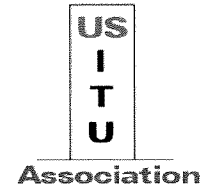


The USITUA is working to improve coordination and cooperation between the private sector and the U.S. Government to enhance U.S. effectiveness in the International Telecommunication Union (ITU).



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COMMENTS OF UNITED STATES ITU ASSOCIATION

The United States ITU Association (USITUA) welcomes the opportunity to respond to the NTIA "Request for Comments on Improvements to the US Preparations Process for World Radiocommunication Conferences". Our association consists of approximately 50 members organizations heavily involved in ITU activities, including US preparatory work for WRCs, US study groups in the three ITU sectors and serving as members of the US Delegations to numerous ITU conferences and meetings. Hence, we are vitally interested in the US WRC preparatory process and applaud the NTIA for initiating this review. The views expressed herein represent the consensus of our members.

1. Federal Government Preparation Process

A. How should NTIA as the President's advisor seek the views and inputs of the non-federal entities? *The FCC's WRC Advisory Committee (WAC) provides an excellent opportunity for the private sector to inform the NTIA and its constituency agencies of its views on the WRC agenda, including both government and non-government spectrum issues.*

B. How can NTIA better educate the commercial sector on the federal agencies' radiocommunication requirements, and related policies and decisions that affect U.S. conference proposals? *In recognition of the success of the NTIA-initiated "Training Day" prior to WRC-03, the USITUA believes that a similar format or approach may be appropriate for NTIA to consider for an issues briefing to interested parties. We would recommend that this occur as early in the WRC preparatory process as possible. As elaborated in our response to Question 2, the USITUA encourages NTIA to ensure that there be RCS liaisons to the WAC Industry Working Groups (IWGs) to provide updates on the Government's preparations.*

2. WRC Advisory Committee (WAC) Preparation Process

A. The WAC is part of the FCC's WRC preparation process. How can the federal agencies best participate in the WAC? *The USITUA welcomes the opportunities afforded the private sector through the presence of the NTIA and some of its constituent agencies in the WAC and its IWGs. We would encourage the NTIA to continue that observer role, and even to expand upon it slightly. In particular, we would urge the NTIA to designate RCS liaisons, responsible for attending each of the IWGs, and ensure that those liaisons are able to share with industry the progress of comparable WRC issues in the IRAC process. This two-way exchange may facilitate greater commonality of outputs from both the IRAC and WAC processes.*

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3. FCC/NTIA Proposal Coordination Process

A. Should the federal and non-federal advisory processes remain independent? Why or why not? *Yes. The USITUA recognizes that there are many aspects of deliberations about spectrum requirements and positions that are related to potentially sensitive system and/or equipment procurements that should not be part of the transparency requirements of a FACA process – which enables any entity, foreign or domestic, government or non-government, to participate in the WAC process. Furthermore, there are often unique USG issues (e.g., space sciences), which are much more appropriately addressed in a separate process. Finally, we believe that the private sector should also have the opportunity to develop its views without the US Government having a decisional role in the process. We, nonetheless, repeat our suggestion that the NTIA maximize the opportunity for an information exchange by creating RCS liaisons to the IWGs.*

B. Federal views and proposals sent to the FCC represent NTIA's review and modification of RCS inputs and thus the Administration's output, while the FCC sends WAC views and proposals directly to NTIA for consideration without bureau review. Would it improve the process to take a similar approach on both sides (circulation of RCS and WAC inputs, or circulation of NTIA and FCC outputs)? *No. The USITUA believes that the current process should be retained.*

C. Please specify how communications/coordination between the FCC processes and the Executive Branch processes under the purview of NTIA can be improved? Include in your discussion such topics as involvement of senior agency management, early agreements on WRC positions, NTIA-FCC reconciliation process and timeframes. *The USITUA believes that the recent MoU between the NTIA and FCC establishing regularized meetings between the agencies is critical, and should be used on an ongoing basis to discuss progress on the US preliminary views and proposals for the WRCs as they develop. Moreover, we would encourage the NTIA to engage at senior levels in the important regional meetings addressing WRC proposals. We also think it would be extremely beneficial for the NTIA Assistant Secretary to ensure that his/her senior level counterparts in the IRAC agencies have a commensurate understanding of the WRC and the issues. Finally, we urge the NTIA to continue as it did successfully this year to work with the FCC to develop an implementation timeline for WRC decisions. This was a great improvement in the post-WRC process, for which both agencies should be congratulated.*

D. What steps can be taken to resolve difficult issues? Should timelines be developed in order to identify these issues early in the process? *The USITUA would support establishment of early timelines for resolution or decision-making with respect to non-consensus issues. Moreover, we believe the Department of State can have an important role in this process, as it has in the past, to bridge any impasse. However, we also support the interim step of inviting the interested private sector parties to meet with the interested government agencies to see if a greater understanding of the difficulties of either party can lead to a mutually satisfactory compromise. This measure often proved successful during the US WRC-03 preparations*

4. Study Group/National Committee Process Related to WRC Agenda Items

A. Should the U.S. National Committee set objectives and policy regarding WRC studies? *No. But the USITUA would encourage NTIA to facilitate to the extent possible effective coordination between the domestic and international activities that are related to conference preparatory technical work, the RCS and the WAC.*

B. Is closer coordination among various study groups required? If so, why and how can this be accomplished? *The USITUA believes that there could be improved scheduling between the study groups and the WAC meetings to maximize participation in both, and minimize impact on resources given that many participants (government and industry) come from outside of the DC area.*

C. The U.S. Study Group consists of government and non-government participants who prepare for ITU meetings. Should the U.S. Study Group process be guided to align with U.S. WRC goals and objectives? If so why, and by what means? *No. The study groups have much broader roles and agendas, thus participation, than the WRC preparation and issues. They are not exclusively focused on accomplishing the tasks set forth by the WRC.*

D. Should a federal government/non-government position on agenda items and supporting information/studies to pursue U.S. positions be developed, approved and disseminated? *No, for the reasons set forth in the answer to 4E, below.*

E. To ensure success of U.S. objectives for WRC agenda items, technical studies must begin early in the process. Is it necessary to energize an agenda item and its associated studies by a certain point in the preparation process if no activity has occurred? If so, how can this be accomplished (e.g., what mechanisms and by what point in time)? *No. The USITUA believes that self-interest is perhaps the appropriate motivator for action on any agenda item. Therefore, if there is not sufficient government or commercial interest in undertaking the relevant studies necessary to advance or impact an agenda item, then the agenda item should be allowed to die a natural death.*

5. Forming the WRC Delegation

A. Is there a lack of continuity in leadership between WRC conferences? If so, how can this be better managed? *Yes. The USITUA has previously submitted recommendations to the NTIA, Department of State and FCC with respect to ways to improve the domestic preparatory process, including issues pertaining to the delegation. (see Attachment A) The USITUA believes that the lack of continuity in any senior (SES or political) level role in the WRC does create a hurdle for the US. Fortunately, the US has generally overcome such self-created discontinuities, but the USITUA would recommend ways to avoid them. One option may also be that there be at least a permanent (SES level) senior Vice-Chair at the Department of State tasked to ensure continuing relationships in the WRC interims and through the regional group meetings.*

B. When in the preparation process should the core delegation group, vice-chairs, and principals be formed to begin work? How can these groups be better used to improve the effectiveness and efficiency of the United States' WRC agenda? *The USITUA supports the early formation of a core delegation among the USG, to include spokespeople, in order to provide an opportunity for team-building and the development of substantive expertise on assigned agenda items. We would also support consideration of a private industry representative*

liaison to that core delegation – the chair or vice-chair of the WAC. We would suggest at a minimum that the core delegation be formed prior to the CPM-2 to enhance the US performance there.

C. Agencies, companies, and organizations nominate representatives to be on the U.S. WRC delegation. Is the nominated delegation formed early enough in the process to develop and approve final positions in a timely manner? If not, how can this process be improved? *No. The USITUA recommends that the nominated delegation be formed as early as possible, perhaps prior to the CPM-2; however, a nominated delegation does not and should not supplant the need for an accredited delegation to be in place no later than approximately four months prior to the conference so that we can deal with positions, strategies and fallbacks in an appropriate manner subject to accredited delegation strictures, such as confidentiality.*

D. Is the accredited delegation formed early enough to develop and approve U.S. positions, strategy, and fallback positions? If not, how can this be improved? *No. The accredited delegation needs to be formed approximately four months prior to the conference at a minimum. The final strategies and positions are often developed at the last minute with great time pressure. Moreover, it is not appropriate to substitute the "nominated" delegation for the role of the accredited delegation given the lack of obligations associated with being a member of the former.*

E. At what point in the preparation process should delegation assignments be made and spokespersons identified? *As early as possible. It is critical for spokespeople to be identified early on so as to know which issues for which they need to develop a particular expertise and fluency for both managing the issue on the US Delegation as well as managing the issue externally and the associated public speaking. It also allows for early team building with the interested US parties.*

F. How could the appointment and role of the U.S. Ambassador be improved? *The USITUA believes the role of the Ambassador could be enhanced in several ways. First, a one-year term starting 4-6 months prior to CPM-2, enabling the individual to be educated on the issues, the politics, the regional bodies, and the institution so as to be able to meaningfully attend the CPM in part or in whole. Second, the USITUA believes that the role would be enhanced by ensuring that there are adequate funds for WRC outreach and travel, so critical to obtaining support for US objectives at the WRC.*

G. Is the United States' negotiating strength improved or hindered by the use of an appointed political representative working with career spectrum managers and ITU experts from other countries? *Both. It may be more hindered than improved if there is not adequate time to educate the Ambassador sufficiently for the person to develop a satisfactory comfort level on the controversial issues so as to recognize when to delegate responsibly and to understand when it is critical to intervene personally. The majority of issues do not rise to the political level, but those that do are assisted by the presence of a political Ambassador, again when that Ambassador either through pre-existing competencies or sufficient lead time is adequately familiar with the issues and policies at stake.*

H. Assuming the continued appointment of a WRC ambassador, at what point does the Ambassador's appointment need to be effective? *One year ahead of the conference for the reasons we have stated in answers above.*

I. During conference preparatory meetings, administrations meet to agree on the final report of studies, which is used as the technical basis at a WRC. Is it important to bring the Ambassador on board in some capacity prior to the conference preparatory meeting? If so, how can this be accomplished? Yes. *The USITUA believes that a statutory exemption may be appropriate for this position, or, as a fallback alternative, as either an appointee or consultant in the Department of State so that there is expertise and travel budget available to support the Ambassador to-be's activities.*

6. Budgeting WRC Activities

A. Funding for the WRC Ambassador has been an ongoing concern. To ensure the Ambassador and the delegation staff are able to complete their missions, is it necessary to provide the Ambassador with an operational budget? If so, how can representational funds best be used to conduct outreach efforts? *The USITUA believes it is necessary and critical to provide the Ambassador with an operational budget that is immediately available upon appointment (if not upon nomination or some other designated capacity). One potential way of ensuring available monies is for Congress to earmark WRC accounts for all three agencies. The Ambassador's outreach efforts should comprise travel to specific regions, and associated regional meetings, as well as various hosting opportunities for informal dialogue among the Ambassador and staff and his/her counterparts in other Administrations.*

B. What facilities are critical to the functioning of the delegation and the Ambassador at the conference site? *The USITUA believes that facilities comparable to those administered by the Department of State at WRC-03 are representative of the requirements of the delegation and Ambassador, and should be arranged as far in advance as possible. It was very helpful that the Ambassador have a separate office removed from the US Delegation office, where private meetings with foreign delegates could occur without the background noise of the delegation. Moreover, it was also important to have the common delegation facilities, IT infrastructure, and human resources which are critical when trying to ensure government and private sector coordination on issues, and doing so in parallel on both sides of the Atlantic (or wherever the WRC venue may be). We would encourage the USG agencies, however, to ensure that all spokespeople are provided with cell phones and laptops as connectivity and availability are critical to our success.*

C. Recognizing that agencies and companies send representatives to the delegation to participate in debates, negotiations, and outreach efforts, how should support be provided to cover the Editorial Committee of each WRC? *Based on its members' experience, the USITUA believes that there should be single US Government official (not a private sector person) designated as responsible for coordinating US participation on the Editorial Committee. Moreover, the USG should ensure that delegate (both private and government) understand that it is an obligation accompanying the privilege of serving on the delegation to assist when requested on the Editorial Committee. However, given the perennial importance of the committee, all of the agencies should seek to hire or train individuals in French and/or Spanish. The scarcity of government employees with linguistic capabilities has been a long-standing weakness of US delegations to ITU treaty conferences and should be remedied.*

7. Outreach and Consultations with Other Countries

A. Are consultations with other administrations needed? If so, at what point in the process should they begin? *Yes, they are critical. The USITUA believes that consultations are two-part. The first should occur very early in the process, perhaps well prior to the US having established proposals. It should be a listening session where the US reaches out to the different regions, and individual opinion-leaders in those regions, to understand their priority areas. The second phase would be to consult on our proposals to try to obtain support for them prior to the WRC, and if possible even prior to CPM-2.*

B. Is it important to work with other countries outside of the ITU study groups and the conference preparatory meeting? If so, why and how can this be improved? *Yes. Participation in study groups is limited in terms of broad country representation. Regional group meetings offer ideal opportunities to meet with both leaders as well as working level staff, and demonstrate the US' interest in others views. This is an important initial step in building common proposals within and across regions. The US' consistent engagement and leadership in the CITEL process, as well as participation with other regional processes was a central factor in its many successes at WRC-03.*

C. Should the Country Contact/Outreach program that is developed and utilized at a conference be maintained between conferences? If so, how can this be accomplished? Who should lead this effort? What role can the private sector play? *No. This is not practical, at least with private sector responsibility as is the case at the Conference itself. However, the private sector should be considered for inclusion in US delegations to regional prep meetings outside of the CITEL meetings.*

D. Should WRC outreach activities be integrated with other international activities of the State Department, NTIA and FCC? If so, how? *Yes. The USITUA believes that a standing topic for discussion at every bilateral or regional meeting with State, NTIA or FCC should be the WRC.*

E. How effective were the Delegation Consultations prior to WRC-03? Were they started in a timely manner? *They were very effective, building good relationships, in part assisted by the fact that the late-appointed Ambassador to WRC-03 was a known and respected figure in the international telecommunications community, and the ITU. It would have been better, however, if this appointment would have been made earlier.*

8. Training

A. Are trained and qualified Federal Government Spokespersons and issue coordinators available throughout the WRC preparatory process and especially at the Conference? *The USITUA believes that the coordinators and spokespersons are qualified, but are not provided meaningful training in preparation for their roles.*

B. Are training programs needed for spokespersons and delegates? If so, what should they consist of? *Yes, particularly for spokespersons. First, the USITUA applauds again the Training Day in preparation for WRC-03 and encourages that to be repeated. However, appropriate public speaking and international negotiations training should be offered to, and required of, the US Spokespersons. In addition, the USITUA believes that language training ought to also be afforded to career WRC staff.*

C. Is preparatory training needed for general participation in ITU-R Study Groups in support of WRC activities? If so, what should it consist of? Yes.

The USITUA believes that on the job training is critical to developing the fluency on the issue that many of our foreign counterparts have. Therefore, staff should be sent to SG meetings along with experienced staff to benefit from mentoring and training on site. This is an approach that Canada has taken, and with excellent results.

D. What steps should be taken to maintain a cadre of experienced personnel in the federal government in order for them to assume leadership and spokesperson roles at future WRCs? The USITUA believes that the USG should find ways to recognize the importance of these WRC roles.

9. WRC Domestic Implementation Process.

A. In the past, the United States has been faced with challenges regarding the implementation of WRC decisions. What can be done to improve this process?

The USITUA believes that the FCC and NTIA have taken significant steps to improve this process. The decision implementation process has in the past been at best uneven, and often languished in the aftermath of the WRCs. However, the USITUA commends both agencies for having taken a very pro-active step of establishing a clear and transparent timeline for implementation of WRC-03 decisions and the outstanding ones from prior conferences. This process should somehow be memorialized so that it does not remain ad hoc.

B. The GAO report noted that federal agencies are concerned that WRC allocation decisions of primary interest to the federal government go without action, how can the process be improved to ensure equal treatment of both government and private sector interests? There should be an elimination of any distinction between such allocations, as industries are dependent on opportunities derived from implementation of both. Timely implementation of both is critical. The USITUA believes that the establishment of a consensus timeline between the two agencies should eliminate the acknowledged problems of the past.

C. Should FCC/NTIA develop a plan and schedule to complete rulemaking for each WRC agenda item? If so, within what timeframe of WRC completion should the plan be executed? Yes. We would recommend that the timeline be announced within 3-6 months of the close of the WRC, with complete implementation within 18-24 months. Ideally, the US would implement WRC decisions in time for the Final Acts' entry into force.

General Areas

A. In broad terms, what goals should the United States have for WRCs? How should these goals be established? The USITUA believes that the goals should be to protect and advance US interests writ broadly, to be specific at individual conferences. These interests are established through the existing proposal and agenda setting processes.

B. How effective has the United States been in the WRC process? On the whole, the US is generally quite effective, but often at greater cost than perhaps necessary given some of the hurdles that we create for ourselves – these hurdles are laid out in the answers to many of the questions above dealing with funding, timing of ambassador appointment, etc...

C. What have been the benefits and costs of regional preparation for WRCs?

The benefits of full participation in the regional preparatory processes (including processes for the Americas, Europe, Asia/Pacific, the Arab States, and Africa) far outweigh the costs of such participation. The WRC is becoming increasingly regionalized, with regions coalescing on proposals and positions prior to the WRCs, and then reaching out to each other to form alliances. Their import cannot be underestimated. . The experience of WRC-03 is quite instructive on how timely engagement and leadership in the regional processes can yield successful outcomes on US proposals. The USITUA believes that this should form the baseline for future US WRC preparation activities.

D. How often should WRCs occur and what, if any, limitations should the U.S. support regarding WRC agendas.

The USITUA believe that WRCs should occur often enough to meet the needs of both USG and industry interests, while leaving sufficient time to undertake and complete the necessary technical preparatory work to support the agenda items.

E. Over the years, there has been concern among WRC participants (government and non-government) regarding staffing issues. Do NTIA and the federal agencies have sufficient staff with appropriate expertise to support spectrum management activities in the WRC preparation process? No, as a general matter. There is not enough training to account for, and replace, retiring expertise. Moreover, when the agenda is diverse and multifaceted, it is difficult to adequately cover some of the issues. Finally, the USITUA believes that it is critical for the agencies to begin to develop additional staff expertise in the regulatory and procedural aspects of a conference; while there is recognized expertise that is well-established at both State and NTIA, it is concentrated in a limited number of staff.

Jennifer A. Warren, Chair
Committee on U.S. WRC Preparatory Process

Ben C. Fisher, Chairman
Board of Directors

November 24, 2003

USITUA RECOMMENDATIONS ON DOMESTIC WRC REFORM
(Approved May, 2001)

- Early Formation of U.S. Delegation in Conjunction with the Maintenance of WRC Advisory Committee (WAC)

The US Delegation should be formed immediately following CPM-2, and the WAC should be maintained, even after the Delegation has been formed, as a vehicle for continued development of US proposals.

- Institutionalization of WAC Timing/Management

The new WAC should meet within three months of the closure of the previous WRC, and the WAC Charter should be continually rolled over every two years. In order to ensure the timely restart of the WAC, the Chair or Vice-Chair of the previous WRC Advisory Committee should automatically serve as the Acting Chair of the new WAC to prepare for the next WRC, pending appointment of the new Chair and Vice-Chair by the FCC.

- Designation of Permanent Senior USG Positions with Continuing Responsibility to Serve as Vice-Chairs of US WRC Delegations

The FCC, State and NTIA should each designate an official senior level position to serve as a WRC Vice-Chair on a permanent basis so as to provide continuity from WRC to WRC for both domestic and international purposes.

- Timely Availability of U.S. Preliminary Views, Proposals, and Outreach Activities for WRC's

- An initial timetable for U.S. preparatory efforts and international outreach activities should be coordinated and established immediately following the WRC;
- Upon the organization of the U.S. WRC preparatory groups (i.e., the WAC and the NTIA RCS), representatives from the FCC, NTIA, State and WAC leadership should develop a coordinated preparatory schedule that reflects the ITU calendar for CPM preparations and WRC proposal deadlines, and the preparatory schedules of Regional Organizations such as CITEL, APT, the Arab and Africa Groups;
- A schedule for international presentation of preliminary views and proposals should be included in the overall timetable to ensure regularized U.S. participation and leadership in the formation of regional proposals and views;
- The schedule should also seek to coordinate regular bilateral meetings around regional spectrum organization meetings;
- In developing the schedule, particular attention should be given to the respective ITAC, WAC, RCS and IRAC meeting schedules. Efforts should be taken to reduce the time needed to pass proposals/views through the respective processes, that now tend to drag out the decision process via the looping of issues between the WAC, the RCS and IRAC;
- Industry/WAC substantive issue experts should be given the opportunity to participate on a case-by-case basis in RCS meetings to provide detailed information on issues of mutual interests -- both sides could benefit from the dialogue and potentially reduce the time needed to resolve specific issues
- The RCS meeting agendas should be transparent in order to enable FCC/WAC to identify appropriate dates and persons for attendance at RCS meetings.

- Continuity and Effectiveness of FCC Participation in RCS Meetings

In addition to the regular IRAC representative, the FCC should ensure that its subject matter experts on the individual WRC agenda items are regular participants in RCS meetings on their topics. This is necessary to ensure that private sector interests are well understood by the RCS and to identify early on areas of likely conflict or disagreement between the private sector and government.

- Role of Private Sector in US Delegation Steering Committee

When specific controversial issues are under discussion, a limited number of private sector representatives, representing conflicting viewpoints, should be asked to participate, on an ad hoc basis, in the deliberations of the Steering Committee.