TELECOMMUNICATION

Use of 380-399.9 MHz Band

Protocol Between the
UNITED STATES OF AMERICA
and MEXICO

Signed at Mexico City July 27, 2005

with

Appendices

and

Agreement Amending the Protocol

Effected by Exchange of Letters at
Washington and Mexico City
July 17, 2006

with

Appendices

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

MEXICO

Telecommunication: Use of 380-399.9 MHz Band

Protocol signed at Mexico City July 27, 2005;
Entered into force July 27, 2005.
With appendices.
And agreement amending the protocol.
Effected by exchange of letters at Washington and Mexico City July 17, 2006;
Entered into force July 17, 2006.
With appendices.

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

This Protocol is being concluded on an interim basis 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 in Williamsburg, Virginia June 16, 1994, (herein referred to as the "Agreement").

ARTICLE I. Purposes

1. The purposes of this Protocol are:

a. To establish and adopt a plan for the equitable allotment on an interim basis of the frequency sub-bands in the 380-399.9 MHz band within the Sharing Zone defined in this Protocol; and

b. To allow for new assignments in frequency sub-bands allotted as primary for each Administration in the 380-399.9 MHz band within the Sharing Zone defined in this Protocol on an interim basis until a more complete protocol governing both new assignments and existing stations can be negotiated and concluded.

2. This Protocol does not apply to existing stations for fixed and mobile services in the 380-399.9 MHz band within the Sharing Zone defined in this Protocol.

ARTICLE II. Definitions

1. For the purpose of this Protocol and as provided for in Article IV of the Agreement, the term Administration or Administrations will refer with equal effect to the National Telecommunications and Information Administration of the Department of Commerce United States of America (hereinafter United States) and to the Secretaría de Comunicaciones y Transportes of the United Mexican States (hereinafter Mexico).

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

ARTICLE III. Restriction on Use of Mobile Satellite Service

Neither Administration shall introduce the mobile satellite service into the sub-bands allotted for the primary use of the other Party within the Sharing Zone defined herein.

ARTICLE IV. Conditions of Use

1. Within the Sharing Zone, the radio frequency sub-bands in the 380-399.9 MHz band shall be allotted for the primary use of each Administration in accordance with Appendix II. Each Administration shall ensure that new assignments made on or after the date that this Protocol enters into force are operated in such a way that the transmission bandwidth 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 on an interim basis in accordance with the effective radiated power (ERP) 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 ERP 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

ARTICLE V. Appendices

Appendices I and II are an integral part of this Protocol.

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

ARTICLE VI. Entry into Force and Termination

This Protocol shall enter into force on the date of signature. It shall remain in force until it is replaced by a Protocol governing both new assignments and existing stations, 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 twenty-seventh day of July, 2005, 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 SECRETARÍA DE COMUNICACIONES Y TRANSPORTES OF THE UNITED MEXICAN STATES

APPENDIX I

Areas Within Which the Frequencies Are to Be Protected

U.S.-MEXICO SHARING ZONE

The Sharing Zone is defined on an interim basis as the area 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.

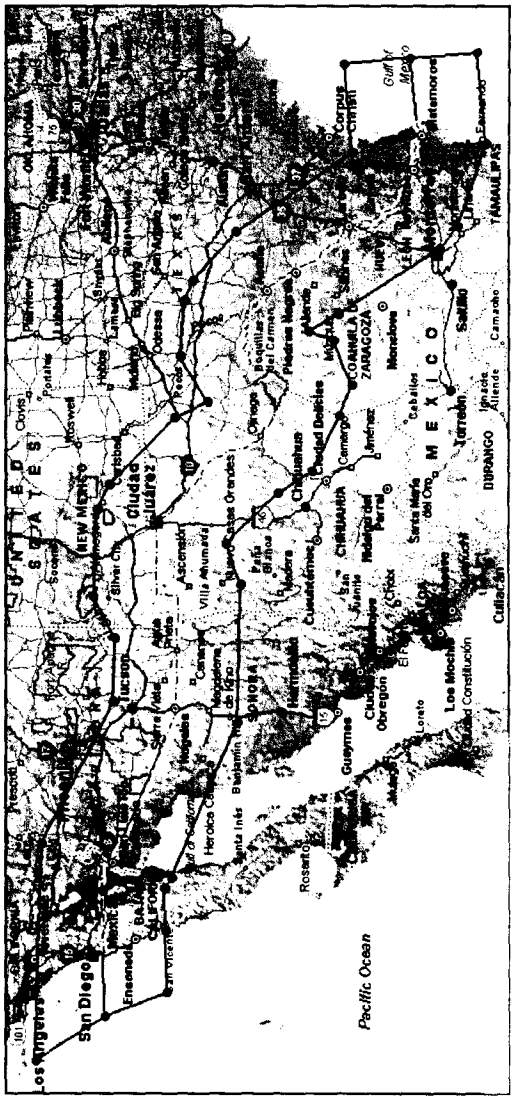

Table II

The following geographic coordinates define the U.S.-Mexico Sharing Zone on an interim basis 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	32.3772N 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 380-399.9 MHz Band

Mexico Primary[2]	U.S. Primary[2]
380.0000 - 384.9500	384.9500 - 389.9500
389.9500 - 394.9500	394.9500 - 399.9000

[2] All frequencies in MHz

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

Este Protocolo se celebra de forma interina, de conformidad con el 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 Frecuencias por los Servicios Terrenales de Radiocomunicación, excepto Radiodifusión, a lo Largo de la Frontera Común, firmado en Williamsburg, Virginia el 16 de junio de 1994, (en adelante el "Acuerdo").

ARTICULO I. Finalidad

1. Los propósitos de este Protocolo son:

a. Establecer y adoptar un plan para la adjudicación equitativa de forma interina de las sub-bandas de frecuencias en la banda de 380-399.9 MHz en la Zona de Compartición definida en este Protocolo; y

b. Permitir nuevas asignaciones en las sub-bandas de frecuencias adjudicadas a título primario para cada Administración en la banda de 380-399.9 MHz en la Zona de Compartición definida de forma interina en este Protocolo hasta que un protocolo más completo pueda ser negociado y concluido para regir tanto las nuevas asignaciones como las de las estaciones existentes.

2. Este Protocolo no se aplica a las estaciones existentes para servicios fijo y móvil en la banda de 380-399.9 MHz en la Zona de Compartición definida en este Protocolo.

ARTICULO II. Definiciones

1. Para los propósitos de este Protocolo y como se prevé en el Artículo IV del Acuerdo, el término Administración o Administraciones se referirá indistintamente a la Secretaría de Comunicaciones y Transportes de los Estados Unidos Mexicanos (en lo sucesivo México) y a la National Telecommunications and Information Administration del Departamento de Comercio de los Estados Unidos de América (en lo sucesivo Estados Unidos).

2. La Zona de Compartición incluye las regiones fronterizas de México y los Estados Unidos y sus respectivas aguas territoriales como se establece en el Apéndice I.

ARTICULO III. Restricción sobre el Uso del Servicio Móvil por Satélite

Ninguna Administración introducirá el Servicio Móvil por Satélite en las sub-bandas adjudicadas a título primario de la otra Parte en la Zona de Compartición definida para los efectos del presente Protocolo.

ARTICULO IV. Condiciones de Uso

1. En la Zona de Compartición, las sub-bandas de frecuencias en la banda de 380-399.9 MHz se adjudicarán para uso a título primario a cada Administración de conformidad con el Apéndice II. Cada Administración asegurará que las nuevas asignaciones que se hagan en la fecha en que este Protocolo entre en vigor o posteriormente, las transmisiones correspondientes se efectúen de tal forma que el ancho de banda de las mismas no exceda las adjudicaciones de frecuencias a título primario del Apéndice II.

2. Cada Administración asegurará que las estaciones fijas y móviles autorizadas para transmitir en frecuencias adjudicadas a título primario en la Zona de Compartición transmitan de forma interina de conformidad con la potencia radiada aparente (PRA) y los límites de altura de antena especificados en la siguiente tabla (Tabla I):

Tabla I

Promedio de la altura de antena sobre el nivel promedio del terreno dentro en los radiales estándar en la dirección de la frontera común[1].	**Máxima PRA en cualquier dirección hacia la frontera común.**	
Metros	Watts	dBm
Hasta 150	500	+ 56.98
Arriba de 150 hasta 225	350	+ 55.44
Arriba de 225 hasta 300	250	+ 53.98
Arriba de 300 hasta 450	200	+ 53.01
Arriba de 450 hasta 600	150	+ 51.76
Arriba de 600 hasta 750	100	+ 50.00
Arriba de 750 hasta 900	75	+ 48.75
Arriba de 900 hasta 1,050	50	+ 46.98
Arriba de 1,050	30	+ 44.77

ARTICULO V. Apéndices

Los Apéndices I y II son parte integral de este Protocolo.

[1] Los radiales estándar son 000°, 045 °, 090°, 135°, 180°, 225°, 270° y 315° en relación al Norte Verdadero.

ARTICULO VI. Entrada en Vigor y Terminación

Este Protocolo entrará en vigor en la fecha de su firma, y permanecerá vigente hasta que sea reemplazado por un Protocolo que rija tanto las nuevas asignaciones como las de las estaciones existentes, o hasta que se dé por terminado conforme al Artículo VII del Acuerdo.

EN FE DE LO CUAL, los respectivos representantes han firmado el presente Protocolo.

Hecho en la Ciudad de México el día 27 de julio de 2005, por duplicado, en español e inglés; ambos textos son igualmente auténticos.

POR LA SECRETARÍA DE COMUNICACIONES Y TRANSPORTES DE LOS ESTADOS UNIDOS MEXICANOS	POR EL DEPARTMENT OF STATE DE LOS ESTADOS UNIDOS DE AMÉRICA

APÉNDICE I

Areas Dentro de las Cuales las Frecuencias serán Protegidas

Zona de Compartición México-EE.UU.

La Zona de Compartición se define de forma interina como las regiones que abarca una distancia de 145 kilómetros (90.1 millas) desde la frontera común México-EE.UU. dentro del territorio nacional de cada país e incluye áreas del Océano Pacífico y del Golfo de México.

Estas regiones están comprendidas por los límites que se muestran en el mapa de la derecha y sus respectivas coordenadas geográficas aparecen en la Tabla II.

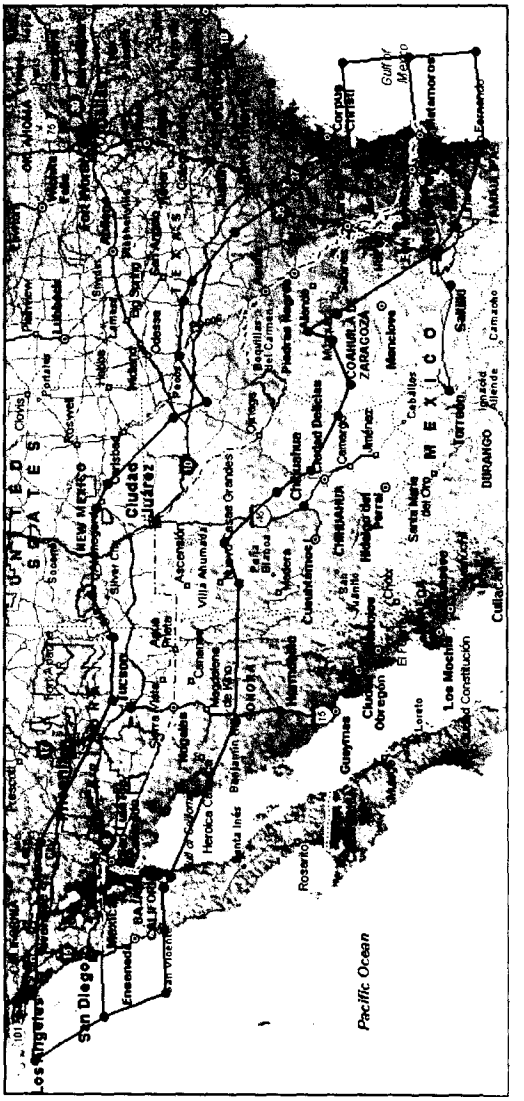

Tabla II

Las siguientes coordenadas geográficas determinan la Zona de Compartición de México-EE.UU. de forma interina en el territorio nacional de cada país. El punto 1 se ubica en el Océano Pacífico al oeste de la frontera común México-EE.UU. y es el punto inicial que determina la Zona de Compartición. El límite de la Zona de Compartición se determina al unir cada punto geográfico en orden numérico progresivo en la dirección de las manecillas del reloj. Cada tramo de distancia entre puntos consecutivos es atravesado por un arco de círculo máximo.

No.	Grados/Minutos/Segundos	Grados Decimales
1	32^0 14'16"N 118^{0}37'09"O	32.3772N 118.6192O
2	33^{0}44'18"N 119^{0}58'13"O	33.7384N 119.9704O
3	34^{0}00'16"N 114^{0}28'01"O	34.0044N 114.4670O
4	32^{0}37'24"N 110^{0}51'01"O	32.6234N 110.8505O
5	32^{0}38'60"N 109^{0}18'02"O	32.6500N 109.3006O
6	33^{0}05'47"N 108^{0}15'42"O	33.0965N 108.2617O
7	33^{0}01'27"N 106^{0}06'30"O	33.0242N 106.1083O
8	32^{0}46'33"N 105^{0}30'38"O	32.7757N 105.5105O
9	31^{0}21'30"N 103^{0}55'51"O	31.3584N 103.9309O
10	30^{0}39'31"N 103^{0}34'01"O	30.6587N 103.5670O
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13	30^{0}51'19"N 100^{0}36'43"O	30.8553N 100.6120O
14	29^{0}54'03"N 099^{0}28'55"O	29.9007N 099.4820O
15	27^{0}21'20"N 097^{0}48'03"O	27.3556N 097.8009O
16	27^{0}21'05"N 095^{0}42'14"O	27.3516N 095.7038O
17	25^{0}58'50"N 095^{0}42'22"O	25.9805N 095.7061O
18	24^{0}33'14"N 095^{0}42'46"O	24.5539N 095.7128O
19	24^{0}32'41"N 097^{0}48'44"O	24.5448N 097.8122O
20	25^{0}15'14"N 099^{0}40'56"O	25.2539N 099.6823O
21	25^{0}40'42"N 100^{0}10'59"O	25.6782N 100.1833O
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23	28^{0}29'18"N 101^{0}57'45"O	28.4884N 101.9625O
24	27^{0}58'15"N 102^{0}11'48"O	27.9709N 102.1967O
25	27^{0}38'22"N 103^{0}16'32"O	27.6394N 103.2755O
26	27^{0}54'33"N 103^{0}59'11"O	27.9093N 103.9863O
27	28^{0}30'31"N 105^{0}15'57"O	28.5085N 105.2659O
28	29^{0}13'30"N 105^{0}45'37"O	29.2249N 105.7604O
29	30^{0}19'17"N 106^{0}57'15"O	30.3215N 106.9544O
30	30^{0}01'37"N 107^{0}56'47"O	30.0271N 107.9464O
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33	31^{0}21'26"N 115^{0}20'31"O	31.3572N 115.3419O
34	31^{0}14'34"N 116^{0}21'25"O	31.2427N 116.3570O
35	31^{0}08'09"N 117^{0}53'38"O	31.1359N 117.8939O

APÉNDICE II

Adjudicación en las Sub-bandas de Frecuencias en la Banda de 380-399.9 MHz

Uso a título Primario para México[2]	Uso a título Primario para EE.UU.[2]
380.0000 - 384.9500	384.9500 - 389.9500
389.9500 - 394.9500	394.9500 - 399.9000

[2] Todas las frecuencias en MHz

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.

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[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

SECRETARIA DE COMUNICACIONES
Y
TRANSPORTES

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

Entrada 16-1-A

SUBSECRETARIA DE COMUNICACIONES
2.-

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 Comisón 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

[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

NOTE: This is an unofficial translation provided by the Government of Mexico. When the official English translation becomes available, it will be added to this publication.