

MEMORANDUM CIRCULAR
NO. 08-07-2002

SUBJECT: RULES AND REGULATIONS AUTHORIZING ENTITIES OTHER THAN PUBLIC TELECOMMUNICATIONS ENTITIES TO INSTALL AND OPERATE PUBLIC CALLING STATIONS/OFFICES AND TELECENTERS

Pursuant to RA 7925, Act 3846, as amended and EO 546 series of 1979 and consistent with the government's goal to develop and 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 and in order to stimulate the growth of the public calling stations/offices, telecenters and internet particularly in unserved areas the following rules and regulations are hereby promulgated.

I. DEFINITION OF TERMS

Commission – refers to the National Telecommunications Commission.

Local Exchange Carrier (LEC) – as defined in RA 7925.

PTE – refers to public telecommunications entity as defined in RA 7925.

Public Calling Station/Office Service – refers to the provisions of a facility where the public may, by payment of appropriate fees, place (as well as receive) local or long distance telephone calls or other switched telecommunications messages.

Public Calling Station/Office and/or Telecenter Service Provider (PCOTSP) – refers to a person/entity who, by providing its own public calling station and/or telecenter equipment, provides telephone service, other switched telecommunications services, telecenter services, internet services or any telecommunications services.

Served Areas – refers to cities, municipalities and barangays where local exchange network service is available

Telecenter Services – refers to the provision of facilities where the public may, by payment of appropriate fees, obtain voice, data, internet or any telecommunications services.

Unserved Areas – refers to cities, municipalities and barangays that are not covered by local exchange networks.



II. GENERAL PROVISIONS

1. PCOTSPs are required to register with the Commission.
2. PCOTSP shall operate under its own name and register with the Commission as such and be subject to the conditions and obligations under existing rules and regulations in addition to those imposed by this memorandum circular.
3. PCOTSPs shall only use equipment that are type approved/accepted by the Commission and shall conform to the standard parameters of the PTE network to which it is interconnected.
4. PCOTSPs shall install public calling stations and/or telecenters that are accessible to the general public and to disable persons in accordance with Batas Pambansa Bilang No. 344 and RA7277 (Magna Carta for Disabled Persons).
5. PCOTSPs shall be responsible in securing business permits and payment of any taxes, fees, assessments and other impositions of the National and Local Governments in connection with the business operation as provided herein and shall post within their premises at all times all permits and licenses issued to them.

III. PUBLIC CALLING STATIONS AND TELECENTERS IN SERVED AREAS

6. A PCOTSP shall use the facilities of a duly authorized LEC. It shall not install any transmission nor distribution networks and shall only be limited to the installation, maintenance and operation of public calling station and/or telecenter terminal equipment; Provided that the establishment and installation of terminal equipment shall be done in coordination with a duly authorized LEC operating in the area; Provided, finally that should the installation and operation of wireless transmission equipment is required it is the duly authorized LEC with whom the PCOTSP coordinated who shall apply with the Commission for and in behalf of the PCOTSP for latter's license to operate said wireless transmission equipment.
7. PTEs and entities with appropriate Congressional franchises may apply for authority to install, operate and maintain PCOs and/or telecenters in served areas. The application shall undergo quasi-judicial process.

IV. PUBLIC CALLING STATIONS AND TELECENTERS IN UNSERVED AREAS

8. In unserved areas, as determined by the Commission, a PCOTSP may be allowed to establish and install wire and/or wireless transmission facilities to interconnect the public calling station and/or telecenter equipment to the networks of duly authorized PTEs; Provided that the establishment and installation of wireless transmission facilities shall be done in coordination with duly authorized PTEs; Provided further, that it is the duly authorized PTE with whom the PCOTSP coordinated who shall apply with the Commission for and in behalf of the

PCOTSP for the latter's license to operate said transmission facilities. Provided finally that a PCOTSP possessing appropriate Congressional franchise may provide its own wireless transmission facilities and apply with the Commission for the required permits and licenses.

V. APPLICATION FOR REGISTRATION

9. PCOTSP in served areas:
 - a. shall submit to the Commission an application for registration for approval.
 - b. the application shall be accompanied by the following documents:
 1. SEC Registration or Bureau of Domestic Trade, DTI Registration.
 2. PCO and/or Telecenter service agreement with the duly authorized LEC
10. PCOTSP in unserved areas:
 - a. shall submit to the Commission an application for registration for approval.
 - b. the application shall be accompanied by the following documents:
 1. SEC Registration, Bureau of Domestic Trade, DTI Registration, or Cooperative Development Authority Registration;
 2. proposed transmission network and the point of interconnection with the duly authorized public telecommunications entities;
 3. PCO and/or Telecenter service agreement with a duly authorized PTE
11. The application for registration shall be acted upon by the Commission within seven (7) days from the date of receipt of application.
12. A registration fee of PhP250.00 per public calling station or telecenter per year shall be charged each registrant. A filing fee of PhP180.00 shall be charged for each application.
13. The LEC of PTE providing the wireless transmission network for the PCOTSP shall secure the requisite station permits and licenses. The PCOTSP shall at all times in the operation of wireless transmission networks see to it that the radio stations are covered by valid radio station permits and licenses. The radio facilities shall be subject to payment of appropriate fees including SUF at the rate of PhP1.00 per 25KHz per station.

VI. RATES

14. PCOTSPs shall be allowed to compete freely in rates. In addition to the authorized service rates, the PCOTSPs can charge not more than 25% of the authorized service rates. The rates ceiling shall be reviewed and set by the Commission annually.



VII. ACCESS CHARGES

15. The PCOTSPs shall negotiate access charges with the authorized LECs and/or duly authorized PTEs.

VIII. PENAL PROVISIONS

16. Any violation of the provisions of this Circular shall be subject to sanctions and penalties as may be imposed by the Commission in accordance with applicable laws and regulations.

IX. REPEALING CLAUSE

17. Circulars, memoranda, orders or portions thereof inconsistent with this Circular are hereby repealed or modified accordingly.

X. EFFECTIVITY

18. This Circular may be revised, amended or repealed as the Commission deems fit in accordance with law and shall take effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified true copies furnished the University of the Philippines Law Center.

Quezon City, Philippines July 17, 2002.

(SGD.) ELISEO M. RIO JR.
Commissioner

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Deputy Commissioner

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