

The Institutions of Spectrum Management - Time for Change?

Spectrum Roundtable

Ottawa

22 April 2010

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Spectrum Institutions

- This presentation is based on the 2006 Telecommunications Policy Review
- International Best Practice:
 - Role of Government:
 - To make policy
 - Role of Independent Regulators
 - To implement government policy in a professional & transparent manner

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“Spectrum Management”: 2 main functions:

- Policy & Planning
 - general policy issues, e.g. competition policy
 - spectrum allocation – i.e. designating use of bands for different services
- Licensing & Regulation
 - spectrum assignment – i.e. licensing rights to use spectrum to specific entities
 - enforcement – e.g. preventing interference, enforcing compliance with roll-out and other service conditions

Spectrum Planning

Ministry

- Austria
- Canada
- Denmark*
- Hungary
- Japan
- Korea
- Mexico*
- New Zealand
- Poland
- Slovak Republic*
- Spain

* shared role

**separate spectrum regulator

Regulator

- Australia
- Czech Rep.
- Finland
- Germany
- Iceland
- Italy
- Mexico*
- Norway
- Slovak Rep.
- Switzerland**
- Turkey
- Belgium
- Denmark*
- France**
- Greece
- Ireland
- Luxembourg
- Netherlands**
- Portugal
- Sweden
- U.K.
- U.S.

Spectrum Licensing

Ministry

- Austria
- Canada
- Italy
- Japan
- Korea
- New Zealand

Regulator

- Australia
- Czech Rep.
- Finland
- Germany
- Hungary
- Ireland
- Mexico
- Norway
- Portugal
- Spain**
- Turkey
- United States
- Belgium
- Denmark
- France
- Greece
- Iceland
- Luxembourg
- Netherlands**
- Poland
- Slovak Rep.
- Sweden
- U.K.

**Separate spectrum regulator

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- International Comparisons
 - Canada is in the minority of OECD countries where a political Minister is responsible for spectrum planning
 - And one of very few where a political Minister is responsible for licensing & regulation (6 of 30)
- Canada
 - Spectrum policy/planning at Industry Canada
 - Spectrum licensing & enforcement at IC
 - Overlapping telecommunications regulation (Industry Canada & CRTC)

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Benefits of independent regulators

- Due process & transparency
 - Political Ministries are generally less so
- Stability & continuity
 - Change of governments don't change regulations
- Freedom from political pressures
 - And political headaches
- Generally more effective enforcement
 - Most regulators have fining powers

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TPR Recommendations

- Transfer regulation, licensing & enforcement functions from IC to CRTC
- Retain & strengthen policy-making functions within Industry Canada
 - Policy development should be done in consultation with CRTC = e.g. could be CRTC policy reviews and reports to Government
 - Allocation function (i.e. band designation) could go to either IC or CRTC – but consultation between the two is key

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- Benefits of TPR Recommendation
 - Avoid inconsistency & delay
 - e.g. Foreign ownership rules - Globalive case
 - e.g. Broadcasting licences & related spectrum
 - Increase transparency & due process
 - Strengthen CRTC's engagement with international regulatory community (+ITU)
 - Strengthen CRTC's technical expertise (from SITT)
 - Depoliticizes spectrum regulation
- Disadvantages:
 - Disruption
 - Perceived loss of government control – (but policy direction & variance powers retained)