



SUMMARY OF THE COMMISSION'S COMPLIANCE MONITORING AND ENFORCEMENT ACTIVITIES FOR QUARTER FOUR (4), 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 (4), 2013.

1. Commission carries out Technical Audit Of Operators SIM Registration Process – Directs operators to return fully activated SIM cards without commercial activities to “one mode – “receive only”

The Commission has continued the compliance monitoring and enforcement of the Nigeria Communications Commission (Registration of Telephone Subscribers) Regulations 2011. To this end a Technical Audit was carried out on all (registered SIMs since registration exercised commenced in 2011. Consequently, the Commission directed all operators via its letter dated of **3rd October, 2013**, “to henceforth return all fully activated SIM Cards to *“receive only” if no commercial activity was carried out on them after 48 hours of activation.*

This directive was aimed at checkmating the incidences of sale of pre-registered SIM cards in the Nigerian Telecoms industry.

2. Commission stops Space Multimedia Telecom Limited from unauthorised Provision Of Telecoms Services:

Following the Commission's surveillance and intelligence gathering exercise carried out at the Abuja International Trade Fair from 7th – 8th October, 2013, it was discovered that Space Multimedia Telecoms Ltd (SMTL) was involved in the provision of certain telecoms services

including Vehicular Tracking Services, Internet Services, Sales and Installation of telecoms equipment without the necessary authorisation from the Commission. Subsequent investigation revealed that Space Multimedia Telecoms Limited had requested for transfer of ISP license belonging to '**The World Direct Nigeria Ltd**', however it was yet to receive approval from the Commission.

Consequently, Space Multimedia Telecom was directed to:

- i. Immediately discontinue the provision/advertisement of all telecoms services until regulatory certifications have been obtained
- ii. Immediately discontinue the sale/advertisement of all telecoms equipment until relevant authorizations have been obtained

3. Commission directs Intels Nigeria Limited to shut down equipment due to frequency Interference in Channels 2 & 4 of 7GHz band

The Compliance Monitoring and Enforcement Department received a referral from Spectrum Administration Department regarding a complaint of interference on Channel 4(7205 MHz/7401Mhz) and channel 2(7149 MHz/7345Mhz) of Nigerian Liquefied Natural Gas (NLNG) assigned radio frequency in Bonny and Port Harcourt environment. Monitoring and Investigation traced the interference to a microwave link deployed by INTELS Nigeria Limited. The Commission therefore directed INTELS to shut down the offending equipment failing which appropriate enforcement action will be considered against the Company.

4. Compliance Monitoring Of Promotion And Lotteries - GLO CAF Awards Ceremony Promotion

Consistent with the mandates of the Compliance Monitoring and Enforcement Department (CMED) to monitor and ensure compliance with the Commission's extant Rules, Regulations and Guidelines, the Compliance Monitoring and Enforcement Department carried out compliance spot-checks to ensure Operators' compliance with the Commission's Guidelines on Advertisements and Promotions.

The attention of the Commission was drawn to an advertisement in Complete Sport and Daily Trust Newspapers of December 10, 2013 regarding a promo tagged '**TOP-UP AND SECURE A SEAT AT THE GLO CAF AWARDS CEREMONY**'. Checks carried out by the department showed that no regulatory approval was obtained for this promo contrary to our guidelines. A letter was sent to Globacom on December 12, 2013 directing it to provide evidence of approval of the said promo on or before December 20, 2013.

Globacom in its response stated that the advert was in line with its sponsorship of the Glo CAF awards event scheduled to take place in January. Be that as it may, Globacom was directed to stop the promo since the sponsorship did not exempt it from obtaining the necessary regulatory approval.

5. Monitoring of Tariff and Billing accuracy in the Nigerian Telecoms Industry

Ensuring that operators charge approved and accurate telecoms tariff lies at the heart of consumer protection in the telecommunications industry. Hence it is imperative that network carriers are transparent, fair and truthful in their billing practices as consumers deserve nothing less.

Consequent upon the above and 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 licensees, tariff inclusive, Compliance Monitoring and Enforcement Dept (CMED) carried out a compliance visit to the mobile network operators (MNOs) to conduct a sample billing test and review various billing scenarios on all major operators, to ensure that the operators are fair, truthful and accurate in their billing practices within the industry.

The Commission's findings revealed that there is no accurate database of approved tariff plan for all the major licensees visited. The Commission also found during the exercise that identified product offerings/ packages from Globacom and Airtel were below the Mobile Terminal Rate (MTR) of N6.40

1. The Glo Offala (calls at 5k/sec or N3.00/min);
2. The Airtel Big Family (10k/sec or N6.00/min)

It was therefore recommended that these packages should be taken off their network. The Commission would also need to acquire the tariff monitoring equipment in order to find an acceptable and lasting solution to facilitate a robust and effective tariff monitoring regime in ensuring that operator's charges are within the approved tariff.

6. Cybercafe Operators In Nigeria directed to keep clientele database

The Commission via a publication in the THISDAY newspaper issued a public notice to all cyber café operators in the country to maintain a clientele database for all their customers in order to check cyber crimes. Further to the above, a mechanism for the monitoring compliance of this directive has been put in place by the Compliance Monitoring and Enforcement Department.