UNITED STATES OF AMERICA

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: Nos. 23.13, 23.13A, 23.13B and 23.13C of the Radio Regulations

Background Information: No. 23.13 and its sub-provisions deal with broadcasting-satellite service (BSS) systems which have the capability to serve other countries. No. 23.13 has been the subject of intense debate at many past WRCs. WRC-95 adopted Resolution 531 (WRC-95), which (through Section 5.3.1 of Annex 1) instructed the RRB to modify its Rule of Procedure for (then) S23.13. The instructions were very similar to the provisions 23.13A and 23.13B added by WRC-2000—an administration must comment within four months to object to its inclusion in the service area of a BSS network after its publication, and if no agreement is reached between the concerned administrations, then the service area would be modified to exclude the objecting administration’s territory, without changing the network’s coverage area. Non-commenting administrations were assumed to have no objection to inclusion in the service area (which is different from provision 23.13C adopted subsequently by WRC-2000). Resolution 531 (WRC-95) also maintained clear separation between agreements under S23.13 and Article 4 of Appendix 30.

At WRC-97, Resolution 536 was adopted, regarding the operation of broadcasting satellites serving other countries. It resolves “that, in addition to observing No. S23.13/2674, and before providing satellite broadcasting services to other administrations, administrations originating the services should obtain the agreement of those other administrations.” The United States took a reservation against this Resolution stating “that it disagrees with aspects of the resolution that would encourage administrations originating satellite broadcasting services to other administrations to obtain further agreement of administrations before providing such service.”

Finally, at WRC-2000, after extensive and contentious discussion, a balance was reached among the very different views regarding the issue. No. 23.13 was modified to include specific provisions—23.13A, 23.13B, and 23.13C—which detail how this provision is to be implemented in practice. Nos. 23.13A, 23.13B, and 23.13C were carefully crafted to describe the actions required if an agreement cannot be reached with an administration not wishing to be included in the BSS satellite’s service area. These provisions specifically require modification of a BSS satellite’s service area, which means the earth stations associated with the satellite network would not receive protection on the territory of the countries whose objection cannot be resolved. WRC-2000 also adopted Resolution 139, regarding use of fixed-satellite service systems for the provision of direct-to-home television broadcasting. This short Resolution ultimately asks for the ITU-R to conduct studies of use of FSS allocations for DTH and to report to WRC-03 for possible inclusion in a future agenda. No action was taken at WRC-03 in this regard and WRC-07 since decided to suppress the Resolution.
It is worth noting that since WRC-2000, Nos. 23.13, 23.13A, 23.13B, and 23.13C have not been touched, with no proposals from any administration to WRC-03 and -07 addressing these provisions, underscoring the fact that an appropriate balance between the concerns of administrations was achieved.

Recently there have been some speculations with regard to changes to No. 23.13 and its sub-provisions in several Working Parties of the ITU-R. One suggestion is that footnotes be added to the title of Article 23 stating that Section II of the Article applies to FSS transponders used for DTH transmissions, implying that No. 23.13 and its sub-provisions would apply to DTH FSS. Other suggested changes have been to modify Nos. 23.13B and 23.13C to be “consistent” with the wording of No. 23.13 itself. Such changes to 23.13B and 23.13C would require that the satellite’s physical “coverage area” be modified, contrary to the current requirement that its “service area” be modified. When these suggestions were raised in several Working Parties there was considerable opposition, and little support.

There are serious issues associated with the suggested changes to No 23.13. Firstly, the United States does not support any extension of No. 23.13 and its sub-provisions, or Article 23, to other services or applications like direct-to-home FSS. No useful purpose would be served by abandoning the present distinction between the BSS and the FSS. Many applications are unique to only one of the services and these applications justify maintaining the distinction between them.

Further, there is no inconsistency between No. 23.13 and its sub-provisions. The wording of No. 23.13A through 23.13C, which describe how No. 23.13 is implemented in practice, was carefully chosen in order to reach agreement across many administrations with diverse views at WRC-2000. The United States does not support reopening the difficult discussions associated with No. 23.13 and its sub-provisions.

In addition, Nos. 23.13A, 23.13B, and 23.13C were carefully crafted to specifically require only the modification of a BSS satellite’s service area, recognizing that modification of a satellite’s coverage area is simply not technically feasible, either from the perspective of modifying a satellite’s antenna, or designing a satellite antenna to exclude one country’s territory when the satellite provides service to neighboring countries. Such proposals would have grave detrimental effects on the future of the satellite industry as satellites are inherently regional or international in nature.

Proposal:

ARTICLE 23

Broadcasting services

Section I – Broadcasting service

NOC USA/7/1

Section II – Broadcasting-satellite service
23.13 § 4 In devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum, the radiation over the territory of other countries unless an agreement has been previously reached with such countries.

**NOC** USA/7/2

23.13A If the Bureau receives an indication of a written agreement under No. 23.13, it shall include reference to that agreement when the assignments to the system are recorded with reference to No. 23.13 in the Remarks column of the Master International Frequency Register or included in the Regions 1 and 3 List. (WRC-2000)

**NOC** USA/7/3

23.13B If, within the four-month period following the publication of the Special Section for a broadcasting-satellite service (except sound broadcasting) network submitted for coordination under Article 9 or Appendix 30, an administration informs the Bureau that all technical means have not been used to reduce the radiation over its territory, the Bureau shall draw the attention of the responsible administration to the comments received. The Bureau shall request the two administrations to make every effort possible in order to resolve the issue. Either administration may request the Bureau to study the matter and submit its report to the administrations concerned. If no agreement can be reached, then the Bureau shall delete the territory of the objecting administration from the service area without adversely affecting the rest of the service area and inform the responsible administration. (WRC-2000)

**NOC** USA/7/4

23.13C If, after the four-month period mentioned above, an administration objects to remaining in the service area, the Bureau shall delete the territory of the objecting administration from the service area of the broadcasting-satellite service (except sound broadcasting) network concerned without adversely affecting the rest of the service area and inform the responsible administration. (WRC-2000)

**Reasons:** No. 23.13 has been a very contentious issue at several past WRCs. The difficult compromise reached at WRC-2000 (where Nos. 23.13A thru 23.13C were added to explain what responsibilities administrations and the Radiocommunications Bureau have under No. 23.13) represents a delicate balance between the strongly differing views and should not be revisited. Nos. 23.13B and 23.13C were carefully drafted to require only modification of a satellite network's service area in the event of a continuing disagreement. Therefore, the United States is of the view that no action/modification is required on Nos. 23.13B and 23.13C.