

ARRANGEMENT H

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 1850 - 1915 MHz and 1920 - 1995 MHz BY PERSONAL COMMUNICATIONS SERVICES 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 *Exchange of Notes (October 24, 1962) between the Government of Canada and the Government of the United States of America concerning the coordination and use of radio frequencies above thirty megacycles per second*, with annex, done at Ottawa October 24, 1962, as amended, and covers the sharing and coordination of frequency spectrum for the establishment and operation of personal communications services (“PCS”) or similar services in the bands 1850-1915 MHz and 1920-1995 MHz 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. PCS Use of the Band

- 2.1 The Agencies shall share the 1850-1915 MHz and 1920-1995 MHz frequency bands on an equal basis along the border and, to the extent possible, the Agencies shall have full use of those frequencies or sub-bands identified for the provision of PCS or similar services within their respective countries.

3. Existing Microwave Use of the Band

- 3.1 After the entry into force of this Arrangement, the Agencies shall limit and discourage additional use of the 1850-1915 MHz and 1920-1995 MHz frequency bands by stations of fixed point-to-point microwave systems to the extent possible.
- 3.2 After the entry into force of this Arrangement, the Agencies shall not license any new use of the 1920-1930 MHz band by stations in fixed point-to-point microwave systems. This band has been designated for unlicensed PCS use in the United States and license-exempt PCS use in Canada.

4. Coordination of PCS with Fixed Microwave Stations

- 4.1 Each Agency agrees that it will only authorize new PCS or other similar services on the basis that harmful interference is not caused to existing fixed point-to-point microwave stations authorized by the other Agency.
- 4.2 The Agencies shall require all PCS licensees with stations located within 120 km of the border to coordinate with licensees of existing fixed point-to-point microwave stations. Such coordination shall be based on:
- 4.2.1 guidelines for applying the interference protection criteria for fixed stations as specified in the Telecommunications Industry Association's Telecommunications Systems Bulletin TSB 10: "Interference Criteria for Microwave Systems," as amended from time to time; or
- 4.2.2 other procedures that are acceptable to the PCS and fixed microwave licensees.
- 4.3 In the event that there is interference to an existing fixed point-to-point microwave station from any PCS station located beyond 120 km from the border, the Agencies agree to take appropriate steps to resolve such interference.

5. Coordination between Licensed PCS Stations

- 5.1 The Agencies agree that the following or a similar clause shall appear on all authorizations for PCS base stations 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 base station transmitters within 72 km of the United States-Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequency bands by both countries."
- 5.2 The Agencies agree that the predicted or measured median field strength of any PCS base station located in one country shall not exceed 47 dB μ V/m at any location at or beyond the United States-Canada border in the other country unless both the affected PCS licensees in adjacent areas and the Agencies agree to a higher value.
- 5.3 The Agencies agree that compatible independent operation of PCS systems on either side of the border shall be best assured through coordination of pertinent system operating and technical parameters by PCS licensees. The Agencies shall require that the PCS licensees carry out such coordination and notify both the FCC and Industry Canada within a reasonable period of time when an agreement is reached or when a satisfactory agreement cannot be reached. The Agencies may also require that any agreements reached by PCS licensees be subject to review by the Agencies.