

PLENARY MEETING

**Addendum 2 to
Document 9-E
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United States of America

ADDITIONAL PROPOSALS FOR THE WORK OF THE CONFERENCE

I. Introduction

The United States is pleased to submit its second tranche of proposals in **Addendum 2** for consideration by the World Conference on International Telecommunications 2012 (WCIT-12).

The United States' proposals, in both the first tranche and this second tranche, reflect the dramatic changes in the telecommunications sector since the International Telecommunication Regulations (ITRs) were last revised in 1988, from a sector dominated by state-controlled companies providing basic fixed service to liberalized markets with multiple companies competing across a wide range of services and technologies. The United States' proposals seek to build on the success of those changes by focusing on market-based solutions and approaches instead of global regulation, and by highlighting the importance of creating an enabling environment of further liberalization and competition that encourages private sector investment.

In addition to proposals removing obsolete provisions and aligning the ITR text with the Constitution and Convention, the United States' proposals address the critical issue of promoting development and investment in telecommunications infrastructure in all countries. There is a factually documented positive connection between well-developed telecommunications networks, which provide widespread access to international telecommunications services, and economic growth and societal benefit. Thus, it is appropriate that the WCIT promote high level policies for increasing access to telecommunications around the world.

As recognized by the World Summit on the Information Society (WSIS), policies that create regulatory stability and predictability and ensure fair competition at all levels are necessary to attract private sector investment in telecommunications infrastructure. The United States' proposals highlight the importance of establishing an enabling environment for investment and innovation, and ensuring that international telecommunications networks remain open to the global exchange of information and ideas. Specifically, the United States proposes to revise Resolution 4, "The Changing Telecommunication Environment" to highlight the importance of development, competition, and private sector investment in telecommunications infrastructure.

The United States believes that governments, consumers, citizens, and society benefit significantly when all market players have the flexibility to innovate and develop new services in competitive markets, in response to consumer demand. Telecommunications markets that are structured in this way attract investment, fuel technological advancement, and are efficient in delivering

services to consumers. For this reason, the United States does not support proposals to amend the ITRs that would force a change to the operation of competitive markets.

II. Proposals for the Work of the Conference

The attached table in **Annex 1** provides a summary of the proposals from the United States. The United States' proposals are contained in **Annex 2** to this document. The United States reserves the right to add to, or otherwise modify, the views and proposals expressed herein through subsequent contributions.

The United States also reiterates its support for CITELE IAPs 1 (proposal to review and revise ITRs); 2 (avoiding overlaps between Radio Regulations and ITRs); 3 (maintaining voluntary nature of ITU-T Recommendations); 5 (definitions); 7 (transparency of international mobile roaming); 9 (principles to be observed in the revision of the ITRs); 10 (preamble); 11 (in support of stable ITRs); 13-17, 24, 25 (Article 1); 19 (maintain scope and application of ITRs to ROA); 21 (NOC on issue of security); 22 (Appendix 2); and 23 (observe limitations on cybersecurity).

ANNEX 1

List of Proposals to WCIT-12 from the United States of America

USA	Title of USA	Summary of Proposal
USA/9A2/1	Text of Service telecommunication	Propose deletion of this definition.
USA/9A2/2	Title of Privilege telecommunication	Propose suppression.
USA/9A2/3	Text of Article 2.5.1	Propose suppression.
USA/9A2/4	Text of Article 2.5.2	Propose suppression of this provision.
USA/9A2/5	Text of Article 3.1	Propose revisions to reflect provision of quality of service by commercial entities.
USA/9A2/6	Text of Article 3.2	Proposed revisions to promote policies that create incentives to invest in telecommunications infrastructure.
USA/9A2/7	Text of Article 3.4	Editorial update.
USA/9A2/8	Title of International Telecommunication Services	Title remains unchanged.
USA/9A2/9	Text of Article 4.1	Editorial update to align with the provision with CS 5.
USA/9A2/10	Text of Article 4.2	Editorial update.
USA/9A2/11	Text of Article 4.3	Editorial update to align with CS/CV.
USA/9A2/12	Text of Article 4.3a, 4.3b, 4.3c, and 4.3 d	Remains unchanged.
USA/9A2/13	New Article 4.4	The purpose of the text is to increase competition in international mobile roaming markets by empowering consumers and resorting to minimal regulatory intervention.
USA/9A2/14	Title of Article 5	Remains unchanged.
USA/9A2/15	Text of Article 5.1	Proposed revisions to clarify role of Member States.
USA/9A2/16	Text of Article 5.2	Editorial update.
USA/9A2/17	Text of Article 5.3	Editorial update.
USA/9A2/18	Text of Article 6.5	Propose to suppress.
USA/9A2/19	Title of Article 7	Title of Article 7 remains unchanged.
USA/9A2/20	Text of Article 7.1	Editorial update.
USA/9A2/21	Text of Article 7.2	Editorial update.

USA	Title of USA	Summary of Proposal
USA/9A2/22	Title of Article 8	Title remains unchanged.
USA/9A2/23	Text of Article 8	Editorial updates to align with CS/CV.
USA/9A2/24	Text of Appendix 1	Propose suppression as the provisions are no longer relevant.
USA/9A2/25	Title of Appendix 2	Revisions reflect proposed suppression of Appendix 1.
USA/9A2/26	Sub title of Appendix 2	Remains unchanged.
USA/9A2/27	Text of Appendix 2 provision 1	Editorial updates.
USA/9A2/28	Subtitle of Appendix 2 on Accounting Authority	Remains unchanged.
USA/9A2/29	Text of Appendix 2 provision 2.1	Editorial update.
USA/9A2/30	Text of Appendix 2 provision 2.2	Editorial update.
USA/9A2/31	Text of Appendix 2 provision 2.3	Editorial update.
USA/9A2/32	Text of Appendix 2 provision 2.4	Editorial update.
USA/9A2/33	Text of Appendix 2 provision 3	Propose suppression.
USA/9A2/34	Subtitle of Appendix 2 on Settlement of balances of account	Remain unchanged.
USA/9A2/35	Text of Appendix 2 provision 3.1	Editorial update.
USA/9A2/36	Text of Appendix 2 provisions 4.1 and 4.2	Proposed suppression.
USA/9A2/37	Text of Appendix 3	Obsolete provision, propose suppression.
USA/9A2/38	Resolution No 4	Proposed revisions to encourage investment in telecommunication infrastructure.

ANNEX 2

ARTICLE 2

Definitions

SUP USA/9A2/1

17 ~~2.4—Service telecommunication~~

~~A telecommunication that relates to public international telecommunications and that is exchanged among the following:~~

~~—administrations;~~

~~—recognized private operating agencies,~~

~~—and the Chairman of the Administrative Council, the Secretary General, the Deputy Secretary General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.~~

Reasons: This provision is obsolete and does not reflect the existing international telecommunications market.

SUP USA/9A2/2

18 ~~2.5—Privilege telecommunication~~

SUP USA/9A2/3

19 ~~2.5.1 A telecommunication that may be exchanged during:~~

~~sessions of the ITU Administrative Council,~~

~~conferences and meetings of the ITU~~

~~between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.~~

SUP USA/9A2/4

20 ~~2.5.2 A private telecommunication that may be exchanged during sessions of the ITU Administrative Council and conferences and meetings of the ITU by representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.~~

Reasons: This provision is obsolete and does not reflect the existing international telecommunications market.

ARTICLE 3

International Network

MOD USA/9A2/5

28 3.1 Members ~~States~~ shall ~~encourage ensure that~~ administrations* ~~and ROAs to~~ cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

Reasons: Proposed revisions reflect the fact that, in many countries, the network is owned by private companies and quality of service is not directly controlled by Member States.

MOD USA/9A2/6

29 3.2 ~~Administrations*~~ Member States shall encourage investment in endeavour to provide sufficient telecommunication facilities to meet the ~~requirements of and~~ demand for international telecommunication services, inter alia through the fostering of competitive and liberalized telecommunication markets.

Reasons: Proposed revisions highlight the importance of Member States adopting policies that promote competition and create incentives to invest in telecommunications infrastructure.

MOD USA/9A2/7

31 3.4 Subject to national law, any user, by having access to the international network established by an administration* ~~/ROA~~, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ITU-T CCITT Recommendations.

Reasons: Proposed revisions reflect editorial changes.

NOC USA/9A2/8

ARTICLE 4

International Telecommunication Services

Reasons: Title of Article 4 remains unchanged.

MOD USA/9A2/9

32 4.1 Members ~~States~~ shall, to the greatest extent practicable, establish policies to promote the ~~development implementation~~ of international telecommunication services that are ~~and shall endeavour to make such services~~ generally available to the public ~~in their national network(s).~~

Reasons: Editorial update to align the provision with CS 5.

MOD USA/9A2/10

33 4.2 Members States shall ~~encourage ensure that~~ administrations*/ROAs to cooperate within the framework of these Regulations to provide ~~by mutual agreement,~~ a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T ~~CCITT~~ Recommendations.

Reasons: Editorial update to align with CS/CV.

MOD USA/9A2/11

34 4.3 Subject to national law, Members States shall endeavour to ensure that ~~administrations*~~ ROAs provide and maintain, to the greatest extent practicable, a ~~minimum~~ satisfactory quality of service corresponding to the relevant ITU-T ~~CCITT~~ Recommendations with respect to:

Reasons: Editorial update to align with CS/CV.

NOC USA/9A2/12

- 35** a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;
- 36** b) international telecommunication facilities and services available to customers for their dedicated use;
- 37** c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and
- 38** d) a capability for interworking between different services, as appropriate, to facilitate international communications.

ADD USA/9A2/13

38A 4.4 Member States shall foster measures to improve transparency in end user prices and terms and conditions of access to mobile services in international roaming as well as their effective and timely communication to the user.

Reasons: The proposed ADD reflects CITELE IAP 7. The purpose of the text is to increase competition in international mobile roaming markets by empowering consumers and resorting to minimal regulatory intervention.

NOC USA/9A2/14

ARTICLE 5

Safety of Life and Priority of Telecommunications

Reasons: Title of Article 5 remains unchanged.

MOD USA/9A2/15

39 5.1 Member States shall adopt policies to ensure that Ssafety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ITU-TCITF Recommendations.

Reasons: Clarifies role of Member States.

MOD USA/9A2/16

40 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ITU-TCITF Recommendations.

Reasons: Editorial update to align with CS and CV.

MOD USA/9A2/17

41 5.3 The provisions governing the priority enjoyed by anya# other telecommunications services are contained in the relevant ITU-TCITF Recommendations.

Reasons: Editorial update and alignment of English with the French text and with the definition in Article 2.2

ARTICLE 6

SUP USA/9A2/18

53 ~~6.5 — Service and privilege telecommunications~~

54 ~~6.5.1 — Administrations* shall follow the relevant provisions as set out in Appendix 3.~~

Reasons: The proposed revisions support suppression of these provisions and Appendix 3 because they do not reflect the existing competitive international telecommunication market.

NOC USA/9A2/19

ARTICLE 7

Suspension of Services

Reasons: Title of Article 7 remains unchanged.

MOD USA/9A2/20

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member State shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

Reasons: Editorial update to align with CS/CV.

MOD USA/9A2/21

56 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

Reasons: Editorial update to align with CS/CV.

NOC USA/9A2/22

ARTICLE 8

Dissemination of Information

Reasons: Title of Article 8 remains unchanged.

MOD USA/9A2/23

57 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations*, of ~~an administrative, operational, tariff or a~~ statistical nature concerning international telecommunication ~~routes and~~ services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the ~~Administrative~~ Council or by relevant competent administrative conferences, and taking account of conclusions or decisions of World Telecommunication Standardization Assemblies and World Telecommunication Development Conferences. ~~Plenary Assemblies of the International Consultative Committees.~~

Reasons: Editorial updates to align with CS/CV and to delete references to information that may be proprietary in a competitive market.

SUP USA/9A2/24

APPENDIX 1

General Provisions Concerning Accounting

Reasons: Appendix 1 should be suppressed because detailed regulatory provisions governing charging and accounting for international telecommunications services are not appropriate for a competitive market, consistent with Plenipotentiary Resolution 171 (Guadalajara, 2010).

MOD USA/9A2/25

APPENDIX ~~2~~1

Additional Provisions Relating to Maritime Telecommunications

Reasons: This is consequential to suppression of APPENDIX 1, however, title of Appendix 2 remains unchanged.

NOC USA/9A2/26

2/1 1 General

Reasons: Subtitle of Appendix 2 remains unchanged.

MOD USA/9A2/27

2/2 The provisions contained in ~~this appendix Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations,~~ shall also apply to maritime telecommunications ~~in so far as the following provisions do not provide otherwise.~~ Administrations should comply with the relevant ITU-T Recommendations when establishing and settling accounts under this Appendix.

Reasons: Proposed changes reflect editorial updates and proposed suppression of APPENDIX 1.

NOC USA/9A2/28

2/3 2 Accounting authority

Reasons: Subtitle of Appendix 2 remains unchanged.

2/4 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:

2/5 a) by the administration that has issued the licence; or

MOD USA/9A2/29

2/6 b) by a recognized ~~private~~ operating agency; or

2/7 c) by any other entity or entities designated for this purpose by the administration referred to in a) above.

Reasons: Editorial update.

MOD USA/9A2/30

2/8 2.2 The administration or the recognized ~~private~~ operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the "accounting authority".

Reasons: Editorial update.

MOD USA/9A2/31

2/9 2.3 References to administration* contained in ~~Article 6 and this Appendix 1~~ shall be read as "accounting authority" when applying the provisions of ~~Article 6 and this Appendix 1~~ to maritime telecommunications.

Reasons: Editorial update and to reflect proposed MOD to Article 6 and proposed suppression of APPENDIX 1.

MOD USA/9A2/32

2/10 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and

addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant ~~ITU-TCGHTT~~ Recommendations

Reasons: Editorial update.

SUP USA/9A2/33

~~2/11~~ ~~3~~ ~~Establishment of accounts~~

~~2/12~~ ~~3.1~~ ~~In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it.~~

~~2/13~~ ~~3.2~~ ~~However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account.~~

Reasons: These provisions do not reflect the existing international telecommunications market.

NOC USA/9A2/34

2/14 **4** **Settlement of balances of account**

Reasons: Sub-title remains unchanged.

MOD USA/9A2/35

2/15 ~~4.1~~ All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account ~~except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below.~~

Reasons: Editorial update and to align the text with proposed revisions made elsewhere in the document.

SUP USA/9A2/36

~~2/16~~ ~~4.2~~ ~~If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.~~

~~2/17~~ ~~4.3~~ ~~If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.~~

~~2/18~~ ~~4.4~~ ~~The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate.~~

Reasons: These provisions do not reflect the existing international telecommunications market.

SUP USA/9A2/37

APPENDIX 3

Service and Privilege Telecommunications

Reasons: This Appendix does not reflect the existing international telecommunications market.

MOD USA/9A2/38

RESOLUTION NO. 4

The Changing Telecommunication Environment

The ~~World Administrative Telegraph and Telephone Conference (Melbourne, 1988), World Conference on International Telecommunications (Dubai, 2012),~~

recalling

- a) ~~Resolution 71 (Rev. Guadalajara, 2010), The Strategic Plan for the Union,~~
- b) ~~Resolution 139 (Rev. Guadalajara, 2010), Telecommunications/information and communication technologies to bridge the digital divide and build an inclusive information society,~~
- c) ~~The 2005 World Summit on the Information Society (WSIS) outcome documents; that Resolution No. 10 of the Plenipotentiary Conference (Nairobi, 1982) provided for the convening of a World Administrative Telegraph and Telephone Conference (WATTC) in 1988 to develop a new regulatory framework for all existing and foreseen telecommunication services,~~

in view of

~~the Report of the fifth World Telecommunications Development Conference (Hyderabad, 2010) highlighting the importance of telecommunications infrastructure and technology development, particularly in developing countries, and adopting regional initiatives and the Hyderabad Action Plan to assist developing countries achieve more universal access to telecommunications,~~

- a) ~~the adoption by the Conference of the new International Telecommunication Regulations (Melbourne, 1988) which recognize the diverse service and policy elements in the changing telecommunication environment,~~

considering

a) ~~that the Geneva Declaration of Principles adopted by WSIS recognized that policies creating a favorable climate for stability, predictability, and fair competition at all levels should be developed and implemented in a manner that attracts more private investment in telecommunications infrastructure;~~

~~b) the potential benefits of the rapid introduction of new and diverse telecommunication services, including those recognized in the Resolution 66/184 of the United Nations General Assembly, to provide new solutions to development challenges and foster sustained, inclusive and equitable economic growth, development, competitiveness, access to information and knowledge,~~

poverty eradication and social inclusion that will help to integrate all countries, especially developing countries, in particular the least developed countries, into the global economy;

cb) that the introduction of new technologies and telecommunication services will continue to raise new issues;

de) that, as a result of the diverse service and policy elements, many Members have expressed concern about the possible adverse implications of certain provisions in the new Regulations,

considering further

the importance of ensuring appropriate and harmonious introduction and world-wide application of the wide range of services evolving with the new technologies,

recognizing

a) that, as stated in § 22 of the Geneva Declaration of Principles adopted by WSIS, a well-developed information and communication network infrastructure and applications, adapted to regional, national, and local conditions, easily accessible and affordable, and making greater use of broadband and other innovative technologies where possible, can accelerate the social and economic progress of countries, and the well-being of all individuals, communities, and peoples;

b) the importance of competition in promoting investment, as recognized by the ITU/UNESCO Broadband Commission for Digital Development (“Broadband: A Platform for Progress.” September 2010);

c) the policy recommendations for encouraging broadband infrastructure development of the ITU/UNESCO Broadband Commission for Digital Development (“The State of Broadband 2012: Achieving Digital Inclusion for All”) to create a favorable environment for investment in telecommunications infrastructure by:

i) providing policy leadership for investment, including open consultations on necessary policy and legal frameworks;

ii) opening telecommunications markets to competition through licensing and taxation reforms, including transparent licensing regimes;

iii) enabling government services that will stimulate demand for and investment in telecommunications, especially in developing countries;

iv) establishing a universal service program to support telecommunications infrastructure investment; and

v) encouraging efficient and innovative mobile broadband practices for new market entrants and consumers,

~~*instructs the Secretary General*~~

~~to transmit this Resolution to the Administrative Council for subsequent consideration by the Plenipotentiary Conference (Nice, 1989),~~

~~*invites the Plenipotentiary Conference*~~

~~1 — to consider the implications and opportunities which the integration of the new technologies, the development of new types of services and the diversity of arrangements may entail for the harmonious and efficient development, operation, and use of telecommunications world-wide;~~

~~2 — to consider the impact that the various issues may have on the work of the International Telecommunication Union and the cooperation between the Members in assuring effective world-wide implementation of telecommunication development.~~

resolves to invite Member States

a) to take into account, further to recognizing (c)(i)-(v), increasing access to new and existing telecommunications infrastructure;

b) to create and promote widespread affordable access to telecommunications infrastructure by enabling legal and regulatory environments that are fair, transparent, stable, predictable and non-discriminatory; and that promote competition, foster continued technological and service innovation, and encourage private sector investment incentives;

c) to continue to work within relevant ITU sectors and study groups to share best practices regarding the implementation of progressive regulatory regimes designed to liberalize markets, promote competition and stimulate investments.

Reasons: To highlight the importance of Member States adopting policies that create an enabling environment for investment in telecommunications infrastructure.
