



27 October 2006

Mr. Leonard St-Aubin
Director General
Telecommunications Policy Branch
Industry Canada
300 Slater Street
Ottawa, Ontario
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Don Woodford
Director –
Government &
Regulatory Affairs

Dear Mr. St-Aubin:

Subject: Bell Mobility and Saskatchewan Telecommunications comments in Response to: Proposed Spectrum Utilization Policy, Technical and Licensing Requirements for Wireless Broadband Services (WBS) in the Band 3650-3700 MHz, Canada Gazette – Part 1, Notice No.DGTP-006-06, dated 2 August 2006

1. Bell Mobility, on behalf of itself and Saskatchewan Telecommunications, is pleased to submit the attached comments in response to the above captioned Notice.
2. If there are any questions concerning these comments, please do not hesitate to contact the undersigned.

Yours truly,

Don Woodford
Director – Government &
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Attachment

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Canada Gazette Notice No. DGTP-006-06

***Proposed Spectrum Utilization Policy, Technical and
Licensing Requirements for Wireless Broadband Services
(WBS) in the Band 3650 – 3700***

Published in the *Canada Gazette*, Part 1 dated 2 August 2006

**Comments
of
Bell Mobility Inc.
and
Saskatchewan Telecommunications**

27 October 2006

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INTRODUCTION

Bell Mobility Inc., on behalf of itself and Saskatchewan Telecommunications, (the Companies) is pleased to provide the following comments in response to Notice No. DGTP-006-06: *Proposed Spectrum Utilization Policy, Technical and Licensing Requirements for Wireless Broadband Services (WBS) in the Band 3650 – 3700 MHz*, as published in the *Canada Gazette*, Part 1 dated 2 August 2006 (the Notice).

Industry Canada (Industry Canada or the Department) states that the proposals outlined in the Notice seek to address the eligibility, licensing, technical and service issues to accommodate fixed and mobile services in the band.

The Companies note that they have participated in the preparation of and, where they are not at variance to these comments, support the submission of the Radio Advisory Board of Canada (RABC) in response to the Notice.

For ease of reference, the following comments are numbered according to the Notices' numbering system and are captioned by the specific question posed in the Department's Notice.

COMMENTS

5. Incumbent Licences

5.1 Point-to-Point Systems

The Department proposes to either grandfather or displace existing point-to-point systems in the band 3650-3700 MHz. Further, extension and/or expansions of grandfathered systems on a case-by-case basis, outside of urban areas, may be permitted.

Comments are invited on whether point-to-point systems in the band 3650-3700 MHz should be grandfathered or displaced and what conditions should apply in either case.

The Companies recommend, given the circumstances and considerations outlined in the Notice, that the Department displace point-to-point systems in the band 3650-3700 MHz. The Companies also support the Department's proposal to implement transition policy principles similar to those outlined in Appendix 3 of the *Policy and Licensing Procedures for the Auction of Spectrum Licences in the 2300 MHz and 3500 MHz Bands (DGRB-003-03)*. The Companies note, in this regard, that Appendix 3 specifies that, subsequent to the issuance of the applicable licences, existing systems affected by the implementation of the newly licensed service will be afforded a minimum notification period of three years, for those systems operating in rural

areas, and one year, for those operating in urban areas which have a population of 25,000 or more.

5.2 Fixed-satellite Service

The Department proposes that FSS [fixed-satellite service] receive earth stations located at Weir, Quebec be grandfathered. Operators wishing to establish wireless access systems within a 150 km radius of these earth stations would be required to coordinate with the earth station operators.

The Department further proposes that any future FSS receive earth stations in the band 3650-3700 MHz operate on a secondary basis.

Comments are invited on this proposal.

The Companies support the Department's proposal to grandfather the FSS receive earth stations located at Weir, Quebec. The Companies also support the Department's proposal that operators wishing to establish wireless access systems within a 150 km radius of these earth stations be required to coordinate with the earth station operators. The Companies also agree with the Department's proposal that any future FSS receive earth stations in the band 3650-3700 MHz be operated on a secondary basis.

6. Applications in Canada

The Department seeks comments on types of wireless broadband applications which may be deployed in Canada in the near future.

The Companies concur with the RABC's view that WBS will be an important resource supporting Internet connectivity for data, voice, video and other value-added services. The RABC noted, in this regard, that the band will be able to directly support consumers, schools and businesses in urban, suburban and rural applications. The Companies note that the band is capable of being used to accommodate point-to-point and point-to-multipoint links as well as to provide backhaul capability for operators.

7. Licensing Approach

The Department is of the view that the issuance of spectrum licences, as described [in the Notice], would be the appropriate licensing mechanism for this service. Comments are invited on this proposal.

The Companies strongly support the Department's proposal to employ spectrum licensing, as opposed to radio licences, as the appropriate method of authorization that should be applied to WBS in the band 3650-3700 MHz. As the Department notes, the spectrum licensing approach has the benefit of a reduction in administrative burden, for licensees, as the applicable spectrum is licensed by geographic area and frequency, rather than through numerous authorizations for the installation and operation of individual radio station apparatus. The Companies also agree with the Department that the use of spectrum licensing will provide licensees with greater autonomy to configure and deploy their networks while still requiring sufficient coordination protection for other users in their proximity.

7.1 Service Areas

Comments are sought on the proposal to use Tier 4 service areas for the licensing of the bands 3650-3700 MHz.

The Department invites alternative proposals on service areas, including rationale, where a Tier 4 service area is not suitable.

The Companies fully support the use of Tier 4 service areas for the licensing of the WBS band 3650-3700 MHz. The Companies note that the Tier 4 service area was the tier adopted for the licensing of the 3475-3650 MHz band.

7.2 Spectrum Structure and Licensing Options

Comments are invited on the proposed options for exclusive and/or non-exclusive licensing and any other options not outlined in the table, with supporting rationale. Any option could be applied to all or part of the spectrum. In the case of urban/rural service areas, the Department seeks the rationale and criteria for defining urban and rural.

It should be noted that the licensing process and requirement for contention-based protocols will be determined based on the option selected.

The Companies note that considerable discussion continues in the U.S. and that U.S. regulatory authorities have yet to determine the final spectrum structure and licensing options for the band. In fact, as the Notice indicates, there are several Petitions for Reconsideration before the

Federal Communications Commission (FCC) in the U.S. that have the potential to affect the final spectrum structure and licensing options eventually selected in that jurisdiction. While the final spectrum structure and licensing options are yet to be determined in the U.S., the Companies believe that it is in the best interests of all concerned parties to align with the U.S. to the greatest extent possible.

Based on the current information available to them, the Companies believe that the band should be structured into two blocks consisting of 30 MHz and 20 MHz on an exclusive basis for both rural and urban Tier 4 service areas. The Companies believe that this spectrum structure will facilitate the optimal utilization of the band. The Companies also support the view of the RABC that an exception could be made for rural areas where the 20 MHz block could be made available on a FCFS basis for point-to-point systems in those Tier 4 service areas having a population of less than 30,000. As the RABC notes, the use of this criteria for defining the FCFS areas ensures that, while the urban/rural definition debate continues, those areas having the least dense population will be assured service while still maintaining the integrity of the exclusive licensing process.

7.3 Contention-based Protocols

Comments are invited on the proposed definition as well as the Department's proposal to require the use of contention-based protocols for non-exclusive licensed spectrum in the band 3650-3700 MHz. Alternative proposals are welcome and should include details as to how these proposals address the potential for interference between non-exclusive licensees.

The Department invites comments on the requirement to enter station and contact information into a publicly accessible database.

The Companies have recommended, in response to 7.2 above, that the band be licensed on an exclusive basis. In such a circumstance, contention-based protocols would not be required. As the RABC has noted, should a non-exclusive block of frequencies be made available, the use of contention-based protocols or other coordination procedures will be required. In addition, final determinations in the U.S. regarding non-exclusive use and contention-based protocols would significantly impact decisions ultimately made in Canada.

Regarding the second issue identified above, the Companies have no objection to entering station and contact information into a publicly accessible database.

8. Licence Term

Comments are invited on the proposed licence term.

The Companies support the Department's proposal that the licenses for spectrum in the band 3650-3700 MHz be issued for a ten-year term with licence fees, where applicable, payable by March 31 of each year.

8.1 Licence Fees

The Department requests comments on the proposed fee of \$0.0042 per 50 MHz per population.

Should the Department adopt the Companies' recommended exclusive licensing approach for the 3650-3700 MHz band, then the only areas subject to license fees would be those Tier 4 service areas with a population of 30,000 or less. The Companies further note that the Department's proposed fee for these areas is based on a 50 MHz block and would have to be recalibrated if the proposed two-block spectrum structure is adopted.

8.2 Eligibility

The Department requests comments on the proposal for open eligibility.

The Companies note that the Department's proposal is that eligibility not be restricted but that those who intend to operate as radiocommunication carriers must be able to demonstrate that they meet the eligibility criteria for radiocommunication carriers as set out in subsection 9 and 10 of the *Radiocommunication Regulations*. The Companies support the Department's proposal.

8.3 Spectrum Aggregation Limit

The Department invites comments on whether it should impose in-band or out-of-band spectrum aggregation limits on licensees in the event a competitive process is adopted, and the rationale for such limits.

The Companies do not believe that either in-band or out-of-band spectrum aggregation limits are necessary or warranted for the band 3650-3700 MHz, irrespective of whether the spectrum is licensed as a single block of 50 MHz or in a two-block spectrum structure.

8.4 Departmental Service Standards

Please provide comments on whether this service standard is appropriate.

The Companies have proposed exclusive licensing for the band 3650-3700 MHz and hence domestic coordination would not be required. In the event of non-exclusive licences being issued, such as in Tier 4 service areas with a population of less than 30,000 as discussed above, the Companies agree that the service standard is appropriate.

9. Technical Considerations

The Department invites comments on the proposed technical rules. In particular, will the proposed out-of-band emission limits provide sufficient protection to services operating in adjacent spectrum, including FSS earth stations operating in the conventional C-band (3700-4200 MHz)? How would this compare to the potential impact of in-band WBS emissions below 3700 MHz on FSS receivers?

The Companies note that they participated in the preparation of the RABC's comments in response to the Section 9 – Technical Considerations. The Companies support the RABC's comments in response to Section 9 and refers the Department to those comments.

Appendix A – Proposed Conditions of Licence

The Companies also support the comments of the RABC with respect to the proposed licence conditions outlined in Appendix A of the Notice. In this regard, the RABC notes that that the proposed licence conditions, outlined in Appendix A, omitted two conditions that the Department has imposed for other similar and recently licensed bands that have been allocated for Fixed and/or Mobile services. Specifically, the RABC noted, the licence conditions that the Department has proposed in Appendix A of the Notice do not include either conditions regarding research or requirements relating to development and implementation of spectrum usage. The RABC recommends that the Department add these conditions to the list of licence conditions that will apply to the 3650-3700 MHz band [if licensed on an exclusive basis](#). In the alternative, if the Department elects to not proceed on this basis, then the Companies support the RABC recommendation that the Department conduct a consultation to consider whether such licence conditions should continue to apply to the Fixed Wireless Access (FWA) and Wireless Communication Services (WCS) bands.

CONCLUSION

In conclusion, the Companies appreciate the opportunity to provide their comments in response to the Notice. The Companies also believe that it will be important for the Department to monitor, as indicated above, developments in this band in the U.S. and consider an appropriate response for the Canadian jurisdiction.