

November 16, 2010  
4542 Rocky Point Road  
Victoria, BC V9C 4E4  
250-595-2474  
[kem.luther@sheridanc.on.ca](mailto:kem.luther@sheridanc.on.ca)

Michael Krenz  
A/District Director  
430 – 1230 Government Street  
Victoria, BC V8W 3M4

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

Dear Mr. Krenz:

We received your November 5 letter in response to our complaint under the CPC-2-0-03 dispute resolution process.

In your letter you seem to be saying that only Telus and the District of Metchosin can request a formal dispute resolution. We find this a strange and idiosyncratic interpretation of the meaning of “stakeholder other than the general public” in CPC-2-0-03, section 5. CPC-2-0-03 defines several parties with specific roles -- Industry Canada, the proponent, the land-use authority, the property owners/residents who must be notified and given 30 days to respond – and all of these parties are presumably, in virtue of their recognition in the document, “stakeholders other than the general public.” The drafters of the document, if they had really wanted to limit the dispute resolution process to the two parties mentioned in your letter, would have written “Upon a written request from *a proponent or a land-use authority* asking for Departmental intervention....” They employed the phrase “stakeholder other than the general public” because they recognized that more than just two parties might need to make use of the dispute resolution process.

When those of us living within 100 meters of the base of the proposed tower at 4537 Rocky Point Road sent our initial complaint on October 5, we sent it not as members of the general public but as members of a group formally defined in CPC-2-0-03 and therefore as a “stakeholder other than the general public.” We claim the right given to us in section 5 of the document to initiate a dispute resolution process and ask that you reply to our original complaint by (1) notifying Telus and us that the current process at 4537 Rocky Point Road is suspended until you make a decision and (2) explaining to us and Telus, once you have made a decision, why the five deficiencies we listed in our letter of October 5 do or do not constitute grounds for nullifying the current default public consultation process.

Since your letter acknowledges that the District of Metchosin is a “stakeholder other than the general public” in the current process, we forwarded a copy of your letter to Mayor Ranns and the Metchosin Council. We understand that you will be receiving a letter from them supporting our appeal to the CPC-2-0-03 dispute resolution process.

You also mention in your letter that you have already talked with Telus about the deficiencies in their proposal and that Telus is “committed to addressing them in future correspondence.” We are glad to hear that our complaints have finally been given some recognition. Our letter of October 5, however, does not ask for a response from Telus: it requests an Industry Canada ruling on previous Telus behavior

with respect to the rules outlined in CPC-2-0-03 for a default public consultation process. We hope, of course, that your decision on a past event will have positive future consequences for Telus and other companies that want to construct radiocommunications towers. We feel compelled to note, though, that one of the reasons that the telecom companies do not pay careful attention to the guidelines laid out in CPC-2-0-03 is that they do not believe that Industry Canada will enforce its guidelines. The dispute resolution process that we have initiated is an opportunity for Industry Canada to prove, by upholding its own rules, that its guidelines protect the Canadian public.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kem Luther", is centered within a light green rectangular box.

Kem Luther, for himself and Larry Johnson, Dianne Johnson, Mike Sargent, Karen Hakkarainen, Jeanne Luther, Steven Kelly, Jeni Luther, Philip Wadham, and Frances Wadham.