

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

26 MARCH 2008

**Gazette Notice DGRB-010-07
Proposal by Industry Canada
to Mandate Communications Tower Sharing Update**

RECOMMENDATION

1. That the Board receive this report.

SYNOPSIS

At its February meeting, the Board was informed that Industry Canada, which licences York Regional Police to operate radiocommunication systems, had proposed to make changes to the conditions of the licence which might have adversely affected the Board's ability to manage its own radiocommunication infrastructure. Since that time, Industry Canada has announced that the proposed changes will apply only to radiocommunication carriers and therefore public safety agencies will not be affected by them.

FINANCIAL IMPLICATIONS

There are no immediate financial implications.

BACKGROUND

York Regional Police currently operates a Motorola Smartnet II Trunking Radio System and a Dataradio private data radio system. The trunking radio system is also the primary voice radiocommunication system used by all the municipal fire services within York Region. In addition, the system provides voice radio inter-operability between the Region's Emergency

Medical Services Department, Emergency Management Department, the fire services and York Regional Police. It consists of eight remote tower sites located throughout the Region which are linked back to the master site at York Regional Police Headquarters through a network of redundant microwave links and landlines. The systems are controlled from the Primary Public Safety Answering Point (PPSAP) operated by York Regional Police which handles all 911 calls within the Region.

The assignment and use of radio spectrum, including that used for communication by York Regional Police, is authorized and licenced by the Radiocommunication and Broadcasting Regulatory Branch of Industry Canada. Industry Canada may amend the terms and conditions of any licence, certificate or authorization and invites public comment upon changes that it is proposing by causing a notice to be posted in the Canada Gazette. On November 28, 2007, it published Notice No. DGRB-010-07 — “Consultation on Proposed Conditions of Licence to Mandate Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements.” Although the proposed changes are primarily aimed at facilitating competition within the cellular wireless industry, the Board was made aware that control of its own radiocommunication infrastructure might have been adversely affected because the proposed changes did not differentiate between non-profit public safety organizations and commercial telecommunication providers.

On Friday, February 29, 2008, Industry Canada published Notice No. DGRB-002-08 – “Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements” which reads in part:

“Industry Canada has modified the proposed conditions of licence in response to the submissions on mandated tower sharing as set out below.

Application of the Conditions

As originally proposed, the licence conditions were to apply to all licensees for all services including broadcasting certificate holders. The only exclusions provided for were situations involving sites having national security considerations or sites used for personal enjoyment (e.g. amateur radio operators). Responses to the consultation document identified other legitimate considerations that bear on the services to which these licence conditions should apply. Public utilities noted that their sites are generally located within the confines of enclosures around utility installations (e.g. hydroelectric transformers and switching facilities). Admission to such enclosures is highly restricted and requires specialized training, equipment and procedures to protect personnel and could compromise the integrity of critical utility infrastructure. Public safety agencies expressed similar concerns to those applicable to national security sites requiring highly restricted access. It was also submitted that broadcast sites already tend to be the subject of extensive sharing among broadcasters for technical and economic reasons while generally being poorly suited for other radiocommunication system architectures. Upon review and analysis, Industry Canada concurs with these observations. Furthermore, of the small number of antenna installations across Canada that become the subject of heightened public concern, the vast majority are used in the provision of commercial wireless telecommunications services such as those currently provided by the cellular and PCS licensees and to be provided by AWS new entrant licensees. This suggests that the two

policy objectives that were the drivers for the proposed licence conditions (i.e. to limit the social impacts of a proliferation of new towers and to facilitate new competitive entry into the provision of wireless services) can be realized for the most part by applying these provisions solely to radiocommunication carriers. Accordingly, the amendments to licence conditions regarding tower sharing will apply to radiocommunication carriers in all bands.”

York Regional Police was one of the public safety agencies which responded to Industry Canada's original proposal and raised a number of concerns. Because the Board is not a "radiocommunication carrier" within the meaning of the *Radiocommunication Act*, it will not be impacted by Industry Canada's revised proposed licence condition changes. Industry Canada's announcement means that the changes to licence conditions requiring that tower infrastructure be shared will apply only to commercial providers of telecommunication services such as Bell Cellular, Rogers Wireless, Telus and many other wireless service providers that own radio communication towers.

Industry Canada's new position is a positive one for public safety organizations in that it permits agencies to continue making decisions as to whether or not to share radio communication infrastructure based upon local conditions and the need to mitigate risk. In addition, significant legal and engineering expenses will be avoided.

Armand P. La Barge, O.O.M.
Chief of Police

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