



A4AI ALLIANCE FOR
AFFORDABLE INTERNET

by email to :tlawal@ncc.gov.ng

7 December 2020

The Executive Vice Chairman/CEO
The Nigeria Communications Commission (NCC)
Plot 423, Aguiyi Ironsi Street
Maitama, Abuja

Dear Professor Danbatta,

RE: NOTICE OF PUBLIC INQUIRY ON “NATIONAL ROAMING, COLLOCATION GUIDELINES AND AIS BUSINESS RULES”

On behalf of the Alliance for Affordable Internet Nigeria Coalition (A4AI-Nigeria Coalition) we thank you for the opportunity to provide our feedback on the “[Public Inquiry on National Roaming Collocation and AIS Business Rules](#)” which we believe would go a long way in meeting the targets set under the Nigerian National Broadband Plan 2020 – 2025. In particular, we see infrastructure sharing as an effective mechanism for removing barriers to entry for smaller operators, and if designed properly can be used to deliver connectivity in unserved and underserved areas in Nigeria. This in turn would lead to positive effects on market competition and development of telecommunications services in Nigeria.

The Alliance for Affordable Internet (A4AI) brings together prominent stakeholders from government, the private sector, civil society and development sectors to provide a unified voice and coordinated focus in addressing the shared goal of open, affordable and equal access to the Internet in developing countries. A4AI aims to make the Internet universally affordable for all who want to use it, through policy and regulatory reform. Since 2014, A4AI-Nigeria Coalition has been working on four priority issues that must be addressed to unlock the potential for affordable, universal and equal access in Nigeria, and “spectrum, infrastructure and open access” is one of them. A working group has been formed to focus on these specific issues.

We commend the NCC for its open and consultative process and are committed to continuous engagement towards ensuring affordable and meaningful connectivity for all Nigerians.

Thank you

Sincerely yours,

Olusola Teniola
A4AI-Nigeria National Coordinator

Chukwuyere Ebere Izuogu
A4AI-Nigeria, Champion Spectrum, Open Access &
Infrastructure Sharing Working Group

CC. Onica Makwakwa;
Head for Africa, Alliance for Affordable Internet



A4AI-NIGERIA COMMENTS TO THE “PUBLIC INQUIRY ON NATIONAL ROAMING, COLLOCATION GUIDELINES AND AIS BUSINESS RULES” - 7th December 2020

The Alliance for Affordable Internet (A4AI) is a global coalition of stakeholders advocating for affordable internet access in developing countries, and is part of the World Wide Web Foundation. A4AI’s “1 for 2” standard for measuring internet access affordability (**where 1GB of mobile broadband data is priced at 2% or less of average monthly income**) has been acclaimed by world leaders and was in 2018 adopted by the UN Broadband Commission. We commend the Government of Nigeria for its leadership in being the first to endorse this standard. Our latest research shows Nigeria meets the affordability standard with 1GB at 1.70% of GNI per capita but more needs to be done for those who find it unaffordable.

The [A4AI-Nigeria coalition](#) established in 2014 has actively been engaged on the issues of infrastructure sharing and open access and has been privileged to have worked with the NCC on a number of issues relating to affordable and meaningful connectivity, notably in the holding of the [A4AI-Nigeria Broadband Infrastructure forum](#) in Lagos in 2018. We respectfully refer the Commission to the key recommendations from this forum as well as our subsequent recommendations towards the [Nigeria Broadband Plan review](#), in which we highlighted *“the need for the broadband plan to actively promote infrastructure sharing beyond only fibre networks, to include sharing of both passive (poles, ducts, masts) and active elements of mobile networks including (but not limited to) fibre cables, antennas, switches, core network components, etc., and all forms of active infrastructure sharing (MORAN, MOCN). We also recommended that the NCC enact regulations that provide a framework for the sharing of active elements of a mobile network.”*¹ Further points raised on infrastructure sharing can be found on Chapter 4.2, Strategy for Broadband; Infrastructure and Access of the same document.

We are encouraged by the NCC’s leadership in pursuit of enhancing infrastructure sharing in Nigeria in an open and consultative manner.

Below, please find our comments related to the above public inquiry:

1) Guidelines on National Roaming

a) Paragraph 3 - Scope

Paragraph 3 (1) provides that only service providers that have been issued Unified Access Service Licences and such other licences that may be subsequently issued by the Commission, which authorise the licensees to provide National Roaming Services, would be subject to these Guidelines. We believe that a literal interpretation of this provision including the reference to

¹ bullet point 3 Employ an Open Access Model for Network Infrastructure (4.2.8): [Nigeria Broadband Plan Review](#). A4AI inputs and Comments on revising the 2013-2018 Broadband Plan





“*may be subsequently issued*” would exclude some present (and future) categories of licensees such as holders of a Wholesale Wireless Access Service Licence, Digital Mobile Licence and other scenarios of active infrastructure sharing which enable third-party Network as a Service (NaaS) models, from the being able to enter into roaming agreements with eligible partners. In the light of this, we recommend that this provision be redrafted to expand the scope of these Guidelines to include holders of any licences validly issued by the Commission and which contain a condition that makes the holder eligible to enter into a national roaming service agreement.

b) Paragraph 4 - Procedure for National Roaming

Paragraph 4 provides that “*Duly authorised Service Providers shall request and negotiate National Roaming Agreements with each other on bi-lateral and non-discriminatory terms*”, however the interpretation paragraph of the Guidelines provides no definition of who is a “*Duly authorised Service Provider*” nor the exact activity this service provider has been authorised to carry out. In the context of these Guidelines and for the purpose of clarity, we propose that a “*Duly authorised Service Provider*” should be defined by the Guidelines as a “*Licencee that has sought and obtained the permission and/or authorization and/or concession of the Commission to enter into a national roaming agreement*”

In addition, the use of the phrase “Roaming Provider” in Paragraph 4, in our view may lead to a misunderstanding of the roles of the parties to a proposed national roaming agreement especially if the proposed roaming is intended to be done on a reciprocal basis. If so, then the Roaming Seeker is also a Roaming Provider. In the light of this, we propose that the term “Roaming Provider” which contemplates the party who a Roaming Seeker seeks to enter into a national roaming agreement with and/or requests a national roaming service, be redrafted to instead read “Roaming Requested Party”, which in our view leaves no person in doubt as to the true nature of this role.

Paragraph 4 (6) (b) provides that insufficient capacity is one of the grounds for refusing a roaming request, however these Guidelines provide no interpretative guide on how this ground will apply in practice. To give clarity, we propose that the Commission in these Guidelines provide circumstances in which insufficient capacity as a basis for refusing a roaming request may be justified. In addition, the Commission in investigating insufficient capacity as a ground for refusing a roaming request pursuant to Paragraph 4 (6) (c) should require that the party relying on insufficient capacity should bear the burden of proving that insufficient capacity does actually exist. These two recommendations will avoid escalating conflicts to the judiciary, and this is a good goal to pursue.

2) Guidelines on Collocation and Infrastructure Sharing (as amended)

a) Types of Infrastructure not amenable to sharing

While guidelines related to roaming are being issued, infrastructure sharing arrangements that were closed prior to them should not be forgotten. This might be clarified in 5.1.





Further, the specific circumstances in which the Commission may determine a discontinuation or revision as described in 5.3 should be described in the guidelines, as operators need to have clear guidance on the limitations of their infrastructure sharing agreements. In the same vein, the reference to “lessening of competition” demands specific thresholds and should take specific consideration of the standards set by the Commission in determining what constitutes a lessening of competition under the Competition Practice Regulations 2007, and/or by the Federal Competition and Consumer Protection Commission in how it may assess an anti-competitive agreement.

3) Conclusion

While once again thanking the Commission for the opportunity provided for our feedback, we want to commend the Commission for its transparent and efficient regulatory efforts in Nigeria’s telecommunication sector and also provide assurance of our willingness to work with the Commission in making connectivity accessible to all in Nigeria.

