National Tri-Services Public Safety Associations' PS Canada Consultation Response

National Tri-Services Public Safety Associations refers collectively to the submitters of this response: the Canadian Association of Chiefs of Police (CACP), the Canadian Association of Fire Chiefs (CAFC), and the Paramedic Chiefs of Canada (PCC). The words "we" and "our" are also used as appropriate.

We are proud to submit the National Tri-Services Public Safety Associations' Public Safety Canada Consultation Response, which reflects our best efforts to align with the principles outlined by the Temporary National Coordination Office (TNCO), as provided in their report. This response was developed through a highly collaborative process, bringing together a diverse group of stakeholders who, despite their varied perspectives, share a united commitment to the success and urgent need for a national Public Safety Broadband Network (PSBN). At the core of this response is the belief that immediately moving forward with the PSBN is critical to ensure the safety, security, and communication capabilities of our public safety personnel and the public across Canada.

Glossary of Industry Acronyms and Terms

This glossary is provided to clarify the acronyms and terms referenced within the context of this document, ensuring a clear and consistent understanding of key concepts and terminology.

5G is the fifth-generation technology standard for cellular networks, which cellular phone companies began deploying worldwide in 2019, and is the successor to 4G technology that provides for greater data speeds, lower latency and greater densification than 4G.

Band 14 - Band 14 is a specific frequency band (758-768MHz and 788-798MHz) in Canada and the US that has been allocated and dedicated for public safety broadband communications.

F/P/T - Refers to Federal / Provincial / Territorial (jurisdictions).

LMR - Land Mobile Radio - Traditional two-way radio systems designed for mission-critical communications with push-to-talk two-way communication between radio transceivers. Typically operate in the VHF and UHF spectrum bands.

MNO - Mobile Network Operator - A mobile network operator (MNO) is a company that provides wireless communication services to its customers. Within this document, the context is they represent the major Canadian wireless service providers.

MVNO - Mobile Virtual Network Operator - A Mobile Virtual Network Operator (MVNO) is a company that does not own a mobile spectrum license but sells mobile services under its brand name using the network of a licensed mobile operator (MNO).

Model A/B/C/D - Refers to the four network architecture models presented in the TNCO report.

MOCN - Multi Operator CORE Network - MOCN allows multiple mobile network operators (MNOs) to share a common radio access network (RAN) infrastructure while maintaining their individual core networks.

National Entity or PSBN National Entity - As discussed in the TNCO report, a National Entity would be responsible for network standards, connections with external networks and roaming agreements.

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The National Entity would be responsible for certain operational network functionality, the level to which is determined by the selected model. Network functions could be consolidated for efficiency in the National Entity. It would be responsible to comply with ISED Conditions of License (CoL), network standards, and PSBN Principles.

National Tri-Services Public Safety Associations - Refer collectively to the CACP, CAFC and PCC as a group.

NPSBN - Nation-wide Public Safety Broadband Network.

PSAC - Public Safety Advisory Committee - a single national advisory committee formed by various stakeholders and users that will provide a conduit for communications between the public safety community and the national PSBN Authority board of directors. Its role is to offer strategic guidance, ensure alignment with public safety needs, and foster collaboration in the development and deployment of public safety broadband networks and related initiatives.

PSBNA - Public Safety Broadband Network Authority or PSBN Authority - The national governance entity responsible for the national delivery of the nation-wide PSBN. This entity would hold the master Band 14 license, and issue subordinate spectrum licenses as per future ISED licensing rules. It too would be responsible for the oversight, marketing, communications, co-ordination, advocacy, and co-ordination with the National Entity as well as the Regional Service Delivery Entities.

RAN - Radio Access Network - A radio access network (RAN) is a major component of a wireless telecommunications system that connects individual devices to other parts of a network through a radio link. The RAN links user equipment, such as a cellphone, computer or any remotely controlled machine, over a fiber or wireless Backhaul connection.

RGE - Regional Governance Entity - Entities struck within a logical, geographic, or political boundary that would be responsible for the governance within their respective Region and would act as an intermediary between the Public Broadband Authority (PSBNA) and the Regional Service Delivery Entities (RSDEs).

RSDE - Regional Service Delivery Entity - Entities struck within a logical, geographic, or political boundary that would be responsible for service delivery and day-to-day operations of the PSBN within their respective region.

Shared Network - In the context of this report and as discussed in the TNCO report, a shared network refers to a telecommunications system that supports both public safety and commercial use. This model allows different users, including emergency responders and commercial entities, to share the same radio access network (RAN) infrastructure, while maintaining separate PSBN and commercial core networks.

SIM - Subscriber Identity Module.

TNCO - Temporary National Coordination Office - Established in July 2018, the TNCO developed national options and recommendations on a future PSBN for Canada, supported by research, analysis, and engagement with PSBN stakeholders. In March of 2022, their final report was published

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: *A Public Safety Broadband Network for Canada: A Canadian Approach to Implementation of the Next Generation of Public Safety Communications following a presentation to FPT Ministers Responsible for Emergency Management.*

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1 Theme #1: Priorities for Realizing a Nationwide PSBN

Clear objectives and priorities are essential to support the timely, inclusive, and effective delivery of a nationwide PSBN. With respect to the NFP and Crown corporation models, views are sought on the establishment of coverage, resiliency, and user adoption targets, including for rural, remote, and Indigenous communities. These would be key for benchmarking the progress of a national PSBN Authority. Views are also sought on measures for accelerating deployment plans and mitigating delays to implementation following the establishment of the required governance structure.

A PSBN Authority would be expected to be financially self-sustaining and would be required to re-invest funds toward the overall delivery and operations of the network. Views are sought on how to shape the governance structure, deployment approach, and financial model of the PSBN to maximize investment opportunities.

Pilots leveraging the designated PSBN spectrum have tested and validated solutions and explored areas of fundamental research. There have also been significant investments made in land-mobile radio networks and wireless broadband initiatives. Views are sought on how to best leverage existing and future assets into a national network to realize the greatest benefit from a nationwide PSBN.

1.1 What measures can be taken before a PSBN is deployed to facilitate the achievement of a national approach?

Governance Framework

The most urgent and critical measure is to establish and implement a governance framework that ensures that stakeholder needs across Canada are identified and appropriately considered in establishing service requirements and implementation plans. This governance framework needs to ensure that accountability to all stakeholders in the PSBN is maintained throughout the design, implementation, and operational phases of the PSBN in all parts of Canada.

The governance framework needs to clearly identify the structure, role, mandate, and authority of a national PSBN Authority and associated advisory committees. The role and responsibilities of regional PSBN governance entities (as discussed in the TNCO report), having authority over PSBN deployment and operation in specific geographic areas, also needs to be established.

Start-up Funding

A further, high priority measure is to identify sources of start-up funding to enable the establishment of a national PSBN Authority and support its activities until the point it becomes financially self-sufficient. A similar requirement exists related to Regional Governance Entities, although funding sources and cost sharing models different from the national PSBN Authority approach will likely be needed.

A collaborative and consultative approach with all stakeholders would need to commence immediately upon appointing the national PSBN Authority, who would begin the advocacy, oversight, communications, and drive the initial collections of needs requirements for the nationwide PSBN.

Industry Engagement

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Given the state of the Canadian market for wireless broadband services, including geographic, economic and demographic considerations, the adoption of a Shared Network approach, involving shared use of commercial Radio Access Networks (RAN) as part of the PSBN, would best meet the needs of public safety and Canadians.

This approach is discussed in Annex C of the TNCO report. To facilitate rapid adoption and implementation of this deployment model within the Canadian PSBN, early engagement with commercial Mobile Network Operators (MNOs) and telecommunications equipment vendors is essential and urgent to determine technical and economic feasibility.

In addition to engagement with industry, formal engagement with P/T jurisdictions and other stakeholder groups with respect to the establishment of regional governance structures should be undertaken.

1.2 Are there existing public assets or investments that may be integrated into a future PSBN? How can they be leveraged in the interim?

Shared Network Approach

The TNCO report (Recommendation 3) recommends that the PSBN be implemented using a Shared Network approach. This is defined as "*Shared Public Safety-Commercial Network: A network that supports both public safety and commercial usage (with distinct public safety and commercial cores), with priority access and pre-emption rights for public safety use during emergencies and other times of need.*"

The report states "*this has the highest likelihood of satisfying the fundamental PSBN Principles, largely due to its ability to leverage the value of Band 14 spectrum*. *This value could support investments in coverage and resiliency/robustness, while maintaining or improving affordability and sustainability of the network over time. Additionally, a Shared Network model will be best able to ensure the efficient use of spectrum by making best commercial use of Band 14 while ensuring priority and pre-emption for public safety users when and where required. Other advantages include increasing resiliency of commercial networks that support PSBN; improving public access to wireless in underserved areas; increasing the reach of the NPAS and access to 911; cost savings by avoiding unnecessary duplication of infrastructure; a faster deployment timeline; and public safety access to other spectrum assets.*"

Adoption of a Shared Network approach means that the PSBN will be deployed and operated primarily using assets and infrastructure owned by commercial MNOs, as noted above.

Supporting the Implementation of Dedicated PSBN Infrastructure

However, there will be a need in certain situations for commercial MNO assets and infrastructure to be supplemented by infrastructure and assets that are PBSN-specific, including the following:

- Public sector owned radio site assets (towers, buildings, power systems, rights-of-way, etc.) associated with LMR, microwave or other publicly owned wireless networks.

- Public sector fiber optic transmission assets.

- Public and privately-owned utility and transportation infrastructure

- Deployable wireless network equipment and assets.

PSBN-specific assets and infrastructure would be used to address several requirements that commercial infrastructure cannot address by itself:

- The need for additional coverage in un-served and under-served areas where commercial services are uneconomic or commercial infrastructure does not meet PSBN resiliency requirements.

- The need for secure and dedicated transport bandwidth to connect to PSBN core services and other public-safety specific applications or systems (including interoperability with LMR systems).

- The need for deployable PSBN capabilities for situations in which shared infrastructure is damaged and rapid restoration is required, situations in which major emergency events occur in areas outside of regular PSBN coverage, or large planned events.

Use of Dedicated PSBN Spectrum

A key assumption behind the Shared Network approach is that dedicated PSBN spectrum will be assigned to the national PSBN Authority so that it can use spectrum assets in establishing business models and partnerships with commercial MNOs for the deployment and operation of a PSBN. It is believed that rights to utilize PSBN spectrum to carry commercial traffic when not required for public safety purposes will provide economic value to MNOs that can subsidize implementation and operational costs for the PSBN.

Leverage Existing Band 14 Deployments

The National Tri-Services Public Safety Associations recognize that there already has been considerable infrastructure investment and effort within regions of Canada by public-safety agencies to leverage Band 14 PSBN spectrum. Organizations that have previously deployed Band 14 infrastructure should be viewed as important contributors to their respective region and/or province and could continue to participate in service delivery, subject to approval of the national PSBN Authority and the appropriate Regional Governance Entity. Such adoption must be based on these services complying with the rules and regulations of the national PSBN Authority, as well as obtaining the necessary regional/provincial approvals.

Leverage MNO Infrastructure

However, the PSBN is not limited to Band 14, and can make use of other frequency bands as available and as required. This consideration is made as building a ubiquitous Canadian Band 14 network could meet with economic challenges in some parts of Canada. In such instances, commercial

mobile broadband spectrum could be used in a MOCN model with public safety users directed to the public safety core network.

The PSBN structure for Canada should consider the governance and deployment adopted in other countries, where there is a clear precedent of leveraging existing commercial MNO infrastructure and coverage investments to de-risk and reduce cost of PSBN deployment. Through this approach, other countries (e.g., US, Finland, France, UK) have:

- Deliberately enabled complementary coverage (commercial and dedicated PSBN RANs) to increase service resiliency.
- Provided public safety access to extensive spectrum resources held by commercial organizations.
- Leveraged industry innovation and research into next generation 3GPP wireless communications and networks (e.g., 5G with network slicing and other future capabilities).

At the same time, these countries have maintained control of PSBN governance to ensure that critical public safety requirements are met, specifically coverage, capacity, resiliency, reliability, security, interoperability, and affordability. Implementing a Shared Network with dedicated public safety core networks as described in the TNCO report will ensure Canadian public safety stakeholders retain the ability to control critical aspects of governing such a diverse network.

1.3 What are some potential sources of start-up funding that could support timely implementation? What partners and/or mechanisms could be leveraged to offset start-up and deployment costs?

Funding to Establish a National PSBN Authority

It is important to clearly define what is meant by "Start-up funding." For the purpose of responding to this question, we have primarily considered start-up funding to be the initial funding required to establish the national PSBN Authority and fund its activities to the point that it can start to generate sufficient revenue such that it is self-funding.

This start-up funding would need to cover the following:

- Incorporation and other corporate start-up expenses.
- Board and advisory committee expenses, including administrative support.
- Personnel (staff and contractor) costs.
- Administrative and other operating expenses prior to launch of the service.
- Legal and other expenses related to procurement of private-sector services required to deploy and operate a PSBN.

Based on this definition, start-up expenses do not include any network deployment or operating costs as those are assumed to be funded through public-private partnerships of various forms undertaken by the national PSBN Authority or Regional Governance Entities.

Initial start-up funding for the national PSBN Authority will need to come from public sources, including direct, one-time contributions from F/P/T jurisdictions and other entities that are or will become members of the national PSBN Authority. In this way, there is a direct linkage between contribution of start-up funding and membership in the national PSBN Authority, assuming it is set up as a national Not-For-Profit corporation.

Public funding is critical during the start-up phase to ensure that commercial entities (MNOs, technology vendors) do not gain undue influence through financial contributions, which could lead to real or perceived conflicts of interest during the selection of network operators or the establishment of commercial arrangements. To qualify for public funding, the PSBN governance entity must demonstrate a professional, streamlined, and impartial governance structure that minimizes complexity and avoids political entanglements.

It is important that public funding be made available in a timely manner to not further delay the establishment of the national PSBN Authority and by extension, the availability of a PSBN in Canada. To achieve this in a timely manner, this public funding should be drawn from existing government programs, in particular programs or funds such as the federal Universal Broadband Fund[1] or similar programs in P/T jurisdictions.

The amount of start-up funding required for the national PSBN Authority has not been thoroughly estimated, although we believe it can be broken into two distinct stages:

- Stage 1 – Incorporate the national PSBN Authority, including populating its Board of Directors and developing budgets and an operating plan for the second stage of startup:
  - Estimated cost: less than $500K.
- Stage 2 – Hire staff and specialized resources to enable the procurement and contracting for technical services in preparation for launching service:
  - Estimated cost: in the range of $5-7 million for the duration of a 3-year start-up period.

The Stage 2 costs and budget will need to be refined once the national PSBN Authority governance is established, the Board of Directors are in place and an initial operating plan developed.

Funding to Deploy a PSBN and Support Ongoing Operation

The amount of start-up funding required to deploy an operational PSBN is highly dependent upon the implementation model chosen, the design of the network, the business model being used, and the priority and phasing of features and capabilities, including coverage in remote and rural areas, implementation of PSBN spectrum (Band 14) capacity, a dedicated public safety core network and nationwide and international roaming.

Deployment costs for a fully functioning PSBN across Canada will be significant, but costs can be broken down and extracted from various sources, including contribution and investment by MNOs in return for ongoing commercial use of PSBN spectrum. These arrangements will need to be established through public procurement processes and codified in public-private partnerships and/or agreements for the deployment and operation of components of the PSBN. Once these

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[1] Government of Canada continues to accelerate progress on connecting all Canadians to high-speed Internet - Canada.ca

arrangements are in place and the PSBN service is operational, all users of the PSBN will be charged ongoing service fees in the same way as commercial broadband wireless services are paid for today.

The private sector organizations (MNOs) operating components of the PSBN will need to contribute a portion of their service fee revenue to the national PSBN Authority and Regional Governance Entities to fund their ongoing operating expenses. This could be implemented as an explicit "governance" fee or levy that is added to monthly user bills, collected by the entity providing service to end users and remitted to the governance entities, like how 9-1-1 service fees are managed in some provinces.

Funding to support the start-up and ongoing operation of regional PSBN governance entities will also be required and the requirements discussed above regarding public funding for start-up and contribution of a portion of PSBN service fees also apply to Regional Governance Entities.

The share of service fee revenue to be provided to both the national PSBN Authority and Regional Governance Entities should be determined and negotiated by the national PSBN Authority as part of the procurement and contracting process for deployment and operation of the PSBN involving commercial MNOs and other service providers.

1.4 What measures would both support the long-term financial sustainability of a national PSBN while also realizing the TNCO's Affordability Principle (Annex C)? What ways could be considered to balance private sector and public safety interests in establishing investment priorities for the network?

Network Deployment & Operations Model

We support the view expressed in TNCO report (Recommendation 3) that a Shared Network approach should be adopted for the deployment and operation of a nationwide PSBN.

As discussed in the TNCO report and noted above, "*a Shared Network has the highest likelihood of satisfying the fundamental PSBN Principles, largely due to its ability to leverage the value of Band 14 spectrum. This value could support investments in coverage and resiliency/robustness, while maintaining or improving affordability and sustainability of the network over time.*"

A further consideration is which Service Deployment Model, as described in Annex C, should be used. As noted above and in the TNCO report, Models A and D have a high likelihood of affordability as their more centralized structure will reduce costs that cannot similarly be reduced in Models B and C. As a result, Models B and C are assessed as the least affordable, having high amounts of duplication and complexity that public safety users will ultimately have to pay for.

The primary difference between models A & D is the inclusion of multiple MNOs, with different MNOs potentially providing coverage in different regions. As noted in Annex C:

> *The main weakness of Model A is the lack of an established MNO that has adequate nationwide coverage for PSBN users across the entire country. Addressing coverage gaps will require investment, which will ultimately impact sustainability and affordability. The option of the PSBN MNO acquiring coverage in underserved areas through contracts for access to*

> *other MNOs RAN infrastructure is reliant on the willingness of the RAN MNOs to enter into contracts with the PSBN MNO. There is no certainty of this. Model D becomes the best model in the absence of the ability of a collective of MNOs to form a Model A.*

> *Model D is preferred as it allows for the best regional coverage footprint while still operating as a single nation-wide network. This ensures nationwide interoperability and the fulfillment of other PSBN Principles while at the same time being sustainable and affordable.*

A further benefit of the Shared Network (Model D) approach is the potential for economic incentives that may exist in agreements between P/T jurisdictions and MNOs to be applied to the deployment and operation of a PSBN in those jurisdictions. Many P/T jurisdictions have established public-private partnerships and other arrangements to extend wireless and broadband services into unserved areas, with many of these arrangements being focused on rural and Indigenous communities.

Most P/T jurisdictions also control or oversee funding that is collected from telecom service providers for the purpose of operating and evolving 9-1-1 services in that jurisdiction. Although 9-1-1 governance models and levels of funding vary across Canada, there is direct linkage and synergy between 9-1-1 services and a PSBN. Therefore, adopting mechanisms similar to those used for 9-1-1 services in P/T jurisdictions should be considered to support deployment and operation of the PSBN.

P/T jurisdictions also have an important role to play in balancing private sector and public safety interests in establishing investment priorities in their territories.

Although we are advocating for a Shared Network approach that may involve PSBN coverage being provided by different MNOs in different regions, it is important that a single organization (referred to in the TNCO report as the National Entity) provide national-level PSBN network functions across Canada, including establishing a common national "brand" for the service[2]. This approach will ensure that centralized control and governance of PSBN service delivery can be maintained, which is critical to maximizing the economic efficiency of the PSBN and keeping user service fees as low as possible. Creating a harmonized national brand for the PSBN will also promote higher levels of user and stakeholder awareness and recognition which will lead to higher levels of service adoption and further support low service fees.

Funding Sources

Funding for the PSBN needs to come from a mix of federal and provincial sources (primarily start-up), user fees from participating agencies, and contributions from the various mobile network operators within the PSBN. Robust financial oversight processes will need to be established, including budgeting, financial reporting, and independent audits to ensure responsible use of funds.

A significant source of funding to operate a PSBN will be generated through user service fees. It is anticipated that agencies currently using commercial wireless services will transition to the new service, benefiting from more favorable rates. Explicit agreements that define cost sharing and revenue distribution between the National Entity and different governance entities will be required.

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[2] This is analogous to the function provided by AT&T as part of FirstNet in the US. See www.firstnet.com.

The national PSBN Authority will need to work collaboratively with Regional Governance Entities to establish and administer a cost allocation and recovery model to support governance and oversight functions.   The national PSBN Authority and Regional Governance Entities would receive contributions from the National Entity for fulfilling their oversight responsibilities, including national coordination, standards setting, outreach, and other related functions.

A mechanism will be needed to extract economic benefit from dedicated PSBN spectrum when used for commercial purposes on a shared basis. One such mechanism would be the creation of a reinvestment fund, which the national PSBN Authority and/or RGEs could use for expansion or improvement of service through one-time investments. A portion of the revenue generated by the National Entity could be directed into this fund.

Funding for Dedicated Infrastructure

The PSBN should not be exclusively dependent on an MNO-owned and operated infrastructure within a Shared Network deployment model as previously noted. The PSBN should also enable configurations in which user agencies and/or Regional Governance Entities have developed and implemented their own infrastructure.

To fund capital investments or otherwise support the establishment of dedicated PSBN infrastructure, the PSBN could look at options such as:

- Use of existing public funding programs at the federal and P/T levels for the expansion of broadband and wireless services in rural and Indigenous communities, as noted above.
- Redirecting current public safety agency expenditures on communications services and infrastructure towards the PSBN.
- Contribution of assets owned by Critical Infrastructure partners (electric utilities have towers, railways have coast-to-coast rights-of-way for fibre, etc.).
- Use of existing public safety communications infrastructure (towers, fibre, microwave networks, etc.).
- Local or regional partnerships and collaboration to construct or acquire shared assets, such as deployables.
- Federal or provincial tax credits for expenditures contributing to PSBN infrastructure or capability.
- Other cost-saving opportunities through partnerships of various forms.

1.5 What other kinds of approaches should be adopted to establish coverage and capacity targets, as well as measure progress toward PSBN implementation? Should coverage, resiliency and user adoption targets be mandated?

National Targets and KPIs

There is a clear need for nationwide oversight and coordination of coverage, capacity, resilience, availability, user adoption and potentially other key metrics. Monitoring, tracking, and reporting on these metrics at the national level would be the responsibility of the national PSBN Authority, working in collaboration with Regional Governance Entities. Success would be measured through key

performance indicators (KPIs) such as network uptime, response times, user satisfaction, and incident resolution efficiency. A continuous improvement framework would be implemented, involving regular reviews, stakeholder feedback, and the integration of new technologies and best practices.

Mandating specific targets is going to be challenging, particularly related to coverage, resilience, and user adoption, due to the diversity of economic, demographic, and geographic conditions across Canada. However, we believe that establishing coverage and service availability targets, and ensuring that service provider contracts incorporate those targets, will be critical to the success of the PSBN.

In developed areas (urban/suburban) with a critical mass of population and demand for wireless services, the required level of PSBN coverage should be easily achieved through use of existing MNO infrastructure, with the PSBN only needing to reinvest funds raised by partner MNOs through commercial use of PSBN spectrum to provide additional capacity. The situation in more remote and rural areas will be more challenging and different targets are likely going to be needed.

Role of P/T Jurisdictions and Regional Governance Entities

P/T jurisdictions have an important role to play in determining targets and priorities for geographical expansion of PSBN service and coverage. Many P/T jurisdictions already do this for wireless and broadband services, particularly in rural and Indigenous communities. The PSBN should become another service for which geographic expansion is managed and supported by P/T jurisdictions.

In all cases, the governance structure of the PSBN, involving a national PSBN Authority and Regional Governance Entities, will need to take responsibility for adopting service targets and metrics based on input from a wide variety of stakeholders, including the users, the funders, and the service providers. Any programs established and supported by P/T jurisdictions and/or Regional Governance Entities for service expansion or improvement must consider and adhere to national standards, guidelines and service deployment targets established by the national PSBN Authority.

1.6 What measures can be taken to accelerate deployment plans and mitigate delays to implementation following the establishment of a PSBN governance structure?

To accelerate deployment of a PSBN, the infrastructure, assets and technical capabilities of commercial wireless network providers should be leveraged. This means that the PSBN could be launched without the use of dedicated PSBN spectrum, with such capacity being implemented on a priority basis where higher levels of public safety capacity are required (likely major urban areas).

Annex C of the TNCO report outlines four potential service delivery models for the PSBN and outlines a preference for Model D. In this way, the deployment of PSBN service in any geographic area in Canada will be a collaborative effort involving the national PSBN Authority, Regional Governance Entities, a PSBN National Entity and Regional Service Delivery Entities providing service and coverage in a particular region.

This approach assumes that the national PSBN Authority, in collaboration with a Regional Governance Entity, will select one or more Mobile Network Operators (MNOs) to provide coverage in that region, in accordance with the requirements and standards established by the national PSBN Authority. Additionally, these Regional Governance Entities, the National Entity and Regional Service

Delivery Entities must agree to adhere to the rules and licensing conditions set by the national PSBN Authority, including those mandated through ISED. This dependency ensures compliance with nationwide standards, requirements, and guidelines.

Therefore, five things will be required to launch service in a particular region:

1) The national PSBN Authority must be operational and complete development of initial PSBN service standards.
2) The national PSBN Authority must have completed procurement and contracting to establish a PSBN National Entity.
3) A Regional Governance Entity must have been established and become operational.
4) The national PSBN Authority and Regional Governance Entity must have completed their procurement and contracting work to select an MNO to provide service in that area.
5) The National Entity and Regional Service Delivery Entities must have completed their PSBN network deployment in that region.

Steps 2), 3) and 4) of this process can be accelerated by the national PSBN Authority establishing clear guidelines for the structure and operation of Regional Governance Entities, and by having it develop model or template procurement documents to be used in selecting and contracting with Regional Service Delivery Entities. These contracts will need to specify targets for the deployment of a PSBN in each region, and address how one-time (capital) deployment and ongoing operating costs will be funded.

2   Theme #2: Oversight and Decision Making

Determining the national governance model for a future PSBN is foundational. Views are sought on the authority and control of a national PSBN Authority, with respect to the NFP and Crown Corporation models, including the size and composition of the board, method of appointing board members, term length, and their renumeration.

Views are also sought on recommendations on how to ensure, as far as possible, that directors are representative of Canada's diverse population and drawn from various regions of Canada, and that measures are in place to ensure board effectiveness and expertise.

Through work led by the TNCO, stakeholders have recommended that the governance also include the establishment of a public safety Advisory Committee. This engagement seeks views on the functions and composition of a potential public safety Advisory Committee and other mechanisms/requirements for public safety community input in decision-making about network deployment and evolution. Views are also being sought on whether a number of Advisory Committees should be established to provide advice to the Board of Directors on issues relating to security and resilience, network and operations, and public safety.

2.1 What should the national governance structure for a Public Safety Broadband Network (PSBN) look like?

As stated in the TNCO report, because emergency management is a shared responsibility between the different levels of government in Canada, coordination among all levels of government and the public safety community is essential for the successful implementation and operation of a

nationwide PSBN. The nationwide governance structure also needs to include representation from a diverse range of stakeholders, particularly the users of the PSBN.

The governance structure should incorporate a national PSBN Authority that would ensure nationwide interoperability, adherence to common standards and coordination of PSBN design, implementation and operation. The governance model should also incorporate regional or distributed governance structures to address local operational challenges and requirements, as noted in the TNCO report. These regional or distributed structures are referred to in this response as Regional Governance Entities.

The proposed national PSBN Authority should be established as a federal not-for-profit corporation, incorporated under the Canada Not-for-profit Corporations Act (CNCA). It would have membership from key stakeholders, including federal, provincial, territorial, and municipal governments, emergency responders, and users, and would operate under the oversight of a board of directors consisting of decision-makers from federal, provincial, and territorial governments and associations representing other stakeholder groups, including Police, Fire and Paramedic services.

The governance model integrates governmental and stakeholder oversight and accountability, while the service delivery model will embrace private sector operations, expertise and innovation. It ensures that shared responsibilities are managed equitably and effectively, while upholding each jurisdiction's constitutional authority. This collaborative approach is essential for addressing complex nationwide issues in a way that is inclusive and representative of the entire country.

The importance of having a national PSBN Authority jointly managed by jurisdictions and public safety entities lies in its ability to harmonize efforts across different levels of government while respecting their distinct roles and responsibilities. The value of this model includes:

- Balanced representation and collaboration - This balance fosters a collaborative environment where diverse perspectives and regional needs are acknowledged and integrated into nationwide strategies.

- Effective resource allocation - This collective approach enhances the efficiency and effectiveness of resource allocation and problem-solving, as it draws on a broader pool of knowledge and experience.

- Equitable policy development and coordination - This inclusivity prevents any single jurisdiction or entity from dominating the agenda, leading to more equitable and comprehensive solutions that are fair and responsive to diverse local issues.

- Strengthened national unity - This collaborative approach helps to align nationwide objectives with regional interests and operational requirements, fostering stronger relationships between different levels of government and public safety organizations, enhancing nationwide cohesion.

- Respect for constitutional authority - An equally managed authority respects the constitutional boundaries and responsibilities of each jurisdiction. This respect is crucial

for maintaining the integrity of a federal network and ensuring that decisions are made with due consideration of regional autonomy and legal frameworks.

- Enhanced accountability and transparency - Ensures that the actions and policies of the national PSBN Authority are subject to scrutiny from multiple levels of government, thereby increasing trust and legitimacy in the process.

The proposed national PSBN Authority should be incorporated under the Canada Not-for-profit Corporations Act (CNCA) rather than as a Federal Crown Corporation. The CNCA model, like NAVCAN, offers more flexibility and enables corporate governance and oversight to be better tailored to the specific purpose and needs of the national PSBN Authority. Federal participation in governance and oversight can be achieved through membership, board representation, and contracts. The CNCA structure provides the flexibility and agility needed for the PSBN Authority to effectively deliver its mandate.

Within this structure, the national PSBN Authority would have the responsibilities discussed in Annex B of the consultation paper. The focus of these responsibilities is at the national level and the national authority will need to work collaboratively with Regional Governance Entities to ensure the PSBN meets specific regional needs.

The most important responsibility of the national PSBN Authority will be to lead the procurement and contracting work required to establish a PSBN National Entity, as discussed above.

Regional Governance Entities would have the responsibility to:

- Represent the interests of all public safety entities within their regions to ensure their service needs are met in an equitable and efficient manner.

- Adhere to national operational and technical standards by entering into agreements for the construction, maintenance, and operation of regional networks, and ensuring alignment of regional operations with national goals and objectives.

- Collaborate with the national PSBN Authority and other Regional Governance Entities on strategic and governance decisions for the development and operation of both regional and national networks.

- Enable, facilitate and maintain interoperability among MNOs within the PSBN.

- Report regularly and frequently up to national PSBN Authority with respect to its activities, service deployment progress and other operational concerns.

Proposed responsibilities of Regional Governance Entities are further elaborated in the response to question 3.2.

Regional Governance Entities, either jointly with the national PSBN Authority or on their own, may enter into agreements with MNOs for the construction, maintenance, and operation of regional PSBN components, ensuring those network components meet the specific needs of their region while adhering to national standards and objectives.

By representing the interests of all public safety entities within their region and ensuring their broadband service needs are met, Regional Governance Entities play a crucial role in the protection

of life, property, and Canadian security and sovereignty. Their efforts ensure that public safety agencies can operate effectively and efficiently during emergencies and routine operations.

It should be noted that the specific roles, responsibilities, activities, priorities and practices of the national PSBN Authority and Regional Governance Entities in support of the deployment and operation of a PSBN in Canada will need to be further defined once the national PSBN Authority is established and operational.

2.2 How should the nomination, authority and control of a Board of Directors be determined (e.g., nominations by the Minister if a Crown corporation model is chosen, a committee of experts, membership, etc.)?

As noted above, the proposed national PSBN Authority should be a corporation registered as a federal not-for-profit corporation, incorporated under the Canada Not-for-profit Corporations Act (CNCA). As such, it is important to describe both its membership structure and the composition of its Board of Directors.

<u>Classes of Membership</u>

It is proposed that there would be five classes of membership. The only difference in voting rights by class would relate to the nomination and election of directors. The nomination and selection of directors by class of membership would be defined and specified in a unanimous members' agreement. Other than in relation to the nomination and election of directors, the members would all have the same right to vote on matters properly brought before the membership – except that any change to the articles or bylaws which affected a voting member's right to nominate and elect a director would require that member's support.

The corporation's articles will need to expressly provide that members can include bodies corporate and governments.

The goal is to have a relatively compact membership and a manageably sized Board. During the first 24 months, the Board would have material responsibilities in getting the corporation organized and operating.

The following classes of membership in the national PSBN Authority and eligibility for each class are proposed:

1. Three national tri-service associations (1 class)
   - Canadian Association of Chiefs of Police (CACP)
   - Canadian Association of Fire Chiefs (CAFC)
   - Paramedic Chiefs of Canada (PCC)

2. Thirteen Provincial and Territorial jurisdictions (1 class)
   - Alberta
   - British Columbia
   - Manitoba
   - New Brunswick
   - Newfoundland and Labrador

- Nova Scotia
- Ontario
- Prince Edward Island
- Quebec
- Saskatchewan
- Northwest Territories
- Nunavut
- Yukon

3. Federal government (1 class)

4. First Nations (1 class)

- Membership held on a national basis
- Bands and/or any other governing bodies of the Indian, Inuit and Métis aboriginal peoples of Canada (collectively, "Indigenous Governments"); and (2) provincial, territorial and federal associations of Indigenous Governments

5. Other relevant stakeholder associations (1 class) - the list below provides examples of those that could participate:
   - Federation of Canadian Municipalities
   - Utilities Telecommunications Council (*this is the Canadian branch of the global trade association known by the same name)
   - Association of Public-Safety Communications Officials
   - Railway Association of Canada
   - Electricity Canada
   - National Association for Search & Rescue
   - Canadian Interagency Forest Fire Centre

Board Composition and Term

Board terms would be set at three years and appointments would be staggered to ensure overlap of experienced with inexperienced directors. A three-year term is used to ensure that directors have the opportunity to learn their roles and become effective members. Term limits (e.g., six years) would be set, with some allowance for differences for starting directors – i.e., one set of initial directors will be elected for a one-year term; one set for a two-year term; and one set for a three-year term.

The Board would be expected to meet with reasonable frequency during the start-up (e.g., every one to two months), probably over the first 24 months. The corporation's bylaws will require a minimum of four Board meetings annually.   Virtual meetings will be expressly contemplated by the corporation's articles and bylaws.

Selection of Board Chair will be by the Board.

Currently, the proposed Board involves a total of 15 Directors, nominated and elected by the applicable member organization(s), either individually or collectively, as follows:

National tri-service associations: three Directors, one from each of the associations:

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1. CACP
2. CAFC
3. PCC

Provinces and Territories: six Directors in total, with one from each of the following groupings (with the proposed initial directors highlighted in those groupings). Shared directorships would rotate unless otherwise agreed by the affected class members.

4. **<u>BC</u>**/Yukon combined
5. NWT/AB combined
6. Nunavut/**<u>Saskatchewan</u>**/Manitoba combined
7. Atlantic Provinces (**New Brunswick**, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador) combined
8. Quebec
9. Ontario

Federal government: one Director

10. Director

First Nations: one Director

11. Director

Other stakeholder associations: one Director. A rotation process would need to be developed and agreed; alternatively, an open nomination/election process could occur.

12. Director

Three independent Directors nominated by the Board – (terms should be staggered)

13. Independent Director
14. Independent Director
15. Independent Director

Note: The corporate structure (articles, bylaws and members' agreement) will likely need to accommodate the addition of these groups over time – i.e. not all five classes of voting members may be in a position to participate at the outset.

<u>Unanimous Members' Agreement</u>

A Unanimous Members' Agreement for the national PSBN Authority will be required. It is a contract among all members of the Corporation that would:

- Ensure that the mechanism for nominating and electing directors cannot be easily modified
- Require a very significant affirmative vote of members to amend or repeal an existing by-law or enact a new by-law
- Enforce the nomination and rotation of directors within a class of members

As new members are added, they will be required to accede to the Unanimous Members' Agreement, so that it is binding on all members.

<u>Statement of Purpose</u>

The purpose of the national PSBN Authority will need to be included in its articles and/or Unanimous Members Agreement. The statement of purpose should be aligned and consistent with the responsibilities prescribed in Annex B of the consultation.

<u>Advisory Committee</u>

The work of the Board should be supported by an advisory committee as is the case with FirstNet and other special purpose corporations providing shared public safety communications services in Canada. This committee would not be delegated any decision-making powers or authority but should have the right and authority to access the PSBN Authority board and provide input and recommendations to it.

<u>Board of Directors Qualifications</u>

A board of directors with representatives from federal, provincial, municipal and Indigenous governments, public safety agencies, critical infrastructure organizations, and independent directors with specific backgrounds and qualifications should be established to ensure diverse perspectives and broad expertise.

The Board of Directors should have a mix of experience and expertise in public administration, public safety (operations and administration), telecommunications and wireless networks (technology, operations, standards, and/or regulation), legal and governance matters, risk management and finance, in order to effectively oversee the PSBN.

Additionally, the board should seek diverse representation from different public safety disciplines and geographical areas.

2.3 Are there specific powers or limitations that should be considered (e.g., consult with governments and local public safety entities)?

Yes, the structure defined above provides direct representation by governments, public safety entities and other stakeholder groups in the national PSBN Authority.

The national PSBN Authority should have broad, overarching authority over matters of national scope or significance as discussed above. Matters of regional significance or importance can be delegated

by the national authority to Regional Governance Entities, subject to the requirement that national standards and objectives for the PSBN are adhered to.

As discussed in Annex B of the consultation paper, the national PSBN Authority should have, as a stated purpose, the responsibility to consult with federal, provincial, territorial, municipal, Indigenous, and local public safety entities and authorities, as well other stakeholders to inform its decision-making.

2.4 Should multiple public safety Advisory Committees be established to support a Board of Directors? If so, what should each of their roles be and what issues should they cover? How should Advisory Committees be constituted?

Only one Public Safety Advisory Committee (PSAC) should be established at the national level to advise the Board of Directors of the national PSBN Authority. The PSAC would provide advice and recommendations to the Board, and subcommittees or working groups reporting back to the PSAC can be created to focus on specific topics or issues, with defined timelines for resolution. The PSAC and its membership should be established and defined in the Members' Agreement for the national PSBN Authority.

The objective of the PSAC is to assist the national PSBN Authority in carrying out its duties relative to the design, construction, deployment, operation, and evolution of the nationwide interoperable public safety broadband network. The PSAC will assist the national PSBN Authority in maintaining the crucial dialogue and relationships with federal, provincial, territorial, local, Indigenous, and public safety leaders.

The PSAC will also enable the national PSBN Authority to receive feedback from and exchange ideas with a wide group of important stakeholders. This would help the national PSBN Authority effectively reach its goals of building a nationwide public safety network and providing the best possible service to the public safety community. The scope of the PSAC's activities will be limited to matters involving shared intergovernmental responsibilities, stakeholder engagement, technology, and network operation, services, and use related to public safety communications.

The PSAC will assist the national PSBN Authority by representing the consensus views of the public safety community, where feasible. It may also provide a forum for public safety stakeholders to present current and emerging issues in public safety network management, policy, reform, and technology.

A national PSAC should be appointed by the Board for the national PSBN Authority. The PSAC would be mandated to hold regular stakeholder meetings and would use digital platforms for feedback to involve stakeholders in decision-making processes and ensure their needs are met. Private sector partners should provide technological expertise, infrastructure support, and innovation while adhering to public safety standards and requirements.

Composition of the PSAC

To create a PSAC for the national PSBN Authority, it is essential to establish a diverse and representative body that can effectively guide the development and implementation of the network. The PSAC should be composed of members who bring expertise from various public safety disciplines, including law enforcement, fire services, emergency medical services, 9-1-1

communications, public health, emergency management, and key infrastructure sectors. Members should be selected from a range of local, provincial, territorial, and federal public safety organizations, as well as national associations such as the Canadian Association of Chiefs of Police (CACP), the Canadian Association of Fire Chiefs (CAFC), and the Paramedic Chiefs of Canada (PCC). The list below provides examples of those that could participate:

- Canadian Association of Fire Chiefs (CAFC)
- Paramedics Chiefs of Canada (PCC)
- Canadian Association of Chiefs of Police (CACP)
- Association of Public Safety Communications Officials (APCO) Canada or International
- Canadian Association of Municipal Administrators
- Canadian International Association of Firefighters
- Canadian Police Association (CPA)
- FCM Big City Mayors' Caucus
- Federation of Canadian Municipalities
- Metro Fire Chiefs Canada
- National Emergency Number Association Canada
- Paramedic Association of Canada
- Public Safety Canada Emergency Management

Consideration should also be given to enabling participation in the PSAC from appropriate international partners on an ex parte basis, such as the National Public Safety Telecommunications Council (NPSTC) in the US.

Members of the PSAC should be appointed to three-year terms, with the option to renew their appointments. This term structure allows for continuity and stability within the committee, while also providing opportunities to incorporate new perspectives over time. The composition of the PSAC should be regularly reviewed to ensure it remains relevant and responsive to the changing needs of the public safety community.

The chair or vice chair of the PSAC should be a respected leader within the public safety community, ideally a member of one of the associations such as the Canadian Association of Fire Chiefs (CAFC), the Paramedic Chiefs of Canada (PCC), or the Canadian Association of Chiefs of Police (CACP). The chair's role is to provide strategic leadership to the committee, facilitate effective collaboration among members, and act as a critical link between the PSAC and the broader public safety community. The chair's appointment should be made with careful consideration of their experience, expertise, and ability to lead a diverse group of public safety professionals.

Regional Governance Entities could and should establish their own advisory committees to deal with matters of regional or local significance. This would include establishment of coverage targets and priorities, other service targets and goals that are specific to a region, and other matters that are not nationally relevant or significant (for example, policies related to PSBN access or interconnection to regional application and systems such as 9-1-1, CAD, RMS, etc.).

2.5 Are there any barriers to participation in PSBN governance to consider? What are some strategies for ensuring that a Board of Directors and its public safety Advisory Committee have representation from a diverse range of stakeholders?

The structure discussed in 2.4 above provides for representation from a broad range of stakeholders.

Possible barriers include securing funding for Regional Governance Entities to initiate their efforts, as well as aligning provincial priorities to establish the necessary structures for both a Regional Governance Entity and its advisory committee.

The process envisioned for nominating and electing Directors of the Corporation will develop a slate of Directors representing the requirements of broad representation by sector and region, and the necessity of inclusiveness and diversity.

The PSBN Authority would also need to recognize and address logistical challenges (stakeholder diversity, location, operations) and adapt their advocacy and communications means to ensure maximum level of engagement and inclusivity. Outreach mechanisms and PSAC participation would need to be considered by the PSBN Authority to ensure the broadest and balanced perspective possible from all stakeholders.

Representative continuity and commitment will be paramount at the onset of PSBN Authority's initial work once established, therefore they would encourage and promote a dedicated term of representatives within both the Board of Directors and the Advisory Committee.

3   Theme #3: Public Reporting and Accountability

Considering the NFP and Crown Corporation models, views are sought on transparency measures which could include annual public reporting, public meetings, and independent audit requirements.

Views are also sought on government authorities to intervene, including and up to possible wind-down of the board and Authority, should it be determined the entity is not fulfilling its mission or is no longer necessary.

3.1 What are some measures that should be taken into account for ensuring the transparency and accountability of the Board and PSBN Authority? It is important to note that a Crown Corporation would be subject to transparency and accountability measures set out in the <u>Financial Administration Act (FAA)</u>, in addition to other elements included in the enabling legislation.

It is critically important that the national PSBN Authority, and any Regional Governance Entities established to oversee the PSBN be directly accountable to the users, funders, and other stakeholders in the PSBN. The proposed governance discussed in our responses to the Theme 2 questions outlines our views on how this accountability can be achieved.

In addition, we offer views and suggestions on specific measures that could be implemented in legislation, regulations, decisions, agreements and/or constituting documents of the national PSBN Authority during its establishment.

The Financial Management and Control Division of the *Financial Administration Act,* RSC 1985, c F-11 ("FAA") requires Crown Corporations to submit a number of items to the Minister annually. Some of these include:

- A *corporate plan* which includes a statement of

  (a) the objects or purposes for which the corporation is incorporated, or the restrictions on the businesses or activities that it may carry on, as set out in its charter.

  (b) the corporation's objectives for the period to which the plan relates and for each year in that period and the strategy the corporation intends to employ to achieve those objectives; and

  (c) the corporation's expected performance for the year in which the plan is required by the regulations to be submitted as compared to its objectives for that year as set out in the last corporate plan or any amendment thereto approved pursuant to this section.

- An *operating budget* for the following year, which encompasses all the businesses and activities, including investments, of the corporation and its wholly owned subsidiaries, if any.

- A *capital budget* for the following year, which encompasses all the businesses and activities, including investments, of the corporation and its wholly owned subsidiaries, if any.

- *Annual auditor's report* which includes:

  (a) separate statements of whether in the auditor's opinion

    (i) the financial statements are presented fairly in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year,

    (ii) the quantitative information is accurate in all material respects and, if applicable, was prepared on a basis consistent with that of the preceding year, and

    (iii) the transactions of the corporation and of each subsidiary that have come to the auditor's notice in the course of his examination for the report were in accordance with certain detailed provisions of the *FAA*, the regulations, the charter and by-laws of the corporation or subsidiary and any directive given to the corporation; and

(b) call attention to any other matter falling within the scope of the auditor's examination for the report that, in his opinion, should be brought to the attention of Parliament.

Crown Corporations are also required by the FAA to conduct internal audits to ensure compliance with bookkeeping and recordkeeping requirements in the FAA. Every 10 years, a Crown Corporation must arrange a *special examination to* be carried by an external auditor to determine if the corporation's financial and management control and information systems and management practices comply with the requirements of the FAA.

Though the same level of transparency is not required by the *Canada Not-for-Profit Corporations Act*, SC 2009, c 23 ("CNCA"), the National Tri-Services Public Safety Associations believe that accountability to users, funders and other stakeholders is paramount. Accordingly, we recommend

that a level of transparency and accountability similar to the requirements in the FAA be required of the PSBN Authority, but that the measure be implemented in a manner that is typical in the private sector, as follows:

Instead of a *corporate plan*, the equivalent higher level of governance requirements would be:

(a)   The statement of purpose of the corporation would be set out in its articles of incorporation, which is public, so no recurring disclosure in this area is required unless the articles are amended, which would require the approval of the members.

(b)   the corporation would undertake to go through a detailed and facilitated strategic planning process that follows best practices for this type of activity in its first year of operation with a view to formulating a strategic plan that incorporates mission, vision, values, and strategic objectives. This plan would be reviewed annually by the board and more detailed and facilitated strategic planning processes would be conducted in accordance with best practices on a three- to five-year cycle. The corporation's strategic plans and adjustments thereto would be publicly available.

(c)   The corporation would develop an annual operational plan. In the context of a private not-for-profit corporation, the operational plan would be internal to the corporation. If Public Safety Canada desires access to the operational plan, it could be provided on a confidential basis by agreement to satisfy oversight requirements.

(d)   An annual *operating budget* and *capital budget* would be developed in the normal course of business to annually fund the operational plan and would be kept internal to the corporation. If Public Safety Canada desires access to these documents, it could be provided on a confidential basis by agreement to satisfy oversight requirements.

An annual audit conducted in accordance with Canadian Generally Accepted Accounting Principles ("GAAP") determined by the Accounting Standards Board ("AcSB") and published in the CPA Canada Handbook — Accounting. The audit results must be set out in a corresponding audit report prepared in accordance with GAAP. This report would be publicly available.

As part of its general oversight responsibilities, the board of directors of the corporation would approve policies for implementing, monitoring, and updating the corporation's internal controls. Those policies would be kept private but could be shared with Public Safety Canada on a confidential basis by agreement to satisfy oversight requirements. Actual internal audits would be kept private.

The National Tri-Services Public Safety Associations believe that this approach balances the public interest in ensuring that a corporation involved in PSBN governance meets appropriate accountability and transparency objectives given its critical role in the PSBN ecosystem, but that that such oversight does not become overly burdensome given the fact that the entities involved in the governance oversight and operation of a PSBN are also expected to be self-sustaining and not typically draw on public funding (but for the initial funding of the national PSBN Authority and Regional Governance Entities).

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Given the critical importance of the PSBN, we believe that the accountability and transparency requirements set out above should be applied to the national PSBN Authority, Regional Governance Entities and PSBN National Entity.

3.2 Are there minimum requirements for distributed/regional governance functions to address local operational challenges and requirements that should be mandated to ensure consistency, accountability, and transparency?

The TNCO report identified several functions that are best delivered on a regional or distributed basis to respond to regional needs and operational requirements.

The National Tri-Services Public Safety Associations believe that the overall delivery of services should be overseen by the national PSBN Authority contracting with a single PSBN National Entity. The role of the Regional Governance Entities would be to ensure that regional needs are taken into account by the national PSBN Authority when it sets standards for the provision of services by the National Entity, to address incremental regional needs, and to interact with in-region users of the national PSBN to ensure that they are equipped to make full use of the PSBN and that the PSBN meets their needs.

We believe that this approach would ensure appropriate levels of consistency, accountability and transparency in a manner that is consistent with the objective of supporting nationwide PSBN interoperability.

Next, we describe responsibilities that we believe should fall within the remit of the Regional Governance Entities.

Seeking and promoting investment for local network expansion and/or improvement

- Work with national PSBN Authority to estimate capital budget for identified in-region coverage or service improvement priorities.

- Partner with the national PSBN Authority and the National Entity to apply to federal broadband funding programs for projects that enhance both in-region PSBN and other broadband services.

- Develop partnerships with the national PSBN Authority and public and private entities to share costs where in-region service or coverage goals are aligned.

Determining eligibility for priority and pre-emption (if applicable)

- Advise the national PSBN Authority and National Entity on regional factors to be taken into account in setting standards for priority and pre-emption requests and implementation guidelines.

Identifying and enhancing regional coverage within their jurisdiction, including to rural and remote communities, through the development of coverage requirements and strategies

- Collect requests from in-region user groups for coverage enhancements and service improvements.

- Communicate prioritized in-region coverage requests to the national PSBN Authority

- Provide regular coverage progress reports to in-region users of the PSBN and the national PSBN Authority.

Working with the centralized structure on regulatory and policy compliance

- If the national PSBN Authority is the licence holder for Band 14 and/or any other PSBN spectrum, the Regional Governance Entity will advise the national PSBN Authority on the degree to which all conditions of licence are being met in-region.

Developing user requirements, technology requirements (for the network and for devices), and application requirements to support the PSBN and serving as a point of contact for user concerns and issues

- Collect feedback from in-region PSBN network users regarding service levels, service requirements, and service issues.

- Provide prioritized feedback to the national PSBN Authority regarding the service levels, service requirements, and service impediments encountered by in-region users of the PSBN network.

- Facilitate co-operation between the PSBN National Entity and local network users or administrators to troubleshoot and solve technical issues.

- Provide tracking and progress reports of service requests and issues to in-region users of the PSBN and the national PSBN Authority.

Procuring broadband and PSBN related services from vendors

- Service procurement will typically be conducted by the national PSBN Authority, rather than the Regional Governance Entities, but the latter may also contract with the National Entity to address incremental in-region needs and will also work with the national PSBN Authority (in cases where it is the procurement authority) and National Entity (in cases where the Regional Governance entity is a procurement authority) following implementation of new services or network segments to ensure that:
  - the services or network segments meet the initial requirements set out in the procurement process.
  - the commissioning process is complete; and
  - all required documentation is completed.

Delivering user training and conducting exercises

- Determine what in-region users of the PSBN require training, and how that training should be delivered.

- Work with the National Entity and in-region users of the PSBN to co-ordinate training and exercises as necessary to establish and maintain familiarity with the network functionality.

PSBN promotion and onboarding

- Facilitate communication between the National Entity and in-region users of the PSBN prior to implementation of the national PSBN network and national or in-region improvements, ensuring that in-region users understand the network functionality and roll-out process.

- Identify any potential issues in the national PSBN roll-out process and national or in-region enhancements, such as interconnection and interface issues with legacy systems.

- Track the in-region implementation process of the new PSBN network, monitoring any issues that arise and provide corresponding ongoing reporting to the National Entity, in-region users of the PSBN, and the national PSBN Authority.

- Conduct a review of the implementation process of the PSBN and national or in-region enhancements once the relevant roll-out(s) is/are complete, identifying any issues encountered and their resolution, and provide reports thereon to in-region users of the PSBN, the National Entity, and the national PSBN Authority.

3.3 Are there any statutes, regulations, policies, and/or initiatives that would impact a nation-wide PSBN, if any? How can a PSBN governance structure mitigate these impacts to facilitate timely implementation?

The National Tri-Services Public Safety Associations are providing a list of statutes, regulations, policies, and or/initiatives that would impact a nationwide PSBN below. The establishment and operation of a PSBN involves an extremely broad and continuously evolving scope of legislative and regulatory compliance requirements. As a result, this list is not intended to be exhaustive and will change over time. Our list is merely intended to highlight certain important considerations as of the date of this submission.

Given the fluid nature of the legislative and regulatory landscape, the National Tri-Services Public Safety Associations agree that the PSBN governance structure must implement effective strategies to facilitate timely implementation and compliance.

To this end, we recommend the establishment of a Legal and Regulatory Compliance Committee within the national PSBN Authority governance structure. This Committee would be tasked with proactively analyzing pending and actual legislative changes, as well as court, regulatory agency and department decisions, orders, regulations and policies for the purpose of developing compliance strategies, participating in public policy consultations and most importantly, disseminating key information about legal and regulatory compliance matters to Regional Governance Entities, while also assisting those entities to take steps towards achieving compliance in a timely and cost-effective manner. In our view, effective communication between the national PSBN Authority and the Regional Governance Entities will be essential to achieving and maintaining national PSBN interoperability.

A list of some of the most notable statutes, regulations, policies and / or initiatives that would impact a nation-wide PSBN is as follows:

- *Telecommunications Act (S.C. 1993, c. 38):* broadly regulates telecommunications in Canada, would apply to all telecommunications elements of the nationwide PSBN.

- o *Relevant Regulations under the Telecommunications Act:*

  - ▪ *Canadian Telecommunications Common Carrier Ownership and Control Regulations (SOR/94-667)*: sets Canadian ownership and control requirements for common carriers, which will contribute facilities and services towards the establishment of the PSBN.

  - ▪ *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy (SOR/2023-23):* The Policy Direction that informs how the Canadian Radio-television and Telecommunications Commission ("CRTC" or "Commission") must exercise its powers and perform its duties to implement the Canadian telecommunications policy objectives articulated in section 7 of the *Telecommunications Act*. The Policy Direction (or its predecessor Policy Directions) informs many of the regulatory policies and decisions that are relevant and material to the PSBN and the telecommunications landscape more broadly.

  - ▪ *Telecommunications Fees Regulations, 2010 (SOR/2010-65):* Regulations setting out the calculation for telecommunications fees and the criteria that determine which Canadian carriers are required to pay such fees. Relevant to Canadian carriers that have roles / deliver services related to the operation of the PSBN.

- o *Relevant CRTC regulatory policies, decisions, ongoing proceedings, and regulatory compliance requirements:*

  - ▪ *Review of mobile wireless services,* Telecom Regulatory Policy CRTC **2021-130**: Regulatory policy setting out the framework for the CRTC's wholesale mobile services (roaming and facilities-based wholesale MVNO services).[3]

  - ▪ *Facilities-based wholesale mobile virtual network operator (MVNO) access tariffs – Commission determinations on proposed terms and conditions,* Telecom Decision CRTC 2022-288: Decision approving access tariffs for facilities-based wholesale MVNO services.[4]

  - ▪ *Next-Generation 9-1-1 related decisions and policies, which will be important considerations in the design and deployment of the PSBN, including:*

    - • *Establishment of new deadlines for Canada's transition to next-generation 9-1-1, Telecom Decision CRTC 2021-199*

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[3]   See also the various roaming and facilities-based wholesale MVNO access service tariffs of the national Canadian carriers.

[4]   See also the various roaming and facilities-based wholesale MVNO access service tariffs of the national Canadian carriers.

- - *Next-generation 9-1-1 network design efficiencies, Telecom Regulatory Policy CRTC 2019-66*

  - *Next-generation 9-1-1 – Modernizing 9-1-1 networks to meet the public safety needs of Canadians, Telecom Regulatory Policy CRTC 2017-182*

- *Call for comments regarding potential barriers to the deployment of broadband-capable networks in underserved areas in Canada,* **Telecom Notice of Consultation CRTC 2019-406**. Consultation on regulatory measures that are needed to resolve barriers to extending networks into rural and remote areas of Canada.

- *Regulatory measures to make access to poles owned or controlled by Canadian carriers more efficient, Telecom Regulatory Policy CRTC 2023-31:* Regulatory policy setting out regulatory measures associated with the use of poles that are owned or controlled (i.e., telecommunications space on utility poles) by Canadian Carriers, which may be utilized by the PSBN.[5]

- *Call for comments – Attachment of wireless facilities on support structures owned or controlled by incumbent local exchange carriers,* **Telecom Notice of Consultation CRTC 2024-25:** Proceeding whereby the CRTC is examining whether it should modify existing rules that allow third parties to attach equipment – such as 5G small cells – onto poles across Canada.

- *Telecommunications Fees, Telecom Order CRTC 2024-117.* Most recent CRTC decision setting out relevant data and parameters for the calculation of telecommunications fees.

- *Telecom Notice of Consultation CRTC 2023-89 - Broadband Fund policy review:* Consultation to review the CRTC's broadband fund policy, which may have relevant outcomes for elements of the nationwide PSBN that may be publicly funded in the future.

- *Call for comments – Development of a regulatory framework to improve network reliability and resiliency – Mandatory notification and reporting about major telecommunications service outages, Telecom Notice of Consultation CRTC 2023-39:* Sets out interim network outage notification and reporting requirements that would apply to the PSBN. In its eventual decision resulting from this proceeding, the CRTC is expected to approve final network outage notification and reporting requirements.

- *CRTC Registrations*: Telecommunications service providers must be registered with the CRTC under the various lists of registered

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[5]   See also various support structure tariffs of the Canadian Incumbent Local Exchange Carriers (Incumbent telephone companies).

telecommunications service providers that it maintains (including lists applicable to facilities-based and non-facilities-based providers).

- ▪ **CRTC Data Reporting Requirements**: All registered telecommunications service providers are required to report certain information about their operations, on a recurring basis (at least annual) via the CRTC's Data Collection System ("DCS").

- ▪ **Contribution Requirements**: Certain Canadian Carriers are required to pay revenue-based telecommunication fees on an annual basis to subsidize the expansion of broadband Internet services in Canada and certain other services.

- **Radiocommunications Act (R.S.C., 1985, c. R-2):** Regulates the use of radio communication transmission facilities and radio apparatus in Canada and would apply to those aspects of the PSBN.

  - o **Radiocommunication Regulations (SOR/96-484):** Sets out regulations relating to various matters that are within the jurisdiction of the *Radiocommunications Act*.

- **ISED Policies, Consultations and Guidelines:**

  - o **Decisions on Policy, Technical and Licensing Framework for Use of the Public Safety Broadband Spectrum – 758-763 MHz, 788-793 MHz (D Block), 763-768 MHz, 793-798 MHz (PSBB Block)**: Sets out various spectrum use decisions, including those that relate to the use of 700 MHz public safety broadband spectrum.

  - o **Industry Canada Radio Systems Policy (RP-25), Policy Principles for Public Safety Radio Interoperability.** Principles that are intended to facilitate radio interoperability.

  - o **Innovation, Science and Economic Development Canada. (2022). CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems:** Sets out public consultation requirements for new antenna sites.

  - o **Conditions of licence:** *The 700 MHz PSBB spectrum, and any other spectrum used in the PSBN, will have associated conditions of licence. These conditions may include, but are not limited to, compliance with equipment standards, deployment requirements, lawful intercept requirements, mandatory tower and site sharing requirements, and deployment reporting requirements.*

- **Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5)**: Will need to be considered in relation to personal information that is collected, used and / or disclosed by users of the PSBN.

- **Personal Health Information Protection Act, (2004, S.O. 2004, c. 3, Sched. A) and other provinces' corresponding health privacy legislation**

Though firefighters, police and other municipal services are not categorized as Healthcare Information Custodians under the legislation, if these parties are communicating with a hospital,

health care practitioner or ambulance service, the information conveyed may be covered by PHIPA and other analogous provinces'/territories' analogous legislation.

- ***Bill C-26: An Act respecting cyber security, amending the Telecommunications Act, and making consequential amendments to other Acts***

This bill has completed first and second reading and is now in consideration in committee. If enacted, the legislation will add a new telecommunications policy objective: to promote the security of the Canadian telecommunications system. This displays a legislative trend toward securing Canadian communication channels.

- ***Bill* C-27: An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts**

This bill has completed first and second reading and is now in consideration in committee. If enacted, the legislation would repeal Part 1 of PIPEDA and rename it to Electronic Documents Act. It would also create data portability rights, implement additional protections for personal information of minors, and establish privacy as a fundamental right.

Bill C-27 would also enact the *Artificial Intelligence and Data Act* (AIDA) to regulate international and interprovincial trade and commerce in artificial intelligence systems. AIDA would apply to those carrying out regulated activities, which include system design, system development, making systems available for use, and managing the operations of a system.

- **RF Safety codes and guidelines:**

  - **Safety Code 6 (2015):** sets out recommended safety limits for human exposure to radiofrequency fields in the frequency range from 3kHz to 300GHz.[6][7]

  - International radio frequency guidelines, such as those of the International Commission on Non-Ionizing Radiation Protection, may also warrant consideration.

- **Building and Construction Safety Standards:**

  - **CSA Standards:** safety standards for electrical appliances, medical devices, machinery, equipment, etc. Specifically, S37-13, applies to structural antennas, towers, antenna-supporting structures, and roof- and wall-mounted structures, including their components, such as guys and foundations, which may will be used by the PSBN.

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[6] International guidelines, such as those of the International Commission on Non-Ionizing Radiation Protection, may also warrant consideration.

[7] ISED also has a number of requirements associated with compliance with Safety Code 6, including but not limited to TN-261 — Safety Code 6 (SC6) Radio Frequency Exposure Compliance Evaluation Template (Uncontrolled Environment Exposure Limits); GL-01 — Guidelines for the Measurement of Radio Frequency Fields at Frequencies From 3 kHz to 300 GHz; and CPC-2-0-20 — Radio Frequency (RF) Fields — Signs and Access Control.

- o **Provincial standards:** (e.g., Technical Standings & Safety Authority "TSSA") standards in Ontario)**.**

- **Cybersecurity Policies, Standards and Guidance:**

    - o A variety of national, provincial, and industry-wide policies, standards and guidance publications exist and will be relevant and applicable to the PSBN.

    - o An important foundational document **is ITSG-33 – IT Security Risk Management: A Lifecycle Approach**, published by the Canadian Centre for Cyber Security.

Employment considerations: When hiring staff, the PSBN Authority must consider the applicable legislation concerning accessibility, employment and health and safety. The employment jurisdiction will determine the applicable legislation.

Freedom of Information and Protection of Privacy: Assuming the national PSBN Authority and any Regional Governance Entities are determined to be public bodies, they will be subject to federal and provincial Freedom of Information, Protection of Privacy and Access to Information legislation.

In addition, legislation pertaining to the Government of Canada's relationship with Indigenous peoples will need to be considered in establishing the PSBN. One example is The United Nations Declaration on the Rights of Indigenous Peoples Act.

4   Additional Considerations

4.1 What are some other considerations that need to be taken into account in establishing a national governance structure for the PSBN?

The matter of both national and international roaming and settlements will need to be addressed. National roaming may be required in situations, particularly early in its deployment, where coverage is not available from the PSBN, and public safety users will be forced to roam onto a commercial network in Canada.

International roaming will primarily occur when Canadian PSBN users travel to the US, and vice-versa, although similar needs will occur more infrequently with other countries.

The national PSBN Authority will take responsibility for establishing and administering any roaming and settlement arrangements – both nationally and internationally, although the technical and operational aspects will likely need to be outsourced to a commercial service provider or clearinghouse.

The National Entity and national PSBN Authority will need to represent Canada's interests in PSBN on the international stage. This would include participation in 3GPP and other technical standards bodies, along with informal or ad hoc groups or associations that promote PSBN development internationally, such as the FirstNet International PSBN partners group.