

**PROTOCOL CONCERNING THE
TRANSMISSION AND RECEPTION OF SIGNALS FROM SATELLITES
FOR THE PROVISION OF
MOBILE-SATELLITE SERVICES AND ASSOCIATED FEEDER LINKS
IN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES**

Recognizing the long standing bonds of friendship and cooperation between the Governments of the United States of America ("United States") and the United Mexican States ("Mexico"), collectively the "Parties" and each a "Party";

Pursuant to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Transmission and Reception of Signals from Satellites for the Provision of Satellite Services to Users in the United States of America and the United Mexican States, signed April 28, 1996 (the "Agreement") and the 1992 North American Free Trade Agreement between the Government of the United States of America, the Government of Canada, and the Government of the United Mexican States;

Recognizing the enhanced opportunities for the provision of satellite services in the United States and Mexico arising from the World Trade Organization General Agreement on Trade in Services, the growing needs of the satellite communications industries of both countries, and the public interest in development of these services;

Recognizing the sovereign right of each Party to regulate its telecommunications, including the use and operation of the radio spectrum within its territory;

Recognizing that the Parties have signed the Memorandum of Understanding to Facilitate Arrangements for Global Mobile Personal Communications by Satellite, Including Regional Systems ("GMPCS - MOU") and are implementing expeditiously in their respective laws, regulations, rules and licensing procedures the "Arrangements" developed pursuant to the GMPCS-MOU

Emphasizing that there has been a long standing and successful bilateral relationship in the Coordination of the respective satellite systems of both countries through the International Telecommunication Union ("ITU"), and that both Parties will apply these same positive efforts and expertise to the pending and future Coordination of Satellites licensed by the Parties, which are subject to this Protocol, to enhance the benefits of the Protocol for both Parties; and

In order to establish the conditions for the transmission and reception of signals from Satellites licensed by either Party for the provision of domestic and international Covered Services, as defined herein, to users in the United States and Mexico;

The Parties agree as follows:

ARTICLE I. Purposes

The purposes of this Protocol are:

1. To establish conditions and technical criteria for the use of Satellites and Earth Stations for the provision of Covered Services, as defined herein, to, from, and within the territories of the Parties.
2. To facilitate the provision of Covered Services, as defined herein, covered by this Protocol to, from and within the United States and Mexico via Satellites licensed by either Party.

1. For the purposes of this Protocol, it is understood that:
 - 1.1 "Mobile-Satellite Services" ("MSS") means radiocommunication signals that are transmitted and/or received by Mobile Earth Stations using one or more Satellites licensed by either Party or, alternatively, between two or more Satellites licensed by either Party.
 - 1.2 "MSS Feeder Links" means a radio link between a Fixed Earth Station and one or more MSS Satellites licensed by either Party.
 - 1.3 "Covered Services" means MSS and MSS Feeder Links.
 - 1.4 "Mobile Earth Station" means an Earth Station used to provide MSS while in motion, during halts at unspecified points, or at any specified point within a particular area.
 - 1.5 "Fixed Earth Station" means an Earth Station at a specified fixed point used to provide MSS Feeder Links.
 - 1.6 Unless otherwise specified in this Protocol, the term "Earth Station" shall include both Mobile Earth Stations and Fixed Earth Stations which are used for the purpose of providing Covered Services.
2. For purposes of this Protocol, it is understood that Covered Services do not include radio and television broadcasting, Direct-to-Home Fixed-Satellite Services, Broadcasting-Satellite Services, and broadcasting-satellite service (sound).
3. The terms "Direct-to-Home Fixed-Satellite Services" and "Broadcasting-Satellite Services" shall have the meanings given to such terms in the Protocol Concerning the Transmission and Reception of Signals From Satellites for the Provision of Direct-To-Home Satellite Services in the United States of America and the United Mexican States signed on November 8, 1996.

4. The terms defined in the Agreement are applicable to this Protocol.
5. The terms, "Advance Published," "Coordination" and "broadcasting-satellite service (sound)" shall have the meanings set forth in the ITU Radio Regulations.

ARTICLE III. Implementing Entities

As provided for in Article III of the Agreement, the Administrations for the purposes of this Protocol shall be the Federal Communications Commission (FCC) of the United States and the Secretaría de Comunicaciones y Transportes (SCT) of Mexico.

ARTICLE IV. Mobile-Satellite Service Frequencies

The provisions of this Protocol apply solely to the frequency bands typically paired as set forth in the appendix to this Protocol ("Appendix") utilized for the provision of Covered Services.

ARTICLE V. Conditions of Use

1. Licenses for the provision of Covered Services shall be issued as efficiently and expeditiously as possible by the Administrations, including Blanket Licenses for Mobile Earth Stations.
2. Each Party shall apply its laws, regulations, rules, other administrative provisions and licensing procedures in a non-discriminatory and transparent manner to the Satellites and Earth Stations licensed by either Party, and to all applications for a License, including Blanket Licenses for Mobile Earth Stations, to transmit and/or receive Covered Service signals via Satellites and Earth Stations licensed by either Party.
3. Non-conformance to the applicable laws, regulations, rules, other administrative provisions and licensing procedures of a Party may result in loss of the License or Blanket License granted by the relevant Administration.

4. The principal applicable laws, regulations, rules, other administrative provisions and licensing procedures of the Parties are set forth below:

- 4.1 For the United States, the laws, regulations, rules, and licensing procedures for the grant of Licenses in the United States to transmit or receive Covered Service signals via Satellites licensed by either Party (including Licenses for Fixed Earth Stations and Blanket Licenses for Mobile Earth Stations), include the Communications Act of 1934, as amended, 47 U.S. Code Section 151 et seq.; 47 U.S. Code of Federal Regulations, Parts 2, 25, 48, and 63; the Manual of Regulations and Procedures for Federal Radio Frequency Management; and any other laws, regulations, rules, and licensing procedures of the United States, now or hereafter enacted, decided or promulgated, related to these services.
- 4.2 For Mexico, the laws, regulations, rules, other administrative provisions and licensing procedures for the grant of Licenses in Mexico to transmit or receive Covered Service signals via Satellites licensed by either Party (including Licenses for Fixed Earth Stations or Blanket Licenses for Mobile Earth Stations), include the Ley Federal de Telecomunicaciones; the Ley de Vías Generales de Comunicación; the Reglamento de Telecomunicaciones; the Reglamento de Comunicación Vía Satélite; the Reglamento del Servicio de Telefonía Pública; the Reglas del Servicio de Larga Distancia; the Reglas para Prestar el Servicio de Larga Distancia Internacional que deberán aplicar los concesionarios de redes públicas de telecomunicaciones autorizados para prestar este servicio; the Reglas del Servicio Local; the Plan Técnico Fundamental de Numeración; the Plan Técnico Fundamental de Señalización; and any other laws, regulations, rules, other administrative provisions and licensing procedures of Mexico, present and future, related to these services.
- 4.3 The Administrations will exchange the most up-to-date official texts of national laws, regulations, rules, other administrative provisions and licensing procedures related to Covered Services, at the time of signature of this Protocol, and, subsequently, on June 1 of each year.

5. Nothing in this Protocol shall be construed to permit interim or permanent limits on the number of:
- 5.1 MSS Satellites licensed by either Party, which may transmit to, from, and/or within the territory of either Party pursuant to this Protocol or the Agreement;
 - 5.2 entities granted a License in the United States to transmit and/or receive Covered Service signals via Satellites licensed by either Party (including Licenses for Fixed Earth Stations and Blanket Licenses for Mobile Earth Stations communicating with such Satellites); and
 - 5.3 entities granted a License in Mexico to transmit and/or receive Covered Service signals via Satellites licensed by either Party (including Licenses for Fixed Earth Stations and Blanket Licenses for Mobile Earth Stations communicating with such Satellites).
6. Both Parties acknowledge that there may be special circumstances where it would be in the interest of both countries not to preclude their respective Satellites from providing assistance to one another. One such case would be the provision of support and assistance, subject to the availability of facilities and to the extent it is technically feasible, in the case of catastrophic failure of either system. Another case would be for each system to be in a position to assist the other country in meeting its domestic telecommunication needs via satellite when the other country may have a temporary shortage of adequate facilities.
7. Each Administration shall permit Covered Service signals to be transmitted directly to and from Earth Stations communicating with Satellites licensed by either Party without requiring that such transmissions be retransmitted over an intermediary satellite system.
8. Each Party shall ensure that Earth Stations licensed by such Party for the provision of Covered Services are able to interconnect to such Party's public switched telecommunications network under non-discriminatory, transparent and cost-oriented terms at any technically feasible point in such network.

9. comply with the provisions of this Protocol and with the respective national frequency allocation tables, laws, regulations, rules, other administrative provisions and licensing procedures of such Party, including applicable international agreements of the Parties.
10. Communications involving signals of Covered Services to or from third countries over Satellites licensed by either Party shall be permitted under this Protocol. Transmission or reception of such signals to or from third countries shall be subject to each Party's applicable laws, regulations, rules, other administrative provisions, and licensing procedures, and applied in a transparent and non-discriminatory manner, regardless of which Party licensed the relevant Satellite.
11. Consistent with Article VIII of the Agreement, the Parties shall cooperate in seeking to ensure respect for the laws and regulations of the other Party relating to Covered Services, and each Party recognizes the right of the other Party to develop arrangements for MSS Satellite Service Providers to provide to that Party, on a confidential basis if applicable, and within a reasonable amount of time, appropriate data concerning traffic originating in or routed to its national territory, and to assist it with measures intended to identify unauthorized traffic flows therein.
12. In accordance with Articles VII and VIII of the Agreement, the Parties shall address law enforcement and national sovereignty issues relating to Covered Services, making their best efforts to resolve them in a timely manner through bilateral consultations between the U.S. Attorney General and the Mexican Procuraduría General de la República, or their representatives, with the participation of other competent government authorities, depending upon the issue.

ARTICLE VI. Technical Coordination Procedures

1. Nothing in this Protocol shall affect the rights and obligations of a Party to frequency assignments and associated orbit positions already assigned to it in accordance with the ITU Radio Regulations, including Appendix 30B.
2. Nothing in this Protocol shall affect the rights and obligations of a Party regarding the technical Coordination of frequencies and associated orbit positions of Satellites of the

Regulations.

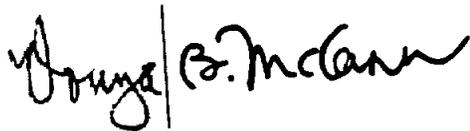
3. **Any Satellite licensed by one of the Parties that is Advance Published, in Coordination or in operation in accordance with the relevant ITU Radio Regulations, shall continue to have its appropriate status under the ITU Radio Regulations notwithstanding the provisions of this Protocol.**
4. **This Protocol shall not obligate either Administration to require that any operator of a Satellite licensed by one of the Parties substantially alter its ongoing operations and technical characteristics in order to accommodate new Satellites licensed by either Party for the provision of Covered Services.**
5. **In the event that there is harmful interference to a Satellite or an Earth Station licensed by one of the Parties for the provision of Covered Services, notification shall be made to the Administration responsible for licensing the interfering Satellite or Earth Station. Both Administrations shall analyze the information on the interfering signal, shall consult on solutions, and shall seek to agree on the appropriate actions to resolve the interference.**
6. **Each Administration agrees to exert its best efforts to assist the other Administration in the technical Coordination of new, and modifications to current, satellite network frequency assignments and associated orbit positions. Each Administration shall concur with the requests of the other Administration made through the ITU for Coordination of satellite networks, and modifications thereto, provided that such requests are consistent with ITU rules and regulations and applicable national technical rules and regulations, and result in technical compatibility of the affected satellite networks and terrestrial systems of the Administrations.**

4. Upon termination of this Protocol, an Administrative License or Blanket License issued pursuant to this Protocol.

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

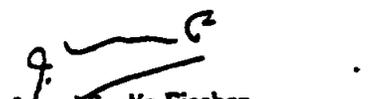
Done at Mexico City, this twenty-first day of December, 1998, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

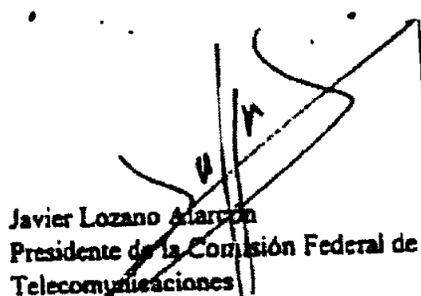


Ambassador Vonya B. McCann
U.S. Coordinator, International
Communications and Information Policy
Department of State

FOR THE GOVERNMENT OF THE
UNITED MEXICAN STATES:



Jorge Nicolás Fischer
Subsecretario de Comunicaciones
Secretaría de Comunicaciones y
Transportes



Javier Lozano Atarón
Presidente de la Comisión Federal de
Telecomunicaciones

1. The following frequency bands are referred to by Article IV of this Protocol.

MSS Below 1 GHz

<u>Uplink Frequencies</u>	<u>Downlink Frequencies</u>
148 - 150.05 MHz	137 - 138 MHz
399.95-400.05 MHz	400.15 - 401 MHz

MSS Above 1 GHz

<u>Uplink Frequencies</u>	<u>Downlink Frequencies</u>
1610 - 1626.5 MHz	1613.8 - 1626.5 MHz
	2483.5 - 2500 MHz
1990 - 2025 MHz	2165 - 2200 MHz
14 - 14.5 GHz	No MSS allocation; 11.7-12.2 GHz is used on a non-interference basis.

MSS Inter-Satellite Links

23-23.55 GHz

MSS Feeder Links

<u>Uplink Frequencies</u>	<u>Downlink Frequencies</u>
5.091 - 5.250 GHz	6.700 - 7.075 GHz
12.750 - 13.250 GHz	10.700 - 10.950 GHz
	11.2 - 11.450 GHz
29.1-29.5 GHz	19.3-19.7 GHz

2. Consistent with Article V, Paragraphs 4 and 9 of this Protocol, the use of the frequency bands listed in this Appendix must comply with the applicable United States and Mexican laws, regulations, rules, other administrative provisions, licensing procedures, the conditions set forth in this Protocol and the respective national frequency allocation tables, and take into consideration the systems currently operating in these frequency bands.
3. This Protocol does not address frequency bands not listed above.