BY EMAIL wireless@ic.gc.ca

May 25, 2009

Ms. Pamela Miller
Acting Director General
Telecommunications Policy Branch
Industry Canada
300 Slater Street
Ottawa, Ontario

Dear Ms. Miller:

Re: Consultation Paper on the Possible Use of the Extended Ku Bands for Direct-to-Home (DTH) Satellite Broadcasting Services – DGTP-003-08
   Reply Comments

1. Juch-Tech Inc. (Juch-Tech) has reviewed the initial round of comments in this proceeding and offers the following by way of reply comments.

2. As a small company operating in the field of satellite carrier services, we were pleased to see the number and quality of the submissions supporting the proposed change in policy to permit extended Ku band to be used for ubiquitous applications including DTH. Extended Ku band spectrum is greatly underused in Canada for satellite applications, in contrast to the situation in Europe and other regions in the world. Industry Canada now has an opportunity to bring the same benefits from those regions to Canada, while making sure at the same time that mobile wireless operators have sufficient back-haul spectrum to accommodate increased mobile traffic.

3. We noted the refusal of the fixed service proponents in their initial filings to consider a reasonable compromise, or equitable sharing in the 11 GHz band. It is perhaps natural for incumbents to cling to their spectrum allocations, but in the case of the extended Ku band, the proposal put forward by the Department in the Consultation would result in a far more equitable sharing scenario.

4. The fixed service proponents forget that the entire 1 GHz band is allocated on a co-primary basis to both FS and FSS. The result of the current rules, despite this co-primary status, is that the FS has some 1500 licensed links throughout the 11 GHz band while there are only a handful of licensed FSS stations. This is hardly equitable sharing.

5. The band segmentation proposed, whereby each of the FS and FSS would have clear priority in 500 MHz of the band, is a much more equitable and efficient form of sharing. The general tone of the FS proponents' initial submissions suggests they will be forcibly removed from the entire band. In fact, they would continue to have priority in the AP30B sub-bands where two-thirds of their links are currently licensed. All or most of the 500 or so other links could, according to
engineering analyses done by Telesat and Shaw, be accommodated in the AP30B sub-bands. The Lemay-Yates analysis commissioned by Telesat, suggests that other microwave bands, such as the 18, 23, and 38 GHz bands, would be available to provide back-haul capacity, and would no doubt be a more efficient use of spectrum, given that many of the links are located in urban areas where hops are generally short.

6. Juch-Tech was particularly interested to read the joint submission filed by SkyTerra and TerreStar, which are both MSS operators. These operators have proposed that the entire 11 GHz band be allocated to the FSS. While such an allocation would certainly enhance the spectrum choices available to the FSS industry, it is hardly an equitable sharing solution. In our view, it would be as over-reaching (for the FSS) as is the FS proponents’ position to retain the current unbalanced sharing rules which greatly favour the FS interests over those of the FSS. Indeed, the proposal in the Consultation Paper is that the AP30B sub-bands would be available to the FS on a priority basis, while the extended Ku sub-bands would be available on a priority basis to the FSS. Our understanding is that after a three year transition period, the FS links would need to be removed from those sub-bands, and be accommodated either in the adjacent AP30B sub-bands, or in other microwave bands.

7. The joint MSS submission expresses a number of concerns about co-ordination, between co-located satellites, and among FS links and FSS feeder links in the AP30B sub-bands. Given the small number of such feeder links, we believe that co-ordination with FS links is entirely feasible. Co-ordination between co-located satellites is standard practice, and experience to date suggests that such co-ordination can be done successfully with minimal constraints on both sides.

8. Juch-Tech looks forward to an early resolution of this spectrum policy issue, so that Shaw and Telesat can plan now for a launch of an extended Ku-band satellite within the next three years. Any undue delay will severely hamstring our industry, which must always plan years in advance, and will be harmful to the continued evolution of broadband and a competitive DTH market in Canada.

9. Thank you for this opportunity to provide my reply comments in this important proceeding.

Yours sincerely,

[Signature]

Walt Juchniewicz
President and C.E.O.