



MEMORANDUM CIRCULAR

No. 002-09-2021

Subject: SPECTRUM USER FEES FOR RADIO FREQUENCY BANDS: 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz

WHEREAS, Sec. 6.3 of MC09-09-2003 provides "*The following spectrum user fees (SUF) shall be paid annually:*

- 6.3.1 *PhP500.00 for each outdoor radio station operated by private persons/entities or PTE and for each indoor radio station operated by PTEs with a maximum data rate of 11MBPS.*
- 6.3.2 *PhP1,000.00 for each outdoor radio station operated by private persons/entities or PTE and for each indoor radio station operated by PTEs with a data rate in excess of 11MBPS."*

WHEREAS, MC06-08-2005 classified, among others, frequency bands 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz to broadband wireless access (BWA);

WHEREAS, MC06-08-2005 does not have provision on the applicable spectrum user fees (SUF);

WHEREAS, there are interpretations that the SUF rate for the radio frequency (RF) bands 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz shall be based on MC10-10-97 (Spectrum User Fees);

NOW, THEREFORE, pursuant to Act No. 3846, as amended (Radio Control Law), RA 7925 (Public Telecommunications Policy Act), Executive Order No. 546 series of 1979, and in order to clarify the SUF rates applicable to RF bands 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz and make the provision of broadband/internet access services affordable to the citizens particularly in unserved and underserved areas, the following rules are hereby promulgated:

SECTION 1. Use of Radio Stations Operating in the RF Bands 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz as Fixed Point-to-Point Radio Links

1. Only duly authorized PTEs and/or partner entities of the Department of Information and Communications Technology (DICT) pursuant to Sec. 6 of Republic Act No. 10929, the Free Internet Access in Public Places Act, shall be allowed to use radio stations operating within the RF bands 2400MHz to 2483.5MHz, 5150MHz to 5350MHz, and 5470MHz to 5850MHz as fixed point-to-point radio links.
2. Radio link refers to radio station in a fixed location communicating with another radio station in a fixed location.

Sec. 2. Spectrum User Fees

The spectrum user fees (SUF) shall be PHP750.00 for each outdoor radio base station operated by local government units and private persons/entities and for each indoor and outdoor radio base station operated by public telecommunications entities (PTEs), and for each fixed radio station covered by Sec. 1 hereof.

Sec. 3. Radio Interference

Outdoor radio base station or radio link found interfering with indoor equipment and devices shall implement measures to avoid interference such as reduction in the transmitter power. If after instituting such measures the interference persist, the subject outdoor radio base stations or radio link shall immediately cease operation.

Sec. 4. Transition

The SUF rates herein prescribed shall be applied prospectively upon the effectivity of this MC. SUF assessments and/or payments made prior to the effectivity of the Circular shall not be affected.

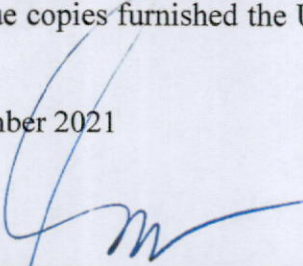
Sec. 5. Repealing Clause

Any circular, order, memorandum or parts thereof inconsistent herewith are deemed repealed or amended accordingly.

Sec. 6. Effectivity

This Circular 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, 22 September 2021



GAMALIEL A. CORDOBA
Commissioner



DELILAH F. DELES
Deputy Commissioner



EDGARDO V. CABARIOS
Deputy Commissioner