Content

Title：	Matters Concerning Applications by Telecommunications Enterprises for the Assignment of Radio Frequency for Fixed-satellite Service Ch
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Content：

Matters Concerning Applications by Telecommunications Enterprises for the Assignment of Radio Frequency for Fixed-satellite Service

I. Application period:

1. New satellite communications network or satellite system, or additional or modified radio frequencies in existing satellite systems: 9a.m. to 12p.m. and 2p.m. to 5p.m. daily (except national holidays).
2. Re-assignment of frequencies at the expiry of the frequency use duration: 9a.m. to 12p.m. and 2p.m. to 5p.m. daily (except national holidays) within one month from three months prior to the expiry of the frequencies.

II. Radio frequency range, usage,duration of use and other conditions and restrictions for application:

1. Frequency band for application: Ku/Ka band (10.7 GHz to 12.7 GHz, 13.75 GHz to 14.5 GHz, 17.7 GHz to 20.2 GHz and 27.5 GHz to 30.0 GHz).

2. Frequency use: For use in the installation of satellite communications networks for fixed satellite service, including satellite earth stations for aircraft and

ships in addition to fixed satellite earth stations, subject to the regulations of the International Telecommunication Union (ITU).

3. Area of use of frequency: Nationwide.

4. Number of operators: unlimited under the principle of interference-free radio waves.

5. Term of utilization of frequency:

1) The validity period of radio frequencies for newly established satellite communication networks or satellite systems applied for this time is two years from the date of receipt of the frequency use certificate.

2) Users of the frequency band released this time who apply for the addition or change of radio frequencies of the released band in the existing satellite system before the expiry of the frequency utilization term will be assigned the same use term as the original assigned one.

3) After the expiry of the frequency usage term, if the user still needs to use the original allocated frequency, he/she should re-apply for the allocation. After the Ministry has examined the frequency usage efficiency and identified no major deficiencies, the frequency use certificate will be issued for a validity period of two years from the following day after the expiry of the original frequency use certificate.

4) If the Table of Radio Frequency Allocations of the ROC or the Radio Frequency Supply Plan is amended, such amendments shall prevail.

III. Qualifications and restrictions for applicants and users:

1. Registered as a telecommunications enterprise under the Telecommunications Management Act.

2. A company limited by shares shall be incorporated under the Company Act with its chairman being of ROC nationality; the total number of shares held directly by foreigners shall not exceed 49% and the total number of shares held directly and indirectly shall not surpass 60%; and investments by Chinese investors are prohibited.

3. Paid-in capital: The minimum paid-in capital of the user is NT$300 million.

4. The collaborating satellite organizations should meet the national security concerns of relevant authorities.

IV. The obligations of the user are as follows:

1. The user shall comply with the following principles in the event of interference arising from the radio frequencies used.

1) The validity period of radio frequencies for newly established satellite communication networks or satellite systems applied for this time is two years from the date of receipt of the frequency use certificate.

2) The non-synchronous satellites with frequency applied for should not interfere with the existing synchronous satellites and synchronous satellites with frequency applied for.

3) Frequencies between non-synchronous satellite systems should be harmoniously and effectively shared.

2. Users setting up a satellite communications network should follow the provisions of the Regulations for Application and Examination of Public Telecommunications Network Establishment.

3. To prevent interference and to ensure that the frequency usage requirements in subparagraph 2, bullet point 2 are not violated, the user network management system shall, as far as technically feasible, have the function of monitoring the satellite earth station at the client's end and of shutting down the satellite earth station transmission at the client's end in real time.

4. Users shall be subject to the general obligations, special obligations and designated obligations (including consumer protection and communication surveillance obligations) of the telecommunications enterprise pursuant to Articles 8 to 24 of the Telecommunications Management Act.

5. Users who set up a public telecommunications network, apply for examination and use frequencies should pay the relevant fees as stipulated in the sub-laws of the Telecommunications Management Act, such as the Fee-charging Standards of Processing Telecommunications Management, the Standards for the Usage Fees of Radio Frequency and the Regulations Governing Universal Service of Telecommunications Enterprises .

6. Where the obligations in the subparagraphs under this bullet point can be fulfilled only with the assistance of a foreign satellite communications operator, the application form shall be accompanied by a cooperation agreement with the foreign satellite communications operator, setting out the terms and conditions of each such obligation and the manner in which it is to be performed.

V. Fees payable:

1.The amount of the examination fee: As prescribed in Article 2 of the Fee-charging Standards for the Application of Radio Frequency Allocation Review by Telecommunications Enterprises.

2. The vetting fee must be remitted to the Department of the Treasury, Central Bank

(Code: 0000022), Account No. 05620101016017, Account Name: Ministry of Digital Affairs Review Fees by wire transfer prior to the submission of the application, and fax the remittance receipt to 02-23800799 in advance.

VI. The application procedures and allocation of radio frequencies for fixed satellite service are as follows:

1.Application forms and related regulatory documents are available electronically on the website of the Ministry (go to "Core Business," "Resource Management," and "Commercial Satellite Communications Frequency Application Section", or type https://gov.tw/yxn).

2. How to apply: Applicants should submit all relevant documents to the Ministry at No. 143, Yanping South Road, Zhongzheng District, Taipei City, within the application period.

3. Documents required for application:

1) Application form, radio frequency use plan and relevant qualification certificates (see Appendix 1 to Appendix 5 for format), which should be submitted in accordance with Article 53 of the Telecommunications Management Act.

2) The contract of rights to use the satellite system or the cooperation agreement with the foreign satellite organization, and the affidavit that the cooperating satellite organization complies with relevant authorities' national security concerns (see Appendix 6 for format).

3) Satellite system registration data or commitment letter with the International Telecommunication Union.

4) Agreement documents with existing mobile broadband operators in the 27.9 GHz to 29.5 GHz band with which the frequency applied for overlaps.

5) A copy of the remittance receipt for the examination fee.

4. Applicant's correction, rejected application and revocation or annulment of assignment:

1) An application will not be accepted if the applicant is involved in any of the circumstances set out in Articles 7 and 8 of the Regulations Governing Application and Assignment of Radio Frequency for Telecommunications Enterprises that preclude the applicant from making corrections.

2) If the applicant has been notified by the Ministry to make corrections within the time limit and fails to do so or if the corrections are still incomplete, as described in Paragraph 1, Article 9 thereof, the applicant's application shall be rejected.

3) The Ministry shall not assign radio frequencies should the applicant is found to be involved in any of the circumstances described in Article 10 thereof; and the assignment that has been approved shall be withdrawn or revoked.

4) The applicant shall not request a refund of the review fee, except in the cases listed in Article 16, Paragraph 2 thereof, and if the applicant has been refunded, the fee shall be recovered.

5. The examination will begin after the application documents are confirmed to be complete, and shall be conducted in writing and, if necessary, the applicant may be invited to the Ministry for an interview or by other appropriate means. The applicant will be notified of the allocated radio frequency by the Ministry upon approval.

6. Applicants who have been notified by the Ministry that they have been approved for radio frequency allocation will be eligible for frequency allocation from the date of receipt of notification from the Ministry. However, those who apply for new

establishment of satellite communications network or satellite system shall not be eligible for frequency allocation until a performance bond has been paid to the Ministry pursuant to the provisions of subparagraphs 1 and 2 of bullet point 7 within 60 days from the date of receipt of notification by the Ministry.

7. The qualification for radio frequency assignment in the preceding subparagraph shall cease to have effect two years after the date of acquisition.

VII. Performance bond and matters to be performed:

1. Performance bond amount: NT$7.5 million.

2. Manner of payment of performance bond:

1) The performance bond shall be posted in cash, local bank guarantee (in the format set out in Appendix 7), and negotiable certificates of deposit with the Ministry as pledgee, or non-denominated government bonds.

2) For performance bonds posted in cash, please remit by wire transfer to the Department of the Treasury, Central Bank (Code: 0000022), Account No. 24620102124017, Account Name: Ministry of Digital Affairs.

3) If the performance bond is posted with local bank guarantee, the guarantee period shall last two years and two months from the date of receipt of the letter of guarantee by the Ministry.

3. Matters to be performed:

1) The public telecommunications network shall be established within two years from the date of obtaining the frequency allocation qualification, and the public telecommunications network approval certificate shall be acquired in accordance with the relevant regulations.

2) If the establishment cannot be completed within two years, an application for extension shall be made before the expiration of the period with justification, for a maximum period of one year, with the extension capped at one time. If the performance bond is posted with domestic bank guarantee, the guarantee term shall be extended during the guarantee period in item 2, subparagraph 3, and the performance guarantee extension period shall be the same as the extension period applied for.

3) In the event of the lapse of time, the performance bond will not be refunded by the Ministry or the Ministry shall notify the bank providing guarantee to honor its performance guarantee.

4) An application may be filed for return of the performance bond without interest upon completion of the matters to be performed and after obtaining the public telecommunications network approval certificate.

VIII. Additional notes:

1. The procedures to be followed after the applicant has obtained the frequency allocation qualification are subject to the provisions of the Telecommunications Management Act and its related sub-laws.

2. If the applicant is not sure about the relevant laws and regulations and the matters announced, he/she may request an explanation in writing from the Ministry by mail at 143 Yanping South Road, Zhongzheng District, Taipei City, or by fax at 02-23800799, indicating "Inquiries about application for radio frequency for fixed satellite service."

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