[NTC MEMORANDUM CIRCULAR NO. 07-08-2005C, December 05, 2005]

CORRECTION TO SECTION 6.4 AND SECTION 7.1(A) OF MEMORANDUM CIRCULAR NO. 07-08-2005

The following clarifications/amendments to Section 6.4 and Section 7.1(a) are hereby promulgated:
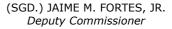
1. Section 6.4 shall read as "Existing duly authorized cellular mobile telephone service providers opting to upgrade their networks to 3G using their existing assigned radio frequencies, and qualified pursuant to Sec. 3.2 hereof, shall pay annual SUF of PhP65M for the first 10MHz x 2 radio frequency band plus PhP10M for each additional 1MHz x 2 of radio frequency in excess of the first 10MHz x 2. An additional SUF of PhP2M shall also be imposed for every 100,000 additional subscribers/users in excess of the first 4 million subscribers/users. The number of subscribers/users to be used in the computation of the SUF for the current year shall be based on the number of subscribers/users reported by each authorized 3G network operator at the end of the immediately preceding year or one-half (1/2) of the maximum capacity of the access codes assigned as of the immediately preceding year; whichever is higher. The SUF shall be paid not later than 31 January of each year. A penalty of 25% shall be imposed if the amount is not paid within the prescribed period. If the SUF due is not paid in full the 25% penalty shall be imposed on the balance. Additional 1% per month penalty shall be imposed on the outstanding unpaid SUF."

2. Section 7.1(a) shall read as "Within fifteen (15) days from the award of the 3G frequencies, they shall remit to the Commission payments for the SUF equivalent to the full amount of SUF specified in Section 6 if the award is made on or before 30 June and one-half (1/2) of said amount if award is made after 30 June covering the year when the award is made, and thereafter, pay annual spectrum user fees prescribed in Sec. 6 hereof."

Adopted: 05 Dec. 2005

(SGD.) RONALD OLIVAR SOLIS
Commissioner

(SGD.) JORGE V. SARMIENTO
Deputy Commissioner

(SGD.) JAIME M. FORTES, JR.
Deputy Commissioner