

Radio Regulatory Council—925th Meeting Summary of Minutes

1. Date and Time

Wednesday, December 12, 2007; 15:00–

2. Location

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

3. Attendees (honorifics omitted)

(1) Council Members

Mitsutoshi Hatori (Chair), Takeo Inokuchi (Vice Chair), Kashiko Kodate, Junichi Hamada

(2) Hearing Examiner of the Radio Regulatory Council

Shuichi Nishimoto

(3) Secretary

Shuji Ishida (Deputy Director, General Affairs Division, Telecommunications Bureau)

(4) MIC Representatives

Terasaki (Director-General, Telecommunications Bureau), Tanaka (Director-General, Radio Department), Ogasawara (Director-General, Information and Communications Policy Bureau), Kawauchi (Deputy Director-General, 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. 36 of October 3, 2007)

There is an intention to add to the Inmarsat BGAN mobile satellite communication system, radio equipment that can automatically home in on artificial satellites and can be installed on ships or vehicles. The subject Draft MIC Ordinance pertains to the addition of this radio equipment. The council deliberated on this Draft MIC Ordinance with reference to the written statements and written opinions (see the Written Opinions from the 437th Radio Regulatory Council Hearing) submitted by the hearing examiner who presided over the opinion hearing procedure, with the result that the council submitted a report stating that the subject Draft MIC Ordinance is acceptable.

(2) Revocation of the approval of the plan to establish a specified base station using 2 GHz band frequencies

(Consultation No. 40 of November 14, 2007)

The council deliberated on the revocation of the approval for IP Mobile Co., Ltd. to implement the plan to establish a specified base station using 2 GHz band frequencies with reference to the written statements and the written opinions (see the Written Opinions from the 438th Radio Regulatory Council Hearing) submitted by the hearing examiner who presided over the opinion hearing procedure, with the result that the council submitted a report stating that the subject revocation is acceptable.

(3) Proposition concerning formal objection to type designation carried out on broadband power line carrier communication equipment

(Proposition No. 23)

The Minister of Internal Affairs and Communications carried out type designation on broadband power line carrier communication equipment, as publicly announced in MIC Notice No. 556 of 2007. Subsequently, a formal objection was filed against this type designation and was mooted on December 12, 2007. MIC gave an explanation as follows on this formal objection. Subsequently, a question-and-answer session took place as follows.

Since a hearing on this matter is obligatory under the Radio Law, the Council named Shuichi Nishimoto as the hearing examiner to preside over the hearing.

a. MIC's Explanation

Formal objections have been filed before against type designation performed on broadband power line carrier communication equipment and were mooted at the Radio Regulatory Council. The formal objection now under discussion is similar to formal objections mooted on March 23, 2007, May 16, 2007, July 11, 2007, September 12, 2007 and November 14, 2007. In this case, a formal objection was newly filed for the purpose of seeking the nullification of the instances of type designation regarding broadband power line carrier communication equipment that were publicly announced in the Official Gazettes of January 12, 2007, January 16, 2007 and October 4, 2007.

In the first place, the formal objection discussed under Proposition No. 23 was filed on November 13, 2007. The number of petitioners is 115, which is the same as under Propositions No. 1 to No. 4 and No. 22.

The formal objection is to the type designation publicly announced in the Official Gazettes of January 12, 2007, January 16, 2007 and October 4, 2007 regarding a total of 15 instances.

MIC assessed the filing criteria for the formal objection and found that, except for those regarding the filing period, the petitioners' qualifications to file an objection, and the certification of the qualifications of the representative and so on, the criteria had been met. As regards the formal objection period, it is stipulated in Article 45 of the Law of Administrative Tribunals that any formal objection shall be filed within 60 days of the date when the action against which the said objection is intended to be filed is learned of. Therefore, the formal objection to the instances of type designation publicly announced in the Official Gazettes of January 12, 2007 and January 16, 2007 was overruled. MIC decided to suspend its assessment of the petitioners' qualifications to file an objection as MIC intends to demand clarification of that matter during deliberations at the Radio Regulatory Council. As for the certification of the qualification of the representative and so on, MIC called for the deficiency to be corrected. Since the corrected document has not been submitted, MIC is suspending its assessment process. However, since the matters awaiting correction are unlikely to affect deliberations, MIC proposes that the objection be deliberated on by the Radio Regulatory Council, pursuant to Article 85 of the Radio Law.

b. Key Questions and Answers

It was asked as to whether there was any reason why a formal objection was filed at this time against the actions publicly announced in the Official Gazettes of January 12, 2007 and January 16, 2007. MIC answered that it is unknown why the objection was filed as late as it was, and that the action against which the objection was filed is not included in the type designation against which objections have so far been raised by the petitioners under Propositions No. 1 to No. 4 and No. 22.

(4) Proposition concerning formal objection to type designation carried out on broadband power line carrier communication equipment

(Proposition No. 24)

The Minister of Internal Affairs and Communications carried out type designation on broadband power line carrier communication equipment, as publicly announced in MIC Notices No. 524 and No. 556 of 2007. Subsequently, a formal objection was filed against this type designation and was mooted on December 12, 2007. MIC gave an explanation as follows on this formal objection.

Since a hearing on this matter is obligatory under the Radio Law, the Council named Shuichi Nishimoto as the hearing examiner to preside over the hearing.

MIC's Explanation

In this case, a formal objection was filed for the purpose of seeking the nullification of the instances of type designation regarding broadband power line carrier communication equipment that were publicly notified in the Official Gazettes of September 18, 2007 and October 4, 2007.

In the first place, the formal objection discussed under Proposition No. 24 was filed on November 14, 2007 by an individual petitioner.

The formal objection is to the type designation publicly announced in the Official Gazettes of September 18, 2007 and October 4, 2007 regarding a total of 19 instances.

MIC assessed the filing criteria for the formal objection and found that, except for the petitioners' qualifications to file an objection, the criteria had been met. MIC decided to suspend its assessment of the petitioner's qualification to file objection. The reason for this decision is as follows: The petitioner, who declares himself to be a broadcast viewer/listener, is also the licensee of an amateur radio station. It is therefore possible that facts regarding specific profits will become clear from now on. Consequently, MIC intends to demand clarification of that matter during deliberations by the Radio Regulatory Council.

(5) Draft Partial Changes to the Plan for the Available Frequencies Allocated to Broadcasting

(Consultation No. 41)

Channels etc. are intended to be changed with regard to the terrestrial digital broadcasting relay stations at Tama and Gotemba. In connection with this, partial changes to the Plan for the Available Frequencies Allocated to Broadcasting were drafted. The MIC gave an explanation as follows on the resulting Draft Partial Changes to the Plan for the Available Frequencies Allocated to Broadcasting. Subsequently, a question-and-answer session took place as follows. After deliberating on the matter, the council submitted a report stating that the subject draft changes are acceptable.

a. MIC's Explanation

With regard to any parent broadcasting station and any large-scale relay station where antenna power exceeds 3 W, it is stipulated that the following items to be used should be specified in advance in the Plan for the Available Frequencies Allocated to Broadcasting: frequencies, channels and antenna strength.

In this case, changes are intended to be made to the stipulations regarding the relay station at Tama in the Tokyo metropolitan area and the terrestrial digital broadcasting relay station at Gotemba in Shizuoka Prefecture.

In the first place, as regards the relay station at Tama, the Plan for the Available Frequencies Allocated to Broadcasting was formulated in the anticipation that the area currently covered by analog broadcasting from Tokyo Tower, the relay station at Tama and the relay station at Hachioji would be able to be covered by Tokyo Tower and the relay station at Tama in the case of terrestrial digital broadcasting as well. In connection with this, digital broadcasting radio waves were actually emitted from Tokyo Tower and their intensity was measured. It was found that part of the Hachioji area, which the emitted radio waves were expected to be able to reach, did not receive the waves, and that most of the area initially intended to be covered by the relay station at Tama was able to receive the radio waves from Tokyo Tower.

On the other hand, it was found that radio waves from the relay station at Tama similarly failed to sufficiently reach two zones which are part of the Tama area. Furthermore, it was found from a simulation analysis that if the relay station at Tama is established as initially planned, there is the potential for digital interference to occur to terrestrial digital broadcasting in about 3,000 households due to the proximity of Tokyo Tower to the relay station at Tama and so on.

Such being the case, the intention is to change part of the Plan for the Available Frequencies Allocated to Broadcasting to ensure the transmission of radio waves in areas that will not be covered by Tokyo Tower or the relay station at Tama and to curb digital interference.

Furthermore, as regards the relay station at Gotemba in Shizuoka Prefecture, the Plan for the Available Frequencies Allocated to Broadcasting was initially formulated so that a terrestrial broadcasting relay station would be established in a different location to the existing analog broadcasting relay station to prevent interference with radio waves in the Kanto Region. In connection with this, actual measurements were made of electric field intensity. It was found that radio waves emitted from the initially planned relay station cannot be received satisfactorily by 3,000-odd households due to the influence of objects such as trees at the bottom of mountains. Therefore, the intention is to change part of the Plan for the Available Frequencies Allocated to Broadcasting for the following purposes: The location of the planned digital broadcasting relay station will be changed to cover this area; the strength of the transmission and channels will be changed at the same time to avoid digital interference.

b. Key Questions and Answers

A statement was made to the effect that radio waves cannot be received satisfactorily due to the

influence of trees. In this regard it was asked to what extent trees have an influence on reception. MIC answered as follows: Just one or two trees do not have an influence; the presence of forests exerts an influence. In this case, the reception of radio waves was affected by the influence of mountain forests.

(6) Others

MIC reported on the following items: the results of the World Radio Conference 2007 (WRC-07) of the International Telecommunication Union (ITU); cancellation of the proposition concerning the formal objection to the type designation carried out on broadband power line carrier communication equipment (Proposition No. 5); and the Radio Regulatory Council hearing concerning the approval of the plan to establish a specified base station using 2.5 GHz band frequencies.

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