

May 3, 2013

Director, Spectrum Management Operations
Industry Canada
300 Slater St.
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Re: Canada Gazette, Part I, March 16, 2013 DGSO-002-13 – Consultation on Considerations Relating to Transfers, Divisions, and Subordinate Licensing of Spectrum Licenses – Reply Comments

Re: 6-4 The current review model, which is confidential, and whether it should be modified such that Industry Canada would publicize a spectrum licence transfer request and provide an opportunity for third party input.

1. Further to our initial comments on the importance of publicizing license transfer requests and providing an opportunity for third party input, we would like to echo our support for the comments of MTS Allstream (MTS AllStream Comments, para. 12-13), Public Mobile (Public Mobile Comments, para. 34-36), TerreStar Solutions (TerreStar Solutions Comments, para. 20) and Xplornet (Xplornet Comments, para. 39) who have also supported third party input on transfer requests.

2. In response to Moblicity who has suggested that third party input would increase uncertainty and further elongate the transfer process, we feel that any potential increases in uncertainty that may be created are less important than providing third parties with the opportunity to provide input on transfers that may have a substantial impact on them. With regards to concerns over time, we support the suggestion of TerreStar Solutions (para. 20) that a 30 day comment and 30 day reply comment period be used (similar to the existing consultation timeframes). Such a two month input period would not unduly elongate the transfer review process and would also allow the opportunity for parties to the transfer to reply to comments from third parties (Rogers noted the importance of allowing parties to the transaction the opportunity to respond to third party comments (Rogers Comments, para. 51).

3. With regards to concerns that allowing third party comment would compromise sensitive and/or confidential business information (Bell Comments, para. 38; Rogers Comments, para. 49; SaskTel Comments, para. 25; and, Telus Comments, para. 32), we would suggest that it is completely feasible for Industry Canada to publicize enough information relating to transfer requests to facilitate meaningful third party comments without prejudicing the legitimate business interests of the parties to the transaction.

4. Finally, we would like to reiterate our contention that allowing third-party input would strongly align license transfer policy with the *Spectrum Policy Framework for Canada*, and the Canadian Telecommunications Policy outlined in the *Telecommunications Act*, section 7 (sections (a) and (h) specifically). While market forces are clearly central to Canadian spectrum and telecommunication policy, there is an important role for public voices in issues of spectrum management. As Industry Canada notes in its own *Framework for Spectrum Auctions in Canada*

(2011), spectrum is a “public resource” (pg. 1), and as such it would be logical to allow the public to contribute to issues affecting the management of its own resource.

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