November 26, 2012

Sent via email: spectrum.engineering@ic.gc.ca

Manager, Mobile Systems  
Industry Canada  
300 Slater Street  
Ottawa ON K1A 0C8

Re: Canada Gazette, Part I, August 10, 2012, Consultation on a Policy, Technical and Licensing Framework for Use of the Public Safety Broadband Spectrum in the Bands 758-763 MHz and 7880793 MHz (D Block) and 763-768 MHz and 793-798 MHz (PSBB Block) SMSE-007-12

Pursuant to the procedures outlined in the above noted document, attached are Reply Comments of Rogers Communications Partnership (“Rogers”).


Yours very truly,

Kenneth G. Engelhart

Attach.
Reply Comments of
Rogers Communications Partnership

Consultation on a Policy, Technical and Licensing Framework for Use of the Public Safety Broadband Spectrum in the Bands 758-763 MHz and 788-793 MHz (D Block) and 763-769 MHz and 793-798 MHz (PSBB Block)

(SMSE-007-12)

November 26, 2012
Executive Summary

1. Rogers continues to support Industry Canada’s proposal to harmonize the 700 MHz D Block with the use of this spectrum in the U.S. and to designate this spectrum for public safety. Given that the U.S. has already designated the D Block for public safety it is clear that public safety user devices and network technology will be developed for this band.

2. Harmonizing the use of this spectrum with the U.S. will allow Canadian public safety agencies to benefit from favourable economies of scale and the availability of advanced new user devices and network technology designed for the public safety community.

3. If the mandatory roaming policy applies to public safety agencies, Rogers is prepared to respond to any requests for roaming and we will provide all requestors with an offer using our existing network, based on commercial rates and terms. Seamless hand-off and wireless priority access service are not elements that are captured by the Department’s roaming policy and therefore should not be mandated.

4. Significantly, virtually all public safety proponents have stated in their comments that interoperability and priority access should not be mandated for the future D Block public safety networks. Therefore there is no justification for mandating interoperability, including roaming and seamless hand-off, between public safety and commercial mobile networks, or for mandating the implementation of priority access and pre-emption services within commercial networks.
Introduction

5. Rogers Communications (“Rogers”) is pleased to provide the following reply comments in response to comments filed by other parties regarding Industry Canada’s Consultation on a Policy, Technical and Licensing Framework for Use of the Public Safety Broadband Spectrum in the Bands 758-763 MHz and 788-793 MHz (D Block) and 763-768 MHz and 793-798 MHz (PSBB Block) (“the Consultation Paper”).

6. Rogers stated its positions on some of the issues raised in the Consultation Paper in its comments of October 24, 2012. This reply is limited to comments on proposals made by other parties. Failure to address any specific issue raised by other parties should not be taken by the Department as acquiescence with the position.

Rogers Reply to Comments of Other Parties

4. Designation of Use for the D Block

7. In our comments, Rogers supported the designation of the D Block for public safety since this is what has already been done in the U.S. We noted that harmonizing with the U.S. would ensure that Canadian public safety agencies will benefit from favorable economies of scale and the availability of advanced new user devices and network technology.

8. Virtually all of the parties support the designation of D Block spectrum for public safety services. Most parties have noted that the U.S. has elected to designate and license its D Block spectrum for public safety services. These parties believe that harmonizing the use of this spectrum with the U.S. will allow Canadian public safety agencies to benefit from favourable economies of scale, the availability of advanced new user devices and network technology, and more straightforward frequency coordination and interoperability along the Canada-U.S. border.¹

9. Public Mobile is the only party that has opposed the designation of the D Block for public safety. It asserts that this spectrum should be designated for commercial

¹ For example see: Canadian Association of Fire Chiefs Comments, p. 2; Paramedics Association of Canada Comments, p. 2; Canadian Association of Chiefs of Police Comments, p. 2; Emergency Management Ontario Comments, p. 2; RCMP Comments, p. 1; Ericsson Canada Comments, p. 2; Alcatel-Lucent Canada Comments, p. 4; Motorola Solutions Canada Comments, p. 5.
services and licensed to commercial operators, and that licensees could have an obligation to serve public safety.\textsuperscript{2}

10. Rogers submits that Public Mobile’s position ignores the fact that this approach proved to be unsuccessful in the U.S. At the conclusion of the U.S. 700 MHz auction in March 2008, the reserve price for the D Block was not met and therefore there was no winning bidder for the D Block.\textsuperscript{3} As a result, this valuable spectrum went unused and was subject to ongoing uncertainty until very recently. Several parties have rightly pointed to the U.S. experience in demonstrating that Canada should avoid this outcome by designating the D Block for public safety and not auctioning it with an obligation to serve public safety.\textsuperscript{4} The Department should therefore dismiss Public Mobile’s position.

7. **Priority Access and Pre-emption**

7. Although most public safety stakeholders advocate the use of priority service and, to a lesser extent, pre-emption, within the future D Block public safety network, no party has called for the implementation of these capabilities within incumbent commercial mobile networks.

8. In fact, while virtually all public safety proponents have identified priority access functionality as important for prioritizing Category 1, 2 and 3 users, and potentially commercial users, on the future D Block public safety network, the vast majority are opposed to the mandatory use of this particular functionality on the public safety network.\textsuperscript{5} Most parties have argued that Industry Canada should leave the specific technical details for public safety to consider, plan and implement without a mandate, or to be subject to negotiations, for example, with commercial operators.\textsuperscript{6}

\textsuperscript{2} Public Mobile Comments, p. 2.


\textsuperscript{4} For example, see: Joint Response by Federal, Provincial, Territorial Authorities, Federation of Canadian Municipalities and the Tri-Services Chiefs Associations on behalf of the First Responder and Emergency Management Communities Comments, p. 11; Quebecor Media Comments, p. 8; Motorola Solutions Canada Comments p. 8.

\textsuperscript{5} Joint Response by Federal, Provincial, Territorial Authorities, Federation of Canadian Municipalities and the Tri-Services Chiefs Associations on behalf of the First Responder and Emergency Management Communities Comments, pp. 8-9.

9. In particular, the National Public Safety Telecommunications Council (NPSTC) states the following in this regard:

   NPSTC believes that the questions of commercial use of unused capacity and priority access on the PSBN are primarily issues to be decided by those Canada public safety agencies that are most impacted by such decisions.  

   (Emphasis added)

10. For its part, the Joint Response by Federal, Provincial, Territorial Authorities and Federation of Canadian Municipalities together with the First Responders Community (Canadian Public Safety Community) states that public safety stakeholders must be permitted to have priority access on D Block spectrum and that no particular capability should be mandated on D Block licensees. Specifically, the Canadian Public Safety Community states the following:

   It is vital that IC rules and regulations allow the dynamic prioritization of broadband service to the user(s) most requiring it at any given time.

   Public safety must manage the priorities of the users under the three categories and does not require IC to regulate this, as long as appropriate priorities of access are established.

   (Emphasis added)

11. With respect to the question of whether priority access should be mandated if commercial use of D Block spectrum is allowed, the Canadian Public Safety Community states that public safety stakeholders should be allowed to “choose” their preferred prioritization model and that the specific policies and thresholds for invoking priority and other mechanisms should be the subject of negotiations between public safety and commercial network operators. Specifically, the Canadian Public Safety Community states the following in this regard:

   The public safety broadband network must contain sufficient flexibility to ensure that local public safety incident command can choose the prioritization model that best suits its needs on a day-to-day basis. This becomes even more critical during disaster conditions and situational emergencies at an incident scene. Incident commanders must have the capability to manage specific user prioritization to properly arbitrate and assert control over multi-discipline public

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7 NPSTC Comments, p. 6.  
8 Public Safety Community Comments, p. 5.
safety personnel, as well as Category 2 and Category 3 users if allowed to access the network.

If commercial users are allowed to operate on the public safety broadband network, then public safety users would have priority access according to real time operational demands of public safety. The policies and thresholds for invoking prioritization and QoS mechanisms would be the subject of negotiated agreements between the PSNE and the commercial operator.

*It is not necessary for IC to mandate the mechanisms since prioritization of users would be the subject of negotiated agreements between the PSNE and the commercial operator.*

(Emphasis added)

12. Quebecor Media has likewise urged Industry Canada to allow the public safety network operator and commercial operators to negotiate the extent to which priority mechanisms will be used.¹⁰

13. Similarly, in response to Industry Canada’s question regarding which mechanisms (e.g. priority access, pre-emption, or others) should be implemented if commercial services will be permitted to use D Block spectrum, the RCMP states that public safety can determine the specific mechanisms that should be implemented.

*The RCMP believes that priority access needs to be available regardless of the system or technology implemented…If and how various levels of priority are implemented can be discussed during the design and governance stages.* ¹¹

(Emphasis added)

14. The RCMP further states that, at most, Industry Canada should consider mandating that public safety have a general capability to ensure that public safety agencies will have access to D Block capacity when they need it. According to the RCMP, a mandate specifically for priority access and pre-emption is not necessary.

*Industry Canada should mandate that public safety have mechanisms in place to ensure that agencies have access to systems and information if and when required.* ¹²

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⁹ Public Safety Community Comments, p. 8
¹⁰ Quebecor Media Comments, p. 6.
¹¹ RCMP Comments, p. 3.
15. None of the parties have called for the mandatory provision of roaming services by incumbent commercial operators to users of the future D Block public safety network. Indeed, it is still unclear whether devices will even be manufactured for operation in both the D Block and spectrum designated for commercial use.\(^\text{13}\)

16. In any event, some public safety stakeholders have said that roaming agreements between public safety and commercial operators can be left to negotiations. For example, Nova Scotia EMO states the following in this regard:

   While responders must have access to sufficient bandwidth in a reliable manner during emergencies, they also recognize that there may be surplus capacity available for secondary usage at other times. In this light, public-private partnerships with existing wireless network operators are of interest to the public safety community whereby mutually beneficial arrangements may be negotiated at the regional/provincial level.\(^\text{14}\)

17. The RCMP notes that the development of consumer devices that will operate in both the D Block and the commercial 700 MHz band will largely be determined by FirstNet, the U.S. D Block licensee. While it views roaming between public safety and commercial networks as potentially useful, the RCMP does not stipulate that mandatory roaming is required:

   The roaming capability of these devices would be a very useful element in the gradual roll out of the public safety network.\(^\text{15}\)

18. While many public safety stakeholders believe that interoperability between public safety networks is important, none of the parties have called for interoperability between incumbent commercial mobile networks and the future public safety D Block network.

19. In fact, most public safety proponents are opposed to the notion that Industry Canada should mandate interoperability between regional D Block public safety networks, much less interoperability between D Block networks and commercial networks.

\(^{12}\) RCMP Comments, p. 3.
\(^{13}\) Public Safety Community Comments, p. 2.
\(^{14}\) Nova Scotia EMO Comments, p. 2.
\(^{15}\) RCMP Comments, p. 2.
20. For example, the RCMP states that interoperability can be “encouraged” but that, ultimately, this matter should be determined by the public safety community, not Industry Canada. Specifically, the RCMP states the following in this regard:

*Although Industry Canada should not be mandating specific technologies, part of its role can be to encourage radio interoperability. In light of this objective, the national and regional Public Safety Network Entities (PSNE) must have the authority to choose and enforce the use of national technical/interoperability standards.*

(Emphasis added)

21. Since public safety stakeholders have maintained in their comments that the Department should not mandate interoperability between public safety D Block networks, and should not require that public safety implement priority access and pre-emption capabilities within the D Block network, Rogers submits that there is certainly no justification for mandating interoperability, including roaming and seamless hand-off, between public safety and commercial networks, or for mandating the implementation of priority access and pre-emption services within commercial networks.

22. As Rogers stated in its comments, if the mandatory roaming policy applies to public safety stakeholders, then Rogers is prepared to respond to any requests for a roaming offer and we will be pleased to provide all requestors with an offer using our existing network, based on commercial rates.

23. With respect to seamless hand-off, Industry Canada has previously determined that this has not been made a requirement under the roaming policy, and therefore should not be mandated. With respect to wireless priority access service, including pre-emption, this is not an element of roaming services captured by the roaming policy, and therefore should not be mandated. Further, Rogers does not offer wireless priority service for 3G and higher technologies.

16 RCMP Comments, p. 4.