

RCCAO makes submission on On1Call's proposed policy and bylaw amendments

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VAUGHAN, ONT. — On1Call is updating its bylaws and compliance policies including measures to reduce the occurrence of late locates and the **Residential and Civil Construction Alliance of Ontario (RCCAO)** has made a submission commenting on the proposed policy and bylaw amendments.

The RCCAO has been advocating for more than a decade for One Call related legislation and improvements to the processes followed by regulators, facility owners, locators and excavators. The alliance recently published a six-point plan to speed up utility locates in Ontario and is encouraging the board of directors of On1Call to consider implementing the plan as well as other measures designed to improve the process, states the submission.

With regards to the On1Call Late Locates Policy, RCCAO said it generally supports the introduction of performance-based fees for On1Call members, where each member pays based on the number of locate requests. The proposed scheme would provide members with a material financial incentive to minimize and avoid late locate responses, the submission indicates.

Another proposed change is that the compliance committee impose an administrative monetary amount (AMA) in relation to a number of separate infractions.

“RCCAO submits that if a fine is warranted, that it should not be on a ‘suspended’ basis,” states the submission. “While a fine of up to \$10,000 might be a significant deterrent to a homeowner or small business operator, such a fine would not be a significant expense to major utilities such as Bell Canada or Enbridge Gas. If the fine is refunded, the deterrence impact would be negligible.”

The proposed late locate policy also includes the statement that “AMA cannot be greater than \$10,000 even though it may cover multiple infractions.” According to the submission this is a departure from any other regulatory enforcement under which there can be separate counts and fines if an offence was committed more than once.

The submission also states renegotiation practices have provided a compliance loophole, which has not been identified by On1Call. Contractors and excavators who have experienced late locates have reported that after a 15-day period of no response, the “start date” for a locate request has been renegotiated by utility companies. The data sets provide an inaccurate portrayal of the late locate situation and provides a loophole for the utility companies to avoid one of the primary objectives of the act, the delivery of timely locates.

In terms of the composition of the board of directors, RCCAO recommends the addition of a third director from the excavators sector and to increase the overall size of the board from 15 to 16 members. In RCCAO’s six-point plan, it was recommended that 50 per cent of the board be comprised of non-utility representatives such as excavators, municipalities and provincial government.

With regards to On1Call’s enforcement provisions against excavators, RCCAO recommends it must be limited to alleged violations of the act and that the scope of subsection 2(a) is restricted to complaints which allege a violation of the act by an excavator.