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Your File#:
Our File#: 71075-0085/BAS/LIR

April 30, 2008

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

Dear Sir:

RE: Part VII Application by Shaw Cablesystems Limited (“Shaw”) seeking an order granting access to highways and other public places in Wheatland County, Alberta (the “County”)

1. Wheatland County is in receipt of the Commission’s letter dated April 29th, 2008. In that regard, the County wishes to place on record its objection to the Commission staff’s ruling that the Alberta One Call Corporation’s submission dated April 21, 2008 not form part of the record.
2. According to the *CRTC Telecommunications Rules of Procedure*, we recognize that interveners have the ability to provide submissions to the Commission in a Part VII Application proceeding following the filing of the applicant. The Alberta One Call Corporation did exactly this by filing a submission on December 18th, 2007, addressing its concerns with Shaw’s Application.
3. According to the *Rules of Procedure*, the Part VII Application process ends with a reply filed by the applicant, in reply to the respondent’s answer and any interveners’ submissions. The *Rules of Procedure* do not contemplate any further submissions in a normal Part VII Application.
4. Given the circumstances of Shaw’s Part VII Application, the Commission staff decided to suspend the proceedings and revised the Commission’s procedures in order to allow for the County and Shaw to negotiate the terms and conditions of the Municipal Access Agreement and to file subsequent comments and reply comments to the Commission.

5. Through that process, Shaw's submissions to the CRTC address and provide comments regarding the services of Alberta One Call. It is clear from the Alberta One Call's submission dated April 21, 2008 that such comments made by Shaw "on the record" to the Commission were incorrect or inaccurate and Alberta One Call wished to provide clarification to the Commission regarding the nature of its services. Further, it is our opinion that the Alberta One Call submission also ensures that the Commission has before it accurate information in order to deliberate and render an equitable decision. Given that Shaw's comments are in regard to Alberta One Call services, who else but Alberta One Call could reply to the accuracy of such comments.
6. The Commission staff ruled that the Alberta One Call submission "was filed out of process", yet the Commission accepted other submissions from Shaw and the County that were not requested during the process. As an administrative body, it is the Commission's authority to set its own procedures. It is our submission that the authority to revise such procedures rests with the Commission and not the Commission staff. As such, we submit that the decision to accept and consider or reject the Alberta One Call submission ought to be a decision of the Commission. Further, we submit that the Alberta One Call submission be accepted into the record to be considered by the Commission in its deliberations due to its importance in ensuring that the Commission has before it correct information regarding the issues before it and not information that misleading and inaccurate.
7. As such, we respectfully object to the Commission staff's decision and submit that Alberta One Call's submission be accepted as part of the record and be considered by the Commission in its deliberations.

Respectfully submitted,
On Behalf of Wheatland County,

BROWNLEE LLP

PER:



BARRY A. SJOLIE

LIR/

Cc: Wheatland County
Attention: Jennifer Deak, Chief Administrative Officer

Shaw Cablesystems Limited
Attention: Jean Brazeau, Vice-President Telecommunications Regulatory Affairs

Alberta One Call Coporation
Attention: Robert R. Chisholm, President

Alberta Association of Municipal Districts and Corporations

Attention: Gerald Rhodes, Executive Director & Donald Johnson, President

Rural Utilities and Safety Association
Attention: Bryan Bespalko, President

Alberta Damage Prevention Council
Attention: Lee Travis, Chairman

Alberta Public Works Association
Attention: Darwin Durnie, President

Alberta Roadbuilders and Heavy Construction Association
Attention: Dennis Locking, Member of Board