



**THE UGANDA COMMUNICATIONS COMMISSION
GUIDELINES ON NATIONAL ROAMING**

DRAFT OF NOVEMBER 2018

***UNDER CONSULTATION FROM
30TH NOVEMBER 2018 TO 3rd JANUARY 2019***

1.0 INTRODUCTION

Uganda Communications Act of 2013 (the Act) seeks to develop a modern Communications sector, which includes Telecommunications, broadcasting, radio communications, postal communications, data communication and infrastructure by, among others:

- (b) enhancing national coverage of Communications services; and
- (f) introducing, encouraging and enabling competition in the Communications sector through regulation and licensing of competitive Operators to achieve rapid network expansion, standardisation as well as operation of competitively priced and quality services.

Mobile Communications services have today become an integral part of everyday life and increasingly critical to various aspects and services of the economy. Uganda Communications Commission (the Commission) has, therefore, determined it necessary to require Operators to offer National Roaming Services on their respective networks to the other licensees engaged in provision of mobile Communication services in Uganda.

2.0 OBJECTIVE OF THE GUIDELINES

These guidelines seek to ensure that National Roaming between the Operators in Uganda takes place on a fair, transparent and economically efficient basis, for the benefit of consumers, Operators and the overall economy.

The objectives of these guidelines are to:

- a) improve the resilience of Mobile Communications networks and services for improvement in quality of Communications services in Uganda;
- b) promote competition among Operators;
- c) encourage infrastructure sharing
- d) promote the availability and seamless nationwide access by consumer to mobile services in Uganda; and
- e) promote innovation and investment to facilitate the development of related Communications markets.

Question 1:

Do you have any concerns about the proposed objectives of the guidelines as highlighted in section 2.0? If yes, please explain.

3.0 INTERPRETATIONS

“Act” means the Uganda Communications Act of 2013;

“Commission” means the Uganda Communications Commission established under section 4 of the Act;

“Communications services” means services performed consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communication, and includes broadcasting;

“Hosted Operator” means the Operator with which a subscriber has a direct contractual relationship for access to and use of mobile services;

“Host Operator” is an Operator on whose system or network a subscriber roams by means of roaming arrangements by the hosted Operator.

“Mobile Communications services” means Communications services provided to end users by licensed Operators that are interconnected with the public switched network which enables the Operator to reuse frequencies and accomplish seamless handoff of end user calls. This includes making and receiving voice calls, sending and receiving SMS messages, sending and receiving data, or access to other electronic Communications services;

“Operator” means a person licensed under the Act to provide mobile Communications services in Uganda, including National Telecommunications Operators and Public Service Provider (voice and data);

“Public switched network” means collection of interconnected public telecommunication networks that deliver switched telecommunication services, whether by wire or radio, to the public.

“Roaming” means the ability for a mobile subscriber of one Operator to automatically use facilities of another Operator with which the subscriber

does not have a direct service provision or financial contract/arrangement for mobile services;

“**SMS**” means short messaging service;

“**Telecommunication**” means the emission, transmission or reception through the agency of electricity or electromagnetism of any sounds, signals, signs, writing, images or intelligence of any nature by wire, radio, optical or other electromagnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;

“**Telecommunications service**” means a service consisting of the conveyance or reception of any sounds, signs, signals, writing or images by wire, optical or other electronically guided media systems whether or not the signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other process by any means in the course of their transmission, emission or reception;

“**Would-be host Operator**” is an Operator to whom a request is made for roaming arrangements.

Question 2:

Do you have concerns about any of the interpretations provided in section 3.0? If yes, please explain

4.0 APPLICABLE LEGISLATION

The legal and regulatory provisions taken into consideration and which shall govern the implementation of these guidelines:

Section 5 of the

- (a) to implement the objectives of the Act;*
- (k) promote and safeguard the interests of consumers and Operators as regards the quality of Communications services and equipment;*
- (m) improve Communications services generally and to ensure equitable distribution of services throughout the country;*
- (n) promote competition, including the protection of Operators from acts and practices of other Operators that are damaging to competition,*

- and to facilitate the entry into markets of new and modern systems and services;*
- (o) regulate interconnection and access systems between Operators and users of Telecommunications services;*
- (y) to encourage and promote infrastructure sharing amongst licensees and to provide regulatory guidelines*

Section 58 of the Act on Interconnection of network facilities.

The Communications (Fair Competition) Regulations, 2005.

The Telecommunications (interconnection) regulations, 2005

The Telecommunications (Tariffs and Accounting) regulations, 2005

5.0 SCOPE OF THE GUIDELINES

These guidelines stipulate the obligation with respect to national roaming, and the regulatory supervision and dispute resolution provisions that shall apply to National Roaming.

6.0 APPLICABILITY AND EXEMPTIONS

This guideline shall apply to all Operators licensed in Uganda that are engaged in the provision of Mobile Communications services.

The application of these guidelines shall not include any service that is not interconnected with the public switched network.

Question 4:

Do you have concerns about the applicability and exemptions spelt out in section 6.0 of the guideline? If yes, please explain.

7.0 NATIONAL ROAMING REQUIREMENTS

7.1. Roaming arrangements

- a) An Operator that seeks to have national roaming arrangement with another Operator must send the other Operator a written request for roaming. This request should be copied to the Commission

- b) Upon receipt of a reasonable request, an Operator is obliged to provide roaming to any technologically compatible Operator, on terms and conditions contained in a roaming agreement that are mutually agreed upon, just, commercially reasonable and non-discriminatory.
- c) The negotiations of such roaming arrangements shall be completed within forty five (45) calendar days from the date of receipt of a request for roaming by the Would-be host Operator.
- d) This roaming obligation shall apply to each of its currently deployed networks and any future networks (all spectrum bands and generations of technologies used by the Would-be Host Operator to provide Mobile Communications services to its own subscribers/end users). This obligation shall also be applicable to all the geographic areas (in any specified area or location in Uganda) where the Would-be Host Operator has a cellular mobile network footprint or coverage if the Would-be Host Operator does provide international roaming services in the specified area or location.
- e) Requests for roaming arrangements shall be dealt with by each Operator according to a non-discriminatory process. The roaming arrangements and the conclusion of an associated agreement shall not be conditioned on reciprocity or exclusivity.
- f) National Roaming services shall be limited to the network and/or services of the Would-be Host or Host operators.

Question 5:

What is your view about the roaming arrangements in sub section 7.1?

7.2. Information for consideration of a request

- a) Effective the date of these guidelines, each Operator shall maintain a compendium that shall be availed to any other Operator that expresses an interest for roaming arrangements. This compendium shall comprise:
 - i. the information required by the Operator for consideration of a request for roaming arrangements, including but not limited to, technical data, engineering information, network requirements, and other information relevant to formulate a roaming agreement,

- ii. information to facilitate the potential Hosted Operator in preparing a request for roaming arrangements including, but not limited to:
 - a. information on areas covered;
 - b. technical characteristics of voice, data, and SMS¹ services, including the technologies available in each area;
 - c. security requirements and confidentiality of proprietary information, including, among others, standards and measures that must be complied with by both parties to ensure network integrity and safety standards;
- b) Information required by the Operator towards the consideration and implementation of roaming arrangements shall be limited to the minimum necessary to allow the Host Operator to provide an efficient roaming service.
- c) The Would-be Host Operator shall not, during consideration of the request, seek information on the commercial nature of the services which the Operator that has made a request for roaming or plans to offer other than to verify that the roaming requested shall not be used for purposes other than the provision of Mobile Communications services.
- d) A Would-be Host Operator shall inform the Operator that has made a request for roaming of any additional information required in respect of the request promptly and in a timely manner (in not more than fourteen (14) calendar days from receipt of a request).

Question 6:

Do you have concerns about the information for consideration of a request in sub section 7.2? If yes, please explain.

7.3. Pricing of national roaming

- a) The Operators shall negotiate the prices of national roaming. If the Operators fail to agree on the prices to be charged, either Operator may refer the dispute to the Commission for resolution.
- b) The prices for national roaming shall be cost oriented below retail levels.

¹ SMS – short messaging service/text messaging

Question 7:

Do you have concerns about the proposed pricing of national roaming in sub section 7.3? If yes, please explain.

7.4. Billing of National Roaming

- a) The generation of Call Data Records (CDRs) shall be in accordance with the internationally accepted GSM² Association format to facilitate the billing of National Roaming services. The CDRs shall be collected and rated by the Host Operator, and forwarded to the Hosted Operator within the file transfer timelines stipulated by GSMA to enable monthly billing of usage, fraud detection and usage monitoring.
- b) The operators shall share such information as signalling protocol(s) used in their Intelligent Networks (IN) to enable real time billing services, and fraud control.

Question 8:

Do you have concerns about the Billing of National Roaming in sub section 7.4? If yes, please explain.

7.5. Refusal of a request for roaming arrangements

- a) A refusal of a request for roaming arrangements shall be made in writing to the Operator that made the request within thirty (30) calendar days of the receipt of the request by the Would-be host Operator. The refusal shall be copied to the Commission.
- b) Such refusal shall include objectively justified reasons, backed up by evidence, as applicable, to support the reasons put forth for the refusal.
- c) Reasons for which a Would-be Host Operator may decline a request for roaming arrangements may include the following:
 - i. the network of the Operator requesting roaming arrangement is not technologically compatible;
 - ii. it is not technically feasible to provide roaming for the particular mobile service for which roaming is requested and any changes to the Host Operator's network necessitated to accommodate

² GSM means Global System for Mobile Communications and GSMA means GSM Association

- roaming for such mobile service are not economically reasonable³;
- iii. the mobile services for which roaming is sought are not offered by the Would-be Host Operator to its end-users
 - d) An unfounded suspicion of a particular behaviour or outcome of the roaming arrangements shall not be justifiable reason to warrant a decline of a request for roaming arrangements.
 - e) If the Commission reviews the reasons for refusal and finds that these are not justified, then the Would-be Host Operator shall respond to the request for roaming with an offer to enter into a roaming agreement.

Question 9:

What is your view about the proposed method of handling Refusal of a request for roaming arrangements in sub section 7.5?

7.6. Regulatory supervision of roaming arrangements

- a) The parties to a roaming agreement shall file the agreement with the Commission within fifteen (15) calendar days from signing the agreement, for the review to ensure compliance with the law, regulations, these national roaming guidelines and other regulatory requirements. The Commission may require the Operators to amend any terms and conditions in the roaming agreement.
- b) Review and approval by the Commission shall also seek to prevent anti-competitive practices or consequences and protect interests of consumers in respect of matters such as quality of service, access to services and tariffs.
- c) The Operators may amend their roaming agreements from time to time but must submit the changes to the Commission for approval within fourteen (14) calendar days of their signature.
- d) The Commission may itself require the Operators to amend their roaming agreement to accommodate any changes in the regulatory or legal environment, Government policy, technology, markets and competition, national security requirements, or for any other reason.

³ Economically reasonable is deemed to apply where the investment costs cannot be recovered in a reasonable period and consideration shall be limited to terms of the current agreement or request.

- e) Neither Operator shall terminate or suspend the approved roaming agreement for whatever reason without prior approval of the Commission, unless this is mutually agreed by both parties. In case of mutual agreement to termination or suspension, the Operators shall inform The Commission within seven (7) days of this decision.
- f) A Hosting Operator may not interrupt, block, discontinue or otherwise impair any national roaming service it provides to any other Operator without prior written consent of the Commission.
- g) Where the Hosting Operator encounters an incidental failure/break down on its network which results in interrupting, blocking, or otherwise impairing any of the roaming arrangements/agreement and is unable to obtain prior consent from the Commission, the Hosting Operator shall immediately inform the Commission on occurrence and update the Commission on action to be taken and undertaken to restore service.
- h) The Commission may inspect the facilities of or request any information from the Operators from time to time that it deems relevant for the purposes of monitoring and ensuring compliance with the Act, the regulations, license terms and conditions, and these guidelines.
- i) Each Operator shall be obliged to comply with such inspections or requests by the Commission for information in the manner set out by the Commission.

Question 10:

Do you have concerns about the proposed Regulatory supervision of roaming arrangements in sub section 7.6 of the guidelines? If yes, please explain.

7.7. Obligations associated with provision of mobile services

- a) Although service provision obligations such as legal interception, and quality of service shall be supported under such roaming agreements, these obligations shall at all times remain the responsibility of the Hosted Operator.
- b) Consideration shall be done of evidence of inadequate service performance by a Host Operator to a Hosted Operator under the roaming arrangements before determining sanctions and remedial action for shortfalls in associated licence obligations.

Question 11:

Do you have concerns about the proposed obligations associated with provision of mobile services in sub section 7.7 of the guidelines? If yes, please explain.

7.8. Dispute resolution

- a) The Commission shall adjudicate all National Roaming disputes referred on a case by case basis.
- b) Where there is a dispute in relation to national roaming, either party to the dispute may refer the dispute to the Commission for adjudication mediation or resolution and the issuance of binding resolutions.
- c) If after the stipulated period of forty five (45) calendar days for negotiation of a roaming agreement, the Operators have not entered into a roaming agreement or have not agreed to any interim arrangement, the matter shall be submitted to the Commission for arbitration.
- d) Where the failure to agree a roaming agreement is referred to the Commission as a dispute, or if the Commission on its own volition decides to intervene at any time, the decision of the Commission or results of the arbitration shall be final and binding. This may include imposing a roaming agreement between the Operators, or imposing particular terms and conditions on them, or requiring the Operators to undertake specific steps in order to conclude a roaming agreement.

Question 12:

Do you have concerns about the dispute resolution proposals in sub section 7.8 of the guidelines? If yes, please explain.

8.0 STAKEHOLDER RESPONSIBILITIES

8.1. Host Operator and the Would-be host Operator

- a) When a presumptively reasonable roaming request is made, the Operator to whom the request is made has a duty to respond to the request and avoid actions that unduly delay or stonewall the negotiations regarding that request.

- b) The host Operator shall not alter the technical characteristics of mobile services in such a way as to make them differ from the technical characteristics of the same services provided to its own end-users unless otherwise agreed under the roaming agreement.

8.2. Hosted Operator

The hosted Operator shall promptly honour all payment dues prescribed in the roaming agreement.

Question 13:

Do you have concern(s) with any of roles and responsibilities assigned to the different stakeholders in section 8.0? If yes, please explain.

Question 14:

Are there any other stakeholders you believe should be added to section 8.0?

Question 15:

Do you have any additional roles that should be included for any of the stakeholders to ensure successful implementation of these guidelines?

9.0 ENFORCEMENT AND REMEDIAL MEASURES

- a) Any Operator who fails to comply with the requirements and obligations contained in these guidelines or fails to submit information as required to be submitted by these guidelines, shall be deemed guilty of contravening the Act.
- b) Remedial action by the Commission in respect of such contravention may include:
- i. issuance of a written warning with a deadline for compliance by the respective Operator;
 - ii. imposing fine in accordance with the Act;
 - iii. take any other measure the Commission deems as reasonable in the circumstances.

Question 16:

What is your view about the enforcement and remedial measures proposed under section 9.0?

10.0 AMENDMENT

These guidelines shall be reviewed regularly to ensure continued relevance and revised to accommodate developments in the industry.

Question 17:

Do you have any general comments or remarks with respect to “the Uganda Communications Commission Guidelines on National Roaming”?