



SUMMARY OF THE COMMISSION'S COMPLIANCE MONITORING AND ENFORCEMENT ACTIVITIES FOR QUARTER FOUR (4), 2014

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 represents the major Compliance Monitoring and Enforcement activities in Quarter (4), 2014:

FINAL WARNING TO GLOBACOM FOR VIOLATING THE MOBILE NUMBER PORTABILITY (MNP) REGULATIONS & BUSINESS RULES:

A review of the porting activities report for Q4 2014 showed a continued violation of the MNP Business Rule by Globacom. Globacom was found to have rejected porting requests due to debit balances on the subscribers' account especially with respect to Close-User Group (CUG) lines contrary to the provisions of the Business Rules of the Mobile Number Portability regime.

Consequently, the Commission issued a final warning letter to Globacom to desist from these practices or risk regulatory sanctions.

GLOBACOM DIRECTED TO REVERSE THE APPOINTMENT OF A SOLE BULK SMS AGGREGATOR ON ITS NETWORK

The Commission's attention was drawn by Value Added Service Providers regarding the appointment of Value Added Network Solutions Ltd (VANSO) by Globacom to act as sole Bulk SMS aggregator for other VAS providers within its networks.

Having reviewed this issue within the context of the Commission's Guidelines on Short Code operations in Nigeria (2011) and given due consideration to the need for fair competition in the market and to facilitate the development of the VAS

market, the Commission directed Globacom to immediately reverse its decision so as to provide a level playing field for all service providers.

MTN'S VIOLATION OF TARIFF PLAN APPROVAL AND OBLIGATION OF DOMINANCE: MTN IPULSE TARIFF PLAN

Following the Commission's routine compliance checks on approved tariff plans of network operators, it was discovered that MTN is charging its subscribers on the MTN Ipulse a tariff of 1kobo per second or 60 kobo per minute which is below the current Mobile Termination Rate (MTR) of N6.40\minute.

Further investigation revealed that this tariff offering has no regulatory approval and also in breach of its obligation as a dominant operator in the voice segment of the Nigerian telecoms market.

Consequently, the Commission has commenced enforcement process regarding this material breach in accordance with Section 111 NCA, 2003 and Paragraph 4 (2) of the Enforcement Regulations, 2005.

SANCTION AGAINST WEBB FONTAINE NIGERIA LIMITED ON THE ILLEGAL UTILIZATION OF 5.4 GHz MICRO WAVE LINKS

The Commission discovered that Webb Fontaine Nig. Ltd was providing Internet Services and utilizing micro wave links without requisite authorization since 2010.

Consequently, the company was fined the sum of **Two Hundred and Sixty-Six Million, Four Hundred and Sixteen Thousand Naira (N266, 416,000.00)** for providing communications service without requisite operational and frequency license.

In addition they were directed to immediately commence process of regularization their operations.

ENFORCEMENT ACTION AGAINST ILLEGAL USERS OF 5.4GHz FREQUENCY SPECTRUM

The Commission carried out enforcement actions in December 2014 against the following companies in Lagos for the use of the 5.4 GHz spectrum without requisite authorization:

1. Steam Broadcasting Limited
2. Netcom Africa
3. Swift Talk Limited
4. Multi-dimensions Limited
5. Zeta- web Nigeria Limited
6. IPNX Nigeria Limited

However, the Commission has directed all these companies to regularize their usage of the frequency band or risk regulatory sanction accordingly.

PRE-ENFORCEMENT NOTICE TO TELNET NIGERIA LIMITED

Following the Commission's compliance check, it was discovered that the under listed licenses of Telnet Nigeria Limited have expired without any renewal contrary to the provisions of section 31 of the NCA 2003:

1. Internet Service Provider (ISP) - (Expired in 2001)
2. sales & Installation (S&I) - (Expired in 2007)
3. International Data Access (IDA) - (Expired in 2009)

Further investigations revealed that the company was involved in the installation and management of 5.8 GHz radios without the requisite license. In view of the above, a pre-action notice was issued to Telnet Nigeria Limited directing it to regularize its licenses on or before January 13, 2015 or risk enforcement action, including prosecution in line with section 31 NCA 2003.

PRE- ENFORCEMENT NOTICE ON PROVISION OF AUTOMATED VEHICULAR TRACKING SYSTEM (AVTS) WITHOUT AUTHORIZATION.

The Commission conducted a compliance check regarding the provision of automated vehicular tracking services and discovered that the following companies were providing this service without requisite authorization:

1. Own Networks Limited,
2. D-tech Fleet,
3. D-track,
4. Pevico/Space Track,
5. Frank technology
6. Collino Integrated services

The Commission carried out an enforcement action against Own Network Limited after the pre-enforcement notice elapsed while the other four companies have been directed to regularize as failure would lead to full enforcement action.

PRE-ENFORCEMENT NOTICE AGAINST ILLEGAL CYBER CAFÉ OPERATORS AND DEALERS ON SALES & INSTALLATION ON TELECOMMUNICATION DEVICES IN KANO STATE.

The Commission through its Zonal office discovered One Hundred and Twenty Eight (128) illegal telecoms operators (Cyber Café, Sales & Installation) operating in Kano state.

Accordingly, a pre-enforcement notice was issued to them advising that they should commence regularization/registration. While the Commission encourages the establishment of cyber cafes as strategy to deepen internet penetration, it is however concerned that these businesses should be registered as part of measures to track cybercrimes.

