

January 22, 2008 (by email)

Michael D. Connolly
Director General
Radiocommunications and
Broadcasting Regulatory Branch
Industry Canada
300 Slater Street
Ottawa (Ontario)
K1A 0C8

Subject: Notice No. DGRB-010-07 — Consultation on Proposed Conditions of Licence to Mandate Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements

Dear Mr. Connolly:

Please find attached CBC/Radio-Canada's comments concerning Notice DGRB-010-07.

Sincerely,

Martin Levert, Eng. M.Sc.
Engineer
Spectrum and Broadcast Coverage Planning Engineering
Strategy and Planning
CBC Technology

**CBC/RADIO-CANADA COMMENTS ON
DGTP-010-07**

CONSULTATION ON PROPOSED CONDITIONS OF
LICENCE TO MANDATE ROAMING AND ANTENNA
TOWER AND SITE SHARING AND TO PROHIBIT
EXCLUSIVE SITE ARRANGEMENTS

Technology by
CBC  **Radio-Canada**
Technologies

Strategy & Planning
Spectrum and Broadcast Coverage Planning Engineering
1400 René Lévesque Blvd. East,
Montréal, QC H2L 2M2

CONSULTATION ON PROPOSED CONDITIONS OF LICENCE TO MANDATE ROAMING AND ANTENNA TOWER
AND SITE SHARING AND TO PROHIBIT EXCLUSIVE SITE ARRANGEMENTS

1 INTRODUCTION

CBC/Radio-Canada would like to use the opportunity offered by the Department to comment on the gazette notice DGRB-010-07 "*Consultation on Proposed Conditions of Licence to Mandate Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*".

CBC/Radio-Canada is mostly in agreement with the changes proposed in CPC-2-0-03 issue 4 - *Radiocommunication and Broadcasting Antenna Systems*, **but does not see the need for the broadcasting industry to be imposed additional regulatory constraints at this point.** The broadcasting industry, and especially CBC/Radio-Canada, has a history of cooperation between its licensees and with the rest of spectrum users. This sharing history comes from the mutual technical and economical benefits for the broadcasters. Moreover, as the new CPC-2-0-03 only came into effect as of January 1, 2008, we believe that there is not sufficient experience of the new process, at this point in time, to warrant such mandatory sharing upon broadcasters. Based on this, CBC/Radio-Canada is of the opinion that broadcasting licenses should not include mandatory antenna tower and site sharing as proposed in DGRB-010-07.

Nevertheless, if the broadcaster's conditions of license have to include mandatory antenna tower and site sharing, CBC/Radio-Canada has identified four key issues with regards to the proposed conditions set forth in DGRB-010-07. These issues will be discussed in the next sections and must be settled before the proposed conditions come into effect.

2 30 DAYS RESPONSE PERIOD

CBC/Radio-Canada does not agree that a 30 days period is sufficient to provide a response to a sharing request. Due to resources available within CBC/Radio-Canada and among the required consultants, and the number of infrastructures owned by CBC/Radio-Canada, a 30 days period cannot realistically be met in most cases.

Among other things, a fair number of sharing requests will necessarily lead to technical studies. For example the following studies can be required to assess a sharing request:

- o Structural analysis of towers;
- o Compliance with safety code 6;
- o Intermodulation/interference with the existing services;
- o Expansion needs (transition to DTV, CBC/Radio-Canada's Long Range Radio Plan, future digital radio, ...);
- o Electrical capacity;
- o Emergency electrical capacity;
- o Building accommodations evaluation (HVAC, floor space, ...).

A more realistic delay for providing a response to a sharing request would be the following:

- o A minimum of 120 days upon reception of the request, which could be extended to a minimum of 30 days after reception of all relevant documents including technical studies.

3 INCURRED COSTS

If a technical study is required in order to provide the response to a sharing request, the fees incurred must be at the requester's expense. These fees include the study themselves and the administration fees incurred by the owner of the tower or site. CBC/Radio-Canada would like to point out that in a given case, all the studies mentioned in the previous section could be required. In order to prevent abuse, in the case some of those studies and administrative procedures are undertaken directly by the tower owner, the costs incurred to the proponent should not be greater than what it would have otherwise cost if an independent consultant would have performed the work.

Most implementation costs following from those studies would normally be incurred to the proponent if the project were to be implemented. These might include, but would not be limited to, tower reinforcement costs, building expansion costs, HVAC system re-haul or combining modules.

If broadcasters were to be subject to the proposed conditions of licence, CBC/Radio-Canada, given the number of sites and tower owned, would have to dedicate significant resources to handle the expected workload created.

CONSULTATION ON PROPOSED CONDITIONS OF LICENCE TO MANDATE ROAMING AND ANTENNA TOWER
AND SITE SHARING AND TO PROHIBIT EXCLUSIVE SITE ARRANGEMENTS

4 VALID TECHNICAL LIMITATIONS

A clear and thorough list of valid technical limitations that are waving the sites and towers owners from mandatory sharing must be established. This list must include the following elements:

- Needs for expansion for future digital services (DTV, DRB, DARS repeaters, ...);
- Needs for the long terms plans of CBC/Radio-Canada for the current technologies.

The long terms plans of CBC/Radio-Canada are especially critical. CBC/Radio-Canada's mandate as set-out in the *Broadcasting Act*¹, states that *"the programming provided by the Corporation should be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose"*. Hence, the requirement for CBC/Radio-Canada, from the CRTC², to establish and maintain a Long Range Radio Plan (LRRP). As such, mandatory sharing might infringe on CBC/Radio-Canada's capacity to implement fulfill its obligation under the *Broadcasting Act* and under its CRTC licence conditions and expectation.

Nonetheless, as demonstrated by our corporate history, so long as it did not infringe with our capacity to fulfill our mandate, CBC/Radio-Canada has always been most cooperative with proponents to enable their projects to come to fruition by allowing sharing arrangements on our sites. CBC/Radio-Canada would obviously continue to share its infrastructures with all due diligence.

5 CONCLUSION

The previous sections detail our position concerning the proposed conditions of licence. **However, CBC/Radio-Canada does not see the need for the broadcasting industry to be imposed additional regulatory constraints.** A sound approach would be to remove the broadcasting industry from the proposed conditions of license and to rely, for the time being, on the provision of the last update of CPC-2-0-03. Upon analyzing the results from the implementation of this latter policy, the situation could be reassessed if required

¹ *Broadcasting Act*, 1991 L.C., art. 3(1) m) vii)

² CRTC Public Notice 83-22 "Long Range Radio Plan of the CBC" February 7, 1983
Published and regularly updated on the CRTC's web site: http://www.crtc.gc.ca/eng/GENERAL/cbc_lrrp.htm