NATIONAL ADMINISTRATIVE REGISTER · [DOTC CIRCULAR NO. 98-01, FEBRUARY 27, 1998]

GLOBAL PERSONAL COMMUNICATIONS BY MOBILE SATELLITE (GMPCS) POLICY

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RA 7925, Public Telecommunications Policy Act of the Philippines, states that the fundamental objective of government is to maintain a viable, efficient, reliable and universal telecommunications infrastructure using the best available and affordable technologies, as a vital tool to nation building and development.

It is recognized that, through the use of GMPCS, Filipinos could directly have greater choice of communications services, and users in remote and rural areas of the Philippines would, in particular, benefit from access to better and more affordable communications services.

To ensure the orderly provision of GMPCS services in the country, to optimize the utilization of radio frequency spectrum allocation and to provide healthy competition among authorized service providers, DOTC hereby promulgates the following policy directives:

SECTION 1. Definition of Terms - The following definitions shall apply within the context of this Policy:

Global Mobile Personal Communications by Satellite (GMPCS) - A satellite system (i.e., fixed or mobile, broadband or narrowband, global or regional) providing telecommunications services directly to end-users from one or more satellites, geostationary or non-geostationary, operated as a system.

GMPCS System Operator — Any entity who owns, operates and maintains GMPCS systems.

GMPCS Service Provider — A duly enfranchised telecommunications entity authorized by the National Telecommunications Commission (NTC) to directly provide GMPCS services to the general public within the Philippines.

GMPCS Terminals — A user terminal intended to be operated with the GMPCS system.

SECTION 2. Market Entry — Duly enfranchised telecommunications entities having appropriate authorizations from the National Telecommunications Commission (NTC), shall be allowed to offer GMPCS services in the Philippines, subject to existing laws, rules and regulations.

The services offered must comply with the national spectrum policy requirements with respect to allocation, utilization and efficiency, orderly deployment and co-existence with other radio services authorized for use in the bands.

SECTION 3. GMPCS Terminals — Transiting foreign-registered GMPCS terminals shall be allowed in the Philippines, subject to existing laws, rules and regulations. The use of said terminals shall be limited to the GMPCS systems authorized in the Philippines.

GMPCS terminals duly-approved by the NTC or any duly accredited certifying authority, shall be made available for use on the GMPCS system, subject to existing rules and regulations on Customer Premises Equipment (CPE).

SECTION 4. Traffic Settlement — An equitable arrangement shall be agreed upon by any GMPCS system operator and its Philippine GMPCS service provider for the purpose of revenue sharing between the parties.

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SECTION 5. Interconnection Requirement — All authorized GMPCS systems shall be interconnected to other non-GMPCS telecommunications networks or terrestrial systems in the country, on a non-discriminatory basis, in accordance with existing laws, rules and regulations.

SECTION 6. Policy Implementation — The NTC shall, within thirty (30) days promulgate the guidelines, rules and regulations implementing the policies hereof.

SECTION 7. Separability Clause — In the event that any provision of this Department Circular is declared unconstitutional or void in accordance with law, the validity of the other provisions shall not be affected by such declaration.

SECTION 8. Repealing Clause — All existing department orders, circulars, memoranda, issuances and/or rules and regulations inconsistent with this Circular are hereby repealed or modified accordingly.

SECTION 9. Effectivity — This Circular shall take effect fifteen days (15) days after its publication in the Official Gazette or any newspaper of general circulation, provided further that at least three (3) certified copies thereof shall have been filed with the University of the Philippines Law Center.

Adopted: 27 Feb. 1998

(SGD.) JOSEFINA TRINIDAD-LICHAUCO
Secretary

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