

**Department of the Solicitor General
Reponse to Industry Canada on
Gazette Notice DGRB-018-99**

**CONSULTATION ON PROPOSED POLICY AND LICENSING PROCEDURES
FOR THE AUCTION OF ADDITIONAL PCS SPECTRUM IN THE 2GHZ
FREQUENCY RANGE**

On behalf of the Department of the Solicitor General of Canada, I am writing to express concerns with regard to the limitations imposed on the license condition for lawful intercept. Officials of my department have noted that in your consultation document, only licensees that use the spectrum for circuit-switched voice telephony system will be required to provide for and maintain lawful interception capabilities.

The objectives of the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* are to provide lawful access to any deployable communication system. The Standards outline internationally-recognized requirements to conduct the lawful interception of private communications.

As we all know, telecommunications networks are moving away from circuit-switched to packet-based environments. Third-generation systems will provide a wide-range of multimedia services including Internet applications. For this reason, the application of the Standards beyond circuit-switched systems is essential for law enforcement and national security agencies. At the very least, applicants for additional PCS spectrum in the 2GHz frequency range should be advised that compliance with the requirement to provide lawful intercept capability may be imposed via license condition or other legislative provision at any point in time in the future.