



Radiocommunication Bureau (BR)

Circular Letter
CR/387

17 December 2015

To Administrations of Member States of the ITU

Subject: Minutes of the 70th meeting of the Radio Regulations Board

Pursuant to the provisions of Nos. 13.18 of the Radio Regulations and in accordance with §1.10 of Part C of the Rules of Procedure, please find attached the approved minutes of the 70th meeting of the Radio Regulations Board (19-23 October 2015).

These minutes were approved by the Members of the Radio Regulations Board by electronic means and are available on the RRB pages of the ITU web site.

François Rancy
Director

Annex : Minutes of the 70th meeting of the Radio Regulations Board

Distribution:

- Administrations of Member States of ITU
- Members of the Radio Regulations Board

Radio Regulations Board

Geneva, 19-23 October 2015



INTERNATIONAL TELECOMMUNICATION UNION

Document RRB15-3/12-E

5 November 2015

Original: English

MINUTES¹ OF THE 70th MEETING OF THE RADIO REGULATIONS BOARD 19-23 October 2015

Present:

Members, RRB

Mr Y. ITO, Chairman

Ms L. JEANTY, Vice-Chairman

Mr M. BESSI, Mr N. BIN HAMMAD, Mr D. Q. HOAN, Mr I. KHAIROV,

Mr S. K. KIBE, Mr S. KOFFI, Mr A. MAGENTA, Mr V. STRELETS,

Mr R. L. TERÁN, Ms J. C. WILSON

Executive Secretary, RRB

Mr F. RANCY, Director, BR

Précis-Writers.

Mr T. ELDRIDGE and Ms A. HADEN

Also present:

Mr M. MANIEWICZ, Deputy-Director, BR and Chief, IAP

Mr Y. HENRI, Chief, SSD

Mr A. MENDEZ, Chief, TSD

Mr A. MATAS, Head, SSD/SPR

Mr M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr B. BA, Head TSD/TPR

Ms I. GHAZI, Head, TSD/BCD

Mr N. VASSILIEV, Head, TSD/FMD

Mr V. TIMOFEEV, Special Adviser to the Secretary-General

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

¹ The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 70th meeting of the Board. The official decisions of the 70th meeting of the Radio Regulations Board can be found in Document RRB15-3/11.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Report by the Director of BR	RRB15-3/4 +Add. 1-4
3 Status of the MEXSAT113 L-CEXT-X and MEXSAT113 AP30B satellite networks	RRB15-3/2, RRB15-3/3, RRB15-3/INFO/1
4 Submission by the Administration of Colombia regarding the bringing into use of the SATCOL 1B satellite network at 70.9°W	RRB15-3/1 + Add.1
5 Request for a decision by the Radio Regulations Board for cancellation of frequency assignments in the bands 5 852-5 888 and 5 892-5 925 MHz to the INSAT-2(55) satellite network under No. 13.6 of the Radio Regulations	RBB15-3/7
6 Request for a decision by the Radio Regulations Board for cancellation of frequency assignments in the band 2 204.2 249-2 204.8 249 MHz to the SICRAL-4-21.8E satellite network under No. 13.6 of the Radio Regulations	RBB15-3/8
7 Notification of typical earth stations in the fixed-satellite service	RRB15-3/5
8 Requests by administrations for the development of rules of procedure	RRB15-3/9, RRB15-3/10
9 Preparation and arrangements for WRC-15 and RA-15	-
10 Election of the Chairman and Vice-Chairman of the Board for 2016	-
11 Confirmation of the dates of the next meeting and schedule of subsequent meetings in 2016	-
12 Approval of the summary of decisions	RRB15-3/11
13 Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 19 October 2015, welcomed participants to Geneva, and noted that at the present meeting the Board would be finalizing its preparations for WRC-15, just two weeks hence.

1.2 The **Director**, welcoming participants on his own behalf and that of the Secretary-General, noted the importance of the present meeting in light of the imminent WRC.

1.3 The Board **noted** that Document RRB15-3/6, containing a request for a decision by the Board to cancel frequency assignments to certain INTELSAT networks, had been withdrawn from the agenda of the present meeting. The **Chairman** observed that there were no late documents.

1.4 **Mr Strelets** observed that in some of the documentation before the present meeting, correspondence between the Bureau and administrations had not been translated from the original language. He hoped that such an approach was exceptional.

1.5 **Chief SSD** confirmed that the situation was exceptional: with the RA and WRC due for the first time to take place immediately after a Board meeting, ITU's translation services were faced with an overwhelming workload and had to give priority to the assembly and conference documents.

2 Report by the Director of BR (Documents RRB15-3/4 and Addenda 1-4)

2.1 The **Director** introduced his customary report in Document RRB15-3/4.

2.2 **Chief TSD**, introducing the sections of the Director's report related to terrestrial systems, noted that Annex 2 described the work of the Bureau in processing filings related to terrestrial services and that all such processing had been completed within the regulatory time limits. A review of findings of terrestrial assignments recorded in the Master Register (§4.3 of Annex 2) was a new element in the report. Responding to a query by **Mr Bessi** on that section, he confirmed that the VHF analogue television assignments recorded in the GE06 analogue Plan continued to be protected for countries indicated in footnotes 7 and 8 of Article 12 of the GE06 Agreement.

2.3 **Mr Strelets** and the **Chairman** congratulated the Bureau on respecting the regulatory deadlines for processing filings for terrestrial systems, despite a heavy workload.

2.4 With regard to harmful interference to broadcasting stations in the VHF/UHF bands caused by Italy to neighbouring countries, outlined in §4.2 of Document RRB15-3/4, **Chief TSD** drew attention to a status report of the regulatory actions taken recently by the Italian authorities including the Decree of 17 April 2015 (Addendum 1 to Document RRB15-3/4), correspondence from the Administration of Croatia (Addendum 2) and the Administration of Slovenia (Addendum 3) relating to harmful interference from Italy, and information received from the Administration of Italy (Addendum 4) on actions taken by Italy to mitigate the harmful interference from Italian FM sound broadcasting stations.

2.5 **Mr Kibe** said that, despite previous assurances from Italy, no noticeable results seemed to have been achieved. He recognized, however, that time was needed to freeze FM transmissions and welcomed the steps being taken by the Italian authorities, noting that the broadcasting of the same FM programmes on several frequencies was not helping matters. He considered that the Board should note with satisfaction the relentless efforts being made by the Director and staff of the Bureau to resolve the long-standing problem. **Mr Bessi** supported those comments.

2.6 **Mr Hoan**, while appreciating the efforts of the Bureau, the Administration of Italy and the affected countries, suggested that the Board should urge Italy to set up bilateral meetings with neighbouring countries in order to resolve the harmful interference.

2.7 **Mr Bessi** noted with satisfaction Italy's efforts to resolve the problem, in particular the increase in the funding available for compensation to broadcasters in 12 regions of Italy, from EUR 20 million to around EUR 50 million. He noted, however, that the Decree was part of Italy's internal legislative process and thus not subject to discussion by the Board. How could the Board help to stop the interference? Despite hopes that the problem would be resolved by 30 April 2015, it appeared from the documents that very little progress had been made. According to Addendum 4 to Document RRB15-3/4, interference had been resolved or partly resolved in just three channels to date. Italy should speed up the process and provide a road map indicating channel by channel how interference would be resolved.

2.8 **Mr Khairov** stressed the need for multilateral as well as bilateral coordination meetings between Italy and neighbouring countries, given that one Italian channel might affect several countries. Despite some efforts by Italy, progress had been paltry.

2.9 **Mr Strelets** observed that the present discussion in the Board was much the same as that at WRC-12. He recalled the decision taken by WRC-12 calling for the development of an action plan to resolve interference, and for the Director to continue monitoring the situation and to present a progress report from the Board to WRC-15. He pointed out that in the "Final Information" in Addendum 4 to Document RRB15-3/4, Italy had the temerity to suggest that neighbouring countries were partly responsible for the problem.

2.10 The **Director** confirmed that the matter would be brought to the attention of WRC-15. The Italian government had taken steps to resolve the problem but it would take time to translate national law into actual practice. In his opinion, it would be unrealistic to expect improvement in the field before the end of the year.

2.11 **Ms Jeanty** agreed with the Director and with Mr Strelets. For years there had been no progress, but now some positive action was being taken by Italy. Resolving the problem would, however, take a long time.

2.12 **Chief SSD**, introducing those parts of the Director's report dealing with space systems, drew attention to §2 and Annex 3 on the processing of notices for space services. He provided updated information covering September 2015. All processing had been completed within the applicable deadlines except in regard to the large number of complex non-geostationary satellite networks received in December 2014 and January 2015. He confirmed that all outstanding special sections would be published in the BR IFIC in November. With regard to the implementation of cost recovery for satellite network filings (late payments), covered in §3 of the report, he drew attention to the list in Annex 4 to the document identifying satellite network filings where payment had been received a few days after the due date but prior to the BR IFIC meeting dealing with that matter, and which the Bureau continued to take into account. Also listed in Annex 4 was the one satellite network filing cancelled as a result of non-payment of invoice. Information on continuing efforts by the Bureau to ensure that entries in the MIFR complied with the regulations, including through the suppression of satellite networks under No. 13.6, were reflected in §5.

2.13 **Mr Strelets** recalled that WRC-2000 had decided on epfd limits to protect geostationary from non-geostationary satellite networks but that at the time the Bureau had had no software to check that the declared characteristics of non-geostationary assignments conformed with the epfd limits. In the light of the new requests, he assumed that the matter would be discussed by both WRC-15 and WRC-19. He asked what the Bureau had done in regard to developing such software.

2.14 **Chief SSD** confirmed that WRC-15 would take up the matter of epfd limits for non-geostationary satellite networks under Article 22. With regard to the verification software that implements the algorithm in Recommendation ITU-R S.1503-2, the Bureau was working with two commercial companies and expected that, by the end of the year, software would be available to validate epfd limits in conformity with Recommendation ITU-R S.1503-2. He pointed out, however, that that Recommendation had been developed for constellations of 80-100 satellites, whereas the

Bureau was now receiving constellations of 800-900 satellites or even 4000 satellites, for which the masks might differ from those described in the Recommendation. Given that the epfd had been defined for constellations in the late 1990s, WRC-15 might decide that new studies were needed.

2.15 **Mr Hoan** expressed appreciation for the work of the Bureau. He recalled that at the Board's 68th meeting the Bureau had attributed some delays in processing to a software bug and to a lack of resources. He asked whether those problems still affected the Bureau's work.

2.16 **Chief SSD** said that some delays in processing geostationary systems had arisen as a result of the workload associated with non-geostationary systems. He expected all processing to be up to date by the end of November or early December. He hoped that, if WRC-15 gave the Bureau extra tasks, then the conference would also make sure that the Bureau had additional resources.

2.17 The **Chairman** proposed that the Board conclude as follows:

"The Board discussed in detail Document RRB15-3/4 containing the Report of the Director of the Radiocommunication Bureau on the issues on general activities covered by the BR and on the issue of harmful interference to the sound and television broadcasting services caused by Italy to its neighbours.

The Board appreciated that the processing of filings for terrestrial and space systems are progressing very well. However, the Board also noted that applications for filings for non-geostationary satellite orbit networks have been increasing recently and as a consequence the processing of GSO networks was sometimes delayed.

Regarding the issue of harmful interference to the sound and television broadcasting services caused by Italy to its neighbours, the Board noted that:

- The neighbouring countries of Italy, which have reported cases of harmful interference (Documents RRB15-3/4(Add.2 and 3)) to their television and sound broadcasting services, have noticed no significant progress in the interference experienced except for one improvement observed in France;
- The Administration of Italy provided two input documents, Document RRB15-3/4(Add.1), which describes the main elements contained in the Decree approved by the Italian government, including the allocation of the amount of compensation to their broadcasters for 12 Italian regions, and Document RRB-15-3/4(Add.4), which provides actions taken to mitigate interference from Italian television and FM sound broadcasting stations.

The Board understands that the process of rectifying the frequency assignments is time-consuming and appreciates the on-going efforts made by the Administration of Italy, the countries concerned and the Bureau on this matter. However, taking into account the situation of countries that receive the harmful interference, the Board urged the Administration of Italy, with the assistance of the Bureau, to persist in its efforts through multilateral and bilateral meetings with affected administrations, as necessary, to achieve a complete solution at the earliest possible date. The Board also requested the Administration of Italy to provide a concrete road map in 2016 to the Board."

2.18 It was so **agreed**.

2.19 The Director's report in Document RRB15-3/4 was **noted**.

3 Status of the MEXSAT113 L-CEXT-X and MEXSAT113 AP30B satellite networks (Documents RRB15-3/2, RRB15-3/3 and RRB15-3/INFO/1)

3.1 **Mr Matas (SSD/SPR)** introduced Documents RRB15-3/2 and RRB15-3/3 - along with the information provided in Document RRB15-3/INFO/1 – containing a request by the Administration of Mexico for the Board to extend the regulatory deadline for bringing into use satellite network

MEXSAT113 L-CEXT-X by 48 months, commencing on 2 February 2016, following the launch failure of the satellite due to operate the network as described in the correspondence from International Launch Services to the Mexican Administration dated 18 May 2015 included in Document RRB15-3/3. In its correspondence dated 10 September 2015 included in Document RRB15-3/3, Mexico indicated that it was withdrawing its original request for an extension for satellite network MEXSAT113 AP30B too, since there was sufficient time to bring that network into use as the filing's expiry date was 26 November 2019.

3.2 **Ms Wilson** said that, to her understanding and in line with the Board's report to WRC-15 under Resolution 80 (Rev. WRC-07), the decisions taken by WRC-12 meant that it would be perfectly within the Board's purview to accede to the Mexican Administration's request for a limited extension of the date of bringing into use its MEXSAT113 L-CEXT-X filing following the satellite launch failure.

3.3 **Ms Jeanty** agreed with Ms Wilson: the Board should accede to the Mexican Administration's request. It should nevertheless give careful thought to the length of the extension it granted. To her understanding, the maximum length of any such extensions should be three years in accordance with Appendix 30B. The Board might nevertheless invoke special circumstances in the present case, for example the fact that another filing (MEXSAT113 AP30B) was also involved in regard to the same satellite.

3.4 **Mr Hoan** said that the satellite launch failure suffered by Mexico met the criteria for *force majeure* previously outlined for the Board by the ITU Legal Adviser, and it was therefore within the Board's purview to provide a limited and qualified extension in the present case. Nevertheless, in line with Appendices 30, 30A and 30B, any such extension theoretically should not exceed three years. He noted that the expiry date of the MEXSAT113 L-CEXT-X filing appeared to be 5 February 2016, and not 2 February 2016, and therefore surely the extension should commence on that later date.

3.5 **Mr Terán** agreed with previous speakers that, in view of the mandate given to the Board by WRC-12, it would be within the Board's purview to grant Mexico an extension. Moreover, given the specific, somewhat complex characteristics of the network involved, it would not be excessive to grant the 48-month extension asked for; indeed, it seemed to have taken around 36 months to build the satellite that had just been lost, and there was no point in creating a situation in which the Mexican Administration would have to request a further extension three years hence.

3.6 The **Chairman** suggested that, since the satellite to be launched would operate two filings, the Board might reach a compromise regarding the duration of the extension it granted for MEXSAT113 L-CEXT-X by setting its new expiry date at 26 November 2019, i.e. the date of expiry of the MEXSAT113 AP30B filing.

3.7 **Mr Kibe** agreed with previous speakers that, in line with the decisions taken by WRC-12, the Board was competent to accede to the Mexican Administration's request and thus grant a limited and qualified extension following a case of *force majeure*. In its correspondence dated 10 September 2015, however, Mexico invoked various provisions as the basis for the duration of the extension requested, including RR No. 11.49. He questioned the relevance of that provision to the case under consideration, since No. 11.49 dealt with the suspension of use of a satellite network, not the extension of bringing-into-use deadlines. Moreover, it referred to a maximum period of three years, and therefore did not appear to provide justification for the 48-month extension requested by Mexico. Regarding the provisions of Appendices 30, 30A and 30B cited by Mexico and relating to extension of the bringing-into-use period, Mexico appeared to have satisfied the requirement for "the launch failure to have occurred at least five years after the date of receipt of the complete Appendix 4 data"; however, the 48-month extension requested was not in line with the three-year maximum period referred to in the same provisions. Lastly, the three-year period in question was, to his understanding, to be measured from the date of launch failure and not, as requested by Mexico, from the date of expiry of the filing concerned. He noted that Mexico's request related solely to its

MEXSAT113 L-CEXT-X filing, and that it had withdrawn its request for an extension for MEXSAT113 AP30B.

3.8 **Mr Strelets** agreed that No. 11.49 was not relevant to the case in hand. There nevertheless appeared to be no doubt that the case was one of *force majeure*, and that the Board had the authority to grant a limited and qualified extension, as requested by Mexico. Regarding the duration of that extension, the 48 months requested by Mexico appeared to be justified, since, as made clear in Mexico's submission, the satellite to be built would be extremely complex and, like the craft that had been lost, would take a full 36 months to construct. Further time would be required for testing, transport to the launch site, further checks, etc., and there might then even be a launch queue. He saw no contradiction in granting a "limited" extension of four years. Lastly, it was the first time the Board was considering a case of this kind, and the case was therefore not covered in the Board's report to the WRC under Resolution 80. In his view, the Board should accede to Mexico's request, and in one way or another supplement its Resolution 80 report to reflect the matter.

3.9 **Mr Koffi** agreed with previous speakers that the Board had the authority to grant an extension in the case under consideration; under the Radio Regulations, however, that extension could not exceed three years. Thus, either the Board should grant an extension of three years, or the matter should be referred to the WRC for decision.

3.10 **Mr Magenta** supported all previous speakers who had spoken in favour of acceding to the Mexican Administration's request, and said that the Board should show flexibility and handle all such requests on a case-by-case basis.

3.11 **Ms Wilson** endorsed Mr Strelets' comments regarding the extension requested by Mexico and said that, for the reasons given by Mr Strelets, it would serve no purpose for the Board to grant an extension of 36 months rather than the 48 months they requested. WRC-12 had given the Board the authority to grant limited and qualified extensions on a case-by-case basis. To place a three-year limit on any such extensions would negate the case-by-case approach and prevent the Board from dealing adequately with cases such as the present one. She could support the Chairman's suggestion to align the expiry of the extension with that of the MEXSAT113 AP30B filing.

3.12 **Mr Khairov** supported Ms Wilson and Mr Strelets, and the granting of a 48-month extension. He added that the frequency assignments stemmed from Mexico's entitlements under the Appendix 30B Plan, and therefore any possible impact on other administrations would be minimal. He agreed that No. 11.49 was not relevant to the present submission.

3.13 **Mr Bessi** said that to grant the extension requested by Mexico fell well within the Board's purview, but since it would be the first case of the Board granting an extension for *force majeure*, the Board must be careful to set out a logical basis for its decision, taking into account the points it was making in its report under Resolution 80, and in particular ensuring that Mexico's submission satisfied the four basic criteria to be taken into account in establishing a case of *force majeure* - as indeed referred to by the Mexican Administration in its letter of 22 May 2015 (Document RRB15-3/2). If the Board agreed to accede to Mexico's request, it should avoid drawing any analogies with existing provisions of the Radio Regulations (e.g. the three-year period contained in No. 11.49), because to do so would establish rules that would then have to be applied to other cases in the future and would prevent the Board from dealing with such requests case by case. The Board should base its present decision, to grant a limited and qualified extension, on Mexico's apparently justified assertion that 48 months would be required to construct and launch a new satellite. Thus, it should grant a four-year extension, commencing on the date of failure of the satellite launch.

3.14 **Mr Hoan** endorsed Mr Koffi's comments. The Board could grant a three- year extension, but any extension that went beyond three years would have to be submitted to the WRC for decision.

3.15 The **Chairman** said that the Board appeared to agree that Mexico should be granted an extension, but the question remained as to the duration of the extension and the date it should

commence. Appendix 30B of the Radio Regulations spoke of a three-year extension, from the date of expiry of the filing. If the Board was to grant a longer extension, it must base that decision on more solid grounds than the fact that it took longer to construct a satellite for use in the L-band than in other bands, lest the Board be seen to be establishing different regulations for different bands. The Board might base its decision on the fact that the satellite to be constructed was to operate two different filings, and if one of those filings was lost, the entire project might come to nothing. Thus, the two filings should have the same expiry date. To align the dates of expiry of the two filings would be equivalent to giving an extension of 3 years and 8 months for the MEXSAT113 L-CEXT-X filing.

3.16 **Mr Magenta** supported the Chairman's proposal.

3.17 **Ms Jeanty** agreed with previous speakers that the Board must be careful in taking its decision on the present case, which was the first of its kind. To her understanding, the existing Radio Regulations, specifically Appendices 30, 30A and 30B, already authorized the Bureau to grant a three-year extension without referring the matter to the Board for decision, and any request for a longer extension required a decision by the Board. Solid reasons must nevertheless be provided for granting such a request, and in the present case she could support the Chairman's proposal.

3.18 **Mr Strelets** said that he too supported the Chairman's proposal, which could be backed by the following considerations. First, if Mexico had been seeking a three-year extension, it would not have appealed to the Board for it, since such extensions were already allowed for under the Radio Regulations. Mexico's request involved a specific requirement, and for the bands subject to coordination there was no specified restriction on the length of an extension. The L-band was indeed a band subject to coordination, and could pose certain difficulties. Second, as expounded upon by Mexico in its submission, the WRC had given the Board the authority to grant limited and qualified extensions not necessarily restricted to a maximum of three years. Third, it could be argued that the provisions of Appendices 30, 30A and 30B were somewhat behind the times in stipulating one extension of no more than three years: it was possible that an administration might suffer repeated launch failures for the same satellite, but surely that administration should not be penalized for such bad luck. Indeed, various procedural questions were to be addressed by WRC-15 under its agenda item 7.

3.19 **Mr Hoan** said that, on the understanding that it should deal with requests such as the one before it on a case-by-case basis, the Board appeared to be faced with three options to decide between. First, there was Mexico's request for an extension of 48 months commencing on 2 February 2016. Second, there was the possibility of granting a simple extension of three years. Third, there was the idea of granting an extension which would expire on the same date as the MEXSAT113 AP30B filing. He would like to come to the assistance of the Mexican Administration, but would find it difficult to agree to any extension that went beyond three years, given the clear limits placed upon extensions in Appendices 30, 30A and 30B. He also stressed that the Board must ensure that its present decision was consistent with decisions it had taken in the past on other, comparable cases. However, if the Board decided to grant a three-year extension commencing in February 2016, that might well give Mexico sufficient time to build a replacement satellite, which would after all be a replicate of the satellite lost rather than a completely new craft. Moreover, such an extension would mean that Mexico had over 40 months, from the date of launch failure to the end of the extension, in which to build the new satellite. The Board should therefore grant a three-year extension commencing in February 2016, in the knowledge that, as in the past, the WRC would probably look favourably on any request submitted to it for a longer extension.

3.20 **Ms Wilson** supported the Chairman's proposal. If the Board granted an extension, she would prefer not to set the date of the launch failure as the commencement of the extension, since the period that had elapsed since the launch failure had been one of regulatory uncertainty for Mexico during which it probably could not have taken any action, pending a decision by the Board. She recalled that Mexico had sent a late submission to the Board's 69th meeting, and consideration of that submission had been deferred to the Board's present meeting. She agreed with the previous speakers who had

said that the Radio Regulations allowed for a three-year extension to be granted without the matter having to be brought before the Board. Mexico required a longer extension, and to grant it less would serve no purpose. WRC-12 had recognized the need to authorize the Board to deal with cases on their individual merits, with no pre-imposed restrictions, and the Board should therefore grant Mexico an adequate extension in the form of the Chairman's proposal.

3.21 **Mr Bessi** also supported the Chairman's proposal, noting that the WRC had authorized the Board to deal with cases of *force majeure* case by case, and had set no limit on the extensions that might be granted. He noted that there were various options as to the date on which the extension might commence, and he would be open to discussion of any of them: the date of the launch failure, the date on which the MEXSAT113 L-CEXT-X filing would lapse, or even the date of the end of the present meeting.

3.22 **Chief SSD** said that, although a limit was set on extensions in the procedures related to planned services, no provisions of the Radio Regulations dealt with extensions in the non-planned services, which was why the WRC had discussed the matter and decided that decisions in that regard should be left to the Board. The Radio Regulations set no limits on the possible length of extensions in regard to the non-planned services.

3.23 **Mr Hoan**, while recognizing that the Radio Regulations set no precise limits on extensions that might be granted in the non-planned services, reiterated that the Board must be consistent with decisions it had taken in the past, and must avoid setting random limits. In the case now before it, the Board should either grant an extension based on analogy with provisions of the Radio Regulations that did set limits, or grant an extension based on other, solid grounds. In his view, the Board should not simply grant an extension of 36 or 48 months as from the date of expiry of the MEXSAT113 L-CEXT-X filing.

3.24 The **Chairman** said that the Board should find a way to help Mexico by providing it with an adequate extension without opening the door to a flood of requests from administrations also seeking extensions for less justified reasons. The solution should therefore constitute exceptional treatment for very specific reasons following a definite case of *force majeure*, which was why he was proposing to align the end of the extension granted with expiry of the other filing to be operated by the same satellite, since if one of the two filings lapsed Mexico's project might become meaningless.

3.25 **Mr Magenta** endorsed Ms Wilson's observations regarding the period of regulatory uncertainty in which the Administration of Mexico had found itself since the launch failure, and noted like other speakers that WRC-12 had set no specific limits on extensions that might be granted in the non-planned services. Under normal circumstances, the relevant provisions of Appendices 30, 30A and 30B might be used as a basis for deciding the extension in the present case, but the circumstances of the case were by no means normal and therefore called for exceptional measures. On the understanding that the Board's present decision was taken on a case-by-case basis, the decision would not change the regulations in force and could not be used as a precedent for a future case unless that future case was absolutely identical.

3.26 **Mr Khairov** noted that if the Board granted an extension of 36 months and that proved insufficient, Mexico would presumably have to apply for a further extension in three years' time. Since the Board's decision regarding any further extension could not be predicted, it would represent a huge risk for Mexico to invest in a project that might never in fact be implemented. He therefore fully supported the Chairman's proposal.

3.27 **Mr Strelets** endorsed the need to address the submission under discussion on a purely case-by-case basis, recognizing that it involved a unique and expensive space craft taking at least 36 months to manufacture and that the launch process itself could suffer enormous and unpredictable drawbacks. Moreover, it was clearly in the interest of Mexico and the operators concerned to launch and benefit from the system as soon as possible, thus there was evidently no attempt at abuse on the part of the administration. He could therefore support the Chairman's proposal. However, he saw no

reason not to grant the Mexican Administration the full 48 months it was requesting, and which it appeared to have thought through thoroughly as its real requirement for the MEXSAT113 L-CEXT-X filing. Moreover, in its decision the Board should not presume to foresee and tie the hands of the Mexican Administration in regard to which satellite it ultimately used to bring into use and implement that filing.

3.28 The **Chairman** said that the Board would be well advised to avoid granting Mexico a four-year extension, as that might give the impression that the extension was based on analogy with Appendices 30, 30A and 30B (three years plus 12 months), rather than constituting an exceptional measure based on exceptional circumstances. To give administrations the impression that extensions could be obtained easily based on analogies with Appendices 30, 30A and 30B might open the door to a flood of requests for extensions, first perhaps for the L-band and subsequently for other bands. For all those reasons, he preferred the compromise solution he was proposing.

3.29 **Ms Jeanty** considered that the Board's decision as proposed by the Chairman would in no way tie the Mexican Administration's hands in regard to what satellites it used in the future to implement particular services.

3.30 **Mr Hoan** said that although Mexico had requested a 48-month extension, it had withdrawn its request for an extension for the MEXSAT113 AP30B filing. Since the same future satellite was supposed to bring both the MEXSAT113 AP30B and the MEXSAT113 L-CEXT-X filings into use, it might be assumed that the expiry date of 26 November 2019 would be adequate for both filings, which meant that the Chairman's proposal was logical. He nevertheless shared Mr Strelets' concerns to some extent, and observed that, if the assignments to the MEXSAT113 AP30B filing represented conversions from Plan allotments, the expiry date relating to that filing might be less crucial than the expiry date of the MEXSAT113 L-CEXT-X filing.

3.31 The **Chairman** said that the Mexican Administration would always have the possibility of submitting its case to the forthcoming WRC if it deemed the extension granted by the Board inadequate. He proposed that the Board conclude as follows:

"The Board discussed in detail Documents RRB15-3/2 and 3 containing the submission by the Administration of Mexico regarding the request to extend the regulatory deadline for the bringing into (BIU) use of the MEXSAT113 L-CEXT-X satellite network for 48 months, starting from 2 February 2016, because of satellite launch failure. The Board considered that:

- WRC-12 gave the RRB some authority, to provide a limited and qualified extension of the regulatory time-limit for bringing into use the frequency assignment of a satellite network.
- The Centenario satellite consolidating the two filings, MEXSAT113 L-CEXT-X and MEXSAT113 AP30B, was launched by Proton on 16 May 2015, but the launch failed and the satellite was lost. This incident was reported to the BR on 22 May 2015 within 60 days from the failure.
- The BR received the API of the frequency assignment filing of MEXSAT113 L-CEXT-X on 5 February 2009 and therefore the date of expiration of this filing was set to 5 February 2016. While for the filing of MEXSAT113 AP30B, the receive date of Art. 6 of AP30B information was 26 November 2011 and the date of its expiration was set to 26 November 2019.
- The request from the Administration of Mexico meets the criteria for *force majeure*.
- It is generally understood that the engineering and construction of an L-band satellite system is a lengthy process and also that a sufficient lead time is sometimes needed for a launch.
- An extension of the deadline of the BIU of the frequency assignments under the MEXSAT113 AP30B satellite network was not requested by the Administration of Mexico.

The Board took note that the two filings, MEXSAT113 L-CEXT-X and MEXSAT113 AP30B, actually compose the Centenario satellite and that the filings under the satellite network MEXSAT113

AP30B will expire on 26 November 2019. Therefore, the Board decided to extend the BIU date of the MEXSAT113 L-CEXT-X frequency assignments to 26 November 2019.”

3.32 It was so agreed.

4 Submission by the Administration of Colombia regarding the bringing into use of the SATCOL 1B satellite network at 70.9°W (Document RRB15-3/1 and Addendum 1)

4.1 **Mr Matas** introduced Document RRB15-3/1 and Addendum 1, in which the Administration of Colombia sought to extend the deadline for the bringing into use of assignments to the SATCOL-1B satellite network at 70.9°W. The Administration of Colombia had raised the question at the Plenipotentiary Conference (Busan, 2014), and the conference had recommended that the administration bring the matter to the attention of WRC-15, as well as recommending that the Bureau should take any appropriate action to facilitate consideration of the case by WRC-15.

4.2 The **Chairman** noted that the Administration of Colombia was also requesting the Board’s support in the matter. What should the Board do?

4.3 **Ms Jeanty** said that there was not much for the Board to do. Obviously the matter did not relate to a qualified and time-limited extension, as no time limit was indicated. The Board could only note the case and maybe reiterate the request that it be dealt with by WRC-15, although evidently the Bureau would bring the case to the attention of the WRC.

4.4 **Chief SSD** explained that the frequency assignments to the SATCOL 1B satellite network had not been brought into use by the end of the regulatory period and the Bureau had decided at the 1110th BR IFIC meeting held on 21 May 2015 to proceed with the cancellation of the appropriate special sections. Nevertheless, because the administration had brought the matter to PP-14 and PP-14 had recommended that the Bureau take any appropriate action to facilitate consideration of the case by WRC-15, the Bureau had held implementation of cancellation in abeyance and retained the filing in the MIFR until a final decision be taken by either the Board or the forthcoming conference.

4.5 **Mr Kibe** said that it was unclear what was required of the Board. Bearing in mind the PP-14 recommendation, the Board could perhaps support the administration’s request and ask the Bureau to take the necessary steps to facilitate consideration of the matter by WRC-15.

4.6 **Mr Strelets** said that the case itself lacked clarity, since in its letter dated 18 December 2014 the Administration of Colombia referred to three orbital positions (70.9°W, 38°W and 131°W). Exceptionally, PP-14 had recommended that the Bureau should facilitate consideration of the case by the WRC. He had been surprised to see that the Bureau, in its letter dated 2 February 2015, had suggested that the Board could decide to withhold suppression of the frequency assignments. The Board had no power to do so, given that the case did not involve *force majeure*. PP-14 had stated that the case was to be considered by WRC-15, so the Board should simply take note of the matter.

4.7 **Ms Wilson** agreed with Ms Jeanty, Mr Kibe and Mr Strelets. She noted that the Administration of Colombia had indeed submitted a request to WRC-15 in its Document 110. That being so, and in the light of the PP-14 recommendation, she considered that the Board should simply take note of the matter.

4.8 **Mr Magenta** said that the Board might invite the Bureau to follow the PP-14 recommendation and prepare all the necessary information to enable WRC-15 to take a decision.

4.9 **Mr Bin Hammad** agreed with previous speakers. The matter should be brought to WRC-15 in accordance with the PP-14 recommendation. In the absence of such a recommendation, the Board would have simply advised the Bureau to apply the Radio Regulations. He asked whether the Board should express an opinion on the case itself.

4.10 The **Chairman** commented that if the Board offered support to Colombia's request, then it would be calling for an extension of the regulatory deadline. If it advised that the request be refused, then it would not be helping Colombia.

4.11 **Mr Bessi** observed that, in keeping the filings in the MIFR until WRC-15, the Bureau was taking appropriate action under the PP-14 recommendation to facilitate consideration of the case by the conference.

4.12 **Chief SSD** said that the Bureau wanted to suppress the filings, which were not in conformity with the Radio Regulations. Nevertheless, the Bureau was maintaining the filings in the MIFR as a conservative measure in response to the PP-14 recommendation. He noted that the Administration of Colombia was asking the Board to support its request.

4.13 **Mr Strelets** said that Chief SSD had described the situation clearly. The Board should simply take note of the case but should refrain from supporting the request. In order to offer support, the Board would have to examine the case in depth and find exceptional circumstances that merited exemption from the regulatory timeframe. **Mr Hoan** endorsed that view.

4.14 **Mr Bessi**, **Mr Magenta** and **Mr Koffi** noted that the Bureau had acted correctly and considered that the Board should not express support for the request by the Administration of Colombia.

4.15 The **Chairman** proposed that the Board conclude as follows:

“With respect to Documents RRB15-3/1 and RRB15-3/1(Add.1), the Board noted the recommendation adopted by PP-14 regarding the BIU of the SATCOL1B satellite network at 70.9°W. Taking this into account, the Board understands that the proposal from the Administration of Colombia will be discussed at WRC-15. Therefore, the Board took note of the document and also took note of the fact that the Bureau has acted appropriately in following the recommendation of PP-14.”

4.16 It was so **agreed**.

5 Request for a decision by the Radio Regulations Board for cancellation of frequency assignments in the bands 5 852-5 888 and 5 892-5 925 MHz to the INSAT-2(55) satellite network under No. 13.6 of the Radio Regulations (Document RRB15-3/7)

5.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-3/7, containing a request by the Bureau, along with associated information, for a decision by the Board to cancel the frequency assignments in the bands 5 852-5 888 and 5 892-5 925 MHz to the INSAT-2(55) satellite network. The Administration of India had informed the Bureau of the suspension of use on 2 April 2014 of the frequency assignments in the bands 3 707-4 199.97 and 5 852-6 423.924 MHz to the INSAT-2(55) satellite network under No. 11.49 of the Radio Regulations. The Bureau had subsequently informed the Administration of India that, based on publicly available information, it had been unable to find the bands 5 852-5 888 and 5 892-5 925 MHz on board any satellite at orbital position 55°E before the suspension on 2 April 2014. The Administration of India had confirmed that the frequency assignments in the bands 5 852-5 888 and 5 892-5 925 MHz of INSAT-2(55) had been in use via the INSAT-3E satellite until its suspension of service on 2 April 2014. In January 2015, the Bureau had requested the Administration of India to provide evidence of the use of those bands, as it could find no such evidence from reliable information available. In February 2015, the Administration of India had informed the Bureau that it could not provide a spectrogram for the frequency bands 5 852-5 888 and 5 892-5 925 MHz as the INSAT-3E satellite had been decommissioned. In March 2015, the Bureau had requested another form of clarification, such as a frequency plan for the satellite. In the absence of a response from the Administration of India, the Bureau had sent a first reminder on 24 April 2015 and a second reminder on 10 June 2015. There had been no response, so on

17 September 2015, under No. 13.6 of the Radio Regulations, the Bureau had informed the Administration of India that it would request the Board to take the decision to cancel the assignments from the MIFR. Meanwhile, on 25 June 2015, the Administration of India had informed the Bureau that the frequency assignments to the INSAT-2(55) satellite network had been brought back into use from 25 December 2014 via the GSAT-16 satellite. Responding to a query from **Mr Bin Hammad**, he confirmed that the Bureau had received no response from the Administration of India since 17 September 2015.

5.2 **Mr Bessi**, supported by **Ms Jeanty**, said that the Bureau had correctly applied No. 13.6 of the Radio Regulations, since India had not been able to provide data showing that the frequency assignments in the bands 5 852-5 888 and 5 892-5 925 MHz had been brought into use via the INSAT-3E satellite. The Board should therefore take the decision to cancel those assignments.

5.3 **Mr Hoan** agreed that the Bureau had applied No. 13.6 correctly but said that it was unclear whether the correspondence from India dated 25 June 2015 constituted non-response or disagreement. If the Board thought that the administration disagreed, it would have to examine the case in depth and ask for further information.

5.4 **Chief SSD** pointed out that the correspondence from the administration of 25 June 2015 did not show that the frequency bands 5 852-5 888 and 5 892-5 925 MHz had been brought into use via INSAT-3E prior to 2 April 2014. Furthermore, the Bureau had been unable to identify the frequency bands on board the GSAT-16 satellite at 55°E. In the Bureau's opinion, the frequency bands 5 852-5 888 and 5 892-5 925 MHz had never been brought into use.

5.5 The **Chairman** understood the Bureau's view as indicating that the Administration of India had not responded in regard to the matter before the Board.

5.6 **Mr Strelets** noted that, when an administration asked the Bureau to suspend its assignments, the Bureau suspended them. In the present case, the Bureau had retroactively asked the administration for evidence of bringing into use prior to suspension. Yet the assignments had been recorded in the MIFR and protected in accordance with the Radio Regulations. It was difficult to determine whether those uplink bands had been used on INSAT-3E, given that the Bureau had posed the question months after the assignments had been suspended. He also raised the general question of why other frequency bands were being brought to the attention of the Board in Document RRB15-3/7. It appeared that the Administration of India had acted in conformity with the Radio Regulations. While supporting the work of the Bureau under No. 13.6, he had some doubts concerning the particular case at present before the Board.

5.7 The **Chairman** observed that a discussion of retroactivity seemed to recur whenever there was a request for suspension.

5.8 **Chief SSD** explained that, in every case of suspension, the Bureau checked to see whether the assignment in question had been in operation up to the date of suspension. The Administration of India had on 19 September 2014 informed the Bureau of the suspension, and on 2 October 2014 the Bureau had informed the administration that it had been unable to find publicly available information attesting to the existence of the bands 5 852-5 888 and 5 892-5 925 MHz on board any satellite at orbital position 55°E prior to 2 April 2014, the date of suspension. On 23 February 2015, the administration had informed the Bureau that it could not provide a spectrogram for those bands, so on 13 March 2015 the Bureau had requested a different form of clarification, such as a frequency plan for the satellite or any information on the payload description, or previous spectrum plot diagrams. It was that request to which the Bureau had received no response. According to No. 11.44B of the Radio Regulations, there had to be a satellite in place for 90 days with the capacity to use the assignments. On 25 June 2015, the administration had informed the Bureau that the assignments had been brought back into use from 25 December 2014 via the GSAT-16 satellite, but the Bureau had been unable to identify the frequency bands on board the GSAT-16 satellite at 55°E. The present case was a classic example of the Bureau's application of No. 13.6, based on examining whether a satellite had been in

place with the required carrying capacity up to the date of suspension. Responding to questions by **Mr Strelets**, he said that the Bureau's request for cancellation was based on whether the frequency assignments had been in use prior to suspension, not on whether those assignments had been brought back into use via GSAT-16. The Bureau had no information on whether or not the assignments were currently in use on GSAT-16.

5.9 **Mr Kibe** considered that the Bureau had acted correctly and that the Board should cancel the assignments in accordance with No. 13.6.

5.10 **Mr Bin Hammad** said that under No. 13.6, as the Administration of India had not disagreed with the Bureau, the Board should cancel the assignments.

5.11 **Ms Wilson** noted that the Administration of India had not provided information showing that the assignments had been brought into use prior to suspension, and had not reacted to the letter from the Bureau saying that the matter was to be brought to the Board for cancellation of the assignments. The provisions of No. 13.6 had been addressed, and the Board should now decide to cancel the assignments.

5.12 **Mr Strelets** said that the Administration of India had applied No. 11.49 and No. 11.49.1 of the Radio Regulations, and ten months had elapsed since the date of bringing the assignments back into use. The Administration of India had stated that the assignments had been brought back into use, and in his understanding they were in use. There was no link between No. 11.49 (or No. 11.49.1) and No. 13.6. Furthermore, the Bureau's overarching objective was to ensure that the MIFR reflected reality. He recalled the case involving the Administration of China, which the Board had discussed at its 69th meeting (§5 of Document RRB15-2/16 - minutes of the 69th meeting), correctly deciding to maintain the relevant frequency assignments. In the present case, the Administration of India had suspended a wide range of frequency assignments and then brought them back into use. Why should just two bands be treated differently, and why did the administration have to justify itself?

5.13 **Chief SSD** said that the Administration of India had provided information for all of the other bands concerned so the Bureau had no need to seek a decision on them by the Board.

5.14 **Mr Bessi** pointed out that in the context of No. 13.6, before applying No. 11.49, the administration had to respect No. 11.44B. **Ms Jeanty** agreed with Mr Bessi. It seemed from the information provided in Document RRB15-3/7 that the frequency bands 5 852-5 888 and 5 892-5 925 MHz were not in use. The Board should not be discussing other bands.

5.15 **Mr Strelets** said that the GSAT-16 satellite had been launched in December 2014, carrying a broad range of frequencies (24 transponders in the C-band and 12 in the extended C-band), which the Administration of India said were in use. If the Board decided to cancel two particular bands, it would be acting contrary to past decisions. To date, the Board had not cancelled frequency assignments in use, especially on the eve of a WRC.

5.16 **Mr Magenta** said that it was difficult to understand why the Administration of India had not provided spectrograms for the frequency bands 5 852-5 888 and 5 892-5 925 MHz if those bands were indeed in use on the GSAT-16 satellite.

5.17 The **Director** sympathized with the reluctance of Mr Strelets to cancel assignments that might be in use. He nevertheless explained that the application of No. 13.6 relied on the Bureau seeking information from administrations. When the process ground to a halt, as in the present case involving the Administration of India, there was no provision in the Radio Regulations that allowed the frequency assignments to be maintained in the event of non-response by the administration concerned. Nevertheless, the door was left open, because the Administration of India could provide additional information to WRC-15 and request a different decision.

5.18 **Mr Strelets** said that he would not oppose the Board's decision, regretting that the Bureau had been unable to ascertain whether or not the assignments were currently in use. In his view, the

Administration of India had acted correctly under No. 11.49, and there had been no grounds for the Bureau to apply No. 13.6. More than a year had passed since the administration had informed the Bureau of the suspension of a range of its assignments, and the Bureau had failed to publish the suspension.

5.19 Following informal consultations with Mr Strelets, **Chief SSD** clarified a difference between them in their understanding of the Radio Regulations. According to Mr Strelets, an administration with frequency assignments in the Master Register could suspend those assignments under No. 11.49, and the Bureau should implement the suspension forthwith without asking any questions. When the frequencies were brought back into use under No. 11.49 and No. 11.49.1, then only if there was any doubt about the bringing back into use should the Bureau apply No. 13.6. That understanding differed from the practice of the Bureau, which was, in the event of an administration requesting suspension, to check that the assignments had been in use up to the date of suspension. If the Bureau could not ascertain from reliable information available that a satellite carrying the frequencies had been in place, then the Bureau would request information from the administration concerned and would await the administration's response before publishing the suspension. In the present case concerning the Administration of India, unfortunately more than a year had passed and several bands had been involved, but he undertook in future to publish forthwith any suspensions that did not raise doubts. **Mr Strelets** confirmed that Chief SSD had correctly summarized their differing understanding of the Radio Regulations.

5.20 The **Chairman** proposed that the Board conclude as follows:

“The Board carefully considered the submission in Document RRB15-3/7 received from the Bureau that consists of its communications with the Administration of India regarding the possible cancellation of the assignments in the frequency bands 5 852-5 888 MHz and 5 892-5 925 MHz to INSAT-2(55) satellite network as a result of the application of RR No. 13.6.

The Board, based on the information provided, considered that:

- The Bureau, under the RR No. 13.6, asked the Administration of India to demonstrate the use of the frequency assignments in the bands 5 852-5 888 MHz and 5 892-5 925 MHz prior to 2 April 2014. The Administration of India did not provide such evidence.
- The Bureau was informed that the frequency assignments to INSAT-2(55) had been brought back into use from 25 December 2014 via the GSAT-16 satellite, even though this did not establish that the original BIU period had been achieved via the previous INSAT-3E satellite. Additionally, the Bureau was unable to confirm the use of the above specified frequency bands by the GSAT-16 satellite.
- Moreover, no evidence was provided to the Bureau of the BIU for the frequency assignments at 5 852-5 888 MHz and 5 892-5 925 MHz on the GSAT-16 satellite prior to 2 April 2014, the date of suspension of INSAT-2(55).

The Board therefore decided, based on the above observations, to cancel the frequency assignments in the bands 5 852-5 888 MHz and 5 892-5 925 MHz of the INSAT-2(55) satellite network, as a result of non-response to the inquiry based on RR No. 13.6.”

5.21 It was so **agreed**.

6 Request for a decision by the Radio Regulations Board for cancellation of frequency assignments in the band 2 204.2249-2 204.8249 MHz to the SICRAL-4-21.8E satellite network under No. 13.6 of the Radio Regulations (Document RRB15-3/8)

6.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-3/8 containing a request by the Bureau, along with associated information, for a decision by the Board to cancel frequency assignments in the band 2 204.2249-2 204.8249 MHz to the SICRAL-4-21.8E satellite network under No. 13.6 of the Radio Regulations. As indicated in the document, in response to requests by the Bureau the Administration of Italy had provided information on the SICRAL 1 satellite and spectrograms of the SICRAL 1 satellite's carriers for various frequencies, but not for the band in question. On 19 January 2015 the Bureau had asked the administration for evidence of the use of that band and, in the absence of a response, had sent first and second reminders, to which there had been no response. In reply to a query by **Mr Bessi**, he said that information on the other frequencies was provided in the attachment to Document RRB15-3/8.

6.2 **Mr Strelets** observed that the technical information in the attachment had been provided by the Italian Ministry of Defence and he asked whether Article 48 of the ITU Constitution would apply to the case, knowing that the bands in question were extensively used for military purposes. He was simply raising the concern, having no objection in principle to cancelling the assignment.

6.3 The **Chairman** said that Article 48 of the ITU Constitution had to be invoked explicitly for the article to apply, but that had not been done in the present case, according to the Bureau. He therefore proposed that the Board conclude as follows:

"The Board carefully considered the submission in Document RRB15-3/8 received from the Bureau that consists of its communications with the Administration of Italy regarding the cancellation of the assignments in the frequency band 2 204.2249 – 2 204.8249 MHz to the SICRAL-4-21.8E satellite network due to the application of RR No. **13.6**.

The Board, on the basis of the results of the investigations by the Bureau under RR No. **13.6**, and taking into account the absence of information from the Administration of Italy, decided to cancel the frequency assignments of the SICRAL-4-21.8E satellite network in the frequency band 2 204.2249 – 2 204.8249 MHz from the MIFR.

The Board therefore decided to suppress the corresponding assignments from the Master Register and to bring this decision to the attention of the Administration of Italy."

6.4 It was so **agreed**.

7 Notification of typical earth stations in the fixed-satellite service (Document RRB15-3/5)

7.1 **Chief SSD** recalled that the Board had discussed the question of the notification of typical earth stations in the fixed-satellite service in depth at its 69th meeting based on information provided by the Bureau, that the matter was covered in the Director's report to WRC-15, and that the Board had requested the Bureau to provide the Board at its present meeting with additional information on the difficulties anticipated and impact on the Bureau in treating such notices. That additional information was provided in Document RRB15-3/5. The document outlined the notification process applicable to any earth stations (specific or typical for mobile earth stations), before going on to explain, with reference to the document presented to the Board at its 69th meeting, that significant simplification of the information to be submitted for FSS typical earth stations would minimize and simplify the receivability phase and publication in Part I-S of the BR IFIC, and that their technical

and regulatory examination would also be simplified as only a partial examination under No. 11.31 would be foreseen, without the examinations under Nos. 11.32, 11.32A or 11.33. Since only a few submissions of FSS typical earth stations per administration were anticipated – since administrations would be able to make all their submissions in one go – and taking into account the proposed simplified processing, no significant impact was expected on the Bureau's workload as a result of treating such notices. The annex to Document RRB15-3/5 contained an example of Appendix 4 information that could be required for the notification of a typical earth station in the FSS.

7.2 The **Chairman** recalled that the basic question asked of the Board at its 69th meeting was the impact in regulatory terms of accepting the notification of typical earth stations in the FSS, and he invited comments in that regard. His view was that to accept requests for the international recognition of FSS typical earth stations deployed throughout the territory of a given country would be tantamount to accepting requests for an infinite number of stations. The coordination contour for such stations, particularly those operating in the C-band, could penetrate up to 500 km into the territory of a neighbouring country, meaning that if that country was obliged to ensure protection for the typical station in question, it would be unable to use services in the same band even though, under Article 5 of the Radio Regulations, multiple services were allocated to each band on a co-primary basis. In that regard, he drew attention to No. 4.8 of the Radio Regulations, which referred to the need to respect equality of right to operate, and to Article 44 of the ITU Constitution, which referred to limiting the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. Perhaps the best way to deal with such requests, in line with what the Director was reporting to WRC-15, would be to say that any country submitting requests for FSS typical earth stations could not ask for protection, but must seek coordination.

7.3 **Mr Strelets** endorsed the Chairman's view. If an operator declared a typical earth station requiring protection over its entire service area, numerous countries might be affected, whereas each country should be free to use the technology it wished, and no preference should be given to one service over another. The matter was unclear, but he was not entirely convinced that the approach being suggested by the Bureau would provide a complete solution or reflect the intent of administrations submitting requests for FSS typical earth stations. The proposal being put forward by the Bureau appeared to involve the implicit application of No. 4.4, according to which a station would enjoy recognition on the understanding that it must neither cause interference to, nor claim protection from, a station operating in conformity with the ITU Constitution, Convention and Radio Regulations. To his understanding, on the other hand, the intent of administrations seeking to notify FSS typical earth stations was for typical earth stations to be used solely in coordination between operators, and not in coordination between earth and space services, when stations with set coordinates should be taken into account ensuring an equitable approach. Reference to No. 4.4 could be misleading to administrations, and be taken to signify international protection rather than simply international recognition. The **Chairman** endorsed those comments.

7.4 **Mr Bessi** said that the way forward suggested by the Bureau in Document RRB15-3/5 would indeed resolve problems relating to processing time, but would not resolve those relating to equitable access for different services. The imminent WRC was to take up the matter, and the Board should therefore simply note Document RRB15-3/5 and await the outcome of WRC-15's consideration of the matter.

7.5 The **Chairman** said that the Board's view on the issue had been requested and should therefore be provided, in particular on whether or not submissions for FSS typical earth stations were receivable under the existing Radio Regulations. To his understanding, such submissions were receivable, but posed certain problems that meant that they could not be treated in the same way as normal FSS earth stations. As observed by Mr Strelets, coordination under the Radio Regulations would seem to be applicable to normal FSS earth stations, including in regard to the base stations of mobile stations, etc., but not between FSS typical earth stations. The Board must make it clear that the submission of requests for FSS typical earth stations could lead to sharing problems between

different services, and that the Director was putting forward a proposal that might cater for those problems.

7.6 Regarding coordination between FSS typical earth stations and, for example, mobile terrestrial stations, **Chief SSD** drew attention to §3.2.3.8 of Document CMR-15/4(Add.2)(Rev.1) (Director's report to WRC-15), which suggested that one way of dealing with requests for FSS typical earth stations might be to publish them based on examination under No. 11.31, which would give them international recognition but not the protection deriving from the application of No. 11.32, 11.32A or 11.33.

7.7 **Mr Hoan** recalled the Board's discussions on the matter at its 69th meeting: the possibility of submitting FSS typical earth stations had arisen as a result of discussions on new allocations for IMT and the consequence thereof of administrations wishing to notify numerous earth stations such as VSAT, DTH, etc. If individual earth stations were to be notified, the Bureau would find itself having to process millions of submissions, thus the idea of notifying typical earth stations in the FSS had emerged as a possible solution. In that regard, he considered that the approach proposed by the Bureau, with international recognition deriving from examination under No. 11.31, was a possible way forward that would ensure a manageable workload for the Bureau. With those remarks in mind regarding the first step of the notification procedure, the Board should note Document RRB15-3/5 and await the outcome of WRC-15's discussion of the subject.

7.8 The **Chairman** stressed that the Board must take into consideration the entire frequency band and all services using it, not just satellite services. Small earth stations must not be allowed to monopolize the use of frequency bands, with their service areas extending far into neighbouring countries.

7.9 **Ms Jeanty** agreed that the Board should put forward its view on the matter, and in that regard Mr Strelets and the Chairman had analysed the situation very well. She was pleased that the conference would be discussing the issue, since representatives of all interested parties would be present at WRC-15.

7.10 **Mr Strelets**, adding to his earlier comments, pointed out that under No. 11.17 of the Radio Regulations administrations were obliged only to notify stations whose coordination areas would cover the territory of other countries, and therefore the Bureau would not necessarily be overloaded if the notification of FSS typical earth stations was permitted. But it would still be faced with various problems that would have to be resolved.

7.11 **Mr Bessi** said that in addition to providing for equitable access, any approach must ensure the proper recognition of typical earth stations in the FSS and the protection of their interests, since no provisions of the existing Radio Regulations currently catered for those aspects. The WRC's attention might be drawn to the need to do so at the regulatory level.

7.12 Following on from the comments made by Mr Strelets, **Mr Hoan** observed that under No. 11.17 of the Radio Regulations dealing with the notification of typical earth stations, individual stations had to be notified in the case of a station being located within the coordination area of an FSS earth station. Under that part of the rule of procedure on No. 11.17 dealing with No. 11.20, however, addressing terrestrial stations, the Bureau could accept the notification of a typical terrestrial station for publication, but if the Bureau's subsequent examination showed that the notified geographical area of the typical station overlapped with the coordination area of an earth station, the notice would be returned. No similar rule existed for No. 11.22, dealing with earth stations. Consideration might be given to allowing the Bureau to accept for IFIC publication the notification of a typical earth station whose coordination area included the territory of another country, and such an approach for typical earth stations in the FSS would provide a basis for international recognition of the deployment of TVRO, VSAT, etc., worldwide. He noted that for countries with large land masses, the notification of typical earth stations that did not include the territory of other countries was feasible, whereas it was far less straightforward for narrow countries. It should be borne in mind that the main objective

of those wishing to be able to notify typical earth stations in the FSS was political, to counteract claims by IMT proponents that C-band TVRO, etc., did not deserve to be taken into account in terms of notification to ITU with a view to international recognition. The entire matter must be looked into in depth by the WRC.

7.13 The **Director** said that §3.2.3.8 of his report to WRC-15 was being submitted to the Board for information, in light of the Board's discussion of the subject at its 69th meeting, and not with a view to the Board endorsing or otherwise the approach it presented. Indeed, changes to the existing Radio Regulations would almost certainly be required in order to ensure equitable access and satisfy those administrations that had implemented the deployment of C-band VSAT, TVRO, etc. With the WRC about to discuss the issue, he would consider it inappropriate for the Board to take a position on it at the present meeting. In his view, the Board should simply note the documentation before it.

7.14 **Chief SSD** said that Document RRB15-2/5 presented to the Board at its 69th meeting dated back to May 2015 and reflected the Bureau's view at that time on how the operation of small stations in the FSS could be recognized by the Radio Regulations, possibly by introducing a rule of procedure in the same spirit as the rule on No. 11.17 in regard to terrestrial stations. Since then, the Bureau's opinion on the subject had evolved, leading to the description of the situation presented in §3.2.3.8 of the Director's report to WRC-15 and the possible approach put forward in the final paragraph of that section. He stressed that that approach would provide international recognition following the submission of certain information and examination under No. 11.31, but not international protection vis-à-vis services sharing the same band with the same status. Such recognition could be indicated by a new code in the Preface, in column 13 B2. Protection would only come through coordination, for which the applicable criteria did not yet exist and would have to be established.

7.15 The **Chairman** said that now that the intention of the documentation before the Board had been fully clarified and given the sensitivity of the issue, the Board should limit itself to making only general comments in its conclusions. He proposed that the Board conclude as follows:

"The Board considered the information provided by the Bureau in Document RRB15-3/5 and also considered the materials in section 3.2.3.8 (Document CMR-15/4(Add.2)(Rev.1)) of the Report of the Director to WRC-15 and noted that this issue will be considered at WRC-15. Subsequent efforts by the Bureau on this issue will depend on the decision of WRC-15."

7.16 It was so **agreed**.

8 Requests by administrations for the development of rules of procedure (Documents RRB15-3/9 and RRB15-3/10)

Submission by the Administration of the Islamic Republic of Iran regarding the compatibility analysis in the Geneva 2006 Regional Agreement (Document RRB15-3/9)

8.1 **Chief TSD** introduced Document RRB15-3/9, containing a submission by the Administration of the Islamic Republic of Iran regarding the compatibility analysis in the GE06 Agreement and proposing two options for the development of a rule of procedure to cover the Bureau's processing of low-power frequency assignments entering the Plans under Article 4 of the GE06 Agreement. Responding to a question by **Mr Khairov**, he said that no other administration had made a proposal concerning low-power assignments in the GE06 Plans.

8.2 **The Chairman** said that, in accepting a new entry to the GE06 Plans, account was taken only of interference to others in the Plans. No account was to be taken of interference received by the new entry. That had been the tacit agreement in setting up the Plans. The proposal by the Administration of the Islamic Republic of Iran was right, since a low-power entry to the Plans should not be able to claim protection.

8.3 **Chief TSD** noted that the Bureau had processed more than 100 modifications to the GE06 Plans and had not faced any problem.

8.4 The **Director** recalled that, in concluding the GE06 Agreement, the experts had borne in mind the Appendix 30 BSS Plans in which interference was captured in one figure, namely the equivalent protection margin. He stressed the basic principle that there could be no protection without coordination.

8.5 The **Chairman** asked whether a rule of procedure was needed.

8.6 **Mr Bessi** said that the point raised by the Administration of the Islamic Republic of Iran was not covered in the GE06 Plans or Final Acts. A rule of procedure was needed to clarify that a new entrant to the Plans not only had to coordinate in order to avoid interfering with its neighbours in the Plans, but also had to put up with interference from others already in the Plans. The proposal by the Administration of the Islamic Republic of Iran dealt only with the flagrant case of low-power assignments, but the problem also arose for high-power entrants. He favoured Option 1 in the annex to Document RRB15-3/9, which was based on priorities. In his view, the responsibilities embedded in Option 2 might be burdensome for neighbouring administrations and would add to the workload of the Bureau.

8.7 **Mr Strelets** recalled the enormous amount of work that had gone into the achievement of the GE06 Agreement, with ITU drawing on CERN computing power to process some 70,000 allotments and assignments, and the complexity of drawing up Plans for both analogue and digital broadcasting. The procedure that the Bureau currently used to calculate modifications to the Plans might need to be clarified, since the GE06 Agreement did not provide explicit guidance on the need for testing under §4.1 of Article 4 or §2.1 of Section I of Annex 4. At the same time, applying §4.2 of Article 4 and §2.2 of Section I of Annex 4 generally required the two coordination contours calculated as specified in the third paragraph of §2.2 of Section I of Annex 4. Thus, the Bureau had to examine both how the new assignment affected other broadcasting services, and how those other broadcasting services affected the new assignment. However, the basic method for modification of the Plans did not indicate any such a requirement. He recognized that modification of the Plans had operated relatively smoothly to date but considered that the Board should ask the Bureau to draft a rule of procedure to improve existing practice and remove contradictions.

8.8 **Mr Hoan** said that the proposal by the Administration of the Islamic Republic of Iran was interesting both logically and technically. In general, an entrant had to protect everyone already in the Plans, so account had to be taken both of reception and transmission. A rule of procedure based on priorities might clarify matters, but any modification of the GE06 Agreement would surely have to be considered by members of the Plans.

8.9 **Ms Jeanty** said that Document RRB15-3/9 raised relevant and valid points, and she supported the development of a rule of procedure. Her preference would be that such a rule should be along the lines of Option 1.

8.10 **Mr Kibe** saw a clear need for a rule of procedure and supported the comments of previous speakers. He asked whether the Bureau would have difficulty in preparing and circulating a draft in time for the Board to consider the matter at its next meeting.

8.11 The **Director** said that, if the Board selected Option 1, it would not take long for the Bureau to draft a rule of procedure. Responding to Mr Hoan, he confirmed that the agreement could only be altered by a competent regional conference bringing together the same Member States. Given the cost of such a conference, however, that would not happen. Therefore, a rule of procedure was the only way to solve the problem.

8.12 **Mr Khairov** raised the concern that a country with just a few frequency allotments on its borders might attempt to build a “low-power fence” to prevent neighbouring countries from converting their allotments into assignments. A rule of procedure based on Option 1 and focusing on

date of entry, embodying the “first come, first served” principle underlying the Radio Regulations, would have to avoid that outcome.

8.13 **Chief TSD** said that the priority of the initial allotments and assignments in the Plans would be respected, and that the protection of later entrants would depend on coordination. Uncoordinated assignments would not be able to claim protection.

8.14 **Mr Strelets** noted the concern raised by Mr Khairov. Given the “first come, first served” principle, later entrants would have to adapt to earlier entrants, and low-power stations would have greater sensitivity to received interference. He suggested that Mr Bessi, as the Chairman of the Board’s working group on rules of procedure, should advise the Bureau on drafting the rule of procedure.

8.15 **Mr Bessi** expressed his willingness to work with the Bureau on drafting the rule of procedure. He asked whether the rule was to apply to entries to the Plans accepted prior to the rule. Would the low-power assignments that had been allowed in since the GE06 Agreement have repercussions on the Plans and List, perhaps modifying the agreement itself?

8.16 The **Director** explained that the criterion to trigger coordination protected the territory of any country on any channel. It forced administrations to talk to each other. Thus, having small stations did not confer any advantage vis-à-vis future modification of the Plans or indeed previous modifications. The basis of the GE06 Agreement was that without coordination there was no right to protection. The rule of procedure would not change the GE06 Agreement but would clarify something that had perhaps not been stated explicitly in the agreement.

8.17 **Mr Hoan** endorsed the comments made by previous speakers and supported the drafting of a rule of procedure based on Option 1.

8.18 The **Chairman** noted that there seemed to be general agreement that the Board should request the Bureau to draft a rule of procedure based on Option 1.

8.19 **Mr Strelets** pointed out that Option 1 dealt with priority but did not address other procedures that the Bureau might think necessary in a rule of procedure, such as verifying transmission and reception.

8.20 **Mr Magenta** said that Option 2 included some interesting points, although he preferred Option 1.

8.21 **Mr Bessi** noted that currently administrations analysed reception, while the Bureau ensured that transmission did not cause interference.

8.22 The **Director** observed that the GE06 Plans modification procedure was based only on protecting the territory and thus was concerned with field strength at the border, not with specific allotments or assignments. If a rule of procedure required the Bureau to analyse reception as well as transmission, then small low-power stations would be protected. There would have to be a full-blown procedure, with provisions covering cases of non-response.

8.23 **Ms Ghazi (TSD/BCD)** stressed that modification of the Plans was based on protecting territory, not existing stations. If the Bureau received a complaint about interference, it could use its software to analyse compatibility in both directions. A rule of procedure based on Option 1 could determine priority status in the Plans, and establish that small low-power stations would have to accept received interference. The Bureau did not yet know whether low-power stations would be brought into service, and she questioned the need to adopt a rule of procedure a priori. Nevertheless, a draft rule could be prepared along the lines of Option 1, with some adaptation.

8.24 **Mr Strelets** stressed that, in drafting the rule, the Bureau should not be constrained by Option 1, which gave the same rights to initial allotments (or assignments) and later entries vis-à-vis subsequent entries.

8.25 The **Director** suggested that a request by the Board for a rule based on the principle of Option 1 would give the Bureau sufficient flexibility to draft a suitable text.

8.26 The Chairman proposed that the Board conclude as follows:

“The Board discussed in detail Document RRB15-3/9 containing the submission by the Administration of the Islamic Republic of Iran regarding the compatibility analysis in the Geneva 2006 Agreement.

The Board decided to request the Bureau to develop a draft Rule of Procedure (RoP) based on the principle of Option 1 of Document RRB15-3/9.”

8.27 It was so **agreed**.

Submission by the Administration of Norway regarding the reference situation for satellite networks under the Radio Regulations Appendix 30 and 30A when a provisional recording is used (Document RRB15-3/10)

8.28 **Mr Wang (SSD/SNP)** introduced Document RRB15-3/10, containing a submission from the Administration of Norway concerning updating the reference situation for satellite networks under Appendices 30 and 30A of the Radio Regulations when a provisional recording is used. In those appendices, the recording of an assignment was changed from provisional to definitive if the assignment had been in use for at least four months without any complaint of harmful interference being made. The Administration of Norway considered that the requirement might not provide enough protection and proposed the drafting of a new rule of procedure to align Appendices 30 and 30A with Appendix 30B, where the requirement for changing from provisional to definitive recording was that the Bureau be informed that all required agreements had been obtained.

8.29 **Mr Strelets, Mr Bessi, Mr Hoan, Mr Magenta, Ms Wilson, Ms Jeanty and Mr Koffi** observed that the proposal by the Administration of Norway sought to introduce a procedure that was inconsistent with the Radio Regulations and thus went beyond the Board’s mandate. Such a change would be within the competence of a WRC.

8.30 The **Chairman** noted that, according to Chapter 5 of the CPM report, the question of tacit versus explicit agreement, which was the crux of the proposal submitted by the Administration of Norway, would be taken up by WRC-15 under agenda item 7. He proposed that the Board conclude as follows:

“The Board discussed in detail Document RRB15-3/10 containing the submission by the Administration of Norway requesting the development of an RoP on the reference situation for satellite networks under RR Appendices **30** and **30A** when a provisional recording is used.

The Board was of the view that the requested RoP would be inconsistent with the existing RR and is therefore outside of the mandate of the RRB to consider.”

8.31 It was so **agreed**.

9 Preparation and arrangements for WRC-15 and RA-15

9.1 The Board discussed and **agreed** on arrangements for WRC-15 and RA-15, including the following:

- The Board appointed rapporteurs and co-rapporteurs to follow the different working groups of WRC-15 and other specific conference agenda items. Those rapporteurs and co-rapporteurs would report back to the entire Board, at meetings it would in principle hold daily;

- The Board would appoint new rapporteurs and co-rapporteurs as and when new items of debate emerged at the conference;
- Board members should not to put forward their own personal viewpoints if asked for the Board's position on a matter, but should present the Board's position based, where relevant, on decisions already taken by the Board, or request time for the Board to meet to establish its position on the matter concerned.

10 Election of the Chairman and Vice-Chairman of the Board for 2016

10.1 Having regard to No. 144 of the ITU Convention, the Board **agreed** that Ms Jeanty, Vice-Chairman of the Board for 2015, would serve as its Chairman in 2016.

10.2 Having regard to the principle of rotation of the chairmanship and vice-chairmanship among the five Regions, and taking account of appointments since the first meeting of the Board in 1995, the Board **agreed** to elect Mr Khairov as its Vice-Chairman for 2016 and thus as its Chairman for 2017.

10.3 Following comments by various members, the **Chairman** said that the Board would note, for further subsequent discussion, the suggestion that the Board's Vice-Chairman in 2017 should be from Region A.

10.4 **Ms Jeanty** and **Mr Khairov** thanked their fellow Board members for seeing fit to elect them. With the support of the other members, they would do their utmost to fulfil the trust placed in them.

11 Confirmation of the dates of the next meeting and schedule of subsequent meetings in 2016

11.1 The Board **agreed** to confirm 1-5 February 2016 as the dates of its 71st meeting, and to tentatively confirm 16-20 May and 17-21 October 2016 as the dates of its 72nd and 73rd meetings.

12 Approval of the summary of decisions (Document RRB15-3/11)

12.1 The summary of decisions (Document RRB15-3/11) was **approved**.

13 Closure of the meeting

13.1 The **Chairman** thanked all his fellow Board members as well as the BR and secretariat staff for the support they had given him during his entire term of office as Chairman in 2015. He had found the chairmanship challenging, rewarding and enjoyable.

13.2 **Mr Magenta, Ms Jeanty, Mr Strelets, Mr Khairov, Ms Wilson** and the **Director** thanked and congratulated the Chairman for his able, sensitive, patient and effective handling of matters during his chairmanship in 2015, reminding him also that they would be counting on him to continue to exercise his skills as Chairman throughout the forthcoming WRC.

13.3 The **Chairman** thanked speakers for their kind words. He closed the meeting at 0950 hours on Friday, 23 October 2015.

The Executive Secretary:

F. RANCY

The Chairman:

Y. ITO