

January 29, 1999

Consultation on 24GHz and 38GHz
Mr. Jan Skora - Director General
Radiocommunications and Broadcasting Regulatory Branch
Industry Canada
Room 1559D – Jean Edmonds Tower North
300 Slater Street
Ottawa ON K1A 0C8

Dear Mr. Skora:

Telesat welcomes the opportunity to submit its comments during this reply phase of the above consultation process. In response to the Department's Gazette Notice DGRB-003-98, fourteen parties provided comments on a variety of issues related to the proposed competitive process for issuing spectrum licences in the 24GHz and 38GHz bands for services in Canada; Telesat's reply comment shall be limited to two principle elements of the Department's proposal which had been commented on by several parties.

A. DGRB-003098 Section 3.2 Allocation Issues

Telesat recognizes the decision by the United States to create a new point-to-multi-point band at 24GHz and as well, Telesat recognizes the desire by the Department to harmonize the spectrum for wireless broadband services with that designated in the United States. However, such moves will substantially compromise the operation of feederlinks to broadcast satellite stations in Canada. Telesat would add that such moves come as broadcast satellite services are about to emerge with the launch of Canada's first BSS satellite, NIMIQ, in the coming months.

With this perspective, Telesat fully supports the comments and the rationale of the CBC in opposing the proposed amendment of the Canadian Table of Frequency Allocations to include a primary allocation for the Fixed Service in the 25.05 to 25.25 GHz band along with the proposed amendment to footnote C44.

In addition, the Company would note that with the implementation of CAN-94, feederlinks to broadcasting satellite stations operating in the 17.3-17.8 GHz were implemented in the 24.75-25.25 GHz band. In doing so, these Fixed Satellite Service operations were given primacy within the 24.75-25.25 band. Several parties commenting in this proceeding have acknowledged that it will be problematic, from an interference perspective, to now reverse part of this FSS allocation to a Fixed Service designation.

In addressing the issue, some parties expressed comments similar to that of Clearnet:

“...Industry Canada proposes to give “priority” to the Fixed Service over other service allocations in this band. Given that the Department intends to use the auctioning process to award these licences, potential bidders must be made aware of the implications of giving priority to the Fixed Service and the Department’s definition of priority must be provided in clear terms prior to the auction.”

In its comments the Radio Advisory Board of Canada also acknowledged the potential interference problem,

“in order to reduce the risk that spectrum purchased by a successful bidder might become subject to interference by ‘in band use’, the Board feels that the following undertaking is required:

Industry Canada will undertake to propose an addition of a fixed allocation for Region 2 at the next competent International Telecommunications Conference (not later than the year 2002) in the bands 24.25-24.45 GHz and 25.05-25.25 GHz on a primary basis. If it is not possible to obtain a Region 2 allocation, Industry Canada will guarantee that, at the very least, it will add a footnote in the international Table of Frequency Allocations specifying that the bands 24.25-24.45 GHz and 25.05-25.25 GHz are allocated on a primary basis in Canada to the Fixed Service.”

It is Telesat’s view that while RABC’s proposal would provide greater certainty to potential auction participants regarding the primacy of the spectrum under discussion, it would not solve the immediate issue regarding existing earth stations.

In reply Telesat would propose a two step approach. The first step would address the issue of existing earth stations in operation pursuant to CAN94. Telesat submits that these existing earth stations should be given primacy. That is, any future Fixed Service operator would have to undertake co-ordination with the existing earth station operator to ensure that the new operation does not interfere with the existing earth station.

The second step would be initiated upon the successful completion of the spectrum auction, by Industry Canada. As of that date, the band 25.05-25.25 GHz would be allocated on a co-primary basis in Canada to the Fixed Service and to the Fixed Satellite Service. With a co-primary designation, operators in each service would have to co-ordinate their new stations with the installations already existing, notwithstanding whether they are a Fixed Service or a Fixed Satellite Service.

The Company's proposal is intended to provide fairness and a degree of certainty to all operators implementing systems in the 25.05-25.25 GHz band. Fairness is achieved by recognizing the prior designation of this band on a primary basis to Fixed Satellite Services while at the same time acknowledging new Fixed Services that may emerge following the Department's spectrum auction.

In terms of certainty, it is Telesat's view that the demand for available spectrum by new and existing operators in Canada will only increase in the future. Moreover, as illustrated by this proceeding, spectrum developments inside and outside our Region will only compound the spectrum allocation issue, domestically. It is Telesat's view that in this dynamic and evolving telecommunications marketplace the degree of 'spectrum' certainty an operator can expect in the future should be dictated by two underlying principles; that is, that spectrum shall be allocated on a first-come, first-served basis and secondly, the operator will need to demonstrate that they are using the allocated spectrum and using it effectively.

B. DGRB-003098 Section 3.1.2 The 38 GHz Band

Telesat shares the views expressed by RABC with respect to the Department's proposal to re-define the 38.6-40.0 GHz band and designating this band for primary use by Fixed Services. Telesat's significant concerns are based on the fact that the Company has registered several filings with the ITU over the past few years to operate downlinks across the **entire** 37.5 GHz – 40.5 GHz frequency band in conjunction with its V-band uplinks.

First, it should be emphasized that these filings with the ITU are valuable in that they were the first by any administration and as such hold a priority position as well as present Canada with a unique resource and opportunity.

Secondly, giving primary use to Fixed Services in the 38.6-40.0 GHz band, would seriously jeopardize the technical feasibility and consequently, the business viability of developing a broadband satellite system in Canada. As stated by RABC,

“It is necessary for the FSS to also have access to exclusive frequency bands, which would allow for the deployment of small ubiquitous terminals, currently envisaged in certain parts of the 37.5 GHz – 40.5 GHz frequency band, outside the band 38.4 to 40.0 GHz. Because of the global nature of these FSS services, the allocations should be harmonized world-wide.”

Consequently, Telesat strongly recommends that the existing ‘shared’ spectrum blocks continue to be available for deployment in the 38.6-40.0 GHz band on a co-primary, first-come, first-served basis.

Thank you for your consideration of these reply comments.

Yours truly,

John Forsey
Director, New Satellite Ventures
& International Co-ordination