IMPLEMENTING GUIDELINES ON INTERNATIONAL SATELLITE COMMUNICATIONS

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Pursuant to Act No. 3846, as amended (Radio Control Law), Executive Order No. 546, series of 1979 and Department Circular No. 94-277, series of 1994, the National Telecommunications Commission hereby promulgates the following implementing guidelines on international satellite communications.

Article I
Access to International Fixed Satellite Systems

SECTION 1. All public telecommunications carriers enfranchised and certificated to install, operate and maintain international telecommunications systems and services shall be allowed direct access to any international fixed satellite systems.

SECTION 2. A duly enfranchised broadcast operator may be allowed direct access to any international fixed satellite systems upon prior authorization from the Commission. Authorization shall be granted provided that the utilization of the space segment is limited to broadcast media applications.

SECTION 3. All levels of access to the extent the satellite system operators permit may be allowed subject to the approval of the Commission.

SECTION 4. The terms and conditions of access to any international fixed satellite system including the extent of the liabilities shall be submitted by the entities described in Sections 1 and 2 to the Commission for approval.

Article II
Access to International Mobile Satellite Systems

SECTION 5. Public telecommunications carriers authorized to offer international maritime, aeronautical and land mobile services maybe allowed by the Commission direct access to any international mobile satellite systems.

SECTION 6. Government entities, private individuals, companies or corporations may be allowed direct access to any international mobile satellite systems. The lease or rental of transponder space shall be through a duly enfranchised and certificated public telecommunications carrier referred to in Article II, Section 5.

Article III
International Satellite News Gathering

SECTION 7. Foreign news media organizations may be issued a Special Permit by the Commission to use their own international satellite news gathering (SNG) earth stations. The news gathering activity should not be more than fifteen (15) days and the countries where the foreign news media organizations are registered allow reciprocal agreements on international SNG access for the Philippine news media organizations.

SECTION 8. The Commission may allow one extension for a period of not more than 15 days on meritorious grounds.

SECTION 9. Foreign news media organizations registered in countries which have no reciprocal agreement with

the Philippines on international SNG access applying for special permit to operate international SNG earth station(s) may be allowed only in exceptional cases upon clearances and recommendations from the Department of Foreign Affairs and prior authorization from the Commission.

SECTION 10. A Special Permit shall be issued to any foreign news media organization which has complied with the provision of Section 7 hereof valid for 15 days after payment of the required fees and charges. Extension of the special permit pursuant to Section 8 hereof shall be granted upon payment of the required fees and charges.

Article IV
Earth Station Permits and Licenses

SECTION 11. Any duly enfranchised and certificated international public telecommunications carrier shall apply to the Commission for permit and/or license to install, operate and maintain earth station(s) for direct access to international fixed satellite systems.

SECTION 12. All earth stations, fixed and mobile, shall conform with the technical and operating standards prescribed by INTELSAT, INMARSAT, or any such separate satellite systems to which said stations, have direct access, and the Telecommunications Standards Bureau (TSB) of the International Telecommunications Union.

SECTION 13. All earth stations, fixed and mobile, allowed to directly access international satellite systems shall be licensed by the Commission.

SECTION 14. Duly authorized international satellite broadcast service providers shall apply for permits and/or licenses to install, operate and maintain satellite earth stations subject to the provisions of Article 1, Section 2, and of Article IV, Sections 12 and 13.

SECTION 15. Government agencies, private individuals, companies or corporations allowed under Article II Section 6 may apply for permits and licenses to own, operate and maintain mobile earth station(s) for direct access to any international mobile satellite system subject to the provisions of Article I, Section 6, and Article IV, Sections 12 and 13.

SECTION 16. International mobile satellite earth stations owned by foreign nationals or entities shall be allowed to operate in the Philippines provided that a certification from a foreign country with which the Philippines has an existing reciprocal agreement is presented and validated by the Commission.

SECTION 17. International mobile satellite earth stations other than those specified in Article IV, Section 16, that are intended to be used in the Philippines may be allowed on a case to case basis after prior authorization and registration from National Telecommunications Commission.

Article V
Fees and Charges

SECTION 18. The following fees and charges shall be collected:

FEES

18.1 Filing Fee PHP 150.00

18.2 Permit to Purchase 300.00 per station

18.3 Permit to Possess 300.00

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18.4 Construction Permit 1,000.00

18.5 Inspection Fee 1,000.00 per year

18.6 Radio Station License (ML/P) 1,200.00 per year

18.7 Radio Station License (fixed) 100,000.00 x N per year

18.8 Special Permit (SP) for SNG 200,000.00

18.9 Extension of SP for SNG 100,000.00

N = number of transponders, i. e.
N = 0.25 for 1/4 transponder
N = 0.50 for 1/2 transponder
N = 1 for one transponder
N = 2- for two transponders and so on

Article VI
Final Provisions

SECTION 19. All authorizations and approvals for access to international satellite systems shall be subject to existing laws and to treaties, conventions, and operating agreements to which the Philippines now is, or may hereinafter be, a Party.

SECTION 20. The Commission may amend, revise or modify the terms and conditions of the permit and/or license as the Commission deems fit in the interest of the public.

SECTION 21. Violations of any of the provision of this memorandum circular shall be dealt with in accordance with law.

SECTION 22. Any existing orders, circulars, memoranda, issuances and/or rules and regulations inconsistent with this Circular are hereby repealed or modified accordingly.

SECTION 23. This circular shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation, provided that at least three (3) certified copies thereof shall be filed with the University of the Philippines Law Center.

Adopted: 17 Oct. 1994

(SGD.) SIMEON L. KINTANAR
Commissioner

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