

[Unofficial translation Spanish to English]

[SEAL]

UNDERSECRETARIAT OF COMMUNICATIONS

2.-

SECRETARIAT OF
COMMUNICATIONS AND
TRANSPORTATION

Mexico City, July 17, 2006

Mr. John M.R. Kneuer

Acting Assistant Secretary for Communications
and Information
Department of Commerce and
Administrator of the National Telecommunications
and Information Administration
Department of Commerce

Dear Mr. Kneuer:

This is in reply to your letter dated July 17, 2006 and consistent with Articles IV and V of 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 on June 16, 1994, (the "Agreement"), the Secretariat of Communications and Transportation ("SCT"), the designated Administration for the Mexican Government under Article II, paragraph 1 of 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 380-399.9 MHz Band for Fixed and Mobile Terrestrial Non-Broadcasting Services Along the Common Border", signed at Mexico City on July 27, 2005 (the "2005 Protocol"), has the honor of informing you of our acceptance of the amendments to the 2005 Protocol that you present to us in the referenced letter which are the same as those that resulted from the negotiations that were completed at the Bilateral Working Level of the High Level Consultative Commission on Telecommunications (HLCC).

Additionally, I am pleased to confirm to you that your letter mentioned above and the present reply constitute an Agreement between the National Telecommunications and Information Administration of the Department of Commerce of the United States of America and the Secretariat of Communications and Transportation to amend the 2005 Protocol which shall enter into force on the present date.

I would like to avail myself of this opportunity to renew to you the assurances of my highest and distinguished consideration.

Sincerely
The Under Secretary

JORGE ALVAREZ HOTH

Cc: Mr. Pedro Cerisola Y Weber, Secretary of Communications and Transportation



"2006 Año del Bicentenario del natalicio del Benemérito de las Américas, don Benito Juárez García"

SUBSECRETARIA DE COMUNICACIONES

2.-

SECRETARIA DE COMUNICACIONES

Y

TRANSPORTES

México, D. F., a 17 de julio de 2006

Sr. John M.R. Kneuer
Acting Assistant Secretary
for Communications and Information
Department of Commerce and
Administrador of National Telecommunications
and Information Administration
P r e s e n t e

Estimado Sr. Kneuer:

En respuesta a su escrito de fecha 17 de julio de 2006 y consistentes con los Artículos IV y V del *"Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América, relativo a la Atribución y Uso de las Bandas de Frecuencia por los Servicios Terrenales de Radiocomunicaciones, Excepto Radiodifusión a lo Largo de la Frontera Común"*, firmado en Williamsburg, Virginia el 16 de junio de 1994, (el "Acuerdo"), la Secretaría de Comunicaciones y Transportes, como Administración designada por el Gobierno Mexicano conforme al Artículo II, párrafo 1 del *"Protocolo entre la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos y el Department of State de los Estados Unidos de América, relativo a la Adjudicación y Uso de la Banda de 380-399.9 MHz para los Servicios Fijo y Móvil Terrenal Excepto Radiodifusión a lo Largo de la Frontera Común"*, firmado en la Ciudad de México el 27 de julio de 2005 (el "Protocolo de 2005"), tiene el honor de comunicarle nuestra aceptación a las enmiendas del Protocolo de 2005 que nos presenta en su referido escrito, mismas que son el resultado de las negociaciones realizadas en el Grupo de Trabajo Bilateral de la Comisión Consultiva de Alto Nivel en Materia de Comunicaciones (CCAN).

Adicionalmente, me es grato confirmarle que su escrito antes mencionado y la presente respuesta, constituyen un Acuerdo entre la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos y la National Telecommunications and Information Administration del Departamento de Comercio de los Estados Unidos de América para enmendar el Protocolo de 2005, el cual iniciará su vigencia a partir de la presente fecha.

Aprovecho la oportunidad para reiterarle las seguridades de mi más alta y distinguida consideración.

Atentamente
El Subsecretario

JORGE ALVAREZ HOTH

Ccp. Arq. Pedro Cerisola Y Weber, Secretario de Comunicaciones y Transportes



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

July 17, 2006

Mr. Jorge Alvarez Hoth
Subsecretario de Comunicaciones
Secretaría de Comunicaciones y Transportes
Xola y Avenida Universidad
Cuerpo "C" Primer Piso
C.P. 03020 México, D.F.

Dear Mr. Alvarez Hoth:

Consistent with Articles IV and V of 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 on June 16, 1994, (the "Agreement"), the National Telecommunications and Information Administration of the Department of Commerce of the United States of America ("NTIA"), the designated Administration for the United States under Article II, paragraph 1 of the Protocol Between the Department of State of the United States of America and the Secretaría de Comunicaciones y Transportes of the United Mexican States Concerning the Allotment and Use of the 380-399.9 MHz Band for Fixed and Mobile Terrestrial Non-Broadcasting Services Along the Common Border, signed at Mexico City on July 27, 2005 (the "2005 Protocol"), has the honor to propose that the 2005 Protocol be amended as follows:

1. In Article I, paragraph 1, a semicolon and an "and" is added at the end of subparagraph b. and the following is inserted thereafter:

“c. To allow for temporary cross-border communications on an interim basis as set forth under Article IV, paragraph 3, herein.”

2. In Article II, the title of Article II is amended to read as follows: “**Designation of Administrations and Definitions.**” Also, in Article II, paragraph 1 is amended to read as follows: “The National Telecommunications and Information Administration of the Department of Commerce 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.”

3. In Article IV, at the end of paragraph 2, a new paragraph 3 is inserted thereafter as follows:

“3. Notwithstanding Article IV, paragraph 1 herein, which limits new assignments to primary allotments for each Administration, new assignments on the frequencies and their associated bandwidths shown in Appendix III are allowed on a temporary basis at certain stations in the United States so that those U.S. stations may engage in cross-border communications with counter-part stations in Mexico. Those U.S. stations are located in the State of Arizona in the United States and are identified in Appendix IV of this Protocol. Appendix IV also lists the counter-part stations in Mexico. Such temporary new assignments are not allowed on other U.S. stations in any of the border states of the United States.

a. The U.S. Administration may make new temporary assignments to the U.S. stations listed in Appendix IV under the exception set forth in this paragraph only on the condition that no harmful interference is caused to stations in Mexico. In the case of harmful interference to the U.S. stations listed in Appendix IV from Mexican stations, the U.S. Administration will request cooperation from the Mexican Administration in order to ensure viable direct cross-border communications between the stations in each country.

b. The limited temporary use permitted under the terms set forth in the prior provisions of this paragraph may continue only until the two Administrations either find and agree upon an alternative radio-frequency band for the assigned use or until July 1, 2008, whichever occurs first. If the two Administrations agree upon an alternative radio-frequency band for the assigned use for any U.S. station prior to July 1, 2008, the limited temporary use of the frequencies by that U.S. station shall end when cross-border operations are deployed and transmissions by that U.S. station begins on the alternative frequency band.

4. Article V is amended to read as follows: "Appendices I, II, III and IV are an integral part of this Protocol."

5. Appendix I, Table II, Decimal Degrees in the Right Column for Point 1 is amended to read: "32.2378N"

6. Following Appendix II, new Appendices III and IV are inserted thereafter as follows:

"APPENDIX III

Temporary Cross-Border Frequencies^{5,6}

382.3000 392.3000

Each frequency employs an associated bandwidth of plus and minus 12.5 kHz relative to the center carrier frequency, i.e. 382.2875-382.3125 MHz and 392.2875-392.3125 MHz.

⁵ All frequencies in MHz

⁶ These two frequencies and their associated bandwidths are designated as primary for new assignments by Mexico and may also be assigned for temporary cross-border use only as set forth in Article IV, paragraph 3, to the U.S. stations listed in Appendix IV of this Protocol."

“APPENDIX IV

List of Certain U.S. and Associated Mexican Stations. The U.S. Stations May Be Assigned Frequencies Set Forth in Appendix III on a Limited Temporary Basis under Article IV, Paragraph 3

In the State of Arizona:

- 1) U.S. Customs & Border Protection Station, Nogales
- 2) U.S. Customs & Border Protection Station, Naco
- 3) U.S. Customs & Border Protection Station, Douglas
- 4) U.S. Border Patrol Sector Communications Center, Yuma
- 5) County of Santa Cruz, Office of Emergency Management, Nogales
- 6) Police Department of City of Nogales, Nogales
- 7) Cochise County Sheriff's Department, Bisbee
- 8) Police Department of City of Douglas, Douglas
- 9) Police Department of City of San Luis, San Luis
- 10) Police Department of City of Somerton, Somerton

In the State of Sonora:

- 1) C4 Station, Nogales
- 2) C4 Station, Naco
- 3) C4 Station, Agua Prieta (site at Prima Loma)
- 4) C4 Station, San Luis Rio Colorado

- 5) C4 Station, Nogales
- 6) C4 Station, Nogales
- 7) C4 Station, Agua Prieta (site at Prima Loma)
- 8) C4 Station, Agua Prieta (site at Prima Loma)"
- 9) C4 Station, San Luis Rio Colorado
- 10) C4 Station, San Luis Rio Colorado

If the above proposed amendments to the 2005 Protocol are acceptable to the Secretariat of Communications and Transportation of Mexico, this letter and your affirmative letter in reply shall constitute an agreement between the National Telecommunications and Information Administration of the Department of Commerce of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States, which shall enter into force on the date of your letter in reply.

Sincerely,



John M.R. Kneuer

Acting Assistant Secretary
for Communications and Information