

PLENARY MEETING

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Working Group 5

PROPOSED MODIFICATIONS TO THE DRAFT CPM REPORT

CHAPTER 5, AGENDA ITEM 7, ISSUE J

AGENDA ITEM 7

7 *to consider possible changes, and other options, in response to Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference, an advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks, in accordance with Resolution 86 (Rev.WRC-07) to facilitate rational, efficient, and economical use of radio frequencies and any associated orbits, including the geostationary-satellite orbit;*

Resolution 86 (Rev.WRC-07): *Implementation of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference*

**5/7/10 Issue J – Removal of the link between the date of receipt of the notification information and the date of bringing into use in RR No. 11.44B**

**5/7/10.1 Executive summary**

In RR No. 11.44B, WRC-12 defined a ninety-day bringing into use period for a frequency assignment to a space station in the geostationary-satellite orbit (GSO)<sup>1</sup>, and introduced a requirement to inform the Bureau of the completion of that period within 30 days of the end of the period. Following the entry into force of RR No. 11.44B, the Bureau indicated that in order to comply with the provisions of RR No. 11.44B regarding the confirmation of bringing into use, the date of commencement of the 90-day period cannot be earlier than 120 days before the date of receipt of notification under RR No. 11.15, § 5.1.3 of RR Appendix 30, § 5.1.7 of RR Appendix 30A and § 8.1 of RR Appendix 30B. This then creates a link between the timing of the

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<sup>1</sup> Note that Method H3 under agenda item 7 Issue H proposes changing the length of the bringing into use period from ninety days to one year (see § 5/7/8.5.3 and § 5/7/8.6.3).

bringing into use period and notification, and there is a general agreement among administrations that WRC-12 did not explicitly decide to introduce such a link.

This issue was studied within ITU-R and two methods are included below to address this issue. It was noted that other methods may be available to address this issue, including, for example alternative provisions in RR Article **11** to those addressed in Method J1. The conformity of this Method with the objective of the date of bringing into use of an assignment and the confirmation of that date by the notifying administration as established by WRC-12 needs to be carefully considered. Care should be taken when developing and implementing any method in order to avoid unintended consequences.

### **5/7/10.2 Background**

With the adoption of RR No. **11.44B** and modifications to Item A.2.a (date of bringing into use the frequency assignment) of the table in Annex 2 to RR Appendix **4**, WRC-12 introduced a time-limit for providing the confirmation of the completion of the 90-day period. Indeed, in order to comply with RR No. **11.44B**, this confirmation has to be provided within 30 days after the end of 90-day period.

There is a general agreement among administrations that WRC-12 did not explicitly decide to introduce such a link. In reality, the requirement to report the completion of the 90 day period within 30 days from its end was initially considered in the context of a 90-day period for the BIU extending beyond the end of the period allowed for bringing into use a frequency assignment. This requirement was later on extended to all BIU instances in order to improve transparency of the process without a full assessment of the implication of the wording used.

### **5/7/10.3 Summary of technical and operational studies, including a list of relevant ITU-R Recommendations**

Following the entry into force of the WRC-12 edition of the Radio Regulations, the Bureau considered that in order to comply with the provisions of RR No. **11.44B** regarding the confirmation to be provided within 30 days after the 90-day period, the date of commencement of the 90-day period cannot be earlier than 120 days before the date of receipt of notification under RR No. **11.15**, § 5.1.3 of RR Appendix **30**, § 5.1.7 of RR Appendix **30A** and § 8.1 of RR Appendix **30B**.

To summarize, the following condition resulting from the implementation of RR No. **11.44B**<sup>2</sup>, among others, has to be validated in order for the notified date of bringing into use to be in conformity with RR No. **11.44B**:

$$\text{DBIU} \geq N - 120 \text{ days}^3$$

Where N and DBIU represent the date of receipt of the notification information and the date of BiU as referred to in Item A.2.a. in the table of Annex 2 to RR Appendix **4** respectively

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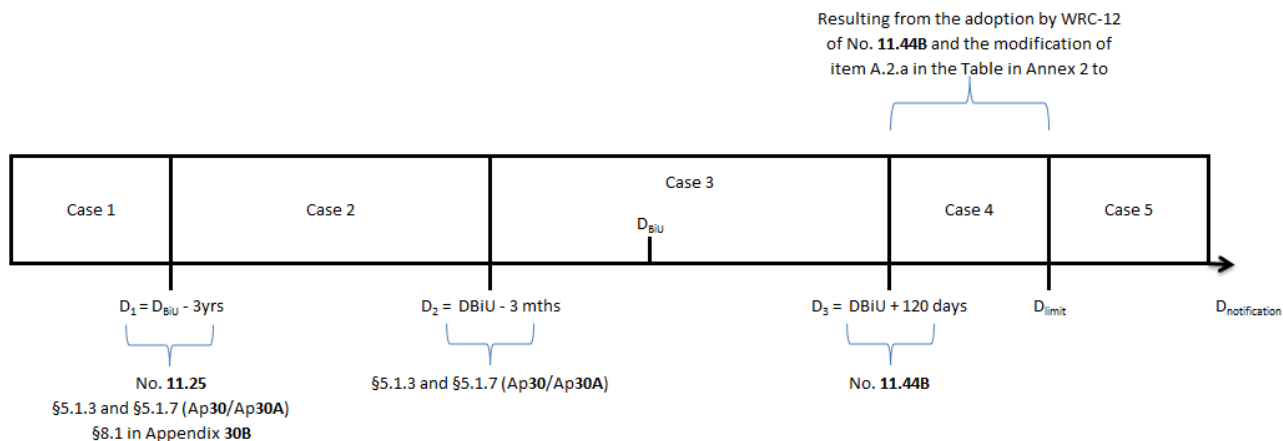
<sup>2</sup> The relevance of RR No. **11.44B** in the context of RR Appendices **30**, **30A** and **30B** results from Item A.2.a in the table of Annex 2 to RR Appendix **4**.

<sup>3</sup> Note that the date of receipt of the notification information shall be within the seven-year/eight-year regulatory period as appropriate.

In trying to implement RR No. **11.44B** as adopted by WRC-12 as well as RR No. **11.25**, § 5.1.3/5.1.4 of RR Appendix **30**, § 5.1.7/5.1.8 of RR Appendix **30A** or § 8.1 of RR Appendix **30B**, different cases<sup>4</sup> could be identified:

- Case 1: The notification information for a frequency assignment is submitted more than 3 years prior to the date provided in the notice under Item A.2.a. in the table in Annex 2 to RR Appendix **4** (also known as the date of bringing into use of this frequency assignment).
- Case 2: The notification information for a frequency assignment is submitted less than 3 years but more than three months prior to the date of bringing into use of this frequency assignment but not at that date.
- Case 3: The notification information for a frequency assignment is submitted less than three months prior to the date of bringing into use of this frequency assignment but no more than 120 days after this date.
- Case 4: The notification information for a frequency assignment is submitted more than 120 days after the date of bringing into use but no later than the end of the Regulatory period.
- Case 5: The notification information for a frequency assignment is submitted after the end of the regulatory period.

FIGURE 1  
Illustration of the various cases for date of receipt of notification information in relation with notified date of bringing into use



<sup>4</sup> In all these cases, it is assumed that the date of bringing into use falls within the regulatory period as stipulated in the Radio Regulations.

TABLE 1

**Conformity with RR of notification information including date of bringing into use in relation with its date of receipt**

<b>Notification</b>	<b>Under RR Article 11</b>	<b>Under Article 5 of RR AP 30/30A</b>	<b>Under Article 8 of RR AP 30B</b>
Case 1	Not in conformity with RR No. <b>11.25</b>	Not in conformity with § 5.1.3 of RR AP <b>30</b> and § 5.1.7 of RR AP <b>30A</b>	Not in conformity with § 8.1 of RR AP <b>30B</b>
Case 2	In conformity	In conformity	In conformity
Case 3	In conformity	Not in conformity with § 5.1.3 of RR AP <b>30</b> and § 5.1.7 of RR AP <b>30A</b> but recorded with favourable findings in accordance with § 5.1.4 of RR AP <b>30</b> and § 5.1.8 of RR AP <b>30A</b>	In conformity
Case 4	Not in conformity with RR No. <b>11.44B</b> <sup>2</sup>	Not in conformity with RR No. <b>11.44B</b> <sup>2</sup>	Not in conformity with RR No. <b>11.44B</b> <sup>2</sup>
Case 5	Not in conformity with RR No. <b>11.44.1</b>	Not in conformity with § 5.3.1 of RR AP <b>30</b> and AP <b>30A</b>	Not in conformity with § 8.2 of RR AP <b>30B</b>

**5/7/10.4 Analysis of the results of studies**

Following WRC-12 and the comments submitted by administrations in response to Circular Letter CR/343<sup>5</sup>, the Bureau developed a draft Rule of Procedure to address, among other things, the case of notification information for a frequency assignment submitted more than 120 days after the date of bring into use of this frequency assignment (Case 4 in the table above). Two possible approaches were suggested in the draft rules (see CCRR/52 of 8 August 2014):

- 1) An adjustment to the notified date of bringing into use so that the date of bringing into use recorded in the MIFR will be the date of notification – 120 days with the addition of a limit specifying the actual date of bringing into use (date originally contained in the notification information as submitted by the administration).
- 2) The notified date of bringing into use can be more than 120 days before the date of receipt of the notification information if the confirmation that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving the notified assignments has been deployed and maintained at the notified orbital position for a continuous period of more than ninety days up to the date of receipt of notification is provided to the Bureau together with the notice.

**5/7/10.5 Methods to satisfy Issue J**

**5/7/10.5.1 Method J1**

This method consists of eliminating from RR No. **11.44B** the only instance where the notification information for a frequency assignment to a space station in the geostationary-satellite orbit is not

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<sup>5</sup> In this Circular Letter dated 31 January 2013 (see § 2.3.5 in Document [CR/343](#)), the Bureau gives for the first time an indication that notification information for a frequency assignment received more than 120 days after the date of bringing into use of this assignment would not be in compliance with RR No. **11.44B**.

in conformity with RR No. **11.44B** because of the requirement to confirm the notified date of BiU within 120 days of this date.

To do so, any notification information for a frequency assignment to a space station in the geostationary-satellite orbit received with a date of bringing into use more than 120 days prior to the date of receipt of this notice shall be considered brought into use as long as the notifying administration confirms, with the submission of the notification information, that a space station in the geostationary-satellite orbit has been deployed and maintained at the notified orbital position for a continuous period from the date of bringing into use indicated in the notice to the date of receipt of this notice.

In any other cases, RR No. **11.44B** applies as is.

#### **5/7/10.5.2 Method J2**

No change to the Radio Regulations.

#### **5/7/10.6 Regulatory and procedural considerations for Issue J**

##### **5/7/10.6.1 Method J1**

## ARTICLE 11

### **Notification and recording of frequency assignments<sup>1, 2, 3, 4, 5, 6, 7, 7bis</sup> (WRC-12)**

#### **Section II – Examination of notices and recording of frequency assignments in the Master Register**

##### **MOD**

**11.44B** A frequency assignment to a space station in the geostationary-satellite orbit shall be considered as having been brought into use when a space station in the geostationary-satellite orbit with the capability of transmitting or receiving that frequency assignment has been deployed and maintained at the notified orbital position for a continuous period of ninety days. The notifying administration shall so inform the Bureau within thirty days from the end of the ninety-day period<sup>[ADD xx](#)</sup>. (WRC-~~12~~<sup>15</sup>)

##### **ADD**

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<sup>xx</sup> **11.44B.1** A frequency assignment to a space station in the geostationary-satellite orbit with a notified date of bringing into use more than 120 days prior to the date of receipt of the notification information shall also be considered as having been brought into use if the notifying administration confirms, when submitting the notification information for this assignment, that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving that frequency assignment has been deployed and maintained for a continuous period of time from the notified date of bringing into use until the date of receipt of the notification information for this frequency assignment.

**5/7/10.6.1 Method J2**

**NOC**

**ARTICLE 11**

**Notification and recording of frequency  
assignments<sup>1, 2, 3, 4, 5, 6, 7, 7bis</sup> (WRC-12)**

**Section II – Examination of notices and recording of frequency assignments  
in the Master Register**

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