

# ONTARIO ONE CALL OPERATIONS COMMITTEE MEETING MINUTES



**Meeting Date:** Thursday February 03, 2022  
**Location:** Teleconference  
**Time:** 9:00 a.m. – 12:00 p.m.  
**In Attendance:** Bav Mistry (Chair), Nectar Tampacopoulos (Vice Chair), Eric Boere, Nick DeStefano, Chris Faith, Reza Habibollahi, Terry Hall, Andrew Kottelenberg, Michael McGivery, Jason Meyer, Malcolm Robertson and Josie Trapani

**Also in Attendance:** Fatima Binyamin (MOI), Sanjay Coelho (MOI), Ben Hamilton (OOC), Suhail Iqbal (MOI), Ron Jaikaran (IO), Irene Lai (MOI), Stephen Lepone (IO), Cory Officer (OOC - Note Taker), Rick Pereira (MOI), Samantha Pinto (MGCS) & Sharmila Uruthiranandasivam (MGCS)

**Absent:** Katie Gotsman, Brandon Denton

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## 1. Meeting Opening

- 1.1 **Call to Order** – 9:02am
- 1.2 **Confirmation of Quorum** - Confirmed
- 1.3 **Safety Moment**
- 1.4 **Review of Previous Minutes** (*Attach 1 – 4 pages*)
- 1.5 **Motion to Approve Previous Minutes as Written**

Motioned by: Nectar Tampacopoulos  
Seconded by: Malcolm Robertson  
In Favour: All  
Opposed: None

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## 2. Chair Items

### 2.1 Chair & Vice Chair Positions

Bav Mistry has been the Chair of the Operations Committee since November 2017. The Vice Chair, Nectar Tampacopoulos, will be assuming the role of Chair starting March 2022.

#### **Motion to Approve Nectar Tampacopoulos as the new Chair of the Operations Committee.**

Motioned by: Michael McGivery  
Seconded by: Eric Boere  
In Favour: All  
Opposed: None

The position of Vice Chair can be discussed and voted on next month. If there are any Committee Members interested in the Vice Chair position, they should reach out to the Chair prior to the next meeting.

At the next meeting, an agenda item to discussion the Terms of Reference and representation from members from other areas of the province would be beneficial.

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## 3. Matters for Discussion

### 3.1 Establish Subcommittees for Project Definition, Excavator Criteria and Code of Conduct

There are a number of components that require input from the Operations Committee. Subcommittees should be established to work on these items and bring them forward to the Operations Committee Meetings each month to expedite the process.

Work for the Subcommittees would include:

- Defining a 'Project'
- Defining excavator criteria for an actionable request
- Code of Conduct

This item will be on hold until the new legislation has been finalized. Committee Members should think about which Subcommittee they would like to contribute to going forward.

### 3.2 Clearing at Ontario One Call

Knowing that there is going to be an intense amount of pressure on Compliance going forward, ALA's (Alternate Locate Agreement) have been a great way to get the industry moving forward with low risk work.

Operations Committee should align on this subject, support and promote it moving forward. A communication campaign to encourage utilities to use Ontario One Call for clearing.

Members such as municipalities having deep infrastructure, with good confidence can say that their infrastructure would not be impacted. If appropriately used, it's a good tool for members.

**TASK** – Eric Boere to provide a presentation at the next meeting on how Halton Region established automated clearances.

### 3.3 Member Contact Information for Sector Engagement

With many changes happening in the industry, members have questions and are asking other members within their sector for answers/suggestions/recommendations. Member contact information should be shared with the rest of the membership.

Ontario One Call would require permission from members (in writing) if this were to happen.

**TASK** – Ontario One Call to determine if sharing member contact information is possible and respond at the next meeting.

### 3.4 Performance Based Billing and Inclusion of Suppressions, ALA's & Clears

Ontario One Call is looking into the inclusion of suppressions, alternate locate agreements (ALA) and clearances into the performance based billing assessment equation. There is no confirmation as of yet whether or not this can be done as all of Ontario One Call's IT efforts have been focused on the new web portal launch. Ontario One Call has to figure out if these items can be integrated into the current system.

**TASK** - Once Ontario One Call has looked into this matter further with their IT Department, they will provide an update to the Operations Committee.

### 3.5 Proposed Legislation Changes

The government is moving ahead with legislation based on the work of the Locate Solutions Working Group, Operations Committee and a great deal of stakeholder feedback. The legislation is being written as we speak and a draft will be provided early next week. The Ministry of Government & Consumer Services (MGCS) will want to consult with the Operations Committee somewhere between February 14<sup>th</sup> and February 18<sup>th</sup> regarding the proposed legislation.

There can be no changes after February 18, 2022, legislation approval by the cabinet will take place on March 8, 2022. Introduction and Passage of Legislation will happen sometime in March and the new legislation will be effective starting April 1, 2022.

#### Small Items Included in the Draft Legislation

- Sharing of locates between contractors explicitly permitted
- Locate validity periods extended to a minimum of 60 days. Members may use longer periods if they wish
- Existing by-law definitions of standard, emergency and priority locates are included
- Definition of "locate request" added
- Eliminates the need for re-locates for long-term deep excavations (e.g. excavators don't have to call in continuous re-locates for condominium foundations where they're well below the depth of the deepest buried infrastructure) (*this may be removed*)
- Submission to 360 Feedback explicitly required
- Memorandum of Understanding (MOU) with MGCS is made mandatory (it is currently voluntary)

#### Dedicated Locator (DL)

- For April 2022: Broadband projects done under the *Building Broadband Faster Act* and projects under the *Building Transit Faster Act* must be dedicated locator.

- Beyond 2023: Ontario One Call will recommend criteria and types of work that would trigger dedicated locator to MGCS. The Minister would sign regulation in fall 2022 for a regulation to take effect for the 2023 construction season. Lead excavators may also self-identify for inclusion in DL
- Project proponent using DL must provide at least three months notice in advance of the excavation. Excavators will provide a rolling six month forecast every quarter.
- Lead excavator and members must agree to use a specific locator for the duration of the project. Members must share their mapping information. Failure to do so will result in the member being fined by Ontario One Call
- Excavators will work with Ontario One Call to set up appropriate system ID's to use DL and submit tickets as normal
- Locates are to be delivered in 10 business days under DL, not 5 business days

### Compliance Framework

- Proposals are consistent with the framework being developed by external counsel with the participation of the Ontario One Call Board and Committees:
  - Ontario One Call staff would issue AMA's directly, with the member having opportunities for management review and arbitration
- Minister would have regulation-making power to establish AMA regime – Essentially, the policies related to financial penalties, dispute resolution and interest penalties would all be put into provincial law
- Minister will also have regulatory power to expand compliance powers to excavators
- "Reasonable Attempts" language is deleted from the Act
- Ontario One Call must publish data on AMA's and members' locate delivery performance
- Excavators may go to the Ontario Land Tribunal to claim compensation from members for late locate delivery (same power as *Building Broadband Faster Act*)

A meeting will need to be scheduled for the Operations Committee sometime next week to review the proposed legislation changes with MGCS.

### 3.6 Building Broadband Faster Act Consultation

The purpose of the presentation is for the Ministry of Infrastructure to share the proposed amendments to the Building Broadband Faster Act (BBFA) which is designed to speed up access to broadband infrastructure in the province of Ontario. Together representatives from the Ministry of Infrastructure and Infrastructure Ontario are working on legislative changes and would like feedback from the Ontario One Call Operations Committee.

On November 30, 2021, the government released the Building Broadband Faster Act Guideline to support implementation of the BBFA. Furthermore they issued a Statement of Intent meant to provide greater confidence and certainty to broadband partners, including Internet Service Providers during the upcoming reverse auction events (Feb-Mar 2022). That Statement of Intent outlines proposed legislative amendments, regulations and additional mechanisms the government is considering.

#### Data Sharing on Broadband One Window (BOW)

Requires municipalities, LDC's and Ontario One Call members, where there are designated projects, to share utility infrastructure data related to these projects.

Data can be shared electronically, where available, using the Broadband One Window (BOW) Platform. BOW is a digital platform maintained by Infrastructure Ontario on behalf of the Minister of Infrastructure.

**Rationale:** electronic information is needed on infrastructure data and permits so broadband stakeholders can proactively plan, organize and have access to full picture of project builds.

**Goal:** Information in one source would support timely decision-making on designated project.

Upon receiving a request for utility infrastructure, the party would have 15 business days to provide that information for utility infrastructure within 10 metres of a designated broadband project.

#### Technical Assistance Team (TAT)

Technical Assistance Team (TAT) to be established by spring 2022 to support municipalities and other stakeholders to comply with BBFA Guideline and BBFA/OEBA requirements including – if passed – proposed legislative amendments; and help resolve issues informally.

**Rationale:** Municipal sector flagged need for assistance with aspects of the BBFA guideline and to support designated projects in their communities.

**Goal:** Provide certainty to market on turnaround times for designated projects that balance stakeholder resources and need for access by end of 2025.

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#### **4. Routine Items**

##### **4.1 Executive Summary** (*Attach 5 – 14 pages*)

Move to next meeting.

##### **4.2 Review of Action Register** (*Attach 6 – 1 spreadsheet*)

See Action Register.

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#### **5. Round Table**

##### **5.1 New Web Portal Update**

Ontario One Call launched the new web portal in late January, there were a couple database issues with Pelican that got sorted out after a few hours. Right now there are a number of small features that have issues (e.g. tickets suspending). The staff is working through those issues with Pelican, some have been resolved already through patches. It shouldn't be much longer until everything is in place.

The launch was set for January because it's not peak but there is still sufficient volume to actually show when things go wrong.

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#### **6. Meeting Finalization**

##### **6.1 Confirmation of Next Meeting Date/Location – March 03, 2022**

##### **6.2 Meeting Close**

Motion to Adjourn – 11:59am

Motioned by: Malcolm Robertson

Seconded by: Reza Habibollahi

In Favour: All

Opposed: None