

November 12, 2009

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

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

Introduction

The Radio Advisory Board of Canada is pleased to respond to Gazette Notice No. DGTP-011-09, Consultation Paper on Low-power Licensed Radiocommunication Devices, Including Wireless Microphones, in the Band 698-806 MHz

The Board's response, prepared by a Joint Working Group, is attached.

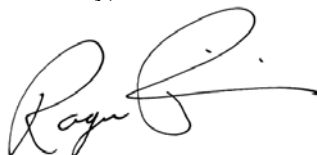
This response was balloted to Board members. Seventeen of the RABC's 21 members responded as follows: 13 approved, 1 approved with comments, 3 abstentions and 0 disapprove ballots.

The Sponsor Member's comment (which form an integral part of the RABC's response) is as follows:

Comments from the RCMP:

"Under Proposal 2, it may be difficult for the Department to allow longer time frame to vacate low power devices in one part of the 700 MHz band (public commercial bands) and to control the situation with unlicensed devices in other parts of the 700 MHz bands where mission-critical systems are imminent. It would be preferred that the same date - March 31, 2011- applied to low power devices in all 700 MHz bands in order to send a clear message to all; users, manufacturers and retailers".

Yours truly,



Roger Poirier
General Manager

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

Response of the Radio Advisory Board of Canada

The Radio Advisory Board of Canada (RABC) is pleased to respond to the Department's Consultation Paper issued under DGTP-011-09 on Low-power Licensed Radiocommunication Devices, Including Wireless Microphones, in the Band 698-806 MHz.

The RABC has undertaken a review of the Consultation Paper through a broadly-based working group. Our comments below address the four proposals outlined in the Department's Consultation.

In general the Board is pleased that the Department has taken this initiative to limit the operation of low-power licensed devices in the affected bands. The proposal will effectively harmonize Canadian requirements with those in effect in the U.S. The imminent use of portions of this spectrum for critical public safety services warrants taking steps to preclude interference. On the other hand, broadcast interests have indicated serious financial hardship in replacing wireless microphones and other TV production equipment within the proposed timeframe.

An overriding concern in regard to the operation of these low-power devices relates to the lack of past enforcement efforts to control the proliferation of unlicensed use in the affected bands. In fact it is probable that a majority of devices operating in these bands are unlicensed.

Considering this, the Board believes that the interference-reduction impact of the proposed changes may be quite limited unless the Department conducts an effective information campaign to inform users, equipment manufacturers and dealers about the actions expected of them. Included in this information should be advice about selecting replacement frequencies that will not conflict with local television allotments or other licensed services operating in spectrum below 698 MHz.

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

The Board agrees with the proposal that no new licences be granted for the operation of low-power devices in the 698-806 MHz band. Any further licensing of devices in these bands would increase the number of units that would eventually have to shift to frequencies below 698 MHz.

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.

The Board agrees with the proposal to permit the continued operation low-power 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. After the March 31, 2011 date, operation of these devices would not be permitted in these bands.

On the other hand, the licensing of new services in the bands 698-764 MHz and 776-794 MHz bands will not likely occur by that date. The Department has yet to initiate a consultation process in relation to licensing of these bands. Furthermore, it is anticipated that these bands will be the subject of spectrum auctions at some future date. It could therefore be possible to extend the March 31, 2011 date for devices operating in the bands designated for public commercial use. For example a transition could be fixed at some date following the licensing of new services in those bands. This would provide broadcasters and other existing users with much-needed time to replace production inter-communication equipment and wireless microphones.

In any case, as low-power devices are re-tuned or replaced, it is important that new frequencies do not conflict with TV or Remote Rural Broadband System (RRBS) assignments in a particular area or with 700 MHz spectrum that may be licensed in future for other uses.

Proposal 3.

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

The Board agrees with the proposal to cease all certifications of low-power devices in the band 698-806 MHz. We are also pleased to see that the Department has taken immediate steps - as an interim decision – to stop such certifications. The Board views this as critical in countering any dumping of devices that no longer conform to U.S. certification requirements. Manufacturers and importers of equipment should be notified without delay concerning this change of certification requirements.

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.

The Board agrees with the proposal. We urge the Department to act quickly following the conclusion of this consultation. The RABC is prepared to assist the Department in expediting the amendments to RSS-123 and CPC-2-1-11.