



May 3, 2013

FILED ELECTRONICALLY

Mr. David Bosquet
A/Director
Spectrum Management Operations
Industry Canada
300 Slater Street
Ottawa, ON K1A 0C8

Dear Mr. Fournier:

Re: *Consultation on Considerations Relating to Transfers, Divisions and Subordinate Licensing of Spectrum Licences, DGSO-002-13, Canada Gazette, Part I, March 16, 2013 – Reply Comments of the Satellite Industry Association*

1. These reply comments are submitted by the Satellite Industry Association (“SIA”) in response to Industry Canada’s notice of consultation entitled *Consultation on Considerations Relating to Transfers, Divisions and Subordinate Licensing of Spectrum Licences* (“DGSO-002-13”).
2. SIA is a U.S.-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. Since its creation more than fifteen years ago, SIA has advocated for the unified voice of the satellite industry on policy, regulatory, and legislative issues affecting the satellite business.¹

¹ SIA Executive Members include: Artel, LLC; The Boeing Company; The DIRECTV Group; EchoStar Satellite Services LLC; Harris CapRock Communications; Hughes Network Systems, LLC; Intelsat, S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; LightSquared; Lockheed Martin Corporation; Northrop Grumman Corporation; Rockwell Collins Government Systems; SES S.A.; and SSL. SIA Associate Members include: AIS Engineering, Inc.; Astrium Services Government, Inc.; ATK Inc.; Cisco; Cobham SATCOM Land Systems; Comtech EF Data Corp.; DRS Technologies, Inc.; Encompass Government Solutions; Eutelsat, Inc.; Globecom Systems, Inc.; Glowlink Communications Technology, Inc.; Inmarsat, Inc.; ITT Exelis; Marshall Communications Corporation; MTN Government Services; NewSat America, Inc.; O3b Networks; Orbital Sciences Corporation; Panasonic Avionics Corporation; Spacecom, Ltd.; Spacenet Inc.; TeleCommunication Systems, Inc.; Telesat Canada; The SI Organization, Inc.; TrustComm, Inc.; Ultisat, Inc.; ViaSat, Inc., and XTAR, LLC. Additional information about SIA can be found at www.sia.org.

3. In DGSO-002-13, Industry Canada (or the “Department”) is proposing to revise the publication entitled Licensing Procedures for Spectrum Licences for Terrestrial Services (“CPC 2-1-23”) in order to “indicate the specific criteria considered and process used when spectrum licence transfer applications are reviewed.”²
4. Although SIA is not, in general, opposed to this initiative since it appears to apply to the licensing procedures for terrestrial services, SIA notes that DGSO-002-13 states that CPC 2-1-23 “sets out the procedures related to requests involving the transfer, division or subordinate licensing of all spectrum licences.”³ In fact, DGSO-002-13 states elsewhere that CPC 2-1-23 “applies to all spectrum licences”.⁴ A similar observation was made by the Canadian Satellite and Space Industry Forum (“CSSIF”) in comments submitted to the Department dated March 28, 2013.⁵
5. Once again, if the Department’s intention in DGSO-002-13 is to revise the process that is used for transfers of terrestrial spectrum licences such as licences for the Fixed or Mobile service, SIA is not opposed to these revisions. However, if the Department intends to revise the process that is used for transfers of satellite-related authorizations, including spectrum licences for satellite frequencies (FSS, BSS, MSS, *etc.*), SIA would not support such an initiative.
6. As the Department is aware, a public consultation was conducted just last year on the licensing framework for satellite services in Canada pursuant to *Consultation on the Licensing Framework for Fixed-Satellite Service (FSS) and Broadcasting Satellite Service (BSS) in Canada* (SMSE-003-12).⁶ Presumably, this consultation was conducted because the satellite sector is seen as being sufficiently distinct from the terrestrial services sector that a standalone licensing framework should apply. One way or the other, it would be somewhat incongruous for the Department to combine satellite and terrestrial services for licence transfer purposes when it is in the midst of revising its licensing regime for satellite services.
7. SIA also notes that the Department already has a framework in place for the transfer of satellite-related spectrum authorizations which is reflected not only in the policies and rules that have been established for specific orbital positions and spectrum bands, but also in the conditions of licence for each satellite operator. This framework has worked well over the years and there is no evidence to suggest that the process for licence transfer approvals relating to the satellite sector requires modification.
8. Given the foregoing considerations, SIA seeks confirmation from the Department that the purpose of DGSO-002-13 is to seek comment on the licensing process and criteria that

² DGSO-002-13, para. 13.

³ *Ibid*, para. 12, emphasis added.

⁴ *Ibid*, para. 13, emphasis added.

⁵ CCIF Comments, DGSO-002-13, March 28, 2013.

⁶ *Consultation on the Licensing Framework for Fixed-Satellite Service (FSS) and Broadcasting-Satellite Service (BSS) in Canada*, *Canada Gazette*, Part I, March 9, 2012 (SMSE-003-12).

should apply to conventional terrestrial spectrum licences, and that any issues relating to the transfer of satellite-related authorizations will be dealt with in the Department's decision on the issues raised in SMSE-003-12 or any related proceedings that deal specifically with the satellite sector.

Respectfully submitted,

/s/

SATELLITE INDUSTRY ASSOCIATION

A handwritten signature in black ink, appearing to read "Patricia Cooper". The signature is written in a cursive, flowing style.

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cc. submitted via email to: spectrum.operations@ic.gc.ca