UNITED STATES OF AMERICA

DRAFT PROPOSALS FOR THE WORK OF THE CONFERENCE

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: Modifications to No. 13.6 to clarify the Radiocommunications Bureau’s (BR) actions before cancelling a network and the subsequent confirmation of the cancellation by the Radiocommunication Regulations Board (RRB).

Background Information: Under No. 13.4, the BR is solely responsible for maintenance of the Master Register in accordance with the Rules of Procedure. One of the BR’s duties, under No. 13.6, is to consult with the notifying administration in the case where reliable information has been brought to the BR’s attention that a recorded assignment has not been brought into regular operation in accordance with the filed characteristics. The first sentence of No. 13.6 states “… the Bureau shall consult the notifying administration and, subject to its agreement or in the event of non-response after the dispatch of two consecutive reminders, each within a three-month period, shall either cancel, or suitably modify, or retain the basic characteristics of the entry.” A reminder is only necessary in the case of non-response, which includes the situation where the administration replies but does not respond to the inquiry.

The time period during which the BR dispatches the two consecutive reminders is not completely clear. There is no timeframe specified by which the administration must respond. This proposal clarifies the time period of the reminders and limits the administration response time. This proposal adopts the 30-day response time for clarifications concerning notices. This proposal modifies No. 13.6 to specify a one-month period between the initial inquiry and the first reminder, a one-month period between the first reminder and the second reminder, and a one-month period after the second reminder by which the notifying administration must respond. This retains the spirit of the three month period currently provided for in No. 13.6 and clarifies its application.

The last sentence of No. 13.6 states that “A decision of the Bureau to cancel the entry in the event of non-response shall be confirmed by the Board.” There are two ways of understanding this wording:

- That the Bureau’s decision was in force from the time that it was taken by the Bureau and subject to confirmation by the Board, or
- That the Bureau’s decision did not come into force until it was confirmed by the Board.

The practice followed by the Bureau, as confirmed by the Board, is to implement the decision immediately, subject to later confirmation by the Board. Notwithstanding the situation that the Bureau would have to restore the assignments and inform all affected administrations should the
Board not confirm the Bureau’s decision, the primary advantage to this approach is that the cancelled assignments no longer have to be taken into account by the Bureau or other administrations with respect to coordination. This proposal modifies No. 13.6 to specify that the Bureau’s decision to cancel an assignment takes effect immediately, but is subject to confirmation by the Board.

Proposal:

ARTICLE 13

Instruction to the Bureau

Section II – Maintenance of the Master Register and World Plans by the Bureau

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13.6  b) whenever it appears from reliable information available that a recorded assignment has not been brought into regular operation in accordance with the notified required characteristics as specified in Appendix 4, or is not being used in accordance with those characteristics, the Bureau shall consult the notifying administration and request clarification as to whether the assignment was brought into use in accordance with the notified characteristics and continues to be in regular operation. If the notifying administration does not provide clarification within one month, the Bureau shall issue a reminder. In the event the notifying administration does not respond within one month of the first reminder, the Bureau shall issue a second reminder. Subject to its agreement of the notifying administration or in the event of the notifying administration does not respond within non-response one month after the dispatch of two consecutive the second reminders, each within a three-month period, the Bureau shall either cancel, or suitably modify, or retain the basic characteristics of the entry. A decision of the Bureau to cancel the entry in the event of non-response shall take effect immediately, but is subject to be confirmed confirmation by the Board.

Reasons: To clarify the BR’s actions with respect to No. 13.6 for requesting clarification from administrations before network cancellation and to clarify the RRB’s role in confirming any network cancellations.