

The RABC's Response to *Canada Gazette* notice DGTP-007-03 dated 2003-12-06 was submitted on 2004-02-29. A revised covering E-mail was submitted on 2004-03-05. This is a further revision with one more ballot response and comment from a sponsor (Rogers Wireless) who reported that they had still been making last minutes changes in their positions when the ballot closed. Despite the additional time for consideration provided by the Department this proved to be a difficult and contentious issue which engendered much debate amongst and within RABC members.

This was very much a 'split decision' for the Board. Only half of the RABC's members voted prior to 2004-02-29; three more voted this week; of the thirteen respondents:

- four abstained,
- five approved (three with comments), and
- three disapproved, all with comments.

The revised ballot results are:

Sponsor	DGR B- 007- 03
ACFC (Railway Association)	B
APCO Canada	-
Bell Telecom Group	A
CABC	-
Canadian Assoc. of Broadcasters	B
Canadian Broadcasting Corp.	-
Canadian Cable Television Assn.	-
Canadian Electricity Assn.	Dc
Canadian Wireless Telecom Assn.	A
Department of National Defence	Dc
Electro-Federation of Canada	Ac
Information Technology Ann. Of Cda.	A
Model Aeronautics Assn. Of Canada	-
NAV CANADA	B
Ontario, Gov't, Sol Gen, OPP	-
Radio Amateurs of Canada	B
Rogers Wireless	Ac
Royal Canadian Mounted Police	Dc
TELUS	Ac
Western Canada Telecom Council	-

The Disapprove responses all deal with one, specific part of the Response. You are invited to note that important members of the national security/public safety/public services community have real problems with the proposed displacement policy.

The comments are:

From The Canadian Electricity Association (Disapproved):

The response does not express explicitly enough the concerns of the power utilities about the transition policy for displacement. As we already commented, the minimum acceptable transition policy should be aligned with the principles outlined in DGTP-007-03 :

- the earliest mandatory date for fixed service frequency assignment that may be subjected to displacement will be April 1, 2007...**
- notification may be served once the PCS licences have been awarded...**
- the one year/two years notification period should be consistent with «Policy and Licensing Procedures for the Auction of the Additional PCS Spectrum in the 2 GHz Frequency Range», appendix 2, section 7.4.**

From The Department of National Defence (Disapproved):

DND “disapproves” on one issue as described in the following comments.

In paragraph 6.5 of the Gazette (4th paragraph), we have the text:

"The existing fixed stations will be subject to displacement, with a minimum one-year notification period, if they affect the deployment of AWS in urban areas or in specific geographic areas".

DND has concerns with this proposed Transition Policy.

Such a short lead time would make it impossible for DND to move any of its FS assignments in time. DND does has no money waiting to be spent as it is all committed a year in advance. Upon notification, DND has to budget the money for the next year (radios, backups, power supplies, antennas), the contract has to be written and awarded, the radios may have to be manufactured (depending on the equipment), etc... A minimum of 2 years is needed. DND being a government department, there are very few short cuts available, unless it is in support of immediate operational military requirement, which is not the case with FS assignments.

DND, seeks early notification. IC must advise the auction winner to notify DND (and possibly other legacy licensees) of their implementation plans at least two years in advance. This two-year notification requirement would be equally necessary in the case where the auction is held in 2006, and the winner wants access to a certain area occupied by DND in Apr 07.

Note that we don't have any assignments in some big cities (e.g. Toronto), but we do have assignments on military bases/sites along highway corridors (e.g. Trenton), and other big cities (e.g. Vancouver).

From the Electro-Federation of Canada (Approved):

The Electro-Federation supports the RABC's response. We would like to highlight the RABC's caution to the department regarding the potential for interference to PCS and LE-PCS services if changes to the 1910-1930 MHz bands are not chosen carefully. EFC agrees that it would be wise to wait until industry is able to review the US decision on this matter.

EFC also supports the initial assignment of 90 MHz of new spectrum for AWS in line with the US, and encourages Industry Canada to consider the future allocation of the full 120MHz (1710 - 1770 + 2110 - 2170MHz) in line with CITELE and ITU recommendations

From Rogers Wireless (Approved):

Rogers expects that some RABC members may argue in favour of a longer transition period than the one- and two-year model that has been proposed by the Department. Rogers does not support a longer transition period for the reason that, immediately following the competitive licensing process, new licensees will be required to pay for the right to use the spectrum and will have a reasonably high expectation that they will be permitted to utilize the spectrum as soon as possible, in order to recoup their significant investment. Further, by the time the competitive licensing process has been concluded, and given the proposed one- and two-year transition period, incumbent fixed operators will have had several years to plan their transition out of the band. Rogers also notes that a fundamental principle underlying the proposed transition policy is that incumbent fixed operators will be displaced only where necessary. Therefore, in the circumstances, Rogers does not believe that a longer transition period is reasonable or necessary.

In light of current uncertainties surrounding the timing and quantity of AWS spectrum to be licensed in the US, as well as rapidly changing technologies and markets, Rogers believes that the Department should undertake an additional consultation in the 2005 timeframe in order to consider, among other things, the appropriate specific timing of the licensing of AWS spectrum in Canada.

From the Royal Canadian Mounted Police (Disapproved):

A one year displacement notice to existing incumbents in major urban areas is not considered reasonable or even feasible, particularly to government agencies with restricted financial abilities.

From TELUS (Approved):

While TELUS joins the Board in agreeing that promotion of advanced mobile telephony services in rural Canada is needed, this agreement is predicated on the proposal and accompanying conditions outlined in the Consultation paper always continuing to be applicable.

The Department is invited to take account of this further revised report with comments, without which the Board's formal response is incomplete.

Yours truly



Ted Campbell
General Manager