



Howard Slawner

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July 30, 2024

Via email: [indigenousspectrumpolicyteam-equipedepolitiqueduspectreautoch@ised-isde.gc.ca](mailto:indigenousspectrumpolicyteam-equipedepolitiqueduspectreautoch@ised-isde.gc.ca)

Chantal Davis  
Senior Director, Regulatory Policy  
Spectrum Policy Branch  
Innovation, Science Economic Development Canada  
235 Queen St  
Ottawa, ON K1A 0H5

**Re: Canada Gazette, SPB-002-24: Improving Indigenous Access to Spectrum: Draft  
Indigenous Priority Window Spectrum Policy Framework**

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Ms. Davis,

Attached, please find Reply Comments from Rogers Communications Canada Inc. (Rogers) in response to *Improving Indigenous Access to Spectrum: Draft Indigenous Priority Window Spectrum Policy Framework* (SPB-002-24), published in the Canada Gazette, Part I, February 3, 2024. Rogers files these comments in reply to Comments filed by other parties and posted on the Department's website on May 9, 2024.

Rogers thanks the Department for the opportunity to provide input on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Howard Slawner', written in a cursive style.

Howard Slawner  
Vice President - Telecom  
HS/pg

Attach.

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

Reply Comments of  
Rogers Communications Canada Inc.  
July 30, 2024



## Executive Summary

- E1. Rogers supports Innovation, Science and Economic Development Canada's (ISED or the Department) consultation on an Indigenous Priority Window Spectrum Policy Framework in order to reduce barriers and support Indigenous applicants' spectrum access. The consultation record identifies that Rogers has entered into multiple agreements subordinating our spectrum to small regional carriers serving rural and remote areas over the years, including those owned and operated by Indigenous service providers. We remain open to entering into similar commercial arrangements to improve Indigenous access to spectrum in rural areas where they will not impact our own current network, nor expansions and upgrades, nor where it could impact existing subordinations.
- E2. At the same time, current commercial spectrum licensees and network operators will be key partners in fostering and building relationships with Indigenous partners committed to closing connectivity gaps in Indigenous communities. As Canada's largest wireless provider, Rogers continues to invest heavily in advanced communication networks. Indeed, we will be the first wireless company in Canada to bring satellite connectivity to Canadians coast-to-coast-to coast, delivering an innovative new satellite service to connect 5G and 4G phones. Rogers will deploy our satellite-to-phone coverage across Canada's most remote regions and rural highways not covered by any terrestrial wireless networks, including remote Indigenous communities. The service will start with Short Message Service (SMS) texting and over time will expand to include voice and data to help all Canadians reach 9-1-1 with 5G and 4G smartphones. Some of the biggest beneficiaries of this new service will be Indigenous Canadians living in remote areas, provided carriers continue to have access to the spectrum necessary to deliver service across the country to every community.
- E3. The Indigenous Priority Window will first apply to the 800 MHz (Cellular) and the 1900 MHz Personal Communications Services (PCS) spectrum bands being made available through the Access Licensing Framework. While the Department has issued a preliminary list of Cellular and PCS licences that will be made available as part of the Access Licensing Framework decision, they have also acknowledged that their list contains faulty information as a result of limitations of the ISED Spectrum Management System (ISED SMS) database, the same tool that was identified to revise the list. Updated SMS database upload data preparation methodology is hoped to have eliminated most of the known errors, but accuracy of available spectrum takes on extra importance, as the Cellular and PCS bands will be the pioneer bands for the new satellite-to-mobile service. With the Department currently consulting in parallel on Supplemental Mobile Coverage by Satellite, the

Department must ensure that the Access Licensing regime and accompanying Indigenous Priority Window does not undermine actual service for Indigenous peoples in its effort to improve Indigenous access to spectrum. We encourage the Department to continue working closely with Cellular and PCS licensees to ensure that any spectrum that is ultimately made available for the Access Licensing regime is, in fact, not currently deployed by primary licensees nor soon to be deployed via satellites, which could derail deployment and timely availability of connectivity services in rural and remote areas across the country.

## Introduction

1. Rogers Communications Canada Inc. (Rogers) welcomes the opportunity to reply to comments filed by other parties in response to *SPB-002-24: Improving Indigenous Access to Spectrum: Draft Indigenous Priority Window Spectrum Policy Framework*<sup>1</sup> (the Consultation), posted on the Innovation, Science and Economic Development Canada (ISED or the Department) website on May 9, 2024.
2. After reviewing the comments provided by other parties, we remain very supportive of the renewed and increasing efforts by all telecommunication stakeholders, including network operators and governments of all levels, to bring world-class connectivity to rural, remote, and Indigenous communities across the country. The consultation record identifies that Rogers has entered into multiple agreements subordinating our spectrum to small regional carriers serving rural and remote areas over the years, including those owned and operated by Indigenous service providers. We remain open to entering into similar commercial arrangements to improve Indigenous access to spectrum in rural areas.
3. At the same time, as Canada's largest single national network operator with a proud history of bringing technological innovations to all Canadians, Rogers will be soon launching Canada-wide satellite-to-phone coverage that will enable access across Canada's entire landmass using unmodified mobile phones. This service will benefit all Canadians no matter where they live, work, or play, while particularly benefiting those living in rural and remote areas outside of traditional terrestrial coverage. The Department must ensure that the goal of improving Indigenous access to spectrum avoids harming Indigenous connectivity by creating holes in our national satellite-to-phone network coverage.
4. As the Department states in the *Consultation on a Policy, Licensing and Technical Framework for Supplemental Mobile Coverage by Satellite* (SMCS Consultation), the number one policy objective of that consultation is to "expand mobile services particularly in unserved and underserved areas, including rural, remote, and **Indigenous communities**"<sup>2</sup> [emphasis added]. Speaking specifically to the new Access Licensing regime, and an Indigenous Priority Window (IPW) that is the

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<sup>1</sup> ISED, *SPB-002-24: Improving Indigenous Access to Spectrum: Draft Indigenous Priority Window Spectrum Policy Framework* (Consultation); <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/spectrum-allocation/improving-indigenous-access-spectrum-draft-indigenous-priority-window-spectrum-policy-framework>.

<sup>2</sup> ISED, *Consultation on a Policy, Licensing and Technical Framework for Supplemental Mobile Coverage by Satellite* (SMCS Consultation), para 11; <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/learn-more/key-documents/consultations/consultation-policy-licensing-and-technical-framework-supplemental-mobile-coverage-satellite>.

focus of this Consultation, the SMCS Consultation states that “the Access Licensing Framework seeks to facilitate greater access to **unused spectrum** in rural and remote areas”<sup>3</sup> [emphasis added]. Rogers’ coming satellite-to-phone service will use the Cellular 850 MHz and Personal Communications Service 1900 MHz spectrum as the pioneer bands, thus making our spectrum in these bands fully deployed across Canada.

5. With the recent advances of satellite technology, particularly growing constellations of satellites in low earth orbit (LEO), and the ability to enable connectivity between LEO satellites and unmodified 5G and 4G mobile phones, there has never been a better opportunity to deliver wireless service to every Canadian, no matter where they are located. Rogers will begin to expand satellite-to-phone coverage in 2024 across Canada’s most remote regions, national parks, and rural highways not covered by any wireless networks, including deep rural and remote Indigenous communities. The service will start with SMS texting and over time will expand to include voice and data to help all Canadians reach 9-1-1 with 5G and 4G smartphones. This service will involve LEO satellites from two separate providers, SpaceX’s Starlink constellation and satellites from Lynk Global, combined with Rogers’ national wireless spectrum. Ensuring that spectrum is available to Rogers will be crucial to providing service access to all Canadians in areas that are unconnected today.
6. Canadian terrestrial mobile network operators have invested billions of dollars in spectrum and network infrastructure over the decades to continue expanding and enhancing terrestrial coverage in rural and remote areas. The overall strength and resilience of Canada’s wireless (and wireline) facilities-based networks in light of the COVID-19 pandemic have been a point of pride for Canada. While the pandemic highlighted that Canadians living in some rural and remote areas do not have the same connectivity options (which governments and industry are working together to resolve), broadly speaking, Canadians currently have access to world-class mobile voice and broadband data services due to the facilities-based competition between national operators.
7. Indeed, as the Canadian Radio-television and Telecommunications Commission (CRTC) states in their *Communications Market Reports*, 99.7% of Canadians had mobile coverage at year-end 2022, with 94.2% of First Nations reserve areas.<sup>4</sup> The CRTC also reports that 87.7% of major roads and highways are covered. However, given Canada’s vast geography, mobile service coverage gaps persist in less

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<sup>3</sup> ISED, SMCS Consultation, para 56-57.

<sup>4</sup> CRTC, *Communications Market Reports*, “Reported Mobile Coverage across Canada”, accessed 02 July 2024; <https://crtc.gc.ca/eng/publications/reports/PolicyMonitoring/mob.htm>.

populated rural and Indigenous communities, and outside of major transportation corridors. As the Consultation states, “Most unserved or underserved Indigenous communities are located in rural and remote areas that are hard to connect using traditional wired fibre solutions.”<sup>5</sup>

8. It is just these hard to connect areas that satellite-to-phone will help most to provide basic connectivity, meet the CRTC and government of Canada’s mobile wireless network availability targets, and expand wireless coverage across all of Canada’s vast geography to keep Canadians connected and safe. Deploying advanced wireless services to cover these last unserved areas, however, will require significant capital investments and secure access to spectrum for primary licensees. Due to the size and scope of such projects, national facilities-based operators are best positioned to bring this new service to Canadians.
9. Over the past 10 years alone, Rogers and Shaw have invested over \$40 billion building the world-class networks of our recently combined company. Rogers will continue to bring fast, reliable networks to more communities over the next five years by: investing \$1 billion to connect rural, remote, and Indigenous communities and unserved remote highways in the four Western provinces; investing \$2.5 billion to expand and improve 5G in over 300 communities in Western Canada, including 40 new communities, totalling 140,000 square kms of coverage; and, investing \$3 billion in broadband to provide faster speeds to 4.7 million homes from Northern Ontario through to British Columbia. These Western-specific investments will be on top of our continuing investments across the rest of Canada, such as recent network expansions in rural eastern Ontario, bringing vital infrastructure to more municipalities and Indigenous communities. Through our national network investments, Rogers has Canada’s largest and most reliable 5G network, which now covers over 2,300 communities.<sup>6</sup> With our coming satellite-to-phone service, we will cover **every community** in Canada outside our terrestrial network coverage, including Indigenous communities, provided we maintain access to the spectrum needed to deliver this service to Canadians.

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<sup>5</sup> ISED, *Consultation*, Section 2.1 Indigenous connectivity landscape.

<sup>6</sup> Largest based on total square kilometers of Rogers 5G coverage compared to published coverage of other national networks. Rogers was ranked first in the umlaut Mobile Data Performance audits in 2023-2024. For details visit [www.umlaut.com/benchmarking](https://www.umlaut.com/benchmarking).

Rogers, *Rogers Closes Transformative Merger with Shaw*, April 2023; <https://about.rogers.com/news-ideas/rogers-closes-transformative-merger-with-shaw/>.

Rogers, *Improved Cell Service Now Available in 21 Eastern Ontario Communities*, June 2024; <https://about.rogers.com/news-ideas/improved-cell-service-now-available-in-21-eastern-ontario-communities/>.

Rogers, *Rogers starts to expand 5G network to rest of TTC subway system*, May 2024; <https://about.rogers.com/news-ideas/rogers-starts-to-expand-5g-network-to-rest-of-ttc-subway-system/>.

10. Failure to address any specific issue raised by the Consultation or other parties should not be taken by the Department as Rogers' acquiescence with the position, especially where any such acceptance or agreement would be contrary to Rogers' interests.

### Improving Indigenous Access to Spectrum

11. Rogers is committed to investing in its wireless and wireline networks and working with all levels of government to bring world-class connectivity to rural, remote, and Indigenous communities across the country. As ISED is well aware, Rogers has entered into multiple agreements subordinating our spectrum to small regional carriers serving rural and remote areas over the years, including those owned and operated by Indigenous service providers. These agreements have resulted in the provision of public and private wireless services using Rogers' licensed spectrum in multiple, remote First Nations communities and Indigenous-owned businesses, served by local, community-based carriers. We remain open to entering into similar commercial arrangements with our spectrum licences to extend coverage further.
12. In the *Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment*, (Access Licensing Consultation), First Mile Connectivity Consortium (FMCC) highlighted several partnerships that have been made possible through commercial subordination of Rogers' spectrum.

Subordinate licensing is an important policy mechanism for rural, remote, Northern and Indigenous regions. FMCC member organizations ECN and K-Net already have subordinate licensing arrangements in place. **K-Net Mobile provides mobile phone services in 15 rural/remote First Nations in Northern Ontario through a subordinate licensing agreement with Rogers.** This arrangement has resulted in a number of innovative uses of mobile technologies in First Nations contexts, such as the DiabeTEXTs initiative from KO Health and K-Net to use cellular technology to provide diabetes education and information to interested community members through SMS texting and other electronic media. **ECN works with SSI Canada, which holds a subordinate licence [from Rogers] and has partnered with Eeyou Mobility Inc (EMI) to implement infrastructure and provide cell service in the Eeyou Istchee region.**<sup>7</sup> [Emphasis added, footnotes omitted.]

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<sup>7</sup> FMCC Comments, *Consultation on New Access Licensing Framework, Changes to Subordinate Licensing and White Space to Support Rural and Remote Deployment*, para 103.



13. FMCC, as well as the comments from Cree Nation Government, Eeyou Communications Network, James Bay Cree Communications Society, and comments by SSi Canada, all again highlight Rogers as having subordinated spectrum to Indigenous service providers,<sup>8</sup> seemingly alone amongst national operators. Rogers has been unable to approve some Indigenous requests for additional spectrum due to concerns for harmful interference into areas for which the spectrum was already subordinated to other operators. However, we have also continued subordinating spectrum as recently as 2023 to Indigenous service providers to provide both public coverage to Indigenous communities and private network coverage for businesses owned by First Nations.<sup>9</sup> Rogers is open to accommodating additional subordination requests where they will not impact our own current network, nor expansions and upgrades, nor where it could impact existing subordinations.
14. As such, we remain very supportive of the Access Licensing Framework's objectives of improving wireless services in unserved and underserved locations but continue to see that commercial subordination is the best option to ensure access for Indigenous service providers while ensuring that our own network coverage is protected. As noted above, the preliminary list of "available" Cellular and PCS spectrum contained inaccurate information related to limitations in the ISED SMS database. In order to accurately depict total radio power per carrier, the industry standard was for operators to upload only a single, centre frequency per carrier even if they had deployed wireless carriers spanning multiple spectrum licences. This resulted in the SMS database showing only a single licence deployed, even though customers were receiving active service from multiple licences. Updated SMS database upload data preparation methodology is expected to have eliminated this issue, however, ISED needs to validate with network operators that these errors on their preliminary list have been rectified. Such validation is critical, as the integrity of the SMS database's information has been known to generate inaccurate results or have periods where the platform suffers from upload instability.
15. It would be inappropriate to provide Indigenous service providers with an IPW for the Access Licensing regime and misidentify spectrum as available when it is already deployed. Such inconsistencies would make network planning challenging

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<sup>8</sup> FMCC Comments, para 12; Cree Nation Government, Eeyou Communications Network, James Bay Cree Communications Society Comments, para 5; SSi Canada Comments, para 13.

<sup>9</sup> ISED, *Decisions on Licence Transfers of Commercial Mobile Spectrum, Subordination of spectrum licences held by Rogers Communications Inc. to Naskapi Imuun Inc.*; <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/spectrum-allocation/spectrum-licensing/decisions-licence-transfers-commercial-mobile-spectrum>.

for Indigenous service providers, while also risking interference to current deployments by primary and commercial subordinate licensees.

16. In addition to SMS database limitations, operators are working with all levels of government to increase network coverage to unserved and underserved areas, including increasing coverage of rural and remote highways that connect Indigenous communities. As those sites are only uploaded into the SMS database when they go live, new sites currently under construction or those adding new spectrum bands may be missed. Similarly, operators may take sites offline to replace or upgrade network equipment, creating a short-term false 'availability'. Issuing Indigenous or non-Indigenous service providers with an Access Licence based on incomplete information could result in service disruptions, including service coverage to Indigenous Canadians. Providing 'access' to spectrum should not come at the expense of actual connectivity services.
17. We continue to believe that the best way to improve Indigenous access to spectrum in the Cellular and PCS band is through commercial subordinations. Indeed, as Indigenous service providers and organizations have stated in the Consultation, Rogers has already subordinated both bands to multiple First Nations communities served by local, community-based carriers. However, these negotiations should remain on a consensual, commercial basis in order that Rogers and other primary licence holders can work with Indigenous service providers to provide access to our exclusively licensed spectrum while not jeopardizing our own network expansion plans to deploy and enhance new public and private network offerings. Through collaboration, we can ensure that the pioneer spectrum bands that the innovative satellite-to-phone service will use to provide 100% geographic coverage of Canada will not have coverage holes that disproportionately impact Indigenous Peoples living in remote communities.
18. Rogers continues to fully support the Department's efforts at improving Indigenous access to spectrum, including with an IPW for the Access Licensing regime. At the same time, the Department must ensure that legacy operators – particularly those that operate national networks – are able to acquire contiguous spectrum across all of Canada to provide coverage to all Canadians. Rogers' coming satellite-to-phone service is a clear example of an advanced connectivity service that will benefit all Canadians, particularly Indigenous Canadians living in deep rural and remote areas, which requires commercial access to spectrum that covers the entirety of Canada's geography.

### **Eligibility Options for the IPW**

19. Rogers does not support national or major regional operators from requesting access to spectrum through the IPW, nor through the Access Licensing Framework more generally. All such operators already have access to significant portfolios of primary spectrum licences across several bands. This includes the 850 MHz or 1900 MHz band, or bands with similar propagation and widely available handsets and network infrastructure. We defer to Indigenous groups if small, rural operators affiliated with Indigenous communities should be eligible to access spectrum through the IPW on a project-based approach where the initiative is Indigenous-benefiting and Indigenous-informed.

### **Conditions of Licence**

20. Rogers agrees with SaskTel that any technical conditions of licence issued on Access Licences, generally or through the IPW specifically, should be the same as those on the Cellular and PCS bands, as well as any bands potentially added in the future.<sup>10</sup> This will support network coexistence with deployments by primary and subordinate licensees and limit harmful interference. Technical conditions of licence should not permit any proprietary, non-conforming equipment ecosystems that do not comply with the bands' Radio Standards Specification (RSS) or Standard Radio System Plan (SRSP).

### **Indigenous Spectrum Sovereignty**

21. As the Consultation document notes, the Department has heard from some Indigenous partners that it should apply the *United Nations Declaration on the Rights of Indigenous Peoples Act* to its spectrum management policies and view Indigenous Peoples as rights holders. Several commenters in the Consultation also raise similar issues related to Indigenous communities being seen as stakeholders versus rights holders when dealing with spectrum over their traditional lands. Rogers believes that these conversations are best left between ISED, the federal government, and Indigenous First Nations.
22. Commercial spectrum licences must also be respected, as spectrum access is critical to providing wireless communications that all Canadians, Indigenous and non-Indigenous, rely upon today. Further, the reality of advanced wireless communications today means that spectrum policy should continue, to the greatest extent possible, to promote regional and/or international harmonization, minimize potential interference concerns, and adopt a technology neutral approach to allow network operators the flexibility to choose the most appropriate technology to encourage innovation and enable rapid deployment to benefit all Canadians. It

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<sup>10</sup> SaskTel Comments, para 13-14.

would be impossible for wireless operators to deploy national networks, especially coming satellite-to-phone networks, should there be different licensing, technical regulations, or timing availability of spectrum across Canada. Spectrum policy should thus continue to be made and applied at the federal level to enable access to world-class networks from coast-to-coast-to-coast for all Canadians.

23. Rogers thanks the Department for the opportunity to share its views and participate in this consultation process.