



PUBLIC NOTICE

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ITU Adopts New Fees for Satellite Filings

At its 2005 session, the Council of the International Telecommunication Union (ITU) decided to modify the ITU's fee schedule for processing satellite network filings. The Council adopted a flat fee schedule for most filings and decided to add fees for processing notification filings (the final step in recording frequency assignments in the ITU's Master Register). The modified fee schedule will be applied from 1 January 2006. The new fee structure in Council Decision 482 (modified 2005) is summarized below.

Filings subject to new cost recovery charges

The satellite network submissions that are subject to the new fee schedule include:

- Filings for Advance Publication pursuant to Article 9 of the Radio Regulations (non-geostationary satellite networks not subject to coordination procedures, and inter-satellite links of geostationary networks communicating with non-geostationary satellites);
- Coordination requests pursuant to Article 9, and modifications thereto;
- Proposed new or modified assignments in the Appendix 30 and 30A Plans or Lists pursuant to Article 4 of those Appendices (BSS and feeder link Plans);
- Coordination requests pursuant to Article 2A of Appendix 30 or 30A (use of the guard bands);
- Submissions pursuant to Sections IA, IB, II and III of Article 6 of Appendix 30B (fixed-satellite service Plan); and,
- Notifications for recording of frequency assignments in the Master Register for all the foregoing networks (pursuant to Articles 9 and 11 of the Radio Regulations, Article 5 of Appendices 30 and 30A, and Article 8 of Appendix 30B), if the network's advance publication submission or Plan initiation is received on or after 19 October 2002.

Exemption from fees

The following are exempt from processing charges:

- Publication of amateur-satellite assignments;
- Notification of assignments for specific earth stations;
- Conversion of an Appendix 30B allotment into an assignment per Section I, Article 6 of Appendix 30B; and,
- New allotment for a new Member State of the ITU per Article 7 of Appendix 30B.

Charges for submissions involving Sections IA and III of Article 6 of Appendix 30B will be assessed only if the submissions are received on or after 1 January 2006.

New Schedule of Processing Charges

The revised schedule is based on four types of filings – Advance Publication, Coordination Requests, Notifications, and Plans. The latter three are divided into 3 or more forms of coordination or notification. Coordination Category 1 and Notification Category 1 (C1 and N1, respectively) refer to only one form of coordination (e.g., coordination only between GSO networks under No. 9.7 of the Radio Regulations). Categories C2 and N2 refer to two or three forms of coordination while Categories C3 and N3 involve four or more forms of coordination. The fourth Notification Category (N4) concerns those NGSO networks that are not subject to any coordination procedure or that involve seeking agreement under No. 9.21 of the Regulations only.

There are five Plan Categories. P1 involves Part A and B Special Section publications under Appendices 30 and 30A. P2 relates to notifications of Plan assignments under Appendices 30 and 30A. P3 concerns use of the guard bands under Article 2A of these appendices. P4 is associated with the publications pursuant to Appendix 30B while P5 involves the notifications under Appendix 30B.

The Council adopted flat fees for the A and P types of filings and for filings with numbers of frequency units¹ greater than 100 units in the C and N type of filings. The flat fees are:

- A1 – Advance Publication - 570 CHF (Swiss francs)
- C1 – One Form of Coordination – 20,560 CHF
- C2 – Two-three Forms of Coordination – 24,620 CHF
- C3 – Four or more Forms of Coordination – 33,467 CHF
- N1 – 30,910 CHF
- N2 – 57,920 CHF
- N3 – 57,920 CHF
- N4 – 7,030 CHF
- P1 – Part A and Part B – 28,870 CHF for each Part and up/downlink
- P2 – Up and downlink – 11,550 CHF for each link
- P3 – Up or downlink – 12,000 CHF each
- P4 – 40,560 CHF
- P5 – 32,450

The Council adopted a sliding fee scale for coordination and notification filings where the number of frequency units is 100 or less. The range of fees for these smaller filings is scaled with a value of 150 CHF per frequency unit. The range of fees for these filings will be:

- C1 – 5,560 to 20,560 CHF
- C2 – 9,620 to 24,620 CHF
- C3 – 18,467 to 33,467 CHF
- N1 – 15,910 to 30,910 CHF
- N2 – 42,920 to 57,920 CHF
- N3 – 42,920 to 57,920 CHF

The full text of Decision 482 (modified 2005) is available on the Commission's web site at http://www.fcc.gov/ib/sand/irb/docs/Decision_482_2005.pdf.

Other corrective measures taken by the ITU Council

¹ In its revisions of Decision 482, the Council defines the number of frequency units as the product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups.

The ITU also released four other Council Decisions that establish corrective measures to resolve past overcharges and a modification to a date of fee applicability.

For large satellite network filings submitted prior to 3 May 2002, Decision 531 (http://www.fcc.gov/ib/sand/irb/docs/Decision_531.pdf), caps the filing fee at a maximum of 100,000 CHF. Large filings are those with the number of frequency units exceeding 10 times the number of units covered by the flat fee portion of the applicable fees.

To correct an overcharge situation for Broadcasting-satellite (BSS) and feeder link filings, Decision 532 (http://www.fcc.gov/ib/sand/irb/docs/Decision_532.pdf) caps the filing fee at a maximum of 100,000 CHF that applies to the sum of the fees for uplinks and downlinks.

In Decision 533 (http://www.fcc.gov/ib/sand/irb/docs/Decision_533.pdf), the Council aligned the date of application of the fee adopted by Council 2004 and the in force date of revision of the Radio Regulations as they relate to the modified footnote 5.488 of the Table of Allocations. This footnote revision specifies 5 July 2003 as the date for applying the No. 9.14 coordination procedure for fixed-satellite service assignments in the band 11.7-12.2 GHz in Region 2 (the Americas) in place of the former seeking-agreement provisions of Resolution 77 (WRC-2000).

Decision 534 (http://www.fcc.gov/ib/sand/irb/docs/Decision_534.pdf) rescinded fees assessed for the second step BSS filings (Part B publications) under Appendices 30 and 30A to the Radio Regulations where the initial filing for Part A publication was received prior to 8 November 1998.

In order to offset the loss of income in the biennium 2004-2005 due to these corrective actions, the four Decisions authorize withdrawals from the ITU Reserve Account if savings can not be found in the current ITU budget. Income loss for the period 2002-2003 is being referred to the 2006 Council meeting and, likely, to the 2006 Plenipotentiary Conference for resolution.

In deciding the foregoing fee schedule and corrective measures, the Council deliberated under the following two principles. First, fees are not to be applied retroactively, and second, filings canceled for non-payment of fees could not be reinstated.

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