



July 31, 2017

Via Email: ic.spectrumoperations-operationsdsuspectre.ic@canada.ca

Manager, Spectrum Operations
Innovation, Science and Economic Development Canada
300 Slater Street
Ottawa, Ontario
K1A 0L8

Re: Notice concerning an application (the "TSSI Application") received from TerreStar Solutions Inc. ("TSSI") for a Tier 1 spectrum licence for the use of 1695-1710 MHz frequency band and 1910-1915/1995-2000 MHz in the PCS H block

1. Pursuant to the procedures established in the above-referenced Notice dated May 25, 2017 (the "Notice"), Shaw Communications Inc. ("Shaw") provides below its reply comments in relation to TSSI's Application for a Tier 1 spectrum licence, with some discrete restrictions, in the 1695-1710 MHz frequency band and in the PCS H block 1910-1915 MHz/1995-2000 MHz frequencies (the "requested spectrum" or "requested frequencies").
2. The parties to this proceeding have raised a broad range of issues and views. Given the divergent perspectives raised, in Shaw's view, the Department has no choice but to reject TSSI's application and hold the TSSI-requested frequencies in reserve until such time as the Department is ready to hold a proper consultation regarding the policy framework for these bands.
3. Incumbent and new entrant Canadian mobile terrestrial carriers have weighed in on the Notice and TSSI's Application. With the exception of Xplornet Communications Inc. ("Xplornet") and SSI Micro Ltd. ("SSI Micro"), all other mobile terrestrial carriers, including Shaw, are opposed or "strongly opposed" as a matter of principle to TSSI garnering additional mobile terrestrial spectrum by merely applying for it. Implicit in the comments of the overwhelming majority of the mobile carriers' comments is the understanding that spectrum for mobile terrestrial use in Canada is not and should not be allocated on a first-come, first-served basis, without due process.

4. Canada's public meteorological services, which use the 1695-1710 MHz spectrum frequencies to provide meteorological satellite data, like Shaw, have raised the issue that there is currently no allocation for the mobile terrestrial service in these frequencies and thereby signaled their opposition to TSSI's Application.
5. TSSI's related party, DISH Networks Corporation is, like Xplornet and SSI Micro, supportive. However, Omnispace, LLC is opposed, based on the licensing framework and MSS deployment conditions of licence applicable to the AWS-4 (2000-2020 MHz and 2180-2200 MHz) frequencies held by TSSI. Bell Mobility, like Shaw, has alluded to these same considerations in its comments.
6. Thus, an overwhelming preponderance of views is opposed to TSSI's proposal that it be granted more spectrum on a Tier 1 basis for a nearly 20-year period that will not expire until 2035. As is evident from a review of these comments, TSSI's Application raises a number of unacknowledged and unresolved policy and licensing issues affecting not just the frequencies that it has requested in its Application, but ancillary frequencies and the AWS-4 spectrum licences that TSSI already holds. TSSI has not identified or dealt with these issues. The Department has not consulted on these issues in accordance with its practices and procedures, nor has it established or adjusted the policy and licensing frameworks that are implicated.
7. Although the majority of parties are opposed to TSSI's Application, there is a wide divergence of views regarding what steps the Department should consider next. The Canadian public meteorological services recommend denial and no new primary or secondary allocation to the mobile terrestrial service of the 1695-1710 MHz frequencies. Québecor Média inc., Rogers and Saskatchewan Telecommunications recommend the immediate adoption of 3GPP Band 70. On the other hand, Bell Mobility states that it is premature to adopt 3GPP Band 70 at this juncture given its view that it is less than certain that a device ecosystem will emerge for the 3GPP Band 70. Rogers and SaskTel further recommend that TSSI be required to exchange or turn in 20 MHz of its AWS-4 spectrum (the 2180-220 MHz sub-band) in exchange for its requested frequencies.
8. These widely divergent views underscore the need for the Department to hold a proper public consultation process at an appropriate juncture before proceeding with any of the recommended "solutions" to the issues raised by TSSI's Application. Such a process is needed to consider whether it would be appropriate to adopt the 3GPP Band 70 in Canada at this time and to review and establish a policy and licensing framework for the TSSI-requested frequencies

(and any ancillary spectrum, such as the 1910-1915 MHz frequencies that TSSI has not requested but that are paired with the requested 1995-2000 MHz frequencies). Furthermore, as alluded to by some, if the Department is to proceed with a consideration of the adoption of 3GPP Band 70, then it will, of necessity, require a review of the existing framework for the 40 MHz of AWS-4 spectrum that TSSI already holds.

9. In summary, Shaw submits that the Department should return the Application to TSSI and hold the TSSI-requested frequencies in reserve until the Department is ready to hold a proper consultation process regarding the policy framework for these bands. Otherwise, the Department would be proceeding in a policy and licensing framework vacuum, which is inconsistent with its long-standing practices and procedures.

Yours truly,

Paul Cowling
Vice President, Legal and Regulatory Affairs

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