



Draft Decision on

FSM National Table of Frequency Allocations

Inviting public comment

5/30/2023

BACKGROUND

- 1 Pursuant to section 332 of the FSM Telecommunications Act of 2014 (**the Act**), the Telecommunication Regulation Authority (**TRA** or **Authority**) has sole responsibility in licensing the use and allocating and assigning the radio frequency spectrum for the provision of communications services in the Federated States of Micronesia (**FSM**). No person may use radio frequencies in a manner that is inconsistent with an allocation and assignment of radio frequencies by the TRA under the Act.
- 2 In performing its functions and duties and exercising its powers under section 332 of the Act, the TRA shall ensure that radio frequency spectrum is managed and used in a manner that is:
 - a. open, non-discriminatory, competitively neutral, objective and transparent;
 - b. consistent with any applicable international treaties, commitments, recommendations or standards legally binding on the FSM; and
 - c. economically efficient and permits evolution to new technologies and services.
- 3 Section 8 of the Spectrum Licensing Rules, 2019 (**the Rules**) requires the TRA to issue and update from time to time a publicly available National Table of Frequency Allocations for the FSM (**the Table** or **the NFTA**). The Table provides:
 - a. the ITU allocations for each spectrum band;
 - b. the national allocations for each spectrum band; and
 - c. national and international footnotes; and
 - d. such other matters as deemed relevant by the TRA.

CONSULTATION FEEDBACK INFORMATION

- 4 The TRA invites written comments and feedback on the draft determination included in **Appendix 1** to this draft decision and on the reasons for the draft determination included in this draft decision. The Authority seeks feedback in particular on any instances where spectrum may have been assigned in the FSM to services inconsistent with the proposed NFTA.
- 5 We have provided a comments form for responses which can be found in **Attachment 1**.
- 6 Responses may be submitted in person at TRA's offices in Pohnpei, or sent to consultations@tra.fm. Responses are due by **June 16, 2023**.

7 Submissions will be made public, unless there is a specific request for confidentiality made under Section 322 of the Act.¹

8 After receiving feedback, we will publish the submissions, and our response to submissions which will state our views and reasons for either making changes or maintaining our initial views.

ITU TABLE OF FREQUENCY ALLOCATIONS

9 The ITU has published a Table of Frequency Allocations in Article S5 of the ITU Radio Regulations, 2020 Edition. The Table allocates parts of the radio spectrum to specific services, either on a primary or secondary basis. Allocation of radio spectrum bands to specific services in this manner, and assignment of radio frequencies to specific stations and licensees consistent with those allocations, minimizes interference and promotes efficient, effective and economic use of the radio spectrum.

THE PROPOSED FSM NATIONAL TABLE OF FREQUENCY ALLOCATIONS

10 The Authority proposes to exercise its powers under section 332 of the Act and section 8 of the Rules to issue the attached proposed Federated States of Micronesia National Table of Frequency Allocations.

11 The proposed FSM National Table of Frequency Allocations indicates the normal national frequency allocation planning and the degree of conformity with the ITU Table of Frequency Allocations applicable to ITU Region 3.

12 When required in the national interest and consistent with national rights, as well as obligations undertaken by the Federated States of Micronesia to other countries that may be affected, additional uses of frequencies in any band may be authorized to meet service needs other than those provided for in the National Table. Under No. S4.4 of the ITU Radio Regulations, administrations may assign frequencies in derogation of the ITU Table of Frequency Allocations *"on the express condition that such a station, when using such a frequency assignment, shall not cause harmful interference to, and shall not claim protection from harmful interference caused by, a station operating in accordance with the provisions of the Constitution, the Convention and these Regulations."*

13 Notwithstanding this, the TRA is proposing at this time to adopt and issue the ITU Table of Frequency Allocations for Region 3 as the FSM National Table of Frequency Allocations, as described in **Appendix 2**. The TRA is not aware of any assignment of radio spectrum in the FSM to specific stations or licensees that would be inconsistent with the ITU Table of Frequency Allocations for Region 3 and, therefore, with the proposed National Table of Frequency Allocations. Further, issuance of a Table that is consistent with the ITU Table of Frequency Allocations for Region 3 would be consistent with applicable international treaties legally binding on the FSM.²

14 With the adoption and publication of this proposed national frequency allocation table, the TRA would be able to allocate frequencies to services and assign and license them

¹ In accordance with Section 321 of the Act.

² The FSM entered the ITU in 1993,

to applicants in an open, non-discriminatory and transparent manner. Given that the proposed NTFA conforms to the ITU allocation table, it would also give the Authority a foundation to keep up with technologies and services, and to propose changes to the table, as they continue to evolve in the future.

Attachment 1 - Comments Form



Feedback on Draft Decision: FSM National Table of Frequency Allocations

Information of commenting party

Full name		
Organization		
Phone number		
Email		
Is confidential information being submitted?	Y/N (Specify below)	

Comments

	Comment	Proposed changes	Confidentiality ³
<i>Paragraph Number or Section of Draft Decision that Comment Pertains To</i>	<i>Please describe comments on specific section or question. Please be as detailed as possible and explain why you hold your views and what the potential impact of the Authority's draft decision would be</i>	<i>Please suggest an alternative to the draft decision (if applicable)</i>	<i>If confidential, please explain reasons for confidentiality request</i>
<i>(Insert rows as needed)</i>			

Please complete this form in full and submit to consultations@tra.fm or in person before **June 16, 2023** to:

Takuro Akinaga
 Chief Executive
 FSM Telecommunication Regulatory Authority
 KSP Building, 2nd Floor
 Main Street, Kolonia
 Pohnpei FM 96941, Federated States of Micronesia

³ Confidentiality requests are managed under the rules set out in Section 322 of the Telecommunications Act. Respondents should clearly mark which information is claimed as being confidential and should provide reasons of what commercial harm will result should the information be published. Respondents who make a request for confidentiality should also provide a redacted copy of their submission, with all confidential information removed, that the TRA may publish.

Appendix 1 – Draft Determination

The TRA has made, and hereby publishes, a [draft] determination to adopt and issue the attached National Table of Frequency Allocations in accordance with section 8 of the Spectrum Licensing Rules.

Appendix 2: Proposed FSM National Table of Frequency Allocations

Published as a separate document