

1 **Q. What parties that have, or plan to have, attachments to the joint use poles will be**
2 **impacted by the proposed sale of poles to Bell Aliant, as outlined in the current**
3 **application?**

4 A. Other than Newfoundland Power and Bell Aliant, the parties that currently have
5 attachments on the Joint Use Support Structures are Rogers Communications Inc.,
6 Eastlink, Benoit Brothers Contracting Ltd., and Allstream Communications. These third
7 parties are all providers of telecommunications service in Newfoundland Power's service
8 territory.

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10 The rights of these third parties to attach telecommunications facilities to the Joint Use
11 Support Structures are unaffected by the proposed sale. The 2011 JUA specifically
12 preserves all existing rights of third parties to attach to Joint Use Support Structures,
13 consistent with Section 53 of the *Public Utilities Act*.¹

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15 Currently, third party rights to attach to Joint Use Support Structures are governed by
16 contracts with Newfoundland Power that provide for the terms of use and rental charges.²
17 These terms of use and rental charges will remain unchanged for 2011.

18
19 Commencing in 2012, Bell Aliant will bill for 40% of the third party attachments to Joint
20 Use Support Structures at the rate established by the Canadian Radio-television and
21 Telecommunications Commission ("CRTC").³ Newfoundland Power will bill for 60% of
22 the attachments at a rate to be determined.⁴

23
24 Newfoundland Power has provided the owners of third party telecommunications
25 facilities attached to Joint Use Support Structures with timely information regarding
26 relevant developments related to the proposed sale of Joint Use Support Structures to Bell
27 Aliant.⁵

1 Section 43(5) of the *Telecommunications Act* provides comparable rights of access to federally-regulated support structures by entities providing services to the public. Where access cannot be obtained on acceptable terms, the party seeking access is entitled to apply to the CRTC in respect thereof.

2 Third parties have no rights of ownership. They place their attachments in accordance with pre-defined terms of access and are required to pay reasonable compensation.

3 In Telecom Decision 2010-900 (December 2, 2010), the CRTC increased third party support structure rates chargeable by Bell Aliant to owners of third party telecommunications facilities in Atlantic Canada from \$9.60 per year to \$18.53 per year. The impact of this change will not be reflected in third party rental rates for 2011.

4 The current charges to third parties, with Newfoundland Power owning 100% of the support structures, are broadly reflective of 40% of the attachments being charged at the Bell Aliant rate and 60% at the Newfoundland Power rate. Newfoundland Power expects renegotiation of third party contracts will commence in the 2nd half of 2011, with a view to establishing new rental charges for 2012.

5 Rogers Communications Inc. and Eastlink, which collectively have over 99% of total third party attachments, are currently assessing the degree, if any, of their participation in the pole count survey.