



May 11, 2012

via email

Mr. Peter Hill
Senior Director,
Spectrum Management Operations
Spectrum Management Operations Branch
Industry Canada
300 Slater Street
Ottawa, Ontario
K1A 0C8

Dear Mr. Hill,

Subject: Canada Gazette Notice DGSO-001-12 *Proposed Revisions to the Frameworks for Mandatory Roaming and Antenna Tower and Site Sharing*

1. The Canadian Wireless Telecommunications Association (CWTA) is pleased to provide the following comments in response to Canada Gazette Notice DGSO-001-12 *Proposed Revisions to the Frameworks for Mandatory Roaming and Antenna Tower and Site Sharing* (the Notice). CWTA is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry.
2. CWTA takes no position with respect to the specific proposed revisions to the frameworks for mandatory roaming and antenna tower sharing. CWTA is pleased however to use this opportunity to share its views with respect to broader policy objectives around Industry Canada's approach to wireless antenna tower siting in general.
3. CWTA believes that the availability of high quality, robust and reliable wireless networks results in significant direct and indirect benefits to all Canadians. Strong wireless networks are critical building blocks for all sectors of the economy and have become a competitive advantage for Canadian communities. Governments at all levels should be embracing and encouraging deployment of advanced mobile networks. Canadian public policy should be promoting private sector investment in these networks.

4. CWTA notes that Industry Canada has included “reducing tower proliferation” as a policy objective related to the deployment of this critical infrastructure in Canada. CWTA respectfully submits that this objective appears to run contrary to the broader objective of increasing and improving wireless capacity and coverage in Canada. Increased capacity and coverage will not happen without increased sites for wireless antennas, including new tower installations. The message sent by the “reduce tower proliferation” objective is that the expansion of critical wireless infrastructure is somehow a problem to be solved through Government of Canada policy, rather than a necessary step in the expansion of wireless capacity and coverage in Canada.
5. The “reduce tower proliferation” objective also stands in stark contrast to the message being sent by spectrum regulators in the United States, where policy makers have supported increased capacity and coverage of wireless networks by adopting strong positions supporting investments in wireless infrastructure. The United States Congress has directed the FCC and States to encourage the deployment of advanced communications facilities through “regulating methods that remove barriers to infrastructure investment”¹
6. In response, the FCC has made significant efforts to improve, streamline, and rationalize the process for deploying wireless infrastructure. In 2009, the FCC surveyed the impact of delays in local zoning approvals, and compiled an extensive record regarding delays in the wireless siting process. The FCC subsequently issued its “Shot Clock Declaratory Ruling”² in which it provided a clear standard establishing when an applicant can appeal a failure to act by a state or local zoning authority (90 days for co-located antennas, 150 days for new tower installations).
7. Further, in the fall of 2011, the FCC launched a Consultation specifically intended to improve policies regarding the siting of wireless facilities³. The FCC identified this measure as a “leading element of the Broadband Acceleration Initiative” and set an objective to “reduce the costs and time required for broadband deployment, both fixed and mobile, which will help unleash private investment in infrastructure, increase efficient use of scarce public resources (including spectrum) and increase broadband adoption.”
8. The FCC Chair has personally been a vocal advocate the deployment of wireless infrastructure, stating that: “We can’t get to next generation broadband (4G) without

¹ Broadband Data Improvement Act 47 U.S.C. § 1302(a) (2010)

² Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165, Declaratory Ruling, 24 FCC Rcd 13994 (2009) (—Shot Clock Declaratory Ruling), recon. denied, 25 FCC Rcd 11157 (2010), pet. for rev. pending sub nom. City of Arlington v. FCC, No. 10-60039 (5th Cir. filed Jan. 21, 2011)

³ FCC NOI Acceleration of Broadband Deployment: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-11-51A1.pdf

new towers or new antennas. We can't let unnecessary roadblocks get in the way of deploying the necessary infrastructure."⁴

9. The FCC Technical Advisory Council (TAC) has made a series of recommendations about improving the process for siting wireless infrastructure. In the TAC's view, "expediting the process for tower siting could have an important impact on the development of local broadband access in communities, boosting their marketability to new employers and network access for local entrepreneurs."⁵
10. CWTA respectfully submits that these are the actions and statements of a federal spectrum regulator whose policies and decisions in relation to wireless infrastructure support the broader policy objective of increasing capacity and coverage of wireless networks. They stand in contrast to Industry Canada's somewhat confusing objectives of increasing capacity and coverage on one hand, while reducing the proliferation of the infrastructure necessary to increase capacity and coverage on the other.
11. Through a number of recent consultations and through the course its regulatory functions, Industry Canada is already aware of the current factors driving the increased deployment of antennas. Chief among these factors are network deployment by new entrants, new radio access technology overlays by incumbent carriers, and infill deployment to meet the dramatic rise in data consumption. The need for additional antennas and base stations will continue to increase as demand continues to rise. If existing or new support structure sites cannot be identified and approved in an efficient and effective fashion, Canadians will begin to experience marked decreases in the quality of their wireless service.
12. Again, these are factors that are already familiar to Industry Canada, and that in many cases, flow directly from related Industry Canada policy objectives. CWTA submits that the appropriate wireless infrastructure objective for Industry Canada, like that of the FCC, should be the *identification and removal of barriers to efficient deployment of wireless infrastructure*, not the "reduction of proliferation" of wireless infrastructure.
13. CWTA notes that the Minister of Industry recently challenged Canadian businesses to lead in the global digital economy:

"We need a growing information and communications technology sector that drives product and service innovations and propels them into every corner of our economy. We need to make Canada a world

⁴ Remarks of FCC Chair, Accelerating Broadband Conference, February 9, 2011
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-304571A2.pdf

⁵ Technical Advisory Council Chairman's Report, April 22, 2011, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-306065A1.pdf

leader in the creation and use of digital technologies. That is where our future lies. To get there we must invest, adapt and innovate."⁶

14. CWTA submits that Canada's wireless industry is already meeting that challenge by investing significant resources to respond to exponential increases in consumer demand for wireless services. In 2009 alone, the industry spent more than \$2.95 billion in network improvements. The industry's cumulatively investment in this crucial infrastructure is approaching \$30 billion since the launch of wireless services in Canada. CWTA further submits that "driv(ing) product and service innovations and propel(ing) them into every corner of our economy," while "reducing the proliferation of towers" are contradictory objectives.
15. Robust, reliable, high-speed wireless broadband networks are already key drivers of Canada's economy and represent key building blocks for all sectors of the economy. These networks are the embodiment of Industry Canada's policy objective "to maximize the economic and social benefits that Canadians derive from the use of the radio frequency spectrum resource."⁷
16. Radio antennas, associated equipment and supporting structures are fundamental components of radiocommunication systems. Without them, none of the services that Canadian individuals, businesses and governments have come to depend on would exist. Canadians expect reliable, high quality wireless service wherever they are. It is not reasonable to debate the value of, or need for, an antenna site in each and every instance. This causes network roll outs to grind to a crawl. These delays cause significant to the quality of service delivered to Canadians.
17. In conclusion, CWTA submits that Industry Canada should use this opportunity to make it clear that it supports, as unequivocally as the FCC does, successful integration of infrastructure within communities, while at the same time encouraging and fostering network deployment. An appropriate first step would be the establishment of specific timeframes around land use authority requirements and/or Industry Canada's default process, similar to those in place under the FCC's "Shot Clock" ruling.
18. CWTA appreciates the opportunity to share its views in this important process.

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⁶ Statement of Minister of Industry, Christian Paradis, Canada 3.0 Digital Media Forum, April 23, 2012

⁷ Spectrum Policy Framework for Canada, 2007