



REPUBLIC OF THE PHILIPPINES
NATIONAL TELECOMMUNICATIONS COMMISSION
NTC Building, BIR Road, East Triangle, Diliman, Quezon City 1104
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MEMORANDUM CIRCULAR
No. 02-04-2017

SUBJECT: Allowing the use of Unassigned and Unused Allocated TV Broadcast Channels (TV White Space) on Secondary and Non-Interference Basis

WHEREAS, the 1987 Constitution fully recognizes the vital role of communications in the nation building and provides for the emergence of communications structures suitable to the needs and aspirations of the nation;

WHEREAS, Sec. 4 (b) of RA7925 (Public Telecommunications Policy Act) provides "*The expansion of the telecommunications network shall give priority to improving and extending basic services to areas not yet served. For this purpose, government shall promote a fair, efficient and responsive market to stimulate the growth and development of the telecommunications facilities and services, with emphasis on the accessibility by persons to basic services in unserved and underserved areas at affordable rates*";

WHEREAS, the United Nations has declared that broadband/internet access as a basic human right;

WHEREAS, 87%, 48%, and 16% of public elementary schools, public high schools and public health centers, respectively, and most of the government agencies and units do not have broadband/internet connection;

WHEREAS, Sec4(c) provides '*The radio frequency spectrum is scarce public resource that shall be administered in the public interest and in accordance with the international agreements and conventions to which the Philippines is a party and granted to the best qualified. The government shall allocate the spectrum to service providers who will use it efficiently and effectively to meet public demand for telecommunications service and may avail of new cost effective technologies in the use of methods for its utilization.*';

WHEREAS, there are technologies designed to operate within the unassigned and unused TV broadcast channels that can be used for broadband/internet access without causing interference to assigned TV broadcast channels;

WHEREAS, the Department of Information and Communications Technology (DICT) is mandated, among others, to ensure the provision of efficient and effective information and communications technology infrastructure, information systems and resources to support efficient, effective, transparent and accountable governance and in particular, support the speedy and efficient enforcement of rules and delivery of accessible public services to the people;

NOW, THEREFORE, pursuant to RA 7925, Executive Order 546 series of 1979, and in order to make broadband/internet accessible to areas that are currently unserved, the National Telecommunications Commission (NTC) hereby promulgates the following rules.

A. Use of the Unassigned and Unused Allocated TV Broadcast Channels for TVWS Technology

1. DICT shall be allowed to use the unassigned and unused VHF TV broadcast channels in the implementation and operation of ICT projects of the government including but not limited to the "Free Wifi" project.

2. The use thereof shall be on a secondary and strictly non-interference basis and must accept interference from the VHF TV broadcasting service to which the band is allocated on primary basis. The TVWS radio stations and devices shall immediately cease operation upon receipt of a Notice of Interference Report from the NTC.
3. TV broadcasters shall have priority on the channels such that the assignment of any channel to such entities shall automatically have the effect of recalling its use from DICT.

B. NTC Type Approval/Acceptance of the Radio Equipment

1. Only radio equipment/devices type accepted or type approved by the NTC shall be authorized for operation within TVWS.
2. The type approval/acceptance shall comply with the prescribed procedure and the prescribed fees shall be paid.

C. NTC Permits, Licenses and Fees

1. All radio stations and equipment operated by DICT shall be covered by appropriate registration, permits and licenses.
2. The use of the spectrum shall be exempted from the payment of the spectrum user fees.
3. The corresponding registration, permits and license fees shall be paid.

D. Technical Working Group in the use of TVWS

1. A technical working group (TWG) shall be created within thirty (30) days from date of effectivity of this Memorandum Circular (MC) composed of representatives from DICT, KBP and NTC.
2. At least thirty (30) days prior to the planned installation of any radio facilities using TVWS, the same shall be presented to the TWG.
3. The TWG shall within seven (7) days after the presentation of the planned installation shall decide whether or not to proceed with the installation.

Any circular, memorandum, order, guidelines, rules or any parts thereof inconsistent herewith are considered superseded or amended.

This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified true copies are furnished the UP Law Center.

Quezon City, Philippines April 18, 2017


GAMALIEL A. CORDOBA
Commissioner


EDGARDO V. CABARIOS
Deputy Commissioner


DELLAH F. DELES
Deputy Commissioner