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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: Resolution **49** was initially adopted at WRC-97 as a consequence of a recommendation from the report of the Director of the Radiocommunications Bureau as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use. At the time that this Resolution was adopted there was a very large number of so-called "paper" satellite filings that were clogging the ITU satellite filing process and thereby potentially preventing other systems from proceeding. Resolution **49** effectively required administrations to submit basic due diligence information that would demonstrate the development of their satellite filings, during the lifetime of the filing, in order to maintain the filing in the ITU satellite database or maintain their listing in the MIFR.

Since its adoption, Resolution **49** has in fact contributed to reducing the satellite processing backlog at the ITU. A significant number of satellites filings have been removed from the ITU queue as a consequence of failure to provide the basic information called for in Resolution **49**. This Resolution has also shortened the lifetime of other paper filings by not allowing their time extension for failure to provide the required due diligence information. These are very positive results.

Changes were made to Resolution **49** at WRC-03 and WRC-07 as a consequence of proposals to those WRCs, and as a consequence of other changes to the Radio Regulations. Additional changes are now necessary in recognition of the fact that, with the passage of time, certain of the *resolves* in the Resolution refer to networks that either have satisfied the requirements of these *resolves* or no longer exist. It should be noted that deletion of these *resolves* will simplify the reading of the Resolution considerably.

In addition, to the issue discussed above, it is widely recognized that 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 recent ITU Radiocommunications Bureau (BR) workshops 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. These issues are most acute in certain frequency bands where ITU filing and actual usage are most congested.

One aspect that could be improved in the most congested satellite bands is a change in the requirements for provision of Resolution 49 data. This resolution 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. This is a useful requirement for all satellite networks. In addition, for those satellite bands where congestion is most severe, it would be useful to require administrations to update certain of the Resolution 49 data after a satellite network has been launched and brought into use, in order to ensure that the most accurate data is on file at the ITU.

It is proposed to modify Resolution 49 in order to address this second issue in the most congested satellite bands. The proposed changes entail requiring, for certain satellite bands, submission of updated Resolution 49 data for certain of the 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 data called for in the Resolution (i.e. launch provider, name of satellite, frequency bands on the satellite, etc.). The uncertainty associated with frequency assignments and satellite networks actually brought into use could be addressed as follows:

Proposal:

USA/xx/1 **MOD**

[20] **11.44.1** In the case of space station frequency assignments that are brought into use prior to the completion of the coordination process, and for which the Resolution **49 (Rev.WRC-12)** data have been submitted to the Bureau, the assignment shall continue to be taken into consideration for a maximum period of seven years from the date of receipt of the relevant information under No. **9.1**. If the first notice for recording of the assignments in question under No. **11.15** has not been received by the Bureau by the end of this seven-year period, the assignments shall no longer be taken into account by the Bureau and administrations. The Bureau shall inform the notifying administration of its pending actions three months in advance.

In the case of satellite networks for which relevant advance publication information has been received prior to 22 November 1997, the corresponding period will be nine years from the date of publication of this information. (WRC-2000)

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Reason: Consequential to changes being made to Resolution **49**.

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RESOLUTION 49 (Rev.WRC-12)

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Administrative due diligence applicable to some satellite radiocommunication services

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The World Radiocommunication Conference (Geneva, 2012),

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 for the most congested satellite bands;

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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,

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 allotments[1] for inclusion in the Appendix **30B** Plan;

2 that, in order to address particular satellite filing congestion issues in the bands 3 400- 4 200 MHz (space-to-Earth), 5 725-5 850 MHz (Earth-to-space) in Region 1, 5 850-6 725 MHz (Earth-to-space), 7025-7 075 MHz (space-to-Earth) and (Earth-to-space), 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 GHz (space-to-Earth), 11.7-12.2 GHz (space-to-Earth) in Region 2, 12.2-12.5 GHz (space-to-Earth) in Region3, 12.5-12.75 GHz (space-to-Earth) in Regions 1 and 3, 12.7-12.75 GHz (space-to-Earth) in Region 2, and 13.75-14.5 GHz (Earth-to-space), any satellite network or satellite system of the fixed-satellite service with frequency assignments in these frequency bands that are subject to coordination under Nos. **9.7**, **9.12**, **9.12A** and **9.13** and that are declared as brought into use after XX YY, 2012 shall be subject to the additional procedures contained in Annex 3 for assignments in the bands specified in this *resolves*.

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.

ANNEX 1 TO RESOLUTION 49 (Rev.WRC-12)

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.

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

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;¶
2*bis* . 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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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 noti ... [1]

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

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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 allotments[2] for inclusion in the Appendix **30B** Plan, shall be subject to these procedures.

4 An administration requesting coordination for a satellite network under § 1 above shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use in No. **9.1**, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

5 An administration requesting a modification of the Region 2 Plan or additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above shall send to the Bureau 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**, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

6 An administration applying Article 6 of Appendix **30B (Rev.WRC-07)** under § 3 above shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use in § 6.1 of that Article, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

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 an indication that frequency assignments for a particular satellite network have been brought into use, the BR shall post such information to a web page.

9 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.

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10 If the information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. 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.

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11 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.

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12 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.

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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

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

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 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.

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14 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.

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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.

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

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.

ANNEX 3 TO RESOLUTION 49 (Rev.WRC-12)

1 In addition to the requirements of ANNEX 1 above, any satellite network or satellite system of the fixed-satellite service, with frequency assignments in the bands 3 400- 4 200 MHz (space-to-Earth), 5 725-5 850 MHz (Earth-to-space) in Region 1, 5 850-6 725 MHz (Earth-to-space), 7025-7 075 MHz (space-to-Earth) and (Earth-to-space), 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 GHz (space-to-Earth), 11.7-12.2 GHz (space-to-Earth) in Region 2, 12.2-12.5 GHz (space-to-Earth) in Region3, 12.5-12.75 GHz (space-to-Earth) in Regions 1 and 3, 12.7-12.75 GHz (space-to-Earth) in Region 2, and 13.75-14.5 GHz (Earth-to-space) that are subject to coordination under Nos. **9.7**, **9.12**, **9.12A** and **9.13** shall be subject to these additional procedures for assignments in the bands specified herein.

2 An administration indicating to the Bureau that frequency assignments subject to §1 above have been brought into use shall send to the Bureau updated due diligence information specified in Annex 4 to this Resolution[3]. The indication to the BR that frequency assignments have been brought into use shall be made no later than [30] days after the declared date of bringing into use. Additionally, the updated information called for in Annex 4 to this Resolution shall be submitted no earlier than the declared date of bringing into use of the frequency assignments, and no later than [30] days after the declared date of bringing into use of the frequency assignments.

3 The information to be submitted in accordance with § 2 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.

4 On receipt of the updated information called for in Annex 4 to this Resolution under § 2 above, the Bureau shall promptly examine that information for completeness. If the information is found to be complete, the Bureau shall publish the complete updated information in a special section of the BR IFIC within [30] days.

5 Upon receipt of the complete updated information the BR shall post the indication that the frequency assignments have been brought into use on the declared date to a web page.

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6 If the information submitted under § 5 above is found to be incomplete, or if the updated information called for in § 2 above is not submitted within [30] days of the date that frequency assignments are declared as having been brought into use, the Bureau shall immediately request the administration to submit the missing information. In such cases, the administration shall

[3] Note that for the case of bringing frequency assignments into use with a newly launched satellite, Annex 4A shall apply. For the case of bringing frequency assignments into use with a satellite that has already been operating at a different location, Annex 4B shall apply.

provide the missing information within [30] days after receiving the request for the complete updated information from the Bureau.

7 If the complete updated due diligence information is not received by the Bureau within the time limits specified in §6 above, the recorded date of bringing into use of the associated frequency assignments shall be the date on which the BR receives the complete updated information. In such cases, the BR shall then post the indication that these frequency assignments have been brought into use on the modified date to a web page and/or take other action, as appropriate.

8 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.

ANNEX 4 TO RESOLUTION 49 (Rev.WRC-12)

A Identity of the newly launched satellite network and other pertinent information

a) Declared date of bringing assignments into use

b) Identity of the satellite network

c) Name of the administration

d) Country symbol

e) Reference to the advance publication information

f) Reference to the request for coordination

g) Frequency band(s)

h) Name of the operator

i) Name of the satellite

j) Orbital characteristics.

k) Name of the spacecraft manufacturer

l) Name of the launch vehicle provider

m) Name of the launch vehicle

n) Name and location of the launch facility

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B Identity of the already in-orbit satellite network and other pertinent information

a) Declared date of bringing assignments into use

b) Identity of the satellite network

c) Name of the administration

d) Country symbol

e) Reference to the advance publication information

f) Reference to the request for coordination

g) Frequency band(s)

h) Name of the operator

i) Name of the satellite

j) Orbital characteristics.

k) Orbital location from where the already in-orbit satellite was drifted immediately before being placed at the current location

Reasons:

The proposed changes to the *considerings* and *resolves* of this Resolution are made to bring this Resolution up to date. The deletion of the "*instructs the Director of the Radiocommunication Bureau*" is proposed as reporting to future WRCs is no longer necessary. The change to Annex 1 is made in recognition of the fact that the BR is already maintaining such a web page. The new Annexes 3 and 4 are proposed to ensure that the ITU is in receipt of the most accurate data for networks operating in the most heavily used and congested satellite bands.

Page 4: [1] Deleted **Author**

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;

2*bis* 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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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;

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

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 2*bis* above, as appropriate, and shall be published by the Bureau in the International Frequency Information Circular (BR IFIC);

6 that if the complete due diligence information is not received by the Bureau before the expiry date specified in *resolves* 2 or 2*bis* 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,