Locational Guidelines for Base Stations of Cellular Mobile Telephone Service, Paging Service, Trunking Service, Wireless Local Loop Service and Other Wireless Communication Service

I. RATIONALE

Telecommunication plays an important role in the country's quest to achieve Newly Industrialized Country status in view of its direct and indirect long term effects on investment, employment and social welfare, economic growth and rates of capital formation.

The government's move from being a facility operator to being a catalyst for the telecommunication sector is intended to foster its growth. The government encourages the private sector to pursue the expansion and improvement of basic telecommunication infrastructure and services that are efficient and responsive to market needs such as the Cellular Mobile Telephone Service (CMTS) which is targeted to be made available in all Major Urban Centers and majority of Key Development Centers (KDC) as well as major highways and corridors connecting these centers.

The CMTS serves a wide array of clientele from residential, commercial, institutional and industrial areas. This implies that cell sites/base stations may fall within any of the foregoing uses as well.

With the growth of the telecommunication industry the HLURB in the exercise of its mandate to ensure rational land use by regulating land development, and likewise in response to the request of sectors concerned, saw the necessity to *provide guidelines for the location of communication infrastructure proliferating at* present for the protection of the providers and users, as well as the public in general while ensuring efficient and responsive communication services.

This guideline intends to:

a. facilitate the provision of wireless telecommunication services to the target users;

b. minimize adverse visual effects of towers through careful design and siting standards;

c. serve as guide for the HLURB and local government units in the issuance of locational clearance for base stations (paging and trunking services) and cell sites (for cellular mobile telephone service).

II. Definition of Terms

a. Cellular Mobile Telephone Service (CMTS) - a public radio telephone service which, by means of mobile, portable, or fixed terminal equipment, gives two-way access to the public switched telephone network and other mobile telephone stations.

b. Trunk Repeater Service - a kind of public repeater network service wherein a large number of subscribers share a group of communication paths.

c. *Radio Paging Service - a one-way radio paging service involving either* alarm messages, voice or data messages.

d. Wireless Local Loop (WLL) Service - a fixed wireless telephone replacing copper cable in a conventional telephone to the switching center with wireless link using antenna.

e. Base Station - a part of a cellular network that provides coverage for subscribers. It contains radio, antenna and others.

III. Scope

This locational guideline shall be applicable to all base stations for the following:

a. Cellular Mobile Telephone Service
b. Paging Service
c. Trunking Service
d. Wireless Local Loop (WII) Service
e. Other Wireless Communication Service

IV. Requirements and Procedures in Securing Locational Clearance

A. The following documents shall be submitted in duplicate:

a. Vicinity Map

Drawn to a scale of 1:1,000 showing the exact location of the proposed base station and major land marks within a radius of 200 meters.

b. Site Plan

Drawn to a minimum scale of 1:500 indicating the following features:

b.1 layout of proposed project showing all structures

b.2 area and boundaries of lot (property line)

c. Evidence of ownership in the form of Certified True Copy of original Transfer Certificate of Title. In the absence of the foregoing, a Contract to Sell or Lease; or written and duly notarized owner's consent to use; or tax declaration with proof of ownership from assessor's office will do.

d. Certified true copy of National Telecommunication Commission's Provisional Authority (PA). In the absence of the foregoing, Certificate of Public Convenience and Necessity (CPCN) or Certificate of Registration to Provide Telecommunication Services which may operate the Wireless Communication will do.

e. Conversion Order from the Department of Agrarian Reform if the project is located within an agricultural zone.

f. Radiation Protection Evaluation Report from Radiation Health Service of the Department of Health.

g. Written Consent:

g.1 Subdivisions

g.1.1 Approval of the governing board/body of the duly constituted Homeowners Association (HOA) if base station is located within a residential zone with established HOA and including all members whose properties are adjoining the proposed site of the base station. (Refer to Figure 1)

g.1.2 In the absence of an established HOA, consent/affidavit of non-objection from majority of actual occupants and owners of properties within a radial distance equivalent to the height of the proposed base station measured from its base, including all those whose properties is adjoining the proposed site of the base station. (Refer to Figure 2)

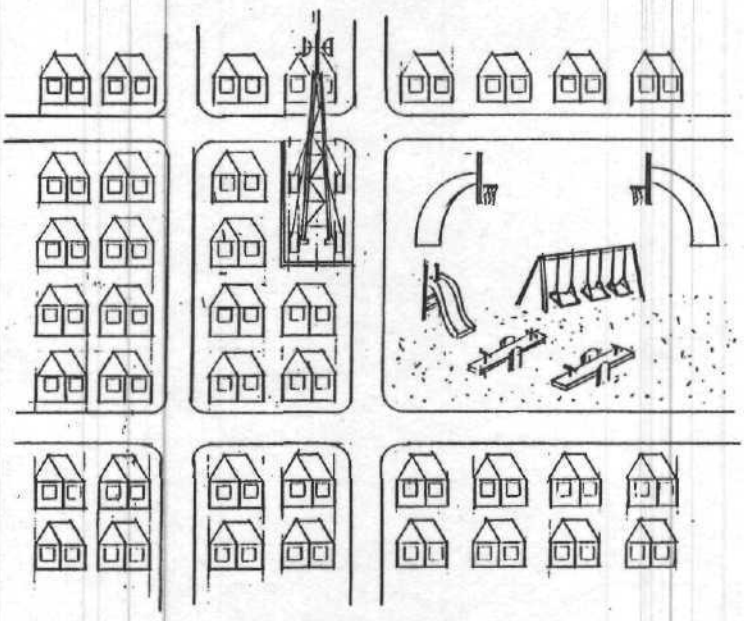

Figure 1 Base station located within a Residential Zone with duly constituted Homeowners Association (HOA)

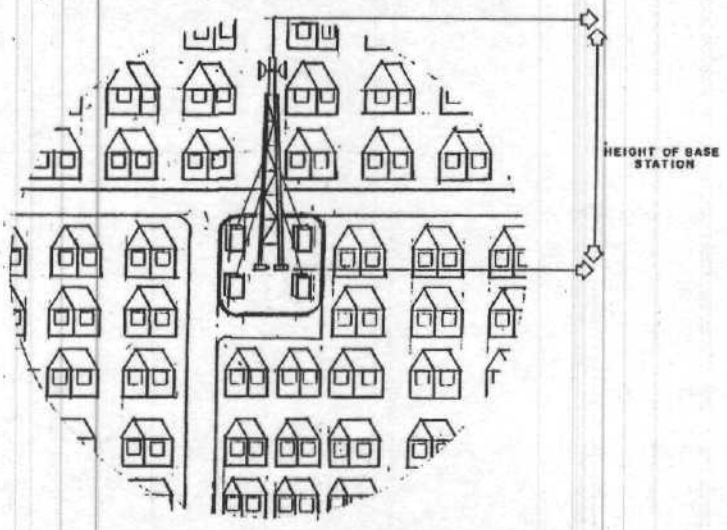

Figure 2 Base station located within a Residential Zone with no duly constituted Homeowners Association (HOA)

g.2 Buildings

g.2.1 If base station shall be constructed on top of an *unoccupied building, consent from the* owner/developer. (Refer to Figure 3)

g.2.2 If base station shall be constructed on top of an occupied building, the following shall be obtained:

a. consent/affidavit of non-objection from owner/developer unless he has divested *himself from all interest in the building and* turned over ownership of common areas to the condominium or building association; and

b. Approval of the governing board/body of the duly constituted condominium association or building association including all tenants occupying the top most floor directly below the *base station and in addition, the consent of the* owner and majority of tenants of the adjoining buildings. (Refer to Figure 4)

h. Barangay Council Resolution endorsing the base station.

i. Bill of Materials and Estimated Cost.

j. Locational Clearance Fees payable to HLURB or to LGU with approved CLUP after 01 January 1989.

k. Authorization of persons allowed to follow-up the clearance.

B. *Site Inspection*

Inspection of the proposed site by HLURB or LGU concerned pursuant to EO 72 and other related laws to validate existing uses within a radius of 200 meters and actual structures within a radius of 100 meters and submission of a verification/ ocular report using the attached format . (See Annex A)

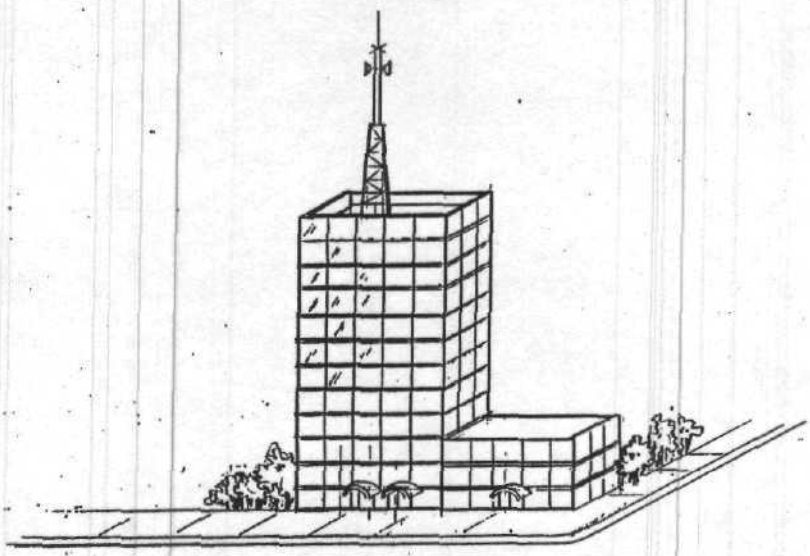

Figure 3 Base station constructed on top of an unoccupied building

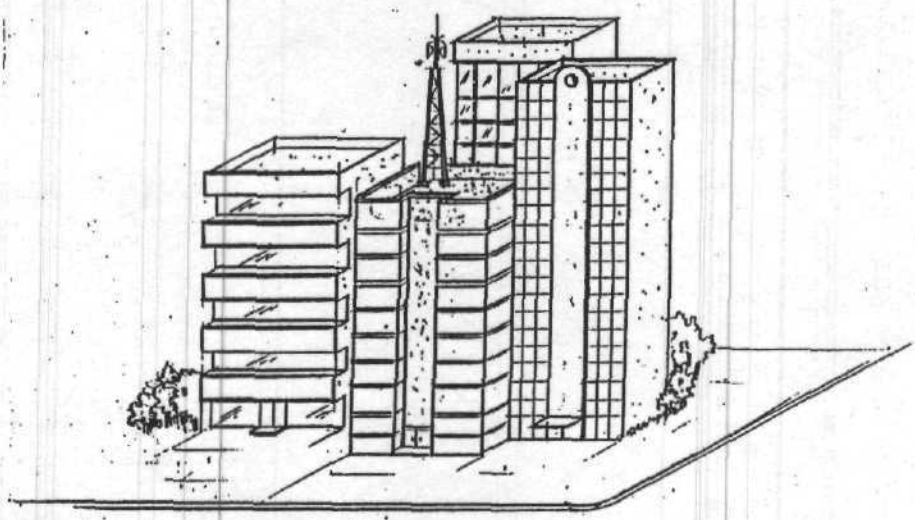

Figure 4 Base station constructed on top of an occupied building

C. Evaluation

The evaluator must process/evaluate the project's compliance to sections IV and V of this guideline.

The Locational Clearance approved by the HLURB or the local government unit concerned does not exempt the project from pertinent requirements of other government agencies. Conformance to these agencies' guidelines, standards, applicable Codes and other existing laws, rules and regulations that may hereafter be promulgated is required to ensure environmental protection.

Upon submission of completed documents, the evaluator shall process the clearance within fifteen (15) calendar days.

V. *Minimum Locational Guidelines*

A. Zoning Classification

A base station for a) Cellular Mobile Telephone Service; b) Public Mobile Telephone Service; c) Paging Service; d) Trunking Service; e) Wireless Local Loop and f) Other Wireless Communication Service may be located in the following zones/sites unless there are expressed prohibitions under existing laws and regulations:

1. On the Ground:

    1.1 *Air rights of transportation routes and railroads;*
    1.2 Within commercial, industrial, residential, institutional zones;
    1.3 Within agricultural zones subject to Item IV.A.e
    1.4 Along existing buffer strips;

2. On top of existing structures which are structurally sound as attested and signed by a duly licensed/registered structural engineer.

B. Setback Requirement

Base stations shall conform with the setback requirements of the National Building Code and the Department Of Health.

C. Perimeter Fence

A perimeter fence as per specifications in the doh radiation protection evaluation report shall be constructed to prevent access of the public to the antenna.

VI. Fees

The Housing and Land Use Regulatory Board in the performance of its functions shall collect the locational clearance fee based on the revised schedule of fees under the special use project as per Resolution No. 622, series of 1998 or by the concerned LGUs subject to EO 72.

VII. Fines and Penalties

Violation of any of the provisions of this guideline shall be subject to the schedule of fines and penalties as per Resolution No. 622, series of 1998, adopting a revised schedule of fines charged and collected by the Housing and Land Use Regulatory Board in the performance of its function or by the concerned LGUs subject to EO 72.

VIII. Effectivity

This guideline shall take effect immediately after its publication for two consecutive weeks in two newspapers of general circulation.

ANNEX A

EVALUATION REPORT

A. APPLICANT AND PROJECT INFORMATION

Name of Applicant (Last, First, Middle)

Name of Corporation

Address of Applicant

Address of Corporation

Project Type

Area (in sq.m.)
Lot
Bldg. Others:

Location (No. St., Brgy. City, Municipality, Prov.

B. PROJECT EVALUATION

Project Lifespan
/ / Permanent
/ / Temporary
(Specify years)

Project Significance
/ / Local
/ / National

Project Classification

Site Zoning Classification

Right Over Land

Existing Land Uses in the vicinity
(a) Radius covered from lot boundary of project site:
/ / 100m (local significance)
/ / 1-km (national significance)

(b) Indicate land uses within radius and corresponding percentage

C. LEGAL BASES EVALUATION AND RECOMMENDED DECISION

Legal Bases
/ / Ord. No. _____ S. _____ Approved per HLRB Res. No. S._____ 199_____
/ / Others (Specify Law, Implementing rules, standards or guidelines)

Findings & Evaluation of Facts

Decision Recommended:

D. SITE INSPECTION FINDINGS (FILL-UP SITE WAS INSPECTED)

Date of Inspection:

Project Status as of Inspection Date
/ / Proposed
/ / Completed
/ / Operational
/ / % Completed
/ / Others
Specify _____

Are information Provided by Applicant true? / /Yes / / No
(Specify findings, if no)

Existing Land Uses Abutting Lot Boundaries of Project
North (a)
South (b)
East (c)
West (d)

Land Uses & Distances of the Surrounding properties from the lot boundary of project within the prescribed distance requirements provided in laws, implementing rules/ standards/guidelines (fill-up if applicable)
Land Uses: _____
Distance (in meter from project lot boundary): _____

Existing Land Uses. Within Lot boundaries of project site:
(a) Land Uses

In cases of agricultural:
(b) Specify crop:
(c) _____

Indicated tenancy status:
/ / Tenanted
/ / Not Tenanted

E. DRAW YOUR SKETCH MAP HERE AS INSPECTED

Additional Conditions:
Additional conditions may be recommended pertaining to specific use restrictions, setback, area, height restrictions, noise abatement compliance to specific requirements of other agencies based on and as provided for in local zoning ordinance, other laws and/or HLRB Rules, Standards and Guidelines.

F. SIGNATORIES

Prepared by:

Signature
Date

Noted by:

Signature
Date

G. REPORT ATTACHMENTS

/ / Vicinity Map as Inspected

/ / Supplementary Report

/ / Others (Specify)

/ fina