

Summary of the Proceedings of the 943rd Radio Regulatory Council Meeting

1. Time and date

From 14:15 Wednesday, June 10, 2009

2. Place

Conference Room of the Ministry of Internal Affairs and Communication (No. 1002 Conference Room, 10th floor)

3. Participants

(1) Members of the Radio Regulatory Council

Junichi Hamada (Chairperson), Hiroshi Harashima (Acting Chairperson),
Kashiko Kodate, Yoko Matsuzaki, Setsuko Yamada

(2) Inquiry Officer of the Radio Regulatory Council

Toshiji Sato, Hiroyuki Morishita

(3) Secretary

Shuji Ishida (Assistant Director, General Affairs Division, Telecommunication
Bureau, Ministry of Internal Affairs and Communication)

(4) Ministry of Internal Affairs and Communication

Sakurai, Director-General, Telecommunications Bureau

Yoshida, Director-General, Radio Department

Yamakawa, Director-General, Information and Communications Bureau

Kubota, Deputy Director-General of Minister's Secretariat,

and others

4. Content of the proceedings

(1) Regarding the objection to abolition of type designation on broadband power line carrier communication equipment

(Tabling of Discussion No. 24, Dec. 12, 2007; Tabling of Discussion No. 1 & No. 2, Feb. 6, 2008; Tabling of Discussion No. 5, Jun 11, 2008; Tabling of Discussion No. 7, Oct. 8, 2008; Tabling of Discussion No. 8 & No. 10, Dec. 10, 2008; Tabling of Discussion No. 1, Jan. 21, 2009; and Tabling of Discussion No. 3 & No. 4, Mar. 11, 2009)

With respect to the petition for objection to abolition of type designation on broadband power line carrier communication equipment, which was filed by 95, 97 and

100 individuals and listeners of short wave broadcasting at the respective time of filing, the petition was filed by a third party, who was not the addressee of the abolition of type designation on broadband power line carrier communication equipment. Regarding the eligibility of this third party for filing the petition for objection, the Council has reached a decision on a draft resolution to turn down the objection, on the grounds that the opponent does not have a legal advantage.

(2) Regarding the tabling of objection to abolition of type designation on broadband power line carrier communication equipment

(Tabling of discussion No. 5)

The Ministry of Internal Affairs and Communication gave the following opinion with respect to the objection filed by amateur radio operators, 115 in total, regarding the abolition of type designation on broadband power line carrier communication equipment, which was announced in the Ministry of Public Management, Home Affairs, Posts and Telecommunications notification No. 135, 2009. This objection was tabled for discussion on March 17, 2009.

Under the provisions of the Radio Law, this case had to be deliberated in this Council meeting. The case was therefore deliberated. As a result of deliberation, the Council appointed Toshiji Sato as chief inquiry officer, and Hiroyuki Morishita as assistant inquiry officer, to assist the chief inquiry officer, respectively.

***Explanation by the Ministry of Internal Affairs and Communication**

In this case, a petition for objection was filed asking for a cancellation of the abolition of type designation on broadband power line carrier communication equipment, which had been announced through the government gazette of March 17, 2009.

The date of the filing of the petition for objection is May 13, 2009. The opponent is a group of amateur radio operators, 115 in total, which is the same as the opponent in the No. 1 to No. 4 tabling of discussion in 2007, No 22 tabling in 2007, No. 23 tabling in 2007, No. 3 tabling in 2008, No. 4 tabling in 2008, No. 6 tabling in 2008, No. 9 tabling in 2008 and No.2 tabling in 2009.

The petition for objection was filed regarding the 7 cases of abolition of type designation, which had been announced in the government gazette of March 17, 2009.

The Ministry of Internal Affairs and Communication conducted a formality examination based on the Radio Law. As a result, the formality was found to be

“appropriate” except for the eligibility of the opponent for filing the petition for objection. As regards the eligibility of the opponent for filing a petition for objection, the Ministry of Internal Affairs and Communication has postponed examination, because the Ministry hopes to continue to seek for clarification in this matter in the deliberations of the Radio Regulatory Council. Therefore, the Ministry tables this matter for discussion by the Radio Regulatory Council under the provision of Article 85 of the Radio law.

(3) Regarding the bill for ministerial decree to revise part of the radio operator regulations

(Consultation No. 23)

The Ministry of Internal Affairs and Communication gave the following explanation with respect to the preparation of related regulations involving the transition to the use of license cards for radio operators, etc.

With respect to this case, hearing of opinions is required under Section 1 of Article 99-12 of the Radio Law. The Ministry appointed Horoyuki Morishita as the inquiry officer who organizes the procedures of hearing of opinions.

a. Explanation by the Ministry of Internal Affairs and Communication

This case is concerned with the preparation of related provisions associated with the transition to the use of license cards for radio operators. Currently, there are two types of radio operator’s license: one is a pocket notebook type, and the other is a large-sized type. Currently, radio operators are required to carry their license with them when they operate radio stations. However, the current license is fragile to bending, and not convenient for carrying. Therefore, this ministerial decree bill aims to improve the portability and durability of radio operators’ licenses by adopting the same kind of plastic card that is used for drivers’ licenses, etc.

At the same time, in order to rationalize the procedures for license application, it aims to unify the format of the application, and the size of the photograph of the applicant to be attached to the application. In addition, up until now, the document which attested to the applicant’s name and date of birth could be omitted only when the residence certificate code was stated. But under the new regulation, it will be possible to omit it by entering the number of the radio operator’s license, qualification certificate of the telecommunication lead engineer, and qualification certificate of the person in charge of construction.

(3) Regarding approval of the plan involving the opening of designated base stations associated with the introduction of the 3.9th generation of mobile communication system
(Consultation No. 24)

The Ministry of Internal Affairs and Communication gave the following opinion concerning approval of the plan involving the opening of designated base stations associated with the introduction of the 3.9th generation of mobile communication system for EMOBILE Ltd., NTT DOCOMO, INC., SOFTBANK MOBILE Corp., KDDI Corporation and Okinawa Cellular Telephone Company. As a result of deliberation, the council decided that the plan was appropriate.

* Explanation by the Ministry of Internal Affairs and Communication

This case is concerned with approval of the plan which involves opening of designated base stations associated with the introduction of the 3.9th generation of mobile communication system, in which four frequency bands, either 10MHz or 15MHz, are allocated in the 1.5GHz band and 1.7GHz band.

It was decided to accept applications based on the Guidance on the opening of designated base stations associated with the introduction of the 3.9th generation of mobile communication system (Opening Guidance). Subsequently, 5 companies submitted applications, namely, EMOBILE Ltd., NTT DOCOMO, INC., SOFTBANK MOBILE Corp., KDDI Corporation and Okinawa Cellular Telephone Company.

Of these applications, multiple applications of companies that work together by regions are supposed to be regarded as one application. Thus, the applications of KDDI Corporation and Okinawa Cellular Telephone Company who had submitted their applications as companies that work together by regions was regarded as one application. Since it was required to conduct a comparative examination when there are five or more applications for approval of plans to open base stations, for the four applications, only the requirements were examined without making any comparative examination.

Each application was deliberated based on each item of Section 4 of Article 27-13 of the Radio Law. As a result, it was found that all of the applications were appropriate. Therefore, it is desired to approve those applications.

(4) Regarding a bill for a partial revision of Broadcasting Diffusion Basic Plan

(Consultation No. 25)

The Ministry of Internal Affairs and Communication gave the following opinion with respect to the preparation of provisions that regulate the volume of aerial power for community broadcasting to be set at the minimum level necessary. The bill was then deliberated. As a result of the deliberation, it was decided that the bill was appropriate.

a. Explanation by the Ministry of Internal Affairs and communication.

Community broadcasting stations are VHF broadcasting FM stations were institutionalized in January 1992 to provide information closely connected with the community, including information on life in general, government and tourism and so on, in certain areas of municipalities. Their aerial power is supposed to be 20W or less in principle, which should be the lowest possible amount to cover the desired broadcasting area.

Currently, the areas of individual municipalities have been expanded as a result of the widespread mergers. As a result, there are now cases in which municipalities seek to increase coverage by installing relay stations. A large number of requests have also been submitted which expressed the desire to increase aerial power in order to improve coverage of the broadcasting area. Meanwhile, the number of community broadcasting stations is on the increase across the nation. At the same time, it is also necessary to secure opportunities for other municipalities which have not yet opened a station so that they can also do so. In view of these conditions, this revision seeks to partially modify the examination criteria related to the Radio Law, in order to allow the increase of aerial power as exceptions, as long as there will be no impact on opening plans for new stations in neighboring municipalities. At the same time, the revision seeks to add a new provision which stipulates that the value of aerial power should be the least necessary for securing opportunities for as many people as possible to perform community broadcasting within the framework of the broadcasting diffusion basic plan.

b. Main Q & A

- The following question was asked. It is thought that community broadcasting has a large number of potential viewers, considering that community broadcasting is real time broadcasting which provides local community information. The question is whether the number of viewers is known. In

response, the answer was given that the number of operators was known, but the number of viewers was not known.

- The question was raised as to if there was any case in which a community broadcasting station had not been opened even after a license had been obtained. In response, the answer was given that there is thought to be no case in which a community station had not been opened after a license was obtained. However, it is also possible for operators to operate a station only during the summertime.

(5) Regarding approval of broadcasting associated with special satellite broadcasting
(Consultation No. 26)

With respect to the approval of 12 programs and 8 parties including The Open University of Japan for broadcasting associated with special satellite broadcasting, the Ministry of Internal Affairs and Communication gave the following opinion, and Q & A, as follows. As a result of deliberation, it was decided that approval was appropriate.

a. Explanation by the Ministry of Internal Affairs and Communication

This case is concerned with approval of broadcasting associated with special satellite broadcasting, which will start from 2011.

Applications were invited from February 24 to March 23 of 2009. Subsequently, the Open University of Japan submitted its application for one program, and 18 general broadcasting operators submitted their applications for 22 programs for BS broadcasting frequencies. Also, 14 general broadcasting operators submitted their applications for 14 programs for high-definition television broadcasting, etc., for the 110 degrees of east longitude CS broadcasting frequencies.

Requirements were examined for all applications based on the Broadcasting Act, etc. As a result, all applications were deemed to be appropriate. Hence, based on the broadcasting diffusion basic law, it was decided to approve the application of the Open University of Japan as a whole. As regards general broadcasting operators, a comparative examination was made because of the shortage of frequencies that can be allocated.

As the comparative examination, a primary comparative examination was first made in the following order of priority: 1) high-definition television broadcasting; 2) standard television broadcasting; 3) VHF broadcasting or data broadcasting; 4) other operations. Subsequently, because there was still some shortage of frequencies that

could be allocated, a secondary comparative examination was made by comprehensively taking into consideration, compliance with criteria regarding 8 items: 1) certainty of business plan; 2) entitlement of freedom of expression; 3) diversity of broadcast programs; 4) proportion of advertisement broadcasting; 5) protection of personal information; 6) protection of young people; 7) response to the audio-visually impaired, and 8); high image quality of broadcast program, and the degree of contribution to the diffusion and healthy growth of broadcasting. Priority was given to the one that best serves to the welfare of the public. Consequently, it is hoped to approve 8 operators and 11 programs, namely, STAR CHANNEL,INC.(2 programs), Animax Broadcast Japan, (1 program); WOWOW INC. (2programs); Green Channel (1 program), J SPORTS Broadcasting Corporation (2 programs); BS FOX (one program), Kids Station (1 program) and Multi Channel Entertainment (1 program).

b. Main Q & A

- The following question was asked. Some of the operators, even if they may be approved at this time, may not have high a compliance level with respect to some of the items of the secondary comparative examination. In this case, is there a possibility of setting up conditions for approval? In response to this question, the following answer was given. All of the operators who received the approval are considered to satisfy the minimum standard. It is expected that they will endeavor to raise their compliance levels even higher in the future.

(The Secretariat of the Radio Regulatory Council takes full responsibility for the wording and content of this article).