

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)
)
Recommendations Approved by the Advisory) **IB Docket No. 04-286**
Committee for the 2015 World Radiocommunication)
Conference)

To: The Commission

**COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to the *Public Notice*, DA 14-1845, released December 18, 2014, hereby respectfully submits its comments with respect to certain draft recommendations of the 2015 World Radiocommunication Conference (WRC-15) Advisory Committee (WAC) on issues that will be considered at WRC-15, as well as a draft proposal provided to the Commission by the National Telecommunications and Information Administration (NTIA). Specifically, ARRL’s comments address three WRC-15 agenda items: Item 1.1, which considers additional spectrum allocations to the mobile service and identification of additional frequency bands for International Mobile Telecommunications (IMT); Item 1.12, which considers an expansion of up to 600 MHz of the allocation to the Earth exploration-satellite service presently at 9300-9900 MHz; and Item 9.1.8, which considers regulatory procedures for the facilitation and deployment of nanosatellites and picosatellites. For its comments on the WAC Recommendations and NTIA proposal listed above, ARRL states as follows:

I. Advocates for an Allocation to the Mobile Service at 3400-4200 MHz and 4500-4800 MHz Have Failed to Fulfill Resolution 233’s Mandate to Take into Account Protection of Existing Services.

1. ARRL supports View A of Document WAC/099 in its entirety. Within the frequency bands under consideration, the 3400-3500 MHz segment is allocated on a secondary basis to the amateur service in ITU Regions 2 and 3, with a secondary allocation by footnote in some countries in ITU Region 1. A variety of amateur operation types are accommodated, including implementations of broadband technologies in amateur networks, satellite operations in the 3400-3410 MHz segment (as authorized by Footnote 5.282), and a number of more traditional amateur systems.¹ Among the several deficiencies of View B, the failure to even superficially address the protection of all existing services—including the amateur service and amateur satellite services—is glaring.

2. ITU-R Resolution 233, adopted at WRC-12 to direct studies under agenda item 1.1, set explicit requirements for the studies. Among these requirements is an explicit instruction to conduct “sharing and compatibility studies with services already having allocations in the potential candidate bands.”² This instruction does not differentiate between primary and secondary allocations; if a service has an allocation, the terms of the resolution instructed that proponents conduct a study.

3. Relevant information on the amateur and amateur-satellite services was timely identified to the ITU group established to conduct the studies required under Resolution 233. Among the information identified was ITU-R Recommendation M.1044-2, *Frequency sharing*

¹ The breadth of varied amateur operation in the 3400-3500 MHz band is illustrated by band plan approved by the ARRL Board of Directors, available at <http://www.arrl.org/band-plan> (under the heading 3300-3500 MHz).

² Resolution 233, cl. *further resolves* 1.

criteria in the amateur and amateur-satellite services. This Recommendation provides, in relevant part:

1 that the amateur and amateur-satellite services may share, subject to suitable sharing criteria, with the radiolocation service, the fixed service, mobile services where traffic density is low, some meteorological aids and certain satellite services with low power flux-densities;

2 that the amateur and amateur-satellite services should not share with safety, distress and operational traffic of the aeronautical or maritime mobile services for safety of life reasons. ***Any additional sharing with the amateur and amateur-satellite services should not introduce services, systems or stations with high signal densities, such as high density land mobile systems;***

3 that ***future sharing studies should consider the needs of the amateur and amateur-satellite services for weak signal reception, in at least a part of each allocated band . . .***³

4. Despite this Recommendation, and despite the plain mandate of Resolution 233, studies have not been conducted with respect to either the amateur service or the amateur-satellite service. During consideration at the Informal Working Group stage of the WAC, one member expressed a view that because the allocations to these services are secondary, studies were not required. This view directly contradicts the plain language of both Resolution 233 and ignores the call of Recommendation M.1044-2 to consider the needs of the amateur service in at least a part of each allocated band, as well as the Recommendation's admonition that additional sharing should not introduce high density land mobile systems. The failure to consider the amateur and amateur-satellite services is one of several failures of View B, which collectively compel ARRL to support the status quo approach of View A in its entirety.

³ Recommendation ITU-R M.1044, cl. *recommends* 1-3 (emphasis added).

II. The Proposal To Add The United States To Footnote 5.480 Is Out Of Scope And Seeks To Reflect A State Of Affairs That Is Not True.

5. ARRL adopts View A of Document WAC/101 in full. The proponent of View B, Mimosa Networks, is inappropriately retarding progress toward a reconciled United States position on agenda item 1.12 by injecting a frivolous issue that is plainly outside the scope of the WRC-15 agenda, doing so *after* the Commission placed the consensus WAC position on Public Notice and *after* the comment period for said Public Notice had closed, and proposing a footnote amendment that plainly, clearly, and indisputably contradicts existing United States regulations. View A speaks for itself and need not be repeated here.

6. Mimosa's argument in View B is that the phrase "is . . . allocated" in footnote 5.480 actually means "may allocate."⁴ Such a construction is nonsense. Of course, Mimosa is obliged to advance this illogical construction to obtain the result it desires, because that result is plainly precluded by existing United States regulation, which explicitly, unequivocally, and uniquely states that "[t]he amateur service, the amateur-satellite service, and the non-Federal radiolocation service, which shall not cause harmful interference to the Federal radiolocation service, are the only non-Federal services permitted in [the 10-10.5 GHz] band."

7. Mimosa asserts that ARRL's argument in a domestic Mimosa petition for rulemaking is inconsistent with ARRL's position here and reflects a "chicken and egg scenario." Both assertions are untrue. ARRL reiterates its argument, cited by Mimosa: "The proper route to modify a Region 2 allocation is at a competent ITU World Radiocommunication Conference, not by means of a domestic allocation at variance with both the current international and domestic tables of allocation." A key word in the foregoing is "*competent*." Accommodating a new allocation to the fixed service within an agenda item considering a new allocation to the earth exploration-

⁴ See Document WAC/101, "Opposing Views" section, ¶2.

satellite service is plainly outside the scope of the agenda item and its supporting ITU-R Resolution, and any attempt to argue otherwise stretches the provisions of Resolution 26 well beyond the extent traditionally supported by the United States.

8. Document WAC/073 has been duly adopted as the position of the WAC for well over a year. Mimoso failed to raise an objection until *months* after the comment deadline. ARRL is constrained to suggest that the issue discussed in Document WAC/101—an issue that was untimely raised and is out of the scope of the WRC-15 agenda—is a poor reason for the Commission not to have engaged in reconciliation discussions on agenda item 1.12 within the past year. Such discussions should be initiated without further delay, and should utilize Document WAC/073, *without modification*, as the baseline for discussions with federal agencies.

III. NTIA Is Correct To Propose That Necessary Regulatory Changes For Nanosatellites And Picosatellites Should Be Addressed Under Standing Agenda Item 7 At WRC-19.

9. In ARRL's view, Document WAC/095 should be readily reconcilable with the previously adopted WAC proposal on agenda item 9.1.8, contained in Document WAC/092 and generally supported by ARRL.⁵ Both proposals seek to simplify the advance agenda of the 2019 World Radiocommunication Conference by eliminating the separate agenda item on nanosatellite and picosatellite issues.

10. One manner in which the proposals differ is the treatment of Resolution 757, which has guided the studies conducted under agenda item 9.1.8. The WAC proposal seeks to amend Resolution 757 to guide future work, while the NTIA proposes to suppress the Resolution. ARRL takes no position on whether Resolution 757 should be suppressed. But if Resolution 757 is retained, ARRL reiterates that its general support for the approach advocated in Documents WAC/092 and WAC/095 is conditioned on the inclusion of a *recognizing* clause referencing

⁵ See comments of ARRL in this Docket, filed September 12, 2014, ¶¶7-9.

Resolution 642 in any amendment to Resolution 757.⁶ Nothing in the studies conducted so far justifies a departure from the procedures in Resolution 642 being an option for nanosatellites and picosatellites that are properly licensed in the amateur-satellite service and are operated in a manner consistent with the purposes of the amateur and amateur-satellite services.

11. ARRL agrees with NTIA that further consideration of regulatory changes addressing nanosatellites and picosatellites should be conducted under the standing agenda item 7, which addresses advance publication, coordination, notification and recording procedures for frequency assignments pertaining to all satellite networks. It is not necessary to complicate the WRC-19 agenda to accomplish such work.

Therefore, the foregoing considered, ARRL, the national association for Amateur Radio, encourages the Commission's support of the views expressed herein in the development of United States positions for WRC-15.

Respectfully submitted,

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⁶ *Id.* ¶8; Document WAC/092 at 3 (*recognizing* clause).