

ISED Consultation Improving Indigenous Access to Spectrum: Draft Indigenous Priority Window Spectrum Policy Framework
SPB-002-24

Reply Comments
October 1, 2024

Introduction

1. Eeyou Communications Network (ECN) is pleased to provide reply comments in respect of ISED's proceeding on Spectrum and the Indigenous Priority Window (SPB-002-24). ECN responds to some of the key issues noted in the interventions to this proceeding, as well as virtual information sessions and discussions facilitated by the Indigenous Spectrum Team at ISED.

2. ECN maintains its support for the introduction of the IPW and reassignment of unused spectrum in First Nation, Métis, and Inuit communities and territories. As indicated in the April 30 intervention, ECN believes that IPW is a step in the right direction; however, there are other measures that need to be addressed such as the need for a range of spectrum bands, better mechanisms for subordinate licensing, and supports for development of networks in First Nation, Métis, and Inuit communities.

Access to a range of spectrum bands

3. Access to the 800 MHz and 1900 MHz bands of spectrum alone will not solve the issue of digital disparity. The growing digital needs of Indigenous communities across Canada will require access to more bands, as intervention by Norway House and Beardy's & Okemasis Cree Nation indicated.¹ A greater range of spectrum bands are needed for different geographies for a range of purposes including backhaul.

Subordinate licenses

4. Although there is a procedure concerning the required minimal terms and conditions for subordinate licensing, between the original licensee and the subordinate licensee, there is no regulation that we know of that incentivizes the original licensees to proceed with license

¹ See: Comments by Norway House, April 30, 2024, and Comments by Beardy's & Okemasis Cree Nation, April 30, 2024.

subordination in a timely fashion or otherwise. Furthermore, the original licensee can set any additional terms and conditions, over which the licensee has no say.

5. This is a “barrier to entry” that is difficult to overcome, and it hinders project development.

6. ECN recommends that ISED develop better mechanisms for subordinate licensing.

Eligibility

7. ECN reiterates support for the community-based option and note that Lyttonnet and Beardy’s Okemasis Cree Nation also support this option.² As indicated in our earlier intervention, the application-based option is too restrictive and could hinder collaborations between Indigenous and non-Indigenous entities.

8. Spectrum has been identified as a natural resource by ISED, thus nation to nation discussions should be triggered in regard to its management and allocation. In the context of Eeyou Istchee, the Cree Nation Government (CNG) is mandated by the communities to act on their behalf. So, while we are uncertain how the community-based option would map onto territory covered by the JBNQA, the community-based option is most aligned with established consultation practices and protocols.

Time-limited Window

9. ECN recognizes that some Indigenous communities will require more time to develop the capacity to apply for a spectrum license but urge ISED to take a balanced approach. While it is vital that First Nation, Métis and Inuit have sufficient time to apply for spectrum licenses, it is also important to recognize that idle spectrum is not good for communities or the telecommunications market. We recommend that ISED adopt a timeframe that gives sufficient time to Indigenous communities and service providers to develop the capacity while ensuring that spectrum is not idle.

Conditions of License

10. ECN has recommended that Tier coverage requirements not be based on population as it is not an adequate measure. We note that Norway House has a similar position. ECN understands telecom services as part of the social economy. Servicing transport routes such as the Billy Diamond Highway is not profitable, but it is critical to public security.

11. ECN agrees with Lyttonnet that any licensing fees be minimal. The costs of development and operations of network infrastructure is higher in rural and remote areas than in the south and urban areas, particularly those located in the North, and thus ISED should work to minimize licensing fees.

Engagement

² See: Comments by Lyttonnet, April 30, 2024, and Comments by Beardy’s & Okemasis Cree Nation, April 30, 2024.

12. ECN commends the Indigenous Spectrum team for their efforts in engaging people in this proceeding, however, there are still significant challenges in regard to communications and consultation. There are First Nation, Métis and Inuit communities across Canada that are still unaware of this proceeding and have not participated. ECN urges ISED to continue outreach efforts including visiting communities. Spending time in rural and remote First Nation, Métis and Inuit communities will help government officials understand the complexities and challenges of building networks in these communities.

Support for development

13. A number of entities over the course of this engagement have expressed the need for other forms of support. Access to spectrum alone doesn't solve the digital disparity problem, but funding and technical support are required. We recommend ISED work collaboratively with CRTC to ensure that there is funding so that First Nation, Métis and Inuit communities can take advantage of the IPW.

14. As indicated in ECN's April intervention, ISED could develop a series of webinars that instruct people how to build networks. When ECN was deploying, the playbooks Nokia provided were invaluable, and we feel similar resources could be created and shared.

First Nation, Métis and Inuit Ownership

15. Canada's large telecom companies all claim to support the bettering of communications in First Nation, Métis and Inuit and have published materials indicating their engagement and commitment to reconciliation. However, none of them identify infrastructure ownership as a critical issue to addressing digital disparities. ECN feels very strongly that ownership of the network, infrastructure, and equipment by First Nation, Métis and Inuit communities is critical. Ownership of the network and spectrum license allows communities to better address their needs, and avoid obstacles posed by large telecom companies.

16. For example, ECN has witnessed the challenges First Nation communities and service providers have faced when trying to install new equipment under a subordinate license agreement. ISED should support First Nation, Métis and Inuit ownership wherever possible, and facilitate access to spectrum licenses whether through non-competitive local licensing or subordinate licensing.

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