

**Testimony of
Federal Communications Commission Commissioner Kathleen Q. Abernathy
Before the
House Government Reform Subcommittee on National Security,
Emerging Threats and International Relations
“U.S. Preparation for the World Radio Conferences: Too Little, Too Late?”
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Introduction

I would like to thank Chairman Shays, Ranking Member Kucinich and the distinguished members of the Subcommittee for the opportunity to appear today to testify on the very important issue of the United States preparation for the World Radiocommunication Conferences (WRCs or Conferences).

The FCC has worked on reforming its preparatory process for the WRC and its participation on the U.S. delegation to the WRC over the past few years in an effort to improve the effectiveness of the United States at each WRC. The changes we have made have included increasing the transparency of the FCC preparatory process, improving our coordination with other government agencies, promoting public participation in the development of U.S. positions for WRC, increasing outreach to other countries on issues of importance, and swiftly implementing decisions from each WRC.

Last year the Commission held a public meeting to evaluate the FCC’s efforts at the 2003 World Radiocommunication Conference (WRC 2003). This meeting confirmed that the private sector, and state and local public safety believe that the changes we have made are successful and today the FCC’s preparatory processes are working well. However, we are not resting on our laurels. We are continuing to work towards improving this process so that the United States can be as effective as possible at upcoming WRCs.

Today I would like to spend a few minutes talking to you more specifically about the WRC process and role that the FCC plays in this process. In addition, I would like to discuss our efforts to continue to improve this process.

The WRC Process

Radiocommunications spectrum is a scarce resource we share with all nations of the world. For that reason, under the auspices of the International Telecommunications Union (ITU), an arm of the United Nations, WRCs are held periodically to consider the regulatory framework to manage the international use of the spectrum resource in an equitable and efficient manner.

The WRC process has become increasingly important over the past several years as unprecedented progress in the development of radiocommunications services has resulted in an even larger demand for access to the spectrum resource. For example, today we have many competing uses of the spectrum from mobile telephony to satellite radio to public safety uses, just to name a few. Because of the “one country one vote” system at the WRC, successful participation requires painstaking and thorough preparation on the part of all countries and active participation throughout the Conference.

WRC 2003 was no exception. WRC 2003 considered 48 agenda items concerning the deployment, growth and evolving use of a broad range of spectrum-based services, such as wi-fi and the provision of broadband services via satellite in airplanes. In order to prepare for such an extensive agenda, the United States started its preparation process immediately following WRC 2000, and sent an expert delegation of over 165 public and private sector participants to the Conference.

This extensive preparation was invaluable and when combined with an ambitious international outreach effort by the U.S. delegation, led by Ambassador Janice Obuchowski, the United States returned from WRC 2003 with a long list of accomplishments. These accomplishments will make spectrum available for the introduction of new technologies, protect incumbent radiocommunication services from interference, enable new commercial ventures, create jobs and increase global competition. I was proud to be able to serve on the delegation to last year's Conference, along with Ambassador David Gross, former Assistant Secretary of Commerce Nancy Victory and Associate NASA Administrator William Readdy, as well as other esteemed representatives from the government and the private sector.

The Reasons for U.S. Success at WRC 2003

I believe that there are several reasons for the successful outcome of WRC 2003. First, the extensive coordination among the FCC, the National Telecommunications and Information Administration (NTIA) (including the Executive Branch Agencies it acts on behalf of), the Department of State, and the private sector early in the process solidified U.S. positions which could then be negotiated internationally. Second, the caliber of the members of the U.S. delegation enabled substantive participation in the Conference at all levels. The United States is fortunate to have established experts in the field of radiocommunications and international negotiations, many with experience at past WRCs and similar meetings, who actively participate in the WRC preparatory process and on the U.S. delegation. Third, the international outreach effort of the United States both before the Conference and at the WRC allowed the United States to garner much needed international support in order to accomplish our goals at the Conference. Fourth, the

improved coordination between the FCC, the Department of State and NTIA on issues of importance at the WRC resulted in a unified message to the rest of the world. And finally, I believe that the able leadership of Ambassador Obuchowski was crucial to the success of the United States. Ambassador Obuchowski's significant experience in telecommunications and international relations, combined with her leadership ability and dedication, was an invaluable asset to the country's efforts at the Conference.

I am proud of the FCC's contribution to the overall success of the U.S. delegation at WRC 2003. Not only did FCC staff serve as U.S. spokespersons on nearly half of the items addressed by the Conference, but the FCC was an integral part of the government and industry team that developed the United States strategy and positions that led to success at the Conference. In addition, in order to further advance the interests of the United States following the conclusion of WRC 2003, the FCC, under the leadership of Chairman Michael Powell, and in coordination with NTIA, acted quickly to implement many of the decisions from the Conference. Further, to ensure that the United States is well-prepared for the next Conference, the Commission has initiated preparation for the 2007 World Radiocommunication Conference (WRC 2007) by convening an industry advisory committee, which held its first meeting in January.

The U.S. WRC Preparatory Process and the Role of the FCC

The WRC process is a collaborative effort among the FCC, the Department of State, NTIA on behalf of the Executive Branch agencies including DOD, the Department of Transportation and NASA, and the private sector. Overall success requires that each entity must actively participate and leverage its resources to ensure that the United States is able to achieve its goals.

The Department of State is ultimately responsible for leading the U.S. efforts at WRCs. The FCC's role is to support and advise the Department of State. The FCC also provides the Department of State with policy and technical expertise on issues related to commercial radiocommunications services, as well as amateur, broadcasting, and state/local government services.

The FCC begins its preparations for each WRC shortly after the previous WRC concludes. Specifically, the FCC focuses its preparatory process efforts on three critical areas:

- 1) advocacy of the public interest consistent with U.S. policies and regulations;
- 2) coordination with the Executive Branch agencies; and
- 3) international outreach.

In order to identify the public interest, the FCC establishes a public forum that allows the public to provide its views and recommendation to the agency. The Commission does this in accordance with the requirements of the Federal Advisory Committee Act by establishing an Advisory Committee for the WRC (WAC). The WAC is chaired by private sector representatives and has an open membership structure. Many extremely qualified members of the private sector participate. For example, the WAC for WRC 2003 was chaired by WRC 1995 Ambassador Brian Fontes, and former Assistant Secretary of Commerce Nancy Victory is chairing the WAC preparing for WRC 2007.

In addition to broad industry participation, members of the Executive Branch Agencies also participate in the meetings of the WAC. The WAC provides the FCC with recommendations on almost all agenda items. In addition, to further promote public participation in the WRC preparatory process, the FCC, through a public notice process,

solicits comments from the public on all recommendations received from the advisory committee. The FCC also maintains a public website (www.fcc.gov/ib/wrc-07/) that provides information on all WRC preparatory activities, including meeting times, dates and locations, copies of relevant documents and links to WRC-related websites of regional and international organizations.

The FCC formulates its positions on WRC agenda items only after taking into account the recommendations submitted by the advisory committee, the positions developed by the Executive Branch through the Interdepartment Radio Advisory Committee, FCC precedent, and comments received in response to its public notices. At times, the positions negotiated among the competing commercial interests within the advisory committee do not coincide with that of the federal government spectrum users. In such cases, the FCC works closely with NTIA and affected parties to reconcile any differences and develop unified recommendations on U.S. positions for the WRC. Once finalized, NTIA and the FCC submit draft proposals that are jointly transmitted to the Department of State. The Department of State, with the Ambassador for the WRC, finalizes the U.S. positions for the Conference and makes them available to U.S. delegation members.

Based on the WRC's premise of "one country one vote" and the growing regionalization of the ITU, international outreach has become an area of increasing importance in the FCC's preparatory process for the WRC. Accordingly, the FCC actively participates on the U.S. delegations to regional WRC meetings, takes part in ITU Radiocommunications Sector study groups and Conference Preparatory Meetings, and supports the U.S. Ambassador to the WRC in their international outreach efforts.

The FCC's Role at the Conference

At the Conference, many members of the FCC serve as delegates and many have leadership roles as spokespersons. This past year, Alex Roytblat ably served as a U.S. Vice Chair at the Conference and Chris Murphy served as the Outreach Coordinator for the U.S. delegation's very successful outreach program to other countries. This direct support for the U.S. Ambassador to the Conference enables the FCC to assist with outreach and address any technical issues that may arise. In addition, several FCC employees served as U.S. spokespersons on specific subjects, such as wi-fi, where they possess unique expertise. Further, the FCC supports the U.S. delegation through its active participation and leadership on "the home team" in Washington, D.C. that remains available for advice and consultation throughout the Conference.

Finally, after the Conference, the FCC has an important role in implementing the decisions of the Conference that further the U.S. national interest. The FCC accomplishes this task often in conjunction with NTIA in its role as manager of the government spectrum resource. As an example, within a month after the conclusion of WRC 2003, the FCC and NTIA committed to a detailed and ambitious plan for the domestic implementation of the Final Acts of WRC 2003. The aim was to ensure that commercial, state, local and federal government spectrum users would derive maximum benefits from the WRC 2003 results. To date, the FCC has fully met its commitment under the plan.

What Can Be Done Better

The FCC is continually working with NTIA, the Department of State, private industry, and state and local public safety organizations to improve its preparatory process and its participation in the WRC. Over the past several Conferences, for instance, the FCC has solicited public input following each Conference, on ways to improve the process. This past year the FCC held a public meeting shortly after the Conference to seek ideas from the public on ways to improve the FCC's preparatory process. The consensus from that meeting was that the recent changes by the FCC, as outlined below, have significantly improved the process. The results of the FCC's review are embodied in a recently released FCC report entitled, "Assessment of FCC's Preparatory Process for the 2003 World Radiocommunication Conference."

More specifically, in an effort to improve its processes, the FCC has stepped up its preparatory efforts. Accordingly, in October of last year, the Commission named the Chair and Vice Chair of the WAC for WRC 2007 and shortly thereafter convened the first meeting of the WAC. Today, I am happy to say, the WAC is meeting regularly and we are progressing in formulating positions for WRC 2007.

Although the FCC has made significant improvements in the WRC preparatory process and in its participation at the Conference, I believe that we can improve further. Specifically, we can always improve our international outreach efforts. To this end we are hampered by two things – time and money. In an ideal world, the United States would have all of its positions for an upcoming Conference determined and agreed upon months in advance of a Conference. Unfortunately, this is not always the case, especially

with areas of the spectrum that are subject to competing uses or new technology comes into play. Therefore, the United States is not always in a position to advocate all of its positions early in the process. In addition, even where we are able to formulate our positions early in the process, there is always room for improvement in international outreach to ensure that the United States has an opportunity to explain its positions and learn about priorities (sometimes competing) of other countries.

Despite the time and money constraints we can do more. In preparation for the next WRC, the FCC should continue to foster close working relations with other administrations and regional organizations. The FCC should also work with the Department of State and other government agencies in expanding U.S. participation in the WRC preparatory efforts in the developing countries. I am committed to ensuring that this occurs. In addition, we can build on existing public-private partnerships, such as the United States Telecommunications Training Institute, to improve our outreach.

Conclusion

Overall, I believe that each WRC cycle brings additional refinements to the preparatory and WRC process. Starting WRC preparations early and focusing our efforts on areas of critical interest to the United States allows the FCC to leverage its limited resources. In addition, relying on an open and balanced preparatory process ensures the credibility and integrity of the process. In the area of coordination with the Executive Branch agencies, the FCC and other government agencies are continually improving their dialog to resolve any technical issues. This working relationship is important not only for resolving contentious issues prior to the Conference, but to ensure effective working relationships during the Conference itself. I also believe that the increasing amount of

international outreach performed prior to and at the Conference is critical to our success. Finally, I am pleased that the FCC is committed to faster implementation of the decisions of the Conference so that U.S. consumers can recognize the benefits of the WRC process through the availability of new and innovative radiocommunications services.