

October 5, 2010

Hon. Tony Clement, P.C., M.P.
Ministry of Industry
235 Queen Street
Ottawa, Ontario K1A 05H

Dear Minister Clement:

In accordance with the CPC-02-0-03 (5) Dispute Resolution Process, we request that Industry Canada require Telus to cease its public consultation regarding the construction of a radiocommunications tower at 4537 Rocky Point Road, Metchosin, BC. We are a group of landowners who received the official notification package from Telus and are thus stakeholders in the process.

We further request that, if this matter is not able to be adjudicated and resolved within 10 days of the receipt of this letter, that Industry Canada request Telus to suspend its public consultation process until the dispute can be adjudicated and resolved.

Telus is pursuing the public consultation under the Default Public Consultation Process (4.2) of CPC-02-3-03. Telus has failed to meet the standards described in CPC-02-0-03 for public consultation. We note the following five violations:

- (1) CPC-02-0-03 (4.2), Public Notification, (2), says that “it is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.” Residents living within 97.7 meters of the base of the tower received notification packages in the mail on September 8, 2010, requiring comments to be sent to Telus by September 30, 2010, a period of 22 days. Even counting from Telus’s in-house date at the top of the notification package, September 1, 2010, residents would still not have received “at least 30 days notice”—30 days from September 1 is October 1.
- (2) CPC-02-0-03, Appendix 2, describes the information that the proponent must provide in the notification package. “Notification must include,” the document says under the first point, “the proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal.” Telus in its notification package described the purpose of the tower but failed to provide reasons why existing antenna systems or other infrastructure could not be used. It also did not provide a list of other structures that were considered unsuitable nor did it mention future sharing possibilities.
- (3) CPC-02-0-03, (4.2), Public Notification, (3), says that “in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.” We are not sure what “seasonal residence” means, but Metchosin certainly has a great many residents who are in Metchosin only part of the year. Telus did not consult with the District of Metchosin about possible seasonal residents in the area of notification.
- (4) On the comment sheet that came with notification package, Telus says that the information provided by the respondent “will be forwarded to the Thompson Nicola Regional District and Industry Canada officials.” CPC-02-0-04 makes no mention of sending residents’ comments to

districts in which they do not live. Concerns about privacy may have deterred potential respondents from sending their comments to Telus.

- (5) CPC-02-0-03 (4.2), Public Notification, (1), requires Telus to provide a notification package to members of the “local public” who are within three tower heights of the base of the proposed tower. We assume this means that packages must be provided to residents on properties that lie within 97.7 meters of the base of the proposed tower. Telus sent, we believe, six notification packages addressed to “Resident/Owner” to six addresses, 702 Winfall Road and 4541, 4542, 4546, 4548, 4555 Rocky Point Road. There are nine families who live on the properties at 702 Winfall Road and 4541, 4542, 4544, 4546, 4548, 4555 Rocky Point Road and one non-resident owner. By our count, 40% of the parties who should reasonably have been notified by Telus, three of the resident families and the non-resident owner, did not receive notification packages from Telus. One did not receive notice because Telus did not send a package to the address (4544 Rocky Point Road). The two members of another family are in the Canadian Navy and are on exercises in the Pacific until the end of October. A third resident, a renter, does not receive mail at her Metchosin address--the notification package went to the other renter on the property, who did not notify her. The owner of the two rental properties was also not notified by the renter who received the notice. Kem Luther contacted Darren Hird of Telus in the week after the notifications were sent and made him aware of the first two cases. Mr Hird said that Telus had no further responsibility to notify residents. We believe that both Telus’s notification methodology (judged by its 60% success rate) and its response when advised that its methods had missed certain residents (no response) fall short of a reasonable interpretation of the responsibilities described in CPC-02-0-03 (4.2), Public Notification, (1).

Respectfully submitted,



Kem Luther
4542 Rocky Point Road
Victoria, BC V9C 4E4
250-595-2474
kem.luther@sheridanc.on.ca



Jeanne Luther
4542 Rocky Point Road



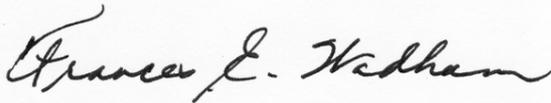
Larry Johnson
4555 Rocky Point Road



Diane Johnson
4555 Rocky Point Road



Rev. Philip Wadham
4544 Rocky Point Road



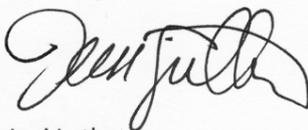
Fran Wadham
4544 Rocky Point Road



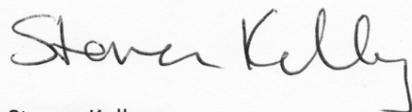
Mike Sargent
702 Winfall Road



Karen Hakkarainen
702 Winfall Road



Jeni Luther
4542 Rocky Point Road



Steven Kelly
4542 Rocky Point Rd