

PLENARY MEETING

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Working Group 5

PROPOSED MODIFICATIONS TO THE DRAFT CPM REPORT

CHAPTER 5, AGENDA ITEM 7

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

5/7/1 Issue A – Informing the Bureau of a suspension under RR No. 11.49 beyond six months

5/7/1.1 Executive summary

Pursuant to RR No. 11.49, when an administration suspends the use of a recorded frequency assignment and the suspension lasts longer than six months, the administration must inform the Radiocommunication Bureau (BR) of the suspension and then follow the procedures for bringing the assignment back into use within the three-year suspension period. Although WRC-12 established an obligation to report the suspension as soon as possible, the conference did not include specific regulatory procedures to address the possible situation of an administration failing to inform the BR of a suspension extending beyond the initial six-month period. To address this situation, two methods are provided to clarify application of RR No. 11.49.

5/7/1.2 Background

WRC-12 modified RR No. 11.49 to expand the time an administration is allowed to suspend the use of a recorded frequency assignment to a space station from a two-year time period to three years. In addition, in the modified RR No. 11.49, an administration does not need to inform the BR of suspensions lasting less than six months, but must inform the BR of suspensions lasting longer than six months as soon as possible, but in any case no later than six months from the start date of the suspension. Although WRC-12 made clear its intention that suspensions would be reported quickly, it did not specify the consequences for the assignments of an administration that failed to report a

suspension by the six-month period deadline. Upon considering how the results of WRC-12 would be implemented in practice, the BR proposed a draft Rule of Procedure (RoP) that would have cancelled the suspended frequency assignments if the BR did not receive a notification of the suspension before or at the end of the six-month period. Although this would have been a legitimate reading of the obligation, the suppression of a frequency assignment for the reporting of a suspension beyond the six-month period could be viewed as inconsistent with the WRC-12 decision for administrations to have a maximum of three years from the suspension date to resume use of their frequency assignments.

5/7/1.3 Summary of technical and operational studies, including a list of relevant ITU-R Recommendations

There are two methods (including NOC) proposed to satisfy this issue. Under the first method (Method A1, NOC) it is believed that if the suspension lasts longer than six months, the notifying administration, which is responsible for a recorded frequency assignment to a space station in the MIFR, must notify the BR of the suspension of the assignment in accordance with the RR No. **11.49**, otherwise, the BR, based on reliable information that a recorded assignment is no longer in use for more than six months, can apply the provisions of the RR No. **13.6** which establishes a procedure to clarify the situation. Despite the existence of an obligation to report any suspension within six months of the actual date of suspension in RR No. **11.49**, the non-compliance with this aspect of the provision does not lead to any consequence.

Although the BR can always request clarification from the notifying administration under RR No. **13.6** on the information relating to the suspension of recorded assignments, the provision RR No. **11.49** does not indicate any specific measure to be implemented for solely missing the six-month deadline. The BR can consider the information provided by the administration and in case of disagreement, the case can be submitted for the consideration by the Radio Regulations Board (RRB), which will take a decision taking into account all of the information provided. However, the only measures to be eventually implemented by the BR would be in relation to the expiry date of the suspension period or the cancellation of the frequency assignments. In the meantime the entry (the respective assignment recorded) will continue to be taken into account by the BR and administrations until the decision by the RRB in accordance with RR No. **13.6**.

Under Method A1, it is believed that the current regulatory procedures (RR No. **13.6**) are sufficient to ensure the compliance with the provisions in RR No. **11.49** especially those related to the period of suspension. The procedure under RR No. **13.6** respects the rights and the efforts made by the administrations and specifically guarantee the response rights of the administrations, noting that technical problems could have appeared or misunderstandings could have happened between an administration and a satellite operator responsible for the location and operation of the satellite system involved during the process of any notification to the BR probably detected beyond the regulatory deadlines, besides others circumstances.

Therefore, according to the reasons expressed there would be no particular need to modify the provision RR No. **11.49** given that if there is disagreement, the matter would be referred to the RRB and further addressed on a case-by-case basis.

The second method to address this issue (Method A2), and encourage both the prompt reporting of qualifying suspensions and the limitation of the total suspension period to three years from inception to resumption of use, supports creating an incentive to administrations to inform the BR as soon as possible within the initial six-month period of the suspension.

Under Method A2, if an administration informs the BR of a suspension beyond six months from the start of the suspension, then the maximum suspension period will be reduced by an amount related

to the delay beyond six months in providing this information. The standard for bringing back into use in RR No. **11.49.1** would continue to apply unchanged.

Method A2 is meant to encourage a prompt reporting of qualifying suspensions. The implementation of this method will create an incentive for the notifying administration to report a suspension as soon as possible within the initial six-month period of the suspension. Under this method, two options are proposed (Options A and B). Under the first option (Option A), the non-compliance with the six-month deadline to report the suspension may result in a reduction of the suspension period or the initiation of the cancellation process of the recorded assignments depending on the period that elapsed since the end of the initial six-month period following the actual suspension. Under the second option (Option B), an increased incentive to comply is considered after the second six-months of non-compliance.

It is considered that the creation of an incentive for promptly informing the BR of a suspension is important because the increased number of suspended networks after the circulation of Circular Letter [CR/301](#) entitled “Removal of unused frequency assignments (Space Services) from the Master Register” implicitly showed the existence of a number of unidentified suspended satellite networks. The creation of an incentive will reduce the number of unidentified suspended networks and contribute to the rational, efficient and economical use of radio frequencies and the geostationary-satellite orbit (GSO).

Views were expressed that reducing the 3-year suspension period due to failing to inform the BR within the required six-month period that was adopted at WRC-12 may cause serious consequences for the project of the administration and does not consider the reasonable time for administrations to bring back into use assignments for a new satellite.

The following are illustrative and possible examples describing situations which may be applicable to the case of suspension and are included in this document for information only:

TABLE 5/7/1.3-1

Case	Subject
1	Satellite failure at the subject orbital position: The satellite lost its capability totally or partially to continue to use the subject frequency assignments at the subject orbital position.
2	Partial satellite failure at the subject orbital position and relocation to another orbital position: An administration and/or an operator decided to move the satellite to another orbital position after a partial failure because it was considered that the original location became inappropriate for its operation in terms of demands from users.
3	Launch failure and/or satellite failure as a result of launch of a replacement satellite: The replacement satellite could continue to use the frequency assignments of the original satellite and then the original satellite is de-orbited.
4	Replacement satellite is less capable than original satellite: When a replacement satellite does not have the capability to continue using all of the frequency assignments of the original satellite.
5	Relocation due to satellite failure at a different orbital position: An administration and/or an operator decides to move a satellite from orbital position A to orbital position B in order to restore the failed capability at position B.
6	Legitimate continuation of use: The continuation of use of an assignment which had not been suspended because an administration initially intended to resume it within the permitted six months but did not.

In most cases, it is quite unlikely that administrations and/or operators need more than 6 months to determine whether the application of suspension is really required, or not.

5/7/1.4 Analysis of the results of studies

Although in most cases, it is quite unlikely that administrations and/or operators need more than 6 months to determine whether the application of suspension is really required, or not, case 6 describes a situation in which administrations may not have timely informed. When an administration cannot decide the need for the application of suspension, it is possible to suspend the assignments, then bring the assignments back into use within the regulatory deadline (i.e. 3 years) and be required to follow the bringing back into use provisions of RR No. **11.49.1**. For these reasons, an incentive of application of suspension could be introduced.

It is further noted that application of RR No. **11.49** must continue to take into account that the notifying administration has the most accurate knowledge and information about the operational situation of a satellite system and is responsible for the satellite network. In this regard, it must inform the BR of the suspension of the assignment in accordance with RR No. **11.49**.

5/7/1.5 Methods to satisfy issue A

For each of the methods below, to allow a means of confirmation that the suspension information has been received in a timely manner, it is important that the BR regularly update the List of suspended satellite networks to include all RR No. **11.49** information promptly upon receipt, and to appropriately modify the format of the List to include a column with the deadline for resumption of operation determined by application of RR No. **11.49**.

5/7/1.5.1 Method A1

This method supports no change to the RR. Under this method, it is believed that the procedures are already provided in the RR. In particular, RR No. **13.6** provides a method for the BR to query an administration and address the situation for when it appears that an administration has not informed the BR of a suspension within the six-month period specified in RR No. **11.49**. Furthermore, in cases where a notifying administration informs the BR on its own initiative after the initial six months of suspending a recorded frequency assignment, the BR will inform the administration that this request is not compliant with RR No. **11.49** and will ask whether the administration agrees with its proposed action.

It should be noted that, currently, if a notifying administration informs the BR on its own initiative or in response to a query under RR No. **13.6**, after the initial six months of suspending a recorded frequency assignment, the BR records the assignment as being suspended as of the date indicated by the notifying administration and informs the RRB.

5/7/1.5.2 Method A2

This method modifies RR No. **11.49** to provide a regulatory mechanism that addresses the case of an administration informing the BR, after the initial six months, of a suspension of use of a recorded frequency assignment that is going to last longer than six months. Two options are considered.

5/7/1.5.2.1 Option A: Day-for-day reduction after 6 months

The three-year suspension time period shall be reduced by the amount of time that has elapsed between the end of the six-month period and the date that the BR is informed of the suspension.

Informing the BR of a suspension at 21 months beyond the start of the suspension would result in immediate cancellation of the assignments as the remaining suspension period would have lapsed,

i.e. at 15 months beyond the end of the six-month suspension period the three-year suspension period would be reduced to 21 months.

5/7/1.5.2.2 Option B: Day-for-day reduction after 6 months up to 12 months followed by two times reduction thereafter (from 12 to 18 months)

If informed after the sixth month and prior to the twelfth month from the start of the suspension, the reduction to the three-year time period is the same as the first option. In addition to the day-for-day reduction prior to the twelfth month from the start of the suspension, after the twelfth month, and up to the eighteenth month, the three-year time period shall be further reduced by twice the amount of time that has elapsed between the end of the first year of the suspension and the date that the BR is informed of the suspension. As an example, informing the BR of a suspension fourteen months after the start of the suspension would result in ten months' reduction of the three-year suspension period, i.e. six months of reduction for the period from the sixth to the twelfth month of the suspension plus an additional four-month reduction to account for twice the period from the twelfth month to the fourteenth month.

Informing the BR of a suspension at 18 months beyond the start of the suspension would result in immediate cancellation of the assignments as the remaining suspension period would have lapsed.

Note: It may be appropriate to modify section 5.2.10 of RR Appendices **30** and **30A** to determine if the method described here could be applied to suspensions of the use of frequency assignments under those Plans. This point could be considered as well in conjunction with any effort by WRC-15 to align section 8.17 of RR Appendix **30B** with the suspension provisions in RR No. **11.49** and the RR Appendices **30** and **30A** Plans.

5/7/1.6 Regulatory and procedural considerations for issue A

For any of the methods, when a notifying administration fails to inform the BR about an assignment being suspended, the BR needs to follow the course of action prescribed in RR No. **13.6** to cancel the basic characteristics of the entry in the MIFR.

5/7/1.6.1 Method A1

ARTICLE 11

Notification and recording of frequency assignments^{1, 2, 3, 4, 5, 6, 7, 7bis} (WRC-12)

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

NOC

11.49

5/7/1.6.2 Method A2

5/7/1.6.2.1 Option A: Day-for-day reduction after 6 months

ARTICLE 11

Notification and recording of frequency assignments^{1, 2, 3, 4, 5, 6, 7, 7bis} (WRC-12)

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

MOD

11.49 Wherever the use of a recorded frequency assignment to a space station is suspended for a period exceeding six months, the notifying administration shall, ~~as soon as possible, but no later than six months from the date on which the use was suspended,~~ inform the Bureau of the date on which such use was suspended. When the recorded assignment is brought back into use, the notifying administration shall, subject to the provisions of No. **11.49.1** when applicable, so inform the Bureau, as soon as possible. The date on which the recorded assignment is brought back into use²² shall be not later than three years from the date on which the use of the frequency assignment was suspended, provided that the notifying administration informs the Bureau of the suspension within six months from the date on which the use was suspended. If the notifying administration informs the Bureau of the suspension more than six months after the date on which the use of the frequency assignment was suspended, this three-year time period shall be reduced. In this case, the amount by which the three-year period shall be reduced shall be equal to the amount of time that has elapsed between the end of the six-month period and the date that the Bureau is informed of the suspension. If the notifying administration informs the Bureau of the suspension more than 21 months after the date on which the use of the frequency assignment was suspended, the frequency assignment shall be cancelled. (WRC-~~12~~15)

NOC

²² **11.49.1**

5/7/1.6.2.2 Option B: Day-for-day reduction after 6 months up to 12 months followed by two times reduction thereafter (from 12 to 18 months)

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NOC

²² **11.49.1**