

July 16, 2009

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Subject: Canada Gazette No. DGRB-005-09 - “Consultation on Transition to Broadband Radio Service (BRS) in the Band 2500-2690 MHz.”

Response to Comments – 4.2.4 CRTC License-Exempt Broadcasting Stations

Incospec Communications Inc. is pleased to having been given the opportunity to provide comments on the subject.

This response is a reply to the views and observations concerning the CRTC Licence-Exempt Broadcasting Stations in rural areas made by the participants on the transition of the Broadband Radio Service (BRS) planned for 2011.

CRTC Public Notice 2002-45’s objective is to allow Radiocommunication Distribution Undertakings (RDU) to serve small, rural and remote communities having small populations by distributing the TV services of one or more programming undertakings. It is our opinion that if there were no broadband operator planning to use spectrum in the 2500-2690 MHz band in a particular area, Industry Canada should not prevent local communities to continue using or implement RDUs for their benefit. We understand that Industry Canada’s role is to put in place policies in order to manage the spectrum in the best interest of Canadians. Nevertheless, for very specific situations where the spectrum is most likely never going to be used by new BRS licensees because the area is remote with no or small population, RDUs should be allowed to operate on a “no-protection, no-interference” basis. This way, the spectral resource can still be used for the benefit of Canadians without infringing on BRS licensees.

We therefore fully agree with the following companies which have provided support for CRTC license-exempt systems in rural and remote communities with small populations. They all support treating them differently than CRTC–licensed systems:

- ABC Communications
- Bell-Inukshuk-Rogers
- Intel
- Look Communications Inc.
- MTS Allstream
- SaskTel
- WiMAX Forum

In general, these organizations, particularly those who are likely to operate a nationwide high-speed mobile network, support the “no-protection, no-interference” licensing approach. They all agree that CRTC licensing in rural areas should be dealt differently, acquiring Industry Canada broadcasting certificate but giving up and shut down any conflicting spectrum operation of sub-bands 2535-2568MHz and 2657-2690MHz.

We do not fully agree with Telus comments and approach on this issue. Why notify a point to multipoint operator to vacate the designated sub-band if the 2535-2568MHz and 2657-2690MHz spectrum would likely never be utilized in rural areas due to unfavorable commercial conditions? We feel that should an operator be granted a high-speed mobility licence operating in the 2535-2568MHz and 2657-2690MHz bands for that same rural area where a CRTC license-exempt system exist, a notification period of 6 months to vacate this spectrum seems reasonable.

As systems integrator specializing in the engineering, integration and commissioning of networks providing broadband TV and data services both in Canada and abroad, we want to share with the regulators our Canadian experiences with terrestrial broadcasting networks.

We fully recognize the role of Industry Canada in spectrum management and that of the CRTC for content and for supporting consumer interest. As Canadians, we should be very appreciative of the role they played and are playing in the Canadian radio-television and telecommunications landscape.

We, at Incospec, have had the privilege of being part of the true meaning of Canadian harmonization, flexibility and reasonable accommodations with the following projects:

1. In the winter of 1981, when Canadian Satellite Communications (CANCOM) launched their 4 TV services on Anik B, Industry Canada (DOC) and the CRTC representatives participated in a quick coordination of VHF spectrum allocation and CRTC licensing accommodation in order to provide TV services to underserved and remote areas of Canada, Havre Saint-Pierre, Quebec. This community celebrated Christmas of 1981 with Canadian TV programming from CHCH Hamilton, CITV Edmonton, CHAN Vancouver and TCTV (CFTM-TV) Montreal. This terrestrial VHF multi-channel broadcasting system, operated by a non-profit organization, migrated to a cable TV technology when more TV services became available. The VHF spectrum was then returned to the regulators and to our knowledge it has not been used ever since. Nevertheless, back in 1981 the usage of this public resource served its purpose.

2. In the spring of 1991, the community of Val Gagné/Monteith, Ontario had a limited budget, a narrow time frame to provide TV services to their 325 member population and a large territory (10km radius) to cover. These three challenges contributed to making usage of the MCS and MDS spectrum with fifteen (15) 6 MHz MDS and one (1) 6 MHz MCS channel for a total of 16 analog TV services. Both the Department of Communications and the CRTC provided flexibility and practical accommodations in the licensing of 16 TV channels. Our Canadian regulators prioritized and harmonized the needs of the community with regards to content requirements, and the usage of the public spectral resource including one (1) channel from the MCS band.

We believe that this point-to-multipoint distribution system operated by the Val Gagné Communications Association to be the first licensed MCS/MDS system in Canada. For over 10 years before the proliferation of small satellite dishes, the MMDS microwave technology fulfilled the needs of the community and served its short and medium term purpose with its spectral resource until the arrival of satellite technology from Bell TV and Shaw Direct.

3. In 2003, Club Social La Grande (an employee association of Société d'Énergie de la Baie James (SEBJ) a division of Hydro-Quebec) chose to use the microwave point-to multipoint technology for providing a number of selective TV services to a hydroelectric camp Eastmain 1 for their workers. In order to meet the TV programming needs of a temporary community in a rural area of Quebec serving a couple of thousand workers over a period of about 7 years, they decided to offer an initial TV programming package of 24 services. In order to offer 24 analog TV services, 9 MCS channels were necessary in addition to the 15 available MDS channels. Consequently, a temporary and limited authorization was granted to Club Social La Grande by Industry Canada to use the frequency band 2542 to 2596 MHz (nine MCS channels) on a "no-protection, no-interference" basis.

This is another example of cooperation, flexibility and reasonable accommodations for Radiocommunication Distribution Undertakings (RDUs). There is no reason why this type of arrangement could not continue to be applied in rural areas of Canada with any future BRS licence holder of high-speed mobile services.

We, at Incospec, strongly believe that by providing regulatory flexibility as indicated in the above projects, validates our regulator's role to encourage sharing the public air waves as well as accommodating community demands in rural areas of Canada.

Other than in Canada, our MMDS experiences also extend in other parts of the world including Africa, the Middle East, South West Pacific and Caribbean regions. These areas all have the same common denominator. They wanted a cost-effective broadband wireless technology which can be implemented rapidly.

Like everything else, over the past two decades, customer premises equipment (CPE) technology in the 2500 to 2700 MHz band have not only been considerably reduced in price but have also

been improved in technical performances. This combination continues to provide the best consumer technology solution for areas around the world, which do not have access to a broadband optical or coaxial distribution network.

The 2500 to 2700 MHz band with its good radio propagation characteristics and cost effective transmission/customer premises equipment have made it possible for network operators around the world to provide to the population access to television and data services, at an affordable cost. The large equipment deployment around the world in the MMDS band has contributed to the cost reduction of customer premises equipment which may have also contributed to the identification of this band for the third generation of mobile services by the International Telecommunications Union.

We recognize that the World Radiocommunication Conference in 2000 has classified that the 2500 to 2690 MHz band be used for the 3G mobile services on a global basis. This should not however discourage any local community from using this user-friendly spectrum for TV and data services particularly if the wireless broadband operator will use this spectrum on short or medium term basis as a temporary technology solution to meet the needs of the community.

We trust that the comments presented in this response will give our Canadian regulators some tools to continue to allow CRTC licence-exempt broadcasting stations in rural areas to exist and to treat them differently from the CRTC-licensed systems. This flexibility will allow the local operator to take advantage of the low cost MCS/MDS equipment and implement a cost effective wireless broadband solution profiting from the community's available spectral resource. Additionally, our views should not discourage any potential BRS operator from implementing a high-speed mobility service based on market demand, as we support the "no-protection, no-interference" approach.

Yours very truly,



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