



25 January 2006

Mr. Larry Shaw  
Director General  
Telecommunications Policy Branch  
Industry Canada  
300 Slater Street  
Ottawa, Ontario  
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**Don Woodford**  
Director -  
Government &  
Regulatory Affairs

Dear Mr. Shaw:

Subject: Bell Canada Comments with respect to provisional decisions in Response to Proposals and Changes to the Spectrum in Certain Bands Below 1.7 GHz, *Canada Gazette* – Part 1, Notice No. DGTP-004-05 dated 10 December 2005

Bell Canada is pleased to submit the attached comments concerning the provisional decisions identified in the above captioned consultation.

If there are any questions concerning these comments, please do not hesitate to contact the undersigned.

Yours truly

A handwritten signature in black ink that reads "Don Woodford". The signature is written in a cursive style and is underlined with a single horizontal line.

Attachment

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Proposals and Changes to the Spectrum  
in Certain Bands Below 1.7 GHz

Published in the *Canada Gazette*, Part 1  
10 December 2005

Comments on provisional decisions

Bell Canada

25 January 2006

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## **1.0 INTRODUCTION**

Industry Canada released DGTP-004-05 in December 2005 to initiate a consultation on proposals and changes to spectrum in certain bands below 1.7 GHz.

There are two parts to the Industry Canada consultation.

The first part is to provide comments by 25 January 2006 on the provisional decisions that are set out in the DGTP notice. This submission provides Bell Canada's comments on the provisional decisions.

Comments on the various policy proposals will be made in a subsequent filing due on 19 April 2006 per the process outlined in DGTP-004-05.

## **2.0 SUMMARY**

There are three provisional decisions set out in DGTP-004-05. These are identified below along with a summary of Bell Canada's comments:

- Allocation changes to the 216-220 MHz and 220-222 MHz bands. Bell Canada agrees with the allocation changes.
- Implementation of a provisional utilisation policy for 220-222 MHz. On this proposal, Bell Canada does not agree with making a provisional decision on licensing policy. Instead, Bell Canada proposes that the Department include the question of utilisation policy for the band 220-222 MHz in the policy proposals comment period for 19 April 2006; i.e., the same date as for the other policy proposals. The same questions as posed at the top of page 11 of DGTP-004-05 for the 216-220 MHz band should be posed with respect to the 220-222 MHz band. A question on appropriate licensing process should be added.
- Designation of spectrum for N-MCS AMR applications. Bell Canada does not have a compelling argument to the contrary concerning the designation of the 1429.5-1430.5 MHz range to N-MCS for AMR applications.

Our detailed comments are provided in the following sections.

**3.0 COMMENTS ON PROVISIONAL DECISIONS IN DGTP-004-05**

**3.1 DGTP-004-05 Section 3 – Provisional Allocation Changes in the Frequency Bands 216-220 MHz and 220-225 MHz**

**3.1.1 Excerpt from Section 3.2 of DGTP-004-05**

In recognition of the need to continue accommodating the amateur service and aligning the spectrum in a North American context, the Department is making a provisional frequency allocation change in the sub-band 219-220 MHz, as follows.

**Canadian Table  
MHz**

216-220	FIXED LAND MOBILE 5.242 MARITIME MOBILE <u>Amateur C11</u>
220- 222	<u>FIXED</u> <u>MOBILE</u> AMATEUR <u>Amateur C11</u>
222-225	AMATEUR

**ADD C11** In the band 219-220 MHz, the amateur service is permitted on a secondary basis. In the band 220-222 MHz, the amateur service may be permitted in exceptional circumstances on a secondary basis to assist in disaster relief efforts.

**5.242** Additional allocation: in Canada, the band 216-220 MHz is also allocated to the land mobile service on a primary basis.

### **3.1.2 Excerpt from Section 3.3 of DGTP-004-05**

Given the public discussion carried out over the past two years on the need to re-allocate the sub-band 220-222 MHz for mobile and fixed services, the availability of spectrum capacity in the band 222-225 MHz and the accommodation being made in the sub-bands 219-220 MHz and 220-222 MHz for the amateur service, the Department is making these frequency allocation changes provisional. All the information presented shows that this will advance the public interest and make a greater and more efficient use of the spectrum to meet pressing mobile service needs.

**Thirty days after the release of this document these frequency allocation changes will be implemented for the bands 216-220 MHz and 220-222 MHz, unless the Department receives compelling arguments to the contrary.**

### **3.1.3 Comments on frequency allocation changes**

Bell Canada agrees with the allocation changes.

## **3.2 DGTP-004-05 Section 4 – Provisional Spectrum Policy for the Frequency Band 220-222 MHz**

### **3.2.1 Excerpt from Section 4.4 of DGTP-004-05**

Given the public discussion carried out over in the past two years regarding urgency to establish a spectrum utilisation policy for the band 220-222 MHz to support important mobile and fixed services, the Department is making this spectrum utilisation policy provisional. All the information presented shows that these changes will advance the public interest and make a greater and more efficient use of a limited spectrum resource.

**Thirty days after the release of this document the provisional utilization policy for the band 220-222 MHz will be implemented, unless the Department receives compelling arguments to the contrary. Associated technical and operational guidelines, as well as licensing policy will also be developed and released.**

### 3.2.2 Comments on provisional spectrum policy

The provisional spectrum utilisation policy as set out in Section 4.2 of DGTP-004-05 provides (at page 5) for licensing to be on the basis of the "managed" FCFS process but (at page 6) including a demonstration of "public interest, convenience or necessity for the service."

The provisional policy does not set out how the Department intends to manage the process nor what criteria are to be used to assess public interest, convenience or necessity.

Bell Canada submits that the Department's provisional policy is premature and contradictory since:

- The provisional "first come first served" licensing process as proposed would include criteria other than being "first come" to be "first served". These criteria should be subject to review. The nature of the licensing process should also be subject to review. Bell Canada notes that the FCC in the U.S. auctioned 10-year licenses in parts of the band 220-222 MHz in 1998.
- It could be prejudicial to future licensing. If the Department ultimately intends to issue area licenses, via an auction or on another basis, then it should not potentially prejudice this by issuing licenses under a provisional policy. For example, in the auction of 3.5 GHz area licenses, a number of the auctioned license areas surrounded pre-existing FCFS site licensees creating a confusing "Swiss cheese" situation fair neither to incumbent licensees nor to bidders.

Furthermore, the discussion surrounding the 220-222 MHz band dates from recommendations made by the RABC in late 2003, cited in Annex 2 of DGTP-004-05. The Department has already had the RABC recommendations for over two years without acting on them and has not presented any rationale as to why a provisional utilization policy has become necessary at this particular point in time.

Bell Canada thus does not agree with making a provisional decision on licensing policy. Instead Bell Canada proposes that the Department include the question of utilisation policy for the band 220-222 MHz in the policy proposals comment period for 19 April 2006; i.e., the same date as for the other policy proposals. The same questions as posed at the top of page 11 of

DGTP-004-05 for the 216-220 MHz band should be posed with respect to the 220-222 MHz band. A question on appropriate licensing process should be added.

### **3.3 DGTP-004-05 Section 8.2 – Spectrum Policy for Utility Telemetry Applications**

#### **3.3.1 Excerpt from Section 8.2 of DGTP-004-05**

Recognising the timing of the consultation and final decisions for the bands, the Department is of the view that these provisions will need to be made to permit on-going planning and implementation of N-MCS systems for AMR applications. The Department will therefore add a designation to N-MCS for AMR in the band 1429.5-1430.5 MHz band.

These steps could lead to the alignment and harmonisation of this spectrum.

Therefore, the Department will provisionally:

- (i) place a moratorium on the authorisation, of SRS operations in the band 1427-1430.5 MHz (Channel S1) and on the authorisation of utility telemetry operations in the band 1427-1429.5 MHz, until the relationship between these systems and medical telemetry systems has been decided in the final spectrum utilisation policy; and
- (ii) designate the band 1429.5-1430.5 MHz to N-MCS for AMR applications.

**Thirty days after the release of this document provisions to designate this spectrum for N-MCS AMR applications will be implemented, unless the Department receives compelling arguments to the contrary.**

**NB:** While the band 1430-1430.5 MHz band was not originally designated to N-MCS for AMR applications, it is still within the bandwidth of SRS channel S1 and therefore the increased impact on co-ordination, including adjacent channel concerns with S2, are deemed to be minimal.

### **3.3.2 Comments on spectrum designation**

Bell Canada has deployed a number of links in the S1-S3, S1'-S3' bands and implementation of any new services in those bands should take into account the operation of existing services.

Bell Canada agrees with the moratorium on new authorisations.

Bell Canada does not have a compelling argument to the contrary concerning the designation of the 1429.5-1430.5 MHz range to N-MCS for AMR applications.

## **4.0 CONCLUSION**

Bell Canada appreciates having the opportunity of providing input to the Department with respect to the provisional decisions set out in DGTP-004-05 and looks forward to filing its comments on policy proposals for 19 April 2006.

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