17 December 2012

Manager, Emerging Networks, DGSO
Industry Canada
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Ottawa, Ontario K1A 0C8
e-mail: spectrum.operations@ic.gc.ca

Re: Gazette Notice No. DGSO-006-12 — Consultation on Renewal Process for 2300 MHz and 3500 MHz Licences

Pursuant to the procedures outlined in the above noted document, attached are Comments by Cogeco Cable Inc. (“Cogeco”).

We thank you for the opportunity to provide comments and remain available to answer any questions you may have regarding our submission.

Yours very truly,

Michel Messier,
Director, Regulatory Affairs, Telecommunications
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Canada Gazette Notice No. DGSO-006-12

Consultation on Renewal Process for 2300 MHz and 3500 MHz Licences

Comments of Cogeco Cable Inc.

17 December 2012
Introduction

1. Cogeco Cable Inc. (“Cogeco”), a cable telecommunications company, owns and operates wireline broadband telecommunications facilities and provides a wide range of Internet, voice, data, video and related services in the Provinces of Ontario and Québec.

2. Cogeco holds 3.5 GHz licences in twelve (12) localities in Québec and Ontario which will expire in August 2016. While Cogeco conducted some trials in the past, none of these licences are currently used for commercial services by Cogeco. Actually, the equipment available and used at that time of the trials did not permit Cogeco to envisage offering wireless telecommunications access services on a commercial basis in these areas. That being said, it appears that new technical development with respect to mobile equipment, as recently presented to Cogeco by some vendors, could likely open new business perspectives in the near future.

3. In this consultation, Industry Canada is seeking comments concerning the renewal of the 2300 MHz and 3500 MHz licences. Cogeco is pleased to provide the following comments in response to Industry Canada’s consultation questions and reserves its right to provide further comments on certain specific issues at the reply stage of the process.
Comments provided in response to the Consultation Paper Questions

(1) Industry Canada seeks comments of the proposed wording of the condition of licence related to deployment. Comments are also sought on the following proposals that:

A. deployments of fixed links not servicing an end user directly should be considered as an alternative method to meet WCS and FWA spectrum deployment licence conditions; and

B. when a requirement is considered for fixed links not servicing an end user directly should be set at 15 links per million population, per Tier 4 area at the end of the licence term.

When proposing an alternative deployment requirement for either WCS or FWA, provide a rationale for each band.

4. Cogeco has no objection in principle to the proposal that deployments of fixed links not servicing an end user directly should be considered as an alternative method to meet WCS and FWA spectrum deployment licence conditions.

5. That being said, Cogeco has no specific view with respect to the deployment requirement, including the number of fixed links per million population, per Tier 4 area, that should be considered as an acceptable level of deployment at the end of the licence term. Cogeco intends to review comments from other parties and file further comments on this specific issue at the reply stage of the process.

(2) For the 2300 MHz band, which of the two options is preferred?

6. For the 2300 MHz band, Cogeco has no comments at this time with respect to this issue.
(3) For the 3500 MHz band, which of the two options is preferred?

7. For the 3500 MHz band, Cogeco’s preference is for Option 1. The current terms of these licences should be extended for all licences. As noted in the consultation paper, such an extension will provide to all licensees additional time to meet the deployment requirements and acknowledges the potential international changes in the band.

In responding to the following questions, provide supporting rationale for each band separately.

(4) For Option 1 (detailed in section 7.1 of this consultation):

A. Should licence terms be extended?
   a. If so, should they be extended by the same length for all licensees?
      i. Is three years an appropriate extension?
   b. Or, should the licence terms be extended to a fixed date for all licensees?
      i. Would December 2017 be an appropriate extension date?

B. Should the deployment requirement also be extended to the end of the proposed term?

C. In considering an extension of the licence term, do you expect equipment in the 2300 MHz band to become available soon enough to achieve the deployment requirements by December 2017?

D. In considering an extension of the licence term, do you expect LTE equipment in the 3500 MHz band to become available soon enough to achieve the deployment requirements by December 2017?

E. Are there any additional considerations that should be taken into account by Industry Canada?

8. Cogeco is in favour of an extension of the same length for all licensees and considers that a three-year extension period of the licence terms in the 3500 MHz band, including the deployment requirement, is a minimum and that would be appropriate.
9. Although the growth in the availability of 3.5 GHz LTE equipment appears very likely in the near future due to huge potential in data network market and the international potential demand for this equipment, Cogeco is of the view that it is difficult at this time to forecast with any degree of certainty that this equipment will become available, with the right supply chain at appropriate costs, soon enough to achieve the deployment requirements by December 2017. Therefore, Cogeco submits that Industry Canada should not rely too heavily on this likelihood to determine the extension of the licence terms of the 3.5 GHz licences.

(5) For Option 2 (detailed in section 7.2 of this consultation):

A. Given the potential upcoming changes, is 10 years an appropriate term for new licences issued through the renewal process?

B. Should deployment requirements apply to new licences under the renewal process? If so, what should the deployment requirements be?

C. Are there any additional matters that should be considered by Industry Canada when issuing a new licence for a new term?

10. Cogeco has no comments with respect to these issues at this time.

(6) Are there any other options for the licence renewal process that Industry Canada should consider?

11. Cogeco has no comments with respect to this issue at this time.

(7) Industry Canada invites comments on the proposed wording of the condition of licence related to the licence term (detailed in section 8 of this consultation).

12. Cogeco has no comments with respect to this issue at this time.

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