

MEMORANDUM CIRCULAR
NO. 10-7-93

Subject: **Implementing Guidelines on the Domestic Satellite Communications Policy**

In line with Department Circular No. 93-273, and the provisions of Executive Order No. 546 and 205, Act No. 3846, as amended (Radio Control Law), Act No. 146, as amended (Public Service Act), the National Telecommunications Commission hereby promulgates the following guidelines to govern the Domestic Satellite Communications Services.

Article I
Definition of Terms

Section 1. The following definitions shall apply:

Commission – shall refer to the National Telecommunications Commission.

Satellite Communications – shall refer to the transmission, emission and/or reception of radio signals involving one or more space and earth stations.

Satellite Earth Station – shall refer to a station in the satellite service located either on earth's surface or within a major portion of the earth's atmosphere and intended for communications.

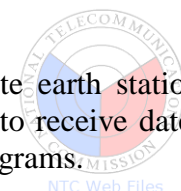
Space Segment – composed of orbiting satellite and the associated equipments used to track, monitor and control the operation of the satellite. The term does not include ground equipment such as earth stations.

Space Segment Provider – shall refer to the owner or operator of in-orbit communications satellite system which leases or sells communications capacity to duly authorized space segment leases.

Satellite Communications Service Provider – shall refer to any entity authorized by the Commission to provide satellite communications services, either as a carrier's carrier and/or common carrier. **Satellite Carrier's Carrier Services** – shall refer to satellite communications services provided by a satellite carrier to a carrier, usually a terrestrially-based carrier.

Space Segment Lessee – shall refer to any entity authorized by the Commission to lease space segment capacity.

Receive-Only Satellite Earth Station – shall refer to a satellite earth station designed to receive satellite signals. Such stations may be used to receive data, such as stock market prices or newswire services, or television programs.



Redistribution of Satellite TV Programs – shall refer to the act of receiving satellite TV Programs and retransmitting same through any mode, i.e., tape, wire or wireless for public viewing.

Satellite Television Receive Only (TVRO) Station - shall refer to a satellite earth station whereby sound and video signals are received directly from a satellite.

Non-Commercial TVRO (NC-TVRO) Station – shall refer to:

- a) A TVRO station intended for personal receiving only by an individual and his immediate family members.
- b) TVRO stations operated by government agencies, instrumentalities or offices, provided no fees are charged or collected from the public.
- c) TVRO stations owned/operated by foreign government, entities, UN agencies provided use is limited to their premises only.

Commercial TVRO (C-TVRO) Station – shall refer to a TVRO intended for operation in consideration of monetary or material gain.

Registration Certificate – shall refer to a certificate issued by the Commission authorizing the holder to operate a TVRO station.

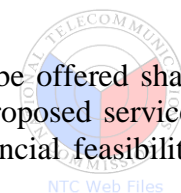
TVRO Station License – shall refer to a written authority issued by the Commission to a person, firm, company, association or corporation authorizing the holder to operate a commercial TVRO station during the period specified in the said instrument or authorization.

Private domestic Satellite Network – shall refer to a satellite network owned and operated by private entities or corporations requiring satellite communications services.

Article II Existing Authorized Operators

Section 2. Existing duly enfranchised and authorized satellite communication services providers may apply for such service/s as can be offered within the capabilities of existing system, or for such services as may be developed in the future and/or for expansion subject to the limitations of their franchises and authorizations from the Commission.

Section 3. Applications for all satellite communications services to be offered shall contain, among others, the technical description of the proposed service, the proposed rates to be charged, the economic and financial feasibility



studies which shall be evaluated on the bases of applicant's legal, financial and technical capabilities.

Article III New Applicants for the Domestic Satellite Service

Section 4. Only enfranchised telecommunications entities shall be allowed to apply for authority to install, operate and maintain domestic satellite network and offer domestic satellite communications services.

Section 5. Applications for domestic satellite communications services shall undergo a quasi-judicial process and be evaluated on the bases of applicant's legal, financial, and technical capability, the public need and the technical feasibility of providing the service, and the economic viability of the telecommunications sector.

Article IV Private Domestic Satellite Networks

Section 6. Applicants for private satellite networks shall apply to the Commission and submit the required documents and evidences that it has applied for the service from the authorized domestic satellite communications service providers and same can not be served.

Article V Interconnection

Section 7. Satellite communications service providers requiring interconnection to other public networks shall initiate discussion on interconnection with the public network operators or vice-versa.

Section 8. Any interconnect agreement shall comply with the provisions of EO 59 series of 1993 and its implementing guidelines.

Section 9. The satellite communication service providers shall adhere to the relevant service performance standards and the technical standards specified under NTC MC 10-17-90 and NTC MC No 10-16-90 respectively.

Article VI Satellite Terminals

Section 10. Subscribers of public satellite network shall be allowed to provide their own very small aperture terminals (VSAT) and/or their own micro-earth



stations provided such VSAT terminals and/or micro-earth stations are compatible to the public satellite network.

- Section 11.** All satellite earth stations including the very small aperture terminals, micro earth stations and other earth stations that are provided within the customer premises shall be covered by appropriate permits and licenses.

Article VII Broadcast Service

- Section 12.** A duly enfranchised broadcast operator shall only be allowed to obtain space segment capacity from space segment providers upon prior authorization from the Commission. Authorization shall be granted provided that the utilization of the space segment is limited to the supply or expansion of their station signals within their network or to other broadcast stations.
- Section 13.** Application for this service shall be evaluated on the bases of applicant's legal, financial, technical; capability and the project's economic viability. These requirements shall also apply to broadcast operators who may desire to provide additional news and entertainment information services thru satellite facilities as part of their sub-carrier broadcasting signals.

Article VIII Satellite Television

- Section 14.** General Provisions
- 14.1 The operation of a Non-Commercial TVRO station requires a Registration Certificate from the Commission.
- 14.2 The operation of a Commercial TVRO station requires a TVRO station license.
- 14.3 The Commission shall register only equipment that are type approved/type accepted by the Commission.
- 14.4 A one-time registration fee shall be paid by a non-commercial and commercial TVRO station in the amount of P5,000.00.
- 14.5 A commercial TVRO operator shall pay an annual license fee of P2,000.00. Said TVRO license may be renewed by filing an application sixty (60) days prior to the expiry date of the license.



- 14.6 The grantee of Registration Certificates and TVRO Station Licenses shall comply with all applicable rules and regulations, technical and program standards and such other requirements and conditions that the Commission may impose.

Section 15. Accreditation of Dealers, Suppliers and Manufacturer and Service Centers of TVRO Equipment

- 15.1 In order to protect the public, the Commission shall accredit dealers, suppliers and manufacturers and service centers of TVRO equipment and accessories in accordance with NTC MC 2-05-88 and all laws, rules and regulations.

Section 16. Procedures of Registration of TVRO stations

- 16.1 Applicant shall apply for a Registration Certificate/TVRO Stations License to the Commission or any of its Regional Offices by accomplishing the forms provided for the purpose.

Section 17. Posting of Registration Certificate

- 17.1 The posting of Registration Certificate or TVRO station license in a conspicuous place in the premises of a TVRO station is required.

Section 18. Inspection of TVRO Stations

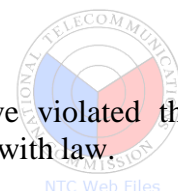
- 18.1 The Commission reserves the right to conduct inspection/investigation of the TVRO station during reasonable hours of the day.
- 18.2 The Commission further reserves its right to suspend or revoke the registration certificate of any TVRO station found in violation of the rules and regulations of the Commission.

Section 19. All duly authorized commercial TVRO operators shall comply with existing laws and applicable laws hereafter promulgated relative to intellectual rights (IPR).

Section 20. All duly authorized broadcast and CATV operators shall see to it that their facilities are used to promote integrity, interest and welfare of the nation.

Article IX
Penal Provision

Section 21. Any individual, firm, company or entity found to have violated the provisions of this circular shall be penalized in accordance with law.



Article X
Final Provisions

Section 22. Portion or sections of this Memorandum Circular which shall be declared invalid or unconstitutional shall not affect the validity of the other portions or sections thereof.

Section 23. All existing memoranda, circular, rules and regulations inconsistent with the provisions of this circular are hereby repealed or amended accordingly.

Section 24. This circular shall take effect fifteen (15) days following the completion of its publication in the official gazette or newspaper of general circulation, provided further that at least three (3) certified copies thereof shall be filed with the University of the Philippines Law Center.

Done in the City of Quezon, this 23rd of July in the year of our Lord, nineteen hundred and ninety three.

(SGD.) SIMEON L. KINTANAR
Commissioner

