

**Draft Modification to U.S. Proposal on Agenda Item 7, Issue 2B
(Comments under Nos. 9.51 and 9.52)**

During the November/December 2010 CITELE PCC II meeting, a Draft IAP, supported by the U.S. and Canada and addressing Nos. 9.51 and 9.52 of the ITU Radio Regulations, was developed (see CCP.II RADIO/doc. 2469/10 rev.1).

Subsequently, the U.S. submitted to the CPM11-2 meeting a document reproducing the regulatory text contained in the Draft IAP. At the CPM meeting there were some difficulties with the modifications being proposed to No. 9.60 and the corresponding text contained in the input document was modified (see section 5/7/2B.6.2).

As this modification is not completely satisfactory, Annex 1 to this document contains a draft modified U.S. proposal on Agenda Item 7, Issue 2B.

ANNEX 1

UNITED STATES OF AMERICA

DRAFT PROPOSAL FOR WRC-12

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 2B: Comments under RR Nos. 9.51 and 9.52 as applied to coordination under RR No. 9.7

BACKGROUND:

If an administration is identified by the Bureau under No. **9.7** as one with which coordination is necessary, then under No. **9.51**, that affected administration shall within four months of the publication of the CR/C under No. **9.38**; either inform the requesting administration of its agreement or act under No. **9.52**. No. **9.52**, in respect of coordination pursuant to No. **9.7**, identifies the procedures an affected administration must follow if it is not in agreement with the satellite network published under No. **9.38**. Due to the mandatory nature of No. **9.52**, administrations generally request inclusion in the coordination discussions within the four month period to ensure that their rights are maintained and considered in the coordination process. However, these requests for inclusion in the coordination process seldom fulfill all the requirements of No. **9.52**.

It is believed that removing this requirement of responding under No. **9.52** would eliminate a significant amount of correspondence that, in most cases, does not contribute to expediting the coordination process.

DISCUSSION:

After a request for coordination is published under No. **9.38** in respect of coordination pursuant to No. **9.7**, an administration with which coordination is sought must either provide its agreement under No **9.51** or respond in accordance with **9.52**. In the vast majority of cases, administrations respond in accordance with No. **9.52**. This requirement generates a large amount of administrative correspondence, which, in turn, has to be sorted out, forwarded to the relevant satellite operators, stored, etc. Consequently, in order to simplify the coordination procedures, a possible improvement to the process would be to remove the mandatory nature of this requirement for coordination requests made under No. **9.7** (GSO vs. GSO) in order to decrease the amount of administrative correspondence generated by the application of No. **9.52** for coordination cases under No. **9.7**.

With this approach, an administration identified by the Bureau as affected would be retained on the list of administrations with which coordination must be effected without having to respond in accordance with No. **9.52**. The absence of a response under RR No. **9.52** would be understood by the Bureau to mean that this administration believes that coordination with one or more of its networks is required. It is also understood that the onus would then be on the administration seeking coordination to initiate bilateral discussions with the affected administrations to resolve the matter.

CONCLUSION:

It is proposed to remove the requirement to respond under No. **9.52** for coordination cases under No. **9.7** in order to eliminate a significant amount of correspondence that in most cases does not contribute in any way to expedite the coordination process. As this proposal should have no impact on the responsibility of an affected administration to cooperate with a filing administration to effect coordination of their satellite networks, consequential changes to No. **9.60** are also required.

PROPOSALS:

ARTICLE 9

**Procedure for effecting coordination with or
obtaining agreement of other administrations (WRC-07)****NOC USA/7/2B/1**

9.51 Following its action under No. **9.50**, the administration with which coordination was sought under Nos. **9.7** to **9.7B** shall, within four months of the date of publication of the BR IFIC under No. **9.38**, either inform the requesting administration and the Bureau of its agreement or act under No. **9.52**. (WRC-2000)

NOC USA/7/2B/2

9.52 If an administration, following its action under No. **9.50**, does not agree to the request for coordination, it shall, within four months of the date of publication of the BR IFIC under No. **9.38**, or of the date of dispatch of the coordination data under No. **9.29**, inform the requesting administration of its disagreement and shall provide information concerning its own assignments upon which that disagreement is based. It shall also make such suggestions as it is able to offer with a view to satisfactory resolution of the matter. A copy of that information shall be sent to the Bureau. Where the information relates to terrestrial stations or earth stations operating in the opposite direction of transmission within the coordination area of an earth station, only that information relating to existing radiocommunication stations or to those to be brought into use within the next three months for terrestrial stations, or three years for earth stations, shall be treated as notifications under Nos. **11.2** or **11.9**.

Reasons: Adequately addresses the need for an explicit agreement to the proposed satellite network filing published under No. **9.38** within 4 months of the publication of the relevant special section or identify the basis of a non-agreement.

ADD USA/7/2B/3

9.52A In the case of coordination requests under No. 9.7, an affected administration identified by the Bureau under No. 9.36 that is not responding under Nos. 9.51 or 9.52 shall be considered to have expressed its disagreement within the time limit prescribed in No. 9.52. That administration shall continue to be identified as one with which coordination must be effected.

Reasons: A non-response by an affected administration can be considered as a response confirming within the 4 month comment period that the affected administration agrees with the Bureau that coordination is required with one or more of its networks.

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MOD USA/7/2B/4

9.60 If, within the same four-month period specified in Nos. **9.51** or **9.51A**, an administration with which coordination is sought under Nos. **9.7 to 9.7B** or **9.15 to 9.19** fails to reply or to give a decision under Nos. **9.51** or **9.51A** or, following its disagreement under No. **9.52** or **9.52A**, as applicable, fails to provide information concerning its own assignments on which its disagreement is based, the requesting administration may seek the assistance of the Bureau. The administration initiating the coordination under No. **9.7** may also request the assistance of the Bureau when this administration considers that an affected administration is not willing to participate in the coordination process or does not cooperate in the resolution of the coordination requirements pursuant to No. **9.53**.

Reasons: For coordination under No. **9.7** (GSO/GSO), disagreement can also be expressed by a non-response, as contemplated in No. **9.52A**.