

Item No.: 11

Date: 07 2024 MAY

REPUBLIC OF THE PHILIPPINES
NATIONAL TELECOMMUNICATIONS COMMISSION
Quezon City

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
MAY 03 2024
Dine

PT&T CORP.
(Formerly: Philippine Telegraph
Telephone Corporation),
Applicant.

NTC Case No. 79-95;
86-36; 84-88; 85-28;
& 87-47

x ----- x

ORDER

On 23 January 2024, Applicant PT&T Corp. (Formerly: Philippine Telegraph Telephone Corporation) filed the "Motion To Update and Consolidate Authorizations into Data Communications Network/Service (Within the Same Areas Covered by Its Existing Authorizations Relative to the Installation, Delivery and Operations of Data Services)."

Applicant shall submit its updated Technical Plans and Designs, as well as its updated Business and Financial Plan, showing its proposal on how it will roll-out and finance its infrastructure and deliver Data Communications Network/Service.

IN VIEW THEREOF, Applicant is hereby directed to furnish all affected parties, a list of which is hereto attached, copy of this Order and of its "Motion To Update and Consolidate Authorizations into Data Communications Network/Service (Within the Same Areas Covered by Its Existing Authorizations Relative to the Installation, Delivery and Operations of Data Services)" dated 29 December 2023, at least fifteen (15) days before the scheduled virtual hearing of this case via Zoom on **18 March 2024 at 11:00 o'clock in the morning.**

In lieu of face to face hearing, a virtual hearing shall be conducted. A link to join the virtual hearing will be sent to your e-mail address on the same day of hearing at least 15 minutes before the scheduled time. In connection to this, you are hereby ordered to send your e-mail address through legal@ntc.gov.ph and secretariat@ntc.gov.ph.

PT&T Corp.

Order

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Any affected party interested to oppose the proposed update and consolidation of Applicant's existing Authorizations is hereby directed to appear at the scheduled hearing and must file its verified opposition on or before the scheduled date of hearing. Failure to file and to appear at the said hearing shall be construed as a waiver of its right to be heard and the Commission shall proceed to hear and decide the motion on its merit.

The Secretariat is hereby directed to attach to this Order the list of affected parties to be furnished with a copy of the same.

SO ORDERED. **FEB 16 2024**

Quezon City, Philippines.

For the Commission:



ATTY. KATHLYN JAYLOU T. EGIPTO
Hearing Officer

ADC/mrcb

Copy Furnished:

ATTY. JENNY LYNNE T. FULLANTE
Counsel for the Applicant-Movant
Unit 1106 11th Floor, Prestige Tower
F. Ortigas Jr. Road, Ortigas Center, Pasig City
fullantelaw@yahoo.com

NATIONAL TELECOMMUNICATIONS COMMISSION
COMMISSION SECRETARIAT

CERTIFIED TRUE COPY



ADRIANO B. CONSUNJI
Chief, Commission Secretariat

Regulation Branch

Republic of the Philippines
Office of the President
NATIONAL TELECOMMUNICATIONS COMMISSION JAN 23 2024
Quezon City

NATIONAL TELECOMMUNICATIONS COMMISSION
COMMISSION SECRETARIAT

RECEIVED BY: Shirley

TIME: 2:27pm

NTC CASE NO. 79-95

RE: Application for Certificate of Public Convenience and Necessity (CPCN) to operate SPECIAL SWITCHABLE POINT-TO-POINT VOICE/DATA CHANNEL SERVICE in Manila, Makati, Baguio, Zamboanga, Davao, Cagayan de Oro, Cebu, Bacolod and Iloilo.

x-----x

RE: Application for Authority to operate SPECIAL SWITCHABLE POINT-TO-POINT VOICE/DATA CHANNEL SERVICE in various points outside of its authorized nine (9) switching centers and to charge rates therefor.

x-----x

NTC CASE NO. 86-36

RE: Application for Certificate of Public Convenience and Necessity (CPCN) to install, operate and maintain INTRA-CITY DIGITAL DATA SERVICE for METRO MANILA, and the authority to charge rates therefor.

x-----x

NTC CASE NO. 84-88

RE: Application for Certificate of Public Convenience and Necessity (CPCN) to install, operate and maintain A NATIONWIDE PACKET DATA NETWORK (DATANET) SERVICES, the authority to charge rates in the operations thereof, and the authority to import the system/equipment/accessories therefor.

x-----x

NTC CASE NO. 85-28

RE: Application for Authority to provide DIGITAL TELECOMMUNICATIONS SERVICES for monitoring and telemetering purposes to and between Alangilang, Lipa, San Pascual all in Batangas, Sucat, Paranaque and Makati, Metro Manila and to charge rates therefore.

NTC CASE NO. 87-47

PT&T CORP.
(Formerly: Philippine Telegraph & Telephone Corporation),

Applicant-Movant.

x-----x

**MOTION TO UPDATE AND CONSOLIDATE AUTHORIZATIONS
INTO DATA COMMUNICATIONS NETWORK / SERVICE
(Within the Same Areas Covered by Its Existing Authorizations Relative to
the Installation, Delivery and Operations of Data Services)**

COMES NOW, Applicant-Movant **PT&T CORP.** (Formerly: **Philippine Telegraph & Telephone Corporation**), through the undersigned Counsel and unto this Honorable Commission, most respectfully states THAT:

I. NATURE AND PURPOSE OF THE MOTION

1. This is a Motion seeking to consolidate and update the various Authorizations issued by the Commission to Applicant-Movant **PT&T Corp.** (**PT&T**), namely the following:

- a. Certificate of Public Convenience and Necessity ("CPCN") to operate Switchable Point-to-Point Voice/Data Channel Service under NTC Case Nos. 79-95 and 86-36;
- b. CPCN to install, operate, and maintain intra-city Digital Data Service under NTC Case No. 84-88;
- c. Permanent Authority to operate and maintain Packet Data Network (DATANET) Service under NTC Case No. 85-28; and,
- d. Authority to provide Digital Communications Services for monitoring and telemetering purposes under NTC Case No. 87-47

to an Authorization as a CPCN to install, operate and maintain **DATA COMMUNICATIONS NETWORK/SERVICE** in the same areas previously granted in the said Authorizations.

II. ANTECEDENT FACTS AND PROCEEDINGS

2. **PT&T Corp.** is a corporation duly organized and existing in accordance with the laws of the Republic of the Philippines with principal office located at 6th Floor SCC Bldg., 106 Carlos Palanca Street, Legaspi Village, Makati City, where it may be

served with summons and other legal notices. For purposes of the present Motion, Applicant-Movant may be served with notices, orders, resolutions and other legal processes of the Commission at the address of its Counsel indicated below.

3. PT&T was incorporated on 14 November 1962 and was granted on 20 June 1964 with a Congressional Franchise ("Franchise") for the establishment of telecommunications system in the Philippines under Republic Act No. 4161 as amended by Republic Act No. 5048. Its Franchise was extended for the first time on 15 November 1990 for another twenty-five (25) years pursuant to Republic Act No. 6970.

4. On 21 July 2016, PT&T was granted with the second extension of its Franchise for another twenty-five (25) years under Republic Act No. 10894, the pertinent portion of which provides:

SECTION 1. Nature and Scope of Franchise. - Subject to the provisions of the 1987 Philippine Constitution and applicable laws, rules and regulations, the franchise granted to the Philippine Telegraph and Telephone Corporation (PT&T), under Republic Act No. 4161, as amended by Republic Acts Numbered 5048 and 6960, and hereunder referred to as the grantee, its successors or assignees, to construct, install, establish, operate, and maintain for commercial purposes and in the public interest, wire and/or wireless telecommunications systems, including all other telecommunications systems technologies as are at present available or will be made available through technological advances or innovations in the future; and/or construct, acquire, lease and operate, or manage transmitting and receiving stations, lines, cables or systems in the Philippines, for domestic and international communications, is hereby renewed for another twenty-five (25) years from the effectivity of this Act.

A printed copy of Republic Act No. 10894 is herewith attached and marked as ANNEX "A".

5. The Securities and Exchange Commission (SEC) has issued on 03 November 2023 a Certificate of Filing of Amended Articles of Incorporation approving, among others, Applicant-Movant's change of corporate name to PT&T CORP. (doing business under the name and style: PT&T) (Formerly: Philippine Telegraph and Telephone Corporation. Copies of the said Certificate of Filing of Amended Articles of

Incorporation and Amended Articles of Incorporation are herewith attached and marked as ANNEX "B" and ANNEX "B-1".

6. Pursuant to PT&T's Franchise, it was granted by the Commission with Authorizations through Permanent Authorities and CPCNs to install, operate and maintain various telecommunications services (collectively referred to as "*Authorized Services*"), namely:

- a. A CPCN through 11 May 1981 Order to install, operate and maintain an Electronic Switchable Point-to-Point Voice/Data Channel Service in Metro Manila in lieu of the modified cross-bar switches in the cities of Baguio, Zamboanga, Davao, Cagayan de Oro, Cebu, Bacolod, and Iloilo granted by virtue of a Decision rendered on 11 August 1980 issued under NTC Case No. 79-95. Copies of the 11 August 1980 Decision and 11 May 1981 Order are herewith attached and marked as ANNEX "C" and ANNEX "C-1";
- b. A CPCN to install, operate and maintain a Special Switchable Point-to-Point Voice/Data Channel Service in sixty-nine (69) municipalities and cities throughout the Philippines and to charge rates therefor through an Order dated 14 June 1990 issued under NTC Case No. 86-36. A copy of the 14 June 1990 Decision is herewith attached and marked as ANNEX "D";
- c. A CPCN to install, operate, and maintain an intra-city Digital Data Service for Metro Manila and to charge rates therefor through a Decision dated 13 November 1990 issued under NTC Case No. 84-88. A copy of the 13 November 1990 Decision is herewith attached and marked as ANNEX "E";
- d. A permanent Authority to operate and maintain a Packet Data Network (DATANET) Service, which shall be open and made available for interconnection (dedicated or dial up access with the PSTN) in nine (9) major areas: Makati, Baguio,

Legaspi, Cebu, Iloilo, Bacolod, Cagayan de Oro, Davao and Zamboanga through a Decision dated 04 November 1991 issued under NTC Case No. 85-28. A copy of the 04 November 1991 Decision is herewith attached and marked as ANNEX "F"; and,

- e. An Authority to provide Digital Communications Services for monitoring and telemetering purposes to and between Alangilang, Lipa, San Pascual, all in Batangas; Sucat, Parañaque and Makati in Metro Manila and to charge rates therefor through a Decision dated 13 June 1990 issued under NTC Case No. 87-47. A copy of the 13 June 1990 Decision is herewith attached and marked as ANNEX "G".

7. Collectively, these Authorized Services being operated by PT&T pursuant to its Authorizations are data communications in nature allowing PT&T to process, transmit and receive data from one point to another and between parties through different channels and media.

III. DISCUSSIONS

8. PT&T has been in operations since 1960 offering various telecommunications services to the public for 50 years now. It began by providing telex and leased data services using the most extensive telex network in the country. Subsequently, it expanded its operations to include high-speed data channel services and offered service that was fast and capable to transmit and record both voice and data communications to all service points within its data transmission network.

9. For almost twenty (20) years, it was the dominant telecommunications company offering telegraph, telex, leased voice/telegraph channels, leased data communication, switchable voice/data service and other services, such as national packet

data network (DATANET), leased long lines and private and public long distance network interexchange services to the public.

10. With the advent of fixed broadband technologies in the 1990s and subsequent developments leading to more advance broadband wireless service such as 5G and beyond, it is befitting that PT&T consolidate and update its various Authorizations pertaining to data, which the Commission has previously granted to reflect the current nomenclature that the telecommunications industry is more familiar today.

11. As of date, PT&T has rolled-out more than 27,500 fiber kilometers with speed reaching up to 1 Gps in high growth potential areas where access to and distribution of telecommunications services are underdeveloped.

12. A consolidation and update of PT&T's various Authorizations will enable the company to keep abreast with present state of the telecommunications sector, thus, putting PT&T at par with major telecommunications entities to compete more effectively in offering the public quality services that are more affordable and reliable.

13. PT&T is willing and ready to submit its updated Technical Plan and Design, as well as its updated Business and Financial Plan, specifying the company's proposals on how it will roll-out and finance its infrastructure and delivery of services, if the Commission so requires considering that under *Republic Act No. 7925, Section 16* thereof states that an upgrade in the facility/network does not require the approval of the Commission.

14. The current technologies in the provision of connectivity for data, whether wired or wireless, have been in its exponential pace in terms of bit rate and bandwidth capacity which makes the upgrading of PT&T's existing facilities, network, equipment, and devices imperative.

15. PT&T believes that the equipment and network upgrade it intends to implement will protect the whole network and system from possible cyber-attacks which currently takes various forms including malware, phishing, man-in-the-middle attack, denial-of-service attack (DDos), SQL injection, zero-day exploit, and Domain Name System (DNS) tunneling among others. An equipment and facilities upgrade will help prevent these cyber-attacks and provide more reliable protection for the data of consumers.

16. Applicant-Movant PT&T respectfully submits that an update of its network/facilities and consolidation of its Authorizations into Data Communications Service/Network will rationalize PT&T's existing operations in line with the technological advancements in the field of telecommunications and would vastly improve its services provided to the public as a duly enfranchised and authorized public telecommunications entity.

17. PT&T commits to comply with any and all necessary requirements in support of this Motion and warrants to abide by all pertinent policies, standards, rules and regulations implemented by this Commission in the operation of the telecommunications network and in the delivery of its services offered.

18. Hence, for the continuation of its operations in line with its objective of public service, Applicant-Movant PT&T Corp. (Formerly: Philippine Telegraph and Telephone Corporation) respectfully moves for this Commission to allow PT&T to consolidate and update its Authorizations into Data Communications Service/Network to be installed, operated and maintained in the same areas previously granted in its Authorizations.

PRAYER

WHEREFORE, in view of all the foregoing, Applicant-Movant PT&T Corp. (Formerly: Philippine Telegraph and Telephone Corporation) respectfully prays that the Honorable Commission:

1. **APPROVES** this Motion to Consolidate and Update the various Authorizations issued by the Commission, namely the following:
 - a. Certificate of Public Convenience and Necessity ("CPCN") to operate Switchable Point-to-Point Voice/Data Channel Service under NTC Case Nos. 79-95 and 86-36;
 - b. CPCN to install, operate, and maintain intra-city Digital Data Service under NTC Case No. 84-88;
 - c. Permanent Authority to operate and maintain Packet Data Network (DATANET) Service under NTC Case No. 85-28; and,
 - d. Authority to provide Digital Communications Services for monitoring and telemetering purposes under NTC Case No. 87-47to an Authorization as a CPCN to install, operate and maintain a **DATA COMMUNICATIONS NETWORK/SERVICE** in the same areas previously granted in the said Authorizations;
2. **ISSUES** a Certificate of Public Convenience and Necessity (CPCN) for the Applicant Philippine Telegraph & Telephone (PT&T) Corporation to continue to install, operate and maintain its Authorizations as **Data Communications Network/Service** in the same areas previously granted in the said Authorizations; and,
3. **GRANTS** Applicant with the necessary frequency band for the operation of the herein proposed service and the appropriate permits and licenses for the

acquisition, installation and construction of the necessary equipment for the service applied for.

Applicant prays for such remedies and other measures of relief as this Honorable Commission may deem proper and equitable under the premises.

Pasig City for Quezon City, 29 December 2023.



JENNY LYNNE T. FULLANTE

Counsel for the Applicant-Movant

Unit 1106 11th Floor, Prestige Tower

F. Ortigas Jr. Road, Ortigas Center, Pasig City

Telefax No. (02) 4773123

Email address: fullantelaw@yahoo.com

Roll No. 60537

IBP No. 260507/05 January 2023/Manila III

PTR No. 8132480/09 January 2023/Pasig City

MCLE Comp. No. VII- 0030374/24 April 2023

IBP No. 394578/03 January 2024/Manila III

PTR No. 0173833/03 January 2024/Pasig City

NOTICE OF HEARING

Commission Secretariat/Honorable Hearing Officer
NATIONAL TELECOMMUNICATIONS COMMISSION
BIR Road, East Triangle, Diliman, Quezon City.

Greetings!

Please submit the foregoing Motion for consideration and approval of this Honorable Commission immediately upon receipt hereof. However, if the Commission deems it necessary to set this Motion for hearing, Applicant respectfully submits to the discretion of the Honorable Commission on the date and time for such hearing, subject to prior notice to herein Applicant.



JENNY LYNNE T. FULLANTE

VERIFICATION

(Motion to Update and Consolidate Authorizations)

I, **ATTY. KENNETH JOEY H. MACEREN**, of legal age, Filipino, with office at Spirit of Communications Center 106 Carlos Palanca St., Legaspi Village, Makati City, after having been duly sworn to in accordance with law depose and state that:


1. I am the Assistant Vice-President for Legal of PT&T CORP. ("Corporation").
2. I have been duly authorized by the Board of Directors of the said Corporation to cause the preparation of the foregoing Motion to Update and Consolidate Authorizations pursuant to the Secretary's Certificate attached to this Verification.
3. I have read and understood the allegations contained in the Motion and the same are true and correct of my own personal knowledge and/or based on authentic records.
4. This pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation and the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
5. I have not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and there is no such other action or claim pending therein.
6. In case I should thereafter learn that the same or any similar action has been filed or is pending, I undertake to report the said fact within five (5) days therefrom to the Commission where our Corporation's action is pending or filed.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 28 December 2023 in Makati City.


ATTY. KENNETH JOEY H. MACEREN
Affiant

SUBSCRIBED AND SWORN TO before me this DEC 29 2023 in Makati City, Affiant personally appearing and exhibiting to me his Driver's License No. N01-19-021235 as competent evidence of identity.

Doc. No. 379;
Page No. 77;
Book No. 1;
Series of 2024. 2023


ATTY. GILA ROSE A. DEGUZMAN
Notary Public for Makati City
Appointment No. M-267
Until December 31, 2023
Roll No. 85861/8-14-2022
IBP No. 256589/12-31-2022/Pack. City
PTR No. 9566009/01-03-23/Makati City
MCLE Exempted, public
MCLE Governing Board Order No. 1003

Republic of the Philippines)
Makati City) S.S.

SECRETARY'S CERTIFICATE

I, **ATTY. KENNETH JOEY H. MACEREN**, of legal age, Filipino, with address at Spirit of Communications Center 106 Carlos Palanca St., Legaspi Village, Makati City, after having been duly sworn in accordance with law, do hereby depose and state that:

1. I am the Corporate Secretary of **PT&T CORP.**, a corporation duly organized existing under the laws of the Republic of the Philippines, with principal office at Spirit of Communications Center 106 Carlos Palanca St., Legaspi Village, Makati City.

2. During the Regular Meeting of the Board of Directors of the Corporation on 28 December 2023 at its office address and at which meeting a quorum was present and acting throughout, the following resolutions, among others, were passed and unanimously approved:

RESOLVED, as it is hereby resolved that PT&T Corp. (the "Corporation") shall cause the filing of a Motion to Update and Consolidate Authorizations into Data Communications Network/Service (within the Same Areas Covered by its Existing Authorizations Relative to the Installation, Delivery and Operations of Data Services) (the "Motion") before the National Telecommunications Commission (NTC).

RESOLVED FURTHER, that the Corporation authorizes, constitutes, and appoints its Assistant Vice-President for Legal, **ATTY. KENNETH JOEY H. MACEREN**, as its representative, to do the following acts:

1. Sign and cause the filing of the aforementioned Motion;
2. Execute and/or sign Verifications and Certifications of Non-Forum Shopping for the Motion and in any pleading or document and all other legal requirements needed to be signed relative to the abovementioned Motion;
3. Request for the issuance of Provisional Authority pending the hearings and/or final determination of the Motion;
4. To attend, represent, negotiate, enter and sign into compromise agreement/ amicable settlement;
5. To submit to alternative modes of dispute resolution; and
6. To execute all corresponding required documents/ papers/ pleadings to be filed before the NTC and other agencies as may be required, on behalf of the Corporation.

RESOLVED, that the Corporation gives and grants unto said attorney-in-fact full power and authority whatsoever requisite, necessary and/or proper for all intents and purposes as the Corporation might or could lawfully do under the premises, and hereby ratifying and confirming all that said attorney/s-in-fact shall do or cause to be done under and by virtue of this resolution.

RESOLVED FURTHER, that the above-mentioned authorized individual be allowed to perform any other act as may be deemed necessary and pertinent to the said purpose.

RESOLVED FINALLY, that the Corporate Secretary be, and is hereby authorized to execute the necessary Secretary's Certificate attesting to the approval of the foregoing resolutions.


3. The foregoing resolutions are in accordance with the records of the Corporation presently in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 December 2023 in Makati City, Philippines.


ATTY. KENNETH JOEY H. MACEREN
Corporate Secretary

SUBSCRIBED AND SWORN to before me this DEC 29 2023 in Makati City, Affiant personally appearing and exhibiting to me his Driver's License No. N01-19-021235 as competent evidence of identity.

Doc. No. 381;
Page No. 78;
Book No. 1;
Series of 2024. 2023


ATTY. GILA ROSE A. DUMBIS-DE GUZMAN
Notary Public for Makati City
Appointment No. M-267
Until December 31, 2023
Roll No. 6381/9-14-2022
IBP No. 258589/12-31-2022/Pasig City
PTR No. 9585009/01-03-23/Makati City
MCLE Exempted, pursuant to
MCLE Governing Board Order No., s. 2008