



INTERNATIONAL
FREQUENCY REGISTRATION BOARD
I.F.R.B.

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Genève, le
Place des Nations

3rd September 1990

The U.S. Coordinator & Director,
Bureau of International Communications &
Information Policy (CIP),
United States Department of State,
WASHINGTON D.C.
U.S.A.

Dear Sir,

Further to the Board's letter of 16 July 1990 in response to your telefax of 10 July 1990, the Board has given serious consideration to the points which you have raised in connexion with the harmful interference to a Cuban TV station and wishes to inform as follows:

2. With regard to your expressed concern that it has acted outside the scope of its authority given under the International Telecommunication Convention (Nairobi 1982) and the Radio Regulations (Geneva 1979), it is to be recalled that the Board derives its general authority from Article 10 of the Nairobi Convention and through No. 80 (Nairobi 1982), the provisions of the Radio Regulations, Resolutions of World Administrative Radio Conferences and, in some cases, instructions to the Board recorded in the minutes of Plenary Meetings of such conferences. With regard to the Radio Regulations, the functions of the Board are given in Article 10 and here RR 998 is particularly pertinent.

3. The Board considers that No. 80 and other provisions of Article 10 (Nairobi 1982) provide a direct link to the provisions of Article 10 of the Radio Regulations, consequently, to RR 998 and hence to Section VII of Article 12 of the Radio Regulations. Your contention that RR 1438 and RR 1442 solely refer to the notification and recording procedures is inconsistent with past practice adopted by your Administration. You will no doubt recall that in a letter dated 3 October 1985 the Board was requested by the U.S. Department of State to carry out a study under Section VII of Article 12 concerning harmful interference to your HF broadcasting transmissions by stations under the jurisdiction of the USSR, Czechoslovakia and Poland. None of these stations had been notified to the IFRB. However, the operation of your HF broadcasting stations were governed by the provisions of Article 17 of the Radio

Regulations. Despite this fact, it is clear that, at that time, your Administration recognised that Section VII of Article 12 was not limited to the notification process and had a wider scope to cover cases of harmful interference in respect of radiocommunication services which were not subject to Article 12 procedure of notification and registration.

4. Your expressed surprise that the Board had considered the delivery of a notice form for the registration of station Cudjoe Key by the U.S. Mission representative as an informal communication possibly results from a misunderstanding of the second sentence of paragraph 3 of the Board's letter of 8 May 1990. The Board did accept the notice as a formal communication but it did not regard this notice form, without a covering letter, as being a specific response to the Board's letter of the 12 January 1990.

5. You may wish to note that in accordance with RR 1240, the Board is required to examine each notice with respect to:

- "(a) its conformity with the Convention, the Table of Frequency Allocations and the other provisions of the Radio Regulations with the exception of those provisions relating to the probability of harmful interference which are the subject of Nos. 1241 and 1242;"

Regarding RR 2666, the Board considers in the frequency bands included in the provision, that as a general rule, stations are limited to providing a national service within the frontiers of the country concerned and not solely as you express "...to promote greater frequency sharing and to promote practices that minimize harmful interference..." which are largely covered by No. 158 (Nairobi 1982) and Article 6 of the Radio Regulations.

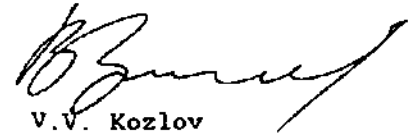
The Board agrees that exceptions to the general rule are permissible but cannot agree that "An exception to the general rule is, therefore, in full compliance with the regulation itself". Such a view would make RR 2666 meaningless. In the case of station Cudjoe Key, the characteristics of the station are such that it cannot be regarded as a legitimate exception to the general rule.

6. The international recognition of CD-De la Habana is for the hours 0000-2400 and information available from other sources has no bearing on the application of the Radio Regulations. Consequently, the Cuban station has the right to operate over the whole 24 hours. Additionally, the Board considers that it would be impracticable to apply RR 1431 generally except when the board is informed that a station is operating outside the recorded hours of operation.

7. The Board has examined your notice for Cudjoe Key and has formulated an unfavourable finding with respect to RR 1240. The notice will be returned to your Administration shortly in accordance with RR 1268.

8. The Board requests your prompt action in eliminating the harmful interference to the Cuban station.

Yours faithfully,



V.V. Kozlov
Acting-Chairman