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September 7, 2005

Mr. Larry Shaw  
Director General  
Telecommunications Policy  
Industry Canada  
300 Slater Street  
Ottawa, Ontario  
K1A 0C8

Dear Mr. Shaw:

**Subject: TELUS Mobility Response to Canada Gazette Notice: DGTP-001-05 dated May 13, 2005, Consultation on a Renewed Spectrum Policy Framework for Canada and Continued Advancements in Spectrum Management**

TELUS Mobility (TELUS) participated in the drafting of the Radio Advisory Board of Canada's (RABC) Response to this Gazette Notice and supports that submission. TELUS also has some additional comments for the Department on issues raised in the Consultation Document. Our comments are arranged under the relevant section of the Consultation Document below.

#### **6.2.2.2 Facilitating the Use of Spectrum**

With respect to New Policy Guideline 6 – Facilitating the Use of Spectrum, TELUS strongly supports the Department's proposal to provide opportunities for secondary market trading where appropriate. In order to facilitate this process one item that the Department can address in an expeditious fashion is the issue of leases of portions of spectrum acquired in an auction. As long as the lease agreements fully provide for the extension of the Licence Conditions (including foreign ownership requirements, buildout requirements, R&D requirements, etc.) to every lessee, these commercial arrangements should be supported and respected by the Department.

#### **11.2 Licence exempt Spectrum**

TELUS supports the RABC's suggestion that the Department "assess the introduction of license exempt devices and services judiciously, taking into account Canadian policy and usage of licensed spectrum."

While TELUS is generally supportive of the need for and use for licence-exempt spectrum, devices and services, we also note that an enormous amount of licence exempt spectrum has

been released by the Department in the last few years, much of which has not been utilized to any great extent as yet.

The RABC has outlined very well the significant concerns regarding the potential waste, inefficiency and artificial spectrum demand arising from the “tragedy of the commons”. The RABC has also described the significant economic disparities between “free” licence-exempt spectrum and relatively “expensive” exclusively licensed spectrum and noted the potential to create significant economic distortion that may hold back the investment required to totally exploit licensed spectrum. The RABC has also delineated the fact that remedial actions are inherently far more difficult to take in licence-exempt bands should significant interference issues arise, and has identified concerns regarding the potential misalignment of users’ expectations with the lower interference protection nature of licence-exempt situations.

TELUS suggests that until more experience has been gained with licence-exempt devices and systems, it may be wise for the Department to take a bit of a “breather” and temporarily refrain from allocation of further licence-exempt spectrum (to the extent possible given the practical realities of global equipment manufacturing) until such time as the full impact of licence-exempt has been better evaluated, and any negative impacts identified and assessed.

#### **11.4 Enhanced Spectrum Usage Privileges (9)**

TELUS also supports the RABC’s statement, with respect to Enhanced Spectrum Usage Privileges that “As a principle, whenever possible, the highest priority should be accorded in extending the transferability and divisibility privileges to spectrum”. We feel that ESMR spectrum is a particularly good example of where this could and indeed, should be done.

#### **11.6 The Roll-out of Licensed Radio Systems (14)**

Regarding the roll-out of Licensed Radio Systems Section of the Consultation Paper, TELUS supports the RABC’s assertions with respect to RP-019, the new party cellular policy. This policy should have been withdrawn when the Department moved to its new licensing and fee regime for cellular/PCS spectrum. TELUS respectfully suggests that the Department do exactly that at the earliest opportunity. TELUS submits that the recent DGTP-006-05 “Policy to Promote Digital Roaming for Rural Subscribers” is much more in tune with both rural requirements and commercial realities and supports this policy.

#### **11.9 Access to Spectrum for Public Safety Services**

TELUS would remind the Department that a large number of Canadian Public Safety entities rely on commercial service providers today to provide vital infrastructure and services and that these providers will increasingly play an active role in the delivery of public safety services in the future.

Indeed, many Public Safety agencies today are leveraging tremendous interoperability, capacity, cost and coverage benefits from commercial services and systems, and are taking advantage of significant new features and functionality, including data capabilities. As technical complexity continues to increase, the expertise and assistance of commercial wireless operators are increasingly being sought after by the Public Safety community as well.

Spectrum and licensing policies need to recognize this reality. TELUS heartily supports the increased emphasis on Public Safety in the Spectrum Framework Consultation Paper; however TELUS believes that the framework needs to take the vital and legitimate role for commercial service providers in the provision of Public Safety into consideration to a much greater degree.

For example, we suggest that the spectrum framework ought to ensure that commercial systems that serve Public Safety users are provided similar standing and consideration commensurate with stand-alone Public Safety systems.

To the extent that the Department includes interoperability considerations into the spectrum framework and its policies, we believe that the enormous potential for commercial systems to play an assisting role ought to be fully recognized and taken into account.

To ensure that the most effective use is made of scarce spectrum resources, it may be appropriate to enhance the Department's spectrum framework and policies to ensure that Public Safety agencies have adequately considered the potential utilization of existing commercial systems prior to being authorized with dedicated spectrum.

Finally, TELUS would suggest that commercial service providers ought to be able to apply for and be licensed for any designated Public Safety Spectrum in order to efficiently and effectively deliver these Public Safety services to the over-all benefit of Canadians. Ensuring this access will allow many Public Service entities to choose freely between contracting with a service provider or building their own dedicated private systems.

TELUS thanks the Department for this opportunity to comment on these important issues.

Yours truly,

*Original Signed*  
Ed Prior