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June 27, 2011

TO: Darlene Drazonovich /NTIA

FROM: John Zuzek, NASA RCS Representative

SUBJECT: NASA Response to Request for Comment on Improvements to the U.S.
Preparation Process for World Radiocommunication Conferences

NASA has reviewed the subject Request for Comment and submits the following comments and answers to the Docket questions herein. NASA Headquarters has reviewed and concurs in this matter.

NASA would like to emphasize that many of the government agencies' problems with the Government/non-Government US process have to do with timing and the balancing of government/public sector/national security interests with commercial opportunities that are transforming society in many ways. An Office of Spectrum Policy (OSP) within the Executive Office of the President (EOP) would go a long way towards obtaining more balance in the consideration of government interests vis-à-vis non-Government issue while improving the response time of the FCC on pending matters by setting priorities for the benefit of the entire country, not just the private sector.

A handwritten signature in black ink that reads "John E. Zuzek". The signature is written in a cursive, flowing style.

John E. Zuzek
NASA RCS Representative

NASA Answers to Questions for Public Comment

1. Federal Government Preparation Process

A. How should NTIA as the President's advisor seek the views and inputs of the non-Federal entities?

Answer: NTIA should seek the views of non-Federal entities through closer liaison with the FCC. Time should be made available for coordination between joint sessions of the RCS and WAC. Such joint sessions should be for the purpose of information exchange to reach mutual understanding of Federal and non-Federal views. Greater use can be made of IRAC members to meet with non-Federal entities to exchange information and provide greater transparency of views.

B. How can NTIA better educate the commercial sector on the Federal Agencies' radiocommunication requirements, and related policies and decisions that affect U.S. conference proposals?

Answer: See answer to 1A

2. WRC Advisory Committee (WAC) Preparation Process

A. The WAC is part of the FCC's WRC preparation process. How can the Federal Agencies best participate in the WAC?

Answer: See answer to 1A

3. FCC/NTIA Proposal Coordination Process

A. Should the Federal and non-Federal advisory processes remain independent? Why or why not?

Answer: Yes, the Federal and non-Federal advisory process should definitely remain independent. Joint sessions of RCS/WAC should be convened to facilitate understanding of respective Federal and non-Federal views.

B. Federal views and proposals sent to the FCC represent NTIA's review and modification of RCS inputs and thus the Administration's output, while the FCC sends WAC views and proposals directly to NTIA for consideration without bureau review. Would it improve the process to take a similar approach on both sides (circulation of RCS and WAC inputs, or circulation of NTIA and FCC outputs)?

Answer: Yes (and note answers to previous questions), circulation of both NTIA and FCC outputs would aide the process. However, the FCC should reconcile and coordinate the views of its bureaus before sending proposals to the NTIA and IRAC.

C. Please specify how communications/coordination between the FCC processes and the Federal Agency processes under the purview of NTIA can be improved? Include in your discussion such topics as involvement of senior agency management, early agreements on WRC positions, NTIA-FCC reconciliation process and timeframes.

Answer: Subsequent to discussions as described in previous answers, difficult issues (sticking points) should be referred to an Office of Spectrum Policy located in the Executive Branch for resolution.

D. What steps can be taken to resolve difficult issues? Should timelines be developed in order to identify these issues early in the process?

Answer: See answer to 3 C, and yes timelines should be developed and adhered to.

4. Study Group/National Committee Process Related to WRC Agenda Items

A. Should the U.S. National Committee set objectives and policy regarding WRC studies?

Answer: No, the National Committee should not be in the business of setting objectives. Objectives and policy should be established by an Office of Spectrum Policy located in the Executive Branch and the IRAC representing Federal Agencies. The National Committee should address technical content and validity of WRC studies while leaving policy issues to an Office of Spectrum Policy.

B. Is closer coordination among various study groups required? If so, why and how can this be accomplished?

Answer: No, closer coordination is not required. The study groups need some isolation in which to properly conduct their scientific and engineering studies. This is the raison d'être of the specialized study group and depends on their expertise. However, when the necessary 'expert internal studies' have been completed, then sharing studies should be conducted very closely with all concerned study groups. On difficult issues, this can be best accomplished through joint meetings of the relevant groups.

C. The U.S. Study Group consists of government and non-government participants who prepare for ITU meetings. Should the U.S. Study Group process be guided to align with U.S. WRC goals and objectives? If so why, and by what means?

Answer: No, the study group work needs to be maintained as 'expert work', otherwise the ITU credibility and technical pre-eminence will crumble. However, within the US, the objectives and policy for a given WRC, established by an Office of Spectrum Policy in the Executive Branch, should be promulgated through the National Committee to each of the US Study Group Chairmen as guidance in overseeing the technical studies.

D. Should a Federal Government/non-government position on agenda items and supporting information/studies to pursue U.S. positions be developed, approved and disseminated?

Answer: Joint positions should be developed only subsequent to joint meetings between WAC/RCS. Such joint positions would be helpful to solidifying a US position for regional meetings (e.g. CITEL).

E. To ensure success of U.S. objectives for WRC agenda items, technical studies must begin early in the process. Is it necessary to energize (jump-start) an agenda item and its associated studies by a certain point in the preparation process if no activity has occurred? If so, how can this be accomplished (e.g., what mechanisms and by what point in time)?

Answer: Items are placed on the preliminary agenda of the next but one WRC, i.e., some six to eight years ahead. If no activities have been undertaken in the study group on a particular issue, it is because there was no interest by the participant administrations. The study groups will address each and every topic for which there is an input document, but they will not 'start' work in the absence of input documents. An input document is the means by which administrations indicate that work is required. Thus the progress (start or finish) of work is completely in the hands of the US. Prepare an input document and it will be considered.

5. Forming the WRC Delegation

A. Is there a lack of continuity in leadership between WRC conferences? If so, how can this be better managed?

Answer: The senior civil servant of an Office of Spectrum Policy in the Executive Office of the President should be designated as Deputy Head of US Delegation to WRC for as long as he/she serves. This would provide continuity between meetings in support of the President's choice for Head of the U.S. Delegation – which carries Ambassadorial rank. However, it should be noted that since such a person is likely to be a political appointee, long-term continuity in leadership may not be guaranteed.

B. When in the preparation process should the core delegation group, vice-chairs, and principals be formed to begin work? How can these groups be better used to improve the effectiveness and efficiency of the United States' WRC agenda?

Answer: The core delegation group should be formed immediately following the penultimate CITEL PCC.II Meeting, but no less than three months prior to the CPM. The delegation does not need 'nominal vice-chairs'; each designated delegate (spokesperson, group chair, et al) should have a defined role or they should not be included in the delegation.

C. Agencies, companies, and organizations nominate representatives to be on the U.S. WRC delegation. Is the nominated delegation formed early enough in the process to develop and approve final positions in a timely manner? If not, how can this process be improved?

Answer: Delegation nomination is accomplished in good time. Delegation accreditation is not. The accreditation process is not transparent and not timely. This part of the process should be improved.

D. Is the accredited delegation formed early enough to develop and approve U.S. positions, strategy, and fallback positions? If not, how can this be improved?

Answer: As noted above, this part of process is not accomplished in a reasonable time. If accreditation is going to be used to prevent legitimate participants from participating in the development of strategy and fallback positions, it should be removed.

E. At what point in the preparation process should delegation assignments be made and spokespersons identified?

Answer: Delegation assignments should be made and spokespersons should be identified about 5 months prior to the WRC. Please note that WRC spokespersons need not be the same as CPM spokespersons.

F. How could the appointment and role of the U.S. Ambassador be improved?

Answer: The current appointment process is working. However, prior to the appointment of the US Ambassador, the nominee should be announced as Head of Delegation to work alongside the Coordinator for CIP (Dept. of State). This announcement should be made at least 3 months prior to the CPM to allow the Head of Delegation to get started in understanding the various issues that will be decided at the WRC.

G. Is the United States' negotiating strength improved or hindered by the use of an appointed political representative working with career spectrum managers and ITU experts from other countries?

Answer: The US negotiating strength is enhanced by the appointed political representative, just as it is in most other countries' delegations. The political clout available to the appointed political representative can prove invaluable in resolving difficult issues during a Conference (when very high-level intervention is needed (e.g., AI 1.15 at WRC-2003)).

H. Assuming the continued appointment of a WRC ambassador, at what point does the Ambassador's appointment need to be effective?

Answer: See answer to F above. The actual appointment can happen within the current 6 month guidelines regarding Presidential appointed Ambassadorial positions. Identifying the individual ahead of time as Head of Delegation, however, is essential so that this person can gain a necessary understanding of all of the issues that affect US interests.

I. During conference preparatory meetings, administrations meet to agree on the final report of studies, which is used as the technical basis at a WRC. Is it important to bring the

Ambassador on board in some capacity prior to the conference preparatory meeting? If so, how can this be accomplished?

Answer: Yes, see answer to F above.

6. Budgeting WRC Activities

A. Funding for the WRC Ambassador has been an ongoing concern. To ensure the Ambassador and the delegation staff are able to complete their missions, is it necessary to provide the Ambassador with an operational budget? If so, how can representational funds best be used to conduct outreach efforts?

Answer: Representational funds should NOT be the only source of funding for this important Ambassadorial function. If the US is serious about WRCs, then an operational budget MUST be made available within an Office of Spectrum Policy in the Executive Office of the President and/or the State Department for the U.S. WRC Ambassador.

B. What facilities are critical to the functioning of the delegation and the Ambassador at the conference site?

Answer: Critical facilities include meeting rooms, both large (for the entire delegation) and small (for groups and bi-laterals), computing resources, and secure facilities (could use US Mission where available). Increasingly, wireless networks, mobile phones, and a delegation web site are crucial to effective coordination of the delegation during the Conference. A hotel suite for the Ambassador near the Conference site for bilateral and multilateral meetings was very beneficial at WRC-2000.

C. Recognizing that agencies and companies send representatives to the delegation to participate in debates, negotiations, and outreach efforts, how should support be provided to cover the Editorial Committee of each WRC?

Answer: The Editorial Committee can be covered by establishing within the US delegation small interest groups (one group per issue) to brief and assist a small number of multi-lingual delegates in performing the duties of the Editorial Committee.

7. Outreach and Consultations with Other Countries

A. Are consultations with other administrations needed? If so, at what point in the process should they begin?

Answer: This depends on the specific issues under consideration. Key countries on contentious issues should be identified early on and targeted for bilateral visits.

B. Is it important to work with other countries outside of the ITU study groups and the conference preparatory meeting? If so, why and how can this be improved?

Answer: Yes, working with other countries is important and can be accomplished through CITEL and other regional bodies, as well as through targeted bi-laterals. Regional views are carrying increased weight within WRC proposal considerations.

C. Should the Country Contact/Outreach program that is developed and utilized at a conference be maintained between conferences? If so, how can this be accomplished? Who should lead this effort? What role can the private sector play?

Answer: No, the Country Contact/Outreach program should not be maintained between conferences. Indeed, the value of the outreach program within the WRC itself is debatable. It costs the US at least as much goodwill as it generates. We need to think more about how to implement some other activity that ensures good relations without excessive complications. As a minimum some measure of the effectiveness of past outreach efforts should be assessed before undertaking such an endeavor. Targeted outreach is likely to be far more productive than the general outreach that has been conducted during WRC-2000 and WRC-2003.

If we do continue the general Outreach program at the WRCs, we need to go about the process of assigning delegates country responsibilities in a more thoughtful manner based on working relationships with one or more individuals on a country delegation, their knowledge of the country, etc. Several experienced delegates need to exchange ideas and develop a more effective outreach program that we would put in place prior to the CPM and carry through the conference. Once we identify someone with country ties based on any number of reasons, he or she should be our contact person for more than just one conference if possible. The effectiveness of the outreach program would benefit by a delegation message of the day or a list of issues for which we are soliciting views. This worked very effectively at WRC-2000 in focusing delegation efforts. Prior to the CPM, we should develop a list of questions, such as what are the views of countries on each of the issues. The CPM could then also serve as a focused fact gathering process for each agenda item, so we could come out of the CPM with a more complete understanding of the issues, positions and concerns etc. of countries and regions. Often when we draft position papers for the WRC, we are lacking information on other countries' views unless it is included in their proposals.

D. Should WRC outreach activities be integrated with other international activities of the State Department, NTIA and FCC? If so, how?

Answer: No, no, and no.

E. How effective were the Delegation Consultations prior to WRC-03? Were they started in a timely manner?

Answer: No they were not started in a timely manner. They should be started at the CPM and be continued from there. The consultations were effective due to the diligence of the Ambassador and her team but rushed.

8. Training

A. Are trained and qualified Federal Government Spokespersons and issue coordinators available throughout the WRC preparatory process and especially at the Conference?

Answer: In general, yes, to a large extent the Federal Government spokespersons and issue coordinators have been effective.

B. Are training programs needed for spokespersons and delegates? If so, what should they consist of?

Answer: While some orientation and mentorship is helpful for new delegation participants, experience is the best guide. The Delegation training held prior to WRC-03 had some useful information, but mandatory training for experienced delegates is probably unnecessary.

C. Is preparatory training needed for general participation in ITU-R Study Groups in support of WRC activities? If so, what should it consist of?

Answer: No, preparatory training for general participation in ITU-R study activities is not necessary. While such training could be beneficial for new participants, it would be impossible to train everyone who might participate in such an open process. Perhaps State could publish guidelines/expectations for delegate participation in the international meetings. Additionally, it might be useful to publish some Web-based Training that is publicly accessible for anyone interested in the process. For example, a briefing on how the ITU-R study process and the ITAC-R within the US work could be beneficial to newcomers to this aspect of spectrum management.

D. What steps should be taken to maintain a cadre of experienced personnel in the Federal Government in order for them to assume leadership and spokesperson roles at future WRCs?

Answer: The ability and means for the Federal Government to retain experienced spectrum management personnel is very much needed in general. The cadre of experienced personnel in this area is limited and such personnel have demonstrated a history of switching employers somewhat frequently.

9. WRC Domestic Implementation Process.

A. In the past, the United States has been faced with challenges regarding the implementation of WRC decisions. What can be done to improve this process?

Answer: Both the NTIA and FCC need to strive for timely consideration of all WRC decisions, including those that only affect the Federal Government. In the past, WRC decisions that only affected or benefited the Federal Government were not implemented in a timely manner, sometimes being delayed as long as 8 or more years. (Note: The process laid out following WRC-2003 will be a major improvement IF it is completed as scheduled).

B. The GAO report noted that Federal Agencies are concerned that WRC allocation decisions of primary interest to the Federal Government go without action, how can the process be improved to ensure equal treatment of both government and private sector interests?

Answer: The process can be improved by having both NTIA and FCC be integral to the schedule for consideration of WRC decisions (not just the FCC). Office of Spectrum Policy oversight would ensure timely implementation of results.

C. Should FCC/NTIA develop a plan and schedule to complete rulemaking for each WRC agenda item? If so, within what timeframe of WRC completion should the plan be executed?

Answer: Yes, they should jointly develop a plan with a suitable schedule. Rulemakings should be completed within one year following the conclusion of the WRC for ALL WRC agenda items.

General Areas

A. In broad terms, what goals should the United States have for WRCs? How should these goals be established?

Answer: Goals for WRCs should be based upon the requirements of both the Federal and non-Federal entities. These goals should be established and disseminated by an Office of Spectrum Policy and should be in the best interest of the country as a whole, considering both Federal and non-Federal requirements.

B. How effective has the United States been in the WRC process?

Answer: The US is consistently very successful at WRCs and we should recognize that fact. This can be attributed to the fact that: 1) we surround our Head of Delegation with experienced delegates that help develop strategies and work the corridors lobbying key delegates from countries that are driving issues; and, 2) our large and, for the most part, experienced delegations work hard and are driven to succeed.

C. What have been the benefits and costs of regional preparation for WRCs?

Answer: Regional preparation is becoming an absolute requirement for ensuring success at the WRC. Regional views are increasingly sought over individual administration views. The cost of such regional preparation is a loss of autonomy and possible compromise of US positions even before the start of the Conference.

D. How often should WRCs occur and what, if any, limitations should the U.S. support regarding WRC agendas.

Answer: The period between successive WRCs should be no less than 3 years or more than 5 years. This ensures that there may be sufficient time to perform the necessary technical work to support the agenda items while at the same time keeping the WRCs timely and relevant. WRC Agendas should be limited to those items that have a realistic chance of resolution by the next Conference.

E. Over the years, there has been concern among WRC participants (government and non-government) regarding staffing issues. Do NTIA and the Federal Agencies have sufficient staff with appropriate expertise to support spectrum management activities in the WRC preparation process?

Answer: Staffing varies from agency to agency. Expertise, more often than numbers, is essential. The NTIA is reasonably staffed, but certainly not to excess.