TELUS COMMUNICATIONS COMPANY

Comments for

CONSULTATION on a POLICY, TECHNICAL and LICENSING FRAMEWORK for USE of the BANDS 2000 – 2020 MHz and 2180 – 2200 MHz

SMSE-011-14
May 2014
Spectrum Management and Telecommunications

June 23, 2014

Table of Contents

Executive Summary

1. TELUS appreciates the opportunity to provide its comments and in doing so makes the following general observations:

2. The AWS-4 spectrum that is the subject of the consultation has been licensed for Mobile Satellite Service (MSS) for thirteen years and Ancillary Terrestrial Component (ATC) service for ten years but has remained fallow. Among other proposals, the Department is proposing to relax the rules for the Ancillary Terrestrial Component of the licences which essentially converts the spectrum to valuable commercial mobile radio spectrum.

3. It is through AWS-4 band entry and terrestrial deployment that the Department will meet its primary goals of encouraging competition and fostering innovation.

4. This is the context in which TELUS provides its comments on the proposed AWS-4 policy, technical and licensing framework.

5. The Department has stated that in developing a licensing framework for AWS-4, Industry Canada will be guided by the objectives of the *Telecommunications Act*, the policy objective stated in the Spectrum Policy Framework for Canada (SPFC) to maximize the economic and social benefits that Canadians derive from the use of the radio frequency spectrum, and the policy objectives outlined in the Department's 2012 *Policy and Technical framework*, as follows:

    - robust investment and innovation by wireless telecommunications carriers such that Canadians benefit from world-class networks and the latest technologies;

    - sustained competition in the wireless telecommunications services market such that consumers and businesses benefit from competitive pricing and choice in service offerings; and

    - availability of these benefits to Canadians across the country, including those in rural areas, in a timely fashion.

6. TELUS has concerns with several aspects of the Department's proposed approaches and provides general and specific recommendations for modification to ensure that the benefits of competition, investment and innovation are delivered to the broadest number of Canadians possible, in a timely fashion.

7. TELUS registers a significant concern with the proposal that the licensees are to be restricted from transferring any of the ATC spectrum to a large wireless service provider for the proposed term of the licence (20 years).

8. TELUS' recommendations are summarised below.

Band Plan and Block Pairing

- TELUS supports the proposed revision to block pairing.
- TELUS does not support the provision of an option for the Canadian licensees to select whether to use the sub band 2000-2020 MHz for uplink or downlink. Canada should simply follow the option selected in the US after that election is made in the US.

Spectrum Policy Considerations

- TELUS recommends that the ATC and MSS components be decoupled, and that the ATC portion of the entire AWS-4 band be auctioned as ATC or simply commercial mobile spectrum as soon as practical to all interested parties. In this case, the requirement for provision of MSS should be removed and made optional. Failing this, TELUS recommends that the provision of MSS only be a requirement for the existing 20 MHz licence (which TELUS proposes be set as the new A/A') and that the additional 20 MHz to be assigned (which TELUS proposes be the new B/B') be aligned with the US rules which make an MSS component optional.
- TELUS supports the removal of the dual mode restriction.
- TELUS recommends above that the Department remove the requirement to provide MSS in all or at least half the band. Only in any portion of the band where

the provision of MSS is mandated should the requirement that ATC service not constrain MSS apply.

- TELUS supports the update of ATC principles in RP-023 in line with TELUS' recommendation to dedicate all or half the AWS-4 band to terrestrial service.

Licensing

- TELUS supports the expansion of the band to 40 MHz but the additional 20 MHz should be auctioned as opposed to be gifted to Dish and its affiliates.
- TELUS does not support a 20 year renewal of a licence that has never been utilized in Canada since original issue in 2001. TELUS recommends that the entire 40 MHz AWS-4 band be auctioned in Canada. Failing this, only 20 MHz should be renewed and only with significant near term deployment requirements (much more stringent than those proposed.)
- TELUS does not support the provision of an option for the Canadian licensees to select whether to use the sub band 2000-2020 MHz for uplink or downlink. Canada should simply follow the option selected in the US after that election is made in the US.
- TELUS recommends that all ATC licences in the AWS-4 band be licensed on a Tier 2 basis.
- TELUS supports a 20 year licence term.
- TELUS strongly opposes the proposed aspect of the COL for Licence Transferability and Divisibility that would not permit licensees to transfer any of the ATC spectrum to a large wireless service provider for the term of the licence.
- TELUS opposes the provision of MSS requirement and renewal of the Dish licence, but recommends that if Dish and its affiliates are granted a renewal of 20 MHz of AWS-4 spectrum with a provision of MSS requirement, that MSS deployment be required by March 31, 2017, not March 31, 2020 as proposed.
- TELUS recommends that the deployment requirements for ATC licensees as specified per Tier 2 Service Area in Annex C be required within five years and not ten years as proposed.

- TELUS continues to request that the Department issue a decision removing the condition of licence related to R&D on commercial mobile spectrum, regardless of the annual revenue of the licensee.
- TELUS opposes the proposed apparatus based interim fee scheme for ATC licences and strongly recommends that standard commercial mobile radio spectrum fees apply as soon as the new rules take effect.

Technical Rules

- TELUS supports the proposed technical rules and strongly recommends that IC not consider altering them in line with any future changes in the US until after the PCS H block is assigned in Canada and it is determined whether the Canadian PCS H block licensee is different or the same as the AWS-4 A/A' licensee in Canada.

9. The detail behind TELUS' recommendations and comments follows in the main body of this document.

TELUS' Reply to Specific Questions Posed by Industry Canada

Part A – Band Plan

4. Band Plan and Block Pairing

A-1 Industry Canada proposes to adopt the 2 GHz band plan and the block pairing shown in Figure 2. Comments are being sought on these proposals. In providing responses, include supporting arguments for or against these proposals.

10. In this consultation, the Department has proposed to modify the band plan and block pairing and has requested that interested parties comment. The proposal contains two changes as can be gleaned from Figures 1 and 2 below from the consultation. First, the pairing is changed, i.e., the lower A block is now paired with 2180-2190 MHz which used to be paired with the lower B block. Second, the lower A and B blocks are shown as (temporarily) supporting downlink or uplink as opposed to only uplink.

Figure 1: Current Canadian Band Plan at 2 GHz

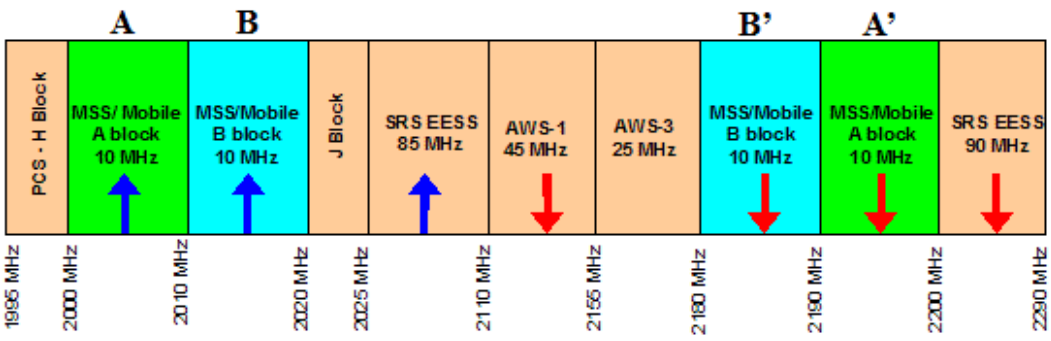
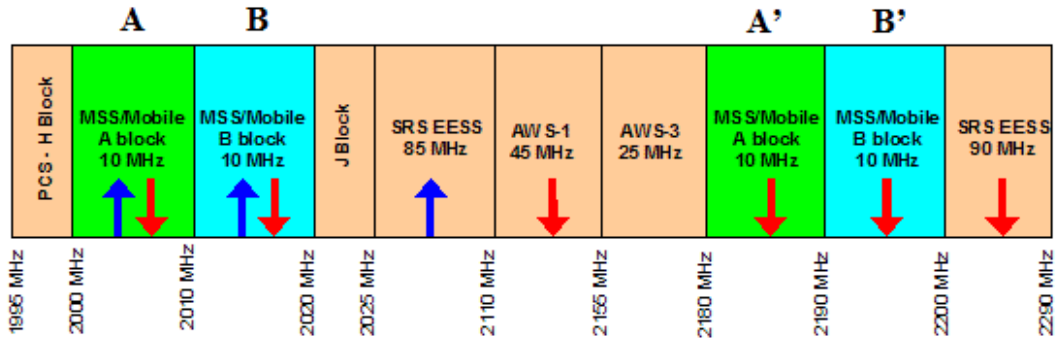


Figure 2: Proposed Block Pairing



11. TELUS supports the revised block pairing.

12. TELUS supports the revised Canadian AWS-4 band plan showing for the time being both uplink and downlink as potential implementations for 2000 – 2020 MHz but does not support the proposal to provide flexibility to the Canadian licensees to self-select the directionality of the 2000-2020 MHz sub band. TELUS strongly recommends that Industry Canada simply follow the direction taken in the US when that election is made no later than June 2016.

13. Firstly, this ensures that the equipment and device ecosystem that is expected to develop in the US will be usable in Canada. Since this is almost certainly what the Canadian AWS-4 licensees would choose, there is no need to introduce a risk that this does not pan out by having a second decision in Canada that can be made independently of the decision to be made in the US.

14. Secondly, the provision of an option to the Canadian licensees would only be workable if there were a single national AWS-4 ATC licensee in Canada and, as detailed in the section below on Licensing, TELUS is strongly opposed to granting Dish and its affiliates both a doubling of its spectrum as well as the windfall associated with the removal of the dual mode requirement. As such, TELUS recommends that all or part of the AWS-4 band in Canada be auctioned which would almost certainly result in multiple licensees and hence make it problematic to provide licensees with an option (because they would all have to agree).

15. As such, TELUS does not support the provision of an option for the Canadian licensees to select whether to use the sub band 2000-2020 MHz for uplink or downlink. Canada should simply follow the option selected in the US after that election is made in the US.

Part B – Spectrum Policy Considerations

B-1 Industry Canada proposes to maintain the provision of MSS in this band.

B-2 Industry Canada proposes to remove the dual-mode requirement in the 2 GHz band, and to modify RP-023 and RSS-170 accordingly.

B-3 Industry Canada proposes to modify the spectrum and licensing policy principles on the implementation of ATC mobile services in RP-023 with regard to the 2 GHz band.

B-4 Industry Canada proposes that the deployment of ATC service not constrain the deployment of MSS.

Comments are being sought on these proposals. In providing responses, include supporting arguments for or against these proposals.

16. TELUS recommends that the entire AWS-4 band be auctioned as ATC or simply commercial mobile spectrum as soon as practical to all interested parties. Failing this, if the Department implements the proposed policy updates for the original 20 MHz assignment (as modified for the new pairing), TELUS strongly recommends that the additional 20 MHz to be assigned be less constrained and more aligned with the new US policy in the band and auctioned to all comers.

B-1 Maintenance of Provision of MSS in the Band

17. The MSS licence in this band has sat fallow since 2001. There appears not to be a market need for MSS in this band. Even in the US where some limited MSS has been deployed in the band, the FCC has now made the provision of MSS optional going forward.

18. 99% of Canadians already have access to 4G mobile broadband networks. Terrestrial networks deliver a vastly superior quality of service as compared to an MSS offering with its intrinsic latency and increased weather dependency. The proposed provision of MSS is aimed at delivering service to the 1% of Canadians living in remote locations.

    a. By definition, these remote locations have very low user density and hence do not require 40 MHz of spectrum (i.e., four 5 MHz + 5 MHz channels or two 10 MHz + 10 MHz channels). Economics would dictate that only a portion of the 40 MHz would be utilized.

b. With the recent assignment of 700 MHz spectrum in Canada and the current and ongoing roll out of rural LTE networks, this 1% is expected to shrink over time.

19. TELUS recommends that the ATC and MSS components be decoupled, and that the ATC component of the entire AWS-4 band be auctioned as ATC or simply commercial mobile spectrum as soon as practical to all interested parties. In this case, the requirement for provision of MSS should be removed and made optional.

20. Failing an auction of the ATC licences for the entire AWS-4 band in Canada, TELUS recommends that:

a. the 20 MHz which is already assigned to Dish and its affiliates (which TELUS proposes be the new A/A') maintain the requirement for provision of MSS which should help satisfy the remote area service goals of the Department; and

b. the additional 20 MHz to be assigned (which TELUS proposes be the new B/B') be auctioned as ATC spectrum as soon as practical to all interested parties with the provision of MSS as an option.

B-2 Removal of Dual Mode Requirement

21. TELUS fully supports the removal of this requirement. This requirement unnecessarily encumbers the spectrum.

22. Presumably if an MSS offering was successful, the users would want their satellite phones to have dual mode (satellite / terrestrial) capability. TELUS believes that there are adequate market forces to drive enough satellite phones to be dual mode to meet consumer needs.

23. TELUS opposes any requirement on terrestrial devices supporting ATC in the band to be dual mode. TELUS believes that this is the key component of the Department's B-2 proposal.

B-3 Modification of principles on ATC mobile services

24. TELUS supports a modification of principles on ATC mobile services in RP-023 in line with TELUS' recommendations for modification to the proposed policy in the band.

25. TELUS notes that there is little or no detail directly provided on what B-3 entails. TELUS presumes that this approach has been taken to allow the Department to absorb the input of the industry before setting to the detailed task of updating RP-023

26. TELUS reserves the right in its reply comments to further explore what B-3 may entail.

B-4 ATC Requirement to Not Constrain MSS

27. TELUS supports the Department's proposal that ATC service not constrain MSS only within a part of the band where the provision of MSS is required. If the Department removes the requirement to provide MSS in all or at least half the band as TELUS recommends then only in any portion, if any, of the band where MSS is required, should the requirement that ATC service not constrain MSS apply.

Part C - Licensing

28. TELUS registers serious concerns with many of the proposals for licensing the AWS-4 band.

6.3 Licensing Approach

C-1 Industry Canada proposes to extend the spectrum assigned in existing 2 GHz MSS licences and ATC authorization to 2000-2020 MHz and 2180-2200 MHz.

C-2 Industry Canada proposes to issue new spectrum licences to incumbent 2 GHz licensees, with terms commencing on April 1, 2015, that reflect the proposed revisions to the band plan and new conditions of licence if a letter indicating interest is received from both incumbents.

C-3 Industry Canada proposes that the ATC licensee be allowed to decide if the use of the band 2000-2020 MHz will be for uplink or downlink operations and notify Industry Canada by May 20, 2016; and further proposes that the decision apply to all of Canada and for the rest of the licence term.

Comments are being sought on these proposals. In providing responses, include supporting arguments for or against these proposals.

C-1 Extend Existing Licences and Authorizations

29. TELUS strongly opposes C-1. The existing MSS licence has sat fallow since 2001 and ATC authorization has been unutilized since 2004. TELUS sees no rationale for doubling the bandwidth in the existing licence. Per TELUS' input above, the additional 20 MHz should be auctioned to all comers and the Department should consider revoking the existing licence for failure to deploy and auction that spectrum as well.

C-2 New Licences for Existing Licensee

30. Coupled with B-2, the removal of the dual mode requirement, the C-2 proposal represents a massive windfall for Dish and its affiliates. TELUS opposes a 20 year renewal of licence that has sat fallow for 13 years. The C-2 proposal is entirely inconsistent with the recent renewal decision for 2300 and 3500 MHz spectrum licences. Similarly to AWS-4, the 2300 and 3500 MHz bands were largely undeveloped at the time of the consultation and decision process, and have remained largely undeployed, yet the Department's renewal

decision required licensees to deploy or face a rejection of their renewal. Furthermore, in the US, Dish had to make a c.$1.6B PCS H Block reserve price bid commitment in order to receive similarly favourable regulatory treatment and the US licence had been been put to use for MSS.

C-3 2000-2020 MHz Link Direction Option

31. TELUS supports the revised Canadian AWS-4 band plan showing for the time being both uplink and downlink as potential implementations for 2000 – 2020 MHz but does not support the proposal to provide flexibility to the Canadian licensees to self-select the directionality of the 2000-2020 MHz sub band. TELUS strongly recommends that Industry Canada simply follow the direction taken in the US when that election is made no later than June 2016.

32. Firstly, this ensures that the equipment and device ecosystem that is expected to develop in the US will be usable in Canada. Since this is almost certainly what the Canadian AWS licensees would choose, there is no need to introduce a risk that this does not pan out by having a second decision in Canada that can be made independently of the decision to be made in the US.

33. Secondly, the provision of an option to the Canadian licensees would only be workable if there were a single national AWS-4 ATC licensee in Canada and, as detailed in the section below on Licensing, TELUS is strongly opposed to granting Dish and its affiliates both a doubling of its spectrum as well as the windfall associated with the removal of the dual mode requirement. As such, TELUS recommends that all or part of the AWS-4 band in Canada be auctioned which would almost certainly result in multiple licensees and hence make it problematic to provide licensees with an option (because they would all have to agree).

34. As such, TELUS does not support the provision of an option for the Canadian licensees to select whether to use the sub band 2000-2020 MHz for uplink or downlink. Canada should simply follow the option selected in the US after that election is made in the US.

6.4 Licence Service Areas

C-4 Industry Canada proposes a Tier 1 Service Area for the MSS and ATC spectrum licences.

Comments are being sought on this proposal. In providing responses, include supporting arguments for or against this proposal.

35. TELUS supports the proposal to use a Tier 1 (national) Service Area for any MSS licences given that satellite service is a very wide area service.

36. TELUS does not support the proposal to use a Tier 1 (national) Service Area for ATC licences. ATC licences are extremely valuable and therefore should be licensed by Tier 2 Service Area and their deployment should be measured on a Tier 2 basis (as the Department has recognized.)

6.5 Conditions of Licence

C-5 Industry Canada proposes that spectrum licences in the 2 GHz band have a licence term of 20 years.

C-6 Industry Canada proposes that the licensees not be permitted to transfer any of the ATC spectrum to a large wireless service provider for the term of the licence. For any other transaction, the transferability and divisibility provisions outlined in Section 5.6.4 of CPC-2-1-23 will apply to any ATC spectrum transfers.

C-7 Industry Canada is proposing deployment obligations for MSS licensees, within 5 years, to ensure that MSS is available and being offered throughout Canada.

C-8 In case of an emergency leading to the lack of availability of the satellite for the provision of the MSS, Industry Canada proposes to give the satellite operator 48 months to replace the satellite in order to continue MSS operations.

C-9 Industry Canada proposes that the ATC licensee be required to demonstrate that, within 5 years, MSS is available and being offered in the Tier 1 area; this condition would apply for the term of the licence provided that the EchoStar T1 satellite or its replacement is operational.

C-10 Industry Canada is proposing deployment obligations for ATC licensees, within 5 years and 10 years, as specified in Annex C.

C-11 Industry Canada proposes that an interim site licensing procedure be used for radio stations operated by the ATC licensees until a spectrum licence fee is finalized.

Comments are being sought on these proposals and on the proposed conditions of licence in annexes A and B, as well as the deployment requirements proposed in Annex C. In providing responses, include supporting arguments for or against these proposals.

C-5 20 Year Term

37. TELUS supports the proposed 20 year licence term.

C-6 ATC Transfer Ban to Large Carriers

38. TELUS strongly opposes the proposed aspect of the COL for Licence Transferability and Divisibility that would not permit licensees to transfer any of the ATC spectrum to a large wireless service provider for the term of the licence.

39. With the elimination of the dual mode requirement, ATC spectrum generally becomes as valuable as PCS, AWS and BRS spectrum. It is not in the best interest of Canadians to restrict access to this spectrum to a number of "non-large" carriers who are currently fixated on supplementing their subsidized spectrum with subsidized access to large carrier networks so they do not need to build beyond top urban centres. There is already 40 MHz of AWS spectrum that is largely unused outside of top urban centres nationally (save a few provinces).

40. Industry Canada should not put unnecessary and arbitrary restrictions on the transfer of valuable spectrum that is unlikely to be useful to an emerging carrier in Canada. The current AWS set aside spectrum is far more valuable to emerging carriers in Canada.

41. Furthermore, unduly restricting the transfer of spectrum for period of 20 years is ill-advised. 20 years is far too long a horizon to set. No one can predict what the market structure of a rapidly evolving industry will be in 20 years, let alone 10 years or less.

C-7 MSS Deployment Requirement

42. TELUS recommends that the requirement for the provision of MSS should be eliminated and in that case this proposal would be moot. If the Department retains the requirement

for the provision of MSS, TELUS believes that the proposed MSS deployment requirement is too weak. TELUS does not support allowing almost six years (five years from April 1, 2015) to deploy an MSS service when the licence has already sat fallow since 2001 and when the satellite is already up and running and providing MSS service in the US. If the Department retains the requirement for the provision of MSS, TELUS believes that the proposed MSS deployment requirement should be enforced by March 31, 2017 (i.e., two years from proposed licence re-issue).

C-8 Satellite Replacement Timing

43. TELUS has no experience in these matters upon which to support or oppose this proposal. However, in TELUS' view this seems to be a generous window.

C-9 ATC Licensee tied to MSS Deployment Requirement

44. TELUS recommends that the requirement for the provision of MSS should be eliminated and in that case this proposal would be moot. If the Department retains the requirement for the provision of MSS, TELUS finds that this is generally a reasonable proposal subject to the Department adjusting the five year time period should it adjust the timing of the MSS deployment requirement as recommended by TELUS above.

C-10 ATC Deployment Requirements

45. TELUS does not support the proposed ATC deployment requirements. TELUS views them as far too lax for important new terrestrial mobile spectrum. As proposed, the ATC licensee could deploy in only one or two of the larger of 14 Tier 2 Service Areas for almost ten years and not breach the deployment requirements.

46. TELUS notes that the ATC deployment requirements that Dish faces in the US mean that there should definitely be an equipment and device ecosystem for AWS-4 spectrum by 2017. If there is not, then this would be based on Dish's own failure to launch a service in the US.

47. TELUS recommends that the five year requirement to cover 30% of the Canadian population be accelerated to three years (or abandoned altogether) and that the proposed ten year deployment requirements per Tier 2 Service Area be accelerated to five years.

48. TELUS is concerned that the deployment condition of licence proposed in this consultation could have the effect of underinvestment in and underutilization of the ATC spectrum. The ATC spectrum is far too valuable and important to Canada to allow it to potentially continue to remain fallow for a second decade.

49. The Department's proposal that spectrum population coverage levels per Tier 2 Service Area be required within 10 years of the licence issuance runs counter to the Department and Minister's objective to ensure that competition, investment and innovation using this spectrum is delivered to the broadest number of Canadians, in a timely fashion.

C-11 ATC Licence Fees

50. TELUS opposes C-11. ATC spectrum with the dual mode requirement removed is valuable commercial mobile radio spectrum. It should attract standard terrestrial commercial mobile radio spectrum fees as of the date of licence renewal under the new COLs, April 1, 2015, rather than site-specific radio station and related fees. TELUS purports that standard terrestrial commercial mobile radio spectrum fees would be easier for the Department to administer and fairer to the citizens of Canada.

51. As proposed the ATC licensee could largely sit on this valuable spectrum for almost a decade without ever paying for the licences upfront or paying anything in licence fees. This is entirely unacceptable for a valuable public resource.

Appendix A Proposed COLs for MSS

52. In its submission above, TELUS has supported the proposal for condition of licence (1) Licence Term.

53. In its submission above, TELUS has commented on and recommended adjustments to the proposed conditions of licence (6) [MSS] Implementation of Spectrum Usage.

54. In its submission above, TELUS has little comment on the proposed condition of licence (7) Force Majeure.

55. TELUS has no comment on the proposed MSS conditions of licence for (2) [MSS] Licences Fees (3) Eligibility, (4) [MSS] Licence Transferability, (5) Compliance with Legislation, Regulations and Other Obligations, (8) Research and Development, (10) Subscriber Earth Station, (11) Environmental Protection of the Geostationary Orbit, (12) International Coordination, and (13) Annual Reporting.

56. TELUS supports the condition of licence (9) Lawful Intercept.

Appendix B Proposed COLs for ATC

57. In its submission above, TELUS has supported the proposal for condition of licence (1) Licence Term.

58. In its submission above, TELUS has commented on and recommended adjustments to the proposals for conditions of licence (2) Licence Fees, (3) Site Licence and Fees, (5) Licence Transferability and Divisibility, (14) Implementation of Spectrum Usage, and (15) Deployment Related to Provision of MSS.

59. TELUS supports the proposed conditions of licence for (4) Eligibility, (6) Radio Station Installations, (7) Provision of Technical Information, (8) Compliance with Legislation, Regulations and Other Obligations, (9) Technical Considerations and International and Domestic Coordination, (10) Lawful Interception, (12) Mandatory Antenna Tower and Site Sharing, and (13) Mandatory Roaming.

60. With regards to the condition of licence (11) Research and Development, TELUS recognizes that it was recently amended as noted in Industry Canada's Guidelines for Compliance with the Radio Authorization Condition of Licence Relating to Research and Development (GL-03). The key aspect of those amendments was that an exemption was granted to any licensee that has less than $1 billion in annual gross revenues from the provision of wireless services in Canada, averaged over the term of the licence, from the requirement to invest 2 percent of its adjusted gross revenues resulting from the use of this

licence, averaged over the term of the licence, in eligible research and development activities related to telecommunications.

61. TELUS has long held the view that the research and development condition of licence is antiquated and no longer necessary. As an example, in its comments filed in relation to DGSO-004-12, TELUS stated that the research and development condition of licence is no longer necessary given that Canada is a world leader in deployment of advanced wireless networks and customers in Canada are massive consumers of wireless data, with extremely strong smartphone penetration. The benefits from the research and development condition of licence have long ago been realized. Retaining the requirement merely diverts necessary and scarce capital to sub-optimal activities and away from true productivity and innovation enhancing investments. In addition, licensees need as much flexibility as possible to make investments as they see fit in light of market conditions, rather than being forced to invest 2% of revenues in a prescribed list of research and development activities. As a result, TELUS requests that this condition of licence be removed in its entirety, so that no licensee, no matter how much revenues it earns, is subject to this requirement.

62. With regards to the condition of licence (16) Annual Reporting, TELUS supports the substance of the condition of licence. However, given its comments and recommendation to remove the research and development condition of licence, TELUS proposes that the Annual Reporting condition of licence be amended to remove the necessity to report on research and development activities.

Part D – Technical Rules

D-1 Industry Canada proposes to develop technical rules for the 2 GHz band, harmonizing with the U.S. rules to the extent feasible and to issue the applicable SRSP and RSS.

Comments are being sought on this proposal and the proposed technical rules in Annex D. In providing responses, include supporting arguments for or against this proposal.

63. TELUS supports the proposed technical rules for AWS-4 and notes that they are closely aligned with the rules in the US.

64. TELUS has a concern with the lack of clarity around MSS protection from the PCS H Block. The FCC explicitly specifies that MSS receivers in 2000-2005 MHz must accept PCS H block interference. IC states that their independent analysis shows no risk to MSS, but only states that no specific measures to protect MSS will be imposed on PCS H-block licensees. TELUS recommends that the Department also explicitly specify that MSS receivers in 2000-2005 MHz must accept PCS H block interference.

65. TELUS has an additional concern that the proposed technical rules leverage the new rules defined in the US, but that the US rules are documented as part of a waiver and as such may not be permanent. The technical rules requiring 70+10log(P) attenuation below 2000 MHz and (if the uplink option is selected) 5 mW uplink power restriction in 2000-2005 MHz are critical to protect the future PCS H block licensee in Canada if that Canadian PCS H block licensee is different from the AWS-4 A/A' licensee in Canada.

66. Given that the PCS H block licensee and the AWS A/A' licensee in the US are the same entity, and as such, these rules may be deemed no longer necessary in the US at some point in the future, it is imperative that Industry Canada maintain these rules to protect the PCS H Block in Canada, regardless of any changes in the US, as long as the PCS H block and AWS-4 A/A' licensee in Canada are different entities.

End of document