March 28, 2014

Spectrum Management Operations
Industry Canada

To Whom It May Concern:

Re: Consultation on Amendments to Industry Canada’s Antenna Tower Siting Procedures

I applaud the Minister of Industry decision to open CPC 2-0-03 for revision and welcome the opportunity to offer comment on the proposed revisions. In November, 2010 a 14.9 metre cell tower was constructed behind my home in a residential area of Vancouver. After two years and considerable effort by the community, the City of Vancouver, the Member of Parliament for Vancouver East and the MLA for Vancouver-Hastings the cell tower was removed and a much more suitable installation on existing infrastructure (rooftop) replaced it. This example of a cell tower that should have never happened illustrates very well the shortcoming of CPC 2-0-03 in several areas:

Section 1.3 Use of existing Infrastructure: Clearly in the case of this tower constructed at 330 North Nanaimo St. in Vancouver the use of existing infrastructure had not been fully explored. Yet, both the proponent and Industry Canada told residents that it was not possible to use existing infrastructure. The proponent had never even approached the City to ask whether there was a possibility of using public land, light poles etc prior to constructing the tower. This was only explored after the city imposed a moratorium on all further cell towers and forced the proponent into negotiations. The community asked why the antenna hadn’t been placed on a rooftop; again, we were told it wasn’t possible by both the proponent and Industry Canada. In the end it was possible to mount the antenna on the rooftop of the same property and screening was used to improve its appearance. Why was it possible for the proponent and Industry Canada to essentially lie and dismiss the possibility of using existing infrastructure? There needs to be a very transparent process to ensure that every possible alternative has been thoroughly explored before a tower is built. This should include engineering reports and the information should be accessible to the public. This section in CPC 2-0-03 needs to be expanded to clearly state what the burden of proof is in regard to using existing infrastructure. Clearly the honour system is not working.

Section 4.2 Public Notification: The proposed revisions are an improvement. While engaged in my own cell tower battle I connected with many people across the country and there was another theme about notification that emerged which has not been addressed. It seems that it is a common practice of proponents to include artist renderings
of the proposed installation and that frequently the drawing is not to scale and is designed to make the installation appear smaller than it actually is. It would be prudent to add a line which states that all representations of the proposed installation need to be to scale.

Section 6 Exclusions: The revision to exclusion concerning towers under 15 metres is excellent. It became clear to me when reviewing David Townsends report from 2004 that the original intent of this exclusion was to allow amateur radio operators to erect antenna without a lot of red tape. This revision restores the original intent of the exclusion. Sadly however, Industry Canada allowed the telecommunication companies to use this exclusion as a loophole for far too long and they were able to erect far too many 14.9 meters tall towers essentially unchecked in inappropriate locations across the country. I would hope that there would be some move by Industry Canada to reconsider these installations and allow LUA’s and citizens to appeal their placement. The text in this section that attempts to qualify the context in which the criterion for exclusion should be applied remains problematic. This section reads:

“Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada’s marking and lighting requirements for the proposed structure.”

This section was very frustrating for me as a citizen because it is so subjective that it is impossible to prove any of the above points. From our community perspective three of the four points applied in our case and therefore we thought that the installation should not have met the exclusion criterion. The proponent disagreed and Industry Canada backed the proponent without stating any justification other than to say that they were “in compliance” with CPC 2-0-03. The Deputy City Manger felt strongly enough about this case to stand up at a public meeting and say that the installation was “absolutely unacceptable”. The MLA and the MP agreed. Obviously, the lens by which the industry views the aesthetics and situational appropriateness of these installations is different from the lens by which the community views them. Therefore subjective qualifying statements will not suffice. It would be more helpful to have some objective measures of what constitutes unacceptable physical dimensions compared to the local surroundings. What is an acceptable proximity to neighboring residents? What are examples of community sensitive locations and what steps should be followed to ensure that these potential sensitivities have been investigated?
Use of Small Cells: In one of your rationales you state that

“The explosive demand for broadband services is accelerating new site development. With advancements in wireless technology, new sites will increasingly involve smaller cells deployed in localized indoor and outdoor areas. Newer technologies will be deployed on utility poles and street lamps. The smaller cells will also transmit signals at power levels much lower than existing larger cells. Some installations may also be less visible (e.g. rooftop installation). Given that the small cells cover a smaller area, more installations will be required to provide the same coverage area as a larger cell.”

One would hope that the industry would embrace the new technologies which involve smaller cells and therefore minimize the need for towers however this does not seem to be the case. The light radio cube was announced in 2011 but the industry has not yet employed this or any similar technology on any meaningful scale. It would be advisable for Industry Canada to take the lead in promoting these new small cell technologies. A section added to CPC 2-0-03 to promote the use of small cell technology as an alternative to towers in areas where towers are not generally welcome (residential areas) would be helpful. It should be part of the proposal for every new tower in such areas that the proponent needs to justify why alternate technologies cannot be used (complete with an engineering report).

Federation of Canadian Municipalities (FCM) Protocols: I fully support the direction the FCM is taking. The LUA has a much better sense of the local community factors and is in a much better position to determine the appropriateness of a proposed installation in the community context. I would maintain that there should be a statement of concurrence from the City for every installation; no exceptions. It occurred to me as we were opposing the cell tower in our community that if we had not brought it to the attention of the City the City would have had no way of knowing that there was a cell tower there at all. In the event of a fire involving the tower or the base station the fire department would have had no knowledge of what they were walking into. Also, when the tower was installed the residents of the apartment building were without power for two days during the installation. Again, this represents a potentially dangerous situation. The City needs to be involved to ensure the companies completing the installations are following the rules. Apparently, self regulation doesn’t work.

Thank you for the opportunity to comment on the revisions to this document. I am hopeful that the changes will make the process easier for all parties involved.

Yours sincerely,

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