5)c. Accordingly, the proposed wording complies with the Commission's directions.
120. With regard to whether the ILECs should also be required to populate the list of qualified contractors with currently approved contractors when they publish it within 30 days of the tariff's approval, the intent of the Policy was to facilitate access to poles for attachers to accelerate broadband deployment. Knowing which contractors are already approved when the list is published would contribute to that goal.

Therefore, when each ILEC publishes its list, it should be populated with the currently approved contractors, including those of the ILECs.

Conclusion

121. In light of the above, the Commission directs SaskTel and TCI to make the following changes:

- SaskTel's item 650.16.3.18:

SaskTel provides **easy** access to virtual databases containing (i) a list of approved contractors that are allowed to perform make-ready work, and (ii) all of SaskTel's operational and technical reference materials and constructions standards relating to access to support structures. **Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation unless, for the safety of technicians or the public, such standards must have immediate effect.**

- TCI's item 404.3.9:

The Company shall create, maintain and regularly update **easily accessible** virtual databases containing, **by Province and Territory**:

- a. a list of Qualified Contractors to perform Make-Ready Work on the Company's Support Structures; and
- b. all of their operational and technical reference materials and Construction Standards relating to access to Support Structures.

Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation unless, for the safety of technicians or the public, such standards must have immediate effect.

In the event that a Licensee wishes to use a contractor not on the approved Contractor list, the Licensee must notify the Company in writing, at least thirty (30) calendar days in advance of such contractor commencing work. **If the Licensee provides evidence that the contractor satisfies applicable health and safety, operational and insurance requirements, the Company shall confirm the contractor is a Qualified Contractor. ~~and~~ Upon receiving a contractor approval request from the Licensee, the Company shall:**

- approve or deny a contractor approval request submitted by a Licensee or a contractor within thirty (30) calendar days of receiving a complete written request; and

- provide the Licensee or the contractor a comprehensive written reasons as part of any formal denial of a request to approve a contractor, as well as possible corrective measures to remediate and obtain approval.
- TCI's item 4.12.04.i:

L'Entreprise créera, maintiendra et mettra à jour régulièrement des bases de données virtuelles **facilement accessibles** contenant, **par province et territoire** :

- (1) Une liste d'entrepreneurs qualifiés qui sont autorisés à effectuer des travaux préparatoires sur les structures de soutènement de l'Entreprise; et
- (2) Tous ses documents de référence opérationnels et techniques et les normes de construction relatives à l'accès aux structures de soutènement.

Toute mise à jour des documents de référence opérationnels et techniques et des normes de construction relatives à l'accès aux structures de support doit être publiée dans la base de données au moins 30 jours avant sa mise en œuvre, à moins que, pour la sécurité des techniciens ou du public, ces normes ne doivent avoir un effet immédiat.

Si le titulaire désire avoir recours aux services d'un entrepreneur ne figurant pas sur la liste d'entrepreneurs approuvés, le titulaire doit aviser l'Entreprise par écrit, au moins 30 jours civils avant que l'entrepreneur commence les travaux. **Si le titulaire démontre que l'entrepreneur répond aux exigences applicables en matière de santé et de sécurité, d'exploitation et d'assurance, l'Entreprise doit confirmer que l'entrepreneur est un entrepreneur qualifié. et Dès réception d'une demande d'approbation d'un entrepreneur de la part du titulaire, l'Entreprise doit :**

- Approuver ou refuser une demande d'approbation d'entrepreneur soumise par un titulaire ou l'entrepreneur dans les 30 jours suivant la réception d'une demande écrite complète; et
- Fournir au titulaire ou l'entrepreneur, par écrit, les raisons détaillées de tout refus formel d'une demande d'approbation d'un entrepreneur, ainsi que les mesures correctives possibles pour y remédier et obtenir l'approbation.

122. The Commission also directs Bell Canada to move the language from item 901.5(a)(5) to the end of modified item 901.4(f) and amend it as follows:

- c. The Company shall create, maintain and regularly update **easily accessible** virtual database(s) containing, **by Province and Territory**:

- i. a list of approved contractors that are allowed to perform Make-Ready Work, and
- ii. all of the Company's operational and technical reference materials and construction standards relating to access to support structures.

Any updates to operational and technical reference materials and construction standards relating to access to Support Structures must be posted in the database at least 30 days before implementation unless, for the safety of technicians or the public, such standards must have immediate effect.

123. In addition, the Commission directs the ILECs to populate their lists with the currently approved contractors, including their own, when they publish the lists.

Priority access in all circumstances

Positions of parties

124. Eastlink submitted that, contrary to the Commission's directions, TCI's tariff includes language indicating that it has priority access to support structures "in all circumstances."¹³ Eastlink added that it is unclear in Bell Canada's item 901.3(d) that Bell Canada does not have priority access to poles it does not own or for which it is not in a reciprocal cost-sharing agreement. Accordingly, Eastlink proposed changes to TCI's item 404.2.4 and Bell Canada's item 901.3(d) to clarify the terms.

125. TCI submitted that item 404 does not apply to support structures that it does not own or for which it does not have a reciprocal agreement to share costs and manage the telecommunications space. Accordingly, it is not necessary to remove "in all circumstances." Further, TCI continues to maintain priority access in all circumstances.

126. Bell Canada agreed with Eastlink's proposal to remove "in all circumstances," which is already present in the tariff, and to clarify item 901.3(d).

Commission's analysis

127. TCI's item 404.1 defines the support structure service as being in relation to "company owned or controlled" support structures. Accordingly, the term "Support Structures" in item 404.2.4 means support structures that are owned or controlled by the company, and that TCI maintains priority access in those circumstances. For circumstances in which it does not own the support structure and for which it is not in a reciprocal agreement to share the costs, item 404.2.4 clarifies that TCI does not

¹³ In paragraph 258 of the Policy, the Commission directed the ILECs to remove existing terms that allow priority access or the ability to reserve capacity on poles that they do not own and for which they are not in a reciprocal agreement to share the costs of the support structure.

have priority access or the ability to reserve capacity. Therefore, the changes Eastlink proposed for TCI's tariff are unnecessary.

128. Similarly, the changes are not required in Bell Canada's tariff.

Conclusion

129. Accordingly, the Commission finds that TCI's item 404.2.4 and Bell Canada's item 901.3(d) are appropriate and do not require changes.

Overlashing attachments

Positions of parties

130. Regarding the installation of overlashing attachments without a permit, RCCI proposed to add to the ILECs' tariffs wording stating that overlashing that does not impact capacity of the support structure is routine maintenance.¹⁴

131. Bell Canada submitted that RCCI's proposal does not clarify that it pertains to cable replacement. It also does not include the caveat that overlashing resulting in an increased number of attachments on a support structure does not constitute routine maintenance. Instead, Bell Canada proposed to add the following:

(e.g. overlashing that replaces existing cable or wire facilities with a facility or cable of equal or lesser size and weight is considered routine maintenance whereas overlashing associated with an increase in the number of attachments on the support structure is not).

132. TCI submitted that item 404.3.1 had to be read in its entirety and that it reflects the Commission's determinations. TCI considered it unnecessary to add wording to the text in parentheses in the first paragraph of that item since it was meant to provide an example of work that does not require an application.

Commission's analysis

133. In the Policy, the Commission determined that overlashing work is routine maintenance and that a permit application is not required for this type of work. In the amended version of the Policy (Telecom Regulatory Policy 2023-31-1), the Commission clarified the definition of overlashing (in bold):

Overlashing is the process of physically tying additional cables around the cables that are already attached to a pole. In some cases, this allows for the expansion of capacity of existing facilities while reducing construction disruption and

¹⁴ Overlashing is the process of physically tying additional cables around existing cables attached to a pole in order to not consume more of the support structure's capacity. In some cases, this allows for the expansion of capacity of existing facilities while reducing construction disruption and associated expense.

associated expense. **This decision refers to overlashing in the context of replacing existing facilities and cables in ways that do not consume more of the support structure's capacity. Overlashing associated with an increase in the number of attachments on the support structure is not included in the analysis and determinations set out in this subsection.**

134. However, the Commission did not specifically direct the ILECs to modify their support structure service tariffs in relation to that revised definition. In general, providing an example can help make a concept easier to understand, but it is not mandatory.

135. In TCI's item 404.3.1, "routine maintenance" is mentioned in the text prior to the text in parentheses, which is an example of work that will not affect the location or consume additional capacity on or in the support structure.

Conclusion

136. Accordingly, the Commission determines that it is not necessary for TCI to add "is routine maintenance" to the text in parentheses in item 404.3.1. Also, it is not necessary for Bell Canada and SaskTel to add wording regarding overlashing.

Joint-use support structures or portions that are not owned by the ILEC

Positions of parties

137. RCCI proposed changes to ensure that the determinations in this order apply to joint-use poles, as required by the Policy.

138. In TCI's view, the Policy is restricted to poles that are company-owned or company-controlled, meaning that this would include TCI's solely owned poles, joint-use poles, or shared-cost poles. Therefore, there is no merit in expanding the current tariff language.

Commission's analysis

139. In the Policy, the Commission determined that the ILECs' support structure service tariffs and the Commission's determinations in the Policy apply to joint-use poles, specifically poles owned partially or wholly by the ILECs, as well as the elements of other poles on which the ILECs exercise any involvement or control, or for which they control access.

140. When the Commission made determinations about support structures or portions of support structures that are not ILEC-owned, it did not direct the ILECs to add an item to their tariffs such as the one proposed by RCCI.

Conclusion

141. In light of the above, the Commission determines that it is not necessary for the ILECs to add the new item proposed by RCCI to their tariffs.

Changes to construction standards

Positions of parties

142. RCCI asked the Commission to confirm that the ILECs should consult meaningfully with licensees regarding changes to their construction standards to ensure that licensees do not face costly and unnecessary changes.
143. TCI noted that in Telecom Decision 95-13, the Commission recognized that TCI, as a support structure owner, is required to set the construction standards, and not the licensees that attach to them. ILECs must regularly update licensees with operational and technical reference material and construction standards, and this is noted in TCI's item 404.3.9. Should any licensee disagree with the construction standards as related to support structure service, it can use the Commission's dispute resolution processes. Therefore, there is no reason to consult with licensees regarding changes to the construction standards (except to update them, when necessary, as directed by the Commission), and no requirement to post construction standards 30 days prior to implementation.

Commission's analysis

144. In Telecom Decision 95-13, the Commission considered that support structure owners have the right to set and enforce construction standards, provided that those standards are based on safety and technical requirements and do not unreasonably impede access by other telecommunications carriers or cable television undertakings.
145. In the Policy, the Commission did not make determinations regarding the right to set construction standards; it only made determinations to ensure that licensees would have access to information on those standards. The Commission also made sure that any amended or new construction standards be added to a database accessible by licensees at least 30 days before they are implemented or put into force.
146. Accordingly, RCCI's proposed addition is unnecessary. If RCCI is of the view that the ILECs have implemented standards that unreasonably impede access by licensees, RCCI could use the Commission's dispute resolution processes.

Conclusion

147. In light of the above, the Commission will not require ILECs to modify their practices regarding changes to their construction standards.

As-built documentation packages of added facilities

Positions of parties

148. RCCI noted that TCI proposed to require licensees to submit an "as-built documentation package of added Facilities" following the installation of approved

attachments.¹⁵ RCCI submitted that licensees are already required to file detailed engineering drawings to scale in their permit applications and that this new obligation would be costly and unnecessary. Furthermore, it has no basis in the Policy.

149. Eastlink added that requiring the provision of the documentation within seven calendar days of the work being completed is unreasonable. As-built documentation is typically not received from contractors for at least 30 days following completion of the work. There is no need to prescribe a timeline because an attacher has no reason to delay providing it to the pole owner, and because the timing for when it is received from a contractor may be outside the attacher's control. Eastlink therefore proposed to remove the requirement from TCI's item 404.3.11.
150. TCI submitted that having an accurate collection of as-built drawings is critical for all parties, especially with the introduction of an OTMR regime. Supplying as-built documentation is a common industry practice and it is useful to effectively manage poles, especially regarding structural compliance and safety. Without this documentation, TCI and licensees could experience delays if they encounter unexpected infrastructure or equipment on poles. In addition, as-built documentation ensures accurate licensee billing and tariff compliance. It also prevents unauthorized attachments. When municipalities and utility companies request this documentation, Eastlink and RCCI comply; requests from pole owners should be no different. Therefore, it is reasonable to request this documentation within a prescribed time frame to facilitate effective access to poles.

Commission's analysis

151. In the Policy, the Commission did not make any determinations regarding documentation to be provided when the work is completed. However, in Telecom Decision 2020-61, both the City of Terrebonne and the Carriers¹⁶ proposed wording that allowed a deadline of 90 days after the work is completed to provide as-built drawings. Neither the requirement to provide as-built drawings nor the deadline to provide them were questioned.
152. As-built documentation is a common industry practice and the availability of information on a timely basis facilitates effective access to poles. However, based on time frames established in past decisions, the Commission is of the view that seven days to provide the documentation is not sufficient.

¹⁵ As-built documentation consists of detailed drawings of a building or structure that reflect the changes made during the course of work. The contractor submits this documentation when a project is finished.

¹⁶ Bell Canada, Cogeco Communications Inc., RCCI, TCI, and Videotron Ltd.

153. The Commission considers that a licensee should notify TCI within seven calendar days of the permitted work being completed. However, TCI should allow 90 days after the work is completed for the filing of as-built documentation.

Conclusion

154. Accordingly, the Commission directs TCI to modify its item 404.3.11 as follows, and to make the same change to item 4.12.04.k:

- TCI's item 404.3.11:

The Licensee must notify the Company of its start date for all permitted work performed on the Company's Support Structure, including OTMR and for an Application that is deemed approved. The Licensee must also notify the Company within seven (7) calendar days of the permitted work being completed, ~~including submitting an as-built documentation package of added Facilities,~~ and of any changes from the approved Permit or the designs submitted that were deemed approved. **The Licensee must also submit an as-built documentation package of added Facilities within 90 days after the work is completed.**

- TCI's item 4.12.04.k :

Le titulaire doit indiquer à l'Entreprise la date de début des travaux pour tous les travaux autorisés effectués sur la structure de soutènement de l'Entreprise, y compris pour les travaux OTMR et pour une demande considérée approuvée. Le titulaire doit aussi aviser l'Entreprise dans les 7 jours civils suivant de l'achèvement des travaux autorisés, ~~y compris en transmettant un dossier de documentation tel que construit des installations ajoutées,~~ et de toute modification du permis approuvé ou des conceptions soumises qui ont été considérées comme approuvées. **Le titulaire doit aussi soumettre un dossier de documentation tel que construit des installations ajoutées dans les 90 jours suivant l'achèvement des travaux.**

Whether to make the rate interim

Positions of parties

155. Bell Canada submitted that the determinations in the Policy increase the costs upon which its pole rate is based such that its monthly pole attachment rate in Ontario and Quebec is not just and reasonable. The company therefore requested that its monthly pole attachment rate in those provinces be made interim. Bell Canada filed an updated cost study for its pole attachment rate in Ontario and Quebec in TN 981.

156. Eastlink, the ITPA, QMI, RCCI, and TekSavvy opposed setting Bell Canada's current pole attachment rate as interim. QMI and TekSavvy submitted that Bell Canada has not demonstrated that its rates are no longer just and reasonable. Eastlink, RCCI, and TekSavvy submitted that Bell Canada's request would subject

the industry to major cost uncertainty on an indeterminate basis, contrary to the Policy's goal. RCCI added that it would be inappropriate to create uncertainty over attachment rates and the potential for retroactive payment obligations to the ILECs.

157. Bell Canada submitted that the new support structure policies carry implications for cost and operational management. Interim rates provide a practical way to manage this transition and maintain service quality during the process. Also, denying the request for interim rates would require Bell Canada to shoulder costs without fair compensation derived from cost-based rates, thereby disrupting the competitive landscape. Furthermore, the Commission has a long history of approving interim rates in various situations where it is deemed necessary to ensure the fairness and efficiency of the regulatory process.

Commission's analysis

158. In the Policy, the Commission stated that the ILECs could file cost studies if they believe that rates are no longer just and reasonable. Bell Canada filed TN 981 related to that rate increase, where it also requested that the current rate be made interim. Setting the rates as interim through the present tariff proceeding would not be appropriate. The Commission will consider this issue as part of its assessment of TN 981.

Miscellaneous

Positions of parties

159. RCCI proposed to delete the word "to" after "apply" in SaskTel's item 650.16.3.19:

A licensee (also referred to as an attacher) or a contractor working with that licensee may apply to for the contractor to become an approved contractor.

160. CFC submitted that the timelines to assess an application and complete a survey should be reduced given efficiency improvements afforded by modern technologies and tools.

Commission's analysis

161. The Commission considers that the word "to" was included by mistake and should be deleted.

162. With respect to CFC's request, filing an intervention on Bell Canada's amended tariff is not the appropriate process if CFC disagrees with the timelines set out in the Policy.

Conclusion

163. Accordingly, the Commission directs SaskTel to delete "to" from item 650.16.3.19.

164. In addition, the Commission denies CFC's request to reduce the timelines to assess and complete a survey.

Conclusion

165. In light of all the above, the Commission approves, effective the date of this order and with changes, the applications filed by Bell Canada, SaskTel, and TCI. The Commission directs the companies to (i) modify their support structure tariffs as set out above, and (ii) issue final tariff pages by **27 February 2025**.¹⁷

166. The Commission's determinations in this order will clarify the terms and conditions to facilitate access to support structures, which is essential for competitive providers to provide telecommunications services. This will accelerate the deployment of broadband-capable networks and help ensure Canadians benefit from increased competition, lower prices, and high-quality Internet services.

Secretary General

Related documents

- *Regulatory measures to make access to poles owned or controlled by Canadian carriers more efficient*, Telecom Regulatory Policy CRTC 2023-31, 15 February 2023; as amended by Telecom Regulatory Policy CRTC 2023-31-1, 22 March 2023
- *City of Terrebonne – Application regarding certain terms and conditions of a draft municipal access agreement with certain carriers*, Telecom Decision CRTC 2020-61, 14 February 2020
- *Access to telephone company support structures*, Telecom Decision CRTC 95-13, 22 June 1995

¹⁷ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.