



Canadian
Association of
Broadcasters

L'Association
canadienne des
radiodiffuseurs

January 22, 2008

Via Email:
aws@ic.gc.ca

Mr. Peter Hill
Director, Spectrum Management Operations
Radiocommunications and Broadcasting Regulatory Branch
Industry Canada
300 Slater Street
Ottawa ON K1A 0C8

Dear Mr. Hill:

Re: CAB comments respecting *Canada Gazette, Part I; 28 November 2007; "Consultation on Proposed Conditions of Licence to Mandate Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements"; Notice DGRB-010-07*

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. The CAB is pleased to participate in this public consultation.
2. Our interest in the matters raised in the above Gazette Notice stems from the fact that broadcasters own and operate over 1,400 major AM, FM and TV transmitter sites across Canada, as well as many hundreds of smaller sites used by low-power radio and TV repeater transmitters. Radio and TV stations are also licensed to operate facilities such as microwave links, studio-to-transmitter links (STL) and land mobile communication systems, many of which are sited at their studio locations.

3. In this submission the CAB comments solely on those portions of Notice DGRB-010-07 that address the matter of imposing new conditions of licence with respect to mandatory sharing of antenna sites and towers, as well as the proposed prohibition on site and tower leasing agreements that provide exclusive access. We neither support nor oppose the Department's proposals with respect to the imposition of mandatory roaming arrangements on licensees operating in the cellular, PCS and AWS bands.
4. In Canada, radio and television stations have always been among the vanguard when it comes to site sharing, not only with broadcasters but also with other types of radio services. It is simply good business to try to offset the large capital costs required to establish tower sites by earning additional revenues from these investments.
5. Sharing an existing site is almost always the first preference when broadcasters need to implement new transmission facilities. This is primarily a matter of economics, since every dollar that must be invested in infrastructure affects a broadcaster's ability to achieve its primary purpose – the provision of programming to its audience. New transmitter sites are usually only constructed when there is no other alternative that is both technically and financially feasible for the licensee.
6. The extent of broadcasters' willingness to share sites is demonstrated by the fact that, although 2,278 regular TV and FM stations are currently licensed across Canada, these are accommodated using only 1,174 separate tower sites. The present system of voluntary co-operation has worked well for decades within our industry, a fact that is well-known to the Department.
7. Based on comments received from members who are experienced in such matters, we offer the following specific comments on the proposed wording of the conditions of licence with respect to tower and site sharing.

30-day response deadline

8. The CAB submits that a mandatory 30 day period for responding to requests for site access is insufficient when technical feasibility assessments on broadcasting towers must be done. Our members' experience is that tower structural assessments alone can take more than 30 days, especially if the consulting engineer engaged for the task does not have the tower design data on file. Moreover, in many cases, an opinion may have to be sought from a broadcast consulting engineer on spectrum compatibility and *Safety Code 6* issues. Usually it is not practical to commission this work until after the principal sharing issue - tower structural compatibility - has been resolved.
9. *The CAB recommends that the response period for broadcasting towers be extended to 60 days when technical analyses are required, but that requests for access should be acknowledged within 15 days, indicating the date by which a detailed response can be expected.*

Costs associated with technical feasibility assessments

10. It is currently common practice in the broadcasting industry for site owners to require anyone asking for site access to cover the up-front costs of any feasibility studies that might be required. This especially relates to structural analyses for towers; however it may also involve environmental, aeronautical and spectrum compatibility studies.
11. If the Department requires that detailed responses to initial enquiries be provided by site owners at their own expense, there will be nothing to discourage new licensees from making multiple access requests to all site operators in the vicinity. This would oblige each owner to engage in what could be a costly analysis, notwithstanding the fact that only one of the sites will be used by the new player at the end of the day.
12. *The CAB recommends that site and tower owners retain the right to demand that any out-of-pocket costs associated with initial analyses be borne by those requesting access.*

Retaining expansion capacity for new digital facilities

13. The Department is aware that Canada's analog television broadcasters will be required to transition to digital transmissions no later than 31 August 2011, if they intend to continue providing over-the-air services after that date. Many radio broadcasters will also be building new digital transmission facilities, either at L-Band or using IBOC technology in the FM band; however, these licensees currently are not subject to an imposed conversion deadline.
14. Implementing digital facilities will often require the mounting of new antennas and transmission lines on available aperture on existing towers. Vacant building space, as well as any spare HVAC and hydro capacity, may be needed to accommodate new digital transmitters and associated equipment.
15. *The CAB recommends that the need for existing broadcasters to retain tower structural capacity, antenna aperture, building space and associated facilities for the implementation of new digital broadcasting services should be considered by the Department as an acceptable reason to deem an applicant's access request technically unacceptable, so long as the broadcasters' plans are reasonably documented.*

16. Should you or your staff have any questions about this submission, please feel free to contact our engineering advisor, Wayne A. Stacey, P.Eng, who can be reached at 613-745-9151 or via e-mail at wstacey@stacey.ca.
17. All of which is respectfully submitted this 22nd day of January 2008.

Sincerely yours,

Original signed by:

Glenn O'Farrell
President and CEO