

Ministry of Infrastructure

Infrastructure Programs and Projects
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MEMORANDUM TO: Municipal CAOs

FROM: Jill Vienneau
Assistant Deputy Minister
Infrastructure Program and Projects Division

DATE: August 14, 2023

SUBJECT: Red Tape Reduction for Designated Broadband Projects

I am pleased to write to you today to provide an update on our efforts to expand high-speed internet access across the province.

In Spring 2023, Ontario introduced the *Less Red Tape, Stronger Economy Act, 2023* to help build on the government's efforts to reduce burden for businesses, not-for-profit organizations, municipalities and other provincially regulated entities. The Ministry of Infrastructure would like to highlight two measures related to this initiative:

1. Amendments to the *Building Broadband Faster Act, 2021* (BBFA) to address barriers to timely municipal permit approvals and efficient infrastructure data collection.
2. Updated guidance to broadband stakeholders through a new version of the *Building Broadband Faster in Ontario Guideline*.

BBFA Amendments

The *Less Red Tape, Stronger Economy Act, 2023* (formerly Bill 91) received Royal Assent on June 8, 2023, amending the *Building Broadband Faster Act, 2021* (BBFA) to remove further barriers or delays to designated broadband project construction and to support a streamlined approach to the deployment of high-speed internet infrastructure in the province.

The amendments to the BBFA provided the Minister of Infrastructure with authority to set out certain new regulatory requirements related to infrastructure data collection and conditions for municipal permitting. Effective July 1, 2023, O. Reg. 436/22 Definitions

and Prescribed Provisions under the BBFA was amended, by way of a Minister's amending regulation, to set out the following:

1. **For infrastructure data collection under s. 20.1 of the BBFA:** Upon request from the Minister of Infrastructure, certain persons or entities who own or operate utility infrastructure within 100 metres of a designated broadband project must submit the requested data in the form required by the Minister within 15 business days of receiving the request.
2. **For municipal permitting under s. 10.1 of the BBFA:** Municipalities may not require proponents to execute a legal agreement in advance of providing access to municipal rights-of-way under s. 10.1 of the BBFA. However, municipalities may require internet service providers (ISPs) to agree in writing to take steps to negotiate such agreements in good faith as soon as reasonably possible as a condition for providing access to their rights-of-way.

These changes are intended to advance broadband projects and ensure mechanisms are in place to protect the interests of municipalities. The Ministry of Infrastructure is developing resources to support municipalities with cost recovery related to designated broadband projects and will ensure that appropriate measures are in place to protect data that is shared.

Building Broadband Faster in Ontario Guideline (Version 3.0)

The Ministry of Infrastructure and Infrastructure Ontario has also updated the Building Broadband Faster in Ontario Guideline (Version 3.0). This Guideline was first released in April 2021 with input from municipalities, ministries, and other partners as a tool to expedite the delivery of designated high-speed internet projects. It was updated in August 2022 as well as in August 2023, to reflect new regulatory requirements that came into effect after its original release.

Guideline 3.0 provides additional clarity and best practices for completing work for designated broadband projects in compliance with legislative and regulatory requirements under the BBFA, the *Ontario Underground Infrastructure Notification System Act, 2012* (One Call Act) and the *Ontario Energy Board Act, 1998* (OEBA).

Key updates to the Guideline include:

- Information on new regulatory measures, including those under the BBFA mentioned above in addition to amendments to the OEBA and One Call Act regulations.

- A new process to help resolve disputes between parties and work with sectors to ensure that they comply with the laws and regulations that are helping to build broadband faster.
- Clarity on the Ministry of Transportation's efforts to speed up their permit process for provincially funded broadband projects.
- Additional guidance on cost sharing for using electric infrastructure to build these projects.

To review the updated Guideline, please visit [Building Broadband Faster in Ontario](#).

Support Tools

Infrastructure Ontario has tools in place that will provide assistance to municipalities, proponents of designated broadband projects and other stakeholders related to new requirements under the legislation and the overall implementation of these projects across the province. These include the Technical Assistance Team (TAT) and the use of an online platform called the Broadband One Window (BOW). The TAT plays a key role in supporting permit applications and facilitating resolutions between stakeholders if disputes arise. BOW will help stakeholders work collaboratively to review and approve permitting applications, share data, and provide progress updates on project milestones.

To get in touch with TAT for assistance, you can e-mail TAT@infrastructureontario.ca, or submit a TAT support request through the BOW platform. I also welcome you to contact broadband@ontario.ca if you have general questions about the government's work and wish to speak with a ministry official.

Next Steps

In the coming weeks, the Ministry of Infrastructure will engage the Association of Municipalities of Ontario to co-develop resources intended to support municipalities with timely permit approvals while ensuring they can appropriately control access to their rights-of-way. There is still considerable work underway to bring access to high-speed internet to every community in Ontario by the end of 2025. We appreciate your continued partnership in helping us achieve this important goal.