



Canadian Association of Broadcasters  
Association canadienne des radiodiffuseurs

May 25, 2009

*Via Email: wireless@ic.gc.ca*

Ms. Pamela Miller  
Acting Director General  
Telecommunications Policy Branch  
Industry Canada  
300 Slater St  
Ottawa ON K1A 0C8

Dear Ms. Miller:

***Re: Canada Gazette Notices:***

***DGTP-003-08 - Consultation on the Possible Use of the Extended-Ku Spectrum Bands for Direct-to-Home (DTH) Satellite Broadcasting Services.;***

***and***

***DGTP-001-09 - Extension to the Comment Period: Consultation Paper on the Possible Use of the Extended-Ku Spectrum Bands for Direct-to-Home (DTH) Satellite Broadcasting Services***

1. The Canadian Association of Broadcasters (CAB) - the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, networks and specialty, pay and pay-per-view television services - is pleased to submit the following reply comments, in accordance with the above-noted Canada Gazette Notices.
2. We note that several of the respondents to Notice DGTP-003-08 appear to believe that this proceeding was initiated by the Department solely as a solicitation of preliminary comments on the proposals outlined therein. In this regard, the Joint Fixed Services response (from Bell Canada, Harris Stratex Networks LLC, TELUS Communications Company, and Rogers Communications Inc.) states, "*We note that this proceeding is to seek comments on a 'request to use the extended Ku spectrum bands for DTH broadcasting services' and hence does not constitute a formal review.*" Likewise the submission from Terago states, "*Should the Department move forward with the proposals set out in the Consultation, then stakeholders should be provided a further opportunity to comment on the proposed conditions of licence.*"

3. The CAB understood the Department's original notice to mean that the present proceeding is in fact intended to be the consultation phase of a formal review of current spectrum-use policies for the band in question. It seemed clear to us that the Department's intention is to arrive at a decision on Telesat's proposal, taking into account the comments it receives from the public and industry stake-holders.
4. Were the present process intended as an informal consultation, the CAB contends that Industry Canada would simply have announced the receipt Telesat's proposal and asked respondents whether it should launch a review process with respect to use of the bands 10.95-11.2 GHz and 11.45-11.7 GHz. However, the Department chose not to do this and instead asked for responses to very specific questions that are obviously intended to generate the facts it requires to arrive at an informed decision on the proposal.
5. As indicated throughout the CRTC's 31 March 2009 public hearings concerning licence renewals for private TV services, significant changes will soon occur in the manner in which television broadcasting signals are provided to Canadians. It seems certain that DTH will be an increasingly important element of the future DTV delivery chain.
6. After reviewing comments from the terrestrial FS users, the CAB remains convinced that priority FSS use of the subject bands by Shaw Direct, and possibly other licensees carrying broadcast programming, is essential to achieving the DTV transition within the necessary timeframe. Whereas the terrestrial FS operators have options to serve their needs in other frequency bands in the short term, this is not the case for DTH. Moreover, the Telesat proposal still leaves FS operators with 50% of the Extended Ku band for their exclusive use
7. To conclude, the CAB considers that tacking additional consultation phases onto the present process is neither necessary nor desirable, as the submissions Industry Canada received in response to DGTP-003-08 were both numerous and detailed. We believe that the Department now has all the information it requires to make a definitive decision and we respectfully submit that it should do so as quickly as possible.

Sincerely yours,



Pierre-Louis Smith  
Vice-President, Policy and Chief Regulatory Officer