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| United States of America |
| VIEWS on WTSA-16 DOC. 38 – Recommendation ITU-t D.53 (international Aspects of universal service) |

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| **Abstract:** | The United States does not support the approval of the draft new Recommendation ITU-T D.53 (International Aspects of Universal Service) contained in WTSA-16 Document 38. |

Introduction

WTSA-16 Document 38 contains a draft new Recommendation ITU-T D.53 (International Aspects of Universal Service) from Study Group 3. As the United States explained in its response to TSB Circular 209, and contained in WTSA-16 Document 49, this proposed new Recommendation was determined by Study Group 3 following a number of procedural irregularities and process failures. As a result, the United States was of the view that this document was neither stable nor mature. More importantly, the draft Recommendation in Document 38 is substantively flawed.

Discussion

The two page draft Recommendation is at best a national, not a technical international telecommunications standard as required by the ITU-T Strategic Plan. Section 3.2 of the draft addresses local and regional competition, and contracts between national operators. Section 5 addresses encouraging investment in rural areas, a national matter, and working to reduce custom duties for telecommunications equipment, a matter of national sovereignty. This draft Recommendation thus conflicts with provisions of the ITU-T Strategic Plan, which, in objective T1, states that ITU-T is to “[d]evelop non-discriminatory international standards (ITU-T recommendations), in a timely manner, and foster interoperability and improved performance of equipment, networks, services and applications” (emphasis added). Similarly, No. 193 of the Convention states that ITU-T study groups study “technical, operating, and tariff questions” to “prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis” (emphasis added). This proposed national Recommendation addresses issues that are subject to the sovereign rights of Member States and contravenes both the ITU-T Strategic Plan and the ITU Convention.

Finally, the substance of many of the concepts contained in the draft Recommendation are unclear. Importantly, for example, how would a Member State that chooses to implement this Recommendation exercise lawful authority to compel providers outside its jurisdiction to contribute to an international Universal Service fund. This draft Recommendation conflicts with fundamental ITU requirements and is completely impractical.

As the United States previously explained in its response to TSB Circular 209, and contained in WTSA-16 Document 49, during the meeting when Study Group 3 considered this draft Recommendation, the work that has been done and is being done by the ITU-D in the area of Universal Service was not adequately considered. In particular, that meeting did not review all of the work that the ITU-D has done on this topic as reflected in the Universal Service section of the ICT Regulation Toolkit. At no time was the proposed Recommendation liaised with ITU-D. As such, it is at best duplicative of work being done by ITU-D contrary to numerous ITU Resolutions, the ITU Strategic Plan, and the Basic Instruments of the Union, for example No. 215 of the Convention and Resolution 191 (Busan, 2014).

Proposal

For all of these reasons, draft new Recommendation ITU-T D.53 in Document 38 should not be approved.