



SUMMARY OF THE COMMISSION'S COMPLIANCE MONITORING AND ENFORCEMENT ACTIVITIES FOR QUARTER 2, 2013

INTRODUCTION

Consistent with **Section 89 of the Nigerian Communications Act 2003** which mandates the Commission to monitor all significant matters relating to the performance of all licensed telecoms service providers and publish annual reports at the end of each financial year, the NCC has developed Compliance Monitoring and Enforcement strategies to prosecute the above mandate and achieve the Commission's objective of fair competition, ethical market conduct and optimal quality of service in the Nigerian telecommunications industry.

ACTIVITIES

Consequently, the following represent the results of the major Compliance Monitoring and Enforcement activities in Quarter 2, 2013.

1. Globacom: "BiiiiG 5 Promo"

Globacom failed to provide the regulatory approval for the "**BiiiiG 5 Promo**" consistent with the provisions of NCC's Guidelines on Adverts and Promotions hence a notice non-compliance has been sent to Globacom. Consequently necessary enforcement action is being taken consistent with the provisions of NCC's **Enforcement Processes Regulations 2005**.

2. Unsolicited SMS

Following increased consumer complaints regarding unsolicited SMS from Value Added Service (VAS) providers marketing their various services within the Nigerian telecoms space:

- The Commission has developed a database of all VAS providers together with the Short-Codes used by them. This is strategy to ensure direct engagement and monitoring of the activities of each licensed VAS provider.
- The following service providers were identified as major providers responsible for sending these unsolicited messages; MTN Nigeria Communications Ltd;
 1. **Globacom Nigeria Ltd**
 2. **Upstream Ltd**
 3. **Adnol Multimedia Ltd**
 4. **Fun Mobile**
 5. **Terragon Ltd**
 6. **Rancard Mobility**
 7. **Mtech Ltd**
 8. **Elseji**
 9. **Starfish Ltd**
 10. **Next Generation Tele Solutions**

11. One Communications Ltd

12. Cloud

13. Mobilexcetera

- Warning letters have been sent to all VAS providers directing that all unsolicited messages or telemarketing activities within the networks could at best be done between the hours of 8am – 8pm in line with the existing guidelines. This is necessary to ensure good consumer quality experience in the industry.
 - However, three (3) VAS providers were identified as operating illegally without necessary regulatory authorization;
 1. **Upstream Ltd**
 2. **Next Generation Tele Solutions**
 3. **One Communications Ltd**
 - The Commission has commenced enforcement process on these identified illegal VAS operators in line with **Section 31 (1) of the Nigerian Communications Act (NCA) 2003** and the **Enforcement Processes Regulations 2005**.
-

3. LG: Non-Type Approved Handsets

A total of **8 (Eight) non type approved mobile handsets** belonging to LG were identified in the market:

- **LG. Optimus 3D – P920**
- **LG. Optimus Black – P970**
- **LG. Optimus Net Dual SIM – P698**
- **LG. Optimus pro – c660**
- **LG. Optimus One – P500**
- **LG. Optimus ME – P350**
- **LG. Optimus L3 - E400**
- **LG. Optimus L7 - P700**

Necessary enforcement process has commenced and a notice of Non-Compliance has been sent in line with **Section 133 of the NCA 2003** and **Section 9 (a) of the Commission’s Type Approval Regulation 2008**.

4. Pre-registered SIM Cards

MTN, Airtel, Globacom and Etisalat agents were found to be selling pre-registered SIM cards and therefore in breach of **Section 19 of the Registration of Telephone Subscriber Regulation 2011**. A notice of non-compliance was sent to the operators with the following sanctions in line with NCC’s Enforcement Processes Regulations 2005.

- MTN Nigeria Communications Ltd: ~~₦29,200,000.00~~ **₦29,200,000.00 (Twenty-Nine Million, Two Hundred Thousand Naira)** and additional ~~₦500,000.00~~ **₦500,000.00 (Five Hundred Thousand Naira)** per day if they failed to settle the penalty within 7 days.
- Airtel Networks Ltd: ~~₦8,600,000.00~~ **₦8,600,000.00 (Eight Million, Six Hundred Thousand Naira)** and additional ~~₦500,000.00~~ **₦500,000.00 (Five Hundred Thousand Naira)** per day if they failed to settle the penalty within 7 days.

- Globacom Nigeria Ltd: ~~₦11,000,000.00~~ **(Eleven Million Naira)** and additional ~~₦500,000.00~~ **(Five Hundred Thousand Naira)** per day if they failed to settle the penalty within 7 days.
 - EMTS: ~~₦5,000,000.00~~ **(Five Million Naira)** and additional ~~₦500,000.00~~ **(Five Hundred Thousand Naira)** per day if they failed to settle the penalty within 7 days.
-

5. Installation of Mast and Towers Violations

MTN, Airtel, Etisalat and Globacom BTS sites (Itobe - Kogi state, Agor - Delta State, Kawo - Kaduna State, Maradun - Zamfara State, Mangu and Barakin Ladin, Plateau state) were found to be in breach of **the Section 5 (9) C (1) Commission's Guidelines on Technical Specification for the Installation of Mast and Towers 2009** with respect to the prescribed minimum 5 meters setback from the nearest leg of the tower to the adjoining building. The Commission has taken enforcement action for the remediation of these BTS sites.

6. SIM Card Registration Deadline

Following the expiration of the deadline of **30th June, 2013** for the SIM card registration exercise, the Commission has written to the major network service providers to:

- To forward to the Commission, a summary of the registered and active lines on their network as at 30th of June 2013;
- Consistent **with Section 15(2) of the NCC's Registration of Telephone Subscribers Regulations 2011**, to forward to the Commission details of the unregistered and deactivated lines as at 30th of June 2013;
- To deactivate all unregistered SIM cards on their network immediately. Deactivation in this case, and consistent with **Section 1 of the NCC's Registration of Telephone Subscribers Regulation 2011** was explained to mean that all unregistered SIM cards are disallowed full access to the networks including the ability to make and receive calls, to send and receive SMS and other range of services usually provided on the network;
- To provide a firm confirmation that these lines as in (2) above have been fully deactivated in line with the provisions of the regulation;
- Without prejudice to the above and consistent with **Regulation 13(4) of the NCC's Registration of Telephone Subscribers Registration 2011**, all service providers are to forward to the Commission on a weekly basis thereafter, details of the registrations of the Biometric information and other personal information of new lines registered, for entry thereafter into the Central Database;

However, random checks and test calls on unregistered and deactivated MSISDN has commenced to reconfirm their current state in the networks while physical audit of the Home Location Register (HLR) log files of the mobile network operators will follow shortly to reconfirm the number of active and deactivated lines on the networks using the submissions received from them.