UNITED STATES OF AMERICA

DRAFT PRELIMINARY VIEWS ON WRC-11

AGENDA ITEM 7: to consider possible changes in response to Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference: “Advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks”, in accordance with Resolution 86 (Rev.WRC-07)

ISSUE: Satellite operators need a definitive list of networks from the Bureau with which coordination needs to be effected (No. 9.36 of RR).

BACKGROUND: The regulations currently in force - namely provisions Nos. 9.36 and 9.36.2 – indicate that the Bureau, when it examines a request for coordination in application of Nos. 9.34 - 9.38, shall identify any administration with which coordination may need to be effected.

Provision No. 9.36.2 further specifies that “in the case of coordination under Nos. 9.7, 9.7A and 9.7B, the Bureau shall also identify the specific satellite networks or earth stations with which coordination needs to be effected. In the case of coordination under No. 9.7 the list of the networks identified by the Bureau under No. 9.27 is for information purposes only, to help administrations comply with this procedure.”

Assuming that the coordination request of a network of administration A has been published and that administration B has been identified by the Radiocommunications Bureau (Bureau) under No. 9.7 as one of the administrations with which coordination has to be effected. As the list of the satellite networks of administration B provided by the Bureau is “for information purposes only”, administration A will not necessarily know the complete list of networks of administration B that have to be considered until bilateral coordination between A and B is conducted. This is not desirable, especially because detailed coordination is often conducted between operators, whereas satellite networks are submitted to the ITU by administrations. Operator-to-operator coordination agreements are subsequently ratified by the administrations involved and a formal coordination meeting between administrations may never happen. Therefore, the operator of administration A associated with the satellite network under consideration may never know the complete list of networks of administration B with which coordination is required.

Provision No. 9.36.2 stipulates that the Bureau identifies the satellite networks with which coordination needs to be effected in the framework of the coordination procedure foreseen in Article 9 (Section II) for the coordination forms 9.7 to 9.7B. The Bureau uses for this identification either the “coordination arc” (CA) concept or the method described in Appendix 8 (ΔT/T > 6%). On the above basis, the Bureau establishes the list of affected administrations (No. 9.36) and a list of satellite networks, which may be affected by the network contained in the “incoming” coordination request. The latter list, however, may not be complete or definitive for a given coordination request. Under the provisions of No. 9.41 the administrations which are not included in the list under No. 9.36 may request their inclusion in this list, identifying networks outside the coordination arc for which the value of ΔT/T calculated by the method in Appendix 8 exceeds 6%.
In addition, administrations which are included in the list of 9.36 may at a later time request that, in addition to the networks included in the list of No. 9.36.2, other networks should also be included in the coordination process. The latter case does not seem to be covered by the provisions of No. 9.41 which treats only cases of administrations not included in the first list established under No. 9.36 rather than the networks. Consequently, this problem needs to be solved by the administrations during bilateral coordination discussions. A further difficulty is that the additions under No. 9.41 to the list of the affected administrations can only be handled by addenda to the BR first publication under No. 9.38 at different times, after the first publication (see Nos. 9.41 and 9.42). While the additionally affected administrations are in this way published and consequently known by all the administrations after the four-month comment period, the complete list of networks to be considered is not available, as the list of networks originally published under No. 9.36.2 is not updated.

Having experienced the above difficulties, the RRB has established a Rule of Procedure (RoP) concerning the application of Provisions Nos. 9.41 and 9.42. This RoP is attached to the present document for information. (Annex 1). The RoP recognizes that under the current regulations the list of affected networks (No. 9.36.2) cannot be considered as exhaustive. In addition, it is also recognized that when administrations disagree on the list of networks to be considered the problem can only be solved by the Bureau at the very end of the notification process (Article 11, Nos. 11.32A, and probably 11.41).

The wording of No. 9.41 excludes from its application those administrations which have been selected for inclusion in the list of affected administration under No. 9.36. These administrations may also find that some of their networks which were not included in the list of No. 9.36.2—since they were outside the coordination arc—should be included into the coordination procedure as their ΔT/T value exceeds the threshold value of 6%. Logically for these administrations the concept of No. 9.41 should also apply. The current Rule of Procedure on Nos. 9.41 – 9.42 recognizes this problem (see §.2.1 of the RoP in Annex 1) and suggests that such cases should be considered under No. 9.52 (disagreement communicated to the initiating administration). For such a case the Rule states that the administration should, "while applying No. 9.52 and without having to apply No. 9.41, bring into the bilateral coordination discussion any of their networks located outside the coordination arc which meet the ΔT/T > 6% criterion."

In view of the above considerations, it seems logical and necessary to open the application of the concept of No. 9.41 also for those administrations, which have already been identified as affected administrations under No. 9.36, to allow for the possible addition of networks, which were not identified under No. 9.36.2 where the only criterion applied was the coordination arc.

**U.S. VIEW:** Changes to Article 9 and Appendix 5 of the Radio Regulations are required in order to allow the Bureau to generate a definitive list of administrations and corresponding satellite networks with which coordination needs to be effected as early as possible in the coordination process.

An improvement to the process would be for the list of networks identified under No. 9.36.2 with respect to coordination under No. 9.7 to be considered provisional and not "for information
only". Currently, according to No. 9.41, within the period of four months following the publication of a coordination request, administrations are able to request that an administration be added or removed from the list generated by the Bureau. In an improved process, this possibility would be expanded so that requests could also be made to add or remove networks from the list generated by the Bureau. The Bureau would then study all these requests (see No. 9.42) and subsequently publish, at the earliest possible date, a definitive list of administrations and corresponding satellite networks with which coordination would be required.

Consequential changes to Article 9 and Appendix 5 of the Radio Regulations will be required in order to implement these proposals. *(Ref. RCS – 2181/3)*

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8 Requests for addition of an administration should also include the specification of the networks of this administration to be considered in the coordination.
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ISSUE: The issue is to consider modification to Article 9 and the application of Nos. 9.51 and 9.52 with respect to coordination under No. 9.7.

BACKGROUND: For sake of discussion, assume that the coordination request of a network of administration A has been published and that administration B has been identified by the Radiocommunication Bureau (Bureau) under No. 9.7 as one of the administrations with which coordination has to be effected.

Then, according No. 9.51, administration B, within four months of the publication of the coordination request, shall “either inform the requesting administration of its agreement or act under No. 9.52,” with the latter meaning that administration B will express its disagreement, i.e. the need for coordination.

In the vast majority of cases, administrations respond in accordance with No. 9.52 without providing any reasons for their disagreement. It is certainly the easiest and safest way to proceed.

Therefore, the required formal answer under Nos. 9.51 or 9.52 has lost its value in the framework of GSO to GSO coordination. An improvement to this aspect of the process can be realized by lifting the mandatory nature of this requirement for coordination requests made under No. 9.7 (GSO vs. GSO).

In an improved process, after the coordination request of a satellite network of administration A is published together with the initial list of administrations and corresponding provisional list of satellite networks with which coordination has to be effected, administrations would review this list. In case an administration wants to add or remove itself and/or a network, then it would send this request to the Bureau, as well as to administration A, within four months of the date of publication of the coordination request. However, if an administration agrees with the initial list of administrations and provisional list of corresponding networks published by the Bureau, no action is required. In particular, an administration already included in the list would not be removed from the final list due to lack of response under No.9.52 as such lack of a response would be understood by the Bureau to mean that this administration believes that coordination with one or more of its networks is required. Removing the requirement to respond under No. 9.52 will eliminate a significant amount of correspondence that in most cases does not contribute in any way to expedite coordination process.
Consequential changes to Article 9 of the Radio Regulations will be required in order to implement these proposals.

**U.S. VIEW:** Changes to Article 9 of the Radio Regulations are required so that if an administration, in respect to a coordination request from another administration, is not in a position to give its agreement under No. 9.51 then this administration would not need to respond to such a request. The lack of a response would be understood by the Bureau to mean that this administration believes that coordination with one or more of its networks is required. *(Ref. RCS-2182/2)*