

ARRANGEMENT N

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 849-851 MHz AND 894-896 MHz BY AIR-GROUND 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 *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 air-ground systems in the frequency bands 849-851 MHz and 894-896 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. General Principles

- 2.1 The Agencies shall share the frequency bands 849-851 MHz and 894-896 MHz on an equal basis along the border and, to the extent possible, the Agencies shall have full use of these frequency bands for the provision of air-ground services within their respective countries.
- 2.2 The Agencies shall require that licensees in the frequency bands 849-851 MHz and 894-896 MHz carry out coordination for transmitting air-ground land stations in their respective service areas in accordance with Section 4 of this Arrangement.
- 2.3 The Agencies shall encourage licensees to enter into agreements with licensees on the other side of the border. These agreements are intended to facilitate coordination and allow for the reasonable and timely development of the respective systems of the licensees. These agreements should allow for the provision of services by each licensee within its licensed service area to the extent possible. These agreements may be used in lieu of the provisions in Section 4.

- 2.4 The Agencies shall provide all data and calculations for determining compliance with this Arrangement upon request by the other Agency.
- 2.5 If a licence for operation in the frequency bands 849-851 MHz and 894-896 MHz is transferred, assigned or reissued, the Agencies shall require that any existing agreement that formed the basis of coordination in the border area to continue to apply with respect to the new licensee unless a new agreement is reached.
- 2.6 In certain exceptional circumstances, the Agencies may agree to special coordination allowing variation(s) in technical conditions in this Arrangement through an exchange of correspondence.

3. Use of the Frequency Bands 849-851/894-896 MHz

- 3.1 The frequency band 849-851 MHz shall be used for ground-to-air transmissions and the frequency band 894-896 MHz shall be used for air-to-ground transmissions.
- 3.2 The Agencies may authorize air-ground operations based on the requirements of air-ground services in each country.

4. Cross-Border Coordination of Air-Ground Radiocommunication Systems

- 4.1 Coordination of a new or modified transmitting air-ground land station is required only if: (a) it is located at a distance less than 420 km from the United States-Canada border; and (b) the calculated power flux density (pfd) produced by the air-ground land station at any altitude between 3000 meters and 9000 meters above ground level at any location along the United States-Canada border exceeds -94 dBW/m² within any 1.25 MHz bandwidth.
- 4.2 When coordination is required, the Agencies shall ensure that the following process is applied:
 - 4.2.1 The licensee seeking coordination shall calculate the maximum pfd that could be produced at and beyond the border by any single transmitting land station of the air-ground system . In making this determination (calculation), the licensee shall use a free space propagation model;
 - 4.2.2 It is the responsibility of the licensee seeking coordination to communicate with licensee(s) on the other side of the border, by registered mail (or other mutually acceptable method) providing a clear indication of when coordination was initiated;
 - 4.2.3 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 station. The date of postmark shall 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 this station;

4.2.4 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;

4.2.5 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 resolution of the case with the other Agency. A station subject to coordination shall not be placed in operation until an agreement has been reached between the relevant licensees or until the Agencies have agreed to the sharing terms; and

4.2.6 In cases where there is no licensee within 420 km on the opposite side of the border, a land station subject to coordination shall not produce a pfd at any altitude between 3000 meters and 9000 meters above ground level at any location along the United States-Canada border that exceeds -94 dBW/m² within any 1.25 MHz bandwidth unless agreed to by the Agencies.

5. Technical Requirements

5.1 The peak effective radiated power (“ERP”) of airborne mobile stations shall not exceed 12 watts.

6. Information Exchange

6.1 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 shall provide to one another alternative means to obtain that information.

6.2 Where necessary, the Agencies shall provide information to their respective licensees to facilitate the coordination required under this Arrangement.

6.3 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 (NAD 83)

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