

## Conditions for Approval - New Tariff Plans & Modifications of Tariff Plans

The following are the conditions for **new tariff requests**:

- Applicants making a Tariff approval request must be a licensee of the Commission.
- All Tariff for every Service an Operator offers whether new or modification(s) must be submitted to the Commission for consideration and approval
- All Tariff Approval Request must comply with any price floors or Caps determined by the Commission
- For Operators who offer Voice, data or Value Added Services;
  - There should be NO automatic renewal of a plan without the customer's consent. At the expiration of a plan the subscriber should be given the option to either opt in to the current plan or subscribe to a new plan.
  - There should be NO automatic migration of subscriber's data service to the Pay-As-You-Go (PAYG) account upon depletion of the data bundle account except with the express consent and authorization of subscriber via SMS.
  - All unused data allowance at the expiration of a data plan should be rolled-over upon subscription of a new plan/ within any specified timeline as determined by the Commission.
  - All approved tariffs must be launched within 60days from the date of the conveyance of approval; otherwise such approval would be considered stale and the operator will have to re-apply for consideration.
- Any operator determined as Dominant must maintain all obligations placed on them.
- Any product offered in partnership with a third party should be accompanied with a Memorandum of Understanding (MOU) between the operator and the third party.
- All business rules relating to the product and the tariff must be clearly stated. In circumstances where business rules are altered after submission and prior to approval, a new application should be resubmitted to the Commission.
- The name (product & market) and features of an approved tariff plan cannot be changed or altered at the point of implementation without recourse to the

Commission. Changes to the name alone may be in the form of a Notification in so far as there is no change to any other parameter

- The service/ product must be offered with the terms and conditions stated in the business rules as approved by the Commission.
- Tariff approval requests must be explicit and should not be merged together.
- The tariff request must state the period (i.e. the Term between 0 -2 years) for which the plan will be in force after which time the Licencee must apply for renewal. Renewal shall be in the form of a notification submitted not later than a month to expiration of the Term.
- No product/ service is exempt from tariff approval. However, International Roaming rate i.e. the actual rates a Nigerian subscriber is charged for voice (receiving and sending), text and data services while roaming, may be approved on a retrospective basis. Rates should be submitted before the last day of every quarter.
- The commission will monitor the implementation of approved tariff to ensure that it is consistent with the approved business rules, the tariff guideline and NCA Act 2003.
- The Commission must communicate its decision within forty-five (45) working days from the date of receipt by the Commission.
- Any Individual Licencee who imposes any Tariff without the Commission's approval or fails to comply with these conditions as well as Section 108 – 111 of the NCA 2003 and its Licence Conditions with regards to Tariffs will be considered in line with enforcement processes.

The following additional conditions apply to **modifications to approved plans**:

- All modification(s) to any approved Tariff Plan must be submitted to the Commission for consideration and approval
- All Modifications Request must comply with any price floors or Caps determined by the Commission as well as condition (4) of new requests.
- Modification(s) will include change of name, burn rate, and volume of data.
- New features/components to an existing plan should be treated as a new request and submitted as such.
- A plan once modified supersedes any existing approval.