

February 7, 2008

Mr. Peter Hill
Director, Spectrum Management Operations
Radiocommunications and Broadcasting Regulatory Branch
Industry Canada
300 Slater Street, Ottawa, Ontario, K1A 0C8

Dear Mr. Hill:

The CEA would like to thank Industry Canada for the opportunity to provide reply comments to 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.

The CEA recognizes the importance of promoting Antenna Tower and Site Sharing and electric utilities will continue to share our tower infrastructure where appropriate and technically feasible. However, due to the critical-infrastructure nature of our business, electric utilities should be declared exempt from mandatory antenna tower and site sharing, especially within electrical switchyards and substations. In addition to operational reliability, the infrastructure located within substations and switchyards pose serious safety issues for anyone working in those locations. For these reasons, we would agree with broadening of the term "National Security" to include further exemptions that have safety and reliability concerns.

In regard to the 30-day response period for a collocate request and 90-day period before the case goes to arbitration, the CEA is in agreement with Bell, Canadian Association of Broadcasters (CAB), Rogers, TELUS and others that these timelines should be extended. As each communication site we own is different, there will be vast variations on technical requirements due to capacity, structural integrity, future growth as well as terms and conditions of use. These variations take considerable time to compile into a valid response. Furthermore, the CEA is also in agreement with some of the aforementioned organizations that all costs associated with the request should be borne by the proponent upfront.

The organization responsible for arbitration of disputes is also of key importance to the electric utility industry. Electric utilities telecommunication systems are justified and built on the internal requirements for the monitoring, protection, control and operation of the power system and do not resemble the competitive model that competitive telecommunication companies operate under, i.e. common carriers. Even though there are some similarities in the telecommunications infrastructure used by electrical utilities and common carriers, we do not operate with the same economic goals. Also, electric utilities are regulated by provincial review boards and do not fall under federal jurisdiction. Provincial regulators may require the utility to set tariff rates, conditions, and terms for tower sharing. Therefore, if arbitration is to be used in the case of a utility tower, it should not be the Canadian Radio-Television Commission (CRTC).

In addition, the CEA would also like to reiterate that all licence agreements should have a termination clause by which utilities can terminate the sharing agreement by giving appropriate notice.

If Industry Canada decides to make significant further consequential amendments to CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems, CEA requests that there be another round of stakeholder consultation.

I trust the above comments will assist you in your deliberations.

Sincerely,



Eli Turk
Vice President



Chuck Victor
Chair, CEA Transmission Telecom Task Group

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