



VIA EPASS

February 22, 2008

Mr. Robert Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

Dear Mr. Morin:

Re: Part VII Application by Shaw Cablesystems Limited seeking an order granting access to highways and other public places in the County of Wheatland, Alberta

1. Shaw Cablesystems Limited (Shaw) wishes to advise the Commission of communication it has had with Wheatland County (the "County") since Shaw filed its reply on December 31, 2007 regarding the above-noted application (the "Application"). Shaw is reluctant to add to the file on this Application as the timing for Shaw to build facilities to the Lakes of Muirfield development is already extremely tight. However, we believe it is important for the Commission to know about the recent communication between Shaw and the County. The recent communication between the parties does not impact the Application other than to demonstrate an attempt by the parties to work toward a resolution outside of the Part VII proceeding.



2. Shaw contacted a county councilor on January 2, 2008 to arrange a meeting with the County and in a letter dated January 9, 2008 (attached as Appendix 1) the County acknowledged Shaw's request for a meeting to discuss the Municipal Access Agreement (MAA) and to improve relations between the County and Shaw. The County agreed to a meeting subject to the discussions being "on the record" to ensure transparency for both taxpayers and the Commission; and that any matter agreed to at the meeting would "be subject to the County's solicitor's approval and Council ratification."
3. The meeting was arranged for Wednesday, January 23 at the County Office with the Reeve, Deputy Reeve, the County Administrator and the County Landman representing the County and the Vice President of Operations representing Shaw. Neither party had counsel present.
4. Four areas of discussion were addressed during the meeting: development of a good working relationship between Shaw and the County, Alberta One-Call and Shaw's DIGSHAW locate service, a proposed Memorandum of Understanding (MOU) to resolve the current access dispute, and a more general discussion of Shaw's experience in working with local governments across the country.
5. With respect to relationship-building, goodwill was expressed by all those present. Shaw then provided a detailed explanation of why membership in Alberta One-Call is not acceptable to Shaw, including: Shaw's 37 year history of providing locate services prior to and since the inception of One-Call, the digging community's familiarity with the DIGSHAW locate service, Shaw's unblemished record of underground services safety, and Shaw's superior timelines for providing locates.



6. The County raised concerns with respect to liability, having to call two numbers for locate services and the need for utility coordination and information sharing between the County and Shaw. Shaw expressed strong support for utility coordination and the county suggested yearly meetings to help coordinate future construction projects and mutual opportunities for cooperation.

7. The discussion then turned to an MOU that would allow Shaw to receive a work permit to build facilities to the Lakes of Muirfield development while the parties entered good-faith negotiations to conclude an MAA. The requirement for Shaw to join One-Call would be let go and Shaw would suspend its Part VII Application while negotiations continued. Shaw committed to draft an MOU for review by the County in the following days.

8. The discussion ended with some general comments about access issues and the need for common-sense to prevail, rather than letting issues get bogged-down in legal processes. Shaw underscored the leading-edge services it was bringing to the County – Digital and High Definition Television, High-Speed Internet and Digital Telephone – and the expectations of the residents of the new Lakes of Muirfield development to have access to these services.

9. Shaw wrote to the County on January 28 (attached as Appendix 2) and enclosed an MOU, based on the discussion that occurred on January 23, that would require Shaw to follow the County's standard permit process and construction practices and providing access to Shaw, on an interim basis, pending completion of an MAA. Also enclosed with the letter was a summary of the January 23 meeting.



10. Shaw received a reply from the County dated February 6, 2008 (attached as Appendix 3) rejecting the MOU proposed by Shaw and making a counter-proposal. The County stated that there was still disagreement between Shaw and the County regarding membership in Alberta One-Call, that One-Call membership is the only issue in dispute between the parties and that “the County is of the position that this matter be determined by the CRTC...” The County then requests that Shaw immediately withdraw its Application on all the other issues and sign the original MAA attached to County Bylaw 2007-83.

11. Shaw replied on February 18, 2008 (attached as Appendix 4) expressing its appreciation to the County for its willingness to meet and discuss the issues but rejecting the County’s position that membership in One-Call is the only issue in dispute and its demand that Shaw agree to the terms and conditions of the MAA included in the County’s Bylaw – terms and conditions unacceptable to Shaw and that are clearly out-of-step with the principles the Commission outlined in CRTC 2001-23.

12. It is clear that the parties have attempted to work toward a resolution to this dispute outside of the Part VII process and were not successful. Given the critical timing involved for Shaw to build facilities to the soon-to-be-occupied homes at the Lakes of Muirfield development, it is imperative that the Commission issue an interim or final determination within four months of the close-of-record of Shaw’s Application on December 31, 2007, as indicated in the Commission’s letter of 7 January 2008.

All of which is respectfully submitted by Shaw.

Jean Brazeau
Vice President, Telecommunications Regulatory Affairs



- cc. Wheatland County
- Alberta One-Call
- Alberta Public Works Association
- Alberta Association of Municipal Districts and Counties
- Alberta Damage Prevention Council
- Rural Utilities and Safety Association