

VIA EMAIL

4 October 2021

Innovation, Science and Economic Development Canada
Senior Director, Space Services and International
Engineering, Planning and Standards Branch
235 Queen Street (6th Floor, East Tower)
Ottawa, ON K1A 0H5
Email: satelliteauthorization-autorisationsatellite@ised-isde.gc.ca

Dear Sir/Madam:

Re: *Consultation on Updates to the Licensing and Fee Framework for Earth Stations and Space Stations in Canada, August 2021, Notice No. SMSE-009-21 – Comments of Ligado Networks (Canada) Inc. and Ligado Networks Corp.*

1. Ligado Networks (Canada) Inc. ("Ligado Canada") and Ligado Networks Corp. and their parent company, Ligado Networks LLC (collectively, "Ligado"), hereby submit these comments to the Department of Innovation, Science and Economic Development ("ISED" or the "Department") in response to the consultation initiated by Notice No. SMSE-009-21, entitled *Consultation on Updates to the Licensing and Fee Framework for Earth Stations and Space Stations in Canada*, published in the Canada Gazette, Part I on August 14, 2021 (the "Consultation").
2. Ligado Canada is both the mobile satellite service ("MSS") satellite carrier and an MSS service provider in Canada in the L-band (coordinated for 1525-1559 MHz and 1626.5-1660.5 MHz). Currently, Ligado provides MSS in Canada, the United States and Mexico (and their surrounding waters) as well as in parts of the Caribbean, using the MSAT-2 and SkyTerra-1 ("ST-1") satellites, as follows:
 - (a) Ligado Canada is authorised to operate the geostationary MSAT-2 satellite at the Canadian orbital slot at 107.3°WL; and
 - (b) Ligado Networks Subsidiary LLC operates the ST-1 satellite at a US orbital slot at 101.3°WL.
3. MSAT-2 will be replaced at 107.3 °WL by SkyTerra-2 ("ST-2"), for which Ligado Canada holds an Approval in Principle from ISED.
4. As a licensed L-band satellite operator and MSS service provider in Canada, the licensing requirements that will apply to it if the proposals in the Consultation are implemented are as follows:

- (a) ISED proposes to issue spectrum licences to authorise all satellite services, including for non-communications satellites (*i.e.*, not FSS, BSS or MSS);¹
 - (b) ISED proposes to replace feeder link radio licences used to support MSS satellites with spectrum licensing;²
 - (c) ISED proposes to issue licences for earth stations requiring site approvals for feeder link and/or TT&C earth stations³, and to limit the MSS space station licence to the use of frequencies on the satellite itself; and
 - (d) ISED proposes to issue separate (generic) spectrum licences⁴ for mobile earth stations communicating with MSS satellites.
5. Subject to its review of comments of other parties and the concerns and comments set out in paragraph 6 below, on a preliminary basis, Ligado believes that the satellite service licensing framework changes in the Consultation are reasonable and will increase transparency and efficiency of satellite service licensing in Canada.
6. Having said this, Ligado is concerned about fees that would be imposed on it as the operator of the MSAT-2 (and in the future, the ST-2 satellite):
- (a) First, to the extent that a satellite serves as an emergency backup, Ligado submits that no licence fees should be payable for use of service links on an emergency backup satellite until such time as emergency services are occasioned by the satellite in question. For example, in Ligado's case, MSAT-2 serves as an emergency backup satellite. Ligado respectfully submits that consistent with the notion that fees should be payable only once satellites are launched and operational,⁵ licence fees for the L-band frequencies in use on MSAT-2 should not be payable until emergency backup services is made available on MSAT-2;
 - (b) Second, Ligado understands that pursuant to the proposals set out in the Consultation, ISED intends to issue a space station spectrum licence for the L-band frequencies used on MSAT-2, its Canadian-authorized space stations. What is less clear is whether the Department intends to issue separate spectrum licences for the feeder link and telemetry and telecommand (TT&C)

¹ ISED, [SMSE-009-21](#) – *Consultation on Updates to the Licensing and Fee Framework for Earth Stations and Space Stations in Canada*, August 2021; paras. 69-71 and Q10.

² ISED, [SMSE-009-21](#), paras. 72-74 and Q11-12.

³ ISED, [SMSE-009-21](#), paras. 35-38.

⁴ ISED, [SMSE-009-21](#), paras. 42-66.

⁵ ICED, [SMSE-009-21](#), paras. 69-71 and Q10 and Q19(b).

frequencies used on MSAT-2 (and in the future, on ST-2). Assuming that the Department intends to issue separate licences for the feeder link and TT&C frequencies in use on a satellite,

- (i) Ligado Canada seeks confirmation from the Department that the \$124.84/MHz fee for use of frequencies on space stations would only apply to service links, meaning that use of feeder link and TT&C frequencies on space stations would not engender a separate fee;
- (ii) If the Department's intent is to impose a fee for feeder link and TT&C frequencies in use on a satellite, then it is not clear from the Consultation what fee would be payable for the use of feeder link and TT&C frequencies on space stations – it clearly cannot be the \$124.84/MHz that applies to space station service links as this would result in grossly disproportionate fees payable, for example, by Canadian-licensed MSS licensees like Ligado relative to their foreign-authorized competitors. Should the Department intend to impose a separate fee for the use of feeder link and TT&C frequencies on space stations, Ligado submits that such fees should be no more than the earth station fees for stations requiring site approval.

7. Ligado Canada thanks the Department for consulting on the important questions set out in the Consultation and for providing Ligado this opportunity to provide its comments.

Yours truly,



Beth Creary
SVP, Legal & Compliance