



**Innovation, Science and Economic Development Canada
235 Queen Street, Ottawa ON**

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| In the Matter of |) | |
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| Notice of Application Received from |) | Notice date: August 8, 2019. |
| Globalstar Canada Satellite Co. for Ancillary |) | |
| Terrestrial Component (ATC) Authority in |) | |
| the 2.4 GHz Band (2483.5-2500 MHz) |) | |

**COMMENTS OF
KEPLER COMMUNICATIONS INC.**

Kepler Communications Inc. (Kepler) hereby submits these comments in association with the application filed by Globalstar Canada Satellite Co. (Globalstar) to permit the delivery of “ancillary terrestrial mobile services” (ATC) over the 16.5 MHz of its licensed Mobile Satellite Service (“MSS”) spectrum, located in the 2.4 GHz band (2483.5 – 2500 MHz). Globalstar indicates in their application that they would use this ATC service not as a supplement to the MSS, but for dedicated mobile-broadband services. This is in explicit opposition to several components of the existing rules that govern the 2.4 GHz band, ones which Globalstar has consequently asked to be waived. Although the proposed ATC service would formerly operate secondary to MSS services in the band, Kepler is skeptical that sharing with the MSS will be practicable. Further, it would be both unusual and inappropriate for the Department to grant Globalstar’s application - one that so explicitly contravenes the existing rules - without first initiating a public consultation, especially since the existing rules were themselves informed by the public voice.¹ The proper

¹ See Radio Policy 023, *Spectrum and Licensing Policy to Permit Ancillary Terrestrial Mobile Services as Part of Mobile-Satellite Service Offerings*, Issue 2 (December 18, 2014) (“RP-023”). RP-023 governs the rules of ATC as it pertains to MSS offerings in Canada.

instrument to handle such a significant departure from established policy would be to open an amendment proposal to RP-023, followed by the opening of a public consultation.

A GRANT OF THE PROPOSED ATC SERVICE REQUIRES THE COMPLETE REJECTION OF CURRENT POLICY

The proposed ATC service contravenes many of the existing MSS rules, ones which are specifically designed to protect and enable a healthy MSS service. One such requirement necessitates that ATC networks operate as an “integral and infeasible” component of their associated MSS offerings.² In its answer to this requirement, Globalstar assured that its “*stand-alone* ATC network is tied to the provision of MSS in Canada” (emphasis added). However, Kepler questions how a network can be simultaneously described as “stand-alone” and also “tied to the provision of MSS”. This apparent contradiction is not clarified in Globalstar’s application. Instead, the application goes on to request that a condition designed to promote MSS-ATC synthesis – the dual-handset requirement – be removed from legislation, as it “impedes ATC operators’ ability to compete with other terrestrial mobile providers”.

Kepler notes that *all* of the potential benefits of ATC envisioned by RP-023 were fundamentally predicated on ATC’s integration with the MSS. Globalstar’s proposed operation of its ATC as a stand-alone network therefore flies in the face of the full breadth of conclusions established by RP-023.³ Furthermore, RP-023 *explicitly* states that stand-alone networks “will not

² *See Id.* at Decision (c)(iii) (stating that applicants for an ATC mobile service must submit “a demonstration on how the operation of the ATC mobile service will be an integral and infeasible component of [its] MSS offerings”).

³ Regarding stand-alone ATC networks, RP-023 states that “[d]ue to the subordinate assignment of MSS spectrum for ATC and the required technical constraints imposed on the terrestrial operations to protect the primary services, it would be impractical to establish a stand-alone terrestrial ATC operation that was not closely integrated with the MSS network operation”. *See Id.* at Section 3: *Canadian Consultation*.

be approved”.⁴ Because of how strongly the proposed service resembles a plain mobile broadband deployment, a grant of this application would be effectively equivalent to a direct reallocation of the 2.4 GHz band to the mobile service, away from its global harmonization in the MSS. ISED should not construe the application as anything less.

SHARING WITH THE MSS IS NOT PRACTICABLE

The Department has required that Globalstar give “an indication on how the sharing of the spectrum for ATC will not constrain the growth of MSS offerings”. This is an important question, as Globalstar’s proposal asks that its system be allowed to operate in a “non-forward band mode”, which was previously determined by RP-023 to be incompatible with MSS systems. In its application, Globalstar does not answer this concern. Instead, they address the question merely by discussing the perceived value of the ATC offering, with the assurance that its new revenues will “support” its current provision of MSS. Kepler seeks clarification on exactly how Globalstar’s ATC service will manage and control interference to other MSS services in the 2.4 GHz band, especially given its decision to operate in a non-forward band mode. Sharing concerns between ATC and MSS were also highlighted by the policy governing the 2000 – 2020 MHz and 2180 – 2200 MHz bands, which ultimately concluded that inter-operator sharing could not be made practical.⁵ Given the conclusions reached by this consultation, as well as those in RP-023, the

⁴ See *Id.* at Decision (a) (“The ATC mobile service can only be offered as part of the MSS service offerings; the ATC service will not be approved as a stand-alone service”)

⁵ See Consultation, *Consultation on a Policy, Technical and Licensing Framework for Use of the Bands 2000-2020 MHz and 2180-2200 MHz*, (May 21, 2014) (“In the past, spectrum sharing between mobile and satellite systems has been avoided due to the difficulty of managing interference. The Department is of the view that sharing is still impractical for different operators, but that those technical difficulties could be resolved if the same operator manages both systems”).

Department should require Globalstar to devise and demonstrate a mechanism that will enable inter-operator sharing before considering the grant of its proposal.

THE FCC RULING DOES NOT CARRY OVER TO CANADIAN POLICY

Globalstar has justified its proposal by citing a FCC ruling that provided flexibility for its equivalent operations in the US.⁶ However, the Department concluded in RP-023 that “[a]ny decision to provide flexibility for ATC implementation would require the establishment of general policy and regulatory principles to oversee potential interest by operators of other mobile satellite networks”.⁷ The decision to grant Globalstar’s application arguably falls under this purview, and Kepler therefore asks that the Department seek to develop such policies to preserve the interest of the operators of other MSS networks. Kepler further notes that the FCC’s ruling was granted on the condition that Globalstar “maintains the primary character of its MSS operations”. Should the Department grant Globalstar’s application, Kepler asks that the same condition apply.

The Globalstar application for a standalone mobile broadband service established under the guise of ATC will directly hamper the ability for operators to deliver future MSS services in the 2.4 GHz band. A grant of its request would require the Department to provide an exception to essentially all of the rules that presently govern ATC use in this band. Any decision that so substantially evades existing rules should instead be handled by a proper proposed changing of the rules, followed by a period of public consultation.

⁶ See Report and Order, *Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems*, 31 FCC Rcd 13801 (16) (Dec. 22, 2016).

⁷ See RP-023, under Section 3: *Canadian Consultation*.



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Respectfully Submitted

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