

UNITED STATES OF AMERICA

DRAFT PROPOSAL FOR 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)

ISSUE: List of networks with which coordination needs to be effected (No. 9.36 of RR)

BACKGROUND: For the coordination between geostationary satellite networks (No. 9.7), the Bureau identifies the administrations with which coordination has to be effected as well as the respective satellite networks. However, the list of identified satellite networks is for information only. Coordination would be facilitated if, after receiving comments from all interested administrations, the Bureau would render definitive the list of networks with which coordination has to be effected. This proposal contains the necessary changes to the Radio Regulations in order to achieve this goal.

The regulations currently in force - namely provisions Nos. **9.36** and **9.36.2** – indicate that the Bureau, when it examines a request for coordination in application of Nos. **9.34** – **9.38**, shall identify any administration with which coordination may need to be effected.

Provision No. **9.36.2** further specifies that “*in the case of coordination under Nos. 9.7, 9.7A and 9.7B, the Bureau shall also identify the specific satellite networks or earth stations with which coordination needs to be effected. In the case of coordination under No. 9.7 the list of the networks identified by the Bureau under No. 9.27 is for information purposes only, to help administrations comply with this procedure.*”

In this context, for sake of discussion assume that the coordination request of a network of administration A has been published and that administration B has been identified by the Bureau under No. **9.7** as one of the administrations with which coordination has to be effected.

As the list of the satellite networks of administration B provided by the Bureau is “for information purposes only”, administration A will not necessarily know the complete list of networks of administration B that have to be considered until bilateral coordination between A and B is conducted. This is not desirable, especially because detailed coordination is often conducted between operators, whereas satellite networks are submitted to the ITU by administrations. Operator-to-operator coordination agreements are subsequently ratified by the administrations involved and a formal coordination meeting between administrations may never happen. Therefore the operator of administration A associated with the satellite network under consideration may never

know the complete list of networks of administration B with which coordination is required.

Provision No. **9.36.2** stipulates that the Bureau identifies the satellite networks with which coordination needs to be effected in the framework of the coordination procedure foreseen in Article **9** (Section II) for the coordination forms **9.7** to **9.7B**. The Bureau uses for this identification either the “coordination arc” (CA) concept or the method described in Appendix **8** ($\Delta T/T > 6\%$). On the above basis, the BR establishes the list of affected administrations (No. **9.36**) and a list of satellite networks which may be affected by the network contained in the “incoming” coordination request. The latter list, however, may not be complete or definitive for a given coordination request. Under the provisions of No. **9.41** the administrations which are not included in the list under No. **9.36** may request their inclusion in this list, identifying networks outside the coordination arc for which the value of $\Delta T/T$ calculated by the method in Appendix **8** exceeds 6%. In addition, administrations which are included in the list of **9.36** may at a later time request that, in addition to the networks included in the list of No. **9.36.2**, other networks should also be included in the coordination process. The latter case does not seem to be covered by the provisions of No. **9.41** which treats only cases of administrations not included in the first list established under No. **9.36** rather than the networks. Consequently, this problem needs to be solved by the administrations during bilateral coordination discussions. A further difficulty is that the additions under No. **9.41** to the list of the affected administrations can only be handled by addenda to the BR first publication under No. **9.38** at different times, after the first publication (see Nos. **9.41** and **9.42**). While the additionally affected administrations are in this way published and consequently known by all the administrations after the 4 month comment period, the complete list of networks to be considered is not available, as the list of networks originally published under No. **9.36.2** is not updated.

Having experienced the above difficulties, a Rule of Procedure (RoP) concerning the application of Provisions Nos. **9.41** and **9.42** has been established. This RoP is attached to the present document for information. (Annex 1). The RoP recognizes that under the current regulations the list of affected networks (No. **9.36.2**) cannot be considered as exhaustive. In addition, it is also recognized that when administrations disagree on the list of networks to be considered the problem can only be solved by the Bureau at the very end of the notification process (Article **11**, Nos. **11.32A**, and probably **11.41**) It is noted that the wording of No. **9.41** excludes from its application those administrations which have been selected for inclusion in the list of affected administration under No. **9.36**. These administrations may also find that some of their networks which were not included in the list of No. **9.36.2** – since they were outside the coordination arc – should be included into the coordination procedure as their $\Delta T/T$ value exceeds the threshold value of 6%. Logically for these administrations the concept of No. **9.41** should also apply. The current Rule of Procedure on Nos. **9.41** – **9.42** recognizes this problem (see §.2.1 of the RoP in Annex 1) and suggests that such cases should be considered under No. **9.52** (disagreement communicated to the initiating administration). For such a case the Rule states that the administration should, “*while applying No. 9.52 and without having to apply No. 9.41, bring into the bilateral coordination discussion*

any of their networks located outside the coordination arc which meet the $\Delta T/T > 6\%$ criterion.”

In view of the above considerations, it seems logical and necessary to open the application of the concept of No. **9.41** also for those administrations which have already been identified as affected administrations under No. **9.36**, to allow for the possible addition of networks which were not identified under No. **9.36.2** where the only criterion applied was the coordination arc.

In summary, an improvement to the process would be for the list of networks identified under No. **9.36.2** with respect to coordination under No. **9.7** to be considered provisional and not “for information only”. Currently, according to No. **9.41**, within the period of four months following the publication of a coordination request, administrations are able to request that an administration be added or removed from the list generated by the Bureau. In an improved process, this possibility would be expanded so that requests could also be made to add or remove networks from the list generated by the Bureau.¹ The Bureau would then study all these requests (see No. **9.42**) and subsequently publish, at the earliest possible date, a definitive list of administrations and corresponding satellite networks with which coordination would be required.

Consequential changes to Article 9 and Appendix 5 of the Radio Regulations will be required in order to implement these proposals.

U.S. PROPOSAL: In view of the above the United States proposes that changes to Article 9 and Appendix 5 of the Radio Regulations be introduced in order to allow that a definitive list of administrations and corresponding satellite networks with which coordination needs to be effected be generated as early as possible in the coordination process. These changes are specified in Annex 2.

¹ Requests for addition of an administration should also include the specification of the networks of this administration to be considered in the coordination.

Annex 1

Extracts from the Rules of Procedure

9.41 – 9.42

1 The Board has closely studied the situation and the reasons that led to the adoption of the coordination arc (CA) principle at WRC-2000 and in particular Nos. **9.41** and **9.42**. In doing so, it was guided by *recognizing* and *considering* of Resolution **55 (WRC-2000)**, by Article **9** in general, and by Nos. **9.36, 9.36.2** and Appendix **5**.

2 The Board has accordingly arrived at the following conclusions regarding the application of the provisions of No. **9.41** by an administration which considers that its name should have been identified under No. **9.36** in the context of a request for coordination stemming from the application of No. **9.7** (including for cases not having to do with application of coordination arc):

2.1 Once an administration has been identified and included in the coordination requirements of a particular assignment published in a coordination special section, coordination is to be effected between administrations (not between networks) who decide, based on Appendix **5**, which networks they wish to take into account in their bilateral discussions. The list of satellite networks published under No. **9.36.2** is intended for information purposes only, and thus should not be considered as exhaustive. Administrations identified on the basis of CA can, while applying No. **9.52** and without having to apply No. **9.41**, bring into the bilateral coordination discussions any of their networks located outside of the coordination arc which meet the $\Delta T/T > 6\%$ criterion. In this case, no action is undertaken by the Bureau under No. **9.42**.

2.2 Administrations not identified by CA are entitled, based on the $\Delta T/T > 6\%$ criterion, to be included in coordination, in application of Nos. **9.41** and **9.42**. Requests under No. **9.41** must be substantiated by $\Delta T/T > 6\%$ calculations. To minimize the administrative burden on the Bureau and administrations, it shall be deemed sufficient for an administration wishing to be added in a coordination request under No. **9.41** to provide $\Delta T/T > 6\%$ calculations for only one pair of assignments for each satellite network to be further considered in the coordination process (a pair consisting of one assignment of the published network and one assignment of the network of the requesting administration); the Bureau will then examine all assignments of the specific networks of the requesting administration and then establish coordination requirements for all the assignments of the network referred to in the publication vis-à-vis the requesting administration under No. **9.42** commensurate with the results of such examination.

3 In case of continuing disagreement between the administration of the published network and an administration involved in coordination under Nos. **9.7** or **9.42**, which cannot be resolved between them at coordination stage, the two administrations may communicate to the Bureau a mutually agreed list of networks to be taken into account for examination under No. **11.32A** at notification stage. If the two administrations cannot agree on such a list, the Board decided that examination under No. **11.32A** at notification stage will be carried out with respect to all networks of the latter administration, indicated in application of § 2 of this Rule, whose assignments, identified in accordance with § 1 of Appendix **5**, have $\Delta T/T$ greater than 6%.

Annex 2

Proposed Modifications to Some Provisions of the Radio Regulations

MOD

²¹**9.36.2** In the case of coordination under Nos. **9.7**, **9.7A** and **9.7B**, the Bureau shall also identify the specific satellite networks or earth stations with which coordination needs to be effected. (See also No. 9.42.1.) ~~In the case of coordination under No. **9.7** the list of the networks identified by the Bureau under No. **9.27** is for information purposes only, to help administrations comply with this procedure.~~

Reason: To make the list of affected networks an exhaustive, official list for the coordination under 9.7 and therefore avoid unnecessary discussions between administration concerning the status of the assignments/networks which are to be included or not in the bilateral coordination negotiations. According to the addition proposed under No. 9.42.1 hereafter this list will be updated after each action under Nos. 9.41-9.42, and at the end of this procedure, will be made available to the administrations as an exhaustive and official list of networks with which coordination needs to be effected.

MOD

9.41 Following receipt of the BR IFIC referring to requests for coordination under Nos. **9.7** to **9.7B**, an administration believing that it should have been included in the request or the initiating administration believing that an administration or any of its networks identified under No. **9.36** in accordance with the provisions of No. **9.7** (GSO/GSO) (items 1) to 8) of the frequency band column), No. **9.7A** (GSO earth station/non-GSO system) or No. **9.7B** (non-GSO system/GSO earth station) of Table 5-1 of Appendix 5 should not have been included in the request, shall, within four months of the date of publication of the relevant BR IFIC, inform the initiating administration or the identified administration, as appropriate, and the Bureau, giving its technical reasons for doing so, and shall request that its name and the complete associated list of its networks be included or that the name of the identified administration or any of its networks be excluded, as appropriate.

Reason: To allow the initiating administration to propose changes not only to the list of administrations identified by the BR but also to the list of networks associated with these administrations. To require that an administration that wants to be included in the coordination, but has not been identified by the BR, also identify all of its specific networks to be considered.

ADD

9.41A Following receipt of the BR IFIC referring to requests for coordination under Nos. 9.7 to 9.7B, an administration already identified under No. 9.36 as an affected administration, may propose changes to the list of its networks provisionally identified by the BR. In particular, if this administration considers that the value of $\Delta T/T$ calculated by the method in § 2.2.1.2 and 3.2 of Appendix 8 exceeds 6% for some other network(s) outside the coordination arc in addition to those included in the provisional list of networks under No. 9.36.2, it may request the inclusion of this (these) other network(s) in the list. This administration shall, within four months of the date of publication of the relevant BR IFIC, inform the initiating administration and the Bureau of any proposed changes to the list established under No. 9.36.2, giving its technical reasons for doing so.

Reason: To make available for administrations already identified as affected administration under No. 9.36 (because of their networks within the coordination arc) the possibility of adding networks outside the coordination arc provided the trigger level of $\Delta T/T$ is exceeded for these networks and of proposing any other changes to the list of networks identified by the BR.

MOD

9.42 The Bureau shall study ~~the~~is information received under Nos. **9.41** and **9.41A** on the basis of Appendix 5 and shall inform both administrations of its conclusions. Should the Bureau agree to include or exclude, as appropriate, the administration and/or associated networks in the request, it shall publish an addendum to the publication under No. **9.38**^{22A}

Reason: To make explicit reference to the two preceding provisions as now both are concerned and that inclusions and exclusions to the list may refer to administrations and/or networks.

Reason: To update the list originally established under No. 9.36.2 with the inclusions and/or exclusions of administrations and/or networks submitted by administrations under Nos. 9.41 and 9.41A and considered justifiable after studied by the BR under No. 9.42. The administration may use this list in their coordination negotiations as an exhaustive list of networks with which coordination has to be effected.

ADD

9.43A The list of networks identified for those administrations not responding under No. 9.41A within the time limit specified therein shall be regarded as definitive.

Reason: To make explicit that lack of a reply from an administration under No. 9.41A will be understood by the BR as agreement of that administration with its inclusion in the provisional list as well as with the associated list of its networks.

Appendix 5 (Table 5-1)

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Reference of Article 9 ²	Remarks
No. 9.7 GSO/GSO	With respect to the space services listed in the threshold/condition column in the bands in 1), 2), 3), 4), 5), 6), 7) and 8), an administration may request, pursuant to No. 9.41 to be included in requests for coordination, <u>or under No.9.41A to include into it additional networks</u> , indicating the networks for which the value of $\Delta T/T$ calculated by the method in § 2.2.1.2 and 3.2 of Appendix 8 exceeds 6%. When the Bureau, on request by an affected administration, studies this information pursuant to No. 9.42, the calculation method given in § 2.2.1.2 and 3.2 of Appendix 8 shall be used

Reason: To add a reference to the new provision No. 9.41A which allows those administrations already identified as affected administration under No. 9.36 (because of their networks within the coordination arc) to add networks outside the coordination arc, provided the trigger level of $\Delta T/T$ is exceeded for these networks.

² It is to be noted that in the above simplified presentation only the first and last columns of table 5-1 of Appendix 5 are shown. The other columns of this table are not to be modified.