

(Released on October 7, 2003)

Summary of Meeting of the Radio Regulatory Council (No. 875)

1. Date and Time

September 10, 2003 (Wednesday)

16:00 to 17:49

2. Location

Meeting Room of MIC (Ministry of Internal Affairs and Communications)

(Meeting Room No. 1001 on the 10th floor)

3. Attendees (Honorifics omitted)

(1) Members of the Radio Regulatory Council

Yasuhiko Yasuda (Chairperson), Takeo Inokuchi (Vice-Chairperson), Junichi Hamada

(2) Hearing Examiner of the Radio Regulatory Council

Taku Kiyasu

(3) Secretary

Masao Okamoto (Deputy Director of the General Affairs Division, Telecommunications Bureau)

(4) MIC (Ministry of Internal Affairs and Communications)

Takahara (Director-General of the Information and Communications Policy Bureau),

Aritomi (Director-General of the Telecommunications Bureau), Takeda

(Director-General of the Radio Department), and others

4. Minutes of the Meeting

(1) Regarding the draft ministerial ordinance that partially amends the Regulations for Enforcement of the Radio Law, the Ordinance Regulating Radio Equipment, and the Ordinance Concerning Technical Regulations Conformity Certification of Specified Radio Equipment as well as the proposed change to parts of the frequency assignment plan

(Consultation No. 21 and No. 22 of June 11, 2003)

Having deliberated the draft ministerial ordinance in the title that deals with streamlining the relevant provisions pertaining to the technical standards, etc. for relevant radio equipment towards the introduction of the 400MHz-band digital airport radio communications systems, based on the written opinion and protocol submitted by the hearing examiner who presided over the procedures for inviting public comment (refer to the post-hearing opinion from the 383rd Radio Regulatory Council's written opinions), the Council concluded that the draft was appropriate and returned an affirmative reply.

(2) Regarding the draft ministerial ordinance that partially amends the Ordinance Regulating Radio Equipment and the Ordinance Concerning Technical Regulations Conformity Certification of Specified Radio Equipment as well as the proposed change to parts of the frequency assignment plan

(Consultation No. 25 and No. 26 of July 23, 2003)

Having deliberated the draft ministerial ordinance in the title that deals with streamlining the relevant provisions pertaining to the technical standards, etc. for relevant radio equipment and reviewing the allotment of relevant frequency bands concerning the introduction, etc. of 18GHz-band wireless access systems for use by local municipal entities, government agencies, and so forth, based on the written opinion and protocol submitted by the hearing examiner who presided over procedures for inviting public comment (refer to the post-hearing opinion from the 385th Radio Regulatory Council's written opinions), the Council concluded that the draft was appropriate and returned an affirmative reply.

(3) Regarding the draft ministerial ordinances that partially amend the Regulations for Enforcement of the Radio Law, the Regulations for Procedure for Obtaining a Radio Station License, the Ordinance Regulating Radio Equipment, the Ordinance Concerning Technical Regulations Conformity Certification of Specified Radio Equipment, the Rules for Radio Operators, the Rules Concerning Calibration of Measuring Instrument, Etc., and the ministerial ordinance concerning the survey, etc. of actual radio spectrum usage

(Consultation No. 31)

Note that as the Radio Law required that MIC hear public comment on this matter, MIC appointed Taku Kiyasu as the hearing examiner who would preside over procedures for inviting public comment.

a. Explanation by MIC

This matter mainly deals with two items. The first item is to amend a part of each of the relevant seven ministerial ordinances in the wake of the recent partial amendment of the Radio Law (system amendment related to the technical standards compliance for radio equipment) and the second is to amend a part of the Ordinance Regulating Radio Equipment in the wake of the introduction of a testing system for power line communication equipment.

(a) Partial amendment of each of the relevant seven ministerial ordinances in the wake of the amendment of the Radio Law

What made MIC ask the Council to deliberate on this matter is that, as the shift to a registration system from the designated certification agency system and the shift to the registered inspector system from the attested inspector system had been decided in conjunction with the establishment of a new self-declaration system for conformity in technical regulations for radio equipment in the wake of this June's amendment to the Radio Law, MIC would have to amend seven ministerial ordinances including, but not limited to, the Ordinance Concerning Technical Regulations Conformity Certification of Specified Radio Equipment, and ask the opinions of the Council on several required items based on Article 99-11 of the Radio Law.

Specifically, this amendment intends to establish the ministerial ordinance stipulated in Article 38-33 (1) of the Radio Law to specify special specified radio equipment (as candidates for self-confirmation of technical regulations conformity) to be a total of 8 types of radio equipment, including cellular phone mobile stations, PHS land mobile stations, cordless telephones, and digital cordless telephones, and streamline provisions for radio stations requiring no license in connection with Article 26-2 (1) of the Radio Law (Survey, etc. of Actual Radio Spectrum Usage) so that recently introduced special specified radio equipment may be candidates on which the survey of actual radio spectrum usage is to be conducted, and at the same time, radio equipment in the wake of MRA (Mutual Recognition Agreements) that

were already carried out between Japan and the EC and between Japan and Singapore may be added to the survey target.

It also intends to streamline the relevant provisions in the wake of the amendment of the Radio Law, including, but not limited to, changing terminologies and renumbering the relevant articles.

(b) Partial amendment to the Ordinance Regulating Radio Equipment in the wake of the introduction of a testing system for power line communication equipment

MIC asked the Council to deliberate on this matter because it received a request that the frequencies allowed for use by power line communication equipment be frequencies of 450kHz or lower, but to utilize the equipment for broadband communications, the available frequencies need to be expanded (to the frequency band of 2 to 30MHz). MIC opened a research group last year to consider the request. The research group proposed that it was difficult to allow the immediate expansion of the frequency band because the equipment would induce interference in other radio communications, short-wave broadcasting, etc. with the current technologies, and at the same time, a technology for reducing radio leakage would be essential before expanding the frequency band. In addition, e-Japan Strategy II, which was revised this year, states that the research and development of power line communication systems shall be promoted. In response to what is stated above, this intends to ask the Council to deliberate on partial amendment of the Ordinance Regulating Radio Equipment to introduce a testing system for power line communications equipment using frequencies in the range of 2 to 30MHz.

Specifically, 1) the range of frequencies and so forth for power line communication equipment shall be set as technical standards in Article 59 of the Ordinance Regulating Radio Equipment, 2) exceptional measures for the permissible level of leakage strength field shall be established, and 3) provisions for taking required measures for removing interference and failures shall be included.

b. Main contents of the Q&A session

- The following question was asked: “Now, I think the survey on radio stations requiring no license can be conducted through a recognized certification body. In the future, will MIC ask each company about the radio stations for which the

self-confirmation of technical regulations conformity was declared? I am afraid MIC must make a large number of inquiries.”

MIC answered as follows: “The Radio Law states that upon conducting the self-confirmation of technical regulations conformity, a manufacturer or an importer may notify the Minister of the following items, so MIC intends to visit the company directly using the information. The number of visits may be increasing a little.”

- The following question was asked: “MIC explained that it would define the range of frequencies as a technical standard for power line communications in connection with Article 59 of the Ordinance Regulating Radio Equipment. Was the 450kHz band already decided?”

MIC answered as follows: “The frequency range has been defined. As the Regulations for Enforcement of the Radio Law stipulates the definition for power line communication equipment, MIC has determined that the status of the frequency range shall be changed to that of a technical standard.”

(4) Regarding the specification of TÜV Rheinland Japan Ltd. as a Designated Certification Agency

(Consultation No. 32)

MIC explained the specification of TÜV Rheinland Japan Ltd. as a Designated Certification Agency as follows. The Council deliberated this matter and replied indicating that the Council regarded it as acceptable.

Explanation by MIC

This deals with an application from TÜV Rheinland Japan Ltd. indicating that the company wishes to be specified as a Designated Certification Agency.

The applicant is the Japanese arm of TÜV Rheinland, a German inspection body, and its head office is in Yokohama. The reason for this application is that they wish to be designated as an agency to conduct the business for certifying that type I specified radio equipment, which will not need a license once they are granted a certificate for compliance with the technical regulations, conform to such technical regulations. They plan to provide the certification service in Tsuzuki-ku of Yokohama-shi (the head office is in Kohoku-ku) and expect to start the service

around October 20 (because they still have to follow procedures such as those for getting approval of the operating rules after they are granted the designation).

As a result of examining the application based on the relevant radio laws and regulations, MIC has recognized that the plan for conducting the service is proper and feasible, and meets all provisions such as, “the applicant has a sufficient financial base....” The company profile reflects that it has a capital of 370 million yen and is certified as an attested inspector and an operator for a business of conducting the technical conditions compliance approval based on the Telecommunications Business Law.

For these reasons, MIC has concluded that MIC will designate the company as a designated certification agency as requested in the application.

(5) Regarding the draft ministerial ordinance that partially amends the Regulations for Procedure for Obtaining a Radio Station License

(Consultation No. 23 of June 11, 2003)

The University of the Air Foundation will change its status from a government-affiliated corporation to an educational corporation defined in Article 3 of the Private School Law as of October 1 of this year due to last December’s full amendment of the Law for the University of the Air Foundation. Having deliberated the draft ministerial ordinance in the title that deals with streamlining the relevant provisions pertaining to the broadcasting station license in the wake of said change, based on the written opinion and protocol submitted by the hearing examiner who presided over procedures for inviting public comment (refer to the post-hearing opinion from the 384th Radio Regulatory Council’s written opinions), the Council concluded that the draft was appropriate and returned an affirmative reply.

(6) Regarding the proposed change to a part of the Plan for the Available Frequencies Allocated for Broadcasting

(Consultation No. 33)

MIC explained the proposed change to a part of the Plan for the Available Frequencies Allocated for Broadcasting and provided a question-and-answer session

as follows. The Council deliberated this matter and replied indicating that the Council regarded it as acceptable.

a. Explanation by MIC

This proposed change intends to not only define the frequencies, etc. of key stations for terrestrial digital television broadcasting stations that will be installed in other areas than the three major wide areas, but also the frequencies to which analog broadcasting stations will be changed, which stations are related to the terrestrial digital television broadcasting stations to be installed in the areas.

Specifically, first, it will specify the transmission location, and the frequency and antenna power to be used for each broadcasting service area to be added this time in the key station column in Table 7 that specifies the terrestrial digital television broadcasting frequencies in the Plan for the Available Frequencies Allocated for Broadcasting. In addition, it will add the destination channel to which an analog television broadcasting station will be changed, whose frequency needs to be changed to the relay station column in Table 6 that specifies the frequencies for terrestrial analog television broadcasting.

Note that the Joint Council to Promote Terrestrial Digital Broadcasting had been explaining and discussing matters related to this draft change for the terrestrial digital broadcasting for areas other than the three major wide areas since last summer and summarized the results on July 29. As the analog frequency change must be carried out efficiently and accurately in every area across Japan, MIC specifically plans to launch change measures related to digital key stations in areas other than the three major wide areas from fiscal 2004 in principal. As an exception to this case, the complicated measures related to Nishisanuki Station in Kagawa Prefecture and Isahaya Station in Kyushu Ariake will be launched in September and December of this year as approximate target dates.

Note that the public comment sessions (held in August 11 and September 1) prior to this consultation received opinions from four organizations, and all of them approved the plan.

b. Main contents of the Q&A session

-The following question was asked: “I am wondering why some channel numbers in the tables are underlined and others aren’t?”

MIC answered as follows: “The underline indicates that the channel will be added. In the finalized Plan, the underlines will be gone.”

- The following question was asked: “(In connection with the previous question), the transmission power for Utsunomiya in Tochigi Prefecture seems very low. Is this kept the same as before?”

MIC answered as follows: “Yes, Utsunomiya’s is unexpectedly low. MIC was taking measures in response to the reply from this Council up to last summer.”

- The following question was asked: What do the “+” or “-” marks included in the tables mean?”

MIC answered as follows: “The marks mean the related plus offset and minus offset, respectively.”

(7) Regarding the approval of broadcast programming operations related to World Independent Networks Japan Inc.

(Consultation No. 34)

MIC explained the approval of broadcast programming operations related to World Independent Networks Japan Inc. and provided a Q&A session as follows. The Council deliberated this matter and replied indicating that the Council regarded it as acceptable.

a. Explanation by MIC

This application is related to BS analog and digital broadcasting and the applicant is a company called World Independent Networks Japan Inc., which now has 0.1 billion yen in capital and plans to increase it to 0.3 billion yen by October, and its major stockholder is a venture capitalist. A company called Wirebee is now offering music programs through BS analog and digital services. The application requests that the license for the company be transferred to the applicant.

As a result of examining the application based on the relevant radio laws and regulations, MIC has concluded that it will approve the transfer as requested in the application because MIC recognizes that it meets all relevant standards.

Note that MIC is approving the application without inviting new players to enter the field due to the following reasons: 1) Since the company is providing analog broadcasts, the approval for BS digital broadcasting is involved in providing simultaneous broadcasts and 2) the relevant frequency band is specified as the frequencies for simultaneous broadcasts in the context of the Basic Plan for Broadcast Propagation.

b. Main contents of the Q&A session

- The following questions were asked: “Two companies did the same business in the past and neither succeeded, so I wonder how we can be sure about the company’s success this time. This income and expenditure estimate only shows that, for the broadcasting business, the operation will be in the black from the third fiscal year onward. Does MIC regard it as reasonable?”

MIC answered as follows: St. GIGA launched the broadcasting in 1990 and Wirebee took over the business. Both companies were unsuccessful. If MIC is asked if the business plan per se guarantees the business will be successful, MIC believes the plan is supposed to be employed that way. Even if MIC imagined the most pessimistic course the business would follow from the plan, however, the company could maintain the business for a while. Consequently, MIC thinks the plan was formulated on substantial grounds.”

- The following question was asked: “The company now has a debt of 426 million yen. Why does the business plan expect that the company performance will suddenly get better from the second to the third fiscal year?”

MIC answered as follows: “WINJ’s business plan decided that the company would accept the viewers of Club Cosmo, which is now providing Wirebee programs, to protect them. The company will provide programs to them without any charge during the valid period of their contract. WINJ sets the viewing fee at 3,000 yen per month. If the current Club Cosmo viewers wish to renew their contract, they are entitled to view WINJ programs for a monthly fee of 1,000 yen. All of them will shift to a monthly fee of 3,000 yen from the third year onward. For this reason, the income figures in the second and third years are quite different.”

- The following question was asked: “Does the company expect that all of them will sign the 3,000 yen contract? Won’t any viewers cancel their contracts?”

MIC answered as follows: “The carrier’s marketing survey reveals that their broadcasts receive high marks and support from the hardcore viewers. Having said that, as MIC cannot go so far as to say it is sure about the feasibility of their business plan, it only can judge that they could maintain the business for a while, even assuming the most pessimistic scenario.”

(8) Regarding approval of contract clauses for paid broadcasting services offered by World Independent Networks Japan, Inc.

(Consultation No. 35)

Regarding approval of contract clauses for paid broadcasting services offered by World Independent Networks Japan, Inc.

Explanation by MIC

MIC does not think it necessary to explain the applicant. As the content of the application is basically similar to the current contract clauses that WOWOW established, MIC cannot find any inappropriate clauses such as those that may give discriminatory and unfair treatment to users. The company’s contract differs from that of WOWOW in one respect. The former includes clauses that exempt ongoing subscribers of the previous carrier from the viewing fee during the valid period of their contract and entitle them to the special fee for the first year only.

As a result of examining the application, MIC recognizes that the contract clauses are basically similar to those of WOWOW, clearly and accurately stipulate the items related to the responsibilities of paid broadcasters, do not give unjustified discriminatory treatment to specific persons and meet the relevant laws and regulations. Consequently, MIC thinks it appropriate to approve the contract clauses.

(The Radio Regulatory Council Secretariat is responsible for the wording of this document)