

# Guideline, Legislative and Regulatory Measures

A new [Building Broadband Faster Act Guideline](#) and supporting legislative and regulatory measures have been developed to enable the successful delivery of the Accelerated High-Speed Internet Program (AHSIP) by reducing barriers and enhancing coordination amongst stakeholders.

The Government's goal is to provide access to high-speed internet to every region of Ontario by the end of 2025.



## Changes to Legislation and Regulation for AHSIP Stakeholders

It is important to know how legislative and regulatory changes will affect your organization and support efforts to implement high-speed internet services in your community. The following table provides an overview of how legislation and regulations will impact different stakeholders as key requirements are now in effect.

Legislative and Regulatory Changes Impacting AHSIP Stakeholders			
Stakeholder	Legislated and/or Regulated Timelines	Use of Broadband One Window (BOW)	Good Practice Measures
<b>Municipalities</b>	<ul style="list-style-type: none"> <li>Review and respond to right of way permit applications within 10 days for projects ≤30 kms, 15 days if &gt;30 kms</li> <li>Provisions to stop and restart timelines in case of material deficiency or material issue in the applications</li> <li>See <a href="#">Building Broadband Faster Act, 2021</a> for more details</li> </ul>	<ul style="list-style-type: none"> <li>Approving permits</li> <li>Data sharing through BOW to support planning and review of applications</li> <li>Sharing of infrastructure data with eligible broadband proponents</li> <li>Use BOW in cases where ISPs elect to use BOW for their project</li> </ul>	<ul style="list-style-type: none"> <li>Applications processed in a timely manner</li> <li>Material deficiencies identified early</li> <li>Expedient dispute resolution processes</li> </ul>
<b>Local Distribution Companies (LDCs)</b>	<ul style="list-style-type: none"> <li>Provisions to stop and restart timelines in case of material deficiency</li> <li>Complete make ready work within:                             <ul style="list-style-type: none"> <li>✓ 110 days for &lt;30 poles</li> <li>✓ 145 days for &lt;60 poles</li> <li>✓ 215 days for ≤200 poles</li> </ul> </li> <li>Respond to data sharing requests within 15 days</li> <li>See <a href="#">O. Reg. 410/22: Electricity Infrastructure - Designated Broadband Projects</a> for more details</li> </ul>	<ul style="list-style-type: none"> <li>Sharing data on available infrastructure</li> <li>Use BOW in cases where ISPs elect to use BOW for their project</li> <li>Tracking pole attachments</li> </ul>	<ul style="list-style-type: none"> <li>Guideline adopts One-Touch Make-Ready process as an option to enhance coordination</li> <li>Material deficiencies identified early</li> <li>Expedient dispute resolution processes</li> </ul>



# Guideline, Legislative and Regulatory Measures

Legislative and Regulatory Changes Impacting AHSIP Stakeholders			
Stakeholder	Legislated and/or Regulated Timelines	Use of Broadband One Window (BOW)	Good Practice Measures
<b>Internet Service Providers (ISPs)</b>	<ul style="list-style-type: none"> <li>Timelines identified in AHSIP Project Agreements</li> <li>Ability to employ qualified person to undertake One-Touch Make-Ready (OTMR)/ make-ready work where permitted by LDC</li> </ul>	<ul style="list-style-type: none"> <li>Submitting permit applications and markup requests</li> <li>Accessing geospatial data</li> <li>Requesting pole attachments</li> </ul>	<ul style="list-style-type: none"> <li>Material deficiencies are addressed in a timely manner</li> <li>Expedient dispute resolution processes</li> </ul>
<b>One Call Members</b>	<ul style="list-style-type: none"> <li>10 days to agree on dedicated locator and provide the dedicated locator mapping information</li> <li>The locate is valid for 60 days unless the dedicated locator or One Call member allows for a longer time</li> <li>One Call member must notify Corporation within 2 days of any change to information</li> <li>See <a href="#">Ontario Underground Infrastructure Notification System Act, 2012</a> for more details</li> </ul>	<ul style="list-style-type: none"> <li>Sharing mapping data</li> </ul>	<ul style="list-style-type: none"> <li>Locates are completed within agreed upon timeframes</li> </ul>

# Guideline, Legislative and Regulatory Measures



## Summary of Guideline, Legislation, and Regulation

### Building Broadband Faster Act Guideline

*Building Broadband Faster Act Guideline* was developed through extensive collaboration with industry and government stakeholders. The guideline sets out new and best-practice processes and timelines in addition to the legislative and regulatory measures. The BBFA Guideline:

- Sets out required processes and timelines when internet service providers (ISPs) work with local distribution companies (LDCs), municipalities and other parties to deploy internet fibre. This includes third-party hydro pole attachments, accessing rights-of-way (ROW) to deploy fibre underground and use of dedicated locators to perform locates process.
- Introduces a new information and data gathering platform, Broadband One Window (BOW), an electronic system to support timely approvals, permitting and locate decisions related to high-speed internet projects.
- Establishes the role of a new Technical Assistance Team (TAT) that provides support, informal advice and assistance to municipalities, internet service providers and LDCs on the implementation of the guideline and implementation of provincial high-speed internet projects.

The Guideline has been updated to reflect new legislation and regulations. Guideline 2.0 is expected to be placed on the Ontario government website in coming weeks.

### Building Broadband Faster Act (BBFA), 2021 (Amended in 2022)

The BBFA gives authority to the Minister of Infrastructure to remove barriers and streamline processes related to infrastructure that may result in delays to the timely completion of designated broadband projects. It also enhances co-ordination and engagement while being fair to public and private sector stakeholders. This Act was further updated by the *Getting Ontario Connected Act, 2022*. Further details are provided in the BBFA Guideline.

Relevant regulations:

- Nov 30, 2021 [O. Reg. 809/21: Designated broadband projects](#)
- Apr 26, 2022 [O. Reg. 436/22: Definitions and Prescribed Provisions](#)



# Guideline, Legislative and Regulatory Measures



## Updates to Ontario Energy Board Act, 1998

Regulations under the *Ontario Energy Board Act, 1998* complement regulations passed under the BBFA to reduce barriers to and accelerate the deployment of high-speed internet. Changes to the OEBA require LDCs to consider the needs of ISPs in their capital planning process. The regulation also prescribes the methodology the OEB must use in setting pole attachment charges.

### Relevant regulations :

- Dec 10, 2021 [O. Reg. 842/21: Electricity infrastructure](#)
- Dec 16, 2021 [Decision and order EB-2021-0302: Adjustments were made to reduce the wireline pole attachment charge](#)
- Apr 21, 2022 [O. Reg. 410/22: Electricity Infrastructure - Designated Broadband Projects](#)
- If and when requested by a proponent to do so, the LDC shall use the BOW platform for the purposes of a designated broadband project.
- Where an LDC conducts make ready work, it shall do so within:
  - a. 110 days after receiving the notice, if the development, use or access involves fewer than 30 distribution poles;
  - b. 145 days after receiving the notice, if the development, use or access involves 30 to 59 distribution poles;
  - c. 215 days after receiving the notice, if the development, use or access involves 60 to 200 distribution poles; or
  - d. if the development, use or access involves more than 200 distribution poles, the period referred to in clause (c) plus two days for each additional pole.
- LDC shall record actual costs and revenues with respect to designated broadband projects in a deferral account.
- LDC charges the proponent for any power make-ready work done by the LDC in accordance with the regulation unless a different allocation of costs is agreed to between the proponent and the LDC.
- The OEB will resolve disputes between the ISP and LDC over material deficiency.



# Guideline, Legislative and Regulatory Measures



## Updates to Building Broadband Faster Act, 2021

*Getting Ontario Connected Act, 2022* introduces amendments to the ‘**Building Broadband Faster Act 2021**’. The act makes it easier for ISPs to build designated high-speed internet projects and improves the processes and requirements related to determining the location of underground infrastructure. Below are key updates made.

### Municipal Permits

- The service standard set out in the *Getting Ontario Connected Act, 2022* compels Municipalities to respond to right-of-way permits within 10 days for projects  $\leq$  30 kms and 15 days if  $>$  than 30 kms. This service standard:
  - Applies only to designated broadband projects
  - Does not alter existing municipal permit/approval processes already put in place by municipalities
- Municipalities to respond within 10 or 15 days of receiving an application by either:
  - Permitting the required access on such conditions as the municipality considers appropriate; or
  - Informing the proponent of the material deficiency or issue and provide the proponent with an opportunity to address it
- Timelines for service standards will stop once the applicant / proponent is informed of material deficiencies by the municipality and would restart at day 1 if the permit application is resubmitted.
- A ‘no blanket rejections’ approach is in place for municipalities; if deficiencies are identified by the municipality, an ISP would have the opportunity to address them.
- Municipalities will not be able to hold on to an application for an extended period with no reply/response.

### Data Sharing

- Data on infrastructure can be requested regarding works, structures or appliances placed over, on or under land or water by a utility company. Requests can include:
  - Records of the utility infrastructure and associated rights of way
  - Data related to the location for all utility infrastructure that may be affected by a proposed excavation related to a designated broadband project
  - Records of communications and agreements related to the utility infrastructure
  - Any other information the Minister considers necessary for the purposes of the Act



# Guideline, Legislative and Regulatory Measures



## Updates to Ontario Underground Infrastructure Notification System Act, 2012

*Getting Ontario Connected Act, 2022* introduces amendments to the **Ontario Underground Infrastructure Notification System Act, 2012** (the “One Call Act”). The amendments help One Call members in collaborating with proponents on broadband projects in a timely and efficient manner. A key amendment is that the use of a dedicated locator is now required for designated broadband projects.

- The proponent must notify One Call (Corporation) of the designated project at least 90 days before any excavation or dig is expected to commence, subject to a shorter timeline being stipulated by either One Call.
- The Corporation then has 3 business days to notify affected One Call members or such other time as may be prescribed by the Minister.
- One Call members have 10 days to agree on a dedicated locator and provide the dedicated locator mapping information, unless a different time period is agreed to.
- The dedicated locator has 10 days from the date the Corporation notifies it to provide the locate or within such different time limit agreed upon in writing by the Proponent and the dedicated locator.
- The locate is valid for 60 days unless the dedicated locator or One Call member allows for a longer time. Despite these requirements, if the markings on the ground that were provided are no longer visible, the validity period would be deemed to have expired and would need to be redone.
- There is a key exclusion from the use of the Dedicated Locator Model. Locate requests relating to transmission infrastructure must still be responded to by the relevant member, and not the dedicated locator.



Learn more

For questions or feedback, please reach out to the AHSIP team at:

[OntarioConnects.Onboarding@infrastructureontario.ca](mailto:OntarioConnects.Onboarding@infrastructureontario.ca)

