

Subject: Re: CRTC Broadband Fund Decisions
Date: Thursday, February 4, 2021 at 10:20:29 AM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Kiersten Enemark, Randell, Howard CITZ:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Thank you Kiersten.
Susan

Susan
Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Thursday, February 4, 2021 at 9:20 AM
To: Howard Randell <Howard.Randell@gov.bc.ca>
Cc: Susan Stanford <Susan.Stanford@gov.bc.ca>
Subject: CRTC Broadband Fund Decisions

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Howard,

We are thrilled that the CRTC has provided funds for the transport build from Chetwynd to Fort St. John (please see announcement below). We also received conditional approval of funding from Northern Development. This now allows us to move forward in greater design detail and repeated outreach to communities along the route.

Kiersten

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[Over 40 underserved communities in British Columbia, Saskatchewan and Ontario to benefit from improved broadband connectivity](#)

[CRTC Broadband Fund second call: first group of selected projects](#) (Backgrounder)

Telecom decisions:

[2021-43 Broadband Fund – Second call for applications – Introductory decision regarding project funding approvals](#) – Public record: 1011-NOC2019-0372

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2021-47 Broadband Fund – Project funding approval for Tough Country Communications Ltd.'s British Columbia transport fibre project - Public record: 1011-NOC2019-0372

2021-48 Broadband Fund – Project funding approval for Rogers Communications Canada Inc.'s Ontario transport fibre project - Public record: 1011-NOC2019-0372

DEAN SHAIKH Vice President, Regulatory Affairs
Shaw Communications Inc. 1400-40 Elgin St., Ottawa ON

T: 613-688-6755 **C:** 613-355-2574 **F:** 613-688-6799

E: dean.shaikh@sjrb.ca

Shaw)



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Subject: Re: Shaw Presentation
Date: Wednesday, February 3, 2021 at 12:48:55 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Kiersten Enemark
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png

Looking forward to it.

Sorry we didn't get our bios updated. Happy to send along afterward if you like. It's been a crazy week.

Susan

Susan

Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Wednesday, February 3, 2021 at 12:08 PM
To: "Fleurant, Kathleen CITZ:EX" <Kathleen.Fleurant@gov.bc.ca>
Cc: CJ Ritchie <CJ.Ritchie@gov.bc.ca>, Susan Stanford <Susan.Stanford@gov.bc.ca>, "Lawal, Cassandra CITZ:EX" <Kassandra.Lawal@gov.bc.ca>, Chima Nkemdirim <Chima.Nkemdirim@sjrb.ca>
Subject: Shaw Presentation

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Hello,

We're looking forward to our meeting at 1:30pm this afternoon. Attached, please find a copy of our presentation we propose to present via MS Teams during our meeting.

Regards,

Kiersten

Kiersten Enemark Government Relations Director, British Columbia
Shaw Communications Inc., 1067 W Cordova St, Suite 900, Vancouver, BC V6C 3T5
T: 604-629-3103 C: 778-928-1919
E: kiersten.enemark@sjrb.ca



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"Until all of us have made it, none of us have made it" -- Rosemary Brown

Subject: Re: Shaw Note

Date: Tuesday, January 26, 2021 at 3:07:07 PM Pacific Standard Time

From: Stanford, Susan CITZ:EX

To: Rosche, Kimberly CITZ:EX

Okay, I'll look.

s.22

I'm good for the rest of the day.

Talk in the morning.

Susan

Susan

Victoria, BC | T 250.580.7459

From: "Rosche, Kimberly CITZ:EX" <Kimberly.Rosche@gov.bc.ca>

Date: Tuesday, January 26, 2021 at 3:06 PM

To: Susan Stanford <Susan.Stanford@gov.bc.ca>

Subject: Shaw Note

Hi!

s.22

but on the Shaw Note – we already had the agenda, so should be good.

PSB has shared with Tracee and will let me know later today or early tomorrow if they have any edits to merge in.

Kimberly Rosche CIAPP-C

Manager

Ministry of Citizen's Services

Victoria, BC | T 250.893.2496

Subject: Accepted: Minister: Pre-Brief Shaw Meeting

Date: Sunday, January 31, 2021 at 11:11:04 AM Pacific Standard Time

From: Stanford, Susan CITZ:EX

To: Brouwer, Shauna CITZ:EX

Subject: Accepted: Minister: Shaw Meeting

Date: Sunday, January 31, 2021 at 11:10:58 AM Pacific Standard Time

From: Stanford, Susan CITZ:EX

To: Brouwer, Shauna CITZ:EX

Subject: Re: CRTC Broadband Fund Decisions
Date: Thursday, February 4, 2021 at 2:48:44 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Stewart, Courtney GCPE:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Pls see Howard's team for details and information.
We have no sight lines into cooperative NRs with CRTC
Susan

Susan
Victoria, BC | T 250.580.7459

From: "Stewart, Courtney GCPE:EX" <Courtney.Stewart@gov.bc.ca>
Date: Thursday, February 4, 2021 at 2:44 PM
To: Susan Stanford <Susan.Stanford@gov.bc.ca>
Subject: RE: CRTC Broadband Fund Decisions

Thanks!

From: Stanford, Susan CITZ:EX <Susan.Stanford@gov.bc.ca>
Sent: February 4, 2021 2:24 PM
To: Stewart, Courtney GCPE:EX <Courtney.Stewart@gov.bc.ca>
Subject: FW: CRTC Broadband Fund Decisions

Susan

Susan
Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Thursday, February 4, 2021 at 9:20 AM
To: Howard Randell <Howard.Randell@gov.bc.ca>
Cc: Susan Stanford <Susan.Stanford@gov.bc.ca>
Subject: CRTC Broadband Fund Decisions

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Kiersten

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E: dean.shaiikh@sjrb.ca

Shaw)



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Subject: Re: CRTC Broadband Fund Decisions
Date: Thursday, February 4, 2021 at 12:11:10 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Randell, Howard CITZ:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Thank you.

Susan

Susan
Victoria, BC | T 250.580.7459

From: Howard Randell <Howard.Randell@gov.bc.ca>
Date: Thursday, February 4, 2021 at 11:06 AM
To: Susan Stanford <Susan.Stanford@gov.bc.ca>
Subject: RE: CRTC Broadband Fund Decisions

Hello,
Shaw and CBBC were co-funded by the Connecting British Columbia program. Tough Country was not.
We will put together a summary of each.

From: Stanford, Susan CITZ:EX <Susan.Stanford@gov.bc.ca>
Sent: February 4, 2021 9:33 AM
To: Randell, Howard CITZ:EX <Howard.Randell@gov.bc.ca>
Subject: FW: CRTC Broadband Fund Decisions

Hi...do you have any info on the bc projects?
Any co-funded?

Susan

Susan
Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Thursday, February 4, 2021 at 9:20 AM
To: Howard Randell <Howard.Randell@gov.bc.ca>
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Shaw)



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Subject: Re: Shaw Presentation
Date: Wednesday, February 3, 2021 at 6:29:18 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Shypitka, James M CITZ:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png

Sounds good James.

Looking forward to chatting next week. 😊

Susan

Susan

Victoria, BC | T 250.580.7459

From: James Shypitka <James.Shypitka@gov.bc.ca>
Date: Wednesday, February 3, 2021 at 4:34 PM
To: Susan Stanford <Susan.Stanford@gov.bc.ca>
Subject: RE: Shaw Presentation

Thanks for this – was thinking I should schedule a regular touch base with you and will act on that.

Hope all is well.

James Shypitka

From: Stanford, Susan CITZ:EX <Susan.Stanford@gov.bc.ca>
Sent: February 3, 2021 2:52 PM
To: Randell, Howard CITZ:EX <Howard.Randell@gov.bc.ca>; Shypitka, James M CITZ:EX <James.Shypitka@gov.bc.ca>
Subject: FW: Shaw Presentation

fyi

Susan

Susan

Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Wednesday, February 3, 2021 at 12:08 PM
To: "Fleurant, Kathleen CITZ:EX" <Kathleen.Fleurant@gov.bc.ca>
Cc: CJ Ritchie <CJ.Ritchie@gov.bc.ca>, Susan Stanford <Susan.Stanford@gov.bc.ca>, "Lawal, Cassandra CITZ:EX" <Kassandra.Lawal@gov.bc.ca>, Chima Nkemdirim <Chima.Nkemdirim@sjrb.ca>
Subject: Shaw Presentation

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Hello,

We're looking forward to our meeting at 1:30pm this afternoon. Attached, please find a copy of our presentation we propose to present via MS Teams during our meeting.

Regards,

Kiersten

Kiersten Enemark Government Relations Director, British Columbia
Shaw Communications Inc., 1067 W Cordova St, Suite 900, Vancouver, BC V6C 3T5
T: 604-629-3103 C: 778-928-1919
E: kiersten.enemark@sjrb.ca



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Subject: Accepted: 3:00 PM Shaw meeting de-brief

Date: Wednesday, February 3, 2021 at 5:58:30 PM Pacific Standard Time

From: Stanford, Susan CITZ:EX

To: Ritchie, CJ CITZ:EX

Subject: Re: Meeting Debrief
Date: Wednesday, February 3, 2021 at 4:05:39 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Lee, Nicola CITZ:EX
CC: Rosche, Kimberly CITZ:EX, Brown, Taylor J CITZ:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, image012.png

No materials from me.

Susan

Susan

Victoria, BC | T 250.580.7459

From: "Lee, Nicola CITZ:EX" <Nicola.Lee@gov.bc.ca>
Date: Wednesday, February 3, 2021 at 3:37 PM
To: Susan Stanford <Susan.Stanford@gov.bc.ca>
Cc: "Rosche, Kimberly CITZ:EX" <Kimberly.Rosche@gov.bc.ca>, "Brown, Taylor J CITZ:EX" <Taylor.Brown@gov.bc.ca>
Subject: RE: Meeting Debrief

Hi Susan,

This meeting has been scheduled for February 8. Please let me know if you will provide meeting materials and we can send an eApp your way.

Thank you,

Nicola Lee

Senior Executive Assistant
to Associate Deputy Minister and GCIO, CJ Ritchie
Ministry of Citizens Services
PO Box 9412, Stn Prov Gov, Victoria BC V8W 9V1
c.250-880-4796 e. nicola.lee@gov.bc.ca

From: Stanford, Susan CITZ:EX <Susan.Stanford@gov.bc.ca>
Sent: February 3, 2021 2:45 PM
To: Brown, Taylor J CITZ:EX <Taylor.Brown@gov.bc.ca>
Cc: Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>; Rosche, Kimberly CITZ:EX <Kimberly.Rosche@gov.bc.ca>
Subject: FW: Meeting Debrief

Hi Taylor,
My calendar is visible if you can set a time that works for both CJ and myself.
Thank you,
Susan

Susan
Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Wednesday, February 3, 2021 at 2:43 PM
To: Susan Stanford <Susan.Stanford@gov.bc.ca>, CJ Ritchie <CJ.Ritchie@gov.bc.ca>
Subject: Meeting Debrief

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Hello Susan and CJ,

Thank you again for your time this afternoon. Chima suggested that I reach out and propose a few times we're available to meet so we could throw a quick connect in our calendars.

- Feb. 8th 9am, 2pm, 3pm
- Feb. 9th 9am, 11am
- Feb. 10th 1:30pm
- Feb. 11th 9am, 11am, 1pm

Best,

Kiersten

Kiersten Enemark Government Relations Director, British Columbia
Shaw Communications Inc., 1067 W Cordova St, Suite 900, Vancouver, BC V6C 3T5
T: 604-629-3103 C: 778-928-1919
E: kiersten.enemark@sjrb.ca



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Subject: FW: Shaw Presentation
Date: Wednesday, February 3, 2021 at 2:51:59 PM Pacific Standard Time
From: Stanford, Susan CITZ:EX
To: Randell, Howard CITZ:EX, Shypitka, James M CITZ:EX
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, Presentation to Government of BC_v5 (002) - Final.pdf

fyi

Susan

Susan

Victoria, BC | T 250.580.7459

From: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Date: Wednesday, February 3, 2021 at 12:08 PM
To: "Fleurant, Kathleen CITZ:EX" <Kathleen.Fleurant@gov.bc.ca>
Cc: CJ Ritchie <CJ.Ritchie@gov.bc.ca>, Susan Stanford <Susan.Stanford@gov.bc.ca>, "Lawal, Cassandra CITZ:EX" <Kassandra.Lawal@gov.bc.ca>, Chima Nkemdirim <Chima.Nkemdirim@sjrb.ca>
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Kiersten

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Subject: Urgent plase.

Date: Wednesday, February 3, 2021 at 1:47:01 PM Pacific Standard Time

From: Stanford, Susan CITZ:EX

To: Randell, Howard CITZ:EX

Priority: High

Need to know why shaw proposals were denied asap

Susan

Susan Stanford MBA MAL
ADM Connectivity
Ministry of Citizens' Services
Victoria, BC | T 250.580.7459

From: [Fleurant, Kathleen CITZ:EX](#)
To: [Beare, Lisa CITZ:EX](#); [Lawal, Kassandra CITZ:EX](#); [Copeland, Alison CITZ:EX](#)
Subject: Material for Feb 3 Meeting with Shaw (and Pre-brief)
Date: January 29, 2021 12:36:17 PM
Attachments: [Shaw Communications Bios Jan 2021.pdf](#)
[Shaw Communications Briefing Note 20-Jan-21.pdf](#)
[114539 MIN Meeting Note Shaw Communications.pdf](#)

Hi All,

Here is the material for the Feb 3 meeting with Shaw. This material has also been uploaded to MinCal and Minister's iPad.

Material from DMO:

Material from Shaw: Agenda

1. Introductions
2. Who is Shaw Today?
3. Connecting British Columbia
4. Competition and Choice in Telecommunication Services
5. Moving Forward

Briefing Note and Bios from Shaw:

Thanks,

Kathleen Fleurant | Administrative Coordinator

Honourable Lisa Beare's Office | Minister of Citizens' Services

Parliament Buildings

Ph: 778-974-5943

e: Kathleen.Fleurant@gov.bc.ca

*As of May 4, 2020 amendments to the Lobbyists Transparency Act has come into force. **You must ensure that you are in compliance with the registration requirements under the Act.** The Office of the Registrar of Lobbyists can assist you to determine if you are in compliance, please contact the Office of the Registrar of Lobbyists at <https://www.lobbyistsregistrar.bc.ca/>*

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Shaw)

Paul McAleese
President

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Katherine Emberly
President, Business

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Dawit Asfaha, P.Eng
Vice President Strategy, Architecture & Integration

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Chima Nkemdirim, Q.C.,
Vice President of Government Relations

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Kiersten Enemark
Government Relations Director, British Columbia

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Briefing Note - Shaw Communications

1. Overview of Shaw Communications

Shaw is a telecommunications company based in Western Canada that provides high quality internet, video (cable TV), WiFi, satellite, cellular and phone services to over 3 million residential and business subscribers in British Columbia. Shaw also provides data centre and cloud services to B.C. businesses. Shaw employs over 3,500 British Columbians living and working in over 50 communities, including cities like Vancouver as well as small communities like Creston, Grand Forks, Quesnel and Pender Island, and operates major call centres in Victoria and Nanaimo. Shaw's commitment to an exceptional client experience is demonstrated in our year-over-year growth.

Shaw has transitioned from a traditional cable company to a leading connectivity provider with our advanced Fibre+ network. By converging the wireline and wireless networks, Shaw is focused on bringing competition and choice in a variety of broadband services to consumers, businesses, and government. Shaw believes that all British Columbians should have competition and choice which then provides better access to affordable services as well as new services. Shaw is a flexible service provider, providing excellent customer service and continues to be open to partnerships to accelerate connectivity or bring forward new innovative services.

Shaw is committed to investing in British Columbia. Nationally, Shaw invested \$4.1 Billion over the last year in new capital network projects. Major investments in B.C. over the last 2 years include expanding our Wireless LTE cellular and Fibre+ network footprints and increasing internet speeds throughout the province.

Fibre+ Network: Shaw is leading the delivery of gig speed service in Western Canada where 99% of urban, rural and First Nation communities within our network footprint have access to gigabit speed internet service.

- Shaw provides Gig speeds to over 100 small rural or remote communities, like Wasa, Trailand Salt Spring Island, as well as to over 60 First Nation communities and over 100 reserves, like the Kwakiutl First Nation and ʔakisq̓nuk First Nation
- Over 80% of government buildings are serviceable through the Shaw Fibre+ network

Wireless: In the Fall 2019, Shaw expanded the Freedom Mobile LTE network, bringing competition and choice to over 3 million British Columbians. Shaw Wireless is now available in Metro Vancouver, Greater Victoria, Prince Rupert, Prince George, Campbell River, Nanaimo, Cranbrook and throughout the Okanagan.

- Since Shaw entered the wireless sector in 2016, Shaw has improved access to affordable cellular service, where the price of data for consumers has decreased by 81%
- Shaw will continue to invest in wireless network deployment to expand service to Fort St. John, Dawson Creek, Kitimat, Terrace, Castlegar, Nelson, Fernie and Kimberly.
- During the pandemic, Shaw launched Shaw Mobile, which provides Shaw Fibre+ internet customers with cellular service with unlimited plans as low as \$25 month.



2. Connecting British Columbia

Network Expansions - Government Funded Projects

As a leading Western Canadian connectivity provider, Shaw is committed to innovating and investing in British Columbia. With support from Northern Development's *Connecting British Columbia* program, Shaw is currently expanding our network infrastructure to increase overall network resiliency and connect underserved communities, including enhancing access to broadband services to 20 First Nation communities. Connectivity projects include:

- Whistler to Cache Creek fibre transport project
 - Shaw submitted an application to the CRTC for funds and has entered into an agreement with Pathways to Technology to connect ~160 households Sekw'el'was Cayoose Creek Band and T'it'q'et reserve lands
- Prince George to Dawson Creek fibre transport project
- Hope – Merritt – Kamloops – Pinantan Lake fibre transport project (in partnership with Rogers Communications)
- Chetwynd – Fort St. John fibre transport project
- Southern Gulf Islands microwave transport project
 - Increase internet speed to 3,000 households on Galiano, Pender and Mayne
- Shaw is waiting feedback from Northern Development on four (4) applications submitted to the *B.C. Economic Recovery* intake connecting rural neighbourhoods in Regional District of East Kootenays, Cowichan Valley Regional District, Comox Valley Regional District and Chase, BC
- With respect to our above mentioned transport projects, Shaw is in active discussions with local communities and internet service providers about enabling last mile connectivity through these projects.

Network Expansions – Other Partnerships

- **Pathways to Technology:** Shaw and All Nations Trust Company (ANTCO) have agreed to work together to expand the Fibre+ network to connect individual households on Little Shuswap First Nation and Stz'uminus First Nation reserves.
- **Vancouver Island Network Resiliency:** Shaw has extended a high capacity fibre optic line from Parksville to Port Alberni in partnership with a business customer.
- **Connected Coast:** Shaw has been in communication with CltyWest and Strathcona Regional District since 2018, offering to find ways to partner to accelerate the delivery of service and/or as a key wholesale customer. With Baylink Networks as the prime contractor, Shaw hopes to resume conversations to explore partnership opportunities.



Shaw's Rural Connectivity Strategy

Connecting communities is important, as well as ensuring that service remains sustainable, with high quality service and competitive pricing.

- **Quality, Affordable Services in Rural B.C.:** Shaw internet speed upgrades are made province wide, benefiting all communities, regardless of size: 108 Mile House and Greenwood have the same level of service as downtown Vancouver and Victoria. Broadband pricing in rural and urban B.C. are the same, and Shaw does not enforce data caps.
- **Open Access Network:** To encourage competition and choice, Shaw has focused on building Open Access networks where other service providers, communities and businesses have access to broadband services at a competitive price.
- **Near Net Underserved Communities:** Shaw continues to target expanding network to underserved communities in proximity to existing Shaw fibre, where teams are available to maintain the network and service customers.
- **Wireless Solutions:** Shaw is exploring sub-licensing spectrum to local service providers, as well as deploying Private LTE solutions to small communities or businesses to enhance connectivity.

Passive Infrastructure

Shaw believes utility infrastructure that are publicly owned assets should be utilized to encourage broadband deployment, not frustrate it. The Shaw Fibre+ network relies heavily on accessing existing utility poles, where most utility poles in B.C. are jointly owned by BC Hydro and Telus. The sharing of this passive infrastructure has been encouraged by British Columbia's 'one pole policy' to reduce the need for multiple pole lines along provincial highways. The CRTC has deemed such support structures as 'public good assets'. In order to expedite connectivity, Shaw has raised awareness with the B.C. government that:

- The joint pole ownership arrangement between Telus and BC Hydro creates some challenges, as a Shaw application to Telus for access to the Telus portion of the joint pole often requires involvement of BC Hydro, which often creates delays in permitting, construction and ultimately network deployment.
- Under our Master Services Agreement, BC Hydro recovers the costs it incurs related to telecom attachments to its structures so that ratepayers are kept whole. However, BC Hydro is proposing to charge Shaw additional fees for deployment of wireless equipment, like small cells and Wi-Fi Equipment on strand (not the pole), which Shaw already pays license fees to BC Hydro. We believe the application of additional rental charges goes beyond cost recovery and discourages investment in new and expanded services, including to rural and more remote locations. This is especially true as small cells will play an important role in the deployment of 5G technology.



Shaw Network and Services during COVID-19

The Shaw network has managed the significant increase in data traffic driven by work and learn at home programs implemented since the beginning of the COVID-19 pandemic.

Shaw operates the largest WiFi network in Canada, with over 110, 000 hotspots connecting Shaw internet customers. Since April 2019, Shaw opened the WiFi network to provide free public WiFi, allowing the public to access free internet service and make WiFi enabled calls at over 26,000 hotspot locations across British Columbia. Shaw WiFi was very useful to first responders, community volunteers and evacuees during the 2017 and 2018 Wildfires and Floods.

3. Shaw Business – B.C. Government Telecommunication Services

Shaw is bringing competition and choice in a variety of broadband services to the B.C. government. The Shaw Business team continues to work collaboratively with B.C. government procurement teams to enable the Buyers' Group to take full advantage of the innovative technologies, best in class customer support and competitive pricing that Shaw can offer for the Next Generation Core Telecom Services. Shaw commends the B.C. government for its leadership in moving towards a competitive landscape which is key in the government's mission to deliver value to B.C. citizens.

Shaw appreciates our working relationship with the Information, Communication and Technologies Division, as well as the Enterprise Network Services Network, Communications and Collaboration Services division in exploring Shaw network and services capabilities, including:

- Shaw is a flexible, adaptable service provider, offering services that can be tailored to the unique needs of our customers, from a fully managed solutions to a self-managed solution.
 - Shaw Business has been recognized as a leader in customer service. Ipsos, the third largest market research firm in the world conducting research in over 90,000 markets, ranked Shaw #1 (before Telus, Bell and Rogers) in delivering flexible solutions that can be scaled to meet business' needs, providing easy access to tech support when business needs it and for providing products that advance business needs.
- Shaw's focus on fostering competition for all members of the Buyers' Group and driving better contract pricing for B.C. taxpayers.
- Shaw is currently working with government to provide connectivity and support as part the MAN (Metropolitan Area Network) project.
- Shaw intends to respond to the "Request for Information" by February 2nd highlighting:
 - Technology solutions that offer significant cost-saving as well as flexibility compared to currently used technologies (e.g. MPLS)
 - Shaw has service and operation centres throughout the province to respond quickly to customer needs



Level Playing Field

By continuing to invest in expanding its Fibre+ and LTE network footprint, Shaw is providing competition and choice to businesses and governments across British Columbia. Shaw looks forward to the opportunity to compete to provide the B.C. government telecommunication services. However, Shaw's ability to compete will depend on how the government structures future procurement opportunities and the government's willingness to leverage its relationship with the incumbent to encourage ease of access.

- Procurement based on volume pricing will naturally favour the incumbent provider;
- Access to provincial lands and right of ways, as well as access to existing conduit structures (owned by the incumbent) servicing government buildings may impact the timeliness of the delivery of service

4. Community Initiatives and Partnerships in British Columbia

Shaw supports a number of key events and community initiatives in B.C. to support of youth, education, digital literacy and health. Shaw has partnered with government to further expand free public WiFi.

- Presenting sponsor of the Vancouver Bike Share program, Mobi by Shaw Go
- Partnership with TransLink to deliver system-wide WiFi service on bus, skytrains and stations
- Official partner of the Vancouver Sun Run
- Shaw holds over 60 agreement with local governments to provide WiFi at civic locations, and partnered with the City of Vancouver to provide one of North America's largest public WiFi networks
- Founding partner of the Pathways to Education Downtown Eastside program
- Founding partner of Classroom Champions Surrey school district-wide partnership
- Lead partner of the Minerva BC Learning to Lead program from grade 11 female students
- Founding partner of the BC Hockey League (BCHL)
- Partner of the 2015 Canada Games in Prince George
- Since its inception, Shaw has sponsored the BC TECH Summit, highlighting technology and innovation in British Columbia.

MEETING NOTE

Advice to Minister Beare

MEETING DATE: February 3, 2021

CLIFF#: 114539

ATTENDEES:

- Katherine Emberly, President, Shaw Business
- Chima Nkemdirim, VP Government Relations
- Dawit Asfaha, VP Strategy Network Architecture and Integration
- Kiersten Enemark, Government Relations Director for B.C.

ISSUE: Introductory meeting with Shaw Communications Inc.

BACKGROUND:

- Shaw has identified agenda items listed below and has prepared a Shaw Briefing Note for the meeting (see ATT-1 for Biographies and ATT-2 for Briefing Note):
 - Introduce Shaw senior executives.
 - Describe the evolution and growth of the company.
 - Provide an update on connectivity expansion efforts in B.C.
 - Discuss the importance of competition and choice in telecommunications services.
 - Update on the regulatory environment and how it impacts connectivity expansion efforts.
- A publicly traded Canadian telecommunications company, headquartered in Calgary, Alberta, providing cable television, internet, telephone, and cellular services for home and business.
 - Competes with TELUS and Rogers in Western Canada.
 - One of two service providers that have a substantive fiber optic footprint in B.C., the other being TELUS.
- Shaw continues to invest in British Columbia and has benefitted from the provincially funded Connecting British Columbia program administered by Northern Development Initiative Trust:
 - Shaw continues to expand its fibre and coaxial cable broadband networks.
 - Freedom Mobile has expanded into new markets in B.C. over the past two years.
- Regulatory challenges exist that could impede progress for Shaw's expansion efforts in B.C.
 - On January 19, 2021, Shaw responded to a Canadian Radio-television and Telecommunications Commission (CRTC) proceeding regarding regulatory measures to make access to poles owned by Canadian carriers more efficient. See ATT-3.
- The following procurement activities are currently underway by the Ministry:
 - Procurement Services Branch has released a Request for Information (RFI) that will inform the next telecom procurement business case. The RFI closed on February 2, 2021¹.
 - Procurement Services Branch has released a Request for Qualifications (RFQ) for Digital Facility Telecommunications Services. The RFQ closes on December 31, 2021.²

DISCUSSION POINTS:

- The Ministry of Citizens' Services interfaces with Shaw on several fronts including Network BC, Procurement Services Branch, Enterprise Services, and Information Communication Technologies.

s.13

¹ RFI-11884 Ministry of Citizens' Services – Delivery of Core Telecommunications Services

² RFQ-NCCS008 Ministry of Citizens' Services – Digital Facility Telecommunications Services

Connectivity (Broadband and Cellular Expansion)

- Shaw has the following fibre network expansion projects in progress:
 - *With funding from federal Connect to Innovate / Connecting British Columbia confirmed*
 - Whistler to Cache Creek Transport Fibre Build
 - Prince George to Dawson Creek Transport Fibre Build
 - *With funding from Connecting British Columbia confirmed*
 - Joint application with Rogers Communications, improving services along Hwy 5 Coquihalla Transport Fibre Build
 - Chetwynd to Fort St. John along Hwy 29 Transport Fibre Build
 - Pender, Mayne and Galiano Island increased bandwidth
- The Province is committed to expediting permits and has a cross-ministry table dedicated to this work. A one window approach has been implemented to assist internet service providers with projects funded through the Economic Recovery Intake.

Regulatory

- Shaw is very interested in passive utility infrastructure³ and believes:
 - BC Hydro should have explicit mandate to facilitate the deployment of telecommunications infrastructure on a cost recovery basis.
 - Highway builds in rural B.C. should always include conduit for fibre.
 - New and existing infrastructure should include connectivity such as integrating small cells on utility poles to facilitate the implementation of 5G⁴ cellular network.
- Shaw has asked Canada to support the establishment of a competitive market for 5G by setting-aside a portion of the 3500 MHz spectrum⁵ for regional competitors. Shaw's position is that the Big 3 (Bell, Rogers, TELUS) spectrum holdings will allow them to compete in 5G, regardless of the results of the 3,500 MHz auction. The spectrum auction is scheduled to begin on June 15, 2021, having been delayed by six months due to the COVID-19 pandemic.

Procurement

- s.13
s.13 Telecom services include internet, cellular, data network, and voice services that the Province (or broader government agencies) might purchase. See ATT-4 for a Procurement Primer Table.

KEY MESSAGES:

Whole Province Approach: The Province is committed to accelerating the expansion of high-speed access to all British Columbians, including First Nations.

- Thank Shaw for their recent investments in British Columbia. Telecommunications plays a significant role in the social and economic lives of British Columbians.
- Encourage Shaw to continue investing in programs and projects to improve high-speed internet and cellular connectivity throughout B.C. This would include working with and supporting smaller providers in the province.

³ Passive Infrastructure refers to the non-electrical elements needed for network deployment. Examples include telephone poles, underground ducts or conduit and towers.

⁴ 5G stands for fifth generation and is the latest advance in cellular technology. 5G will greatly increase the speed and responsiveness of cellular networks and enable hundreds of thousands of connections simultaneously to support: Healthcare by enabling high quality video to help patients and providers achieve a quick, clear connection; Connected vehicles; better coverage for smartphones, i.e., signals will hit previously hard-to-reach places; and faster streaming and immersive entertainment and tourism are a few examples.

⁵ Spectrum are the airwaves used to transmit sounds (voice) and data wirelessly.

Work with Citizens' Services to align their investments with government funding.

- Encourage Shaw to apply to the Universal Broadband Fund and the Connecting British Columbia program to improve internet and cellular across the province.

Thank Shaw for keeping Citizens' Services informed of regulatory matters.

- Ask Shaw to provide insight into its 5G strategy for B.C. and the status of the federal government's spectrum allocation process critical to the rollout of 5G.
- Thank Shaw for sharing its intervention to the CRTC proceeding on pole access. Indicate that the Ministry is following this proceeding closely and looks forward to the CRTC's next steps to remove regulatory barriers that could slow down connectivity investments.

Attachments: ATT-1 Biographies
 ATT-2 Shaw Briefing Note
 ATT-3 Shaw CRTC Intervention to CRTC on Pole Access
 ATT-4 Procurement Primer Table

Contact: Susan Stanford, Assistant Deputy Minister, 778 698-2349



ABRIDGED

January 19, 2021

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa ON K1A 0N2

Filed electronically

Dear Mr. Doucet

Re: Telecom Notice of Consultation CRTC 2020-366-1 – *Call for comments regarding potential regulatory measures to make access to poles owned by Canadian carriers more efficient* – File No. 1011-NOC2020-0366 – Reply

I. INTRODUCTION

1. Shaw Cablesystems G.P. (“**Shaw**”) provides these comments in reply to the interventions filed in response to Telecom Notice of Consultation CRTC 2020-366-1 (the “**Notice**”), *Call for comments regarding potential regulatory measures to make access to poles owned by Canadian carriers more efficient*.
2. In accordance with section 39 of the *Telecommunications Act*, certain information contained in this Reply is being filed in confidence with the Commission. Specifically, the information relates to confidential information shared between Shaw and a third party that is consistently treated as confidential by Shaw and third parties. Release of this information on the public record would provide existing and potential competitors with information that would not otherwise be available to them. This information could be used by such competitors to develop more effective business strategies, which could reasonably be expected to prejudice the competitive positions and/or result in material financial loss to Shaw and the third party. An abridged version of these reply comment are being provided for the public record.
3. Based on the evidence and views expressed by the vast majority of intervenors in this proceeding, the path for the Commission is clear: the regulatory framework for incumbent local exchange carrier (“**ILEC**”) support structures requires immediate, effective reform. This reform must be a priority for the Commission so that competitors can bring all

Shaw Cablesystems G.P.
40 Elgin Street, Suite 1400
Ottawa, Ontario K1P 5K6
Tel: 613-688-6751
Fax: 613-688-6799

Canadians – especially those outside large urban centres – expanded choice of, and access to, affordable and innovative connectivity options. The urgency and priority of this reform stem from certain indisputable facts:

- First, pole access is a fundamental barrier to competitive investment. Without reasonable access to ILEC poles, competitive networks cannot be built, enhanced or expanded to smaller communities.
- Second, ILEC pole infrastructure cannot be duplicated by competitors. Neither the Canadian public, nor our Government or regulator, wants an unnecessary proliferation of poles that will cause public nuisance and a significant drag on affordability.
- Third, efficient access to pole and other passive infrastructure on reasonable terms has never been more important. With COVID-19 and the dramatic acceleration in the digital transformation globally, Canadians and the Canadian economy have never needed robust connectivity alternatives as acutely as they do today. Those alternatives are founded on competitive network investments and innovations, whether in the form of Wi-Fi, next-generation DOCSIS, mobile or – of course – 5G. If ILECs are able to leverage the pole access barrier within their control, and thereby regulate or slow the types of network innovations or investments that can occur, Canadians and the economic recovery will suffer.

4. In our intervention, Shaw proposed constructive solutions that can ground the Commission's reform, grouped into five broad categories:
 - a. Make-Ready Work: Licensees face significant delays and costs in the current make-ready work process. To address this, the Commission should allow licensees to choose whether to undertake make-ready work themselves and impose strict timelines on ILECs to complete make-ready work if they choose to have the ILEC undertake the make-ready work.
 - b. Spare Capacity: ILEC reservation of spare capacity contributes to delays and inefficient use of poles – a public good. Capacity should be available on a first-come, first-served basis to ensure quick and fair access to poles. If reservations are continued to be permitted, denials of requests of access should be accompanied by detailed documentation providing the reasons for the denial.
 - c. Joint-Use Arrangements and Utility-Owned Poles: ILECs with joint-use arrangements have advantages in their role as a manager of the communications space over other licensees. This role should be separated from pole access rights and parties should be required to utilize standardized agreements to ensure no undue preference is being granted to any particular carrier. The government should bring utility-owned poles within the scope of the Commission's jurisdiction to ensure consistent and fair access to all poles, regardless of owner.

- d. Construction Standards: Construction Standards and ancillary documents to support structure tariffs form a significant part of the regulatory landscape and should be revised accordingly to remove unfair restrictions and conform to Commission policies and objectives.
 - e. Dispute Resolution: Current dispute resolution mechanisms are not adequate. The establishment of a quick and effective means to address access disputes is necessary to ensure the timely and cost-effective deployment of networks.
5. The record provides clear evidence in support of – and momentum for – strong reform by the Commission that is consistent with Shaw’s proposals. Many intervenors from across the nation submitted comments that echo the concerns raised by Shaw, demonstrating that there is a dire need to overhaul the regulatory regime for access to support structures on a national scale.
 6. We commend the Commission for launching this proceeding at this critical moment in Canada’s connectivity evolution. While certain ILEC intervenors continue to resist change – and we respond in our comments below to the tangential issues they raise – we encourage the Commission to dismiss these minority views for what they are: self-serving, out of scope and not in the public interest.
 7. While Shaw has responded to all key submissions in these reply comments, out of necessity, we have not replied to all statements or arguments adverse to our interest. Where Shaw does not respond to any submission of an intervenor, this should not be interpreted as acceptance of this submission.

II. PROPOSED CHANGES TO THE CURRENT REGULATORY REGIME

A. Make-Ready Work

8. The current means of provision of make-ready work by ILECs is a significant barrier to network deployment by licensees and the entire make-ready work process – as detailed in our intervention, as well as the interventions of many other intervenors – is fraught with opportunities for delays and unnecessary costs.
9. The fundamental reform that Shaw has proposed to improve the make-ready work process is to empower licensees to undertake make-ready work themselves, at their option. Shaw’s intervention outlines this solution, touching on three key points. First, the Commission should set strict timelines for each step of the make-ready work process to ensure the timely completion of make-ready work and thus the timely deployment of networks. Second, the scope of make-ready work needs to be narrowed, and a clear definition added to the tariff, to ensure that other work, such as routine maintenance and repair and end-of-life replacement, is not disguised as make-ready work, so that such costs are not unfairly imposed on the licensee seeking access. Third, licensees should have the option to complete make-ready work with their own labour force or contractor, allowing them to realize the efficiency of completing both the make-ready work and installation of their network equipment, without waiting through unnecessary approval processes. Together, this would ensure work is completed quickly, efficiently, and cost-effectively.

10. The solutions we have proposed and the concerns we have raised are supported by several intervenors, a more detailed account of such is included below.

Delays in Completion of Make-Ready Work

11. In this proceeding, the Commission asked if there should be a maximum amount of time within which owners of telecommunications poles must complete make-ready work and if so, what that maximum amount of time should be and when that time period should start.¹ Shaw has provided a detailed example of delay issues we have faced in attempting to attach to ILEC owned poles and proposed strict timelines for the completion of make-ready work.²
12. Rogers Communications Canada Inc. (“**Rogers**”) agrees that there should be a maximum time period for the completion of make-ready work, and proposed a maximum time limit. However, this proposal includes the caveat that it is difficult to enforce and without effective enforcement, make-ready will remain a barrier to third party access to poles.³
13. The Canadian Communication Systems Alliance (“**CCSA**”) makes a recommendation that the Commission should ensure that no stages of the permit application, approval and make-ready process are left open without clear deadlines. As needed, specified deadlines should have associated deeming provisions which permit the attacher to proceed where response deadlines are not met by the pole owner or pre-existing attachers.⁴
14. Cogeco Connexion Inc. (“**Cogeco**”), provides statistics of the number of delayed permits in the past three years, showing the magnitude of issue at hand.⁵ Additionally, similar to Shaw and other intervenors, Cogeco proposes a maximum amount of time for the completion of make-ready work and that these maximum amounts of time should be specified in support structure tariffs, support structure license agreements, permit applications, and even pole sharing agreements with electric utility companies.⁶
15. Similar supporting comments are made by other intervenors including, Quebecor Media Inc., on behalf of its subsidiary Videotron Ltd. (“**Quebecor**”)⁷, Bragg Communications Inc. carrying on business as Eastlink (“**Eastlink**”)⁸, Xplornet Communications Inc. (“**Xplornet**”)⁹, Beanfield Technologies Inc. (“**Beanfield**”)¹⁰, the Independent

¹ CRTC 2020-366, Question 2.

² Shaw Intervention, paras. 46-59, and Appendix A, sections 8 and 9.

³ Rogers Intervention, para. 27-33.

⁴ CCSA Intervention, para. 46, Recommendation 4.

⁵ Cogeco Intervention, paras. 17-22.

⁶ Cogeco Intervention, page 17-19, Answer to Question Q2.

⁷ Quebecor Intervention, paras. 30-33.

⁸ Eastlink Intervention, para. 10.

⁹ Xplornet Intervention, paras. 38-41.

¹⁰ Beanfield Intervention, para. 17.

Telecommunications Providers Association (“ITPA”)¹¹, and the Federation of Canadian Municipalities (“FCM”)¹².

16. It is clear from the collective comments referenced above that delays in the completion of make-ready work is a rampant issue throughout the country, and that a reform of the current regime is necessary.

Excessive Costs

17. Reducing the costs to deploy networks will always help to reduce costs of services to end-users. While there is of course a need for reasonable recovery of costs for pole infrastructure, the current approach to make-ready work is fraught with practices that lead to higher make-ready costs for licensees, cost avoidance by ILECs, and potential duplication of maintenance costs through make-ready work costs and ongoing attachment rates.
18. Under the current regime, all carriers attached to ILEC poles contribute to the cost of maintenance of the poles through the pole attachment rates set by the Commission. The owner’s pole maintenance expenses are included in such rates. Consequently, it should follow that costs are distributed fairly among all carriers attached to the pole. However, this is not the case. The issue of costs as it relates to make-ready work stems from the scope of work owners are classifying as make-ready work. Particularly, carriers seeking to attach to ILEC poles are faced with costs to repair or replace dilapidated poles for which pole owners have neglected to uphold regular maintenance or that have simply reached the end of their useful life. When carriers make an application to attach to these poles, the owner bundles in what would be regular maintenance work with any required make-ready work, resulting in the licensee bearing the cost of such pole maintenance, repair, or replacement.¹³ This notion is supported by various intervenors.
19. Saskatchewan Telecommunications (“SaskTel”) stated in their intervention that, generally, costs to upgrade the pole should be borne by the pole owner; costs to increase capacity be borne by the attacher; and costs associated with replacement and maintenance should be borne by both the owner and the attachers and captured in the monthly rental rate.¹⁴
20. Rogers similarly submits that “to prevent abusive make-ready work and third party subsidization of ILEC support structure costs, permissible ILEC make-ready charges need to be defined to exclude work required to correct pre-existing deficiencies or Construction Code violations or to replace a pole that has reached the end of its useful life”. They further state that pole replacement costs should be shared by the pole owner and the attachers,

¹¹ ITPA Intervention, para. 28.

¹² FCM Intervention, para. 8, Q2.

¹³ Shaw Intervention, paras. 62-64.

¹⁴ SaskTel Intervention, paras. 10-11.

except where the pole replacement is required due to the pole having reached the end of its useful life, in which case the pole owner should be solely responsible for such costs.¹⁵¹⁶

21. Cogeco outlines its concerns that ILECs have adopted a strategy wherein they have carriers pay the majority of maintenance costs of the support structures through make-ready charges associated with access requests. Elaborating that worn, obsolete, or deficient support structures are left to wait for a licensee to file an access request in order to charge the full cost of replacement as make-ready costs. Cogeco alludes to varying situations where the scope of make-ready work is subject to ILEC determinations, such as requiring the replacement of an existing pole or bringing the support structure up to specification, often which would not have stopped the ILEC from deploying its own broadband-capable network. In their answer to Question Q5, Cogeco states that “the costs of the pole replacement would be shared between the applicant and the owner, taking into account cost causality, the useful life of the pole being removed, and the fact that the owner will be receiving additional rental compensation from the applicant (and the possibility that more licensees will occupy space considering the new pole is “bigger”). In all other cases, regardless of the reason for the work required by the owner, ... all costs should be covered by the owner.”¹⁷
22. Other intervenors share comparable concerns, including Quebecor¹⁸, Xplornet¹⁹, and Iristel Inc. (“**Iristel**”)²⁰.
23. Despite the numerous comments outlined above contrary to the following, Telus Communications Inc. (“**Telus**”) alleges that it has a maintenance program and “does not have prospective licensees fund the routine maintenance of its structures under the pretense of make-ready work.”²¹ However, Telus also describes make-ready work as “non-recurring work associated with reinforcements or pole replacements specifically required to meet the applicant’s requirement for attachments to support structures.”²² There is a clear issue in what criteria Telus is using to determine the necessary work to meet an applicant’s requirements. As discussed in our intervention and those of other parties to this proceeding, there is a great deal of subjectivity that can be applied to what is required to meet an applicant’s capacity requirement. Shaw has tried in its proposals regarding make-ready work to bring more clarity and certainty to the process and the nature of the work involved.
24. Fundamentally, ILECs should not have the discretion to determine what is or isn’t make-ready work and licensees should not be the sole party paying for support structure improvements that give a benefit to the ILEC or other licensees. ILECs should be held accountable for ensuring proper maintenance, repair, and replacement of poles is completed and should not be labeling such work as make-ready work so as to pass those

¹⁵ Rogers Intervention, paras. 24 and 45-46.

¹⁶ Note: Shaw understands Rogers’ use of “Construction Code” is meant to refer to any or all of: ILEC construction standards, CSA standards, and other similar standards that may apply.

¹⁷ Cogeco Intervention, paras. 25-27.

¹⁸ Quebecor Intervention, paras. 35-37, and page 21, Answer to Question Q5.

¹⁹ Xplornet Intervention, paras. 33-37.

²⁰ Iristel Intervention, para. 13.

²¹ Telus Intervention, para. 52.

²² Telus Intervention, para. 53.

costs solely on to their licensees. Costs should be appropriately apportioned to those parties that benefit from the work being done. Particularly, costs associated with work that benefits the ILEC should be borne by the ILEC and costs associated with work that benefits other attachers should be reflected in the support structure rates and shared amongst all attachers.

Ability to Complete Make-Ready Work

25. The concept of permitting a licensee to complete the placement of their own facilities with their own labour force or a contractor was first injected into the current regulatory regime by the Commission in CRTC 95-13. As suggested by Shaw²³, and others as detailed below, the ability for a licensee to complete make-ready work in place of the pole owner is of the same nature and would contribute to faster and less costly deployment of network infrastructure.
26. Several intervenors²⁴ have proposed a One Touch Make Ready (“OTMR”) approach for the completion of make-ready work based on a model endorsed by the Federal Communications Commission (“FCC”) which sees licensees undertake make-ready work.
27. Interestingly, Bell Canada (“**Bell**”) has also proposed a form of OTMR as a preliminary trial in Quebec, with some exceptions as it still seeks to maintain control by retaining for itself the discretion to undertake make-ready work for its licensees.²⁵ Nonetheless, Bell’s position is in stark contrast to Telus’ position that it must undertake all make-ready work.
28. In addition to proposing the FCC’s OTMR approach, Quebecor and Rogers make additional comments, with Quebecor specifically stating that tariffs must be amended to permit third party attachers to perform their own make-ready work,²⁶ and Rogers echoing this but going further to state “that the most, and arguably *only*, effective means of addressing the make-ready access barrier and enabling timely access to poles, is to allow third party attachers to perform their own make-ready work using approved contractors”.²⁷
29. Beanfield submits that access seekers should be permitted to undertake minor make-ready work themselves and that make-ready work must move from a permission-based regime to an accreditation- and standards-based regime in order to reduce the bottleneck. Further, Beanfield expressly states that this ability should not be conditioned on the owner having missed a deadline.²⁸
30. Notably, Sasktel already permits attaching parties or their contractors to complete make-ready work, recognizing that this option should help to alleviate concerns about timeliness of make-ready work.²⁹

²³ Shaw Intervention, paras. 55 and 58.

²⁴ Rogers Intervention, paras. 20-30; CCSA Intervention, paras. 28-39; Quebecor Intervention, paras. 26-27; Eastlink Intervention, para. 11 and para. 6 in response to Q2.

²⁵ Bell Intervention, paras. 8-9 and 43.

²⁶ Quebecor Intervention, para. 27.

²⁷ Rogers Intervention, paras. 20-23 and 27.

²⁸ Beanfield Intervention, paras. 21-22.

²⁹ Sasktel Intervention, para. 8.

31. Although Shaw has not specifically referenced or advocated for the FCC OTMR model, it's clear that licensees favour, and at least two pole owners see the potential benefit of, the ability for licensees to complete their own make-ready work as a fundamental requirement if the Commission is serious about making access to poles and other support structures more efficient.

B. Spare Capacity

32. There is currently insufficient regulatory control or oversight over an ILEC's determination of "no spare capacity" when rejecting a licensee's application for access to a pole. The Commission, in CRTC 2008-17³⁰, categorized support structures as a public good as they provide important social benefits. As public good assets, the Commission mandated that access by licensees be permitted as the construction of duplicate facilities would be an inefficient use of public and private resources and would be an inconvenience to the public.
33. In order to ensure the efficient use of poles in a manner that best serves the public good, all carriers must be afforded the same opportunity for access to a pole, and should be provided detailed information regarding any reasons for a denial of access, including information related to capacity.

Reservation of Spare Capacity

34. In an effort to ensure the efficient and timely use of poles, Shaw has proposed that pole owners should not be able to reserve any capacity on a pole for their future use. Instead, a first-come, first-served environment should be adopted to encourage investment and timely deployment of network by all carriers.³¹
35. Many other intervenors propose that ILECs not be permitted to reserve capacity for future use. For instance: Rogers states that the tariffs must be revised to remove ILEC reservation of capacity for future use and that allowing such reservation is discriminatory and provides the ILEC with undue preference³²; and Eastlink³³, Xplornet³⁴ and Cogeco³⁵ all state that spare capacity should be "first come first served".
36. Conversely, Telus states that "its practice is to maintain a three to five year planning horizon" and reserves capacity on its support structures on that basis.³⁶ Telus suggests that shorter reservation times will disrupt its deployment of small cells due, in part, to future spectrum licensing issues.

³⁰ Telecom Decision CRTC 2008-17, *Regulatory Policy, Revised regulatory framework for wholesale services and definition of essential service*, 3 March 2008, at paras. 90 and 93.

³¹ Shaw Intervention, paras. 73-76.

³² Rogers Intervention, para. 60.

³³ Eastlink Intervention, para. 9.

³⁴ Xplornet Intervention, paras. 15-21.

³⁵ Cogeco Intervention, page 23, Answer to Question Q7.

³⁶ Telus Intervention, para. 32.

37. The fact is that Telus, licensees and wireless competitors have the same planning issues. If Telus is allowed to reserve capacity on its support structures for three to five years, two of the Big Three wireless carriers (Bell and Telus) will enjoy a huge advantage in their deployment of 5G and small cells while wireless competitors such as Shaw are forced to deal with ILEC delay tactics to frustrate deployment of competitors' 5G.
38. For instance, Telus raised a red-herring issue relating to strand equipment in its intervention, citing that the innovative means of deploying small cells on strand is inconsistent with Telecom Decision 2014-77³⁷. This red-herring issue is addressed in more detail at paragraphs 79-93 below, but in short, Telus is attempting to incorrectly apply the tariff to stymie Shaw's deployment of equipment on strand, effectively aiming to limit access, innovation, and competition. Telus unsuccessfully attempted this tactic on WiFi equipment in 2014 and is again attempting to incorrectly apply the tariff against Shaw's attachment of small cells to strand, raising the issue as a red-herring in these proceedings.
39. These situations serve as examples of situations where Telus has sought to put itself in the position of regulator; determining who can compete, what they can do by way of innovation, and when they are able to do it.
40. As noted above, support structures have been categorized by the Commission as a public good. Public goods provide important social benefits and the provision of support structure facilities as a service is in the public interest. As a public good service, access to support structure has been mandated by the Commission. In conjunction with Section 27(2) of the *Telecommunications Act*, "**No Canadian carrier shall**, in relation to the provision of a telecommunications service or the charging of a rate for it, unjustly discriminate or **give an undue or unreasonable preference toward any person, including itself**, or subject any person to an undue or unreasonable disadvantage" [emphasis added].
41. By indicating that removing or reducing their ability to reserve spare capacity – something no other licensee has any ability to do – would disrupt its deployment of small cells, Telus has demonstrated that the ability to reserve spare capacity for future use provides them with a benefit. This is a benefit that no other licensee would enjoy, and thus, Telus, through its ability to reserve spare capacity for future use, has enjoyed an undue preference for decades. This is in stark conflict with Section 27(2) of the *Telecommunications Act*.
42. As is clear from the record of this proceeding, support structures are too vital for the connectivity ecosystem – and for Canadian society as a whole – for their spare capacity to be squirreled away for years when it can be used now to bring greater competition and increased service levels to Canadians.³⁸

³⁷ Telecom Decision CRTC 2014-77, *Shaw Communications Inc. – Application concerning the administration of TELUS Communications Company's tariff for support structure service*, 20 February 2014 ("TD 2014-77").

³⁸ Shaw Intervention in the matter of Telecom Notice of Consultation 2019-406, *Call for comments regarding potential barriers to the deployment of broadband-capable networks in underserved areas in Canada*, 7 May 2020, ("TNC 2019-406"), para. 72.

Documentation Surrounding Determinations of No Spare Capacity

43. While Shaw is strongly of the position that pole owners should not be allowed to reserve capacity for future use, if the practice is allowed to continue, any determinations of “No Spare Capacity” should be required to detail the reasons why.³⁹ Any disputes arising from such determinations should be subject to the enhanced dispute resolution process proposed in our intervention.
44. This position is also expressed in the submissions of other intervenors including: Rogers, indicating that detailed, informative reasons should be required as they are essential to ensure compliance with the tariff and non-discriminatory access⁴⁰; Eastlink, indicating that it has become common for pole owners to deny applications for access by claiming no spare capacity without providing any additional explanation or evidence⁴¹; CCSA, noting that rejected applications for access without detailed reasons is a common and significant source of delay⁴²; and Xplornet, stating that better assessments of the actual space available on specific poles in question are necessary⁴³.

C. Joint-Use Arrangements and Utility-Owned Poles

Joint-Use Arrangements

45. Joint-use arrangements and utility-owned poles raise unique issues as described in Shaw’s intervention. Of note is our proposal to utilize standardized agreements, to separate the pole access function from the communications space management function, and file joint-use agreements with the Commission.⁴⁴
46. Standardized agreements would ensure that no carrier is able to secure any advantages or undue preference through contractual means. The separation of the pole access function from the communications space management function would further serve to eliminate the possibility of a carrier benefitting unfairly as a result of having the role of managing the communications space. Finally, requiring the filing of joint-use agreements with the Commission would enable the Commission to ensure compliance with the regulatory regime. Shaw concerns and proposals are supported by a number of intervenors, including Rogers, Cogeco, and Beanfield, as described below.
47. Rogers takes a similar view, proposing several steps to the Commission, particularly requiring all ILECs to file their joint use agreements with the Commission and to make a public version available to third party attachers, and to prohibit ILECs from enforcing any preferential terms of access to joint use poles, including priority access rights.⁴⁵

³⁹ Shaw Intervention, para. 68.

⁴⁰ Rogers Intervention, paras. 57, 59, and 64-66.

⁴¹ Eastlink Intervention, para. 8.

⁴² CCSA Intervention, para. 77, and page 6 of Appendix A, Response to Q6.

⁴³ Xplornet Intervention, para. 28. Xplornet also comments on a need for more detailed information regarding reservations for maintenance at paragraph 29.

⁴⁴ Shaw Intervention, paras. 8 and 77-103.

⁴⁵ Rogers Intervention, para. 80.

48. Cogeco similarly proposes that all facilities-based telecom providers publicly file their joint-use agreements with the Commission and that a standard joint-use agreement be used by all Canadian carriers.⁴⁶
49. Beanfield shares this proposal, stating in their submission that providers subject to the *Telecommunications Act* that enter into joint-use agreements should be required to file these agreements with the Commission and to make portions of them publicly available.⁴⁷

Utility-Owned Poles

50. Access to utility-owned poles brings levels of uncertainty as these do not currently fall within the regulatory jurisdiction of the Commission. Shaw has encouraged the Government to seek to bring access to poles and other support structures of utilities under the jurisdiction of the Commission so that a broad, comprehensive and consistent regime can be established. Presently, the lack of a national access regime for utility company support structures has led to a patchwork of local and regional access arrangements with attachments rates far in excess of Commission-approved rates.⁴⁸
51. Several intervenors raise similar concerns in their interventions. For instance: Xplornet encourages that the Commission undertake measures to facilitate access to poles owned by provincially-regulated entities to the greatest extent possible;⁴⁹ Telus encourages the Commission to work with provinces to harmonize support structure attachment rates;⁵⁰ the First Mile Connectivity Consortium (“FMCC”)⁵¹ and Telus, like Shaw, supports the recommendation of the Broadcasting and Telecommunications Legislative Review Panel that the *Telecommunications Act* “be amended to empower the CRTC to review and vary the terms and conditions of access to support structures of provincially-regulated utilities, to ensure non-discriminatory arrangements”.
52. Sasktel also alludes to a need for regulatory measures to be extended to electric utility power companies.⁵²

D. Construction Standards

53. Construction standards and other ancillary documents to support structure tariffs form a significant part of the overall pole access regime. They should not be tools that ILECs wield to stifle competition or innovation; limiting choice and quality of services for Canadians. These documents and how they have been applied by the ILECs have been another barrier to access and deployment of broadband networks and need to be addressed in concert with the reform of the current regulatory regime.

⁴⁶ Cogeco Intervention, page 25, Answer to Question Q9.

⁴⁷ Beanfield Intervention, para. 39.

⁴⁸ Shaw Intervention, para. 88-93 and 101; and Shaw Intervention in TNC 2019-406, paras. 61-64.

⁴⁹ Xplornet Internet, para. 30.

⁵⁰ Telus Intervention, paras. 23-28.

⁵¹ FMCC Intervention, paras. 61-63.

⁵² Sasktel Intervention, para. 5.

54. Shaw identified in our intervention several examples from Telus' construction standards, and its application against Shaw's deployment of equipment on strand, that demonstrate how an ILEC can frustrate a licensee's network deployment, demonstrating Telus' attempt to regulate access, innovation, and competition.
55. For example, Telus arbitrarily limits the number of cables that can be attached to a strand, places restrictions on overloading cables on a strand, and a variety of requirements related to wireless equipment attachments that restrict and limit wireless deployment. Shaw has attempted to work with Telus for years to resolve issues related to the construction standards but Telus continually refuses to engage in meaningful discussions, and thus continuing to attempt to delay and impact our ability to deploy our network.
56. In order for a reform of the regulatory regime to be successful, construction standards and other ancillary documents need to be amended in addition to support structure tariffs to ensure any unfair restrictions are removed. The proposed revisions will bring such documents in line with the overall regulatory policies and objectives to ensure and enhance competition, choice, and quality of services for Canadians.
57. Quebecor also expresses their concern relating to construction standards, proposing that the tariff be amended to ensure the impartial and non-discriminatory application of construction standards.⁵³
58. Bell indicated that it proposed revisions to its construction standards in October 2020⁵⁴ but Shaw has not yet been provided a copy. Telus has remained silent on its construction standards since 2018. Until and unless the Commission intervenes and orders Bell and Telus to engage in meaningful dialogue, with oversight by the Commission, the ILECs will continue to use their construction standards to frustrate innovation and competition by and from their licensees.

E. Dispute Resolution

59. Current dispute resolution mechanisms have proven to be inadequate in ensuring the prompt resolution of support structure access disputes. In our intervention, and alluded to throughout this Reply, Shaw detailed the difficulties it faced when seeking to resolve access disputes with Telus. It was evident that there could be no progress in resolving a dispute unless the Commission was involved or oversaw the process. In recognition of this, Shaw called on the Commission to order Telus back to the table to resolve immediate outstanding issues with their construction standards and proposed a "CRTC Support Structure Access Quick Response Desk" to resolve future disputes, utilizing an independent third-party telecom support structure expert where necessary.⁵⁵ The proposed "Quick Response Desk" would ensure that disputes are resolved quickly and effectively, and would discourage parties from acting in bad faith, drawing out processes, increasing costs, and stunting the innovation of connectivity in Canada.

⁵³ Quebecor Intervention, para. 46.

⁵⁴ Bell Intervention, para. 41 and 42

⁵⁵ Shaw Intervention, paras. 113-131.

60. This need for a new dispute resolution mechanism is echoed by many intervenors proposing their own visions for a solution.
61. CCSA recommends that the Commission establish an expedited dispute resolution mechanism which is capable of resolving telecommunications attachment complaints within a matter of days or weeks, with a maximum of 60 days from the Commission's receipt of a complaint.⁵⁶
62. Quebecor proposes to add specific timelines to the support structure license agreement dispute resolution process, with a maximum of 14 days for each step. They also propose that the Commission create an expedited dispute resolution process with reduced timelines.⁵⁷
63. Xplornet proposes an informal process that would allow the Commission to quickly intervene to resolve disputes where parties are not able to agree to a resolution. The proposed process would be tailored to construction related disputes that are time-sensitive but would be flexible enough to resolve similar disputes such as matters concerning access to public rights of way and other support structures.⁵⁸
64. FCM encourages the Commission to create an independent dispute resolution mechanism that is accessible, impartial, timely, tailored to support structure access issues, and complementary to existing solutions that may exist.⁵⁹
65. Eeyou Communications Network ("**Eeyou**") indicates that it is vital that the processes governing access to support structures be clear and the dispute resolution mechanisms be implemented to enable timely resolution of issues.⁶⁰
66. Eastlink suggests the Commission "consider imposing enforcement mechanisms such as quality of service obligations that are subject to a rate rebate plan"⁶¹.
67. In addition to dispute resolution, Rogers and Quebecor both propose supplemental enforcement measures in the form of administrative monetary penalties for non-compliance with tariff obligations.⁶² Shaw agrees that pole owners should have a meaningful deterrent to non-compliance but defer to the Commission on what form that deterrent should take on.
68. Interestingly, Telus uses the red-herring issue of small cells and strand attachments in its intervention to segue to a discussion about "better enforcement" of the existing support structure rules and dispute resolution. Telus repeats its self-serving statement about how the existing support structure regime is working well and suggests that improvements to the enforcement and dispute resolution process should aim to respect the ownership rights

⁵⁶ CCSA Intervention, page 29, Recommendation 14.

⁵⁷ Quebecor Intervention, paras. 79-84.

⁵⁸ Cogeco Intervention, paras. 42-49

⁵⁹ FCM Intervention, para. 6.

⁶⁰ Eeyou Intervention, para. 8.

⁶¹ Eastlink Intervention, response to Q1., item 3.

⁶² Quebecor Intervention, paras. 88-89; and Rogers Intervention, paras. 103-108.

of the pole owner. It then suggests that a follow-up proceeding should be initiated to solicit proposals for improved enforcement and expedited dispute resolution.⁶³

69. As another sign of how the existing support structure access regime benefits the ILECs, Telus wants to further delay addressing issues of expedited dispute resolution to a future proceeding even though the Commission has made clear that dispute resolution was an issue it will address in this proceeding, inviting parties to “submit specific proposals on how the Commission’s current dispute resolution processes can be improved in order to expedite and streamline the resolution of disputes regarding access to telecommunications poles.”⁶⁴
70. As detailed in our intervention⁶⁵, and as demonstrated by raising the red-herring strand attachment issue in this proceeding, Telus is not serious about participating in dispute resolution with its licensees. It only does so when ordered by the Commission. The longer it can keep the existing regime in place, the better it will be for Telus.
71. If Telus was serious about wanting changes to improve dispute settlement with respect to support structure issues, it had every opportunity to do so in its intervention. The fact that it chose not to do so should not be rewarded by the Commission by delaying this important topic to a future proceeding. Other interveners have addressed this matter in their submissions and the Commission can build a sufficient record in this proceeding to make any necessary determinations.

III. THE TELUS POSITION IS INACCURATE AND PROBLEMATIC

72. In paragraph 6 of its intervention, Telus states that the current “support structure regulatory framework is working well and is not in need of significant amendment.” As demonstrated by the comments made by various intervenors, many referenced in this Reply, Telus’ position is far from accurate.
73. In support of its statement, Telus indicates that it meets tariff-mandated response times for 98% of its attachment requests in BC. However, Telus fails to provide the same metric for Alberta generally, or Edmonton specifically. As described at paragraph 90 of our intervention, Telus routinely misses tariff-mandated response times in Edmonton.
74. More generally, and to underscore how ILECs find loopholes in the existing support structure regime, meeting tariff-mandated response times is a poor metric to assess the health of the support structure regime. It simply indicates they responded, which response may simply be that an application is “incomplete”. Inherent in the response times are rejections of applications based on ILEC assessment criteria that is unclear, inconsistent and subjective. It is for that reason that Shaw identified in its intervention at page A-1 of Appendix A that the existing response time provisions in the tariff are inadequate and need to be tied to specific application review activities. For example, Shaw proposed the first step of the application process needs to be an acknowledgement within 2 business days

⁶³ Telus Intervention, para. 70.

⁶⁴ CRTC Notice, para. 24.

⁶⁵ Shaw Intervention, paras. 31-35 and 107-112.

that an application is complete or requires revision. As the tariff stands now, an ILEC can wait 15 days to advise a licensee that an application is incomplete, based on criteria the ILEC itself determines and applies as it deems appropriate. Such a response resets the clock so that a revised application could wait another 15 days before a response is provided. The criteria for determining completeness of an application needs to be clear and mutually agreed to by the ILEC and its licensees.

Application of Regulatory Regime to Support Structures of all TSPs

75. Telus has proposed that all TSP support structure owners should be brought under the regulatory framework as not doing so would be to provide undue preference to all non-ILEC carriers⁶⁶. However, this proposal only looks to the future as if all carriers are currently on equal grounds. It ignores the huge, inherent advantage ILECs enjoy as owners of the vast majority of poles and other support structures that stem from their historic status as regional monopoly telephone service providers and the privileges granted to them in the past that make them the dominant owner of such structures. Their former status as monopoly providers of telephone service and owners of support structures gave the ILECs a very privileged position with respect to a fundamental public input into building networks. ILECs compete fiercely with service providers that do not enjoy privileged ownership of vast amounts of support structure. Furthermore, for decades, licensees have paid millions of dollars annually in rental charges for access to those same support structures, offsetting the ILECs cost of the support structures and their maintenance.
76. The idea that ILECs such as Telus and Bell should now have mandated access to the few support structures that are owned by non-ILEC TSPs – support structures that have been built in a time of fierce competition, often duplicating the route of the support structures of ILECs due largely in part to unsubstantiated determinations by ILECs of no spare capacity being available on their poles and other structures, often built to create limited capacity required for the non-ILEC’s own use – is ludicrous.
77. These historic advantages would continue to live on even if the Commission made significant changes to the current regulatory regime. Telus currently enjoys the advantage of being the incumbent carrier in British Columbia, having its network of support structures well established in public highway rights-of-ways. This is noteworthy because the Province of British Columbia Ministry of Transportation and Infrastructure’s “one pole policy” limits the number of poles that can be built in provincial highway rights-of-ways. Since Telus has had its poles in place in these rights-of-ways for decades, including through their decades-old joint-ownership arrangement with BC Hydro, they will continue to enjoy historic benefits of support structure access that competitive TSPs do not.
78. Shaw submits that the existing support structure access regime as applied to the ILECs, underpinned by the Commission’s determination that support structures are a “public

⁶⁶ Telus Intervention, paras. 15-16.

good”, remains the correct approach to encourage competition and achieve the Commission’s Universal Service Objective Levels.

Small Cells

79. Telus raises its red-herring issue, asking the Commission to clarify that the tariff regime applies to small cells, suggesting that TD 2014-77 applied only to Shaw’s WiFi equipment and that Shaw’s recent deployment of small cells is inconsistent with TD 2014-77. In its comments, Telus argues that TD 2014-77 is subject to misinterpretation and abuse and requires clarification.
80. Shaw believes the Commission’s determinations in TD 2014-77 are clear and a review of Telus’ comments in this regard finds that the only party misinterpreting and abusing the Commission’s determinations in TD 2014-77 is Telus.
81. This decision stemmed from Shaw’s initiative to innovate the way Canadians could connect, deploying WiFi access points on strand. Telus, seeking to restrict and mitigate the disruptive impact of the Shaw Go WiFi network, alleged that WiFi access points could not be attached to strand without undergoing a permit application approval process. In response, Shaw eventually filed a part 1 application with the Commission.
82. The entire basis of Shaw’s application that led to TD 2014-77 was that Shaw’s WiFi access points were no different in terms of size, weight, or means of attachment as compared with other strand-mount equipment that Shaw had been deploying on Telus strands for decades. The Commission considered that the record of the proceeding demonstrated that:
 - a. ILECs had historically not required permit applications for licensee strand equipment, nor had they taken measures to ensure that permits were obtained for such equipment;
 - b. Telus had been able to manage capacity on its support structures without requiring permit applications for strand equipment;
 - c. safety and technical concerns could be addressed through Telus’ construction standards, and Telus’ tariff provided a comprehensive regime to properly manage licensee compliance with established construction standards; and
 - d. requiring permits for every addition, rearrangement, transfer, replacement, or removal of strand equipment would represent a significant administrative burden for both Telus and the licensee, as well as a significant financial burden on the latter.
83. As a result, the Commission found that there was no basis on which to require permits for strand equipment inserted into cabling attached to Telus strand and that the Telus support structure tariff should be modified to provide that a licensee is not required to obtain a permit to attach strand equipment.

84. Shaw notes that in TD 2014-77, the Commission wisely, intentionally, and correctly used broad terminology in referencing “strand equipment”, indicating that the Commission’s determination applied to all equipment attached to strand, not just WiFi access points.
85. In Telecom Decision 2014-389, a show cause proceeding in follow-up to TD 2014-77, the Commission determined that its determinations in TD 2014-77 applies to all ILECs subject to the proceeding and that there is no requirement to submit a request to attach strand equipment to ILEC strand. The Commission ordered all ILECs to file tariff revisions stating that communications-related equipment inserted into licensee cabling located on ILEC strand (i.e. strand equipment) does not require a permit.
86. Subsequently, the Telus support structure tariff was amended to include the following definition for strand equipment:
- “Strand Equipment” means communications-related equipment inserted into cabling located on strand.
87. Telus is now arguing that Shaw equipment attached to Telus strand is not “strand equipment” because it “is attached directly onto the strand”.
88. This is nonsensical as why would equipment be called strand equipment if it was not attached to the strand? This concept put forth by Telus directly conflicts with the definition of “Strand Equipment” contained in their own support structure tariff.
89. To be clear, Shaw’s small cells are inserted into cabling located on strand, meeting the definition of “Strand Equipment”, the same way Shaw’s WiFi access points and other strand equipment has been inserted and attached.
90. Telus alleges that the weight of the small cell # [REDACTED] #^{67 68} thus is no different than other existing strand equipment from a weight-loading perspective.
91. Telus also suggests that # [REDACTED] #
92. Second, and as detailed in our intervention, we have attempted to engage Telus in discussions regarding its construction standards for years, to no avail. For Telus to now suggest that we are not in compliance with those construction standards demonstrates how Telus is repeatedly gaming the existing support structure regime to frustrate our

⁶⁷ #...# denotes filed in confidence.

⁶⁸ # [REDACTED] #

network deployment, and the requirement for the significant changes to the support structure regime various intervenors, including Shaw, has called for in this proceeding.

93. Ultimately, this proceeding is about access to poles. Telus should not be seeking to effectively appeal a previous Commission decision through this proceeding. If Telus intends to appeal the Commission's TD 2014-77 decision, it should do so through an application to the Commission. If Telus has questions regarding Shaw's equipment, Shaw is open and willing to have that discussion and if a dispute arises, Telus can request the formation of a joint committee under the existing SSLA processes that it deems to be working so well. Telus should not be allowed to hijack the core issues of this proceeding with spurious allegations of unauthorized attachment of equipment that comply with earlier Commission determinations.

IV. CONCLUSION

94. As clearly described above, there are many challenges to overcome when seeking access to poles owned by both Canadian carriers and utilities. The recurring themes that emerge are the necessity and urgency to reduce the time and costs of deploying networks and to ensure the fair treatment of all carriers. Consistent with the principles and objectives outlined in section 7 of the *Telecommunications Act*, Telecom Decision CRTC 97-8, and the 2019 Policy Directive, successfully addressing these key components would result in increased competition, affordability, quality of services, and choice of services.
95. Shaw's overall position, which has substantial support from several intervenors, is that the best means to improve the efficiency of access to support structures is to undertake a significant overhaul of the current regulatory regime. In summary, as outlined above and in more detail in Shaw's intervention:
- a. **Make-ready work:** Set firm timelines for each step of the make-ready work process; prevent maintenance and repair work from being disguised as make-ready work; and allow licensees to complete make-ready work with their own labour force or contractor.
 - b. **Spare Capacity:** Eliminate the ability for ILECs to reserve spare capacity for future use, instead creating a "first-come, first-served" environment; and if the existing ability to reserve spare capacity for future use remains, require that any determinations of "no spare capacity" be accompanied by detailed documentation explaining why there is no spare capacity.
 - c. **Joint-use Arrangements and Utility-owned Poles:** Carriers should be required to enter into standardized joint-use agreements and file such agreements with the Commission; the management of the communications space on the pole should be separated from a carrier's access rights; ensure no unfair treatment of other carriers is possible if a carrier is managing the communications space of a utility-owned pole; and seek amendments to the *Telecommunications Act* to bring utility-owned poles within the regulatory jurisdiction of the Commission.

- d. **Construction Standards:** Ancillary documents to support structure tariffs should be amended to remove any unfair restrictions that currently exist.
 - e. **Dispute Resolution:** Establish a means to quickly and effectively address access disputes. Many intervenors, including Shaw, have proposed potential processes and mechanisms for the Commission's consideration.
96. The Commission must reject Telus' attempts to suggest that changes to the regulatory regime are not required. In fact, as explained in Shaw's intervention, this reply, and several additional interventions, the regulatory framework is clearly in need of significant reform. The challenges currently faced by licensees are abundant and harmful to the public interest. The Commission should stay focused on the core issues at hand, ignoring the distractions raised by Telus.
97. Modernizing the regulatory regime for access to support structures is a complex but necessary task to ensure fair, timely, and cost-effective access to support structures. Achieving such an outcome would increase competition and provide Canadians with more competitive and higher quality service options.
98. Shaw thanks the Commission for the opportunity to submit these reply comments.




Sincerely,



Chris Ewasiuk
Director, Infrastructure Access and Regulatory Affairs

cc. parties to TNC 2020-366-1

*** End of Document ***

Procurement Stages	Prepare	Design	Execute	Operate
	Getting ready to procure	Procurement approach	Posted on BC Bid	Negotiations and contract signing
Overview	<ul style="list-style-type: none"> Must be fair, open and transparent – Important to ensure there is not an actual or perceived preference for a vendor. Actual or perceived preferences may result in vendor challenges either through a vendor complaint process or legal action, could lead to judgement against the Province, monetary costs or organizational damage. 		<ul style="list-style-type: none"> No contact with vendors, only procurement teams are engaging with vendors. Vendors may try to contact senior and political staff to get information. 	<ul style="list-style-type: none"> No commenting on the procurement process. Only ministry staff and procurement staff will do the debriefs on procurements. Meetings with vendors on outcomes of the process are the responsibility of ministry staff.
Do this 	<ul style="list-style-type: none"> Share B.C. Procurement Strategy and desired outcomes. Seek opportunities to drive economic growth and encourage innovation. Seek opportunities for rural and Indigenous communities. Engage in cross jurisdictional and sector collaboration. 		<ul style="list-style-type: none"> Encourage vendors to participate in bid opportunities. Share how procurement aligns with provincial strategy and priorities. 	<ul style="list-style-type: none"> Announcement and activities related to agreements once they are signed. Establish and strengthen relationships.
Don't do this 	<ul style="list-style-type: none"> Share information that is not public. Discuss new services with an existing or new vendor in a way that is interpreted as the Province making commitment. 	<ul style="list-style-type: none"> Host private discussions with vendors about the procurement or how they could deliver the services. Make statements which may be perceived as showing bias. 	<ul style="list-style-type: none"> Not exercising the strictest confidentiality regarding information pertaining to a procurement process that is not publicly available. Make public statements that could be interpreted as a (previously unstated) bias. 	<ul style="list-style-type: none"> Disclose any procurement, contract or specific proponent information unless the parties have agreed to release under proactive disclosure. Comment on the procurement process.
Support? 	<p>Email: Tracee.Schmidt@gov.bc.ca (A/ADM, Procurement & Supply Division) for support</p> <p>Key Messages:</p> <ul style="list-style-type: none"> During Procurement activity – no engagement or meetings with vendors should occur. Procurement is completed at the staff level, not Minister level. Okay to meet after procurement is completed, but do not pick and choose which vendors you meet with – there should be no preference shown. Enquiries related to active procurements should be directed to the Procurement contacts identified on BC Bid. 			

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Kassandra Lawal

Office 778-974-6009 | Cell 778-678-3776
kassandra.lawal@gov.bc.ca

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Sent: February 3, 2021 12:05 PM
To: Fleurant, Kathleen CITZ:EX <Kathleen.Fleurant@gov.bc.ca>
Cc: Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>; Stanford, Susan CITZ:EX <Susan.Stanford@gov.bc.ca>; Lawal, Cassandra CITZ:EX <Kassandra.Lawal@gov.bc.ca>; Chima Nkemdirim <Chima.Nkemdirim@sjrb.ca>
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Hello,

We're looking forward to our meeting at 1:30pm this afternoon. Attached, please find a copy of our presentation we propose to present via MS Teams during our meeting.

Regards,

Kiersten

Kiersten Enemark Government Relations Director, British Columbia
Shaw Communications Inc., 1067 W Cordova St, Suite 900, Vancouver, BC V6C 3T5
T: 604-629-3103 C: 778-928-1919
E: kiersten.enemark@sjrb.ca

The background of the slide is a dark gray field filled with numerous thin, light gray lines that radiate from various points, creating a sense of depth and movement. Interspersed among these lines are many small, bright white dots, some of which appear to be at the end of the lines, giving the overall effect of a starry night sky or a complex network of light paths.

Shaw)

BRIGHTER TOGETHER IN BRITISH COLUMBIA.

February 3, 2021

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