

Canada Gazette Notice DGTP-011-09
Consultation Paper on Low-power Licensed Radiocommunication Devices, Including Wireless
Microphones, in the Band 698-806 MHz

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Industry Canada (the Department) Consultation Paper issued under DGTP-011-09 on Low-power Licensed Radiocommunication Devices, Including Wireless Microphones, in the Band 698-806 MHz. NPSTC supports all four of the Proposals by the Department to limit the operation of low-power licensed devices, including wireless microphones, in the 700 MHz band (698-806 MHz). We are pleased that the Department is especially looking to protect public safety operations in the public safety segment (764-776 MHz and 794-806 MHz) from harmful interference by these low-power devices. The 700 MHz band spectrum is an essential resource for public safety. It will support mission critical narrowband systems, provides the option for wideband systems and, subject to further Consultation, anticipated interoperable broadband systems. The enormous effort to clear the band and structure public safety and commercial band plans directed to ensure coexisting and effective communications must include removing all low-power licensed devices, including wireless microphones, from the 700 MHz band.

The National Public Safety Telecommunications Council is a federation of public safety organizations dedicated to improving emergency service communications. NPSTC pursues a role of resource and advocate for public safety organizations in the United States and Canada on matters relating to public safety telecommunications. NPSTC explores technologies and public policy involving public safety agencies, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety communications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications. Its member organizations and those who participate in its deliberations have plenary responsibility for the range of emergency communications networks dedicated to Public Protection and Disaster Recovery. The following 15 organizations participate in NPSTC and membership in these organizations includes Canadian as well as U.S. public safety officials:

American Association of State Highway and Transportation Officials
American Radio Relay League
Association of Fish and Wildlife Agencies
Association of Public-Safety Communications Officials-International
Forestry Conservation Communications Association
International Association of Chiefs of Police
International Association of Emergency Managers
International Association of Fire Chiefs
International Municipal Signal Association
National Association of State Chief Information Officers
National Association of State Emergency Medical Services Officials
National Association of State Foresters
National Association of State Technology Directors
National Emergency Number Association
National Sheriffs' Association

In addition, the Canadian Interoperability Technology Interest Group (CITIG) and the Telecommunications Industry Association are associate members.

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce

(National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program).

NPSTC has been engaged with both Industry Canada and the Federal Communications Commission to help ensure harmonization of 700 MHz public safety band plans and regulations to promote cross-border interoperability and maximize spectrum access for public safety agencies in both countries. We continue in this effort by urging the Department to adopt these proposals because they essentially harmonize Canadian low-power device requirements in the public safety band with U.S. requirements, as mandated by the FCC in the Notice of Proposed Rulemaking and Order.¹ NPSTC has gone on record in its filings to this FCC proceeding with similar concerns as we express below.²

NPSTC responds in support of each of the proposals set forth by the Department as follows:

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.

NPSTC is pleased that the Department has already ceased licensing low-powered devices as an interim decision, and urges the Department to permanently adopt this proposal to prevent the further introduction of additional licensed low-power devices in the 698-806 MHz band. However, we emphasize that the Department must also determine a way to keep additional unlicensed devices, including wireless microphones, from being further distributed into the 700 MHz band, especially the public safety segment of this band. In its Notice of Proposed Rulemaking and Order, the FCC noted that Public Interest Spectrum Coalition (PISC) claims that “unauthorized use by ineligible users of wireless microphones with respect to Channels 52-69 has become widespread”.³

Similar to the U.S., wireless microphone use falls into two categories. Broadcasters and others are allowed to use spectrum not occupied by TV for broadcast auxiliary operations, including wireless microphone use. These operations are generally licensed under Department rules. Wireless microphones are also used by schools, hotels, bands, businesses, religious organizations and others. The devices are distributed by manufacturers through a wide range of independent sources and generally are not licensed and therefore have no authority to operate. We are concerned that the use of unlicensed low-power devices, especially wireless microphones, is just as prevalent in Canada in the 700 MHz band. Therefore, the Department limiting the entry of only licensed low-power devices into the 700 MHz band will only partially solve the problem of keeping new devices from entering the band.

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.

NPSTC agrees with the proposal. We emphasize that while low-power devices can be permitted to continue operating until March 31, 2011, the Department correctly provided an exception which requires any such operation to cease sooner if it creates harmful interference to public safety systems operating in the bands 764-776 MHz and 794-806 MHz. This is critical for any public safety agency that implements a mission critical communication system in this band prior to the August 31, 2011 digital transition date. In areas not currently encumbered by TV broadcast stations, public safety agencies must be ensured of protection from interference by low-powered devices as soon as such agencies implement their system.

¹ Notice of Proposed Rulemaking and Order, WT Docket Nos. 08-166 and 08-167, released August 21, 2008.

² NPSTC Comments, WT Docket Nos. 08-166 and 08-167 (October 3, 2008), and Ex Parte by NPSTC, Association of Public-Safety Communications Officials (APCO), National Emergency Number Association (NENA), and CTIA – The Wireless Association (CTIA), (April 7, 2009)

³ See Notice of Proposed Rulemaking and Order, WT Docket Nos. 08-166 and 08-167, released August 21, 2008 at ¶ 20.

As noted in the above comments to Proposal 1, the Department must similarly find a way to cease operations of unlicensed low-power devices in the public safety bands. Because of similar concerns with unlicensed wireless microphone use in the U.S., NPSTC recommended that beyond manufacturers and distributors, the general public must be made aware of the potential interference wireless microphones present to emergency communications. Manufacturers and distributors are in a critical position to advise customers and the public to cease use of the 700 MHz band and the risks of failing to do so.⁴ In addition to requiring all wireless microphones and other low-power devices to cease operation by the established date, we recommended that the FCC should:

- Establish a 60-day notification process for any public safety or commercial operations occurring prior to February 18, 2010, and require that all 700 MHz wireless microphone and other low-power device operations in that particular market cease within the 60-day period. Under such a process, public safety and commercial licensees intending to operate in the 700 MHz band in a particular market prior to February 18, 2010 would provide advance notice to the wireless microphone user community 60 days prior to beginning operations. 700 MHz wireless microphone operations in that market would be required to cease within that 60-day period.⁵
- Issue a Consumer Advisory to alert wireless microphone users of the need to vacate the 700 MHz band and to notify equipment manufacturers, distributors, and others about the prohibition on further manufacturing, sales, and marketing of such devices for use in the United States.⁶

We urge Industry Canada to consider a similar process to help ensure protection of mission critical public safety communications in the 700 MHz band. As noted below, we agree with Proposal 4 which addresses limits on manufacturers and distributors and others marketing such devices in Canada.

Proposal 3.

It is proposed that no new certification of low-power radiocommunication devices be issued in the band 698-806 MHz.

NPSTC agrees with the proposal and is pleased that the Department has already ceased new certification of low-powered devices as an interim decision. We urge the Department to permanently adopt this proposal to prevent the further introduction of low-power devices in the 698-806 MHz band. Because the FCC has also already suspended acceptance of any equipment certification for such devices seeking to operate in the 700 MHz band, this similar step by Industry Canada is essential to prevent the dumping of devices into Canada that now no longer conform to U.S. certification requirements. We further urge the Department to immediately notify manufacturers and importers of wireless microphones and other low-power devices of this new certification restriction.

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.

⁴ NPSTC Comments, WT Docket Nos. 08-166 and 08-167 (October 3, 2008) Pages 5 & 6.

⁵ Because the FCC had not made a decision by the original DTV transition date of Feb. 18, 2009, we recommended a new clearing date for low power devices of Feb. 18, 2010, one year past the original date.

⁶ Ex Parte by NPSTC, APCO, NENA, and CTIA (April 7, 2009), pages 2 & 4

NPSTC agrees with the proposal. As noted above, we believe it is critical for the Department to prohibit the manufacture, importing, distributing, leasing, offering for sale or selling of any low-power equipment (even equipment that is certified and meets the existing standards) that can operate in the 700 MHz band to not only prevent the introduction of licensed devices but minimize the spread of unlicensed low-power devices operating in this band. NPSTC believes that Industry Canada should also motivate the cooperation of manufacturers and distributors to pursue a broad campaign to implement the Department's rules precluding wireless microphone and other low-power device use in the 700 MHz band. Current unlicensed and unauthorized users must be aware that such use is prohibited and the danger of non compliance, including that the 911 response they initiate may be disrupted and delayed. Manufacturers and distributors of this equipment must help ensure the public is aware that use of these devices will be prohibited in the 698-806 MHz band after March 31, 2011, or earlier if any such devices create harmful interference to public safety systems operating in the bands 764-776 MHz and 794-806 MHz in that area.

In conclusion, NPSTC urges the Department to quickly adopt the proposals in this Consultation to preclude the use of low-power radiocommunications devices, including wireless microphones, in the 700 MHz band. The Department should also consider a notification process and promotion campaign to advise manufacturers, distributors and users of wireless microphones and other low-power devices that the use of these products is prohibited and potentially dangerous to emergency communications.

Respectfully submitted,



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