

## **INFORME INTERINO DEL GRUPO DE TRABAJO 2 SOBRE LA PROTECCIÓN DEL PATRIMONIO COMÚN A LA COMISIÓN CONSULTIVA DE LA ITSO (IAC)**

### **I. ANTECEDENTES**

1. El Grupo de Trabajo 2 fue establecido en junio de 2022 por la 40ª Asamblea de Partes (AP-40) con el mandato de abordar el tema de la protección del Patrimonio Común. Su principal objetivo al abordar esa protección se puede resumir como sigue: “Considerar las experiencias clave del pasado y elaborar medidas que den forma a una ITSO más fuerte, más eficaz y receptiva, alineada más estrechamente con los intereses en evolución de todas las Partes y la estrategia futura de la Organización. Ello se hará en consulta con todos los órganos y expertos pertinentes, incluidos entre otros la ITSO, las Administraciones Notificantes, Intelsat, la UIT, las Partes, etc.”.

2. A continuación se indican los mandatos aprobados por la 40ª Asamblea de Partes, celebrada en junio de 2022 en Washington D.C.:

- (i) Evaluar los procesos y mecanismos para la utilización y gestión del Patrimonio Común, asegurar su protección y utilización eficiente y formular recomendaciones adecuadas para una alineación más estrecha entre el trabajo de la ITSO y el de las Administraciones Notificantes.
- (ii) Identificar y hacer recomendaciones sobre los varios temas que podrán surgir en relación con determinadas decisiones que pudiera tomar Intelsat o cualquier otra entidad operadora, que tuvieran una incidencia directa en el Patrimonio Común, tales como bancarrota, fusiones, cambio de propiedad, etc.
- (iii) Identificar las circunstancias en las que posiciones orbitales del Patrimonio Común no utilizadas podrían suprimirse, y efectuar recomendaciones para la correspondiente reasignación a otras entidades operadoras.
- (iv) Considerar el interés manifestado por un número importante de Estados miembros de la ITSO en cuanto a Administraciones Notificantes adicionales; estudiar y hacer recomendaciones, según corresponda, sobre:
  - a) las implicaciones administrativas, técnicas y de otra índole de la designación de Administraciones Notificantes regionales adicionales,
  - b) los criterios que se han de aplicar para la selección de países como Administraciones Notificantes, de ser eso legalmente posible, y enunciar claramente las responsabilidades requeridas de las Administraciones Notificantes.

## **II. MIEMBROS Y LIDERAZGO DEL GRUPO DE TRABAJO 2**

3. El Grupo de Trabajo 2 está compuesto por representantes de las siguientes Partes:

Región A:

- Argentina (Gustavo Javier Fernández)
- Estados Unidos (Doug May; Jabin Vahora; Kathryn Medley; Joseph Hill)
- Jamaica (George Malcolm; Wahkeen Murray)

Región B:

- Francia (Thomas Welter; Amar Saidani; Chloe Pearson)
- Liechtenstein (Dr. Bianca Lins)
- Türkiye (Veli Yanikgonul; Nazgul Bagbasi)

Región C:

- Polonia (Tomasz Pinciurek)

Región D:

- Argelia (Abdelwahab Galizra; Lared J. Hassina; Safia Omari; Khadidja Benbouchaib)
- Benín (Yetondji Houeyetongnon)
- Ghana (Timothy Ashong)
- Ruanda/Presidente (Georges Kwizera)

Región E:

- Australia (David Murray)
- India (P S M Tripathi)
- Jordania (Nedal Alsamara)

Administraciones Notificantes:

- Administración Notificante del Reino Unido (Callum Gray)
- Administración Notificante de los Estados Unidos (Doug May; Jabin Vahora)

Vicepresidentes regionales de la AP-40:

- Región A: Doug May
- Región B: Veli Yanikgonul
- Región C: Tomasz Pinciurek
- Región D: S.E. Mohammed Haneche; Fouad Ferhat
- Región E: Yoichi Kanda; Takahiro Tanaka

Secretaría:

- Director General de la ITSO (Patrick Masambu)
- Asesor Jurídico de la ITSO (Maury Mechanick)
- Asesor Técnico de la ITSO (Julián Seseña)
- Asesora Sénior de la ITSO (Diane Bastin)
- Presidencia del Grupo de Trabajo 1 (Alexandru Cozma; Cristina Velea)
- Presidente de la AP-40 (Gilles Brégant)

4. El Grupo de Trabajo 2 está encabezado por el Presidente designado por la AP-40, señor Georges Kwizera, representante de la Parte de Ruanda (Región D).

5. Los dos siguientes miembros fueron nombrados como relatores adicionales del Grupo de Trabajo 2 durante la primera reunión, celebrada el 14 de diciembre:

- Doctora Bianca Lins (Parte de Liechtenstein) como primera relatora
- Señor Gustavo Javier Fernández (Parte de Argentina) como segundo relator

6. Para cada mandato los miembros del Grupo de Trabajo 2 nombraron un coordinador, durante la primera y la segunda reuniones, esta última celebrada el 23 de enero de 2023:

Mandato No.	Región	Parte	Nombre
1	B	India	P. S. M. Tripathi
2	D	Ghana	Timothy Ashong
3	C	Polonia	Tomasz Pinciurek
4	B	Francia	Thomas Welter

### III. REUNIONES DEL GRUPO DE TRABAJO 2

7. Hasta ahora el Grupo de Trabajo 2 lleva celebradas cinco reuniones, por vía virtual:

- 1ª reunión – 14 de diciembre de 2022
- 2ª reunión – 23 de enero de 2023
- 3ª reunión – 13 de febrero de 2023
- 4ª reunión – 3 de marzo de 2023
- 5ª reunión – 14 de abril de 2023

8. Las grabaciones de las reuniones están disponibles en el sitio web de la ITSO.

9. La primera relatora preparó informes de cada reunión. Dichos informes, así como los documentos presentados hasta ahora, también pueden encontrarse en el sitio web de la ITSO.

10. Los informes presentan un resumen de cada reunión y reflejan las deliberaciones, el intercambio de ideas, la formulación de preguntas y las oportunidades de presentar distinta información. No tienen por objeto representar las opiniones definitivas ni recomendaciones finales de las Partes.

#### **IV. RESULTADO PRINCIPAL DE LAS REUNIONES**

##### **IV.1. RESULTADO PRINCIPAL DE LA PRIMERA REUNIÓN DEL GRUPO DE TRABAJO 2**

- (i) El Grupo de Trabajo 2 se constituyó con la siguiente cúpula:
  - a. Presidente: Señor Georges KWIZERA (Parte de Ruanda y propuesto por la Región D)
  - b. Primera relatora: Doctora Bianca Lins (Parte de Liechtenstein)
  - c. Segundo relator: Señor Gustavo Javier Fernández (Parte de Argentina);
- (ii) El Grupo de Trabajo 2 convino en el siguiente plan para sus reuniones:
  - a. se celebrarán reuniones mensuales hasta la conclusión de los trabajos
  - b. las reuniones se celebrarán en modalidad virtual, pero se podrán efectuar reuniones presenciales en los márgenes de la IAC, si esta se reúne en modalidad presencial, o en los márgenes de la AP-41
  - c. todas las reuniones se llevarán a cabo en inglés;
- (iii) El Grupo de Trabajo 2 convino en la metodología para las reuniones;
- (iv) El Grupo de Trabajo 2 designó los coordinadores de los cuatro mandatos.

##### **IV.2. RESULTADO PRINCIPAL DE LA SEGUNDA REUNIÓN DEL GRUPO DE TRABAJO 2**

- (i) El Grupo de Trabajo 2 examinó la contribución de la ITSO sobre los antecedentes históricos del Patrimonio Común para entender mejor el contexto de sus mandatos;
- (ii) La reunión convino en la plantilla que se ha de usar para presentar contribuciones al Grupo de Trabajo 2;
- (iii) La reunión tomó nota de un documento de información de la Parte de Francia en el que se propusieron dos opciones alternativas sobre la situación actual para la notificación del Patrimonio Común ante la UIT.

#### **IV.3. RESULTADO PRINCIPAL DE LA TERCERA REUNIÓN DEL GRUPO DE TRABAJO 2**

- (i) La reunión tomó nota de la enmienda del documento de la ITSO que presenta los antecedentes históricos del Patrimonio Común;
- (ii) La enmienda del documento de la ITSO busca resaltar las partes del Patrimonio Común que fueron suprimidas como resultado de una decisión de la CMR;
- (iii) Dar mayores aclaraciones a las preguntas formuladas por la Parte de Francia acerca de la posibilidad de tener inscripciones nacionales de una Administración Notificante en la misma posición orbital que un segmento suprimido del Patrimonio Común;
- (iv) La reunión también tomó nota del dictamen jurídico de la ITSO acerca de la legalidad de una designación de Administraciones Notificantes adicionales por la Asamblea de Partes, habida cuenta de que se tomó nota de que ello es posible si se enmienda el Artículo XII para permitir expresamente la toma de esa medida.

#### **IV.4. RESULTADO PRINCIPAL DE LA CUARTA REUNIÓN DEL GRUPO DE TRABAJO 2**

- (i) La reunión centró sus deliberaciones en los casos en que una red de satélite del Patrimonio Común fue suprimida por una de las Administraciones Notificantes, pero hay otras redes de satélite en los [correspondientes] segmentos orbitales del Patrimonio Común, notificadas por una u otra de las Administraciones Notificantes de Intelsat (EE.UU. y Reino Unido para las redes INTELSAT del Patrimonio Común (INTELSAT CH) y otras Administraciones que también actúan como administraciones notificantes para redes INTELSAT ajenas al Patrimonio Común);
- (ii) La reunión tomó nota del primer borrador del mandato 1.

#### **IV.5. RESULTADO PRINCIPAL DE LA QUINTA REUNIÓN DEL GRUPO DE TRABAJO 2**

- (i) La reunión tomó nota de las aclaraciones proporcionadas por la ITSO sobre el tema del rotulado del Patrimonio Común en la UIT;
- (ii) La reunión tomó nota de que la AP-35, al cabo de una serie de interacciones en que intervinieron las dos Administraciones Notificantes, el Director General, el FWP, etc., decidió que el tema del rotulado del Patrimonio Común en la UIT se había resuelto plenamente;

- (iii) La reunión tomó nota de información adicional sobre el estado del Patrimonio Común proporcionada por la ITSO en la que se agregaron elementos nuevos al cuadro que contiene información sobre el Patrimonio Común;
- (iv) La reunión tomó nota del primer borrador de informe sobre el mandato 4;
- (v) La reunión deliberó sobre el mandato 2 como resultado de las preguntas formuladas por la Parte de Liechtenstein, especialmente acerca de qué sucedería en caso de producirse una fusión entre Intelsat y SES.

**V. LISTA DE ANEXOS:**

- Informe de la primera reunión del Grupo de Trabajo 2
- Informe de la segunda reunión del Grupo de Trabajo 2
- Informe de la tercera reunión del Grupo de Trabajo 2
- Informe de la cuarta reunión del Grupo de Trabajo 2
- Informe de la quinta reunión del Grupo de Trabajo 2

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ATTACHMENT No.1 TO  
IAC-24-12E W/06/23

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
1<sup>ST</sup> REPORT**

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
1<sup>st</sup> Report**

Date: Dec 14<sup>th</sup> 2022 – Start time 07:00 AM ET  
WG Chairman: Georges Kwizera (RWA)  
Participants: see Annex 1

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Agenda of the kick off meeting- ITSO WG2-14th December 2022

1. Opening remarks by the ITSO DG & WG2
  2. Introduction of participants
  3. Adoption of the Agenda
  4. Review of the ToRs
  5. Working Group leadership
  6. Work methodology
  7. ToRs Coordinators
  8. Remarks from the WG1 Chair
  9. AOB
  10. Closing remarks
- 

**Agenda item 1 and 2 (Opening remarks by the ITSO DG & WG2; Introduction of participants):**

The WG2 was established by the 40<sup>th</sup> Assembly of Parties (AP-40) in order to address the issue of the protection of common heritage. The WG2 is composed of 3 representatives per ITSO region and will be reporting to the IAC on the progress at least twice a year and to the next AP-41.

The opening remarks by ITSO Director General Patrick Masambu and the WG2 Chairman Georges Kwizera were followed by a brief introduction of all participants of the 1<sup>st</sup> meeting. A full list of participants is enclosed in Annex 1 of this report.

**Agenda item 3 (Adoption of the Agenda):**

The participating Parties adopted the proposed Agenda.

**Agenda item 4 (Review of the ToRs):**

The Chairman presented the terms of reference as discussed at the 40<sup>th</sup> Assembly of Parties in Washington.



Terms of reference:

- 1) Assess the processes and mechanisms for the utilization and management of the Common Heritage and ensure its protection and efficient utilization and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.
- 2) Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.
- 3) Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.
- 4) Consider the interest expressed by a significant number of ITSO Member States for additional Notifying Administrations, study, and make recommendations, as appropriate, on:
  - c) the administrative, technical, legal and other implications for appointing additional regional Notifying Administrations,
  - d) the criteria to be applied for the selection of countries as Notifying Administrations, should such be legally possible, and clearly set out the responsibilities required of Notifying Administrations.

The Party of the United States of America (represented by Mr. Doug May) proposed to invite experts of the Federal Communications Commission (FCC) to the next meeting in order to explain what the work of the US as a Notifying Administration of ITSO looks like. Therefore, it would be helpful to receive the agenda in advance to know what will be discussed. This proposal is also supported by the Party of France (represented by Mr. Thomas Welter). It would be helpful to understand how the Common Heritage frequencies are managed compared to the other filings managed by the FCC. Furthermore, the Party of France adds that the ITU provides clear documents how frequencies are managed for International Organizations and that these documents should be taken under consideration too.

In future, the agenda will be shared ahead of the meeting.  
The Parties agreed on the ToRs.

**Agenda item 5 (Working Group leadership):**

The WG2 is led by the Chairperson designated by the AP-40, Mr. Georges Kwizera, representing the Party of Ruanda (Region D).

Mr. Kwizera proposed to have two additional Rapporteurs for the WG2, who should come from two distinct regions of ITSO and should not come from the same region as the Chairman of the WG. Prior to the meeting the following two members of the WG2 were requested by the Chairman to serve as Rapporteurs on this WG:

- Dr. Bianca Lins (Party of Liechtenstein) as 1<sup>st</sup> Rapporteur
- Mr. Gustavo Javier Fernandez (Party of Argentina) as 2<sup>nd</sup> Rapporteur

The 2<sup>nd</sup> Rapporteur will serve as a substitute for the 1<sup>st</sup> Rapporteur in case she is prevented. The Parties agreed on the Rapporteurs.

Furthermore, the Chair presented the following details about the meeting organization:

- All WG2 meetings shall be conducted in virtual mode;
- WG2 meeting will be held on monthly basis until the completion of work;
- Physical meetings can be held in the sidelines of the IAC in case the IAC is held physically or in the sidelines of the AP-41;
- The ITSO secretariat will send invitations together with the link for the meeting at least two weeks before the date meeting;
- All meetings shall be conducted in English language.

The Parties agreed on the meeting organization.

**Agenda item 6 (Work methodology):**

The participating Parties agreed on the following working methodology, which should ensure that the WG2 provides its report on time:

- 6.1. The drafting work will be done by correspondence in order to save time;
- 6.2. The WG2 shall designate a Coordinator of each ToR during the first meeting of the WG;
- 6.3. The list of the ToRs can be found under Agenda item 4;
- 6.4. The Coordinator of a ToR shall initiate a draft report of that specific ToR and will be relying on contributions from members of the WG2, ITSO Parties and ITSO secretariat;
- 6.5. The contributions can either be submitted to the coordinators of the ToR directly or to the WG2 meeting;
- 6.6. The meeting will be only for the review and approval of the draft documents initiated by coordinators of different ToR;
- 6.7. The WG2 shall generally work on consensus basis;
- 6.8. If members of the WG2 do not agree on a particular text, the text shall be kept in square brackets and be discussed at high level (IAC or AP-41);
- 6.9. All the documents to be reviewed by the WG2 meeting shall be circulated to all members at least one week before the meeting;
- 6.10. In case the WG2 wishes to seek information from or respond to WG1 or any other group under ITSO, it shall be done by liaison statement;
- 6.11. If needed the WG1 and WG2 can hold a joint meeting upon agreement by both Chairs of WG1 and WG2;
- 6.12. The two Rapporteurs of the WG2 shall compile all documents from Coordinators of the ToR and the compiled and approved document shall be presented to IAC and AP-41.

**Agenda item 7 (ToRs Coordinators):**

Prior to the first meeting of the WG2, the Chairman requested members of the group to serve as Coordinators for the ToRs. The following table shows the Coordinators and whether they have confirmed or not to support the WG2 as Coordinators.

ToR Nr.	Region	Party	Name	Status
1	B	India	P. S. M. Tripathi	confirmed
2	A	Argentina	Gustavo Javier Fernandez	to be confirmed
3	C	Poland	Tomasz Pinciurek	confirmed
4	B	France	Thomas Welter	confirmed after the meeting

**Agenda item 8 (Remarks from the WG1 Chair):**

Mr. Alexandru Cozam (Chairman of WG1; Party of Romania) thanked the Mr. Kwizera for the initial meeting and underlined once more the importance of both WG.

**Agenda item 9 (AOB):**

The 1<sup>st</sup> Rapporteur asked for the Chairman's expectations on the further development until the next meeting in January. The Chairman encouraged the Parties to submit their contributions related to the ToRs and kindly requested the Coordinators who had not yet confirmed to do so as soon as possible.

**Way forward/next steps:**

- Date for 2<sup>nd</sup> WG2 meeting (January 2023)
- Confirmation of all Coordinators
- Submission of contributions of WG2 members related to the ToRs to the designated Coordinators. Alternatively, contributions can also be submitted to the Chairman or the Rapporteurs.
- Circulate the contributions submitted prior to the next meeting to all Parties.

**Agenda item 10 (Closing remarks):**

The Chairman thanked all participating Parties for attending the kick-off meeting and expressed his appreciation for everyone's involvement.

The meeting was closed by the Chairman at 8:20 AM ET.

**Annex 1 – List of participants:**

Region A:

- **Argentina:** Gustavo Javier Fernandez (gufernandez@innovacion.gob.ar)
- **Jamaica:** George Malcolm (gmalcolm@sma.gov.jm)
- **UK/Notifying Administration:** Callum Gray (Callum.Gray@ofcom.org.uk)
- **USA/Notifying Administration** (Doug May: maydc@state.gov); Jabin Vahora (VahoraJS@state.gov)

Region B:

- **France:** Thomas Welter (thomas.welter@anfr.fr); Chloe Pearson (chloe.pearson@anfr.fr)
- **Liechtenstein:** Dr. Bianca Lins (bianca.lins@llv.li)
- **Romania/WG1 Chair:** Alexandru Cozma (alexandru.cozma@ancom.ro); Cristina Velea (cristina.velea@ancom.org.ro)
- **Türkiye:** Nazgul Bagbasi (nbagbasi@turksat.com.tr)

Region D:

- **Algeria:** Abdelwahab Galizra (a.galizra@mpt.gov.dz); Lared J. Hassina; Safia Omari; Khadidja Benbo
- **Benin:** Yetondji Houeyetongnon (hyetondji@arcep.bj)
- **Ghana:** Timothy Ashong (timothy.ashong@nca.org.gh)
- **Rwanda/Chair:** Georges Kwizera (gkwizera@space.gov.rw)

Region E:

- **India:** P S M Tripathi (psm.tripathi@nic.in)
- **Japan:** Takahiro Tanaka (takahiro.tanaka@nict.go.jp)
- **Jordan:** Nedat Alsamara (Nedal.Alsamara@trc.gov.jo)

Secretariat:

- ITSO DG: Patrick Masambu: pmasambu@itso.int
- ITSO Technical Advisor: Julián Seseña: jsesena@hi2.es
- ITSO Senior Advisor: Diane Bastin: dbastin@itso.int

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ATTACHMENT No. 2 TO  
IAC-24-12E W/06/23

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
2<sup>ND</sup> REPORT**

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
2<sup>ND</sup> REPORT**

Date: Jan 23<sup>rd</sup> 2023 – Start time 07:00 AM ET  
WG Chairman: Georges Kwizera (RRW)  
Participants: see Annex 1

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Agenda - ITSO WG2 - 23<sup>rd</sup> January 2023 (amended)

1. Opening of the meeting
2. Approval of the Agenda
3. Adoption of the last WG2 report
4. Review of the ITSO Secretariat contribution to WG2
5. Consider a draft template for contributions
6. Contribution by the coordinator
7. AOB

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**Agenda item 1 (Opening of the meeting):**

The Chairman, Mr. Georges Kwizera (Rwanda), opened the meeting by welcoming and thanking the participants (Annex I - list of participants). He reminded the participating Parties that the work of the WG2 involved a big task and that the expectation was to deliver a report to the ITSO Advisory Committee (IAC) for their meeting on June 1<sup>st</sup>/2<sup>nd</sup> 2023 in Washington, D.C. Although it is up to the WG2 to either submit a progress report or a final report, the Chairman considers it a positive sign if the WG2 would be able to deliver a final report.

The Chairman resumed that the meeting in December was the first and thus the “kick-off meeting” of the WG2. Now is the time to start discussing the matter in terms of reference that were given to the WG2.

**Agenda item 2 (Approval of Agenda):**

The Chairman introduced the agenda which was shared in advance for approval (see Annex II).

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Mr. Thomas Welter (Party of France) proposed to amend the agenda and add the agenda item “Approval of the Agenda”. Furthermore, Mr. Welter proposed to mention the documents which the WG2 is considering for its work. This includes the common proposal from Region D (Africa) to ITSO AP 40, Appointment of Additional Regional Notifying Administrations for the ITSO Common Heritage (attachment No. 1 to AP-40-11E).

Mr. Timothy Ashong (Party of Ghana) asked about the participation of experts from the FCC, as proposed by Mr. Doug May (Party of the USA/NA) in the last meeting, and suggested to add this as a separate agenda item. Mr. May stated that he had already been in contact with two experts of the FCC, which can be shown on the list of participants, and that no separate agenda item was needed.

The amended agenda was approved by the participants.

### **Agenda item 3 (Adoption of the last WG2 report):**

The 1<sup>st</sup> Rapporteur, Dr. Bianca Lins (Party of Liechtenstein), reflected on the feedback received regarding the report of the 1<sup>st</sup> WG2 meeting, sent on December 20<sup>th</sup> 2022.

The 1<sup>st</sup> Rapporteur received one material input regarding the nomination of Mr. Gustavo Javier Fernandez (Party of Argentina) as Coordinator of ToR 2 (*Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.*), informing the 1<sup>st</sup> Rapporteur respectively the Parties of the WG2 that Mr. Fernandez was not able to assume this role and another person should be considered.

Subsequent, the Chairman proposed to appoint Mr. Ashong to fill the position of the ToR 2 Coordinator, which was accepted by the Parties without any oppositions.

The Parties approved the report of the 1<sup>st</sup> WG2 meeting.

### **Agenda item 4 (Review of the ITSO Secretariat contribution to WG2):**

The ITSO Secretariat had submitted a contribution to the Chairman, which was shared with the Parties on January 21<sup>st</sup> 2023 by the Chairman (Annex III).

After a brief introduction of the contribution by ITSO Director General Patrick Masambu, Mr. Julian Seseña, ITSO Technical Advisor, led through the document. Also, Mr. Seseña emphasized that the members of the ITSO Secretariat are available for any support. Additionally, the cooperation of Intelsat would be needed regarding unanswered issues.

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The contribution consists of a summary of the “Report of the Director General on Common Heritage”, which is annually submitted to the AP, as well as the possible topics and specific tasks to be addressed by the WG2 (see section I. of the contribution). Section II. of the contribution summarizes how the Common Heritage has evolved since 2001, notably the frequency assignments and orbital positions. This data is annually validated and confirmed by the ITU BR. The ITSO Secretariat monitors the notifications made to the ITU BR and, in case any modifications have been identified, check with the ITU BR to ensure that nothing has been overlooked.

Another set of histograms shows the interconnection on a very high level since no detailed information on that is available.

The ITSO Secretariat would welcome any ideas and possible suggestions on modifications to the Report on Common Heritage, particularly in order to provide more evidence whether the goals are properly met or not.

In section III. of the contribution, some inputs are provided on the several identified topics based on the ITSO Agreement provisions for further consideration of the Parties and communication of their views to the Notifying Administration. In relation to the items 3A subseq. Mr. Masambu indicates that these do not include specific proposals and only provide an overview on what should be done. Specific proposals to the items should be provided by the Parties.

The Chairman opened the floor for discussions.

Mr. Welter welcomed the comprehensive report and considered it as useful tool to prepare a report regarding the satellite filings and positions by the Notifying Administrations G and USA for the next meeting to further discuss the protection of the Common Heritage. Mr. Welter asked the Notifying Administrations to describe the protection of the ITSO Common heritage filings with regard to national filings at the same or nearby orbital positions.

Furthermore, he asked Mr. Masambu if the ITSO Secretariat receives report on the coordination in cases where such coordination agreements are signed between the Notifying Administrations UK and USA and any other administrations for the filings related to the ITSO Common heritage.

Mr. Fernandez thanked the ITSO Secretariat and expressed his appreciation for providing the contribution and the information contained therein. Mr. Fernandez underlined the importance of the provided information, notably items in section II. Nr. 8. Aspects relating to the level of utilization and the connectivity of the satellite networks using the Common Heritage, especially whether the different networks are providing not only to one country or one region, are very useful and should be considered for the future. Perhaps an orbital position would provide services and coverage in different regions, therefore the Parties would need to know more details taking into account the proposals in other items, that proposed some items of distributions in order to select Notifying Administrations. It would be very useful to manage this information since the Parties needed to obtain better solutions for the future.



Mr. May (Party of the USA/NA) informed the Parties that the review of the document was still ongoing and their experts needed some more time. With regards to the questions by the Party of France, Mr. May ensured to look into that.

Mr. Callum Gray (Party of UK/NA) took the same position as Mr. May. He doubted that there are any filings which are similar. In general, the UK treats them like international filings, a senior filing and a new junior filing, the latter has to coordinate with the senior. Mr. Gray offers to provide more information at the next WG2 meeting.

The following detailed questions were provided in writing after the meeting, and the Notifying Administrations agreed to provide responses at the next meeting.

- On the Common Heritage locations where all Common Heritage filings have been lost, are there new filings at the same orbital location or at nearby locations from the Notifying Administration? If yes, for which operator?
- On the Common Heritage locations where there are remaining Common Heritage filings, are there new filings at the same orbital location or at nearby locations from the Notifying Administration? If yes, for which operator? What is the satellite coordination procedure between the Common Heritage filings and the other filings of the Notifying Administration that are not related to the Common Heritage?
- Does the director general of ITSO, as the legal representative of the international telecommunications satellite organization, have access to the satellite coordination agreements related to the Common Heritage filings?

Regarding the TOR4B (selection criteria), Mr. Welter kindly requested the ITSO Secretariat or the technical advisor to prepare a document for the next meeting which describes the selection process back in 2000/2001. It would be helpful for the discussions under TOR4B to summarize the criteria that were used in the original selection process, as well as the reasons for limiting the number of Notifying Administrations to two.

Mr. May highlighted the need of cooperation with Intelsat. Intelsat has most of the information needed, the two Notifying Administrations do not have access to all information. Therefore, it would be best to collaborate and not put any false hopes to the US Government.

Regarding Mr. Welter's question whether the ITSO Secretariat receives reports on coordination agreements related to the Common Heritage and signed between the Notifying Administrations and other administrations, Mr. Masambu informed the Parties that according to Art. XII paragraph (e) (iv) of the ITSO Agreement, the Notifying Administrations are obliged to notify and consult with the DG on ITU satellite system coordinations that are undertaken on behalf of the Company to assure that global connectivity and service to lifeline users are maintained.

Mr. Gray informed the Parties that the Notifying Administrations provide any relevant information regarding the Common Heritage in their yearly report. In the previous periods no occasion to invoke this procedure occurred.

Mr. May adds that the same holds true for the USA as a Notifying Administration. According to the Party of USA, there has never been a need to provide copies of coordination agreements. Also, coordination agreements are first done between operators and include confidential information that need protection. These agreements are not shared with the ITU either; Administrations just confirm that coordination has been done. Any issues arising regarding the coordination between Intelsat and any other company, would be addressed in the annual report submitted by the Notifying Administrations.

To further elucidate this issue, clarification by the ITSO Secretariat and the Notifying Administration is required. This will help the members of the WG2 to better assess what has happened in respect of coordination so far. Consultancy of ITSO can be requested.

Mr. Seseña wanted to emphasize that the ITU, notably Mr. Alexandre Vallet, is very diligently responding precisely to any request from ITSO Secretariat to validate the findings during the elaboration of the CH Report.

Mr. Gray reminds the Parties that coordination agreements contain confidential information. In order to share this information, an agreement with all relevant parties would be needed. What can be shared will be shared, but no false expectations should be raised.

Mr. May reminds the Parties that behind the respective provision in the ITSO Agreement is a history and decision of the AP.

The Chairman raised the question on whether to ask for legal advice on this issue or not discuss the topic on this level. Mr. Masambu recalled the AP-38, notably the report on the Common Heritage (Document AP-38-11) and the Report of the Director General on the Implementation of the Provisions of Article XII, paragraph (e)(iv) of the ITSO Agreement. Mr. Masambu will provide the information on what has been discussed for further discussions in the next WG2-meeting.

Mr. Maury Mechanick (ITSO Secretariat) adds that this issue was the focal point of the AP-33 and thoroughly discussed what information could and could not be shared, what the provision entails. He recalled that a very specific compromise solution was worked out at the AP, which is reflected in the records of the AP. These records should be used as a guidance regarding confidentiality, which were unanimously agreed on at the AP-33. Nevertheless, this information does not touch on the issue raised by France.

Mr. Welter stated that he was fully aware of the confidentiality of these agreements. His question was if the DG as a legal representative of ITSO has access to the agreements. Speaking from his experience with France being the Notifying Administration for three IGOs, Mr. Welter agrees that other administrations do not need to have access to the detailed satellite coordination agreements, but he thinks that it would be a useful information for the DG as a legal representative of ITSO. In satellite coordination meetings where the agenda includes satellites networks of France acting on its own behalf, and satellite networks of France acting on behalf of an intergovernmental satellite organization, those agenda items are strictly split. The summary records of the agenda items related

to the intergovernmental satellite organization are communicated to the legal representative of this organization.

Further discussions on this issue will follow in the next meeting.

**Agenda item 5 (Consider a draft template for contributions):**

The Chairman has provided the members of the WG2 with draft templates for contributions to harmonize contributions. The idea is to have templates that allow us to go into the same direction. The proposed templates presented by the Chairman can be found in Annex V.

Mr. May raised the question of what the term “increasing the utilization of the Common Heritage” meant and what the intend of it was. To maintain the utilization of the Common Heritage was a business issue of the company. The Chairman explained the templates were based on the TOR and therefore had not much freedom to make any changes. Mr. May offered his apologies since he had no concern on the templates themselves and his comment was best left to other discussions.

Mr. Ashong welcomed the templates and thanked the Chairman.

Regarding TOR3, 2.2. “Potential areas of improvement that could prevent the suppression or inefficient utilization of the CH”, Mr. May stated, that the Radio Regulations were an instrument we all agree on. Anything we would do to prevent suppression would have an impact on later submissions. The Chairman will amend this specific point in the templates to “effect negatively” respectively to “look at the effects on other filings, to the extent possible with impact on other filings”. Of course, the impact on existing filings should be taken into account when proposing areas of improvement.

The Chairman reminds the members that we would need a good analysis in the contribution so it can be discussed properly and define what the impact would be and what we could recommend to the AP.

Regarding TOR4, Mr. May recalled an intervention of the Legal Counsel, that it may affect the current agreement and would pose a violation. Mr. Masambu reminded that, when going back to the minutes of the AP and look at the contributions, the TOR4 was what was summarized, despite the fact that some views were raised about the legality. Mr. Mechanick emphasized that the point was if adding Notifying Administrations could be done simply by having a decision of the parties and if this would be consistent. But, if we had a proper framework to make it legal, it will be legal and could be implemented by agreement. If there was some mechanism to add NA, biggest concern is to taken frequency assignments given by the reallocating to another Notifying Administrations, the notification at the ITU is a tougher issue under Art. XII and everything needs to be considered, notably if something needs to be done, how and what needs to be done to make it happen.

Mr. Masambu added that the ITSO Secretariat was in the position to put together all (legal) information needed. Mr. Mechanick will provide a document with his just made statement.

**Agenda item 6 (Noting any last-minute contribution from Parties):**

Mr. Welter provided an information document (Annex VI) for the discussion on the TOR4A. It is based on the ITU Rules of Procedure (RoP), in particular the section “Rules concerning the treatment of change of Notifying administration which acts as the notifying administration of a satellite network on behalf of a group of named administrations”. Mr. Welter briefly presented the possible three options.

Regarding TOR4B, Mr. Welter pointed out that the WG2 needed to consider the Common proposal from the African Region to ITSO AP-40, Appointment of Additional Regional Notifying Administrations for the ITSO Common Heritage (attachment No. 1 to AP-40-11E).

Due to a lack of time, Mr. Welter proposed to consider his contribution as an early contribution to the next meeting.

**Agenda item 7 (AOB):**

Mr. May requested clarification on the need of the WG2 respectively the need on additional Notifying Administrations. Being a Notifying Administration takes a lot of resources and to his knowledge there were no specific issues or allegations on what the current Notifying Administrations had done wrong. The USA as a Notifying Administration is happy to help figuring out better ways and wants to be part of it. But it is difficult to support any proposal without knowing respectively understanding what the real desire or problem is.

Mr. Masambu underlined once more that the ITSO Secretariat will provide the resources needed for the best outcome and that the WG2 not only will try to find solutions but also try to find what the problem is.

The Chairman thanked all participating Parties for attending the meeting and expressed his appreciation for everyone’s involvement.

The meeting was closed by the Chairman at 9:15 AM ET.

**Annex I – List of participants:**

Region A:

- **Argentina:** Gustavo Javier Fernandez - WG2 2<sup>nd</sup> Rapporteur (gufernandez@innovacion.gob.ar)
- **Jamaica:** George Malcolm (gmalcolm@sma.gov.jm)
- **USA/Notifying Administration:** Doug May (maydc@state.gov); Jabin Vahora (VahoraJS@state.gov), Joseph Hill (joseph.hill@fcc.gov); Kathryn Medley (kathryn.medley@fcc.gov)

Region B:

- **France:** Thomas Welter - WG2 TOR4 Coordinator (thomas.welter@anfr.fr); Chloe Pearson (chloe.pearson@anfr.fr)
- **Liechtenstein:** Dr. Bianca Lins - WG2 Rapporteur (bianca.lins@llv.li)
- **Türkiye:** Veli Yanikgonul (vyanikgonul@turksat.com.tr); Nazgul Bagbasi (nbagbasi@turksat.com.tr)
- **UK/Notifying Administration:** Callum Gray (callum.gray@ofcom.org.uk)

Region C:

- **Poland:** Tomasz Pinciurek - WG2 TOR3 Coordinator (Tomasz.Pinciurek@mc.gov.pl)

Region D:

- **Algeria:** Khadidja Benbouchaib (k.benbouchaib@mpt.gov.dz); Fouad Ferhat (fouadferhat@gmail.com)
- **Benin:** Yetondji Houeyetongnon (hyetondji@arcep.bj)
- **Ghana:** Timothy Ashong - WG2 TOR2 Coordinator (timothy.ashong@nca.org.gh)
- **Rwanda – WG2 Chair:** Georges Kwizera (gkwizera@space.gov.rw)

Region E:

- **Japan:** Yoichi Kanda (y2.kanda@soumu.go.jp)
- **Jordan:** Nedal Alsamara (Nedal.Alsamara@trc.gov.jo)

Secretariat:

- ITSO DG: Patrick Masambu (pmasambu@itso.int)
- ITSO Legal Advisor: Maury Mechanick (mjmechanick@verizon.net)
- ITSO Technical Advisor: Julián Seseña (jsesena@hi2.es)
- ITSO Senior Advisor: Diane Bastin (dbastin@itso.int)

**Annex II – (proposed) Agenda<sup>1</sup>:**

- 1) Opening of the meeting
- 2) Adoption of the last WG2 report
- 3) Review of the ITSO secretariat contribution to WG2
- 4) Consider a draft template for contributions
- 5) Noting any last-minute contribution from Parties
- 6) AOB

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<sup>1</sup> According to e-mail of January 20<sup>th</sup> 2023, sent by the Chairman.

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**Annex III – Contribution from the DG to WG2 on Common Heritage issues:**

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Contribution of the  
Director General

AP-40 WG 2  
19 January 2023

**CONTRIBUTION FROM DIRECTOR GENERAL TO  
WORKING GROUP 2 ON COMMON HERITAGE ISSUES**

## I. Background

The WG2 was established in June 2022 by the 40<sup>th</sup> Assembly of Parties (AP-40) so as to address the issue of the protection of the Common Heritage. The primary objective of the Working Group 2 in addressing the protection of the Common Heritage can be summarized as being “To consider the key experiences of the past and to elaborate measures that will shape a stronger, more effective and responsive ITSO, more closely aligned to the evolving interests of all Parties and the future strategy of the Organization. This will be made in consultation with all relevant bodies and experts including but not limited to ITSO, Notifying Administrations, Intelsat, ITU, Parties, etc”.

The terms of reference as approved by the 40<sup>th</sup> Assembly of Parties held in June 2022 in Washington D.C are:

- 5) Assess the processes and mechanisms for the utilization and management of the Common Heritage and ensure its protection and efficient utilization and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.
- 6) Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.
- 7) Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.
- 8) Consider the interest expressed by a significant number of ITSO Member States for additional Notifying Administrations, study, and make recommendations, as appropriate, on:
  - e) the administrative, technical, legal and other implications for appointing additional regional Notifying Administrations,
  - f) the criteria to be applied for the selection of countries as Notifying Administrations, should such be legally possible, and clearly set out the responsibilities required of Notifying Administrations.

A further breakdown of the Terms of Reference regarding topics to be considered is provided in the following table:

<b>WG 2 Terms of Reference: Topics breakdown</b>	
<b>Task</b>	<b>Possible Topics to consider</b>
Relevant experiences of the past	A. Principal obligations and actions of the Notifying administrations including the protection mechanisms of the CH
a. Consultation with relevant bodies	
b. Consultation with ITSO	
c. Consultation with Notifying Administrations	B. Assessment of the current protection mechanisms and their adequacy taking into



<ul style="list-style-type: none"> <li>d. Consultation with Intelsat</li> <li>e. Consultation with ITU</li> <li>f. Consultation with Parties</li> </ul>	<p>account the evolving technology scenarios and intense use of NGSO together with GSO.</p> <p>C. Map on usage; ability to obtain data from Intelsat regarding statistics on usage of the CH by services, regions, applications</p> <p>D. Analysis of the usage of CH in providing connectivity as well as extending its reach.</p>
<p>1. Assess the processes and mechanisms for the utilization and management of the Common Heritage and ensure its protection and efficient utilization and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.</p>	<p>1A. Future Mechanisms for protection of CH</p> <p>1B. Recommendations for closer alignment between the work of ITSO and the Notifying Administrations.</p>
<p>2. Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.</p>	<p>2A. Identify potential scenarios that require specific decisions by Parties</p> <p>2B. Review the options for addressing the identified scenarios</p> <p>2C. Make relevant recommendations</p>
<p>3. Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.</p>	<p>3A. Identify circumstances for potential suppression of frequencies associated with CH orbital locations due to lack of use</p> <p>3B. Potential mechanisms for re-assignment to other operators</p> <p>3C. Key issues for implementation of re-assignment, including signing of new Public Service Agreements</p>
<p>4. Consider the interest expressed by a significant number of ITSO Member States for additional Notifying Administrations, study, and make recommendations, as appropriate, on:</p> <ul style="list-style-type: none"> <li>a. the administrative, technical, legal and other implications for appointing additional regional Notifying Administrations,</li> </ul>	<p>4A. Identify interests from ITSO Member States for additional Notifying Administrations</p> <p>4B. Review the legal context governing the potential transfer of orbital spectrum resources to additional Notifying Administrations</p>

<p>b. the criteria to be applied for the selection of countries as Notifying Administrations, should such be legally possible, and clearly set out the responsibilities required of Notifying Administrations.</p>	<p>4C. Recommendations, as appropriate, on the administrative, technical, legal and other implications for appointing additional Notifying Administrations</p> <p>4D. Recommendations on criteria to be applied for the selection of countries as Notifying Administrations and the responsibilities required to be met by the selected Notifying Administrations</p>
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## II. The Evolution of the Common Heritage

1. From the time of its establishment, one of the priorities of the International Telecommunications Satellite Organization (INTELSAT was the name used at that time)<sup>2</sup> was to protect itself in the regulatory field by notifying and registering a sufficient number of orbital positions in order to successfully achieve its goal of providing global connectivity and coverage to all parts of the globe. Using its internal and international coordination procedures, it established priority rights for the use of a considerable number of orbital positions (associated with frequency assignments) recorded in the Master International Frequency Register (MIFR) of the International Telecommunication Union (ITU) on behalf of all INTELSAT member countries. These international recognition and priority rights to use orbital positions and frequency spectrum, which were critical to the successful achievement of INTELSAT’s mission, constituted a very valuable asset for the INTELSAT Parties.

2. The 25<sup>th</sup> Assembly of INTELSAT Parties, in 2000, decided to transfer the former INTELSAT frequency assignments associated with orbital locations to two Notifying Administrations: the United States of America (USA) and the United Kingdom (UK) and introduced in the amended ITSO Agreement a new characterization of these rights by describing them as constituting a “common heritage” of all INTELSAT Parties (Common Heritage). These Administrations became, on the date of the transfer (18 July 2001), responsible for these frequency assignments, including the subsequent application of procedures contained in the ITU Radio Regulations (coordination, notification, etc.).

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<sup>2</sup> The acronym “INTELSAT” is used to refer to the international organization from the time of its establishment to that of restructuring in 2001, as governed by the original INTELSAT Agreement, and is also used when referring to satellite filings for orbital positions which had been made on behalf of the international organization prior to restructuring. The acronym “ITSO” is used to refer to the international organization continuing in existence subsequent to restructuring in 2001, as governed by the amended ITSO Agreement. The word “Intelsat” is used to refer to the private company created as part of the restructuring process and also when referring to individual satellites or generations of satellites in orbit or planned as of the time of restructuring.

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3. Since the transfer of these frequency assignments, the Notifying Administrations have been managing the orbit/spectrum utilization rights. They apply the different procedures of the ITU Radio Regulations to protect and maintain these assignments under international recognition. In some cases, however, some changes have become inevitable, either because the privatized Intelsat required certain modifications, or, mostly, the Radio Regulations subsequently adopted at ITU World Radiocommunication Conferences (WRC) introduced regulatory changes in the frequency/orbit utilization procedures governing space services. Some of the filings that existed in 2001 have subsequently expired in the intervening period due to limitations now contained in the ITU Radio Regulations concerning the realization timeframe of a satellite project that WRCs did introduce.

4. On the basis of the above considerations, the ITSO Director General elaborated an annual study to consider the evolution, since 2001 of those frequency utilization rights which constituted the Common Heritage. The latest update up until December 2021 was provided to ITSO AP 40. Recently, a new draft report has been produced covering the evolution during 2022.

5. A comparison of the evolution of the number of orbital positions registered in the MIFR of ITU for 2001, 2010, 2015, 2018, 2019, 2020, 2021 and 2022 is provided below:

Number of orbital positions registered in the MIFR of ITU	2001	2010	2015	2018	2019	2020	2021	2022
USA administration	25	22	21	19	19	19	19	19
UK administration	28	4	4	4	4	4	4	4

6. A more detailed comparison of the evolution of the Common Heritage in terms of the capacity and frequency assignments is provided below. It is to be noted that an analysis of the evolution of the number of frequency assignments and associated bandwidth has been carried out with more detail since 2015. Previously, comparison was made only on the orbital location evolution.

Notifying Administration: United States of America								
Frequency assignments and bandwidth	2015	2016	2017	2018	2019	2020	2021	2022
Number of frequency assignments registered in the MIFR of ITU (C and Ku bands)	13,278	12,942	12,190	12,190	11,430	11,332	11,318	11,318
Bandwidth assignments registered in the MIFR of ITU (C and Ku bands) GHz	810.14	778.03	732.36	732.36	730.03	723.51	722.63	722.63

Notifying Administration: United Kingdom								
Frequency assignments and bandwidth	2015	2016	2017	2018	2019	2020	2021	2022

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[illegible]

7. The following two tables provide a full picture on the evolution of the Common Heritage from 2001 up to 2022.

	Notifying Administration: United States of America							
	2001	2010	2015	2018	2019	2020	2021	2022
position (°W/ °E)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)
56° W	INTELSAT7 304E							
	INTELSAT8 304E							
55.5 °W	INTELSAT5A 304.5E							
	INTELSAT IBS 304.5E							
	INTELSAT6 304.5E							
	INTELSAT7 304.5E	INTELSAT7 304.5E	INTEL-SAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E
	INTELSAT8 304.5E	INTELSAT8 304.5E	INTEL-SAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E
	INTELSAT9 304.5E	INTELSAT9 304.5E	INTEL-SAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E
53° W	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E
	INTELSAT5A CONT1							
	INTELSAT7 307E	INTELSAT7 307E	INTEL-SAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E
	INTELSAT8 307E	INTELSAT8 307E	INTEL-SAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E
	INTELSAT9 307E	INTELSAT9 307E	INTEL-SAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E

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50° W	INTELSAT5A CONT2	INTELSAT5A CONT2						
	INTELSAT7 310E	INTELSAT7 310E	INTEL- SAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E
	INTELSAT8 310E							
	INTELSAT9 310E	INTELSAT9 310E	INTEL- SAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E
	INTELSAT10 310E	INTELSAT10 310E	INTEL- SAT10 310E	INTEL- SAT10 310E	INTELSAT10 310E	INTELSAT10 310E	INTELSAT10 310E	INTELSAT10 310E
34.5 °W	INTELSAT6 325.5E	INTELSAT6 325.5E	INTEL- SAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E
	INTELSAT7 325.5E	INTELSAT7 325.5E	INTEL- SAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E
	INTELSAT8 325.5E	INTELSAT8 325.5E	INTEL- SAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E
	INTELSAT9 325.5E	INTELSAT9 325.5E	INTEL- SAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E
31.5 °W	INTELSAT5A ATL6							
	INTELSAT7 328.5E							
	INTELSAT8 328.5E	INTELSAT8 328.5E	INTEL- SAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E
	INTELSAT9 328.5E	INTELSAT9 328.5E	INTEL- SAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E
29.5 °W	INTELSAT5A 330.5E							
	INTELSAT6 330.5E	INTELSAT6 330.5E	INTEL- SAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E
	INTELSAT7 330.5E	INTELSAT7 330.5E						
	INTELSAT8 330.5E	INTELSAT8 330.5E	INTEL- SAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E
	INTELSAT9 330.5E	INTELSAT9 330.5E	INTEL- SAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E
27.5 °W	INTELSAT6 332.5E	INTELSAT6 332.5E	INTEL- SAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E
	INTELSAT7 332.5E	INTELSAT7 332.5E	INTEL- SAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E
	INTELSAT8 332.5E	INTELSAT8 332.5E	INTEL- SAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E

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	INTELSAT9 332.5E	INTELSAT9 332.5E	INTEL- SAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E
24.5 °W	INTELSAT6 335.5E	INTELSAT6 335.5E	INTEL- SAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E
	INTELSAT7 335.5E	INTELSAT7 335.5E	INTEL- SAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E
	INTELSAT8 335.5E	INTELSAT8 335.5E	INTEL- SAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E
	INTELSAT9 335.5E	INTELSAT9 335.5E	INTEL- SAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E
20° W	INTELSAT6 340E	INTELSAT6 340E	INTEL- SAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E
	INTELSAT7 340E	INTELSAT7 340E	INTEL- SAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E
	INTELSAT8 340E	INTELSAT8 340E	INTEL- SAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E
	INTELSAT9 340E	INTELSAT9 340E	INTEL- SAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E
18° W	INTELSAT IBS 342E							
	INTELSAT5A 342E							
	INTELSAT7 342E	INTELSAT7 342E	INTEL- SAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E
	INTELSAT8 342E	INTELSAT8 342E	INTEL- SAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E
	INTELSAT9 342E	INTELSAT9 342E	INTEL- SAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E
1°W	INTELSAT5A CONT4							
	INTELSAT7 359E	INTELSAT7 359E	INTEL- SAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E
	INTELSAT8 359E	INTELSAT8 359E	INTEL- SAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E
	INTELSAT9 359E	INTELSAT9 359E	INTEL- SAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E
	INTELSAT10 359E	INTELSAT10 359E	INTEL- SAT10 359E	INTEL- SAT10 359E	INTELSAT10 359E	INTELSAT10 359E	INTELSAT10 359E	INTELSAT10 359E
33°E	INTELSAT5 33E	INTELSAT5 33E	INTEL- SAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E
	INTELSAT6 33E							

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	INTELSAT7 33E	INTELSAT7 33E	INTEL- SAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E
	INTELSAT8 33E	INTELSAT8 33E	INTEL- SAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E
	INTELSAT9 319.5E	INTELSAT9 33E	INTEL- SAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E
60°E	INTELSAT6 60E	INTELSAT6 60E	INTEL- SAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E
	INTELSAT7 60E							
	INTELSAT8 60E	INTELSAT8 60E	INTEL- SAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E
	INTELSAT9 60E	INTELSAT9 60E	INTEL- SAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E
62°E	INTELSAT6 62E	INTELSAT6 62E	INTEL- SAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E
	INTELSAT7 62E	INTELSAT7 62E	INTEL- SAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E
	INTELSAT8 62E	INTELSAT8 62E	INTEL- SAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E
	INTELSAT9 62E	INTELSAT9 62E	INTEL- SAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E
63°E	INTELSAT5A INDOC3							
	INTELSAT6 63E							
	INTELSAT7 63E							
64°E	INTELSAT6 64E	INTELSAT6 64E	INTEL- SAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E
	INTELSAT7 64E	INTELSAT7 64E	INTEL- SAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E
	INTELSAT8 64E	INTELSAT8 64E	INTEL- SAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E
	INTELSAT9 64E	INTELSAT9 64E	INTEL- SAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E
66°E	INTELSAT5 INDOC4	INTELSAT5 IN- DOC4						
	INTELSAT5A 66E							
	INTELSAT7 66E	INTELSAT7 66E	INTEL- SAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E
	INTELSAT8 66E							
	INTELSAT9 66E	INTELSAT9 66E	INTEL- SAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E
85°E	INTELSAT5 85E							
	INTELSAT6 85E	INTELSAT6 85E	INTEL- SAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E
	INTELSAT7 85E	INTELSAT7 85E	INTEL- SAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E
	INTELSAT8 85E	INTELSAT8 85E	INTEL- SAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E
	INTELSATK- FOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E

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157° E	INTELSAT5A 157E	INTELSAT5A 157E	INTEL- SAT5A 157E	INTEL- SAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E
	INTELSAT6 157E	INTELSAT6 157E	INTEL- SAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E
	INTELSAT7 157E	INTELSAT7 157E	INTEL- SAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E
	INTELSAT8 157E	INTELSAT8 157E	INTEL- SAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E
174° E	INTELSAT5A PAC1							
	INTELSAT7 174E	INTELSAT7 174E						
	INTELSAT8 174E	INTELSAT8 174E						
	INTELSAT9 338.5E	INTELSAT9 174E						
176° E	INTELSAT7 176E							
	INTELSAT8 176E							
	INTELSAT9 176E							
177° E	INTELSAT7 177E	INTELSAT7 177E	INTEL- SAT7 177E					
	INTELSAT8 177E							
178° E	INTELSAT6 178E	INTELSAT6 178E						
	INTELSAT7 178E	INTELSAT7 178E						
	INTELSAT8 178E	INTELSAT8 178E						
	INTELSAT9 178E	INTELSAT9 178E						
180° E	INTELSAT5 PAC3	INTELSAT5 PAC3	INTEL- SAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3
	INTELSAT5A 180E							
	INTELSAT7 180E	INTELSAT7 180E	INTEL- SAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E
	INTELSAT8 180E							

Notifying Administration: United Kingdom							
2001	2010	2015	2018	2019	2020	2021	2022



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position (°W/°E)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)
131° W	INTELSAT KA 229E							
	INTELSAT NKA- C 229E							
	INTELSAT NKA- Ku 229E							
	INTELSAT NKA 229E							
116. 9°W	INTELSAT KA 243.1E							
	INTELSAT NKA- C 243.1E							
	INTELSAT NKA- Ku 243.1E							
	INTELSAT NKA 243.1E							
	INTELSAT V-B 243.1E							
110° W	INTELSAT V-B 250E							
108° W	INTELSAT V-B 252E							
81° W	INTELSAT V-B 279E							
72° W	INTELSAT V-B 288E							
56W	INTELSAT KUEXT 304E							
55.5° W	INTELSAT KUEXT 304.5E	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5
	INTELSAT V-B 304.5E							
53° W	INTELSAT KA 307E							
	INTELSAT NKA- C 307E							
	INTELSAT NKA- Ku 307E							
	INTELSAT NKA 307E							
50W	INTELSAT KUEXT 310E							
42° W	INTELSAT V-B 318E							
40° W	INTELSAT V-B 320E							
34.5° W	INTELSAT V-B 325.5E							
1°W	INTELSAT KA 359E							
	INTELSAT NKA- C 359E							

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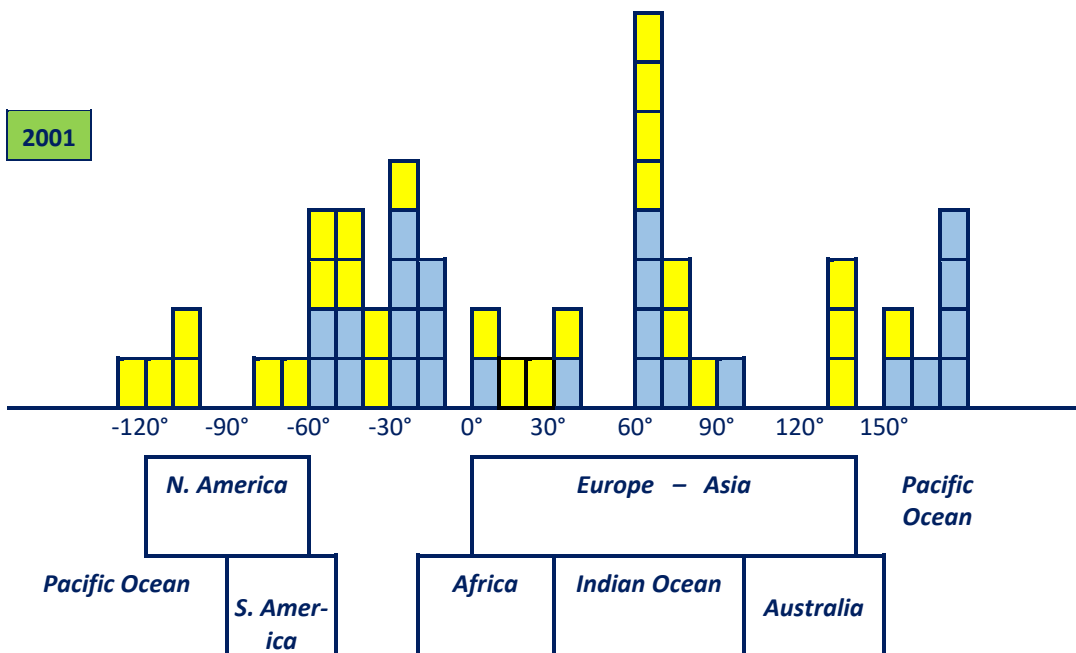
	INTELSAT NKA-Ku 359E							
	INTELSAT NKA 359E							
	INTELSAT V-B 359E							
13°E	INTELSAT V-B 13E							
18.5°E	INTELSAT V-B 18.5E							
33°E	INTELSAT KA 33E							
	INTELSAT NKA-C 33E							
	INTELSAT NKA-Ku 33E							
	INTELSAT NKA 33E							
	INTELSAT KUEXT 33E							
57°E	INTELSAT V-B 57E							
60°E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E
62°E	INTELSAT KUEXT 62E							
64°E	INTELSAT KUEXT 64E							
66°E	INTELSAT KA 66E							
	INTELSAT NKA-C 66E							
	INTELSAT NKA-Ku 66E							
	INTELSAT NKA 66E							
	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E
74.25°E	INTELSAT V-B 74.25E							
76.5°E	INTELSAT V-B 76.5E							
137.7°E	INTELSAT KA 137.7E							
	INTELSAT NKA-C 137.7E							
	INTELSAT NKA-Ku 137.7E							
	INTELSAT NKA 137.7E							
	INTELSAT KUEXT 137.7E							
	INTELSAT V-B 137.7E							
140°E	INTELSAT V-B 140E							

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<b>142° E</b>	INTELSAT V-B 142E							
<b>157° E</b>	INTELSAT KA 157E							
	INTELSAT NKA-C 157E							
	INTELSAT NKA-Ku 157E							
	INTELSAT NKA 157E							
	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E

The above data is systematically validated annually with the ITU BR.

The following drawings provide a graphical comparison for the period 2001-2022 on the capacity to connect Regions



**2022**

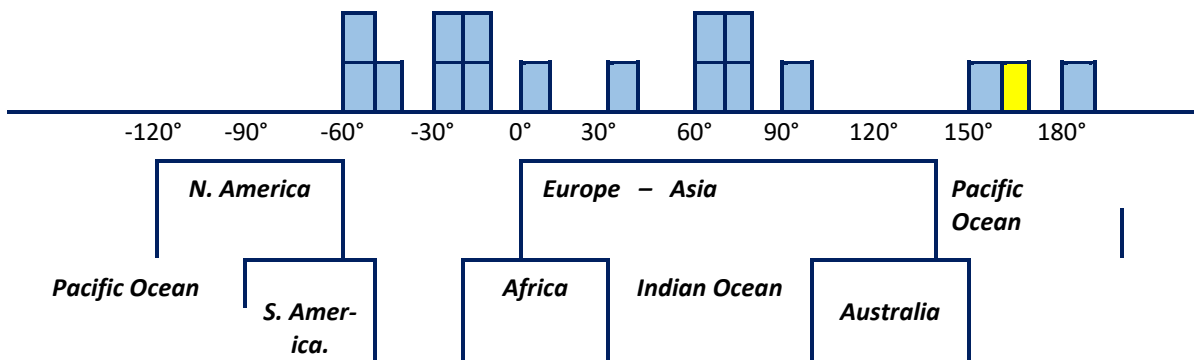


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## 8. Possible modifications to the CH Report

As can be noted, the annual CH report<sup>3</sup> includes all the relevant details concerning the notifications made by the Notifying Administrations to the ITU BR. Before 2015, the comparison was mostly made on the basis of orbital locations registered by the Notifying Administrations. Since 2015, a high-level analysis has been prepared on the aggregated numbers of frequency assignments registered by the ITU for each Notifying administration.

Considering the mission of ITSO, additional data could be further investigated to show other complementary aspects such as:

- Level of utilization of each orbital position for each frequency band (effective utilization of the frequency assignments in comparison with the frequency assignments registered at MIFR).
- Level of connectivity of each orbital position with more details to show the level of connectivity between ITSO Regions.
- Level of traffic and evolution of the technology to identify the efficiency related to the utilization and optimal use of the capacity.

For the above new benchmarking analysis, contribution and cooperation from Intelsat would be essential.

## III. Discussion on topics related to the Terms of Reference

The information in the paragraphs below is an initial attempt at providing some inputs on the several identified topics based on the ITSO Agreement provisions that the Director General, on behalf of ITSO, shall consider arising from the Parties' Common Heritage and shall communicate the views of the Parties to the Notifying Administration(s).

### *A. Principal obligations and actions of the Notifying administrations including the protection mechanisms of the CH*

In order to examine the principal obligations and actions of the Notifying administration, it is important to recall the ITSO Agreement provisions, namely:

- "Company" means the private entity or entities established under the law of one or more States to which the international telecommunications satellite organization's space system is transferred and includes their successors-in-interest.
- "Common Heritage" means those frequency assignments associated with orbital locations in the process of advanced publication, coordination or registered on behalf of the Parties

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<sup>3</sup> AP-40-14 Report from Director General on Common Heritage evolution

with the International Telecommunication Union ("ITU") in accordance with the provisions set forth in the ITU's Radio Regulations which are transferred to a Party or Parties pursuant to Article XII.

- "Global coverage" means the maximum geographic coverage of the earth towards the northernmost and southernmost parallels visible from satellites deployed in geostationary orbital locations.
- "Global connectivity" means the interconnection capabilities available to the Company's customers through the global coverage the Company provides in order to make communication possible within and between the five International Telecommunication Union regions defined by the plenipotentiary conference of the ITU, held in Montreux in 1965.
- Main Purpose and Core Principles of ITSO
  - maintain global connectivity and global coverage;
  - serve its lifeline connectivity customers; and
  - provide non-discriminatory access to the Company's system
- Frequency assignment: Article XII provides that "in the event that the Company, or any future entity using the Common Heritage frequency assignments, waives such frequency assignment(s), uses such assignment(s) in ways other than those set forth in this Agreement, or declares bankruptcy, the Notifying Administrations shall authorize the use of such frequency assignment(s) only by entities that have signed a public services agreement, which will enable ITSO to ensure that the selected entities fulfill the Core Principles".

*B. Assessment of the current protection mechanisms and their adequacy taking into account the evolving technology scenarios and intense use of NGSO together with GSO.*

The current protection of ITSO CH is ensured by Notifying Administrations acting on the basis of ITU procedures.

The ITSO Agreement requires each Party selected to act as a Notifying Administration to: (i) report at least on an annual basis to the Director General on the treatment afforded by such Notifying Administration to the Company, with particular regard to such Party's adherence to its obligations under Article XI(c); (ii) seek the views of the Director General, on behalf of ITSO, regarding actions required to implement the Company's fulfillment of the Core Principles; (iii) work with the Director General, on behalf of ITSO, on potential activities of the Notifying Administration(s) to expand access to lifeline countries; (iv) 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; and (v) consult with the ITU regarding the satellite communications needs of lifeline users.

A closer coordination between ITSO and Notifying Administrations would be helpful in order to anticipate potential changes in the regulatory procedures governing space services, which ITU (via WRC modifications of the Radio Regulations) is continuously introducing at each WRC. These

modifications are discussed in the context of the agenda item 7 of each WRC. ITSO and Notifying Administrations may also wish to coordinate positions so as to jointly defend the INTELSAT CH and ensure future optimal use.

*C. Map on usage; ability to obtain data from Intelsat regarding statistics on usage of the CH by services, regions, applications*

As indicated in the earlier part of this document, further analysis could be undertaken to confirm and assess the level of compliance with the primary CH objectives. The current ITSO analysis is based on notified frequency assignments and their associated orbital positions while future analysis may be extended to monitor statistics on actual usage of each orbital position and the associated frequency assignments.

*D. Analysis of the usage of CH in providing connectivity as well as extending its reach.*

Just like in item (C) above, the cooperation with Intelsat would enable the assessment of the level of connectivity maintained between Regions, beyond the analysis of the orbital positions and frequency assignments.

*1A: Future Mechanisms for protection of CH*

In the preparation of recommendations for future mechanisms to protect the CH, the background information in the paragraphs below may be helpful.

It will be recalled that, in the DG report on CH, the evolution of CH primarily took place during the period 2001-2018, moving from 25 orbital locations to 19 for the unplanned bands and from 28 to 4 for the planned bands. Since 2018, the changes in CH have been minimal with only slight variations occurring in frequency assignments registered.

Some of the filings of the initial orbital positions were added to other very near positions that were subsequently consolidated, and almost all of the former INTELSAT positions covering the traditional C and Ku bands have been safeguarded. These were the traditional INTELSAT orbit positions on which the 25th Assembly of Parties based its assessment of the situation and established the new structure for Intelsat and ITSO. Many of these satellite positions were actually used by satellites in operation and the others were planned to be used in the coming years.

While in practice most of the satellite positions for traditional frequency bands survived the period between 2001 and 2010, this did not apply to all the former filings. Some of the filings related to a specific Intelsat generation which is no longer used failed to fulfill the new strict international ITU regulatory limitations. At the same time, however, several satellite generations covering almost the same frequency bands were filed with the BR, and the suppression of some frequency bands in a limited number of cases did not really affect the regulatory coverage of the frequency assignments associated with the Common Heritage satellite networks

The above evolution reported is mainly the result of new rules introduced by ITU regarding the operation of satellite networks in the orbital positions in the instances where it was not possible to maintain the orbit-spectrum resources without bringing into use the corresponding satellite networks. These orbital positions, at the time of privatization and the transfer of frequency assignments to the Notifying Administration of the UK, were at the beginning of their Radio Regulatory procedures. The submission of the filings to the BR was made mainly to anticipate future needs by registering satellite positions in the higher frequency bands for future realization. At the time of their submission the Radio Regulations limitations for the realization timeframe were not so strict. In the subsequent timeframe, however, WRCs took several limiting measures and most of the concerned filings could not fulfill these more severe regulations (mainly the seven- year regulatory lifetime restriction, and the mandatory due diligence information). It should also be noted that the time period during which these filings were suppressed coincided with the time when the satellite business was experiencing major financial and market constraints.

*1B: Recommendations for closer alignment between the work of ITSO and the Notifying Administrations.*

*2A: Identify potential scenarios that require specific decisions by Parties*

Possible scenarios which may necessitate consideration by ITSO to take specific actions include:

- Company not being capable of exploiting the full potential of CH due to economic, operational or business environment reasons
- Company having financial problems that do not permit it to utilize the CH
- Company entering into merger arrangements with another Company with goals that are contrary to the objectives prescribed by the ITSO Agreement in the use of the CH.

*3A: Identify circumstances for potential suppression of frequencies associated with CH orbital locations due to lack of use*

This aspect could be examined if the specific usage of each orbital location and its occupancy (at least in terms of percentages of transponders or frequency assignments) could be made visible to ITSO in such a manner that it is possible to anticipate potential low usage of a given orbital position.



*3B: Potential mechanisms for re-assignment to other operators*

*3C: Key issues for implementation of re-assignment, including signing of new Public Service Agreements*

*4A: Identify interests from ITSO Member States for additional Notifying Admins*  
TBD

*4B: Review the legal context governing the potential transfer of orbital spectrum resources to additional Notifying Administrations*  
TBD

*4C: Recommendations, as appropriate, on the administrative, technical, legal and other implications for appointing additional Notifying Administrations*  
TBD

*4D: Recommendations on criteria to be applied for the selection of countries as Notifying Administrations and the responsibilities required to be met by the selected Notifying Administrations*  
TBD

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**Annex IV – Questions raised by Party of France during the 2<sup>nd</sup> WG2 meeting (e-mail sent on January 25<sup>th</sup> 2023 by Mr. Thomas Welter):**

**De :** WELTER Thomas

**Envoyé :** mercredi 25 janvier 2023 10:19

**À :** 'Georges KWIZERA' <[gkwizera@space.gov.rw](mailto:gkwizera@space.gov.rw)>; Diane Bastin <[dbastin@itso.int](mailto:dbastin@itso.int)>; [gufernandez@innovacion.gob.ar](mailto:gufernandez@innovacion.gob.ar); [gmalcolm@sma.gov.jm](mailto:gmalcolm@sma.gov.jm); [wmurray@mset.gov.jm](mailto:wmurray@mset.gov.jm); May, Douglas C <[maydc@state.gov](mailto:maydc@state.gov)>; [bianca.lins@llv.li](mailto:bianca.lins@llv.li); SAIDANI Amar <[Amar.SAIDANI@anfr.fr](mailto:Amar.SAIDANI@anfr.fr)>; Veli Yanikgonul <[vyanikgonul@turksat.com.tr](mailto:vyanikgonul@turksat.com.tr)>; Pińciurek Tomasz <[Tomasz.Pinciurek@mc.gov.pl](mailto:Tomasz.Pinciurek@mc.gov.pl)>; [hyetondji@arcep.bj](mailto:hyetondji@arcep.bj); [timothy.ashong@nca.org.gh](mailto:timothy.ashong@nca.org.gh); [a.galizra@mpt.gov.dz](mailto:a.galizra@mpt.gov.dz); [ian.fulton2@infrastructure.gov.au](mailto:ian.fulton2@infrastructure.gov.au); [wrc@communications.gov.au](mailto:wrc@communications.gov.au); [Nedal.Alsamara@trc.gov.io](mailto:Nedal.Alsamara@trc.gov.io); [psm.tripathi@nic.in](mailto:psm.tripathi@nic.in); [Callum.Gray@ofcom.org.uk](mailto:Callum.Gray@ofcom.org.uk); [fouadferhat@gmail.com](mailto:fouadferhat@gmail.com); [aboutache@gmail.com](mailto:aboutache@gmail.com); 菅田 洋一 <[y2.kanda@soumu.go.jp](mailto:y2.kanda@soumu.go.jp)>; Patrick Masambu <[pmasambu@itso.int](mailto:pmasambu@itso.int)>; Alexandru Cornel Cozma <[alexandru.cozma@ancom.ro](mailto:alexandru.cozma@ancom.ro)>; Maury J. Mechanick Esq. <[mjmechanick@verizon.net](mailto:mjmechanick@verizon.net)>; [jsesena@hi2.es](mailto:jsesena@hi2.es); Vahora, Jabin S <[VahoraJS@state.gov](mailto:VahoraJS@state.gov)>; [takahiro.tanaka@nict.go.jp](mailto:takahiro.tanaka@nict.go.jp); [nbagbasi@turksat.com.tr](mailto:nbagbasi@turksat.com.tr); [cristina.velea@ancom.org.ro](mailto:cristina.velea@ancom.org.ro); PEARSON Chloé <[Chloe.PEARSON@anfr.fr](mailto:Chloe.PEARSON@anfr.fr)>

**Objet :** RE: ITSO WG2 Meeting on January 23 at 7 a.m. EST -- Contributions

Dear colleagues,

Following the WG2 meeting on Monday 23 January 2023, please find our questions below:

- On the Common Heritage locations where all Common Heritage filings have been lost, are there new filings at the same orbital location or at nearby locations from the notifying administration? If yes, for which operator?
- On the Common Heritage locations where there are remaining Common Heritage filings ~~have been lost~~, are there new filings at the same orbital location or at nearby locations from the notifying administration? If yes, for which operator? What is the satellite coordination procedure between the Common Heritage filings and the other filings of the notifying administration that are not related to the Common Heritage?
- Does the director general of ITSO, as the legal representative of the international telecommunications satellite organization, have access to the satellite coordination agreements related to the Common Heritage filings?

Regarding the TOR4b (selection criteria), I think it would be useful for our next meeting to have a document which describes the selection process back in 2000/2001. What were the criteria for this selection process? What is the reason for limiting the current number of notifying administrations to two? I did not raise this question during the meeting. Would it be possible for the ITSO secretariat or director general to provide such a document for our next meeting?

Is the date of our next meeting confirmed? I have noted 13 February 2023.

Best regards,

**Thomas WELTER**

*Département Réglementation et Ressources Orbite/Spectre*

Direction de la Planification du Spectre et des Affaires Internationales

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**Annex V - proposed draft templates for contributions**

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Contribution of [REDACTED]  
TOR1

AP-40 WG2  
January 2023

TITLE: CONTRIBUTION ON TOR 1 [REDACTED]

### **1. Introduction**

*[the introduction provides the context of the contribution for example the background of the matter, the rationale of the contribution and any other element that helps Parties to understand better the contribution and how it is linked to the TOR. This section should end with key points proposed under the contribution]*

### **2. Proposal**

*[the section should contain a detailed text proposed for addressing the ToR]*

#### **2.1. Current processes and mechanisms for the Utilization and management of the Common Heritage**

*[the sub-section should contain a description of the current situation with regards to the processes and mechanisms for the management and utilization of CH. This can include the mapping of all entities involved in the protection and efficient utilization of CH, their roles, responsibilities and all activities carried out]*

#### **2.2. Potential areas of improvement in the processes and mechanisms for the Utilization and management of the Common Heritage**

*[the sub-section should highlight any area in the processes and mechanisms that can improved with rationale behind the assessment and a proposal on. how it can be improved.]*

### **3. Recommendation to AP41**

*[This section should include clear recommendations to AP-41 for addressing the TOR and the mechanisms or modalities for their implementation]*

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Contribution of ...  
TOR2

AP-40 WG2  
January 2023

TITLE: CONTRIBUTION ON TOR 2...

### 1. Introduction

*[the introduction provides the context of the contribution for example the background of the matter, the rationale of the contribution and any other element that helps Parties to understand better the contribution and how it is linked to the TOR. This section should end with key points proposed under the contribution]*

### 2. Proposal

*[the section should contain a detailed text proposed for addressing the ToR]*

#### 2.1. Assessment of the current rights and obligations of an Intelsat/Operator with regard to the Common Heritage

*[the sub-section should elaborate the operator's rights and obligations on the CH and assess the impact for different scenarios such as bankruptcy, mergers, change of ownership, etc.]*

#### 2.2. Potential areas of improvement with regard to the rights and obligations of the Intelsat/Operator to ensure efficient utilization and protection of CH

*[the sub-section should highlight any area in terms of rights and obligation of Intelsat/Operator that needs to be improved to ensure efficient utilization and protection of CH.]*

### 3. Recommendation to AP41

*[This section should include clear recommendations to AP-41 for addressing the TOR and the mechanisms or modalities for their implementation]*

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Contribution of ...  
TOR3

AP-40 WG2  
January 2023

TITLE: CONTRIBUTION ON TOR 3...

### **1. Introduction**

*[the introduction provides the context of the contribution for example the background of the matter, the rationale of the contribution and any other element that helps Parties to understand better the contribution and how it is linked to the TOR. This section should end with key points proposed under the contribution]*

### **2. Proposal**

*[the section should contain a detailed text proposed for addressing the ToR]*

#### **2.1. Assessment of the factors or circumstances that could lead to suppression of CH**

*[the sub-section should elaborate all factors or scenario that could lead to suppression of CH. This could include the assessment of the provisions of the ITU Radio Regulations that are relevant to the suppression of CH, process of the Notifying Administrations, etc.]*

#### **2.2. Potential areas of improvement that could prevent the suppression or inefficient utilization of the CH**

*[the sub-section should highlight any area of improvement in the current process and mechanism that could prevent the suppression of the CH.]*

### **3. Recommendation to AP41**

*[This section should include clear recommendations to AP-41 for addressing the TOR and the mechanisms or modalities for their implementation]*

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Contribution of ...  
TOR4

AP-40 WG2  
January 2023

TITLE: CONTRIBUTION ON TOR 4...

**1. Introduction**

*[the introduction provides the context of the contribution for example the background of the matter, the rationale of the contribution and any other element that helps Parties to understand better the contribution and how it is linked to the TOR. This section should end with key points proposed under the contribution]*

**2. Proposal**

*[the section should contain a detailed text proposed for addressing the ToR]*

**2.1. Assessment of the proposal for additional notifying Administrations**

*[the sub-section should assess the proposal submitted to the AP-40 for additional Notifying Administrations and its implications on different aspects such as Administrative, Technical, legal, etc. this section should also define criteria that could applied for selection of additional notifying Administrations and their responsibilities]*

**2.2. Recommendation to AP41**

*[This section should include clear recommendations to AP-41 for addressing the TOR and the mechanisms or modalities for their implementation]*

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**Annex VI – Information provided by Mr. Thomas Welter (Party of France)**

## Management of the Common heritage filings

- **Current situation :**
  - The Common heritage filings are currently managed as national filings by the notifying administrations (USA or G), only with a remark that the frequency assignment is among the frequency assignments referenced as "Common Heritage" in the Agreement Relating to the International Telecommunications Satellite Organization, as amended.
- **Option 1 : Association of the 148 other Parties to the national filings**
  - The notifying administration associates the 148 other Parties to the filings related to the Common heritage, in the A.1.f.2 field in Appendix 4 of the RR.
  - Letters from the notifying administrations (USA and G) give notice to the ITU-BR of the agreement of the 148 Parties frequency agencies.
  - The filing is still managed like a national asset but is internationally known to be related the Common heritage of ITSO.
- **Option 2 : Creation of an Intergovernmental satellite organization for the management of the Common heritage filings**
  - [Creation of an « ITSO » group at the ITU for satellite filing](#)
    - ITSO members decide to create a group in the ITU-Preface named « ITSO », in the A.1.f.3 field in Appendix 4 of the RR.
    - Parties establish an MoU between the 149 Parties to describe the common rules for the management of the filing and any related decision/coordination.
    - A letter (ex: from any of the Parties) gives notice to the ITU-BR of the creation of the « ITSO » group with the agreement of 148 others.
    - The « ITSO » intergovernmental satellite organization is created in the ITU Preface (like RASCOM, GLS, EUT, ESA, EUM, ...).
  - [Transfer of the national filings to the ITU « ITSO » group](#)
    - National filings related to the Common heritage are transferred to the « ITSO » group by the notifying administration. They remain the notifying administrations representing the « ITSO » group.
    - Each Party can transfer new national filing to the « ITSO » group, via a letter of notice to the ITU-BR .
    - The filing is not any more a national filing (ex: USA or G) but is managed like an asset of the 149 ITSO Parties with regard to the ITU.

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**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE COMMON  
HERITAGE  
3<sup>RD</sup> REPORT**

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
3<sup>RD</sup> REPORT**

Date: Feb 13<sup>th</sup> 2023 – Start time 07:00 AM ET  
WG Chairman: Georges Kwizera (RRW)  
Participants: see Annex 1

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Agenda - ITSO WG2 – 13<sup>th</sup> January 2023

1. Opening of the meeting-Chairman & DG ITSO
2. Approval of the Agenda- [the meeting](#)
3. Adoption of the last WG2 report- [the meeting](#)
4. Review of the ITSO Secretariat contribution to WG2: ITSO WG2 Doc: [2.1](#), [2.2](#), [2.3](#), [2.3.1](#), [2.4](#), [2.5](#), [2.5.1](#), [2.5.2](#), [2.6](#), [2.6.1](#)
5. Discussion to the questions raised by France during the 2<sup>nd</sup> WG 2 meeting: Document FRANCE WG2 DOC: [2.2](#), UK WG2 DOC [2.1](#)
6. Discussion of Party's contribution by the coordinator: France WG2 DOC [2.1](#)
7. AOB

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**Agenda item 1 (Opening of the meeting):**

The Chairman, Mr. Georges Kwizera (Rwanda), opened the meeting by welcoming and thanking the participants (Annex I - list of participants). He reminded the participating Parties that there was a lot of work for the WG2 to accomplish in the two remaining meetings prior to the ITSO Advisory Committee (IAC) meeting on June 1<sup>st</sup>/2<sup>nd</sup> 2023 in Washington, D.C. He encouraged the Parties to submit contributions and remarked that the contributions received so far were substantial and would generate a lot of deep discussions.

The Chairman invited the DG to start the meeting. The DG congratulated the Working Group on the work done to date and reminded everyone that the contributions from ITSO were formal responses to questions posed by the group during previous meetings. For this meeting ITSO prepared four documents. He invited the TOR Coordinators to use the contents of these documents to substantially contribute to their papers if they wished. He said that the ITSO technical and legal advisors would provide contextualization.

**Agenda item 2 (Approval of Agenda):**

The Chairman introduced the agenda, in which he included hyperlinks, for approval (see Annex II).

Mr. Thomas Welter (Party of France) had no comment on the agenda, but asked if the documents could also be distributed via email prior to the meeting, rather than just posted on ITSO's website.

The Chairman asked the ITSO Secretariat to send all documents via e-mail to all the participants in the future, rather than to the Chairman.

The agenda was approved by the participants.

**Agenda item 3 (Adoption of the last WG2 report):**

The Chairman moved to adopt the report from WG2 Meeting 2, including the feedback provided by ITSO's Technical Advisor, Mr. Julian Seseña.

Mr. Masambu noted that in one of the paragraphs there was a reference to AP-38 as being the AP where the discussion took place, but it was AP-33, which took place in 2009 in Rome. He promised to correct the report.

The Parties approved the report of the 2<sup>nd</sup> WG2 meeting, including the above-mentioned correction.

**Agenda item 4 (Review of the ITSO Secretariat contribution to WG2):**

The ITSO Secretariat had submitted several contributions to the Chairman, which were posted on the ITSO website (See list in Annex III).

The first document discussed was ITSO WG2 Doc 2.6 that consisted of an edited version (highlighted in green) of the previously submitted summary of the "Report of the Director General on Common Heritage", which is annually submitted to ITSO and subsequently to the AP, as well as the possible topics and specific tasks to be addressed by the WG2 (see section I. of the contribution).

After a brief introduction of the contribution by ITSO Director General Patrick Masambu, in which he explained that the report related to the Common Heritage represented additions, modifications, and improvements, including a table of the various filings in response to the question prepared by France after WG2 Meeting 2, he also mentioned that he discussed the report with Mr. May and the adjustments in the report addressed some of the latter's concerns. He emphasized that the report was factual, but also required further investigation. He explained that Mr. May contended that the US had not lost as many positions as the impression this report may give the impression because in 2001 when the Common Heritage filings were put under the US a number of positions were already

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being suppressed before the restructuring and the report should related to what happened after restructuring. Mr. Masambu asked Mr. May to provide additional information.

Mr. Seseña led through the highlighted changes in the document. He explained that in 2001 there were 25 orbital locations and that the US clarified that three of these orbital positions were suppressed as approved by the Board of Directors before 2001. While these orbital locations remain in the table, they may not be relevant when discussing what happened since Privatization. In fact, these were orbital locations that were not in use, they were “paper satellites.” Therefore, while there was an impact for potential rights in the future, suppressing them did not affect capacity or connectivity because they were not used. Also, Mr. Seseña explained that he inserted a footnote into the report to reflect this until a decision was made about whether or not to continue to include these slots in the report. He further explained that the ITU conducts such suppressions in a transparent manner and that there is past precedent where ITSO was alerted to the risk of losing a right and there was collective action to prevent the loss of Common Heritage at WRC-19. Mr. Seseña said that he reached out to the BR at the ITU and was awaiting a response to fully endorse these filings.

Mr. Masambu summarized that there were two takeaways: first, the report is amended to reflect that the orbital positions were already being suppressed, and some positions were suppressed due to decisions at the WRC as opposed to inaction of the US Administration, resulting in a reduction from 22 to 19 slots as opposed to 25 to 19 slots. He further stated that the ITSO Secretariat was still checking before making the change to make sure the statements were completely true. Second, in response to the comments from France about what filings may be in those same positions, he stated that was the essence of the two tables provided by the US and the UK Notifying Administrations. He then invited the two NAs to address this before moving on.

Mr. Welter took the floor to say that there were two excel spreadsheets 2.2 and 2.6.1, while he could not read the second spreadsheet, he noticed on the spreadsheet 2.2 that Inmarsat and SES were using the slots that could have been used by other companies if Intelsat no longer used them. The frequency bands were Ka, Ku, and C and he would like to see the exact frequency band next to each network. He also noticed that in the table provided by the US sometimes it said Intelsat and sometimes FCC and requested that the name of the operator be used rather than the FCC.

Mr. May thanked Mr. Seseña and Mr. Masambu for the conversation of the past couple of days and explained that a lot of work went into sorting through the filings from the past 20 years and this report was still provisional. He said that the references to the FCC likely will be replaced by Intelsat when it is sorted out. He said that in addition to the change in orbital locations from 25 to 22-19 mentioned by Mr. Seseña, the US was also looking into the 174 and 176 degrees east because it may very well be that those orbital locations were also in the process of being suppressed early on or around the time of Privatization. It may be that the number goes from 25 to 20 and now it's 19 slots. He said that the Working Groups are looking at places where things actually happened and may need collective action. For example, the Common Heritage filing may no longer exist and a US filing may exist for a particular orbital location, but that is currently under review.

Mr. Gray also said that the UK may need a bit more time to review and comment on networks that have been suppressed. He explained that there was no direction for what might happen in situations where a location is suppressed and handed over to another operator until much later and that there were a multitude of operators that operate at these orbital locations.

Mr. Welter clarified that it was important to look at both Notifying Administrations together, e.g., at 60 degrees east a filing was suppressed by the UK, Intelsat Ku since Intelsat was no longer flying at this position, and on the US table there no longer is a filing, but if you look at the ITU filing you see that the US filing, a Common Heritage filing, was suppressed by the UK, but then reappeared in the US as USABSS-42, but it is not shown on the US table. He pointed out that it was important to look at the two Notifying Administrations together and keep in mind that Intelsat has more than two Notifying Administrations. He asked that ITSO prepare a report that includes all Notifying Administrations of Intelsat, and all the filings to track how the previous Common Heritage slots may have been moved between Notifying Administrations, leading to their removal from the Common Heritage obligation.

Mr. Masambu reiterated that the report was a work in progress that would take into account everyone's comments and reminded everyone that before 2017 the amended Article XII (c) that provides for the transfer of filings at orbital positions was not in place, as such it was a lesson for the future.

The Chairman inquired whether Intelsat should be invited to the meeting, and Mr. May proposed that Intelsat provide information so that they may not need to attend the meeting.

The Chairman asked for clarification about what happened in 2019, whether the Notifying Administrations were not available, and Mr. Masambu clarified that the Notifying Administrations and Intelsat had received the opportunity to respond for about a year before the Radio Regulations Board decided to suppress these filings, which provided a lesson to be learned in terms of what process should take place before the upcoming WRC-23. The Chairman encouraged the WG2 participants to have this uncomfortable conversation in this meeting rather than at the Assembly of Parties.

Mr. Masambu then introduced the contribution of the Secretariat's Legal Advisor by specifying that these were his legal opinion and not the position of ITSO's Secretariat in response to the WG2 questions.

Mr. Mechanick explained the criteria that resulted in the selection of two Notifying Administrations (see Annex V). There was a desire not to select a single administration. However, the nature of the filings and a concern that splitting frequency bands over more than one administration would weaken the Common Heritage resulted in the selection of the US for the C and Ku band frequency assignments and the UK for the distinct Ka, B, and BSS filings.

Mr. Welter requested an overview of the main criteria and asked why ITSO had to restrict itself to two Notifying Administrations when Intelsat has at least five (Australia, Germany, UK, US, and Papua New Guinea).



Mr. Mechanick referred to the footnote on page 24 of the AP-25.10 document and explained that at the time there was a strong view that the most effective way to protect the Common Heritage was to have them under one Notifying Administration given what satellite system was in place at that time. This arrangement would facilitate the discharge of ITSO's supervising responsibilities and provide the greatest protection of the Common Heritage.

The Chairman invited Mr. Welter to read through the selection criteria because there is an overlap between notifying and licensing, which at the time was considered as one even though they could be separated and revert on this issue at the next meeting.

Mr. Mechanick reiterated that the issue is not legality of Article XI, but rather once the AP decides on a course of action, how should it be implemented. In his opinion, the only mechanism to transfer the filings to another Notifying Administration under Article XII is if the Notifying Administration ceases to be a Party under Article XV of the ITSO Agreement. If the AP decides to have additional Notifying Administrations, then Article XII should be formally amended. He concluded that in his opinion adding Notifying Administrations was not intended as an outcome of AP-25.

Further discussions on this issue will follow in the next meeting.

**Agenda item 5 (Discussion to the questions raised by France during the 2<sup>nd</sup> WG 2 meeting):**

The Chairman opened the floor for the two Notifying Administrations to comment on the questions raised by France in the previous meeting.

Mr. Gray commented that the questions should be based on satellite filings that have identical characteristics to those that were suppressed, and pointed out that where there are no new satellites that have identical filings to the Common Heritage filings, the coordination procedure in the UK is identical to that of the Radio Regulations. When a new UK filing comes through it is published for commenting on a global basis, including UK operators to indicate that there is a potential interference and therefore coordination is required. Junior filings have to file on a non-protected basis, and the UK administration continues to follow the ITSO Agreement whereby they have to give an indication if there is going to be a negative effect in its annual reports to ITSO. There has not been such a need in the past years for the four UK filings. Mr. Gray reiterated that sharing the details of the filings with ITSO may cause issues with confidentiality.

Mr. May said the US answers were in alignment with those of the UK and promised to continue to work with Mr. Seseña to refine the information. He reiterated that they have not found any new filings nearby and volunteered that there may be a way to share information more frequently if there is better coordination with Intelsat.

Mr. Masambu said that access to information should be discussed substantively with the two Notifying Administrations because a possible view is to say that if the Notifying Administration has

access to the coordination agreement, ITSO should too to be more informed and knowledgeable as opposed to having to wait for an annual report.

Mr. Welter reiterated that the tables should show all the networks for questions 1 and 2, and concluded that for question 3 there was a clear answer that ITSO does not have access to satellite coordination agreements, whereas Eutelsat does have to provide coordination agreements to EUTELSAT-IGO. He also reminded the Notifying Administrations that all the provisions should be applied, including the financing obligations of Intelsat to ITSO, and Mr. Mechanick said he fully agreed.

The Chairman proposed that the WG2 create recommendations for AP-41 regarding the coordination agreement so that ITSO would provide an explicit document that testifies that the coordination is fine before it is allowed to proceed.

Mr. Welter presented the PowerPoint that was noted, but not discussed, at the last meeting in which he explained the new organization France is implementing at the ITU level to which filings will be transferred from the nations to this international entity.

The Chairman said that for TOR4 there were two options in addition to the Region D proposal and asked whether the group wanted to discuss it further.

Mr. Masambu asked France if option 1 was similar to the issue of the asterisk on the filings at WRC in 2011.

Mr. Welter said that the asterisk was not sufficiently clear because France does not believe that the filings belong only to the UK and the US, the transfer of the management of the filings was on behalf of the other administrations, and that the rules of procedure at the ITU have been developed in the past couple of years to clarify the role of the Notifying Administration on behalf of a group of administrations. He concluded that all three options required the cooperation of the two Notifying Administrations.

The Chairman asked which of the three options France would recommend, and Mr. Welter said it was up to the AP to decide, but that France uses all three options.

The Chairman recommended a document that could be an annex to the report of the WG2 for IAC-24 and AP-41.

Mr. May stated that France and the US had a long history of disagreeing on this issue and that the US was quite clear that the filings were transferred to the US, which means that the US has administrative control of the filings and nothing will happen until the US takes action. He invited countries to reach out to the US to achieve a consensus or common goal. He said that option 2 meant terminating the ITSO Agreement and starting from scratch, which was absurd. He reiterated that the US gave its support to the ITSO Agreement at AP-40.

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The Chairman applauded this discussion that will provide a solution.

Mr. Ashong said he shared the concerns of Mr. May and the other delegates. He stated that the purpose of the Working Group was to discuss possibilities without any certainty that they would happen. That is why the group needs to look at all the options and consult the ITU to make recommendations. He encouraged Mr. May to exhaust all the options.

Mr. May reiterated his invitation to all members of the Working Group to come to Washington to discuss a consensus.

Mr. Paterson apologized for the slow start in joining the Working Group, and recommended that the members find a way to give each other some assurance of how to move forward and ensure that all issues can be discussed in depth.

Mr. Welter said that the mandate of the group was to study the feasibility and that the decisions would be taken at the AP. He asked Mr. Seseña to provide an analysis of Intelsat filings including all the Notifying Administrations of Intelsat to see which filings were shifted from one Notifying Administration to another to see what was moved from Common Heritage to a new Notifying Administration that the Working Group is not aware of.

Mr. Masambu confirmed that he would expand the table as requested by Mr. Welter and committed ongoing support by providing information to the debate. He noted that prior to AP-40 the main concern was what would happen to the Common Heritage if ITSO were to terminate, and that is something that remains to be addressed.

The Chairman thanked all participating Parties for attending the meeting and expressed his appreciation for everyone's involvement.

The meeting was closed by the Chairman at 9:10 AM ET.

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## Annex I – List of participants:

### Region A:

- **Jamaica:** George Malcolm (gmalcolm@sma.gov.jm)
- **USA/Notifying Administration:** Doug May (maydc@state.gov); Jabin Vahora (VahoraJS@state.gov), Joseph Hill (joseph.hill@fcc.gov)

### Region B:

- **France:** Thomas Welter - WG2 TOR4 Coordinator (thomas.welter@anfr.fr); Chloe Pearson (chloe.pearson@anfr.fr)
- **Türkiye:** Nazgul Bagbasi (nbagbasi@turksat.com.tr)
- **UK/Notifying Administration:** Callum Gray (callum.gray@ofcom.org.uk)

### Region C:

- **Poland:** Tomasz Pinciurek - WG2 TOR3 Coordinator (Tomasz.Pinciurek@mc.gov.pl)
- **Romania:** Alexandru Cozma (alexandru.cozma@ancom.ro); Cristina Velea (cristina.velea@ancom.org.ro)

### Region D:

- **Algeria:** Fouad Ferhat (fouadferhat@gmail.com)
- **Benin:** Yetondji Houeyetongnon (hyetondji@arcep.bj)
- **Ghana:** Timothy Ashong - WG2 TOR2 Coordinator (timothy.ashong@nca.org.gh)
- **Rwanda – WG2 Chair:** Georges Kwizera (gkwizera@space.gov.rw)
- **South Africa:** Jim Paterson (jpaterson@dcdt.gov.za)

### Region E:

- **Japan:** Yoichi Kanda (y2.kanda@soumu.go.jp)
- **Jordan:** Nedal Alsamara (Nedal.Alsamara@trc.gov.jo)

### Secretariat:

- ITSO DG: Patrick Masambu (pmasambu@itso.int)
- ITSO Legal Advisor: Maury Mechanick (mjmechanick@verizon.net)
- ITSO Technical Advisor: Julián Seseña (jsesena@hi2.es)
- ITSO Senior Advisor: Diane Bastin (dbastin@itso.int)

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**Annex II – (proposed) Agenda<sup>4</sup>:**

1. Opening of the meeting-Chairman & DG ITSO
2. Approval of the Agenda- [the meeting](#)
3. Adoption of the last WG2 report- [the meeting](#)
4. Review of the ITSO Secretariat contribution to WG2: ITSO WG2 Doc: [2.1](#), [2.2](#), [2.3](#), [2.3.1](#), [2.4](#), [2.5](#), [2.5.1](#), [2.5.2](#), [2.6](#), [2.6.1](#)
5. Discussion to the questions raised by France during the 2<sup>nd</sup> WG 2 meeting: Document FRANCE WG2 DOC: [2.2](#), UK WG2 DOC [2.1](#)
6. Discussion of Party's contribution by the coordinator: France WG2 DOC [2.1](#)
7. AOB

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<sup>4</sup> According to e-mail of February 13<sup>th</sup> 2023, sent by the Chairman.

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**Annex III – ITSO WG2 Doc 2.6 Additional Information on Notified Satellite Networks:**

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Contribution of the  
Director General

AP-40 WG 2  
13 February 2023

**CONTRIBUTION FROM DIRECTOR GENERAL TO  
WORKING GROUP 2 ON COMMON HERITAGE ISSUES  
ADDITIONAL INFORMATION ON NOTIFIED SATELLITE NETWORKS**

## I. Background

The WG2 was established in June 2022 by the 40<sup>th</sup> Assembly of Parties (AP-40) so as to address the issue of the protection of the Common Heritage. The primary objective of the Working Group 2 in addressing the protection of the Common Heritage can be summarized as being “To consider the key experiences of the past and to elaborate measures that will shape a stronger, more effective and responsive ITSO, more closely aligned to the evolving interests of all Parties and the future strategy of the Organization. This will be made in consultation with all relevant bodies and experts including but not limited to ITSO, Notifying Administrations, Intelsat, ITU, Parties, etc”.

The terms of reference as approved by the 40<sup>th</sup> Assembly of Parties held in June 2022 in Washington D.C are:

- 9) Assess the processes and mechanisms for the utilization and management of the Common Heritage and ensure its protection and efficient utilization and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.
- 10) Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.
- 11) Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.
- 12) Consider the interest expressed by a significant number of ITSO Member States for additional Notifying Administrations, study, and make recommendations, as appropriate, on:
  - g) the administrative, technical, legal and other implications for appointing additional regional Notifying Administrations,
  - h) the criteria to be applied for the selection of countries as Notifying Administrations, should such be legally possible, and clearly set out the responsibilities required of Notifying Administrations.

A further breakdown of the Terms of Reference regarding topics to be considered is provided in the following table:

<b>WG 2 Terms of Reference: Topics breakdown</b>	
<b>Task</b>	<b>Possible Topics to consider</b>
Relevant experiences of the past	A. Principal obligations and actions of the Notifying administrations including the protection mechanisms of the CH
g. Consultation with relevant bodies	
h. Consultation with ITSO	
i. Consultation with Notifying Administrations	B. Assessment of the current protection mechanisms and their adequacy taking into

<ul style="list-style-type: none"> <li>j. Consultation with Intelsat</li> <li>k. Consultation with ITU</li> <li>l. Consultation with Parties</li> </ul>	<p>account the evolving technology scenarios and intense use of NGSO together with GSO.</p> <p>C. Map on usage; ability to obtain data from Intelsat regarding statistics on usage of the CH by services, regions, applications</p> <p>D. Analysis of the usage of CH in providing connectivity as well as extending its reach.</p>
<p>1. Assess the processes and mechanisms for the utilization and management of the Common Heritage and ensure its protection and efficient utilization and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.</p>	<p>1A. Future Mechanisms for protection of CH</p> <p>1B. Recommendations for closer alignment between the work of ITSO and the Notifying Administrations.</p>
<p>2. Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.</p>	<p>2A. Identify potential scenarios that require specific decisions by Parties</p> <p>2B. Review the options for addressing the identified scenarios</p> <p>2C. Make relevant recommendations</p>
<p>3. Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.</p>	<p>3A. Identify circumstances for potential suppression of frequencies associated with CH orbital locations due to lack of use</p> <p>3B. Potential mechanisms for re-assignment to other operators</p> <p>3C. Key issues for implementation of re-assignment, including signing of new Public Service Agreements</p>
<p>4. Consider the interest expressed by a significant number of ITSO Member States for additional Notifying Administrations, study, and make recommendations, as appropriate, on:</p> <ul style="list-style-type: none"> <li>a. the administrative, technical, legal and other implications for appointing additional regional Notifying Administrations,</li> </ul>	<p>4A. Identify interests from ITSO Member States for additional Notifying Administrations</p> <p>4B. Review the legal context governing the potential transfer of orbital spectrum resources to additional Notifying Administrations</p>



<p>b. the criteria to be applied for the selection of countries as Notifying Administrations, should such be legally possible, and clearly set out the responsibilities required of Notifying Administrations.</p>	<p>4C. Recommendations, as appropriate, on the administrative, technical, legal and other implications for appointing additional Notifying Administrations</p> <p>4D. Recommendations on criteria to be applied for the selection of countries as Notifying Administrations and the responsibilities required to be met by the selected Notifying Administrations</p>
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## II. The Evolution of the Common Heritage

8. From the time of its establishment, one of the priorities of the International Telecommunications Satellite Organization (INTELSAT was the name used at that time)<sup>5</sup> was to protect itself in the regulatory field by notifying and registering a sufficient number of orbital positions in order to successfully achieve its goal of providing global connectivity and coverage to all parts of the globe. Using its internal and international coordination procedures, it established priority rights for the use of a considerable number of orbital positions (associated with frequency assignments) recorded in the Master International Frequency Register (MIFR) of the International Telecommunication Union (ITU) on behalf of all INTELSAT member countries. These international recognition and priority rights to use orbital positions and frequency spectrum, which were critical to the successful achievement of INTELSAT’s mission, constituted a very valuable asset for the INTELSAT Parties.

9. The 25<sup>th</sup> Assembly of INTELSAT Parties, in 2000, decided to transfer the former INTELSAT frequency assignments associated with orbital locations to two Notifying Administrations: the United States of America (USA) and the United Kingdom (UK) and introduced in the amended ITSO Agreement a new characterization of these rights by describing them as constituting a “common heritage” of all INTELSAT Parties (Common Heritage). These Administrations became, on the date of the transfer (18 July 2001), responsible for these frequency assignments, including the subsequent application of procedures contained in the ITU Radio Regulations (coordination, notification, etc.).

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<sup>5</sup> The acronym “INTELSAT” is used to refer to the international organization from the time of its establishment to that of restructuring in 2001, as governed by the original INTELSAT Agreement, and is also used when referring to satellite filings for orbital positions which had been made on behalf of the international organization prior to restructuring. The acronym “ITSO” is used to refer to the international organization continuing in existence subsequent to restructuring in 2001, as governed by the amended ITSO Agreement. The word “Intelsat” is used to refer to the private company created as part of the restructuring process and also when referring to individual satellites or generations of satellites in orbit or planned as of the time of restructuring.

10. Since the transfer of these frequency assignments, the Notifying Administrations have been managing the orbit/spectrum utilization rights. They apply the different procedures of the ITU Radio Regulations to protect and maintain these assignments under international recognition. In some cases, however, some changes have become inevitable, either because the privatized Intelsat required certain modifications, or, mostly, the Radio Regulations subsequently adopted at ITU World Radiocommunication Conferences (WRC) introduced regulatory changes in the frequency/orbit utilization procedures governing space services. Some of the filings that existed in 2001 have subsequently expired in the intervening period due to limitations now contained in the ITU Radio Regulations concerning the realization timeframe of a satellite project that WRCs did introduce.

11. On the basis of the above considerations, the ITSO Director General elaborated an annual study to consider the evolution, since 2001 of those frequency utilization rights which constituted the Common Heritage. The latest update up until December 2021 was provided to ITSO AP 40. Recently, a new draft report has been produced covering the evolution during 2022.

12. A comparison of the evolution of the number of orbital positions registered in the MIFR of ITU for 2001, 2010, 2015, 2018, 2019, 2020, 2021 and 2022 is provided below:

Number of orbital positions registered in the MIFR of ITU	2001	2010	2015	2018	2019	2020	2021	2022
USA administration	25	22	21	19	19	19	19	19
UK administration	28	4	4	4	4	4	4	4

13. When analyzing the high-level evolution of the registered frequency assignments in the above orbital positions, it should be noted that suppression of some orbital positions took place even before the appointment of the two notifying administrations in 2001 and/or subsequent to 2001 due to the entry into force of new regulations of the ITU-R. There is no evidence which suggests that suppression of the above referenced orbital positions automatically led to any loss of service or had an impact on ITSO mission accomplishment since the frequency assignments suppressed were for planned future usage. In the Satcom jargon, filed assignments which were not in use were commonly referred to as “paper satellites” and as such the new ITU-R space procedures which resulted in suppression were designed to avoid warehousing of orbital-spectrum resources.

14. Furthermore, the suppression of Common Heritage filings associated with three orbital locations, namely 304.0°E, 177°E and 63°E, was in motion prior to the 2001 privatization and as such it was reported to and approved by all Parties prior to 2001. The foregoing clarifications as provided by the US Notifying Administration have been included in this report in order to avoid any misinterpretations of the treatment of these specific filings since the privatization in 2001. With this clarification it means that the number of orbital positions passed to the USA Notifying Administration in 2001 over which it had direct control in terms of ensuring protection should be 22 and not 25.

16. A more detailed comparison of the evolution of the Common Heritage in terms of the capacity and frequency assignments is provided below. It is to be noted that an analysis of the evolution of the number of frequency assignments and associated bandwidth has been carried out with more detail since 2015. Previously, comparison was made only on the orbital location evolution.

[illegible][illegible]

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			main- tained in BR)					
56° W <sup>6</sup>	INTELSAT7 304E							
	INTELSAT8 304E							
55.5 °W	INTELSAT5A 304.5E							
	INTELSAT IBS 304.5E							
	INTELSAT6 304.5E							
	INTELSAT7 304.5E	INTELSAT7 304.5E	INTEL- SAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E	INTELSAT7 304.5E
	INTELSAT8 304.5E	INTELSAT8 304.5E	INTEL- SAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E	INTELSAT8 304.5E
	INTELSAT9 304.5E	INTELSAT9 304.5E	INTEL- SAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E	INTELSAT9 304.5E
53° W	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E	INTELSAT IBS 307E
	INTELSAT5A CONT1							
	INTELSAT7 307E	INTELSAT7 307E	INTEL- SAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E	INTELSAT7 307E
	INTELSAT8 307E	INTELSAT8 307E	INTEL- SAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E	INTELSAT8 307E
	INTELSAT9 307E	INTELSAT9 307E	INTEL- SAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E	INTELSAT9 307E
50° W	INTELSAT5A CONT2	INTELSAT5A CONT2						
	INTELSAT7 310E	INTELSAT7 310E	INTEL- SAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E	INTELSAT7 310E
	INTELSAT8 310E							
	INTELSAT9 310E	INTELSAT9 310E	INTEL- SAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E	INTELSAT9 310E
	INTELSAT10 310E	INTELSAT10 310E	INTEL- SAT10 310E	INTEL- SAT10 310E	INTELSAT10 310E	INTELSAT10 310E	INTELSAT10 310E	INTELSAT10 310E
34.5 °W	INTELSAT6 325.5E	INTELSAT6 325.5E	INTEL- SAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E	INTELSAT6 325.5E

<sup>6</sup> Suppressed before privatization of Company

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	INTELSAT7 325.5E	INTELSAT7 325.5E	INTEL- SAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E	INTELSAT7 325.5E
	INTELSAT8 325.5E	INTELSAT8 325.5E	INTEL- SAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E	INTELSAT8 325.5E
	INTELSAT9 325.5E	INTELSAT9 325.5E	INTEL- SAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E	INTELSAT9 325.5E
31.5 °W	INTELSAT5A ATL6							
	INTELSAT7 328.5E							
	INTELSAT8 328.5E	INTELSAT8 328.5E	INTEL- SAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E	INTELSAT8 328.5E
	INTELSAT9 328.5E	INTELSAT9 328.5E	INTEL- SAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E	INTELSAT9 328.5E
29.5 °W	INTELSAT5A 330.5E							
	INTELSAT6 330.5E	INTELSAT6 330.5E	INTEL- SAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E	INTELSAT6 330.5E
	INTELSAT7 330.5E	INTELSAT7 330.5E						
	INTELSAT8 330.5E	INTELSAT8 330.5E	INTEL- SAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E	INTELSAT8 330.5E
	INTELSAT9 330.5E	INTELSAT9 330.5E	INTEL- SAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E	INTELSAT9 330.5E
27.5 °W	INTELSAT6 332.5E	INTELSAT6 332.5E	INTEL- SAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E	INTELSAT6 332.5E
	INTELSAT7 332.5E	INTELSAT7 332.5E	INTEL- SAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E	INTELSAT7 332.5E
	INTELSAT8 332.5E	INTELSAT8 332.5E	INTEL- SAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E	INTELSAT8 332.5E
	INTELSAT9 332.5E	INTELSAT9 332.5E	INTEL- SAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E	INTELSAT9 332.5E
24.5 °W	INTELSAT6 335.5E	INTELSAT6 335.5E	INTEL- SAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E	INTELSAT6 335.5E
	INTELSAT7 335.5E	INTELSAT7 335.5E	INTEL- SAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E	INTELSAT7 335.5E
	INTELSAT8 335.5E	INTELSAT8 335.5E	INTEL- SAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E	INTELSAT8 335.5E
	INTELSAT9 335.5E	INTELSAT9 335.5E	INTEL- SAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E	INTELSAT9 335.5E

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20° W	INTELSAT6 340E	INTELSAT6 340E	INTEL-SAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E	INTELSAT6 340E
	INTELSAT7 340E	INTELSAT7 340E	INTEL-SAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E	INTELSAT7 340E
	INTELSAT8 340E	INTELSAT8 340E	INTEL-SAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E	INTELSAT8 340E
	INTELSAT9 340E	INTELSAT9 340E	INTEL-SAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E	INTELSAT9 340E
18° W	INTELSAT IBS 342E							
	INTELSAT5A 342E							
	INTELSAT7 342E	INTELSAT7 342E	INTEL-SAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E	INTELSAT7 342E
	INTELSAT8 342E	INTELSAT8 342E	INTEL-SAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E	INTELSAT8 342E
	INTELSAT9 342E	INTELSAT9 342E	INTEL-SAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E	INTELSAT9 342E
1°W	INTELSAT5A CONT4							
	INTELSAT7 359E	INTELSAT7 359E	INTEL-SAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E	INTELSAT7 359E
	INTELSAT8 359E	INTELSAT8 359E	INTEL-SAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E	INTELSAT8 359E
	INTELSAT9 359E	INTELSAT9 359E	INTEL-SAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E	INTELSAT9 359E
	INTELSAT10 359E	INTELSAT10 359E	INTEL-SAT10 359E	INTELSAT10 359E	INTELSAT10 359E	INTELSAT10 359E	INTELSAT10 359E	INTELSAT10 359E
33°E	INTELSAT5 33E	INTELSAT5 33E	INTEL-SAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E	INTELSAT5 33E
	INTELSAT6 33E							
	INTELSAT7 33E	INTELSAT7 33E	INTEL-SAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E	INTELSAT7 33E
	INTELSAT8 33E	INTELSAT8 33E	INTEL-SAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E	INTELSAT8 33E
	INTELSAT9 319.5E	INTELSAT9 33E	INTEL-SAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E	INTELSAT9 33E
60°E	INTELSAT6 60E	INTELSAT6 60E	INTEL-SAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E	INTELSAT6 60E
	INTELSAT7 60E							
	INTELSAT8 60E	INTELSAT8 60E	INTEL-SAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E	INTELSAT8 60E
	INTELSAT9 60E	INTELSAT9 60E	INTEL-SAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E	INTELSAT9 60E

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62°E	INTELSAT6 62E	INTELSAT6 62E	INTEL-SAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E	INTELSAT6 62E
	INTELSAT7 62E	INTELSAT7 62E	INTEL-SAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E	INTELSAT7 62E
	INTELSAT8 62E	INTELSAT8 62E	INTEL-SAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E	INTELSAT8 62E
	INTELSAT9 62E	INTELSAT9 62E	INTEL-SAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E	INTELSAT9 62E
63°E <sup>7</sup>	INTELSAT5A INDOC3							
	INTELSAT6 63E							
	INTELSAT7 63E							
64°E	INTELSAT6 64E	INTELSAT6 64E	INTEL-SAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E	INTELSAT6 64E
	INTELSAT7 64E	INTELSAT7 64E	INTEL-SAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E	INTELSAT7 64E
	INTELSAT8 64E	INTELSAT8 64E	INTEL-SAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E	INTELSAT8 64E
	INTELSAT9 64E	INTELSAT9 64E	INTEL-SAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E	INTELSAT9 64E
66°E	INTELSAT5 INDOC4	INTELSAT5 IN-DOC4						
	INTELSAT5A 66E							
	INTELSAT7 66E	INTELSAT7 66E	INTEL-SAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E	INTELSAT7 66E
	INTELSAT8 66E							
	INTELSAT9 66E	INTELSAT9 66E	INTEL-SAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E	INTELSAT9 66E
85°E	INTELSAT5 85E							
	INTELSAT6 85E	INTELSAT6 85E	INTEL-SAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E	INTELSAT6 85E
	INTELSAT7 85E	INTELSAT7 85E	INTEL-SAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E	INTELSAT7 85E
	INTELSAT8 85E	INTELSAT8 85E	INTEL-SAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E	INTELSAT8 85E
	INTELSATK-FOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E	INTELSAT KFOS 85E
157°E	INTELSAT5A 157E	INTELSAT5A 157E	INTEL-SAT5A 157E	INTEL-SAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E	INTELSAT5A 157E
	INTELSAT6 157E	INTELSAT6 157E	INTEL-SAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E	INTELSAT6 157E
	INTELSAT7 157E	INTELSAT7 157E	INTEL-SAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E	INTELSAT7 157E
	INTELSAT8 157E	INTELSAT8 157E	INTEL-SAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E	INTELSAT8 157E

<sup>7</sup> Suppressed before privatization of Company

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174° E	INTELSAT5A PAC1							
	INTELSAT7 174E	INTELSAT7 174E						
	INTELSAT8 174E	INTELSAT8 174E						
	INTELSAT9 338.5E	INTELSAT9 174E						
176° E	INTELSAT7 176E							
	INTELSAT8 176E							
	INTELSAT9 176E							
177° E <sup>8</sup>	INTELSAT7 177E	INTELSAT7 177E	INTEL- SAT7 177E					
	INTELSAT8 177E							
178° E	INTELSAT6 178E	INTELSAT6 178E						
	INTELSAT7 178E	INTELSAT7 178E						
	INTELSAT8 178E	INTELSAT8 178E						
	INTELSAT9 178E	INTELSAT9 178E						
180° E	INTELSAT5 PAC3	INTELSAT5 PAC3	INTEL- SAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3	INTELSAT5 PAC3
	INTELSAT5A 180E							
	INTELSAT7 180E	INTELSAT7 180E	INTEL- SAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E	INTELSAT7 180E
	INTELSAT8 180E							

Notifying Administration: United Kingdom								
	2001	2010	2015	2018	2019	2020	2021	2022
position (°W/° E)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite filing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)	Satellite fil- ing name (as maintained in BR)
131° W	INTELSAT KA 229E							
	INTELSAT NKA- C 229E							
	INTELSAT NKA- Ku 229E							

<sup>8</sup> Suppressed before privatisation of Company



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	INTELSAT NKA 229E							
<b>116. 9°W</b>	INTELSAT KA 243.1E							
	INTELSAT NKA- C 243.1E							
	INTELSAT NKA- Ku 243.1E							
	INTELSAT NKA 243.1E							
	INTELSAT V-B 243.1E							
<b>110° W</b>	INTELSAT V-B 250E							
<b>108° W</b>	INTELSAT V-B 252E							
<b>81° W</b>	INTELSAT V-B 279E							
<b>72° W</b>	INTELSAT V-B 288E							
<b>56W</b>	INTELSAT KUEXT 304E							
<b>55.5° W</b>	INTELSAT KUEXT 304.5E	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5	INTELSAT KUEXT 304.5
	INTELSAT V-B 304.5E							
<b>53° W</b>	INTELSAT KA 307E							
	INTELSAT NKA- C 307E							
	INTELSAT NKA- Ku 307E							
	INTELSAT NKA 307E							
<b>50W</b>	INTELSAT KUEXT 310E							
<b>42° W</b>	INTELSAT V-B 318E							
<b>40° W</b>	INTELSAT V-B 320E							
<b>34.5° W</b>	INTELSAT V-B 325.5E							
<b>1°W</b>	INTELSAT KA 359E							
	INTELSAT NKA- C 359E							
	INTELSAT NKA- Ku 359E							
	INTELSAT NKA 359E							
	INTELSAT V-B 359E							
<b>13°E</b>	INTELSAT V-B 13E							
<b>18.5° E</b>	INTELSAT V-B 18.5E							

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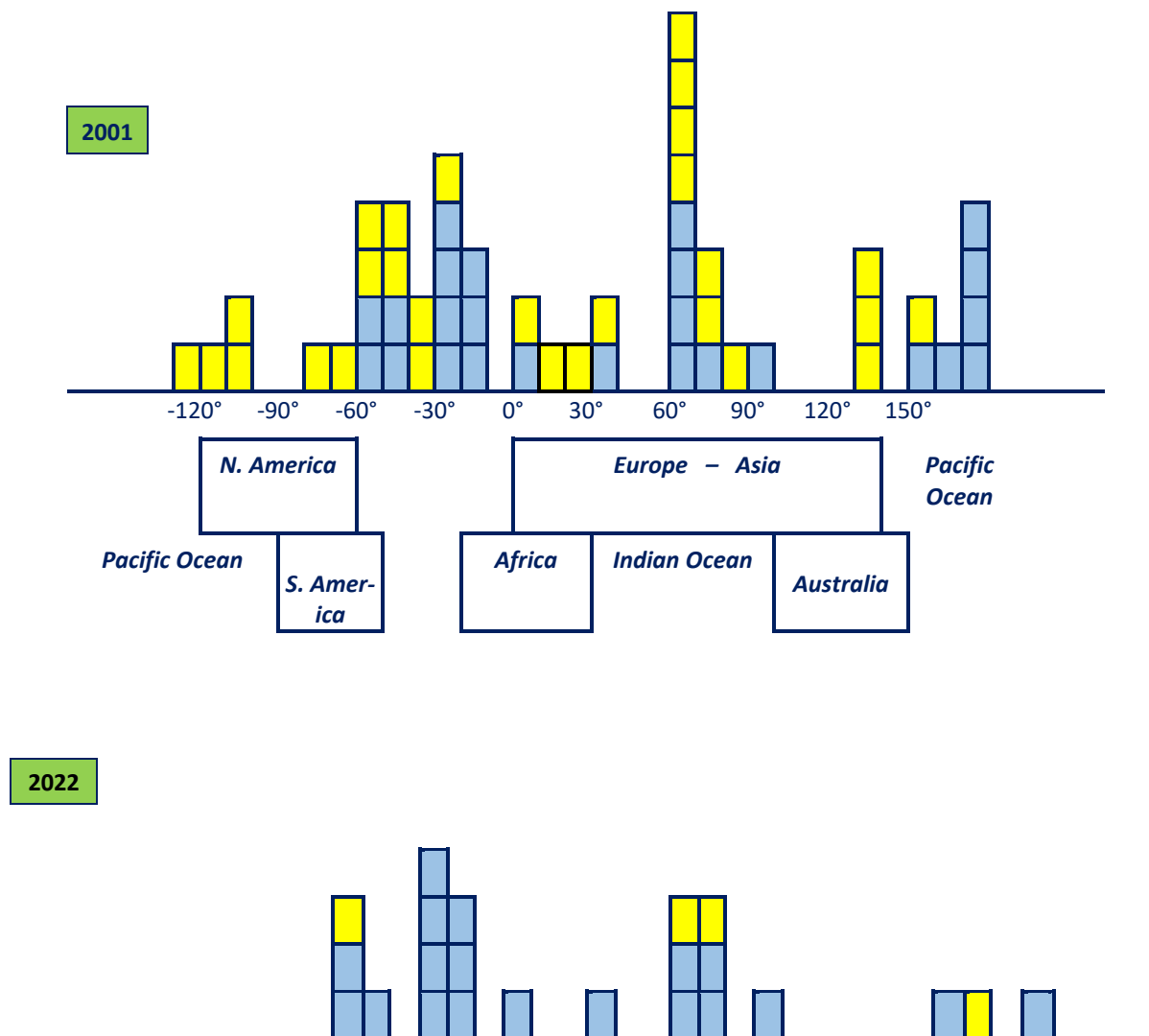
Page 22

33°E	INTELSAT KA 33E							
	INTELSAT NKA-C 33E							
	INTELSAT NKA-Ku 33E							
	INTELSAT NKA 33E							
	INTELSAT KUEXT 33E							
57°E	INTELSAT V-B 57E							
60°E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E	INTELSAT KUEXT 60E
62°E	INTELSAT KUEXT 62E							
64°E	INTELSAT KUEXT 64E							
66°E	INTELSAT KA 66E							
	INTELSAT NKA-C 66E							
	INTELSAT NKA-Ku 66E							
	INTELSAT NKA 66E							
	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E	INTELSAT KUEXT 66E
74.25°E	INTELSAT V-B 74.25E							
76.5°E	INTELSAT V-B 76.5E							
137.7°E	INTELSAT KA 137.7E							
	INTELSAT NKA-C 137.7E							
	INTELSAT NKA-Ku 137.7E							
	INTELSAT NKA 137.7E							
	INTELSAT KUEXT 137.7E							
	INTELSAT V-B 137.7E							
140°E	INTELSAT V-B 140E							
142°E	INTELSAT V-B 142E							
157°E	INTELSAT KA 157E							
	INTELSAT NKA-C 157E							
	INTELSAT NKA-Ku 157E							
	INTELSAT NKA 157E							

INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E	INTELSAT KUEXT 157E
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The above data is systematically validated annually with the ITU BR.

The following drawings provide a graphical comparison for the period 2001-2022 on the capacity to connect Regions

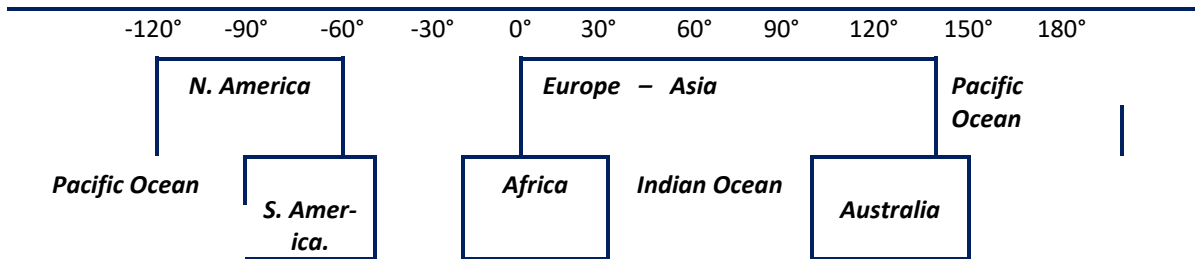


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## 8. Possible modifications to the CH Report

As can be noted, the annual CH report<sup>9</sup> includes all the relevant details concerning the notifications made by the Notifying Administrations to the ITU BR. Before 2015, the comparison was mostly made on the basis of orbital locations registered by the Notifying Administrations. Since 2015, a high-level analysis has been prepared on the aggregated numbers of frequency assignments registered by the ITU for each Notifying administration.

Considering the mission of ITSO, additional data could be further investigated to show other complementary aspects such as:

- Level of utilization of each orbital position for each frequency band (effective utilization of the frequency assignments in comparison with the frequency assignments registered at MIFR).
- Level of connectivity of each orbital position with more details to show the level of connectivity between ITSO Regions.
- Level of traffic and evolution of the technology to identify the efficiency related to the utilization and optimal use of the capacity.

For the above new benchmarking analysis, contribution and cooperation from Intelsat would be essential.

## III. Discussion on topics related to the Terms of Reference

The information in the paragraphs below is an initial attempt at providing some inputs on the several identified topics based on the ITSO Agreement provisions that the Director General, on behalf of ITSO, shall consider arising from the Parties' Common Heritage and shall communicate the views of the Parties to the Notifying Administration(s).

### *A. Principal obligations and actions of the Notifying administrations including the protection mechanisms of the CH*

In order to examine the principal obligations and actions of the Notifying administration, it is important to recall the ITSO Agreement provisions, namely:

- "Company" means the private entity or entities established under the law of one or more States to which the international telecommunications satellite organization's space system is transferred and includes their successors-in-interest.

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<sup>9</sup> AP-40-14 Report form Director General on Common Heritage evolution

- "Common Heritage" means those frequency assignments associated with orbital locations in the process of advanced publication, coordination or registered on behalf of the Parties with the International Telecommunication Union ("ITU") in accordance with the provisions set forth in the ITU's Radio Regulations which are transferred to a Party or Parties pursuant to Article XII.
- "Global coverage" means the maximum geographic coverage of the earth towards the northernmost and southernmost parallels visible from satellites deployed in geostationary orbital locations.
- "Global connectivity" means the interconnection capabilities available to the Company's customers through the global coverage the Company provides in order to make communication possible within and between the five International Telecommunication Union regions defined by the plenipotentiary conference of the ITU, held in Montreux in 1965.
- Main Purpose and Core Principles of ITSO
  - maintain global connectivity and global coverage;
  - serve its lifeline connectivity customers; and
  - provide non-discriminatory access to the Company's system
- Frequency assignment: Article XII provides that "in the event that the Company, or any future entity using the Common Heritage frequency assignments, waives such frequency assignment(s), uses such assignment(s) in ways other than those set forth in this Agreement, or declares bankruptcy, the Notifying Administrations shall authorize the use of such frequency assignment(s) only by entities that have signed a public services agreement, which will enable ITSO to ensure that the selected entities fulfill the Core Principles".

*B. Assessment of the current protection mechanisms and their adequacy taking into account the evolving technology scenarios and intense use of NGSO together with GSO.*

The current protection of ITSO CH is ensured by Notifying Administrations acting on the basis of ITU procedures.

The ITSO Agreement requires each Party selected to act as a Notifying Administration to: (i) report at least on an annual basis to the Director General on the treatment afforded by such Notifying Administration to the Company, with particular regard to such Party's adherence to its obligations under Article XI(c); (ii) seek the views of the Director General, on behalf of ITSO, regarding actions required to implement the Company's fulfillment of the Core Principles; (iii) work with the Director General, on behalf of ITSO, on potential activities of the Notifying Administration(s) to expand access to lifeline countries; (iv) 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; and (v) consult with the ITU regarding the satellite communications needs of lifeline users.

A closer coordination between ITSO and Notifying Administrations would be helpful in order to anticipate potential changes in the regulatory procedures governing space services, which ITU (via WRC modifications of the Radio Regulations) is continuously introducing at each WRC. These modifications are discussed in the context of the agenda item 7 of each WRC. ITSO and Notifying Administrations may also wish to coordinate positions so as to jointly defend the INTELSAT CH and ensure future optimal use.

It should be borne in mind that the modification of procedures governing space services is conducted at World Radio Conferences where Parties would have the opportunity to examine the impact of any proposal for modification of procedures and Parties could coordinate actions to protect any negative impact on the CH.

*C. Map on usage; ability to obtain data from Intelsat regarding statistics on usage of the CH by services, regions, applications*

As indicated in the earlier part of this document, further analysis could be undertaken to confirm and assess the level of compliance with the primary CH objectives. The current ITSO analysis is based on notified frequency assignments and their associated orbital positions while future analysis may be extended to monitor statistics on actual usage of each orbital position and the associated frequency assignments.

*D. Analysis of the usage of CH in providing connectivity as well as extending its reach.*

Just like in item (C) above, the cooperation with Intelsat would enable the assessment of the level of connectivity maintained between Regions, beyond the analysis of the orbital positions and frequency assignments.

*1A: Future Mechanisms for protection of CH*

In the preparation of recommendations for future mechanisms to protect the CH, the background information in the paragraphs below may be helpful.

It will be recalled that, in the DG report on CH, the evolution of CH primarily took place during the period 2001-2018, moving from 25 orbital locations to 19 for the unplanned bands and from 28 to 4 for the planned bands. Since 2018, the changes in CH have been minimal with only slight variations occurring in frequency assignments registered.

Some of the filings of the initial orbital positions were added to other very near positions that were subsequently consolidated, and almost all of the former INTELSAT positions covering the traditional C and Ku bands have been safeguarded. These were the traditional INTELSAT orbit positions on which the 25th Assembly of Parties based its assessment of the situation and established the new structure for Intelsat and ITSO. Many of these satellite positions were actually used by satellites in operation and the others were planned to be used in the coming years.

As indicated above, while in practice most of the satellite positions for traditional frequency bands survived the period between 2001 and 2010, this did not apply to all the former filings. Some of the filings related to a specific Intelsat generation which is no longer used failed to fulfill the new strict international ITU regulatory limitations. At the same time, however, several satellite generations covering almost the same frequency bands were filed with the BR, and the suppression of some frequency bands in a limited number of cases did not really affect the regulatory coverage of the frequency assignments associated with the Common Heritage satellite networks

The above evolution reported is mainly the result of new rules introduced by ITU regarding the operation of satellite networks in the orbital positions in the instances where it was not possible to maintain the orbit-spectrum resources without bringing into use the corresponding satellite networks. These orbital positions, at the time of privatization and the transfer of frequency assignments to the Notifying Administration of the UK, were at the beginning of their Radio Regulatory procedures. The submission of the filings to the BR was made mainly to anticipate future needs by registering satellite positions in the higher frequency bands for future realization. At the time of their submission the Radio Regulations limitations for the realization timeframe were not so strict. In the subsequent timeframe, however, WRCs took several limiting measures and most of the concerned filings could not fulfill these more severe regulations (mainly the seven- year regulatory lifetime restriction, and the mandatory due diligence information). It should also be noted that the time period during which these filings were suppressed coincided with the time when the satellite business was experiencing major financial and market constraints.

*1B: Recommendations for closer alignment between the work of ITSO and the Notifying Administrations.*

As indicated in point B above, close coordination between ITSO and Notifying Administrations towards modification of procedures governing space services would help in anticipating any negative impact of proposals for modifying procedures (normally discussed as part of Agenda Item 7 of WRCs).

Actions by the Company that draw attention to any potential negative impact of proposed modifications of procedures, to the Notifying Administrations and subsequently by the Notifying Administrations to ITSO would enable ITSO to develop positions regarding decisions of future WRCs. The Company should clearly identify the modifications which would impact the CH with respect to modifications concerning other orbit-spectrum resources of the Company, in advance so that ITSO and Parties can have the opportunity to coordinate positions regarding those proposed modifications. This kind of approach was undertaken at WRC-19 and resulted in preserving and protecting some CH resources.

*2A: Identify potential scenarios that require specific decisions by Parties*

Possible scenarios which may necessitate consideration by ITSO to take specific actions include:



- Company not being capable of exploiting the full potential of CH due to economic, operational or business environment reasons
- Company having financial problems that do not permit it to utilize the CH
- Company entering into merger arrangements with another Company with goals that are contrary to the objectives prescribed by the ITSO Agreement in the use of the CH.

*3A: Identify circumstances for potential suppression of frequencies associated with CH orbital locations due to lack of use*

This aspect could be examined if the specific usage of each orbital location and its occupancy (at least in terms of percentages of transponders or frequency assignments) could be made visible to ITSO in such a manner that it is possible to anticipate potential low usage of a given orbital position.

*3B: Potential mechanisms for re-assignment to other operators*

*3C: Key issues for implementation of re-assignment, including signing of new Public Service Agreements*

*4A: Identify interests from ITSO Member States for additional Notifying Admins*  
TBD

*4B: Review the legal context governing the potential transfer of orbital spectrum resources to additional Notifying Administrations*  
TBD

*4C: Recommendations, as appropriate, on the administrative, technical, legal and other implications for appointing additional Notifying Administrations*  
TBD

*4D: Recommendations on criteria to be applied for the selection of countries as Notifying Administrations and the responsibilities required to be met by the selected Notifying Administrations*  
TBD

**5: WG 2 request to identify other notified satellite networks in orbital positions, or nearby, of the CH.**

In response to the request from WG 2, an additional table has been elaborated to identify those other satellite networks as well as the names of the operators which have satellite networks notified in orbital positions, or nearby, of the CH.

Table 1. USA notified satellite networks (separate file)

Table 2. UK notified satellite networks (separate file)

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**Annex IV – Questions raised by the Notifying Administration of the UK on 10 February 2023:**

**RE: EXTERNAL Questions raised by the Party of France during the second ITSO WG2 meeting to Notifying Administrations**

**From:** Callum Gray [mailto:Callum.Gray@ofcom.org.uk] **Sent:** Friday, February 10, 2023 5:00 PM **To:** Georges KWIZERA <gkwizera@space.gov.rw> **Cc:** Diane Bastin <dbastin@itso.int>; Patrick Masambu <pmasambu@itso.int>; bianca.lins@llv.li; WELTER Thomas <Thomas.WELTER@anfr.fr>; Chris Woolford <Chris.Woolford@ofcom.org.uk>; hugh.sharman@dcms.gov.uk **Subject:** RE: EXTERNAL: Questions raised by the Party of France during the second ITSO WG2 meeting to Notifying Administrations

Dear Mr. Kwizera,

Many thanks for your email and supplying the questions which were raised by the party of France during the last Working Group 2 meeting of ITSO.

With regards to the specific questions, I believe these should be based on satellite filings which have identical characteristics to those of the Common Heritage i.e., orbital location and frequency assignments.

**On the Common Heritage locations where all Common Heritage filings have been lost, are there new filings at the same orbital location or at nearby locations from the notifying administration? If yes, for which operator?**

Mr. Patrick Masambu has kindly prepared the required information which I have reviewed. I believe he shall be sharing this with you shortly.

**On the Common Heritage locations where there are remaining Common Heritage filings, are there new filings at the same orbital location or at nearby locations from the notifying administration? If yes, for which operator? What is the satellite coordination procedure between the Common Heritage filings and the other filings of the notifying administration that are not related to the Common Heritage?**

There are no new satellite filings which contain identical parameters of the currently maintained Common Heritage filings.

With regards to the coordination procedure of the United Kingdom. The United Kingdom operators its coordination 1. 2.

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**Annex V – Legal analysis**

Contribution of the Director General

AP-40 WG2

9 February 2023

**CONTRIBUTION FROM DIRECTOR GENERAL TO WORKING GROUP 2 ON  
LEGALITY OF APPOINTMENT OF ADDITIONAL NOTIFYING ADMINISTRATIONS**

**Legality of Appointment of Additional Notifying Administrations**

At the previous meeting of WG-2, there was a request for the Director General to provide the current views of the Legal Advisor on the question of the legality of appointment of additional Notifying Administrations by the Assembly of Parties.

The following represents the ongoing assessment of the Legal Advisor on the question of the legality of appointment of additional Notifying Administrations by the Assembly of Parties.

At AP-40, the Legal Advisor had indicated serious reservations as to whether under the terms of the ITSO Agreement as presently constituted, and in particular, Article XII, that the Assembly of Parties can on its own authority require the previously selected Notifying Administrations to transfer any ITU filings that had previously been transferred to them pursuant to Article XII to any newly designated Notifying Administrations. The position expressed by the Legal Advisor at that time was that if this was desired, it would first be necessary to amend Article XII to expressly confer such authority on the Assembly of Parties. Only if that were to occur, could such a transfer be legally accomplished. Based upon continuing review of this issue, including further consideration of Article XII as well as a review of the totality of the deliberations conducted at AP-25 on this subject, this continues to represent the view of the Legal Advisor. This is predicated on the following considerations:

1. First of all, whether or not the Assembly of Parties can on its own authority choose to designate additional Parties to serve as Notifying Administrations is secondary to the question of whether the Assembly of Parties can on its own authority require the two previously selected Notifying Administrations to transfer any ITU filings that had previously been transferred to them pursuant to Article XII of the Amended ITSO Treaty to any newly designated Notifying Administrations. There is no express authority contained in Article XII that would authorize such a transfer, except in the event that the Notifying Administration ceases to be a member of ITSO pursuant to Article XIV. Moreover, in the event that such an occurrence occurs, the express wording of Article XII would require that such ITU filings be “transferred to another Party in accordance with ITU Procedures,” singular not plural.

2. Looking at the totality of the deliberations conducted at AP-25 on this issue and the information that had been provided to the Assembly of Parties on this subject, which is the subject of the other DG contribution to this meeting of WG-2, it is clear that specific consideration had been given to the possibility of having ITU filings dealing with a specific frequency band or bands transferred to more than one Notifying Administration, and that approach was rejected as neither desirable nor necessary to insure the protection of the Common Heritage, and further that such an approach could actually impede ITSO's ability to protect the Common Heritage and Intelsat's ability to honor the Core Principles. Those determinations in turn help explain why Article XII as currently formulated does not envision the possibility of such a transfer occurring and contains no language that would authorize it. and the only way to effectuate that fundamental change would be to amend Article XII to expressly permit such an action to be taken.

3. Finally, taking proper consideration of the totality of the decisions taken at AP-25 on the INTELSAT's restructuring and the mutual understandings and commitments that had to be reached among all Parties in order for those decisions to be taken, any attempt to fundamentally alter any of the key elements of those decisions should only occur through formal amendment of the ITSO Treaty itself.

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Contribution of the Director General

AP-40 WG2

9 February 2023

**CONTRIBUTION FROM DIRECTOR GENERAL TO WORKING GROUP 2  
ON IMPLEMENTATION OF ARTICLE XII(e) (iv) of ITSO AGREEMENT**

**Implementation of Article XII (e) (iv) of the ITSO Agreement**

At the WG2 meeting of 23<sup>rd</sup> January 2023, some concerns and questions were raised about the procedure followed by the Notifying Administrations in implementing Article XII (e) (iv) and subsequently the Director General was requested to provide some background information on the matter. In response to the request, the Director General has attached herewith a document that sets out in some detail the decisions which were taken at AP-33 in Rome in 2009, providing the necessary clarification. In all Assembly of Parties meetings following AP-33, except for AP-39 (which was extraordinary) a report has always been presented concerning the foregoing matter. The report submitted by the Director General to the Assembly of Parties relies on the annual reports submitted by the Notifying Administrations concerning the Common Heritage. For ease of reference, a copy of the “Record of Decisions of AP-33” is attached and particular attention is drawn to paragraphs: 9 to 11. Furthermore, a typical copy of the Director General’s report on the implementation procedure is also attached as document AP-38-13.



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**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
4<sup>TH</sup> REPORT**

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE COMMON  
HERITAGE  
4<sup>th</sup> Report**

Date: Mar 3<sup>rd</sup> 2023 – Start time 07:00 AM ET  
WG Chairman: Georges Kwizera (RRW)  
Participants: see Annex 1

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Agenda - ITSO WG2 – 3<sup>th</sup> March 2023

8. Opening of the meeting-Chairman & DG ITSO
  9. Approval of the Agenda
  10. Adoption of the 3rd WG2 report
  11. Review of the draft 0 for ToR1
  12. AOB
- 

**Agenda item 1 (Opening of the meeting – Chairman & DG ITSO):**

The Chairman, Mr. Georges Kwizera (Rwanda), opened the meeting by welcoming and thanking the participants (Annex I - list of participants). He informed the participants that no contributions were submitted since the last meeting.

The Chairman had shared an initial draft for the ToR1 based on the ITSO contribution submitted to the last WG2 meeting per e-mail (to be discussed under the agenda item 4).

He reminded everyone that only one meeting was left before the ITSO Advisory Committee (IAC) meeting on June 1<sup>st</sup>/2<sup>nd</sup> 2023 in Washington, D.C. and outlined the necessity to work on a draft to submit to the IAC. Also, the CPM meeting in Geneva end of March would be a possibility to further discuss any contributions, since a lot of the participants would attend the CPM. Nevertheless, the work of WG2 continues after the IAC to prepare a document for the AP-41.

The Chairman invited the Director General (DG), Mr. Patrick Masambu, to start the meeting. The DG welcomed the participants and informed the group that the output of the WG2 should also be shared with the Frequency Working Party (FWP). This would allow the FWP to give their input on the WG2 matters. Furthermore, he informed the participants that he had scheduled a FWP meeting right before the IAC.

Mr. Timothy Ashong (Party of Ghana) suggested that the WG2 matters be discussed at some point of time with the ITU to get their views and guidance. The Chair added that although the terms of

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reference would leave it up to the WG2 whom they'd choose to consult, the questions would have to be defined beforehand by the group before consulting the ITU. The Chair stated that the group had the necessary information in general, but needed to be more precise.

Mr. Douglas May (Party of the USA/NA) reminded the group that the IAC was not the deadline for the work of the WG2. Of course, the group could submit a report on the work that has been done so far, but the group shouldn't be forced or rushed to write something just for the sake of submitting something. The Chair agreed that the IAC would not be the deadline, but outlined once more that he would like to submit a preliminary report on the progress made so far. Nevertheless, the aim should be to make the precious time of the WG2 members count. He expressed his appreciation on the efforts made so far and encouraged the members to start drafting to address the terms of reference in every aspect.

The DG noted that he agreed with Mr. May; June was not the deadline, but it would be rather critical. The WG2 should try to be concrete on where it wanted to go rather sooner than later. Further, the DG indicated that since the World Radiocommunication Conference (WRC) is to be held this year then the results of the WG2 requiring ITU adjustments may be discussed/submitted to the WRC for consideration/approval. ITSO and most members maintained good contacts with the ITU, but the group needed to focus on the touches on the Radio Regulations (RR). Furthermore, the DG informed the group that another IAC meeting would be planned for March 2024 to prepare for the AP-41.

Mr. Thomas Welter (Party of France) thanked the DG and ITSO Secretariat for the good presentation on the status of the Common Heritage (CH). As far as he had understood the report was intended to be a preliminary document to further work on. He asked for clarification whether there would be a new report. Also, he suggested to include other elements in this report, notably an analysis of the filings, which the Party of France found in the case of a former UK filing regarding CH (INTELSAT KUEXT 60E at 60°E in the Appendix 30/30A bands) which reappeared as US filing not related to the CH (USABSS-42 at 60°E in the Appendix 30/30A bands). The Party of France found at least five Notifying Administrations (NA) for Intelsat and Mr. Welter urged to further develop this report in respect of crosschecking of the NA and also Intelsat's other three NA to find out what happened to the filings of the CH.

The Chairman asked ITSO to react on this issue. The DG informed the participants that changes made were colored green. The analysis of filings would be a big piece of work and more time was needed. Mr. Julián Seseña (ITSO Technical Advisor) commented that ITSO was complementing the report with additional information and exploring further the filings. Since not all satellite networks were using the same band, they would like to make sure that they distinguished and provided the correct and relevant information. Mr. Welter thanked for the clarification.

In the last WG2 meeting, Mr. Welter had requested to look at all NA of Intelsat. France had identified so far five NA, but maybe there are more. His request included to also have a look at these filings to see how the previous CH had been moved, leading to the removal of their relation to the

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CH including the related obligations. Mr. Welter couldn't find his request in the last report and asked that it be included as well as in this meeting's report.

Mr. May confirmed that work would be done to answer these questions but that it would take time for the dedicated staff. So far, the US had not been aware of any CH filings that were transferred, but he couldn't answer this in respect of UK filings. Mr. May recalled a filing that once had been a CH filing, but was lost due to being unused for 15 years. Germany came in and filed for this location. Mr. May is only aware of scenarios where Intelsat required US-filings. The USA as NA would explore all the filings, but this would take some time.

Mr. Callum Gray (Party of UK/NA) confirmed that no filings have been transferred, as this is not possible. Any instances of refiling of the particular location would need further analysis. He noted that France mentioned they had carried out some analyses and requested that this be shared with the group so that it can be reviewed.

Mr. Welter clarified that he was not talking about transferring filings from one "CH-NA" to another. In his example which had happened in the "Appendix 30/30A bands", UK was the initial NA for this specific CH filing and then there was another filing, namely an US filing, which was no longer linked to the CH. This filing was related to cases where filings had been lost and another administration had made a new filing for Intelsat at the same position in the same frequency bands.

Mr. May reminded that the WG2 had its scope within the ITSO and the current CH and that filings could not be transferred from one administration to another.

Mr. Welter clarified that it was the general case that filings could not be transferred but that there were exceptions linked to IGOs. There would be precise cases where such transfers could be done. He disagreed with the previous comment of Mr. May that the scope of the WG2 was limited to the current CH. The task would be to look how the CH filings had evolved. If CH filings had been removed but operations on the same positions would still be conducted, it would be within the scope of the WG to analyze it.

The DG indicated that the matter would need further analyzes. ITSO would provide the group with the information requested by the Party of France and report the findings to AP-41. The AP-41 will decide on how to proceed and what to do based on the information/findings. The DG also pointed out that it was difficult to get the information but that ITSO would investigate and report to the WG2. Based on that the WG2 will be able to make recommendations to ensure that this doesn't happen again.

**Agenda item 2 (Approval of Agenda):**

The Chairman introduced the agenda (see Annex II).

The agenda was approved by the participants.

**Agenda item 3 (Adoption of the last WG2 report):**

The Chairman moved to adopt the report from WG2 Meeting 3. The comments made by Mr. Welter referring to the missing reflection of his questions regarding previous CH filing and Intelsat's NA as outlined under agenda item 1 were noted and will be added to the report.

The Parties approved the report of the 3<sup>rd</sup> WG2 meeting, including the correction regarding France's questions.

**Agenda item 4 ("draft 0 on ToR1"):**

The Chair shared the "draft 0 on ToR1" and led through the document (see Annex III). It is based on the document that was shared by ITSO and serves as a basis for discussion and needs work to be further developed.

Mr. Ashong noted that most of the participants had seen some of the elements before in previous meetings and documents, however, the draft 0 would be a helpful basis to add contributions, which needs to be carefully examined and modified.

The Chairman opened the floor for any general comments, being aware of the fact that participants did not have a lot of time to review it.

The DG agreed that the document could be further improved and participants could start to think about recommendations to the AP-41.

**Agenda item 5 (AOB):**

The Chairman thanked all the participants and indicated his appreciation for the time given. He concluded that the WG2 would deliver on time to AP-41 as well as an interim report on the progress made so far to the IAC. He thanked the DG and the participants for their effort and stated that there would be similar documents for the other ToRs for the next meeting.

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The ITSO Secretariat shared the Calendar of the next meetings. The Chairman outlined once more that discussions could happen on the sideline of the CPM meeting in Geneva and proposed to move the 5<sup>th</sup> meeting to **April 14<sup>th</sup>**. This will give the leadership of the WG2 some days to consolidate all documents and prepare a report to be submitted to the IAC. The upcoming deadlines are:

**April 18<sup>th</sup>** – TOR Coordinators finalize their documents and submit to the Rapporteur

**April 19<sup>th</sup>** – Collated Interim Report finalized by Rapporteur

**April 19<sup>th</sup>** – Chair or WG2 reviews and approves collated document for posting on the ITSO website

**April 20<sup>th</sup>** – ITSO Secretariat sends document to the IAC members

The meeting was closed by the Chairman at 8:08 AM ET.

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## Annex I – List of participants:

### Region A:

- **Jamaica:** George Malcolm (gmalcolm@sma.gov.jm)
- **USA/Notifying Administration:** Doug May (maydc@state.gov); Jabin Vahora (VahoraJS@state.gov), Joseph Hill (joseph.hill@fcc.gov)

### Region B:

- **France:** Thomas Welter - WG2 TOR4 Coordinator (thomas.welter@anfr.fr); Chloe Pearson (chloe.pearson@anfr.fr)
- **Liechtenstein:** Dr. Bianca Lins – WG2 Rapporteur (bianca.lins@llv.li)
- **UK/Notifying Administration:** Callum Gray (callum.gray@ofcom.org.uk)
- **Türkiye:** Nazgul Bagbasi (nbagbasi@turksat.com.tr)

### Region C:

- **Poland:** Tomasz Pinciurek - WG2 TOR3 Coordinator (Tomasz.Pinciurek@mc.gov.pl)

### Region D:

- **Algeria:** Khadidja Benbouchaib (k.benbouchaib@mpt.gov.dz), Fouad Ferhat (fouadferhat@gmail.com)
- **Benin:** Yetondji Houeyetongnon (hyetondji@arcep.bj)
- **Ghana:** Timothy Ashong - WG2 TOR2 Coordinator (timothy.ashong@nca.org.gh)
- **Rwanda** – WG2 Chair: Georges Kwizera (gkwizera@space.gov.rw)
- **South Africa:** Jim Paterson (jpaterson@dcdt.gov.za)

### Region E:

- **India:** P S M Tripathi – WG2 TOR 1 Coordinator (psm.tripathi@nic.in)
- **Japan:** Yoichi Kanda (y2.kanda@soumu.go.jp)

### Secretariat:

- ITSO DG: Patrick Masambu (pmasambu@itso.int)
- WG1 Chair: Alexandru Cozma (alexandru.cozma@ancom.ro), Cristina Velea: cristina.velea@ancom.org.ro
- ITSO Legal Advisor: Maury Mechanic (mjmechanick@verizon.net)
- ITSO Technical Advisor: Julián Seseña (jsesena@hi2.es)
- ITSO Senior Advisor: Diane Bastin (dbastin@itso.int)

**Annex II – (proposed) Agenda<sup>10</sup>:**

Agenda - 4<sup>th</sup> ITSO WG2 meeting – 3<sup>rd</sup> March 2023

1. Opening of the meeting-Chairman & DG ITSO
2. Approval of the Agenda
3. Adoption of the 3<sup>rd</sup> WG2 report
4. Review of the draft 0 for ToR1
5. AOB

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<sup>10</sup> According to e-mail of March 3rd 2023, sent by the Chairman.



**Annex III – draft 0 on ToR1:**

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Contribution of ....  
TOR1

AP-40 WG2  
January 2023

TITLE: CONTRIBUTION ON TOR 1.....

**1. Introduction**

The WG2 was established in June 2022 by the 40th Assembly of Parties (AP-40) so as to address the issue of the protection of the Common Heritage. The primary objective of the Working Group 2 in addressing the protection of the Common Heritage can be summarized as being “To consider the key experiences of the past and to elaborate measures that will shape a stronger, more effective and responsive ITSO, more closely aligned to the evolving interests of all Parties and the future strategy of the Organization. This will be made in consultation with all relevant bodies and experts including but not limited to ITSO, Notifying Administrations, Intelsat, ITU, Parties, etc”.

The ToR1 seeks to request from WG2 a deep analysis of the collaboration between the ITSO and the Notifying Administrations with the aim of assessing if there is a room for improvement and make appropriate recommendations , if any, to ensure protection and efficient utilization of the CH.

The WG2 assessment was mainly based on the following documents:

- ITSO agreement
- The report of the Director General to AP-38 on the implementation of the provisions of the Article XII, paragraph (e)(iv) of the ITSO Agreement
- the ITSO contribution to WG2 meeting, document ITSO WG2 Doc: [2.1](#).

**2. Proposal**

The WG2 assessed the reports from previous Assemblies of Parties and consulted both ITSO and the notifying Administrations. The sections below provide the assessment of the findings and highlight the areas of improvements.

**2.1. Current processes and mechanisms for the Utilization and management of the Common Heritage**

**2.1.1 Background on suppression of the CH filings**

It will be recalled that, in the DG report on CH, the evolution of CH primarily took place during the period 2001-2018, moving from 25 orbital locations to 19 for the unplanned bands and from 28 to 4 for the planned bands. Since 2018, the changes in CH have been minimal with only slight variations occurring in frequency assignments registered.

Some of the filings of the initial orbital positions were added to other very near positions that were subsequently consolidated, and almost all of the former INTELSAT positions covering the traditional C and Ku bands have been safeguarded. These were the traditional INTELSAT orbit

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positions on which the 25th Assembly of Parties based its assessment of the situation and established the new structure for Intelsat and ITSO. Many of these satellite positions were actually used by satellites in operation and the others were planned to be used in the coming years.

As indicated above, while in practice most of the satellite positions for traditional frequency bands survived the period between 2001 and 2010, this did not apply to all the former filings. Some of the filings related to a specific Intelsat generation which is no longer used failed to fulfill the new strict international ITU regulatory limitations. At the same time, however, several satellite generations covering almost the same frequency bands were filed with the BR, and the suppression of some frequency bands in a limited number of cases did not really affect the regulatory coverage of the frequency assignments associated with the Common Heritage satellite networks.

The above evolution reported is mainly the result of new rules introduced by ITU regarding the operation of satellite networks in the orbital positions in the instances where it was not possible to maintain the orbit-spectrum resources without bringing into use the corresponding satellite networks. These orbital positions, at the time of privatization and the transfer of frequency assignments to the Notifying Administration of the UK, were at the beginning of their Radio Regulatory procedures. The submission of the filings to the BR was made mainly to anticipate future needs by registering satellite positions in the higher frequency bands for future realization. At the time of their submission the Radio Regulations limitations for the realization timeframe were not so strict. In the subsequent timeframe, however, WRCs took several limiting measures and most of the concerned filings could not fulfill these more severe regulations (mainly the seven-year regulatory lifetime restriction, and the mandatory due diligence information). It should also be noted that the time period during which these filings were suppressed coincided with the time when the satellite business was experiencing major financial and market constraints.

#### **2.1.2. Principal obligations by the Notifying administrations**

The ITSO Agreement requires each Party selected to act as a Notifying Administration to: (i) report at least on an annual basis to the Director General on the treatment afforded by such Notifying Administration to the Company, with particular regard to such Party's adherence to its obligations under Article XI(c); (ii) seek the views of the Director General, on behalf of ITSO, regarding actions required to implement the Company's fulfillment of the Core Principles; (iii) work with the Director General, on behalf of ITSO, on potential activities of the Notifying Administration(s) to expand access to lifeline countries; (iv) 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; and (v) consult with the ITU regarding the satellite communications needs of lifeline users.

Further, the report of the Director General to AP-38 stipulates that the 33<sup>rd</sup> meeting of the ITSO Assembly of Parties (AP-33) (July 2009) noted that the Notifying Administrations intend 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 of Parties. The procedure to be followed by the Notifying Administration is as follows:

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- a) The Notifying Administrations plan to continue to have Intelsat engage in frequency coordination discussions with other satellite operators on the same basis as other satellite system operators of the Notifying Administration, based on applicable domestic procedures of the Notifying Administration.
- b) Before completion of a frequency coordination process, when Intelsat requests the Notifying Administration to provide notification to the ITU regarding the frequency assignments associated with those orbital locations referenced within the defined term “Common Heritage” in the ITSO Agreement and referred to by Article XII(e)(iv) (“Common Heritage Frequency Assignments”), the Notifying Administration would evaluate, on the basis of the notification information available to it, whether such notification would likely adversely affect global connectivity or service to lifeline users.
- c) Prior to its transmission to the ITU of any notification concerning the Common Heritage Frequency Assignments covered by paragraphs a and b above, the Notifying Administration would provide to the ITSO Executive Organ the information that would be provided to the ITU, pursuant to the ITU Radio Regulations, for such Common Heritage Frequency Assignments. The Notifying Administration shall also notify ITSO of the circumstances leading to its evaluation, whichever is the case:
  - 1) that such notification would likely adversely affect global connectivity or service to lifeline users;
  - 2) that such notification would likely not adversely affect global connectivity or service to lifeline users; or
  - 3) that the notification information available to the Notifying Administration does not allow it to conclude on whether or not the notification would adversely affect global connectivity or service to lifeline users.
- d) ITSO would have thirty (30) days from the receipt of the information provided pursuant to paragraph c above, to provide a response in writing to the Notifying Administration addressing concerns about potential adverse effects on global connectivity or service to lifeline users.
- e) In the event that ITSO indicates that the information provided does not raise any question in regard to assuring the maintenance of global connectivity and service to lifeline users or fails to provide a written response within the specified timeframe, the Notifying Administration may complete the coordination process and provide the appropriate notification to the ITU.
- f) In the event that ITSO raises specific concerns regarding the information provided with regard to assuring the maintenance of global connectivity and service to lifeline users, no later than five (5) days after providing such written response, ITSO also may request a meeting to consult on the matter with the Notifying Administration, such meeting to be held within ten (10) days of the ITSO request. Either ITSO or the Notifying Administration may request that Intelsat participate in the consultative meeting. The meeting would be for the sole purpose of discussing and clarifying issues previously raised.
- g) The Notifying Administration would consider all of the pertinent facts and submissions, including any views expressed by ITSO either in writing or during any such meeting referenced in paragraph (f) above, and, in view thereof, then determine the manner in which it will respond to Intelsat's request for notification of the frequency assignments to the ITU, including if necessary, addressing the matter with other ITU administrations included in the coordination. The Notifying Administration may provide the appropriate notification

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to the ITU when it has reviewed the matters raised by ITSO and has determined that the matter can go forward to the ITU.

- h) This procedure is not intended to create a situation where the Notifying Administration, or another ITU Administration with which the Notifying Administration may be engaged in frequency coordination, in the exercise of its sovereign rights under the ITU Radio Regulations, is disadvantaged in a coordination activity by the involvement of ITSO.

The report of the Director General to AP-38 also conclude that “ the Director General considers that this procedure (mentioned above) has not been sufficiently tested and suggests that it continues to be applied pending review at the next ordinary meeting of the Assembly of Parties.”

#### **2.1.3. Efficient utilization of CH**

The assessment of the efficient utilization of the CH requires to have a visibility on the level of the utilization of each Orbital position for each frequency bands and the level of traffic taking into consideration the evolution of technologies. Unfortunately those information are not included in the CH report.

#### **2.2. Potential areas of improvement in the processes and mechanisms for the Utilization and management of the Common Heritage**

Based on the information contend in the section 2.1 above, the following areas may need improvement:

##### **2.2.1. Improvement for avoiding future suppression of CH**

The information contained in section 2.1.1 above shows that the change in the Radio Regulations especially the regulatory period and the obligation for providing due diligence information led to suppression of a significant number of CH filings. The AP may think of a strategy to ensure that the change in RR did not affect the protection of CH. Since all Parties are also members of the ITU, defending CH can easily bring consensus in WRCs preparation processes. This will require a strong leadership of the notifying Administrations and close collaboration between ITSO and the Notifying Administrations.

The AP may also give the CH a special status at the ITU by notifying the CH as as an Intergovernmental satellite organization for the management of the Common Heritage filings. The special status might help in defending such resources at the ITU.

##### **2.2.2. Improvement in implementation of the obligations of the notifying Administrations**

The discussion held during the WG2 and the report of the Director General to AP-38 on the implementation of the provisions of the Article XII, paragraph (e)(iv) of the ITSO Agreement shows that there is a room for improvement in coordination related to CH especially in the visibility of the ITSO on coordination conducted.

The AP can consider putting in place clear mechanisms to facilitate the implementation the current procedures that the notifying Administrations have to follow ensure that ITSO fulfill its mandate with regards to CH protection.

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**3. Recommendation to AP41**

Based on the information collected by the WG2, the discussions held during the meetings of the WG2, the following recommendations are submitted to AP-41 for consideration:

- (1) TBD
- (2) TBD

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**Annex IV – WG2 Calendar (updated):**



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## CALENDAR OF WG2

(2/2/23)

**Note: All postings will be facilitated by the ITSO Secretariat on the ITSO website**

**(mail documents to [dbastin@itso.int](mailto:dbastin@itso.int) on or before deadline)**

December 14, 2022 @ 7-8 a.m. EST: Kick-off – 24 participants

January 16, 2023 – final confirmation from the Regions for the coordinators of Terms of Reference

January 20<sup>th</sup> – Chair posts agenda for the next meeting

January 22<sup>nd</sup> – Chair shares a draft document for each TOR

### January 23<sup>rd</sup> – WG2 meeting 2

February 7<sup>th</sup> – Meeting with Regional Vice Chairs and TOR Coordinators

February 8<sup>th</sup> – TOR Coordinators post their draft document online

February 8<sup>th</sup> – ITSO Secretariat posts document and shares link for the meeting

February 10<sup>th</sup> – All Parties (through Regional Vice Chairs) submit their comments on the draft document to the Coordinators

February 10<sup>th</sup> – Chair posts agenda for the next meeting

February 12<sup>th</sup> – TOR Coordinators post revised document based on contributions (color-coded and attributed to Parties)

### February 13<sup>th</sup> – WG2 meeting 3

February 17<sup>th</sup> – TOR Coordinators post their revised draft document online

February 17<sup>th</sup> – ITSO Secretariat posts document and shares link for the meeting

February 24<sup>th</sup> – All Parties (through Regional Vice Chairs) submit their comments on the revised draft to the Coordinators

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February 28<sup>th</sup> – TOR Coordinators post revised document based on contributions (color-coded and attributed to Parties)

February 28<sup>th</sup> – Chair posts agenda for the next meeting

### March 3<sup>rd</sup> – WG2 meeting 4

March 27<sup>th</sup> – TOR Coordinators post their revised draft document online

March 27<sup>th</sup> – ITSO Secretariat posts document and shares link for the meeting

April 3<sup>rd</sup> – All Parties (through Regional Vice Chairs) submit their comments on the revised draft to the Coordinators

April 7<sup>th</sup> – TOR Coordinators post revised document based on contributions (color-coded and attributed to Parties)

April 7<sup>th</sup> – Chair posts agenda for the next meeting

### April 14<sup>th</sup> – WG2 meeting 5

April 18<sup>th</sup> – TOR Coordinators finalize their documents and submit to the Rapporteur

### April 19<sup>th</sup> – Collated Interim Report finalized by Rapporteur

April 19<sup>th</sup> – Chair or WG2 reviews and approves collated document for posting on the ITSO website

April 20<sup>th</sup> -- ITSO Secretariat sends document to the IAC members

### June 1<sup>st</sup> -2<sup>nd</sup> - IAC meeting

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**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE  
COMMON HERITAGE  
5<sup>TH</sup> REPORT**

**AD HOC WORKING GROUP 2 TO ADDRESS THE PROTECTION OF THE COMMON  
HERITAGE  
5<sup>th</sup> Report**

Date: Apr 14<sup>th</sup> 2023 – Start time 07:00 AM ET  
WG Chairman: Georges Kwizera (RRW)  
Participants: see Annex 1

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Agenda - ITSO WG2 – 14<sup>th</sup> April 2023

1. Opening of the meeting-Chairman & DG ITSO
  2. Approval of the Agenda
  3. Adoption of the 4<sup>th</sup> WG2 report
  4. Update on the issue of labeling of the Common Heritage before the ITU-ITSO
  5. Information on questions raised by the Party of France-ITSO
  6. Discussion on TOR4-TOR4 coordinator
  7. Discussion on TOR2-Contribution from the Party of Liechtenstein
  8. Preparation for the report to the IAC-Chair
  9. AOB
- 

**Agenda item 1 (Opening of the meeting – Chairman & DG ITSO):**

The Chairman, Mr. Georges Kwizera (Party of Rwanda), opened the meeting by welcoming and thanking the participants (Annex I - list of participants). The Chairman invited the Director General (DG), Mr. Patrick Masambu, to start the meeting. The DG welcomed the participants and reminded that there was still a lot of work to be done.

The Chairman reminded that it was the last meeting before the IAC in June and that the aim was to share with the IAC what the WG2 had done so far. He also noted that no in-person meeting took place at the CPM in Geneva.

The Chairman had shared several documents in an e-mail, including an updated agenda in which he aimed to reflect all the documents that were provided before this meeting (to be discussed under agenda item 4). All contributions should be touched in the discussions, even if the discussions might not be exhaustive. There will be other meetings until the AP-41 and still enough time to discuss the matter in more detail.

## **Agenda item 2 (Approval of Agenda):**

The Chairman introduced the agenda (see Annex II). The 1<sup>st</sup> Rapporteur pointed out that agenda item 3 should correctly read “Adoption of the 4<sup>th</sup> WG2 report”.

After this correction the agenda was approved by the participants.

## **Agenda item 3 (Adoption of the 4<sup>th</sup> WG2 report):**

The Chairman moved to adopt the report from WG2 Meeting 4. The 1<sup>st</sup> Rapporteur thanked the Parties for the comments that were submitted, notably the Party of Jamaica.

To better reflect the questions discussed in the 4<sup>th</sup> WG2 Meeting regarding the status of the CH, the ITSO Secretariat is going to provide additional information under Agenda item 4 which will be reflected in the report of the 5<sup>th</sup> WG2 Meeting.

The 4<sup>th</sup> WG2 report was adopted.

## **Agenda item 4 (Update on the issue of labeling of the Common Heritage before the ITU-ITSO)**

The Chairman invited the ITSO Secretariat to introduce the additional information.

Due to the contribution of the Party of France the DG provided additional information regarding the labeling of the CH before the ITU per e-mail prior to the meeting. The document was presented by Mr. Maury Mechanick, ITSO Legal Adviser. Mr. Mechanick informed the participants on the history of the current approach and that this issue had already surfaced at the AP-32 in Portugal. At this AP, a recommendation was made about the status of the CH and which started a process that spread out over a 2-3 years period.

The AP-32 requested the NA to undertake the necessary actions at the ITU to amend the label of the CH in the ITU Registry to more clearly reflect their status as part of the Common Heritage (i.e., USA/CH or UK/CH).

According to the documents provided, the current approach to have an indication connected to the CH in the ITU MIFR, was established at the AP-35. AP-35 decided that after a series of interactions involving the two NA, the DG, the FWP, etc., that the issue of labeling of the CH at the ITU had been fully resolved.

The DG added that in introducing this document and providing this information, ITSO aimed to clarify that there is a specific remark in the ITU MIFR which distinguishes the CH filings from the other filings. The reason for this clarification was, that there could have been a confusion about this specific issue of labeling and the facts that were presented by the Party of France regarding the options how the CH can be identified at the ITU. This does not take away the possible options presented by France.

Mr. Thomas Welter (Party of France) pointed out that the important part was in the title of the document which stated that it was about the labelling. This would just enable to identify the filings in the MFIR but would not give any indication of the ownership of these filings which was in the view of France reflected in Art. 12d of the ITSO Agreement. Since the aforementioned labelling would just allow to identify in the MIFR, the options presented by the Party of France would still be valid since these are the options how the ITU refers to filings of IGOs.

Mr. Timothy Ashong (Party of Ghana) agreed with France. He also raised the attention to an UN Outer Space report which was about a situation with Intersputnik wanting a change of NA back in 2010. ITU's response at that time was that there were no clear rules, which led to a modification to today's options. Mr. Ashong pointed out that Section 61 of the Rules of Procedure now sets a way on how this can be done. Nevertheless, Mr. Ashong also sided with a view from a previous meeting, notably if there was any particular issue or need that was identified to distribute the CH.

The DG reminded that the WG2 was looking at the existing situation and that at the same time there was a need to look at the future and to make recommendations for the future. Also, coordination would be needed with WG1, since the identification of the CH touches also the future of ITSO. The question on what would happen with the CH in case ITSO and the ITSO agreement would be terminated, is still open. Therefore, the WG2 had to determine the options, not so much of in terms of now but in terms of what could happen in the future and how to ensure clarification of the ownership. This is an important task of the WG2 that needs to be clarified and should be addressed as an outcome of this WG.

The Chairman summarized that from his understanding the CH filings are going to exist in the MFIR but that there is no clear indication of the ownership which means that, in case somethings happens, it is not clear how the ownership of the CH filings would be handled at the ITU.

The Chairman noted that the information in the last report regarding the labeling is being corrected as discussed and reflected in this report. Secondly, the current situation of labeling of the CH in the MFIR does still leave open questions on the ownership and should be addressed in a recommendation to the AP-41 as an outcome of this WG2.

Mr. Welter did not agree that the ownership was unclear and raised the attention to Art. 12d of the ITSO Agreement which clearly states that if a NA leaves another NA will be designated. Therefore, the ownership is defined in the ITSO Agreement. He checked this point with the France Ministry of Foreign Affairs. In France the radio spectrum belongs to the public domain as is the case in most countries, except the USA where the radio spectrum officially belongs to the people and is management by the FCC. Due to the status in France, it is not possible to implicitly transfer something that belongs to the public state domain to a private organization or another administration. Any changes need to be ratified by the French Parliament.

The Party of the USA (NA) agreed with the Party of France that the understanding at the ITU about which Administrations are responsible for the ITU filings is very clear. He pointed out that term "ownership" could be sensitive in the ITU contexts since the US was the administrations responsible for the coordination of the spectrum.

The Chairman summarized that the term “ownership” should not further be used. According to the additional information provided by ITSO, a historical reference regarding the frequency assignments known as the CH is reflected in the MIFR.

#### **Agenda item 5 (Information on questions raised by the Party of France-ITSO):**

Based on questions that were raised by the Party of France in earlier WG2 meetings, the DG provided a document with a table of the CH to reflect the number of various information regarding the CH notifications. The document was presented by Dr. Julián Seseña, version 17 of the table which was fully updated pending on some specific information about the names of the satellite operators for each identified filing. ITSO had contacted the NA and received some comments. Dr. Seseña led through the document. He pointed out that the information on satellite networks suppressed was kept for the sake of historic evolution. Most of the suppressions had happened in the earlier days, notably 2003 and 2004 as a consequence of decisions of the WRC.

The WG2 was mandated to develop all these new set of information on the right side of the table to identify whether in the orbital positions of the CH or nearby are other satellite networks notified by any of the other NA on behalf of Intelsat (USA, UK, PNG, AUS, G). Now there is a splitting of the different bands to show if there is an overlapping with respect to the CH bands or not.

Dr. Seseña also informed the participants that there had been contact with the BR, which responded that they have not identified anything strange but they have not been able to confirm the exactness of the data about all the identified networks. The BR needs more time to fully endorse this table.

Mr. Welter pointed out that the most important information was still missing in the “?” in the last column regarding the satellite operator. He understood that when Intelsat was in the last column with US or UK, that it was clearly identified as an Intelsat filing but there were still other filings of the US and UK still with a question mark. Mr. Welter also thought that some of the information would be useful to find out how some of the filings had been moved. As discussed at the last meeting, it was not possible to transfer filings from one administration to another. But it could be suppressed and a new filing could be created without the CH obligations. This seems to be the case with a filing on 178° E. According to Mr. Welter's information, the respective CH filings had been suppressed and were marked in grey in the table. But as the right side of the table would show, a new filing was made in G which, according to the information of the MIFR, belongs to Intelsat. This raises the question why CH filings from the US were suppressed and why a new filing for the exact positions was submitted in G for Intelsat. Therefore, in the last column additional information should be provided to whom the filings belong if it is not one of the NA US or UK. This information is sometimes written in the MIFR, but the simplest way to get this information would be to ask Intelsat to identify all of their filings within this table. An alternative would be to ask the NA and to get the information directly from them if it is not clear from MIFR. Mr. Welter hoped that the work on this document could be continued at the next meetings.

Mr. Callum Gray, Party of UK, thanked Dr. Seseña for the great effort he had put into the table which provided very useful information. He also appreciated the questions from the Party of France and informed the participants that he had just received further information on the “?” and will send it to update the relevant information asap to all. Mr. Gray also pointed out that some of these filings

had been suppressed mainly due to the ITU 7 years regulatory period. Also, if Intelsat had refiled for these positions, it would be useful to know the dates when the filings were submitted or created.

Mr. Doug May, Party of USA, also thanked Dr. Seseña for working on the table. With regards to the filing 178° E, as mentioned by Mr. May in previous meetings, this orbital location was vacated by Intelsat and he believed that it was not used in around 10 or 12 years. According to the Radio Regulations, if there is no satellite operating for 10 or 12 years, the filing gets suppressed. But if at a later point of time a new filing is created, it can no longer be a CH filing. Therefore, he agreed that the dates suggested by UK would be useful.

Additionally, with regards to the other ITU MIFR registered networks that Dr. Seseña had presented, Dr. Seseña did say very clearly in his presentation that this list includes the identification of networks that may or may not be using the C and Ku Band. A lot of these networks would use spectrum outside this C and Ku Band and even though they are on this list, these networks do not overlap the existing CH filing.

Mr. May also pointed out to the 174° E filing and that there was no Intelsat satellite operating today. But what the table didn't show was that there are satellites operating there today. In fact, Eutelsat with France as the NA, has control of a former CH position. Although it might be helpful in the presentation to show where another IGO has control of a former CH position, it would pose a huge amount of work for Dr. Seseña and that's perhaps too much to ask. These are global resources, other companies are using the spectrum which wasn't used by Intelsat, and those companies are contributing to global connectivity.

Mr. Welter welcomed the suggestions which could be very helpful. The dates will help to understand the situation better. He also fully understands that the ITU rules have to be respected. Mr. Welter also stated that he wouldn't understand why a CH filing should not be subject to the obligations again if a satellite is put back on this position. This is something, the next AP could discuss.

Regarding the comment on Eutelsat, which is indeed a French operator, Mr. Welter in general wouldn't mind to include this in the table but considered it outside the scope of WG2.

The DG welcomed the moving forward and noted that there would be improvements in the annual CH reports, notably to ensure we have an eye on the assignments, BBIU. But the information has to be provided by Intelsat to ITSO. The DG also put a plea towards the NA of US and UK to provide whatever information that they have from Intelsat which is relevant for the CH, would be key ensure the oversight can be done and complete.

Mr. Chairman summarized that one of the recommendations would be to use the table for future CH reports.

Dr. Seseña confirmed that the immediate step was to confirm that all the data was accurate with no errors. Also, completing the information on the satellite operators, as indicated by the Party of France. This information is to be available on the MIFR, but not being confirmed the specific name of the operator for all satellite networks. It would be also helpful if the NA could provide this information, to ensure the information is accurate. Also the columns should be completed as indicated by the DG and other indicators like the lifetime, their registrations in the MIFI, etc.



The Chairman asked Dr. Seseña to summarize what he said about the lifetime of the registration and provide a text for the report to ensure there is no misunderstanding.<sup>11</sup>

The Chairman then asked the Party of the USA to present the documents provided by the US which were submitted to WG1. Mr. May pointed out that the Party of the USA wanted to ensure that both WG had the relevant information. The documents were presented by Mrs. Jabin Vahora and will be provided with the report on the website of ITSO.

If there are any issues regarding these documents, the Party of the USA would be happy to help. The aim is that all Parties understand the FCC processes that are being used, which is explained in the first document. The other document is a copy of the FCC approved Space station listening. It provides information for each space station license, the orbital locations, space station name, call sign, frequencies, etc. The FCC processes are open and transparent, the information provided is public.

The Chairman thanked for the introduction of the documents and noted that the participants might want to have more time to analyze these.

The DG concluded that the processes that had been shared by NA are very important to ITSO, because going forward, one thing that would be needed to develop a framework under which ITSO and the two NA identify how we would fit into the licensing process of both, USA and UK, in particular when an orbital position is being given up by Intelsat, to know what to do when a position is available again.

#### **Agenda item 6 (Discussion on TOR4-TOR4 coordinator)**

Mr. Welter presented the submitted document in his role as coordinator, not as the Party of France. In this document Mr. Welter summarized what was provided and discussed so far.

The DG noted that, if the recommendation presented in the document would be simply provided to the AP and ask them to take appropriate actions, it would be clearly outside of the responsibility of WG2. The goal of setting up the WG was to elaborate the details, which could be forwarded to the IAC next year in March.

Mr. Welter reminded again that he was acting as a coordinator and couldn't go beyond what was provided so far. He invited all Parties to submit contributions, based on which recommendations could be forwarded to the IAC in March 2024. The aim of the document was to summarize the information that had been received so far as a documentation.

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<sup>11</sup> The summary was provided by Dr. Seseña on April 20<sup>th</sup> 2023 and can be found in Annex III of this report.

The Chairman agreed and invited also the other coordinators to summarize what had been submitted so far in one document.

Mr. May raised the question why the WG had a conversation of other NA of Intelsat. Those NA had no ITSO role in respect of the CH filings and wouldn't be relevant for this purpose.

Mr. Welter replied in his role as Party of France. He pointed out that this discussion occurred already in the last meeting. France would not understand the selection criteria of the NA and why the number had been limited to 2 NA for Intelsat/ITSO when there are more than 2 NA for the private company. It is therefore important to keep the information here.

Secondly, going back to the Excel table, that some of the filings had been moved from one administration to another administration, e.g. from the US to G. For a full picture on how the private company is working, this information should be kept here for now.

Mr. May asked Mr. Welter to stop implying that the US had moved any filings. The US did not take any action to remove or move these filings.

Mr. Gray agreed with Mr. May stating that it would come down to Intelsat as a private company to fulfill requirements of different nations. It would be outside the ITSO scope for, ITSO to identify what Intelsat is doing as a private company outside of the CH. He would also like to question if the information had an overview from the ITU to see if they are possible and also to get the ITUs view on the CH filings. To his understanding the ITU deems that these are UK filings and that the UK is not acting as a NA for an IGO. He would like to have a clarification before this information is put forward.

Mr. Welter responded to the question of the US and clarified that he did not say that the US had transferred filing to another Administration since this would not be possible according to the ITU rules. But as the table in the excel had shown, some filings disappeared under the US Administration and re-appeared under different administrations. This would be what Mr. Welter called "moving filings". He agreed that this was not done by the US but it has been done by the private operator, which brings him to the reason why this is important to keep this in the document. Regarding the question of UK on the proposal, the UK would like to ensure that anyone outside of the group sees the proposals, we should ensure that they have been run by the ITU, to see if these proposals could actually be implemented.

Mr. Welter replied, that both options were implementable, but needed a major decision by the Parties.

Mr. Ashong noted that the options were implementable, but asked what countries for additional NA would be suitable and which countries wanted to act as a NA? For these questions the WG2 needed to identify a solution.

Mr. Mechanick informed that in general the options were implementable. Nevertheless, Mr. Mechanick added that the approach laid out in option 2 would not only be a matter of substance that needed a decision, but would mean a total undoing of the agreement of the AP-25 and the adoption of the amended agreement which he considers neither feasible nor desirable. In his opinion, option 2 is not going to advance anything in terms of trying to resolve the issues that ITSO is

currently facing. Option 1 on the other hand could be possible, although he still thinks there could be some issues.

Mr. Welter responded as a coordinator and reminded that the task of WG2 was to check the possibilities. He was looking forward to any written contributions of the legal advisor and the NA.

The Chairman concluded that the document will be circulated and invited the Parties to comment.

### **Agenda item 7 (Discussion on TOR2-Contribution from the Party of Liechtenstein)**

The Party of Liechtenstein submitted a number of questions regarding the potential merger between Intelsat and SES. Dr. Bianca Lins briefly introduced the questions submitted:

- Do/es the Director General and/or the Notifying Administrations (NA) have further information on status of the merger between Intelsat and SES?
- How far is the Director General informed and updated on the negotiations?
- Regarding the management of the common heritage filings, the Party of France had presented two options during an earlier WG2 meeting. Have the two NA further explored option 2, which involves the creation of an “ITSO” group filing?
- Are there any reasons for the two NA that argue against such a group filing?
- What advantages do the two NA see in maintaining the current system (managing the common heritage filings as national filings), notably in the light of the potential merger?
- What potential implications do the two NA see for the common heritage filings in the event of a merger, notably in respect of the protection of the common heritage filings?

Dr. Lins noted that some of the questions were already answered by the contributions of the DG and the Party of the USA, as well as during the discussions of the 5<sup>th</sup> WG2 Meeting. She also thanked the Coordinator of TOR4 for the compilation of the information submitted so far.

Due to the advanced time the Chairman proposed to not discuss the questions one-by-one at the moment but gave the opportunity to high-level comment the questions.

The DG informed that documents on the available information on the merger had been shared prior to the meeting. So far, Intelsat had not made any public statement and ITSO did not receive any other information apart from the public available. He pointed out to the obligations of the PSA to share information. The DG considered it important for the WG2 to prepare a document with possible actions that would be necessary to take in case of a merger. Mergers happened in the past and can be used to identify necessary steps. This would ensure the Parties to not be taken by surprise. Mr. Mechanick added that a merger had not yet been decided on, it was just in the press that negotiations were happening.

Mr. May noted that the US had already dealt before with this kind of mergers and shouldn't be an issue for the NAs to deal with. Nevertheless, there are no information available since these negotiations are held in private.

The Chairman asked the NA to prepare a document with information on actions that needed to be done in case of a merger for the next meeting. Mr. Gray would check internally if any information can be provided at this point of time. Participants are also welcomed to contribute to these questions.

#### **Agenda item 8 (Preparation for the report to the IAC-Chair)**

Mr. May noted that the timetable was very ambitious and proposed to consider that at this point of time no interim report with substantial recommendations could be prepared since there are a lot of questions to which the answers would still need to be elaborated.

The Chairman agreed and stated that his aim was to prepare together with the Rapporteur a very high-level report, attaching all five reports. No conclusions or recommendations will be included in this report to the IAC.

#### **Agenda item 9 (AOB)**

Mrs. Diane Bastin (ITSO Secretariat) informed the participants that Parties who want to participate at the IAC without being a member of the IAC are welcome to do so. Such a participation would need to be coordinate with the regional Chair and the ITSO Secretariat.

The Chairman informs the participants that he is planning on 4 more meetings between the upcoming IAC meeting in June and the IAC meeting in March 2024.

The meeting was closed by the Chairman at 9:10 AM ET.

## **Annex I – List of participants:**

### Region A:

- **Argentina:** Gustavo Javier Fernandez (gufernandez@innovacion.gob.ar)
- **Jamaica:** George Malcolm (gmalcolm@sma.gov.jm)
- **USA/Notifying Administration:** Doug May (maydc@state.gov); Jabin Vahora (VahoraJS@state.gov); Kathryn Medley (Kathryn.medley@fcc.gov); Joseph Hill (joseph.hill@fcc.gov)

### Region B:

- **France:** Thomas Welter - WG2 TOR4 Coordinator (thomas.welter@anfr.fr); Chloe Pearson (chloe.pearson@anfr.fr)
- **Liechtenstein:** Dr. Bianca Lins – WG2 Rapporteur (bianca.lins@llv.li)
- **UK/Notifying Administration:** Callum Gray (callum.gray@ofcom.org.uk)
- **Türkiye:** Nazgul Bagbasi (nbagbasi@turksat.com.tr)

### Region C:

- **Poland:** Tomasz Pinciurek - WG2 TOR3 Coordinator (Tomasz.Pinciurek@mc.gov.pl)

### Region D:

- **Algeria:** Khadidja Benbouchaib (k.benbouchaib@mpt.gov.dz); Fouad Ferhat (fouadferhat@gmail.com)
- **Benin:** Yetondji Houeyetongnon (hyetondji@arcep.bj)
- **Cameroon:** El Hadja Abdouramane (abdouhadjar@yahoo.com)
- **Ghana:** Timothy Ashong - WG2 TOR2 Coordinator (timothy.ashong@nca.org.gh);
- **Rwanda** – WG2 Chair: Georges Kwizera (gkwizera@space.gov.rw)
- **South Africa:** Jim Paterson (jpaterson@dcdt.gov.za)

### Region E:

- **Japan:** Yoichi Kanda (y2.kanda@soumu.go.jp)

### Secretariat:

- ITSO DG: Patrick Masambu (pmasambu@itso.int)
- ITSO Legal Advisor: Maury Mechanic (mjmechanick@verizon.net)
- ITSO Technical Advisor: Dr. Julián Seseña (jsesena@hi2.es)
- ITSO Senior Advisor: Diane Bastin (dbastin@itso.int)

## **Annex II – (proposed) Agenda<sup>12</sup>:**

### Agenda - 5<sup>th</sup> ITSO WG2 meeting – 14<sup>th</sup> April 2023

1. Opening of the meeting-Chairman & DG ITSO
2. Approval of the Agenda
3. Adoption of the 3<sup>rd</sup> WG2 report
4. Update on the issue of labeling of the Common Heritage before the ITU-ITSO
5. Information on questions raised by the Party of France-ITSO
6. Discussion on TOR4-TOR4 coordinator
7. Discussion on TOR2-Contribution from the Party of Liechtenstein
8. Preparation for the report to the IAC-Chair
9. AOB

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<sup>12</sup> According to e-mail of April 14<sup>th</sup> 2023, sent by the Chairman.

## Annex III – Agenda item 5 summary regarding “lifetime”

**Lins Bianca**

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**Von:** jsesena@hi2.es  
**Gesendet:** Donnerstag, 20. April 2023 17:09  
**An:** Lins Bianca  
**Cc:** dbastin@itso.int; pmasambu@itso.int  
**Betreff:** RE: ITSO WG2 5th meeting - draft report

Hi, Bianca

I will be ready to provide some explanations, but I am not sure which “lifetime” we are referring to. In the WG 5, we have been debating several aspects related to timing.

- Time applicable to current registrations of frequency assignments of the CH as recorded in the ITU BR. I am planning to develop a new column to include such lifetimes. Those deadlines will also be added for date of suppression frequency assignments. It will take time but I assume all frequency assignments are registered for long periods (20 – 30 years) which means that frequency assignments of one INTELSAT satellite generation are being used by next generations and extending lifetime. I have to check.
- Timing associated on when a CH frequency assignment was suppressed and date when a new satellite filing was made at ITU under any of the Notifying Administrations. This will also require a new column in the table when such information will be added.

Regards

**Dr Julián Seseña**  
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