

PUBLIC CONSULTATION Nº 10

Resolution - art. 1 st

NATIONAL TELECOMMUNICATIONS AGENCY

MINUTES OF RESOLUTION

Review of the destinations and conditions of use of the radio frequency bands associated to the Fixed Service, in point-to-point applications, and other measures.

THE BOARD OF DIRECTORS OF THE NATIONAL TELECOMMUNICATIONS AGENCY , in the use of the attributions granted to it by art. 22 of [Law 9,472 of July 16, 1997](#) , and by art. 35 of the Regulation of the National Telecommunications Agency, approved by [Decree No. 2,338, of October 7, 1997](#) ,

CONSIDERING the provisions of item VIII of art. 19, of Law No. 9,472 of 1997, which assigns to Anatel the administration of the radio spectrum, issuing the corresponding regulatory procedures;

CONSIDERING the terms of art. 157, of Law No. 9.472 of 1997, which establishes that the radio spectrum is a limited resource, constituting a public good administered by the Agency;

CONSIDERING the terms of articles 159 and 161 of Law No. 9.472, of 1997, according to which, in the allocation of radio frequency bands, the rational and economic use of the spectrum will be considered and that, at any time, it may be modified, provided that the public interest or the observance of international conventions or treaties so determine;

CONSIDERING the need for Anatel to promote and monitor the technological evolution of radiocommunications, by editing and updating the relevant regulations;

CONSIDERING the interest and opportunity to optimize the use of the radiofrequency spectrum by the use of radiofrequency bands associated to the fixed service in applications of point-to-point links of digital systems, considering the increasing demand for these systems for the implementation of connection links of telecommunication services data networks;

CONSIDERING that point-to-point links are widely used by telecommunication service operators to expand their transmission networks and that technical guidance is needed to rationalize the construction of such networks;

CONSIDERING the contributions received as a result of Public Consultation XXX, XX of XXXXXXXX of 201X, published in the Official Gazette of XX of XXXXXXXXX of 201X;

CONSIDERING what is contained in the records of Case No. 53500.066989 / 2017-04; and

CONSIDERING the decision taken at its Meeting XXXX, held at X of XXXXXXXXX of 201X;

RESOLVES:

Article 1. Repeal the following Resolutions, referring to destinations and conditions of use of radio frequencies associated with the fixed service in point-to-point applications:

I - Resolution No. 103 of February 26, 1999, approving the Regulation on Channeling and Conditions of Use of the 4 GHz band;

II - Resolution No. 105 of February 26, 1999, approving the Regulation on Channeling and Conditions of Use of the Lower 6 GHz Band;

III - Resolution No. 106 of February 26, 1999, which approves the Regulation on Channeling and Conditions of Use of the 8.5 GHz band;

IV - Resolution No. 129, of May 26, 1999, approving the Regulation on Channeling and Conditions of Use of the 15 GHz Band;

V - Resolution No. 231 of July 19, 2000, which establishes that no new grant of authorization for the use of radiofrequency in the range of 1706 MHz to 2301 MHz;

VI - Resolution No. 295 of April 19, 2002, which allocates radio frequency bands for the use of the Multimedia Communication Service (SCM) and the Fixed Switched Telephone Service for Public Use in General (STFC).

VII - Resolution No. 307 of August 14, 2002, approving the Regulation on Channeling and Conditions of Use of Radio Frequencies in the 10.5 GHz Band;

VIII - Resolution No. 310 of September 19, 2002, which approves the Regulation on Channeling and Conditions of Use of Radio Frequencies in the 8 GHz Band;

IX - Resolution No. 374 of July 15, 2004, which approves the Regulation on Channeling and Conditions of Use of Radio Frequencies in the 38 GHz Band;

X - Resolution No. 431 of 23 February 2006 amending the Regulations on channeling and conditions of use of the 4 GHz (3,800 to 4,200 MHz), 6 GHz (5,925 to 6,425 MHz) and 8 GHz (7,725 to 7,925 MHz and 8,025 to 8,275 MHz).

XI - Resolution No. 495 of March 24, 2008, which approves the Regulation on Channeling and Conditions of Use of the 5 GHz Radio Frequency Band;

XII - Resolution 504 of May 14, 2008, which amends the Regulation on Channeling and Conditions of Use of the Radio Frequency Band from 6,430 MHz to 7,110 MHz;

XIII - Resolution 561 of 28 January 2011 amending the Radio Frequency Conditions of Use in the 25.35 GHz to 28.35 GHz, 29.10 GHz to 29.25 GHz and 31.00 GHz at 31,30 GHz;

XIV - Resolution No. 642, of October 3, 2014, approving the Regulation on Conditions of Use of Radio Frequencies in the bands from 71 GHz to 76 GHz and from 81 GHz to 86 GHz;

XV - Resolution No. 669, of July 11, 2016, amending the Regulation on Channeling and Conditions of Use of the 15 GHz Band.

Resolution - art. 2º

Art. 2 To replace the following Ordinances, referring to destinations and conditions of use of radio frequency bands associated to the fixed service in point-to-point applications:

I - Ordinance No. 462, of May 26, 1975, approves the Norm 02/75 that establishes the channeling and the conditions of use of the band 1706 to 2301 MHz, attributed to the fixed and mobile services;

II - Ordinance No. 531 of November 23, 1988, which amends Standard No. 02/75, on channeling and the conditions of use of the band 1706 to 2301 MHz;

III - Ordinance No. 247 of October 21, 1991, which approves the Norm 004/91 of Channeling and Plan of Use of Frequencies for Digital Radio Operating in the 18 GHz Band;

IV - Ordinance No. 83, of December 30, 1992, which approves the Norm 003/92 of Channeling and Plan of Use of Frequencies for Digital Radio Operating in the Band of 23 GHz;

V - Ordinance No. 605 of August 17, 1994, which approves Standard No. 0016/94 on Channeling and Conditions of Use of Frequencies for Digital Radio System Operating in the 11 GHz Band;

VI - Ordinance No. 607 of August 17, 1994, which approves Standard No. 0017/94 of Channeling and Conditions of Use of Frequencies for Low Power Radio Systems Operating in the 23 GHz Band;

VII - Ordinance No. 1,120, of December 14, 1994, which approves the Norm 027/94 of Channeling and Conditions of Use of Frequencies for Radio System Operating in the Band of 23 GHz;

VIII - Ordinance No. 140 of May 17, 1995, which approves the Norm 001/95 of Channeling and Conditions of Use of Frequencies for Digital Radio Systems Operating in the 7 GHz Band;

IX - Ordinance No. 288 of October 21, 1996, which approves Standard No. 15/96 on Channeling and Conditions of Use of Frequencies for Digital Radiocommunication Systems in the 18 GHz Band.

Resolution - art. 3rd

Article 3 To revoke Articles 4 and 14 of Resolution 688 of November 7, 2017.

Resolution - art. 4th

Art. 4 Repeal Article 5, Paragraph 2 of Article 8 and Annex IV, all of the Regulation on Conditions of Use of Radio Frequencies for the Auxiliary Services of Broadcasting and Related - SARC, Repetition of Television - RpTV, Circuit Television Closed with Use of Radio Link - CCTV, Limited Mobile Aeronautical Service - SLMA and Private Limited Service - SLP, attached to Resolution No. 688, of November 7, 2017.

Resolution - art. 5th

Article 5 To repeal Articles 4, 5 and 6 of Resolution 676, of April 7, 2017.

Resolution - art. 6th

Article 6 To allocate the following radio frequency bands for primary and non-exclusive use by digital radiocommunication systems of the fixed service, as defined in the ITU Radiocommunications Regulations, in point-to-point applications:

I - 2.025 MHz to 2.110 MHz band;

II - range from 2,200 MHz to 2,300 MHz;

III - range from 3,800 MHz to 4,200 MHz;

IV - range from 4,400 MHz to 5,000 MHz;

V - 5.925 MHz to 6.425 MHz band;

VI - range from 6,430 MHz to 7,110 MHz;

VII - range 7,425 MHz to 7,975 MHz;

VIII - 8.025 MHz to 8,500 MHz band;

IX - range from 10.15 GHz to 10.30 GHz;

X - range from 10.50 GHz to 10.65 GHz;

XI - range from 10.70 GHz to 11.70 GHz;

XII - range from 12.70 GHz to 13.25 GHz;

XIII - 14.50 GHz to 15.35 GHz band;

XIV - range from 17.70 GHz to 18.14 GHz;

XV - 18.58 GHz to 18.82 GHz band;

XVI - range from 18.92 GHz to 19.16 GHz;

XVII - range from 19.26 GHz to 19.70 GHz;

XVIII - band from 21.20 GHz to 23.6 GHz;

XIX - range from 25.35 GHz to 28.35 GHz;

XX - range 29.10 GHz to 29.25 GHz;

XXI - 31 GHz to 31,30 GHz band;

XXII - 37 GHz band at 39.50 GHz;

XXIII - 71 GHz to 76 GHz band;

XXIV - range of 81 GHz to 86 GHz.

Resolution - art. 6th, §1

Paragraph 1. Ground stations operating in the bands 17.70 GHz to 17.80 GHz and 19.26 GHz to 19.36 GHz shall not cause harmful interference or claim protection from *gateway* earth stations .

Resolution - art. 6th, §2

§ 2º In the case of terrestrial stations operating in the bands 17.70 GHz to 17.80 GHz and 19.26 GHz to 19.36 GHz cause harmful interference in earth stations of access (*gateways*), the responsible of the station shall immediately promote, interruption of operation until harmful interference is remedied.

Resolution - art. 6th, §3

§ 3. In the bands 2,025 MHz to 2,110 MHz and 2,200 MHz to 2,300 MHz, digital fixed-line radiocommunication systems as defined in the ITU Radiocommunication Regulation, in point-to-point applications, may only be used in municipalities, integrated economic development or metropolitan regions with a population of up to 500,000 (five hundred thousand) inhabitants.

I - In municipalities, integrated regions of economic development or metropolitan regions with a population between 200,000 (two hundred thousand) and 500,000 (five hundred thousand) inhabitants, only specific channels, determined in the conditions of use, according to art. 8th.

II - Authorizations for the use of radio frequencies, licenses of new stations or assignment of new radio frequencies to stations already licensed, for digital radiocommunication systems of the fixed service, in point-to-point applications, shall not be issued or extended under the following conditions:

a) in any channel of the bands mentioned in § 3, in municipalities above 500,000 (five hundred thousand) inhabitants;

b) in any channel of the bands mentioned in § 3, except for the specific channels, determined in the conditions of use, according to art. 8, in municipalities, integrated regions of economic development or metropolitan regions with population between 200,000 (two hundred thousand) and 500,000 (five hundred thousand) inhabitants.

III - Digital radiocommunication systems of the fixed service, in point-to-point applications operating in the radio frequency range mentioned in the caput, regularly authorized, and in disagreement with the established in this article, may continue in operation on a primary basis until November 9, 2019 , after which they will become secondary.

Resolution - art. 7th

Article 7 Further allocate the following radio frequency bands to all telecommunication services, observing the assignment of the band:

I - 31.8 GHz to 33.4 GHz band;

II - 40 GHz to 43.5 GHz band;

III - range from 47.2 GHz to 50.2 GHz;

IV - range from 57 GHz to 66 GHz;

V - range from 92 GHz to 94 GHz;

VI - range from 94.1 GHz to 100 GHz;

VII - range from 102 GHz to 109,5 GHz;

VIII - range 111.8 GHz to 114.25 GHz;

IX - 130 GHz to 134 GHz band;

X - range from 141 GHz to 148.5 GHz;

XI - 151.5 GHz to 164 GHz;

XII - range 167 GHz to 174,8 GHz.

Resolution - art. 8th

Article 8. The conditions of use, including channeling, power limits, minimum link distance, when applicable, and other technical specifications complementary to the radio frequency bands subject to this Resolution, shall be established by the Superintendent's Acts responsible for the administration of the spectrum usage radio frequencies.

Resolution - art. 8th, Sole paragraph

Single paragraph. The Acts referred to in the caput will be submitted to the Public Consultation procedure prior to its dispatch.

Resolution - art. 9th

Art. 9º This Resolution comes into force 180 (one hundred and eighty) days after its publication.

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