

## Main Points of Proceedings of the 899th Radio Regulatory Council Meeting

### 1. Date

Wednesday, September 14, 2005 16:05 to 17:37PM

### 2. Venue

Ministry of Internal Affairs and Communications conference room (conference room No. 1002, 10th floor)

### 3. Participants (honorific titles omitted)

#### (1) Committee members of the Radio Regulatory Council

Yasuhiko YASUDA (Chairman), Junichi HAMADA, Kashiko KODATE,

#### (2) Hearing examiner of the Radio Regulatory Council

Shuichi TANAKA

#### (3) Secretary

Kazuyuki MITSUI (Assistant Director of the General Affairs Division, Telecommunications Bureau)

#### (4) Ministry of Internal Affairs and Communications (hereinafter referred to as “the MIC” in this section)

SUDA (Director General of the Telecommunications Bureau), SAKURAI (General Director of the Radio Department), SHIMIZU (Policy Supervisor), KOHNO (Councilor) and others

### 4. Contents of proceedings

#### (1) Concerning a ministerial ordinance plan to amend part of the Ordinance Amending Part of the Radio Station Operation Regulations and the Radio Equipment Regulations (Inquiry No. 27, dated July 13, 2005)

Concerning this ministerial ordinance plan for the establishment of Radio Law-related regulations amending part of the Civil Aeronautics Law and the establishment of Radio Law-related regulations related to an emergency locator transmitter (ELT), members of the Radio Regulatory Council deliberated on a protocol submitted by the Hearing Examiner who presided over the hearing procedure and the written opinions (see written opinions obtained at the 406th Radio Regulatory Council Meeting) and drew up a report to the effect that the amendment plans are appropriate on the whole.

(2) Concerning a ministerial ordinance plan to amend part of the Radio Law Enforcement Regulations, the Radio Equipment Regulations and the Ordinance Concerning Technical Regulations Conformity Certification, etc. of Specified Radio Equipment (Inquiry No. 30)

Regarding the establishment of relevant regulations related to settling upon technical standards, etc. for the 1.7 GHz-band IMT-2000 (FDD method) and 2 GHz-band IMT-2000 (TDD method), a participant from the MIC offered the following explanation and a question and answer session was held, as set out below.

A hearing of this matter is obligatory pursuant to Article 99.12, paragraph 1 of the Radio Law and Shuichi TANAKA was designated as the hearing examiner to preside over the hearing procedure.

a. Explanation by the MIC

The purpose of this ministerial ordinance plan is to establish technical standards for introducing a third-generation mobile communications system (IMT-2000) into a new frequency. As at June 2005, third-generation mobile phones comprise 40% of all mobile phones. So far, we have re-organized frequencies to cope with the increasing demand for mobile communications and in July this year we worked out the guideline for the establishment of specified base stations that use frequencies in the 1.7 GHz or 2 GHz bands, after receiving a response from the Radio Regulatory Council. We will establish the necessary regulations concerning technical standards, etc. in consideration of such circumstances and the contents of the guideline.

An outline of the Radio Equipment Regulations to be amended is firstly to establish technical standards for the 1.7 GHz-band, IMT-2000 (FDD method) and the 2 GHz-band, IMT-2000 (TDD method), secondly to amend a part of the technical standards parameters for the existing IMT-2000, based on a tendency towards international standardization and thirdly to amend the technical standards of PHS, to improve service quality. Regarding the outline of the Radio Law Enforcement Regulations and the Ordinance Concerning Technical Regulations Conformity Certification, etc. of Specified Radio Equipment, we will add technical standards for the 1.7 GHz-band, IMT-2000 and the 2 GHz-band, IMT-2000 as the technical standards for specified radio equipment for which a blanket license and technical regulations conformity certification can be received.

I would like to give a supplementary explanation on the amendment of the Radio Equipment Regulations. The contents of the regulations to be amended relate to the quality of radio waves

and technical conditions. For the establishment of regulations concerning the quality of radio waves, we will stipulate antenna power, tolerance of frequencies, etc. and for the establishment of regulations concerning technical conditions, we will stipulate technical conditions for the 1.7 GHz-band W-CDMA and CDMA2000, technical conditions for the 1.7 GHz-band HSDPA and EV-DO and technical conditions for the 2 GHz-band TD-CDMA and TD-SCDMA.

Next, I will give a supplementary explanation on PHS. Regarding the modulation method, we will add 64QAM and 256QAM, a new high-efficiency modulation method, to the current modulation method and add BPSK to a control channel, etc. By introducing a simple modulation method and an advanced modulation method, in addition to the conventional modulation methods, communications can be performed reliably although communications speed is slow and by using an advanced modulation method in a good radio propagation environment, high-speed communications can be achieved. Regarding antenna gain of a control channel, we will increase the antenna gain of the control channel of a base station from 10 dBi to 15 dBi to conform the range of radio waves of a speech channel to that of a control channel.

Because none of these measures affects other radio systems, we believe that amendment of the ministerial ordinance, or addition of a ministerial ordinance, will be unnecessary.

#### b. Main questions and answers

Did the technical conditions for PHS not go through the Telecommunications Council? A participant from the MIC replied to this question as follows: *“We assessed that the contents to be amended were not of nature that had to go through the Telecommunications Council and we did not submit this subject to the Telecommunications Council. When we do request the Radio Regulatory Council to have a hearing, we will obtain public comment at the same time and take the opinions of the people concerned into account.”*

(3) Concerning a blanket license for specified radio stations belonging to KDDI Corp. and Okinawa Cellular Telephone Company (Inquiry No. 31)

Concerning a blanket license related to the introduction of dual-band terminals by KDDI Corp. and Okinawa Cellular Telephone Company, a participant from the MIC offered the following explanation and the question and answer session was held, as set out below. Members of the Radio Regulatory Council drew up a report to the effect that the blanket license is appropriate.

#### a. Explanation by the MIC

KDDI Corp. and Okinawa Cellular Telephone Company applied for a blanket license related to their introduction of dual-band terminals using two frequency bands, namely, 800 MHz of the CDMA2000 1x method and 2 GHz.

The background to this application is that KDDI Corp. has close to 20,000,000 users in a frequency band centered around 800 MHz and it cannot accommodate any more in only the 800 MHz band. Accordingly, it needs to accommodate users in the 2 GHz band. Thus, it plans to increase the number of specified radio stations by a couple of thousand every year.

There are two merits to a dual-band terminal from a user's point of view. One is that it can be installed in two frequency bands in areas such as urban districts where traffic is great and this means that the number of channels increases. Thus, it becomes possible to connect the dual-band terminal, even at a time when traffic becomes too congested, by including a channel in a new frequency band. The other is that telephone communications can be performed, particularly in urban districts, if there is a base station that uses a frequency band of either 800 MHz or 2 GHz. So the particular communications area has been substantially widened.

The following two points are under examination: whether or not frequencies can be allocated to the dual-band terminal; and whether or not the dual-band terminal conforms to essential standards for establishing a specified radio station, as prescribed in an MIC ordinance. Frequency allocation is possible because frequencies which have already been allocated to KDDI Corp. are being used. The essential standards for establishing a specified radio station conform to the demand for users' communications services and the operation plan with regard to the maximum number of frequencies is appropriate. Besides, from the viewpoint that the dual-band terminal is more efficient and economical than other telecommunications methods, there is no problem with this application, so we would like to grant the blanket license.

b. Main questions and answers

- Have you already granted a blanket license for a dual-mode terminal and a dual-band terminal? Will you consider a blanket license for a dual-mode terminal and a dual-band terminal of the Radio Regulatory Council in the future? A participant from the MIC replied to this question as follows: *“Yes, we have already granted some blanket licenses. Under current laws and regulations, if provisions of the Radio Equipment Regulations differ, a combination of different provisions comes under a new heading, so we must make inquiries with the Radio Regulatory Council.”*

(4) Concerning approval of NHK's business to provide programs to Mobile Broadcasting Corp. (Inquiry No. 32)

Concerning approval of NHK's business to provide programs to Mobile Broadcasting Corp., a participant from the MIC offered the following explanation and a question and answer session were held, as set out below. Members of the Radio Regulatory Council drew up a report to the effect that the approval is appropriate.

a. Explanation by the MIC

The Mobile Broadcasting Corp. started satellite multi-channel broadcasting using the S band in a 2.6 GHz band in October 2004. While we approved NHK's business to provide programs to Mobile Broadcasting Corp. last year, NHK has applied for the continuation of the same.

The reason why NHK needs to carry out the said business is because Mobile Broadcasting Corp. is the only broadcaster using the S band and it will help disseminate and develop broadcasting services if NHK provides programs and aids the establishment of Japan's first satellite digital broadcasting for moving devices.

The outline of this implementation plan is that NHK provides broadcasting programs, such as amusement and general programs, for an eight-hour frame for one channel of the multi-channel mobile broadcast. For the purpose of seeing the dissemination of mobile broadcasting, we would like to approve the application as it is, with a validity term of one year as from October 1, 2005.

Regarding a business revenue and expenditure plan, NHK estimates annual revenue of 204,000,000 yen, based on a contract concluded between Mobile Broadcasting Corp. and NHK. However, estimated expenditure is 195,000,000 yen, so the balance between 204,000,000 yen and 195,000,000 yen is 9,000,000 yen, which is NHK's fee for broadcasting rights. The ratio of the fee for broadcasting rights to the total revenue is 4% and we do not think that NHK is doing this for purposes of making a profit. We believe that this fee is reasonable.

After consideration, we would like to approve NHK's application as it is. Our reasoning is that about one year has passed since Mobile Broadcasting Corp. started satellite multi-channel broadcasting using the S band in a 2.6 GHz band, but this type of broadcasting is still in the process of being disseminated and it is necessary to support such dissemination continuously. According to Mobile Broadcasting Corp., however, it has plans to make its business profitable

within the next three years and when this type of broadcast becomes widespread, we will have achieved our aim.”

b. Main questions and answers

- Did 4% of the fee for broadcasting rights arise from the result, or did this figure precede the calculation? A participant from the MIC replied to this question as follows: *“When NHK engages in package sales other than mobile broadcasting, it sometimes adds a minimum necessary fee for broadcasting rights to its estimated expenditure. We believe that it concluded the contract on the basis of generating revenue to which a reasonable fee for broadcasting rights that matches its costs is added.”*

- Does this expenditure differ from the first year’s expenditure? A participant from the MIC replied to this question as follows: *“When NHK made application last year, estimated expenditure was 240,000,000 yen, but this year, this figure has been changed to 195,000,000 in consideration of actual results.”*

- I hear that mobile broadcasting is being carried out in Korea. How has it been disseminated? The participant from the MIC replied to this question as follows: *“Mobile broadcasting was started in Korea in May 2005, later than in Japan. From the beginning, mobile phone carriers introduced services whereby subscribers could hear broadcasts by mobile phone and the number of subscribers has already exceeded 100,000.”*

(5) Concerning the amendment of a program-supplying broadcasting matter of Nippon BS Broadcasting Corp. (Inquiry No. 33)

Concerning the amendment of a program-supplying broadcasting matter of Nippon BS Broadcasting Corp., a participant from the MIC offered the following explanation and eight question and answer session was held, as set out below. Members of the Radio Regulatory Council drew up a report to the effect that the amendment is appropriate.

a. Explanation by the MIC

Nippon BS Broadcasting Corp. which is the subject of the inquiry conducts BS digital data broadcasting on the same channel as NHK, etc.

The content of the program-supplying broadcasting matter to be amended is that Nippon BS Broadcasting Corp. wants to provide an electronic program guide as a special program guide (EPG) as from October 1, 2005. This EPG, which is called a *“G guide method,”* is more graphical than the EPG provided by the BS Digital Broadcasting Promotion Association and is a

program guide that can guide terrestrial broadcasting, BS broadcasting and CS broadcasting completely. However, because this EPG employs a special method, the number of receivers is limited and it is broadcasted to 1,000,000 receivers that have such a receiving function.

This program-supplying broadcasting matter to be amended is a matter for which approval of the Minister of Internal Affairs and Communications must be obtained, pursuant to Article 52.17 of the Radio Law and which must be requested from the Radio Regulatory Council. This is why we are referring this matter to the Radio Regulatory Council.

We examined whether or not the amendment of this matter conforms to the attestation standard in the light of the examination standards concerned, or whether or not identity with the program-supplying broadcasting business when it was attested, has not been lost. As a result of the examination, we found that both items were compatible with the examination standards concerned. We would like to approve the said amendment.

b. Main questions and answers

- Are an applicant's qualifications generally reviewed again, even when part of a program-supplying broadcasting matter is amended? The participant from the MIC replied to this question as follows: *"Yes, we are obliged to conduct a general review of the applicant's qualifications and confirm these. We also check whether or not the applicant's program-supplying broadcasting business has changed since it was attested."*

- Why is this program-supplying broadcasting matter being amended? A participant from the MIC replied to this question as follows: *"When Megaport Broadcasting Corp. which supplied the G Guide, announced that it wanted to discontinue business in September 30, 2005, Megaport Broadcasting Corp. and Nippon BS Broadcasting Corp. decided that Nippon BS Broadcasting Corp. would take over the business. This is the background to the amendment."*

(6) Other matters

A participant from the MIC reported on three items: fiscal 2004 settlement of accounts by private broadcasters; reception results of an application for non-attestation of a program-supplying broadcasting business related to BS digital broadcasting; and renewal of attestation of a program-supplying broadcasting business related to CS digital broadcasting (Responsibility for the wording: Secretariat of the Radio Regulatory Council)