

5. 7(b)

July 14th, 2013

REBUTTAL

to

**ROGERS RESPONSE TO PUBLIC
COMMENTS RECEIVED**

Regarding

**PROPOSAL TO INSTALL
TELECOMMUNICATION ANTENNA at**

4555 VICTORIA ROAD SOUTH, RR#1 PUSLINCH by

ROGERS COMMUNICATION – SITE C4328

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Introduction

We would like to thank Rogers for the disclosure supplied in the response package, however, there are still several outstanding issues that have not been fully addressed or resolved.

Environmental Assessment

Rogers states this facility does not require environmental review because it is not like a pipeline or an airport, yet Industry Canada CPC-02-0-03 Section 7.4 states specifically, **“Proponents will ensure that the environmental assessment process is applied as early as practical in the planning stages.”** What dictates whether or not installations require assessment (including pipelines and airports) is the Canadian Environmental Assessment Act Exclusion list. Schedule 1, Section 20(1) of that document speaks directly to radiocommunication antennas and supporting structures:

20. (1) The proposed construction, installation, operation, expansion or modification of a radiocommunication antenna and its supporting structure

(a) if

(i) the antenna and supporting structure are either affixed to a building or located entirely within 15 m of a building, or

(ii) the antenna, its supporting structure, or any of its supporting lines has a footprint of no more than 25 m²;

(b) if the project is not to be carried out within 30 m of a water body; and

(c) if the project does not involve the likely release of a polluting substance into a water body.

Since the footprint of this tower is 58 m², exceeding the minimum 25 m² in Section 20(1aii), we do not agree that the proposed facility be excluded from the Environmental Assessment Act. Further, the proposed radio equipment walk-in “cabinet” should not be interpreted as a *building* under Section 20(1ai) in order to avoid assessment. However, locating within 15 m of the barns could be an appropriate interpretation of the exclusion.

Location

Rogers has stated their criteria for location is that it, “... *maximizes the separation distances to existing residences.*” While that location shown again in Figure 1 does satisfy a threshold of 300m, as will be demonstrated shortly, it actually does not maximize separation:

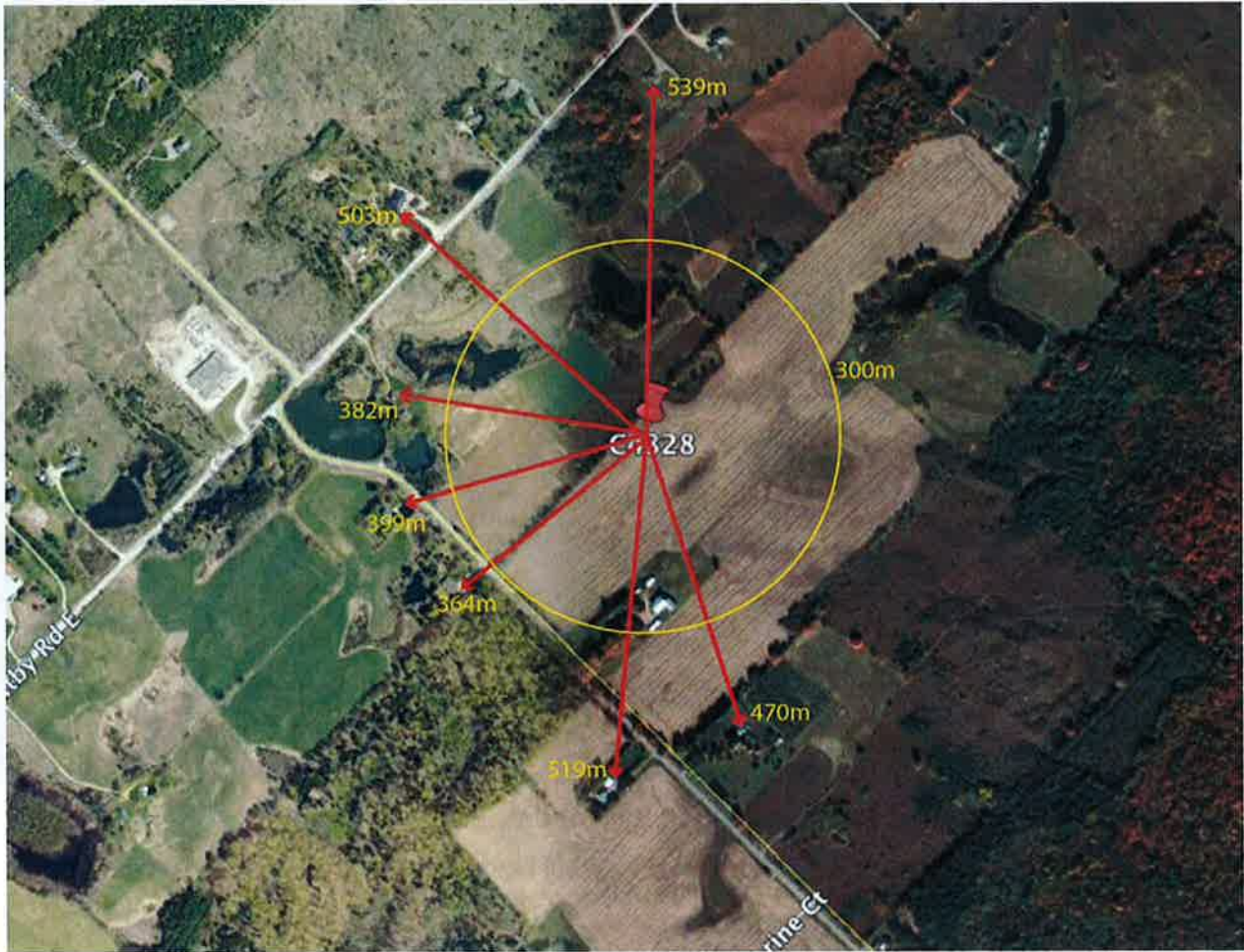


Figure 1. Location of facility as proposed by Rogers

While the criteria of distances from *existing* residences helps to rationalize the proposed location, it is not substantiated by good land planning. Encroaching land use is a reality and we recognize it is driven by technological demands. However, better models to land planning can be found from Minimum Distance Separation guidelines referred to in the Ontario Planning Act. Those formulas are based on setbacks from property lines, taking into account future development and have been used reliably long before there was High Speed Packet Access and LTE networks. This is why we believe the landlord in this case should take more ownership of this diversification from farming into facility infrastructure. Rogers provided that

scenario as shown in Figure 2, arguing that it is now much closer to an existing residence to the south and therefore should not be chosen since there is no residence to the north.



Figure 2: Alternate location as described by Rogers

With better thought to the future, when this tower will likely still exist, allowance should be made for a similar residence to the north as shown in Figure 3.

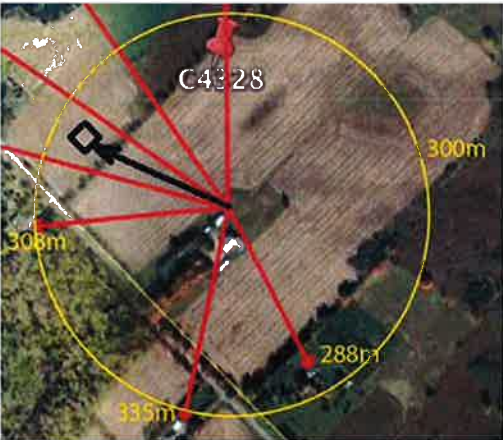


Figure 3: Planning for future development

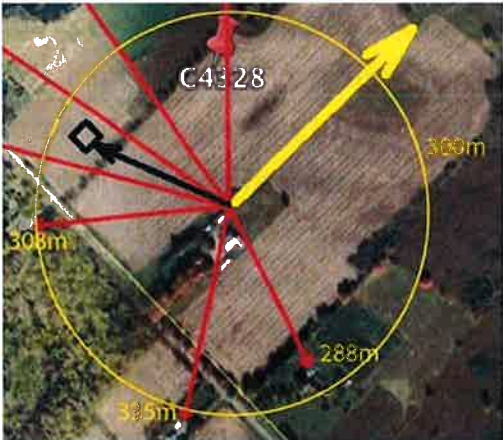


Figure 4: Median

Rogers also pointed to the landlord as one of the reasons for this alternative to be rejected on the grounds that it interferes with farming. In fact, it would no longer necessitate removing 2196 m² (0.54 acres) out of agricultural production as the proposal now does. That is over \$500/year with a yield of 160 bushels/acre at \$6.00/bushel. The tower located within 15 m of a barn could also exclude it from environmental assessment under Section 20(1ai). Instead, terms such as “**interference to farm operations**” and “**disruption to ongoing farm operations**” are being used to argue against some sort of concession. We believe that warrants further explanation since farmers have been driving around trees, ponds, and other geographic anomalies for years. What exactly does **disruption** and **interference** mean? It is understandable that the host would not want a tower so close to the residence, however, by moving along the median of the farm in Figure 4, a maximum separation could be achieved. That should not impede farm operations outside of land taken out of production which apparently is not a problem. A good example of mid-field installation is Rogers location C2201 referred to in their response document and shown in Figure 5 which, judging by the surrounding soybean crop, does not seem to disrupt or interfere with farming in that case.



Figure 5: Rogers Site C2201

Despite serious doubts as to why this tower could not be located in the middle of the landlord's property, a compromise was suggested that fulfills both a maximum separation in addition to an equivalent furrow contour as it already exists. Figure 6 shows an existing swale with circular contours around it showing how a tractor accommodates field obstacles. This location has no less than 505m from any off-site residence instead of the current proposal which measures four residences within 364m, 382m, 399m, and 470m. Further, the location shown in Figure 7 is even more equidistant with the four closest residences having an identical 500m separation while maintaining 80m from the property line. Facility infrastructure can and will fail over time, and it should be at least the height of the tower away from any neighbouring property line. Both of these locations offer minimal interference to farming as they are next to an existing geographic obstruction that has always been driven around.

These alternatives were presented to Rogers on July 10th and both rejected July 11th on the grounds of “*disruption to ongoing farm operations.*” We take exception to the way this sounds, as if it is our idea to place a tower on *their* land. The willing landlord has clearly decided to integrate utility infrastructure into their ongoing farming operations and if it is not a good fit, they should not proceed further with C4328.

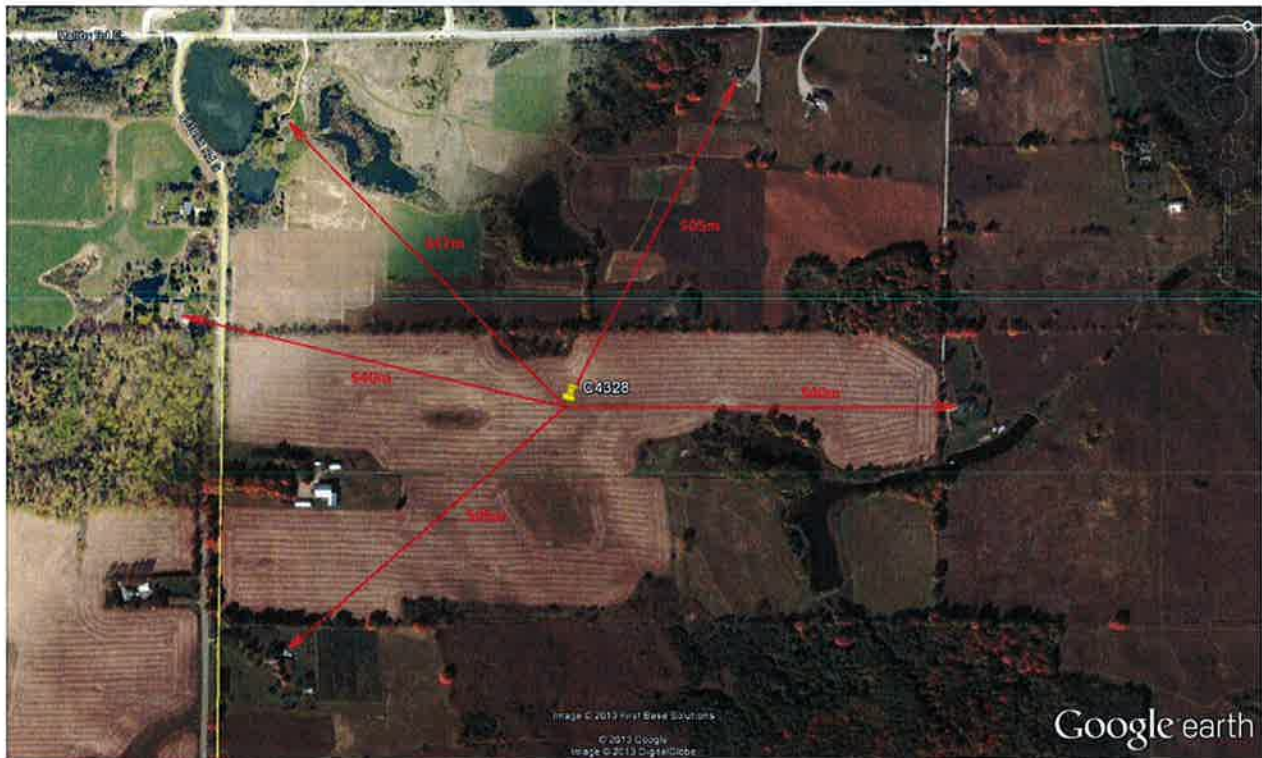


Figure 6: Suggested compromise location #1



Figure 7: Suggested compromise location #2

