

**UNITED STATES OF AMERICA  
DRAFT PRELIMINARY VIEWS ON WRC-07**

**WRC-07 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).

**ISSUE:** “Rationalization and Clarification of Articles 9 and 11”

In addition to Resolution 86 (WRC-03) itself, WRC-03 adopted Resolution 88 that addresses potential rationalization and clarification of Articles 9 and 11 of the Radio Regulations. Resolution 88 suggests that rationalization of Articles 9 and 11 could be considered under Resolution 86 at a future competent Conference. An initial issue with respect to Resolution 88 is whether specific problems that have arisen in application of Articles 9 and 11 should be addressed on case-by-case basis, or whether a more comprehensive overhaul of the Articles should be undertaken.

**BACKGROUND:** Since the early 1990’s, the ITU has seen many proposals to modify the Radio Regulations. Some of the efforts have been more extensive and far-reaching than others. For example, the VGE, or Voluntary Group of Experts, was established with the intent of simplifying the Radio Regulations. The result was a new “simplified” set of regulations adopted at WRC-95, which were designated with an “S” preceding the Article and Appendix numbers (e.g., in the 1998 Edition of the Radio Regulations). That effort resulted in significant changes to the Radio Regulations (replacement of Article 14 with No. 9.21, incorporation of Resolution 46 into Article 9, etc). While these changes were well-intended, the new provisions resulted in extensive Rules of Procedures that were subsequently developed. This process demonstrates that many new regulations may require detailed new interpretations. It would be expected that any extensive revisions to Articles 9 and 11 adopted by future conferences, would similarly require such detailed

Rules of Procedure to be developed, despite an intention to adopt clear regulations. In accordance with No. 13.0.1, the Radio Regulations Board would then submit the necessary modifications to the Radio Regulations to a subsequent WRC to alleviate the difficulties or inconsistencies that the current Rules of Procedure address.

The process of developing any extensive revisions to Articles 9 and 11, and then the process of developing associated Rules of Procedure, will leave administrations and operators with uncertainty on how to successfully apply the coordination and notification processes to implement satellite networks and may also require transition procedures. Such uncertainty, particularly over the span of years, could undermine the industry. Satellite operators need a stable regulatory environment in which to implement systems. Further, extensive changes to rationalize the Radio Regulations could lead to many unintended substantive changes. Changes to the Radio Regulations are safer and easier for Administrations to review and analyze when proposed on a case-by-case basis, with supporting justification for each change. In this way, any untoward consequences of a particular change can be more readily identified.

Another issue the ITU has been struggling with is how to manage the extensive development of satellite networks and their associated filings at the ITU-BR. Such developments have put a strain on the application of the Radio Regulations by the BR, which has the responsibility for the processing and examination of the advance publications, coordination requests and notifications of satellite networks. Additional extensive revisions to the Radio Regulations will increase the administrative and financial burden on ITU and BR resources, as software will need to be modified or developed to process filings according to the new provisions and new Rules of Procedures will need to be developed, etc. No doubt any further “rationalization” of the Regulations would further complicate the Satellite Cost Recovery program as there would be a transition period of time in which the staff would need to learn how to apply the “rationalized” procedures.

In summary, there appear to be few benefits and many potential detriments to a wholesale “rationalization” of Articles 9 and 11 of the Radio Regulations even with minimal substantive revisions.

**U.S. Views:**

The U.S. supports selective modification of the Radio Regulations to remedy specific issues that have arisen with application of Articles 9 and 11, and is opposed to an extensive revision of those Articles. Administrations and satellite operators need a stable regulatory process in order to successfully implement and operate satellite networks.