

Industry Canada

**Consultation on the Technical, Policy and Licensing Framework for Advanced Wireless
Services in the Bands 1755-1780 MHz and 2155-2180 MHz (AWS-3)**

Gazette Notice SLBP-004-14

August 2, 2014

Reply Comments

Submitted by Dr. Michael McNally, University of Alberta

October 2, 2014

Table of Contents

RESPONSE TO B1.....	2
RESPONSE TO B3.....	3

Reply Comments re: B1

1. While several of the comments submitted still favour the 20 year license term, I posit that a shorter licensing term is preferable. The commercial mobile spectrum environment continues to evolve rapidly, and shorter license terms are better suited to such a dynamic environment.
2. I wish to reiterate that the August 2014 *Consultation on Policy Changes in the 3500 MHz Band (3475-3650 MHz) and a New Licensing Process in Rural Areas* demonstrates the importance of shorter license terms and increased flexibility in spectrum management. The fundamental reallocation proposed in the 3500 MHz consultation demonstrates the need for such flexibility.
3. I support the positions of ABC Communications and Xplornet, both of which proposed a 10 year license term.¹

¹ ABC Communications. *Comments to Notice No. SLPB-004-14 – Consultation on the Technical, Policy and Licensing Framework for Advanced Wireless Services in the Bands 1755-1780 MHz and 2155-2180 MHz (AWS-3)*. 4 Sept. 2014. [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-ABC-comments.PDF/\\$FILE/SLPB-004-14-ABC-comments.PDF](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-ABC-comments.PDF/$FILE/SLPB-004-14-ABC-comments.PDF) para. 10; and, Xplornet. *Comments of Xplornet Communications Inc. and Xplornet Broadband Inc.* 4 Sept. 2014. [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-Xplornet-comments.PDF/\\$FILE/SLPB-004-14-Xplornet-comments.PDF](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-Xplornet-comments.PDF/$FILE/SLPB-004-14-Xplornet-comments.PDF) para. 27.

Reply Comments re: B3

4. The comments submitted with regards to deployment requirements show a wide range of support for more ambitious deployment requirements. It is particularly notable that in addition to calls for more substantive targets from the Public Interest Advocacy Centre (PIAC)² and the submission by McNally, Taylor and Middleton,³ several service providers also called for stronger targets⁴ or noted that the proposed targets “are not particularly onerous for an operator to fulfill.”⁵

5. Both SaskTel and Xplornet have suggested the timeline for deployment requirements be advanced. Specifically, SaskTel suggests that the 5 year targets should be 3 year targets, and that a 3 year deployment requirement would be “achievable.”⁶ Xplornet has suggested that a 4 year target could replace the 5 year target, and that the temporal advancing of the deployment targets also include an increase in the percentage of the population to be served.⁷ Xplornet has urged the 10 year targets to be shortened to 7 year targets.⁸

² Public Interest Advocacy Centre (PIAC). *Comments of the Public Interest Advocacy Centre*. 4 Sept. 2014. [https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-PIAC-comments.pdf/\\$FILE/SLPB-004-14-PIAC-comments.pdf](https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-PIAC-comments.pdf/$FILE/SLPB-004-14-PIAC-comments.pdf) para. 86.

³ McNally, M., Taylor, G. and Middleton, C. *Consultation on the Technical, Policy and Licensing Framework for Advanced Wireless Services in the Bands 1755-1780 MHz and 2155-2180 MHz (AWS-3)*. 3 Sept. 2014. [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-McNally-Taylor-comments.PDF/\\$FILE/SLPB-004-14-McNally-Taylor-comments.PDF](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-McNally-Taylor-comments.PDF/$FILE/SLPB-004-14-McNally-Taylor-comments.PDF) para. 6.

⁴ Rogers Communications. *Comments of Rogers Communications*. 4 Sept. 2014. [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-Rogers-comments.PDF/\\$FILE/SLPB-004-14-Rogers-comments.PDF](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-Rogers-comments.PDF/$FILE/SLPB-004-14-Rogers-comments.PDF) para. 39; SaskTel. *SaskTel Comments: Gazette Notice SLPB-004-14*. 4 Sept. 2014. [https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-SaskTel-comments.pdf/\\$FILE/SLPB-004-14-SaskTel-comments.pdf](https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-SaskTel-comments.pdf/$FILE/SLPB-004-14-SaskTel-comments.pdf) para. 55, and 57; and Xplornet. para. 44.

⁵ Telus Communications Company. *Comments for Consultation on the Technical, Policy and Licensing Framework for Advanced Wireless Services in the Bands 1755-1780 MHz and 2155-2180 MHz (AWS-3)*. 4 Sept. 2014. [http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-TELUS-Comments.PDF/\\$FILE/SLPB-004-14-TELUS-Comments.PDF](http://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/SLPB-004-14-TELUS-Comments.PDF/$FILE/SLPB-004-14-TELUS-Comments.PDF) para. 60.

⁶ SaskTel. para. 55.

⁷ Xplornet. para. 44.

⁸ Xplornet. para. 44.

6. Rogers has also suggested that the 10 year targets for set-aside spectrum licenses be advanced to 5 year targets.⁹ While Rogers suggests that the spectrum licensed through open bidding retain the proposed 10 year targets,¹⁰ it is important to note that Telus, another national provider of commercial mobile services suggests, that the proposed target are not onerous.¹¹

7. In addition to speeding up deployment requirements, there is also appetite for targets that require a greater percentage of the population to be served. SaskTel's proposal suggests that the 10 year targets for Regina and Moose Jaw be increased by 20% (from 40% and 25% respectively to 60% and 45%), and the Saskatoon targets be increased by 10% (from 40% to 50%).¹² Xplornet has suggested that the 10 year targets not only be 7 year targets, but also have a 90% deployment requirement in some areas.¹³ PIAC proposes that all of the 10 year targets be doubled.¹⁴

8. While there is no uniformity in these proposals as to how to increase the deployment requirements, I would strongly urge Industry Canada to consider increasing targets by both advancing the temporal requirements (particularly for the 10 year requirements), and increasing the share of population that must be served. More ambitious targets would better align with both the policy objective of the *Spectrum Policy Framework for Canada* ("to maximize the economic and social benefits that Canadians derive from the use of the radio frequency

⁹ Rogers Communications. para. 39.

¹⁰ Rogers Communications. para. 39.

¹¹ Telus Communications Company. para. 60.

¹² SaskTel. para. 58.

¹³ Xplornet. para. 44

¹⁴ PIAC. para. 86.

spectrum resource”¹⁵) and the Canadian Telecommunications Policy, specifically section 7(b) (“to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada”¹⁶).

¹⁵ Industry Canada. *Spectrum Policy Framework for Canada*. June 2007. <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08776.html>

¹⁶ *Telecommunications Act*. S.C. 1993, c. 38, s. 7(b).