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**Dawn Hunt**  
Vice-President  
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March 12, 2010

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

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

Dear Ms. Miller:

**Re: Canada Gazette, Part I, December 19, 2009, Consultation on the  
Spectrum Allocations and Spectrum Utilization Policies for the  
Frequency Range 1435-1525 MHz (L-Band) – DGTP-010-09**

Rogers Communications Inc. (Rogers) appreciates the opportunity to provide comments on the above-noted consultation.

The documents are being sent in Adobe Professional Version 8.1. Operating System: Microsoft Windows XP.

Yours very truly,

Regards,

A handwritten signature in black ink, appearing to be "Dawn Hunt", written over a white background.

Dawn Hunt  
DH/jt

Attach.

**Comments of**

**Rogers Communications Inc.**

Canada Gazette Notice No. DGTP-010-09

Consultation on the Spectrum Allocations and Spectrum Utilization  
Policies for the Frequency Range 1435-1525 MHz (L-Band)

Published in the Canada Gazette, Part I

December 19, 2009

March 12, 2010

## **Introduction**

1. The Department has issued a consultation paper titled **Consultation on the Spectrum Allocations and Spectrum Utilization Policies for the Frequency Range 1435-1525 MHz (L-Band)** (“the Consultation Paper”). In the Consultation Paper, the Department has invited comments on its proposals regarding increased flexibility for the provision of broadband access and the designation of spectrum for aeronautical mobile telemetry. The Department has also invited comments regarding the changes in allocations and footnotes in the *Canadian Table of Frequency Allocations* and new spectrum utilization policies and transition policies.
2. Rogers Communications Inc. (“Rogers”) is pleased to provide the following comments regarding the issues under consideration in the Consultation Paper. Rogers participated in the development of the comments that have been prepared by the Radio Advisory Board of Canada (“RABC”) and the Canadian Association of Broadcasters (“CAB”). Rogers’ support for certain specific positions of these parties is identified below.
3. Rogers supports the continued near-exclusive use of the band 1452-1492 MHz for broadcasting services. Retaining this spectrum for broadcasting use is necessary to ensure that Canada will be in a position to benefit from global developments regarding digital broadcasting technology, spectrum and services. For this reason, Rogers is opposed to the proposed elevation of the mobile allocation to co-primary status with broadcasting.
4. Rogers agrees with the RABC and the CAB that further study is required to determine whether the proposed geographically isolated aeronautical mobile telemetry (“AMT”) systems will be able to co-exist with incumbent subscriber radio systems (“SRS”) in the band 1492-1525 MHz. Until such study has been undertaken, we believe that it is premature to designate the band for the

exclusive use of AMT. In any event, incumbent SRS should be grandfathered where they will not cause harmful interference with AMT systems.

5. Rogers believes that flexible use fixed and mobile services should only be permitted in the band 1435-1452 MHz following the completion of a competitive licensing process. Incumbent SRS licensees should not be permitted to convert their SRS licences to flexible use licences. Instead, incumbent SRS should be grandfathered in areas where they will not cause harmful interference with new flexible use services.
6. Incumbent SRS licensees should not be permitted to expand their offerings with respect to the nature of the services offered or the geographic area covered. SRS were initially implemented to provide basic telephony service in high cost, very remote areas and expanding the definition of SRS or the geographic area covered by SRS is unwarranted. Urban, suburban and rural areas are already adequately served by competitive wireline and wireless service providers using state-of-the-art technology. In any event, incumbent SRS licensees have stated that they have no expansion plans for SRS, so there is no need to expand the scope of SRS services.

### **Detailed Comments**

7. Following are Rogers' detailed comments regarding the specific issues raised in the Consultation Paper.

### **Proposals for the Band 1492-1525 MHz**

#### **Item 1:**

**The Department proposes to designate the band 1492-1525 MHz for aeronautical mobile telemetry.**

**The Department seeks comments on this proposal, and on the potential locations of AMT test areas, and particularly whether they would be across Canada or only in certain areas.**

**The Department also seeks comments on whether other portions of the range 1452-1525 MHz could be used for AMT.**

8. In the Consultation Paper, the Department notes that the L-band is used for AMT in the United States and that Canadian telemetry equipment can tune over this band. The Department has also stated that the Canadian aeronautical industry urgently requires spectrum in this band for test flights to certify aircraft and helicopters.
9. Although there might be an urgent requirement for additional AMT spectrum, Rogers concurs with the RABC and the CAB that it is still not clear if AMT systems will require the exclusive use of the band 1492-1525 MHz or whether AMT will be able to co-exist with incumbent SRS. Rogers agrees with these parties that the Department should undertake further investigation into this issue before it sets the final policy.
10. For this reason, and for the reasons outlined under Item 14 below, Rogers does not support the use of the band 1452-1492 MHz for AMT.

**Item 2:**

**The Department proposes to rescind the designation for narrowband multipoint communications systems (N-MCS) in the band 1493.5-1496.5 MHz.**

**The Department seeks comments on the above proposal.**

11. Given that the N-MCS designation in the band 1493.5-1496.5 MHz was intended to be used for automatic meter reading by public utility companies

and that these parties have no interest in utilizing the band for this purpose, Rogers supports the proposal to rescind this designation.

**Item 3:**

**The Department proposes the following transition policy for SRS in the band 1492-1525 MHz:**

- **SRS which may cause or be subject to harmful interference from existing or planned AMT systems will be subject to a transition policy.**
- **The transition policy would provide a five-year notification period during which SRS are protected and may operate as licensed. Five years after receiving such notification, these systems may continue to operate on a no interference, no protection basis. Notification would be issued on an “as required basis.”**

**The Department seeks comments on the above proposal.**

12. Subject to the outcome of a future study regarding whether AMT and SRS will be able to co-exist, Rogers supports the proposed transition policy for SRS in the band 1492-1525 MHz.

13. Rogers understands that the aeronautical industry currently would like to operate AMT systems in the L-band in the vicinity of Toronto and Montreal. Specifically, Rogers understands that a zone with a radius of 320 km around each of the Toronto Downsview and Montreal Mirabel airports is required by the aeronautical industry for AMT. It also appears that the operation of AMT systems in certain locations in the far North will be required from time to time.

14. In light of the relatively confined area within which AMT systems will operate, it will not be necessary to displace SRS in areas outside the proposed AMT

zones and Rogers believes that these SRS could be grandfathered indefinitely.

#### **Proposals for the Band 1452-1492 MHz**

##### **Item 4:**

**The Department proposes to rescind the DAB Allotment Plan for the band 1452-1492 MHz, including all associated channels to FM and AM stations across the full band 1452-1492 MHz.**

**The Department seeks comments on this proposal.**

15. The Department notes in the Consultation Paper that the digital audio broadcasting (“DAB”) allotment plan was developed in 1996 on the basis of the original digital radio broadcasting policy which focused on the conversion of AM and FM audio stations to higher quality digital audio stations. That policy was reviewed and modified by the Canadian Radio-television and Telecommunications Commission (“CRTC”) in the 2006 timeframe.
16. Rogers agrees with the views of CAB that a different allotment plan will be required if the band 1452-1492 MHz will continue to be allocated for broadcasting and if new broadcasting services, including multimedia services, will be introduced in this band.

##### **Item 5:**

**The Department proposes to adopt a spectrum utilization policy allowing for flexible use of the spectrum to support a variety of services and technologies for subscription broadcasting, multimedia, fixed and mobile broadband applications.**

**The Department seeks comments on this proposal.**

17. As noted above and discussed below under Item 14, Rogers believes that the band 1452-1492 MHz should continue to be allocated and utilized exclusively for broadcasting services. On the basis of a broadcasting allocation, Rogers believes that this band should be used to support a variety of broadcasting services, including multimedia and mobile applications, such as digital mobile multimedia broadcasting (DMB), DAB+ and Mobile TV. Rogers does not believe that broadcasting services should be limited to “subscription” services since this matter should be determined by market forces and not by the Department’s spectrum utilization policy.

### **Proposals for the Band 1435-1452 MHz**

#### **Item 6:**

**The Department seeks comments on a suitable band plan and technical criteria (including the need for guard bands) that can facilitate planning the use of this band.**

18. Rogers agrees with the RABC that it is premature to consider a new band plan and technical criteria for the unpaired SRS band. It is not clear whether, or the extent to which, SRS will need to be displaced from the band 1492-1525 MHz to accommodate AMT and it is therefore difficult at this stage to determine the technical alternatives that are required to accommodate SRS using unpaired spectrum and TDD technology.

#### **Item 7:**

**The Department seeks comments on the following:**

- 1. Should the designation to SRS be maintained;**
- 2. Should the spectrum utilization allow for flexible use of the spectrum, for both fixed and mobile, and for both narrowband and broadband services;**

- 3. Should the spectrum be available only in rural areas, using the first-come, first-served licensing mechanism, and reviewed for use in urban areas in a few years, or should the spectrum be made available in urban areas immediately;**
- 4. If the spectrum is to be made available in urban areas immediately, what service and applications should be considered for a spectrum utilization policy?**

19. Rogers supports a new flexible use designation for the band 1435-1452 MHz that will allow fixed and mobile applications, for both narrowband and broadband services. However, new fixed and mobile services should only be permitted in the band following the development of a new spectrum utilization policy and the completion of a competitive licensing process.
20. Further, and significantly, as noted under Item 16 below, the successful implementation of new mobile services in this band will hinge on the extent to which the Department can guarantee that such services will be protected from harmful interference caused by US AMT systems operating in the band. Without adequate protection, it is doubtful whether reliable new mobile services can be introduced along the US border.
21. Rogers believes existing SRS should be grandfathered such that they may continue to operate in the band as long as they do not cause harmful interference to new fixed and mobile services. Rogers believes that the expansion of existing SRS on the basis of the proposed flexible use designation, or in terms of geographic scope, is unwarranted and unnecessary for the following reasons.
22. Rogers notes that SRS have been licensed for the very specific purpose of providing basic telephony services in very remote, high cost areas that cannot be economically served by alternative technologies. If the Department wishes

to extend the benefits of advanced new mobile voice and broadband data services to very remote, high cost areas, then Rogers believes that the public interest would be better served if the Department allocated funding for extending the coverage of existing commercial mobile networks to these areas.

23. For example, Rogers' 3.5G mobile voice and broadband data service provides a true broadband experience and speeds of up to 21 Mbps and it is based on standardized, future-proof technology. It is therefore ideally suited to address the voice and broadband service needs of Canadians living in very remote areas. The Department should implement a policy whereby funding would be provided to wireless licensees to transform non-viable expansion projects into viable opportunities.

24. Further, since urban areas are already served by a variety of competing wireline and wireless networks using state-of-the-art technology, there is no need to allow for the geographic expansion of SRS into urban areas.

25. In any event, Rogers notes that incumbent SRS licensees have indicated that they have no expansion plans for their SRS, so there is no need to modify the spectrum utilization policy to allow for the expansion of SRS whether geographically or in terms of the nature of the services provided.

26. Rogers believes that it is premature to define the specific services and applications that should be included in a new spectrum utilization policy to support a flexible use approach. The Department should review this matter in a future consultation.

**Item 8:**

**Should the spectrum be reserved only for rural areas, the Department seeks comments on a suitable definition of rural and**

**urban areas for the application of the spectrum utilization policy for the band 1435-1452 MHz.**

**General Questions Related to the Band 1435-1525 MHz**

27. In light of the response provided under Item 7 above, Rogers does not believe that a definition of rural and urban areas is required.

**Item 9:**

**Considering the characteristics of the new equipment for SRS, the Department seeks comments on a suitable band plan for implementation of TDD technologies.**

28. Rogers agrees with the RABC that it is premature to define a band plan or to dictate that only TDD technologies will be permitted in the band.

**Item 10:**

**The Department is seeking comments on the spectrum requirements of each application (AMT, SRS, and flexible use), the band plan and band division, and any issue that may impact the economic and social benefits that Canadians could derive from the use of this band. In particular, the Department seeks comments on how the different policy proposals could affect the cost of operation, the cost to subscribers, or competition.**

**In addition, the Department is planning or has already initiated various other consultation initiatives. As a result, the Department seeks guidance as to the timing to implement the outcomes of this consultation, including additional consultation exercises that may be required concerning licensing approaches, etc.**

29. As noted above, Rogers and other parties believe that further investigation is required to determine the extent to which incumbent SRS and new AMT systems can co-exist in the band 1492-1525 MHz.

30. Rogers supports the Department's proposal to initiate a future consultation to address a policy and licensing framework for the band 1452-1492 MHz. In this regard, Rogers agrees with the recommendations of the CAB with respect to the involvement of the CRTC and Heritage Canada to ensure that the objectives of the *Broadcasting Act* can be fully met by the introduction of new broadcasting services in this band.

### **Proposed Changes to the Canadian Table of Frequency Allocations**

#### **Item 11:**

**The Department proposes to remove allocation entry for the mobile-satellite service from the Canadian Table of Frequency Allocations in the bands 1518-1525 MHz and associated footnotes 5.348, 5.348B, 5.351A and C31, as outlined in Annex 1. Also, the Department proposes to adopt international footnote 5.343 next to the mobile allocation.**

**The Department seeks comments on these proposals.**

31. Rogers supports the proposal to remove the MSS allocation and associated footnotes.

#### **Item 12:**

**The Department proposes to merge the two sub-bands 1492-1518 MHz and 1518-1525 MHz, and to adopt international footnote 5.343 next to the mobile allocation.**

**The Department seeks comments on these proposals.**

32. Rogers supports the proposed action with respect to the band 1492-1525 MHz.

**Item 13:**

**The Department proposes to remove the allocation entry of broadcasting-satellite service (BSS) from the Canadian Table of Frequency Allocations in the band 1452-1492 MHz and suppress associated footnotes 5.208B, C28 and C40, as outlined in Annex 1.**

**Comments are sought on this proposal.**

33. Rogers supports the proposed action with respect to the BSS allocation and related footnotes.

**Item 14:**

**The Department proposes to elevate the status of mobile service to co-primary with broadcasting and fixed services in the band 1452-1492 MHz, as outlined in Annex 1.**

**The Department seeks comments on this proposal.**

34. As noted above, Rogers supports the continued near-exclusive use of the band 1452-1492 MHz for broadcasting services. Retaining this spectrum for broadcasting use is necessary to ensure that Canada will be in a position to benefit from global developments regarding digital broadcasting technology, spectrum and services. Rogers agrees with the comments of the CAB with respect to certain ongoing European digital broadcasting developments and consumer smartphone and other mobile device advancements that have opened up new opportunities for developing the band 1452-1492 MHz for new digital broadcasting services.

35. Rogers believes therefore that this band should be reserved for broadcasting use such that it could be used to support a variety of new digital broadcasting services, including multimedia and mobile applications, such as DMB, DAB+ and Mobile TV. Rogers also believes that this approach is critical to the furtherance of Canadian cultural policy.
36. For these reasons, Rogers is opposed to the proposed elevation of the mobile allocation to co-primary status.

**Item 15:**

**The Department proposes to suppress Canadian footnotes C29 and C30 to reflect the co-primary nature of all allocations in the band 1452-1492, as outlined in Annex 1.**

**Comments are sought on this proposal.**

37. Rogers believes that footnote C29 should not be suppressed so that new broadcasting services will be protected from harmful interference from fixed services operating in the band. In this regard, Rogers agrees with the CAB's proposed modification of footnote C29.
38. Rogers agrees with the suppression of footnote C30 regarding the existing digital allotment plan.

**Item 16:**

**The Department proposes to add international footnote 5.343 for the frequency range 1429-1452 MHz.**

**Comments are sought on this proposal.**

39. Rogers notes that footnote 5.343 states the following:

*“In Region 2, the use of the band 1435-1535 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile service”.*

40. Since the Department has proposed that AMT will be confined to the band 1492-1525 MHz, and that flexible use, fixed and mobile services will be permitted in the band 1435-1452 MHz, Rogers agrees with the RABC that this footnote would appear to be of benefit only to US AMT systems that operate below 1492 MHz.
41. If the Department intends to introduce new mobile services in the band 1435-1452 MHz, then it would appear that such services will require protection from US AMT systems operating in this band. If the Department cannot guarantee the protection of new mobile services in this band from interference caused by US AMT systems, then it would appear that the future prospects of new mobile services in this band are questionable, if not quite limited. Rogers concurs with the RABC that the introduction of unreliable mobile services in the band would not be an efficient use of spectrum.
42. For the reasons outlined above, Rogers does not support the proposed addition of international footnote 5.343 for the band 1429-1452 MHz.

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