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Via email: ic.spectrumengineering-genieduspectre.ic@canada.ca

Innovation, Science and Economic Development Canada
Senior Director, Spectrum Planning and Engineering
Engineering, Planning and Standards Branch
235 Queen Street, (6th Floor, East Tower)
Ottawa ON K1A 0H5

Re: Gazette Notice No. SMSE-014-20, November 2020 Consultation on the Technical and Policy Framework for Licence-Exempt Use in the 6 GHz Band

1. The Competitive Network Operators of Canada (“**CNOC**”) submits these comments.
2. CNOC is the voice of competitive Internet and telecommunications service providers that own/operate telecommunications networks in regions across Canada. Its membership is comprised of independent companies that offer competitive, differentiated and innovative services to Canadians. Competitors are vital to a competitive retail telecommunications market that delivers innovation, choice and affordability in the retail market. Without the presence of competitors in the marketplace, Canada’s telecommunications market would be entirely dominated by the large Incumbent Local Exchange Carriers and cable carriers, which are despite Government of Canada measures to promote competition, dominant and shielded from the full force of competition.
3. At this stage, CNOC wishes to consider the comments of other parties before taking any specific positions. For now, we note that licence-exempt spectrum may be *one* element of a more competitive communications landscape that benefits end users, and delivers on the Government of Canada’s commitments and aspirations as expressed in policy directions, legislated policy objectives, and the *Digital Charter*.
4. Unfortunately, the market power of large incumbent wireless service providers, and their historical advantages in terms of monopoly grants, and access to scarce spectrum, have largely been unaddressed, and large wireless service providers have had opportunities to foreclose the retail market (particularly in *mobile* wireless) from smaller competitors, who have not had the benefit of the historical advantages and resulting scale and scope. This, despite policy and licensing frameworks in certain bands in recent allocation processes which included measures to promote competition, such as new entrant set asides, spectrum caps, and a laudable, but flawed, antenna and site-sharing framework.

5. Therefore, we have advocated before the Canadian Radio-television and Telecommunications' Commission¹ for a wholesale access model that recognizes these historical advantages and current realities, which recognizes that wholesale MVNO (mobile virtual network operator) access should be treated as an essential wholesale service because much of the necessary spectrum for wireless service is licensed to the incumbents, and with that they are able to offer value-bundles. Failing uniform regulatory recognition backed by political will that competitors should be able to compete using non-duplicable spectrum resources, CNOOC is concerned that spectrum measures going forward, while indeed necessary to promote competition, will be insufficient without an approach to both *fixed* and *mobile* wireless services that is not coordinated between the federal authorities.

Yours truly,



Geoff White
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¹ Telecom Notice of Consultation CRTC 2019-57, Review of mobile wireless services, 28 February 2019; and CNOOC, Final Submission in Telecom Notice of Consultation CRTC 2019-57, 15 July 2020, online: <https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocument.aspx?DMID=3890875>.