



Final Decision on

# **FSM National Table of Frequency Allocations**

28/08/23

## 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.

## ITU TABLE OF FREQUENCY ALLOCATIONS

- 4 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 FSM NATIONAL TABLE OF FREQUENCY ALLOCATIONS

- 5 The Authority is exercising its powers under section 332 of the Act and section 8 of the Rules to issue the Federated States of Micronesia National Table of Frequency Allocations.
- 6 The FSM National Table of Frequency Allocations indicated the normal national frequency allocation planning and the degree of conformity with the ITU Table of Frequency Allocations applicable to ITU Region 3.

- 7 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."*
- 8 Notwithstanding this, the TRA was proposing at 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 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.<sup>1</sup>
- 9 With the adoption and publication of this national frequency allocation table, the TRA would be able to allocate frequencies to services and assign and license them to applicants in an open, non-discriminatory and transparent manner. Given that the NTFU 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.

#### **THE CONSULTATION PROCESS**

- 10 To initiate the consultation process, the Authority sent out a consultation package to several offices and officials. With dissemination of the consultation package, the Authority was open to receiving comments starting from May 30th, 2023 and closing on June 16th, 2023. The consultation package consisted of a cover letter addressing the respective recipients and laying out the intentions of the Authority's decision on carrying the process declaring the National Table of Frequency Allocations and the table itself. The package was delivered to all four offices of the Governors of the FSM states, to the office of the FSM congress addressed to all Committee Chairmans, and the cabinets of President's cabinet members.
- 11 No comment was received.

#### **FINAL DETERMINATION**

- 12 Having received no comments from the consultation, the Authority determines to adopt the attached national table of frequency allocations in Appendix 2 as the final FSM National Table of Frequency Allocations.

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<sup>1</sup> The FSM entered the ITU in 1993

## Appendix 1 – Final Determination

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

## Appendix 2: FSM National Table of Frequency Allocations

Published as a separate document