

REPORT OF THE CHAIRMAN OF THE FREQUENCY WORKING PARTY

I. EXECUTIVE SUMMARY

1. The 33rd meeting of the ITSO Assembly of Parties (AP-33) in 2009 noted that the Notifying Administrations intended to follow a procedure to supplement the implementation of Article XII (e) (iv) of the ITSO Agreement, and that this procedure would be applied as quickly as possible and that the results obtained in its implementation would be reviewed by the next ordinary Assembly.

2. A Frequency Working Party (FWP) was created by the same AP with the objective to advise the Director General on matters relating to the implementation of the above procedure and to complement as well as support the ITSO Executive Organ in its work on issues related to frequency spectrum management that requires specialized expertise on matters concerning ITU.

3. At the last ordinary Assembly of Parties meeting held in June 2018 (AP-38), it was decided to note the work of the Frequency Working Party since the previous AP (Thirty-Seventh Assembly of Parties). It was also decided to extend the term of the Frequency Working Party, with the current composition, to the next Ordinary Assembly of Parties (AP) Meeting, with the Terms of Reference contained in Attachment 2. The Frequency Working Party (FWP) is currently made up of one frequency expert from each of the five ITU regions as listed in Attachment No. 1.

4. The FWP has carried out its duties since AP-38, when the FWP presented its last report to an Ordinary Assembly of Parties, primarily through electronic means and audio conferences in order to reduce the costs to a minimum. During this period, it held two physical meetings, FWP – 10, held on March 8th. 2019, and FWP -11, held on January 15th. 2020. Both meetings took place at ITSO Headquarters, in Washington D.C.

5. Since the last Ordinary Assembly of Parties meeting (AP – 38), the FWP has contributed to the work of implementing ITU Radiocommunication Assembly Resolution ITU-R 69, by way of providing advice to the Director General on issues related to the development of input contributions to the work of ITU Study Group 4 Working Party 4A (WP4A). The FWP was also involved in providing to the Director General inputs to the WRC-19 Agenda Items related to Satellite issues. With its work, the FWP contributed to the decision by the ITU - R Radiocommunication Assembly 2019 to maintain Resolution ITU-R 69 – 1 through the next cycle of ITU Radiocommunication Assembly. On a separate note, the FWP Chairman, with his participation in meetings of the ITSO Steering Committee, contributed and helped in the work done by the Steering Committee to support the ITSO Director General in dealing with the various

challenges faced by the organization as a result of lack of funding from Intelsat during most of the FY2022.

6. During part of the reporting period, Intelsat underwent Chapter 11 restructuring and although the bankruptcy process did not have a direct impact on the Common Heritage resources, the workflow of the FWP was affected. The impact arose from the heavy depletion of the human resources at the ITSO secretariat which included the loss of the Director of Technical Affairs.

7. Since the Fortieth Assembly of Parties (AP-40) must make a decision on the future and continuity of ITSO Agreement, in case the AP-40 decides not to terminate the ITSO Agreement, it is anticipated that the FWP will continue to provide inputs and advice to help the Director General effectively contribute, as may be applicable; (i) to the studies to be undertaken by the ITU-R while implementing the ITU Radiocommunication Assembly Resolution ITU-R 69 - 1; (ii) to issues related to WRC-23 satellite matters; and (iii) to issues related to the ITSO Parties' Common Heritage.

8. The FWP believes that the scope of the Terms of Reference enabled it to provide advice to the Director General that was both useful and opportune, given the issues at hand which the Organization had to deal with. Furthermore, the FWP is of the view that the reasons for its creation at AP-33 are still valid and the studies and contributions of this Working Group are useful and valuable to the Director General and the Assembly of Parties.

II. RECOMMENDATION

9. The FWP recommends that the Assembly of Parties **DECIDE** to:

- (a) **NOTE** the work carried out by the Frequency Working Party since AP-38 to date and
- (b) **EXTEND** the term of the Frequency Working Party to the next ordinary Assembly of Parties meeting, in case the 40th Assembly of Parties decides to continue the ITSO Agreement, as per the Terms of Reference laid out in Attachment No. 2.

III. BACKGROUND

10. At the time of privatization, the 25th Assembly of Parties (AP-25) established a first Frequency Working Party with the objective of assisting the Parties in the development of more equitable procedures for the management of the radio frequency spectrum and orbital locations. For that purpose, the Assembly approved comprehensive Terms of Reference for the FWP. In its first report to the Assembly, the Working Party stated:

“The Intelsat global satellite network, before privatization, was supported by spectrum/orbit resources, which form a common heritage of all Parties. The Assembly of Parties has transferred the Intelsat heritage to two administrations, the USA and UK, who

will manage the registration of satellite networks and the coordination request process. The Parties expect this heritage will be maintained properly in order for Intelsat Limited to fulfill its Core Principles.”

It submitted its final report to the 28th meeting of the Assembly.

11. Article XII (e) (iv) of the ITSO Agreement stipulates that *“each Party selected as a Notifying Administration [for the Parties’ Common Heritage orbital locations and associated frequency assignments] shall notify and consult with the Director General on ITU satellite system co-ordinations that are undertaken on behalf of the Company to assure that global connectivity and service to lifeline users are maintained”*.

12. The 33rd meeting of the Assembly (AP-33), held in 2009, noted that the Notifying Administrations intended to follow a procedure to supplement the implementation of Article XII(e)(iv) of the ITSO Agreement and that this procedure would be applied as quickly as possible and that the results obtained in its implementation would be reviewed by the next ordinary Assembly.

13. To complement and support the ITSO Executive Organ in its work on issues related to frequency spectrum management that requires specialized expertise on matters concerning ITU, a new group (the Frequency Working Party) made up of one frequency expert from each of the five ITU regions, was then established by AP-33 with the objective to advise the Director General on matters related to the above procedure.

14. At the 34th Assembly of Parties meeting (AP-34), the Terms of Reference of the FWP were expanded, providing for an expanded membership and scope of work. The composition of FWP as a result of the AP-34 decision includes frequency experts from all the five regions of the ITU, with at least one expert being a designated representative of the region. The decision by the Assembly was taken primarily in recognition of the complexity of the frequency co-ordination process; the necessity to include a mechanism that allows the Parties to review all items associated with frequency management issues that are related to the ITSO Agreement; and the need to advise the Director General on all technical or regulatory issues arising from the Parties Common Heritage in accordance with his duties under Article X (j) of the Agreement.

15. At the 35th meeting (AP-35), the Terms of Reference were amended to include the provision of advice and inputs, as may be necessary, with respect to ITSO’s contribution to the studies to be carried out by ITU-R in response to WRC-12 Resolution 11.

16. At the 36th meeting (AP-36), the Terms of Reference were amended again in order to include the provision of advice and inputs, as may be necessary, with respect to ITSO’s contribution to the studies to be carried out by ITU-R in response to the ITU Radiocommunication Assembly 2015 Resolution ITU-R 69.

17. Furthermore, at the AP 38th meeting (AP-38), the term of the current FWP members was extended to the next Ordinary AP, with the existing Terms of Reference.

IV. FWP ACTIVITIES

18. The process that was established at AP-33 to follow a procedure that supplements the implementation of Article XII(e)(iv) of the ITSO Agreement has been applied twice, both at the request of the Notifying Administration of the UK and the details in respect of the outcomes were reported at the Thirty Fourth Assembly of Parties (AP-34). Since AP-34, neither of the two Notifying Administrations has had to apply the procedure established at AP-33.

19. One of the major responsibilities of the current FWP was the follow up on developments in respect of all WRC-19 issues that are relevant to ITSO's interests. There were many Agenda Items for WRC-19 that impacted directly on satellite matters including considerations related to: the existing spectrum; identification of frequency bands for future developments of other services (such as IMT); spectrum for HAPs; regulatory flexibility on Satellite Services; additional satellite spectrum and ITU Radiocommunication Assembly Resolution ITU-R 69, etc. During the intervening period between AP-37 and AP-38, and as part of its work program, the FWP was fully involved in following up on the preparatory work related to WRC-19 and the implementation of ITU Radiocommunication Assembly 2019, Resolution ITU-R 69, concerning the use of satellite orbital slots and associated frequency spectrum to deliver international public telecommunications services in developing countries. Finally, ITU Radiocommunication Assembly 2019 decided to maintain the Resolution ITU-R 69-1: Development and deployment of international public telecommunications via satellite in developing countries (2015-2019).

20. Within the ITU, the work related to Resolution ITU-R 69 is taking place in ITU-R Study Group 4, WP4A and WP4B. The WP4A is developing a new revision for Recommendation ITU-R S.1782-0, "*Possibilities for global broadband Internet access by fixed-satellite service systems*", that covers the Resolves 3 of Resolution ITU-R 69. The Recommendation ITU-R S.1782-0 provides examples and technical characteristics of possible GSO/FSS system implementations to provide global broadband Internet access. *The last revision of this document is dated July 2019.*

21. Furthermore, in respect of the WP4B activities, the Group developed Report ITU-R REPORT ITU-R M.2460-0 "*Key elements for integration of satellite systems into Next Generation Access Technologies*", July 2019. This NGAT technology will allow a new era of mobile communications in three main areas: enhanced Mobile Broadband (eMBB), massive Machine Type Communications (mMTC) and Ultra-reliable and low-latency communications (URLLC).

22. The contributions by ITSO Member States supported by the FWP to the work in WP4A and WP4B have been instrumental in the progress of the Resolution ITU-R 69 implementation. Taking into account that during the period of 2021, the WP4A and WP4B did not report on any work with regard to Resolution 69, there are no new developments on these matters. But ITSO will need to follow up Resolution ITU-R 69 from July 2022, if the AP 40 does not terminate the ITSO Agreement.

V. FWP ACTIVITIES FOR 2022 AND BEYOND:

23. In case the ordinary Assembly of Parties AP-40 decides not to terminate the ITSO Agreement, the FWP may continue giving advice to the Director General on matters related to the Common Heritage issues, based on analysis of information availed to it and originating from the Notifying Administrations;

24. The FWP will also continue studying and giving its advice to the Director General on all ITU-R matters related to ITSO business and in particular with regard to preparations for the next World Radiocommunication Conference 2023 (WRC-23).

25. The FWP Report to AP-40:

The FWP discussed and agreed on the report to be presented to the Fortieth ordinary Assembly of Parties meeting (AP-40). In addition to providing a summary of the work done by the FWP since the Thirty-Eighth Assembly of Parties meeting (AP-38), the report highlights the need and value to be derived from the continuation of the work related to inputs and advice by the FWP to the Director General.

VI. CONCLUSIO

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26. The FWP has been able to provide useful and necessary inputs to the Director General in accordance with its mandate and thereby also supporting him in executing his duties as required under the ITSO Agreement. Nonetheless the reasons for the creation of the FWP at AP-33 are still valid and therefore, it is desirable for its mandate to be extended for another term until the next ordinary Assembly of Parties.

ITSO RESTRICTED

ATTACHMENT NO. 1 TO
AP-40-15E W/06/22

COMPOSITION OF THE FREQUENCY WORKING PARTY

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- REGION A: Mr. Carlos Eduardo Chhab, Argentina (Chairman)
- REGION B: Mr. Thomas Welter, France
- REGION C: Mr. Andrey Zhivov, Russian Federation
- REGION D: Mr. Kouame Bini, Cote d'Ivoire
- REGION E: Ms. M. Revathi, India

ITSO RESTRICTED

ATTACHMENT NO. 2 TO
AP-40-15E W/06/22

TERMS OF REFERENCE FOR THE FREQUENCY WORKING PARTY

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I. COMPOSITION

1. The Frequency Working Party (FWP) shall be comprised of one frequency expert from each of the five (5) regions to the International Telecommunication Union (ITU). In addition, the FWP is open to all ITSO Member States.

II. TERMS OF REFERENCE

2. The FWP shall undertake the following duties:

- a) advise the Director General on matters relating to the procedure to supplement the implementation of Article XII(e)(iv) of the ITSO Agreement as approved at AP-33;
- b) advise the Director General on all issues arising from frequency management, in particular about the Parties' Common Heritage in accordance with his duties under Article X (j) of the Agreement;
- c) Recommend to the Director General any actions to be undertaken in relation to the Parties' Common Heritage;
- d) Advise and provide inputs, as necessary, with respect to ITSO's contribution to the studies to be carried out by ITU-R in response to ITU Radiocommunication Assembly Resolution ITU-R 69.

III. WORKING METHODS

3. In furtherance of the FWP's Terms of Reference:

- a) The FWP shall select a Chairman and a Vice Chairman from among its members;
- b) The FWP shall adopt its own working procedures compatible with those adopted by the Assembly of Parties;

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ATTACHMENT NO. 2 TO

AP-40-15E W/06/22

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- c) The ITSO Executive Organ shall provide assistance to the FWP as may be necessary;
- d) The outcome of the FWP shall be communicated to the Director General;
- e) The Chairman of the FWP shall submit a report to each ordinary Assembly of Parties;
and,
- f) Wherever possible the FWP will use electronic methods of conferencing to conduct its work, in order to minimize costs.

IV. COSTS

- 4. Costs associated with all travel, accommodation and subsistence of the members of the FWP at their meetings shall be borne by ITSO.
- 5. The Regional Vice-Chairman for each region shall designate one frequency expert from that region that shall be eligible for the cost reimbursement provided in Section IV.4.