

# **Look Communications Inc.**



**Response to**

**Gazette Notice No. DGRB-005-09**

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**Consultation on Transition to Broadband  
Radio Services (BRS) in the Band  
2500-2690 MHz**

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**June 15, 2009**



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June 15<sup>th</sup> 2009

Director  
Spectrum Management Operations  
Radiocommunications and Broadcasting Regulatory Branch  
Industry Canada  
300 Slater Street  
Ottawa, ON K1A 0C8

Sent via email: [spectrum.operations@ic.gc.ca](mailto:spectrum.operations@ic.gc.ca)

**Look Communications Inc. Response to Proposals in:**

**Gazette Notice DGRB-005-09 — March 10 2009: Consultation on Transition to Broadband Radio Services (BRS) in the Band 2500-2690 MHz**

Dear Director:

Look Communications Inc. (“Look”) is pleased to provide the following comments regarding the consultation process detailed in the notice “*Consultation on Transition to Broadband Radio Services (BRS) in the Band 2500-2690 MHz*” (the “Consultation”).

Look is a Multipoint Distribution Service (“MDS”) provider that operates on the basis of a regional MDS authorization from the Canadian Radio-Television and Telecommunications Commission (“the CRTC”). As a pioneer in digital television in Canada, Look has invested several hundred million dollars in the development of the band 2596 – 2686 MHz and in the implementation of its extensive MDS broadcast network in Ontario and Quebec. Look’s television and wireless Internet services are currently available to nearly 12 million Canadians.

Look believes that the Consultation is a crucial step in the development of BRS in Canada and we urge Industry Canada to incorporate the following proposals in its policy regarding the transition to BRS in the band 2500-2690 MHz.



Look's management and technical group are available to discuss any or all of these matters.

Yours truly,

A handwritten signature in blue ink, appearing to read "Owen Scicluna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Owen Scicluna  
Director of Engineering & Operations  
Look Communications Inc.  
[oscicluna@team.look.ca](mailto:oscicluna@team.look.ca)  
416.788.6936

Attachment

## Look Communications Response to DGRB-005-09

### 1. Introduction

At the outset, Look would remind the Department of its substantial investment in developing the band 2596-2686 MHz in Canada and in making MDS services available to nearly 12 million Canadians.

Look has implemented its extensive MDS network on the basis of a regional authorization from the CRTC which extends from Southwestern Ontario to Eastern Quebec. Look's substantial achievements in implementing MDS across this region have been made possible by Look's investment of several hundred million dollars in the face of significant financial risk, technological limitations and uncertainty regarding the final policy for the band.

One of the greatest challenges faced by Look in implementing its MDS system has been the fact that it had no alternative but to utilize line-of-sight radio technology since non-line-of-sight technologies were simply not available. The limitations associated with line-of-sight technology required that customer premise installations be completed by a skilled technician. Obviously, this could only be completed at considerable expense meaning that Look was burdened with a significant cost disadvantage in rolling out its services, compared to its competitors.

Moreover, the presence of several analog MDS systems operating in the US near the Canadian border imposed significant interference on portions of the region over which Look was authorized to provide MDS. The requirement to operate using low transmit power levels along the Canada-US border has made it difficult to provide adequate coverage. For example, Look built a transmitter site in Niagara Falls, but the low power and poor coverage of the system inhibited Look's ability to attract and retain customers and so the system was shut down. Additionally, the uncertainty around the final policy for the band, and the moratorium on new authorizations has limited Look's ability to further develop its network and services.

Look is prepared to make the transition to BRS and to introduce mobile services in the band so that Canadians may benefit from a globally harmonized band for commercial mobile voice and broadband data services. We urge the Department to take Look's considerable investment in the development of this band into account as the Department establishes a policy for the transition to BRS.

Based on our regional CRTC authorization, and the fact that we have implemented coverage to about 65% of the population within our authorized service area, Look strongly believes it should be eligible to convert its MDS authorization to BRS across the same area. Specifically, for the reasons provided below, Look believes that the Department should authorize Look with BRS licences for Tier 2 service areas 2-08 (Southern Ontario), 2-06 (Eastern Ontario and Outaouais), 2-05 (Southern Quebec), as well as Tier 3 service area 3-09 (Quebec) and Tier 4 service area 4-028 (Chicoutimi-Jonquiere).

## 2. Firm Transition Date for BRS

Industry Canada:

The Department is seeking comments on its proposal to adopt a firm transition date to BRS rather than renew MCS and MDS licences.

Should a firm transition to BRS be adopted, the Department is proposing March 31, 2011, as the transition date to BRS, as it coincides with the end of licence term for the current MCS licences.

Look welcomes the opportunity to participate in the transition of the 2500 – 2690 MHz band to Broadband Radio Services (BRS).

Look supports a firm transition date for transition of MCS and MDS licenses to BRS rather than the renewal of MCS and MDS licenses. High power MCS and MDS systems will prevent and delay the introduction of BRS in the same geographic areas.

A transition date of March 31, 2011 is reasonable, although incumbent licensees must be provided with flexibility when migrating from MCS and MDS to BRS.

## 3. Manitoba Schools and MCS Licensee

Industry Canada:

The Department seeks comments on the options that should be applied to the Manitoba school boards and the commercial MCS licensee:

- Option 1 - Eligible for conversion to BRS;
- Option 2 - Subject to a transition policy; or
- Option 3 - Grandfathered.

### 3.1 Manitoba School Boards MCS Licenses

Since the mid 1990's a number of Manitoba school boards in remote areas have operated Interactive Instructional Television (IITV) links for distance learning. This is beneficial to smaller, more remote schools as it permits students to access a more diverse range of courses. It should be noted that some school boards, such as the Southwest Horizon

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Division has access to high-speed internet at all schools in its division and uses a combination of eLearning and IITV<sup>1</sup>. Due to its high bandwidth requirements it may not be possible to completely replace IITV with IP-based video links using a school's existing internet resources.

Look submits that the schools should be transitioned to new frequencies outside the BRS band. The schools' current IITV network could be replaced with a number of IP links using spectrum in other bands. There are now a large number of relatively inexpensive point-to-point IP radios on the market which could replace the existing IITV service. The upgrade to IP-based video links could be very beneficial to schools. The advantages include:

- Enough bandwidth may be present to permit multiple classroom links to exist simultaneously, thus easing scheduling constraints.
- Additional "video conferencing" links will benefit students by permitting private tutoring sessions or assisting students in different schools to work on joint projects.
- If a smaller school's internet link is bandwidth limited, the school can benefit from bandwidth sharing with a larger school.

Given the advantages of upgrading to an IP-based radio link, or the replacement of the current analog network with a digital broadcast service in another band, Look recommends that the Manitoba school boards should be subject to a transition policy whereby they will vacate the band on an as required basis, to permit the introduction of commercial services by BRS licensees.

Look believes that it would not be appropriate to permit the conversion of non-commercial educational authorizations to commercial mobile licences in a globally harmonized mobile band.

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<sup>1</sup> <http://www.shsd.mb.ca/%22Small%20Schools%20-%20Our%20Preference%22%20Research%20Document/ELearning%20Initiative%20May%2008.pdf>

## 4. MDS Eligibility for Conversion to BRS

Industry Canada:

Industry Canada invites comments on which component(s) (i.e. CRTC Decision, Industry Canada broadcasting certificate, and CRTC licence) should be required for licensed MDS in order to qualify for conversion to BRS in a given area.

Should MDS stations that do not meet the eligibility criteria be protected through a transition policy (notification period prior to displacement) in the event that a firm transition date to BRS is adopted?

Most MDS systems (e.g., Look) operate with a CRTC issued Broadcasting Distribution Undertaking (BDU) license. The Craig Wireless MDS operation recently converted to a BRS license operates with a Radiocommunication Distribution Undertaking (RDU) license but employs digital modulation. Other licensed MDS RDU systems such as those operated by Câblevision TRP-SDM Inc. transmit analog television carriers<sup>2</sup> and the broadcasting license was recently renewed to an expiry date of August 31, 2011<sup>3</sup>. There is currently an application<sup>4</sup> to the CRTC for Câblevision TRP-SDM to offer a mix of analog and digital carriers for its MDS service at Trois-Pistoles, Quebec.

Despite the name difference, there is little functional difference between a BDU and a RDU license. To simplify the nomenclature, from this point on when Look refers to a BDU license it may refer to either a BDU or a RDU license.

### 4.1 MDS Eligibility Criteria

In DGRB-005-09, Industry Canada noted the following components associated with MDS authorizations:

- a) a CRTC Decision;
- b) an Industry Canada broadcasting certificate; and
- c) a CRTC broadcasting license.

Look believes that this list is too general and is incomplete. For example, MDS operators may choose to deploy a radio communication system instead of a broadcast system, using up to 50% of their MDS spectrum. This fact is noted on page 7 of DGRB-005-09

<sup>2</sup> <http://www.crtc.gc.ca/eng/archive/2005/db2005-201.htm>

<sup>3</sup> <http://www.crtc.gc.ca/eng/archive/2008/db2008-193.htm>

<sup>4</sup> <http://www.crtc.gc.ca/eng/archive/2009/2009-109.htm>

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*In response to requests from MDS operators, the CRTC agreed that MDS operators could use up to 50% of their MDS spectrum for non-broadcasting purposes. This usage requires a separate spectrum licence from Industry Canada that must be renewed annually.*

Therefore, the components listed by the Department should include a radiocommunication licence. Another distinctive feature of MDS broadcast licenses that is not reflected in the components listed by the Department is that some authorizations are issued with commercial restrictions. For example, some licenses are issued to a community group with the understanding that the MDS system will be managed as a not-for-profit organization with a limited commercial reach. Similarly, other MDS broadcast licenses are issued with the strict requirement that the system is not to compete with private enterprises. In these cases, Look believes that it would not be appropriate to issue a BRS license to such an organization. Instead, a MDS system operated by a not-for-profit community group should be transitioned out of the band on an as required basis, to permit the introduction of commercial services by BRS licensees.

It is also important to note that broadcast licenses may either be regional in scope or granted on a community basis. The regional licenses include the Look Communications Ontario and Quebec license and the Craig Wireless Manitoba license (see Broadcasting Public Notice CRTC 2004-63<sup>5</sup>). The community-based licenses (where each transmitter has its own broadcast license) include the YourLink Inc. Saskatchewan licenses and the Câblevision TRP-SDM Inc licenses in Quebec along the south shore of the St. Lawrence. Look believes that the conversion of regional MDS authorizations to BRS must be addressed as a whole when determining eligibility and the most appropriate service area for the new BRS licence. In Look's case, since it provides coverage to about 65% of the population in its CRTC authorized service region, it should be considered as eligible to convert to BRS across the same region.

The extent of Look's coverage is significant and it exceeds, for example, the minimum coverage requirement that the Department has imposed as a condition of licence for auctioned PCS spectrum licences and as a roll-out target for AWS spectrum licences. We note that auctioned PCS spectrum licences contain an implementation of spectrum usage condition which requires licensees to establish coverage to 50% of the population within the licensed service area.<sup>6</sup> Auctioned AWS spectrum licences contain a similar condition,<sup>7</sup> although the coverage requirements are referred to as "targets", and the percentage of the population to be covered varies depending on the service area, ranging between 10% and 50%.<sup>8</sup> In any event, the auctioned PCS and AWS coverage

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<sup>5</sup> <http://www.crtc.gc.ca/eng/archive/2004/pb2004-63.htm>

<sup>6</sup> PCS Auction Licence Conditions, November 2005, <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09425.html>

<sup>7</sup> AWS Licence Conditions, November 2008, <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09234.html>

<sup>8</sup> Licensing Framework for the Auction for Spectrum Licences for Advanced Wireless Services and other Spectrum in the 2 GHz Range, Appendix C — Roll-Out Targets, [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/awslicensing-e.pdf/\\$FILE/awslicensing-e.pdf](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/awslicensing-e.pdf/$FILE/awslicensing-e.pdf)

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requirements provide an indication of what minimum levels of coverage the Department considers to be adequate, and Look has surpassed these levels of coverage across its CRTC-authorized service area.

In light of the above, Look recommends that all commercial MDS operators that have a minimum of one of the following components be eligible to convert to BRS:

- a) a CRTC Decision;
- b) an Industry Canada broadcasting certificate;
- c) an Industry Canada radiocommunication license;
- d) a fully commercial CRTC regional broadcasting license

In addition, as noted above, if a MDS operator provides a level of coverage to the population associated with the area covered by its CRTC authorization that exceeds, for example, the implementation requirements contained in the Department's auctioned PCS or AWS conditions of licence, then the MDS operator should be deemed to be eligible to convert to BRS across the same geographic area.

Look believes that this approach reasonably balances the original authorization granted by the CRTC and the minimum implementation of spectrum usage that the Department has defined for other commercial mobile spectrum licences. Further, the proposed coverage threshold will ensure that BRS licenses are not awarded to license holders without any operating transmitters within the CRTC broadcast license service region, but it will also not unfairly punish MDS operators, such as Look, who faced significant technological challenges due to the limitations of the line-of-sight technology which was available at the time of their network roll-out.

### ***4.2 MDS Transition Policy***

Industry Canada has posed the question:

*Should MDS stations that do not meet the eligibility criteria be protected through a transition policy (notification period prior to displacement) in the event that a firm transition date to BRS is adopted?*

MDS systems that do not meet the eligibility criteria should be transitioned out of the band, on an as required basis, to permit the introduction of commercial services by BRS licensees.

## 5. CRTC License-Exempt Broadcasting Stations

Industry Canada:

Comments are also sought on whether CRTC licence-exempt systems that serve small, rural and remote communities having small populations should be treated differently from the CRTC-licensed systems.

Should these undertakings not be eligible for conversion and a firm transition date to BRS is adopted, the Department seeks comments on what would constitute a suitable notification period for these stations to retune to available frequencies or cease operating. Notification would be given only if the MDS station would prevent the deployment of a BRS system.

It is Look's position that the CRTC license-exempt systems should be treated differently from CRTC licensed systems. Such systems fall under Broadcasting Public Notice CRTC 2002-45<sup>9</sup> and are intended to serve small, rural and remote communities without the burden of applying for and maintaining a broadcast license. As such systems are intended to serve a narrow market niche with a small number of channels and are strictly prohibited from employing digital MDS technology to expand their service offering, it is not appropriate to issue a BRS license to such a system. Instead, the system should be transitioned out of the band, on an as required basis, using a notification period of six months.

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<sup>9</sup> <http://www.crtc.gc.ca/eng/archive/2002/PB2002-45.HTM>

## 6. MDS License Areas

Industry Canada:

Industry Canada seeks comments on whether Tier 3 or Tier 4 licence areas are the most appropriate for the conversion of site-specific MCS licences to BRS spectrum licences, where applicable, and for conversion of MDS authorizations, including Industry Canada spectrum licences issued in the 2596-2690 MHz band.

Section 4.3.2 of the consultation starts with the passage,

*The CRTC has licensed MDS systems based on the market area to be served, whereas Industry Canada requires contour maps to be included with the broadcasting certificate application. Neither the market areas nor the system contour maps correspond directly to spectrum licence areas ...*

As explained in section 3.1 above, Look has been authorized by the CRTC to provide MDS across a large region and Look provides coverage to about 65% of the population within that region. In fact, as noted above, Look's coverage within its authorized region exceeds the coverage requirements that have been imposed by the Department as a condition of licence for other commercial mobile spectrum licences, such as auctioned PCS and AWS licences. Look therefore should be eligible to convert to BRS across the same geographic area. Following below is Look's position with respect to the Tier service areas that would be most appropriate for converting the MDS authorizations of Look and other MDS operators to BRS.

Depending on the CRTC authorization, the scale factors to be considered in converting a license should not be limited to just Tier 3 and Tier 4; Tier 2 scale must be considered as well. Look has a regional authorization for the Windsor-Quebec City corridor and this area spans no less than four Tier 2 zones and touches on some twenty-three Tier 3 zones. Therefore, it is imperative that Tier 2 service areas be considered for the conversion from MDS to BRS.

The use of Tier 2 service areas for converting to BRS would be consistent with the Tiers used by the Department in licensing other commercial mobile spectrum bands. For example, the Department used Tier 2 service areas for licensing the new entrant set-aside spectrum blocks in the 2008 AWS spectrum auction<sup>10</sup> and for all spectrum blocks in the 2001 PCS spectrum auction.<sup>11</sup>

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<sup>10</sup> Licensing Framework for the Auction for Spectrum Licences for Advanced Wireless Services and other Spectrum in the 2 GHz Range, p.3, [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/awslicensing-e.pdf/\\$FILE/awslicensing-e.pdf](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/awslicensing-e.pdf/$FILE/awslicensing-e.pdf)

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## 6.1 The Issue

The heart of the problem is how to convert the MDS authorization granted by the CRTC to a geographic area that can be used for spectrum licensing. Broadcasting Decision CRTC 2004-347 (and all subsequent CRTC decisions), Look is licensed for the following region which spans Ontario and Quebec

*Barrie, Belleville, Brantford, Brockville, Chatham, Cobourg, Collingwood, Cornwall, Guelph, Hamilton, Kingston, Kitchener, Leamington, Lindsay, London, Midland, Orillia, Oshawa, Owen Sound, Peterborough, Port Hope, St. Catharines/Niagara, Sarnia/Clearwater, Simcoe, Stratford, Tillsonburg and Toronto, Ontario; Montréal and surrounding areas; Québec and surrounding areas including Saguenay/Lac St-Jean and surrounding areas, Québec and Western Québec and Eastern Ontario, including the National Capital Region*

CRTC 2004-347 provides little in the way of accompanying details for the region encompassed by this list. To appreciate the scale of the Look authorization a map of southern Ontario is provided in Figure 1 showing the borders of Tier 2-08, the most populous Tier 2 region in Canada. The communities that Look is authorized to serve within Tier 2-08 are marked on the map as red stars.



Red stars indicate authorized communities or transmitter sites

Figure 1 Look MDS Authorized Cities/Markets within Tier 2-08 (Southern Ontario)

<sup>11</sup> Policy and Licensing Procedures for the Auction of Additional PCS Spectrum in the 2 GHz Frequency Range, June 2000, p.10, [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwajj/10.1e.pdf/\\$FILE/10.1e.pdf](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwajj/10.1e.pdf/$FILE/10.1e.pdf)

## 6.2 Analysis of the CRTC Authorization

To clearly understand the authorization given to Look, it is helpful to consider the simultaneous CRTC license renewals on August 16, 2004 for Look, Craig Wireless Manitoba and YourLink. The document that ties all three renewals together is Broadcasting Public Notice CRTC 2004-63<sup>12</sup>. The decisions accompanying this notice with the individual renewals are:

Look Communications: Broadcasting Decision CRTC 2004-347<sup>13</sup>

YourLink: Broadcasting Decision CRTC 2004-348<sup>14</sup>

Craig Wireless: Broadcasting Decision CRTC 2004-349<sup>15</sup>

Prior to 2004, Look held two Class 1 BDU licenses, one for Southern Ontario and another for Eastern Ontario and Quebec. With Decision 2004-347 the two were merged into a single license. From CRTC 2004-347, Look is authorized to serve

*Barrie, Belleville, Brantford, Brockville, Chatham, Cobourg, Collingwood, Cornwall, Guelph, Hamilton, Kingston, Kitchener, Leamington, Lindsay, London, Midland, Orillia, Oshawa, Owen Sound, Peterborough, Port Hope, St. Catharines/Niagara, Sarnia/Clearwater, Simcoe, Stratford, Tillsonburg and Toronto, Ontario; Montréal and surrounding areas; Québec and surrounding areas including Saguenay/Lac St-Jean and surrounding areas, Quebec and Western Quebec and Eastern Ontario, including the National Capital Region*

Clearly the authorization is regional in scope, but Broadcasting Decision CRTC 2004-347 carries little in the way of additional information in that regard. However, the master notice released in Broadcasting Public Notice CRTC 2004-63 does describe Look's two original BDU licenses as "regional" Class 1 BDU licenses. From paragraph 1 of Broadcasting Public Notice CRTC 2004-63:

*LOOK holds two **regional** Class 1 BDU licences, one to provide MDS service to Toronto and to 26 other communities in southern Ontario, and the other to serve the communities of Montréal and Québec and surrounding areas, the Saguenay/Lac St-Jean region, and Eastern Ontario and Western Quebec (including the National Capital Region)*

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<sup>12</sup> <http://www.crtc.gc.ca/eng/archive/2004/pb2004-63.htm>

<sup>13</sup> <http://www.crtc.gc.ca/eng/archive/2004/db2004-347.htm>

<sup>14</sup> <http://www.crtc.gc.ca/eng/archive/2004/db2004-348.htm>

<sup>15</sup> <http://www.crtc.gc.ca/eng/archive/2004/db2004-349.htm>

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It's clear that the original authorization given to Look was to serve specific regions. As such, a "regional" perspective must be maintained in making a license transfer from a CRTC authorization to a set of Industry Canada service areas.

From Section 1 of the Broadcasting Distribution Regulations<sup>16</sup> the term "regional license" is defined as

*"regional licence" means a licence issued by the Commission that authorizes the licensee to carry on distribution undertakings in two or more licensed areas.*

It is worth noting that Look's competitors recognize Look as having a regional license. Consider the following Cogeco statement summary published by the CRTC<sup>17</sup>,

*Cogeco also noted that LOOK Communications Inc. (formerly LOOK TV Inc.), a regional MDS BDU serving various communities in Quebec, holds a single licence for a Class 1 BDU, in accordance with the policy established in Public Notice 1997-25*

Look appreciates the frustration felt in converting this community list to a practical service area concept, especially as the Ottawa region and Quebec is described as:

*Montréal and surrounding areas; Québec and surrounding areas including Saguenay/Lac St-Jean and surrounding areas, Quebec and Western Quebec (including the National Capital Region)*

This description is very general, to say the least. It is helpful to go back to the original BDU licenses issued in 1997 and 1998, one for southern Ontario through to Kingston and another for the Ottawa region and Quebec. The relevant decisions are

Southern Ontario through to Kingston: Decision CRTC 97-370<sup>18</sup>

Ottawa region and Quebec: Decision CRTC 98-55<sup>19</sup>

The community lists from the two original licenses were merged to create the list found in CRTC decision 2004-347 and in all subsequent CRTC decisions. In Look's application for these licenses a list of proposed transmitter sites was submitted. The proposed transmitter sites from CRTC 98-55 better defines the region Look was authorized to serve for the Ottawa region and Quebec:

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<sup>16</sup> <http://laws.justice.gc.ca/en/ShowFullDoc/cr/SOR-97-555///en>

<sup>17</sup> <http://www.crtc.gc.ca/eng/archive/2005/db2005-201.htm>

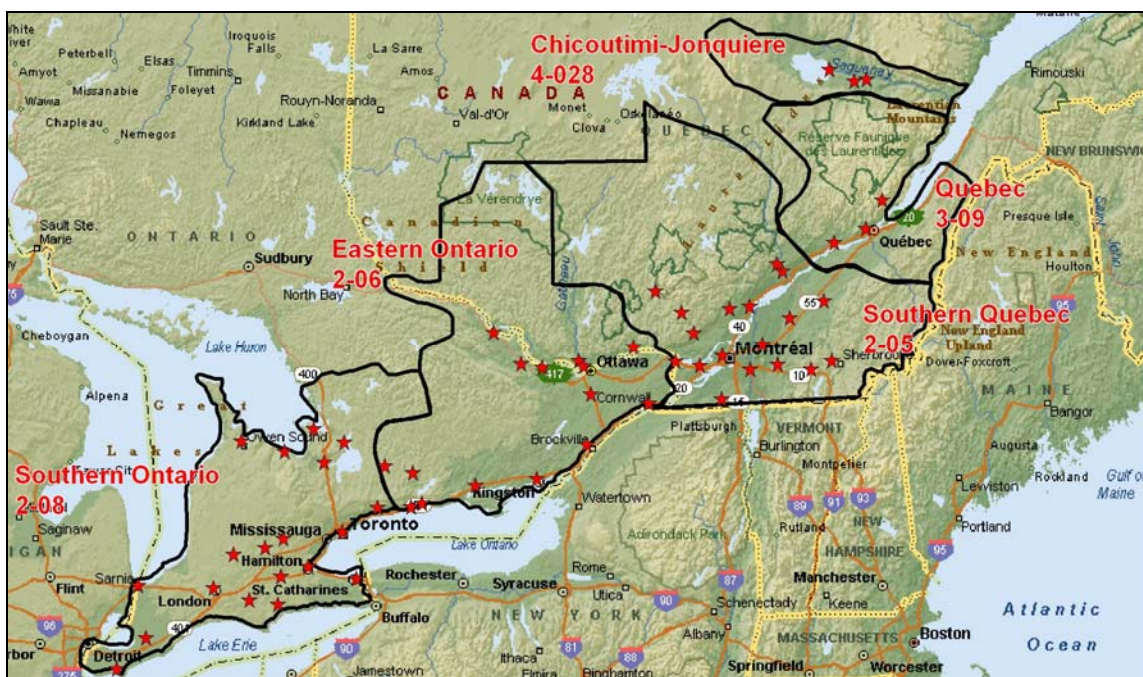
<sup>18</sup> <http://www.crtc.gc.ca/eng/archive/1997/DB97-370.htm>

<sup>19</sup> <http://www.crtc.gc.ca/eng/archive/1998/DB98-55.htm>

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*Mont-Royal (Montréal), Mont Saint-Grégoire, Drummondville, Mont Sainte-Anne, Mont-Tremblant, Montebello, Pembroke, Joliette, Granby, Victoriaville, Saint-Hyacinthe, Rigaud, Metcalfe, Sorel, Mont-Orford, Québec (Complexe G building), Saint-Jérôme, Camp Fortune (Ottawa), Arnprior, Mont-Carmel, Sherbrooke, Donnacona, Mont-Sauvage, Gatineau, Renfrew, Chicoutimi, Jonquière, Alma*

Figure 2 is a map of Ontario and Quebec displaying the borders of service areas 2-08 (Southern Ontario), 2-06 (Eastern Ontario and Outaouais), 2-05 (Southern Quebec), 3-09 (Québec) and 4-028 (Chicoutimi-Jonquière). The red stars are either communities Look is authorized to serve (southern Ontario through to Kingston as per Decision CRTC 97-370) or has authorized transmitter sites (Ottawa region and Quebec as per Decision CRTC 98-55).



*Red stars indicate authorized communities or transmitter sites*

**Figure 2 Look CRTC Authorization versus Several Tier 2 Service Areas**

Based on Figure 2 it is clear that Look's area of authorization covers all major population centers and arterial routes along service areas 2-08, 2-06, 2-05, 3-09 and 4-028. We would note that the only reason that Look cannot be authorized using the Tier 2 service area 2-04 (Eastern Quebec) is that Cablevision TRP-SDM is also authorized to operate in the same service area. Specifically, Cablevision is authorized to operate in service area 3-08 (Bas du fleuve/Gaspésie) which is part of the service area 2-04.

In any event, as noted already, Look provides coverage to about 65% of the population in its CRTC authorized service region and this level of coverage exceeds the minimum levels of coverage that the Department has imposed as a condition of licence for other

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commercial mobile spectrum licences, such as auctioned PCS and AWS spectrum licences.

In light of the above, Look urges the Department to proceed in converting Look's MDS authorization on the following basis:

Based on the regional authorization awarded to Look, Look should be awarded the following service areas:

- 2-08 (Southern Ontario)
- 2-06 (Eastern Ontario and Outaouais)
- 2-05 (Southern Quebec)
- 3-09 (Québec)
- 4-028 (Chicoutimi-Jonquière)

## 7. Conclusion

Look has invested several hundred million dollars in the development of the band 2596 – 2686 MHz and of MDS in Canada. Look's investments have been made in the face of considerable financial risks, technological limitations and uncertainty surrounding the band 2500 – 2690 MHz.

Despite the significant challenges it faced, Look has implemented coverage to about 65% of the population in the region where it is authorized to provide MDS. This significant level of coverage exceeds the level of coverage that has been imposed by the Department as a condition of licence for auctioned PCS and AWS spectrum licences.

Look recommends that all commercial MDS operators that have a minimum of one of the following components be eligible to convert to BRS:

- a) a CRTC Decision;
- b) an Industry Canada broadcasting certificate;
- c) an Industry Canada radiocommunication license;
- d) a fully commercial CRTC regional broadcasting license

If a MDS operator provides a level of coverage to the population associated with the area covered by its CRTC authorization that exceeds, for example, the implementation requirements contained in the Department's auctioned PCS or AWS conditions of licence, then the MDS operator should be deemed to be eligible to convert to BRS across the same geographic area.

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Based on the regional authorization awarded to Look by the CRTC, and the extent to which Look has implemented coverage within this region, Look should be licensed for BRS in the following service areas:

- 2-08 (Southern Ontario)
- 2-06 (Eastern Ontario and Outaouais)
- 2-05 (Southern Quebec)
- 3-09 (Québec)
- 4-028 (Chicoutimi-Jonquière)

Look appreciates this opportunity to provide its comments to the Department.