

Radio Regulatory Council

Summary of Minutes (921st Meeting)

1. Date and Time

Wednesday, July 11, 2007, 15:00 to 16:40

2. Location

Conference Room 1002, 10th floor, Ministry of Internal Affairs and Communications

3. Attendees (honorifics omitted)

(1) Members of the Radio Regulatory Council

Mitsutoshi Hatori (Chair), Takeo Inokuchi (Vice-Chair), Kashiko Kodate

(2) Hearing Examiner of the Radio Regulatory Council

Shuichi Nishimoto

(3) Secretary

Ikko Mitsui (Deputy Director, General Affairs Division, Telecommunications Bureau)

(4) MIC representatives

Terasaki (Director-General of the Telecommunications Bureau), Tanaka (Director-General of the Radio Department), Ogasawara (Director-General of the Information and Communications Policy Bureau), and others

4. Minutes of the Meeting

(1) Draft MIC Ordinance to Partially Amend the Rules for Regulating Radio Equipment

(Consultation No. 18 of May 16, 2007)

The council submitted a report stating that the draft ministerial ordinance to partially amend the Rules for Regulating Radio Equipment is acceptable. The draft ordinance pertains to the permissible values of occupied bandwidth that need to be designated for each type of radio equipment. The report was submitted after deliberation on the matter with reference to written statements and written opinions (see Written Opinions from the 428th Radio Regulatory Council Hearing) submitted by the Hearing Examiner, who presided over the opinion hearing procedure.

(2) Draft MIC Ordinance to Partially Amend the MIC Ordinance to Amend Part of the Rules for

Regulating Radio Equipment

(Consultation No. 19 of May 16, 2007)

The council submitted a report stating that the draft ministerial ordinance to partially amend the MIC Ordinance to Amend Part of the Rules for Regulating Radio is acceptable. The draft ordinance pertains to the extension of the applicable period of the transitional measures for the provisions concerning the level of spurious emission. The report was submitted after deliberation on the matter with reference to written statements and written opinions (see Written Opinions from the 428th Radio Regulatory Council Hearing) submitted by the Hearing Examiner, who presided over the opinion hearing procedure.

(3) Formal Objection to Type Designation on Broadband Power Line Carrier Communication Equipment (Proposition No. 3)

MIC gave an explanation as follows in regard to the formal objection to the type designation placed on broadband power line carrier communication equipment, which was publicly notified by the Minister for Internal Affairs and Communications in MIC Notices No. 242 and No. 293 of 2007 and mooted on July 11, 2007.

Since a hearing on this matter is obligatory under the Radio Law, the council named Shuichi Nishimoto as the hearing examiner presiding over the hearing procedure.

a. MIC's Explanation

This objection resembles the formal objections to the type designation on broadband power line carrier communication equipment, which were mooted at the Radio Regulatory Council on March 23, 2007 and May 16, 2007, respectively. The formal objection in question seeks nullification of the type designation to be placed on broadband power line carrier communication equipment that was publicly notified in the official gazettes of April 12, 2007 and May 16, 2007.

The formal objection discussed under Proposition No. 3 was filed on June 11, 2007 by 115 petitioners, the same as Propositions No. 1 and No. 2.

The formal objection is to the type designation publicly notified in the official gazettes of April 12, 2007 and May 16, 2007 for a total of 14 cases.

The purpose of filing the objection was the same as those for Propositions No. 1 and No. 2, but the document submitted in regard to Proposition No. 3 does not include any description of evidence, unlike the previous two objections.

MIC assessed the objection based on the documents and found it appropriate, except for the petitioners' qualifications for filing objection; the certification of the qualification of the representative, etc.; the name and age or the name and address of the petitioners, which are to be entered in the document; and the date when they learned of the action to which the objection was filed. MIC decided to suspend its assessment of the petitioners' qualifications for filing objection, as it will demand clarification on that matter during deliberations at the Radio Regulatory Council. As for the certification of the qualification of the representative, etc., the name and age or the name and address of the petitioners, which are to be entered in the document, as well as the date when they learned of the action against which the objection was filed, MIC called for correction of the deficiency. Since the corrected document has not been submitted, MIC is suspending its assessment process. However, as the matters awaiting correction are unlikely to affect deliberations, MIC proposes the objection be deliberated at the Radio Regulatory Council, pursuant to Article 85 of the Radio Law.

(4) Draft MIC Ordinances to Partially Amend Each of the Regulations for Enforcement of the Radio Law and the Rules for Regulating Radio Equipment

(Consultations No. 23)

MIC gave an explanation as follows on the draft ministerial ordinances to partially amend each of the Regulations for Enforcement of the Radio Law and the Rules for Regulating Radio Equipment. The draft ordinances pertain to the introduction of high-gain FWA systems for broadband mobile wireless access systems, expansion of the areas where registered stations for 5 GHz band wireless access systems can be established, and the advancement of the DSRC system. The council submitted a report, after deliberation on the matter, stating that the draft ministerial ordinances are acceptable.

Since a hearing on Consultation No. 23 is obligatory under Article 99-12, paragraph 1 of the Radio Law, the council named Shuichi Nishimoto as the hearing examiner presiding over the hearing procedure.

a. MIC's Explanation

Since January 2007, the Telecommunications Council has studied the technical requirements for introducing high-gain FWA systems for broadband mobile wireless access systems, which is expected to

make broadband services available in mountainous areas where they are currently unavailable. In response to the report that the council subsequently submitted in April 2007 on the technical requirements for high-gain FWA systems, which are part of the technical requirements for broadband wireless access systems using the 2.5 GHz band, MIC will amend the related ministerial ordinances.

Firstly, regarding the high-gain FWA systems, the Telecommunications Council advised that it is appropriate to choose one out of the two methods, being either WiMAX or next generation PHS, in order to ensure synchronization between systems. Although the technical regulations for the above-mentioned two methods should be defined under the Rules for Regulating Radio Equipment, MIC has notified the adoption of WiMAX in its notice pursuant to the Rules for Regulating Radio Equipment because only one method can be used for each frequency assigned to the fixed regional band.

The second issue is the expansion of the areas where registered stations for 5 GHz band wireless access systems can be established. It was decided that the operation of fixed telecommunications stations using 5 GHz band (4,900 MHz to 5,000 MHz) should be terminated at the end of November 2007 and the vacating of the band has been facilitated accordingly, with the aim of making the introduction of high-power wireless access systems with a convenient registration process possible. In Tokyo, Tokai, and Kinki areas, the termination of operation had already been moved forward by two years and the registration system for 5 GHz band wireless access system was introduced on December 1, 2005. As the expiration of the operation period in the areas other than the To-Mei-Han areas is approaching, MIC will amend the related ordinances in order to expand the areas where registered stations can be established—except for some areas where radio stations using adjacent frequency bands could be affected—beginning December 1.

The third issue is the advancement of the DSRC (Dedicated Short Range Communications) system, which is one of the key systems employed in ITS (Intelligent Transport Systems) and used for ETC (Electronic Toll Collection) systems or entry/exit administration for parking spaces. As services that use the DSRC system to provide information about the influx of vehicles at highway junctions are scheduled to be launched, MIC will amend the related ordinances by adding the methods of broadcast communication and simplex operation to the existing communication methods of DSRC systems, i.e., one-way communication, dusimplex operation, and duplex operation methods.

(5) Draft Partial Change of Frequency Assignment Plan

(Consultation No. 24)

MIC gave an explanation as follows on the draft partial change of the Frequency Assignment Plan. The draft pertains to the expansion of frequencies for the general service using the two-wave system and the introduction of portable stations for image transmission using the 1.2 GHz band. The council submitted a report, after deliberation on the matter, stating that the draft partial change is acceptable.

a. MIC's Explanation

Frequencies on the 453 and 467 MHz bands are assigned for general services using the two-wave system, and are currently used to transmit and receive information about the locations of taxis. However, future assignment of frequencies may become impossible due to the increasing demand for the use of digital radios in taxis. To solve this problem, MIC will change the Frequency Assignment Plan by adding the land radio service, which uses the two-wave system, where possible to services using frequencies on the 467 MHz band and the 453 MHz band, as needed for the two-wave system.

Meanwhile, portable stations for image transmission using the 1.2 GHz band need to be introduced to meet the growing needs for the transmission of aerial photography at low and high altitudes, as this is expected to facilitate the use of bird's-eye-view images of buildings or construction photography. Image transmission experiments using a 1.2 GHz band experimental radio station mounted on a radio-controlled model plane flying at low altitude confirmed that the required image quality can be achieved and there is no radio interference with other radio stations. MIC will thus change the Frequency Assignment Plan by adding a mobile service to the frequencies from 1,260 to 1,300 MHz, which will make it possible to issue licenses for practical radio stations.

(6) Draft Guideline concerning Establishment of Specified Base Stations using 2.5 GHz band

(Consultation No. 25)

MIC gave an explanation as follows on the draft guidelines concerning the establishment of specified base stations using the 2.5 GHz band. The council submitted a report, after deliberation on the matter, stating that the draft guidelines are acceptable.

a. MIC's Explanation

The frequencies covered in the draft guidelines total 60 MHz, i.e., 30 MHz from 2,545 MHz to 2,575

MHz, plus 30 MHz from 2,595 MHz to 2,625 MHz. The ministry is developing a separate licensing policy to use the remaining 10 MHz, which lie midway between these two frequency bands, as a fixed regional band. The draft guidelines can be outlined as follows: (1) The above-mentioned 60 MHz should be assigned for mobile communications on a national basis to a maximum of two companies, i.e., 30 MHz to each company; (2) The frequencies should be assigned to companies other than third-generation mobile communications providers and their group companies, as competition between technologies and new entries will lead to the launch of new radio services and a revitalization of the market; (3) Providers should choose one communication method out of WiMAX, next-generation PHS, MBTDD-625 kMC or MBTDD-Wideband; (4) Development of a plan to promote the use of radio equipment by MVNO (Mobile Virtual Network Operators) should be mandated; (5) Base stations should be established in such a way as to achieve the launch of the service within three years after authorization and coverage of 50% or more of the service area within five years after authorization.

Following the invitation for public comment on the draft guidelines from May 15 to June 15, 2007, MIC consulted with the council today. MIC plans to publicly notify the draft guidelines after receiving a council report, and to then accept and assess applications for establishment plans. If MIC receives applications that meet the requirements from three or more companies, it will conduct a comparative examination to determine the two companies that best satisfy the requirements.

During the invitation for public comment on the draft guideline, MIC received 50 comments, most of which were in favor, while some requested that the 10 MHz designated for the fixed regional band should be expanded 20 MHz. MIC thinks quality of service can be sufficiently satisfied with 10 MHz, considering that the frequency band is assigned out of the limited bands to bridge the digital divide. Some also demanded that the draft guideline should be changed to allow only third-generation mobile communications providers to apply. MIC is limiting the investment from third-generation mobile communications providers to one-third or less in order to promote competition between technologies for the third-generation broadband wireless access systems, and thinks that participation of third-generation mobile communications providers within that limit will allow the optimization of the management resources for mobile communications and facilitate smooth business development. Others demanded that the contribution of the third-generation mobile communications providers should be more restricted. MIC thinks certain voting rights must be provided to the third-generation mobile communications providers because their expertise and management resources in mobile communications can be optimized for smooth business development.

(7) Draft Partial Amendment to Basic Broadcasting Plan and Plan for the Available Frequencies Allocated to Broadcasting

(Consultation No. 26)

MIC gave the following explanation on the draft partial amendment to the Basic Broadcasting Plan and the Plan for the Available Frequencies Allocated to Broadcasting. The draft amendment pertains to the addition of frequencies for BS broadcasting in 2011 and onward, changes to the start date of BS digital broadcasting scheduled in December 2007, and securing of successor satellite to the backup satellite for CS digital broadcasting. Subsequently, questions and answers were as follows. The council submitted a report, after deliberation on the matter, stating that the draft partial amendment is acceptable.

a. MIC's Explanation

The amendment consists of three parts.

The first issue is BS broadcasting in 2011 and onward. Currently, in Japan, a total of twelve frequencies, or channels, are assigned for BS broadcasting. Four channels, i.e., 1, 3, 13 and 15, have been used for BS digital broadcasting since December 2000. Out of another four channels, i.e., 5, 7, 9 and 11, the three channels 5, 7 and 11 will be used for BS analog broadcasting, while channel 9 will be used for BS digital broadcasting after December 2007. The three channels to be used for BS analog broadcasting will be terminated in 2011 and the use of these channels after that point is to be decided. The remaining four channels 17, 19, 21 and 23 are currently not in use. Under these circumstances, MIC conducted a needs survey in regard to a total of seven channels, i.e., the three channels to be terminated in 2011 and the four channels currently not in use. As a result, MIC received comments on the needs of a total of 13 transponders, including requests from incumbent broadcasters for an increase in the number of slots assigned to them in order to improve the image quality, statements of desire to enter the BS broadcasting business, and demands for the use of BS broadcasting to re-transmit programs of terrestrial digital broadcasting in the areas where the environment to receive terrestrial digital broadcast programs will not be developed by 2011. With reference to these comments MIC will develop related provisions so that the seven channels will become available in 2011 and onwards.

The second issue is the change to the start date of BS digital broadcasting scheduled for December 2007. The Star Channel is providing a broadcasting service by using part of channel 15, which is currently being used by NHK, but it will increase the number of its slots and start broadcasting on channel 9 in

December 2007. As the current Plan for the Available Frequencies Allocated to Broadcasting specifies that the change should be made instantly on December 1, MIC will develop the related provisions to allow a phased shift well in advance.

The third is securing the successor to the backup satellite for CS digital broadcasting. Since operation of the backup satellites for the CS digital broadcasting satellites stationed at longitude 124 E and 128 E, respectively, will be soon stopped, successor backup satellites will be launched. As the Plan for the Available Frequencies Allocated to Broadcasting specifies the frequencies that backup satellites for CS digital broadcasting can use, MIC will develop the related provisions in regard to the launch of the successor backup satellites.

b. Key Questions and Answers

There was a question asking if there is any specific evidence for deciding that the entry of a number of new broadcasters would not lead to a decline in incumbents' profit, contrary to some comments made in the needs survey. MIC answered that it is impossible to exclude new entrants simply because existing BS digital broadcasters are suffering from accumulated deficit; that the overall trend is improving, as evidenced by the reports of some broadcasters that they turned a single-year profit for FY2006; and there are bright prospects, including growing recognition of BS digital broadcasting.

(8) Approval of Business of Leasing Part of NHK's Multiplexer, etc., for Satellite Broadcasting Program Transmission

(Consultation No. 27)

MIC explained this matter together with Consultation No. 28 since the two consultations were related.

(9) Approval of Lease of NHK's Broadcasting Facilities

(Consultation No. 27)

MIC explained this matter as follows together with Consultation No. 27 since the two consultations were related. Subsequently, questions and answers were as follows. The council submitted a report, after deliberation on the matter, stating that leasing is acceptable.

a. MIC's Explanation

Consultations No. 27 and No. 28 have been separately made because, under the current Broadcast Law, applications for leasing can be authorized only when they are appropriate in regard to two aspects, i.e., leasing of NHK's broadcasting facilities can be allowed only for services other than broadcasting, and what is leased is broadcasting facilities of great importance. In fact, however, these two consultations concern one instance of leasing of part of NHK's multiplexer, etc., for satellite broadcasting programs to digital data broadcasters. After the channel restructuring scheduled in December 2007, channel 9, which is currently used for NHK's analog high-vision broadcasting, will be used for digital broadcasting by three broadcasters: Nippon BS Broadcasting Corporation, the Star Channel and WHC. In conjunction with this restructuring, the frequency bands of channel 15, which is currently used by the Star Channel and Nippon BS, will be vacated. Three data broadcasters, namely WINJ, DPA and WX24, will then moved onto the vacated bands. Under the current scheme these three broadcasters are borrowing multiplexers from the satellite broadcasters who are using the same channel, i.e., WINJ is borrowing the multiplexer from WOWWOW, DPA from BS Japan, and WS24 from BS Fuji. They multiplex and broadcast their programs together with those of the owners of the multiplexers. Similarly, they wish to provide broadcasting services by borrowing part of the multiplexer for satellite broadcasting program transmission owned by NHK, which is currently using the channel, after moving to channel 15. Since WINJ is suspending its broadcasting service, this consultation covers the applications from the two companies DPA and WX24.

Considering that the scale of these data broadcasters is small and therefore preparing multiplexers independently will impose a substantial burden on their management, and that the aim is for efficient use of frequency bands for satellite broadcasting, MIC thinks it is desirable to transmit data by binding them into one if possible.

MIC found the leasing is acceptable after considering the above factors comprehensively and assessing the applications as to whether the services and the lease of facilities are appropriate.

b. Key Questions and Answers

There was a question asking that although WX24 and DPA currently have a similar arrangement with BS Fuji and BS Japan, respectively, is it correct to understand that approval of the Minister for Internal Affairs and Communications is not required in these cases since they are not borrowing the facilities from NHK. MIC confirmed that it is correct.

(Office responsible for the above wording: The Secretariat of the Radio Regulatory Council.)