

**Before the
National Telecommunications and Information Administration
Washington, D.C.**

Request for Comment on)
Improvement to the U.S.)
Preparation Process for World)
Radiocommunication Conferences)

Docket No. 031016259-3259-01

COMMENTS OF WINSTAR COMMUNICATIONS, LLC

Winstar Communications, LLC

Joseph M. Sandri, Jr.
Gene Rappoport
Vishnu Sahay
Lynne Hewitt Engledow
1850 M Street, NW
Suite 300
Washington, DC 20036
(202) 367-7600

November 24, 2003

**Before the
National Telecommunications and Information Administration
Washington, D.C.**

)	
Request for Comment on)	
Improvement to the U.S.)	Docket No. 031016259-3259-01
Preparation Process for World)	
Radiocommunication Conferences)	
)	

COMMENTS OF WINSTAR COMMUNICATIONS, LLC

On behalf of Winstar Communications, LLC, an IDT company, (hereinafter “Winstar”) please find comments to the Request for Comment on Improvement to the U.S. Preparation Process for World Radiocommunication Conferences.

I. Introduction

For years Winstar has actively participated in the International Telecommunications Union (ITU) and World Radiocommunication Conference (WRC) processes, primarily, but not exclusively, in the areas of Fixed Services and Fixed Satellite Services. As such, Winstar appreciates the National Telecommunications and Information Administration’s (NTIA) request for comment in an effort to improve the WRC process and has provided answers to the Administration’s questions.

II. Comments

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 existing WRC Advisory Committee (WAC) process generally provides an effective method of providing private sector views to the NTIA. However, it is recommended that the USG, through either the FCC, State Department or NTIA, also routinely issue a formal request for written comments prior to major meetings.

- 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?
- Expanded participation by government representatives in the informal working groups of the WAC to provide input as to United States Government (USG) interests and concerns regarding the various issues would be useful.

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?
- As stated in 1B above USG participation in the WAC to provide input as to USG interests and concerns regarding the various issues would be useful. As the WAC is for private sector or commercial interests the USG should not attempt to influence decisions, but rather to assure that USG interests are understood, and that all parties are provided the proper opportunity to get their viewpoints considered.

3. FCC/NTIA Proposal Coordination Process

- A. Should the federal and non-federal advisory processes remain independent? Why or why not?
- The federal and non-federal advisory processes should remain independent. Without independence there would be concern that USG interests would dominate in the early position formation process and private sector interests would not have an equal opportunity for development.
- 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)?
- The present process seems to work efficiently. Inserting FCC review prior to

NTIA consideration would unnecessarily cause delay and may cause some concerns in the overall process.

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.

- Consideration by NTIA and the reconciliation process sometimes takes an extraordinarily long period of time. Contentious issues should be escalated when necessary to force all parties to justify and support their positions. The USG should develop a process for forecasting how many contentious issues may arise, and then plan ahead for deploying personnel and resources empowered to staff the escalation process.

D. What steps can be taken to resolve difficult issues? Should timelines be developed in order to identify these issues early in the process?

- Difficult issues can usually be identified early in the process. The issues, the support, the concerns should all be identified early, including any ongoing studies that will lead to conclusions by the various parties. Timelines should be mutually agreed upon for results to be considered and for resolution of differences.

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?

- It is not clear what objectives and policies might be considered. This could be the subject of some discussion in the USNC.

B. Is closer coordination among various study groups required? If so, why and how can this be accomplished?

- Yes, closer coordination is very desirable. The present liaison process is not very efficient or, in some cases, very useful. Courtesy responses should be eliminated,

only useful information or requests for assistance should be sent. Communication between meetings should be encouraged. The chair of the group sending the liaison should assure that it is appropriately represented at the receiving groups meeting.

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?

- It is not always easy to reach agreement on what the U.S. WRC goals and objectives will be early in the process. Competing interests provide various inputs, studies, etc. to the Working Party/ Study Group process, to advance their goals. Sometimes only after consideration and compromise is there agreement on a U.S. position. However, in the interest of U.S. WRC goals and objectives aligning, it is recommended that the USG develop a process that gives the private sector a clear warning prior to the USG making a decision on a contested issue. It should also be recalled that although some companies are Sector members and thus entitled to promote their interests, first within the US process and ultimately directly to the ITU-R, the vast majority of U.S. companies subsume those rights in order to promote solidarity in the U.S. process.

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?

- This is an excellent suggestion, but we suggest that some further discussion and agreement occur within this proceeding or in a related proceeding between USG and private sector interests on how the positions will be developed and approved.

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)?

- The process is driven by self-interest and as such all parties will act on agenda items of interest. There is therefore no need for additional action on the part of USG, unless the USG identifies a constituency that does not possess the resources to regularly attend the preparatory process, but whose interests are directly at stake.

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?

- There is definitely a lack of continuity. The WRC Ambassador is always a political appointee for a single conference and in many cases has no previous knowledge of spectrum related issues. They often do not have the opportunity to develop relationships and recognition as many other countries representatives do. There should be a known U.S. expert appointed WRC Ambassador, or an expanded Office of the WRC Ambassador developed which serves to retain historic knowledge, and the appointment of the WRC Ambassador or the senior staff to the Office of the WRC Ambassador, should be for multiple conferences.

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 core delegation groups, vice-chairs and principals only represent the USG. The private sector should be brought into this group and it should be formed as early in the process as possible.

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?

- The delegation should be formed much earlier in the process. The delegation should be formed within one month of the end of the Conference Preparatory

Meeting.

- 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?
- By forming the delegation earlier in the process there can be more thoughtful development, review and agreement on the positions, strategy and fallbacks. This now happens at the very end of the process and everything is rushed.
- E. At what point in the preparation process should delegation assignments be made and spokespersons identified?
- Delegation assignments should be made and spokespersons should be identified as early as possible.
- F. How could the appointment and role of the U.S. Ambassador be improved?
- See 5A above.
- 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?
- The United States' negotiating strength is most certainly hindered by the use of an appointed political representative that inherits an office that is not provided with the staff and resources described in 5A above.
- H. 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?
- The Ambassador should be appointed at least three months before the CPM so he/she can be knowledgeable on the issues and become a recognized spokesperson at the meeting. The WRC Ambassador should be identified, if not appointed, at least one year before the WRC.

6. Budgeting WRC Activities

Generally, please see our answers to 1(B), 3(C), 5(A), 5(G) and 5(I).

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?

- Yes, an operational budget is recommended. Representational funds are recommended for use in promoting the U.S. position once it has been set, but such funds must not exceed the funding provided by the federal government, nor must they be used to place our government officials in a position whereby their independence is open to question.

9. WRC Domestic Implementation Process

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?

- Industry participation at Conferences is motivated both by international and domestic considerations. It is expected that domestic rulemaking will take place and will take into account, without being bound by, the results of the Conference. However, the timing for such rulemaking depends upon the over-all priority of the FCC/NTIA with input of industry.

General Areas

A. In broad terms, what goals should the United States have for WRCs? How should these goals be established?

- From a private sector perspective, to reflect the interests of US industry, including development and acceptance of new technologies and services and to promote export of US goods and services. Also to minimize regulatory barriers for deployment and expansion of services, including in border areas.

B. How effective has the United States been in the WRC process?

- The US has been reasonably effective in the WRC process.

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

- In as much as regional views are given high visibility at Conferences, and given that US positions are traditionally influential in Region 2, such preparations are very important. It is also useful for participation with other Regional processes.

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

- WRCs should be held at regular intervals with limited agendas. The duration of the conferences should be no more than three weeks.

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?

- It would appear that the agencies typically have staff with appropriate expertise in the areas in which Winstar is primarily concerned, those of Fixed Services and Fixed Satellite Services. However, generally it is recommended that especially when either impasses occur or when key issues require escalated resource requirements develop, an expanded USG presence is desirable. As communications issues continue to effect an ever-growing percentage of the U.S. economy, it is important that the USG commit sufficient resources to the increasingly influential ITU and WRC processes. Therefore, the USG, consistent with the comments above, should consider planning to increase staffing.

III. CONCLUSION

Winstar appreciates the Administration's focus on WRC issues and the opportunity to comment on the issues. Winstar requests that the Administration give due consideration to the comments and recommendations made above.

Respectfully submitted,

WINSTAR COMMUNICATIONS, LLC

Joseph M. Sandri, Jr.
Gene Rappoport
Vishnu Sahay
Lynne Hewitt Engledow
1850 M Street, NW
Suite 300
Washington, DC 20036
(202) 367-7600

November 24, 2003