

PROTOCOL
BETWEEN THE DEPARTMENT OF STATE
OF THE UNITED STATES OF AMERICA AND
THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION
OF THE UNITED MEXICAN STATES
CONCERNING THE ALLOTMENT AND USE OF
THE 138-144 MHz BAND
FOR TERRESTRIAL NON-BROADCASTING RADIOCOMMUNICATION SERVICES
ALONG THE COMMON BORDER

This Protocol is being concluded pursuant to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border signed at Williamsburg, Virginia June 16, 1994, (herein referred to as the “Agreement”).

ARTICLE I. Purposes

The purposes of this Protocol are:

1. To establish and adopt a plan for the equitable allotment and use by the two Administrations of frequency sub-bands in the 138-144 MHz band within the Sharing Zone defined in this Protocol;
2. To establish technical criteria to regulate the use of the frequency sub-bands referred to in paragraph 1 of this Article for existing stations as well as for newly assigned stations; and
3. To establish conditions of use so that each Administration may use the frequency sub-bands allotted for primary use of the other country for fixed and mobile services, provided this causes no harmful interference.

ARTICLE II. Designation of Administrations and Definitions

1. The National Telecommunications and Information Administration of the Department of Commerce of the United States of America and the Secretaría de Comunicaciones y Transportes of the United Mexican States are hereby designated the Administrations responsible for the implementation of this Protocol for the United States of America (hereinafter “United States”) and the United Mexican States (hereinafter “Mexico”), respectively, as provided for in Article IV of the Agreement.

2. The Sharing Zone is defined to include the border area within the United States and Mexico and their respective territorial waters as set forth in Appendix I.

ARTICLE III. Supersession

1. Upon entry into force, this Protocol supersedes the provisions of the Memorandum of Understanding (MOU) Between the Department of Agriculture Forest Service and the Federal Communications Commission of the United States of America and the Secretaría de Comunicaciones y Transportes of the United Mexican States for the Use of Radio-Frequencies, Coordination and Cooperation for Emergency Purposes, signed at Washington and Mexico City December 9, 1998 to the extent that the MOU's provisions pertain to the two frequencies 139.150 MHz and 142.725 MHz.

2. Upon entry into force, this Protocol also supersedes, in its entirety, the Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment and Use of the 138-144 MHz Band for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, which Protocol was concluded on an interim basis and was signed at Washington July 17, 2006.

ARTICLE IV. Conditions of Use

1. Within the Sharing Zone, the frequency sub-bands in the 138-144 MHz band shall be allotted for the primary use of each Administration in accordance with Appendix II. Each Administration shall ensure that stations within its national territory in the 138-144 MHz band

are assigned and operated in such a way that the transmissions of those stations shall not exceed the primary frequency allotments in Appendix II.

2. Each Administration shall ensure that fixed and mobile stations assigned to primary frequency allotments within the Sharing Zone shall be operated in accordance with the equivalent isotropically radiated power (EIRP) and antenna height limitations specified in the following table (Table I):

Table I

Average of the Antenna Height Above Average Terrain on Standard Radials in the Direction of the Common Border ¹	Maximum EIRP in Any Direction Toward the Common Border	
	Meters	Watts dBm
Up to 150	500	+56.98
Above 150 to 225	350	+55.44
Above 225 to 300	250	+53.98
Above 300 to 450	200	+53.01
Above 450 to 600	150	+51.76
Above 600 to 750	100	+50.00
Above 750 to 900	75	+48.75
Above 900 to 1,050	50	+46.98
Above 1,050	30	+44.77

¹ Standard radials are 000°, 045°, 090°, 135°, 180°, 225°, 270° and 315° relative to True North.

Existing stations in primary frequency allotments shall conform to the above power limitations on or before January 1, 2011. New assignments shall conform to these limitations beginning on the date of entry into force of this Protocol.

3. Each Administration shall ensure that its stations on aircraft only operate with a maximum EIRP of 10.0 watts, only operate in the primary frequency allotments for that Administration and only operate at an altitude of less than 3,500 feet (1067 meters) above average terrain. Each Administration shall take measures to eliminate any harmful interference caused by its aircraft stations to stations operating on primary allotments or beyond the Sharing Zone in the other country.

4. Frequencies in sub-bands that are allotted for the primary use of one Administration may be assigned by the other Administration to stations located within the latter Administration's territorial segment of the Sharing Zone only in accordance with the following conditions:

a. The maximum power flux density (PFD) at any point at or beyond the common border shall not exceed -143 dBW/m^2 .

b. Land mobile stations and ship stations shall not be operated within 30 kilometers of the common border, and in addition to this distance separation, the PFD of transmissions from land mobile stations and ship stations shall, in no case, exceed -143 dBW/m^2 at any point at or beyond the common border.

c. Land portable stations shall not be operated within 10 kilometers of the common border, and in addition to this distance separation, the PFD of transmissions from portable stations shall, in no case, exceed -143 dBW/m^2 at any point at or beyond the common border.

d. New assignments in sub-bands that are allotted for the primary use of one Administration may not be made by the other Administration until January 1, 2011.

e. Each Administration shall take proper measures to eliminate harmful interference in order to ensure protection to stations that are operating on radio frequencies in primary allotments of the other Administration in accord with this Protocol.

f. Stations operating in accordance with the conditions set forth in paragraph 4 of this Article shall be considered as secondary and shall not be granted protection against harmful interference from stations whose Administration has primary use of the frequency allotment.

5. Beyond the Sharing Zone, the Administrations' use of the 138-144 MHz band shall in no way be restricted by this Protocol.

ARTICLE V. Transition Arrangement for Existing Stations

1. Each Administration shall ensure that existing stations within the Sharing Zone that are operating in primary frequency sub-bands allotted to the other Administration shall either cease transmissions or assume secondary status on or before January 1, 2011, in accordance with either paragraph 2 or 3 below.

2. Existing stations in the following categories, which are operating in primary frequency allotments of the other Administration, shall cease operation on or before January 1, 2011:

a. Stations at fixed locations that do not meet the PFD limitation set forth in subparagraph 4.a of Article IV of this Protocol;

b. Land mobile stations, ship stations and land portable stations that are located in the areas set forth in subparagraphs 4.b and 4.c of Article IV of this Protocol; and

c. Aircraft stations located in the Sharing Zone defined in Appendix I to this Protocol.

3. Existing stations that are able to assume secondary status as provided in paragraph 1 of this Article shall conform to the provisions of subparagraphs 4.e and 4.f of Article IV of this Protocol.

ARTICLE VI. Relation to the Agreement

This Protocol forms an integral part of the Agreement and shall be referred to as Protocol 16, "Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment and Use of the 138-144 MHz Band for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border," in the Index of Annex I of the Agreement.

ARTICLE VII. Appendices

Appendices I and II are integral parts of this Protocol.

ARTICLE VIII. Entry into Force and Termination

This Protocol shall enter into force on the date of signature, and shall remain in force until it is replaced by a new Protocol, or until it is terminated in accordance with Article VII of the Agreement.

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

Done at Mexico City this third day of August, 2007, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE DEPARTMENT OF STATE
OF THE UNITED STATES OF
AMERICA

FOR THE SECRETARIAT OF
COMMUNICATIONS AND
TRANSPORTATION OF THE
UNITED MEXICAN STATES

/s/ David A. Gross

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APPENDIX I

Areas Within Which the Frequencies Are to Be Protected

U.S.-MEXICO SHARING ZONE

The Sharing Zone is defined as the areas covered by a distance of 145 kilometers (90.1 miles) from the U.S.-Mexico common border into the national territory of each country and includes areas of the Pacific Ocean and the Gulf of Mexico.

These areas are enclosed by the boundaries shown on the map to the right and are further defined in Table II.



Table II

The following geographic coordinates define the U.S.-Mexico Sharing Zone in the national territory of each country. Point 1 is located in the Pacific Ocean due west from the U.S.-Mexico common border and is the starting point in defining the Sharing Zone. The boundary of the Sharing Zone is then defined by plotting each geographic point in advancing numerical order in a clockwise direction. Each distance path between consecutive points is traversed by great circle arc.

No.	Degrees/Minutes/Seconds	Decimal Degrees
1	32 ⁰ 14'16"N 118 ⁰ 37'09"W	32.2378N 118.6192W
2	33 ⁰ 44'18"N 119 ⁰ 58'13"W	33.7384N 119.9704W
3	34 ⁰ 00'16"N 114 ⁰ 28'01"W	34.0044N 114.4670W
4	32 ⁰ 37'24"N 110 ⁰ 51'01"W	32.6234N 110.8505W
5	32 ⁰ 38'60"N 109 ⁰ 18'02"W	32.6500N 109.3006W
6	33 ⁰ 05'47"N 108 ⁰ 15'42"W	33.0965N 108.2617W
7	33 ⁰ 01'27"N 106 ⁰ 06'30"W	33.0242N 106.1083W
8	32 ⁰ 46'33"N 105 ⁰ 30'38"W	32.7757N 105.5105W
9	31 ⁰ 21'30"N 103 ⁰ 55'51"W	31.3584N 103.9309W
10	30 ⁰ 39'31"N 103 ⁰ 34'01"W	30.6587N 103.5670W
11	31 ⁰ 11'40"N 102 ⁰ 26'12"W	31.1945N 102.4368W
12	31 ⁰ 02'47"N 101 ⁰ 04'18"W	31.0465N 101.0717W
13	30 ⁰ 51'19"N 100 ⁰ 36'43"W	30.8553N 100.6120W
14	29 ⁰ 54'03"N 099 ⁰ 28'55"W	29.9007N 099.4820W
15	27 ⁰ 21'20"N 097 ⁰ 48'03"W	27.3556N 097.8009W
16	27 ⁰ 21'05"N 095 ⁰ 42'14"W	27.3516N 095.7038W
17	25 ⁰ 58'50"N 095 ⁰ 42'22"W	25.9805N 095.7061W
18	24 ⁰ 33'14"N 095 ⁰ 42'46"W	24.5539N 095.7128W
19	24 ⁰ 32'41"N 097 ⁰ 48'44"W	24.5448N 097.8122W
20	25 ⁰ 15'14"N 099 ⁰ 40'56"W	25.2539N 099.6823W
21	25 ⁰ 40'42"N 100 ⁰ 10'59"W	25.6782N 100.1833W
22	27 ⁰ 52'01"N 101 ⁰ 35'16"W	27.8669N 101.5877W
23	28 ⁰ 29'18"N 101 ⁰ 57'45"W	28.4884N 101.9625W
24	27 ⁰ 58'15"N 102 ⁰ 11'48"W	27.9709N 102.1967W
25	27 ⁰ 38'22"N 103 ⁰ 16'32"W	27.6394N 103.2755W
26	27 ⁰ 54'33"N 103 ⁰ 59'11"W	27.9093N 103.9863W
27	28 ⁰ 30'31"N 105 ⁰ 15'57"W	28.5085N 105.2659W
28	29 ⁰ 13'30"N 105 ⁰ 45'37"W	29.2249N 105.7604W
29	30 ⁰ 19'17"N 106 ⁰ 57'15"W	30.3215N 106.9544W
30	30 ⁰ 01'37"N 107 ⁰ 56'47"W	30.0271N 107.9464W
31	30 ⁰ 01'18"N 111 ⁰ 15'28"W	30.0216N 111.2579W
32	31 ⁰ 14'10"N 115 ⁰ 05'28"W	31.2361N 115.0911W
33	31 ⁰ 21'26"N 115 ⁰ 20'31"W	31.3572N 115.3419W
34	31 ⁰ 14'34"N 116 ⁰ 21'25"W	31.2427N 116.3570W
35	31 ⁰ 08'09"N 117 ⁰ 53'38"W	31.1359N 117.8939W

APPENDIX II

Allotment of Frequency Sub-bands in the 138-144 MHz Band

Mexico Primary²	U.S. Primary²
138.0-139.0	139.0-140.0
140.0-141.0	141.0-142.0
142.0-143.0	143.0-144.0

² All frequencies in MHz