



THE CITY OF

CALGARY

LAW DEPARTMENT (8053)

GLENDA E. COLE
City Solicitor**FACSIMILE COVER SHEET**

DATE: January 31, 2014

FROM: Mary Anne Bendfeld

TO: Name: John Traversy
Firm: Canadian Radio-television and Telecommunications Commission
City: Ottawa, Ontario
Facsimile No.: 1 (819) 994-0218

MESSAGE:

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**NOTICE OF INTERVENTION - The City of Calgary
CRTC NOTICE OF CONSULTATION 2013-551**

THE CITY OF
CALGARY
LAW DEPARTMENT (8053)

GLENDA E. COLE
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File No. 8663-C12-201313601

January 31, 2014

Delivered by Facsimile: 1.819.994.0218

Mr. John Traversy
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Subject: **Telecom Notice of Consultation CRTC 2013-551: *Review of wholesale services and associated policies* (the "Proceeding") – Intervention filed by The City of Calgary**

Dear Mr. Traversy:

The City of Calgary requests status as an Intervener in the Proceeding. Pursuant to the foregoing, find attached the Notice of Intervention filed by The City of Calgary.

Yours truly,

Mary Anne Bendfeld
Barrister & Solicitor

MBE/kk

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NOTICE OF INTERVENTION - The City of Calgary CRTC NOTICE OF CONSULTATION 2013-551

The City of Calgary requests participation in the CRTC Notice of Consultation 2013-551 as an Intervener pursuant to the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure.

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I. Introduction

The City of Calgary ("Calgary") is a non-dominant Carrier registered with the Commission. In that capacity, it currently licenses dark fibre. Calgary does not compete in the retail market.

Calgary has ownership, control and management over its Rights-of-Way and other public places (hereinafter, Rights-of-Way and other public places will be referred to collectively as "ROWs") under authority of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as well as ownership, control and management over its infrastructure located in

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such ROWs. In that capacity, Calgary has entered into municipal consent and access agreements with telecommunication companies relating to the placement of telecommunication equipment in Calgary's ROWs.

II. Submissions

Pursuant to its current activities as a non-dominant carrier and its ownership, management and control over its ROWs and the infrastructure contained in ROWs, Calgary wishes to participate in the Notice of Consultation 2013-551 as an Intervener for the following reasons:

1. Calgary supports the review of wholesale services by the Commission. However, Calgary is concerned about the potential impact decisions made by the Commission in regard to wholesale services and their impact on Calgary's capacity as (i) owner and manager of ROWs, (ii) owner of municipal infrastructure, and (iii) manager of placement of telecommunication and other utility equipment in the ROWs to manage its ROWs and infrastructure.

Appendix 1, Question 4b: Explain whether additional wholesale HSA services, including FTTP facilities, should be mandated

2. The Commission may mandate some wholesale services but not others, taking into account the rights of all parties involved in, or with, the telecommunication industry, such as Calgary and other municipalities.
3. Calgary as owner and manager of ROWs strongly disagrees with mandating installation of FTTP facilities on existing infrastructure or support structures owned by Calgary. It is of primary importance that Calgary and other municipalities maintain full authority over the infrastructure owned by them and existing in their ROWs which is built for and utilized to provide municipal services.
4. On the other hand, space in ROWs and other public places is becoming significantly reduced through development and technology initiatives and the need to maximize the use of urban land. To the extent that Telus' position is that "mandating competitor access to FTTP facilities would have a number of

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negative effects,"¹ the burden of such failure to share access to FTTP facilities will fall on the municipalities. Calgary and other municipalities will face increasing pressure from all dominant carriers demanding access to ROWs to install their separate FTTP facilities. Separate installations unnecessarily increase the space used by carriers and involves significant cost and inconvenience for municipalities when ROWs are continually opened up. The Commission should consider mandating that dominant carriers:

- a. provide excess capacity for a significant period of time for other telecommunication companies when installing FTTP facilities (associated costs may be recuperated through licensing of the FTTP facilities);
- b. share existing FTTP facilities or other telecommunications equipment or infrastructure (e.g., conduit) with other telecommunication companies whenever possible (and recover costs accordingly from the other telecommunication companies); and
- c. delay installation of FTTP facilities in ROWs if joint work/installation cannot take place because the dominant carriers cannot arrive at a consensus regarding sharing of such FTTP facilities.

III. Appearance at Public Hearing

Calgary would like the opportunity to appear at the public hearing to allow it to speak to those matters that will be affected by decisions of the Commission regarding the provisioning of wholesale services which are critical to Calgary and other municipalities.

****End of Document****

¹ Telus: Response to Request for Information TNC 2013-551 (December 6, 2013).