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PROTOCOL CONCERNING THE  
TRANSMISSION AND RECEPTION OF SIGNALS FROM SATELLITES  
FOR THE PROVISION OF  
FIXED-SATELLITE SERVICES  
IN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

Recognizing the long standing bonds of friendship and cooperation between the Governments of the United States of America and the United Mexican States;

Pursuant to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Transmission and Reception of Signals from Satellites for the Provision of Satellite Services to Users in the United States of America and the United Mexican States, signed April 28, 1996 (herein referred to as the "Agreement") and the 1992 North American Free Trade Agreement between the Government of the United States of America, the Government of Canada and the Government of the United Mexican States;

Recognizing the enhanced opportunities for the provision of satellite services in the United States of America ("United States") and the United Mexican States ("Mexico"), the

Recognizing the enhanced opportunities for the provision of satellite services in the United States of America ("United States") and the United Mexican States ("Mexico"), the growing needs of the satellite communications industries of both countries, and the public interest in development of these services;

Emphasizing that there has been a long standing and successful bilateral relationship in coordinating the respective satellite systems of both countries through the International Telecommunication Union (ITU), and that both Parties will apply these same positive efforts and expertise in the pending and future coordination of Satellites licensed by the Parties which are subject to this Protocol to enhance the benefits of the Protocol for both Parties; and

In order to establish the conditions for the transmission and reception of signals from Satellites licensed by the Parties for the provision of domestic and international Fixed-Satellite Services, as defined herein, to users in the United States and Mexico;

The Government of the United States of America and the Government of the United Mexican States (the Parties) agree as follows:

ARTICLE I. Purposes

The purposes of this Protocol are:

- 1 To establish conditions and technical criteria for the use of U.S. and Mexican Satellites for the provision of Fixed-Satellite Services, as defined herein, to, from, and within the territories of the Parties.
-

2. To facilitate the provision of Fixed-Satellite Services covered by this Protocol to, from, and within the United States and Mexico via Satellites licensed by the Parties.

ARTICLE II. Definitions

- 1 For the purposes of this Protocol, it is understood that "Fixed-Satellite Services" ("FSS") means any radiocommunication signals that are transmitted and/or received by Earth Stations, located at specified fixed positions or at any fixed point within a specified area, using one or more Satellites licensed by either Party.

2. For purposes of this Protocol, FSS

2.1 includes, but is not limited to, signals carrying video or video/audio distributed to cable television head-end and multipoint distribution service (restricted microwave television service) facilities.

2.2 does not include the Direct-to-Home Fixed-Satellite Services or Broadcasting-Satellite Services as defined in and covered by the Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States, signed on November 8, 1996 ("DTH Protocol").

3. The terms defined in the Agreement are applicable to this Protocol.
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4. For the purposes of this Protocol, the terms, "Advance Published" and "Coordination" shall have the meanings given to such terms in the ITU Radio Regulations.

**ARTICLE III. Implementing Entities**

As provided for in Article III of the Agreement, the Administrations shall be the Federal Communications Commission (FCC) of the United States and the Secretaría de Comunicaciones y Transportes (SCT) of Mexico.

**ARTICLE IV. Fixed Satellite Service Frequencies**

This Protocol applies to the use of the frequency bands typically paired as set forth in the Appendix.

2. This Protocol only addresses the frequency bands in the Appendix.

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**ARTICLE V. Conditions of Use**

- 1 Licenses for FSS shall be issued as efficiently and expeditiously as possible by the Administrations, including if applicable, Blanket Licenses for transmit and/or receive Earth Stations.
2. Each Party shall apply its laws, regulations, rules, and licensing procedures in a non-discriminatory manner to the Satellites licensed by the Parties, and to all applications for a License to transmit and/or receive FSS signals via Satellites licensed by the Parties, regardless of which Party licensed the Satellite.

3. Non-conformance to the applicable laws, regulations, rules, and licensing procedures of a Party may result in loss of the License granted by the relevant Administration.
  
4. The principal applicable U.S. and Mexican laws, regulations, rules, and licensing procedures of the Parties are indicated below:

4.1 For the United States, the laws, regulations, rules, and licensing procedures for the grant of Licenses in the United States to transmit or receive FSS signals via Satellites licensed by the Parties (including Licenses for U.S. transmit/receive and receive-only Earth Stations communicating with such Satellites), include 47 U.S. Code of Federal Regulations (CFR), Parts 2 and 25; the Communications Act of 1934, as amended; the Manual of Regulations and Procedures for Federal Radio Frequency Management; and any other laws, regulations, rules, and licensing procedures of the United States, present and future, related to these services.

4.2 For Mexico, the laws, regulations, rules, and licensing procedures for the grant of Licenses in Mexico to transmit or receive FSS signals via Satellites licensed by the Parties (including Licenses for transmission to, or for commercialization of signals coming from, such Satellites), include the Ley Federal de Telecomunicaciones, in particular Article 12; Ley de Vias Generales de Comunicaciones; Ley Federal de Radio y Television; Reglamento de Television por Cable; Reglamento de Comunicación via Satellite; Reglas del Servicio de Larga Distancia; Reglas para Prestar el Servicio de Larga Distancia

Internacional; and any other laws, regulations, rules, and licensing procedures of Mexico, present and future, related to these services.

4.3 The Administrations will exchange the most up-to-date official texts of national laws, regulations, rules, and licensing procedures related to FSS at the time of signature of this Protocol, and on June 1 of every year thereafter.

5. Nothing in this Protocol shall be construed to permit interim or permanent limits on the number of:

5.1 FSS Satellites licensed by the Parties which may transmit to, from, and/or within the territory of either Party pursuant to this Protocol or the Agreement;

5.2 entities granted a License in the United States to transmit and/or receive FSS signals via Satellites licensed by the Parties (including Licenses for U.S. transmit/receive and receive-only Earth Stations communicating with such Satellites);

5.3 entities granted a License in Mexico to transmit and/or receive FSS signals via Satellites licensed by the Parties (including Licenses for transmission to, or for commercialization of signals coming from, such Satellites).

6. Both Parties agree that there may be special circumstances where it would be in the interest of both countries not to preclude their respective Satellites from providing

assistance to one another. One such case would be the provision of support and assistance, subject to the availability of facilities and to the extent it is technically feasible, in the case of catastrophic failure of either system. Another would be for each system to be in a position to assist the other country in meeting its domestic telecommunication needs via satellite when the other country may have a temporary shortage of adequate facilities.

7. Each Administration affirms that it shall permit FSS signals to be delivered directly to fixed Earth Stations through Satellites licensed by either Party without requiring that they be retransmitted over an intermediary satellite system. |
  
8. The Parties will apply their respective laws, regulations, rules, and licensing procedures governing the distribution of signals for the provision of cable television service and multipoint distribution service.
  
9. The use of the frequency bands must comply with the conditions set forth in this Protocol and with the respective national frequency allocation tables. |
  
10. Communications to or from third countries are permitted under this Protocol. Transmission or reception of such signals to or from third countries shall be subject to each Party's applicable laws, regulations, rules and licensing procedures, applied in a non-discriminatory and transparent manner, regardless of which Party licensed the relevant Satellite.

**ARTICLE VI. Technical Coordination Procedures**

1. Nothing in this Protocol shall affect the rights and obligations of a Party to frequency assignments and associated orbit positions already assigned to it in accordance with the ITU Radio Regulations, including Appendices 30, 30A, and 30B.
2. Nothing in this Protocol shall affect the rights and obligations of a Party regarding the technical Coordination of frequencies and associated orbit positions of Satellites of the other Party, or third Parties not covered by this Protocol, pursuant to the ITU Radio Regulations.
3. Any Satellite licensed by one of the Parties that is Advance Published, in Coordination or in operation in accordance with the relevant ITU Radio Regulations, shall continue to have its appropriate status under the ITU Radio Regulations notwithstanding the provisions of this Protocol.
4. This Protocol shall not obligate either Administration to require that any operator of a Satellite licensed by one of the Parties substantially alter its ongoing operations and technical characteristics in order to accommodate new Satellites licensed by the Parties for the provision of FSS.
5. In the event that there is harmful interference to a Satellite licensed by one of the Parties, notification shall be made to the Administration responsible for licensing the interfering Satellite. Both Administrations shall analyze the information on the interfering signal, shall consult on solutions, and shall seek to agree on the appropriate actions to resolve the interference.



6. Each Administration agrees to exert its best efforts to assist the other Administration in the technical Coordination of new, and modifications to current, satellite network frequency assignments and associated orbit positions. Each Administration shall concur with the requests of the other Administration made through the ITU for Coordination of satellite networks, and modifications thereto, provided that such requests are consistent with ITU Rules and Regulations and applicable national technical rules and regulations, and result in technical compatibility of the affected satellite networks and terrestrial systems of the Administrations.

## ARTICLE VII. FSS and Related Authorizations

The United States agrees to permit Satellites licensed by Mexico to provide domestic and international FSS to, from, and within the United States. In order to receive a License in the United States to transmit and/or receive FSS signals via Satellites licensed by the Parties (including Licenses for U.S. transmit/receive and receive-only Earth Stations communicating with such Satellites), entities must comply with applicable U.S. laws, regulations, rules, and licensing procedures.

2. Mexico agrees to permit Satellites licensed by the United States to provide domestic and international FSS to, from, and within Mexico. In order to receive a License in Mexico to transmit and/or receive FSS signals via Satellites licensed by the Parties (including a License for transmission to, or for commercialization of signals coming from, such Satellites), entities must comply with applicable Mexican laws, regulations, rules, and licensing procedures.

**ARTICLE VIII. Entry Into Force, Amendment and Termination**

1 This Protocol shall enter into force upon signature and shall become effective as follows:

1.1 Satellites licensed by either Party may be authorized to provide international service upon entry into force of this Protocol. Satellites licensed by the United States may only be authorized to provide domestic services in the Mexican territory beginning on January 1, 1999, or the date on which the replacement satellite for Morelos II is coordinated and becomes operational in its final orbit position, whichever comes earlier. Satellites licensed by Mexico may only be authorized to provide domestic services in the U.S. territory beginning on January 1, 1998.

1.2 Notwithstanding the foregoing, and pursuant to Article IX, Paragraph 3, of the DTH Protocol entered into by the Parties on November 8, 1996, a Satellite licensed by the Parties to provide DTH-FSS or BSS, shall be permitted to provide video or video/audio distribution to cable television head-end and multipoint distribution service (restricted microwave television service) facilities beginning November 8, 1997. This paragraph does not affect the rights of the Parties to apply laws, regulations, rules, and licensing procedures of the Parties governing the provision of cable television service and multipoint distribution service to end users.

The Appendix to this Protocol may be amended by an exchange of letters between the Administrations.

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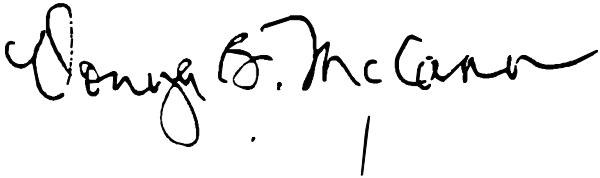
3. This Protocol shall remain in force until it is replaced by a new Protocol, or until it is terminated in accordance with Article XI of the Agreement.
4. Upon termination of this Protocol, an Administration may, at its discretion, terminate any License that has been issued pursuant to this Protocol.

IN WITNESS WHEREOF, the respective representatives have signed the present Protocol.

Done at Mexico City, this sixteenth day of October, 1997, in duplicate, in the English and Spanish languages, both texts being equally authentic.

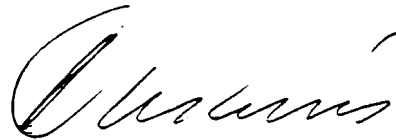
FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

AMBASSADOR VONYA B. MCCANN  
U.S. Coordinator, International  
Communications and Information Policy  
Department of State



FOR THE GOVERNMENT OF THE  
UNITED MEXICAN STATES

JAVIER LOZANO ALARCON  
El Subsecretario de  
Comunicaciones, Secretaria  
de Comunicaciones y Transportes



CARLOS CASATUS LOPEZ HERMOSA  
El Presidente de la Comisión Federal  
de Telecomunicaciones

## APPENDIX

1. The following FSS frequency bands are referred to by Article IV of this Protocol:

<u>Uplink Frequencies</u>	<u>Downlink Frequencies</u>
5.925 - 6.425 GHz	3.70 - 4.20 GHz
6.725 - 7.025 GHz	4.50 - 4.80 GHz
12.75 - 13.25 GHz	10.70 - 10.95 GHz 11.20 - 11.45 GHz
13.75 - 14.00 GHz	11.45 - 11.70 GHz 10.95 - 11.20 GHz
14.00 - 14.50 GHz	11.70 - 12.20 GHz
17.30 - 17.80 GHz <sup>1</sup>	12.20 - 12.70 GHz <sup>1</sup>
27.50 - 30.00 GHz	17.70 - 20.20 GHz

2. Consistent with Article V, Paragraphs 4 and 9, of this Protocol, the use of the frequency bands listed above must comply with the applicable U.S. and Mexican laws, regulations, rules, and licensing procedures, conditions set forth in this Protocol and the respective national frequency allocation tables and take into consideration the systems currently operating in these frequency bands.
3. This Protocol does not address frequency bands not listed above.

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<sup>1</sup> The use of these frequency bands must be in accordance with the note S5.492 and S5.515 of the ITU Radio Regulations.

Recognizing the enhanced opportunities for the provision of satellite services in the United States of America ("United States") and the United Mexican States ("Mexico"), the growing needs of the satellite communications industries of both countries, and the public interest in development of these services;

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In order to establish the conditions for the transmission and reception of signals from Satellites licensed by the Parties for the provision of domestic and international Fixed-Satellite Services, as defined herein, to users in the United States and Mexico;

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- 1 Licenses for FSS shall be issued as efficiently and expeditiously as possible by the Administrations, including if applicable, Blanket Licenses for transmit and/or receive Earth Stations.
2. Each Party shall apply its laws, regulations, rules, and licensing procedures in a non-discriminatory manner to the Satellites licensed by the Parties, and to all applications for a License to transmit and/or receive FSS signals via Satellites licensed by the Parties, regardless of which Party licensed the Satellite.

3. Non-conformance to the applicable laws, regulations, rules, and licensing procedures of a Party may result in loss of the License granted by the relevant Administration.
  
4. The principal applicable U.S. and Mexican laws, regulations, rules, and licensing procedures of the Parties are indicated below:

4.1 For the United States, the laws, regulations, rules, and licensing procedures for the grant of Licenses in the United States to transmit or receive FSS signals via Satellites licensed by the Parties (including Licenses for U.S. transmit/receive and receive-only Earth Stations communicating with such Satellites), include 47 U.S. Code of Federal Regulations (CFR), Parts 2 and 25; the Communications Act of 1934, as amended; the Manual of Regulations and Procedures for Federal Radio Frequency Management; and any other laws, regulations, rules, and licensing procedures of the United States, present and future, related to these services.

4.2 For Mexico, the laws, regulations, rules, and licensing procedures for the grant of Licenses in Mexico to transmit or receive FSS signals via Satellites licensed by the Parties (including Licenses for transmission to, or for commercialization of signals coming from, such Satellites), include the Ley Federal de Telecomunicaciones, in particular Article 12; Ley de Vias Generales de Comunicaciones; Ley Federal de Radio y Television; Reglamento de Television por Cable; Reglamento de Comunicación via Satellite; Reglas del Servicio de Larga Distancia; Reglas para Prestar el Servicio de Larga Distancia



Internacional; and any other laws, regulations, rules, and licensing procedures of Mexico, present and future, related to these services.

4.3 The Administrations will exchange the most up-to-date official texts of national laws, regulations, rules, and licensing procedures related to FSS at the time of signature of this Protocol, and on June 1 of every year thereafter.

5. Nothing in this Protocol shall be construed to permit interim or permanent limits on the number of:

5.1 FSS Satellites licensed by the Parties which may transmit to, from, and/or within the territory of either Party pursuant to this Protocol or the Agreement;

5.2 entities granted a License in the United States to transmit and/or receive FSS signals via Satellites licensed by the Parties (including Licenses for U.S. transmit/receive and receive-only Earth Stations communicating with such Satellites);

5.3 entities granted a License in Mexico to transmit and/or receive FSS signals via Satellites licensed by the Parties (including Licenses for transmission to, or for commercialization of signals coming from, such Satellites).

6. Both Parties agree that there may be special circumstances where it would be in the interest of both countries not to preclude their respective Satellites from providing

assistance to one another. One such case would be the provision of support and assistance, subject to the availability of facilities and to the extent it is technically feasible, in the case of catastrophic failure of either system. Another would be for each system to be in a position to assist the other country in meeting its domestic telecommunication needs via satellite when the other country may have a temporary shortage of adequate facilities.

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**ARTICLE VI. Technical Coordination Procedures**

1. Nothing in this Protocol shall affect the rights and obligations of a Party to frequency assignments and associated orbit positions already assigned to it in accordance with the ITU Radio Regulations, including Appendices 30, 30A, and 30B.
2. Nothing in this Protocol shall affect the rights and obligations of a Party regarding the technical Coordination of frequencies and associated orbit positions of Satellites of the other Party, or third Parties not covered by this Protocol, pursuant to the ITU Radio Regulations.
3. Any Satellite licensed by one of the Parties that is Advance Published, in Coordination or in operation in accordance with the relevant ITU Radio Regulations, shall continue to have its appropriate status under the ITU Radio Regulations notwithstanding the provisions of this Protocol.
4. This Protocol shall not obligate either Administration to require that any operator of a Satellite licensed by one of the Parties substantially alter its ongoing operations and technical characteristics in order to accommodate new Satellites licensed by the Parties for the provision of FSS.
5. In the event that there is harmful interference to a Satellite licensed by one of the Parties, notification shall be made to the Administration responsible for licensing the interfering Satellite. Both Administrations shall analyze the information on the interfering signal, shall consult on solutions, and shall seek to agree on the appropriate actions to resolve the interference.