

GUIDE TO THE NEW LICENSING REGIME

1. Background

A new Telecommunications Licensing Regime has been developed to implement the Ministerial policy guidelines of October 13th 2006. The new Regime is based on a distinction between Services Provision and Infrastructure Provision. According to the Ministerial Guidelines, infrastructure is interpreted to mean plant, equipment and systems associated with transmission, reception and switching of telecommunications (electronic) signals. For the purposes of this document, a telecommunications service is taken to be the relaying of messages of any form (voice or data) over communication infrastructure between a sender and a receiver.

It is recognised that different technologies (e.g. Internet Protocol - IP, Asynchronous Transmission Mode – ATM, etc) can be operated over the various media (air waves, satellite, optical fibre, copper) to deliver the telecommunication services. The new regime allows service providers to select which technology to use in delivering their licensed services.

Advances in technology have also enabled the provision of voice and data using the same infrastructure.

The new regime consists of new set of licences for the suppliers of services and infrastructure in the sector as well as the resources available to the different licensees.

This document highlights the licences required for the provision of telecommunications services in Uganda today.

2. Public Service Provider (PSP) licence

a) Public voice and data provider

This licence is granted to persons interested in providing of voice telephony service using any technology – cellular, satellite, Internet Protocol, traditional voice Network (using time division multiplexing). The mobility of the services (fixed or mobile, wired or wireless) is also a decision of the licensee.

Due to technology advancements, data and voice can now be transmitted on the same network. The distinction between the two is also diminishing with convergence. In recognition of this, the same Public Service Provider – Public Voice and Data Licence also permits the holders to provide data services. Therefore persons

wishing to provide data communications services including Internet Access Services previously provided by Internet Service Providers (ISPs) have to acquire the Public Service Provider – Public Voice and Data Licence.

However, it should be noted that this licence only permits the holder to provide services not infrastructure (as per infrastructure definition in section 1 above). If a PSP – Public Voice and Data Licence holder wishes to set up his/her own infrastructure facilities, he/she must acquire a Public Infrastructure Provider Licence.

A PSP may also seek authorization for number resources if necessary for the provision of its services.

b) Capacity resale

A capacity resale service means a service of reselling leased telecommunications service. The Capacity Resale licence permits the holder to sell capacity of a local or foreign operator to PSPs or end users as well as sell calling cards that use capacity from either of these capacity arrangements.

A capacity reseller can also apply for gateway authorisation (VSAT or other), spectrum or numbering resource upon demonstrating the need.

3. Public Infrastructure Provider (PIP) licence

The Public Infrastructure Provider (PIP) licence permits holders to install network facilities associated with transmission, reception and switching of telecommunications (electronic) signals. Installations exclusively in the Industrial, Scientific and Medical (ISM) Bands – 2.4GHz and 5.8GHz bands are exempted.

To use any frequencies in association with facilities set up under the PIP licence, a holder of this licence must obtain the necessary authorisation (and frequency assignments) from Uganda Communications Commission (UCC) in line with the National Table of Frequencies and the respective authorisation guidelines including payment of the associated spectrum fees.

The PIP licence does not empower the holder to establish international gateway facilities. The PIP can in addition obtain authorization to establish an International gateway (Very Small Aperture Terminal – VSAT or other) and allow others to route their traffic through it. Do note that

in a multi VSAT network, VSATs set up at premises of the customers attract an annual authorization fee for each node/terminal set up at customer's premises.

4. General licence

Under the new regime, this category of licensees do not pay licence fees but registers with UCC and subsequently receive a Certificate endorsing their provision of telecommunication services to the public.

UCC shall designate the services or operations in the sector that fall under this type of licence. To date, UCC has designated Public Pay Communications Network services (phone bureaus/kiosks, cyber/Internet cafés, fax bureaus) and private networks as falling under the General licence category.

Customers of Public Pay Communications Network services are allowed the benefit of phone calls originated from Personal Computers (PCs) in the confines of the service providers' premises.

A private network is one established and operated based on the following:

- For the sole use of members of the owning body/entity in a private closed user group,
- Established within property boundaries, only extending into public domain to link up geographically separated branches owned, leased or rented by the entity and only upon receipt of the necessary permission from the respective public authorities,
- Telecommunication services on the network not offered for monetary gain
- Established, operated and maintained in line with public safety requirements.