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

February 24, 2005

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Mr. Abelson:

The National Telecommunications and Information Administration on behalf of the Executive Branch Agencies, wishes to bring to your attention additional approved draft preliminary Executive Branch view considering federal agency inputs toward the development of U.S. preliminary views for WRC-2007.

The enclosure, which contains a revised preliminary view for agenda item 1.12, is forwarded for review by the WRC-2007 Advisory Committee. Jim Vorhies of my staff is the primary contact for NTIA.

Sincerely

Fredrick R. Wentland
Associate Administrator
Office of Spectrum Management

United States of America

DRAFT PRELIMINARY VIEWS ON WRC-07

WRC-07 Agenda Item 1.12[1]: 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 (WRC-03)**;

BACKGROUND: Resolution **86 (Rev. Marrakesh, 2002)** requested that WRC-03 and subsequent Conferences review the regulatory procedures associated with the advance publication, coordination, notification and recording of frequency assignments pertaining to satellite network with the aim to simplifying the process and providing the BR and administrations with cost savings while maintaining the guiding principles outlined in the Constitution and the Radio Regulations.

WRC-03 identified in Resolution **86 (WRC-03)** the scope and the criteria to be used for the implementation of Resolution **86 (Rev. Marrakesh, 2002)**. *Resolves 1* of Resolution **86 (WRC-03)** specifically states that WRC-07 should "consider any proposals which deal with deficiencies in the advance publication, coordination, notification and recording procedures of the Radio Regulations (RR) for space services which have either been identified by the Board and included in the Rules of Procedure or which have been identified by administrations or by the Bureau as appropriate." WRC-03 also resolved that future WRCs consider any proposals that are intended to transform the content of the Rules of Procedure into regulatory text.

For a number of years the ITU has been struggling with how to manage the extensive development of satellite networks and their associated filings at the ITU-BR. Such developments have put a strain on the application of the RR by the BR, which has the responsibility for the processing and examination of the advance publications, coordination requests and notifications of satellite networks.

The burden was such that backlogs have developed and methodologies were developed for trying to improve the process. However, experience has indicated that such methodologies could be improved. In addition, the ITU is itself in a budgetary crisis which has lead to concern that all of its necessary functions can be supported.

It appears that some of the concerns that have arisen could be mitigated through some modifications of Articles **9** and **11** of the RR. Such modifications could allow the BR staff to carry out their responsibilities more efficiently and effectively. This would result in better service to administrations and more time to provide assistance to individual administrations meriting such support. Such modifications could have the consequential effect of reducing the amount of time necessary for the BR to spend on processing satellite filings and making the result of the BR's work more beneficial to administrations.

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[1] **RCS – 1799/3**

In connection with Resolution **86 (WRC-03)**, the Conference also adopted the following resolutions to address some of the potential issues: Resolution **88** which deals with the rationalization of Articles 9 and 11 of the Radio Regulations, Resolution **89** regarding the backlog of satellite network filings and Resolution **901** which concerns the extension of the coordination arc concept to new bands and services.

ISSUES:

1) Resolution 86 (WRC-03) – Scope and criteria to be used for the implementation of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference

a) Transformation of Rules of Procedure into Radio Regulations

Resolves 1 and *Resolves 2* of Resolution **86 (WRC-03)** address the transformation of Rules of Procedure into regulatory text on the basis of proposals received by WRC-07. In addition, **Nos. 13.0.1** and **13.02** require the Radio Regulations Board (RRB) to submit to the coming WRC modifications to the Radio Regulations needed to alleviate difficulties in the Radio Regulations whether or not they were resolved by Rules of Procedures. For those difficulties that were resolved by Rules of Procedure, the RRB is to include its suggestions in the Report of the Director to the conference, which will be treated under agenda item 7.1. *Considering e)* of Resolution **88 (WRC-03)** also refers to the extensive development of Rules or Procedure to facilitate understanding and interpretation of the Radio Regulations.

b) Ensuring that procedures, characteristics and appendices reflect the latest technologies

Resolves 3 of Resolution **86 (WRC-03)** addressees the need for provisions of the Radio Regulations to take into account technologies as they develop.

c) Simplification of the Radio Regulations for space services

Resolves 5 of Resolution **86 (WRC-03)** addresses changes to provisions of the Radio Regulations for space services that would result in the simplification of the procedures and the work of the Bureau and/or administrations. Simplification is also addressed in the *considerings* of Resolution **88 (WRC-03)**.

d) Changes as a result of a Plenipotentiary Conference

Resolves 6 of Resolution **86 (WRC-03)** addresses changes to the Radio Regulations that follow from decisions of a Plenipotentiary Conference on space matters.

2) Resolution 88 (WRC-03) - Rationalization of Articles 9 and 11 of the Radio Regulations

It appears that some of the concerns that have arisen could be mitigated through some modifications of Articles **9** and **11** of the RR. Such modifications could allow the BR staff to carry out their responsibilities more efficiently and effectively. This would result in better service to administrations and more time to provide assistance to individual administrations meriting such support. Such modifications could have the consequential effect of reducing the amount of time necessary for the BR to spend on processing satellite filings and making the result of the BR's work more beneficial to administrations.

Resolution **88 (WRC-03)** recognizes the attempts of various groups within the ITU, beginning with the Voluntary Group of Experts (VGE), to simplify the Radio Regulations, systematically remove unnecessary duplication, inconsistency and complexity and to address omissions. This Resolution resolves that the rationalization, clarification and possible simplification of Articles **9** and **11** be considered by a future conference under Resolution **86 (Rev. Marrakesh, 2002)**. CPM06-1 assigned the Special Committee on Regulatory and Procedural Matters as the responsible group for the Resolution **88 (WRC-03)** aspects of agenda item 1.12.

3) Resolution 89 (WRC-03) – Backlog in satellite filings

Resolution **89** addresses the issue of reducing the backlog of satellite filings by means of removing unnecessary data in Appendix **4** to reduce processing time, identifying inconsistencies in Appendix **4**, and improving the overall database structure and software for electronic filing, particularly the means for validating satellite network filings.

4) Resolution 901 (WRC-03) – Determination of the orbital arc separation for which coordination would be required between two satellite networks operating in a space service not subject to a Plan

Resolution **901 (WRC-03)** recognized that no difficulties have resulted from the current implementation of the coordination arc concept for certain frequency bands and services. WRC-03 provisionally extended the concept for the BSS and FSS to include bands above 17.3 GHz that are not already covered and specified orbital separations that would apply. Resolution **901 (WRC-03)** invites the ITU-R to conduct studies on the applicability of the coordination arc concept for bands and services where this concept is not currently covered in the Radio Regulations and recommend the orbital separation required for triggering coordination to be considered by a future conference for incorporation into Appendix **5** of the Radio Regulations.

U.S. VIEWS:

1) Resolution 86 (WRC-03) – Scope and criteria to be used for the implementation of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference

a) Transformation of Rules of Procedure into Radio Regulations

The U.S. supports the transformation of Rules of Procedure into Radio Regulations where doing so would alleviate known difficulties and considers this an ongoing activity beyond WRC-07. In view of the wide ranging treatment of the Radio Regulations under agenda item 1.12, the U.S. is of the view that WRC-07 could transform some but not all of the current Rules of Procedures into Radio Regulations. Additional Rules of Procedure are inevitable as a result of WRC-07 decisions. In the process of transforming Rules of Procedures into Radio Regulations, it will be important to highlight any differences between the proposed regulation and the current Rule of Procedure.

b) Ensuring that procedures reflect the latest technologies

The U.S. could support modification of the Radio Regulations when the existing procedures, characteristics, and appendices are ineffective for the assessment and management of changes in the interference environment due to the introduction of new technologies.

c) Simplification of the Radio Regulations for space services

The U.S. supports the continued simplification of the Radio Regulations procedures that would facilitate their understanding and minimize the need for associated Rules of Procedure.

d) Changes as a result of a Plenipotentiary Conference

The U.S. is of the view that the decisions of past Plenipotentiary Conferences as well as the future Plenipotentiary Conferences in 2006 are within the scope of this activity. The U.S. will focus its efforts on assessing the decisions of the 2006 Plenipotentiary Conference to identify any changes to the Radio Regulations that may be required.

2) Resolution 88 (WRC-03) - Rationalization of Articles 9 and 11 of the Radio Regulations

The U.S. supports the continued modification, including simplification, of the Radio Regulations procedures that would facilitate their understanding and minimize the need for associated Rules of Procedure. The U.S. is committed to working through the study groups and with other administrations toward that end.

At this preliminary stage, it is the view of the U.S. that the work of the ITU staff could potentially be made more efficient and effective through modification of Articles **9** and **11** of the Radio Regulations. However, it is important to ensure that proposed modifications to rationalize and simplify Articles **9** and **11** do not alter the regulatory rights currently afforded to assignments of satellite network filings from the application of satellite coordination and notification procedures. Studies are required to determine which modifications of Articles **9** and **11**, if any, would be appropriate.

In the context of agenda item 1.12, the U.S. understands the term "rationalization" to mean clarification, simplification, and improvement of Articles 9 and **11** and not a complete replacement or major rewrite of Articles **9** and **11**. In view of the wide ranging treatment of the Radio Regulations under Resolution **86 (WRC-03)**, the U.S. doubts that extensive revision and restructuring of Articles **9** and **11** in accordance with Resolution **88 (WRC-03)** can be successfully treated by WRC-07. The cascading effect on other Articles of the Radio Regulations, the inadvertent introduction of errors and inconsistencies requiring more Rules of Procedure, and the resultant state of uncertainty for the Bureau and Administrations are a few of the anticipated difficulties. The U.S. supports selective modification of Articles **9** and **11** based on specific needs and opposes extensive revision and restructuring.

3) Resolution 89 (WRC-03) – Backlog in satellite filings

The U.S. supports correcting inconsistencies and removing unnecessary data elements from Appendix **4**. Unnecessary data is understood as data which is duplicative or not useful in the context of the coordination of satellite networks by Administrations. The U.S. supports the continuing improvement of the database structure and software for electronic filing by the Bureau but does not view these initiatives as WRC matters.

4) Resolution 901 (WRC-03) – Orbital arc separation for coordination

The U.S. supports the coordination arc concept as currently reflected in the Radio Regulations as it facilitates the work of administrations and the Bureau. Any extension of this concept to other frequency bands and other services or the confirmation or revision of the provisional values for the BSS and FSS for bands above 17.3 GHz should be based on technical studies taking into account that the coordination arc concept, if appropriate, may require different values for different services and frequency bands. As is currently provided for in Appendix 5 for GSO/GSO coordination under **No. 9.7**, administrations should retain the right to request to be included in coordination based on the value of $\Delta T/T$ exceeding 6% even if the coordination arc threshold condition is not met.