**UNITED STATES OF AMERICA**

**DRAFT PROPOSAL FOR THE WORK OF THE CONFERENCE**

**Agenda Item 8**: *to consider and take appropriate action on requests from administrations to delete their country footnotes or to have their country name deleted from footnotes, if no longer required, taking into account Resolution 26 (Rev. WRC-07).*

**Background Information**: The frequency bands 512‒608 and 614‒698 MHz are allocated to the broadcasting service on a primary basis in Region 2.[[1]](#footnote-1) Presently, Footnote No. 5.297 allocates 512‒608 MHz to the fixed and mobile services on a co-primary basis with broadcasting in Canada, Costa Rica, Cuba, El Salvador, the United States, Guatemala, Guyana, and Jamaica, subject to agreement obtained under No. 9.21, and to the mobile service on a primary basis with broadcasting in the Bahamas, Barbados, and Mexico, subject to agreement obtained under No. 9.21. At WRC-15, Footnote No. 5.295 was added to identify the frequency band 470‒608 MHz or portions thereof for International Mobile Telecommunications (IMT) in the Bahamas, Canada, the United States, and Mexico – see Resolution 224 (5.idR2a, WRC-15).

The United States sought co-primary allocation with broadcasting of the spectrum 512‒608 and 614‒698 MHz to the fixed and mobile service and identification for IMT use as a preliminary step in anticipation of a possible outcome of its “Incentive Auction,” which sought to use economic market forces to determine the highest and best use of spectrum within the band 470‒698 MHz.[[2]](#footnote-2) Because the United States did not know in advance how much spectrum would be repurposed from broadcasting to mobile, it allocated to the mobile service on a co-primary basis with broadcasting all possible spectrum that could be repurposed.

The United States has determined that it must clearly identify where broadcast television and mobile wireless services will be permitted and must modify its frequency allocations to reflect the outcome of the Incentive Auction.[[3]](#footnote-3) Specifically, the United States has determined that the spectrum 512‒608 MHz will not be used for the mobile or fixed services and will remain used for broadcasting exclusively.[[4]](#footnote-4) Canada[[5]](#footnote-5) and Mexico[[6]](#footnote-6) have made similar determinations. Accordingly, this proposal will withdraw the United States from Footnote 5.297.

The United States has also determined that the spectrum 470‒608 MHz will not be identified for use for IMT and will be used either for the broadcasting service only (512‒608 MHz) or for the broadcasting, fixed and land mobile services only (470‒512 MHz). Accordingly, this proposal will withdraw the United States from Footnote 5.295, as its continuation of identifying the frequency band 470–608 MHz, or portions thereof, for International Mobile Telecommunications (IMT), with or without priority for IMT in the Radio Regulations, would invariably lead to a conflict with RR 4.4 and its goal of the prevention of harmful interference.

CONSIDERING:

1. That the frequency band 470–694/698 MHz, or portions thereof, is the only band that is harmonized and used on a global scale for over-the-air broadcast television;
2. That the frequency band 512–608 MHz was allocated by some administrations for fixed and mobile services on a co-primary basis with broadcasting in accordance with No. 5.297;
3. That the frequency band 470–608 MHz or portions thereof was identified by some administrations at the 2015 World Radiocommunication Conference (WRC-15) for International Mobile Telecommunications (IMT) in footnote No. 5.295;
4. That terrestrial television broadcasting is one of the most important and efficient mass communications media for delivering news, information, cultural programs, and entertainment free of charge to the general public;
5. That terrestrial broadcasting networks have a long life cycle, and a stable regulatory environment is necessary to provide protection of investment and to encourage future development of the service;
6. That the ITU and regional organizations have emphasized[[7]](#footnote-7) that AI 8 is primarily to propose the *deletion* (not retention or addition) of their country footnotes or of their country names from footnotes, if no longer required, to keep them up to date, clear and effective, for the purpose of achieving global harmonization in spectrum use, and that therefore the need for sufficient time to examine the potential consequences of additive proposals under AI 8 does not apply in the case of a country name deletion; and
7. That the fact that the U.S. has not allocated the 512–608 MHz band for mobile services at all makes retaining any identification in FN 5.295 in the case of the U.S. for mobile services makes no sense, having become extraneous, misleading and contrary to the charge to ITU members found in Radio Regulations 4.4 to hold as paramount that “Member States shall not assign to a station any frequency in derogation of either the Table of Frequency Allocations in this Chapter or the other provisions of these Regulations, except on the express condition that such a station, when using such a frequency assignment, shall not cause harmful interference to, and shall not claim protection from harmful interference caused by, a station operating in accordance with the provisions of … these Regulations.”

RECOGNIZING:

1. That the frequency band 470–608 MHz is allocated to the broadcasting service on a primary basis in Region 2;
2. That the United States has no current or projected plans to use the frequency band 470–608 MHz for mobile services, including IMT; and
3. That in proposing the deletion of country footnotes or country names in footnotes (if no longer required) administrations should be aware of implications on affected countries, factors which have been taken into consideration by the United States.

**Proposals**:

**MOD** USA/8/1

Radio Regulations Volume 1

ARTICLE 5

**Frequency allocations**

**Section IV – Table of Frequency Allocations**

|  |  |  |  |
| --- | --- | --- | --- |
| 460-890 MHz | | | |
| Allocation to services | | |
| Region 1 | Region 2 | Region 3 |
| … | | |
| 470-694  BROADCASTING  5.149 5.291A 5.294 5.296  5.300 5.304 5.306 5.311A  5.312 | 470-512  BROADCASTING  Fixed  Mobile  5.292 5.293 **MOD** 5.295 | 470-585  FIXED  MOBILE 5.296A  BROADCASTING  5.291 5.298 |
| 512-608  BROADCASTING  **MOD** 5.295 **MOD** 5.297 |
| 585-610  FIXED  MOBILE 5.296A  BROADCASTING  RADIONAVIGATION  5.149 5.305 5.306 5.307 |
| 608-614  RADIO ASTRONOMY  Mobile-satellite except aeronautical mobile-satellite (Earth-to-space) |
| 610-890  FIXED  MOBILE 5.296A 5.313A  5.317A  BROADCASTING  5.149 5.305 5.306 5.307 5.311A 5.320 |
| 614-698  BROADCASTING  Fixed  Mobile  5.293 5.308 5.308A 5.309 5.311A |
| … |
| … |

**Reasons**: See below.

**MOD** USA/8/2

5.297 Additional allocation: in Canada, Costa Rica, Cuba, El Salvador**~~, the United States~~**, Guatemala, Guyana and Jamaica, the frequency band 512-608 MHz is also allocated to the fixed and mobile services on a primary basis, subject to agreement obtained under No. 9.21. In the Bahamas, Barbados and Mexico, the frequency band 512-608 MHz is also allocated to the mobile service on a primary basis, subject to agreement obtained under No. 9.21. (WRC-15)

**Reasons**: The United States has determined that the spectrum 512‒608 MHz will not be used for the mobile service and will remain used for the broadcasting service exclusively.

**MOD** USA/8/3

5.295 In the Bahamas, Barbados, Canada~~, the United States~~ and Mexico, the frequency band 470-608 MHz, or portions thereof, is identified for International Mobile Telecommunications (IMT) – see Resolution 224 (Rev.WRC-15). This identification does not preclude the use of these frequency bands by any application of the services to which they are allocated and does not establish priority in the Radio Regulations. Mobile service stations of the IMT system within the frequency band are subject to agreement obtained under No. 9.21 and shall not cause harmful interference to, or claim protection from, the broadcasting service of neighbouring countries. Nos. 5.43 and 5.43A apply. In Mexico, the use of IMT in this frequency band will not start before 31 December 2018 and may be extended if agreed by the neighbouring countries. (WRC-15).

**Reasons**: The United States has determined that the spectrum 470‒608 MHz will not be allocated or used, now or in the foreseeable future, for the mobile service or the fixed service, or identified for IMT, and 512‒608 MHz will remain used for the broadcasting service only, while 470‒512 MHz will remain used for the broadcasting service and the land mobile service on a co-primary basis.

1. RR5-57 [↑](#footnote-ref-1)
2. See FCC Report and Order, “In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions,” GN Docket 12-268, adopted May 15, 2014, para. 317ff. [↑](#footnote-ref-2)
3. *Ibid*, para 321. [↑](#footnote-ref-3)
4. See FCC Order, “In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions,” GN Docket 12-268, adopted September 11, 2017, para. 4. [↑](#footnote-ref-4)
5. See ISED, “Proposed Revisions to the Canadian Table of Frequency Allocations [2017] Edition,” SMSE-005-17, page 21-23. [↑](#footnote-ref-5)
6. See IFT letter to Mindel de la Torre, FCC, IFT/222/UER/168/2015, 15 July 2015. [↑](#footnote-ref-6)
7. See, *e.g*., Asia-Pacific Telecommunity, “PRELIMINARY VIEWS ON WRC-19 AGENDA ITEM 8,” Document APG19-3/OUT-29, 16 March 2018. [↑](#footnote-ref-7)