March 28, 2014

Director, Spectrum Management Operations  
Industry Canada  
235 Queen Street  
Ottawa, Ontario, K1A 0H5

Dear Director:

Re: Canada Gazette, February 27, 2014, Notice reference number DGSO-001-14  
Consultation on Amendments to Industry Canada’s Antenna Tower Siting Procedures

This submission is made in response to your invitation for comments on the above subject as it relates to the public consultation process.

Background
Seaside Wireless Communications Inc. is a locally owned and operated fixed wireless internet service provider based in Nova Scotia.

We provide broadband service to approximately 10,000 customers located in rural areas covering almost 30,000 square kilometers of northern Nova Scotia stretching from Cape Chignecto on the Bay of Fundy to Meat Cove on the northern tip of Cape Breton Island. This is the largest geographic footprint of any fixed wireless operator in the world.

Our network currently comprises 293 telecommunications towers or poles, and 374 customer premises poles. Our tallest tower is 42 meters in height but the great majority of our structures (482 or 72%) are below 15 meters. 124 structures are located within roadside rights of way and 169 on leased land. Most of the network was built during the past five years under the provincial government’s Broadband for Rural Nova Scotia (BRNS) program, an initiative that is ongoing.

We understand the proposed amendments to the Antenna Tower Siting Procedures are part of the Government of Canada’s commitment to ensure individual Canadians can have their say on the placement of cell towers in their communities; a policy we endorse and applaud. For the most part we don’t have a concern with the new proposals. However, as a WISP, and not a cellular operator, there are two issues that do cause us major concern. These concerns are outlined below together with two requests for your consideration.
**Our public consultation regimen to date**

In collaboration with Industry Canada, and in consultation with us, the municipalities or land use authorities within our network footprint adopted a Municipal Antenna Site Procedure (copy attached). This procedure struck an appropriate balance between the interests of individual residents living near our sites and those of the local communities at large who demand improved access, higher speeds and greater reliability for rural broadband services. We were pleased that Industry Canada recognized and understood the special circumstances surrounding rural broadband delivery, and that you accepted this jointly devised procedure. The policy has worked well.

**We have two major concerns with the proposed new policy**

First, the proposal includes an amendment that will eliminate (under Article 6, Exclusions - CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems) the prior exclusion for "new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level". We believe strongly, in the case of rural WISPs such as ours, removing this exemption is unnecessary, impractical and detrimental to both government policy and our common efforts to reduce the urban-rural digital divide.

Second, the proposed consultation standard would apply a minimum timetable of 120 days for public consultation. In practice, the period is likely to be much longer as approvals by the local land use authority, Navigation Canada, and Transport Canada are added to the mix. In the context of fixed wireless operations the process would be burdensome and excessive, and it would unnecessarily stifle progress. We accept that 120 days may be an appropriate minimum timeframe for public consultation for the siting of cellular towers that are often in the 50 to 80 meter range, and occasionally much taller, but for the wooden utility poles and modestly sized, freestanding composite poles that constitute the great majority of our installations, it is unreasonable and punitive. Telephone and electric utilities place such poles every day with no public consultation whatsoever. The proposed timeframe takes no account of the particular circumstances we face as a fixed wireless service provider working under a deliberate and progressive government policy aimed at rapidly expanding and improving rural broadband access. Unlike the multi-year mega-projects undertaken by the cellular telecommunications industry, we must operate within a much smaller, more varied and precise RF engineering and customer response framework. Customer response times are relatively short and network link planning is seriously undermined if there are prolonged uncertainties surrounding site locations.
To fully appreciate our concerns, it is necessary to understand the make-up of the 667 structures (excluding co-locations) in our network. They are:

<table>
<thead>
<tr>
<th>Type of Pole</th>
<th>Type of Location</th>
<th>Height</th>
<th>Number of sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wood</td>
<td>On customers' premises</td>
<td>&lt; 15 meters</td>
<td>374</td>
</tr>
<tr>
<td>Wood</td>
<td>On private or crown land</td>
<td>&lt; 15 meters</td>
<td>11</td>
</tr>
<tr>
<td>Wood</td>
<td>On roadside rights of way</td>
<td>&lt; 15 meters</td>
<td>97</td>
</tr>
<tr>
<td>Composite</td>
<td>On private or crown land</td>
<td>+/- 20 meters</td>
<td>40</td>
</tr>
<tr>
<td>Composite</td>
<td>On roadside rights of way</td>
<td>+/- 20 meters</td>
<td>27</td>
</tr>
<tr>
<td>Steel</td>
<td>On private or crown land</td>
<td>+/- 27 meters</td>
<td>2</td>
</tr>
<tr>
<td>Concrete</td>
<td>On private or crown land</td>
<td>+/- 29 meters</td>
<td>1</td>
</tr>
<tr>
<td>Composite (guyed)</td>
<td>On private or crown land</td>
<td>+/- 30 meters</td>
<td>87</td>
</tr>
<tr>
<td>Composite (guyed)</td>
<td>On private or crown land</td>
<td>+/- 40 meters</td>
<td>22</td>
</tr>
<tr>
<td>Steel (guyed)</td>
<td>On private or crown land</td>
<td>+/- 40 meters</td>
<td>6</td>
</tr>
</tbody>
</table>

Most of the taller structures form our network backbone, completed two or three years ago, and the remaining poles simply fill network gaps as new customers request connection. Permitting for all of these structures was successfully arranged on a timely basis whilst accommodating adjacent landowner concerns whenever they were raised.

We understand some federal and municipal officials have deemed our BRNS project "completed,” and on this basis they have concluded the previous Municipal Antenna Site Procedure is out dated. This is not the case. In some respects the project has only just begun. At this stage the project is delivering download speeds of up to 1.5 Mbps and upload speeds of up to 0.5 Mbps to around 10,000 customers. Based on the population of rural households and businesses within our territory we expect over time the demand for services will virtually double. In addition, in order to meet the current CRTC standard for broadband internet, we are now focused on finding ways to increase speeds to 5.0/1.0 Mbps in as many areas as feasible.

Both these challenges will undoubtedly require the addition of a substantial number of new sites for wooden poles less than 15 meters tall to be installed within roadside rights of way or on customers' premises.
Two requests

On the bases of the foregoing, and noting also that:

a) the proposed Antenna Tower Siting Procedures are aimed at addressing public concerns about the placing of tall cell towers, not at the placing of poles for rural fixed wireless internet service providers;

b) the proposed policy takes no account of the very different needs, timeframes and government policies associated with the cellular industry vs. rural broadband. In the case of cellular communications there is an established technology whose proponents are seeking greater convenience for existing mobile customers, and government policies aimed at encouraging more competition. By contrast, in the case of rural broadband we are using emerging technology and trying to provide a basic service essential to the survival of rural communities (akin to rural electrification in the 1940s and 1950s, and government policies aimed at narrowing the urban-rural digital divide. These are completely different dynamics;

c) the types of structures we will be installing are (i) more similar to electric utility poles than cell towers, and (ii) below 15 meters in height;

d) a proven workable regimen governing public consultation for the placement of our structures is already in place (the Municipal Antenna Site Procedure); and

e) our fixed wireless installations operate under much lower electrical power levels than cell towers. As a result fixed wireless networks are typically more dense in terms of sites per area covered. Put simply, we need to install many more sites per customer to respond to market demands;

f) whereas cellular operators work exclusively with licensed spectrum that protects their frequencies from competition, fixed wireless operates predominantly within unlicensed spectrum. Accordingly we require much greater agility with respect to siting options; and

g) there is a significant capital cost differential between cellular towers (often in the $300,000 to $500,000 range) and the predominantly wooden structures that we install for around $2,000 ..... 

1. We request that you retain (under Article 6, Exclusions - CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems) the exclusion for "new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level"; and
2. We request that you permit us to communicate to the land use authorities of the Nova Scotia counties of Antigonish, Colchester, Cumberland, Guysborough, Inverness, Pictou, Richmond, and Victoria plus the Cape Breton Regional Municipality and the District of St. Mary's that Industry Canada is satisfied that the Municipal Antenna Site Procedure formerly implemented for Seaside Wireless Communications Inc. will continue to be an acceptable regimen governing public consultation for the installation of fixed wireless internet service structures within their jurisdictions.

Sincerely,

David Horton
Chief Operating Officer
Seaside Wireless Communications Inc.
Municipal Antenna Site Procedure

Preparatory Work
1. The Applicant will provide the municipality with a binder containing Site Configuration Plans for each type of site (20m, 30m, 40m, 70m, composite poles, steel tower, utility power, and green power configurations, etc.). Plans will be certified by a professional engineer and provided as a Best Practices document outlining design rules to be used throughout the build.
2. Municipal Planning authorities to approve Site Configuration Plans as meeting local zoning and building code requirements in advance.

Site Specific Process
1. Application will be submitted for building and development permits to obtain civic address for fire and police service for insurance purposes. Municipality will receive a copy of the application either on their existing specific form, or a generic form to be provided and approved by the municipality as part of the Site Configuration Plan documents.
2. Application will include the following parts:
   a. Engineering Drawings and Description of the proposed structure including areas of public access and access demarcation/control points duly endorsed by a Professional Engineer, a member in good standing of the Association of Professional Engineers of Nova Scotia (the “Authorized Engineer”).
   b. A description of the Purpose of the structure and a discussion of future additional uses.
   c. A review of nearby existing structures and the reasons why these structures could not be used for the Purpose.
   d. An agreement between the Applicant and the Property Owner(s) outlining the commercial terms for the use of the property as part of the proposed site.
   e. A description of the Radiocommunication Equipment to be installed on the structure.
   f. Attestation by a duly authorized representative of the Applicant that the structure shall protect the public in compliance with Health Canada’s Safety Code 6.
   g. Attestation by a duly authorized representative of the Applicant that the structure and surrounding site complies with the Canadian Environmental Assessment Act or is exempt from the Act under the Exclusion Regulations.
   h. Attestation by the Authorized Engineer that the structure shall meet all structural requirements including loading and environmental factors using best engineering practices.
   i) All required permitting fees.
3. Municipality will aid the Applicant in contacting all landowners within 3 times the height of the structure.
4. Applicant will contact each identified landowner by registered mail, or courier (signature required). Each landowner shall be deemed served within 3 business days of the date on the receipt for registered mail or courier.
5. The notice to landowners shall contain a letter which provides a description of the proposed structure
including planned location, a drawing of the proposed structure or a picture of a materially similar structure and any buildings or appendages, and shall provide contact information for individuals to whom any questions or concerns shall be directed. Contacts shall be provided for both Applicant and the municipality.

6. If one of the landowners is the municipality, or the proposed site includes public use land which is developed for recreational or other common uses (schools, parks, etc.), Applicant shall publish in the local newspaper(s) prescribed by the municipality a Notice of Intent to build the facility and provide contact information to address concerns or obtain more information.

7. Applicant will provide an attestation to the municipality when all landowners have been contacted, including the publication of a Notice of Intent in the case of public land.

8. Municipality and Applicant shall provide 14 days in which the Landowners, or the public in the case of a public use land owner, may notify the municipality or Applicant of any concerns or requests for further information.

9. On the 15th day, if no comments or concerns are received, the municipality will deem Applicant as having satisfied its obligations for public consultation.

10. If comments and concerns are received, Applicant shall respond to all concerns in writing in the case of a private landowner, and copy the response to the municipality, or alternatively arrange a meeting with the concerned parties and the municipality within 20 days after the landowners have been served or a Notice of Intent published.

11. In the case of a public use area, any concerns expressed by members of the local public shall be addressed either individually, in writing, within 5 days of receipt by Applicant or, at the discretion of the municipality, through a meeting with the affected parties, such meeting to be arranged and the affected parties notified no later 20 days after the Notice of Intent is published.

12. If a meeting is held, minutes of the meeting shall be produced by either Applicant or the municipality minimally outlining any concerns discussed and any action items to address either individual or group concerns.

13. Applicant shall respond to any action items within 10 days of the meeting with copies of responses provided to the municipality.

14. Municipality shall verify that Applicant has responded to concerns and/or action items and determine if there are any follow on actions. If no future follow on actions are outstanding, the municipality shall deem Applicant as having complied with its obligations for public consultation.

15. Municipality shall issue relevant building and/or development permits and shall provide a copy of the attached letter (Appendix “A”), on the municipality’s letterhead.
## Timeline Summary

<table>
<thead>
<tr>
<th>Step</th>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td>Application Submitted to Municipality</td>
</tr>
<tr>
<td>2</td>
<td>X+3 days</td>
<td>Municipality provides contact information for adjacent landowners if required.</td>
</tr>
<tr>
<td>3</td>
<td>X+5 days</td>
<td>Applicant to contact identified landowners or publish Notice of Intent as directed by Municipality. Provide attestation of service of notices.</td>
</tr>
<tr>
<td>4</td>
<td>X+20 days</td>
<td>Comments received from landowners/public (if none go to 5, otherwise 6)</td>
</tr>
<tr>
<td>5</td>
<td>X+21 days</td>
<td>If no concerns, Municipality issues permits and Letter to Applicant for files (FINISHED)</td>
</tr>
<tr>
<td>6</td>
<td>X+25 days</td>
<td>Responses sent by Applicant to any concerns in writing, or arrangement and notice of meeting to address concerns completed.</td>
</tr>
<tr>
<td>7</td>
<td>X+30 days</td>
<td>Meeting held with concerned parties if required.</td>
</tr>
<tr>
<td>8</td>
<td>X+40 days</td>
<td>Action items from meeting finished. Review with municipality. If no follow on items go to 5, otherwise go back to 6</td>
</tr>
</tbody>
</table>
Appendix “A” Letter from LUA to Industry Canada
Dear Sir/Madame:

We have received and reviewed an application by the Applicant, _______Applicant_______, with head offices at ________Address___________ for the construction and commissioning of a Radiocommunications structure for the provision of Fixed Wireless Broadband services (the “Purpose”). Hereafter identified as __________Site Name________, the structure is located at the coordinates 00°00'00.00"N, 00°00'00.00"W (NAD 83) at an elevation of _______ metres. The proposed height of the structure is ______ metres and said structure is proposed to consume a total area of _______ sq. metres. As part of our review process, we have examined the following documentation:

1. Engineering Drawings and Description of the proposed structure including areas of public access and access demarcation/control points duly endorsed by ______________, P.Eng. (P___________), a member in good standing of the Association of Professional Engineers of Nova Scotia (the “Authorized Engineer”).
2. A description of the Purpose of the structure and a discussion of future additional uses.
3. A review of nearby existing structures and the reasons why these structures could not be used for the Purpose.
4. An agreement between the Applicant and the Property Owner(s), Nova Scotia Power, Inc, outlining the commercial terms for the use of the property as part of the proposed site.
5. A description of markings (lighting, paint or both) to be applied to the structure to comply with Transport Canada aeronautical obstruction marking requirements.
6. A description of the Radiocommunication Equipment to be installed on the structure.
7. Attestation by a duly authorized representative of the Applicant that the structure shall protect the public in compliance with Health Canada’s Safety Code 6.
8. Attestation by a duly authorized representative of the Applicant that the structure and surrounding site complies with the Canadian Environmental Assessment Act or is exempt from the Act under the Exclusion Regulations.
9. Attestation by the Authorized Engineer that the structure shall meet all structural requirements including loading and environmental factors using best engineering practices.
Having reviewed the documentation, the Municipality of the County of ____________, Nova Scotia, as the Land Use Authority, did undertake a consultative review with interested parties (including members of the general public where applicable) to consider the implications of the structure as part the municipality’s Planning and Land-Use process.

We can confirm that the Applicant has addressed all concerns presented to them through the consultative process and that there are no outstanding objections to the Application by the municipality as the Land Use Authority.

We can confirm that we have or will be issuing all necessary permits and authorizations to the Applicant for the construction of the structure.

Should you have further questions regarding our review of the Application, please contact:

Mr John D. Bain  
Director of Land Use and Planning  
Municipality of the County of ____________,  
Port Hawkesbury, Nova Scotia  
(902) 625-5364

Sincerely yours,

John D. Bain, M.C.I.P  
Director of Land Use and Permitting