



SUMMARY OF THE COMMISSION'S COMPLIANCE MONITORING AND ENFORCEMENT ACTIVITIES FOR QUARTER THREE (3), 2013

Introduction

Consistent with Section 89 of the Nigerian Communication Act 2003 which mandates the Commission to monitor all significant matters relating to the performance of all licensed telecoms service providers, the Compliance Monitoring and Enforcement Department has developed monitoring strategies to prosecute the above mandate and achieve the Commission's objectives of fair competition, ethical market practices and optimal quality of service in the Nigerian telecoms industry.

Activities

The following represent the outcomes and achievements of the major compliance monitoring and enforcement activities in Quarter three (3), 2013.

1. Following the expiration of the deadline for the full deactivation of all unregistered SIM cards as at 30th June, 2013, all major network service providers were invited to give evidence of full compliance with this direction. The Commission followed up with a compliance check and the following were the findings;
 - a. A total of 121, 657,433 **(One Hundred and Twenty-One Million, Six Hundred and Fifty-Seven Thousand, Four Hundred and Thirty-Three)** lines were registered by all the networks providers.
 - b. A total of 17, 231, 463 **(Seventeen Million, Two Hundred and Thirty One Thousand, Four Hundred and Sixty-Three)** unregistered lines were deactivated from the networks.

Subsequent to the above, the Commission issued a direction on July 22, 2013 mandating Mobile Network Operators' (MNO) to forward on a weekly basis the summary of all reactivated lines in addition to newly registered SIM cards on their networks.

2. The Commission received complaints from subscribers using Spectranet's internet services. The complaints bordered on the attempt by Spectranet to force its customers to pay three

months subscription fee in order to swap their old WIMAX modems with the new 4G LTE modems irrespective of the existing current contract with its customers. Following the Commission's intervention, Specranet was informed that it breached the Guidelines on the Provision of Internet Service which required a minimum of 6 months notice by the service providers for proposing a modem swap or cut over. The Commission plans to hold a meeting with all internet service providers regarding similar cut-over to 4G LTE to ensure that their subscribers are seamlessly migrated to this new service.

3. The Commission sanctioned MTN Nigeria Communication Limited during the quarter for the "MTN WOW weekend Promo" which contravened Paragraph 8 (2) of the Nigerian Communications (Enforcement processes, etc) Regulations 2005 and Rules Nos. 3 & 4 of the NCC Guidelines on Advertisement and Promotions. MTN Nigeria Communication Limited was fined **N2,000.000.00 (Two Million Naira)** for this violation, which it has since paid.
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4. Simbanet Nigeria Limited, an Internet Service Provider (ISP) was sanctioned for illegal deployment of services on the 5.4 GHz band. They were fined a total sum of **N27, 300,000.00 (Twenty Seven Million, Three Hundred Thousand Naira)**. Simbanet has since paid N2, 000,000.00 out of the total amount, while the Commission has graciously accepted a payment schedule to clear the balance on or before 13th Dec, 2013.
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5. I.S. Internet Solutions were fined the sum of **N22, 500.000.00 (Twenty Million, Five Hundred Thousand Naira)** for illegal deployment of services on the 5.4 GHz band. The Commission has graciously accepted a proposed payment plan of 24 months to clear the fine.
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6. Eleven (11) Value Added Service (VAS) licensees were identified as operating without the required authorization from the Commission. The concerned companies are;
 - I. **TVE- Mobile Ltd**
 - II. **SYS Limited**
 - III. **Consolidated Media Associates Ltd**
 - IV. **UCI Technologies Nigeria Ltd**
 - V. **Integrat Ltd**
 - VI. **A3 & O Company Ltd**
 - VII. **Boungiorno Company Ltd**
 - VIII. **Toff Company Ltd**
 - IX. **Double Mobile Ltd**
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X. Mpedigree Network Nigeria Ltd

XI. SSEMA Ltd.

A pre-enforcement notification has been sent to these companies in line with the Nigerian Communications (Enforcement processes, etc) Regulations 2005.

7. In the same vein the following Value Added Service providers appeared before the Commission for various violations of the terms and conditions of their license, ranging from: unsolicited SMS and telemarketing activities; breach of Commission's Consumer Code of Practice Regulations 2007; violation of Commission's Guidelines on Short Code operation in Nigeria. The affected Value Added Service licensees are:

I. Starfish Mobile

II. Mobile Xcetera

III. Fun Mobile

IV. Environque Technologies

V. Adnol Multi-media Technologies

While the Commission has issued directives to these service providers to immediately discontinue services found in breach, relevant enforcement process has equally commenced to serve as deterrence for future actions.