Spectrum Management and Telecommunications

Client Procedures Circular

Licensing Procedure for Wireless Broadband Services (WBS) in the Frequency Band 3650-3700 MHz

Note: Section 6.5 has been updated (November 2010).
Preface

Client Procedures Circulars describe the various procedures or processes to be followed by the public when dealing with Industry Canada. The information contained in these circulars is subject to change without notice. It is therefore suggested that interested persons consult the nearest district office of Industry Canada for additional details. While every reasonable effort has been made to ensure accuracy, no warranty is expressed or implied. As well, these circulars have no status in law.

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All Spectrum Management and Telecommunications publications are available on the following website http://www.ic.gc.ca/spectrum.
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1. **Principle**

The Minister of Industry, pursuant to the *Department of Industry Act*, the *Radiocommunication Act* and the *Radiocommunication Regulations*, with due regard to the objectives of the *Telecommunications Act*, is responsible for spectrum management in Canada. As such, the Minister is responsible for developing national policies and goals for the effective use and management of the radio frequency spectrum.

2. **Intent**


3. **Mandate**

In accordance with paragraph 5(1)(a) of the *Radiocommunication Act*, the Minister of Industry may issue spectrum licences in respect of the utilization of specified radio frequencies within a defined geographic area. The Minister may also fix the terms and conditions of any such licence, including terms and conditions as to the services that may be provided by the holder thereof. The Minister may fix fees for a spectrum licence under section 19 of the *Department of Industry Act*.

4. **Existing Systems**

4.1 **Point-to-Point Systems**

Existing point-to-point systems in the band 3500-3650 MHz are afforded protection from WBS operation for a period of one year from the date of release of Spectrum Utilization Policy SP 3650 MHz, (i.e. until June 11, 2010). After that date, point-to-point systems in the band 3500-3650 MHz may continue to operate on a no-protection basis. For further details regarding existing point-to-point systems, refer to SRSP-303.65.

4.2 **Fixed-Satellite Service (FSS)**

WBS licensees are required to notify and/or coordinate with FSS operators when deploying a WBS base station within the vicinity of a licensed FSS receive earth station. Refer to SRSP-303.65 for further details regarding notification and coordination with FSS operators.
5. **Applications**

Fixed and mobile systems (e.g. point-to-multipoint and point-to-point) are permitted to be deployed in the band 3650-3700 MHz. Applications for low data rate point-to-multipoint radio telemetry network systems (i.e. less than 25 kHz bandwidth) are not permitted. Further details regarding the technical requirements for WBS in the band 3650-3700 MHz can be found in SRSP-303.65 and in RSS-197.

6. **Licensing**

6.1 **Licence Term**

Spectrum licences for WBS in the band 3650-3700 MHz will be issued for a term expiring on March 31 of each year. A licensee may renew its licence for the next annual term upon payment of the required annual licence fees in advance of March 31.

6.2 **Eligibility**

Entities applying for WBS spectrum licences must meet the following criteria: entities intending to operate as radiocommunication users or service providers must meet the eligibility criteria set out in section 9(1) of the *Radiocommunication Regulations* prior to being issued a licence; entities intending to operate as radiocommunication carriers must meet the eligibility criteria set out in section 10(2) of the *Radiocommunication Regulations*. For more information, refer to Client Procedures Circular CPC-2-0-15, *Canadian Ownership and Control*, as amended from time to time. ([http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01763.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01763.html)).

6.3 **Spectrum Licence Application**

Licence applications can be submitted to the nearest Industry Canada office. The Department requires the use of contention-based protocols for equipment operating in the band 3650-3700 MHz and therefore the Department encourages applicants to consult with an Industry Canada office prior to a submission for licensing.

The application should include the following:

(a) a covering letter indicating the Tier 4 service areas being applied for;

(b) for entities wishing to operate as radiocommunication carriers, supporting documents indicating compliance with the Canadian ownership and control requirements (this will include any foreign

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1 As defined in the *Radiocommunication Regulations*, a “radiocommunication carrier” means a person who operates an interconnected radio-based transmission facility used by that person or another person to provide radiocommunication services for compensation.

ownership or documents that involve “control in fact” by non-Canadians. For more information, refer to Client Procedures Circular CPC-2-0-15, *Canadian Ownership and Control*, as amended from time to time (http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01763.html); and

(c) technical information as per the SRSP and RSS.

### 6.4 Service Areas

Spectrum licences for WBS in the band 3650-3700 MHz will be issued on a Tier 4 service area basis. Each Tier 4 area being served, including the Tier 4 area in which the fixed or radio base station is located, will require a spectrum licence.

Additional information and descriptions of the service areas used by Industry Canada can be found at http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01627.html.

### 6.5 Licence Fees

Fees for these spectrum licences will be prescribed in a future *Canada Gazette* notice regarding fees for spectrum in the radio frequency band 3650-3700 MHz for WBS. Industry Canada will move forward with the implementation of a licence fee. In the interim, the Department will accept applications and issue licences pending the establishment of the fee. Licensees will be required to pay annual fees once the fee order is in place; however, the fees will not be retroactive.

Until such time as these fees have been established, the term “low population areas” should be understood to mean those Tier 4 areas that are subject to the proposed minimum licence fee identified in Annex B of the document *Proposed Spectrum Utilization Policy, Technical and Licensing Requirements for Wireless Broadband Services (WBS) in the Band 3650-3700 MHz* (DGTP-006-06), dated August 2006.

### 6.6 Spectrum Structure

Spectrum licences will be issued for use of the band 3650-3700 MHz on a shared basis and all licensees will have equal access to the spectrum, taking into consideration the contention-based protocol requirements. Note, however, that operations may be limited to a 25 MHz sub-band, depending on the type of equipment used (refer to SRSP-303.65).

There will be no limitation on the number of licences that may be issued for the same spectrum and geographic area (Tier 4) and priority access will not be given to any operations.

### 6.7 Equipment

Radio equipment intended for WBS in the band 3650-3700 MHz must be certified in accordance with Radio Standard Specification RSS-197.
6.8 **Domestic Coordination**

Equipment deployed in the band 3650-3700 MHz must incorporate contention-based protocols (see RSS-197) to manage the interference between systems. The number of licences awarded within an area will not be restricted and licensees will not have the same interference protection rights commonly associated with licensed systems. However, it is expected that the requirement for equipment that includes the contention-based protocol will minimize interference between users. WBS licensees should note that, although interference may still be possible, it is expected to be manageable.

The Department will not be involved in coordinating station assignments or resolving interference problems. Licensees are expected to cooperate in order to identify and resolve possible interference issues among themselves. Licensees establishing new stations must coordinate with existing licensees in order to resolve any technical issues.

To assist in facilitating cooperation and coordination, Industry Canada has developed a publicly accessible database showing both licence and site data.

6.9 **International Coordination**

Licensees deploying stations in the vicinity of the United States border are required to comply with the international coordination provisions outlined in SRSP-303.65.

7. **Provision of Technical Information**

Upon receipt of a licence and prior to the installation or modification of a radio station, the licensee is required to upload its site-specific data to Industry Canada’s publicly accessible database. Licensees are required to keep the information for all stations up to date.

WBS licensees will be issued an individual data upload account number. The account number is used to manage the administrative and technical information in the publicly accessible database for the stations related to each spectrum licence. A Web profile to access Industry Canada’s online “Spectrum Direct” service will be established. Industry Canada offices will be able to assist in the creation of the Web profile.

7.1 **Spectrum Direct**

Specific details and instructions are available on Spectrum Direct describing each data element that must be included for every station and antenna in operation under a spectrum licence number. Instructions on how to upload the data is available on Spectrum Direct ([http://www.ic.gc.ca/eic/site/sd-sd.nsf/eng/Home](http://www.ic.gc.ca/eic/site/sd-sd.nsf/eng/Home)). Should you have any problems uploading, please contact the nearest regional Industry Canada office.
8. Technical Considerations

Licensees are required to comply with the technical specifications for WBS in the band 3650-3700 MHz as specified in SRSP-303.65 and RSS-197.

9. Related Documents


SP 3650 MHz  Spectrum Utilization Policy, Technical and Licensing Requirements for Wireless Broadband Services (WBS) in the Band 3650-3700 MHz

SAB-001-09 Revised List of Grandfathered Fixed Satellite Service Receive Earth Stations in the Band 3650-3700 MHz

CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems

CPC-2-0-15 Canadian Ownership and Control

RSS-197 Wireless Broadband Access Equipment Operating in the Band 3650-3700 MHz

CPC-2-1-23 Licensing Procedure for Spectrum Licences for Terrestrial Services

RSP-113 Application Procedures for Planned Radio Stations Above 960 MHz in the Fixed Service

RIC-66 Addresses and Telephone Numbers of Regional and District Offices
Appendix A - Conditions of Licence

The following conditions of licence apply to spectrum licences for Wireless Broadband Services (WBS) operating in the frequency band 3650-3700 MHz.

1. Licence Term

This licence will expire on the date indicated above. A licensee may renew its licence for another annual term upon payment of the applicable annual licence fee by March 31.

2. Eligibility

A licensee operating as a radiocommunication carrier must comply on an ongoing basis with the eligibility criteria in section 10(2) of the Radiocommunication Regulations. The licensee must notify the Minister of Industry of any change that would have a material effect on its eligibility. Such notification must be made in advance for any proposed transactions within its knowledge.

A licensee operating as a radiocommunication service provider must comply on an ongoing basis with the eligibility criteria in section 9(1) of the Radiocommunication Regulations.

For more information, refer to Client Procedures Circular CPC-2-0-15, Canadian Ownership and Control, as amended from time to time.

3. Radio Station Installations

The licensee must comply with Client Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, as amended from time to time.

4. Provision of Technical Information

Prior to the installation or modification of a radio station, the licensee is required to register its site-specific data with Industry Canada as outlined in Client Procedures Circular CPC-2-1-23, Licensing Procedure for Spectrum Licences for Terrestrial Services, as amended from time to time. Licensees are required to keep the information up to date on Industry Canada’s publicly accessible database.

5. Compliance with Legislation, Regulations and other Obligations

The licensee is subject to, and must comply with, the Radiocommunication Act, the Radiocommunication Regulations and the International Telecommunication Union’s Radio Regulations pertaining to its licensed radio frequency bands. This licence is issued on condition that the certifications made in relation to the licence are all true and complete in every respect. The licensee must use the assigned spectrum in accordance with the Canadian Table of Frequency Allocations and the spectrum policy applicable to this band.
6. Technical Considerations

The licensee must comply on an ongoing basis with all relevant Radio Standards Specifications and Standard Radio System Plans, as amended from time to time.

7. International and Domestic Coordination

The licensee must comply with the current and future agreements established with other countries. Although frequency assignments are not subject to site licensing, the licensee may be required to furnish all necessary technical data for each relevant site.

The licensee must use its best efforts to enter into mutually acceptable sharing agreements with other parties, which will facilitate the reasonable and timely development of their respective systems, where applicable, and to coordinate with other licensed users in Canada and internationally, where applicable.

8. Lawful Interception

A licensee operating as a radiocommunication carrier and using this spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General’s Enforcement Standards for Lawful Interception of Telecommunications. These standards may be amended from time to time.

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

9. Mandatory Antenna Tower and Site Sharing

A licensee operating as a radiocommunication carrier must comply with the mandatory antenna tower and site sharing requirements set out in Client Procedures Circular CPC-2-0-17, Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements, as amended from time to time. To facilitate compliance with this condition of licence, the licensee should consult the Department’s Guidelines for Compliance with the Conditions of Licence Relating to Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (GL-06).