

May 30, 2018

The Executive Secretary,
Association of Licensed Telecommunications Operator of Nigeria,
Stop Centre Building,
No. 5, Amodu Ojikutu Street,
Off Saka Tinubu Street,
Victoria Island,
Lagos.

Association of Licensed
Operators of Nigeria
RECEIVED
Date... 31/5/2018

Attention: Olajide Aremu

Dear Sir,

REPORT OF THE STAKEHOLDERS' FORUM ON NATIONAL ROAMING AND ACTIVE INFRASTRUCTURE SHARING HELD ON APRIL 25, 2018

Please refer to the Stakeholders' Forum held on April 25, 2018 for the purpose of presenting to the Industry the Final Report of the Industry Working Committee (IWC) on National Roaming (NR) and Active Infrastructure Sharing (AIS).

Further to this, the Commission has prepared a Report of Proceedings, highlighting the grey areas extracted from the Technical, Commercial and Legal & Regulatory Frameworks on NR and AIS as well as the additional comments and clarifications discussed during the presentation. A copy is attached for ease of reference.


In furtherance to the mandate of the IWC, Management has now approved the Final Report as well as the additional comments contained in the Report of Proceedings. Consequently, the IWC is expected to use the information contained in both Reports to develop a Legal Framework and Business Rules for implementation of NR and AIS in Nigeria.

The above and attached are hereby forwarded for your information and kind attention.

Thank you.

Yours faithfully,

PP: Nigerian Communications Commission


f: Abubakar K. Yakubu
Chairman, Industry Working Committee
For: Executive Vice Chairman/CEO

REPORT OF STAKEHOLDERS' FORUM ON NATIONAL ROAMING AND ACTIVE INFRASTRUCTURE SHARING HELD ON WEDNESDAY, APRIL 25, 2018 AT DIGITAL BRIDGE INSTITUTE, OSHODI – LAGOS

1.0 Executive Summary

The Stakeholder Forum was organized to present to the industry the Report of the Industry Working Committee (IWC) set up to drive the process that would assist the Commission in determining the appropriate regulatory framework for national roaming and active infrastructure sharing in Nigeria. The forum was a follow up to other initial engagements and activities including the initial publication of an Industry Consultation Paper, an initial stakeholder forum and the setting up of the IWC.

In attendance were the EVC/CEO and Executive Management of the Commission, Executive Members of the Association of Licensed Telecom Companies of Nigeria, representatives of Telecom Operators, other industry stakeholders as well as members of the Media.

(Attached as Annex NR-1 is the detailed record of attendance).

The IWC presented the Report of its assignment with details of areas of general concession/agreement as well as areas that required more critical consideration by all the stakeholders.

(Annex NR-2 and NR-3 are the presentations by the IWC)

The engagement was constructive and very insightful and showcased the tremendous vistas the industry has in self - regulation. The Commission assured participants that the views expressed would be taken along into the final stage in determining the appropriate regulatory intervention(s) to make in the circumstances.

2.0 Opening & Courtesies

The EVC/CEO of NCC, represented by the Director, Spectrum Administration, Engr. Austine Nwaulune, FNSE, welcomed participants to the forum noting that the high level of attendance and participation buttressed the fact of collaboration and consultation as bedrock of regulatory activities in the Nigerian Telecom Industry. Reviewing the trend of innovations in the industry, the EVC stressed that National Roaming has the potential of promoting seamless communication between subscribers while active infrastructure sharing is expected to lead to reduction in network deployment costs, as well as accelerate take-up of broadband services and elimination of the rural-urban digital divide.

The EVC reassured participants that every opinion/intervention at the forum will be considered before a final position would be communicated by the Commission.

(Annexure NR-4 is the full text of the EVC's welcome address).

In his opening remarks, Mr. Abubakar Yakubu, Director Projects (DP) of NCC and Chairman of the Advisory Committee to the IWC stated that the Forum was the next step in the agreed Work Plan in the consultation process. He reminded participants that the Industry Consultation Paper was published in December 2016 to sensitize the industry and get perspectives towards developing adequate regulatory instrument(s) on the subject. The inception forum recommended an IWC to drive the process with the Commission acting as Coordinator/Advisor. The day's business was therefore to receive and review the report of the IWC and harmonize positions for further consideration by the Commission.

The Director informed participants that the final outcome of the deliberations will form basis for any regulatory decisions that will be taken by the Commission on the matter. He assured the industry that the Commission would still be open to comments and remarks after the day's presentation that every view expressed would be taken into consideration.

(Annexure NR-5 is the full text of the Opening Remarks by the DP).

In a goodwill message to the forum, the President of the Association of Licensed Telecom Operators of Nigeria (ALTON), Engr. Gbenga Adebayo thanked the Commission for the initiative which was aimed at encouraging industry self-regulation. He expressed the commitment of ALTON and its members to ensure that the process produced positive results. He also called on the regulator to reconsider its stand of Technology Neutrality in the light of the wave of disruptive technologies which were impacting on the business projections of legacy operators.

3.0 Presentation of the Reports

The Chairman of the IWC, Engr. Olajide Aremu presented the reports of the Committee with details of the grey areas and areas where there was industry consensus. Both presentations on National Roaming and Active Infrastructure Sharing detailed 3 (three) frameworks critical to the study: Technical, Commercial and Legal & Regulatory Issues. Pertinent issues regarding Quality of Service, Mobile Number Portability, Competition, Billing, Agreements and Incentives/Subsidies for roll-out were adequately considered.

The presentation also distilled the grey areas emanating from the engagements with industry stakeholders for further discussions/considerations.

(Annexure NR- 6 is a copy of the presentation)

4.0 Questions, Comments on Grey Areas and Responses

Following the presentations by the IWC, a Question and Answer session was anchored by Mr. Edoyemi Ogoh (Assistant Director, Technical Standards & Network Integrity) of the Commission. The issues raised at the session as well as responses provided are presented in the table below:

4.1 National Roaming

S/N	Grey Areas	NAME/ ORGANISATION: COMMENTS	RESPONSES/ Final Resolution
Commercial Framework			
1.	<p>Section 10</p> <p><i>Rejected TAP Files: The considerations were duration or no time limit and the Operators' consensus was for duration.</i></p> <p>Suggested Duration: 6 months</p>	<p><i>No further comments</i></p>	<p>3 months duration was the general consensus at the forum.</p>
Legal & Regulatory Framework			
2.	<p>Section 1</p> <p><i>Refusal to accept roaming terms should not be based on services unrelated to roaming.</i></p> <p><i>Suggestion: 90 days was suggested as age of subsisting roaming debt that should form the basis for refusal.</i></p>	<p>Ikenna Ikeme (MTN): Roaming debt should not be the only basis for refusal of a roaming request. Other financial obligations like interconnect debt, leasing debts should also be put in perspective. Further, where dissatisfied with a rejection of a roaming request, an aggrieved party should be at liberty to refer to the Commission.</p> <p>Chidozie Arinze (9Mobile): Further detailed investigation is required in view of the fact that there are several other business relationships between operators.</p> <p>Njideka (MTN): It will be unfair to propose additional 90 days. Note that no conclusion was reached on this issue at the IWC meetings.</p>	<p>No consensus was reached on this issue. The Commission is to further consider this issue taking into consideration the comments raised by operators in order to avoid increasing industry debt in the process of insisting that operators do not reject roaming request.</p>

3.	<p>The scope of “mandatory” in this section should be defined. Instances where national roaming would not be mandatory should also be specified”.</p> <p><i>Suggestion:</i> Since the Agreement is MANDATORY there is no need for a definition.</p>	<p><i>No further comments</i></p>	<p>It was agreed that there is no need to define the term MANDATORY since the Agreement is MANDATORY in the first instance</p>
4.	<p>Section 3</p> <p><i>Eligibility Criteria for National Roaming- National Roaming should be duration-bound and not in perpetuity.</i></p> <p><i>Suggestion:</i> the basis for the Framework is to remove any ambiguity or uncertainty, hence the need for reference offers.</p> <p><i>Age of subsisting roaming and other debt as basis for refusal is to be determined at the stakeholders’ forum</i></p> <p><i>Suggestion: 90 days</i></p>	<p>Njideka (MTN): The rationale for this provision, in our view, should be to avoid a situation where national roaming becomes a substitute to meeting roll-out obligations.</p> <p>Omotunde (Ntel)/Gbolahan (Smile): The 3-year proposal is reasonable and acceptable.</p> <p>Johnson (MTN): The Commission should give further consideration to this issue. Noting that it would be unfair to insist on allowing an operator that has consistently not met its roll-out obligations, to roam on the network of other operators meetings their roll-out obligations.</p>	<p>A 3-year duration was accepted subject to review of roll-out activities and investment.</p> <p>This had already been addressed in Section 1.</p>
5.	<p>Section 4</p> <p>In view of the bilateral arrangement recommended between the parties, the issue of Reference offer was discussed.</p> <p><i>Suggestion:</i> the basis for the Framework is to remove any ambiguity or uncertainty, hence the need for reference offers.</p>	<p>Chidozie Arinze (9Mobile): The purport of this provision should be clarified properly. Equally, what the Commission will do to address possible anti-competitive practices should also be spelt out.</p>	<p>The suggestion of Reference offers was accepted.</p>

	Should there be specific sanctions for violations relating to anti-competitive practices?		
6.	<p>Section 5</p> <p>Duration of roaming: National Roaming should be duration-bound and not in perpetuity. <i>Suggestion:</i> 3 years, subject to regulatory review of roll-out activities and investments.</p>		This had already been addressed in Sections so it was skipped here.
7.	<p>Section 8</p> <p><i>Grounds for disconnection:</i> Action on prolonged disputed amount was discussed at stakeholder meeting.</p> <p><i>Suggestion:</i> Disputed amount should be escalated to the NCC if resolution cannot be made after notice is given. All network capacity constraints may be confirmed by the regulator</p> <p><i>Suggestion:</i> “may” to be changed to “shall” Regulatory approval within a specified period prior to disconnection is required.</p> <p>Period to be agreed at the stakeholders’ forum. Non-receipt of approval from the Commission within the agreed period</p>	<p>Ime (Glo): The proposed 20 working days period appears too long.</p> <p>Ikenna (MTN): We support the 20 day proposal; the Commission should ensure that a decision is reached within the 20 days with no room for extension.</p>	

	shall mean approval for disconnection.” <i>Suggestion:</i> 20 working days		
8.	Section 9 <i>Termination:</i> Regulatory approval within a specified period prior to disconnection is required. <i>Suggestion:</i> 20 working days		20 working days suggestion accepted.

4.2 Active Infrastructure Sharing

Technical framework

1.	Section 1 <i>Reference offer:</i> <i>Suggestion:</i> the basis for the Framework is to remove any ambiguity or uncertainty, hence the need for reference offers.	<i>No further comments</i>	Treated in previous sections
2.	Section 20 Innovation Exclusivity: <i>Suggestion:</i> Should not be applicable	Chidozie Arinze (9Mobile): The provision that all services available to host network should be available to a visiting network is not practicable in real business scenario. Should be revised.	

Commercial framework

3.	Section 1 <i>Agreement:</i> Standardized reference offer may be required <i>Suggestion:</i> the basis for the Framework is to remove any ambiguity or uncertainty, hence the need for reference offers.		This issue has been discussed in previous sections.
4.	Section 2		It was resolved that the Commission should

	<p>Eligibility Criteria: The issue of the length of a subsisting active sharing debt being the basis for refusing to share</p> <p><i>Suggestion:</i> To be escalated to NCC for dispute resolution</p>		take a second look at this issue.
5.	<p>Section 3</p> <p>Guidelines to Prevent Anti-Competitive Conduct: Reference offers are required</p> <p><i>Suggestion:</i> the basis for the Framework is to remove any ambiguity or uncertainty, hence the need for reference offers.</p>		This issue has been discussed in previous sections.
6.	<p>Section 14</p> <p><i>Impact on existing regulations:</i> 'How does MNP impact on Active Infrastructure sharing?</p>	The general view was that MNP would have no impact on active infrastructure sharing	General view accepted
7.	<p>Section 15</p> <p><i>Termination:</i> NCC to specify timelines for regulatory approval for termination.</p> <p><i>Suggestion:</i> 20 working days</p>		This issue has been discussed in previous sections.

GENERAL COMMENTS

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| 1. | <p>Omotunde (Ntel): The Commission should consider incorporating the GSMA standardized approach/methodology on roaming.</p> <p>With regards to Data Clearing by operators, there is an inherent challenge with authenticity of data sent by one operator to another for payment. Accordingly, data clearing houses should be responsibility processing the records for payment.</p> |
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2.	<p>Gbolahan (Smile): There is a need to take a second look at the provision on Network roll-out for both Active Infrastructure Sharing and National Roaming to ensure that there are no conflicting issues.</p>
3.	<p>Chidozie Arinze (9Mobile): The implementation process for National Roaming should be flexible to enable changes that may arise at implementation which may have been unforeseen.</p>
4.	<p>Njideka (MTN): There is need to put measures in place that will deter new operators from simply relying on roaming on other operators' networks without rolling out theirs as this will inadvertently create Mobile Virtual Network Operators.</p>
<p>In response, Gbolahan (Smile) suggested that minimum coverage criteria could be put in place such that new operators are mandated to roll out to a certain extent before they can request to roam on other operators' networks.</p>	
5.	<p>Kenneth (Airtel) As with introduction of most new services, there is the likelihood of an adverse impact on quality of service. The Commission should consider a grace period for meeting QoS indicators at the initial implementation stage of these initiatives.</p>

5.0 Conclusion/Closing remarks

Mr. A. K. Yakubu (DP) thanked all the participants to the forum for supporting the Commission and for attending the event and informed the stakeholders that the report of the Forum will be published on the Commission's website.

The forum closed at 2.11 p.m.

2. **Gbolahan (Smile):** There is a need to take a second look at the provision on Network roll-out for both Active Infrastructure Sharing and National Roaming to ensure that there are no conflicting issues.
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In response, **Gbolahan (Smile)** suggested that minimum coverage criteria could be put in place such that new operators are mandated to roll out to a certain extent before they can request to roam on other operators' networks.
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