



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

12 November 2009

Via Email: wireless@ic.gc.ca

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

Dear Ms. Miller:

Re: Canada Gazette Notice No. DGTP-011-09 — Consultation Paper on Low-power Licensed Radiocommunication Devices, Including Wireless Microphones, in the Band 698-806 MHz

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 comments in response to Canada Gazette Notice DGTP-011-09.
2. The CAB has an interest in the issues raised in this notice because some of its TV and radio members employ wireless microphones and low-power inter-communications devices for program production purposes, some of which currently utilize the subject band. Moreover, many of the CAB's TV members operate broadcasting transmitting undertakings in the bands below 698 MHz, which may be affected by the changes proposed in the notice. In these comments, we will deal individually with the four proposals that the Department has put forward.
3. **Proposal 1:** *“Given the above activities and potential interference to and from other services in these bands, as well as the nature of public safety operation and its stringent requirements for protection from harmful interference, Industry Canada proposes that no new licences for the operation of low-power radiocommunication devices, including wireless microphones, be issued in the band 698-806 MHz.”*

CAB Comment: The CAB has no objection to this proposal. Similar restrictive action has already been taken by the FCC in the United States. If Canada does not immediately discourage the use of new devices in the subject bands, there is a high probability that units no longer complying with US requirements will be dumped in Canada by manufacturers and distributors.

4. **Proposal 2:** *“It is further proposed that existing licensees be permitted to continue to operate low-power radiocommunication devices until March 31, 2011, provided that their operation does not create harmful interference to public safety systems operating in the bands 764-776 MHz and 794-806 MHz”.*

CAB Comment: The CAB considers that the frequency conversion deadline suggested by the Department is unduly restrictive for devices that currently operate above 698 MHz but outside the 764-776 MHz and 794-806 MHz Public Safety bands. Broadcasters, as well as a large number of other enterprises and organizations, have made considerable investments in equipment that could be affected by the proposed change. Much of this equipment remains capable of functioning for many years to come. It would be a hardship for users to scrap these investments, or else incur costs to have manufacturers re-tune devices not capable of being field modified by users. The Department’s proposed timing would require such action within the next 16 months, which is very short notice.

So far, the Department has not announced public processes to deal with the licensing of non-Public-Safety spectrum above 698 MHz, once the TV Broadcasting Service has vacated the band. Presumably this would require public consultations to resolve how the spectrum might best be re-used, followed by a further process to actually assign it, whether by auction or conventional first-come, first-served licensing. There would also have to be a further period within which successful applicants would implement their new facilities. It is difficult to see how all this could be completed by March 2011.

The CAB recommends the following alternative approach:

- (a) Proceed with the March 2011 deadline for clearing wireless low-power devices from the Public Safety bands at 764-776 MHz (UHF-TV Channels 63 and 64) and 794-806 MHz (Channels 68 & 69);
- (b) Require clearance of the remaining spectrum (UHF-TV Channels 52-62 and 65-67) based on subsequent decisions as to the future disposition of each specific channel or grouping of channels. For example, once a policy decision has been taken as to the future use of a specific channel or group of channels, wireless devices using that spectrum might be required to vacate six months prior to the anticipated implementation date for the new service. Announcements pertaining to this requirement could be made concurrent with the publication of the re-allocation decisions for each channel or channel group.

5. **Proposal 3:** *“It is proposed that no new certification of low-power radiocommunication devices be issued in the band 698-806 MHz;”*; and;

Proposal 4: *“In addition, Industry Canada proposes to amend the standards contained in RSS-123 and CPC-2-1-11 such that low-power radiocommunication devices will no longer comply with the standards if these devices operate in the band 698-806 MHz. If the standards are changed in this manner, then Industry Canada would prohibit the manufacture, importing, distributing, leasing, offering for sale or selling of any equipment (even equipment that is certified and meets the existing standards) that does not comply with the proposed standards.”*

CAB Comment: The CAB has no objection to these linked proposals. If no further licences in this band are to be issued, it does not make sense to certify equipment capable of operating on frequencies that will not be licensed. This will also ensure that future unlicensed operators will be less likely to be able to acquire equipment that is non-compliant.

6. The CAB understands that the vast majority of wireless low-power devices currently operating in Canada above 698 MHz, especially wireless microphones, are likely unlicensed. Consequently, we believe that the perceived benefits of this policy action may largely go unrealized unless the Department conducts a comprehensive public information campaign to go along with it. While information about the policy change can be sent to licensees-of-record, the Department will need to find suitable means to inform the plethora of unlicensed users.
7. Any such information campaign should provide current users with guidance on how to select suitable replacement frequencies, which will almost certainly fall within the bands below 698 MHz that remain allocated for television. Users will need to be advised which channels are allotted for analog or digital television within their communities. They should be urged to avoid operating low-power wireless equipment anywhere within these channels, in view of the interference that they may cause to TV reception as well as the interference they may experience from high-power broadcasting facilities. The Department may also wish to warn users that many low-power devices are prone to intermodulation interference, when located in the presence of multiple strong signals from other services operating in the same frequency bands.
8. All of which is respectfully submitted this 12th day of November 2009.

Sincerely yours,



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

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