

PROTOCOL
BETWEEN THE DEPARTMENT OF STATE
OF THE UNITED STATES OF AMERICA AND
THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION
OF THE UNITED MEXICAN STATES
CONCERNING THE USE OF THE
1850-1915 MHz AND 1930-1995 MHz BANDS
FOR PERSONAL COMMUNICATIONS SERVICES
ALONG THE COMMON BORDER

This Protocol is being concluded pursuant to the Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, signed at Williamsburg, Virginia, June 16, 1994 (hereinafter referred to as the “1994 Agreement”).

ARTICLE I. Purposes

The purposes of this Protocol are:

1. To establish and adopt a common plan for the equitable use of the 1850-1915 MHz and 1930-1995 MHz frequency bands for personal communications services (PCS) within a distance of 72 kilometers (44.7 miles) on each side of the common border, and to protect existing users of the fixed point-to-point service on each side of the common border;
2. To establish coordination procedures; and,
3. To establish basic technical criteria that will permit each Administration to make full use of the band.

ARTICLE II. Definitions

1. For the purposes of this Protocol and as provided for in Article IV of the 1994 Agreement, the term Administration(s) shall refer to the Federal Communications Commission (FCC) of the United States of America and the Secretariat of Communications and Transportation (SCT) of the United Mexican States.
2. For the purposes of this Protocol, Personal Communications Services (PCS) are defined as radio communications that encompass mobile and ancillary fixed communications that provide services to individuals and businesses and can be integrated with a variety of competing networks.

ARTICLE III. Conditions of Use

1. Both Administrations shall equally share the frequency bands 1850-1915 MHz and 1930-1995 MHz along the common border for the provision of PCS services within their respective countries.

2. Neither Administrations shall authorize any new users in the 1850-1915 MHz and 1930-1995 MHz bands for operations of the fixed point-to-point service.

3. Coordination with Fixed Point-to-Point Service Operations

a. The operation of any PCS service shall be on the basis that harmful interference is not caused to existing stations in the fixed point-to-point service authorized by the other Administration before May 16, 1995.

b. Each Administration shall require coordination of all PCS systems located within 72 kilometers (44.7 miles) of the common border relative to any stations in the fixed point-to-point service within 120 kilometers (74.6 miles) of the border. Such coordination shall be based on:

i) A technical analysis that harmful interference is not caused to existing stations in the fixed point-to-point service of the other Administration. The analysis shall be based on procedures mutually agreed to by the two Administrations, taking into account among others, the TIA/EIA Telecommunications Systems Bulletin (TSB10-F), "Interference Criteria for Microwave Systems," or

ii) Alternatively, a mutually acceptable arrangement between the applicant/operator of the PCS facility and any affected fixed point-to-point service operators. Such an arrangement is subject to the review or approval, as appropriate, by the Administrations. In the event that the operators cannot reach a mutually acceptable agreement within two (2) years, then the matter will be referred to both Administrations for resolution.

c. In the event that there is harmful interference from PCS operation within 72 kilometers (44.7 miles) of the common border to stations in the fixed point-to-point service located beyond 120 kilometers (74.6 miles) from the common border, the

Administration responsible for granting the license to the station causing the interference shall take appropriate action to resolve the interference.

4. Coordination between PCS Operations in the Bands 1850-1915 MHz and 1930-1995 MHz.

a. In the event that PCS systems authorized under this Protocol by one Administration use the same frequencies as those used by systems authorized by the other Administration, coordination of PCS base station transmitters located within 72 kilometers (44.7 miles) of the common border shall be carried out in order to eliminate any harmful interference to operations in the territory of the other country, and to ensure that both countries continue to have equal access to the frequencies covered in this Protocol.

b. Both Administrations shall take appropriate measures to eliminate harmful interference.

ARTICLE IV. Technical Criteria and Parameters

1. The predicted or measured median field strength of any PCS base station shall not exceed 47 dBuV/m at any location at or beyond the common border.

2. The coordination of appropriate system parameters (both operating and technical) by the operators of the PCS systems represents the best way to ensure compatible and independent operation of PCS services. The Administrations shall ensure that the operators of PCS systems shall carry out such coordination, and shall notify the two Administrations of any agreed arrangements, and of those arrangements on which they were not able to agree. In any case, the Administrations shall ensure that the agreed arrangements by the operators will be subject to the review or approval, as appropriate, of the Administrations, within 60 days of having been notified.

ARTICLE V. Cross Border Roaming Service

Cross border roaming service shall be permitted by the Administrations only as long as the service providers in each country have agreed. This service shall be provided in accordance with the laws, regulations, standards and authorizations of the country in which the mobile is operating. The Administrations shall ensure that the service providers shall avoid discriminatory treatment in the provision of the service.

ARTICLE VI. Differences in Interpretation or Application

Any difference arising from interpretation or application of this Protocol shall be resolved through consultations between the Authorities set forth in Article IV of the 1994 Agreement.

ARTICLE VII. Relation to the 1994 Agreement

This Protocol forms an integral part of the 1994 Agreement and shall be referred to as Protocol 8, “*Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Use of the 1850-1915MHz and 1930-1995 MHz Bands for Personal Communications Services Along the Common Border,*” in the Index of Annex I of the 1994 Agreement. This Protocol shall replace the existing Protocol 8 in the Index of Annex I of the 1994 Agreement, the “*Protocol Concerning the Use of the Band 1850-1990 MHz for Personal Communications Services Along the Common Border,*” signed on May 16, 1995, in its entirety.

ARTICLE VIII. Entry Into Force, Amendment and Termination

This Protocol shall enter into force on the date of its signature, and it shall remain in force until it is replaced by a new protocol, or until terminated in accordance with Article VII of the 1994 Agreement.

This Protocol may be amended in accordance with Article V of the 1994 Agreement.

IN WITNESS WHEREOF, the respective representatives have signed the present Protocol.

Done at Washington, D.C., this eighth day of June, 2012, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE DEPARTMENT OF
STATE OF THE UNITED STATES
OF AMERICA:

FOR THE SECRETARIAT OF
COMMUNICATIONS AND
TRANSPORTATION OF THE
UNITED MEXICAN STATES:

/Original signed by Philip L. Verveer/

/Original signed by Héctor Olavarría Tapia/

Ambassador Philip L. Verveer
United States Coordinator for
International Communications and
Information Policy

Mr. Héctor Olavarría Tapia
Under Secretary of Communications

/Original signed by Mony de Swaan Addati/

Mr. Mony de Swaan Addati
Chairman, Federal
Telecommunications Commission