

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, approves the release of the attached Executive Branch proposals for WRC-12 agenda items 7 No. 11.49 and 7 No. 13.6.

For agenda item 7, NTIA proposes to modify No. 11.49 to shorten the timelines for notifying the Bureau when an assignment is suspended and specify a timeline when an assignment is brought back into use. NTIA also proposes to modify No. 13.6 to clarify timelines associated with Bureau's actions and associated effective dates in maintaining the Master Register.

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

Sincerely,

(Original Signed January 24, 2011)

Karl B. Nebbia
Associate Administrator
Office of Spectrum Management

UNITED 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)

Issue: Modifications to No. 11.49 to clarify when an administration must inform the Bureau of a suspended network.

Background Information: No. 11.49 of the Radio Regulations allows for the use of a recorded assignment to a space station to be suspended for a finite period of time. The Rule of Procedure for No. 11.49 clarifies the time limit (two years) and states that suspensions may be effected by the administration either at its own initiative or in response to an inquiry by the BR under No. 13.6. During the BR's recent review of the Master Register for the C, Ku and Ka bands, almost half of the recent inquiries made under No. 13.6 resulted in suspensions under No. 11.49. In some cases, the operation was actually suspended many months before the BR inquiry under No. 13.6, but the BR was not informed until after the inquiry.

This document modifies No. 11.49 to quantify "as soon as possible" and proposes a period of "six months" to minimize delays or situations where the suspension is announced and the two year period begins after operation was actually suspended. This proposal modifies No. 11.49 to separate the declaration of suspension from the declaration of resumption to improve clarity in the formulation of this regulatory provision and provide certainty on the actual date of bringing the assignment back into regular operation.

Proposal:

ARTICLE 11
Notification and recording of frequency assignments
Section II - Examination of notices and recording of frequency assignments in the Master Register

MOD USA/7/1

11.49 Whenever the use of a recorded assignment to a space station is suspended, the notifying administration shall, as soon as possible, but no later than six months from the date on which the use was suspended, inform the Bureau of the date on which such use was suspended. The notifying administration shall also inform the Bureau of the date on which the assignment is brought back into regular use within 30 days of the assignment being brought back into use. The

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| date [of the assignment being brought back into use](#) shall not exceed two years from the date of suspension.

Reasons: Establishes a six-month period for the administration to notify the Bureau of the network's suspension and clarifies when an administration needs to inform the Bureau that the network has been brought back into use.

UNITED STATES OF AMERICA***DRAFT PROPOSALS FOR THE WORK OF THE CONFERENCE***

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Issue: Modifications to No. **13.6** to clarify the Radiocommunications Bureau’s (BR) actions before cancelling a network and the subsequent confirmation of the cancellation by the Radiocommunication Regulations Board (RRB).

Background Information: Under No. **13.4**, the BR is solely responsible for maintenance of the Master Register in accordance with the Rules of Procedure. One of the BR’s duties, under No. **13.6**, is to consult with the notifying administration in the case where reliable information has been brought to the BR’s attention that a recorded assignment has not been brought into regular operation in accordance with the filed characteristics. The first sentence of No. **13.6** states “... the Bureau shall consult the notifying administration and, subject to its agreement or in the event of non-response after the dispatch of two consecutive reminders, each within a three-month period, shall either cancel, or suitably modify, or retain the basic characteristics of the entry.” A reminder is only necessary in the case of non-response, which includes the situation where the administration replies but does not respond to the inquiry.

The time period during which the BR dispatches the two consecutive reminders is not completely clear. There is no timeframe specified by which the administration must respond. This proposal clarifies the time period of the reminders and limits the administration response time. This proposal adopts the 30-day response time for clarifications concerning notices. This proposal modifies No. **13.6** to specify a one-month period between the initial inquiry and the first reminder, a one-month period between the first reminder and the second reminder, and a one-month period after the second reminder by which the notifying administration must respond. This retains the spirit of the three month period currently provided for in No. **13.6** and clarifies its application.

The last sentence of No. **13.6** states that “A decision of the Bureau to cancel the entry in the event of non-response shall be confirmed by the Board.” There are two ways of understanding this wording:

- That the Bureau’s decision was in force from the time that it was taken by the Bureau and subject to confirmation by the Board, or

- That the Bureau’s decision did not come into force until it was confirmed by the Board.

The practice followed by the Bureau, as confirmed by the Board, is to implement the decision immediately, subject to later confirmation by the Board. Notwithstanding the situation that the Bureau would have to restore the assignments and inform all affected administrations should the Board not confirm the Bureau’s decision, the primary advantage to this approach is that the cancelled assignments no longer have to be taken into account by the Bureau or other administrations with respect to coordination. This proposal modifies No. 13.6 to specify that the Bureau’s decision to cancel an assignment takes effect immediately, but is subject to confirmation by the Board.

Proposal:

ARTICLE 13

Instruction to the Bureau

Section II – Maintenance of the Master Register and World Plans by the Bureau

MOD USA/7/1

13.6 *b)* whenever it appears from reliable information available that a recorded assignment has not been brought into regular operation in accordance with the notified required characteristics as specified in Appendix 4, or is not being used in accordance with those characteristics, the Bureau shall consult the notifying administration and request clarification as to whether the assignment was brought into use in accordance with the notified characteristics and continues to be in regular operation. If the notifying administration does not provide clarification within one month, the Bureau shall issue a reminder. In the event the notifying administration does not respond within one month of the first reminder, the Bureau shall issue a second reminder. Subject to the agreement of the notifying administration or in the event the notifying administration does not respond within one month of the second reminder, the Bureau shall either cancel, or suitably modify, or retain the basic characteristics of the entry. A decision of the Bureau to cancel the entry in the event of non-response shall take effect immediately, but is subject to confirmation by the Board.

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Reasons: To clarify the BR’s actions with respect to No. 13.6 for requesting clarification from administrations before network cancellation and to clarify the RRB’s role in confirming any network cancellations.