



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

April 4, 2008

Email: wireless@ic.gc.ca

Mr. Robert W. McCaughern
Director General
Spectrum Engineering Branch
Industry Canada,
300 Slater Street
Ottawa ON K1A 0C8

Dear Mr. McCaughern:

Re: *Canada Gazette Notice SMSE-004-08; 19 January 2008; "Proposed Revisions to the Frequency Plan for Public Safety in the Band 700 MHz"*

1. The Canadian Association of Broadcasters (CAB) is the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private radio and television stations, networks, specialty, pay and pay-per-view services. The goal of the CAB is to represent and advance the interests of Canada's private broadcasters in the social, cultural and economic fabric of the country.
2. Our interest in the above Gazette Notice arises because the Department's proposals call for the re-allocation of over-the-air (OTA) UHF television channels 64 (770-776 MHz) and 69 (800-806 MHz) to Public Safety land mobile. Currently, these two channels are assigned to six analog stations and one digital station in markets across Canada for the transmission of analog television services. They are also allocated to eleven locations for use by transitional digital services, until such time as analog TV transmissions cease in Canada.
3. The CAB wishes to ensure that whatever regulatory measures are finally adopted by the Department, as a means of implementing the announced Channel 64 and 69 re-allocations, will not unduly affect the ability of Canadian viewers to continue receiving existing analog television services or to obtain transitional DTV services within the next several years. We have no comments on those elements of the Notice relating to Public Safety utilization issues.

4. The Department has stated clearly in the present Notice that, *“The stations that currently occupy channels 64 and 69 may be on-air until 2011 and the DTV allotments can be used until 2011.”* The CAB strongly supports this approach with respect to the preservation of existing analog Channel 64 & 69 stations because:
 - Moving these stations to other channels prior to 2011 is not reasonable considering the limited remaining operating time for analog OTA services, the costs that would be incurred by broadcasters, and the time it would take to obtain regulatory approvals and actually implement the changes.
 - Advancing the digital conversion date for these stations and moving them to their post-transition DTV channels below Channel 52 could place them at a considerable disadvantage with respect to competitors who will not be required to discontinue analog operations until 2011.
5. We also believe that the Department’s announced policy of preserving transitional DTV allotments on Channels 64 & 69 until the analog shut-off date is the proper way to proceed. Stations with transitional DTV allotments on these channels may find that they will need to implement these services prior to 2011:
 - to be able to compete effectively with US HDTV services in their markets following the US DTV transition in February 2009; and/or,
 - to allow temporary DTV transmissions prior to the time when their permanent DTV allotted channels can be implemented.
6. On this latter point, broadcasters remain unable to confirm with absolute certainty the post-transition channels for their stations because the Department has not yet published a final DTV Allotment Plan for Canada. The technical information that will be contained in this Plan is needed by licensees in order to prepare engineering briefs in support of Change of Facilities applications.
7. The CAB notes that the Department’s Notice states, “The revisions to SRSP-511 will also need to include co-channel protection for television operating on TV channels 64 and 69 from public safety”. We believe this to be a very important element of the proposed re-allocation process, given the mobile nature of the Public Safety service that will be sharing the spectrum in areas adjacent to TV operations.
8. We urge that no Public Safety operations be implemented until the above-referenced protective measures have been established and brought into force. Broadcasters consider that the co-channel and adjacent-channel protections to TV services from Public Safety base and mobile transmitters should be no less than those provided to

Canadian TV services by US non-broadcasting services operating in the 746-806 MHz band¹.

9. The CAB notes that the revised FCC plan for Public Safety in the 700 MHz band includes the re-allocation of the sub-bands 763-764 MHz (part of TV Channel 62) and 793-794 MHz (part of Channel 67) for broadband services. We also note that the Industry Canada Notice says that the use of these two sub-bands in Canada will be the subject of a “future consultation”. We agree with the Department that this particular issue should be put off for discussion at a later time because:
 - seven existing analog TV services and thirteen DTV transitional allotments are assigned to these channels at present; and,
 - increasing the available Public Safety 700 MHz spectrum from 12 MHz to 24 MHz in “most of Canada” should more than provide for the needs of this service until such time as the DTV transition is complete².
10. In summary, the CAB believes that the Department’s proposals to protect television’s use of Channels 62, 64, 67 and 69, until such time as the DTV transition has been completed, are reasonable and should be adopted without change.
11. All of which is respectfully submitted this 4th day of April 2008.

Sincerely yours,

Original signed by:

Glenn O’Farrell
President and CEO

¹ See Paragraph 13 of the ***“Letter Of Understanding between the Federal Communications Commission of the United States of America and Industry Canada related to the use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz bands for the Digital Television Broadcasting Service along the common border”***, January 2001

² Ref: Gazette Notice SMSE-004-08 at page 5 where it states, *“It is clear that, for most of Canada, channels 64 and 69 could be used immediately for narrowband public safety with no impact on television broadcasting”*.