

**Industry Canada – 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**

Reply Comments of Jaguar Wireless

Regarding Roaming and Tower sharing and Application Deadline

Jaguar Wireless offers the following reply comments:

Application Deadline:

The March 10th deadline, in our opinion is adequate for the application to participate in the AWS spectrum Auction. We believe that any entity interested to participate in the auction would have performed extensive scenario analysis over the past several months and as such, any outcome of the consultation will not result in drastic changes to existing business cases.

Roaming:

Jaguar Wireless observes that the vast majority of the potential new competitors, as interested parties, have suggested that roaming rates must be mandated to be set at a level to allow competitive pricing packages to consumers. We completely agree with this suggestion. However, we would like to point out that the establishment of “competitive roaming rates” based on current business activity of the incumbents could be (in fact) very non competitive. MVNO rates in Canada, particularly in the GSM world, have been prohibitively high, resulting in the fact that virtually no MVNO operator in the voice service area has been able to succeed in creating any significant success. The cost price levels simply do not allow retail pricing at a competitive level. Furthermore, recent cost price increases to MVNO’s (effective at the end of January) are rumored to be in the 50% range, which will make the situation impossible for MVNO voice operators. Clearly, the incumbents’ roaming pricing must be established at levels which will allow a reasonable return, at competitive retail prices in Canada. Otherwise, the entire venture of “mandated roaming” will not be effective in the long run. Setting the guidelines for such pricing must reach beyond simply “mirroring” current commercial arrangements.

Common Theme:

In our opinion, the underlying common theme that we “see” by the incumbents is a need to delay the process, which means delaying the auction, issuance of licenses to operate and activation of new networks. It certainly appears that the three incumbents will do whatever it takes to delay competition in their perceived space. It almost looks like collusion!

We think the point should be made that the incumbents do have the right to question, but they do not have the right to delay. If they want to use the court system or any other avenue to ensure that the “rules of engagement” are legal and fair, fine, investigate and ask the questions. But they have to understand that Industry Canada has put forth this process to be fair to everyone, including the end user, the subscriber. We think that is the point the incumbents are missing.

Industry Canada is really representing the consumer as well, not just the wireless carriers. The process as it has been laid out appears more than fair to the incumbents and has to continue on schedule and by the rules of the auction. If Industry Canada has made an error, there will be a follow up ruling, with instructions on how it will be implemented. The ruling will take into account any additional compensation or requirements and those will be downloaded and enacted by Industry Canada on the new entrants to the wireless marketplace.

February 7, 2008