

4542 Rocky Point Road
Metchosin, BC V9C 4E4
September 30, 2010

Telus
Darren Hird
4535 Canada Way, 2nd floor
Burnaby, BC V5G 1J9

copy: District of Metchosin
4450 Happy Valley Road
Victoria, BC V9C 3Z3

copy: Industry Canada
Jim Laursen
430 - 1230 Government Street
Victoria, BC V8W 3M4

copy: Ken Rehman
Juan de Fuca Columbus Club
4537 Rocky Point Road
Victoria, BC V9C 4E4

copy: Keith Martin, M.P.
Constituency Office
666 Granderson Road
Victoria, BC V9B 2R8

Dear Telus/Mr. Hird:

I am opposed to the construction of a Telus radiocommunication tower at 4537 Rocky Point Road in Metchosin. Three issues motivate my opposition. In this response I will give reasons for my opposition, organizing them around the three issues and raising a number of questions for Telus to answer.

The issue of the missing technical information. In Telus's proposal the information supplied to residents followed closely the outline in the CPC document from Industry Canada. Telus was not required by these guidelines to supply critical information about the power output, radio frequency ranges, and other technical aspects of the tower. They were only required to affirm (which they did) that the tower output would conform with Health Canada's "Safety Code 6."

Some technical information, however, is essential if we are to make meaningful choices about the health effects of the proposed tower. I have read a number of scientific studies on the physiological and mental effects of long-term exposure to radio frequency spectrum waves. Some of the studies I have read suggest that there may be measurable health effects from long-term exposures to intense radio frequency waves and that telecommunication towers should not, as a consequence, be placed in or near areas with dense concentrations of susceptible people (e.g., near hospitals, schools, residential neighbourhoods, etc.). Several national and local governments have responded to these studies by setting lower limits for long-term exposure, sometimes a thousand times lower, than levels currently recognized by Canada. Other studies, however, indicate that effects outside of certain frequencies and below certain intensities cannot be detected.

To know which studies are relevant to the current proposal, we need to know more about the planned output of the tower. I have provided a number of questions below in an effort to solicit this data. I can't help but note, however, that Telus's failure to supply even the smallest bit of this information in its proposal constitutes a serious misunderstanding of what a "consultation process" is. The Merriam Webster Dictionary says that having a consultation means "conferring with" or "having a deliberation between." Calling something a consultation implies that two parties carry on an information exchange designed to lead to an agreement. If one party gets to decide what the other party considers important, how can the other party make meaningful choices? Suppose that I offer my grandson a choice of treats. I hold my hands behind my back and say "I have something edible in my left hand and in my right. The one in the right hand is larger than the one in the left." My grandson says "Tell me about the tastes. Is one of them sweeter than the other?" and I say "I have decided that the information you are asking for is not relevant. I won't tell you." My grandson, a naturally contentious fellow, would no doubt object that he is not being given a real choice. He would point out, quite rightly, that my assumptions about what he wants to know have taken away his right to make his own decision. Just so, Telus's failure to supply technical information in the proposal constitutes a massive prejudgement of what most Metchosin residents hold to be the most important issue: how the tower output will affect their health. I am asking Telus to supply this information, not because Telus thinks it is relevant, but because local residents think it is relevant.

1. Once a new tower is erected, will there be other service providers with their own transmitters and antennas co-locating on the tower? If so, will Telus be requesting permission from the District of Metchosin before hosting these providers?

2. Once the tower is erected, will Telus request permission from the District of Metchosin before increasing the height of the tower by 25% or less?

3. What is the maximum power output of the cell phone base station to be installed? I would like to know not only what the initial power output is, but also what is the maximum power output that Telus will allow on the leased property.

- 4. What type of antenna will be used in the initial installation on the property, and what types of antennas will be allowed on the tower in the future?**
- 5. What frequency band and modulation type will be used on the initial installation and on future allowed tower transmitters?**
- 6. For the initial installation, what is the forecast additional RF radiation exposure for the neighborhood (given as peak values, not average values) for various distances from the tower base, including 10m, 100m, 200m, 300m, 400m, 500m?**
- 7. On the initial transmitter installation, at what distance will the main beam touch the ground?**
- 8. Does Telus have liability insurance for future adverse health impacts? Will it require liability coverage by future service providers who lease space on the tower for transmitters?**
- 9. If the tower is constructed at the proposed location, at what frequency will Telus do measurements of power density at appropriate radio frequency wavelengths, over what area (i.e., how many meters from the base of the tower), and what neutral third party will Telus submit these measurements to?**

The issue of visual impact. The proposed tower, at 30 meters in height and with no setbacks from the highway, will be a massive visual statement in our rural community. It will become a landmark and a symbol. We believe it is not the right symbol. The central residential area of Metchosin, which is now called “the houses near My-Chosen cafe” or “down the road from Witty’s Lagoon” will become “the houses under the cell tower.”

The proposed tower’s visual effect will be especially intrusive for those who occupy nearby properties. I have attached to this letter (Appendix A) a depiction of what the tower will look like from our front door. When we bought our place in Metchosin, we could not afford the choice water views that so many people have. We were glad to find an affordable place that was directly across from Agricultural Land Reserve property. We thought that ALR restrictions, zoning laws, and the commitment of the District of Metchosin to maintain rural values would insure that we would be able to have a view in at least one direction that did not look directly at a neighbour’s property.

My question:

- 10. How much importance, in the list of criteria used to select tower sites, does Telus give to finding sites that do not deplete ALR acreage and do not intrude on rural farmscapes?**

Procedural issues. As the end of the 29-day comment period comes to a close, I feel wrung-out. We have had only a bit more than three weeks to come up to speed on cell tower issues, consult with our neighbours, formulate our opinions, mobilize support, and make responses. We are all doing this on top of an already full set of demands on our lives. In addition, we have had to sort out the roles played by Telus, Industry Canada, and our local district government.

These demands have naturally turned our attention to the demanders. We wonder how they have interpreted the rules under which they operate, whether they have respected these rules, whether they have done what they could to take into account our needs. The last few questions I want to ask concern the consultation process itself.

In the document I'm sending with this letter, several local residents have outlined seven points that lead us to believe the current consultation process has not been undertaken in good faith. Telus appears to have shaved every corner of the public consultation process in an effort to generate as little knowledge of, and therefore opposition to, the construction of the proposed tower.

While shaving these corners, the corporate razor cut a bit too close. We found two cases in which Telus actually departed from the Industry Canada guidelines. I don't know, though, who will hold Telus responsible for the shortfalls. The Industry Canada document that Telus claims to be following contain only guidelines, not laws. Nevertheless, I think that Telus should at least acknowledge in writing that it did not follow the exact terms of the guidelines. I ask:

11. Does Telus agree that in its proposal for the Metchosin tower the deadline it announced for submission of responses, September 30, was only 29 days from September 1, the date on which the original document was generated?

12. Does Telus agree that the time it took Canada Post to deliver the proposal to residents was computed as part of the notification/response period?

13. Does Telus agree that it failed, as the Industry Canada document directs, to consult the District of Metchosin about whether there were seasonal residents in the notification area and how these residents could be best contacted?

Asking such specific questions, however, feels like nitpicking, especially considering that Telus's actions in the current public consultation process run counter to the core thrust of the Industry Canada guidelines. The guidelines stress over and over that companies wanting to build telecommunication towers must work closely with local land-use authorities. The phrase "land-use authority" occurs more than 50 times in the guidelines. As we have described in the document accompanying this letter,

by far the most blatant transgression of the spirit of public consultation has been Telus's refusal to deal with the local land-use authority, the District of Metchosin (DM), in the process of finding a site for a Metchosin tower. Telus was in discussions with the DM in the spring of this year about possible sites. Metchosin began work, with Telus's knowledge, on an antenna siting protocol. Telus made a deal with the Juan de Fuca Columbus Club, without DM knowledge, to lease their land--the DM only learned about the proposal when the residents did. The DM quickly passed the antenna siting protocol it had been working on. It is now the Communications Antenna Location and Consultation Policy by-law. Kem Luther contacted Darren Hird and told him about the actions of the DM and the by-law. Mr Hird indicated that Telus was not required to respect this new policy or the broader consultation policy outlined contained within it. On Sept 13, 2010, the DM CAO sent a letter to Telus with the new policy attached and announced (1) that it did not believe Telus had provided the DM with official notice that a consultation period had begun and (2) that it expected Telus to apply for siting of a tower within the parameters laid out in the new policy.

As of this writing Telus has not responded to the District of Metchosin's letter.

Folks, this is not how to run a railroad (i.e., consultation process). A consultation process that excludes a local land-use authority that is willing to draw up by-laws and to engage in discussions is not the intention of Industry Canada's circular CPC-2-0-03. To use guidelines that explicitly encourage the involvement of local government as some kind of magic trick to disenfranchise a district government and the people they represent is a reprehensible misuse of power. I've got to ask:

14. Does Telus not intend to make application for erecting a communications tower under the District of Metchosin's Communications Antenna Location and Consultation Policy by-law?

We come, finally, to the issue of public opinion. As you can see from the document that accompanies this letter, "Results of Petition Against Siting a Telus Telecommunication Tower at 4537 Rocky Point Road," all of the 21 adults who live in properties touched by a 100-meter radius circle (the size of the official notification area in the Industry Canada default public consultation process) are opposed to the proposed site of the tower. At least 90% of the Metchosin households in a 500-meter radius (the official notification area in Metchosin's antenna siting by-law) are also opposed. Nearly 300 Metchosin residents have signed a petition asking Telus to find another place for the tower. I ask:

15. What percent of the people in the vicinity of a proposed tower site must oppose in writing the construction of the tower at that site before Telus will seek another place for the tower? Is there some percentage of local opposition to a site that will always keep Telus from placing a tower there?

Sincerely,

Kem Luther

Letter and petition results sent by regular mail. Also emailed on Sept 29 to:

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