



REPORT OF THE PUBLIC INQUIRY ON COMMERCIAL SATELLITES COMMUNICATIONS GUIDELINES

INTRODUCTION

The Nigerian Communications Commission (the Commission) pursuant to the powers conferred on it by Sections 57, 58, 70 and 71 of the **Nigerian Communications Act, 2003** (the Act) developed and issued draft Commercial Satellites Communications Guidelines (the Guidelines). The Guidelines were published on the Commission's website for comments from the general public including telecommunications operators and other stakeholders.

A Notice of Public Inquiry on the Amended Regulations was published on June 12, 2009 in Vanguard Newspaper and in ThisDay Newspaper of June 15, 2009. The publication requested members of the public to review the draft Guidelines and submit comments on or before the close of business on Friday July 3, 2009. A Committee was also mandated by the Commission to review all submissions from stakeholders whose submissions were received before the expiration period.

By the close of business on the 3rd of July, 2009, the Commission did not receive any submission or comment in respect of the Procedures.

THE PUBLIC INQUIRY

The Public Inquiry took place on the 15th July 2009 at the Conference Hall of the Commission, in Abuja.

PARTICIPATION

Participants at the forum were drawn from licensed telecom operators and other corporate organizations.

OPENING

The Inquiry commenced at 12:45 pm and was chaired by the Executive Commissioner (Engineering and Standards) on behalf of the Executive Vice Chairman /CEO of the Commission. Other members of Management and Staff of the Commission were also in attendance. The Executive Commissioner welcomed everyone to the programme. He explained that the Public Inquiry was part of the Commission's consultation processes aimed at carrying the general public as well as stakeholders along in the discharge of the Commission's regulatory functions. He assured participants that their views and comments would be taken into consideration in finalizing the document under review.

PRESENTATION BY THE COMMISSION ON THE GUIDELINES

The Commission's presentation on the Guidelines was made by the Director, Engineering. He pointed out the objectives and scope of the Guidelines as well as relevant criteria/considerations for license selection.

He also enumerated the various license categories available, and emphasized the consumer issues which the Guidelines seek to guarantee.

PARTICIPANTS' COMMENTS

Further to the presentation by the Director, Engineering, Stakeholders in attendance at the Inquiry made comments regarding the proposed Procedures. Stakeholders' comments and the Commission's response thereto are captured below.

1. Comment:

Why is broadcasting satellite exempted from this regulation?

Response:

There is a convergence of satellite services in satellite communication. In view of this, all satellites ultimately carry communication and broadcast services and would therefore invariably be under the regulatory regime of the Guidelines.

2. Comment:

Are all operators who existed prior to the coming into force of the Guidelines expected to pay any fees when the regulation takes effect?

Response:

Presently, we do not have any satellite owner in Nigeria or those that have filed with ITU. However, for those providing services through foreign satellite owners, if they need any protection or services from the Commission, they will have to pay the applicable fees.

3. Comment:

Are religious bodies and other bodies that broadcast expected to pay any fees?

Response:

Religious organizations in Nigeria, as it were, are "*content providers*" or "*program providers*" and not satellite operators within the context of the draft Guidelines. Accordingly, they do not come within the regulatory purview of the Guidelines and so do not need to pay.

4. Comment:

How would the Regulations accommodate the situation of existing operators who are already being served by satellite operators like Panamsat?

Response:

Operators who are being served by satellite owners are expected to register their earth station sites and equipment, v-sat hubs, etc, with the Commission and pay the appropriate fees.

5. Comment:

How has the Commission been managing satellite operations prior to the draft Guidelines?

Response:

NCC has not been regulating satellite communication up till now but will start once the draft Guidelines is approved. However, the Commission has undertaken some minimal regulation through the granting of Gateway and IDA licenses and eliciting of license terms and conditions attached to them.

6. Comment:

Why do we exclude the Military satellite from this regulation?

Response:

For the time being and because of the sensitive nature of the military, we want to concentrate on commercial and market aspect of telecommunication services until we are mature enough to cover that of the military. Generally, and by international standards, military operations are considered as issues of security and top secrecy and are therefore not subject to the usual regulatory control obtainable in commercial satellite regimes.

CLOSING

The Executive Commissioner (Engineering and Standards) thanked the participants and stakeholders for attending the Public Inquiry. He assured that the Commission will continue in its practice of consulting widely with the industry, the consumers as well as other stakeholders for effective rule-making process and administration. The Inquiry came to a close at 1.50pm.

Dated the ----- day of -----, 2009

**Legal Services Directorate
Nigerian Communications Commission**