

CONFIRMATION OF ACCEPTANCE

The attached document is the interim sharing arrangement between the Federal Communications Commission and the Department of Industry (Industry Canada) concerning the use of the frequency bands 2150 – 2162 MHz and 2500 – 2690 MHz by MCS and MDS stations near the Canada/United States of America border. The Federal Communications Commission and Industry Canada intend to implement provisionally the attached arrangement, to the extent permissible under their respective domestic laws, until superseded by a replacement for the *Agreement Concerning the Coordination and Use of Radio Frequencies Above Thirty Megacycles per Second, with Annex, as amended*¹, or other relevant agreements.

In addition, the exchange of information with respect to licensee names and points of contact as outlined in Section 4 of the attached document shall commence as soon as possible. Such information shall be updated from time to time as required.

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Spectrum, Information Technologies &
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Industry Canada

Date: June 25, 2002

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¹ Exchange of Notes at Ottawa, Canada, October 24, 1962. Entered into force October 24, 1962. See USA: *Treaties and Other International Acts Series* (TIAS) 5205; CAN: *Canada Treaty Series* (CTS) 1962 No. 15. *Agreement Revision Technical Annex to the Agreement of October 24, 1962* (TIAS 5205/CTS 1962 No. 15) Effected by Exchange of Notes at Ottawa, Canada, June 16 and 24, 1965. Entered into force June 24, 1965. USA: TIAS 5833/CAN: CTS 1962 No. 15, as amended June 24, 1965.

**Interim Arrangement Concerning the
Use of the Frequency Bands
2150 – 2162 MHz and 2500 – 2690 MHz by MCS and MDS¹
Stations Near the Canada/United States of America Border**

1. Scope

- 1.1 This interim arrangement (Arrangement) between the Federal Communications Commission (FCC), of the United States of America (U.S.), and the Department of Industry (Industry Canada), of Canada (jointly, the Administrations), concerns the use of the frequency bands 2150 – 2162² MHz and 2500 – 2690 MHz by MCS/MDS systems¹ within 160 km of the Canada/United States of America Border. This Arrangement does not apply to stations in the mobile service.
- 1.2 This Arrangement replaces the *General FCC/DOC Understanding Concerning the Coordination of the 2500-2686 MHz Band Within 80 km (50 miles) of the United States of America/Canada Border*, December 5, 1997 and the letter dated December 6, 2000, to Bruce Franca, Office of Engineering and Technology, FCC, from Veena Rawat, Spectrum Planning and Engineering, Industry Canada.
- 1.3 This Arrangement will be applied provisionally until superceded by a replacement for the *Agreement Concerning the Coordination and Use of Radio Frequencies Above Thirty Megacycles per Second, with Annex, as amended*³, or other relevant agreements.
- 1.4 This Arrangement is subject to review at any time at the request of either Administration.

¹ For the purpose of this Arrangement, the term MCS/MDS includes systems in the Multipoint Communications Systems, Multipoint Distribution Systems, Multichannel Multipoint Distribution Systems and the Instructional Television Fixed Service. In Canada, MDS is part of the Broadcasting Service and is authorized by the Canadian Radio-television and Telecommunications Commission (CRTC) and/or Industry Canada (IC).

² The U.S. is considering reallocating the 2150 to 2160 MHz band for advanced wireless uses. Canada anticipates using the frequency range 2110 to 2170 MHz for advanced mobile services.

³ Exchange of Notes at Ottawa, Canada, October 24, 1962. Entered into force October 24, 1962. See USA: *Treaties and Other International Acts Series* (TIAS) 5205; CAN: *Canada Treaty Series* (CTS) 1962 No. 15. *Agreement Revision Technical Annex to the Agreement of October 24, 1962* (TIAS 5205/CTS 1962 No. 15) Effected by Exchange of Notes at Ottawa, Canada, June 16 and 24, 1965. Entered into force June 24, 1965. USA: TIAS 5833/CAN: CTS 1962 No. 15, as amended June 24, 1965.

2. General Principles

- 2.1 The bands 2150-2162 MHz and 2500-2690 MHz are to be shared on an equal basis along the border and, to the extent possible, both Administrations shall have full use of these frequencies or sub-bands within their respective countries.
- 2.2 Coordination shall be carried out by the licensees for their respective service areas on both sides of the border.
- 2.3 Licensees are encouraged to enter into mutually acceptable sharing agreements that will facilitate reasonable and timely development of their systems. These agreements should allow for the provision of services by each licensee within its licensed service area to the maximum extent possible and provide for the basis of coordination in the border area.
- 2.4 Licensees are expected to take full advantage of interference mitigation techniques such as antenna directivity, polarization, frequency offset, shielding, site selection and/or power control to facilitate the coordination of systems.
- 2.5 All data and calculations used in determining compliance with this Arrangement and/or licensee sharing agreements shall be retained by the licensees and be made available to the Administrations upon request.
- 2.6 If a license is transferred assigned or reissued, any existing agreement(s) that formed the basis of coordination in the border area shall continue to apply with respect to the new licensee unless a new agreement(s) is reached.

3. Cross-Border Coordination

- 3.1 Except as provided below, stations that were successfully coordinated or notified prior to the date of this Arrangement shall be permitted to continue operations under the terms and conditions of those coordinations or notifications; and, stations more than 80 km from the border that were licensed prior to the date of this Arrangement may continue to operate in accordance with the parameters of their existing authorizations without further coordination requirements. Modifications to such stations that do not increase the potential for interference do not require coordination.
- 3.2 The stations that are to be considered for coordination under this Arrangement are the main stations (central transmitting stations including high power boosters) and their associated response stations (response or subscriber's transmitting stations), and shall be referred to jointly as MCS/MDS systems.
- 3.3 Coordination of an MCS/MDS station is not required if: (a) it is located at a distance greater than 160 km from the U.S./Canada border; (b) it is located at a distance greater than 120 km from the U.S./Canada border and does not have a

radio line-of-sight path to any point on the surface of the earth at or beyond the border⁴; or (c) it would produce at ground level in the other country's territory a power flux density (pfd) level less than -108 dBW/m^2 per 6 MHz.⁵

- 3.4 When coordination is required, the following conditions shall apply:
- 3.4.1 The licensee seeking coordination shall determine the maximum pfd value at and beyond the border that could be produced by any single transmitting station of the MCS/MDS system. In making this determination (calculation) the licensee shall use good engineering practice and generally accepted terrain-sensitive propagation models. The licensee shall disclose, upon request by either Administration, all data and calculations used in determining compliance with this Arrangement.
 - 3.4.2 The recipient of the coordination proposal must respond by registered mail (or other mutually acceptable method) within 30 days of receipt to indicate any objection to deployment of the proposed facilities. If no objection is raised within that time frame, then deployment of facilities may proceed.
 - 3.4.3 If an objection is raised, licensees must work in collaboration to develop a mutually acceptable solution to the potential interference problem. It is expected that the time from the date of the objection to develop and reach agreement on such a solution should not exceed 30 days.
 - 3.4.4 In the event that a mutually acceptable agreement cannot be concluded between licensees then the licensee seeking coordination may ask their Administration to facilitate resolution of the case with the other Administration. A station that requires coordination shall not be placed in operation until an agreement has been reached.
 - 3.4.5 If there is no licensee on the opposite side of the border, any station of the proposed system shall not produce a pfd at or beyond the border that exceeds -108 dBW/m^2 per 6 MHz. Exceeding the pfd in this case would require the agreement of both Administrations.
- 3.5 Any MCS/MDS station, including those addressed by paragraph 3.1, will require further coordination if proposed modifications would: (a) result in the pfd at or beyond the border exceeding -108 dBW/m^2 per 6 MHz; (b) involve operation on frequencies not previously coordinated; or (c) change the polarization of a main station.

⁴ In cases where both the U.S./Canada border and the neighboring service area lie within a body of water, the power flux density shall be calculated at the shoreline of the neighboring service area.

⁵ For operation where the transmitted bandwidth is other than 6 MHz, the pfd value should be adjusted accordingly. For example, for a 1 MHz bandwidth, the pfd value corresponding to -108 dBW would be -115.8 dBW .

4. Information exchange

- 4.1 The Administrations will exchange licensee names and points of contact to allow the licensees to contact the relevant licensee(s) on the other side of the border in order to facilitate licensee-to-licensee coordination in accordance with this Arrangement.
- 4.2 To facilitate cross-border coordination between licensees, the licensees are encouraged to exchange data as listed in Annex A to this Arrangement.

Annex A

Parameters for Coordination

List of parameters that should be provided:

- Licensee information (Corporate name/Mailing address/Phone/Fax);
- Location of transmitter (Community/State/Province);
- Geographical Coordinates of transmitting antenna;
- EIRP (dBW);
- Ground elevation and antenna height above ground (m);
- Centre frequency (MHz);
- Polarization;
- Antenna pattern/tabulation of the pattern;
- Azimuth of the maximum antenna gain;
- Frequency offset information for analog systems;
- Bandwidth and Emission designation.

Notes:

1. These parameters are for the coordination of the main station, booster station and response stations.
2. The licensee could provide more parameters, if needed, for coordination process.