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| **World Conference on International Telecommunications (WCIT-12)Dubai, 3-14 December 2012** |  |
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| **PLENARY MEETING** | **Addendum 2 toDocument 9-E** |
|  | **31 October 2012** |
|  | **Original: English** |
|  |
| United States of America |
| ADDITIONAL PROPOSALS FOR THE WORK OF THE CONFERENCE |

**I. Introduction**

The United States is pleased to submit its second tranche of proposals in **Addendum 2** for consideration by the World Conference on International Telecommunications 2012 (WCIT-12).

The United States’ proposals, in both the first tranche and this second tranche, reflect the dramatic changes in the telecommunications sector since the International Telecommunication Regulations (ITRs) were last revised in 1988, from a sector dominated by state-controlled companies providing basic fixed service to liberalized markets with multiple companies competing across a wide range of services and technologies. The United States’ proposals seek to build on the success of those changes by focusing on market-based solutions and approaches instead of global regulation, and by highlighting the importance of creating an enabling environment of further liberalization and competition that encourages private sector investment.

In addition to proposals removing obsolete provisions and aligning the ITR text with the Constitution and Convention, the United States’ proposals address the critical issue of promoting development and investment in telecommunications infrastructure in all countries. There is a factually documented positive connection between well-developed telecommunications networks, which provide widespread access to international telecommunications services, and economic growth and societal benefit. Thus, it is appropriate that the WCIT promote high level policies for increasing access to telecommunications around the world.

As recognized by the World Summit on the Information Society (WSIS), policies that create regulatory stability and predictability and ensure fair competition at all levels are necessary to attract private sector investment in telecommunications infrastructure. The United States’ proposals highlight the importance of establishing an enabling environment for investment and innovation, and ensuring that international telecommunications networks remain open to the global exchange of information and ideas. Specifically, the United States proposes to revise Resolution 4, “The Changing Telecommunication Environment” to highlight the importance of development, competition, and private sector investment in telecommunications infrastructure.

The United States believes that governments, consumers, citizens, and society benefit significantly when all market players have the flexibility to innovate and develop new services in competitive markets, in response to consumer demand. Telecommunications markets that are structured in this way attract investment, fuel technological advancement, and are efficient in delivering services to consumers. For this reason, the United States does not support proposals to amend the ITRs that would force a change to the operation of competitive markets.

**II. Proposals for the Work of the Conference**

The attached table in **Annex** **1** provides a summary of the proposals from the United States. The United States’ proposals are contained in **Annex 2** to this document. The United States reserves the right to add to, or otherwise modify, the views and proposals expressed herein through subsequent contributions.

The United States also reiterates its support for CITEL IAPs 1 (proposal to review and revise ITRs); 2 (avoiding overlaps between Radio Regulations and ITRs); 3 (maintaining voluntary nature of ITU-T Recommendations); 5 (definitions); 7 (transparency of international mobile roaming); 9 (principles to be observed in the revision of the ITRs); 10 (preamble); 11 (in support of stable ITRs); 13-17, 24, 25 (Article 1); 19 (maintain scope and application of ITRs to ROA); 21 (NOC on issue of security); 22 (Appendix 2); and 23 (observe limitations on cybersecurity).

**ANNEX 1**

**List of Proposals to WCIT-12 from the United States of America**

| **USA** | **Title of USA** | **Summary of Proposal** |
| --- | --- | --- |
| **USA/9A2/1** | Text of Service telecommunication | Propose deletion of this definition. |
| **USA/9A2/2** | Title of Privilege telecommunication | Propose suppression. |
| **USA/9A2/3** | Text of Article 2.5.1 | Propose suppression. |
| **USA/9A2/4** | Text of Article 2.5.2 | Propose suppression of this provision. |
| **USA/9A2/5** | Text of Article 3.1 | Propose revisions to reflect provision of quality of service by commercial entities. |
| **USA/9A2/6** | Text of Article 3.2 | Proposed revisions to promote policies that create incentives to invest in telecommunications infrastructure.  |
| **USA/9A2/7** | Text of Article 3.4 | Editorial update. |
| **USA/9A2/8** | Title of International Telecommunication Services | Title remains unchanged. |
| **USA/9A2/9** | Text of Article 4.1 | Editorial update to align with the provision with CS 5. |
| **USA/9A2/10** | Text of Article 4.2 | Editorial update. |
| **USA/9A2/11** | Text of Article 4.3 | Editorial update to align with CS/CV. |
| **USA/9A2/12** | Text of Article 4.3a, 4.3b, 4.3c, and 4.3 d | Remains unchanged. |
| **USA/9A2/13** | New Article 4.4 | The purpose of the text is to increase competition in international mobile roaming markets by empowering consumers and resorting to minimal regulatory intervention. |
| **USA/9A2/14** | Title of Article 5 | Remains unchanged. |
| **USA/9A2/15** | Text of Article 5.1 | Proposed revisions to clarify role of Member States.  |
| **USA/9A2/16** | Text of Article 5.2 | Editorial update. |
| **USA/9A2/17** | Text of Article 5.3 | Editorial update. |
| **USA/9A2/18** | Text of Article 6.5 | Propose to suppress.  |
| **USA/9A2/19** | Title of Article 7 | Title of Article 7 remains unchanged. |
| **USA/9A2/20** | Text of Article 7.1 | Editorial update. |
| **USA/9A2/21** | Text of Article 7.2 | Editorial update. |
| **USA/9A2/22** | Title of Article 8 | Title remains unchanged. |
| **USA/9A2/23** | Text of Article 8 | Editorial updates to align with CS/CV. |
| **USA/9A2/24** | Text of Appendix 1 | Propose suppression as the provisions are no longer relevant. |
| **USA/9A2/25** | Title of Appendix 2 | Revisions reflect proposed suppression of Appendix 1. |
| **USA/9A2/26** | Sub title of Appendix 2 | Remains unchanged. |
| **USA/9A2/27** | Text of Appendix 2 provision 1 | Editorial updates. |
| **USA/9A2/28** | Subtitle of Appendix 2 on Accounting Authority | Remains unchanged.  |
| **USA/9A2/29** | Text of Appendix 2 provision 2.1 | Editorial update. |
| **USA/9A2/30** | Text of Appendix 2 provision 2.2 | Editorial update. |
| **USA/9A2/31** | Text of Appendix 2 provision 2.3 | Editorial update. |
| **USA/9A2/32** | Text of Appendix 2 provision 2.4 | Editorial update. |
| **USA/9A2/33** | Text of Appendix 2 provision 3 | Propose suppression. |
| **USA/9A2/34** | Subtitle of Appendix 2 on Settlement of balances of account  | Remain unchanged. |
| **USA/9A2/35** | Text of Appendix 2 provision 3.1 | Editorial update. |
| **USA/9A2/36** | Text of Appendix 2 provisions 4.1 and 4.2 | Proposed suppression.  |
| **USA/9A2/37** | Text of Appendix 3  | Obsolete provision, propose suppression. |
| **USA/9A2/38** | Resolution No 4 | Proposed revisions to encourage investment in telecommunication infrastructure. |

**Annex 2**

Article 2

Definitions

**SUP** USA/9A2/1

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**Reasons:** This provision is obsolete and does not reflect the existing international telecommunications market.

**SUP** USA/9A2/2

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**SUP** USA/9A2/3

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**SUP** USA/9A2/4

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**Reasons:** This provision is obsolete and does not reflect the existing international telecommunications market.

Article 3

International Network

**MOD** USA/9A2/5

28 3.1 Member States shall encourage administrationsand ROAs to cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:** Proposed revisions reflect the fact that, in many countries, the network is owned by private companies and quality of service is not directly controlled by Member States.

**MOD** USA/9A2/6

29 3.2 Member States shall encourage investment in sufficient telecommunication facilities to meet the demand for international telecommunication services, *inter alia* through the fostering of competitive and liberalized telecommunication markets.

**Reasons:** Proposed revisions highlight the importance of Member States adopting policies that promote competition and create incentives to invest in telecommunications infrastructure.

**MOD** USA/9A2/7

313.4Subject to national law, any user, by having access to the international network established by an administration/ROA, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ITU-T Recommendations.

**Reasons:** Proposed revisions reflect editorial changes.

**NOC** USA/9A2/8

Article 4

International Telecommunication Services

**Reasons:** Title of Article 4 remains unchanged.

**MOD** USA/9A2/9

32 4.1 Member States shall, to the greatest extent practicable, establish policies to promote the development of international telecommunication services that are generally available to the public.

**Reasons:** Editorial update to align the provision with CS 5.

**MOD** USA/9A2/10

33 4.2 Member States shall encourage administrations/ROAs to cooperate within the framework of these Regulations to provide a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.

**Reasons:** Editorial update to align with CS/CV.

**MOD** USA/9A2/11

344.3 Subject to national law, Member States shall endeavour to ensure that ROAs provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to:

**Reasons:** Editorial update to align with CS/CV.

**NOC** USA/9A2/12

**35**a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;

**36** b) international telecommunication facilities and services available to customers for their dedicated use;

**37** c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

**38** d) a capability for interworking between different services, as appropriate, to facilitate international communications.

**ADD** USA/9A2/13

38A 4.4 Member States shall foster measures to improve transparency in end user prices and terms and conditions of access to mobile services in international roaming as well as their effective and timely communication to the user.

**Reasons:** The proposed ADD reflects CITEL IAP 7. The purpose of the text is to increase competition in international mobile roaming markets by empowering consumers and resorting to minimal regulatory intervention.

**NOC** USA/9A2/14

Article 5

Safety of Life and Priority of Telecommunications

**Reasons:** Title of Article 5 remains unchanged.

**MOD** USA/9A2/15

39 5.1 Member States shall adopt policies to ensure that safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ITU-T Recommendations.

**Reasons**: Clarifies role of Member States.

**MOD** USA/9A2/16

40 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ITU-T Recommendations.

**Reasons**: Editorial update to align with CS and CV.

**MOD** USA/9A2/17

41 5.3 The provisions governing the priority enjoyed by any other telecommunications services are contained in the relevant ITU-T Recommendations.

**Reasons:** Editorial update and alignment of English with the French text and with the definition in Article 2.2

Article 6

**SUP** USA/9A2/18

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**Reasons:** The proposed revisions support suppression of these provisions and Appendix 3 because they do not reflect the existing competitive international telecommunication market.

**NOC** USA/9A2/19

Article 7

Suspension of Services

**Reasons:** Title of Article 7 remains unchanged.

**MOD** USA/9A2/20

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member State shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

**Reasons:** Editorial update to align with CS/CV.

**MOD** USA/9A2/21

56 7.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using the most appropriate means of communication.

**Reasons**: Editorial update to align with CS/CV.

**NOC** USA/9A2/22

Article 8

Dissemination of Information

**Reasons:** Title of Article 8 remains unchanged.

**MOD** USA/9A2/23

57 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations, of a statistical nature concerning international telecommunication services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the Council or by relevant Conferences, and taking account of conclusions or decisions of World Telecommunication Standardization Assemblies and World Telecommunication Development Conferences.

**Reasons:** Editorial updates to align with CS/CV and to delete references to information that may be proprietary in a competitive market.

**SUP** USA/9A2/24

APPENDIX 1

General Provisions Concerning Accounting

**Reasons:** Appendix 1 should be suppressed because detailed regulatory provisions governing charging and accounting for international telecommunications services are not appropriate for a competitive market, consistent with Plenipotentiary Resolution 171 (Guadalajara, 2010).

**MOD** USA/9A2/25

APPENDIX 1

Additional Provisions Relating to Maritime Telecommunications

**Reasons:** This is consequential to suppression of APPENDIX 1, however,title of Appendix 2 remains unchanged.

**NOC** USA/9A2/26

2/1 **1 General**

**Reasons:** Subtitle of Appendix 2 remains unchanged.

**MOD** USA/9A2/27

2/2 The provisions contained in this appendix shall apply to maritime telecommunications. Administrations should comply with the relevant ITU-T Recommendations when establishing and settling accounts under this Appendix.

**Reasons:** Proposed changes reflect editorial updates and proposed suppression of APPENDIX 1.

**NOC** USA/9A2/28

2/3 **2 Accounting authority**

**Reasons:** Subtitle of Appendix 2 remains unchanged.

2/4 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:

2/5 *a)* by the administration that has issued the licence; or

**MOD** USA/9A2/29

2/6 *b)* by a recognized operating agency; or

2/7 *c)* by any other entity or entities designated for this purpose by the administration referred to in *a)* above.

**Reasons:** Editorial update.

**MOD** USA/9A2/30

2/8 2.2 The administration or the recognized operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

**Reasons:** Editorial update.

**MOD** USA/9A2/31

2/9 2.3 References to administration contained in this Appendix shall be read as “accounting authority” when applying the provisions of this Appendix to maritime telecommunications.

**Reasons:**  Editorial update and to reflect proposed MOD to Article 6 and proposed suppression of APPENDIX 1.

**MOD** USA/9A2/32

2/10 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant ITU-T Recommendations

**Reasons:** Editorial update.

**SUP** USA/9A2/33

**Reasons:** These provisions do not reflect the existing international telecommunications market.

**NOC** USA/9A2/34

2/14 **4 Settlement of balances of account**

**Reasons:** Sub-title remains unchanged.

**MOD** USA/9A2/35

2/15 3.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account.

**Reasons:** Editorial update and to align the text with proposed revisions made elsewhere in the document.

**SUP** USA/9A2/36

**Reasons:** These provisions do not reflect the existing international telecommunications market.

**SUP** USA/9A2/37

APPENDIX 3

Service and Privilege Telecommunications

**Reasons:** This Appendix does not reflect the existing international telecommunications market.

**MOD** USA/9A2/38

RESOLUTION No. 4

The Changing Telecommunication Environment

The World Conference on International Telecommunications (Dubai, 2012),

recalling

a)Resolution 71 (Rev. Guadalajara, 2010), The Strategic Plan for the Union,

b) Resolution 139 (Rev. Guadalajara, 2010), Telecommunications/information and communication technologies to bridge the digital divide and build an inclusive information society,

c) The 2005 World Summit on the Information Society (WSIS) outcome documents;

in view of

the Report of the fifth World Telecommunications Development Conference (Hyderabad, 2010) highlighting the importance of telecommunications infrastructure and technology development, particularly in developing countries, and adopting regional initiatives and the Hyderabad Action Plan to assist developing countries achieve more universal access to telecommunications,

considering

1. that the Geneva Declaration of Principles adopted by WSIS recognized that policies creating a favorable climate for stability, predictability, and fair competition at all levels should be developed and implemented in a manner that attracts more private investment in telecommunications infrastructure;

*b)* the potential benefits of the rapid introduction of new and diverse telecommunication services, including those recognized in the Resolution 66/184 of the United Nations General Assembly, to provide new solutions to development challenges and foster sustained, inclusive and equitable economic growth, development, competitiveness, access to information and knowledge, poverty eradication and social inclusion that will help to integrate all countries, especially developing countries, in particular the least developed countries, into the global economy;

*c)* that the introduction of new technologies and telecommunication services will continue to raise new issues;

*d)* that, as a result of the diverse service and policy elements, many Members have expressed concern about the possible adverse implications of certain provisions in the new Regulations,considering further

the importance of ensuring appropriate and harmonious introduction and world-wide application of the wide range of services evolving with the new technologies,

recognizing

*a)* that, as stated in § 22 of the Geneva Declaration of Principles adopted by WSIS, a well-developed information and communication network infrastructure and applications, adapted to regional, national, and local conditions, easily accessible and affordable, and making greater use of broadband and other innovative technologies where possible, can accelerate the social and economic progress of countries and the well-being of all individuals, communities, and peoples;

*b)* the importance of competition in promoting investment, as recognized by the ITU/UNESCO Broadband Commission for Digital Development (“Broadband: A Platform for Progress.” September 2010);

*c)* the policy recommendations for encouraging broadband infrastructure development of the ITU/UNESCO Broadband Commission for Digital Development (“The State of Broadband 2012: Achieving Digital Inclusion for All”) to create a favorable environment for investment in telecommunications infrastructure by:

*i)* providing policy leadership for investment, including open consultations

on necessary policy and legal frameworks;

*ii)* opening telecommunications markets to competition through licensing and

taxation reforms, including transparent licensing regimes;

*iii)* enabling government services that will stimulate demand for and investment in

telecommunications, especially in developing countries;

*iv)* establishing a universal service program to support telecommunications

infrastructure investment; and

*v)* encouraging efficient and innovative mobile broadband practices for new market entrants and consumers,

 resolves to invite Member States

1. to take into account, further to *recognizing (c)(i)-(v)*, increasing access to new and existing telecommunications infrastructure;
2. to create and promote widespread affordable access to telecommunications infrastructure by enabling legal and regulatory environments that are fair, transparent, stable, predictable and non-discriminatory; and that promote competition, foster continued technological and service innovation, and encourage private sector investment incentives;

*c)* to continue to work within relevant ITU sectors and study groups to share best practices regarding the implementation of progressive regulatory regimes designed to liberalize markets, promote competition and stimulate investments.

**Reasons:** To highlight the importance of Member States adopting policies that create an enabling environment for investment in telecommunications infrastructure.

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