



**October 12, 2021**

**From:** Murray Hagan  
Director, Corporate Services, CFO  
Clearwater County  
P.O. Box 550, 4340 -47 Avenue  
Rocky Mountain House, AB, T4T 1A4  
[mhagan@clearwatercounty.ca](mailto:mhagan@clearwatercounty.ca)

**To:** Innovation, Science and Economic Development Canada  
Senior Director, Regulatory Policy, Spectrum Licensing Policy Branch  
235 Queen Street (6th Floor, East Tower)  
Ottawa ON K1A 0H5

Via email to: [spectrumauctions-encheresduspectre@ised-isde.gc.ca](mailto:spectrumauctions-encheresduspectre@ised-isde.gc.ca)

**Re: Canada Gazette, Part I, August 2021, Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment SLPB-004-21**

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Dear Sir/Madam,

Attached please find the comments of Clearwater County, Alberta, in response to Canada Gazette, Part 1, Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment (SLPB-004-21).

We thank ISED for the opportunity to comment on this important matter and considering our submission.

Sincerely,

Clearwater County, per

Murray Hagan, Director, Corporate Services, CFO

Rocky Mountain House • AB • T4T 1A4

Telephone: 403.845.4444 • Fax: 403.845.7330  
[www.clearwatercounty.ca](http://www.clearwatercounty.ca) • [admin@clearwatercounty.ca](mailto:admin@clearwatercounty.ca)

Clearwater County (Clearwater) is a rural municipal district in central Alberta. The boundaries of Tier 5-509 Rocky Mountain House are highly indicative of the boundaries of Clearwater. The town of Rocky Mountain House does not reside within the jurisdiction of Clearwater. Clearwater County has a population of approximately 12,000 residents dispersed across just under 19,000 sq. km. of beautiful prairie and mountainous terrain.

2. Similar to many other less densely populated communities in Alberta and the rest of Canada, our residents and businesses have become increasingly concerned about coverage, quality, and affordability of broadband and cellular services in the County. At the same time, our small and dispersed population of the County limits the business case for private telecommunications providers to invest in high-quality wireline (e.g. fibre) broadband networks our residents and businesses demand. Consequently, private sector investments in our community are primarily in less capital-intensive wireless infrastructure. As such, the majority of our residents have little option but to rely on wireless and satellite-based broadband, which explains their concerns about the quality and affordability of broadband services that are available to them. Concerns about the quality of wireless broadband services are particularly acute in mountainous/hilly areas of the County where natural barriers to signal propagation limit the utility of wireless.
3. Like other rural municipalities in Alberta, Clearwater has first-hand experience in seeing the impact of insufficient broadband services in regard to attracting residents, particularly young people and new businesses, while providing digital connectivity to enable businesses and younger people to stay in the community.
4. In response to demand from our residents, businesses, and public sector stakeholders, Clearwater is currently building fiber-based transport networks, fibre access networks where feasible, and deploying telecom towers for shared access purposes to encourage ISPs to improve services to residents and businesses within the county. Clearwater also holds a spectrum licence in the 3650-3700 MHz band.
5. Clearwater's comments are being submitted from the perspective of increasing fixed broadband services in the County. Given the large area (18,691 sq. km.) and relatively small population (12,278 residents), the most cost-effective way to expand network capacity and improve service quality to the majority of users in the county is likely to be via wireless technologies. Both large and small local/regional providers are currently investing in upgrading their wireless networks. We recognize that spectrum allocation and licensing is only one of the many challenges in counteracting Canada's rural-urban digital divide.
6. We are submitting these comments in order to assist ISED develop an Access Licensing policy framework that enables efficient allocation of spectrum. We recognize that there are many constraints to improving fixed and mobile service coverage and quality in rural and remote communities such as Clearwater. Our objective in this submission is to provide our perspective, which may to some extent represent challenges faced by other rural and remote communities in Alberta and across Canada.
7. In this submission we respond to a subset of proposals and questions raised by ISED in the Gazette Notice. Lack of response indicates that we have no comment on the issue at this time. We look forward

to reviewing submissions made by other parties and reserve the right to expand and/or adjust our responses in light of these submissions in our subsequent reply comments.

8. **Q1: ISED is seeking comments on its proposal to implement a new Access Licensing framework to make licences available in rural and remote areas where there is unused spectrum.**
9. **R1:** In principle Clearwater County supports the new Access Licensing approach, particularly in the 3800 MHz Band. To achieve the desired outcome processes should be set up to encourage regional and local wireless Internet service providers (WISPs) to deploy community-based services as soon as possible by having mechanisms in place that would prevent large regional or national fixed wireless service providers from pre-emptively securing access licensing years before they plan on making the investment to actually deploy services. The new Accessing Licensing approach should mitigate interference issues thus protecting the user experience (subject to site specific customer subscription rates).
10. **Q2 ISED is seeking comments on its proposal to issue access spectrum licences and access radio licences on a first-come, first-served basis.**
11. **R2** Based on Paragraph 33 of SLPB-004-21, it is assumed this question is applicable to the 3900-3980 MHz band. Clearwater supports a first-come, first served basis if access is between 3900-3980 MHz is limited to local WISPs and not larger WISPs that operate in more than one province for the first 3 years. In the context of this comment, WISPs may be small companies that have a presence in the community they wish to serve, or local municipal governments that have been given the mandate to serve their people. Our concern is that larger ISPs will use their experience and resources to apply for as much access spectrum in strategic rural locations as soon as possible while not implementing the systems/services in a timely manner.
12. (a) With respect to the 3800 MHz band as a whole the effectiveness of the proposed first come, first served model to license spectrum in rural/remote areas for all service providers and private/industrial systems will be contingent on the implementation of a clearly defined process that strongly supports subordinate licensing and other market transaction that allow for efficient allocation of spectrum. It would be beneficial if ISED could describe how first come, first serve licensing would work for the following scenario:
13. (b) Spectrum is awarded to a local service provider on a site-specific, frequency specific basis initially and in the future the same channels are awarded to a large service provider on a Tier 5 or Tier 4 basis. What happens to the original license awarded to the local service provider?
14. (c) Clearwater appreciates that the above scenario would not exist if ISED implemented the eligibility criteria exactly described in paragraphs 49 & 50 in SLPB-004-21. Clearwater has concerns with that proposed approach however (as described further on our response to Q12 below).

15. **Q3 ISED is seeking comments on its proposal to use the rural and remote Tier 5 service areas as the basis to determine the rural and remote areas in which it will apply access licensing.**
16. R3 A comparison between the list of Tier 5 services areas designated as remote or rural compared to the on-line service areas mapping ([Service areas for competitive licensing - Spectrum management and telecommunications](#)) shows that this is a reasonable approach for Clearwater. Based on a review of the map, there may be concerns expressed by others. Consider area 5-521 Edmonton. Within this area there are numerous acreages that can only be served by WISPs. What options would the WISPs have for securing spectrum to provide services to the acreages?
17. **Q4 ISED is seeking comments on its proposed principles to be used when considering spectrum licensed or radio licensed bands where the proposed Access Licensing framework will apply.**
18. R4 In general Clearwater submits that the proposal represents a reasonable approach. It would be beneficial if ISED could further describe how this approach would work for the 3900-3980 MHz band, in particular if this band is to be reserved for fixed WISP services.
19. **Q6 ISED is seeking comments on adopting a flexible use licensing model for fixed and mobile services when issuing access spectrum licences.**
20. R6 Clearwater appreciates the benefits of adopting a flexible use model for the 3500 MHz band and most of the 3800 MHz band except for the 3900-3980 MHz band. By definition (see SLPB-002-21) it is assumed the 3800 MHz band covers 3650 MHz – 4200 MHz.
21. **Q7 ISED is seeking comments on its proposal to use Tier 5 service areas for the proposed access spectrum licences and any associated potential technical challenges should this process be applied to all commercial mobile or flexible use frequency bands.**
22. R7 In some parts of Alberta (and Canada) this approach seems reasonable as some Tier 5 regions cover a small geographical region and as such, they could only support a single 900 MHz assignment (as described in paragraph 114) or maybe two or three 3500 MHz / 3800 MHz assignments. However, there are other Tier 5 regions that cover a large geographic area (i.e. Rocky Mountain House 5-509). This Tier 5 area could easily support multiple 900 MHz base stations operating on duplicate assignments, and 20+ duplicate 3500 MHz / 3800 MHz assignments.
23. **Q8 ISED is seeking comments on any future adjustments to the licence areas for access spectrum licences, including consideration of more localized areas (e.g. smaller than Tier 5).**
24. R8 Clearwater strongly encourages ISED to consider more localized areas (i.e. smaller than a Tier 5). In LMR applications, ISED is able to assign frequencies on a more granular level than at a Tier 5 level. The process to search for an applicable channel may be require extra effort but it will maximize the usage of the spectrum as a whole.

25. **Q9 ISED is seeking comments on its proposed process for identifying rural and remote Tier 5 service areas in which there is unused spectrum that would be made available for access spectrum licensing.**
26. R9 In principle Clearwater submits it would benefit rural (e.g. farms) users if ISED opened up unused spectrum in the 800 MHz bands and PCS bands subject to the price of equipment. In particular Clearwater would benefit from this decision as it resides in 5-509.
27. Potentially, here are two risks from a WBS service provider and user perspective. Both are driven by how long a WISP could expect to have access to the channels potentially assigned to them. The risk from an WISP perspective is that it would have to give up the license before the economic end of life of the equipment. The risk that the users in deep rural areas would face is that they become accustomed to the services being provided and these services are terminated at a future date. This scenario could happen because the assigned channel is re-assigned for mobile services as the demand for mobile services increase. This may be the only option as it may not be economically viable to install new mobile bases stations operating at higher frequencies because of a low population density.
28. One way that ISED could potentially mitigate this scenario is to keep a certain amount of spectrum reserved for future use by the mobile communications service providers. Clearwater does appreciate this may not be an issue if the 700 MHz LTE band is significantly under utilized in a give Tier 5 region.
29. **Q12 ISED is seeking comments on the above options for eligibility.**
30. R12 Clearwater submits that limiting eligibility to one access specific license providing the applicant does not hold a spectrum license within a given Tier 5 area is too restrictive for WBS uses. The reasons are as follows:
31. (a) The proposed eligibility requirements do not support Decisions D15 and D16 in SLPB-002-21. If an applicant already holds a WBS 3650-3700 MHz spectrum license in a Tier 5 area and it desires to support ISED's objective to transition to the 3900-3980 MHz band sooner than later, it appears that they would not be eligible for an access spectrum license. Clearwater already holds a 3650-3700 MHz spectrum licence in its Tier 5 region. It understands the rational to migrate WBS services out of the 3650-3700 MHz band but there appears to be no mechanism to make such a move.
32. (b) The proposed eligibility requirements may be valid in Tier 5 areas that have a small geographical footprint, but they could be very restrictive in Tier 5 areas with large geographical footprint.
33. (c) It is not clear in the proposed eligibility requirements if an applicant can amend their approved access spectrum license to include more channel bandwidth to meet increased user demands.

34. (d) If an applicant is allowed only one access spectrum license in a given Tier 5 area, then it is in the applicant's best interest to apply for a license for a specific location to reach the maximum number of subscribers possible with the single license. The net result is a small area such as a hamlet or an unincorporated population center may not be served for a long time because providing service to just one small area is not economically viable. It may only be economical to serve such an area if the same WISP can serve multiple small areas within the Tier 5 region.
35. **Q13 ISED is seeking comments for Option 1 and Option 2, specifically should the deployed and/or undeployed spectrum be based on any frequency band (e.g. 2500 MHz) currently held by the applicant or only the band (e.g. PCS band) for which the application is made?**
36. R13 Clearwater submits applying the proposed eligibility requirement across all bands regardless of which band the applicant may already have a spectrum licence or access spectrum license is too restrictive and may impede the roll out of wireless broadband services in a given Tier 5 area. If it is implemented, it should be done on a specific band basis.
37. (a) Clearwater is trying to understand the desired outcome behind implementing the proposed eligibility requirements. If the goal is to prevent a large regional / national service provider from securing large numbers of access spectrum licenses and thereby squeezing out the local WISP who is in a position to supply services sooner, then ISED should consider alternative ways to eliminate this scenario.
38. **Q14 ISED is seeking comments on its proposal to issue access spectrum licences with a three-year licence term and the proposed wording of the condition of licence above.**
39. R14 Clearwater submits that an initial term of three years is too short. The term should be extended to a period of time that is in alignment with the expected life of the equipment being installed (i.e. 5 years). If a service provider decides to operate the system beyond the original anticipated life of the equipment, then there may be merit to grant future 3-year renewals. If the service provider completes a major upgrade on the system electronics to improve their service offering based on the needs of their customers, then the renewal period should be reset to 5 years.
40. (a) The proposed period of time submitted by Clearwater (5 years) is in alignment with D17 in SLPB-002-21 where the time to displace WBS operations in the 3650-3700 MHz band to an alternate band is 6 years for designated rural/remote Tier 5 service areas.
41. **Q15 ISED is seeking comments on its proposal that access spectrum licences not contain transfer, subdivision or subordination privileges.**
42. R15 Clearwater appreciates the concept of not granting transfer, subdivision, or subordination rights for access spectrum licenses as it encourages entities to use the licence(s) immediately to provide services to rural and remote users. In particular Clearwater supports no subdivision or subordination privileges but it submits there should be limited transfer abilities associated with the transfer of ownership of an operational system.

43. (a) Consider the following scenario; the original owner of a system needs to sell an established operational system to a new owner for economic reasons. If ownership of the access spectrum licence can not be transferred with the asset, then the new owner takes on the risk of not obtaining a new license to operate the existing operational system serving existing users. Increased risk makes it more difficult for the transfer of an existing operational system to a new owner. If it is more difficult to transfer ownership, then a new owner for the operational system may not be found. As a result, the users may experience a termination of service because the only option for the original owner is turn off the system. Such scenarios do not benefit the residents and business of rural and remote regions.
44. (b) From a spectrum utilization perspective, the amount of spectrum consumed does not increase if access spectrum licence owner ship can be transferred with operational system ownership. It is reasonable to not transfer licence ownership if it can not be associated with an operational system providing services to users.
45. **Q16 ISED is seeking comments on its proposal to align the deployment conditions for access spectrum licences with the relevant conditions of licence currently applied to the licences in the specific band, taking into account any differing characteristics such as Tier sizes, and the timing as to when those deployment requirements should apply. ISED is also seeking comments on the appropriateness of existing deployment requirements for private networks. ISED will consider alternative proposals for the deployment requirements for access spectrum licences. Such proposals should contain a rationale and discussion of their implications for ISED's policy objectives.**
46. R16 Clearwater appreciates the intent behind the deployment conditions as it encourages deployment of systems. Clearwater also supports the principal that a system using an access spectrum license should be deployed as proposed in paragraph 59.
47. (a) Clearwater does have concerns about meeting the proposed first year requirements intended in paragraph 59. They are reasonable if site development is not required (i.e. land acquisition, site development, tower and shelter requirement, etc.). However, if site development is required the elapsed time to meet initial requirements should be at least 18 months.
48. **Q27 ISED is seeking comments on the process for making access spectrum licences available and the options described above.**
49. R27 Clearwater supports Option 2 as it makes spectrum available on a periodic basis. If spectrum is released on a periodic basis a WBS service provider can submit an access spectrum license application at any point in the future without wondering “did we miss the boat”. Under Option 1 WBS service providers may submit more licence applications than they may ultimately need for fear of “missing the boat”. The net result is that more spectrum may not be put to use for the benefits of the general population as fast as it could be compared to Option 2. Option 1 may favour the larger WBS providers

while Option 2 gives the smaller WBS providers a chance to secure licenses. This is especially important in the 3900-3980 MHz band.

50. **Q28 Under both options, ISED is seeking comments on its proposal to begin access spectrum licensing three months after the publication of the decision.**
51. R28 Clearwater submits this period of time is reasonable.
52. **Q29 Under both options, ISED is seeking comments on its proposals to limit the number of access spectrum licence applications to:**  
**Option 1: 20 per applicant per 12 month period**  
**Option 2: 5 per applicant at the opening of the access licensing process for each tranche**
53. R29 Clearwater submits the limits are reasonable.
54. **Q31 ISED is seeking comments on its proposal to issue site-specific access radio licences within rural and remote Tier 5 service areas under the Access Licensing framework.**
55. R31 Clearwater supports the concept of issuing site specific access radio licences as described in Section 7.1. As indicated in Section 7.1, the user experience is ultimately dictated by the S/INR. It does not benefit users to have many service providers competing to provide service if the net result will be a degradation in service caused by interference.
56. (a) Providing site specific radio licenses should also make it easier to coordinate industrial applications as the large industrial users typically operate in a small geographic area (i.e. farm, plant, or mining environment). Site specific access radio licencing will also provide industrial users with the certainty that system performance will not degrade over time because of third party interference on the same channel.
57. **Q32 ISED is seeking comments on its proposal to follow its LMR licensing process to receive and review applications for access radio licences.**
58. R32 Clearwater supports following LMR licencing processes for access radio licences. The LMR processes have a proven track record and they have been successfully adapted over the decades for different frequency bands (VHF, UHF, 900 MHz). The LMR process supports single channel site applications and multi channel site applications (i.e. for trunked radio systems). The process may appear cumbersome to those not familiar with it, but it has proven to be effective in coordinating a large number of independent license holders with systems of various sizes (i.e. number of sites, number of channels per site).
59. **Q33 ISED is seeking comments on its proposal not to limit the number of access radio licence**



**applications an applicant may submit via the Spectrum Management System for these bands.**

60. R33 Clearwater supports the proposal not to limit the number of applications an applicant may submit. However, the applicant should still meet the deployment conditions for each successful application as proposed in Section 6.5.3 (noting Clearwater's reply to Q16). This is one possible mechanism that can be used to hold the applicant accountable to deploy the services as fast as possible to the benefit of residents and business in rural/remote areas.
61. **Q34 ISED is seeking comments on potential eligibility restrictions for access radio licences.**
62. R34 Clearwater does not support broadly limiting those who can apply for licenses to specific groups for the following reasons:
63. (a) The ability for specific groups to deploy systems is a function of their capital budget plan. Large telecom centric organizations tend to deploy their finite capital in areas that have the fastest payback and highest earning potential. Rural and remote areas are typically the last areas to be serviced by the large telecom centric organizations.
64. (b) Organizations that are extremely dependant on communications to support core business activities (i.e. utilities) typically will delay communications expenditures if there are high priority core business activities needing a capital investment. In Alberta this can be seen by reviewing regulatory proceedings with the Alberta Utility Commission.
65. (c) If ISEDs objective is to encourage the deployment of mobile and WBS services as fast as possible the field needs to be opened to as many qualified participants as possible.
66. Clearwater does agree applicants and applications should meet a minimum threshold of eligibility. Minimum threshold requirements should include:
67. (i) The applicant must be registered as a Non-Dominant Carrier at the time of application submission.
68. (ii) A brief description of the nature of the service must be provided.
69. (iii) A high-level Gant Chart should be provided identifying all the high-level tasks (and durations) that need to be completed to turn up the service.
70. (iv) The plan should identify what transport mechanisms will be used.
71. (v) Coverage predictions for the planned service being provided (mobile, WBS)
72. **Q43 ISED is seeking comments on the potential or actual benefits of subordinate licensing to increase rural broadband access and accommodating new innovative network usage.**

73. R43 Clearwater submits it would be advantageous to the public if spectrum license holders who have secured spectrum through the bidding process were allowed to participate in subordinate licensing. In geographically larger rural and remote Tier 5 regions there is a high probability that the assigned spectrum is not being used equally throughout the region. Spectrum is therefore an underutilized resource in some areas. Allowing subordinate licensing provides a pathway to improve local services without compromising performance caused by increased interference.
74. (a) It would also be reasonable for the spectrum holder to charge a fee for the subordinate license equal to the cost an applicant would have to pay for the Access License.
75. **Q45 ISED is seeking comments on facilitating subordinate licensing and encouraging secondary market transactions including:**
- **Should additional changes be made to existing licences that will encourage the use of subordinate licences as a means to help deploy more services?**
  - **Given ISED's regulatory role, are there any issues or actions ISED should consider?**
76. R45 Clearwater supports ISED's efforts to encourage subordinate licensing as described in paragraph 149. The proposed mechanisms to encourage subordinate licensing are similar to the ISED Mandatory Tower Sharing policy. Similar to the tower sharing policy, ISED should track and report on subordinate licensing on an annual basis. Without tracking and reporting there is no way to identify who successfully received subordinate licensing and/or if there are carrier specific issues.
77. (a) As stated in the response to Q43, the issuer of the subordinate licence should be allowed to charge a fee equal to the cost of the lessee securing an Access license from ISED.



# RMA Spectrum Licensing Framework Submission

*September 24, 2021*



1. This submission is made regarding Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment (SLPB-004-21), as announced in the *Canada Gazette* Part I, Volume 155, Number 33 on August 14, 2021.
2. The Rural Municipalities of Alberta (RMA) advocates on behalf of Alberta's sixty-nine rural municipalities. RMA members have several common traits: large land masses, relatively small populations, and a lack of a traditional "population center." RMA members provide municipal government to approximately 85% of Alberta's land mass, and therefore have unique concerns and perspectives on many issues.
3. RMA is not in a position to provide technical feedback, however, reviewing the consultation document revealed several items RMA wishes to comment on. Therefore, not all questions will be addressed in the submission.
4. Q1 asks: "ISED is seeking comments on its proposal to implement a new Access Licensing framework to make licences available in rural and remote areas where there is unused spectrum." RMA supports the implementation of the new access licensing framework in theory. However, this process should be accompanied by new deployment requirements that ensure the newly reallocated spectrum prioritizes publicly accessible rural networks designed to provide connectivity to homes and businesses. While private and industrial access to spectrum should be considered under this approach, it should only take place if adequate spectrum is available for public consumer access. This point will be discussed in more detail below.
5. Q2 asks: "ISED is seeking comments on its proposal to issue access spectrum licences and access radio licences on a first-come, first-served basis." RMA is generally supportive, however, this method must include a mechanism that evaluates proponents to ensure they have the ability to meet deployment requirements so that the reallocation does not lead to similar outcomes currently experienced: undeployed spectrum. Proponents should require a plan and proof of capacity to deploy spectrum in the manner they propose. If such a requirement is implemented, ISED must ensure the criteria is met for all organizations acquiring spectrum in this manner.
6. Q3 asks: "ISED is seeking comments on its proposal to use the rural and remote Tier 5 service areas as the basis to determine the rural and remote areas in which it will apply access licensing." RMA agrees this granular geographic categorization is most appropriate. However, RMA notes that none of Alberta is considered "remote" by ISED, and many urban areas are included in "rural" Tier 5 service areas. To ensure the reallocated spectrum is used to service truly rural areas, RMA suggests that deployment requirements be made to see that the spectrum is deployed outside of the urban centres contained within Tier 5 service areas.
7. Q6 asks: "ISED is seeking comments on adopting a flexible use licensing model for fixed and mobile services when issuing access spectrum licences." Flexible use should only be allowed if there are measures in place to ensure that spectrum currently used to deliver fixed wireless is not redeployed to mobile usage, and there is sufficient spectrum available for growth in spectrum demand in rural areas. This is particularly important in "rural" Tier 5 service areas that include an urban centre, as deployment measures may be met by providing mobile service within the urban centre. Any flexible use license should require spectrum owners to outline their plans for spectrum use and justify their proposed balance of mobile and fixed service.
8. Q8 asks: "ISED is seeking comments on any future adjustments to the licence areas for access spectrum licences, including consideration of more localized areas (e.g. smaller than Tier 5)." RMA is concerned that Tier 5 service areas which are defined as "rural" include many small urban

areas. This is a concern regarding access licensing, and spectrum allocation more broadly, as these urban areas are the obvious target for deployment due to their relative population density compared to the rest of the truly rural Tier 5 service area. To address this concern, RMA suggests the creation of service areas that reflect the fundamentally different nature of rural and small urban broadband deployment. This could take the form of maintaining the Tier 5 boundaries while separating out the urban centres within them, which would be categorized differently.

9. Q10 asks: "ISED is seeking comments on its proposal to impose a condition of licence to prohibit existing primary and subordinate licensees' deployment in areas for which an access spectrum licence has been issued." The intent of doing so appears to be to incentivize deployment of spectrum by existing and subordinate licensees, as they would lose this ability if they do not deploy and access licensing is used. However, it is unclear to RMA if there may be unintended consequences of doing so, as it appears there is the potential to sterilize spectrum that is still held by the incumbent. However, if access licensing removes all spectrum held by the incumbent in a service area, this is not a concern.
10. Q16 asks: "ISED is seeking comments on its proposal to align the deployment conditions for access spectrum licences with the relevant conditions of licence currently applied to the licences in the specific band, taking into account any differing characteristics such as Tier sizes, and the timing as to when those deployment requirements should apply. ISED is also seeking comments on the appropriateness of existing deployment requirements for private networks. ISED will consider alternative proposals for the deployment requirements for access spectrum licences. Such proposals should contain a rationale and discussion of their implications for ISED's policy objectives."
11. Deployment requirements should be re-evaluated for their ability to meet rural service levels. This is an opportunity for ISED to ensure spectrum is deployed in a manner that consistently aligns with the spectrum policy framework. Elements of current deployment requirements may be appropriate, however, a review of the existing requirements to ensure they support the goal of reaching all Canadians with 50/10 speeds by 2030 is prudent.
12. The 3500 MHz framework, section 10.1, states that the licence term is 20 years, and rural deployments are typically about 10 years, with multiple modifications. The proposed access license requirement of 3-year terms appears to encourage faster deployment. However, it is unclear to RMA if this is a reasonable term as it differs drastically from the existing licence term and deployment requirements.
13. Q27 asks: "ISED is seeking comments on the process for making access spectrum licences available and the options described above." Option 2 is preferable as it will allow for a more orderly reallocation of spectrum, and will allow smaller ISPs to be involved in a meaningful way, as they may lack the capacity to pursue spectrum if all of the undeployed bands are released simultaneously.
14. RMA thanks ISED for the opportunity to provide comments on a priority issue for rural Alberta.

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36500 Main Road, Spuzzum, BC V0K 2S1  
Office: 604-863-2395 / Fax: 604-863-2218  
[www.spuzzumnation.com](http://www.spuzzumnation.com)

Date October 26, 2021

Email: [spectrumauctions-encheresduspectre@ised-isde.gc.ca](mailto:spectrumauctions-encheresduspectre@ised-isde.gc.ca)

To Whom it May Concern:

**Re: Indigenous Priority Access to Spectrum and Canada Gazette, Part I, Volume 155, Number 33: Notice No. SLPB-004-21 -Consultation on New Access Licensing Framework, Changes to subordinate Licensing and White Space to Support Rural and Remote Deployment posted in August 2021.**

On behalf of Spô'zêm First Nation and sixty-one signatory nations across Canada, this letter is in response to implementing changes to subordinate licensing and RRBS to support rural and remote deployment posted August 2021.

Specifically, in reference to Section 9.0, Canada's First Peoples promote the retention and strengthening of Remote Rural Broadband Services (RRBS). Once specifications are upgraded and improved and the spectrum is extended and multi-channel operations are approved, this system will be one of the strongest rural broadband services to be placed in Indigenous communities and other similar communities within Canada.

The Assembly of First Nations (AFN) Annual General Assembly held December 8-9, 2020, whereby Resolution No. 19/2020 passed with over 98% approval vote by the Chiefs of Canada calling on the AFN to support Indigenous Peoples of Canada who stand in solidarity for the implementation of:

1. Indigenous Services Canada to supporting high-speed Internet solutions for First Nations using technologies such as Advintive (Advanced Interactive Canada Inc. (RRBS)) and First Nations-led and identified solutions;
2. Call on Indigenous Services Canada and Innovation, Science and Economic Development (ISED) to support and work with First Nations to establish service-provider capacities, data and market information, spectrum access, a network of professionals and policy to enable affordable access to the Internet;
3. Call on the Government of Canada for First Peoples of Canada specific funding and criteria as part of the Universal Broadband Fund program, and for investments into connectivity



**Re: Indigenous Priority Access to Spectrum and Canada Gazette, Part I, Volume 155,  
Number 33: Notice No. SLPB-004-21 -**

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initiatives and training that will increase First Nations Information Communications Technology (ICT) capacities.

Furthermore, Canada's First Nations consultations conclude that a letter be sent to the Minister of Innovation, Science and Industry calling for the following specific policy changes:

- Indigenous First Nation communities' rights to priority access to unused spectrum over their land;
- Unused spectrum over Indigenous lands licensed for Indigenous use;
- Requirement of Canadian telecom companies to subordinate license their unused spectrum over Indigenous lands to the communities for their use.

We further support the concept of Subordination of spectrum by licensees who are not using, or planning to use the spectrum in the near future, and but would rather see the spectrum being well used in another community.

The need for improved connectivity is great, we look to ISED to begin implementing these changes without delay.

On behalf of the Canada's First Nation Chiefs, Metis and Inuit Communities,

In Solidarity,

Hromtik'en Kwakosen, Chief James Hobart

Spô'zêm First Nation

(Signatory nations)

**Spuzzum First Nation**

*/s/ James Hobart*

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By: Chief James Hobart  
Title: Chief Councillor

**Gitanyow Band**

*/s/ Tony Morgan*

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By: Chief Tony Morgan  
Title: Chief Councillor

**Nuchatlaht First Nation**

*/s/ Jordan Michael*

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By: Chief Jordan Michael  
Title: Chief Councillor

**Halalt First Nation**

*/s/ Chief James Thomas*

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By: Chief James Thomas  
Title: Chief Councillor

**Gitanmaax Band**

*/s/ Tracey Woods*

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By: Chief Tracey Woods  
Title: Chief Councillor

**Glen Vowell First Nation**

*/s/ Tony Sampare*

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By: Chief Tony Sampare  
Title: Chief Councillor

**Kispiox First Nation**

*/s/ Cameron Stevens*

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By: Chief Cameron Stevens  
Title: Chief Councillor

**Skawahlook First Nation**

*/s/ Maureen Chapman*

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By: Chief Maureen Chapman  
Title: Chief Councillor

**Xaxli'p First Nation**

*/s/ Colleen Jacob*

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By: Chief Colleen Jacob  
Title: Chief Councillor

**O'Chiese First Nation**

*/s/ Doug Beaverbones*

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By: Chief Doug Beaverbones  
Title: Chief Councillor

**Heiltsuk First Nation**

*/s/ Marilyn Slett*

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By: Chief Marilyn Slett  
Title: Chief Councillor

**Douglas First Nation**

*/s/ Don Harris*

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By: Chief Don Harris  
Title: Chief Councillor



**Homalco First Nation**

*/s/ Darren Blaney*

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By: Chief Darren Blaney  
Title: Chief Councillor

**K'ómoks First Nation**

*/s/ Nicole Rempel*

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By: Chief Nicole Rempel  
Title: Chief Councillor

**Doig River First Nation**

*/s/ Trevor Makadahay*

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By: Chief Trevor Makadahay  
Title: Chief Councillor

**Lil'Wat First Nation**

*/s/ Dean Nelson*

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By: Chief Dean Nelson  
Title: Chief Councillor

**Whispering Pines/Clinton First Nation**

*/s/ Michael LeBourdais*

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By: Chief Michael LeBourdais  
Title: Chief Councillor

**Barren Lands First Nation**

*/s/ Trina Halkett*

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By: Chief Trina Halkett  
Title: Chief Councillor

**Brokenhead Ojibway First Nation**

*/s/ Deborah Smith*

---

By: Chief Deborah Smith  
Title: Chief Councillor

**Buffalo Point First Nation**

*/s/ John Thunder*

---

By: Chief John Thunder  
Title: Chief Councillor

**Fort Alexander / Sagkeeng First Nation**

*/s/ Derrick Henderson*

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By: Chief Derrick Henderson  
Title: Chief Councillor

**Lake Manitoba Treaty 2 First Nation**

*/s/ Cornell McLean*

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By: Chief Cornell McLean  
Title: Chief Councillor

**Long Plain First Nation**

*/s/ Dennis Meeches*

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By: Chief Dennis Meeches  
Title: Chief Councillor

**O-Chi-Chak-Ko-Sipi First Nation**

*/s/ Eugene Eastman*

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By: Chief Eugene Eastman  
Title: Chief Councillor

**Sapotaweyak Cree First Nation**

*/s/ Nelson Genaille*

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By: Chief Nelson Genaille  
Title: Chief Councillor

**Sayisi Dene First Nation**

*/s/ Evan Yassie*

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By: Chief Evan Yassie  
Title: Chief Councillor

**Skownan First Nation**

*/s/ Cameron Catcheway*

---

By: Chief Cameron Catcheway  
Title: Chief Councillor

**Swan Lake First Nation**

*/s/ Francine Meeches*

---

By: Chief Francine Meeches  
Title: Chief Councillor

**Skwah First Nation**

*/s/ Lara Mussell*

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By: Chief Lara Mussell  
Title: Chief Councillor

**Shxw'ow'hamel First Nation**

*/s/ Rhoda Peters*

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By: Chief Rhoda Peters  
Title: Chief Councillor

**Sumas First Nation**

*/s/ Dalton Silver*

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By: Chief Dalton Silver  
Title: Chief Councillor

**Nak'azdli Whut'en' First Nation**

*/s/ Aileen Prince*

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By: Chief Aileen Prince  
Title: Chief Councillor

**Skowkale First Nation**

*/s/ Mark Point*

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By: Chief Mark Point  
Title: Chief Councillor

**Tsartlip First Nation**

*/s/ Don Tom*

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By: Chief Don Tom  
Title: Chief Councillor

**Samson Cree First Nation**

*/s/ Vernon Saddleback*

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By: Chief Vernon Saddleback  
Title: Chief Councillor

**Yale First First Nation**

*/s/ Ken Hansen*

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By: Chief Ken Hansen  
Title: Chief Councillor

**Kwikwetlem First Nation**

*/s/ Ed Hall*

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By: Chief Ed Hall  
Title: Chief Councillor

**Stswecem'c Xgat'tem First Nation**

*/s/ Hillary Adam*

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By: Chief Hillary Adam  
Title: Chief Councillor

**Nadleh Whut'en First Nation**

*/s/ Larry Nooski*

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By: Chief Larry Nooski  
Title: Chief Councillor

**Tzeachten First Nation**

*/s/ Derek Epp*

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By: Chief Derek Epp  
Title: Chief Councillor

**Mosquito, Grizzly Bear's Head, Lean Man First Nations**

*/s/ Tanya Aguilar-Antiman*

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By: Chief Tanya Aguilar-Antiman  
Title: Chief Councillor

**Pinaymootang First Nation**

*/s/ Garnet Woodhouse*

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By: Chief Garnet Woodhouse  
Title: Chief Councillor

**Saulteaux First Nation**

*/s/ Kenny Moccasin*

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By: Chief Kenny Moccasin  
Title: Chief Councillor

**Moosomin First Nation**

*/s/ Brad Swiftwolfe*

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By: Chief Brad Swiftwolfe  
Title: Chief Councillor

**Northlands Denesuline First Nation**

*/s/ Simon Denechezhe*

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By: Chief Simon Denechezhe  
Title: Chief Councillor

**Rainy River First Nations**

*/s/ Robin McGinnis*

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By: Chief Robin McGinnis  
Title: Chief Councillor

**Saddle Lake Cree First Nation**

*/s/ Eric Shirt*

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By: Chief Eric Shirt  
Title: Chief Councillor

**Red Pheasant Cree First Nation**

*/s/ Clint Wuttunee*

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By: Chief Clint Wuttunee

**Re: Indigenous Priority Access to Spectrum and Canada Gazette, Part I, Volume 155,  
Number 33: Notice No. SLPB-004-21 -**

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Title: Chief Councillor

**Esdilagh First Nation**

*/s/ Troy Baptiste*

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By: Chief Troy Baptiste

Title: Chief Councillor

**Mamalilikulla-Qwe'Qwa'Sot'Em First Nation**

*/s/ John L. Powell*

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By: Chief John L. Powell

Title: Chief Councillor

**Squiaha First Nation**

*/s/ David Jimmie*

---

By: Chief David Jimmie

Title: Chief Councillor

**Neskonlith First Nation**

*/s/ Judy Wilson*

---

By: Chief Judy Wilson

Title: Chief Councillor

**Kanaka Bar First Nation**

*/s/ Patrick Michell*

---

By: Chief Patrick Michell

Title: Chief Councillor

**Boston Bar First Nation**

*/s/ Pam Robertson*

---

By: Chief Pam Robertson

Title: Chief Councillor

**Cheam First Nation**

*/s/ Andrew Victor*

---

By: Chief Andrew Victor

Title: Chief Councillor

**Matsqui First Nation**

*/s/ Alice McKay*

---

By: Chief Alice McKay

Title: Chief Councillor

**Iskut First Nation**

*/s/ Marie Quock*

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By: Chief Marie Quock

**Re: Indigenous Priority Access to Spectrum and Canada Gazette, Part I, Volume 155,  
Number 33: Notice No. SLPB-004-21 -**

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Title: Chief Councillor

**Cape Mudge Band**

*/s/ Ronnie Chickite*

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By: Chief Ronnie Chickite

Title: Chief Councillor

**Skidegate First Nation**

*/s/ Billy Yovanovich*

---

By: Chief Billy Yovanovich

Title: Chief Councillor

**Buffalo Lake Métis Settlement**

*/s/ Stan Delorme*

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By: Stan Delorme

Title: Chairman

**Elizabeth Metis Settlement**

*/s/ Raymond Desjarlais*

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By: Raymond Desjarlais

Title: Vice-Chair

**Enclosures (1)**

- 1) Annual General Assembly of First Nations Resolution no. 19.2020, dated Dec. 9, 2020

CC. Ms. RoseAnne Archibald, National Chief of Assembly of First Nations

CC. Ms. Janice Charette, Interim Clerk of the Privy Council

CC. Ms. Christiane Fox, Deputy Minister of Indigenous Services Canada

CC. Mr. Simon Kennedy, Deputy Minister of Innovation, Science and Industry

CC. Mr. Daniel Quan-Watson, Deputy Minister of Crown-Indigenous Relations

CC. Ms. Sherry Antone, Chief of Staff, Assembly of First Nations

CC. Ms. Shelley Stacey, Sr. Executive Assistant, Assembly of First Nations

CC. Chief Glen Hare, AFN Regional Chief, Ontario

CC. Ms. Charlotte Commanda, Chief of Staff. AFN Regional Chief, Ontario

CC. Mr. Terry Teegee, AFN Regional Chief, BCAFN

CC. Ms. Victoria Austin, Executive Assistant, AFN Regional Chief, BCAFN



**ASSEMBLY OF FIRST NATIONS**  
**2020 ANNUAL GENERAL ASSEMBLY – OTTAWA, ONTARIO**  
**FINAL RESOLUTIONS**

#	Title
01	AFN Knowledge Keepers Council
02	AFN First Nations Veterans Council
03	Addressing Priority Concerns and Needs of First Nations Around COVID-19
04	Call for a Moratorium of the research study titled: The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study
05	Principle for the elimination of racism and discrimination in the services provided to First Nations
06	Support for Advocacy on Systemic Racism in Canada
07	Call for Reform to Address Institutional Racism in the Justice System
08	Systemic Racism in all federal agencies including Fisheries and Oceans Canada's Response to Sipekne'katik First Nation's Inherent Rights-based Fishery
09	Jointly Develop a Fully Independent Specific Claims Process
10	Support for First Nations to Administer Justice
11	Implementation of the National Indigenous Justice Summit's Immediate Action Points
12	First Nations Representation in Cannabis Legislation
13	Becoming A Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations
14	Issues with ability to register lands under 53/60
15	Support of the Algonquin Nation's Moose Moratorium
16	Support for Survival of Fraser River, Thompson River and Pacific Coastal First Nations' Culture, Way-of-Life, and Food Security: Removal of Open-Net Fish Farms Off the Pacific Coast
17	Support for First Nations Climate Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation
18	Support for First Nations Clean Drinking Water Class Actions
19	Supporting First Nations with connecting to the Internet
20	Extension of Interim First Nations Early Learning and Child Care Regional Funding Allocation Approach
21	First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models
22	Infrastructure Stimulus Funding for First Nations

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**TITLE:** Supporting First Nations with connecting to the Internet

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**SUBJECT:** Infrastructure, Economic Development, Education, Health

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**MOVED BY:** Chief James Hobart, Spuzzum Nation, BC

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**SECONDED BY:** Chief Garnet Woodhouse, Pinaymootang First Nation, MB

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**DECISION:** Carried; 1 objection

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**WHEREAS:**

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- iii. Article 14 (1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

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- vi.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - vii.** Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
  - viii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
  - ix.** Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.
  - C.** Safe, adequate and sustainable education infrastructure provides a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the UN Declaration.
  - D.** First Nations have unique needs and circumstances in education that must be reflected in their education infrastructure standards.
  - E.** The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it, including the right to environmentally sustainable education infrastructure solutions.
  - F.** First Nations face a national connectivity gap, experience slower, and less reliable internet access and have identified challenges accessing affordable, high-speed internet as the number one issue impeding their education and economic growth.
  - G.** The United Nations 2030 Agenda for Sustainable Development's Goals (SDGs) are a set of 17 Global Goals measured by progress against 169 targets covering social issues like poverty, hunger, health, education, climate change, gender equality, and social justice. The SDGs core objective is to "Leave no one behind" as articulated in Goal 1: End poverty in all its forms everywhere.

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- H. There are internet solutions available, such as Advintive (Advanced Interactive Canada Inc.), that deliver full service to those who would have limited or no access to reliable digital communication services in rural and digitally emerging communities.
- I. Budget 2019 committed to connect all Canadians to reliable high-speed internet through programs such as the Connect to Innovate (CTI) and the Universal Broadband Fund (UBF) including 190 Indigenous communities.
- J. High-speed internet is required to support First Nations participation in the digital economy, e-learning, employment opportunities, e-health services, and e-governance as well as access to essential services.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

- 1. Direct the Assembly of First Nations (AFN) to call on Indigenous Services Canada to support high-speed internet solutions for First Nations using technologies such as Advintive (Advanced Interactive Canada Inc.) and First Nations-led and identified solutions.
- 2. Direct the AFN to call on the Government of Canada for First Nations specific funding and criteria as part of the Universal Broadband Fund program, and for investments into connectivity initiatives and training that will increase First Nations Information Communications Technology (ICT) capacities.
- 3. Direct the AFN to call on Indigenous Services Canada and Innovation, Science and Economic Development to support and work with First Nations to establish service-provider capacities, data and market information, spectrum access, a network of professionals and policy to enable affordable access to the internet.

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Certified copy of a resolution adopted on the 9th of December 2020 in Ottawa, Ontario.