



ISSN 1180-5218

**Legislative Assembly
of Ontario**

First Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Première session, 40^e législature

**Official Report
of Debates
(Hansard)**

Monday 23 April 2012

**Journal
des débats
(Hansard)**

Lundi 23 avril 2012

**Standing Committee on
General Government**

Ontario One Call Act, 2012

**Comité permanent des
affaires gouvernementales**

Loi de 2012 sur Ontario One Call

Chair: David Oraziotti
Clerk: Sylwia Przedziecki

Président : David Oraziotti
Greffière : Sylwia Przedziecki

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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 23 April 2012

Lundi 23 avril 2012

The committee met at 1416 in committee room 228.

ONTARIO ONE CALL ACT, 2012

LOI DE 2012 SUR ONTARIO ONE CALL

Consideration of the following bill:

Bill 8, An Act respecting Ontario One Call Ltd. /
Projet de loi 8, Loi sur Ontario One Call Ltd.

The Chair (Mr. David Oraziotti): Good afternoon, everyone. Welcome to the Standing Committee on General Government. We're here to continue public hearings on Bill 8, An Act respecting Ontario One Call Ltd.

Folks, I'm just going to ask you, members of the committee, to keep your questions as concise as possible. We've got a limited amount of time. We're a bit behind because of an item that was taken care of in the House earlier that pushed the committee back, and we have a full number of presenters for the time allotted today. I want to try to get through all of them today, if possible.

MR. DEREK GRAHAM

The Chair (Mr. David Oraziotti): We'll start with Derek Graham, the first presenter. Good afternoon, Mr. Graham. Welcome to the standing committee.

Mr. Derek Graham: Thank you.

The Chair (Mr. David Oraziotti): You've got 10 minutes for your presentation. Time that you don't use will be divided among members for questions. You can simply start by stating your name for our recording purposes and start when you're ready.

Mr. Derek Graham: My name is Derek G. Graham. I'm a professional surveyor.

Mr. Chairman, members of the committee, thank you for the opportunity to speak briefly with you regarding my personal support for the concept within this bill. This concept of one place to call and contact regarding above- and underground common services is long overdue.

I come before you as a practising on-the-ground professional surveyor to make a suggestion that I feel will bring a positive, long-lasting practical avenue to the concept that has been spearheaded by the Ontario Regional Common Ground Alliance and its dynamic leader, young Jim Douglas.

I suggest, with respect, that Bill 8, as sponsored by the honourable members Bob Bailey and Paul Miller, should

have a minor tweak with a phrase added that reflects a concept brought out in a January 2012 suggested special provision of the Ontario Good Roads Association regarding survey monumentation.

This tweak, if properly followed, should lead to substantially improving the existing chronic mapping inaccuracies of infrastructure by having licensed cadastral surveyors solely responsible for tying in the infrastructure, as identified by Ontario Regional Common Ground Alliance, to the boundaries of the entire province's highway/road infrastructure and servicing corridors.

It is the cadastral surveyor who is trained to identify legal boundaries which can and do change. Would it not be best to have the best records possible of the hidden infrastructure specifically measured to known and readily identifiable boundaries?

The suggested tweak to Bill 8, section 8, will be two-fold: (1) lowering the cost of resurveying long after construction has left by further protection of the boundary monumentation, so as to readily identify the position of the hidden infrastructure; (2) relating reliably the buried infrastructure to the legal boundaries of the highway, as defined under the Municipal Act, or service corridor. That is not specifically universally done now.

The service infrastructure is or may be there now, but where is it physically going forward on a continuing, reliable basis, as it would be by being related, by the licensed cadastral surveyor, to measurements to the present boundary?

The suggested tweak:

The Lieutenant Governor in Council may make regulations,

“(h) specifying that before any site construction and/or movement of soil or rock by any natural person or entity near a highway as defined under section 26 of the Municipal Act, or on any projected construction work altering in any way the natural or existing topography, a pre-construction inventory of all the cadastral survey monumentation, any site control survey monumentation and all control survey monumentation of record in the Ministry of Natural Resource's digital database, COSINE, must be made by a licensed cadastral Ontario land surveyor to such a point that a post-construction inventory of all the said monumentation can be made.”

Who/what is responsible for commissioning the cadastral survey to do this inventory? The local road authority or property owner.

What is the rationale for this clause (h)? The infrastructure that has been identified within the ORCGA's best practices manual includes survey monumentation, as it rightly should. But while it is there to identify the boundary of the highway or service corridor, there is no specific ownership of this survey monumentation.

So who is called to locate the survey monumentation as is required under Bill 8, section 8? The licensed professional cadastral surveyor is the only professional who can opine on boundaries in Ontario. By having the geographically local licensed surveyor involved in both preserving the monumentation—iron bars, cut crosses etc.—and the surveyor relating the buried infrastructure services to the boundary by mapping it as found or as installed, as time passes, the long-term benefit will protect the public.

It also would definitely relieve the frustration of such as Mr. DiPede, who previously spoke about his Finch and Yonge or York University scenarios that I well understand, having been at these two points approximately over 40 and 50 years ago, respectively, myself, when I think they were barely more than two intersecting 66-foot-wide roads. If surveyors had mapped the infrastructure then as it was installed, we all would be in a better position to preserve all from accidents and unforeseen frustrating expensive service interruptions.

Thank you. Your questions, please.

The Chair (Mr. David Oraziotti): Thank you very much, Mr. Graham, for your presentation. The Conservative caucus is up first. Mr. Bailey.

Mr. Robert Bailey: I'll keep it short, as the Chairman asked. Thank you for your presentation, Mr. Graham. I can see the value of your suggestions, and certainly something that I think as a committee we'd like to take up.

The Chair (Mr. David Oraziotti): Any further comment? Do you have a question, Jim?

Mr. Jim McDonell: Just wondering: So you're suggesting that all plants placed on right-of-way would be located or verified by an Ontario land surveyor?

Mr. Derek Graham: Yes. The particular matter at hand is: What is that? Where is that? It's somewhere between here and there. Okay. But here and there, being the boundaries of the particular road, highway or service corridor, can only be established by a professional cadastral surveyor. Nothing against engineers or any of the other parties, but once it is located, there's reliability.

Believe it or not, roads get widened. So you still have the physical plant somewhere. It was related to, "Yeah, it's about there, about a metre and a half off of this." But the metre and a half is now gone. So it's the mapping, and that's the area that we're expert in.

Mr. Jim McDonell: Just a further—

The Chair (Mr. David Oraziotti): Briefly.

Mr. Jim McDonell: Any idea that maybe GPS identification might—I'm just worried about the cost and what that would add to it. At the end of the day, we want an efficient service. It's important we know where things are but it's also important that we are able to take hand-

held units to the field and be able to identify them versus—

Mr. Derek Graham: Well, with respect, if you think of GPS, think of an umbrella, which is a good idea today. You've got the handle. There you are at the bottom of the handle, and you're looking up at the satellites. If there's anything between you and the satellites, the GPS doesn't work. By locating this infrastructure related to the boundary, the surveyor can put geographic coordinates on the boundary and on the infrastructure and relocate it 20 years from now, to be within that much—Mr. Chairman, will you give me four or five inches?—both X, Y and Z. That, today, even Jim Douglas couldn't do that.

The Chair (Mr. David Oraziotti): All right, thank you.

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): Thank you, sir; appreciate you coming in today. That's time for your presentation.

Mr. Derek Graham: Thank you.

TERRA DISCOVERY LTD.

The Chair (Mr. David Oraziotti): Our next presenter is Terra Discovery. Good afternoon and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. Any time you don't use will be divided among members for questions. Simply start by stating your name, and you can start when you're ready. If I could ask you to just perhaps move the mike over. Yes, that's great. Thank you.

Mr. Jeremy Cook: My name is Jeremy Cook. I'm the general manager of Terra Discovery Ltd. We are a locate service provider that specializes in private locates and subsurface utility engineering work, and we also do contract locates for Ontario One Call Ltd. members on occasion. We work across the entire province of Ontario.

I am a civil engineer and a designated master electrician. I've been a member of the Professional Engineers Ontario since 1982, and I have worked with buried utilities throughout my career. I was PEO's appointee to the Canadian Standards Association's technical committee that developed the recently published standard S250-11, Mapping of Underground Utility Infrastructure. I am currently co-chair of the best practices committee for the Ontario Regional Common Ground Alliance.

Terra Discovery very much supports the intent of this legislation for two reasons: (1) removal of notification problems, and (2) improvement in locate industry regulation and practices.

The first point is this: Ontario has a serious problem with respect to excavators having difficulty in identifying and notifying utility owners of their forthcoming plans to dig. Make no mistake: This is about notification, not about records and not about the cost of locates. Regulations have been in place for quite some time in Ontario under the Electricity Act, the Occupational Health and Safety Act and the Technical Standards and Safety Act.

Together, these require excavators to notify utility owners and obtain locates and require utility owners to maintain records and provide locates. Bill 8, the proposed Ontario One Call Act, does not change this. In particular, it does not change the costs associated with records and locates, as the requirements for these have already been put in place by existing legislation.

The problem is that Ontario does not have a unified, province-wide notification system for locates. There is currently no system in place to identify all the utility owners in a given area and ensure that these utility owners are properly notified prior to excavation. We have existing legislation that requires this notification to take place, but we have no unified system to support it. We place a legal obligation on excavators and then make it very difficult for them, at times, to fulfill that legal obligation. If a party wishing to excavate cannot identify the owners of affected utilities, it makes it practically impossible to notify them all.

Keep in mind that not all parties wishing to excavate are professional excavators; they may be homeowners or small businesses that only occasionally need to excavate and are not as familiar with the processes involved. The reality is that utility owners are consistently not receiving all the notifications that they should be receiving, and excavations are consistently proceeding without all the required locates and clearances in place. As a result, the risks to life, health, property and commerce remain higher than they need to be right across the province.

Even if a party wishing to excavate is able to identify all affected utility owners, the process of notifying these owners can be time-consuming and onerous. Some utility owners have dedicated phone lines for locate requests; some do not. Some allow locate requests to be submitted by fax, email or Internet; some do not. The information and details requested by utility owners in order to identify the location of dig sites and describe excavation methods and types of equipment involved vary from owner to owner. These variations make it difficult for whoever is submitting the information to comply in a timely and efficient way. This often creates a staggered series of notifications, which in turn leads to a staggered series of locates. In this manner, the process gets spread out over a longer period of time than is necessary and becomes much more likely to experience delays and cost overruns. Bill 8 will address many of these issues.

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The second point is this: Ontario currently has very little in the way of regulation with respect to the locate process itself. TSSA and ESA have provided a joint publication entitled Guideline for Excavation in the Vicinity of Utility Lines, and this publication has sections covering "Locates," "Locate Boundaries and Accuracy" and "Duration." However, the document itself begins with the statement, "These guidelines do not have the force of law." There is a publication entitled Underground Infrastructure Damage Prevention Best Practices provided by the ORCGA committee that I mentioned earlier, but these also do not have the force of law.

The current state of affairs in the province is that utility owners, locate service providers, regulatory personnel and parties wishing to excavate are very much left to their own devices and their own good conscience as to how they handle this process. It is a credit to our society that the process goes as well as it does. But as you have heard, and will continue to hear, there are problems, and for some, these problems represent a considerable cost and burden and, in some cases, a danger to society as well.

Excavators are constantly being frustrated by delays in receiving utility locates and clearances, and frustrated again when locates that come in first expire before the remaining locates are completed. Utility owners are frustrated by having to re-mark expired locates when the cause for this is another party not getting its locates done on time.

We will not be able to come to grips with these industry-wide problems in the existing locate process until we deal with the front-end problem, which is the lack of a unified and consistent notification system. We have to fix the one before we fix the others. The cost to society is considerable, and we will all benefit from significantly improving the process. Bill 8 is just such an improvement. It may not address all our industry's problems, but its enactment would be a step forward for the province and the stakeholders.

In conclusion, Terra Discovery recommends that the proposed Ontario One Call Act be passed in its present form, or if concerns already expressed regarding the creation of a monopoly preclude this, that it be passed requiring utility owners each to be members of an accredited notification centre and that there may be more than one such accredited notification centre set up in the province. The important thing is to ensure that there is a notification system in place that will allow any member of the public to reliably contact all affected utility owners when planning to excavate. Bill 8 will be an important step forward in responsible management of underground utility infrastructure throughout Ontario.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation.

Questions?

Mr. Robert Bailey: I'd just like to thank Mr. Cook for coming in today and making the presentation and supporting Bill 8.

The Chair (Mr. David Oraziotti): Questions?

Mr. Michael Coteau: No questions, but thank you for the presentation.

The Chair (Mr. David Oraziotti): I appreciate your coming in today, sir. That's the time for your presentation.

ONTARIO GENERAL CONTRACTORS
ASSOCIATION

The Chair (Mr. David Oraziotti): Our next presentation is Frank Zechner Professional Corp. Good afternoon, sir.

Mr. Frank Zechner: Good afternoon. My name is Frank Zechner. I'm a lawyer. One of my clients and the principal I will be representing today is the Ontario General Contractors Association. In fact, I have prepared a submission, which I have presented before you.

Let me just tell you in less than 30 seconds a bit about my background. I spent five years as head of the legal department at what is now Enbridge Gas. I started my life as a gas engineer in the province of Alberta. I was the author of, and spearheaded, the joint excavation guideline that the ESA and TSSA currently use, and I'm essentially assisting a number of clients in the construction industry in safety and environmental matters, including locates and utility locations.

The materials I have presented before you, on behalf of the Ontario General Contractors Association, are fairly simple. Let me tell you a bit about this organization. Back to 1939, their members construct roughly 70% of all the factories, schools, hospitals and institutions, including airports, subways, transit facilities and mines. They are basically the people who do much of the excavation.

The division bells rang.

Mr. Frank Zechner: Am I to stop because the bell keeps going, or keep going through?

The Chair (Mr. David Oraziotti): Keep going.

Mr. Frank Zechner: Keep going through. All right.

In terms of hospitals and other infrastructure, their members construct 70% of those AFP types of projects, so they are very much a major stakeholder in terms of excavation. All these projects involve considerable excavation—huge quantities of soil, very deep in terms of footings. The CN Tower would be an example of what was built by their members—and just think in terms of the excavation that was involved for that.

Common ground, common sense—I'm on page 2. Many projects involve significant excavation. It only makes sense that the people who should provide the information on where the utilities are—gas lines, electric lines, phone lines, communication lines, the works—are the people who put them in. Bill 8 would require all of those organizations to be members of one common system in terms of utility collection and response. It is not the part of Ontario One Call to respond to the locates; they are simply taking the questions, taking the requests and facilitating the contractors, homeowners and anybody else who might be looking for a locate.

Avoiding mistakes is a key criterion in terms of construction contractors or anybody else. We have already heard testimony from other parties in terms of up to 13 phone calls that might be made in some parts of Ontario in order to get all the utility locates. If you miss one of those—you might miss a gas line, you might miss a communication line—the consequences for each and every one of those hits are significant. You hit a water line: You might disrupt the firefighting effectiveness of nearby high-rise buildings, offices and residential units. You hit a sewer line: You might cause untold contamination of the stuff that was supposed to be processed at

plant now going into water bodies, affecting drinking water. You hit a gas line: Potential explosion, depriving of heat, loss of valuable materials. You hit an oil line: Potential environmental contamination once again, as well as a valuable product being lost and the fire hazard. You hit an electrical line: Possible instant death to whoever is in contact with that equipment, disruption of emergency services. Again, with communications, you hit one of those lines, you could be depriving people of 911 service; you could be depriving them of burglar and fire alarms.

Any utility is important. It gets hit or damaged because that owner was difficult to contact. Again, it goes back to Bill 8. This is what they are trying to fix. It's avoiding mistakes. If you make mistakes, it costs dollars. You either idle construction crews or you have to lose product. There's cost of repair, cost of disruption to the nearby neighbourhoods, perhaps traffic interruptions, productivity, shutting down factories—all these add to the cost. The Ontario Regional Common Ground Alliance has put together an excellent study estimating some of the types of damages and types of delays that would occur with a utility hit.

In terms of US experience, I think there's something to be learned there. I know we don't always look to the US to be the leaders in certain fields, but each and every one of the 50 US states has seen fit to enact their own form of One Call legislation. You can believe that in every one of the 50 US states there were very able lobbyists who were representing the railways, who were representing municipalities, who were representing water companies, arguing against the One Call. But sooner or later, each and every one of those 50 states decided to put forward some form of One Call legislation similar to what Bill 8 is.

I know there are people who will complain about costs. This is an information-collecting service. It provides assurance to municipalities and anybody else who might have a concern that they have a uniform locate ticket number. That proves to the contractor or the homeowner that they requested the locate. If somebody didn't respond, that's the problem of the municipality or the utility, but at least in terms of the safety of the people, they know they have made a locate, they've got proof they made the locate, and now it's up to the utilities. They have certainly been willing to carry the ball and move forward in terms of their responses.

Again, this is all a matter in terms of infrastructure dollars. The more we spend on wasted efforts, on idle crews, on damages that didn't need to arise, the less money there is in order to satisfy the needs of Ontario citizens in terms of the core infrastructure: utilities, hospitals, whatever the case may be.

I'm certainly happy to answer any questions you may have.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Conservative caucus, any—

Mr. Robert Bailey: I don't think we have any questions. I'd just like to thank you for your support of Bill 8,

again. You've reiterated what a number of presenters have: the importance of One Call and having all the data and information in one locate.

The Chair (Mr. David Oraziotti): Thank you, Mr. Bailey. NDP caucus, any questions for the presenter?

Mr. Paul Miller: No. I think you covered pretty well everything we had concerns about.

Mr. Frank Zechner: Thank you.

Mr. Paul Miller: Thank you.

The Chair (Mr. David Oraziotti): Liberal caucus?

Mr. Michael Coteau: No questions, Mr. Chair. Thank you very much.

The Chair (Mr. David Oraziotti): Thank you, sir.

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. David Oraziotti): The next presentation: the Association of Municipalities of Ontario. Good afternoon, gentlemen. Welcome to the Standing Committee on General Government. You've got 10 minutes for your presentation, as you're aware. Any time you don't use will be divided among members. You can start by stating your name, and start when you're ready. Thank you.

Mr. Gary McNamara: Okay, I'm Gary McNamara. I'm the president of the Association of Municipalities of Ontario. I'm here today to speak to you about Bill 8, the Ontario One Call. With me today is Craig Reid, our senior policy adviser and a member of our AMO staff.

Let me start by saying thank you to the Chair and members of the Standing Committee on General Government for allowing me to speak today. I'd like to tell you a little bit about our organization. For those who may be unaware, the Association of Municipalities of Ontario represents almost all of Ontario's 444 municipalities. The mandate for the organization is to support and enhance strong, effective municipal government in Ontario. It promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system.

In doing this, we are the voice of Ontario's municipal councils, representing their needs and interests. We do this through various means, including appearing before standing committees.

With regard to this legislation, you are considering the Ontario One Call Act. AMO wishes to present some commentary on the bill, its intent, structure and potential impacts, both to AMO and municipal governments. I will lay these out for you today as well as some technical comments.

First, let me say that AMO supports "call before you dig." Municipal governments, as owners of underground infrastructure, offer locate request services to residents and contractors free of charge. We do so because we support the need for the safety of Ontario's workers and residents, and the need for contractors to do their work in a timely manner.

What's before the committee is a private member's bill that mandates membership and some performance standards but deflects all of the governance and administration provisions to the regulatory authority. As well, it provides for other performance matters and enforcement to be determined in the regulations. In other words, this bill is just a framework piece of legislation that relies almost entirely on regulation to determine policy. It's difficult to provide amendments to the bill in a substantive manner in terms of how to improve it and mitigate impacts.

As a general but very important comment, AMO will always voice concerns with any bill before the Legislature that mandates and creates an unfunded mandate for municipal governments. Just as the federal and provincial governments have budget challenges, so do municipal governments. Try operating in the range of public services municipal governments provide to their citizens on nine cents of every household tax dollar.

Bill 8 is a private member's public bill, and as such, was not developed through a consultative process that involved AMO or, in fact, a pre-consultation process similar to that which we have on government bills, which comes through our memorandum-of-understanding agreement on consultation, as required by the Municipal Act.

Moreover, a government bill would be expected to go through an economic and financial analysis as part of the policy development process. I know that some members of this Legislature are trying to ensure the assembly is provided with more transparent information on these as a matter of course in your own deliberations.

AMO supports that transparency and believes that it should be extended to all bills that could have a potential impact on municipal government resources. We recognize that the private member's bill process generally does not enjoy the same type of resources available for consultation or drafting that a government bill would have, and is unable to answer many questions before legislation comes to the House or committee stage. That's just the process.

On to our comments related to this particular bill: Bill 8 is a framework piece of legislation. It relies on many regulations to set out a governance model and effect that governance.

Ontario One Call began, as we understand it, as a private corporation that is transitioning to a non-profit corporation. Should Bill 8 be passed by the Legislature, it will make municipal governments mandatory members of this non-profit corporation. We are not aware of any non-crown entity that mandates municipal government membership, let alone one that mandates an order of government to join a non-profit corporation responsible to a board of directors that may have a minority of municipal government representatives. As we understand the current thinking, even AMO, as a non-profit corporation that represents municipal government on policy and program development, does not enjoy mandatory membership. We rely on performance and voluntary membership.

As you may know, non-profit governance is about quality representation, fiduciary oversight of the corporation by its board, and corporate policy decisions, along with transparency and accountability to membership, among other matters.

It is also unclear as to how this non-profit corporation will be held to account by the government of Ontario and the members of this Legislature. The corporation is not responsible to any minister, and it is not certain how its public service mandate will intersect, particularly in light of the Lieutenant Governor in Council's regulatory authority. What ministry is to be charged with the regulatory drafting?

There is also some informal and recent discussion of requiring AMO to appoint, to endorse and put forward municipal government representatives for the board of directors, but once again this does not appear in the legislation before the assembly. We are not entirely clear on the impact that this would have upon AMO, whether it could be accommodated through our own corporate objects, and what liability may extend to our association.

The OMERS devolution bill that all parties supported in principle made AMO the municipal government employer sponsor representative. It was not a role or responsibility that was in keeping with our corporate objects, and, as a result, we had some new corporation work to undertake, as well as staffing and new membership and accountability functions, all at a cost to AMO.

It is unlikely that AMO will take on the representative role for the One Call Corp. Accountability to all the members will have to be carefully considered by Ontario One Call, and likely the content of the regulations and corporate bylaw as well, should the bill pass and mandate municipal membership.

We understand from meetings with some of those municipal governments currently involved in One Call that municipal interest is being sought from amongst current members, but it is not at all certain how sector-wide municipal issues related to One Call can be sure to come forward through this approach.

An issue that the bill does not deal with but that will rest with the corporation is fees for service. As I stated previously, we understand that the corporate bylaw would accord municipal governments one quarter of the new board's representatives. As such, it is not certain if this will come about, and even if it did, there is no assurance that municipal budgets can be safeguarded from future fee increases or other requirements of membership that could result in municipal expenditures.

I'll give you an example: mapping. We understand that Ontario One Call can and does work with mapping in any format municipalities have available to begin the service. This flexibility is certainly appreciated, but there is no guarantee that the technical requirements of the One Call system may not change in the future, requiring a new expenditure to upgrade mapping systems by municipalities. AMO believes that the decision to upgrade mapping—especially as many of these maps may have been inherited from developers in the past, when de-

velopments were assumed by the municipalities—should remain a decision of local councils, to be made at an appropriate time or not at all. The legislation does not offer any clarity or safeguards here.

Another example is fees to join and for call services. AMO appreciates that the membership fees for municipalities to join Ontario One Call are currently suspended until 2014. Perhaps this will attract more voluntary membership. But let us not forget that the bill would make Ontario One Call a monopoly model for service delivery. It will be up to the new corporation's board to determine what annual fees will be. For municipal government fiscal planning purposes, this would need to be conveyed by September to assist municipal budget-setting processes.

I'm not going to get into the technical aspects of it. Those can be referenced in your section on page 4.

The Chair (Mr. David Oraziotti): I'm going to need you to wrap up. It's just about time.

Mr. Gary McNamara: Okay; I've got about 30 seconds.

Second, the penalties for offences under this act are relegated to regulation as well. While penalties in regulations provide an easier avenue to amending them from time to time, most legislative construct is to put penalties in the legislation as a means of public input and comment at the outset.

These technical matters point again to some inherent challenges of the process related to private members' bills. Legislative drafting should result in clear, accountable authority with a view to eliminating unintended consequences.

In the past, AMO has supported the Ministry of Consumer Services in their initiative to have municipalities join voluntarily, and we and other organizations have provided venues to promote One Call.

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This may indeed be the case, but AMO would submit that the voluntary system as it stands today is working. We understand that over 40 municipalities have joined Ontario One Call to date, and we understand that it represents nearly 60% of Ontario's population, and others are interested in joining. We understand that the Minister of Consumer Services, in evaluating their two-year pilot membership project on Ontario One Call, estimates that 80% of underground infrastructure is already covered under the One Call system—

The Chair (Mr. David Oraziotti): Thank you. That's time for your presentation.

Questions? Mr. Clark, go ahead.

Mr. Steve Clark: Gary, welcome. Glad to have you here. As a former president of AMO, I appreciate you representing—granted, we had 839 municipalities back in the day when I was involved, so I appreciate your efforts.

I'd love to hear your own personal views from your own municipality on whether you feel that there are benefits from a public safety and a business model for your own municipality.

Mr. Gary McNamara: If you're asking about my municipality—

Mr. Steve Clark: Yes, I am.

Mr. Gary McNamara: We signed on to One Call. We did, but we did it on a voluntary basis. We weren't mandated to do it. We looked at it. Obviously, in the minds of my council and my administration, it was a recommendation that it was good. It was a good slant.

Mr. Steve Clark: And I think it is a good thing.

Now, the numbers: You've mentioned 40 municipalities, 60%. I think the figure that Mr. Bailey has given me is something like 44 municipalities, 80% of the province; places like Toronto, Kingsville, Fort Frances. So we're talking about some major players. In terms of AMO, is there a split in your membership? Is there a difference of opinion? Is it based on local autonomy versus public safety? Can you help me out in understanding where the members are at?

Mr. Gary McNamara: There's no question that safety is first and foremost. That's not the issue itself. There's no split in AMO in the municipal sector and so forth. But with these types of programs, we've always been accustomed, in terms of the development of legislation and that, to AMO having that capability of sitting down and looking at what those impacts are going to be in terms of moving this type of legislation forward. What is going to be the end result, the impact—financially, as well—to the municipalities?

The Chair (Mr. David Oraziotti): Thank you. We need to move on, given the length of the list. Mr. Clark, you weren't here earlier when we started.

Mr. Steve Clark: I'm just so excited, Chair. I have so many questions.

Interjections.

The Chair (Mr. David Oraziotti): I know you're excited. Bells are ringing. We're going to have to interrupt the presenters, so we need to keep going.

Mr. Miller, go ahead.

Mr. Paul Miller: Thanks, Gary. I appreciate your presentation. Obviously, I took a hard look at this as the co-sponsor. Some of the major utilities have stepped forward, as you well know: Bell Canada, Union Gas, Enbridge. These are all specialists in their field, I'm assuming. I also served on municipal council, and I'm not saying that we weren't good, but certainly in some of the areas we did not have the expertise to make decisions locally for infrastructure—certainly, sewers and major things, these types of things, for safety purposes. These companies do this all the time.

I'm a little concerned about AMO's position on this, considering most of the province has already agreed to it. Obviously, your council in your area has not had any major problems with it at this point. You're worried about mapping. It's my understanding—correct me if I'm wrong—that the utilities involved were not going to pass on the costs of mapping to the municipalities. So I think that's a bit of a red herring there. I think they would undertake to work with the municipalities, and if any upgrading was required, they could work together with the municipality, not at the expense of the municipality, I'm assuming.

I really think this is a good thing. It's proven in the United States. It's working successfully. They've cut down their injuries, their infrastructure losses and costs by over 70% in the northern states.

I don't understand AMO's position here, if it's political or if some of the little communities feel threatened by this and think it's going to cost them a lot of money. I think it's a bit of a grey area that, maybe, they want to look into a little heavier. I certainly think that this is a good thing for Ontario.

The Chair (Mr. David Oraziotti): Do you want briefly respond to that?

Mr. Gary McNamara: Through you, Mr. Chair, thank you, obviously, for the comments. AMO doesn't work on assumptions. We like to know going ahead.

The whole issue on the mapping is that we understand that they do have the capabilities to adapt to a lot of the technology that's in there now. Moving forward in the future, a year from now, two years or three years, if there's a requirement to upgrade that type, there is nothing that tells us what the end cost is going to be to the municipal sector. That's where we're concerned in terms of the technology.

In terms of the intent of the legislation, there's no argument: Safety is first and foremost in that regard. But there's a lot of great unknowns that are not there. In the mappings, with development of technology in the future—as you know, technology changes almost daily—who's going to be responsible to pay for that? That's where we're concerned: There's nothing there.

Mr. Paul Miller: Certainly that can be dealt with through amendments, and that can be dealt with at clause-by-clause when we deal with that. If anyone wants to bring amendments forward, or your concerns from AMO, we certainly can entertain them and run it by the industry to see where they stand on it in that particular time, because that's when we go clause-by-clause. So that would be an interesting time to hear those concerns. Thank you.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus?

Mr. Michael Coteau: No questions. I'd like to thank you, on behalf of the Liberal caucus, for giving us the municipal perspective from the province. Thank you very much.

Mr. Gary McNamara: Thank you, Mr. Chairman, and thank you to the members of the board.

The Chair (Mr. David Oraziotti): Thank you for coming in. We appreciate the presentation.

Folks, given the time, I think we're going to recess for 10 minutes or so. As soon as the vote's over, folks, please come back so we can continue. We've got a lengthy list of presenters yet to go. The committee's in recess for about 10 minutes. Thanks.

The committee recessed from 1457 to 1512.

The Chair (Mr. David Oraziotti): Okay, folks, we'll get started again. I guess there was a question about clause-by-clause. As you're aware, clause-by-clause for this bill is a week today: Monday, April 30.

ONTARIO CONCRETE AND
DRAIN CONTRACTORS ASSOCIATION

The Chair (Mr. David Oraziotti): We'll continue with the next presenter, the Ontario Concrete and Drain Contractors Association. Good afternoon, and welcome to the Standing Committee on General Government.

Mr. Robert Celsi: Good afternoon.

Mr. David Zimmer: Chair?

The Chair (Mr. David Oraziotti): Yes, sir.

Mr. David Zimmer: I just want to say: I know we're having a difficult time staying on schedule and so forth and so on, and the ringing of the bells. I want it on the record that it's the Tories that are ringing the bells consistently, asking to adjourn the debate or adjourn the chamber, and that's not helpful to anybody. It's particularly disruptive to this committee. Thank you.

Mr. Robert Bailey: Mr. Chair, I'd also like to get on the record that the reason the bells are being rung is because we're calling for an all-party select committee on Ornge—just for the record.

The Chair (Mr. David Oraziotti): All right. Now that we've got that clarified, we'll give this gentleman the floor.

Mr. Robert Celsi: Now that we have the record straight.

The Chair (Mr. David Oraziotti): You have 10 minutes for your presentation. Time that you don't use will be divided for questions. Please state your name, and you can start when you're ready.

Mr. Robert Celsi: Good afternoon. My name is Robert Celsi, and I represent the accredited Ontario Concrete and Drain Contractors Association. I'm responsible for looking after the interests and betterment of our industry, which consists of roughly 45 contractors who employ a workforce of circa 1,000 employees.

Our unionized workforce are members of the largest labour construction union, being Universal Workers Union LIUNA Local 183. As well, we employ machine operators and excavators from Local 793. With both these labour partners, we have a collective agreement recognized by the Ontario labour board.

Our contractors are responsible for the professional installation of sewer systems from where the connections are taken from the public sewer and water main services. Our storm and sewer lateral pipes are then laid into the private property and provide drainage for the home or building. We also install in place concrete basement slabs, garages, porches and steps; hence "Concrete and Drain." Our members have performed their scope of work throughout the province, but the bulk of our business activity is concentrated essentially in Board Area 8 and the GTA.

Why we support Bill 8: In order for us to reach our connections where the sewer and water main contractors have terminated their scope of work at the private property line, we need to engage the services of an excavator in order to expose and reach these connections, which are typically eight to 12 feet deep. To avoid the risk of damaging underground utility infrastructure, we

need to call before we dig, as you can find in the information part of our membership directory on page 42. For our purposes today, I've just made a copy of it there.

Over the past several decades we have been providing our members with numerous stakeout contact numbers, leading right up to more recent times with Ontario One Call, in which unfortunately there are still some areas and some utilities that do not participate.

Simply put, for this system to operate safely, effectively and in a timely manner, all areas and utility providers need to participate. In other words, our association is of the opinion that the current One Call needs to be legislated as mandatory, as a US model, where all 50 states are operating under a One Call system.

Safety and best practices: For instance, if you refer to page 15 of our membership directory—again, today I've made photocopies for you—you can appreciate how Bill 8 ties in with our safety best practices that our association has been promoting for the past several decades, called extension of the laterals, which we've also done in collaboration with the Ontario Regional Common Ground Alliance. This document was created as a result of our concerns with the promotion of infrastructure damage prevention, public safety and, most importantly, establishing safe working environments. Without getting into the details of best practice outlined in our membership directives as well as—I produce a six-minute DVD appealing to municipalities and regions to change their standard drawings to reflect our best practice proposal. In short, we would like to work safely at the lot line, where we find this intersection of utilities. We certainly do not want our excavators striking gas lines, for example.

Thus, you can understand from our members' point of view why an effective One Call system is critical and very urgently needed. As our association motto states, "Committed to progress." Thus, we definitely support Bill 8 since it is progressive, and we believe that legislating a mandatory One Call would, first, provide an efficient and streamlined call-before-you-dig system for all stakeholders, property and homeowners. Secondly, it would assist in protecting the billions of dollars invested in underground infrastructure and avoid dangerous occurrences such as a gas line strike. Thirdly, but most importantly, as a result of establishing a mandatory One Call, we would be making the right proactive choice in public safety and protecting our workforce.

On behalf of the Ontario Concrete and Drain Contractors Association, I'd like to thank you for allowing me this opportunity to express my support of Bill 8, the Ontario One Call Act. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Mr. Bailey?

Mr. Robert Bailey: Thanks for your presentation. I appreciate it.

The Chair (Mr. David Oraziotti): NDP caucus? Liberal caucus?

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): Thank you very much for coming in today. We appreciate it.

Mr. Robert Celsi: Thank you.

ELECTRICITY DISTRIBUTORS ASSOCIATION

The Chair (Mr. David Oraziotti): Our next presentation: Electricity Distributors Association. All right, we'll see if we can finish it off today. Thanks for coming back. I appreciate your indulgence, committee, given what was taking place last day at committee.

If you want to continue, go ahead.

Mr. Max Cananzi: My pleasure, Chair and committee members.

My name is Max Cananzi, chair of the Electricity Distributors Association and president and CEO of Horizon Utilities Corp., which is a member of the existing One Call organization.

The EDA is the voice of all 77 of Ontario's electricity distributors, the publicly and privately owned companies that safely and reliably deliver electricity to all Ontarians through 4.8 million homes, businesses and public institutions.

Ontario's electricity distributors have delivered electricity to the province's communities for more than 100 years. The electricity distribution sector provides employment to almost 10,000 Ontarians. Distributors own over \$14 billion in infrastructure assets and invest more than \$1 billion annually as part of grid modernization to ensure safety and reliability to our customers. Our member companies provide approximately \$600 million in dividends and other payments to municipal and provincial shareholders.

Local electric distribution companies, or LDCs, have a notable record of safety. In fact, if you were to ask any one of our members about their core values, safety would rank at the top of the list. Our industry prides itself on an excellent safety record for our employees, our contractors and the public. Our collective industry efforts have contributed to a downward trend in incidents related to electrical contacts, electrical injuries, power lines and utility-related equipment. Serious injuries in Ontario have continued to decline in the 2001-10 period, as reported in the Electrical Safety Authority's 2011 annual report.

Presently, the current One Call organization has earned the business of over 20 of our association's members, who have voluntarily joined the organization because it made business sense for them. Even those electric utilities that have become members agree that the membership should continue to be voluntary. My utility, Horizon, which is a member of One Call, strongly agrees with voluntary membership.

Instead of making membership mandatory, the One Call organization should focus on refining and improving its value proposition to prospective members, which can then translate into a stronger offering to existing members as well.

1520

Some LDCs have not joined because they do not see the need, as they believe they have the appropriate balance between safety and value to their customer. They receive the call from the contractor and perform the

locating services without the need for a third party service, and have done this successfully for years with no issues arising.

In its efforts to entice prospective members, One Call may be able to learn from LDCs that are currently providing cost-effective locating services to their customers as to what it will take to earn their business. This commercial imperative to earn the business will provide the impetus for continuous improvement and strengthen the One Call organization overall and for the long term.

Ontario One Call is currently an industry-funded, industry-operated organization. The legislation proposes regulatory oversight and penalties which the EDA does not feel are necessary or warranted, given that the intent is for the organization to continue to be paid for and run by industry. As a result, the industry members should determine the goals, objectives and compliance mechanisms needed to ensure the organization provides the most effective service to members. The EDA believes in the need for regulatory streamlining in the electricity sector overall to enable our members to continue to focus on the safe, reliable and affordable delivery of electricity to customers. We question the need for further regulation and financial penalties in an already well-established safe sector.

The EDA believes that the One Call organization should continue to offer membership on a voluntary basis, earning the business of prospective members based on ensuring the highest level of safety and value for money. One Call will be a stronger, more effective organization if it has the incentive to earn the business of each of its members and deliver on its promise of high-quality, cost-effective service to encourage member loyalty and satisfaction.

The best way to strengthen One Call as an industry-led, funded and operated organization is to demonstrate the benefits of membership and ensure members are invested in the success of the organization.

We feel that allowing the members to determine their own board of directors from among the voluntary membership, as well as term limits, rather than this being predetermined by legislation, will help to ensure effective governance and oversight.

In a voluntary membership model, organizations would have to provide all necessary information on their infrastructure to join One Call. There would be no need to include this in legislation.

In a strong, industry-led, voluntary organization, there is no need for penalties to be set in legislation. Under the voluntary model, One Call members would be driven to develop a self-managed model to ensure compliance.

In order for One Call to be a truly effective and dynamic organization, it must meet the needs of its membership. The EDA believes that voluntary membership and ensuring the organization is governed and operated in a way that fosters members having a vested interest in One Call's success are the keys to enabling One Call to realize its full potential.

Thank you. I look forward to your questions.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. NDP caucus—I'm sorry. We'll go in rotation. Everybody's here now. Go ahead.

Mr. Paul Miller: Hi, Max. How are you doing?

Mr. Max Cananzi: Great. Thanks.

Mr. Paul Miller: I'm a little confused. It appears that you're kind of wearing two hats here, because you're representing the Electricity Distributors Association and you are the president of Horizon. I have a letter here from your vice-president endorsing One Call and saying it's a good thing—and I'm sure they're voluntary, of course. You're saying no, it should be just voluntary if you want to join, yet your vice-president is endorsing it. Can you help me out with this?

Mr. Max Cananzi: Sure. Our thinking on this process has evolved. We've had extensive discussions, particularly of note as a result of the discussions around Bill 8. I'm here in front of the committee today as chair of the Electricity Distributors Association, speaking with one voice across the entire sector for all distributors in the province. Unanimously around our board table, there was a resounding feedback from our membership that the best interest of our sector is served if this organization continues to be on a voluntary basis.

Mr. Paul Miller: Okay. Do you feel that governance of the existing One Call system has been good?

Mr. Max Cananzi: to date, I have no information to say that it has been otherwise.

Mr. Paul Miller: Okay. Maybe you'll know better on this one. Do you feel that costs are being held low enough and are shared equitably among the broad membership? Would that be a fair statement?

Mr. Max Cananzi: I think that's a fair statement.

Mr. Paul Miller: So I'm confused. You say all your members seem to be wanting it to be just voluntary, but I saw heads shaking back there. They seem to question whether your whole organization wants that. Would that be a fair statement, that some may want the One Call?

Mr. Max Cananzi: With regard to individual electric utilities?

Mr. Paul Miller: Electrical distributors.

Mr. Max Cananzi: Electrical distributors? There may be a small number of views out there, but I can tell you that our board is representative of large, small and geographically based utilities. I'm here presenting the wishes of the board and our views as a unanimous voice on this issue.

Mr. Paul Miller: Okay, thank you.

The Chair (Mr. David Oraziotti): That's time. Thank you. Liberal caucus?

Mr. Michael Coteau: No questions. Thank you very much for your presentation.

Mr. Robert Bailey: I've got one question. I don't have it right here, but I know I remember from my reading that an organization called PowerStream were quite supportive of this bill and mandatory membership. I don't know whether they're one of your organizations under the EDA or not. I'm sure I could find others, but I

don't have it here with me. I did want to put it on the record.

Thank you to the NDP. I see Horizon, which you are the CEO of, actually wrote us a letter of support back in 2011. I was going to ask the same question.

Thank you for your presentation today.

The Chair (Mr. David Oraziotti): Mr. McDonnell, do you have something brief? Go ahead.

Mr. Jim McDonnell: I just have a hard time understanding that the association wouldn't be behind something that would make it uniform across the province. Some places where they're voluntarily involved, there's one number to call; where it's not, it's an issue. I guess when we have people and contractors working across the province, do you not see it as an issue where every region is different as far as where they call for locates, and some areas being all-inclusive and other areas not?

Mr. Max Cananzi: For us, the issue is that I think the organization as a whole will be stronger if business is earned. I think that will also ensure that costs remain low and competitive, if there's the threat that members can pull out of One Call. I think that, really, the focus on One Call should be to find a means to bring everybody into the fold voluntarily.

The Chair (Mr. David Oraziotti): Okay, thank you for your time. We appreciate your coming back to conclude the presentation.

G-TEL ENGINEERING

The Chair (Mr. David Oraziotti): Folks, our next presentation is G-Tel Engineering. Good afternoon, sir. Welcome to the Standing Committee on General Government. You've got 10 minutes for your presentation. The time that you don't use will be divided among members to ask questions. Just please state your name for our recording purposes, and you can start when you're ready.

Mr. Ken Ritchie: All right; thank you. My name is Ken Ritchie and I'm the president of G-Tel Engineering. Our company's core business is as a utility locate service provider whose job function is to accurately identify where utilities are buried underground, to aid excavators to complete their work safely and to avoid disrupting the vital underground infrastructure.

G-Tel Engineering has been in this line of business for over 10 years. Currently we provide this locate service to a variety of customers, a few of which I'll state: Bell Canada, BellAliant, Union Gas Ltd., London Hydro, the city of London, Westario Power, Essex Powerlines, Guelph Hydro, Kitchener Utilities, Cambridge and North Dumfries Hydro, city of Woodstock water, Norfolk Power, Telus and Execulink.

Our serving area stretches from Windsor in the west to Guelph in the east, Owen Sound in the north and Lake Erie in the south. As well, we also provide gas utility locate services for Union Gas in Thunder Bay and surrounding area.

Our company has created 195 jobs in Ontario, directly and indirectly involved in the locate industry. We com-

plete over 330,000 utility locates annually, which I would suggest makes G-Tel Engineering one of the largest locate service providers in the province of Ontario.

G-Tel is supporting Bill 8 because of our experience in this field of utility identification. We understand the complexity of the underground infrastructure, which in Ontario has a capital investment estimated at \$100 billion. We understand the devastating effect that can happen if a utility such as a natural gas line or an electrical power cable is overlooked and is struck and damaged. The safety of the workers and the general public can be, and has been, compromised due to these unfortunate events. Or perhaps even a telecommunication line that provides emergency connectivity for someone who relies on this service for health reasons is severed. Then there is the municipal infrastructure made up of their water and sewer systems that, if damaged, can disrupt service delivery and cause expensive repair costs, let alone inconvenience to the general public and the potential of an unsafe situation.

1530

Bill 8, when passed into law, will ensure all utility owners are members of a central call centre, Ontario One Call, which will identify to the requesting excavator all of these utilities—barring none. This will eliminate the potential of missing a utility which could be struck during the excavation. This just seems to make so much sense. Currently, excavators may be required to make up to 13 phone calls to contact all utilities in a particular area to secure utility locates. This becomes a process fraught with potential error, especially for excavators unfamiliar with the territory.

As mentioned, our core business is utility locating, but G-Tel has also had some experience in the process of requesting locates associated with our other business units. Our experience is that it is not an easy process to ensure you have contacted all potential utilities, since not all are members of Ontario One Call. The service provided by this call centre is at no charge to the requesting excavator, so what better incentive to make that call, especially when this requestor knows that, due to Bill 8, no utility will be overlooked?

Bill 8 is not unique, in the sense that this type of legislation has been in place in the United States for a few years now. Results of this action with our friends to the south have reduced the number of utility damages dramatically, with 99% of all excavations being completed safely. The United States has also mandated the universal One Call number 811. This needs to occur in Canada as soon as possible as well to ensure the branding, and thus familiarity, to ensure all excavators, large or small, road builders or homeowners call to request locates.

By the way, Bill 8 will not directly affect our company in any financial way. We are employed by the utility companies or municipalities to locate their infrastructure at their sole discretion. If currently these companies locate their own infrastructure or employ a locate service provider such as G-Tel, then Bill 8 does not change that

process. We support this bill because it is the right thing to do for the safety of all Ontarians, and the sooner this becomes law, the better.

Do we really want to wait until this current dig season is completed or even another year goes by? In my opinion, it would be appropriate to pass this legislation as soon as possible to ensure no incidents or fatalities occur because this bill did not get acted upon soon enough.

Thank you for your time. Let's make Ontario the safest province in Canada to work in.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Liberal caucus, questions?

Conservative caucus?

Mr. Robert Bailey: None for me.

The Chair (Mr. David Oraziotti): Okay. Mr. Miller, go ahead.

Mr. Paul Miller: Thanks for your presentation. Some of the presenters today have voiced some concerns about smaller communities. Obviously, you've said you deal with small communities and infrastructure. AMO had a concern about One Call. Do you feel that their concerns are warranted, or do you feel that they won't be saddled with mapping costs and things that One Call provides now? Do you feel that One Call will absorb those situations?

Mr. Ken Ritchie: I can't really speak for Ontario One Call. I do know that they have—currently I think it's a one-time set-up charge. Whatever mapping system that the municipalities have today will be incorporated at a very low cost. I think it's \$1,000.

Mr. Paul Miller: People at AMO also—their presenter said he was concerned about future costs. Whether it's determined when and where, obviously, do you think there will be any large costs attached to that when it was only \$1,000 this time? Do you think that'll create a problem for a municipality?

Mr. Ken Ritchie: I don't expect so because Ontario One Call deals with all kinds of different mapping systems. I think as long as it's functional for One Call to use their mapping system, no matter what format it's in, I don't think there would be any change.

Mr. Paul Miller: Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. That's the time for your presentation. I appreciate you coming in today.

GUILD ELECTRIC LTD.

The Chair (Mr. David Oraziotti): Next presentation: Guild Electric Ltd. Good afternoon, gentlemen. Welcome to the Standing Committee on General Government.

Mr. Edward Ryan: Good afternoon. Thank you for giving me the time today. My name is Edward Ryan; I'm safety manager for Guild Electric Ltd. I've been involved in occupational health and safety for over 28 years now.

Guild Electric was established in 1954 to provide electric contracting services to the Canadian construction industry. We're multi-faceted and with divisions that include communications, highways and traffic, as well as

maintenance and service. We're one of the largest electrical contractors in Canada, actually. We have over 800 employees, unionized with the IBEW and the Labourers' Union. Electrical construction is the core of our business, and our highways division specializes in the installation and maintenance of traffic signals, high mast lighting, conventional lighting, freeway traffic management systems, airport and runway lighting, instrumentation, pavement markings and roadway signage.

Bill 8 will improve the ability of our company to improve worker and public safety by ensuring that accurate, complete and on-time locates for underground services are available. We are currently in a constant battle to get up-to-date, on-time, accurate locates. It's a constant battle we suffer and go through every day. Even prior to hand-digging with a shovel, you have to have an up-to-date locate. You cannot take a shovel and put it in the ground unless you have an up-to-date locate. And one of the problems we have is that we have two full-time staff specifically for going after locates and doing follow-ups on the locates. The biggest majority of their work is doing follow-ups and making constant calls.

One of the issues that we have is that prior to excavating, we naturally have to have a locate. The locates are good for 30 days. So we'll call out and we will get maybe—we have to call eight, 10 different companies to get the locates. So we'll have seven or eight of the locates come in within a week; then we start looking for the last or second-last locates to come in. We're calling and we're calling, and we're waiting and we're saying, "Where is it? Where are they?" Now the time's going by; by the time we finally get those locates in, the first one's either just expired or just about to expire. Now we have to call the first group and start all over again.

Meantime, we've got all sorts of staff—we've got, at any one time, a crew of eight to 10 people for just one dig location. They're standing around, waiting. We've got a plan how to work. We may have police backup for intersections. We'll have companies there for setting up the traffic control system, everything else. So all this has got to be organized and controlled. How do you organize and control that if you never know when you're going to get your locates in?

One prime example is that we had a planned shutdown on the Gardiner Expressway a couple of years ago. The specific date and time was given to the locate companies; all the locates, except for one, came within two weeks. Prior to the shutdown, after numerous calls to the last company, and it was only after telling them that this was a major thoroughfare, that it had to be shut down at a later date due to their incompetence and delays, and threatening to have all the costs for our crews' wages, the police officers' wages, etc., that they came up with the locates four hours before we had to call off the shutdown for the Gardiner Expressway.

The other thing we've had—and I know Bill 8 will work and One Call will work. With one of the municipal water and sewer system set-ups for locates, prior to the start of this year, we would always have to call three or

four times for our locates. There'd be all sorts of excuses and we would never seem to get them until, you know, we threatened them. And at times we actually had to call TSSA for some of the gas locates and get the TSSA to go after the gas companies. Once one municipal system went to Ontario One Call in January; since then, we've had no problems. We can make one call to them and our sewer and water system locates are bang, bang, bang. They're there all the time; they're set. It's going to work.

1540

It works in the United States. It's fantastic in the United States, and 99% of jobs in the United States, because they use the One Call system, do not have accidents on them. That's critical for our employees and for the public. We're digging around high-pressure gas lines. We're dealing around water lines. Because of a poor locate that came through at the last second, we did hit a water main in the Burlington area—\$80,000 was the cost of that hit. All we did was put a little tiny hole in it, and then the arguing started and the lawyers started and everything else.

It's something that has to be done. We have to get Bill 8 through, ladies and gentlemen. It's the only thing that makes sense for the construction industry. Thank you.

The Chair (Mr. David Oraziotti): Thank you for your presentation. The Conservative caucus is up first. Questions, gentlemen, or—

Mr. Robert Bailey: I don't have any questions. I just want to thank you for your presentation.

The Chair (Mr. David Oraziotti): NDP caucus?

Mr. Paul Miller: Thanks, Edward. Obviously I hear your frustration. For many years there's been problems with getting all the utilities on board so you can go ahead with your projects. Certainly it's time-consuming and obviously you're losing labour-intensive situations for pay for your employees. Would you feel that obviously the electrical distributors would be good to get on board too as a whole instead of partial? Do you believe in the volunteer system or do you believe everybody should be on board?

Mr. Edward Ryan: I believe everybody should be on board, because if you don't have everybody on board, now we get into the same old system: Who do you call, which municipality, and away you go.

Mr. Paul Miller: Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus?

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): Thank you, sir. We appreciate the presentation today.

TRANSCANADA CORP.

ONTARIO REGIONAL
COMMON GROUND ALLIANCE

The Chair (Mr. David Oraziotti): The next presentation: TransCanada. Good afternoon. Welcome to the Standing Committee on General Government. You have

10 minutes for your presentation. Time you don't use will be divided among members for questions, should they choose to ask you questions. Just start by stating your name and then you can proceed when you're ready.

Mr. Cecil Blair: Thank you, Mr. Chair. Good afternoon, committee members. My name is Cecil Blair. I'm the regional director with TransCanada Corp. I also serve as chair of the ORCGA.

Just to give you a bit of background with TransCanada, with more than 60 years' experience, TransCanada is a leader in the responsible development and reliable and safe operation of North American energy infrastructure. Our 68,500-kilometre pipeline network transports most of western Canada's natural gas production to key continental markets. We are developing one of North America's largest oil delivery systems. As an independent power producer, we own or have interests in approximately 10,800 megawatts of power generation in Canada and the United States. That's about enough electricity to power 10 million homes. We are also one of North America's largest providers of natural gas storage capacity. In 2011, we had total assets of \$48.9 billion, with an annual operating income of \$3.2 billion.

TransCanada has been operating our 8,000-kilometre network of pipelines in Ontario since the 1950s. We employ approximately 225 people in the province and pay them a collective salary of \$31 million. We pay \$73 million in property taxes, \$11 million in provincial taxes and contribute about \$1.5 million in community investments annually.

Why do we support Bill 8? Today, people in Ontario have to make up to 13 different calls before they can dig, so naturally many don't call at all and people get hurt. If this bill passes, people can make one free call and we will all be much safer. Let's seize this opportunity we have before us.

Ontario One Call is an existing service that is 100% free to homeowners and professional excavators. The value this service provides is limited only by the fact that participation is not mandatory for the hundreds of entities that own underground assets.

Industry experts estimate that there is over \$100 billion in underground infrastructure assets in Ontario. As of right now, homeowners and excavators are forced to call up to 13 different numbers in order to safely proceed with a dig. Last year, there were an estimated 12,000 third party strikes to vital underground infrastructure, with 3,200 being natural gas alone in Ontario.

Today, the number of hospital emergency calls that result from damage done to underground infrastructure in Ontario is on the rise. Without this legislation, needless costs to Ontario's health care system and risk to human life will continue to increase.

Because of these reasons, TransCanada strongly supports Bill 8. Bill 8 takes aim at the current complicated and cumbersome system, where homeowners and excavators are expected to make upwards of these 13 calls to all local utilities prior to digging. Unfortunately, many homeowners and excavators simply do not bother. The Ontario One Call Act would streamline the system,

requiring all owners of our underground assets to participate in a not-for-profit call centre, which would in turn give homeowners and excavators access to a free, single phone number for comprehensive underground locate information.

TransCanada supports Bill 8 because we see the value in establishing a true One Call system in Ontario. The ORCGA 2011 Damage Information Reporting Tool report shows that the most common cause of facility events in Ontario is "notification not made," at 35.5%. Within TransCanada, in Ontario, we also see that "notification not made" is the most common root cause of our facility events, but at a much higher proportion, at 61.5%. We feel this number is unacceptable and is putting people's lives at risk. We feel that having a streamlined One Call process will reduce the confusion in the general public and increase the notifications made to our organization before an excavator or homeowner digs around our large-diameter, high-pressure natural gas pipelines.

As you're hearing today, our organization isn't the only one that recognizes the importance of this legislation. We understand that many organizations from a variety of sectors, including the municipal sector, the emergency response sector, telecommunications, and hydro, are all participating in this process by either appearing before you today or making written submissions in support of this bill. In terms of the municipal sector, we are told that there are over 40 Ontario municipalities that support Bill 8. These supporting municipalities are both large and small, rural and urban, and from every region, including northern Ontario. I feel it is also important to notify the committee that the Ontario Association of Fire Chiefs has formally indicated their support of Bill 8.

Currently, all 50 US states have in place a mandatory One Call system. The US also has a mandated One Call number, 811. These initiatives executed by the US have resulted in 99% of all locate calls resulting in a safe excavation.

In conclusion, TransCanada views Bill 8 as an essential piece of legislation. The system we have in place today is too complicated and cumbersome, and it is putting people and property needlessly at risk. If this bill passes, people can make one free call, and we will all be much safer. Let's seize the opportunity we have before us today and pass this important piece of legislation.

The Chair (Mr. David Oraziotti): Okay. Any further comments?

Mr. Jim Douglas: Mr. Chair, can I move ahead?

The Chair (Mr. David Oraziotti): Yes, go ahead.

Mr. Jim Douglas: My name is Jim Douglas. I'm the president and CEO of the Ontario Regional Common Ground Alliance. Prior to joining the alliance in 2004 as their first-ever executive director, I spent 33 years with Enbridge Gas Distribution in a number of regional and corporate positions. During this period, I also spent eight years on the Ontario One Call board, including terms as president, vice president and treasurer. And quite frankly, ORC is the reason that you're all here today.

I don't have time to read my formal submission—that is on record, and you have copies of that—so I'm just going to touch on a few things.

The ORCGA, quite frankly, has changed the shape of damage prevention in the province of Ontario. Locate requests are up; damages are down. It's a three-part damage prevention program we have. First is, we need a true One Call centre in the province of Ontario, and as you've heard about 100 times, we don't have that. The second thing is, we need good education. The ORCGA Dig Safe program fits the bill for that, and it's well on its way.

The third part is enforcement. I heard some negative comments the other day about enforcement. Quite frankly, we're very proud of the enforcement. We've worked very closely with the MOL, the TSSA and the ESA since our inception. We've helped raise the awareness of enforcement. Enforcement today is much better than it ever was before. If you go back five years and ask an MOL inspector, "How many times have you asked for the locates on a job site?", they're probably going to say, "What? Locates?" Today, it's usually the first question they ask.

Enforcement in the environment today in Ontario is on its way up and in good hands.

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In 2004, the ORCGA introduced best practices. One of those best practices was section 2.0, namely number 2.26, and it states, "All buried facility owners are members of the One Call centre." After trying to get people on board voluntarily for nine years, the board and the stakeholders decided we needed legislation. We worked on that for a year: 17 stakeholders at the table, everything on consensus. We came up with a One Call legislation proposal for the province of Ontario.

At the same time, simultaneously, we had a societal costs study done by Informetrica which was part of the presentation to the government. That study revealed that societal costs were around \$33 million at that time. That was in 2005, and we had 80 members. We now have 450 members, so can you imagine what those costs would be if we get everybody reporting in? Substantially higher.

From 2005 right through until the present, we've been working with the government, and that has taken us through three elections, three different ministries and six different ministers. In 2009, the MCS, the Ministry of Consumer Services, asked us to put together a model that would represent how we could transition the current system to a new One Call system in the province of Ontario. We did that. It took us a year. We brought our stakeholders together. Then we provided the government with a model that covered what is legislated, a transition plan and a governance plan as well as a costing model which showed, should the members increase, that the rate of the send-out would go up from 1.3 to 1.67. In other words, it would go from \$1.60 down to possibly 90 cents. That was in 2002. We presented that to the Ministry of Consumer Services. Nothing happened.

In 2009, the Ministry of Consumer Services came to us and said, "We'd like to work with you guys on this One Call. However, we want to do it voluntarily."

The Chair (Mr. David Oraziotti): Sir, that's about time for your presentation—combined, about 10 minutes. I'll give you 30 seconds or so to wrap up, if you want to make a last point, and then we'll move on to questions.

Mr. Jim Douglas: Many thousands of homeowners in Ontario and excavators in our industry expect you, as the elected officials, to ensure that the workplaces are safe in Ontario. Passing Bill 8 will instantly help you reduce the risk of inadvertent damage to underground infrastructure, resulting in increased safety for all Ontarians. The government of Ontario has had One Call legislation before it since 2005. To date, they have failed to implement legislation that would reduce incidents. As a result, workers and innocent victims have died.

Do not allow any more workers or the general public to be exposed to this risk because of a few narrow-minded groups. The fate of Bill 8 and in turn the safety of all Ontario is now in your hands. Please put partisan politics aside and make a moral and ethical decision to pass Bill 8. Do the right thing.

The Chair (Mr. David Oraziotti): I appreciate your wrapping up; thank you.

Mr. Miller, NDP caucus, up first. Go ahead.

Mr. Paul Miller: Thank you, Mr. Chair. Hi, Jim; how you doing?

Mr. Jim Douglas: Paul.

Mr. Paul Miller: I just have two quick questions for you. Today I've heard people concerned about a monopoly for a non-profit organization. How do you feel about that, the word "monopoly"?

Mr. Jim Douglas: Well, I don't even think it applies when it comes to safety and a One Call centre. There are 64 other One Call centres, true One Call centres, across North America. They have two common things: One is, they are not-for-profit, and they are represented by an independent board of directors who represent the utility industry. I believe you're going to hear, and you have heard, but you will hear when Ontario One Call comes to present, that that is what Ontario One Call would offer.

I've also heard other people claim that they are One Call centres. Let me just make this emphatic: There is only one entity in the province of Ontario that can claim that. Ontario One Call is in the process of transitioning to an independent board of directors, and they are not-for-profit. That's the only One Call centre in the province of Ontario. The others are simply industry service providers. Please understand the difference.

Mr. Paul Miller: Okay. My second quick question is—I've heard today from the AMO that they're very concerned about future costs for mapping. One individual told me that, apparently, right now it's about \$1,000. It's not a great amount of money to the municipality. What is AMO's fear of One Call, do you feel?

Mr. Jim Douglas: I believe that AMO has listened to a few members who may be negative about it—they may be concerned about the impact—but they haven't got

enough information or listened, or are informed enough, to understand in turn that not only are they going to make Ontario safer, but they may save money in the province with no job loss.

I heard that too: There's job loss. There are people in the province who take the call. Some of them also clear the call and do the locate. So to say there's going to be a job loss from the call is very much not true.

Mr. Paul Miller: Thank you.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus.

Mr. Reza Moridi: Thank you very much, Mr. Blair and Mr. Douglas, for your presentation. We have no questions at this point.

The Chair (Mr. David Oraziotti): Mr. Bailey?

Mr. Robert Bailey: Yeah, I'd like to thank you, Mr. Douglas, for that. It's good to have the background about Ontario One Call, how we got to where we are today and the history about dealing with different ministries. Anyway, whatever happened in the past, we're here where we are today, and thank you for that. Mr. Blair, I'd like to thank you as well.

Could you give me a couple of ideas—you talked about the accidental hits and that, and you maybe had it in your presentation, but I missed it—what it would cost TransCanada in a year for accidental hits, misses and lost time, etc.? Do you have any dollar figures?

Mr. Cecil Blair: Oh, I don't have that in my back pocket. It would be significant. I've got about three or four people on a full-time basis who are out investigating those accidental hits and near-hits.

Mr. Robert Bailey: Do you have any infrastructure in the United States?

Mr. Cecil Blair: Yes, we do.

Mr. Robert Bailey: Just quickly, because I know my colleague wants to ask a question: Is there a big difference between your hits and misses here in Ontario versus, say, the same infrastructure in the United States? And then I'll let you move on to Mr. McDonell.

Mr. Cecil Blair: Yes, we are seeing a higher rate of near-hits in Ontario, compared to our states.

The Chair (Mr. David Oraziotti): Thank you. Mr. McDonell, go ahead.

Mr. Jim McDonell: Thank you, Mr. Blair. Just a quick question; I guess it was partially answered here. Are there jurisdictions in Canada where you have, essentially, a mandatory One Call system that TransCanada goes through?

Mr. Cecil Blair: Yes. We're legislated through the National Energy Board to be part of a One Call system in provinces where they have them.

Mr. Jim McDonell: Are there any provinces where you are that have them now? Would Ontario be the first?

Mr. Cecil Blair: Oh, no, no. All provinces have a One Call system. I think Manitoba is just getting set up right now. Other provinces have a One Call system, but they're very similar to Ontario's. There are numerous One Calls.

Mr. Jim McDonell: So we have no mandatory. You see them in the States, where they are mandatory and they all belong. Do you see any issues of concern to the municipalities that seem to be making them worried about such a system coming into place?

Mr. Cecil Blair: I'm not aware of any of those concerns in the municipalities in the States, although I don't work directly with our United States assets.

The Chair (Mr. David Oraziotti): Thank you for coming in and thanks for your presentation.

Our next presentation is PVS Contractors.

Mr. Jim McDonell: Just one question from one of the previous presenters. They wanted to know when we would be going into the clause-by-clause. Maybe it would be worthwhile just giving them an estimate of approximately—

The Chair (Mr. David Oraziotti): Just prior I made that comment, because it was raised, and I mentioned it to all committee members before we had the vote—Monday, a week today, clause-by-clause.

Mr. Jim McDonell: Because AMO had asked that question, so could we just make sure that they're aware?

The Chair (Mr. David Oraziotti): All right. Thank you.

PVS CONTRACTORS

The Chair (Mr. David Oraziotti): Good afternoon, sir. Welcome to the Standing Committee on General Government. As you know, you have 10 minutes for your presentation. Please state your name, and you can start when you're ready.

Mr. Richard Dekker: Thank you. My name is Richard Dekker. I'm president of Peninsula Video and Sound Inc., operating as PVS Contractors in the Hamilton and Niagara areas in Ontario. Actually, today I'm the third locate service provider that you're going to hear from, so some of this may sound familiar.

We started as a cable TV contracting firm in 1977. In the 1980s, we began performing underground locates for Maclean Hunter Cable TV. Soon, we were approached by other utilities to handle their locates. At first, it was peak shave, or only their overflow during the busy season. By 1997, we had contracts with Bell, Enbridge, and Maclean Hunter in the Niagara area. In St. Catharines, we also had St. Catharines Hydro and the city of St. Catharines water department as clients.

All of our clients used Ontario One Call for their notifications, so in fact we had what we believe to be the first One Call, one-locate system in Canada.

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Now I have 15 utilities as clients, but by no means do we have all the utilities in our areas. We have five hydro providers and two municipal water departments on our client list, but there are many more of this type that are still doing their own locates and handling their own requests. As of right now, in some areas homeowners and excavators are forced to call up to 13 different numbers in order to proceed. In St. Catharines and Pelham, for the

most part, they only have to make one call. That gets the notification for the locate and gets the locate provider to come out.

The handout I have supplied shows the number of calls that had to be made to obtain locates in the Niagara region prior to PVS handling the locates. This was originally on a small card that the people from Enbridge would carry around with them in case they had to call for locates. Not only did the excavator have to make the calls, he had to either meet the locator from each utility or just sit back and wait for the locate to be completed.

Also, at the end of the list—you'll notice that I highlighted—there is a caution that other utilities or structures may exist in the dig area. So even back then, with all these numbers, there were still others that you may not have called.

How would you know if you had locates for all the utilities in the dig area? Experienced excavators may know, if they work locally. Do they ever know for sure? How does a homeowner know if he or she has missed calling a utility? Last year, there were an estimated 12,000 third party strikes to vital underground infrastructure in Ontario. Currently in the USA, all 50 states have a mandatory one call system in place. They have also mandated a single one call number, 811. With these initiatives, 99% of all locate calls result in a safe excavation.

This initiative will make it safer for excavators and homeowners to perform work in the ground, and that is why I am supporting it. I have seen the damage done by digging into the infrastructure. It's not only gas and hydro damage that can be dangerous; it can be 911 calls that don't go through or emergency monitoring information that doesn't reach its destination. There is so much more information passing over phone, cable and fibre lines now that we never had before that are vital services. We encourage all of our clients to subscribe to a one-call centre. By passing this bill, you can take the guesswork out of the process. It would be so simple for everyone to just use one easy-to-remember phone number or email address to contact a service that is 100% free to use and be assured that all utilities in the work area will be notified.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The Liberal caucus is up first. I don't know if you have any questions.

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): The Conservative caucus: Mr. Bailey.

Mr. Robert Bailey: I'd just like to thank Mr. Dekker for coming in and making the presentation today and re-supporting the reasons to be in favour of Bill 8—unless Mr. McDonell wants something?

The Chair (Mr. David Oraziotti): Mr. McDonell, go ahead.

Mr. Jim McDonell: Thank you for coming, Mr. Dekker. Again, just the question I asked before: Are you aware of any unusual costs that municipalities would have by getting into the system? I mean, you're in an area where everybody essentially belongs.

Mr. Richard Dekker: Historically—I have to say this—municipal records are not the best; they're usually old. Some of their equipment is not locatable. So they may have to improve their records, I would suspect. But as far as any extra costs, I've found—we have two city water departments—that the number of notifications will rise. Because of the depth of the service, people historically don't call in for water if they're not going very deep. They may see a rise in notifications.

Mr. Jim McDonell: But under the current system, One Call would simply send the call over to them if it's within the water-serving area. So really, the same system they use today is still there; there's an organizing group that actually calls them in for their service areas, so really, very little difference.

Records are records. I know they're terrible, but—

Mr. Richard Dekker: I understand that, but the notifications will rise.

The Chair (Mr. David Oraziotti): Mr. Miller.

Mr. Paul Miller: I appreciate your input, Richard. I'm just asking a question. I've been hearing today from the electrical distributors that they would prefer it to be non-mandatory to join this. Do you think that voluntary and non-voluntary could cause some problems down the road as far as getting proper locates?

Mr. Richard Dekker: Well, there could be a problem. But after all of this time, there are still a number of hydro services in our area that don't belong to Ontario One Call.

Mr. Paul Miller: Do you think that's a negative impact?

Mr. Richard Dekker: I believe so.

Mr. Paul Miller: Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for coming in. We appreciate the time for your presentation.

The next presentation, the Ontario Road Builders' Association—I don't know that anybody is here from the road builders' association yet.

HEAVY CONSTRUCTION ASSOCIATION OF REGIONAL NIAGARA

The Chair (Mr. David Oraziotti): Mr. Hunter?

Mr. Bob Hunter: Yes.

The Chair (Mr. David Oraziotti): Folks, we're going to move to the Heavy Construction Association of Regional Niagara. We'll catch up with the road builders' association later.

Good afternoon and welcome to the Standing Committee on General Government. You have, as you know, 10 minutes for your presentation, if you could please state your name and start when you're ready.

Mr. Bob Hunter: Thank you for this opportunity to speak on Bill 8, One Call. My name is Bob Hunter. I'm construction manager for Steed and Evans Ltd., Niagara division. I'm also the current president of the Niagara heavy construction association.

Our organization has 26 local contractor firms and 35 associate members. We cover all aspects of construction in the Niagara peninsula. We are affiliated with the Ontario road builders and the Ontario sewer and maintenance contractors associations. Also, I sit on the Ontario Regional Common Ground Alliance best practices committee in an effort to standardize locates and implement the One Call system.

Our members feel that the number one issue here is safety: safety for the workers and for the public as well. The hours spent trying to make sure that all utility stakeholders are contacted each time a contract is tendered or underground work is contemplated always leaves the possibility that one utility could be missed. The process of layering multiple locates from different sources and using multiple reference points—even the possibility of different icon symbols being used—could and has led to misinterpretation of locates, leading to harm to workers and also disruption of services. With the disruption of services, there is always the potential for loss of communications for emergency services and loss of commerce for business and institutions.

The One Call system works well right across the United States and should be looked at as a positive example for us to follow. The time saved trying to coordinate meet times with multiple locators can lead to better productivity for both the contractor and utility stakeholder.

As a contractor, we find many times that work either occurs close to bordering municipalities, or a municipality has regional interests involved on the same project. One Call would make sure that all concerned parties are contacted and that continuity would be established for the work zone. Another issue arises from the relocates or refresh of aged locates. One Call would make the process more streamlined, establishing a consistent date to track.

Some examples we have over the past few years: In St. Catharines, we called for locates, we had everything done and we found out that a public school had gone with Allstream, an Internet provider. Even though we had all our locates in order, nobody had informed us that they were in the ground, and we did remove the service from the school for two days.

In the town of Lincoln, region of Niagara traffic services—a contractor working mid-block. Usually if you're working in an intersection, there will be some sort of system to pick up vehicles. Either it will be planted in the asphalt or it will be a sensor. It's called an interconnect, so that all the lights are synchronized. Well, the contractor was in mid-block and didn't have locates from the region. He wound up removing the interconnect because he wasn't given the locates.

In Fonthill, Hydro One and Pen West—it actually happens in blocks; you can be a Hydro One customer in one block and a Pen West customer in the other. The contractor had locates for Hydro One, couldn't get the locates, and finally had to go to a homeowner to find out that their billing—they asked to see who they were paying, and they found out that was who to get the locates from. It is very awkward.

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Again, our number one issue is safety: for the guys out there doing the work, for the public that depends on the utilities and for the infrastructure for every day. The only solution to this matter is passing the bill and implementing the One Call system. I appreciate your time.

The Acting Chair (Mr. Michael Coteau): Thank you, Mr. Hunter.

I'll start with the Conservatives. Do you have a question?

Mr. Robert Bailey: I just want re-emphasize and thank you for coming today, Mr. Hunter. You've re-emphasized and also strengthened the reasons to support Bill 8. You have, in your short submission there, re-emphasized what someone last week talked about, the intricacies up in the north end, where there's a number of older communities, and everything overlaps. Unless some of my colleagues have something, I have nothing. Thank you again.

Mr. Bob Hunter: I actually have a comment as well.

Mr. Robert Bailey: Sure.

Mr. Bob Hunter: Somebody was asking about incurred costs for municipalities. A lot of the contracts that we've bid on lately—and we're a general contractor. It is in the contracts that the contractor, his surveyor, has to supply an as-built drawing which would bring the drawings up to date. A lot of that cost is incurred in the contract. Developers that are doing new residential developments have to supply the drawings for that development; the drawings have been built to design. So a lot of that work would be costs incurred during the contract, not necessarily an additional cost to the municipality to provide.

The Acting Chair (Mr. Michael Coteau): Mr. Miller.

Mr. Paul Miller: You must have known what I was thinking there, because that was exactly what I was going to ask you.

So obviously, Bob, you're supportive of Bill 8—

Mr. Bob Hunter: Strongly.

Mr. Paul Miller:—and any kinks that can be worked out certainly can be worked out in clause-by-clause or amendments that groups bring in, including AMO, that may have a concern. So you feel that we're moving in the right direction, and this is the best thing that Ontario's seen in a while?

Mr. Bob Hunter: Positively. Everything's important to us underground, but the three things that can really hurt people are hydro, gas and Bell—or communications. We just definitely want to get that so that everybody's on the same page and that the locates—one call, make it easy, and there's nothing missed, because we have enough trouble not hitting things when we have all the information.

Mr. Paul Miller: Thank you, sir.

The Acting Chair (Mr. Michael Coteau): Liberal caucus, any questions? No?

Thank you very much, sir.

ONTARIO ROAD BUILDERS'
ASSOCIATION

The Acting Chair (Mr. Michael Coteau): Next, I have the Ontario Road Builders' Association. Please join us. Welcome. The way we're doing it today is, it's a 10-minute deputation, and then we'll take questions for five minutes.

Ms. Karen Renkema: We have materials here. Shall I bring them up there?

All right, thank you very much. Good afternoon. Mr. Chair, members of the committee and committee clerk, thanks for having us here today. My name is Karen Renkema, and I am here today representing the Ontario Road Builders' Association. I'm the director of government relations. Along with me here is Jim Hurst. He is the VP of Steed and Evans construction and also ORBA's president this year.

ORBA is the voice of the majority of road building contractors who build and maintain both provincial and municipal roads, bridges, public transit systems and core civil infrastructure. The association also represents approximately 100 associate members who manufacture and distribute supply products, equipment and services to the road building industry. Our members employ in excess of 30,000 workers during peak construction season, and our objectives have changed very little since our organization was founded in 1927, with one of its central tenets being to promote accident prevention and worker health and safety.

It is with this objective in mind that we are here supporting Bill 8 and its efforts to improve safety in our province, for our workers as well as the general public, in addition to cutting red tape and streamlining business processes. ORBA would also like to congratulate PC MPP Bob Bailey as well as NDP MPP Paul Miller for their bipartisan efforts to make Ontario a safer place to live and work.

As you have already probably heard, Ontario has upwards of \$100 billion in underground infrastructure, including electrical power lines, cable, street lights, traffic signals, gas and oil pipelines, sewers and telecommunications lines, amongst many others. Despite this abundance of underground infrastructure, there is no one source to find complete and detailed information about the location of these assets. This is a problem, because it requires homeowners and excavators alike to navigate through a patchwork system that requires upwards of 13 phone calls to all local utilities prior to putting a shovel in the ground, and unfortunately, many do not bother trying to navigate through this complex system for utility locates, often due to a simple lack of knowledge of what is all buried.

The present voluntary system makes identifying buried infrastructure quite difficult. It is an archaic system that has long ago been discarded by all 50 states south of the border and replaced by a mandatory system. Recognizing this as an all-important public safety issue, the federal government in the United States mandated

811 as a national One Call number, which resulted in a 70% decrease in the number of incidences of underground infrastructure and utility damage between 2004 and 2008. Back in Ontario, economists have estimated that the average annual cost to the province for failing to locate all underground/overhead utilities totals \$39 million, with these costs being passed on to utility customers and to municipal taxpayers. This number says nothing for lost revenue, productivity and efficiency for businesses.

We are aware that a municipal association previously made a deputation to this committee, noting that their members do not believe that there is a need for Bill 8 and are concerned that this legislation will duplicate services that are already successfully provided by municipalities and private companies across Ontario. However, it should be noted that Bill 8 has received wide support from municipalities, including certain municipalities within the association who made this representation, namely, Kenora and Fort Frances, whose city councils have in fact endorsed Bill 8.

Now for the business case: An added feature that makes the One Call system appealing is that it is a one-stop shop for utility locates. This is important for many of our members, as some, such as Powell Contracting Ltd., have told us that they undertake upwards of 1,500 site locates each year. According to Powell, each of these site locates requires, on average, six phone calls for each utility locate, which translates into approximately 9,000 calls per year, or 173 calls per week. In addition to the calls, it is the requisite paperwork and permits for each locate which pose significant challenges on their own, as permits typically expire after 30 days. This poses problems, because under the current system, multiple permits are needed for a single job, and some locates are done immediately upon request while others may take up to two to three weeks to complete. As a result of this system, some permit renewals may be halfway to expiry before a shovel even hits the ground at a job site because of a slow turnaround by some utility companies locating their underground assets.

Therefore, the efficiency that the current system breeds at every level of the construction process results in obvious higher construction costs and longer completion times for projects.

With this, I'd like to turn it over to ORBA's president, Jim Hurst, who will provide you with some more details of these inefficient streamlining processes.

Mr. Jim Hurst: Thank you, Karen, and thank you to the committee for allowing us to be here today to present our case for why we support Bill 8 and why it is important to our members.

As the president of ORBA and also as a contractor, I'm very encouraged to see Bill 8 reach the committee stage, as the safety of my workers and all those employed by ORBA members is our top priority.

We took time to canvass our membership for testimonials, asking their opinions on the current system for locating underground utilities. We received an overwhelming response in favour of enacting a mandatory

One Call system, and I would like to offer you a few short anecdotal examples that we received, noting why our membership strongly supports the passage of Bill 8.

The first example is one of our own companies. In 2010, in Kitchener, we worked along a rail line and saw pedestals indicating the presence of underground cables. We contacted both the railway authority and the utility authority. They came out to locate, yet neither one could say that the utility was theirs.

We ended up hydrovaccing all of the utilities, causing a delay to the process and also increased cost. We found the utilities safely. We did the work. In about a month's time, the railway contractor finally came forward and identified those cables as being theirs. I believe the new mandatory One Call system would not create this problem, and we would find the rightful owner of the utilities before we commenced work.

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The second example is from one of our members, Powell Contracting, in 2009. They worked on private property in Toronto. They suspected that fibre optic cables would be there. They called the local call centre. That call centre also fields business-related calls and billing complaints. They stated that they had no fibre optics in that area. Excavation went ahead, and there was a near-miss. After the fibre optics were found and after a week-long investigation, the call centre admitted that they had made a mistake and that a new section of their business had started up, unbeknownst to them, and had in fact installed fibre optics in that area. Again, not knowing the owner of the utility could have caused a major break and a safety concern.

Our last example is one from The Miller Group. In 2011, they worked on Highway 17 in the north. That spanned three different communities: Sudbury, North Bay and a First Nations community. They contacted everyone in an effort to find out what underground utilities were there. Neither locale could identify where theirs stopped and started.

The Acting Chair (Mr. Michael Coteau): One more minute.

Mr. Jim Hurst: I'll jump to the conclusion, then. These are strong examples that support our case.

In conclusion, I offer three recommendations. We request that the committee support Bill 8 to allow it to move to third reading and full assent. With the summer construction season upon us, we think this would be timely. Further to the above, ORBA supports Bill 8, with the most important priority being that the Ontario One Call system be made mandatory. Finally, we recommend a wide consultative process to ensure that all stakeholders have the opportunity to provide input on the drafting and implementation of any regulations that are considered as a part of passing Bill 8.

The Acting Chair (Mr. Michael Coteau): Thanks for your presentation. We'll start with the NDP caucus.

Mr. Paul Miller: Thanks very much for your presentation. It seems to be a theme today that most of the presenters are on board for this. Do you feel that this will

certainly make members of your association more comfortable with the One Call system? Some of the things you pointed that can occur in different situations really can set back and add cost to the situation.

Mr. Jim Hurst: Yes. We have unanimous support from all 80 contractor members across the province.

Mr. Paul Miller: Thanks very much.

The Acting Chair (Mr. Michael Coteau): Liberal caucus, any questions? No? Mr. Smith, question?

Mr. Todd Smith: Yes. Thank you for the presentation. I just had a question. You outlined three different incidents. There are obviously dozens of them that occur across the province. Any idea how much money an incident like this ends up costing companies that are involved?

Mr. Jim Hurst: Well, even without a hit, delay costs on large projects can surmount to hundreds of thousands a week, depending on men and equipment employed there.

Mr. Todd Smith: Thank you.

Mr. Robert Bailey: I just want to thank Mr. Hurst and also Ms. Renkema for coming and presenting today, and re-emphasizing the importance of Bill 8 and how it will contribute to safety, the whole economy and costs for projects in Ontario.

The Acting Chair (Mr. Michael Coteau): Thank you very much.

RESIDENTIAL AND CIVIL CONSTRUCTION ALLIANCE OF ONTARIO

The Acting Chair (Mr. Michael Coteau): Next, we have the Residential and Civil Construction Alliance of Ontario. We've allocated 10 minutes for presentations, five minutes for questions. Welcome.

Mr. Andy Manahan: Okay, thank you, Mr. Chair and members of the committee. I'm pleased to be here. My name is Andy Manahan. I'm the executive director for the Residential and Civil Construction Alliance of Ontario, and I've been in that position since 2006.

Safety at construction workplaces, including where construction takes place in public right-of-way, is a key concern to RCCAO members. The majority of buried electrical, gas and other utility lines are under public road allowances or within other public rights of way.

Every year, dozens of families receive the tragic news that a family member or friend was injured or killed while working at a construction site in the province. Too often, those injuries or deaths are the result of unintended contact or damage to a buried gas or electric power line. The speedy passage and proclamation into force of Bill 8, the Ontario One Call Act, will significantly reduce the likelihood of injuries at Ontario construction sites from these types of situations.

Just to give you a little bit of background about our organization, we're a labour-management group. We have five contractor associations and four construction unions that are part of our group. Our primary mandate is to advocate for infrastructure investment, but all of the

regulatory issues and policies go around that. So this is one of those issues that is important to us because we want to make sure that all the work that takes place in the province, whether it's provincial projects, private projects or municipal projects, are carried out as safely as possible. You can see that on page 2 there's a list of our members who are involved.

I should also point out that RCCAO has also been a member of the Ontario Regional Common Ground Alliance since 2010.

Why RCCAO is concerned about utility locates: Construction contractors are required by various laws, including the Occupational Health and Safety Act, to obtain the exact location of all underground utilities and services before commencing excavation. Even though the services are in a publicly owned right-of-way, there is no corresponding law on the owners of utilities and underground services to respond to locate requests.

The problem is complicated by the fact that it is sometimes difficult or impossible for a contractor to determine which utilities might exist in a predetermined excavation zone so that the owner of such service can be requested to mark the location of their facility. Even though a contractor may have requested locates from most of the commonly known utilities, there may be other utilities that are either unknown or have been recently installed or activated that compound the difficulties and complexities.

We believe that Bill 8 will address that safety concern by requiring owners of all buried utilities to become a member of the Ontario One Call system so that when a locate request call is made, the caller can be assured that all relevant utilities have been notified. Bill 8 will also place a positive response duty on all utilities for locate requests, an obligation that only currently exists for gas, electrical and a limited number of other common utilities.

Contractors who call the Ontario One Call service may often have to make many additional calls to request locates from all owners of underground facilities near a proposed excavation site at the current time. If one of those calls is missed, the result could impair the health and safety of countless individuals. A contacted electrical line could deliver fatal electric energy to nearby workers. A contacted gas line could trigger a deadly explosion not unlike the tragedy that killed seven individuals at a small plaza near the intersection of Bloor and Kipling in 2003. A severed phone line could interrupt fire alarms, intrusion detection and response systems and health lifelines for hundreds or even thousands of individuals. A damaged water main could deprive the occupants of nearby office and residential units of their primary fire defence, namely automated fire sprinklers and fire hydrants. Thus, there are safety implications to both the general public and to the construction workforce.

Cost of utilities unmarked and delayed calls: There are significant and growing costs associated with unmarked utilities, and these costs are not limited to repairing the utility. For example:

(1) Damage to a nearby underground gas line can idle construction crews and other businesses in the area.

These time and wage losses typically cannot be recovered.

(2) Damage to phone or Internet cables can shut down certain businesses.

(3) Damage to oil, gas or water lines can result in the loss of thousands of dollars of product and have environmental impacts.

(4) Construction work to repair the damages could disrupt traffic and result in increased congestion.

(5) In addition to the lost productivity, strikes can delay project completion. In fact, there could be financial penalties for missing completion targets as set out in a contract.

The One Call concept will minimize the possibility of striking unmarked utilities and the corresponding cost that would be incurred.

There are also significant costs associated with the uncertainty of knowing who to call and even when the correct number is available. Certain utilities may have limited hours during which live operators are available to accept and process locate requests. Ontario One Call will have live operators available on a 24-hour-per-day basis, 365 days per year.

If the call for requesting a locate is delayed due to insufficient information about who to call or because live operators are not readily available, there is a greater chance currently that construction crews could become idle because contracted work cannot proceed without utility locate responses. Depending on the circumstances, costs could be passed on, in fact, to the construction contractor's client, such as municipal or other government agencies.

1630

I wanted to respond to municipal concerns because I understand there are some municipalities that are at least somewhat opposed to the current bill. One of the two major reasons put forward is that Ontario One Call duplicates services already provided by municipalities. This is only partially true. Ontario One Call accepts calls from anyone who proposes to excavate, and they pass the relevant information about the proposed excavation—including date, location, nature of work and identity of person requesting the locate—on to the utility owner, which in the case of water, sewer, transit and certain other services could be the municipality. It is still up to the respective utility, including municipalities, to respond to that locate request and provide a drawing and markings at the site.

Ontario One Call only provides basic services for the collection of the call. Many utilities, including Bell Canada, Union Gas and Enbridge Gas, have determined that it is more efficient to have the locate request calls processed by a central agency such as Ontario One Call instead of a call collection centre separately run by each utility.

The second reason: the impact on other providers and possible loss of jobs and local business. As stated above, Ontario One Call will not be providing the locate responses; it will simply collect and request information

and pass it on to the respective utilities. Individual municipalities and utilities will still need staff or third party resources to provide locate information to the contractor or homeowner who is requesting the locate. Furthermore, any incremental costs as a result of the provision of One Call will be more than offset by reduced accidents and superior damage prevention within that municipality.

Other concerns, such as the fee structure or transitional provisions for small municipalities, I think can be dealt with through the regulations.

It's important to note as well that in the US there was, I guess, some resistance, going back decades, to mandatory utility locate systems. But most of those arguments were overcome, and every US state Legislature sooner or later came to the same conclusion: that a voluntary utility locate request centre would not be effective and that a mandatory One Call program could prove to be an essential component of a safe and efficient locate system. Public awareness is now high in the US, and damage prevention has improved significantly.

In conclusion, members of committee, we encourage you to pass a bill that would include mandatory participation of all utilities and municipalities in Ontario for the system. We believe that Ontario One Call will result in a more uniform system rather than a fragmented one, where gaps could lead to tragic consequences. We encourage the Ontario Legislature to proceed with this important safety legislation and to consult on the development of regulations in a timely fashion. Thank you very much.

The Acting Chair (Mr. Michael Coteau): Thank you for your presentation. We'll start with the Liberals. Any questions? No? Okay. Any questions, gentlemen?

Mr. Robert Bailey: I have no questions. I'd just like to thank you for your support and your presentation today. We'll certainly take those recommendations to improve the bill. Thank you again for your presentation and support.

The Acting Chair (Mr. Michael Coteau): Mr. Miller?

Mr. Paul Miller: I too would like to thank you, Mr. Manahan, for your presentation. It seems to be a recurring theme today.

Mr. Andy Manahan: I'm glad to hear that.

Mr. Paul Miller: Thank you.

The Acting Chair (Mr. Michael Coteau): Thank you very much.

ONTARIO SEWER AND WATERMAIN CONSTRUCTION ASSOCIATION

The Acting Chair (Mr. Michael Coteau): Next up, we have the Ontario Sewer and Watermain Construction Association. You've probably heard this five times: 10-minute presentation, five minutes of questions. Thanks for joining us today.

Mr. Mark Van Bree: Good afternoon, committee clerk, members of provincial Parliament, ladies and gentlemen. My name is Mark Van Bree, and I am the

president of the Ontario Sewer and Watermain Construction Association, the OSWCA. I am also president and owner of Birnam Excavating, located in Warwick township, close to Sarnia. We have served southwestern Ontario for more than 40 years in sewer, watermain and road reconstruction.

With me today is Joe Accardi, executive director of the OSWCA. He is a professional engineer with 12 years of experience in sewer and water. Together, Joe and I represent half a century of industry experience; half a century of excavating in unsafe conditions and taking unnecessary risks. We are both here today in support of Bill 8, the Ontario One Call Act.

The OSWCA has represented the sewer and watermain construction industry in Ontario since 1971. We represent 10 local associations, which are listed in our brochure. We have over 800 member companies, representing hundreds of thousands of Ontario workers. We collectively perform billions of dollars a year in capital projects to create safe and reliable communities.

Safety is a top priority for the OSWCA and its members. Safety is the reason we are so passionate about Ontario One Call. Our entire industry needs mandatory legislation. We urge you to listen to us, take us seriously, and promptly pass Ontario One Call.

All 50 US states have employed a model like Ontario One Call. They now enjoy a 70% reduction in damages to underground utilities. More importantly, they enjoy safe job sites. We want and need such a system in Ontario, a system that operates 24/7 and is overseen by non-profit organizations, because the safety of our workers should not be a money-maker. The safety of workers should be mandatory. It is time for government to show leadership by making Ontario One Call the law.

Over the last few weeks, you have heard from many organizations in support of Bill 8. You have heard from firefighters, police, municipalities, insurance companies, utility owners, land surveyors and engineers all in support. I would like to add an additional 800 companies to that list, which represent excavators and contractors all across this province. The OSWCA and its members fully support a mandatory participation model. Our members have told us they receive much better service from Ontario One Call than they do from individual utility owners in terms of response time and locate efficiency. Our members have told us they would never pay for a call service, and want a standardized response time so that they can plan better. Our members have told us they want a system that has mapping capability and one that underground utility owners must belong to. Ontario One Call will streamline a confusing, inefficient, slow and unsafe system that our members currently use.

We believe jobs will not be lost in the locating sector because of Bill 8. Municipalities will continue to tender locate work, to do internal dispatch as they always have. The only job impact from Bill 8 will be that our hundreds of thousands of workers will be safe on the job, and that is all that should matter.

A legislated One Call service is a necessity for Ontario contractors. Without this legislation, unnecessary risk to

human life is real and unacceptable. Without this legislation, unnecessary risk to vital infrastructure is real and unacceptable. Without this legislation, unnecessary risk to economic benefit of Ontario is real and unacceptable. Without this legislation, there are unnecessary and costly mistakes paid for by the taxpayers.

I would like to illustrate why a mandatory One Call is so vitally important to our industry. My company was excavating in order to install new sanitary sewers in a small town just west of London—Mount Brydges, actually. My office had booked locates through the existing locating system, and to do so we needed to make at least six calls. We hoped that we had reached out to all utilities, but as a contractor it is impossible to know how many actually may be in a given area. When my crew began to dig, thinking it was safe, they hit and cut a high-voltage underground cable. Thank God my men were not seriously hurt or killed. We stopped work immediately and called the utility owner to reconfirm their locate. They informed us that this is not their cable. Apparently the hydro ownership changes partway down the street, which is very important information that a contractor is not privy to without a One Call system. Because the other hydro company was not part of the current locating system, we had to call them separately. However, we did not call them because we did not know that they had a cable in the area until we dug it up.

A mandatory Ontario One Call system would have taken care of this. All utility owners would have been notified, the cable would have been located in advance of the dig, and my crew would have been safe. As an owner of a company, I do what I can to make sure that my crews are safe and return home to their families every day. But without an Ontario One Call system, there are some safety issues that I cannot cover off. As politicians, you have the power to keep Ontario workers safe by making Ontario One Call law.

The OSWCA has four recommendations:

- (1) All-party support to move Bill 8 to third reading and royal assent during this session of the Legislature;
- (2) That the Ontario One Call is a mandatory system for all utility owners;
- (3) That locates are timely, within 48 hours of calling utility owners; and
- (4) That the government, along with industry, drafts and implements regulations as soon as possible.

The OSWCA, its board of directors, the 800 member companies and hundreds of thousands of employees across Ontario thank the committee for the opportunity to table our support for Ontario One Call.

Please support the passage of Bill 8, which will ensure that Ontario families and workers are safe. Thank you.

1640

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The Conservative caucus is up first. Mr. Bailey.

Mr. Robert Bailey: I'd like to thank you, Mr. Van Bree and Mr. Accardi, for making the trip here today and presenting. You've pointed out, in very plain form—I

started out in contracting years ago. It is reassuring to know that the contractors themselves are always concerned, as they were in those days, about the safety of their workers, and you've re-emphasized the importance of this bill.

I'd just like to say one thing: We keep saying in Ontario, "We're open for business." I think if we're going to be open for business in Ontario, we need to be open for safe construction and safe workers and all that environment that would do that. I think Bill 8 will do that. So thank you.

Mr. Mark Van Bree: I agree.

The Chair (Mr. David Oraziotti): Thank you. Mr. Miller.

Mr. Paul Miller: I'd like to thank Mark and Joe for your presentation. I personally have a couple of trades and worked in heavy industry for a long time, and locates are a very important aspect of safety. Also as a safety rep, I saw many times where problems could have been alleviated by communication and not 15 different groups involved in one locate. I think this is a no-brainer. It should be non-political, and I think it should move ahead.

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): Thank you. We appreciate your coming in today. Thanks for your presentation.

ONTARIO ONE CALL

The Chair (Mr. David Oraziotti): The next presentation: Ontario One Call. Good afternoon, gentlemen, and welcome to the Standing Committee on General Government. You've got, as you know, 10 minutes for your presentation. Please state your name for our recording purposes, and you can start when you like.

Mr. Geoff FitzGibbon: Thank you. Good afternoon, members and staff of the committee. My name is Geoff FitzGibbon. I'm the executive director of Ontario One Call. The gentleman on my left is Mike Scarland, who is the president of Ontario One Call. I'll keep my remarks short so there's adequate time for questions.

Allow me to correct some inaccurate statements made by the committee, describe what Ontario One Call does and suggest a solution for the committee to consider when evaluating this bill.

You've been told by some presenters that there are no requirements to call before we dig. This is not correct. It is the law under the regulations of the Technical Standards and Safety Authority, the Electrical Safety Authority, the Ministry of Labour and the National Energy Board. The ORCGA best practices booklet distributed to the committee lists these regulations.

On to Ontario One Call: In 15 years, we have grown from three to over 160 owners of infrastructure. Almost 30% are municipalities. We have many cable companies, such as Cogeco and Videotron. We also have parts of Rogers Communications Group under Blink, Atria and Sprint networks.

The Ministry of Consumer Services estimates that Ontario One Call members own almost 80% of the provincial infrastructure. Ontario One Call municipal members represent almost 50% of the provincial population. But potentially dangerous gaps still exist within today's fragmented voluntary system, such as in the Ottawa region, where up to 13 calls are needed. Many necessary calls are never made, because they result in confusion.

Imagine, for a moment, that you're drilling for fence posts in your front yard with your children or your grandchildren helping you. You don't know that the gas service line is 15 inches below you and is made of plastic. Under Bill 8, a call to Ontario One Call for any buried service would have identified that gas line, keeping your loved ones safe from injury or worse.

Ontario One Call employs 75 people in Guelph. We do operate 24/7 and 365 days a year, meaning you will reach a live operator at all times. In 2011, we received 730,000 requests and dispatched 2,680,000 locate notifications; 2012 will be almost 20% ahead of last year.

Ontario One Call also provides local digging activity reports that enable municipal members to track permit violations and unauthorized work, which reduces their costs and increases their revenues. We are a not-for-profit corporation owned and directed by our members, the owners of the vital infrastructure we all depend on.

A recent transition to a multi-stakeholder board illustrates Ontario One Call's commitment to inclusiveness and transparency. The governance structure was designed by PSTG Consulting, recommended by the Ministry of Consumer Services and based on input from members, other stakeholders and the ministry. Twelve directors represent the municipal, electrical, telecommunications and pipeline sectors, with three directors from each. Large, medium-sized and small organizations each have an equal voice. Richard Powers, a lawyer and senior member of the Rotman school of business faculty, led the process to select the directors. All members were invited to stand for the board. Nine directors have confirmed their acceptance. We expect to interview and appoint the three additional directors within 60 days. The city of Toronto and the town of Kingsville have agreed to serve on the board. The inclusion of Six Nations gas on the board brings valuable diversity in the pipelines sector.

A stakeholder advisory council will also communicate directly to the board, enabling all opinions to be shared and reviewed by their representative members. Ontario One Call would welcome the province and the AMO on this council if they were to so choose.

A bill of rights that protects all members' interests is entrenched in our new bylaws.

I'd now like to respond to some points I've heard in the hearings. Firstly, how can a single operator be better than having multiple vendors? Ninety per cent of US states use single operators, as is proposed by Bill 8. The difficulty in fixing calling boundaries, the extra telecommunications costs involved and the resulting confusion make multiple operators an inefficient and ineffective option, which is decreasing. Ontario One Call believes

the Idaho or Maryland model offers the best solution for Ontario. In this model: two regional centres under one operator, utilizing one common computer system for efficiency, clarity, accountability and lower overall cost.

Secondly, would fees increase? For-profit call centre boards have a legal duty to maximize shareholder value under the Corporations Act. The Ontario One Call board has a legal duty to act in the best interests of all members—a significant difference. Fees today, at \$1.60 per locate, are 43% less than they were in 1996. When all owners of infrastructure are registered with Ontario One Call, it is estimated the cost would decrease to 75 cents. This graphic is inside your package. Rogers Communications, which complained their cost would double, would actually see a decrease in cost under Bill 8.

Thirdly, is there an additional cost to municipalities? Municipalities are exempt of all locate fees today. The board has also waived the former one-time subscription fee of \$1,000 for all municipalities. The Deloitte report that was completed a couple of years ago stated that, at worst, joining Ontario One Call would be cost-neutral overall.

Lastly, would northern Ontario be at a disadvantage by passing Bill 8? Ontario One Call would establish a bilingual member service centre in the north to help implement Bill 8, so there will be no job losses. Our safety awareness initiatives in the north will inject over \$80,000 into the northern economy this year alone.

To recap: We accept locate requests in all forms from homeowners and excavators. One Call notifies all registered members in the digging area. This is an extremely efficient model. It automatically leads to cost and fee reduction as more members join. We analyze each request and can filter out 85% of all locate requests for a typical municipality. There is no charge to contact Ontario One Call. We spend over \$200,000 each year on safety awareness programs. We follow 31 out of the 32 North American best practices for operating One Call centres.

Ontario One Call is efficient, transparent, fully integrated and provides the most complete and rapid response, and it operates the preferred model used in all 50 US states and in Australia, New Zealand, Singapore and in many other countries. I am therefore requesting our elected representatives to vote for Bill 8's greater safety and efficiency for all Ontarians. Thank you.

1650

The Chair (Mr. David Oraziotti): Thank you for your presentation. The NDP is up first. Mr. Miller, go ahead.

Mr. Paul Miller: Thanks very much, Mike and Geoff. I'm concerned about the word "monopoly." Being a non-profit organization, how would you answer your critics about being a monopoly?

Mr. Geoff FitzGibbon: I think most people, in principle, don't like the whole idea of monopoly. Personally, from a philosophical perspective, I don't, and I'm sure our board doesn't.

The history of the particular activity on this issue, shown by the United States, certainly shown by what our

board has done over the past 15 years: Every time we've had a surplus—because we get more efficient with economies of scale—it has been plowed back into the system to make it more responsive for everybody to use, and it has been used to decrease fees. We've had no competition, if you like, while we've been doing that. We've been kind of a monopoly. Why would we change it, especially with an expanded board?

Mr. Paul Miller: One of the other criticisms that you could deal with is that AMO is concerned about future mapping costs and future costs to municipalities. Could you, at this time, alleviate some of their concerns about those situations? It's a futuristic concern.

Mr. Geoff FitzGibbon: Gary McNamara and the staff have mentioned that to me, and several municipalities talk of it. It's not, strictly speaking, a real issue. We have some municipalities today that have never even given us any mapping. We don't actually need mapping to make the system work. The reason we have mapping is so that we know where they don't have infrastructure so we don't send an unnecessary locate. Obviously, mapping makes the whole thing more efficient.

We have systems that are able today to take PDFs—we've taken old drawings out of a plan chest, scanned them and integrated them into the system. It takes a bit more work, but we've doing this for 15 years. I can't see why that would change in the future.

Mr. Paul Miller: One of the concerns that was voiced to me by certain other operators was about the actual name. When Mr. Bailey and I looked at the name, we realized we were naming a bill after a company, so we're going to readdress that. The information that I get from your group is that you would have no problem changing the name because of the concerns of someone thinking it was a monopoly.

Mr. Geoff FitzGibbon: We were flattered you used our name, but we would have absolutely no problem. It's your bill; you can do with it as you wish.

Mr. Paul Miller: I appreciate that. Thank you.

The Chair (Mr. David Oraziotti): Questions?

Mr. Michael Coteau: Over the last two deputation sessions we've had, there were a lot of conversations around the difference between an integrated One Call system versus One Call Inc. I don't think anyone who has come through these doors would disagree that an integrated system is a good thing for safety and to protect workers in Ontario. Would you agree that if we moved forward on legislation to create this integrated One Call system, we would open it up for an RFP process?

Mr. Geoff FitzGibbon: Certainly. We would be happy to participate in that process. In fact, we've found it's most cost-effective for us to actually subcontract our operations, and we always put that out by RFP. In fact, we'd be glad to open up that RFP to some of the people who've come along and spoken with you who operate what they call "call centres," and if they're qualified, they can certainly bid on our work too.

Mr. Michael Coteau: One of the other concerns municipalities were bringing up was the fact that the

system they have now works. It works well for them. It's customized to their specific needs. Do you think it's wise for this government to go into municipalities and tell them to abort the system that they've been using that works and force them into this integrated system, as proposed?

Mr. Geoff FitzGibbon: That's probably a question you should address to Premier McGuinty.

In terms of municipalities, what I hear—and I meet probably 100 municipalities a year and present to them. It's almost universal; once they know the true facts of Ontario One Call, they say, "Oh, we didn't know it worked that way. We thought it worked some other way." And that's exactly what has happened. The 44 that have joined us didn't rush up to us; each one of them had concerns. But in reality, we take away the costs. There are no costs to use One Call. If they want to overlay us on their existing systems, that's fine; we adapt to them. We don't ask them to change. That's the important thing.

Mr. Mike Scarland: If I can just build on that—and I appreciate that Geoff brings it up.

The Chair (Mr. David Oraziotti): Briefly.

Mr. Mike Scarland: It was interesting. There was a letter from Fort Frances that I think was sent to the committee. When they first joined up, they had a lot of apprehension and they heard the same things; you know, there's all these challenges. The letter from Fort Frances—again, this isn't my words; it's theirs. They had this apprehension when they got involved with it. Afterwards, they realized that the stuff that they'd been hearing really wasn't true.

It's an interesting statement. I have heard a couple of times at these sessions that presently the municipality is working. Something is working now. It's working; don't change it. I think there was a question asked at one point that really hit home. Somebody had asked a gentleman from Thunder Bay. He'd said, "It's working now. Don't change it." The question was put, "Well, if you have to dig tomorrow, which numbers do you phone?"

If somebody says it's working, I would just ask the question, "Working for who?" For the people who come up here and they talk about—they're an excavator, and Enbridge is one of the largest excavators, as an example, and that's the people that pay me in addition to my hat that I've got here today for One Call. We're one of the largest excavators. If we go into the Ottawa area and we get some orange paint on the ground, we think, "Okay, we've got some hydro. We've got a locate." We've got paint and a piece of paper, and we think we've got it, and yet one of our employees could be electrocuted, because there are three others that don't belong to Ontario One Call. So somebody out there may say, "It works. We're getting phone calls in. We're getting paint out on the ground." But they're probably not the people that have to arrange for excavations out there, because I'll tell you, it's incredibly complex for people to work in Ontario. I'm surprised half the companies don't move out of Ontario into the States, where they hire one person to make all these plans instead of hiring a room full of people like this just trying to make phone calls.

A classic example last year in the city of Toronto: Enbridge was trying to dig in the city of Toronto. We get most of our locates within five days, 10 days, something like that. They were out six weeks with city of Toronto water. Now, stop and think about it. The locate is now expired. Now we've got to get a whole bunch of new excavation equipment and people waiting. It costs us a fortune to operate in Ontario.

By the way, the city of Toronto joined One Call January 1, and they're contracting out some of their locates north of the 401, and things are very well this year. But the point is, it's costing people a fortune to operate in this environment. So when somebody says, "Our calls are working well," they're probably sitting in an office building and that's probably what they're being told. Have them try to make that same phone call that Geoff just talked about, this weekend in their own background, and see if they can figure out who owns something underneath their own backyard.

Mr. Michael Coteau: Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. Conservative caucus? Mr. Bailey.

Mr. Robert Bailey: Yes, I'd like to thank Mr. FitzGibbon and Mr. Scarland for coming in today and presenting. It's been a pleasure working with you on this bill, and I want to commend Ontario One Call for their perseverance and staying with this, because I know how frustrating it's been. But I think you did a lot. All the presentations in the last two days have been great, but I think, Mr. FitzGibbon, how you and Mr. Scarland summed it up about Enbridge's difficulties in converting and to make work safer for employees—like I said, I think if we really want to be open for business in Ontario and talk about deregulation and health and safety for our employees and our homeowners and for the investments that are in this province, in the ground, in utilities, I think we need to move forward with One Call. Again, thank you for your presentation today.

Mr. McDonnell would like to say something.

The Chair (Mr. David Oraziotti): Go ahead.

Mr. Jim McDonnell: I know one of the concerns here is from municipalities. Being from a small municipality, one of the issues we have is that we just don't have great records. I've heard their concerns, but if you could address how, in small municipalities where, really, it's Joe on the corner who knows where everything is, as long as he's not sick that day—and really, the system doesn't necessarily have to change. What we really are looking for here is one call: You know who's responsible, and you get hold of them. Maybe just address how that would work.

Mr. Geoff FitzGibbon: Sure; I'll be glad to. I should point out, to be fair as well, that we've actually found we've had fantastic records from small municipalities and some of the larger ones have been lagging behind. So it isn't necessarily the small municipalities that have got the problem. The problem is one, not of their own making, of not having perfect planning. They budgeted for it every year, but unfortunately it did not come

through. All the movements towards increased liability and increased knowledge, the CSA standard that was mentioned by one speaker this morning, are pushing everybody toward having better asset management programs. This is just the first issue, if you like, that has really raised the flag, I think.

1700

We can use whatever mapping is provided to us. In fact, we can even operate without mapping. There are a couple of municipalities that have got such low confidence in their mapping that they said, "Forget it." They use Frank, if you like, or Joe, who's due to retire in a couple of years—and then they've got a real problem. They just give us the municipal boundary and we say that for everything that originates from that area, we'll send them a notification. It then goes to Joe or Frank, who says, "Well, in that area, we happen to know that's okay." And that works perfectly fine.

The ultimate, of course, is to have perfect mapping—eventually we'll all get there—but it doesn't have to be that way.

Mr. Mike Scarland: I think that's a really important part that Geoff brings up—

The Chair (Mr. David Oraziotti): I need you to wrap it up, because that's time for your presentation. If you want to just make a last final comment—

Mr. Mike Scarland: Just really quickly, the call comes in, and all the maps do is allow you to filter it out. So a call comes into Ontario One Call, and we can send everything through the same way as it happens today. That call centre takes the same call, but now they have one phone number to call. So it doesn't have to change anything.

The Chair (Mr. David Oraziotti): Thank you very much, gentlemen, for coming in. That's time.

AVERTEX UTILITY SOLUTIONS INC.

The Chair (Mr. David Oraziotti): Okay, folks, the next presentation: Avertex Utility Solutions. Good afternoon, sir. Welcome to the Standing Committee on General Government.

Mr. Jack Kottelenberg: Hello.

The Chair (Mr. David Oraziotti): You get 10 minutes for your presentation. The time you don't use will be divided among members for questions. Just please state your name for our recording purposes, and you can start when you're ready.

Mr. Jack Kottelenberg: Thank you for taking the time to allow me to address this committee in regard to the mandatory One Call Bill 8 that is before you today.

My name is Jack Kottelenberg. I'm president of Avertex Utility Solutions, and I'm also a vice-chairman of the Ontario Regional Common Ground Alliance. I've also been elected as a representative for the excavator stakeholder group within the ORCGA.

I personally began working in the utility industry in 1985 as a foreman of a company and have gained a good understanding of what it's like trying to negotiate around

the underground infrastructure that is out there today. It can be very nerve-racking, especially when you're not convinced that all the underground is located.

In 2003, together with Andy, we purchased a substantial part of this company and formed Avertex Utility Solutions. We now have 150 employees and do work mainly in Ontario but also across Canada. Our organization calls in approximately 4,500 to 5,000 locates per year.

We have extensive knowledge in underground utility installation and have specialized in horizontal directional drilling since the early 1990s, when it was first developed. The reason I bring this up is because in the trenchless industry, it is all the more important that all utilities are located, and located right, or the consequences can be catastrophic.

Although this trenchless method of construction is one of the fastest-growing operations, it's also often the preferred method. It is also very important that all existing infrastructure be located and exposed beforehand, the reason being that if we have an open trench where you can see it and it gets hit, and if a damage does occur, we sometimes do not know, and there can later be serious damage—for example, days later, we have a sewer blocked or a gas leak.

It is far too often that we hear, after the fact, "Oh, we didn't know that a company had something there." There is no reason for this to happen in Ontario. We have to do better, and we need mandatory One Call.

I will illustrate this in more detail. We had two actual incidents that the One Call act would have prevented. Don't be misled: These two incidents happened in our company, and they are by far not the only two. So one can only imagine how often it really happens, with all the excavators and municipalities digging every day.

We had a damage in Watford. We were installing buried fibre optic cable. The project was put in for locates, and the One Call centre was notified. Because many other utilities in the area do not belong to One Call, their respective desks were also called. In some areas, this could be as many as 13 phone calls. All locates were in hand, and the water in Enniskillen township came back "all clear." As well, we contacted Lambton, and they too were "all clear."

We went to work on-site and didn't observe any notifications on the road, and there were no water hydrants in the area; clearly, existing buried water mains were not an issue on this job. We located all the utilities and proceeded to drill. As it ended up, we directional-drilled through a 12-inch water main. I'm not sure if you've ever seen a 12-inch water main blow up, but there is quickly a lot of damage and if not careful, even personal injury. I've illustrated some of that in the pictures.

The road was shut down. We tried to figure out who owned this water main so we could shut it off; it turns out the water main belonged to another town to the north and it was passing through this location. How were we to know this?

Here's a prime example. Had the utility belonged to One Call and had their infrastructure recorded with them, the One Call centre would have informed them and we would have received a locate and the damage likely would not have happened.

Forget about the cost of this to the municipality and to us to the tune of some \$15,000; the reality is that the local residents and businesses were without water, and this could have caused injury to the worker or the public. There is no reason for this to happen in Ontario.

This particular incident brings up another potential serious issue in the province. Our organization alone has installed some 600 kilometres of buried electrical infrastructure in the last four years all across Ontario for the wind and solar industry. The majority of this infrastructure is 35,000 to 45,000 volts and as high as 250,000 volts. I know for a fact that not only is a lot of this buried in the back of farmers' fields, but it is also on municipal right-of-ways as well. Much of this is not identified. These private organizations, and there are many of them since the Green Energy Act, do not have requirements to date to belong to the One Call system. How dangerous is this? What about the tile drain guy who comes along? Mandatory One Call will solve these dangerous situations and prevent injury.

In the other pictures I've illustrated other areas where there are high-voltage lines going down private roads. You'd think everything was on the poles, but it's not. There are two 1,000 MCM buried circuits going along the road. Again, an easy call, one-call number would have a much better chance of being called and would definitely result in the cable being located. Again, we can do better with a mandatory One Call system.

In the picture above, there are two—we have a couple of 35,000 volts that run down a quiet road. This is some eight kilometres away from the actual wind farm. When we get all the citizens educated to call before they dig and there is a One Call system that's easy for people to call, there would be no issue here. Now, who knows? It's a matter of time.

The next damage I want to share is the one in St. Catharines on Louth Street. We called in various desks like normal, got all our locates; the crew showed up and hand-excavated to expose a couple of electrical cables coming down the poles to the building on the left. They were right on the locate, and the depth was established. We proceeded to directional-drill across, with the idea of continuing on down the street. The drill head was half-way between the two poles when we heard a very loud explosion underground and the strike alert on the machine went off. This generally means we hit something, and judging by the loud explosion, it was something big. Thankfully, the men above ground stood still and the operator stayed on the machine until it was clear of electrical shock. It turns out we hit a private structure containing six high-voltage cables that came out of a building and went in between the two poles over to a large factory across the road. We had no clue that there would be a private hydro structure, and it didn't belong to the local electrical company, so it was not located.

Again, the owner—in this case, the factory—of the structure was not required to belong to the One Call system. Besides the factory shutdown, workers sent home, our company losing a couple of days of work—altogether \$60,000 plus—we had a situation that could very well have gone real wrong. Again, we can do better. A mandatory One Call system will prevent this from occurring.

These types of incidents happen all the time. I know, from talking to other excavators, they have the same concerns. When Avertex joined the ORCGA eight or nine years ago, I thought at the time that, yes, \$20,000 a year for a gold sponsorship for us was a lot of money. But I thought it would pay off when we get the mandatory One Call in place. We will save on downtime and damages as well as not having to go through the elaborate procedures we do now for small or big projects.

As time has passed, I have come to realize that this is not so much about money at all; it's about the health and safety of our workers and the public. It's about life. I have come to realize that the status quo is just not good enough. We can do better.

It has been a great experience sitting on the ORCGA board and being able to work alongside companies such as Bell, Union Gas, Enbridge Gas, Rogers Cable and Toronto Hydro, to mention a few, and many others in the industry as well as government agencies.

It has been totally amazing that we have had unanimous support for the mandatory One Call for this province. In all, if the diversified stakeholders in the ORCGA can get together on this, I sure hope the government can as well.

The government has tried for several years to get this off the ground voluntarily, and it obviously didn't work. Finally, thanks to some forward-thinking individuals, we have Bill 8. I ask you today, on behalf of my company, the excavators, their employees and the families, to do the right thing and implement a mandatory One Call for this province. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. We may have a couple of questions for you. Liberal caucus?

Mr. Michael Coteau: No questions.

The Chair (Mr. David Oraziotti): Conservative caucus? Mr. Bailey.

Mr. Robert Bailey: Yes, thanks, Mr. Kottelenberg. Thank you very much, Jack, for coming in today and presenting. You've pointed out a real—something that, to be honest, I wasn't aware of. I think it's going to re-emphasize the emphasis we're going to put on this bill as we go forward. What you've talked about, the solar installations and the wind turbines—with these types of infrastructure being put in the ground, I think it's

incumbent upon this Legislature and us, all three parties, to work together. Because of the Green Energy Act, these installations are continuing to go forward. If this infrastructure is being buried and not being identified, that's even more incumbent that we as a Legislature, together, do the right thing and implement this bill.

Mr. Todd Smith: I would just like to—

The Chair (Mr. David Oraziotti): Mr. Smith, go ahead.

Mr. Todd Smith: —add as well: Jack, thank you for bringing this to light. You are our last presenter, but I believe you are the first actual presenter to bring this to our attention. I think, with the haste that the government has moved on the Green Energy Act, stripping municipalities of a lot of the planning authority that they used to have, this is very important that we consider this now at this stage, at committee. I think this is a very valuable thing that you've brought to our attention here today, so I appreciate that very much, and I think it behooves all of us to look deeper into this and ensure that these 35,000-volt lines, in many cases, are marked. So thank you very much.

Mr. Jack Kottelenberg: Just a quick comment there: I heard lots today about, "Wow, it's working for them. It's working for the town. It's working for the municipality." But for the end digger, it's not working. Municipalities are one of our biggest challenges. I don't want to say too much because they feed us a lot of money, too, but they're the biggest challenge in getting locates done on time.

The Chair (Mr. David Oraziotti): All right, thank you. Mr. Miller?

Mr. Paul Miller: Thanks, Jack, for your presentation. What has impressed me today is the broad cross-section of all the industries and all the people who are involved in digging who have come together as one voice. It certainly says a lot to me. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. That concludes all of the presentations, committee, for Bill 8.

I just want to make note of two items: first of all, for committee members, that any proposed amendments to the legislation be filed with the clerk by noon on Thursday, as per the subcommittee agreement; and that clause-by-clause will be Monday, a week today, on Bill 8. So, see you then.

Mr. Robert Bailey: Starting at?

The Chair (Mr. David Oraziotti): Regular committee time, 2 o'clock.

Mr. Robert Bailey: At 2 o'clock?

The Chair (Mr. David Oraziotti): Yes. Thank you. That's it. The committee is adjourned.

The committee adjourned at 1714.

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