

**[NTC MEMORANDUM CIRCULAR NO. 4-3-99,
March 29, 1999]**

**IMPLEMENTING GUIDELINES ON INTERNATIONAL SATELLITE
COMMUNICATIONS**

Pursuant to Republic Act No. 7925 (Public Telecommunications Policy Act), Act No. 3846, as amended (Radio Law), Executive Order No. 546 series of 1979 and Executive Order No. 467 series of 1998, the National Telecommunications Commission hereby promulgates the following implementing guidelines on international satellite communications.

ARTICLE I

ACCESS TO INTERNATIONAL FIXED SATELLITE SYSTEMS

SEC. 1. Except when otherwise disallowed by law, all public telecommunications entities (PTE) enfranchised and certificated to install, operate and maintain international telecommunications systems and services shall be allowed direct access to any international fixed satellite system provided that:

- a. the international satellite operator has an existing reciprocal agreement with the Philippines and validated by the Commission;
- b. the concerned international satellite system operator has a commercial presence in the country; and
- c. Philippine satellite operator(s) shall be given the preference to provide the space segment capacity requirements of enfranchised telecommunications entity after all factors are equally considered;

Provided further that entities engaged in research and development, education, health, safety and rescue shall be allowed direct access to international satellite systems designed and operated solely for research and development, education, health, safety and rescue.

SEC. 2. A duly enfranchised broadcast operator shall be allowed to obtain space segment capacity from space segment providers upon prior authorization from the Commission; 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 subject to the provisions of Section 1 of this Article.

SEC. 3. The terms and conditions which include levels of access to any international fixed satellite system shall be submitted by the entities described in Sections 1 and 2 to the Commission for approval.

SEC. 4. Subscribers/users of specific service rendered by duly authorized PTEs may

be allowed direct access to any fixed satellite system subject to the provisions of Section 1 of this Article.

ARTICLE II ACCESS TO INTERNATIONAL MOBILE SATELLITE SYSTEMS

SEC. 5. Public telecommunications entities (PTE) authorized to offer international maritime, aeronautical services may be allowed direct access to any international mobile satellite systems. PTEs authorized to offer international land mobile services shall be allowed to access any international mobile satellite system subject to Section 1 Article 1 of this circular.

SEC. 6. Government entities, private individuals, companies or corporations maybe allowed direct access to any international mobile satellite systems subject to Section 1 Article 1 of this circular. The lease or rental of transponder space shall be through a duly enfranchised and certificated PTE.

ARTICLE III INTERNATIONAL SATELLITE NEWS GATHERING

SEC. 7. Foreign news media organizations may be issued a Special Permit by the Commission to use their own international satellite news gathering (SNG) earth stations for news gathering activity of not more than 15 days; provided that the countries where the foreign news media organizations are registered allow reciprocal agreements on international SNG access for the Philippine news media organizations.

SEC. 8. The Commission may allow one extension for a period of not more than 15 days on meritorious grounds upon payment of the required fees and charges.

SEC. 9. Foreign news media organizations registered in countries which have no reciprocal agreement with the Philippines on international SNG access applying for special permit to operate international SNG earth station(s) may be allowed only in exceptional cases upon clearances and recommendations from the Department of Foreign Affairs and prior authorization from the Commission.

SEC. 10. A special permit shall be issued to any foreign news media organization which has complied with the provision of Section 9 hereof, valid for 15 days, after the payment of the required fees and charges. Extension of the special permit issued pursuant to Section 10 hereof shall be granted upon payment of the required fees and charges.

ARTICLE IV DIRECT TO HOME TV SERVICES

SEC. 11. Any entity organized under the laws of the Republic of the Philippines, wholly owned and managed by Filipino citizens and duly enfranchised by Congress of the Philippines may apply with the Commission for authority to install, operate and maintain Direct-to-Home (DTH) TV system for the purpose of offering a DTH service. Access by DTH TV to any satellite system shall be subject to Section 1 Article 1 of this Circular.