



SLPB-004-21

December 7, 2021

Senior Director **Via Email:** spectrumauctions-encheresduspectre@ised-isde.gc.ca
Senior Director, Regulatory Policy, Spectrum Licensing Policy Branch
Innovation, Science and Economic Development Canada
235 QUEEN STREET (6TH FLOOR, EAST TOWER)
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Dear Senior Director:

Reply comments of the Government of the Northwest Territories— *Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment*, SLPB-004-21, 7 December 2021

1. The Government of the Northwest Territories (“GNWT”) has intervened regularly to represent the broad interests of those who live and work in the Northwest Territories and, in particular, to ensure Northerners are provided with a full range of services at affordable prices, prescribed by section 7 of the *Telecommunications Act*. The bulk of the GNWT’s interventions with respect to achieving the goals of the *Telecommunications Act* have been before the Canadian Radio-television and Telecommunications Commission (“CRTC”).
2. However, recent years have seen intensified activity within the wireless communications area, with corresponding impact on the range and pricing of available services. Technology advances have provided for connectivity initiatives ranging from local community undertakings to global satellite services at low latencies. These advances, the activities building on them, and ongoing demand from underserved communities to access the benefits of these activities, have all placed new emphasis on the role of spectrum policy in shaping telecommunication policy.

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3. The GNWT is now intervening in this spectrum proceeding by way of these reply comments to support its overarching objectives that Northerners have access to high-quality, affordable, universal and resilient telecommunications services, which is aligned with ISED's objective to maximize the use of spectrum resources in rural and remote areas. The GNWT has reviewed the submissions made in this proceeding with interest, including the submissions of service providers that operate in the North, hold fallow spectrum in the North, or both; and of coalitions and groups speaking for and with Northerners.
4. The policy framework to be applied to the issues raised in this consultation should, as a number of interveners in this proceeding have underlined, balance spectrum holders' need for continued certainty and predictability with the importance of more intense broadband deployment. The need to weigh the needs of the peoples and communities affected by less-than-maximum spectrum usage is paramount and a fundamental policy objective both for the GNWT and, we understand, the Government of Canada.
5. The GNWT notes that, in pursuing spectrum policy, the Minister of Industry may have regard for Canada's telecommunications policy,¹ which is in turn carried forward by Canada's Spectrum Policy Framework's overarching policy objective to "maximize the economic and social benefits that Canadians derive from the use of the radio frequency spectrum resource."² We are concerned that the economic and social benefits that Northerners derive from spectrum resources have not been maximized and have frequently not been accessible in a manner consistent with the needs of the North.
6. Northerners, including enterprises seeking to develop our economy and deliver benefits that stay within the region, pay comparatively high prices for much-needed broadband services. Northerners experience a wide range of service problems, ranging from network outages to poor service quality and reliability. Many Northerners feel more must be done to lower prices, and improve quality and reliability via regulatory means and greater competition. This was Northerners' message to the CRTC in 2020-367 survey on Northwestel's service.

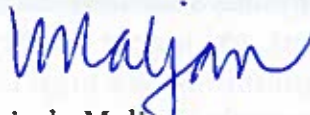
¹ S.C. 1993, subsection 5(1.1).

² *Spectrum Policy Framework for Canada*, Industry Canada DGTP-001-07, June 2007, section 4.3 ("Policy Objective")

7. We wish to underline several points raised by interveners in this proceeding. We note that ISED has consulted both on streamlining the subordination process, by which those with spectrum rights can consent to third party uses that assist in deployment; and on creating an access licensing framework for accessing fallow spectrum as of right of access seekers, rather than pursuant to an arrangement by consent. These two pathways to spectrum deployment are closely related.
8. First, with respect to subordination, we note what appears to be broad agreement that unexplored opportunities exist to streamline this consent-based approach. This may include the publication of contact information, standardized request forms, and mandatory timelines for responses required to identify a reason for refusal. We support such streamlining.
9. The GNWT strongly supports solutions that will lead to broader deployment and to more affordable, more resilient, and higher-quality services in the Northwest Territories and, in particular, remote communities. We urge ISED to consider the matter of access licensing carefully and with these goals in mind.
10. Third, with respect to the geographic scope of areas within which access licensing may be deployed, the eight , Tier 5 areas into which ISED's subdivisions segment the Northwest Territories remain vast areas whose further subdivision may be necessary to support increased deployment. A number of interveners have called for access licensing to be based on concatenations of grid cells instead. The GNWT urges ISED to consider the risks in allowing licensees with deployment obligations to "cherry pick" tightly-defined grid cell configurations, in favour of configurations that run with existing social, economic, and political and governance responsibilities. We agree that restricting access licensing to pre-defined Tier 5 areas could reproduce already-existing barriers through the licensing of very large territories with little flexibility.
11. In addition to the related topics of subordination and access licensing, ISED has sought comment on making definitive a phase-out of Rural and Remote Broadband Service ("RRBS") in favour of a white spaces ecosystem. The GNWT notes that users of RRBS may be precisely those that lack the resources or institutional scope to make themselves well-heard in proceedings like this one. We therefore urge ISED to conduct and publish the results of outreach with RRBS users, including Indigenous RRBS users, before proceeding further, as proposed, with such a final phase-out.

12. The GNWT underlines the importance of ISED's continuing efforts to broaden access to spectrum resources to maximize the economic and social benefits they deliver. Northerners rely on broadband more than ever before. An approach to spectrum policy that promotes the affordability of the growing number of competing services delivered to them, in part by improving the ability of communities to self-service, will enhance the quality, resiliency, and responsiveness of these services—and encourage service providers with pre-existing Northern services, spectrum resources, or both to improve the price and quality of their services.
13. We thank ISED for the opportunity to participate in this important consultation.

Sincerely,



Linda Maljan
A/Government Chief Information Officer
Department of Finance