

**[NTC MEMORANDUM CIRCULAR NO. 5-3-99,
March 31, 1999]**

**IMPLEMENTING RULES AND REGULATIONS FOR GLOBAL MOBILE
PERSONAL COMMUNICATIONS BY SATELLITE (GMPCS) IN THE
PHILIPPINES**

In line with the policies set in Executive Order No. 467, series of 1998 and as principal administrator of RA 7925, the National Telecommunications Commission hereby promulgates the Implementing Rules and Regulations for the operation of Global Mobile Personal Communications by Satellite (GMPCS) in the Philippines:

I

Definition of Terms

1. GMPCS System — Any satellite system (i.e. fixed or mobile, broadband or narrowband, global or regional, geostationary or non-geostationary, existing or planned) providing telecommunications services directly to end users from a constellation of satellites.
2. Constellation of Satellites — One or more satellites, geostationary or non-geostationary, operated as a system.
3. GMPCS System Operator — Any entity which owns, operates and maintains a GMPCS system.
4. GMPCS Service Provider — a duly enfranchised and authorized, whether provisional or permanent, public telecommunications entity, to provide GMPCS service to the public by NTC.
5. GMPCS Terminal — A user terminal intended to be operated with a GMPCS System.
 - 5.1 Single-mode terminal — A terminal which is capable of operating with only one GMPCS System.
 - 5.2 Multi-mode terminal — A terminal which is capable of operating with a GMPCS System and, additionally, one or more GMPCS Systems or Terrestrial Mobile Systems.
6. License — An authorization to carry and use a GMPCS terminal issued by the NTC.
7. Type Approval/Acceptance — Approval/Acceptance issued by the NTC to ensure that GMPCS terminals do not harm networks, GMPCS user, other users, or other equipment.

8. GMPCS System Gateway — Satellite earth station installed within or outside the Philippines used to control traffic between the GMPCS System Operator and the Philippine GMPCS Service Provider.

II

General Provisions

1. GMPCS System Operators, GMPCS Service Providers and users of GMPCS terminals are subject to Philippine Laws, Rules and Regulations and may be required to submit such information, as may be necessary, to service customers properly and comply with regulatory requirements.
2. GMPCS System Operators through their respective GMPCS Service Providers shall inform the Commission which GMPCS terminals are allowed for connections to their systems.
3. A foreign GMPCS System Operator shall take steps to inhibit the use of its system in the Philippines where no Philippine GMPCS Service Provider has been authorized to use it.
4. Since the GMPCS System is typically characterized by the use of system-specific GMPCS terminals manufactured by GMPCS terminal manufacturers and designed to be operated with specific GMPCS System, the GMPCS System Operator, through its Philippine GMPCS Service Provider/s shall provide the Commission with relevant information, in the interest of service.

III

Specific Provisions

1. Only duly enfranchised public telecommunications entities may apply and be authorized by the Commission to provide GMPCS service.
2. Any enfranchised and duly authorized GMPCS Service Provider may access any GMPCS system with which the GMPCS Service Provider has a valid agreement, provided, that the applicable radio frequency to be used is within the radio frequency allocation set and authorized by the Commission.
3. Only GMPCS systems operated by GMPCS System Operators with valid agreements with duly authorized GMPCS Service Providers shall be allowed to be directly accessed by the GMPCS terminals in the Philippines.
4. Only GMPCS terminals which are duly type approved/accepted by the Commission or by any NTC accredited entity shall be allowed to be used in the Philippines. The terminals shall meet the internationally accepted standards on safety, electromagnetic compatibility (EMC), and effective use of the radio spectrum and orbital resources and electromagnetic interference (EMI).
5. The Commission shall require any manufacturer, distributor or dealer of GMPCS terminals to submit relevant information, as may be necessary, to include among others:

5.1 Name of GMPCS System Operator