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Via email: ic.spectrumoperations-operationsdsuspectre.ic@canada.ca

Mr. Marc-Andre Rochon
Innovation, Science and Economic Development Canada
Senior Director, Spectrum Management Operations Branch
235 Queen Street
Ottawa ON K1A 0H5

Dear Mr. Rochon

Re: *Consultation on Amending CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems (DGSO-002-21) – Rogers Comments*

Attached, please find the comments of Rogers Communications Canada Inc. ("Rogers") in response to DGSO-002-21: *Consultation on Amending CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems*.

Rogers thanks the Department for the opportunity to provide input on this important matter.
Sincerely,



Howard Slawner
HS/gf
Attach

Executive Summary

- EI Rogers believes the current review of Innovation Science and Economic Development (“ISED”) Canada’s antenna tower siting procedures known as CPC-2-0-03: *Radiocommunication and Broadcasting Antenna Systems* is an excellent starting point. Given the changing technologies and the introduction of 5G and small cells the Department should initiate a more comprehensive review of the CPC to address certain issues of interpretation over wording within Section 6 concerning exemptions from consultation.
- EII With regards to the proposed official languages requirements, Rogers supports Option 2 of the proposal to introduce official languages requirements for the public consultation process.
- EIII Rogers also supports ISED’s proposed minor amendments to update the CPC to refer to ISED throughout the document and to update references to certain documents related to environmental assessment and aeronautical clearances.

Introduction

1. Rogers is pleased to provide its comment on DGSO-002-21: *Consultation on Amending CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems* (the “Consultation Paper”). In an effort to balance the efficient and orderly deployment of antenna systems in Canada with the concerns of the public residing within the areas where the antennas systems will be installed, the Department introduced a public consultation process known as CPC 2-0-03: *Radiocommunication and Broadcasting Antenna Systems* (the “CPC”), now in its fifth iteration. The CPC sets out a default consultation process, general and technical requirements, as well as a dispute resolution mechanism for proponents seeking to install antenna systems. It also excludes certain types of antenna installations from the requirement to undertake municipal and public consultation.
2. The Department has proposed introducing official languages requirements for the ISED default public consultation process. The Department has also proposed minor housekeeping revisions to the CPC to update references to certain documents such as those referring to environmental assessment and aeronautical clearances. Further details regarding our positions on both proposals are provided in the following comments.
3. In addition, Rogers takes this opportunity to provide comment on an additional issue Rogers encounters when following the CPC to consult with the public. One of the tenets on this policy is that municipal protocols cannot be more burdensome than the requirements of the Department’s CPC.¹ Despite this wording, some municipalities have implemented more stringent requirements in order to gain more control over siting. For instance, some municipal protocols ban antenna sites in or within a certain radius of residential areas. Other municipal protocols require public consultation for all proposed sites, including those that are specifically exempted from consultation under the CPC. Some also view proposed sites as a revenue opportunity and charge various fees for applications, permits, zoning applications, public consultation and environmental assessments. Unfortunately, these fees and protocol requirements make it difficult and expensive to build sites. They also discourage legitimate attempts to use existing infrastructure such as rooftops that require consultations even though they are exempt under the CPC.
4. For instance, the CPC is peppered with vague and unenforceable wording that can lead to municipalities overstepping their local jurisdiction. Section 6 of the CPC outlines several types of antenna systems that are exempt from both municipal and public consultation requirements. These exemptions apply when modifying or replacing an existing site, adding antennas to existing structures (buildings, water towers, lamp posts) or putting up a temporary structure. Despite the clear intent of these exemptions, Rogers continues to encounter issues with municipalities over interpretation when applying the policy. For example, there is ambiguity in the wording used in Section 6 which attempts to qualify the exclusions from consultation:

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below.

¹ See ISED Guide to Assist Land-Use Authorities in Developing Antenna System Siting Protocols, Section 2.1.

5. Some land-use authorities interpret this wording to mean that proponents should consult on all proposals, even when they clearly meet the exclusion criteria. Still, other land-use authorities believe this gives them the power to edit or remove exclusions from the Department's list of exclusions when drafting their own siting protocols. This unfortunate wording acts as a barrier to deployment as it introduces ambiguity into the policy. This ambiguity allows municipalities to insist on public consultation for these consultation exempt sites and causes delays in deploying infrastructure with minor aesthetic impact. To facilitate the roll out of 5G, it is important that small cells not be subject to the same consultation requirements and fees applied to 50 metre towers. \
6. Rogers believes the current review is an excellent starting point to revisit the CPC as it has not been updated since 2014. Given the changing technologies and the introduction of 5G and small cells, it would be beneficial if the Department were to initiate a more comprehensive review of the CPC to address certain issues that have proven to be problematic.

6.1 Proposed implementation of official languages requirements for the public consultation process

Q1

ISED invites comments on:

- a. the introduction of official language requirements and whether they should be applied across Canada or in the communities set out above
- b. the timing of the introduction of the requirements proposed by ISED
- c. any other aspects related to the wording or implementation of the proposals

7. The Department proposes to introduce official language requirements to the CPC. The Department proposes wording for two different options:

Option 1:

Whether the proponent follows the land-use authority's consultation process or ISED's default public consultation process, initial communications with the public (including but not limited to notification packages and public notices) must be made in both official languages. If a member of the public provides written or verbal public comments or public reply comments, the proponent must respond in the official language in which the comments were made.

Option 2:

Whether the proponent follows the land-use authority's consultation process or ISED's default public consultation process, consultation with communities located in the census subdivisions listed in annex A, as amended from time to

time, being those that have an official (English or French) linguistic minority population of 5% or higher, must be conducted in both official languages. If a member of the public provides written or verbal public comments or public reply comments, the proponent must respond in the official language in which the comments were made. Proponents must follow the consultation process established by the land-use authority, where one exists. In the event that a land-use authority's existing process requires bilingual communications with the public, proponents must follow those public consultation requirements regardless of the linguistic minority population figures.

8. It is of utmost importance that proponents communicate in the appropriate official language during the public consultation phase. For its part, when Rogers proposes a site requiring public consultation, the company typically reaches out to the Land-use Authority (“LUA”) to obtain direction and guidance on the form of consultation. The vast majority of LUA protocols, and the Department’s own default notification process, are clear that proponents are required to contact the LUA to determine local consultation requirements.² It is during this step where Rogers currently obtains direction from the LUA on the language to use for the public notification package as the LUA knows the members of its community and their language requirements best. Rogers believes that the current CPC requirements work well.
9. However, of the two proposed options, Rogers supports Option 2 since it requires bilingual consultation in those areas with an official language minority population of 5% or greater, which will reduce the work for proponents in areas where there is little to no linguistic minority population.
10. Rogers also supports the proposed April 22, 2022 implementation date of these changes as it will provide proponents time to adjust to the new requirements.

6.2 Other amendments

Q2

ISED invites comments on the proposal to make minor amendments to CPC-2-0-03, including updating the name of the Department to ISED throughout, and updating references relating to the environmental considerations and aeronautical safety responsibilities as described above.

11. The Department has proposed minor amendments to update the CPC to refer to ISED throughout the document and to update references to certain documents such referring to environmental assessment and aeronautical clearances.
12. Rogers supports the proposed amendments.
13. Rogers thanks the Department for the opportunity to share its views and participate in this consultation process.

² See ISED CPC-2-0-03- Radiocommunication and Broadcasting Antenna Systems, Section 4.