

Regulatory Proposals

1999-2000 Radiocommunications

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Table of Contents

| | |
|---|----|
| Aircraft, Ship and Amateur Radio Stations - Licensing Modifications | 1 |
| Description | 1 |
| Benefits and Costs | 1 |
| Consultation | 1 |
| Alternatives | 1 |
| Duplication | 1 |
| Enforcement and Compliance | 2 |
| Contact | 2 |
| | |
| Non-Broadcast Radio Licensing Fee Reform | 3 |
| Description | 3 |
| Benefits and Costs | 3 |
| Consultation | 3 |
| Alternatives | 3 |
| Duplication | 3 |
| Enforcement and Compliance | 4 |
| Contact | 4 |
| | |
| Telecommunication Apparatus Assessment and Testing Fees | 5 |
| Description | 5 |
| Benefits and Costs | 5 |
| Consultations | 5 |
| Alternatives | 5 |
| Duplication | 5 |
| Enforcement and Compliance | 5 |
| Contact | 6 |
| | |
| Regulations Amending the Radiocommunication Regulations - Radio Operator Certificates | 7 |
| Description | 7 |
| Benefits and Costs | 7 |
| Consultation | 7 |
| Alternatives | 7 |
| Duplication | 8 |
| Enforcement and Compliance | 8 |
| Contact | 8 |
| | |
| Regulations Amending the Radiocommunication Regulations II | 9 |
| Description | 9 |
| Benefits and Costs | 9 |
| Consultation | 10 |
| Alternatives | 10 |
| Duplication | 10 |
| Enforcement and Compliance | 10 |
| Contact | 11 |

| | |
|---|----|
| Broadcasting Technical Data Services Fees Order | 12 |
| Description | 12 |
| Benefits and Costs | 12 |
| Consultation | 12 |
| Alternatives | 12 |
| Duplication | 12 |
| Enforcement and Compliance | 12 |
| Contact | 13 |

Aircraft, Ship and Amateur Radio Stations - Licensing Modifications

Description

Industry Canada issues hundreds of thousands of individual radio licences for stations in the aeronautical, maritime and amateur radio services. The radio operators in these services hold an operator's certificate, share the use of common radio frequency bands and use standard radio equipment. Given these effective controls, continuing to issue individual radio licences for most of the operators in these services is not needed. Some ship and aircraft licences, however, may continue to be issued to comply with international treaty obligations.

Benefits and Costs

This initiative reduces the regulatory paper burden and may have a minor economic impact on some radio licensees who may no longer be required to pay radio licence fees.

Consultation

Consultations are currently taking place with the representative associations. The Business Impact Test (BIT) will not be used to consult with clients and stakeholders because the initiative will have minor economic repercussions on the Department and its clients and stakeholders. The approach is consistent with the consultation requirements of the Federal Regulatory Process and the Department's policy on the use of the BIT.

Alternatives

The status quo as an alternative fails to meet clients need for faster service. Program resources for these activities will be redeployed.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate radiocommunications.

Enforcement and Compliance

The nature of this initiative allows for self-regulation and can be accommodated within the Department's existing compliance and complaint resolution mechanism.

Contact

Darius Breau, Manager, Spectrum Management Operations Directorate, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8, Tel.: (613) 990-4736; Fax: (613) 952-9871; Internet: breau.darius@ic.gc.ca.

Phase I (Aircraft and Ship Stations) - The Regulations were published in the Canada Gazette, Part II, March 17, 1999 SOR / DORS 99-107.

Phase II (Amateur Radio Stations) - A Gazette Notice inviting comments on a discussion paper concerning this initiative was published in the Canada Gazette, Part I, in May, 1999. Publication in the Canada Gazette, Part I, in the Fall of 1999 and publication in the Canada Gazette, Part II, in the Winter of 1999.

Non-Broadcast Radio Licensing Fee Reform

Description

Industry Canada recognizes that the current radio licence fee structure for non-broadcast spectrum, which is based strictly on radio apparatus, lacks the flexibility to deal quickly and easily with a large variety of innovations in radiocommunications. An objective of the department is to have a new licence fee structure for non-broadcast spectrum that is simple, flexible and fair for all applicants.

Accordingly, the department developed a conceptual model in which radio licence fees are calculated on the amount of spectrum used and the relative scarcity of spectrum in an area. Specifically, the use of a computer-generated, geographically based spectrum grid allows the fee for each radio system to be determined according to the system's spectrum consumption and the scarcity of spectrum in that location.

Benefits and Costs

This initiative may have an intermediate economic impact on some radio licensees whose radio licence fees may increase.

Consultation

However, the department will seek to ease any economic impact the new fee model will have on licensees through ongoing consultation with the public and radiocommunication industry, by further refining the model and by staging its implementation.

Alternatives

The status quo as an alternative is outdated since new technology has dictated the need for these changes. Amendments to the Radiocommunication Regulations will be made accordingly. Legislation requires regulation for charging fees for radio licences. The nature of this initiative does not allow for self-regulation.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate

radiocommunications.

Enforcement and Compliance

This initiative will have no impact on the Department's compliance and complaint resolution mechanisms.

Contact

Michael Connolly, Director, Spectrum Management Operations Directorate, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8, Tel.: (613) 990-4932; Fax: (613) 952-9871; Internet: connolly.mike@ic.gc.ca.

The proposal is currently in its developmental stages.

Publication in Part I of the Canada Gazette is to take place in the Fall of 2000.

Publication in Part II of the Canada Gazette is to take place in the Winter of 2001.

Telecommunication Apparatus Assessment and Testing Fees

Description

The fees charged for the technical assessment, testing and certification of radio and terminal equipment are periodically reviewed and revised to ensure that the departmental costs are recovered. This proposal will adjust the level and structure of fees to reflect current costs of providing these services, in keeping with government policies on cost recovery.

Benefits and Costs

All new fees or fee increases are expected to be minimal. Testing fees will be based upon fees charged by private laboratories for testing. Other fees will also be based on those found in the private sector. The economic impact on the telecommunications industry and the private laboratories is expected to be negligible. The testing being done by the government laboratory is not competing with the testing services provided by private laboratories.

Consultations

Consultations will take place with the affected manufacturers, importers and distributors that form part of the telecommunications industry. Consultations may also take place with private laboratories and accrediting organizations.

Alternatives

Legislation requires regulation for charging fees for services such as technical assessment, testing and certification of radio and terminal equipment. The nature of this initiative does not allow for self-regulation.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate radiocommunications.

Enforcement and Compliance

This initiative will have no impact on the Department's compliance and complaint resolution mechanisms.

Contact

Robert Corey, Manager, Spectrum Engineering Branch, Industry Canada, 1241 Clyde Avenue, Ottawa, Ontario, K2C 1Y3, Tel.: (613) 952-2388; Fax: (613) 952-1088; Internet: corey.robert@ic.gc.ca.

Status: The proposal is currently in its developmental stages.

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Publication in Part II of the Canada Gazette is to take place in the Summer of 2000.

Regulations Amending the Radiocommunication Regulations Radio Operator Certificates

Description

The Department is amending column II of Schedule II of the Radiocommunication Regulations to update the requirements for a radio operator certificate to operate radio apparatus that is licensed in the maritime service. This update is to ensure that Canada complies with the gradual implementation of the Global Maritime Distress and Safety System that will completely replace the Safety of Operation and Life at Sea by 1999.

Benefits and Costs

There are no benefits or costs involved with these modifications. There is also no regulatory burden imposed upon radio operators or the radiocommunication industry as a result of the changes being made to the Regulations. Radio operators will not be affected by the modifications because they reflect the current operational environment.

Consultation

These modifications are at the request of Transport Canada, Marine Safety Branch, which was consulted on the draft modifications to Schedule II. These changes will ensure Canada's compliance with the international commitments that it has entered into. Industry has been consulted by Transport Canada about these changes on an ongoing basis since the signing of the 1988 SOLAS Convention Treaty.

The Business Impact Test (BIT) will not be used to consult with clients and stakeholders because the initiative is minor and will have no economic repercussions on clients and stakeholders. The approach is consistent with the consultation requirements of the Federal Regulatory Process and the Department's policy on the use of the BIT for consultation purposes.

Alternatives

There is no alternative to the changes being made to Schedule II. The Department must ensure that Canada meets its international obligations.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate radiocommunications.

Enforcement and Compliance

This regulatory initiative will have no impact on the Department's compliance and complaint resolution mechanisms.

Contact

Tom Jones, Chief, Authorization , Spectrum Management Operations,
Radiocommunications and Broadcasting Regulatory Branch, Industry Canada,
300 Slater Street, Room 1543B, OTTAWA, Ontario, K1A 0C8, Tel.: (613) 990-4747; Fax.: (613) 952-9871;
Internet: jones.tom@ic.gc.ca

Marie R. Lefebvre, Program Officer, National and International Regulations, Radiocommunications and
Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8, Tel.: (613)
998-2927; Fax: (613) 993-4433; Internet: lefebvre.marie@ic.gc.ca.

Status: The proposal is currently in its developmental stage.

Publication in Part I of the Canada Gazette is to take place in the Spring of 2000.

Publication in Part II of the Canada Gazette is to take place in the Summer of 2000.

Regulations Amending the Radiocommunication Regulations II

Description

The Department is adding new provisions to the Regulations. One of these new provisions will prohibit the possession and operation of any device for the purpose of amplifying the output power of licence-exempt radio apparatus. This section is required to ensure that minimal interference is caused by radio apparatus that is not otherwise controlled by the Department. The General Radio Regulations, Part II, had a similar provision which was omitted by the Department when the Radiocommunication Regulations were published in the Canada Gazette, Part II. Since then, the Department has felt it necessary to reintroduce the prohibition to better control the operation of radio apparatus that is not licensed and to limit interference that could potentially be caused by this apparatus.

Another new provision will exempt radio apparatus operated as part of the former General Radio Service (e.g. C. B. Radio), and that is type-approved by the U.S. Federal Communications Commission, from the requirement of obtaining a technical acceptance certificate. The radio apparatus is currently exempt from the requirement of being licensed. This new provision will be consistent with the Department's approach in deregulating the General Radio Service in Canada.

And finally, subsection 32 (1) of the Regulations is being modified to remove the prohibition of the use of profanity and obscene language in radiocommunication.

Benefits and Costs

There are no benefits or costs involved with these modifications. There is also no regulatory burden imposed upon radio operators or the radiocommunication industry as a result of the changes being made to the Regulations. The radiocommunication industry will not be affected by these changes because the content of the new provisions are consistent with Departmental practices that were in place when the General Radio Regulations, Part II, were in force.

Consultation

The radiocommunication industry and the general public will be consulted during a public consultation period following the publication of these changes in the Canada Gazette, Part I. The Business Impact Test (BIT) will not be used to consult with clients and stakeholders because the initiative is minor and will have no economic repercussions on clients and stakeholders. The approach is consistent with the consultation requirements of the Federal Regulatory Process and the Department's policy on the use of the BIT for consultation purposes.

Alternatives

The status quo is the only alternative to adding these new provisions to the Regulations. To ensure that potential interference caused by license-exempt radio apparatus is minimized, the Department must regulate the possession and operation of devices intended to be used for amplifying the output power of these radio apparatus. Regulations are also the only means of legally implementing an exemption. And making modifications to the Regulations is the only means of removing a prohibition currently existing in the Regulations.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate radiocommunications.

Enforcement and Compliance

This regulatory initiative may have a minimal impact on the Department's compliance and complaint resolution mechanisms. The Department will continue to issue warnings and to prosecute when there is failure to comply with the *Radiocommunication Act* and the *Regulations*.

Contact

Marie R. Lefebvre, Program Officer, National and International Regulations, Radiocommunications and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8, Tel.: (613) 998-2927; Fax: (613) 993-4433; Internet: lefebvre.marie@ic.gc.ca.

Status: The proposal is currently in its developmental stage.

Publication in Part I of the Canada Gazette is to take place in the Spring of 2000.

Publication in Part II of the Canada Gazette is to take place in the Summer of 2000.

Broadcasting Technical Data Services Fees Order

Description

The department charges a fee for the provision of broadcast technical data information to the broadcasting industry and the general public. Currently, these fees are prescribed by order under section 19 of the Financial Administration Act.

The department will repeal this order but will continue to provide the data information using the authority to fix fees which is granted to the Minister of Industry in section 19 of the Department of Industry Act.

Benefits and Costs

It is expected that the cost to the industry and the public for the information will remain the same. The benefit of using the Department of Industry Act for fixing the fees is that the procedure will permit Industry Canada to add new products and remove outdated products more quickly, and make them available to the broadcasting industry and the general public much sooner.

Consultation

Consultations with the broadcasting industry will take place prior to fixing the fees.

Alternatives

Legislation requires regulation for charging fees for broadcast technical data services. The nature of this initiative does not allow for self-regulation.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate radiocommunications.

Enforcement and Compliance

This initiative will have no impact on the Department's compliance and complaint resolution mechanisms.

Contact

Fernand Bouchard, Section Head, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Room 1136B, Ottawa, Ontario, K1A 0C8, Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@ic.gc.ca.

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