

COMPLIANCE CHECK LIST UNDER NEW LICENSING REGIME

1 Introduction

Following the Ministerial Telecom policy guidelines of 11th May 2006 and 13th October 2006, UCC developed a new licensing regime that took effect August 14th 2006 and 2nd January 2007 respectively.

As a means of facilitating the process of monitoring and evaluation of compliance with licence terms and conditions/provisions, UCC has developed a check list that will be given to each licensee at the time of issuance of a licence for new operators/service providers as well as to already existing licensees.

The check list is aimed at helping service providers and infrastructure providers comprehend their obligations as licensees. The check list covers the following categories of licences

- § The Public Service provider (PSP) licence (provision of all telecommunications services)- under this is the capacity resale and voice and data category
- § The Public Infrastructure Provider licence
- § The General licences(GL)
- § The National Operator (NO) licence,
- § Cellular Telecommunications Operator (CTO) licence
- § Customer premises wiring, terminal equipment, maintenance and repair workshop services (CPW, TE, MRW)

1.1 Contents of the Compliance Check List

The contents of the check list are shown in two tables below:

- a) Table 1 gives information to the licensee of the applicable compliance check list items, how often UCC will evaluate these and the method of evaluation to be used.

- a) Table 2 expounds on the compliance check list items that are contained in table 1, and further shows the obligations of the licensee, when the obligations fall due, and how UCC will monitor the same.

The check list covers general provisions that more or less apply to all licences (in both the old and new regimes, and those that are specific to a licence category. The specific provisions vary from licence to licence mostly because of the scope of the licences, and introduction of new clauses under the new licences.

1.2 Purpose of the Compliance Check List

The overall purpose of the compliance check list is:

- a) To help service and infrastructure providers appreciate their obligations as licensees and also for them to do a self assessment and constant self-check on their regular performance vis-à-vis their licence.
- b) For UCC to be more efficient in monitoring compliance by taking a more proactive approach.

The check list will be reviewed from time to time to ensure relevance to the licensing regime and the sector.

TABLE 1: SUMMARY OF COMPLIANCE CHECK LIST ITEMS FOR ALL LICENCES UNDER THE NEW LICENSING REGIME

Compliance Check list item	Method of Checking by UCC	How often	PSP	PIP	GL	CPW, TE, and MRW	National Operator	CTO
Provision of services within Uganda	Records, inspections, Reports	Annually	Applicable	Applicable	N/A	Applicable	Applicable	Applicable
Commencement of service provision within 12 months period	Inspections, investigations of Records	Once during the first year of operations	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
Commencement of services within 18 months period	Inspections, investigations of Records	Once during the first year of operations	N/A	Applicable	N/A	N/A	N/A	N/A
Commencement of installation of infrastructure within 12 months	Inspections, investigations of Records	Once during the first year of operations	N/A	Applicable	N/A	N/A	N/A	N/A
Type approval of equipment and technical compatibility of equipment	Records Inspections	Annually	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
Have authorisations for use of essential resources and facilities (spectrum, VSATs, numbers, International Gateways)	Records Inspections	Annually	Applicable	Applicable	Applicable	N/A	Applicable	Applicable
Confidentiality	Records Measures to ensure confidentiality	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Submission of tariffs	Records	Once during	Applicable	Applicable	N/A	N/A	Applicable	Applicable

Compliance Check list item	Method of Checking by UCC	How often	PSP	PIP	GL	CPW, TE, and MRW	National Operator	CTO
and charges		the first year of operations and whenever changes occur						
Posting of tariffs at premises	Inspections	Annually (and whenever changes occur)	Applicable	Applicable	Applicable	N/A	Applicable	Applicable
Approval by UCC of assignment of licence	Records	As and when it happens	Applicable	Applicable	N/A	Applicable	Applicable	Applicable
Conform to Quality of Service parameters	Records	Half yearly	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
Interconnection with other licencees and sharing of facilities	Records Inspections	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Availability of services in line with business plan and regulatory obligations	Records Inspections	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Submission of financial records	Records	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Submission of annual report of operations(including description of service provision)	Records	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Consumer complaints mechanism including database and reports	Records Tracking complaints	Every quarter	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Payment of dues(spectrum, numbers,	Records	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable

Compliance Check list item	Method of Checking by UCC	How often	PSP	PIP	GL	CPW, TE, and MRW	National Operator	CTO
type approval, levies etc)								
Renewal and extension of licence	Records Inspections	In the last term of the licence	Applicable	Applicable	N/A	Applicable	Applicable	Applicable
Provision of access to emergency services	Inspections Records	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Arrangements in case of a disaster	Inspections Records	Annually	Applicable	Applicable	N/A	N/A	Applicable	Applicable
Comply with inspection procedures	During the inspections	As and when it happens	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
Notification of UCC prior to ceasing operations	Records Inspections	As and when it happens	Applicable	Applicable	N/A	Applicable	Applicable	Applicable
Interruption of operations	Records	Before and during interruption	N/A	Applicable	N/A	N/A	Applicable	N/A
Assistance for disabled persons	Records	Annually	N/A	N/A	N/A	N/A	Applicable	Applicable
Conform to ITU standards, environmental act, regulations, national development and investment goals	Records Inspections	Annually	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable

KEY:

PSP:

PIP:

GL:

Public Service Provider

Public Infrastructure Provider

General Licence

CPW, TE and MRW: Customer Premises Wiring, Terminal Equipment and Maintenance and Repair Workshop services
 CTO Cellular Telecommunications Services Operator

TABLE 2: DETAILS OF COMPLIANCE CHECK LIST

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
Service Description	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National operators ü CTO 	<ul style="list-style-type: none"> ü Provide services within Uganda as specified in the licence ü Provide of services in accordance with terms, and conditions of licence, Act, Commission regulations, Telecommunications sector policy guidelines and other Laws of Uganda 	1 st Anniversary and thereafter throughout five year licence term and any renewal term	<ol style="list-style-type: none"> 1. Track complaints 2. Check submitted records to UCC 3. Carry out Investigations/surveys
Commencement of Services	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW 	<ul style="list-style-type: none"> ü Commence provision of services within 12 months of execution of licence ü Commence installation of infrastructure within 12 months(only applicable to PIPs) 	<ul style="list-style-type: none"> ü Service provision;12 months from date of execution of licence agreement except for PIPs ü Installation of infrastructure by PIPs within 12 months from date of execution of licence agreement 	<ol style="list-style-type: none"> 1. Inspect premises to ascertain operations 2. Check submitted records to UCC

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		<ul style="list-style-type: none"> ü Commence provision of services with 18 months (only applicable to PIPs) ü Submit to UCC an implementation plan within 60 days of signing licence 	<ul style="list-style-type: none"> ü For PIPs, service provision within 18 months from date of execution of the licence agreement ü within 60days for the implementation plan 	
Provision of licensed services within Uganda	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Provide continuous services throughout the licence term and any renewal term 	Throughout five-year term and renewal period	<ol style="list-style-type: none"> 1. Inspections for coverage 2. Check submitted records for service availability
Service technology, equipment interfacing and type approval	<ul style="list-style-type: none"> ü PSP ü PIP, ü CPW, TE, MRW ü National Operator ü CTO ü GL 	<ul style="list-style-type: none"> ü Ensure type approved procedures ü Study UCC type approval procedures ü Install equipment and devices that should be: <ul style="list-style-type: none"> § technically compatible with PSTN and approved industrial standard, § type approved by UCC's regulations, ITU standards, and such other internationally recognised standards for such 	<p>At the time of submission of an application</p> <p>Whenever modifications in service technology or equipment interfacing are made within the network</p>	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Inspections

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		<p>equipment and devices.</p> <ul style="list-style-type: none"> ü Submit technical specifications and documents to the Commission describing in detail characteristics of terminal equipment and any facilities intended for interface with public operators' networks in Uganda ü For CPW, TE and MRW, should have a maintenance and repair workshop ü <i>For GL not required to submit equipment for type approval</i> 		
<p>Authorisations for Essential Resources and facilities (spectrum, numbers)</p> <p>General authorisations use of VSATs, International Gateways,)</p>	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Study UCC guidelines on use of spectrum and numbers ü Apply to the Commission for necessary authorisation ü Pay the necessary fees for use of the essential resource or facility 	<p>Every time a new essential facility or resource is incorporated in licensee's network and after that, annual when fees fall due</p>	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Monitoring of spectrum usage

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
Consumer Complaints handling mechanism	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Submit to UCC a document detailing the licensee's consumer complaints handling mechanism ü Maintain a database of consumer complaints received and handled capturing information as specified in the licence ü Submit a report summarising the complaints received and handled during a quarter 	<p>Within 60 days after being granted licence</p> <p>Report on complaints submitted on a quarterly basis:</p> <ul style="list-style-type: none"> § 1st Quarter: January to March of each year § 2nd Quarter: April to June of each year § 3rd Quarter: July to September of each year § 4th Quarter: October-December of each year 	Inspect and review database
Quality of Service standards	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO ü GL 	<ul style="list-style-type: none"> ü Make available to the Commission records and statistics relating to Quality of Service ü Ensure services meet UCC's and international standards as specified in relevant Schedule of each licence category ü Allow access to its premises and facilities for inspection by UCC 	<p>Through out licence term (could be flexible in areas where there is sufficient competition to control QoS)</p> <p>At periods stipulated by UCC and when requested by the UCC</p>	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Inspect premises and facilities

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		<p><i>GL only required to meet QoS as specified by UCC in its guidelines and not required to submit records and statistics</i></p>		
Confidentiality	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Ensure and maintain confidentiality of content obtained as a result of serving customer or interconnecting to public networks ü Submit a document containing measures out in place to ensure confidentiality 	Through out licence term and renewal period	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Track complaints 3. Verify confidentiality measures in existence
Tariffs and Charges	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü GL ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Study any existing UCC guidelines on tariff regulation ü Submit a copy of charges within fourteen(14) days after signing the License for information and thereafter whenever there is change in the charges 	<p>Initially, 14 days after signing the licence and thereafter whenever the charges change</p> <p>Through out the licence term (could be flexible in areas where there is sufficient competition to control prices))</p>	<ol style="list-style-type: none"> 2. Check submitted records to UCC, 3. Through consumer surveys, 4. Inspect operating premises

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		<ul style="list-style-type: none"> ü Post clearly or make public in writing at each of the Licensee's place of operation <ul style="list-style-type: none"> 30 the name and business address of the Licensee (ii) a list of applicable tariffs for services provided <p><i>GL only required to post tariffs</i></p>		
Interconnection with other licensees and sharing of facilities	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Study any existing guidelines on interconnection and sharing of facilities ü Interconnect or peer system with other licensees through a suitable and Commission recognised arrangement: ü Share facilities with other providers with other licensees ü Interconnection and sharing arrangements shall be in writing and shall conform to the Act 	Within the licence term and renewal period	<ol style="list-style-type: none"> 1. Check for Evidence of interconnection – traffic statistics, A copy of agreement 2. Track implementation of the interconnection on agreement

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		and Commission Regulations.		
Assignment of licence	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Not to assign, transfer, delegate, encumber or dispose rights interests or obligations under licence prior to approval of UCC ü Comply with regulations on transferring of licences ü Check before request to assign licence that you are compliant with all licence terms and conditions 	Throughout the licence term	Check UCC records
Amendment of the licence	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Request for an amendment in writing to the Commission indicating the clauses being proposed for amendments 	Case by case basis	
Area of coverage	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Make services available to the widest practicable are of the country or as provided for in the business plan projections in order to meet regulatory obligations 	Through out the licence term	Inspect

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
Record Keeping and Reporting Requirements:	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Within 90 working days of the end of each fiscal year, deliver to the Commission the year end balance sheet and the related statements of operation, equity and cash flows ü Submit annual report of operations and services and extent of following licence conditions ü Comply with any request UCC makes for any periodic reports, financial statements, statistics, operating agreements, business plans and other data on operations and activities 	<p>Financial statements: Within 90 working days of the end of each fiscal year</p> <p>Report on operations; Within 90 days of each fiscal year</p> <p>On dates corresponding to period stipulated by UCC</p>	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Inspections where necessary
Protection of public operators' facilities	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National operator ü CTO 	<ul style="list-style-type: none"> ü Ensure equipment, facilities or systems do not damage interfere or in any way harm public operators' installations, facilities operations ü In case of damage, harm, interference Switch off 	<p>Throughout the licence term and renewal period</p>	<ol style="list-style-type: none"> 1. Check UCC records (Complaints Received), 2. Investigations

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		offending equipment, facilities or operations, inform UCC and affected operator		
Protection of third party facilities	<ul style="list-style-type: none"> ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Ensure equipment, facilities or systems do not damage, interfere or in any way harm third party property of installations 	Throughout the licence term and renewal period	<ol style="list-style-type: none"> 1. Check UCC records (Complaints Received), 2. Investigations
Access Emergency services and arrangements during Disasters	<ul style="list-style-type: none"> ü PSP ü PIP ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Operate network in such a manner as to alleviate a state of emergency ü Provide access to emergency services within its operating areas, free of charge to the public ü Operate network in such a manner as directed by UCC during Government declared disasters 	Through out the licence term	Inspections
Inspection	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Comply with Inspection procedures and reporting requirements established by UCC ü Provide statistical data to UCC on all traffic from 	On dates corresponding to period stipulated by UCC	Inspections

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		licence's equipment, systems or facilities at regular intervals as prescribed by UCC		
Payment of dues(Licence Fees, Levy , spectrum)	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Pay fees to UCC according to Schedule C for the PSP and CP ü For customer premises wiring , equipment and maintenance services pay fees as according to licence 	Annually	Check UCC records
Renewal of licence	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Pay licence fee ü Comply with all licence obligations 	Annually	1. Check records for receipts and certificates issued 2. Check compliance status (inspections, investigations)
Extension of licence term after five year period	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Ensure that you have complied with licence terms and conditions during the five year period ü Make an application to the Commission for extension 	30 days prior to expiration of licence	1. Check submitted records to UCC 2. Inspections throughout licence term

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
Ceasing Operations	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Notify the Commission of intention to cease operations stating clearly the reasons 	45days before intended date of ceasing operation	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Inspections
Non discrimination	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Not to deny access for licensed services to customer expect for delinquency of payment of dues and non compliance with terms and conditions of its licence service agreement 	Throughout the licence term period	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Tracking Complaints
Dispute Resolution mechanism	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW 	<ul style="list-style-type: none"> ü Try to resolve any disputes between yourselves and subscribers ü Refer to the Commission for an amicable solution if you fail ü If dissatisfied with the decision of the Commission refer the matter to Tribunal 	Within the licence term and renewal period	Tracking complaints

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
General provisions (ITU standards, National development goals, Environment Act and Regulations)	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO ü GL 	<ul style="list-style-type: none"> ü Conform to national development goals ü Conform to ITU and other standards for licensed services ü Conform to National Environment Act and Regulations 	Throughout licence term and any renewal term	<ol style="list-style-type: none"> 1. Inspections and investigations 2. Check submitted records to UCC
Penalties upon default	<ul style="list-style-type: none"> ü PSP ü PIP ü CPW, TE, MRW ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Not to default any terms and conditions in the agreement as this may attract a penalty as deemed fit under the provisions of the Act, the Regulations and this Licence 	As deemed fit by UCC	Check compliance status
Training	<ul style="list-style-type: none"> ü CPW, TE, MRW ü CTO 	<ul style="list-style-type: none"> ü Develop a satisfactory recruitment and training program, ü Facilitate transfer of technical financial and administrative skills to staff ü Establish a maintenance and repair workshop 		<ol style="list-style-type: none"> 1. Inspections 2. Check for existence of training program and workshop
Contracts	<ul style="list-style-type: none"> ü CPW, TE, 	<ul style="list-style-type: none"> ü Ensure that contracts do 	Throughout the licence term	Check records of

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
	MRW	not prejudice interests of the Commission, other operators and network providers		contracts
National Investment Objectives	<ul style="list-style-type: none"> ü CPW, TE, MRW 	<ul style="list-style-type: none"> ü Conform to National Investment objectives 	Throughout the licence term as advised by UCC	<ol style="list-style-type: none"> 1. Inspections of premises 2. Investigations 3. Check submitted records to UCC
Assistance to the disabled	<ul style="list-style-type: none"> ü National Operator ü CTO 	<ul style="list-style-type: none"> ü Provide services for the disabled persons ü Participate in any advisory group established to address the needs of persons who are disabled 	Throughout the licence term and whenever requested by UCC	<ol style="list-style-type: none"> 1. Inspections 2. Check submitted records to UCC
Interruption of operations (does not apply to emergencies and disasters)	<ul style="list-style-type: none"> ü National Operator ü PIP 	<ul style="list-style-type: none"> ü Give prior notice to UCC ü Give reasonable advance notice to affected customers ü Give reasonable notice to affected public of scheduled routine maintenance ü Carry out routine maintenance during specified periods as per 	As and when it happens	<ol style="list-style-type: none"> 1. Check submitted records to UCC 2. Investigations

COMPLIANCE CHECK LIST ITEM	LICENCE CATEGORY	WHAT YOU MUST DO	WHEN IT FALLS DUE	HOW WILL UCC MONITOR
		licence		

KEY:

PSP: Public Service Provider
 PIP: Public Infrastructure Provider
 GL: General Licence
 CPW, TE and MRW: Customer Premises Wiring, Terminal Equipment and Maintenance and Repair Workshop services
 CTO: Cellular Telecommunications Services Operator