

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

JP-26

**Journal  
des débats  
(Hansard)**

JP-26

**Standing Committee on  
Justice Policy**

An Act to amend the Ontario  
Underground Infrastructure  
Notification System Act, 2012

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament  
Monday 12 February 2024

**Comité permanent  
de la justice**

Loi modifiant la Loi de 2012 sur  
un système d'information sur les  
infrastructures souterraines en  
Ontario

1<sup>re</sup> session  
43<sup>e</sup> législature  
Lundi 12 février 2024

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Chair: Goldie Ghamari  
Clerk: Thushitha Kobikrishna

Présidente : Goldie Ghamari  
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE POLICY**

Monday 12 February 2024

**COMITÉ PERMANENT  
DE LA JUSTICE**

Lundi 12 février 2024

*The committee met at 1001 in committee room 1.*

**BUILDING INFRASTRUCTURE  
SAFELY ACT, 2024**

**LOI DE 2024 SUR LA CONSTRUCTION  
SÉCURITAIRE DES INFRASTRUCTURES**

Consideration of the following bill:

Bill 153, An Act to amend the Ontario Underground Infrastructure Notification System Act, 2012 / Projet de loi 153, Loi modifiant la Loi de 2012 sur un système d'information sur les infrastructures souterraines en Ontario.

**The Chair (Ms. Goldie Ghamari):** Good morning, everyone. I call this meeting of the Standing Committee on Justice Policy to order.

We are meeting today to begin public hearings on Bill 153, An Act to amend the Ontario Underground Infrastructure Notification System Act, 2012. Are there any questions before I begin?

**STATEMENT BY THE MINISTER  
AND RESPONSES**

**The Chair (Ms. Goldie Ghamari):** I will now call on the Honourable Todd J. McCarthy, Minister of Public and Business Service Delivery, as the first witness.

Minister, you will have up to 20 minutes for your presentation, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for government, two rounds of seven and a half minutes for the official opposition and two rounds of five for the independent member of the committee.

Minister, the floor is yours. Please begin.

**Hon. Todd J. McCarthy:** Thank you and good morning, Chair. Good morning to all the members of the Standing Committee on Justice Policy.

I'm very pleased to be here today on behalf of the Ministry of Public and Business Service Delivery to speak with regard to our proposed Bill 153, the Building Infrastructure Safely Act. This new legislation proposes amendments to the Ontario Underground Infrastructure Notification System Act, 2012, also known as the One Call act.

I would like to begin by expressing my sincere appreciation for all the time and effort of the members of this committee and the legislative staff supporting this committee as its members consider this bill in detail. I acknow-

ledge and appreciate the time and effort of all stakeholders, including energy utilities, municipalities, telecommunication companies, excavators, locate providers and so many others.

In fact, Bill 153 is the result of multiple rounds of extensive consultations held by the Ministry of Public and Business Service Delivery and the Ministry of Energy, and we will continue engaging and working with all partners as we strive to build the Ontario of tomorrow together.

On November 27, 2023, it was my privilege to lead off second reading debate on this bill which is a testament to our government's commitment to building our province in a safer, more efficient and cost-effective manner. It is a commitment to building infrastructure that serves as the backbone of a thriving society and as the foundation upon which economic growth, job creation and community development are built.

Our government understands the pivotal role that robust infrastructure plays in connecting communities, fostering innovation and enhancing the quality of life for our fellow citizens and residents. That is why we are dedicated to ensuring that these infrastructure projects are not only impactful but are also executed with the highest regard for safety, efficiency and protection of our existing vital underground infrastructure while also keeping costs down.

Before getting into further details on the bill, allow me to provide some context. Underneath where we now sit are vast, complicated networks of vital infrastructure that have been built, updated and expanded throughout the history of our great province. This essential infrastructure includes water and sewer mains, telecommunications cables, gas and oil pipelines and high-voltage electrical cables. Every single one of these networks is critical. They provide necessary services for our day-to-day lives, the loss or interruption of which represents inconvenience at the very least and grave danger at the worst.

Part of maintaining the reliability of these networks is a requirement to make sure that anyone involved in a construction project obtains the necessary information to identify where infrastructure is buried before breaking ground. From planting a tree in a backyard to large commercial construction, a clear knowledge of the vital infrastructure below the site is a must for public safety and for safeguarding our assets underground and the services they provide to our communities. This is a process that we commonly call locates. Securing locates is a vital step in protecting the public from potentially disastrous accidents

while also maintaining the core services that we all depend upon. First and foremost, the safety of our workers and our citizens is paramount, and Ontarians can rest assured that we are steadfast in our commitment to implementing and upholding the highest safety standards. We will spare no effort in creating the work environments that prioritize safety for our workers and the communities that our workers serve.

Additionally, efficiency is also one of the keys to unlocking the full potential of our infrastructure initiatives. We are acutely aware of the need to streamline processes and eliminate bureaucratic hurdles while fostering collaboration among all stakeholders. Our government aims to expedite project timelines, reduce unnecessary delays and deliver results that meet the evolving needs of our society in a timely fashion.

This brings us to the most important aspect of this legislation: the establishment in law of industry practice that locates are to be provided free of charge. Simply put, we do not want costs associated with the delivery of locates to be an incentive to bypass an important public safety measure. This is why the proposed legislation seeks to enshrine into law a free-of-charge locate system, mirroring a long-standing and undeniably important industry practice observed across Canada and the United States. This would ensure that projects can be built cost-effectively while protecting both our workers and our critical underground infrastructure, thereby keeping our great province powered and connected. Locates are of vital importance, and preventing cost barriers to public safety is an important step in the locates process. Furthermore, entrenching in law that fees may not be charged for locates stems the possibility of a spiralling cycle of costs among underground infrastructure owners, construction companies and municipalities. If otherwise permitted, a pay-for-locate system where one infrastructure owner charges for the service only for another company or municipality to charge another company simply to recover costs results in a circular and escalating problem. Underground infrastructure owners and operators have a responsibility to each other, not only because they have a shared interest in preventing injurious and fatal accidents, maintaining the quality of their assets and maintaining services for the people of Ontario, but also, these stakeholders want to maintain a low-cost and reliable system.

Now, we've heard loud and clear, Chair, and we heard it from the industry, particularly from the construction sector and our municipalities, that the notion of infrastructure owners charging fees for locates is unacceptable. It would inevitably lead to a juggling of costs among different parts of the locate system. It is more efficient to continue with the current reciprocal relationship between and among underground owners and operators and excavators without billing each other. It just makes common sense and financial sense to codify the current industry practice of underground infrastructure owners and operators completing locates without charging for them. This is where one of our administrative authorities, Ontario One Call, plays an important role, as it is responsible for

coordinating requests from excavators for the location of underground infrastructure. Ontario One Call promotes safe digging practices and increased efficiency, timeliness and coordination of digging activities to ensure public safety for all Ontarians.

#### 1010

The process is straightforward: Visit [ontarioonecall.ca](http://ontarioonecall.ca), fill in your email address and phone number, and follow the prompts on screen to get the work done. But on a larger scale, with larger projects at a system-wide level, matters become somewhat more complicated. There is a lot more work that must be done behind the scenes to complete locates in a timely manner for these larger, system-wide-level projects. That is why Ontario One Call has a growing role in helping to make that system work well and in helping to educate the public every step of the way. These are the additional areas that the bill is proposing to improve, aimed at better aligning Ontario One Call powers and responsibilities with the 11 other administrative authorities under the ministry's jurisdiction.

While an agency is usually controlled by the government, an administrative authority is an independent, not-for-profit corporation that operates within a strong accountability and governance framework. Administrative authorities are designated certain responsibility by the government in certain sectors and industries to administer and enforce specific laws of the province of Ontario. These include laws regarding consumer protection and public safety. For example, some of these administrative authorities help to ensure the qualifications and competence of certain businesses that Ontarians rely upon for services.

My ministry oversees a number of administrative authorities, such as the Technical Standards and Safety Authority, the Electrical Safety Authority, the Travel Industry Council of Ontario, the Ontario Motor Vehicle Industry Council and the Bereavement Authority of Ontario. Ontario One Call, as I've indicated, is one of these 12 administrative authorities. Each of these has a sector-specific role, and my ministry continues our ongoing efforts to make their service delivery requirements and their governance consistent, while giving them tailor-made authority to maximize their effectiveness within their sphere of responsibility.

That is why we have proposed amendments to the One Call act that would allow minister's regulations to specify additional mandates for Ontario One Call. This is much like the structure of the TSSA, the Technical Standards and Safety Authority, which I've already indicated is one of the other 12 public safety authorities under my ministry's jurisdiction.

This delegation would give our government the ability and flexibility to expand One Call's role in the future, address unexpected issues, and help support One Call's evolving needs and priorities. It would also provide for the non-application of some provisions of the Not-for-Profit Corporations Act, 2010, as they relate to member approval of bylaw changes needed to implement minister's orders. As it is presently constituted, One Call must obtain ap-

proval from its members in order to make bylaw changes to implement minister's orders.

Some other changes to the One Call act would include protection from personal liability for the authority's officials, officers, directors, employees and agents. These are common protections for officials who carry out statutory powers and responsibilities for other administrative authorities, and as such, I submit it is reasonable for these protections to be extended to Ontario One Call officials.

These changes are need now because One Call continues to evolve. Not long ago, it largely acted as a call centre, taking requests from excavators and relaying them to underground infrastructure owners and operators. As our government is now asking One Call to take on more responsibilities to support the improvement of efficiencies and locate delivery, that requires improved systems backed up by better and sustainable resources.

Since Ontario One Call was created, the needs of Ontario and its people have changed dramatically. Our population continues to grow at record speed, resulting in our need for delivering on important and critical infrastructure projects now more so than ever. Ontario One Call is undergoing a transformation to become a modern, risk-based regulator of a vitally important public safety and infrastructure delivery system. The aforementioned changes would deliver on our commitment to Ontarians in ensuring that One Call is up to the task and able to deliver for Ontarians and all of its citizens and residents.

We propose also to amend the recourse options that excavators would have when locates are not completed within the legislated time limits, with less burden associated with potential proceedings at the Ontario Land Tribunal, but still with the potential of administrative penalties against non-compliant members in the industry. This change to the One Call act would also address the concerns of underground infrastructure owners and operators about potentially facing multiple financial consequences for the provision of locates beyond legislated time limits.

Demonstrably, improvements to One Call are encouraging investment and change in the sector to deliver on the projects that matter to Ontarians. While there is always room for more improvement, the progress so far is very encouraging. From January to July 2022, only 45% of locates were completed on time. However, in the period from January to July 2023, approximately 70% of locates were completed on time. This data demonstrates significant improvement, indicating that by working with One Call, we can help move those improvements along even further.

It is clear, Chair, that our province is at a critical juncture in its history, with the continuing increase of online services, our need to get better broadband connection to every corner of the province is more important than ever before. We simply cannot afford to leave entire communities behind because they lack a connection to high speed Internet.

Getting more homes built that Ontarians can afford and providing them better ways to get from there to work and

everywhere they need to be—these are today's infrastructure challenges. These are key priorities, and so we are making investments that will help make them a reality for the people of Ontario. But before shovels can go into the ground on these projects, we need to make sure that critical safety steps are taken and followed. More needs to be done to help contain costs, especially at a time when we are seeing inflation, labour shortages and competition from other jurisdictions.

Prohibiting infrastructure owners and operators from charging for locates maintains a long-standing practice that locates are provided free of charge and would help stem a cycle of potential increasing costs that could burden anyone who wants to dig. At the same time, we must continue putting systems in place that will enable the delivery of locates to keep up with industry needs. Proposing changes to this legislation so that One Call's authority and responsibilities are more consistent with other administrative authorities is an important change that we cannot overlook. Making One Call more adaptable to a rapidly changing landscape can help ensure a greater level of potential from the industry as a whole and is necessary for the more complex role that we are asking One Call to fulfill.

This legislation strengthens One Call's ability to oversee locate processes and focuses on everyone's shared interest of maintaining safe and reliable networks that deliver the services we require when they're required. We should do all that we can to foster that work and get it done right.

Thank you to all the industry representatives who have worked so hard to provide their input into this bill and during the extensive consultation process. As we continue moving through the legislative process, we remain interested in hearing from all stakeholders who come forward to make presentations on our proposed Bill 153.

I thank you all for taking the time today to tune in and to make submissions throughout this process. I thank the Chair and the committee members for their kind attention, and now I will be happy to take any questions you may have.

**1020**

**The Chair (Ms. Goldie Ghamari):** Thank you very much, Minister.

This round of questions will begin with the official opposition. Who would like to begin? MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you, Minister, for your presentation. I recognize that this is the third time, I believe, in two years that the Ontario Underground Infrastructure Notification System Act is being amended. I recognize that there are several moving parts because this is a very dynamic sector, especially with respect to new information that's revealed and, perhaps, feedback from stakeholders.

I'm just curious to know, because we're tackling this act again: Was there not enough consultation done in the previous rounds? Or is it a matter of just new information that's evolving that was never covered? Or was there a change of heart in government, saying that, "We're going

to bring it back because we didn't consider it the last time"? Just curious about that.

**Hon. Todd J. McCarthy:** I thank the member for the question. The original act dates from 2012, and I might add that it was a result of co-operation and consensus within a minority Parliament in the years 2011 to 2014. So it was a tremendous effort by the then Liberal government, the NDP and the official opposition, the PC Party, at that time. In fact, the Building Infrastructure Safely Act, some have said that we should call it the Bob Bailey infrastructure safety act because Bob Bailey was an impetus behind it. But, of course, he couldn't have done it without the great co-operation of the party of the member and the government of the day. But I do salute my friend and colleague Bob Bailey for his initiative on One Call.

There have been several amendments along the way, but we're dealing with such a rapidly changing landscape when it comes to building infrastructure: a rapidly growing population, rapid demands on the need for broadband across the province. Consultations have been consistent throughout every aspect of any amendments, but in the final analysis, the proposed amendments are the most comprehensive we've seen to the original 2012 act.

The Getting Ontario Connected Act, which came out in the spring of 2022, one of the last proposed bills of the 42nd Parliament, did amend the Ontario Underground Infrastructure Notification System Act. This addressed immediate pressure points at that time in the local delivery system by enhancing governance and oversight of Ontario One Call as well as improving compliance tools. These legislative amendments, again, were the result of consultations. They were intended to help improve processes to identify the location of underground infrastructure, such as telecommunication lines, water mains and gas pipelines, but it also created a dedicated locator model for projects related to broadband Internet expansion projects.

This bill, Bill 153, proposes to expand the dedicated locator model even further. As One Call's role continued to evolve, and we've seen that administrative authority go from really being a coordinator of calls to much more of a significant regulator, it has become clear that improvements are needed to support the industry and that comes through One Call's expanded role, aligning it with other administrative authorities. We are following through with changes to improve the locate delivery system and make the process of obtaining locates more efficient while, most importantly, maintaining Ontario's strict safety standards and taking the step of enshrining in law the long-time industry practice of not charging locate fees.

**MPP Kristyn Wong-Tam:** Just a quick follow-up question: Recognizing that there are many different types of buried underground locates—some of them, of course, in cities like Toronto, one of the oldest municipalities here. In downtown Toronto, I represent 10 blocks of the oldest parts of the city—the oldest parts of the province, per se—and buried under there is even more than just your basic infrastructure. I see some heads nodding behind us because you know the pain that we go through trying to make sure that locates are identified in a timely fashion, but also

to make sure that that information is conveyed accurately. Oftentimes, there are surprises. Once you start cracking open the pavement and you start to peel back the layers, we have discovered buried oil tanks, some abandoned infrastructure, and costs and delays are significant to everyone involved, not to mention the disruptions to neighbourhoods and just life and activity.

I'm just curious: Is there anything in the bill that will help all the different owners of the infrastructure take full responsibility for what they've buried on top of? They may have laid new infrastructure on top of old infrastructure but never removing the old infrastructure. And as we dig deeper and we have to excavate again, we find the surprises.

Is there anything in the bill, or has it come up in consultation, that that also had to be considered?

**Hon. Todd J. McCarthy:** Through the Chair to the member, it's a good question. We know that, when it comes to Ontario, it's never one size fits all. It's a very diverse province and the member is responsible for a riding where much construction is going on and some ancient infrastructure is located below the surface. I submit that this is an overall improvement to all aspects of the locate system while ensuring safety, while ensuring that unnecessary hurdles are removed. That's why we're expanding the dedicated locator model.

The locates do need to be done before construction begins for any development: for a new home, for a subway line or high-speed Internet cabling. The proposed bill would prohibit underground infrastructure owners from charging fees for locates and that stems that possibility of spiralling costs that I mentioned. And the free-of-charge locates would be consistent with that industry practice.

But the proposed amendments to the One Call act, if passed, that I submit would address the member's concern would be that One Call will have the explicit authority now to charge and collect fees from members. It will streamline steps for excavators when locates are completed late. It will better align Ontario One Call's powers and responsibilities—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Hon. Todd J. McCarthy:** —with the other 11 administrative authorities in key areas. And, of course, it includes protections for statutory officials from personal liability.

**MPP Kristyn Wong-Tam:** Thank you very much, Minister. I will cede the rest of my time. There's probably not enough for a follow-up question.

**The Chair (Ms. Goldie Ghamari):** You have 45 seconds. All right.

We'll go to the independent member, then, for five minutes.

**Mr. Stephen Blais:** Good morning, Minister. Thank you for coming this morning. I think we can all agree that timely locates for construction is important, whether you're a regular Ontarian putting in a deck or a pool or planting a tree, or you're a city or private sector partner building light rail or a new building. Getting those locates in a timely fashion is obviously critical to maintaining your schedules. I'm thinking particularly of larger projects: You're moving material, you're moving machinery,



you're booking personnel, and a delay can have a ripple effect through the entire timeline of the schedule. As we all know, with infrastructure, time is always money, and typically, these are public sector projects so that's tax money that's being lost.

I'm wondering if you agree with that, Minister? I'm assuming yes, since you've been nodding your head. And, if so, why are you removing the fines for late processing of utility locates?

**Hon. Todd J. McCarthy:** I thank the member, through you, Chair, for the question. The major change proposed is not to remove fines, but rather to allow One Call to enforce compliance with administrative penalties. They were formerly called AMPs, or administrative monetary penalties; they're essentially the same thing. But the administrative penalties are simply one of several tools that the One Call authority will have with respect to enforcement among members, and I believe that's important to give the administrative authority, One Call, that discretion.

Administrative monetary penalties, as I said, are only one tool at the disposal of One Call to enforce the appropriate and timely delivery of locates. And I emphasize "timely," because we cannot afford delay, but we cannot sacrifice safety. And we cannot allow a long-standing industry practice to be infringed or changed. That's why we're enshrining the banning of locate fees into law.

Like many other administrative authorities that also have administrative penalty powers, One Call has the ability now, if this bill is passed, to impose that at their discretion. But I emphasize, they're to be used judiciously and sparingly. They can be useful when other less drastic measures have not been effective, but they are there to be imposed where appropriate and where less drastic measures have not brought about compliance.

My ministry fully believes, then, that owners and operators of underground infrastructure should see this as a reassurance that the province is not only committed to the quick and efficient construction of homes and other critical infrastructure, but that we are willing to enforce the necessary rules with appropriate monetary penalties to achieve that goal in a way that is justified for all involved.

1030

**Mr. Stephen Blais:** Thank you for that. Perhaps I phrased the question incorrectly. One of the sections of the bill strikes out section 17(c) of the act, which would allow an excavator to effectively charge the utility or the utility owner for failure to provide timely locates. If I'm building a highway and I need locates for water and sewer or telecommunications or gas and the provider of those utilities or the owner of those utilities delays my project by two, three, four or five days—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Stephen Blais:** —that could be millions of dollars as it trickles through the entirety of the program. So I'm wondering, if we agree that timely locates is important and we agree that savings in costs for taxpayers is important, why would we take away the tool for those excavators to

get their money back for a failure of the utility company to provide timely service?

**Hon. Todd J. McCarthy:** Well, through you, Chair, to the member, let's be very clear about what we are banning, and that is locate fees. When it comes to administrative penalties, those are in place as a last resort to ensure compliance. And to be clear, effective in the spring of 2024—May 1, 2024, I believe, is the date on which the regulation under the existing legislation would take effect if this process continues to conclusion—Ontario One Call will have the ability to issue administrative penalties against non-compliant underground infrastructure owners or operators and excavators who contravene certain—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have.

We'll now turn to the government. MPP Sabawy, you may begin.

**Mr. Sheref Sabawy:** Thank you to the minister and the team for bringing such an important piece of legislation which will work to help builders and construction and accelerate building in Ontario.

Minister, the importance of the services Ontario One Call provides cannot be overstated. The identification of underground infrastructure is a necessary safety measure in construction, the safety of workers, protection of the projects, and preventing any interruption or delays in executing projects. Also, the industry greatly contributes to our government's goal of building 1.5 million new homes by 2031. Working alongside our stakeholders such as One Call's members and other related industries allows us to streamline productivity and ensure the projects are well managed, promoting the welfare and growth of our communities.

With the province gearing up to build homes and critical infrastructure for the future, how could the proposed legislation, if passed, improve stakeholder ability to build more efficiently and more quickly?

**Hon. Todd J. McCarthy:** Thank you to the member for the question. The question brings to mind the overall positive reaction and the consensus among stakeholders with respect to the proposals in this bill, from what I've understood to be the result of consultations to date amongst stakeholders and what I hope and believe will be the case with respect to the written and other submissions to this committee during its deliberations.

My ministry echoes your appreciation—through you, Chair, the member's appreciation—for the work that Ontario One Call does, day in and day out, to keep workers and communities safe across Ontario.

In terms of positive reaction from stakeholders and specifically in response to the question about Bill 153, if passed, improving stakeholders' ability to build more efficiently, during the summer my ministry engaged in meaningful discussions with stakeholders regarding several suggested measures aimed at improving locate delivery requirements and mitigating the financial burdens associated with providing locates. Throughout these discussions, we explored potential solutions that were aligned with our government's commitment to building a stronger,

safer and more connected province. And we identified widespread consensus on the need to enhance locate delivery to meet the goals of building responsibly and safely.

Whether it's building homes, enhancing public transit or expanding access to the Internet, we will continue to engage with our partners to generate the best results for Ontarians, while saving people time and money and getting these projects built on time and on budget, safely.

**The Chair (Ms. Goldie Ghamari):** MPP Coe.

**Mr. Lorne Coe:** Chair, through you to the minister and his deputy and the staff behind him: Thank you, Minister, for a very thorough presentation.

One of the areas that I'd like you to elaborate on, though, sir, is the major benefits that this proposed legislation will provide, particularly as it relates to municipalities. We both represent an area in a region of Durham, and there are eight municipalities. So if you can take a little bit of time and just elaborate on how the proposed changes will benefit the municipalities, not only within the region of Durham but other upper-tier locations across the province.

**Hon. Todd J. McCarthy:** Through you, Chair, to the member for Whitby, I appreciate the question. There are many features that I believe municipalities, both lower-tier and upper-tier, recognize and respect in terms of the proposals in this bill, one of them being the expansion of the already existing dedicated locator model.

One particularly interesting aspect of this proposed legislation is the expansion of that model. Just to be clear to the member and to the members of the committee, this dedicated locator model is designed so that it will allow for the search of all potential underground infrastructure on a given project site. The model is currently used in broadband development projects and has proven to be quite successful and, I understand, quite well embraced by municipalities.

Here in the province's capital, we just have the one tier, but in Durham, where the member from Whitby and I are from, we have the two-tiered municipality, but all appear to be on board with this expansion. By expanding this dedicated locator model to other kinds of projects beyond just broadband, for example, we can help cut costs and increase locate efficiency thanks to the use of just one skilled, dedicated locator who can perform all of the required locates.

So through Bill 153, our government is delivering impactful policy that addresses our construction needs, improves safety and affordability across Ontario, and has the support of municipalities.

**Mr. Lorne Coe:** Chair, through you, a supplementary to the minister: Minister, in your response, you talked about enhancing the quality of life for people who live in our province. In our case, it's the hard-working families within the Durham region and other groups and companies as well. Can you just expand on how this proposed legislation, in your estimation, is going to enhance the quality of life overall across the province?

**Hon. Todd J. McCarthy:** Thank you again, through you, Chair, to the member for Whitby for the question.

This proposed legislation is an update on what was, I think, originally sound legislation in 2012, which gained support across all party lines—and I might add, at least at second reading debate, Bill 153 also was supported by all parties in the House. I'm very pleased about that, because it goes above partisanship, and it really is one of the key pieces of the puzzle in what we're now living through, which is the unprecedented building of Ontario at a time when we have hundreds of thousands of newcomers arriving in Ontario every year now, and that trajectory will continue throughout this decade.

That's the good news for Ontarians. This is a time of building. This is a time of job creation. This is a time of prosperity, both now and in the future. And all aspects of building must be dealt with on the basis of efficiency—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have.

**Hon. Todd J. McCarthy:**—affordability and safety.

**The Chair (Ms. Goldie Ghamari):** Thank you.

We'll now turn to the official opposition. MPP Karpoche.

**Ms. Bhutla Karpoche:** Good morning, everyone. Minister, thank you for your presentation. We all agree that locates are a key part of building safety. As you mentioned, there are issues that have come up, which has required this bill to be changed for the third time in two years.

**1040**

Over the number of iterations, one of the things that I've heard, particularly from members that represent northern ridings, is around timelines. Because when a locate is not done in a timely manner, it impacts project timelines, and if you hit winter, then it has to be covered up again to be completed down the road.

I understand, in this bill, through the regulations, there was a separate Regulatory Registry entry to indicate that a longer timeline would be applied for the standard locate requests from five to 10 days. That is in line with stakeholder feedback. But my question to you is, what is the government going to do to ensure that things are done in a timely manner?

**Hon. Todd J. McCarthy:** Through you, Chair, I thank the member for the question. Ontario, as I've indicated, is a large province with a big population and different weather factors in different areas, so the digging season, the construction season can be a lot shorter in certain areas of the province with a limited window.

But we listen. The government listens and, with the stakeholder feedback—the member is quite right that the thinking is, through this proposed legislation and the corresponding regulatory changes, to increase or to expand the timeline to 10 days at some point. The idea there is to continue that balance of making sure construction projects proceed, recognizing the window is shorter in some areas of the province because of weather and the changing of the seasons, as well as balancing that with safety and aligning with One Call's authority to enforce the provisions of the act, both in letter and spirit. We believe that these proposals, balancing all of those factors, will help speed up construction times, while also keeping everyone safe.

Locates will continue to be delivered in a timely manner and it is our government's goal to continue with the plan to build 1.5 million homes by 2031, among many, many other building projects. We are introducing this proposed legislation to help streamline the completion of projects, wherever they are in Ontario. These include transit, connecting more people to high-speed Internet and getting more homes built faster. We do plan to bring forward regulations to help streamline the locate delivery processes, but again, we'll always find that right balance between the increased timelines, the safety considerations, which are paramount, and getting it done right.

**The Chair (Ms. Goldie Ghamari):** MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you very much, Minister, for your answer.

Just as a quick follow-up: Understanding that even the companies that own some of the locates buried underground may not have the most accurate information on hand, with all the best intentions and perhaps with even mapping technology as it continues to evolve, we continue to see a lot of confusion, oftentimes, when the ground is opened up and they may not find what they think is underground or where they believe it to be. And so, just the resolution time that's required to correct that, and then making sure that the map then reflects what has been learned so that the next time—because infrastructure needs to be renewed all the time—they go underground again, they have the most accurate information: What in this bill will actually help us move forward to correct that, oftentimes, deficiency when it comes to mapping tools?

**Hon. Todd J. McCarthy:** Thank you, Chair, to the member for the question.

At the risk of repeating myself, it does bring into play the dedicated locator model, which was enshrined in the original bill. That's the efficiency associated with it.

The member is right. Those who are engaged in construction or excavation don't always know where critical underground infrastructure may be located. What we don't need is to have unnecessary repetition, which is just more bureaucracy, more hurdles and more delay without increasing safety.

The dedicated locator model has worked well. We propose to expand it. And again, what a dedicated locator model is, Chair, is a single dedicated locator will be able to search for all of the potential underground infrastructure on a given project site. So this will help inform those who are building there, digging there. This will avoid duplication. This avoids unnecessary hurdles while, at the same time, it does not sacrifice the paramount concern of safety.

**MPP Kristyn Wong-Tam:** Just another question: Minister, what would be the assurance we would have that this bill would correct that once and for all—and recognizing that there are going to be constant challenges in making sure that all the information is correct. How do we ensure that those who are responsible for identifying the locator will relay that information in a timely fashion? Because Ontario One Call doesn't do the work. It is entirely dependent on all the different stakeholders that feed into the system, and then they are in charge of perhaps central-

izing it. So, what assurances can we have that that will be done in a timely fashion?

**Hon. Todd J. McCarthy:** Through the Chair—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Hon. Todd J. McCarthy:** —to the member, this is why we are expanding One Call's authority and mandate to better align it with other administrative authorities. It's to ensure compliance with all involved, with both the letter and the spirit of the law, and the updates proposed with respect to the law. That expanded mandate aligns with, for example, the TSSA's mandate when it comes to elevator safety and amusement park ride safety.

One Call, again, has gone from just being a conduit in its original incarnation in 2012 to now being a regulator with authority to enforce the act and the provisions of the act for all, for general and specific deterrents, with the administrative penalties but also with the range of tools that are ensuring and will ensure compliance with the act short of APs or AMPs. We believe that expansion of the authority will accomplish that objective.

**MPP Kristyn Wong-Tam:** Thank you.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the independent. MPP Blais.

**Mr. Stephen Blais:** Minister, during your presentation, you indicated that roughly one in three locate requests does not currently meet the timelines of five days. Now, in your bill, you're also removing the ability of excavators to recover costs for construction delays that are created by this lack of compliance with the five-day timeline. You're deleting that provision from the act with your proposed bill. And if we agree that most large infrastructure projects are taxpayer-funded, whether they're transit projects or highway expansions or road projects, I'm wondering, Minister, why do you think that taxpayers should be on the hook for construction delays caused by large corporations like Rogers and Bell failing to meet their required timelines to provide locates?

**Hon. Todd J. McCarthy:** Through you, Chair, to the member, let me be clear: Safety is the paramount concern.

I prefer to speak of our fellow citizens and residents rather than call them taxpayers, as the member has called them. They are citizens and residents. They expect that the government will oversee and ensure safety while, at the same time, allowing for building to occur to improve the prosperity of our province. But the—

**Mr. Stephen Blais:** So how does removing the monetary—

**Hon. Todd J. McCarthy:** If I can finish, Chair—

**Mr. Stephen Blais:** How does removing the monetary—

**Hon. Todd J. McCarthy:** If I may finish, Chair—

**The Chair (Ms. Goldie Ghamari):** Let's remember not to speak over one another. Minister, please finish, and then MPP Blais, you can ask your question.

**Hon. Todd J. McCarthy:** Thank you.

I believe the member is referring to the fact that the ability, which I believe was never used, to seek compensation through the Ontario Land Tribunal by excavators—that particular appeal route being removed. What I would

say to that, if that is the member's concern, is that all companies and businesses that are dealing with locates have several responsibilities, and all underground infrastructure owners and operators must become members of Ontario One Call and provide underground infrastructure location information in a timely manner, not only to assist vital construction and development but to ensure the public safety and its reliance on critical infrastructure.

**Mr. Stephen Blais:** Thank you for that. I'd argue that a delay in the provisional locates actually could affect public safety, and so again I go back to my question: Removing an excavator's ability to seek compensation for their damages because of a delay in providing locates is simply a transfer of that responsibility back on to taxpayers or the owner of the project, and with large infrastructure projects, that's almost exclusively taxpayers.

**1050**

So while, yes, we want to protect safety—no one's arguing that—I don't understand how removing the ability to seek compensation on behalf of taxpayers for delays caused by multibillion-dollar companies like Rogers and Bell and other utility owners—I don't understand how that affects safety, first of all, and I don't understand why you would put that burden on taxpayers instead of keeping it on the service providers, which are the utility companies.

**Hon. Todd J. McCarthy:** Chair, I would answer the member's question this way: I submit he is not characterizing the proposals fairly. This bill would, if passed, allow Ontario One Call, with its enhanced authority, to punish those who are late for locate delivery and hold those businesses accountable. We as a government want to ensure that there is complete transparency and to ensure that we have safe and timely locate delivery. This enhanced power—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Hon. Todd J. McCarthy:**—this final resort to administrative penalties is for both general and specific deterrence to ensure compliance.

**Mr. Stephen Blais:** So if a utility company delays a road project in Ottawa and, as a result, the costs of that road project in Ottawa go up and One Call imposes a financial penalty on the utility company for that breach of their timeline, do the property taxpayers in Ottawa get that money or does it go into general revenue of the province of Ontario? Or does One Call just keep it?

**Hon. Todd J. McCarthy:** Chair, again, I think the member is just characterizing it in an incorrect and not particularly fair way. He is asking the wrong question. The reality is that we have to balance the paramount concern for safety with timely delivery of locates and with construction projects going ahead on time and on budget, and ensure compliance with all aspects of the act in letter and spirit. Ontario One Call will have enhanced authority to do so, with a range of tools to ensure compliance, up to and including the administrative penalties, which create specific and general deterrents.

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now turn to the government side. MPP Dixon.

**Ms. Jess Dixon:** Minister, I had called for locates myself when I was working on my house. But this issue came back to me last March when somebody I met through Instagram, named Sarah, who owns a small landscaping company called Empress Gardens, contacted me, saying, "I don't really know how to get in touch with a political representative, but there's a distributor that is now saying that they might be charging for locates and that might put me out of business." Because for her do that, she would have to then transfer the costs on to the homeowners or put the burden on the homeowners to do that call.

When I ended up speaking with her, I connected her with some officials at energy, as I wasn't totally familiar with the issue. Then I learned that a number of other very small building companies and landscaping companies were also really concerned about that issue.

I know that at the time, Sarah was comforted by the fact that our government certainly seemed to be responding to that issue. I checked Instagram and I have a message where I told her that lots of people were calling the Premier. Does this bill resolve things for people like Sarah, who have those kinds of small companies, and make sure they're protected from those types of costs?

**Hon. Todd J. McCarthy:** Thank you, through you, Chair, to the member for an excellent question. It brings to mind the fact that we are a province and a nation that is ruled by law and that it must apply to all individuals uniformly and all businesses, large and small. To the member's constituent Sarah, I would say that recognizing the long-standing practice in the industry, both in Canada and the United States, for locates to be provided free of charge in the majority of cases—we saw instances where some companies, both large and small, were facing the potential for spiralling costs. It would be a spiralling cycle of costs that would add delay, add bureaucracy and add costs that would ultimately be borne by the taxpayers, who I prefer to call our citizens and residents.

This was an important area of focus for my ministry's work, because we heard these concerns and we've acted on them. We've taken a customer convention of not charging for locates, which was largely followed, and we codified it in law. So there's a complete ban on the charging of locate fees, period. And, of course, as a provision of the act, a principle of the act, a core cornerstone of the act that we propose, it can be enforced with the extreme tool of administrative penalties against those who fail to comply with the act.

So, locate fees, which were customarily not charged, are banned uniformly for all projects. I hope that comforts the member and her constituent.

**Ms. Jess Dixon:** Thank you, Minister. I know that that will be a big relief to a lot of, just as I said, very, very small landscape and building companies.

I'll pass it off to my colleague, Chair.

**The Chair (Ms. Goldie Ghamari):** MPP Saunderson.

**Mr. Brian Saunderson:** Thank you to the minister and the ministerial staff for your presentation this morning. You've talked a lot about the expansion of the role of One Call, and I'd like to talk about—my question will focus

more on the importance of One Call to streamlining processes for our development community.

During your comments, you talked about the increase in success in getting things done on timeline. You said between January and July of 2022, about 45% of locates were done on time, and between January and July of 2023, that number went up to 70%. I'm wondering if you can talk to the committee about how this legislation will further support our builders and the important work they do to help get us to the targets we need in housing, and how we're going to increase, I hope, that efficiency in terms of the timeline for the locates to come in.

**Hon. Todd J. McCarthy:** I thank the member, through you, Chair, for the question. We have seen that trajectory of improvement in the timely delivery. That issue was addressed, and really thanks to One Call's great efforts and the leadership of its CEO, we saw that improvement from 45% to 70%, as I noted in my remarks and then you quite fairly repeated. So we're on the right track, but with the consultations that we embarked upon in the spring of 2023 and continuing through the summer and that we will continue to engage in as we go to the regulatory phase of this initiative, that is the goal: to do much better than 70%. I believe that One Call, with its enhanced authority, with its enhanced ability to ensure compliance with the letter and spirit of the act, will bring that about to a greater degree.

Again, the goal here is safety is number one, and that means getting it done right. I emphasize "getting it done right." That means safety is first, but we cannot allow unnecessary hurdles to be in place. The duplication that would be associated, potentially, with not expanding the dedicated locator model—we're expanding it to ensure that that unnecessary duplication is not there. And we are balancing the paramount concern of safety with the need to identify locates to ensure that we don't have the spiralling cycle of costs associated with charging for locates and, at the same time, unleashing the potential for construction in these critical projects. That's for transit, that's for highways, that's for housing and that's for broadband Internet.

**Mr. Brian Saunderson:** How much time is left?

**The Chair (Ms. Goldie Ghamari):** Just over a minute.

**Mr. Brian Saunderson:** Minister, I know we're going to hear today from other stakeholders in the development sector, but perhaps—because really what we're trying to do is work together in enabling a regulatory body to help make sure that the safety of our public is protected while ensuring that projects move forward in a timely manner. You've outlined the ability of One Call to impose penalties, so if there are delays, those bad actors will be punished. But I'm wondering if you can just tell us about the consultation process that you went through in preparing this legislation, who you spoke with and what the response was that you got.

**Hon. Todd J. McCarthy:** Thank you. Through you, Chair, the response was an overall consensus in favour of what is in the bill, and I'm very proud of that because we can't do what we're proposing to do without getting the

valuable—quite frankly, invaluable—feedback of those who are in the industry, all players in the industry. We did that, and the bill, as it's proposed, does exactly that. And I believe that's why it received all-party support at second reading and why I hope that we'll—

**The Chair (Ms. Goldie Ghamari):** Thank you. That concludes this round. I'd like to thank the minister for his time.

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ONTARIO ENERGY ASSOCIATION  
ELECTRICITY DISTRIBUTORS  
ASSOCIATION  
ASSOCIATION OF ONTARIO  
ROAD SUPERVISORS

**The Chair (Ms. Goldie Ghamari):** The remainder of our presenters today have been scheduled in groups of three for each one-hour time slot. Each presenter will have seven minutes for their presentation, and after we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be broken down into two rounds of seven and a half minutes for government members, two rounds of seven and a half minutes for the official opposition and two rounds of four and a half minutes for the independent member.

I will now call upon Electricity Distributors Association, Ontario Energy Association and Association of Ontario Road Supervisors to please step forward. Thank you.

Thanks again, Minister.

We'll first begin with Electricity Distributors Association. Please state your name for the record and then you may begin. You will have seven minutes.

**Ms. Teresa Sarkesian:** Okay. My name is Teresa Sarkesian, president and CEO of the Electricity Distributors Association. Sarkesian is spelled S-A-R-K-E-S-I-A-N.

If I may, Madam Chair, I am doing this presentation jointly with my vice-chair and she's supposed to be coming online.

**The Chair (Ms. Goldie Ghamari):** Yes, we see her.

**Ms. Teresa Sarkesian:** Oh, you do? Okay. I can't see her.

*Interjection.*

**The Chair (Ms. Goldie Ghamari):** Oh, she's not in yet.

We'll start with the next presenter, then. We'll go to Ontario Energy Association. Please state your name for the record and then you may begin. You will have seven minutes.

**Mr. Nameer Rahman:** Ladies and gentlemen, my name is Nameer Rahman and I'm the director of policy with the Ontario Energy Association. Thank you for having me here. We're pleased to support Bill 153 and all that it entails.

I thought I'd come here and start with what I'd call a little bit of a show and tell, because the thing that we're talking about is very esoteric and sometimes folks don't understand what's at stake over here. This will be

submitted as a part of our submission later on today, but this is an image of what underground digs look like in the city. This picture was actually taken in New York, but if you were to dig up any street in Toronto or Hamilton, you would find something similar over here. And in that image you've got gas lines, you've got water lines, you've got underground electricity infrastructure, you've got telecoms cables—you can see the telecoms cables right at the back over there. And that's what's at stake here.

To understand what happens if you don't do a locate properly, if you strike a water line, that's hundreds of thousands of dollars, potentially. If you strike an electricity line or a gas line, there are potential fatalities. In fact, in 2003, Toronto had seven fatalities from a gas line that was struck accidentally from an incomplete locate. And if you strike a telecoms line, that's days' worth of business activity that's no longer being conducted. So, a locate isn't just a set of lines in the ground. It is much more than that. It is safety, it is productivity, it is economic productivity for our province, and that's what we help support.

The locate is ultimately the mechanism by which we find all of this underground infrastructure, and it's not a simple thing. It's not something that you can just go out, sense something and do it. You have to get it done and you have to get it done correctly.

The Ontario Energy Association and its members are here in support of Bill 153, because when it comes to the priority projects—things like transit, housing, infrastructure—the bill helps achieve two or three things. First of all, it enhances safety by releasing locate requests sooner and allowing infrastructure owners to appropriately plan for that locate activity. Right now, the standard is five days. If you wanted to dig another kilometre of Yonge Street and dig all of this out and find this in five days, that's just not doable. If you were to try and rush five days, that's dangerous. So we think that by releasing just the information a little earlier, we can go ahead and plan to do locates safely for everybody involved—and that's not just the locator, it's not just the excavator; it's members of the public.

To help you understand the volume that we are talking about, locates aren't single activities. They're not tens of thousands that we deliver. Last year, up to October, over 3.5 million locates had to be delivered. That was last year up to October. When you do your year-end figures, you're looking somewhere in the range of four million to six million locates, depending on the year and the volume of activity that's going through. Five days for four million locates plus? It's tough.

The second thing is, this piece of legislation helps keep our costs down. By allowing the release of information on locates in advance, we can plan for it properly. That way, what we're not doing is front-ending resources that may be sitting idle, trying to figure where or when a locate might pop up just in case. It helps for better asset management and it helps for resource management, and that allows us to go ahead and keep the overall costs around locates down.

I'd just like to add that the costs of locates delivered by our members tend to be borne by Ontario ratepayers, so it's imperative that when we do this, we do this keeping in mind that the ratepayer at the end of the day is on the hook.

Finally, the designation of a new large-project locate process and definition within the legislation allows us to prioritize on the things that matter to Ontario and the government the most. It's our large projects like transit, infrastructure and housing, things like that. This is where we want to grow. These are the things that we want to focus on, but delivering locates, sometimes kilometres in advance, on a five-day basis is not doable. Releasing that information early allows us to go ahead and say, "Hey, look, we've got a big project coming up. It's going to take more time to work through." This allows us to go ahead and focus on those types of priority projects. We know that this is a big thing for the government. It's a big thing for any party to be able to deliver on those priorities.

I think this is tied into some of the questions that have gone on earlier. We understand that this is basically a transitory process towards a larger evolution in the locate space. One Call went from basically a call centre—it's evolving into a full-fledged regulatory agency. Having worked at the Technical Standards and Safety Authority before, I understand the complexity of that task going ahead. This is something that's going to happen over the next few years. Is this the end of the process? Likely not. This is probably the starting process as we get into a more advanced and stable regulatory mechanism.

As the system evolves—I know these terms have come up before. One of the things that we've talked about and the minister himself has talked about was the expansion of the dedicated locator model. This allows us to ensure that—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Nameer Rahman:**—locates are delivered quickly and cleanly. We'd like to ensure that AMPs are actually implemented at the end of the next phase of the regulatory model.

That being said, we are pleased with the direction of the government in supporting these measures, in supporting housing, transit and infrastructure. It's no easy task balancing the complex needs of diverse stakeholders, and we'd like to thank the minister and the ministry for the hard work on this file.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the Electricity Distributors Association. Please state your name, and then you may begin. You will have seven minutes.

**Ms. Teresa Sarkesian:** Teresa Sarkesian, president and CEO of the Electricity Distributors Association. Thank you, Madam Chair, and thank you to the committee members today. I really appreciate the opportunity to appear before you.

Joining me virtually is our vice-chair of the association, Indrani Butany. Her day job includes president and CEO of Elexicon Energy, which serves electricity customers throughout Durham region and other communities in east-central Ontario.

We're grateful for the opportunity to appear before you here today. Our members are Ontario's local hydro utilities, the part of the electricity system that is closest to the customers. They are publicly and privately owned and we have members such as Elexicon Energy, Hydro Ottawa, Bluewater Power and EPCOR, to name a few of our approximately 50 members. All of these companies deliver electricity to 5.4 million residential, commercial, industrial and institutional customers, powering every community in the province.

Our sector owns and operates more than \$30 billion of electricity system infrastructure and invests more than \$2.5 billion annually in the distribution grid through construction and maintenance. We provide essential infrastructure that delivers electricity and enables economic growth across the province.

Our members also use the locating process to request information from other infrastructure owners. In this way, our members bring their perspective as both owners and project developers.

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Our members are responsible for providing safe and reliable electricity distribution throughout the province. Safety around electricity infrastructure, both public and worker safety, is the top priority for our sector, and it is with that in mind that we share our comments today.

Bill 153 is the product of over two years of work by the Ministry of Public and Business Service Delivery, Ontario One Call and impacted stakeholders such as our members. The EDA and its members have been pleased to provide input since the early days of this discussion. The arrival of a robust compliance regime with administrative monetary penalties is a key feature of the new framework. This equips One Call with a powerful tool to encourage active compliance. The discretion given to Ontario One Call also allows it to administer a fare compliance process to improve performance standards.

Ultimately, Bill 153 takes us one step closer to an entirely modernized regime for locating underground infrastructure in a safe and efficient way. The proposed legislation before the committee today represents a balanced approach that will ensure faster construction times for housing and infrastructure projects, worker safety around high-risk assets such as underground wires and cables, a reliable and uninterrupted supply of energy to Ontario's families and businesses and respect for electricity customers.

We urge the committee to consider Bill 153 in the context of the broader regulatory framework that has been developed over the past two years. Each aspect of Bill 153 has been carefully developed to balance stakeholder needs, government priorities and overall program efficiency. We recommend proceeding with the bill as proposed, with no amendments.

My colleague Indrani Butany will take you through the real-life impact of Bill 153.

**Ms. Indrani Butany:** Good morning, committee members and Madam Chair. Thank you so much for the opportunity to appear before you on behalf of the Electri-

city Distributors Association as well as its members. I'm very excited to be starting my mandate as the chair of the EDA board in the coming months with, amongst other things, this policy imperative.

The bill before the committee today represents what I would say is a crucially important step in modernizing Ontario's locates regime without compromising on, first and foremost, safety, reliability and the affordability of electrical supply for homes and businesses.

As mentioned, I'm the president and CEO of a local utility and have been coming on three years, with 25 years in the sector. Every day, I see Ontario's electricity grid in action. It is the backbone of our economy and the enabler of our future aspirations of building more housing, making life more affordable, fighting climate change and generally supporting the overall quality of life for every Ontarian. Frankly, we're in the midst of a lifestyle shift. I want to be clear: The balanced approach that Teresa just described to you, as we see it, is the only prudent way forward. Locating underground electric equipment faster will help to allow homes as well as infrastructure to be built faster. I'll share a couple of examples with you about what I mean.

A typical new housing development in the GTA can build homes for more than approximately a thousand Ontarians. In my experience, I would expect to see thousands of requests being made through Ontario One Call to locate underground infrastructure. That means workers from the electrical company, the water company, the gas company, the municipality and other owners of underground infrastructure would all have 10 days in which to respond. This means driving out a crew trained in locating to mark where the infrastructure is located. Sometimes several dozen or even hundreds of these requests come in on the same day, for which the same 10-day clock starts all at once.

Bill 153 and the new regime acknowledge that not all locate requests are created equal. There is some built-in flexibility to account for the reality on the construction site. This is the balanced approach that will build homes faster and not tie up owners and developers in unnecessary red tape, which we would all regret.

At the same time, we must be acutely aware of the high-risk nature of the electrical equipment with which we operate. When digging around electrified assets, worker safety cannot be compromised. We must do everything we can to ensure that workers do not come into contact with live wires. Providing for accurate locations of this underground equipment is the best preventive measure that we can take, and Bill 153 allows for Ontarians—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Ms. Indrani Butany:** —to continue demonstrating their unwavering commitment to worker safety.

Second to worker safety, we must also ensure that underground electrical assets are not damaged by the digging equipment. A single damaged cable can cause a blackout to hundreds and sometimes thousands of homes and businesses for hours. This results in significant wasted

costs in productivity that could have been entirely prevented.

Bill 153 takes the balanced approach. It supports a balanced approach, allowing us to build homes faster, keep our workers safe, maintain reliability, and it respects electricity customers. We respect the interests of electricity customers. They cannot be unfairly burdened with unavoidable costs resulting from damaged equipment and overly expensive systems that do not result in meaningful time savings.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the Association of Ontario Road Supervisors. Please state your name, and then you may begin. You will have seven minutes.

**Mr. John Maheu:** I'm John Maheu. I'm the executive director of AORS, Association of Ontario Road Supervisors. I'm joined online by two of my colleagues. Karla Musso-Garcia is our second vice-president. Her day job is the manager of operations for the township of Oro-Medonte. I'm also joined by Kelly Elliott, who is the communications specialist for AORS. They will answer the tough questions.

The AORS is a not-for-profit special act corporation under Bill Pr53, An Act respecting the Association of Ontario Road Superintendents. It was passed in 1996. That act permits AORS to administer the certified road supervisor system that recognizes individuals, road managers in particular, for their roads-related training and their supervisory experience. So our members are experts in the field. We have over 1,200 members, most of whom are public works managers and supervisors, representing municipalities from across the province.

We did consult our members when these changes were proposed, and we were proactive in sharing that information with the ministry. I'm pleased to say that our members are in support of the proposed amendments, specifically the proposal to prohibit allowing owners of buried infrastructure to charge for locates—that is very high on their list of priorities—as well as the proposal to extend the time limit to complete projects from five to 10 days; they also support that. The rationale for their position is that if owners of buried infrastructure are allowed to start charging for locates, it stands to reason all of them will. It's just going to pile one onto the other, and what was originally proposed as a \$200 fee to provide a locate will quickly escalate to \$600, \$1,000, depending on how many buried utilities are in the vicinity. So that's a new charge that excavators and project owners never had to bear before.

But we're not talking just about transferring a cost from the owner to the project owner; what we're going to do is introduce additional costs. Just the administrative overburden of billing, invoicing, collecting—all those things add additional work, which costs extra money. Now, a large organization like an Enbridge or a city of Toronto, they have the economies of scale to incorporate that into their processes. A small municipality like Oro-Medonte would not. This is going to add extra burden to their workload, and additional work means extra time, extra

money. There's a risk that that extra time could cause further delays in having locates provided in a timely fashion. It also means that extra cost is going to be then put onto the project owners.

In an era where staffing is hard to come by and municipalities, in particular, are struggling to maintain full staff complement, anything that's going to add to their administrative burden is not welcome. And I don't want to speak for all excavators—most excavators play by the rules; they do their due diligence—but there are those out there who will see the added cost and the added delay, potential delay, as a disincentive to requesting a locate when they're working. They may just take their chances and go ahead with the excavation, and as the other speaker spoke to, you would understand what the consequences of that can be.

It is AORS's opinion that providing locates is part of maintenance. That's an obligation of an owner of buried infrastructure. You have to maintain that buried infrastructure, and that includes providing the locates to protect that buried infrastructure. That cost should be borne by the users of that infrastructure and not transferred to another third party, especially if it's going to add cost and add delay to the process.

Moving on to the second topic, the extension of time limits from five to 10 days: Most roadwork—road construction, road maintenance—would fall under that category of large projects which the 10-day extension would apply. Most of these projects are planned well in advance. Their progress is monitored. So the project owners know when to call for that locate. They can predict with reasonable accuracy when they're going to need it. Whether it's five days or 10 days, that's really not an issue. They appreciate the fact that the 10 days does give the owner some flexibility in being able to provide that locate within the time limit and still be able to attend to emergency calls.

**1120**

Our concern, though, is, if it's not enforced, then five days or 10 days doesn't make any difference. Currently, the five-day limit is not enforced, and it's often not met. Roadwork, road construction projects involve a lot of personnel and some very expensive equipment, which is left to sit idle, waiting for a locate, or, worst-case scenario, they continue without that locate.

While we do support the extension from five to 10 days under large projects, we do want to insist that there's proper enforcement of those policies. That's all. Thank you very much.

**The Chair (Ms. Goldie Ghamari):** For this round, we'll begin with the independent members. MPP Blais, you have four and a half minutes. You may begin.

**Mr. Stephen Blais:** Thank you, everyone, for coming today. My question is for the association of road supervisors.

Right at the end there, you talked about construction delays as a result of failure to comply with timelines and human resources, machinery, delivery of granular materials—talking about roads—etc. That can all kind of ripple through the system; a one-day delay on the front could add



two, three, four days on the back because of just-in-time scheduling. I'm wondering if you can maybe get into that a tiny bit and talk about, particularly for smaller communities, how those costs could add up very quickly.

**Mr. John Maheu:** Yes. I mean, I don't have hard numbers, unfortunately. Just anecdotally, talking to our members, they said it's fairly common that the five-day limit is not met and the project owner, the excavator, will try and negotiate an extension, which, in turn, is often not met. It's very frustrating. They have to be very nimble in trying to redeploy their staff and other resources so that they're not sitting idle, but that's not always possible.

The other added impact is that construction projects are extended in time or road conditions that need to be repaired are not repaired as quickly as they should. That actually presents a public safety issue for the public trying to drive around these issues.

So, yes; it's a domino effect. I can't put a hard number to it, unfortunately, but it's significant.

**Mr. Stephen Blais:** When there are changes to the schedule and the timeline that increase costs, in your opinion, who should bear those costs? Should it be the contractor who bid fairly on the project and won? Should it be the municipality who has issued the contract to provide a construction project to the benefit of their residents, or should it be the utility company who has failed to comply with regulations?

**Mr. John Maheu:** I'm going to ask Karla, one of my colleagues here, because she works for a municipality and she experiences this on a regular basis.

Karla, is this something you have ever given thought to? I know, right now, there is no recourse.

**Ms. Karla Musso-Garcia:** For the question that you asked first, in regard to the costs associated to the locates causing a delay, we see it beyond a standard construction project and into our day-to-day maintenance, whether it's a sign that needs to be installed or a guidepost or our ditch and drainage infrastructure projects as well. So sometimes it's not defined by just a construction project but the day-to-day maintenance that gets delayed. The windows are associated to the timing for those things, so we end up having to redeploy crews on a consistent basis, or having multiple plans required in order to determine which locates were received at an appropriate time in order to get those done.

For the first question there, it does require a lot of planning beyond just an initial project. It does go into stacking of multiple maintenance projects at one time in order to determine which ones would come in first, so it does take a lot of administrative processing at the outset.

In regard to the second question, as far as the costs associated to those delays, they would be varied depending on the size of the project—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Karla Musso-Garcia:**—and the type of delay that it caused. I wouldn't be able to necessarily put on who would be a solution to that.

**Mr. Stephen Blais:** I appreciate that it would be contract-specific, almost certainly. I guess I'm looking for

an opinion: Who should the cost be borne by? Should it be borne by the municipality and the taxpayer? Should it be borne by the construction company who has bid fairly and won? Or should it be borne by the utility company who has failed to meet their obligations?

**Mr. John Maheu:** I can speak on behalf of our members. In theory, it should be borne by the guilty party, and if that's the owner who was unable to provide the locate in a timely fashion under the terms of the act, then, in theory, they should. But according to the current act, that's not a resource—

**Mr. Stephen Blais:** I appreciate that. Thank you for your time.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government. MPP Coe, you may begin.

**Mr. Lorne Coe:** Chair, through you to the representatives from the Electricity Distributors Association, to begin: First of all, I want to thank you for your collaborative partnership in the development of the legislation and also, added to that, the operational solutions that you also brought forward that bring us to the committee room today.

When you step back and you look at all of the impacts within this legislation, what would you see to be the biggest challenge in implementing the amendments proposed, if passed, please?

**Ms. Teresa Sarkesian:** Thank you for your question, MPP Coe. I really appreciate your acknowledgement about our collaboration.

Going forward, I offer just a couple of suggestions. I'm sure you've heard from lots of different sectors: Labour challenges are something that continues. We are doing our very best and working with our stakeholders and partners to make sure there is an adequate number of people working in the locates industry. We've got lots of building to do, lots of transportation projects, housing projects. It's all very exciting, watching all this growth in Ontario. But I will say, I think the labour shortage could be an ongoing challenge.

We certainly embrace the opportunities going forward. What we see with this legislation is a more modernized regulator. I call it a bit of the "nudge" approach and fit-for-purpose regulation. With administrative monetary penalties now, there will be a nudge for those that have been late.

I did take the opportunity—for those that like a deep dive, the Ontario One Call folks do a great job monitoring monthly performance standards. I can proudly say, in the electricity sector, we have a range of compliance, but the vast majority of locates are being done within those five days. Sometimes it gets into the 10-day range, but I think we have very strong compliance in our sector. Can it be improved? Absolutely. I think the—you said the administrative monetary penalty is that nudge to get us there.

And the other thing I would like to say in relation to that is, I think it's important to have fit-for-purpose regulation. When you hear from all sorts of sectors, they will come forward to say to government, "I just want certainty and transparency in your regulatory regime, and fairness." I think from what we're seeing right now—and I agree with

my colleague at the OEA—this is just the beginning. The proof is in the pudding. But I think this is a really fair and balanced framework, going forward, that will help all the stakeholders.

**Mr. Lorne Coe:** Thank you very much for that response. Chair, through you, to my colleague on my right.

**The Chair (Ms. Goldie Ghamari):** MPP Sabawy.

**Mr. Sheref Sabawy:** My question is for Mr. Nameer Rahman, director of policy at the Ontario Energy Association.

It's very impressive, actually, that you brought some graphics to show how complex it is underground, under our cities. The majority of cities have the same exact challenge. Over the years, the accumulation of this infrastructure underground, with no clear maps or documentation, poses a hazard for any project going forward, especially the ones that need a lot of digging, which can cause not only harm for the workers, the safety of the workers, but could cause interruptions of services for a major number of houses or number of people, or it can take days to fix.

My question for you—actually, a couple of questions. My first question: How do you see this legislation impacting the proceeding of projects? Even with all the restrictions, it still balances and can accelerate some of those projects.

**Mr. Nameer Rahman:** Excellent question. First of all, the way we see this as, how is it going to impact—I'm sorry. Can you repeat the question again?

1130

**Mr. Sheref Sabawy:** How do you see the impact of the changes in making projects run faster?

**Mr. Nameer Rahman:** One of the misnomers or one of the misunderstandings about the legislation is it says that it's trying to increase timelines from five to 10 days, and that's actually not true. The person who puts in the locate can actually state what time they want. What changes is at the back end, so instead of releasing that information at five days, it releases it at 10 days. So we then can go ahead and say, "Okay. We've got a bit more space here. We know what the outcome or the deadline is. Now we can plan to have those resources in place and get them out on the road and doing the locates."

When I talked about four million locates, there's a wide variety of activity that happens across the province, and the resources that we have available across the province vary widely. Labour is a huge thing. Mapping infrastructure may or may not be there. The skills of the folks on the ground sometimes need to be built up. This legislation really allows us to be able to deliver these projects on a timely basis, as well as doing it safely and on budget and on cost. The way it's focused, it will allow us to focus on the things that are prioritized by government, things like transit, housing and infrastructure.

**Mr. Sheref Sabawy:** Okay. I don't think I got the answer I'm looking for, so I'm going to re-form the question in a different way: Despite the fact of five or 10 days, can you give me an average of today's? What is the average today to get some locates done?

**Mr. Nameer Rahman:** My understanding with our members is approximately 70%. I don't know the average timeline, but 70% is delivered on time, so in about seven days. I don't know what the outside timeline is.

**Mr. Sheref Sabawy:** Okay. How many stakeholders are involved currently, and how will that change with the One Call amalgamation of this locate?

**Mr. Nameer Rahman:** How many stakeholders—

**Mr. Sheref Sabawy:** Usually, how many average locates have to be done—in general, average projects other than—

**Mr. Nameer Rahman:** Oh. How many locates are done on a project-by-project basis? That varies wildly based on the size and type of project.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Nameer Rahman:** If you're going to do something like Yonge Street and a new subway expansion, that's going to be hundreds of locates. But if you're talking about individual residences, that's a single locate. There is no average for that. That really depends on the nature of the locate, the size of the project and the time frames and, yes, the size of the project.

**Mr. Sheref Sabawy:** But isn't it currently—my understanding is, you are supportive to the measure to increase—

**Mr. Nameer Rahman:** Absolutely.

**Mr. Sheref Sabawy:** —through the legislation, if passed. My question is, in a regular, even residential locate, is it still one locate, or does every provider have different charges, different procedures to get that locate going on?

**Mr. Nameer Rahman:** First of all, there are no charges for residential locates. It kind of depends on the local set-up over there. You do have dedicated locators that go out and do that. It also partially depends—there are regional variations in terms of how they're delivered, and sometimes, depending on the complexity—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round.

We'll now turn to the official opposition. Who would like to begin? MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you very much, Chair, and, through you to the esteemed colleague, I believe from the road supervisors: With respect to the bill that's before us now, I think we've heard some very enthusiastic support, as I would describe it, from your colleagues who are on the energy side. I'm just curious to know—because you are working with a different group of individuals, contractors who are oftentimes needing information in a timely fashion in order for them to deliver the service that they've been hired to deliver, and understanding that road construction can be very, very complicated.

I mentioned this before in my remarks: The old city of Toronto—gosh, I don't know how many times I've sat in a meeting around construction coordination, to be quite honest, at the city of Toronto. We are just literally banging our heads against the wall trying to make sure that we can proceed, and making sure that everyone is safe.

So I'm just very curious: In your opinion, do you believe the bill is as balanced as it can be? Can it go further

to ensure that, perhaps, setting this new model up with respect to moving towards regulations and enforcement, it is as strong as it needs to be, simply because this is the third time we're at this bill over the past two years? Thank you.

**Mr. John Maheu:** As my colleague here mentioned, municipalities play the dual role. They're both owners of buried infrastructure as well as project owners when they need to work on their roads, their right-of-ways, which contain varied infrastructure from other third parties, so they have to balance that role all the time, regardless.

Yes, I believe this bill does try to balance that, understanding that, at the end of the day, if there is no enforcement, then what's the point? As Mr. Blais pointed out, where should the liability land—to get the courts involved and everything. I think what we're trying to develop here is a collaborative process, where you're working with the owners, the project owners, all of the players involved—the locators. Let's see if we can find a system that delivers locates in a timely, cost-effective manner, without creating a lot of unnecessary administrative overhead.

**MPP Kristyn Wong-Tam:** Thank you very much. I think because there is going to be a reliance now on enforcement, ensuring that we can have a system that responds to entities and stakeholders who are not meeting the deadlines—and this is not necessarily the government of the day; it's all governments. Having sat on city council for 12 years and now here for 18, 19 months in Ontario, I have found over the years that most governments are not very good at enforcement. We're very good at setting up regulations, we're very good at outlining new legislation with the purpose to improve, but the enforcement, supervision and monitoring portion really does fall short.

At this point in time, given the history of a lack of adequate enforcement—and so much is still left to be determined—is there any type of advice that you could provide to us at committee to ensure that government can adequately enforce what they intend the build to produce as an outcome?

**Mr. John Maheu:** Every situation is unique. Municipalities as owners of buried infrastructure work with their contractors very closely and they want to maintain a harmonious, collaborative approach. So jumping to the “We're going to report you and we want maximum penalties”—it has to be a progressive process, where you apply the pressure and you hopefully improve performance. It's not just that; it's the other changes as well that will hopefully enable owners and locators to deliver in a timely fashion.

Yes, at the end of the day, there has to be a mechanism where, in the case of a municipality, they can report as a project owner that they're not getting their locates delivered in a timely fashion. Perhaps Ontario One Call should just be looking at their performance records and applying penalties in general, like membership dues increase proportionally to the lack of performance—perhaps something of that nature—so it doesn't become a personal interaction between the project owner and the owner of the infrastructure.

**MPP Kristyn Wong-Tam:** Thank you very much. I recognize that was a very diplomatic response and I appreciate that.

I'm going to direct my next question to the Electricity Distributors Association and the Ontario Energy Association. Obviously, you both represent members that have investments in the ground, and of course there is a constant need of collaboration. Over the years, we've seen energy companies purchase one another. We've seen changes of ownership. We've seen the merger and the transition of technology. Along with that, you need to be able to move the data in a way that is current and factual as much as possible.

Overlaying that will sometimes be infrastructure that would have predated any of the energy companies out there—Indigenous communities that may be underground in terms of villages and reserves and archeological digs; with respect to abandoned oil lines and perhaps oil tanks and things that are toxic that, before environmental protections came in, we would just cover up. We would never clean the ground; we would cover it up. That all is obviously not as harmful—well, in some ways it is harmful in removing artifacts. But in some cases, it's not the same as breaking a hydro or gas line or disrupting a telecom line.

My question to you is: As the owner of the infrastructure underground, how do you interface with the other assets that are below the surface, and is that adequately recorded on the records of the companies that are there?

**The Chair (Ms. Goldie Ghamari):** One minute.

1140

**Ms. Teresa Sarkesian:** If I may, Indrani Butany had her own experience in dealing with an Indigenous matter in some construction that she had at her utility. I'm going to ask her to respond. It's only 30 seconds, Madam Chair?

**Ms. Indrani Butany:** I'll talk fast. Thank you so much.

We did experience human remains in a major construction project for a municipal transformer station, but I'll park that, as it's slightly different from what's before us today.

I'll say that—is the data perfect? Probably not. I don't think I'm surprising you in offering that response. We all continue to work collaboratively to pull together and continue to update our data, but frankly, that's part of the reason that over these last two years we've worked collaboratively with our peer groups, the OEA, the EDA, other utilities and Ontario One Call as well as government in order to evolve—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have for this round.

We'll now turn to MPP Blais for four and a half minutes. You may begin.

**Mr. Stephen Blais:** One of the reasons we need locates is because a lot of our underground infrastructure was installed predating modern technology, obviously, even predating mapping, sometimes predating actual municipal or other government jurisdictions. Your picture, I think, demonstrates that quite clearly. Especially in our older, built-up communities, whether they're cities or even small

towns, we might not know exactly where water and waste water infrastructure is, as an example.

Part of modernizing, I think, should mean getting a better understanding of where all of that is. I don't see anything in the bill that necessarily does that, and so I'm wondering what industry best practices might be used at present to geolocate subsurface infrastructure, understanding the depth, not just exactly where it is left and right but where it is up and down. Would you be supportive of a centralized mapping and/or database system controlled by One Call, potentially, so that as we go forward in time and as technology evolves, that technology might be used to facilitate faster information flow?

**Mr. Nameer Rahman:** I'm happy to address this. I think the mapping side of it is—the reason why I say this is an ongoing project is because the mapping side of it is incomplete. There are inconsistent mapping standards, and we need to bring that down into a single framework. We need to map accurately and think that, even though we map accurately, when the ground thaws and freezes, thaws and freezes, assets move, so there's a three-part project involved: One is getting the mapping standard down right. The second element is the training that you need to deliver those locates, and there are two training programs now that are going to formalize locate service delivery. And the third part is making sure, when you go out, even though your mapping might be accurate at the time of when you did it, that things have shifted since then and you have to show your due diligence over there. So, there are three ongoing elements, as far as our operations go, to ensure that it's all tied together.

**Mr. Stephen Blais:** I can see the technology for harder infrastructure, like conduits and piping etc. Electrical cables, I assume, are probably a little bit more difficult because it's electricity flowing through it. Can you geotag or put devices on the conduits? How do you actually get that mapping in a more sophisticated way?

**Mr. Nameer Rahman:** I wish I had an answer for you, but I think Indrani will have a much better sense of this.

**Ms. Indrani Butany:** Thank you so much, Nameer, and thank you for the question. We don't geotag. I will say that catching up for all municipalities and therefore all electricity distributors is part of the work that we've been doing and that continues to be in front of us. Every time we undertake a road project or have to rip up what's underground, we are updating all of our datasets, because, as you mentioned, in years gone by, that certainly wasn't the way forward, and the maps weren't accurate and now need to be digitized. That's what all utilities have been undertaking, and that's not limited to electricity, so the updating is under way.

What is great about the legislation is that it balances between fairness—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Ms. Indrani Butany:** —and outcomes and helps us to support the government's building homes faster, as well as broadband access and affordability. It's managing the views of all the players and their ability to work quickly and effectively, but it also recognizes that every project

isn't the same. There are some that can be done very quickly; there are some that are far greater in terms of their involvement.

**Mr. Stephen Blais:** We heard earlier that there's a lack of a mapping standard. Who should establish the standard? Should government establish the standard in consultation, or should there be different standards for the different utility companies, and kind of maintain the current messiness?

**Mr. Nameer Rahman:** I think that's ongoing work between Infrastructure Ontario, One Call and the asset owners. This is something that's going to have to be unpacked more thoroughly, but there has to be an activity in that and trying to get to that space. We're just not there yet.

**Mr. Stephen Blais:** How far away are we?

**Mr. Nameer Rahman:** Early stages right now—but Infrastructure Ontario, to the best of my understanding, about a year ago, started—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now turn to the government. MPP Dixon, you may begin.

**Ms. Jess Dixon:** My question is to Mr. Rahman. You had spoken about the safety component. I wonder if you could explain a little further, because it appeared that you felt that this bill was doing a good balance of that, being a predominant concern. Can you explain a little bit more your opinions on that and what the alternative is? What are we protecting here, and what was the risk?

**Mr. Nameer Rahman:** Sure. I think the pressure under the old system or the system as it was evolving was that you could have a five-day standard to do a locate. You could get a fine. That doesn't necessarily mean you're in a better position to do a locate because you don't have the resources. We're still building up for that, and you could do the locate in five days; it just might not be accurate, and that's not the space that you want to be in.

The reason why we like this is because with that earlier release of information, we can actually get into the safety aspects of it, and safety is something that we all take for granted until something bad happens. You don't want to be reactive in that space; you want to be proactive in that space. This balances the needs of the project owner. They have to get their locate done. It balances the needs of the asset owner who has to provide the locate, and it also balances the needs, the unspoken safety needs, of Ontario's public, who may be adversely impacted if something does go wrong. You don't want lives lost, and it has happened in the past.

**Ms. Jess Dixon:** Thank you. You spoke a little bit about some of the challenges that are faced in getting those locates completed. Just out of curiosity, from a labour perspective, what is missing? Is it across the board? Is it a specific area?

**Mr. Nameer Rahman:** In certain regions, especially up north, it's tougher to get labour. When we deliver four million-plus locates a year, you need people to be able to go out and do that. If you've got—whether it's five days

or 10 days, you've got to have enough people on staff and free to be able to go and deliver that, so labour availability is a big thing.

One of the things we've found is that with the expansion of the locate needs, the cost of labour has gone up. It's gone up from what used to be a minimum wage activity to what is apprenticeship level. That's a 60% to 80% increase in labour costs. With the volume, our members have seen up to a 100% increase in labour costs. The impact for Enbridge, for example, is something in the range of about a quarter of a billion dollars in additional labour costs to deliver locates over the next three years. So these are real challenges that we're grappling with, and we appreciate the leeway that we're getting from government in trying to close these gaps.

**Ms. Jess Dixon:** Yes, and just out of curiosity, because I don't know anything about locates: Are those individuals—is this a particularly qualified position or a trade?

**Mr. Nameer Rahman:** Before, it used to be fairly unregulated. We're getting into the space where we think that locates are going to be closer to a trade. There are training providers on the ground right now that can deliver advanced training for locators. That's the space that we want to get into. We want this to be a professional service, especially as the stakes get higher on the safety side.

**Ms. Jess Dixon:** Thank you so much for your input on that.

Chair, I'll turn it over.

**The Chair (Ms. Goldie Ghamari):** MPP Saunderson.

**Mr. Brian Saunderson:** Thank you very much, Madam Chair. Just a time check, please.

**The Chair (Ms. Goldie Ghamari):** Four minutes.

**Mr. Brian Saunderson:** Okay, great. Thanks very much.

My question is to no one in specific, but I take it from your comments—and I want to thank you all for coming today and also for your input when the bill was being drafted.

You've talked about striking the appropriate balance between safety and efficiency, and I appreciate your answer on that last question to explain the safety components.

I want to talk a bit about the efficiencies. We heard some statistics from the minister that in the first six months of 2022, there was about a 45% compliance rate with the five-day timeline. Last year, in the same timeline, it was about 70%, and I'm wondering if you can just talk to me about the benefits of the 10-day extension. Do you think that's going to increase the efficiency of meeting those timelines and as well any other implications you think it would have in terms of the food chain, the ecosystem of the project generally?

1150

**Mr. Nameer Rahman:** I'm happy to discuss. We do think that it will improve efficiency. As I had said, if you're going to do kilometres' worth of this on five days, it's very, very difficult for us, so it doesn't actually change the project timeline from when you need the locate. What it does is it brings about the earlier release of information. The sooner we get the information, the better we can plan,

and we don't have to over-build our resources to ensure that we are always there in that time frame. That efficiency is definitely going to come about, and we see further efficiencies coming along as the system evolves. We know that there's going to be a phase 2 coming up later on in the year where we talk about additional regulatory processes.

**Mr. Brian Saunderson:** Thank you. Go ahead.

**Ms. Teresa Sarkesian:** Yes. Indrani Butany would like to respond to that question, please.

**Ms. Indrani Butany:** In addition to the comments made by my colleague, I would say that, overall, the change in the timeline better allows us to allocate resources. As has been said, and when you look at the gobbledygook of the image that Nameer has presented to you, there's a lot involved here. This is not simple stuff. A residential building, a pool—that might be simple.

What we're looking at on major projects is far from simple and requires coordination of resources more generally. It gives us the foresight to group locates as well with that earlier release of information. The earlier release of information, based on the timelines that are encapsulated in the legislation, increases efficiency because of resource allocation. It allows grouping and, obviously, at the core, bears in mind worker safety as well as cost containment, affordability for all.

**Mr. Brian Saunderson:** By way of a supplemental, we've talked a bit about collaboration, and my sense of your comments is that you find, with the single provider, One Call, and the increased timelines, that there's more opportunity for collaboration to make sure these projects get done efficiently, accurately and quickly. I'm wondering if you can comment on those, and I'll let you respond as you will.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Brian Saunderson:** Go ahead, please.

**Ms. Teresa Sarkesian:** I'm certainly happy to respond. I sort of feel one thing—I know we're talking about these timelines, the five days and the 10 days, but there's opportunity for all parties at the table to negotiate other times. So if the excavator and the owners are looking to move the five days to eight days or the 10 days to 15 days, they do have that prerogative, and I think that's really important to build in, to foster that collaboration. We have lots of things to build in Ontario, and the better working relationship we can have between the underground owners and the various excavators and project proponents is going to be better. Just that a natural evolution will help build everything faster.

My colleague Indrani would like to speak, Madam Chair, if that's appropriate.

**The Chair (Ms. Goldie Ghamari):** Five seconds.

**Ms. Indrani Butany:** Five seconds. The changes equip Ontario One Call with the tools that they need to encourage active compliance as well, and so it's—

**The Chair (Ms. Goldie Ghamari):** Thank you.

We will now turn to the official opposition. Who would like to begin? MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you to the speakers so far. Your presentations were excellent and very in-

formative. I recognize that, today, we have a number of deputants appearing before committee, but I don't see anyone from the telecommunications sector. My experience at the municipal level is that, oftentimes, they're not—I know it may not be entirely within your ability to answer that question. But in the past, I have rarely seen telecoms come forward to participate in these discussions. They seem to operate with a different set of rules, even though they're bound by these rules.

I'm just curious, because I have you here and this is an opportunity to hear from you: Is there a specific reason why the telecom companies don't always appear in these types of committee forums, and specifically around locates? Because we've struggled with this at the municipal level, of how to get them to the table.

**Mr. Nameer Rahman:** I hesitate to speculate as to why the telecom sector isn't here right now, but I do know and what I've been told informally is that it is a highly competitive space, where they view a lot of the work that they do from a commercial and proprietary standpoint. And that does also impact our ability, sometimes, to interact with them too. But other than that, I don't know why the telecom industry would or wouldn't be here.

**Ms. Teresa Sarkesian:** I really can't offer anything, MPP Wong-Tam. It's not my industry and so I wouldn't be comfortable speculating or speaking for another organization.

**Mr. John Maheu:** Okay, I'll go out on a limb. This is speaking purely anecdotally, but in my understanding, the experience of some of my members is that there are two parts to the problem. When telecommunications lines are laid, they're often not laid per plan. They get diverted and moved around and then they don't have accurate as-built plans to know where to expect the buried infrastructure to be. And there seems to be an attitude that it's easier to fix it when it's broken than to put the resources into figuring out where it is and prevent the problem in the first place—but again, purely anecdotally.

**MPP Kristyn Wong-Tam:** Thank you very much. That's a very helpful answer. Considering that we're trying to ensure, number one, public safety, and that more and more of our infrastructure systems and utility delivery is quite reliant on the Internet, on fibre lines being laid, if they're underground, along with all the other assets that are owned, it is absolutely critical, I think, that we have a clear picture of exactly what's underground.

I do recognize that if the legislation before us did not have a lot of input from those companies—the telecommunications sector—if they're not a willing participant at the table, it makes it very difficult for everyone else to do their job. Those who have the contracts to lay down new roads or to crack up old ones, it becomes very, very difficult to work around what you don't know.

Is there a different standard here that is being applied to telecoms, do you think? Or is it a matter of the fact that they will beg for forgiveness later, but because they're so large and somewhat federally regulated, they can skip around all of the traditional infrastructure?

I'll start with you.

**Mr. Nameer Rahman:** I'm not sure I know how to answer that. I don't think the system, when it comes to locates per se, is one that is biased for or against a stakeholder. I think that that obligation rests on us easily. As to why the telecom industry isn't here speaking to their own interests, I can't do that, but I don't understand the system right now as having a preferential outcome or as somebody sneaking through.

**MPP Kristyn Wong-Tam:** It's not that there's a preferential outcome; it's a matter of wanting to make sure that all the partners are coming to the table to work collaboratively. Because for the folks who are actually building roads, you need to have all the information as quickly as possible. Your members and your contractors are ready to go and if we don't have somebody responding, or if you don't have telecoms participating at these early discussions, on the ground, it just makes things more difficult afterward.

**Mr. Nameer Rahman:** Agreed. We'd love to have all the parties at the table.

**MPP Kristyn Wong-Tam:** Just out of curiosity, because you will no longer be allowed to charge for the identification of locates, nor will you be penalized if the locates are not identified in a timely fashion—did I phrase that wrong?

*Interjection.*

**MPP Kristyn Wong-Tam:** Let me just make sure I don't phrase that wrong, because I don't want to create confusion or mislead anyone. If the owners of the underground infrastructure company will not be allowed to charge for certain locate requests—thank you—and they will no longer be required to pay compensation for missed deadlines, and we know that government will be one of the significant actors to ensure that those locate requirements are filled in a timely fashion, that requirement then falls on to your members, because that's how it's working. Is there enough in the bill that gives your members that little bit of the carrot and stick to get it done?

**Mr. Nameer Rahman:** Go ahead.

**Ms. Teresa Sarkesian:** As I spoke earlier, I think this is a balanced approach. We have a little bit of a stick, as I mentioned before, with the administrative monetary penalties. But I do want to clarify for the record: In the electricity sector, we have not charged for locates. That is something that is borne in our own budgets, and basically the electricity customer pays for that as a way to ensure—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Ms. Teresa Sarkesian:** —a safe access around all electrical equipment.

**MPP Kristyn Wong-Tam:** Thank you very much. I don't have any more questions, Chair.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. This concludes this round of presenters.

The committee will now recess until 1 p.m. Thank you very much, everyone.

*The committee recessed from 1200 to 1300.*

**The Chair (Ms. Goldie Ghamari):** Good afternoon, members. The committee will resume hearings on Bill

153, An Act to amend the Ontario Underground Infrastructure Notification System Act, 2012.

As a reminder, the remainder of our presenters today have been scheduled in groups of three for each one hour time slot. Each presenter will have seven minutes for their presentation. After we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. Time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition and two rounds of four and a half minutes for the independent member.

ONTARIO SEWER AND WATERMAIN  
CONSTRUCTION ASSOCIATION  
ENBRIDGE  
TORONTO HYDRO CORP.

**The Chair (Ms. Goldie Ghamari):** I will now call upon the first presenter. However, before I do that, I am seeking unanimous consent from the committee to allow for two presenters for Toronto Hydro to be present at the table. Do I have unanimous consent? Thank you.

We'll now call upon Ontario Sewer and Watermain Construction Association. Please state your name for the record and then you may begin. You will have seven minutes. Thank you.

**Mr. Steven Crombie:** Good afternoon, members of the committee, my name is Steven Crombie. I am the manager of government and public affairs for the Ontario Sewer and Watermain Construction Association. I sit on the Construction and Design Alliance of Ontario's government relations committee and I am the chair of the Ontario Skilled Trades Alliance.

Thank you to the members of the committee today for the opportunity to provide remarks on Bill 153, the Building Infrastructure Safety Act.

The OSWCA has represented the sewer and water main construction industry in Ontario since 1971. Today, we've grown to represent over 800 individual member companies across the province who are comprised of contractors, manufacturers, distributors and consulting engineers.

Today, I am here to address a critical issue plaguing our excavation projects. The detrimental impact of late locates on excavation projects is timeliness and safety. It is imperative to recognize that the timely delivery of accurate locates is not just a matter of convenience; it is a cornerstone of safety, efficiency and project success.

Late locates is the delayed identification of making underground utility excavation. Late locates pose a significant challenge to risks of our operation. Late locates jeopardize the safety of workers, communities and the environment.

Without accurate information about underground utilities, excavators risk inadvertently striking gas pipelines, electrical cables, water mains and other critical infrastruc-

ture. Such accidents can lead to injuries, environmental contamination and property damage.

Time is money in the world of construction and excavation. Late locates disrupt project schedules, causing costly delays and overruns. Excavators are forced to halt operations, waiting for utility companies to identify and mark underground assets. These delays ripple through the entire project timeline, resulting in missed deadlines, contractual penalties and dissatisfied stakeholders.

The financial implications of late locates cannot be overstated. Every hour of idle machinery, every day of postponed work, translates into escalating costs for contractors, clients and taxpayers. Moreover, unexpected utility strikes incur additional expenses for repairs, legal fees and regulatory fines, further straining project and budgetary resources.

Considering these challenges, we do recognize the government for its attention to this important issue, which is why, over the past 18 months, the Ontario Underground Infrastructure Notification System Act has been amended three times—a testament to this government's willingness to listen and pivot based on stakeholder feedback.

We want to recognize that Bill 153 amends section 6 of the Ontario Underground Infrastructure Notification System Act by prohibiting a utility company from charging a fee for the delivery of locates. Charging excavators for the delivery of locate information would not guarantee the delivery of timely locates and would ultimately only add to the cost of delivering public infrastructure.

The OSWCA supports any regulatory reform that streamlines the locate process, standardizes reporting procedures and holds utility companies accountable for timely responses.

In conclusion, late locates undermine the integrity and efficiency and safety of our excavation projects. It is incumbent upon us to confront these challenges head-on, leveraging innovation, collaboration and advocacy to ensure that timely locates become the norm rather than the exception.

Thank you for your attention and commitment to advancing this cause for safe and responsible excavation practices. Together, let us build a future where every dig is guided by the principles of diligence, accountability and respect for the underground infrastructure that sustains our communities. Thank you.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to our next presenter, Enbridge Gas. Please state your name for the record, and then you may begin. You will have seven minutes.

**Mr. Mike McGivery:** Good afternoon. I'm Mike McGivery, director of distribution protection for Enbridge Gas. I lead teams responsible for safely operating a network of critical infrastructure that over 3.9 million homes and businesses in Ontario rely on daily.

Today, I will comment on how the proposed changes in Bill 153 will help improve locate delivery timelines without compromising safety, enable better utility planning and resourcing, and support critical infrastructure development in Ontario. I will also offer two additional

recommendations to help modernize Ontario's locate service industry.

Enbridge, as you may know, is North America's premier energy infrastructure company. We transport about 30% of the crude oil produced in North America and move roughly one fifth of the natural gas consumed in the US. Our gas utilities serve approximately 3.9 million customers in Ontario and Quebec, and with our recently announced investment, we plan to add new service territories in Ohio, Utah and North Carolina, growing to seven million customers in total, making Enbridge Gas the largest gas utility in North America.

We own over 5,300 megawatts in renewable power across North America and Europe. In 2022 alone, Enbridge invested over \$2.6 billion in Ontario, including over \$1.3 billion in capital and \$1.3 billion in its operations. We complete over one million locates annually and hundreds of excavations annually in Ontario. We wear both hats in this industry of the two major stakeholders.

Enbridge supports the government's intent to modernize Ontario's locate industry, and we remain committed to continue working with government and industry partners to help deliver priority projects, including the natural gas expansion program, broadband, priority transit projects and supporting housing construction.

Specifically, we endorse the government's recently enacted regulation that increases locate delivery timelines for large projects to 10 business days. This is scheduled to take effect in May 2024 and will ease pressure on the overall locate system, promote greater visibility for utility and municipal locators to plan and safely execute locates across the province while delivering locates when excavators need them. Enbridge, along with its industry partners, believes this new regulation will help mitigate some of the challenges with delivering locates within five business days, regardless of size and complexity of the project.

Enbridge also supports phase 2 of the government's proposal to implement a requirement that standard locate requests not be separated into smaller projects or phases unless these requests are made more than 30 days apart. Separating locates into smaller projects drives locate delivery efficiencies for excavators, and such a requirement will help reduce abuse of the locate request procedures.

If enacted, Bill 153 would place Ontario among the leaders in North America for providing competitive timelines to deliver locates with visible paint markings in the field and providing sketches to the excavator. Ontario will be a leader amongst North America with this regulation.

Some other jurisdictions, like New York, Quebec and Manitoba, reference two- to three-day timelines, but in these cases, I want to be clear, these timelines only require infrastructure owners to acknowledge receipt of the locate request and not complete the locate, like here in Ontario.

Finally, Enbridge brings a dual perspective. As a major excavator with hundreds of excavations across the province annually, we understand the importance of project management, which includes prudent, proactive manage-

ment of locate requests and relying on the effectiveness of underground infrastructure owners to deliver locates on time.

Next, I will present two additional recommendations. First, the Ontario Underground Infrastructure Notification System Act should shift focus from penalties to compliance. For context, the previously enacted Bill 93 removed language from the act that required infrastructure owners to make reasonable attempts to deliver locates on time. It also established absolute liability offences for failing to meet locate delivery timelines, forcing utilities and municipalities to invest tens of millions to meet these stricter timelines, increasing service costs.

This is particularly challenging when infrastructure owners are faced with circumstances beyond their control, including extreme weather conditions, storms, as we've seen recently, and IT issues. Unless the absolute liability offences are removed from the act and we return to a standard of reasonableness, underground infrastructure owners will need to continue increasing incremental investments to meet locate delivery timelines.

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Finally, government should continue working with industry to expand the use of the dedicated locator into 2025. This enhances efficiency and reduces costs while allowing utilities to adapt. Dedicated locators reduce burdens on the public locate system and allow project owners to control locates for the duration of their project. The government should mandate the targeted adoption of dedicated locators by expanding the list of projects contained in section 7(1) of the act through regulation. While dedicated locators are already mandated for designated broadband projects, this could be expanded to also include other large utility infrastructure projects that stipulate projects of a certain size—for example, 500 metres or more—use dedicated locators. Alternatively, the government should consider delegating authority to Ontario One Call to mandate that projects meeting certain criteria use dedicated locators.

In summary, the government should continue working with industry partners and Ontario One Call to help modernize Ontario's locate delivery system. This is crucial to deliver energy safely and—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Mike McGivery:**—affordably to the homes and businesses across Ontario. Enbridge remains steadfast in our commitment to collaborating with government and the excavation industry while maintaining safety and supporting critical infrastructure development in Ontario.

Thank you for this opportunity. I look forward to questions.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to our third presenter, Toronto Hydro Corp. Please state your names for the record, and then you may begin.

**Ms. Amanda Klein:** Good afternoon, Madam Chair. I'm Amanda Klein, EVP at Toronto Hydro. With me today is Andrew Sasso, our director of energy policy. Thank you, Madam Chair and committee members, for having us here today.



We are the proud distributor of electricity for Canada's largest city. We are pleased to offer our support for Bill 153, the Building Infrastructure Safety Act. We support this legislation for a number of reasons, and as do five major construction companies that endorsed Toronto Hydro's written submission: Aecon, Ainsworth, Entera, Powerline Plus and Valard.

Today, I'd like to emphasize three reasons we respectfully submit that this committee should pass Bill 153 as tabled. I'm going to summarize these in brief, and I'll go into a little bit more detail for each. The first reason is that Bill 153 will bring Ontario back into a fair balance between excavators who use the locate service and the utility ratepayers who pay the bill for that locate service. The second reason is that Bill 153 makes work sites safer for construction crews and the public. And third, Bill 153 improves public interest outcomes, and it does that by shifting oversight from this Legislature to an expert regulator: Ontario One Call.

On this first point, bringing Ontario back into a fair balance, Toronto Hydro supports Bill 153 because it prevents wasteful practices for locates requests. While Bill 93's objective of building infrastructure faster is undeniably a good one, its unintended effect was to unnecessarily increase costs which would be paid for by utility ratepayers. This is because Bill 93 allowed excavators an unlimited number of locates for free within a few days of requesting them. As a result, and we know this from experience, we end up with situations where excavators have booked multiple locates for the same location. This means that utility ratepayers would pay for locate workers to stand around waiting to do locates day after day, and then for large infrastructure projects, that could mean that multiple locates workers would be standing around for multiple days. This practice is known as ticket dumping.

What we support are these corrective changes that are in Bill 153, which introduce limitations to prevent this practice and thereby reduce costs. Locates work is important, and there is justification for it to be done without charge to the requester in most cases, but it's of course also only fair that there not be wastefulness on the utility ratepayers' money.

On the second point, making work sites safer, Toronto Hydro supports Bill 153 because by reducing wastefulness, more locates are going to get done where they're needed, when they're needed. We know that locates save lives. We want customers to call before they dig, and we also want a locates worker to get to their backyard as soon as possible so that no one digs into a power line. Today, because of ticket dumping, that locates worker may be standing around with several other locates workers waiting to be put to use, which may not happen today or even tomorrow. That's not only wasteful, but it fails to prioritize our number one objective, safety, because when people can't get locates in a timely manner, they may in fact proceed with digging anyway, and that could have the most dire of consequences.

Finally, the third point is using regulation to improve public service outcomes. We support shifting responsibil-

ity for the complexities and the nuances of locate services from the Legislature into the hands of the expert regulator, Ontario One Call. As a regulated utility, we understand the value of independent checks and balances, and we know that Ontario is a big and diverse province. It just makes sense for a regulator to ensure that locate service rules are fit for purpose. Locates to support a downtown Toronto subway is very different than a condominium in Scarborough, let alone a subdivision in southwest Ontario. Bill 93 attempted to govern all of that in just 13 pages. Bill 153, by contrast, very prudently recognizes regional and project diversity by putting the issues in the hands of the regulator.

Subject to any questions of the committee, those are our submissions. Thank you kindly.

**The Chair (Ms. Goldie Ghamari):** This round of questions will begin with the government, beginning with MPP Saunderson.

**Mr. Brian Saunderson:** Thank you to all our presenters this afternoon. I appreciate your input and imagine most of you were probably consulted during the time that the bill was being put together.

I'm interested in your comments about collaboration and success rates and efficiency. We heard some statistics earlier this morning from the minister that between January and July of 2022, under the existing five-day timeline, it was about a 45% compliance rate. That increased in 2023 for the same period of time to about 70%. But I'm wondering, how do you think the extension to the 10-day period is going to impact that rate of compliance but also the outcomes in making sure that the locates are accurate and well done?

**Mr. Mike McGivrey:** I'll take that question. Those stats are pretty much bang on. I would say the industry as a whole—and I'll speak on behalf of the industry but as well as Enbridge. We've increased those rates due to a lot of collaboration. We have the union at the table and we have the major excavators at the table, but we also have all the contract locate larger firms. There are five or six in Ontario that employ over 1,500 locators across the province, as well as many municipalities that in-house locate still.

Through Bill 93, through the process of working with Ontario One Call and industry, we know this is an issue. We know we have an opportunity where the government is listening to fix it and get better, and we've done that. Investments have been made to bring on more locators. Investments have been made to come up with training that could be used across the province in a consistent manner. Having the 10 days, to answer the second part of your question, will keep bringing the progression and significantly increase the timeline for locates while giving the excavators realistic timelines to expect locates and providing One Call the enforcement powers to regulate that industry and ensure all municipalities, all utilities, which is over 890 members, are progressing in the same direction significantly.

How we will achieve that is—right now, locators, utilities, we don't know what locates are coming in tomorrow. We don't know what locates are coming in today, this

afternoon. Having those 10 days will allow us to have more visibility, more time for larger, complex projects. As you can imagine, a single home—planting flowers, landscape decks—is very different than shutting down Yonge Street or Wellesley Street to do locates safely and block traffic, work with municipalities, pay duty officers, coordinating that work, versus subdivisions in rural areas in Ontario.

And then you also have the remote. As you can imagine, locates still have to be completed in remote Ontario: Dryden, Kenora, cities like that, townships like that. This will allow us to bundle those locates, do them efficiently, send two or three locators—i.e., like a SWAT team—to finish that off and get those excavations moving instead of relying on same day, come in and first-in, first-out for all locates, no matter what complexity or what size.

**Mr. Brian Saunderson:** If there are no comments from the other presenters, I do have one supplementary question. Mr. McGivery, in your comments you spoke about shifting the focus from penalties to compliance. There still is an ability in the legislation for the regulator, One Call, to impose penalties for failure to comply, but I'm wondering if you can just talk about your comments about strict liability and how you see compliance taking the place of penalties or how we increase compliance in this world.

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**Mr. Mike McGivery:** Yes, definitely. As I said, we are excavators as well. We go through the same frustrations as all excavators with planning our own projects. You're only as good as the last utility that provides the locate. So, if you go do a typical dig, there are five or six utilities that are required to locate that infrastructure. Say the three or four or five come in and there's still one remaining, and they are, we'll say, delinquent in the future, we cannot start that project and nor can excavators across Ontario.

What's key in this bill and where I believe it struck the right balance of fairness is in terms of understanding that this industry is not building widgets. These are not items that are the same and consistent across the province. Every locate is different. As I said earlier in my answer: Yonge Street versus rural versus remote; complexity; how many utilities; are they buried; is there higher voltage, higher gas pressure than some other lines; residential.

Providing One Call the ability for progressive enforcement—is how I like to term it—it's like anything as we deal with labour laws and other areas within the province: You educate, you reinforce, you seek action plans. Failure to see those action plans for those delinquent utility owners would result, in my mind—I don't want to speak for Ontario One Call—in a punitive enforcement to get them to demonstrate the right behaviour.

**Mr. Brian Saunderson:** Thank you very much. Those are my questions.

**The Chair (Ms. Goldie Ghamari):** MPP Dixon.

**Ms. Jess Dixon:** I'm not sure who would want to take this question—perhaps Toronto Hydro. My understanding is the bill will give some opportunity to continue to train and prepare your crews to actually do the locates. Can you

talk to me a little bit more about some of the labour pressures here as well?

**Mr. Andrew Sasso:** Thank you for the question. It's an important one, because, as the previous member noted, compliance is absolutely critical. Toronto Hydro's performance on compliance is about 97% when the labour is there equal to the demand. When that's not the case, we're down to about 84%.

It's so important to get those labour resources built up as new subways are being built, new LRTs are being built, new housing is being built. But we need a runway—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Andrew Sasso:** —in order to do that, in order to make sure that the labour—we outsource our labour, and that gives us a lot of flexibility. But those we're working with to provide those resources need time to train them. It takes two years to train a locates worker. If we don't have that time, locates won't be done by trained workers, and that's not safe for Ontario communities.

**Ms. Jess Dixon:** Thank you, Chair.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition. MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you very much, Chair. Through you to our presenters: Thank you so much for making your deputations today.

I have been listening very intently all morning and now this afternoon. I'm hearing a little bit of a trend that those who own assets underground, the utility companies, are largely very happy with the moves in this bill. It tries to strike the "right balance," and thank you very much for your comments there.

I'm just very curious, because I think, earlier this morning, we also heard from the sector that actually digs up the roads—and not that the utilities companies don't; I do recognize that sometimes you wear the dual hat of also being the excavator. That's how the locates got there in the first place.

My first question is to the Ontario Sewer and Watermain Construction Association. Does this bill strike the balance that the utility companies have purported, and do you believe that the government can do more to ensure compliance? Because there's a lot of talk about moving from penalty—the stick—to getting people to do the right thing just by making sure the regulations are fair and balanced.

**Mr. Steven Crombie:** Thank you very much for the question. I think, from the perspective of our membership, the real concern, rather than if it's a five-day delivery locate or a small project or a large project, is predictability around locate delivery. Our members are under tremendous pressure to deliver projects on time and on schedule. As long as they can rely upon locates being delivered in a certain period of time, they can plan for that, and the taxpayer can ensure the projects are getting done in a reliable and timely manner.

With respect to compliance and enforcement, I think that any regulation is only as good as its ability to be enforced. It's important to note that fines and penalties are not automatic but rather may be imposed. I think it's

important to understand that we want to curb repeat delinquent behaviour for contravention of the act, so it's important to maintain all compliance tools in the legislation. We don't necessarily support that that be the first resort, but it's important to maintain all compliance measures in the legislation.

**MPP Kristyn Wong-Tam:** Thank you. I think the minister had a little bit of difficulty answering the question this morning about some basic statistics. Perhaps he didn't have the information in front of him at that time in terms of the number of requests for locates and the number of those who would be in compliance, who meet the five-day deadline and so forth. I'm just curious. Obviously a lot is riding on this third revision of the same legislation over the last two years: Would your expectation and that of your members be that the information to identify the number of locates, how quickly they turn around, who is in compliance and who is not—do you expect that information to be made public by this new regulator?

**Mr. Steven Crombie:** Yes. Ontario One Call publishes locate delivery and compliance annually. This is information that we pay close attention to. And, credit to the asset owners, we've seen compliance actually improve related to legislative and regulatory events. Perhaps my colleague here, Mike, can speak more to it, but we know that utility owners have bolstered resources associated with provisions in the regulation and in the act. So we have seen performance moving in the right direction.

**MPP Kristyn Wong-Tam:** That's very encouraging to hear. Would you say that all of the utility companies and all of the owners of the assets, including the telecom sector, are performing equally and evenly?

**Mr. Steven Crombie:** They are not, no. I would say Enbridge and Toronto Hydro are over 90% compliant, statistically speaking. There are some smaller telecommunications players—not to single them out—that aren't as compliant. That's why I think it's important to ensure that we have compliance measures built into the regulation and the legislation.

**MPP Kristyn Wong-Tam:** With respect to some of those telecommunications companies not doing as well as they could regarding compliance, is it surprising for you to know that they're not represented here today in any of the deputations?

**Mr. Steven Crombie:** I couldn't speak to that.

**MPP Kristyn Wong-Tam:** Thank you.

My next round of questions is going to Enbridge Gas, as well as Toronto Hydro. I really appreciate the conversation we've had so far about utility companies coming forward to talk about how to professionalize the service and I think what I also heard was professionalizing locators.

How does one become a locator, just out of curiosity?

**Mr. Mike McGivery:** We could probably sit here for many hours and discuss that. Right now it is, really, doing the training. What makes it so challenging for locators is that not one utility is the exact same as the other. We can train someone on gas; it doesn't mean they're going to be competent on hydro. To become a locator, you need to be

well versed in many different utilities: water, sewer, telco, hydro, gas, telecom.

We've brought in a lot of training with industry partners. We've done it through an independent party, the Ontario Regional Common Ground Alliance, which is a not-for-profit representing excavators, utilities, locators and industry stakeholders. That training has been around for many, many years now, probably well over a decade. Through recent engagement, through knowing that this is going to be a regulated industry—which is probably well overdue—we've looked at that training and enhanced it, and that training has been rolled out this year in Q1 and Q2.

To become a locator, you would do approximately four weeks in class. You would do a few days—one or two days—on each specific utility. But that still does not mean you're certified. That does not mean you're competent. You have a foundational—I would relate it similar to a G1 licence. You're able to get in the car; you know the foundations of the industry, but now you need to learn each specific utility.

My friend over here, Toronto Hydro, probably has different procedures than Hydro One and different infrastructure.

**The Chair (Ms. Goldie Ghamari):** One minute.

**MPP Kristyn Wong-Tam:** Thank you. I'm going to give you a slightly different question, if that's all right, but you can build on top of the previous answer.

Earlier this morning we heard that there was some inconsistency with respect to mapping, the use of technologies. There were inconsistencies even on how the datasets are collected. I'm just really curious, in your opinion, because you're the ones who are going to be hiring these locators and you expect them to perform their jobs well, with a high level of competency—because we've heard so much is at stake. I'm just very curious to know who should be in charge of regulating—sorry, not regulating. Who should be in charge of ensuring that there is a consistent form of mapping technology, that there is a consistent language that is used for the datasets so that it should be like one-size-fits-all? Or is that the wrong approach?

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**Mr. Mike McGivery:** It's probably the right approach, going forward, for future installations. A lot of our assets have been in the ground for 50, 60 years, so to go back and re-map those with accuracy—buildings get torn down, curbs get moved and there are a lot of paper records—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now go to the independent member. MPP Blais, you may begin.

**Mr. Stephen Blais:** I'd like to continue on that same line of thought. There was some discussion about the lack of a common framework for mapping and locating of utilities going forward. Greenfields and subdivisions, obviously, seem pretty easy. You should be able to do that.

I appreciate that there is a difference between larger organizations like Enbridge and maybe smaller utility

players, but what is the difficulty on a go-forward basis even when retrofitting older infrastructure in getting geotags into some kind of Esri ArcGIS-type system? The government has made strides in the last number of years to create a common electronic building application format for municipalities to use. How difficult would it really be to get a common GIS mapping system that can be used by all of the major utilities?

**Mr. Mike McGivery:** I guess I'll take it. Geotagging—it's available today. Manufacturers have deployed it through the locating devices in the last couple of years. I can only speak for Enbridge. We are trialling it right now and working with that manufacturer to GPS new installations, but also old installations or past installations when they're dug up. The challenge or barrier in deploying that across the province would be, one, consistency. Some utilities would probably prefer it one way over another just for internal bias. And, second, it would be a large investment on those utilities.

**Mr. Stephen Blais:** That's kind of what I'm getting at; Enbridge is a major player. You have the capital and the ingenuity needed to start that process. You can see other players doing it, but you're doing it this way, someone else is doing it that—basically, the problem you just came up with, and that's the problem with electronic health records. The Ottawa Hospital has one form; the Montfort hospital, 10 blocks away, has a different form. They don't talk to each other.

Does the government need to explicitly come in and regulate, "This is the system you're going to use"? How does government encourage everyone to come to the same use of technology or at least technologies that can talk to each other on the back side?

**Mr. Mike McGivery:** Yes, fair enough. Again, we're trialling it. We've got to prove it. I think, once proven—a lot of us in the room here today and many others that are probably speaking, as well as Ontario One Call, we're at the table. We're doing industry conversations, and it's through those mechanisms where we need to prove it out. This bill is only 10-plus years old. We're still in our infancy stage here in getting the industry where it needs to go. There is going to be a lot of opportunity to communicate, talk to one another.

I would say that would be the next big step change in the industry: geotagging future installations. Imagine the day where we don't have to send a resource out. We can have a one-hour training program online. Our excavators can take it, go rent the equipment at Stephenson's rental or Home Depot or Lowe's and do the locate themselves. But we need to prove it out.

**Mr. Stephen Blais:** When we're talking about the frequency of achieving delivery of the five days or whether it gets extended to 10 days, I was looking at the reporting that One Call does. It is quite comprehensive. I think you need to be in an industry to actually understand what some of the numbers say, to tell you the truth, so it could probably be improved a little bit from a public transparency perspective.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Stephen Blais:** But is there a way to differentiate if you're late doing the locates for me to install my pool versus you're late to the city of Toronto's multi-billion-dollar subway? Obviously, the impacts of one or the other are quite substantially different.

**Mr. Mike McGivery:** I fully agree. Currently, no, because with the previous bill, all locates were treated the same: five days, absolute liability, which we know is unrealistic. But going forward, as we separate projects from single-address tickets, we will, I believe—I don't want to speak for One Call, but they will be able to differentiate and have that reporting for both of the sectors.

**Mr. Stephen Blais:** And how does industry use the reporting to change your behaviour? Or does it just stick on a shelf somewhere?

**Mr. Mike McGivery:** No. I would say, again, the major utilities who are at the table and taking notice of where it needs to go are reviewing that data and knowing where we need to work with our contractors, our internal staff to deploy resources where there might be some, we'll say, hot areas on a heat map throughout the province. Once One Call, when this bill hopefully is passed, as proposed, will have the ability to enforce and get people to do the right behaviour—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have.

We'll now turn to the government. MPP Sabawy, you may begin.

**Mr. Sheref Sabawy:** Thank you very much, Ms. Chair, and, through you, I have a question for Mike from Enbridge in regard to Bill 153: Will this bill impact your organization directly positively or negatively?

**Mr. Mike McGivery:** Sorry, can you repeat the question?

**Mr. Sheref Sabawy:** Will Bill 153 impact your organization positively or negatively?

**Mr. Mike McGivery:** I would say both: positively, that we'll be able to work with our locators and have greater visibility into the locate load and be able to deploy tactical options to get those locates done in a more swift and efficient manner; I would say negatively, as we're going to have to be under the compliance of Ontario One Call being made a new regulator. It's going to make us put an increased focus on locates, probably more than we've ever had in the past.

**Mr. Sheref Sabawy:** I think so too. We don't consider it negatively that much because we need to make sure. Enbridge is one of the leading of the industry and one of the good players, but there are many not-that-good players, and this bill will get those people to be compliant. So, yes, maybe in your point of view, it's negative from your side as Enbridge, which we appreciate being a very good player in the industry, but the bill is targeting to make sure that everybody plays fairly and safely for the safety of the people.

Saying that, what do you think the impact will be on the industry generally? Not your organization specifically. Do you think that will improve the industry and improve the conditions, or not?

**Mr. Mike McGivery:** It will definitely improve. Locates are already improving with the increased focus in the recent years. They will continue down that track now as One Call has enforcement options, as they have progressive enforcement options, as utilities have more time with this new bill in terms of separating out projects and single-address tickets.

As you can imagine, in any labor industry, there's more complex work than, we'll say, traditional transactional work. We do not have that visibility today. It is one locate in, one locate out, and previously five days. To be matter of fact, even 10 days will be unreasonable for certain projects. There currently is no governance on how locates are inputted. We've had municipalities putting in 1,000 trees at a time. To get those done in five days is unrealistic. I've always used the analogy of McDonald's: It's the best hamburger-maker in the world, but I guarantee if I go down there and order a thousand hamburgers right now, I'm not getting them.

**Mr. Sheref Sabawy:** Yes. Out of the measures in this legislation, which one do you think, in your opinion, is the most important, impactful item?

**Mr. Mike McGivery:** I would say there's three. It would be different perspectives and different ways depending on each individual locate, but one is having the five and 10 days and separating out the projects; two would be providing One Call the progressive enforcement powers that they will need to drive industry and all players in the right direction; and three is the removal of the OLT. Both excavators and utilities will be impacted by that. My personal opinion: It causes a divide. It does not bring industry together. We have excavators saying, "The locate was late; I'm going to take you to the Ontario Land Tribunal for cause," which is in their right in the current bill. But you also have utilities like us saying, "Well, the reason we're late is because this other excavator put in 1,000 trees or asked for all of Yonge Street from Front Street to Bloor Street on both sides of the road. I can't get that done in five days; I had to put 10 locators, so that's why I'm late on your locate."

So there's many different variables. It is a complex industry, and I think this bill does strike the fair balance for excavators and utilities to come together and increase the industry's overall performance.

**Mr. Sheref Sabawy:** Thank you very much for your submission. I delegate the rest of the time to my colleague.

**The Chair (Ms. Goldie Ghamari):** Thank you. MPP Coe.

**Mr. Lorne Coe:** Time check please, Chair.

**The Chair (Ms. Goldie Ghamari):** Three and a half minutes.

**Mr. Lorne Coe:** How much?

**The Chair (Ms. Goldie Ghamari):** Three and a half minutes.

**Mr. Lorne Coe:** Thank you very much.

To Toronto Hydro—and thank you all for your presentations. If I were to sum up in what I heard in your delegation, to the Toronto Hydro representative, it's that it's a fair balance, this bill, because it reduces the costs of

services performed by utilities, but more importantly it's going to save electricity ratepayers millions of dollars. When you think about a broader discussion from time to time about affordability, I think that's a very key point that you've made and it bears repeating going forward, because it's going to resonate with a lot of people I represent. I think it's going to resonate with other people across the province of Ontario. I'd like you to expand on that.

**1340**

And the second part of what I'd like you to expand on is the hiring and training part of workers that is needed to continue to help Ontario grow and respond to what we're talking about today.

**Ms. Amanda Klein:** Thank you, kindly, member. As I mentioned, with respect to the affordability question—and we know that affordability is front and centre in everyone's mind and certainly a priority for this government. It is a contrast, I think, between what the prior bill had and what this bill, as I mentioned, corrects, because the prior bill had an unintended effect to unnecessarily increase costs that would be paid for by utility ratepayers. So there is a balance to be struck.

Again, I want to emphasize that locates are critically important. We know that they are important to getting infrastructure built. We know that they are important because they save lives, but it's about balancing that with doing the work in what is also an efficient way.

That is, in summary, what the cost point comes down to in terms of the cost to do the work, the cost of compliance with timelines that are difficult to meet. I would emphasize, importantly, that Toronto Hydro does, when we're not in peak seasons, have a 97% rate of compliance, and we are very proud of that record.

In terms of the resourcing, I'm going to pass that over to my colleague Mr. Sasso.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Lorne Coe:** Thank you. Go ahead, sir.

**Mr. Andrew Sasso:** The resourcing is key. Today, we have power line workers who are vitally needed to grow the grid in Ontario. It's a key part of the strategy of—not just growing the grid for decarbonization; it's part of homes, home building. It's part of transit building. The growth of Ontario cannot happen without power line workers ensuring that there are lines getting power to those buildings and transit projects. We're faced right now, under the current regime, with potentially having to move those high-skilled resources, who take four years to train, off that core work to doing locates.

What this bill will do: It will allow us to use the right size of resource, locate workers, to do the right type of work, to keep Ontario growing with the right types of infrastructure while we keep power line—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now turn to the official opposition. Who would like to begin? MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** I'll kick it off. Thank you so much for your answers today. It has been really quite informative. I'm just very curious around the issue around

safety. We do recognize, and I think everyone around this table and certainly everyone in this building recognizes, that government has a role to play in ensuring public safety. Empowering the sector to do right is important because you also have a role to play, not to mention the fact that it's oftentimes your workers and employees that are on the front lines just about everywhere. And so, I'm very mindful that all parties are coming to the legislation with public safety in mind. I think it's driving the conversation on how do we ensure that we don't have someone striking a utility line underground and then causing not just perhaps inconvenience and disruption to the rest of civil society but serious injury to themselves or perhaps, even worse, death.

Because public safety is so important to everything we do, I'm just curious to know, if compliance is not adequately achieved through the legislation and so—all good intentions are to ensure that we maintain a certain level of public safety, but, through the threat of compliance, if it doesn't get us the outcome that we anticipate or what the government anticipates in this bill, what would be the next step? And is there some foresight you can offer us today that you think we could speak to in committee when we go through the line-by-line review that could strengthen this bill even further?

I'll start here with the sewer and road construction folks.

**Mr. Steven Crombie:** I think the compliance measures that are contemplated in both the regulation and the legislation are adequate, and I think time will tell. As I mentioned, we're seeing behaviour move in the right direction. So I think after perhaps a year or so of operating under the existing set of regulations and legislation, we'll have the accurate datasets to be able to adjust and determine what's working, what's not working—that's where I would leave that.

You're right; safety is paramount to everything that our members do as excavators. Often, what will happen is our members simply will not dig with inadequate locate information or without locate information. Ultimately, that just leads to project delays and costly overruns. With respect to locate delivery being accurate, our members don't take any chances; they simply will not excavate. But I think we need a little bit more time and datasets to build upon what's working in this existing regulation.

**MPP Kristyn Wong-Tam:** Thank you for that answer. Actually, it piques my interest on another matter. I'm going to ask this question; I'd like to invite you then to speak to the first question as well. Because your members have to express some level of confidence that the information they received in a timely fashion is adequate and accurate as much as possible, are there red flags that we should be aware of? Because, obviously, they are seeing the information come forward, and perhaps they know something that we don't about who gives more timely and accurate information and who doesn't.

Is there anything that you can share with us in committee today about the information that may be forthcoming that your members don't feel confident in?

**Mr. Steven Crombie:** Mike, I don't want to put you on the spot, but one of the things that we've also heard from our members is that the construction and composition of a road may change. If a gas main or a water main is measured by an offset to a curb, but that curb may have been renovated 20 years ago, sometimes those offsets—there have been challenges related to five feet off of a curb, but the curb was changed 20 years ago. So there are some discrepancies in information that our members work through, and that would be the one flag that we've heard from our members.

**MPP Kristyn Wong-Tam:** Then who would you expect to maintain the record of the offsets?

**Mr. Steven Crombie:** It's the asset owner ultimately that's responsible for that accurate information.

**MPP Kristyn Wong-Tam:** And in this case, the asset owner is the utilities company—

**Mr. Steven Crombie:** That's correct.

**MPP Kristyn Wong-Tam:** —telecoms as well as the municipality?

**Mr. Steven Crombie:** Yes. The municipality owns, typically, the waste water infrastructure, so they are an asset owner. Yes.

**MPP Kristyn Wong-Tam:** Then, all that information must be centralized back to One Call?

**Mr. Steven Crombie:** Correct.

**MPP Kristyn Wong-Tam:** Okay, thank you.

Sorry, I know you were trying to pipe in there.

**Ms. Amanda Klein:** Thank you very much, member. Just in terms of compliance and performance, I think it's noteworthy that through Bill 153, the regulatory framework has been set up to give Ontario One Call the ability to determine what is a proportionate response to poor performance or non-compliance, both in terms of opportunities for improvement but also monetary penalties, but other things as well. Certainly, from our experience, those are the types of tools we'd expect to see in a well-functioning regulator to be able to levy something that really does actually change the behaviour, if there is a behaviour that needs to be corrected. That's part of our support for Bill 153.

**MPP Kristyn Wong-Tam:** I think, because oftentimes we don't always see the right and proportionate level of supervision and monitoring enforcement, which brings us to compliance, I feel some nervousness that we have not always done, at the government level, a great job of ensuring that we have compliance in many other sectors, especially as it affects public safety, consumer confidence. But what I'm hearing from the sector is that you feel confident that compliance can be adhered to. Is that correct?

**Ms. Amanda Klein:** Yes, I think we certainly do. I believe, in this case, it's the product of quite a bit of work over the last 10 months to really work through some of the details and ensure that the outcomes of a bill line up with the intentions.

**MPP Kristyn Wong-Tam:** Thank you very much. I have no further questions.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the independent member. MPP Blais.

**Mr. Stephen Blais:** This might only be relevant to Enbridge because of the scope of their work, but in Ottawa, over two decades since amalgamation, there has been work on a common trench location for utilities, especially in newer subdivisions. I'm wondering the degree to which you think, if that approach was taken on a province-wide basis, that might help with the ability to regulate and eventually do locates in a more efficient manner.

**Mr. Mike McGivery:** It's a great question. We would be supportive of that, speaking on behalf of Enbridge, and I think I speak on behalf of larger utilities with the telecoms and the LDCs. We do employ that practice, where we can get agreement. It is definitely on the back of getting agreement—not just from the utilities. Whether it's the LDC, whether it's gas, whether it's telecom, we try to get that, and, we'll say, greenfield subdivisions, but we also need the builder to buy in as well and have one common contractor. We're not going to have three different contractors, or it would not make sense. We call that joint trench.

1350

**Mr. Stephen Blais:** But as a regulator or potential future regulator, One Call could have the regulatory authority or power to enforce that kind of construction behaviour—not under the current legislation, but if they're there anyways, why not give it to them?

**Mr. Mike McGivery:** We would be very supportive. I think it would be very beneficial to industry if we were to move in that direction for greenfield subdivisions. In improved areas, it would be quite difficult.

**Mr. Stephen Blais:** Yes. How does Enbridge, or hydro as well, or water and sewer guys—how do you maintain a real-time understanding of the infrastructure? Do you lay fibre when you're laying your pipes or your electrical conduits? How do you, in real time, understand what's going on?

**Mr. Mike McGivery:** I'll speak on behalf of gas, and then I'll pass it over to my neighbour here.

Gas, we have different types of assets: Some will be steel; some will be plastics. Steel is a conductor material, so we can locate that, and the signal comes above ground in our buildings and properties and houses. On our plastic infrastructure, we put in what we call a tracer wire, which is basically a little voltage wire that we can add voltage to it above ground and then trace that asset as well. We do that to confirm with our records when we're doing locates.

**Mr. Stephen Blais:** Okay.

**Ms. Amanda Klein:** Thank you, member.

For Toronto Hydro, starting from the premise that we do still have 70-year-old assets in the ground that we're working on repairing and replacing, when we do our replacement and when we have opportunity otherwise, we do pull telecommunications fibre through the system. It's called a SCADA network. And then, we also have sensors. Increasingly, those types of technology, both operational technology and informational technology, become part of the grid.

**Mr. Stephen Blais:** So are you leveraging that fibre—because I presume you don't have to light it all up for your needs. You're leveraging that to provide telecommunications or Internet service to the areas that the fibre extends to?

**Ms. Amanda Klein:** There is third-party fibre on the system, and then there is also fibre that we use for our own purposes, for system observability, is what we call it, to see in real time things like loading and outages, and try to minimize the impact on customers.

**Mr. Stephen Blais:** Sure. Okay.

Thank you, Madam Chair. I'm good.

**The Chair (Ms. Goldie Ghamari):** You're done? Okay. Thank you so much. I'd like to thank our presenters as well.

ONTARIO ONE CALL

ALECTRA UTILITIES

HYDRO ONE

**The Chair (Ms. Goldie Ghamari):** I'd now like to call upon our next set of presenters: Ontario One Call, Alectra Utilities and Hydro One.

*Interjections.*

**The Chair (Ms. Goldie Ghamari):** If committee members can take conversations outside of the committee room.

Our first presenter is Ontario One Call. Please state your name for the record and then you may begin. You will have seven minutes. Thank you.

**Mr. Jim Keech:** My name is Jim Keech, and I am president and CEO of Ontario One Call.

Madam Chair and committee members, I'm very pleased to have this opportunity to share our thoughts on Bill 153, a bill we support that puts public safety at the heart of its proposed changes. During my time with you today, I want to share a little bit on my background, clarify the role of Ontario One Call, then focus on the changes to the legislation that support our transformation as an organization.

Before One Call, I spent my life in the city of Kingston, working for Utilities Kingston, an organization that managed infrastructure for the city residents, including electricity, natural gas, water, sewer and fibre optic communications. We were an infrastructure owner, a major excavator and we also did our own locates, acting as a locate service provider.

For 10 of the 40 years that I worked there, I was also commissioner of public works, responsible for road and other forms of municipal infrastructure. I wanted to share this bit of insight into my career to highlight my genuine understanding of what it takes to plan and perform safe underground excavations and the importance of locates.

Ontario One Call is a public safety administrative authority of the province with a mandate to promote safe excavation and to act as a facilitator of locate requests. We also have a compliance role, which I will touch on later in my presentation. One Call is governed by a 12-member

board with equal representation from underground infrastructure owners, excavators and government appointees.

Ontario has a vast network of underground infrastructure. The amount of buried infrastructure has increased exponentially over the last many years, both in the amount of infrastructure and the criticality of this infrastructure for daily life. Unsafe excavations can result in significant danger to the public. For example, an unsafe excavation could trigger a natural gas explosion or the loss of critical services like emergency communication lines. It is our responsibility and that of all stakeholders to work collaboratively to ensure that this does not happen.

By law, anyone in the province planning to dig must request locates through Ontario One Call. These individuals or contractors must not dig until all underground infrastructure owners have provided locates for their infrastructure. Today, province-wide, approximately one million dig projects are initiated annually. That's about 3,000 new excavations per day on average, with the daily count obviously going up during the traditional dig season beginning in April.

All of these dig projects require locates. That means we issue nearly six million notifications for locates to underground infrastructure owners to promote safe excavation each year.

I want to also address a common misperception. Ontario One Call does not perform locates. Locates are done by professional locators at the request of underground infrastructure owners. To add some technical clarity here, a locate from an infrastructure owner is either marks on the ground and paperwork with details of the infrastructure and how to dig safely around it or paperwork stating their infrastructure is not at risk. Once the person who intends to dig receives all the locates and reviews the paperwork, they can begin to dig safely.

With that context provided, the bill being contemplated today, the Building Infrastructure Safely Act, will prohibit underground infrastructure owners and operators from charging fees to locate essential components such as telecommunication lines, water mains and gas pipelines. This element of the legislation fully aligns with our safety perspective; in other words, we agree that the cost of a locate should never become a hurdle for anyone to do the right thing and click before they dig using our online portal.

Chair, committee members, some additional measures that this bill proposes put us on a stronger path to modernization as a public safety administrative authority like our peers. In the bill, proposed amendments to the act would also allow the minister to specify additional objects for Ontario One Call. This means the government could expand our role in the future to address concerns surrounding public safety and timely excavations.

We are very pleased to see these changes to the One Call act that would include protection for the authorities, officers, directors, employees and agents from personal liability. These protections are equal to those that exist with other administrative authorities. In all, this bill gives

us more tools to do our public safety promotion, protection and enforcement job.

Another tool that will be available to Ontario One Call as of May 1, is a compliance tool commonly referred to as an administrative penalty. We see this as just one more tool in our compliance tool kit. While education and training on safe excavation practices are important to improve industry performance going forward, we intend to use these administrative penalties judiciously, in a proportionate manner, always with an eye on performance improvements and public safety. We appreciate all of these proposed changes because, as I've stated before, they support our transition to a public safety administrative authority and support public safety.

Chair, I want to point out that we have already witnessed positive change resulting from an improved regulatory framework. We are pleased to say that there has been an increase in locates being delivered in a timely manner over the past year by all underground infrastructure owners.

1400

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Jim Keech:** In closing, we take our role in promoting public safety by facilitating safe excavation very seriously, given the ambitious plans of the government to build highways, broadband, homes, communities and transit systems. We support this bill. We look forward to working collaboratively with the government, industry and all those who put public safety first, including those who plan to dig.

Thank you for your time.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to Alectra Utilities. Chris Hudson, please state your name for the record, and then you may begin. You will have seven minutes.

**Mr. Chris Hudson:** Chris Hudson. I am the senior vice-president of operations with Alectra Utilities. I'd like to thank the committee for inviting me today to comment on Bill 153.

I want to begin by acknowledging the government for its thorough study and comprehensive engagements with stakeholders on this file over the last several months.

First, a little bit about the utility that I represent: Alectra delivers electricity safely and reliably to approximately one million homes and businesses across 17 of the fastest-growing communities in the GTHA. We invest nearly \$300 million every year in essential energy infrastructure, and we fulfilled over 160,000 locate requests in 2023. We are committed to working with the government and other stakeholders to continue improving the efficient delivery of safe locates in our province.

With the Building Infrastructure Safely Act, Alectra believes that the government has struck the right balance between lowering costs and administrative burdens for key infrastructure projects while limiting the negative impacts for energy customers and the utilities that maintain critical underground infrastructure on those project sites. From our reading of this legislation, we see that the government has heard and understood the concerns of excavators,



underground infrastructure owners and operators, and citizens who are the taxpayers and ratepayers footing the bill of infrastructure expansion. Bill 153 paves the way for several tangible improvements to the system, creating more predictability, more efficiency, more accountability that leads to more timely delivery of priority housing, transit and infrastructure projects at the end of the day.

We do support the new regulation-making powers for the government proposed in Bill 153 and feel the Ministry of Public and Business Service Delivery has been transparent in sharing its two-phase plan for updating the current locate regime. With the aforementioned priorities of building housing, transit and broadband Internet faster, the level of locates for work that the LDCs are required to perform has increased since 2020. In this context, the establishment of a large-project classification and the higher level of care afforded to those in terms of time and resources would ensure that we as stewards of the grid have the time to assess those complex locate requests more carefully and resource them appropriately. These are reasonable conditions for locate requesters to follow for the skilled work that must be performed around high-risk electrical infrastructure capable of causing severe harm.

While Bill 153 also prohibits Alectra from charging a fee for locates, we recognize that this reflects a cost in business certainty that the government is extending toward constructors who are undertaking these important projects. The new locate regime that is proposed under Bill 153 would also extend some predictability to locate costs that would eventually be borne by Alectra and other utility ratepayers. We agree with the government that energy affordability remains a top-priority concern for Ontarians and the pursuit of one goal should not be compromised by the other.

I'd also like to comment on features of Bill 153, which I've just mentioned, from an alternative perspective. Alectra is not only an owner of underground infrastructure; we are also excavators ourselves, completing nearly \$70 million of underground infrastructure construction annually. We, too, must abide by the new rules for the new locate regime and plan for additional time to receive locates for long installations. In order to retain greater control over important construction projects, Alectra frequently employs dedicated locators specialized in trusted firms who are trained to complete all underground infrastructure locates at a single site. Alectra believes that Ontario's locates regime could be further improved by an expansion of the dedicated locator model, and we are encouraged that the government has signalled that they will be exploring this further with stakeholders in phase 2.

In conclusion, Alectra supports Bill 153 as proposed. We applaud the government's approach to phasing in changes to the locates regime gradually and with thorough stakeholder consultation.

I echo the messages from my colleagues on the panel before us that we are very keen to make the locates system work better and faster and that we commit to doing it safely.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to our third presenter, Hydro One. Daniel Levitan, please state your name for the record, and then you may begin.

**Mr. Daniel Levitan:** Thank you kindly. Daniel Levitan, vice-president of stakeholder relations at Hydro One. I thank the committee for giving us an opportunity to comment on this important piece of legislation.

As a start, I am vice-president of stakeholder relations at Hydro One. We distribute electricity across Ontario to nearly 1.5 million predominantly rural customers, or about 26% of all Ontarians. As Ontario's largest transmission provider, our assets energize all of Ontario's local distribution companies, such as Toronto Hydro, Alectra Utilities and Hydro Ottawa.

Hydro One is dedicated to delivering clean, safe and affordable electricity in Ontario. We also know that we play a major role in ensuring that other essential infrastructure can be built, like homes, transit and broadband. That's why we're very, very pleased to support Bill 153, An Act to amend the Ontario Underground Infrastructure Notification System Act. The bill introduces important amendments that, in concert with regulatory changes introduced in the fall, provide greater certainty and flexibility in delivering locates. In particular, we support three fundamental amendments the government has brought forward: first, the creation of separate project and standard locate categories; second, the new 10-day timeline for project locates; and finally, the removal of excavator recourse in legislation.

I'll begin with the extension of the locate timelines from five to 10 days for project locates. In our experience, our customers and stakeholders need consistency and predictability rather than speed, in many cases. Hydro One supports this change, because it recognizes the unique challenges associated with locates. Separating these requests by project or standard gives us an increasing opportunity to plan work in advance rather than the current, perhaps less efficient, approach of responding to late or coming-due locates. Additionally, this amendment allows developers who are constructing generational infrastructure such as roads, hospitals and large subdivisions to be separated from the standard requests, such as a homeowner putting up a fence.

As a developer ourselves, we understand the frustration of late locates. Indeed, we are building multiple transmission and distribution lines to ensure that all regions across the province are connected to Ontario's grid. That requires locates. We are a principal partner to the Ministry of Infrastructure in its rural broadband program. That also requires locates. In addition to that work, we've been active partners in nearly all major infrastructure projects across the province. Here in Toronto, we're moving our infrastructure to make way for the Ontario Line, as an example. That, too, requires locates. We've been working with the auto sector investors, like NextStar Energy, the LG-Stellantis partnership in Windsor and PowerCo in St. Thomas, to bring the jobs of the green economy to Ontario. That, as one would anticipate, also requires locates.

During these committee hearings, you may hear other stakeholders tell you this legislation is simply giving infrastructure owners additional time to slow down their projects, and we respectfully disagree with that. Again, as a developer ourselves, we know that it takes months at times or years to get projects like these off the ground. Further, locates requests of this nature require kilometres of locating underground infrastructure, representing countless labour hours. We believe it is unreasonable to demand such complicated locate requests to be completed within five days when they've had months or years to start a project. So we very much appreciate the government approach of giving us a little bit more time to create a more organized and predictable system that will better serve Ontario's economic development goals.

While Hydro One's compliance record has not been perfect, we have made investments and worked with our locate service providers and industry peers to improve that compliance. We're also working with excavators by creating alternate locate agreements to provide well-known, responsible excavators with the ability to perform their low-risk excavation work near our assets without having to wait for field locates. Approximately 40,000 locate requests received by Hydro One in 2023 were covered by an alternate locate agreement. This freed up resources to focus on locates for higher-risk excavation work, while improving timelines for all requesters. I'm pleased to tell you that our 2023 compliance rate was up 33% from 2022, and we anticipate further growth.

As I mentioned before, Hydro One is Ontario's largest electricity distributor and transmitter. We pride ourselves in delivering safe and reliable power to all of our customers. However, our above ground infrastructure is particularly vulnerable to Mother Nature.

During the last provincial campaign, a massive storm, later known as the derecho, hit Ontario. We restored power to 890,000 customers, replaced countless broken poles and 500 damaged transformers. The Chair's and MPP Blais's ridings in Ottawa, in particular, were hit rather bad during that storm, with many Ottawa citizens being without power for 10 days. Earlier this month, a raccoon got into one of our transmission stations and sent 7,000 Torontonians into the dark. In emergencies like these, restoring our customers' power is everyone's top priority. All of our maintenance work halts. Our new infrastructure projects must be delayed, and our ability to respond to external locate requests is diminished during those situations.

Using the derecho as an example, to reconnect to customers in communities that we serve, we need locates as soon as possible to ensure that our crews could do their work safely and that they don't make the situation worse, for instance, encountering Enbridge or another utility's lines. This means that nearly all infrastructure owners' locate requests for the Ottawa region were delayed because our emergency locates took precedence over the planned work. You can imagine, of course, the backlog that would have been created from us having to replace countless poles, nearly all of them requiring emergency locates as soon as possible. So it's situations like these that

show how vulnerable infrastructure owners are to these kinds of unknown circumstances.

**1410**

As my colleague from Alectra mentioned, the key to any good piece of legislation is balance. This legislation absolutely comes with a carrot, such as giving locate providers additional time to plan our resources appropriately.

One reason we are also pleased is that the government is proposing to remove the excavator recourse clause from legislation—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Daniel Levitan:**—thank you—which gives excavators the right to make claims against infrastructure owners for damages caused by late locate requests. However, the stick, or the balance, is in the regulatory changes that gives Ontario One Call the ability to actually levy fines on infrastructure owners who do not make any attempt to provide the locate. As this legislation is currently written, infrastructure owners bear the full liability of late locates, without an opportunity to defend themselves against these fines. So we do recommend that the legislation provide Ontario One Call with the ability to have that adjudication process.

In conclusion, I'd like to end my time with you by restating our commitment to partnership in infrastructure development across the province. We're very proud of the work that our crews do to make sure that these projects move forward. And we have been, of course, working very closely with the Ministries of Public and Business Service Delivery and Energy, Ontario One Call, excavators, locate service providers and other utility partners to support the government's objective of enhancing the locate delivery system in Ontario. Bringing certainty and predictability to the locate industry—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have.

We'll now turn to the official opposition. MPP Wong-Tam, you may begin.

**MPP Kristyn Wong-Tam:** To our speakers, thank you very much for your presentations today. I think I will start my question with the CEO of Ontario One Call. Just out of curiosity, were you able to catch most of the deputations from this morning?

**Mr. Jim Keech:** Yes, I was here this morning.

**MPP Kristyn Wong-Tam:** Fantastic. I wanted to just maybe jump off from there. Congratulations, because I think, clearly, there's a lot of goodwill and support coming in from all the different stakeholders, that this is a piece of legislation that is supportable. Certainly, the opposition intends to support that.

I'm just curious because there was also some mention—and I know that the independent member and I have flagged this—about, how do we ensure that the data mapping, the datasets, the mapping technology and the universal language used by the locators will be as uniform as possible? There was some conversation that we had about who is responsible for that. Would it be perhaps the sector getting together to sort of self-organize, the different hydro companies? Or would it be the regulator?

I'm just interested in knowing whether or not you have an opinion on who would be the best entity to help us create a universal language for data mapping, the technology, the geotagging, as well as making sure the datasets are easily understood by all.

**Mr. Jim Keech:** Thank you for the question. Yes, I did hear a fair amount of debate about that this morning. I would start by saying that it's an excellent question. It's a significant problem.

My first comment is, I think this is a much bigger issue than people realize. You're talking about all the infrastructure of the whole province of Ontario. So my friends in the electric business, Enbridge business, the gas business, the municipalities—this is enormous, and it's multi-million-dollar to decide on.

I go back to my life in Kingston, where I worked with infrastructure mapping and whatnot. I do think the first issue is coming up with a common platform, and I think that is going to be difficult to make happen. I guess if I were to directly answer your question, I think the only way that that will happen is if it is legislated.

The other comment that I would make: Currently, it's One Call's responsibility to collect the data to look at it for mapping and whatnot. We don't really have a role in that regard, but we are working very closely with Infrastructure Ontario in regard to solutions for that.

**MPP Kristyn Wong-Tam:** That is really helpful. In your opinion, if the government was to try to regulate that so there's a standardized, universal way of speaking in the datasets and the data collection, is it Infrastructure Ontario that should take the charge? Where do you think it best sits, the solution?

**Mr. Jim Keech:** I don't know, but I guess my opinion: I think Infrastructure Ontario would be a good place to look at.

**MPP Kristyn Wong-Tam:** Because there has been quite a bit of support on moving away from penalties and working toward a model of compliance-driven outcomes, I'm just scrolling through the compliance summary on the website. In 2023—the numbers do vary, but I think they hit a sweet spot range then. In 2023, there were 654,000-plus of those who were compliant, so everybody met the timeline and the deadline. Then there were 188,000-odd numbers that were non-compliant. But then there's a separate category that says, "Non-Compliant No Response," and this number is not insignificant: 47,916. Can you explain what that number represents?

**Mr. Jim Keech:** Without having it here to look at, a request is made for a locate. The infrastructure owners go out and do the locate. Then they are to provide information back to us, to our data system, that will help us determine the timelines if the locate is done. Not everybody responds back in, and I believe that's the issue that causes the discrepancy you're talking about.

**MPP Kristyn Wong-Tam:** Do they eventually respond? Or is the company that made the request or the municipality that made the request for the locate—if they get a non-response in five or 10 days but they get it in 30 days, that would be catalogued, I'm assuming, as non-

compliant but then become compliant. But what happens if they never respond?

**Mr. Jim Keech:** There are some, I would say, that never respond. I would say, some of them that never respond—it doesn't necessarily mean that the work wasn't done; they just don't complete the paperwork.

**MPP Kristyn Wong-Tam:** So then the companies that are relying on the locate data come back. What do they do? Because they have a risk now. Either the project is delayed, and sometimes indefinitely there's no response, or do they just dig and ask for forgiveness later?

**Mr. Jim Keech:** No. Nobody digs and asks for forgiveness.

**MPP Kristyn Wong-Tam:** Okay, that's great.

**Mr. Jim Keech:** That's wrong from a whole—

**MPP Kristyn Wong-Tam:** I'm feeling good about that answer.

**Mr. Jim Keech:** Yes. This may be a question that's better posed to the guys beside me. But the fact that there's no response doesn't necessarily mean the work isn't done and the excavators don't realize that the work has been done, and they proceed and do the work safely. It's just that the paperwork wasn't completed. That's an area that we are aware of, and we realize that everybody needs to get better. Some of the things that we are doing from a system perspective are going to force that.

**MPP Kristyn Wong-Tam:** Okay. So then we have your assurance that that will improve over time? Over a period of time, if I was to come back in at the end of 2024, I will see the number of non-compliant responses fall?

**Mr. Jim Keech:** Yes.

**MPP Kristyn Wong-Tam:** That's correct? Okay. That's indeed very encouraging.

I'm imagining that you don't expect that to fall overnight to zero. Is there a tiered outcome that you're willing to accept in terms of some risk of non-compliance, but eventually, in five years, we'll get to a place where the overwhelming majority—only 1% will be "non-compliant no response"?

**Mr. Jim Keech:** I don't know if I could sit here and, off the cuff, give you a percentage. I think we want to see it go down. If we go back over the past year, and this was talked about this morning, the amount of locates completed from an excavator's perspective—the average six are all done—has improved, I think, by about 30% over the course of a year. We want to see, from all aspects, continued improvement.

For the area that you're talking about, I'm not sure we're going to get to zero or 1% or 2%, but I think we need to continue to work toward that. Every year, as we build history and data, then we're more prepared to put projections as to where we want to get to.

**MPP Kristyn Wong-Tam:** Okay, thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now turn to the independent member. MPP Blais, you may begin.

**Mr. Stephen Blais:** Thank you, everyone.

Mr. Levitan, I think I heard you say that you support the transition from the contractor penalty or the ability to seek damages, for lack of a better term, to the administrative penalties model. But you added on that you—I think I heard you say you would like some kind of arbitration or quasi-judicial process as part of that so that utility companies can defend themselves against whatever the penalty might be or the reasons behind the delay.

**Mr. Daniel Levitan:** I think the point more is that centralizing this with Ontario One Call gives us one organization to work with through this, and it gives them the ability to determine how those conversations take place. I think the coordination, the centralization and how that takes place is what's important to us.

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**Mr. Stephen Blais:** Fair enough.

To Mr. Keech: In the current stick that exists, where the contractor can go after the utility for costs for a delay in the project, they're obviously recovering that money, if they're successful, to offset their costs for the delays that have been incurred. Or perhaps the municipality is doing that, if their costs have gone up as a result of a delay in construction.

Under the new model, there will be potentially an administrative penalty. Who gets the money? Do you keep the money and use it for education and compliance? Do you dish that out to the city, who might be out money because of the delay, or to the contractor similarly? How is that going to work?

**Mr. Jim Keech:** When administrative penalties are assessed and they're collected, that money comes back to Ontario One Call. The legislation or the regulation is fairly clear what we can use the money for. We can't use it for operating expenses, but yes, education, promoting safety—that type of stuff is what it would be utilized for. But it would stay, at this point, with Ontario One Call.

**Mr. Stephen Blais:** Sure.

I agree with my colleague: I think, obviously, the presentations today have been largely positive. I can't imagine this is going to be overly controversial when it does get debated at the next stage. But I think many of my questions and some of the questions I've heard—it's kind of like, what's next, right? This has been a progressive, iterative project that the government has put down. I think everyone has alluded to the fact there are future phases coming down. We've heard about common mapping resources. We've heard about converting locator technicians into some kind of certified or nearly certified trade type of position.

Where are your thoughts on where everything is headed? Are we talking about a year, five years, 10 years? What's the runway we've got here?

**Mr. Jim Keech:** I go back to, from my perspective and Ontario One Call's perspective, that the legislation and the changes that we're talking about here today we fully support for a number of reasons, mainly because it promotes public safety.

I think, from our perspective, as I just said a few minutes ago, we have seen great improvement from results for

locates being done in a timely manner over the last year. There's still a fair amount of work to be done and it's our intention—we're not waiting for May 1. We continue to work from a compliance perspective to try and improve on that.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Stephen Blais:** Let me ask you maybe from a different perspective. If you're becoming the regulator, and that's where we're going, is your intention or is your view—maybe it could be just your personal opinion at this point. Do you want to have authority over the certification of the locators as a trade? Do you want to have authority over the common mapping platform? Are we going to hold it all under one, which is you, or is it going to kind of be dispersed amongst three, four, five organizations?

**Mr. Jim Keech:** I think it can be dispersed. We're not looking for that. We agree with certifications. There needs to be something in that line. There needs to be better mapping. I think we would like to work with whoever has the ultimate control over that, but it doesn't have to be us.

**Mr. Stephen Blais:** But you don't have an opinion on—

**Mr. Jim Keech:** No, I don't have an opinion as to where it should be at this point. I think there needs to be a lot more discussion before we get to that point.

**Mr. Stephen Blais:** Sure. Okay, thank you.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government. Who would like to begin? MPP Saunderson.

**Mr. Brian Saunderson:** Thank you very much to all three of you for attending today, and thank you very much, Mr. Keech. I know you were here this morning watching the others. As the representative from Ontario One, I think my question is directed to you, but I invite the other two as well to speak to this.

You talked in your comments this morning that you support the legislation and it aligns with One Call's philosophy. We've had a lot of discussion today about the correct balance between safety and efficiency to keep costs down and make sure that our development, which is much-needed, is moving forward. Part of that discussion is compliance, and we've heard that rates have gone up. The minister this morning had some stats, and I think you echoed them: It's about a 30% increase from 2022 to 2023.

I'm wondering if you could just expand for me your comments or your thoughts on how the expansion of One Call's role in the process and the extension of the five-day to 10-day period, as well as the ability for administrative monetary penalties—how all of these things are going to work together to strengthen One Call's ability to get these locates done within the time, moving up our compliance rate and also using the enforcement tools and the collaboration with the stakeholders.

**Mr. Jim Keech:** There's a number of questions there—

**Mr. Brian Saunderson:** It was a broad number of questions. I guess, first, I'm just wondering if you can tell us how you see that this expansion of One Call's role is going to get us where we need to go.

**Mr. Jim Keech:** I think, with the administrative penalties—and again, the administrative penalties actually came

in April 1 of last year for a short period of time and then were removed. I think with us having the ability to do that—and, first off, it got the attention of the industry that this was serious and there were a lot of changes made. I think there was more awareness and more attention paid to that and, hence, the significant change to that. I think that's going to continue on over the course of this year and years to come.

On the five to 10 days, the one comment I will make on that: From One Call's perspective, we're relatively neutral. We did have concerns: Is it going to be negative? But in talking with a number of infrastructure owners, I don't think that's the case. That's not their plan. But we've heard a comment from those more on the side of excavation that it's not always necessarily the timeliness, but the ability to plan. So part of my thoughts is, if you know it's going to be 10 days and you can plan for that, there's more value in that, in thinking it's going to be five days and it ends up being eight days. Again, that's positive as well.

**Mr. Brian Saunderson:** I don't know if either of you gentlemen would like to speak to that as well.

**Mr. Chris Hudson:** Yes, I would agree. I think the five to 10 days will not have a negative impact on the ability to plan. For example, in today's world, with supply chain challenges and things along those lines, it right now takes 52 weeks to obtain a switch gear for an electrical project. An extra five days for a locate is not going to hamper that construction, but the fact that you know that that will be there in 10 days or that switch gear will be there, you can plan accordingly and schedule accordingly.

As we heard earlier, I think Mr. McGivery from Enbridge commented that if one locate is off, that's what prevents an excavator from being able to do that. If they know that, within the 10 days, they will have all those locates and they can start, that is the piece that would be important to them. It's not so much the time frame but knowing that they have all the locates and they're delivered within a time frame they can believe in.

**Mr. Brian Saunderson:** Okay, thank you.

And just by way of a supplemental: We talked about compliance and collaboration, and since we've got a representative of a regulator and then two of our main excavators, I'm wondering if you guys can explain to me how the collaboration dynamic would work and how that's going to increase compliance under this proposed legislation.

Maybe, Mr. Hudson, you want to go first since I left you out of the first one.

**Mr. Chris Hudson:** Thank you. Ultimately, the compliance between excavators, between Ontario One Call and utilities is key. I think for a long time, we saw a lot of finger-pointing and Ontario One Call kind of sitting in the middle trying to referee as best as possible, without any real leverage to move the ball forward. I believe the legislation now gives Ontario One Call that ability to bring all parties to the table and not just be the person trying to bring them together. They actually have some stick in the game now.

I think as excavators and locate providers on the utilities' side, a lot of the projects being delayed are our own projects, and we want to find ways across all utilities to find a way to work this better. At the end of the day, we all benefit by coming to the table and collaborating. Obviously, things like administrative penalties perk everyone's interest and no one wants to be seen as someone that's holding up the process. So that also helps bring everyone to the table to be more collaborative.

**Mr. Brian Saunderson:** Good. Thank you very much. Those are my questions.

**Ms. Jess Dixon:** What's our time, Chair?

**The Chair (Ms. Goldie Ghamari):** Two minutes.

**Ms. Jess Dixon:** Thank you.

My question is for Mr. Keech, but as raised by Mr. Levitan. If we have an act of God or an act of raccoon, how does One Call foresee handling that? Because it seems like a reasonable question to say: How would we face a fine or a consequence when, really, you're arguing with a raccoon?

**Mr. Jim Keech:** If we realize something like that has happened, that there's storm damage or the raccoon situation, and it comes down to a complaint about, "You didn't meet the five days" or "You didn't meet the 10 days," we will take that into account. We won't move immediately to an administrative penalty. There will be discussion. I would say, before we apply any administrative penalties, we want to talk to people and see what the circumstances are. If they're warranted, we will use it. Without question, we will use it.

But a lot of this is not black and white. You need to be able to look at what the situation is, and we're prepared to do that. I think we've shown that over the past year. We didn't have the AP tool, but we did try to put a fair amount of pressure on infrastructure owners from a compliance perspective, and we would take those things into account.

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**Ms. Jess Dixon:** How do you see that working? Because obviously there isn't a formal process by which to essentially defend oneself against an act of God. So you see it as sort of an informal consultation amongst those involved?

**Mr. Jim Keech:** It will always start informal. Well, I shouldn't say that. If public safety is at risk, no, it won't. But if there's not a public safety risk, it will start informally with a discussion.

**Ms. Jess Dixon:** Okay. So if the emergency is essentially passed but it has led to that delay, then you'd be assessing the nature of the emergency and whether or not the delay was reasonable in the circumstances?

**Mr. Jim Keech:** Yes. That's correct.

**Ms. Jess Dixon:** All right. Thank you, Chair.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition. MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you for this really great and rich discussion. I actually did not thank you for digging me out of the darkness. I was one of those many thousands of Torontonians living downtown who lost power for a few hours. As the results came in on what was

the cause of the outage, of course it seemed like such a classic Toronto moment, so thanks for putting a smile on our face even though we've had numerous blackouts over the years. Whenever there's a loss of power, especially in high-rise communities, there's always a, "Brace yourself. How long is this going to be?" Thankfully, it wasn't too long.

I want to just follow up on some questions around compliance. I know this is a very important issue, because it's that sort of tiered effect. If something doesn't go right here, there is that domino effect that everybody is sort of waiting and rushing to wait. With respect to moving forward—and I want to just recognize that the CEO of One Call did mention that you'd like to get to higher and higher rates of compliance, but at this point in time, there's no clear path and indication of what that might look like. But I'm just curious, because you're setting the standard and pace for the rest of the industry, what are some of the tools that you may be using to ensure that there is better compliance? Because oftentimes, it sits under supervision and enforcement. There's some discretion in the bill that allows you to bring the right stick. So I'm curious to know if you can just give us a review of what that would look like.

**Mr. Jim Keech:** Yes, there is a fair bit of discretion. Again, I want to separate a real public safety concern, because if there's a real public safety concern, we will act differently and we will act very quickly on that. But for the general ones, we start with communication, with education. We're actually heading toward the dig season now, but we are going to be very proactive with all stakeholders: members, excavators, LSPs. It's just what our expectations are. And then we will actually sit down and work with individual members.

We look at, I would say, two different aspects: One is complaints, and the other is data. We try to separate out the good performers from the performers that aren't doing so well. We will sit down and come up with a plan for improvement. If the excavator or owner delivers on the plan and shows that they're truly trying to get better, then we'll just continue to work with them. If they don't deliver and it appears they're not genuinely interested in getting better, we will go to the APs.

**MPP Kristyn Wong-Tam:** Okay. Mr. Keech, I'm just curious: Knowing that there's discretion in the type of tools that you can use to get to compliance, there may be some companies that maybe they're not so fearful of fines. They just see it as a cost of business: "I'm going to put it in that pile. My accountants will deal with it." Are there any other powers that you may have that you can levy beyond fines? Does it get to prosecution? Can you explain that to us?

**Mr. Jim Keech:** I'm going to answer your question in a second, but to this point: The situation that you're describing, we haven't experienced—if anything, the opposite. I think there are two factors here. The dollars are one, but the reputational hit is much more significant. And we have not experienced, "Go ahead and fine me. We'll just pay it and carry on."

At this point, the only tool that we have is the AP. Other administrative authorities do have other tools, and we've been in conversation with folks at the ministry about expanding our tool kit as we continue to work. I think, in the last panel, there was talk about how this is going to continue to evolve. It is relatively new, and we are already talking about those types of things.

**MPP Kristyn Wong-Tam:** Okay, thank you. That's really helpful.

I have a question that's going to deviate a little bit from—it's akin to the bill, I want to say. It's around coordination around construction. Oftentimes, we want to say, "Dig once. Measure three times and cut once." In this case, we know that when it comes to rebuilding a road, oftentimes the road is cracked up and we want everyone to get in there and upgrade all your assets as quickly as possible. But that hasn't always been the case.

We have lots of times in the city of Toronto, and I think in other municipalities, where everybody wants to dig when they want to dig, and it may be the next year we have another different crew coming back to upgrade the infrastructure, when we're really just pleading with everybody to come in roughly at the same time.

Is there anything that One Call could do to bring the forces together so that they can actually do the best that they can to overlay the construction at one time, as opposed to re-covering the road and then having the next excavator come back again?

**Mr. Jim Keech:** I feel like I'm back in Kingston talking to city council because I've heard this many times.

**MPP Kristyn Wong-Tam:** Yes, it's a pet peeve.

**Mr. Jim Keech:** Yes, and I completely understand it from this perspective and what I did before. With the tools we currently have, I would say no, nothing directly. But the one thing, and I think my friends touched on this—I've been in this position for about a year and a half, a little bit under that, but I've been amazed at the amount of collaboration between the different groups. I think for what you're talking about happening, it just needs that to continue, but on a bit of a different level.

**MPP Kristyn Wong-Tam:** Okay. That's wonderful.

I'm going to turn my questions to Hydro One. You folks are at the table with everybody else. What could we do to get the sectors and the different asset owners to play more nicely and work even more collaboratively—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**MPP Kristyn Wong-Tam:** —so that we don't have constant disruptions in the roadway and it's the same roadway that is being disrupted?

**Mr. Daniel Levitan:** Sure. I think that's an excellent question. There are a few things that govern our infrastructure a little bit differently, especially with the high-voltage equipment. There are only certain windows where we're able to take an outage to conduct work, on a lot of our equipment, because it becomes a question of what you're doing with the backbone of the system. Those were rules that were introduced after the 2003 series of blackouts.

So there's a lot governing when we can do the work, but everywhere else, a lot of that takes place at the municipal level. We take advantage of our relationship with other utilities and the resources at One Call. But I would say, a really good start is at the municipal level, making sure that the disruption that can take place when a lot of work is occurring is well coordinated through those offices. It's an effort we always make when we do have a big capital program or maintenance effort going on. But that's usually where it starts: Where is it affecting people the most, and how can you make sure that you're coordinating at that level?

**MPP Kristyn Wong-Tam:** So just to clarify, you want the municipality to take the leadership on this particular piece?

**Mr. Daniel Levitan:** I would say that it's up to the utilities to take a leadership role when they have a work program coming forward—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have.

We'll now turn to the independent member. MPP Blais.

**Mr. Stephen Blais:** Maybe, just to continue that thought: Why wouldn't the new regulator take responsibility for that over time? It's not obviously happening with this legislation, but if this is a kind of iterative process, where we're going to incrementally improve the system, what would be the harm in there being an essential regulator for that kind of activity?

**Mr. Daniel Levitan:** I can only speak to the practical reality of how we have to conduct work currently, but I might pass it over to Jim on what future activities they might be planning.

**Mr. Jim Keech:** I guess I can't pass this back, eh?

Again, I go back to my past life in Kingston. I sympathize with everybody in that regard because I've heard that before. In the model we had in Kingston, we had most of the infrastructure under the one umbrella, but even then, it was a challenge.

I think from One Call's perspective, in looking for us to engage in these conversations, bring this forward and talk about it, we would be more than happy to do it. If you're looking for us to have a regulatory role with some type of penalty to make that happen, I think that's a completely different discussion that would have to take place. I don't really see that in our mandate now, not in the way that we're set up.

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**Mr. Stephen Blais:** No, I probably don't see it in your mandate either. But it just seems to me, if we have a regulatory authority, it should probably do more than just referee the location of utilities. If we're going to put effort and money into locating utilities for construction, which is obviously what this is about and I think everyone agrees with, then we should probably put money and resources in the mapping of where future infrastructure should go so that that back-end process becomes easier. We should put authority in place to train the people and regulate the profession. We should put authority in place on the standards for construction for utility trenches, as an example etc. Do

you know what I mean? Would it not make locating easier 10, 20, 30 years down the road if the regulatory authority took control of some of these processes? I'm not saying tomorrow or in one fell swoop, but over time as we progress to a more ideal state.

**Mr. Jim Keech:** So if we're talking now where utilities go in the road, I think most municipalities actually have specifications for that and maybe there would be value in provincially making a common platform for something like that. I can see value from that perspective.

I'm not arguing; I agree with everything you're saying. I'm just not sure, the way we are set up today, that that's a role for One Call. Again, there are other AAs—the TSSA, ESA—that are involved with this, and maybe even more collaboration between us and I think the major players as well.

**Mr. Stephen Blais:** Sure.

I'm good. Thank you very much, gentlemen. I appreciate it.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government. MPP Sabawy, you may begin.

**Mr. Sheref Sabawy:** Thank you very much, Madam Chair. Through you, I want to ask Ontario One Call a question. Ontario One Call is an administrative authority that promotes safe excavation in Ontario. I think the slogan "Click Before You Dig" is your promotion to make sure that people keep in mind that they have to get permission before they dig anything. Did you get consulted regarding Bill 153?

**Mr. Jim Keech:** Yes. There was a lot of consultation with us and a lot of stakeholders and that involved.

**Mr. Sheref Sabawy:** How far from your recommendations, which was recommended by you as the administrative authority for this—Bill 153 came close?

**Mr. Jim Keech:** I would say very close.

**Mr. Sheref Sabawy:** Very close.

My last question would be: How do you think that will help you promoting and advancing the industry to meet the standards you are trying to put in place and help you to enforce that?

**Mr. Jim Keech:** A couple things—and I talked at a very high level in the presentation. A lot of the focus is on not being able to charge for locates and removing the recourse between excavators and owners, but there was a fair amount in this bill that either changes the current act that we're under, giving us liability protection, which is a big one, and also allowing the minister to change regulations. I think that's important, because as has been pointed out, this is relatively new legislation and there have been a number of changes. I think there's going to continue to be changes and I think having that ability will help.

**Mr. Sheref Sabawy:** In your opinion, do you think that this will advance the industry forward?

**Mr. Jim Keech:** Without question, yes.

**Mr. Sheref Sabawy:** Perfect. Thank you very much.

My second question would be for Alectra Utilities because I know that you own a massive infrastructure grid. I would like to ask a question in regard to how Bill 153 will impact your organization operation-wise or cost-wise.

**Mr. Chris Hudson:** One of the big ones is the extension to the 10 days. Really, because we have such a vast service territory, it provides us greater visibility into where our locates are being bunched up. We may not have very many locate requests in Hamilton, but we may have a considerable number of locate requests in Vaughan. That extra window and the further visibility into the locates allows us the ability to move resources between these different areas to ensure that we're meeting the demand as best—and that could change week to week, month to month. It just allows us better visibility into the locate requests that are coming through, the amount of volumes that we have, and allows us to plan better with our resources and move them where they're most needed.

**Mr. Sheref Sabawy:** I have just one question which is not related specifically to this, but for the three of you: How much matching—when we look into the documentation when a locator goes, is he depending 100% on trying to find the utilities? Or does he usually have some drawings, where he knows where he is going to look for that? And how accurate are those?

**Mr. Chris Hudson:** The process of performing a utility locate is twofold. One is the drawings. The records are the basis on which the locate is started, and then they ultimately use radio detection equipment. You'll often see them out walking over and waving a wand. That process is the verification that the records are correct. So what will happen—and some of the delays that occur in the process are that a locator may go out, may see that the record says the plant is supposed to be in this location. When they do the actual physical verification with the wand, it's not there or it's another location. So that now triggers, because of safety, a bunch of questions, and they need to go back to the office, back to the records group, back to wherever and start to verify those locations to ensure the safety of the excavator is maintained. So it is a two-step process: One, it starts with the records, and then, the physical verification with the wand as they go out to ensure that the records are correct.

**Mr. Sheref Sabawy:** Does this missed location finding trigger an update for the documentation? Does he go back and update those drawings so that in the future, we don't have to go through the same process again?

**Mr. Chris Hudson:** I can speak for Alectra, and I believe it's the same for Enbridge and Hydro One: Yes, most utilities, I believe, have that update process, where, if it's not correct, it triggers a process where the utility then goes back and updates its records.

**Mr. Sheref Sabawy:** Thank you very much. I will dedicate the rest of the time for my colleague.

**Mr. Lorne Coe:** Time check, Chair, through you?

**The Chair (Ms. Goldie Ghamari):** Two minutes.

**Mr. Lorne Coe:** Okay, thank you very much.

Daniel, I'd like you to speak to how you think the amendments in this legislation are going to maintain public safety. The context is this: One of the main objectives we have as representatives is the safety of our community, and not unlike my colleagues on both sides of this horseshoe, we have growing communities. So that particu-

lar topic is a significant one relative to what we're discussing today. Can you respond on that, please?

**Mr. Daniel Levitan:** Yes, of course. Thank you for the question. I'd say that the theme that you'll probably hear from across us and a few of the other delegations that have been made is one of enforcing coordination across utilities, the regulator, excavators etc. I think what the amendments do is they introduce that layer of practical reality. What does it take to actually execute some of this work? What does it take at the utility level to go through—I mean, you heard a very good detailed answer from Alectra on what it takes to ensure that not only are the records made, the records are sound and there is a robust process around that, but I would say even more fundamentally—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Daniel Levitan:**—people need housing. People need public infrastructure renewal. They want to make sure that their bills are affordable. I think, overall, public and worker safety has to be an absolute priority. So more than anything else, it's about finding balance, and I think that this legislation finds balance. The next step—I think the magic to this whole thing—is how we all coordinate afterwards and make sure that this works for all of those people, all those stakeholders, residents etc.

**Mr. Lorne Coe:** In summary, you're confident that this legislation does exactly that?

**Mr. Daniel Levitan:** Absolutely, yes.

**Mr. Lorne Coe:** Thank you very much.

**The Chair (Ms. Goldie Ghamari):** That concludes this round. I'd like to thank our presenters for joining us. You may now leave the stage—no? I never know what to say: "You are now released"? It's not like we're holding you hostage, so it's like—

*Interjections.*

**The Chair (Ms. Goldie Ghamari):** Thank you for being here, yes.

ASSOCIATION OF MUNICIPALITIES  
OF ONTARIO  
MS. NINA DEEB

**The Chair (Ms. Goldie Ghamari):** We'll call upon our next set of presenters: the Association of Municipalities of Ontario and Nina Deeb.

Please step forward now. We're going to start.

I will now call upon the Association of Municipalities of Ontario to please state your name for the record, and then you may begin. You will have seven minutes.

1450

**Ms. Karen Nesbitt:** Thank you, everybody, for the opportunity to address the committee today. My name is Karen Nesbitt. I'm a senior manager at the Association of Municipalities of Ontario, also known as AMO for short. Joining me virtually is my colleague and superior Lindsay Jones, AMO's director of policy and government relations.

AMO appreciates the opportunity to provide comments on Bill 153, the Building Infrastructure Safely Act. The



locate system in Ontario is vital for ensuring the safety of excavators and the protection of underground infrastructure. A well-functioning locate system is paramount to supporting Ontario's growth.

AMO welcomes the proposals under Bill 153 to both (1) prohibit infrastructure owners and operators from charging for locate provision, and (2) streamline the penalty process by removing the ability for excavators to recoup costs through the Ontario Land Tribunal. These changes respond to past municipal feedback and will increase the efficiency of locate delivery while limiting cost impacts for underground infrastructure owners and operators.

Closing a legislative loophole and preventing infrastructure owners from charging fees for the locates is critical to municipalities, especially amidst broader funding pressures. Municipalities are tasked with building historic amounts of housing-enabling infrastructure to meet the province's goal of constructing at least 1.5 million houses by 2031. Municipalities are in the midst of leading this growth through development across the province, adding new transit, water systems, roads, affordable housing and other major capital projects to repair and expand municipal assets to make this growth in housing happen. In this context, every dollar counts, and preventing fees for locates supports municipalities in their construction efforts without adding additional costs to already financially strained projects.

As builders, municipalities support One Call's administrative penalty system to motivate locate owners to provide the information on their assets. Municipalities getting fast and easy access to locates on their construction projects will help keep them on time and on budget, protecting taxpayer dollars.

While municipalities are builders, they're also underground infrastructure owners. They provide critical locates information for their own assets, like sewers, storm drains and water pipes. The proposed changes to streamline the penalty process will create efficiencies at the Ontario Land Tribunal and reduce financial risk for municipalities who need to dedicate resources to the tribunal proceedings that may be subject to financial penalties. An administrative penalty system with penalty maximums transparently set out in regulation, as they are today, can increase predictability.

In conclusion, AMO supports the intent of Bill 153 and appreciates the opportunity to provide feedback on this important proposal. We urge the committee to consider our recommendations for the benefit of municipalities and for the province as a whole. Thank you very much.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to our next presenter. Please state your name for the record, and then you may begin.

**Ms. Nina Deeb:** My name is Nina Deeb. I'm a full-time real estate broker in Ontario, since 1996, which is also the year that Ontario One Call was created.

Ontario One Call was originally created by Bell Canada, Union Gas and Enbridge Gas Distribution, which is the industry itself. In 1996, this entity was created, and in

2012, by a private member's bill, Bill 8, it became a monopoly. The expansion of powers to delegate authority—this is something that I speak out about quite often—is the DAA model. What the DAA model is doing to our administration in Ontario: It slows things down; it doesn't help. I heard the minister this morning mention 12 delegated authorities. He has more than that, but it doesn't matter which ones he's missing. They don't do anything. They're not effective. The DAA model does not work in Ontario.

I did hear—also, I see here in the bill—about the removal of personal liability, no personal liability for neglect or default. This is concerning. What does the DAA model have to hide? We should not be removing the liability of these administrative corporations.

Also, I saw that there are no fees for locates. They're enshrining this into legislation, which has always been the case, until one of the creators, Enbridge, actually came out with a \$200 fee. So the reason we're here today is because of one of the creators of Ontario One Call saying they might charge a fee of \$200.

There is a cost when you ask for locates. If you've ever asked for locates, you will find, just magically, people show up and start locating your water, your gas, your hydro. They just start marking it all up for you. You pay nothing for this, but somebody is paying, and that's the ratepayers. The ratepayers are paying for this, so it is inaccurate to say that there is no fee for this, that it's free. There's no such thing as free. When people show up in vehicles and do appointments, there's somebody paying for that service.

The not-for-profit status of the regulator and the administrative penalties that the regulator can also charge—so, on one hand, we're told that the municipalities and those that are doing the work cannot charge for their service, and those that start out as a call centre can charge administrative penalties. This is not very well thought out.

If we look at history and the way these entities were created, this is the industry itself. It is not appropriate to put the industry above the municipalities. The municipalities are the ones that are showing up. Those that own the infrastructure are showing up to locate, and the burden is put on them. The burden is put on them, who are funded, and how do we pay for these things? It's ratepayers who are paying for these things.

When the responsibility is given to those that own the infrastructure to come immediately—and sometimes it's like turning the tap on. You're not the one paying for the water, so they can be called over and over and over again when, all of a sudden, locates are removed or wiped out. All of a sudden, they're being called out again, and nobody sees the physical expense, to say, "This is wasteful. It's wasteful to my municipality. It's wasteful to the infrastructure owners to have to show up and mark their underground property so it's not being hit." They're the ones that own the infrastructure.

What Ontario One Call is, is a middleman. It's an agency, an agency that is—they don't really have a product, but they're in a position of authority. To put the industry

in a position of authority is inappropriate. We should have had a multiple-model system, as was proposed initially. When we had the industry show up, other providers of locates showed up and said that by creating this monopoly, it pushed them out of business. That's what that did. A monopoly was created, and this monopoly is now being expanded.

We do not want expansion of the DAA model. The DAA model is not working in Ontario. We should be bringing these authorities under control, not giving them regulatory-making powers.

1500

The ministerial zoning orders: The ministerial orders for DAAs, period, are inappropriate. This isn't helping; this is making it worse. The DAA that is not paying taxes—delegated authorities should go home to the country they're paying taxes in, because they're actually collecting a lot of money in this province and they're paying nothing. They're contributing nothing to my province. They're contributing nothing to my country. They're getting in the way. They're getting in the way of building. They're getting in the way of every function that we have.

Expansion of powers: I am not supportive of this bill. I'm not supportive of Ontario One Call being given any more powers. I think that Ontario One Call should be abolished. I think that we should go to a competitive system within the market, not a monopoly system of the industry.

Thank you. I look forward to answering your questions.

**The Chair (Ms. Goldie Ghamari):** This round will begin with the independent member. MPP Blais.

**Mr. Stephen Blais:** Some questions for Karen or Lindsay, whoever is most appropriate. I think I heard you say at the end of your presentation that you support the intent of the bill. Maybe I missed something, but supporting the intent of the bill leads me to believe that you think there should be something additional in it or something that it's in it that should be deleted. If that's the case, I'm wondering if you can share your thoughts on that with us.

**Ms. Karen Nesbitt:** Thank you, member. I didn't mean to mislead you. AMO is in support of the bill in its entirety.

**Mr. Stephen Blais:** Okay, perfect.

We've heard throughout the day today some concerns, issues, me just matter-of-factly pointing out that there is a lack of commonality between the various utilities, and this would include municipalities that own subterranean infrastructure, on the mapping systems that are used to indicate where those utilities are in real life. Much of that goes back to the fact that some of these utilities, in particular storm sewers, might have been in the ground for the last 150 years or so. Obviously, things have changed since then.

I'm wondering what AMO's view is—and if you don't have one, maybe you could commit to getting us one—on the creation of a common platform so that there is some synergy or ability to communicate between the utility companies to better understand where this infrastructure is, which would then lead to better abilities to locate in the future etc.

**Ms. Karen Nesbitt:** That's a great question. I'm happy to start and, Lindsay, have you complement.

I don't have a response that's specific to locates, but broadly, AMO and municipalities certainly support moves to create streamlined processes, consistency across the province for consistent services. Recently, we have supported work around e-permitting to create a standardized system across the province, to make it predictable and consistent for developers. So, in principle, I think AMO would be broadly supportive of a similar type of mechanism when brought forward for locates.

**Mr. Stephen Blais:** Yes, I actually mentioned the e-permitting issue earlier today, because that seems to be a way in which the government has taken a very common-sense approach to ensure that there is commonality across the province. It's one thing for bigger cities to maybe create something like this, but smaller towns might not have that capacity, and I think the same is likely true of the utilities: The larger utilities—Enbridge, Toronto Hydro, Hydro Ottawa, Hydro One etc.—likely have that internal capacity, but smaller players might not. So having some level of coordination and perhaps government direction or government investment in creating a platform, I think, would suit all of the players very well.

Do municipalities have a concern that the deletion of the clause that allows, basically, the seeking of damages for delays in utility notifications—will that create issues for cities? If a locate is delayed by a day or two—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Stephen Blais:** —that can ripple through a construction program and actually lead to five, 10, 15 days' delay later on, across multiple projects, because of the way things are coordinated. So I'm wondering what AMO's view on the deletion of that particular clause is.

**Ms. Karen Nesbitt:** Yes, so we were interpreting it as a—because there are administrative penalties that are set up, that creates tension in the system for all locate operators and owners to respond—

**Mr. Stephen Blais:** That's fair. We've heard that throughout the day today. Administrative penalty, though, will be held by Ontario One Call, whereas if you're a city and you've incurred a million dollars of additional costs as a result of delay, you're not going to get that from Ontario One Call. So will there be a budgetary gap that affects cities, towns and ultimately taxpayers as a result?

**Ms. Karen Nesbitt:** It certainly cuts both ways for municipalities in terms of municipalities both being locate owners and enabling development, but then also being requesters of locate information to keep their projects on track. So we think that the right balance has been struck in the bill. Certainly, from a municipal perspective, there's a lot of tension in the system around—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have.

We'll now turn to the government. Who would like to begin? MPP Saunderson.

**Mr. Brian Saunderson:** Thank you to both our presenters this afternoon. Actually, I was following Mr. Blais's questioning on this issue about the removal of the ability

to go to the OLT, so I'd like you to finish that answer if you have more to go.

**Ms. Karen Nesbitt:** Certainly. I was about to offer that we think that it—we have a system of administrative penalties; that is a streamlined process. It's predictable and it's transparent in regulation about the reasons why a penalty may be raised and the amount. We think that brings more consistency to the process to compel action around locate requests.

Lindsay, I'm not sure if you would like to add anything further?

**Ms. Lindsay Jones:** Just a clarification on the question as well—

**The Chair (Ms. Goldie Ghamari):** Can you please state your name for the record, just for the first time? Thank you.

**Ms. Lindsay Jones:** Sorry. I'm Lindsay Jones. I'm the director of policy and government relations at AMO. Thank you for the opportunity to speak.

I think there was a question around the inability to go to the Ontario Land Tribunal just generally or with respect to—

**Mr. Brian Saunderson:** I'm piggybacking on Mr. Blais's question, so I won't interpret his question, but I'll interpret what I was looking for, and that is, by the elimination of the option to go to seek compensation through the OLT and have instead the administrative monetary penalty, really my question is—my understanding is that AMO sees that as a positive and just for you to elucidate on why you see this streamlining to the one type of monetary penalty, versus both.

**Ms. Lindsay Jones:** Absolutely. I would just add to Karen's answer, which I think is really effective with respect to the effectiveness of administrative monetary penalties, that AMO is supportive of all kinds of solutions that would take the burden off the OLT, just from a general perspective. The OLT is a body that is asked to do many, many things to be able to facilitate the development of all of the houses and infrastructure that Ontario is currently needing. So we see this as a positive step towards taking some of that burden off the OLT and enabling the government to move forward with additional streamlining initiatives from that perspective.

**Mr. Brian Saunderson:** That's a great answer. Thank you both for that. As the parliamentary assistant to the Attorney General, I think keeping our OLT workload focused is a critical piece moving forward, and I agree with your comments.

I do come from the municipal world. I served eight years in Collingwood on municipal council and one term as mayor, and then on Simcoe county council. So I know that our municipalities are a key partner in trying to achieve our building targets and development targets moving forward, but also that you guys have a foot in both lanes, being someone who is involved in the development process and who may be requesting locates for your own municipal projects.

I think part of the topic today has been striking the appropriate balance between public safety and making

sure these locates are done in a timely way, but also efficiently working to make sure that our development can go forward and doesn't have unexpected delays as a result of this type of a process.

A big part of the discussion on top of the compliance motivator with the monetary penalties has been the collaborative aspect in terms of getting the stakeholders together to work together. So, from the municipal sector, I'm wondering if you can make some comment on how you see that collaboration process being helpful and assisting municipalities in (a) responding and then (b) moving their own projects forward.

**Ms. Karen Nesbitt:** I definitely see municipalities being effective at working locally with developers, property owners and the provincial government as well to drive progress on development. Yes, it happens at the major funding level and policy level and planning regime level, but then also on the ground in terms of working efficiently with partners to have projects proceed in a coordinated, prioritized way.

**1510**

On locates: Having had the benefit of listening to earlier parts of today's discussion, I think we're seeing some really good trends in the compliance around how quickly partners are providing locates information—so seeing that trend in a really positive direction at, I think, over 75% responding within the five-day window that's currently set. So we're seeing things working already pretty well, and seeing also that, I think, what's top of mind for the entire province and building partners is achieving growth and getting everything in the ground as quickly as possible. So definitely, there's a lot of clear impetus to act and mechanisms in place to support local collaboration on the ground and to provide this information in a coordinated way.

**Mr. Brian Saunderson:** That's great. Thank you very much. Those are my questions.

**The Chair (Ms. Goldie Ghamari):** MPP Dixon.

**Ms. Jess Dixon:** Thank you. What's our time, Chair?

**The Chair (Ms. Goldie Ghamari):** Two minutes.

**Ms. Jess Dixon:** Just quickly—this is a question for Ms. Nesbitt or Ms. Jones, I believe. You talked a little bit about the concern about municipalities and administrative penalties. We heard earlier from One Call that that may not be an automatic process, but could you explain a little bit more about what your concern is there, as far as a municipality being a different type of owner of underground utilities?

**Ms. Karen Nesbitt:** Thank you for the opportunity to clarify. AMO is supportive of the administrative penalty regime, particularly as a shift away from taking pressure off of the Ontario Land Tribunal to help them address a backlog of really important other decisions that are needed to drive development forward. So, municipalities are supportive of administrative penalties as a whole and as a principle, and look forward to working with One Call around how they best implement those.

**Ms. Jess Dixon:** Okay, thank you.

**Mr. Sheref Sabawy:** How much time?

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Sheref Sabawy:** Okay, so a quick question—I'll ask questions in the second round, but I have a quick question for AMO in regard to which specific element of Bill 153 do you think helps the municipalities more or is more important for municipalities.

**Ms. Karen Nesbitt:** I think, if I had to pick just one, it would be the closing of the loophole that currently exists where locates owners have the ability to charge for locate information. I say this representing municipalities who also provide this information. We recognize that that change creates predictability in a system and affordability, where lots and lots of builders are moving forward with construction projects to realize that 1.5-million home goal. We all need to partner together to make that possible, and providing each other with information around how to safely construct around each other's infrastructure just seems like a basic principle that we all need to share in to achieve all this amazing growth.

**Mr. Sheref Sabawy:** Thank you very much.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition. MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** My question is to AMO. Thank you for your presentation today. With respect to municipalities across Ontario, obviously, they come in different sizes and different abilities to respond to perhaps even similar requests. I am just curious to know, because there's been a lot of talk this morning about how we can't have a one-size approach to a problem, but we do have a one-size approach in some ways because there's a request of smaller municipalities to perform just as quickly as larger municipalities with full-on planning departments and full-on infrastructure divisions.

I'm just curious to know if there has been conversation with you and your members about, how do the smaller municipalities with fewer resources respond to this bill?

**Ms. Karen Nesbitt:** I think on the whole, because there may be a correlation between smaller municipalities and volume of development and larger municipalities and volume of development, there may be some balancing effect that comes through with that. On the whole, our members see this as the right balance, the middle of the road that fits most circumstances.

To be sure, we're always interested in providing a bit more latitude and flexibility for municipalities that may be hosting significant growth and do not have the capacity in place necessarily, but we think this is a great—I think our members support what's been put forward here.

**MPP Kristyn Wong-Tam:** And do you know if all local governments have the ability to hire staff and retain staff to perform their own locates, meaning the designated locators that are required to do this work? Because there was talk this morning about making sure that there is a way to on-ramp the ability to professionalize and standardize the service. Do you know if there are any local governments that don't have full-time locators on staff?

**Ms. Karen Nesbitt:** That's a really great question. I don't have that survey at my fingertips right now, but I think from a broader perspective it might be helpful to

highlight that municipalities estimate that it's going to take about \$100 billion to achieve the growth that the province has committed to in its infrastructure build-out. I think that gives rise to capacity and talent necessary to both find locates but then enable the rest of it as well.

It's in this context that AMO has put forward a call to the province for a social and economic prosperity review, whereby the province and municipalities work together to take stock of the fiscal reality that municipalities across our province face and are able to then put that question into context of what resources are available, what funding is in the municipal coffers that can support growth and development and ensure that such important information, like locates discovery and reporting, can be made on time, on schedule, in addition to all the other investments and capacity required.

**MPP Kristyn Wong-Tam:** That's a really important highlight. Obviously, there's a requirement of everybody working together in order for us to meet those provincial targets. But if the membership of AMO—all municipalities, all local orders of government—are not resourced for success, we're obviously not going to hit those targets, not in the way that we would like to anticipate.

I'm just very curious, because in my question to the previous set of speakers around construction coordination, I recognize that both member Blais and I were tippy-toeing into this. There is a real strong desire to make sure that all utility and asset owners, including the cities and municipalities, are working together to reduce the disruption as much as possible: disruptions to livelihood, shops being boarded up because they can't see them over the construction hoarding, disruptions around transit lines and things like that. We want to see construction take place in a coordinated fashion so we don't have a different utility company coming along and digging up the same street again six months later, after it has been paved and covered over.

There was a suggestion that perhaps it's the municipalities that should take on that role of construction coordination. Because you represent municipalities, I'm just curious to know if you would like to comment on that.

**Ms. Karen Nesbitt:** Lindsay?

**Ms. Lindsay Jones:** It's an important question. What springs to mind for me is some of the recent discussion around rights of way, in particular for companies like Internet service providers that are looking to access streets and roads to be able to dig them up. It's an area where municipalities don't all have the capacity to be able to take on this role. We're finding that a lot in the context of some of the work around enabling all of the broadband investments. I would just say capacity is a challenge, but municipalities do have a really important role to play in bringing all of the players to the table. We see so many of them stepping up to be able to play those important roles as convenors and as overall planners in the system.

**MPP Kristyn Wong-Tam:** Thank you. That's very helpful—and recognizing that it is a very large volume of work to coordinate all those conversations. So maybe I'm just going to redirect my question: Does AMO have the

capacity to be the convenor of the conversation to at least begin the structured discussion on how to better coordinate local infrastructure projects to avoid the multiple disruptions on the same road?

**Ms. Karen Nesbitt:** I think that we are in our early days of marching toward a 2031 goal. We've been very focused on working with the province closely around securing investments to enable this work to proceed. We were so happy to see, last fall, that the province announced \$1.2 billion in the Building Faster Fund for housing-enabling infrastructure and then an additional \$200 million for housing-enabling water systems. We think that we're early days—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Ms. Karen Nesbitt:**—having secured resources. I think it gives rise to an interesting question around how do those resources best get invested in coordination with other housing developer actors in the system, and what is the role for municipalities as development increases in its pace.  
1520

**MPP Kristyn Wong-Tam:** Thank you. I don't think you fully understood my question. I wasn't necessarily asking about the money that's coming in. I'm asking about whether or not there may be some capacity at AMO to become that convenor, to begin the conversation with utilities and also the other municipalities, to find a path and a methodology to ensure better coordination of construction on local roadways.

**Ms. Lindsay Jones:** I definitely think that AMO is interested in playing that convenor role at the level of conversations around systems and approaches where we don't have a role—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have for this round.

We'll now turn to the independent member. MPP Blais.

**Mr. Stephen Blais:** Thank you for coming today, but I don't have any other further questions.

**The Chair (Ms. Goldie Ghamari):** Okay, thank you.

We'll now turn to the government. MPP Coe.

**Mr. Lorne Coe:** My question is directed to both Karen and Lindsay. Thank you for being here today. Thank you for your ongoing collaboration on this legislation and other legislation that we've been consulting with you.

You have four former councillors here in this room today, which I think brings a perspective that you wouldn't otherwise have. I served for 13 years on the Durham regional council and local council before getting elected in a by-election in 2016—actually, it was yesterday. But my question centres on affordability. We're in the budget cycle right now in many municipalities, including my own; they had a budget meeting last Monday. So to the extent to which this bill and the calls to action from constituents, whom I have the privilege of representing and others do, to keep energy bills affordable—how well do you think this bill is going to do that? The collaboration that has been ongoing, not only with you and other stakeholders—and we just had a group in from the industry and they believe that this legislation will drive down electricity bills.

With affordability being one of the key issues in municipalities, how well do you think that's going to affect mid-size and smaller municipalities across the province?

**Ms. Lindsay Jones:** I think there's no question that there's a lot happening in the energy and electricity space these days and this bill is a part of that broader transformation. Municipalities have been asked to play a really important role in facilitating the transformation of the Ontario economy to both a net-zero approach by 2050, but in the nearer term, in terms of just the growth of the grid that's going to be required to be able to meet demand.

We've been working with our members as they make important decisions around siting of new energy projects, as well as working with and thinking about what all of this growth is going to mean for local distribution companies and how we're going to collectively be in a position to meet all of the new demands.

With respect to this bill in particular, I think it's one piece of the puzzle. But I think that AMO has always prioritized the need for affordable, reliable energy sources above all else and this definitely contributes towards some of that goal.

**Mr. Lorne Coe:** So you would agree that there will be a significant impact for both local businesses and rate-payers across the province, but particularly in smaller and mid-sized municipalities going forward. Thank you for your response.

I'll pass this along to my colleagues. Thank you.

**The Chair (Ms. Goldie Ghamari):** MPP Sabawy.

**Mr. Sheref Sabawy:** Very quickly, just for the record, I'll start with some questions for Nina. You mentioned something about the residential is free—like, nothing is free and all those services cost money. Am I correct?

**Ms. Nina Deeb:** I'm sorry, I didn't get the whole—

**Mr. Sheref Sabawy:** You mentioned in your submission something—a complaint about the cost and there's nothing for free and there's a cost for locate services, which we say is free, but you think somebody is paying for it, right?

**Ms. Nina Deeb:** That's correct.

**Mr. Sheref Sabawy:** Okay. So what exactly is your objection about that?

**Ms. Nina Deeb:** Somebody is paying and that's me, so I'm the ratepayer.

**Mr. Sheref Sabawy:** Yes. Again, I have to tell you that all the utility providers now, by legislation, actually split the cost of whatever they are delivering, either electricity or water or gas. And the maintenance costs—there's monthly maintenance. Everybody pays for the maintenance and delivery of those, gas or electricity—the grid, basically. You pay for them in terms of that.

You understand that if there is any occasion where somebody digs and causes interruption of service, they lose money—and they repair it, actually, at the same time. The repair cost is on them too. So if they are paying a very, very little portion of that as a protection for their grid, you don't think that this is worse, to deliver that service to the residents without cost?

**Ms. Nina Deeb:** No, I think whoever shows up to do a job should be paid. I think that if you're showing up to do a job, you should be paid to do the job.

**Mr. Sheref Sabawy:** They get paid, but they get paid by the provider, not by the resident. That's my point. I'm just trying to deliver a point to the record.

Now, my main question will go to AMO. I'm very happy to hear that you see the legislation as positive and that it will help the municipalities to control and to improve the safety of the residents and the municipalities and their grids. My question for you—last time, I wanted to see the most important item; now I would like to know what the biggest challenge is, in your opinion, to apply what this bill comes with, the challenges in application of those changes, in your mind.

**Ms. Karen Nesbitt:** Well, I think to be sure, with the scale and speed and volume of development and the associated requests for locates, the rural municipalities will, like all other partners who own underground infrastructure, be challenged to be aware of the timelines, the administrative penalties and to be able to prioritize and respond effectively within them.

**Mr. Sheref Sabawy:** Do you think that the majority—I'm not saying, of course, in every case, but in the majority of cases, is it a reasonable time frame and timed so that it can help deliver the service fast so that we can get ahead with the development and getting the 1.5 million homes ready?

**Ms. Karen Nesbitt:** We think that the bill struck the right standard.

**Mr. Sheref Sabawy:** Okay. So you agree that the times—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Sheref Sabawy:**—either five or 10 days, is still okay?

**Ms. Karen Nesbitt:** Yes.

**Mr. Sheref Sabawy:** Okay. Perfect. Last question: Does your organization have any other suggestions we can incorporate in this bill to make it more meet your needs?

Let me ask you the question first: Did you get consulted?

**Ms. Karen Nesbitt:** Yes.

**Mr. Sheref Sabawy:** Perfect. Do you think that you can add to that?

**Ms. Karen Nesbitt:** We are, at AMO, very pleased and supportive of the bill and its contents. I think some of the earlier discussion around implementation of the bill are things that our members are also interested in, in terms of—I believe it was colleagues at Enbridge who were raising questions around discretion, around special circumstances related to timeline delays, a certain application of reasonableness, exceptional circumstances. These are principles that we would also be interested in—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round.

We'll now turn to the official opposition. MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you very much, Chair. I do not have any other questions. I just want to thank the presenters for their time today.

**The Chair (Ms. Goldie Ghamari):** Okay. Well, thank you very much. This concludes our public hearings on Bill 153.

As a reminder, the deadline to send in a written submission is 6 p.m. on Tuesday, February 13, 2024, and the deadline for filing amendments is 7 p.m. on Tuesday, February 13, 2024.

Seeing that there is no other business, the committee is now adjourned until 10 a.m. on Thursday, February 15, 2024.

*The committee adjourned at 1529.*



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Mr. Sheref Sabawy (Mississauga–Erin Mills PC)

### **Clerk / Greffière**

Ms. Thushitha Kobikrishna

### **Staff / Personnel**

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Mr. Andrew McNaught, research officer,  
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