

ARRANGEMENT S

SHARING ARRANGEMENT BETWEEN THE DEPARTMENT OF INDUSTRY OF CANADA AND THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES OF AMERICA CONCERNING THE USE OF THE FREQUENCY BANDS 824 TO 849 MHz AND 869 TO 894 MHz BY CELLULAR RADIO SYSTEMS ALONG THE CANADA-UNITED STATES BORDER

The Department of Industry of Canada (“Industry Canada”), and the Federal Communications Commission of the United States of America (“FCC”), hereinafter referred to as the “Agencies”,

Have agreed to the following:

1. Scope

- 1.1 This Arrangement is done pursuant to the Agreement concerning the coordination and use of radio frequencies above thirty megacycles per second, with annex, done at Ottawa October 24, 1962, as amended, and governs the sharing and coordination of frequency spectrum for the establishment and operation of Cellular Radio Systems operating in the 824-849 MHz and 869-894 MHz bands along the Canada-United States border.
- 1.2 This Arrangement is subject to review at any time at the request of either Agency, the U.S. Department of State or the Department of Foreign Affairs and International Trade of Canada.

2. General Principles

- 2.1 The Agencies shall share the frequency bands 824-849 MHz and 869-894 MHz on an equal basis along the border and, to the maximum extent possible, the Agencies shall have full use of these frequencies or sub-bands within their respective countries.
- 2.2 The Agencies shall require that licensees in the frequency bands 824-849 MHz and 869-894 MHz carry out coordination for transmitting stations in their respective service areas on both sides of the border in accordance with Part 3 of this Arrangement.
- 2.3 The Agencies shall encourage licensees to enter into sharing understandings (“understandings”) with licensees on the other side of the border. These understandings are intended to facilitate coordination and allow for the reasonable and timely development of the respective systems of the licensees. These understandings also allow for the provision of services by each licensee within its licensed service area to the maximum extent possible.
- 2.4 The Agencies shall encourage licensees that enter into understandings under paragraph 2.3 above to take full advantage of interference mitigation techniques such as antenna directivity, shielding, site selection and/or power control to facilitate the coordination of their systems.

- 2.5 The Agencies shall provide all data and calculations for determining compliance with this Arrangement upon request.
- 2.6 If a licence for operation in the 824-849 MHz and 869-894 MHz bands is transferred, assigned or reissued, the Agencies shall require any existing understanding that formed the basis of coordination in the border area to continue to apply with respect to the new licensee unless a new understanding is reached.
- 2.7 In certain exceptional circumstances, the Agencies may agree to special coordination procedures concerning proposed variation(s) in technical conditions in this Arrangement through an exchange of correspondence.
- 2.8 Both Agencies agree that the power flux density (pfd) at the ground level produced by a station located in the other country's territory shall not exceed -102 dBW/m^2 in any 200 kHz bandwidth unless the licensees in adjacent areas and the Agencies agree to a higher value.

3. Cross-Border Coordination of Cellular Radio Systems

- 3.1 Coordination of a station is required if it is located at a distance less than 72 km from the United States-Canada border.
- 3.2 When coordination is required, the Agencies shall ensure that the following conditions are applied to licensees:
 - 3.2.1 It shall be the responsibility of the licensee seeking coordination to communicate with licensees on the other side of the border and obtain and exchange information so that the licensee can formulate a detailed coordination request;
 - 3.2.2 A recipient of a coordination request shall respond by registered mail (or other mutually acceptable method) within 30 days of receipt to state any objection to the deployment of the proposed system. The date of postmark will be taken as the date of response. If no objection is raised within that time frame, then the licensee initiating the coordination request may proceed with deployment of the proposed system;
 - 3.2.3 If a recipient of a coordination request raises an objection within 30 days of receipt of that request, licensees shall collaborate to develop a mutually acceptable solution to the potential interference problem;
 - 3.2.4 In the event that licensees cannot reach a mutually acceptable solution within 30 days of a receipt of an objection, either licensee may request its Agency to facilitate a resolution of the case with the other Agency. A station that requires coordination shall not be placed in operation until an understanding has been

reached between the relevant licensees or until both Agencies have agreed to the sharing terms;

- 3.3 In the event that there is interference to an existing cellular station located beyond 72 km on the opposite side of the border, both Agencies shall take appropriate steps to resolve such interference; and
- 3.4 Any changes to the notified arrangements including cell site locations, cell sectorization and cell splitting, require consultation with other licensees and notification to the Agencies.
- 3.5 The Agencies agree that the following or a similar clause should appear on all authorization documents for Cellular Radio Systems operating in the bands 824-849 MHz and 869-894 MHz within 72 km of the border:

“This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any transmitters within 72 km of the Canada/United States border shall be required to eliminate any harmful interference to licensees in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.”

4. Information Exchange

- 4.1 To facilitate the coordination required under this Arrangement, the Agencies shall exchange information including, but not limited to either: (1) licensee name(s); (2) licensed service areas; and (3) licensee point(s) of contact; or other means to obtain that information.
- 4.2 When necessary, the Agencies shall provide information to their respective licensees to facilitate the coordination required under this Arrangement.
- 4.3 To facilitate cross-border coordination between licensees, the Agencies shall encourage licensees to exchange data as listed in Annex A to this Arrangement.

Annex A

Parameters for Coordination

Licensee information (Corporate name/Mailing address/Phone/Fax/Email address)

Location of transmitter (Community/State/Province)

Geographical coordinates of transmitting antenna (NAD83)

Equivalent Radiated Power (ERP) (dBW)

Ground elevation and antenna height above ground (m)

Center frequency (MHz)

Polarization

Antenna pattern/tabulation of the pattern

Azimuth of the maximum antenna gain

Bandwidth and emission designation