UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
Washington, D.C. 20230

JUL 14 2010

Ms. Mindel De La Torre
Chief of the International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Ms. De La Torre:

The National Telecommunications and Information Administration (NTIA), on behalf of the Executive Branch agencies, approve the release of a draft Executive Branch proposal for WRC-12 agenda item 7 (satellite network filings). NTIA proposes to modify Nos. 11.41 and 11.43C.

NTIA considered the Federal agencies' input toward the development of U.S. proposals for WRC-12. NTIA forwards this package for consideration and review by your WRC-12 Advisory Committee. Dr. Darlene Drazenovich is the primary contact from my staff.

Sincerely,

Karl B. Nebbia
Associate Administrator
Office of Spectrum Management

UNTIED 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)***

Background Information: The Working Party of the Special Committee on Regulatory and Procedural Matters (SC-WP) is considering the application of Nos. **11.41** and **11.42**, in particular, the case of an interference complaint received within the four month period indicated in No. **11.41**.

The BR's initial proposal suggested that: "[i]f the interference is not eliminated by the end of the four-month period envisaged for simultaneous operation, the Bureau cancels the "incoming" assignment (i.e. the one recorded under No. **11.41**) and informs the concerned administration accordingly."

The BR proposal provides excessive control to the administration claiming interference, since there is no requirement to present proof of harmful interference. In the case of actual harmful interference, it may take considerable time to establish the source of interference potentially resulting in automatic cancellation in case of unresolved complaints under the BR and SC-WP proposal.

The SC-WP also considered complaints of interference received after the four-month period. The BR's initial proposal suggested that: "For complaint received beyond the four month period indicated in No. **11.41**, it requests the administration responsible for the "incoming" assignment (i.e. the one recorded under No. **11.41**) to eliminate the harmful interference immediately under No. **11.42**. The matter is thereafter dealt with in accordance with the procedures set forth in Article **15** of the Radio Regulations."

In summary, if an interference complaint is received against a new assignment within the first four months of a new assignment and the interference is not eliminated, the BR will cancel the new assignment. If an interference complaint is received after the first four months, the BR will ask the new assignee to eliminate the interference immediately and Article **15** applies.

Also, the BR addressed definitive and provisional recordings of frequency assignments and related articles of the Radio Regulations. An assignment receiving an unfavorable finding for not completing coordination and filing under No.**11.41** is considered as "provisional." If no interference has occurred between the provisional assignment and any assignment for which was the basis for the unfavorable finding during the four month period, then the provisional is changed to "definitive." An assignment recorded under No. **11.41**, even if the status changes from provisional to definitive, is still considered by the BR at a lower status to the assignment for which the unfavorable finding was based under No.**11.32A**.

There should be no difference in treatment applied to situations where the interference complaints occur within or outside the four-month period. Therefore, an assignment recorded under No. **11.41** should be equal to the status of the existing assignment which was the basis for

the unfavorable findings under No.**11.32A** if coordination with the latter is completed and should not be seen as "always lower." This could be a disincentive to complete coordination.

This proposal modifies Article **11** of the Radio Regulations to clarify that interference complaints related to Nos. **11.41** and **11.42** should be treated equally following the provisions of Article **15**. The status of an assignment initially recorded under No. **11.41** should be equal to the status of the existing assignment which was the basis for the unfavorable findings under No. **11.32A** if coordination is later completed with respect to that existing assignment.

Proposals:

ARTICLE 11

Notification and recording of frequency assignments[1, 2, 3, 4, 5, 6, 7] (WRC-07)

Section II – Examination of notices and recording of frequency assignments in the Master Register

MOD USA/7/1

11.42 Should harmful interference be caused by an assignment recorded either provisionally or definitively under No. **11.41** to any recorded assignment which was the basis of the unfavourable finding, the station using the frequency assignment recorded under No. **11.41** shall, upon receipt of advice thereof under the provisions of Article **15**, immediately eliminate this harmful interference.

Reasons: To clarify that the harmful interference situations addressed in No.11.42 should be addressed treated equally following the provisions of Article 15 instead of using a specific procedure applicable only to such situations.

MOD USA/7/2

11.43C Where the notifying administration resubmits the notice and the Bureau finds that the coordination procedures specified in No. **11.32** have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Bureau of the original notice shall be entered in the appropriate column of the Master Register. The date of receipt by the Bureau of the resubmitted notice shall be entered in the "Remarks" column and any conditions related to initial recording under **No. 11.41** shall be removed.

Reasons: To ensure the status of an assignment initially recorded under No. 11.41 is equal to the status of the existing assignment which was the basis for the unfavourable findings under No. 11.32A if coordination is later completed with respect to that existing assignment.