

United States of America

DRAFT PROPOSAL FOR THE WORK OF THE CONFERENCE

Agenda Item 1.12: 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 (WRC-03)**;

Background Information:

1. The scope and criteria to be used for the implementation of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference by future world radiocommunication conferences (WRCs) is established in Resolution **86 (WRC-03)**. *Resolves 5* of Resolution **86 (WRC-03)** resolves “*to consider any changes to provisions of the Radio Regulations for space services that would result in the simplification of the procedures and the work of the Bureau and/or administrations.*”

2. Administrative due diligence applicable to some satellite Radiocommunication services was first adopted by WRC-97 as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use (i.e., “paper” satellites) and was contained in several provisions of the Radio Regulations and also Resolution **49**. The WRC recognized that a trial period was required in order to gain experience in the effectiveness of administrative due diligence and reports have been made to WRC-2000, WRC-03, and the Plenipotentiary Conference (Marrakesh 2002).

Administrative due diligence, in its current form, consists in disclosure of data on the implementation of a 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)** as well as to any such satellite network not yet recorded in the Master International Frequency Register by 22 November 1997. The due diligence information include the name of the spacecraft manufacturer; the contractual date of delivery and the number of satellites procured; and the name of the launch vehicle provider and the contractual launch date.

A frequency assignment for a space station subject to Resolution **49 (Rev. WRC-03)** will no longer be taken into account for the maximum period of seven years from the date of receipt of information required under No. **9.1** of the Radio Regulations if the complete due diligence information is not provided prior to the end of the period established as the regulatory limit for bringing into use.

3. Pursuant to the requirements of Resolution **49 (Rev.WRC-03)**, Resolution **85** (Minneapolis, 1998) and Resolution **81 (WRC-2000)**, the Director of the Radiocommunication Bureau is required to report to future radiocommunication conferences on the results of the implementation of the administrative due diligence procedure. WRC-2000 was also required, under the provisions of Resolution 85 (Minneapolis, 1998) to evaluate the results of the implementation of

administrative due diligence and to inform the Plenipotentiary Conference in 2002 of its conclusions in that regard. In addition, Resolution **81 (WRC-2000)** *instructs the Director of the Radiocommunication Bureau* to report to the 2002 Plenipotentiary Conference on the results of the implementation of the administrative due diligence procedure.

4. The Director of the Radiocommunications Bureau presented the following report to WRC-03, the most recent report on the topic: (WRC-03 Conference Document No. 4. Quoted in part)

“6 Due diligence

6.1 Introduction

The Radiocommunication Bureau presents this Report on the activities it has undertaken pursuant to the requirements of Resolution **49 (Rev.WRC-2000)**, Resolution **85 (Minneapolis, 1998)** and Resolution 81 (WRC-2000). Under the provisions of these resolutions, the Director of the Radiocommunication Bureau was required to report to WRC-2000 on the results of the implementation of the administrative due diligence procedure. WRC-2000 was also required, under the provisions of Resolution **85 (Minneapolis, 1998)** to evaluate the results of the implementation of administrative due diligence and to inform the Plenipotentiary Conference in 2002 of its conclusions in that regard. Resolution **81 (WRC-2000)** provided the required report. In addition,

Resolution **81 (WRC-2000)** instructed the Director of the Radiocommunication Bureau to report to the 2002 Plenipotentiary Conference on the results of the implementation of the administrative due diligence procedure. This report is an updated version of the report submitted to PP-02 by the Bureau.

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6.3 Results of the process

Detailed information/statistics on the processing by the Bureau of Resolution 49 (Rev.WRC-2000) due diligence requests and notices are contained in Annex 2. At this stage in the implementation of Resolution **49 (Rev.WRC-2000)**, the Bureau has not encountered any administrative difficulty in applying the provisions and in gathering and publishing information except some regulatory refinements which could be made and will be reported to WRC-03, As noted above, it has involved the collection of considerable data and the application of Bureau resources (approximately 1.2 professional and 0.3 general staff per annum).

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The Bureau notes also that, in addition to publication in the IFIC, due diligence information is made available on the ITU website (for non-planned services). The Bureau has not so far received queries from any administration on the information received and published pursuant to the requirements of the Resolution.

ANNEX 2

Details of the implementation of Resolution 49 (Rev.WRC-2000)

	Res. 49 Requests (number of networks)	Number of administrations	Period of survey	Due diligence received by 31.12.2002 (number of networks)	Due diligence published by 31.12.2002 (number of networks)	Cancellation by 31.12.2002 (number of networks)
Non-planned services	1574	Over 45	² DBIU < 30.06.03	878	878	152*
Planned services	179**	32	DBIU < 01.06.03	42	42	2

* All satellite networks cancelled under provision No. 11.44 of the Radio Regulations (frequency assignment not brought into use within the regulatory time-frame).

** 108 reminders have been sent in accordance with *resolves* 4 and Paragraph 10 of Annex 1 to Resolution 49. 111 Special Sections (AP30/E, AP30A/E) were published to modify the date of bringing into use.

5. WRC-03 suppressed Nos. **11.44B, C, D, E, F, G, H, and I**, thus removing the requirement for due diligence information related to extending the notified date of bringing into use. Except for specific cases involving launch failure and assignments in the Appendix **30/30A** list, WRC-03 changed the time limit for bringing into use from five years with a possibility for a two-year extension to a straight seven years after the date of receipt of Advance Publication information.

6. WRC-2000 also adopted No. **11.44.1**, which requires that the first notice for recording of an assignment under No. **11.15** be received by the Bureau by the end of the seven-year period or the assignment will no longer be taken into account.

7. Initially, application of Resolution **49** and the relevant provisions of the Radio Regulations resulted in the cancellation of a number of satellite filings. Now that assignments must be brought into use and the first notification and complete “due diligence” information must be submitted all within the same seven-year regulatory time limit, the role of due diligence in canceling “paper” satellites is significantly diminished.

8. Resolution **49** has served its purpose. Cancellation due to failure to either bring the satellite network or system into use or submit the first notification is a sufficient means of further addressing the problem of reservation of orbit and spectrum capacity without actual use. With the decline of the backlog and in order to conserve the resources of the Bureau and administrations, the necessity for Resolution **49** is no longer supported. Noting the extra resources used by the Bureau for Resolution **49** implementation, both personnel and maintaining the Resolution **49** data base, suppressing Resolution **49** will make additional resources available in a time of a very tight budget situation for the Bureau. Further, suppressing Resolution **49** will simplify the application of Articles 9 and 11 as contemplated by *resolves* 5 of Resolution **86 (WRC-03)**.

² DBIU = Date of bringing into use.

Proposals:

USA/ /1 SUP

RESOLUTION 49 (REV.WRC-03)

**Administrative due diligence applicable to some satellite
radiocommunication services**

Reasons: With the decline of the backlog and the need to simplify procedures and conserve the resources of the Bureau and administrations, due diligence information is no longer needed and Resolution 49 can be suppressed.

USA/ /2 MOD

ARTICLE 9

Procedure for effecting coordination with or
obtaining agreement of other administrations^{1,2,3,4,5,6,7,8} (WRC03)

Reasons: Consequential to SUP note⁴ A.9.4.

USA/ /3 SUP

~~⁴A.9.4 Resolution 49 (Rev.WRC-2000)^{*} shall also be applied with respect to those satellite networks and satellite systems that are subject to it. (WRC-2000)~~

Reasons: Consequential to SUP Resolution 49 (Rev. WRC-03).

USA/ /4 MOD

ARTICLE 11

**Notification and recording of frequency
assignments 1,2,3,4,5,6 (WRC03)**

Reasons: Consequential to SUP Note 2 A.11.2.

USA/ /5 SUP

~~³²A.11.2 Resolution 49 (Rev.WRC-2000)^{*} shall also be applied with respect to those satellite networks and satellite systems that are subject to it. (WRC-2000)~~

Editorial Note: footnote number 32 is in error it should read as number 2.

Reasons: Consequential to SUP Resolution **49 (Rev. WRC-03)**.

USA/ /6 MOD

¹⁹ **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-03) 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)

Reasons: Consequential to SUP Resolution **49 (Rev. WRC-03)**.

USA/ /7 SUP

RESOLUTION 55 (WRC-2000)

Temporary procedures for improving satellite network coordination and notification procedures

Reasons: The temporary procedures are fully implemented and this resolution, which, inter alia, calls for electronic submission of due diligence information, is no longer needed.

USA/ /8 SUP

RESOLUTION 81 (WRC-2000)

**Evaluation of the administrative due diligence procedure
for satellite networks**

Reasons: Consequential to SUP Resolution **49 (Rev. WRC-03)**.

USA/ /9 MOD

APPENDIX 30 (REV.WRC-03)

4.1.3bis The regulatory time-limit for bringing into use of an assignment in the List may be extended once by not more than three years due to launch failure in the following cases:

- the destruction of the satellite intended to bring the assignment into use;
- the destruction of the satellite launched to replace an already operating satellite which is intended to be relocated to bring another assignment into use; *or*
- the satellite is launched, but fails to reach its assigned orbital location.

For this extension to be granted, the launch failure must have occurred at least five years after the date of receipt of the complete Appendix 4 data. In no case shall the period of the extension of the regulatory time-limit exceed the difference in time between the three-year period and the period remaining from the date of the launch failure to the end of the regulatory time-limit⁶. In order to take advantage of this extension, the administration shall have, within one month of the launch failure or one month after 5 July 2003, whichever comes later, notified the Bureau in writing of the date of the launch such failure, and shall also provide the following information to the Bureau before the end of the regulatory time-limit of § 4.1.3. ~~(WRC-07):~~

~~_____ date of launch failure;~~

~~_____ due diligence information as required in Resolution 49 (Rev.WRC-03) for the assignment with respect to the satellite that suffered the launch failure, if that information has not already been provided.~~

~~If, within one year of the request for extension, the administration has not provided to the Bureau updated Resolution 49 (Rev.WRC-03) information for the new satellite under procurement, the related frequency assignments shall lapse. (WRC-03)~~

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4.2.6bis The regulatory time-limit for bringing into use of an assignment in the Region 2 Plan obtained through application of § 4.2 may be extended once by not more than three years due to launch failure in the following cases:

- the destruction of the satellite intended to bring the assignment into use;

⁶ For a launch failure which occurred before 5 July 2003, the maximum extension of three years shall apply as from 5 July 2003. (WRC-03)

- the destruction of the satellite launched to replace an already operating satellite which is intended to be relocated to bring another assignment into use; *or*
- the satellite is launched, but fails to reach its assigned orbital location.

For this extension to be granted, the launch failure must have occurred at least five years after the date of receipt of the complete Appendix 4 data. In no case shall the period of the extension of the regulatory time-limit exceed the difference in time between the three-year period and the period remaining from the date of the launch failure to the end of the regulatory time-limit¹⁵. In order to take advantage of this extension, the administration shall have, within one month of the launch failure or one month after 5 July 2003, whichever comes later, notified the Bureau in writing of ~~such the date of the launch failure, and shall also provide the following information to the Bureau~~ before the end of the regulatory time-limit of § 4.2.6. ~~(WRC-07):~~

- ~~_____ date of launch failure;~~
- ~~_____ due diligence information as required in Resolution 49 (Rev.WRC-03) for the assignment with respect to the satellite that suffered the launch failure, if that information has not already been provided.~~

~~If, within one year of the request for extension, the administration has not provided to the Bureau updated Resolution 49 (Rev.WRC-03) information for the new satellite under procurement, the related frequency assignments shall lapse. (WRC-03)~~

Reasons: Consequential to SUP Resolution 49 (Rev. WRC-03).

USA/ /10 MOD

APPENDIX 30A (REV.WRC-03)

4.1.3*bis* The regulatory time-limit for bringing into use an assignment in the List may be extended once by not more than three years due to launch failure in the following cases:

- the destruction of the satellite intended to bring the assignment into use; *or*
- the destruction of the satellite launched to replace an already operating satellite which is intended to be relocated to bring another assignment into use; *or*
- the satellite is launched, but fails to reach its assigned orbital location.

For this extension to be granted, the launch failure must have occurred at least five years after the date of receipt of the complete Appendix 4 data. In no case shall the period of the extension of the regulatory time-limit exceed the difference in time between the three-year period and the period remaining from the date of the launch failure to the end of the regulatory time-limit⁸. In order to take advantage of this extension, the administration shall have, within one month of the launch failure or one month after 5 July 2003, whichever comes later, notified the Bureau in writing of

¹⁵ For a launch failure which occurred before 5 July 2003, the maximum extension of three years shall apply as from 5 July 2003. (WRC-03)

⁸ For a launch failure which occurred before 5 July 2003, the maximum extension of three years shall apply as from 5 July 2003. (WRC-03)

~~such the date of the launch failure, and shall also provide the following information to the Bureau before the end of the regulatory time-limit of § 4.1.3. (WRC-07):~~

~~_____ date of launch failure;~~

~~_____ due diligence information as required in Resolution 49 (Rev.WRC-03) for the assignment with respect to the satellite that suffered the launch failure, if that information has not already been provided.~~

~~If, within one year of the request for extension, the administration has not provided to the Bureau updated Resolution 49 (Rev.WRC-03) information for the new satellite under procurement, the related frequency assignments shall lapse. (WRC-03)~~

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4.2.6bis The regulatory time-limit for bringing into use of an assignment in the Region 2 Plan obtained through application of § 4.2 may be extended once by no more than three years due to launch failure in the following cases:

- the destruction of the satellite intended to bring the assignment into use; *or*
- the destruction of the satellite launched to replace an already operating satellite which is intended to be relocated to bring another assignment into use; *or*
- the satellite is launched, but fails to reach its assigned orbital location.

For this extension to be granted, the launch failure must have occurred at least five years after the date of receipt of the complete Appendix 4 data. In no case shall the period of the extension of the regulatory time-limit exceed the difference in time between the three-year period and the period remaining from the date of the launch failure to the end of the regulatory time-limit¹⁸. In order to take advantage of this extension, the administration shall have, within one month of the launch failure or one month after 5 July 2003, whichever comes later, notified the Bureau in writing of the date of launch ~~such failure, and shall also provide the following information to the Bureau before the end of the regulatory time-limit of § 4.2.6. (WRC-07):~~

~~_____ date of launch failure;~~

~~_____ due diligence information as required in Resolution 49 (Rev.WRC-03) for the assignment with respect to the satellite that suffered the launch failure, if that information has not already been provided.~~

~~If, within one year of the request for extension, the administration has not provided to the Bureau updated Resolution 49 (Rev.WRC-03) information for the new satellite under procurement, the related frequency assignments shall lapse. (WRC-03)~~

Reasons: Consequential to SUP Resolution 49 (Rev. WRC-03).

¹⁸ For a launch failure which occurred before 5 July 2003, the maximum extension of three years shall apply as from 5 July 2003. (WRC-03)