



## MINUTES OF PROCEEDINGS

OTTAWA, Tuesday, March 28, 2023

(49)

[English]

The Standing Senate Committee on Transport and Communications met this day at 9:01 a.m., in room B45, Senate of Canada Building, the chair, the Honourable Leo Housakos, presiding.

*Members of the committee present:* The Honourable Senators Cardozo, Clement, Cormier, Dasko, Harder, P.C., Housakos, Manning, Miville-Dechêne, Patterson (*Nunavut*), Simons and Wallin (11).

*Other senators present:* The Honourable Senator Quinn (1).

*Participating in the meeting:* Shaila Anwar, Clerk Assistant, Joëlle Nadeau, Principal Clerk, Stéphanie van Beek and Karine Déquier, procedural clerks and Maya Zeinali, Legislative Clerk, Committees Directorate; Khamla Heminthavong and Jed Chong, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, November 3, 2022, the committee continued its consideration of Bill S-242, An Act to amend the Radiocommunication Act.

The committee discussed observations.

After debate, it was agreed that observations be appended to the committee's report on Bill S-242.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations being appended to the report, taking into consideration today's discussion and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-242.

It was agreed that the title stand postponed.

The chair asked whether clause 1 shall carry.

The Honourable Senator Patterson (*Nunavut*) moved that Bill S-242 be amended in clause 1, on page 1, by replacing lines 7 to 15 with the following:

“paragraph (1)(a)(i.1) that the holder

**(a)** must deploy the spectrum to provide service to at least 50% of the population within the geographic area covered by the spectrum licence, within three years of the licence's issuance; and

**(b)** must, in respect of the utilization of radio frequencies within a Tier 1 to 4 service area as described in *Canada Gazette* notice DGSO-006-19, *Decision on a New Set of Service Areas for Spectrum Licensing*, published on July 23, 2019, deploy the spectrum to provide service to at least 50% of the population within any Tier 5 service areas located within the geographic area covered by the spectrum licence, within three years of the licence's issuance."

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Patterson (*Nunavut*) moved that Bill S-242 be amended in clause 1, on page 1, by adding the following after line 15:

**"(1.12)** If the holder of a licence issued under paragraph (1)(a)(i.1) sells that licence within three years of its issuance, the holder must include the condition set out in subsection (1.11) as a condition of sale of that licence."

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Harder, P.C. moved that Bill S-242 be amended in clause 1, on page 2:

(a) by replacing line 17 with the following:

"graphic area covered by the licence, or any portion thereof, to be assumed by an-";

(b) by adding the following after line 18:

**"(6.1)** The Minister may, pursuant to an arrangement referred to in subsection (6), issue a licence to a third party under subparagraph (1)(a)(i.1) that is subordinate to the licence that is to be revoked if

**(a)** the Minister is satisfied that the issuance of the subordinate licence would allow for the condition set out in subsection (1.11) to be met within three years of the subordinate licence's issuance; and

**(b)** the holder of the licence that is to be revoked is in compliance with all the terms and conditions of their licence other than the condition set out in subsection (1.11) and with any other applicable prescribed requirements.

**(6.2)** If the Minister issues a subordinate licence pursuant to subsection (6.1), the notice of revocation provided under subsection (3) is deemed never to have been provided and the period of three years referred to in subsection (1.11) applicable to that licence is deemed to have begun on the day on which the subordinate licence was issued."

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Patterson (*Nunavut*) moved that Bill S-242 be amended in clause 1, on page 2, by replacing line 30 with the following:

“tion (3) or surrendered due to the holder’s inability to meet the condition set out in subsection (1.11), the Minister must, within 60 days of the effective”.

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Patterson (*Nunavut*) moved that Bill S-242 be amended in clause 1, on page 2, by replacing line 32 with the following:

“titive bidding or other reallocation process to select the person to whom the licence will”.

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Patterson (*Nunavut*) moved that Bill S-242 be amended in clause 1, on page 2, by adding the following after line 33:

“(9) Neither the person whose spectrum licence has been revoked under subsection (3) nor any of their affiliates is eligible to participate in the reallocation process used by the Minister under subsection (8).”.

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 1, as amended, carry.

It was agreed that clause 2 carry.

It was agreed that the title carry.

It was agreed that the bill, as amended, carry.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, including updating cross-references and renumbering of provisions.

It was agreed that the chair report Bill S-242 with amendments and with observations to the Senate.

At 9:52 a.m., the committee adjourned to the call of the chair.

*ATTEST:*

Sara Gajic

*Acting Clerk of the Committee*