

United States of America

DRAFT PROPOSALS FOR THE WORK OF THE CONFERENCE

WRC-11 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: Access to the geostationary orbit (GSO) has become increasingly difficult over the years, in large part due to difficulties in fully coordinating new orbital positions and applying the relevant provisions of the Radio Regulations. As highlighted at the most recent ITU Radiocommunications Bureau (BR) workshop on efficient use of the spectrum/orbit resource and in ITU administrative circular CR/301, it has been noted that some unused frequency and GSO resources remain recorded in the Master International Frequency Register, which serves to worsen this problem. As such, improving transparency into actual usage of frequency and GSO resources could help to improve this situation.

For non-planned satellite bands, No. **11.44** of the Radio Regulations (RR) requires that the notified date of bringing into use of any assignment to a space station of a satellite network shall not be later than seven years following the date of receipt of the relevant complete information under RR No. **9.1** or **9.2**, as appropriate. Additionally, this provision states that any frequency assignment not brought into use within the required period shall be cancelled by the BR. When the notified date of bringing into use of frequency assignments is earlier than the date of submission of the Notification request, the Notification request itself is considered by the BR as confirmation that the frequency assignments have been brought into use. Furthermore, RR No. **11.47** clarifies the requirement for administrations to inform the BR of frequencies assignments brought into use for the case of assignments being Notified before being brought into use. Therefore, it can be considered that there are two separate requirements. Under the first, the BR must receive the Notification information for frequency assignments in a network by the end of the regulatory lifetime of the satellite network filing, whereas under the second the BR must have been informed that the frequency assignments have actually been brought into use by a date certain.

The potential difficulty with the current process is that it can result in uncertainty for administrations as to the status of frequency assignments provisionally entered into the MIFR. This is due to the fact that, while administrations can examine the SRS database for details pertaining to notified frequency assignments that have been submitted to the BR (Part I-S), or examined by the BR and found to be in conformity with the Radio Regulations (Part II-S), they cannot readily determine whether or not administrations have informed the BR that frequency

assignments have been brought into use, and if so the date on which they were brought into use. This can result in uncertainty for administrations as to the provisional or definitive status of frequency assignments in the MIFR, or whether an administration has missed the deadline under RR No. 11.44 entirely and it is simply a matter of time before the provisionally notified frequency assignments are suppressed.

The uncertainty associated with satellite networks actually brought into use can be addressed by having the BR make information received from administrations regarding the bringing into use of frequency assignments for specific satellite networks at a specific orbital location publicly available. The BR has established, on a trial basis, two web pages for providing such information: <http://www.itu.int/ITU-R/space/snl/listinuse/> for non-planned bands and http://www.itu.int/ITU-R/space/snl/listinuse_plan/ for planned bands. The BR should be instructed to continue to build the list of networks contained on these pages and to make these pages permanent. In addition, it ~~would~~ also be useful if, on this same web page, a hyperlink were included to the Resolution 49 information associated with the bringing into use of the frequency assignments in question.

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Deleted: satellite network were also posted, such as: identity of the satellite network, frequency band(s) brought into use, name of the satellite, name of the spacecraft manufacturer, launch vehicle provider, name of the launch vehicle. While it is true that this information is already required under Resolution 49 (Rev.WRC-07), it may be quite helpful to have it all assembled in one location on the aforementioned web pages.

In addition to the uncertainty associated with networks actually brought into use, there can also be uncertainty associated with the Annex 2 data of Resolution 49. This is due to the fact that Resolution 49 calls for data to be submitted as early as possible before the end of the regulatory lifetime of the filing, or as early as possible before satellite launch and, for a variety of reasons, it is possible for certain of these data elements to change after such initial submission of the data. Such changes add to the uncertainty associated with the GSO resources actually being used by administrations.

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In order to address the uncertainties associated with Resolution 49 data, it is proposed to modify this Resolution. The proposed changes entail requiring submission of Resolution 49 data only after the BR has been informed that frequency assignments have been brought into use. In this way, the Resolution 49 data would become definitive as there will be certainty associated with the data called for in Annex 2 of the Resolution (i.e. launch date, launch provider, name of satellite, frequency bands on the satellite, etc.).

Proposal:

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The uncertainty associated with satellite networks actually brought into use could be addressed as follows:

11.43 In every case when a new assignment is recorded in the Master Register it shall, in accordance with the provisions of Article 8 of this Chapter, include an indication of the finding reflecting the status of the assignment. This information shall also be published in the BR IFIC (see also Resolution BIU).

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Deleted: 19bis. For the case of initial recording in the Master Register for frequency assignment(s) of a given network, the BR shall, on an appropriate web page, also include information pertaining to the date of bringing into use for the given network along with reference to the most current Resolution 49 data for the network.

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RESOLUTION BIU (Rev.WRC-11)

Publication of bringing into use data for satellite networks

The World Radiocommunication Conference (Geneva, 2011).

considering

- a) that access to the geostationary orbit (GSO) has become increasingly difficult over the years ;
- b) that this difficulty is due, in large part, to difficulties in fully coordinating new orbital positions and applying the relevant provisions of the Radio Regulations;
- c) that it has been noted that unused frequency and GSO resources remain recorded in the Master International Frequency Register, and this further adds to the difficulty in accessing the GSO;
- d) that it is currently cumbersome, and in some cases not possible, for administrations to determine if the Bureau has been informed that frequency assignments associated with a given satellite network have been brought into use;
- e) that improving the ability of administrations to identify the networks for which the Bureau has been informed have been brought into use would help to address some of the aforementioned difficulties;
- f) that a readily accessible website, maintained by the Bureau, on which information related to the date of bringing into use of satellite networks is displayed would improve the access to this information by administrations,

resolves to instruct the Director of the Radiocommunications Bureau

- 1 to take the necessary steps to create a website, as part of the Bureau's collection of web pages, on which data pertaining to the bringing into use of satellite networks is displayed;
- 2 upon receipt from an administration of information indicating the date of bringing into use of frequency assignments associated with a particular satellite network, to include the information associated with this indication on this website along with an indication as to whether, in the Bureau's view, the frequency assignments are confirmed as being brought into use;
- 3 to also include on this website other pertinent information that will allow a unique correlation of the indication that frequency assignments have been brought into use with a particular satellite network;
- 4 to include on this website a hyperlink to the associated resolution 49 data for the particular network.

Reasons:

To improve transparency into GSO resources actually being used by making bringing into use data for satellite networks readily available.

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The uncertainty associated with changes to Resolution 49 Annex 2 data can be addressed as follows:

Deleted: RESOLUTION 49
(Rev.WRC-07)[¶]
**Administrative due diligence
applicable to some satellite
radiocommunication services[¶]**
ANNEX 1 TO RESOLUTION 49
(Rev.WRC-07)[¶]
[¶]
12bis . Should there be changes to any of
the Resolution 49 data submitted under
§12 above after initial submission of such
data, but before and up to actual launch of
the satellite network, administrations
shall resubmit the data specified in
Annex 2 to this Resolution.[¶]

RESOLUTION 49 (Rev.WRC-11)

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Administrative due diligence applicable to some satellite radiocommunication services

The World Radiocommunication Conference (Geneva, 2011),

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considering

- a) that Resolution 18 of the Plenipotentiary Conference (Kyoto, 1994) instructed the Director of the Radiocommunication Bureau to initiate a review of some important issues concerning international satellite network coordination and to make a preliminary report to WRC-95 and a final report to WRC-97;
- b) that the Director of the Bureau provided a comprehensive report to WRC-97, including a number of recommendations for action as soon as possible and for identifying areas requiring further study;
- c) that one of the recommendations in the Director's report to WRC-97 was that administrative due diligence should be adopted as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use;
- d) that experience gained in the application of the administrative due diligence procedures adopted by WRC-97 **indicates certain changes should be made to those procedures**;
- e) that new regulatory approaches may need to be carefully considered in order to avoid adverse effects on networks already going through the different phases of the procedures;
- f) that Article 44 of the Constitution sets out the basic principles for the use of the radio-frequency spectrum and the geostationary-satellite and other satellite orbits, taking into account the needs of developing countries,

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considering further

- g) that WRC-97 decided to reduce the regulatory time-frame for bringing a satellite network into use;
- h) that WRC-2000 has considered the results of the implementation of the administrative due diligence procedures and prepared a report to the 2002 Plenipotentiary Conference in response to Resolution 85 (Minneapolis, 1998),

resolves

1 that the administrative due diligence procedure contained in Annex 1 to this Resolution shall be applied as from 22 November 1997 for a satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service for which the advance publication information under No. **9.2B**, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *b*) of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *a*) of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area, or for which the request for additional uses in Regions 1 and 3 under § 4.1 of Article 4 of Appendices **30** and **30A**, or for which the submission of information under supplementary provisions applicable to additional uses in the planned bands as defined in Article 2 of Appendix **30B** (Section III of Article 6) has been received by the Bureau from 22 November 1997, or for which submission under Article 6 of Appendix **30B** (**Rev.WRC-07**) is received on or after 17 November 2007, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments¹ for inclusion in the Appendix **30B** Plan;

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Deleted: 2. that for a satellite network or satellite system within the scope of § 1 or 3 of Annex 1 to this Resolution not yet recorded in the Master International Frequency Register (MIFR) by 22 November 1997, for which the advance publication information under No. **1042** of the Radio Regulations (Edition of 1990, revised in 1994) or for the application of Section III of Article 6 of Appendix **30B** has been received by the Bureau before 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 21 November 2004, or before the expiry of the notified period for bringing the satellite network into use, plus any extension period which shall not exceed three years pursuant to the application of No. **1550** of the Radio Regulations (Edition of 1990, revised in 1994) or the dates specified in the relevant provisions Article 6 of Appendix **30B**, whichever date comes earlier. If the date of bringing into use, including extension specified above, is before 1 July 1998, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 1 July 1998;

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2bis that for a satellite network or satellite system within the scope of § 2 of Annex 1 to this Resolution not recorded in the MIFR by 22 November 1997, for which the request for a modification to the Plans of Appendices **30** and **30A** has been received by the Bureau before 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution as early as possible before the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix **30** and the relevant provisions of Article 4 of Appendix **30A**;

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¹ See § 2.3 of Appendix **30B** (**Rev.WRC-07**).

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further resolves

that the procedures in this Resolution are in addition to the provisions under Article 9 or 11 of the Radio Regulations or Appendices 30, 30A or 30B, as applicable, and, in particular, do not affect the requirement to coordinate under those provisions (Appendices 30, 30A) in respect of extending the service area to another country or countries in addition to the existing service area,

instructs the Director of the Radiocommunication Bureau

to report to future competent world radiocommunication conferences on the results of the implementation of the administrative due diligence procedure.

ANNEX 1 TO RESOLUTION 49 (Rev.WRC-07)

1 Any satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service with frequency assignments that are subject to coordination under Nos. 9.7, 9.11, 9.12, 9.12A and 9.13 and Resolution 33 (Rev.WRC-03) shall be subject to these procedures.

2 Any request for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices 30 and 30A that involve the addition of new frequencies or orbit positions or for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices 30 and 30A that extend the service area to another country or countries in addition to the existing service area or request for additional uses in Regions 1 and 3 under the relevant provisions of Article 4 of Appendices 30 and 30A shall be subject to these procedures.

3 Any submission of information under Article 6 of Appendix 30B (Rev.WRC-07), with the exception of submissions of new Member States seeking the acquisition of their respective national allotments² for inclusion in the Appendix 30B Plan, shall be subject to these procedures.

4 An administration indicating to the Bureau that frequency assignments for a satellite network under § 1 above have been brought into use shall send to the Bureau the complete due diligence information specified in Annex 2 to this Resolution. This information shall be submitted no earlier than the date of submission indicating that frequency assignments have been brought into use, and no later than [1] month[s] after the date of submission indicating that frequency assignments have been brought into use.

5 An administration indicating to the Bureau that frequency assignments associated with a requested modification of the Region 2 Plan or with additional uses in Regions 1 and 3 under Appendices 30 and 30A under § 2 above have been brought into use shall send to the Bureau the complete due diligence information specified in Annex 2 to this Resolution. This information shall be submitted no earlier than the date of submission indicating that frequency assignments

Deleted: 3 . that for a satellite network or satellite system within the scope of § 1, 2 or 3 of Annex 1 to this Resolution recorded in the MIFR by 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 21 November 2000, or before the notified date of bringing the satellite network into use (including any extension period), whichever date comes later;

Deleted: 4 . that six months before the expiry date specified in *resolves 2 or 2bis* above, if the responsible administration has not submitted the due diligence information, the Bureau shall send a reminder to that administration;

Deleted: 5 . that if the due diligence information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. In any case, the complete due diligence information shall be received by the Bureau before the expiry date specified in *resolves 2 or 2bis* above, as appropriate, and shall be published by the Bureau in the International Frequency Information Circular (BR IFIC);

Deleted: 6 . that if the complete due diligence information is not received by the Bureau before the expiry date specified in *resolves 2 or 2bis* above, the request for coordination or request for a modification to the Plans of Appendices 30 and 30A or for application of Section III of Article 6 of Appendix 30B as covered by *resolves 1* above submitted to the Bureau shall be cancelled. Any modifications of the Plans (Appendices 30 and 30A) shall lapse and any recording in the MIFR as well as recordings in the Appendix 30B List shall be deleted by the Bureau after it has informed the concerned administration. The Bureau shall publish this information in the BR IFIC

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Deleted: as early as possible before the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix 30 and the relevant provisions of Article 4 of Appendix 30A,

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² See § 2.3 of Appendix 30B (Rev.WRC-07).

have been brought into use, and no later than [1] month[s] after the date of submission indicating that frequency assignments have been brought into use.

6 An administration indicating to the Bureau that frequency assignments associated with the application of Article 6 of Appendix 30B (Rev.WRC-07) under § 3 above have been brought into use shall send to the Bureau the complete due diligence information specified in Annex 2 to this Resolution. This information shall be submitted no earlier than the date of submission indicating that frequency assignments have been brought into use, and no later than [1] month[s] after the date of submission indicating that frequency assignments have been brought into use.

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7 The information to be submitted in accordance with § 4, 5 or 6 above shall be signed by an authorized official of the notifying administration or of an administration that is acting on behalf of a group of named administrations.

8 On receipt of the due diligence information under § 4, 5 or 6 above, the Bureau shall promptly examine that information for completeness. If the information is found to be complete, the Bureau shall publish the complete information in a special section of the BR IFIC within 30 days.

9 If the information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. In such cases, the administration shall provide the missing information within [1] month[s] after receiving the request for the additional information from the Bureau.

11 If the complete due diligence information is not received by the Bureau within the time limits specified in this Resolution, the networks covered by § 1, 2 or 3 above shall no longer be taken into account and shall not be recorded in the MIFR. The provisional recording in the MIFR shall be deleted by the Bureau after it has informed the concerned administration. The Bureau shall publish this information in the BR IFIC.

Deleted: In all cases, the complete due diligence information shall be received by the Bureau within the appropriate time period specified in § 4, 5 or 6 above, as the case may be, relating to the date of bringing the satellite network into use.

Deleted: 10. Six months before expiry of the period specified in § 4, 5 or 6 above and if the administration responsible for the satellite network has not submitted the due diligence information under § 4, 5 or 6 above, the Bureau shall send a reminder to the responsible administration.¶

With respect to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices 30 and 30A under § 2 above, the modification shall lapse if the due diligence information is not submitted in accordance with this Resolution.

With respect to the request for application of Article 6 of Appendix 30B (Rev.WRC-07) under § 3 above, the network shall also be deleted from the Appendix 30B List. When an allotment under Appendix 30B is converted into an assignment, the assignment shall be reinstated in the Plan in accordance with § 6.33 c) of Article 6 of Appendix 30B (Rev.WRC-07).

13 When an administration has completely fulfilled the due diligence procedure but has not completed coordination, this does not preclude the application of No. 11.41 by that administration.

Deleted: 12. An administration notifying a satellite network under § 1, 2 or 3 above for recording in the MIFR shall send to the Bureau, as early as possible before the date of bringing into use, the due diligence information relating to the identity of the satellite network and the launch services provider specified in Annex 2 to this Resolution.¶

ANNEX 2 TO RESOLUTION 49 (Rev.WRC-07)

A Identity of the satellite network

- a) Identity of the satellite network
- b) Name of the administration

- c)* Country symbol
- d)* Reference to the advance publication information or to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A**; or reference to the information processed under Article 6 of Appendix **30B (Rev.WRC-07)**
- e)* Reference to the request for coordination (not applicable for Appendices **30, 30A** and **30B**)
- f)* Frequency band(s)
- g)* Name of the operator
- h)* Name of the satellite
- i)* Orbital characteristics.

B Spacecraft manufacturer*

- a)* Name of the spacecraft manufacturer
- b)* Date of execution of the contract
- c)* Contractual “delivery window”
- d)* Number of satellites procured.

C Launch services provider

- a)* Name of the launch vehicle provider
- b)* Date of execution of the contract
- c)* Launch or in-orbit delivery window
- d)* Name of the launch vehicle
- e)* Name and location of the launch facility.

Reasons:

To improve the accuracy of Resolution 49 data recorded by the ITU.

* NOTE – In cases where a contract for satellite procurement covers more than one satellite, the relevant information shall be submitted for each satellite.